



**Minutes of Meeting  
January 3<sup>rd</sup>, 2023  
7:30PM  
Virtual (Zoom) Meeting**

Board of Appeals members in attendance: Ken Kozik, Scott Robb, David Schena  
Staff Present: Kaila Sauer, Assistant Planner, Alicia Burak, Admin Assistant

**Opening**

Chair, Ken Kozik opened the meeting at 7:30PM. He read the guidelines for the virtual meeting. He called the roll. Ken Kozik- Aye, Scott Robb- Aye, David Schena – Aye,

**I. Regular Business**

**1. Approve previous meeting minutes**

Scott Robb motioned at 7:32PM to approve the December 6<sup>th</sup>, 2022 meeting minutes as drafted. David Schena seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, David Schena- Aye

**2. Administrative Updates: None**

**II. New/Special Business**

**1. ZBA22-05 – Continued Public Hearing– 9 Lilac Court, Special Permit**

Chair, Ken Kozik opened the public hearing at 7:35PM. He mentioned that PB22-05 has been continued multiple times and asked the applicant's representative Carol Woods what the status was with the application. Carol stated that it has been difficult to get an appointment with an architect because they are booked 4 months out. She was confused on what the ZBA was asking for regarding the size and measurements of the house and the comparison with the other houses in the neighborhood. Ken Kozik asked if it would better to withdraw the application, and refile when she is ready or if she would wish to continue the hearing. Scott Robb stated for her to go back to the bylaws, making sure it conforms with the neighborhood and follows the intent of bylaw 8.1.5. Carol stated the neighborhood was not consistent and the houses were all different sizes. Scott Robb advised her again that she should have a schedule of the houses in the neighborhood including the square footage and how the new design would be aligned to the square footage. Ken Kozik asked Kaila if the Planning Division has received new plans, in which she stated no. Ken Kozik agreed that the neighborhood is unique, but she needs to submit new plans that follow the bylaw so the Board can make a decision. She was advised to review the original hearing. Carol Woods stated that she would like to continue the hearing.

Public Comments: Anne Cavanaugh, 12 Lilac Court- asked for the owners to close the windows to the house to prevent further damage of the house.

Terra Friedrichs, West Acton – mentioned a study that was done about house sizes and urged her to calculate the house sizes and mentioned they need to take a wide enough area to be what they call “illustrative”.

Kathy Rink, 1 Lilac Court- Stated her frustration with lack of care of the property and how drawn out this process has been.

Tris W. 12 Laurel Court- asked the Chair if the application was withdrawn, if all the documents would be erased. He stated that all the documents would be withdrawn and the process would be start over. She stated she was in favor of a continuance so the documentation is there.

Mr. Shippen-How, 15 Lilac Court – stated he agreed with Kathy Rink

Andy Magee, 10 Lilac- spoke about the plans in previous meetings and recommended the applicant answers the questions that were asked.

Scott Robb motioned at 7:59PM to continue PB22-05 to February 7<sup>th</sup>, 2023 at 7:35PM. David Schena seconded to the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, David Schena- Aye

**2. ZBA22-11 – Continued Public Hearing – 55 Knox Trail, Variance  
Chair, Ken Kozik opened the public hearing at 8:03**

Applicant Sergio Rubino and Jim Cote who was assisting the applicant gave an overview of the project. Sergio explained that he started building a shed to store equipment, and built it too large and into the setback by an unknown amount making it currently illegal. Chair, Ken Kozik explained that the mandatory findings in 10.5.5 have to be met to issue a variance. Ken stated he didn't believe there is anything special about soil, lot shape, and topography. Jim Cote stated that due to the size and shape of the lot, the shed could only be placed in that location on the lot.

Scott Robb asked if there's any indications of depth in the topography. Jim Stated there was not much elevation change. David Schena asked if the hill on the side of property was part of his property or if the building is riding the property line. He stated that the hill was his property. Ken asked if the shed could be repositioned to comply with the setbacks. Sergio Rubino advised he can have an engineer look at the site and create a plot plan, and agreed to continue the hearing.

**Scott Robb motioned at 8:25PM to continue ZBA22-11 to March 7<sup>th</sup>, 2023 at 7:35PM. Ken Kozik seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, David Schena- Aye.**

**Scott Robb motioned at 8:25PM to close the meeting. David Schena seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, David Schena- Aye.**

**Meeting closed at 8:25PM**

**1/3/2023 Meeting Materials:**

1-3-23 Agenda

12/6/22 Meeting Minutes

How to participate remotely

7 Lilac Court materials as follows:

Application

Legal Ad

3 Main St- Anderson

Dyavanapalli Comments 8-2-22

Morrison Comments

Planning Memo

**9 Lilac Ct Materials as follows:**

7-27-22 Revised Site Plan

9 Lilac Ct Revised House Plan

Cover letter

9 Lilac House Plans

9 Lilac Site Plan

Deed

Signed Application

ZBA Special Permit Rules and Regulation Form B

9 Lilac Ct 6.28.22

9 Lilac Ct ZBA 22-05

9 Lilac Ct ZBA Letter

Terra Email 5.09

Terra Email 8-2-22

9 Lilac Ct Comment Letter 7.1.22

9 Lilac Ct Comment Letter 7/29.22

Planning Memo-Revised

Planning Memo

9 Lilac Ct Comments

Building Comments

Health Comments

Natural Resources Comments

9 Lilac Extension Agreements

**55 Knox Trail Materials as Follows:**

55 Knox Trail Building Sketch

55 Knox Trail Application

55 Knox Trail Photo

55 Knox Trail photo 2

55 Knox Trail Extension

Legal Ad

Planning Memo

