



## **ACTION ZONING BOARD OF APPEALS**

### **Minutes of Meeting**

**5/13/2019**

**7:30PM**

**Acton Town Hall**

**472 Main Street**

**Room 204**

Board of Appeals members in attendance: Ken Kozik, Adam Hoffman, Emilie Ying.

Absent: Suzanne Buckmelter, R. Scott Robb

Also present: Roland Bartl, Planning Director; Vivian Birchall, Administrative Assistant; Stephen Anderson, Town Counsel.

#### **1. Opening**

Chair, Ken Kozik opened the meeting at 7:30 p.m.

#### **2. Decisions**

Mr. Hoffman moved to approve the draft decisions for 12 Orchid Drive (Hearing # 19-06) and 30 Carlisle Road (Hearing #19-04), as presented in the 5/13/2019 meeting. The motion was seconded by Ms. Ying. The motion was unanimously (3-0) approved

#### **3. New/Special Business**

##### 8:30 PM – ZBA 19-07 – Hearing continuation, 4 Piper Lane Comprehensive Permit Application

The Chair, Mr. Kozik, recapped the previous 5/6/2019, #19-07 Public Hearing session. He informed the attendees that Town Counsel and Mr. Bartl had drafted a decision that was posted publicly, and the 5/13/2019 session would discuss and sign the decision. Town Counsel summarized the draft decision to invoke the related project safe harbor as described in the Department of Housing and Community Development's comprehensive permit regulations (760 CMR 56.00).

##### *Discussion*

Mr. Levine, attorney for the applicant and Mr. Hill, attorney for the neighborhood discussed the decision.

Mr. Levine expressed his disagreement with aspects of the decision and made reference to an eligibility letter from the Department of Housing and Community Development, approving the proposed development. He also made reference to the timing in relation to the Avalon special permit application that had been filed on 4/9/2019, noting that Avalon did not have an eligibility letter from the Department of Housing and Community Development.

Mr. Hill stated his opinion that there is no requirement for a letter from the Department of Housing and Community Development to be submitted as evidence for a 40B Special permit application.

##### *Decision*

After discussion, Mr. Hoffman moved and Ms. Ying seconded to approve and sign the decision to invoke safe harbor 760 CMR 56.05 (3), with minor amendments on page 10. The motion was unanimously approved (3-0)

##### *Recess*

The Board took a 15 minute recess, during which Town Counsel, Mr. Levine and Mr. Hill conferred regarding the public hearing continuation.

After the recess, Town Counsel recommended continuing the public hearing at a regular Zoning Board of Appeals meeting on 6/3/2019.

Mr. Kozik moved, Ms. Ying seconded and the board unanimously voted (3-0) to continue the public hearing on 6/3/2019, 8:00pm at Town Hall Room.

#### **4. Adjournment**

At 9:05p.m, Mr. Hoffman moved and Ms. Ying seconded to adjourn the meeting.  
The motion was approved unanimously (3-0).

The meeting adjourned.

*Documents used*

Type	Title	Owner	Modified Date	Size	Actions
	<a href="#">Piper Lane</a>	planning	05/07/19	6	
	<a href="#">05-13-19 ZBA Agenda</a>	planning	05/07/19	221 KB	
	<a href="#">DRAFT Decision 19-06 SP</a>	planning	05/13/19	151 KB	
	<a href="#">DRAFT_Decision 19-04</a>	planning	05/13/19	111 KB	

  

Owner	Modified Date	Size	Actions	
	planning	05/10/19	172 KB	
	planning	05/10/19	219 KB	
	planning	05/10/19	150 MB	
	planning	05/10/19	55 KB	
	planning	05/07/19	14 KB	
	planning	05/07/19	10 KB	

For additional materials used during the meeting, please visit: <http://doc.acton-ma.gov/dsweb/View/Collection-10982>

Respectfully Submitted,

Vivian Birchall  
Land Use Department