



**ACTION ZONING BOARD OF APPEALS**  
**Minutes of Meeting**  
**4/23/2020**  
**7:00PM**  
**Virtual (zoom) meeting**

Board of Appeals members in attendance: Ken Kozik, Adam Hoffman, R. Scott Robb  
Also present: Roland Bartl, Planning Director; Kristen Guichard, Senior Town Planner, Robert Hummel, Assistant Town Planner, Vivian Birchall, Administrative Assistant

**1. Opening**

Chair, Ken Kozik opened the meeting at 7:00 p.m. He read the guidelines for virtual meeting.

He called the roll. Adam Hoffman – Aye; Scott Rob – Aye; Ken Kozik – Aye

**2. Regular Business**

**2.1 Approve previous meeting minutes**

After review of the 03/10/2020 minutes, Mr. Kozik moved, and Mr. Hoffman seconded. The Board unanimously (3-0) approved the minutes. Adam Hoffman – Aye; Scott Rob – Aye; Ken Kozik – Aye

**2.2 Amendments to Rules and Regulations (vote)**

After reviewing the amendments to the Comprehensive Permit, Special Permit and Variance Rules and Regulations, Scott moved, Adam Seconded and the board voted unanimously (3-0) to approve the amendments. Adam Hoffman – Aye; Scott Rob – Aye; Ken Kozik – Aye

**3 New/Special Business**

**3.1 Continued Public Hearing, Variance application for garage at 3 Wood Lane.**

The Chair of the Board, Mr. Kozik, opened the public hearing at 7:20pm. He explained the public hearing process.

The applicant presented an overview of the application for a variance to allow for the demolition of dilapidated garage and construction of a new garage on a non-conforming lot. The proposed project requires relief through a variance because the proposed building were to be located within the required side and rear setbacks.

A neighbor at 10 Wood Land called in to support the project.

There being no questions from the public, Mr. Hoffman moved, Mr. Robb seconded to close the public hearing. The vote was unanimous (3-0). Adam Hoffman – Aye; Scott Rob – Aye; Ken Kozik – Aye The hearing closed at 7:47pm

**Deliberation:**

The Board discussed that the project was eligible for a variance because of the uniqueness of the lot, whose shape was slightly different from the neighbors, and that would cause financial hardship. After Board discussion, Mr. Robb moved and Mr. Hoffman seconded to grant the special permit, with conditions that the project be built substantially as presented at the meeting. The motion carried unanimously (3-0), at 7:51pm.

The Chair called roll

Adam Hoffman – Aye; Scott Rob – Aye; Ken Kozik – Aye

Scott will write the decision.

**3.2 Continued Public Hearing, Variance application for a barn at 66 School Street.**

The Chair of the Board, Mr. Kozik, opened the public hearing at 7:52pm. He explained the public hearing process.

The applicant presented an overview of the application for a variance seeking relief from the minimum side yard and rear yard setbacks to allow for the construction of a barn.

The board raised some questions about soil and lot uniqueness, and possible locations for building the barn that would keep the project in compliance with the setbacks.

The Board advised the applicant to reach out to the Planning Division staff to review previous board decisions and explore the different ways that new projects can be done on the property, in compliance with the existing variance and special permit rules and regulations.

There being no questions from the board or the public, Mr. Hoffman moved, Mr. Robb seconded to close the public hearing. Adam Hoffman – Aye; Scott Rob – Aye; Ken Kozik – Aye. The vote was unanimous (3-0). The hearing closed at 8:39 pm

**Deliberation:**

The Board discussed that the applicant had not satisfactorily presented any uniqueness of the lot shape, topography or soil conditions, even though they cited financial hardship, and so the board could justify awarding the variance under the variance rules and regulations. After Board discussion, Mr. Robb moved and Mr. Hoffman seconded to deny the variance. The motion carried unanimously (3-0), at 8:43pm.

The Chair called roll. Adam Hoffman – Aye; Scott Rob – Aye; Ken Kozik – Aye. Adam to write the decision.

**3.3 ZBA 20-02 Public Hearing, Comprehensive Permit application for “The Apartments at Powder Mill”, 2, 4 & 12 Powder Mill Road**

**Continued to June 9, 2020, 7:30 PM, Town Hall Room 204**

**5. Adjournment**

At 8:49PM, Mr. Robb moved and Mr. Hoffman seconded to adjourn the meeting. The motion was approved unanimously.

– The Chair called roll. Adam Hoffman – Aye; Scott Rob – Aye; Ken Kozik – Aye

Meeting adjourned.

**Documents used during this meeting**

- Agenda
- Draft 03-10-20 Zoning BOA Minutes
- Application for a variance for 3 Wood Lane
- Public hearing continuation for 3 Wood Lane
- Application for a variance for 66 School Street
- Public hearing continuation for 66 School Street
- Amendments to Comprehensive Permit Rules and Regulations
- Amendments to Special Permit Rules and Regulations
- Amendments to Variance Rules and Regulations
- Planning Department Memo
- Health Department Comments
- HDC Comments

**Link to docushare:** <http://doc.actonma.gov/dsweb/View/Collection-12278>

Respectfully Submitted,  
Vivian Birchall  
Land Use Department