



**Minutes of Meeting  
May 3rd, 2022  
7:30PM  
Virtual (Zoom) Meeting**

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

**Opening**

Chair, Ken Kozik opened the meeting at 7:31PM. He read the guidelines for the virtual meeting. He called the roll. Ken Kozik- Aye, Adam Hoffman-Aye, Scott Robb- Aye

**I. Regular Business**

**1. Approve previous meeting minutes**

Adam Hoffman motioned at 7:34PM to approve meeting minutes, with the change of the start time from 7:00PM to 7:30PM. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Aye, Adam Hoffman-Aye, Scott Robb-Aye.

**2. Administrative Updates:** Chair, Ken Kozik asked about the status about the Pope Rd litigation. Kaila stated that there have not been any updates as of yet.

**II. New/Special Business**

**1. ZBA 22-02 - Public Hearing – 767 Main St, Special Permit**

Chair, Ken Kozik opened the public hearing at 7:42PM

Paul Kirchner of Stamski and McNary gave an overview of the proposed addition. The applicant is proposing an addition on a nonconforming lot that is excess of 15%. A single story addition, an increase of 47% including gross floor area, that will widen the house but not be substantially taller. Paul noted that the lot size is 19,981 square feet which is just shy of the minimum required of 20,000 square feet. Paul showed documents describing the proposed changes including the gross floor area of the proposed addition and gross floor area of the surrounding properties.

**Board Comments:** Adam Hoffman asked if the GFA of the surrounding houses includes basement space? Paul answered yes. Scott Robb asked to see pictures of the surrounding houses from the documents, including the existing plans and proposed plans for the addition. Adam asked which exterior elevation from the slides that the applicant wanted to use because they will need to know before making a decision. The applicant stated Alternate Elevation #1.

**Residents' Comments:** None

Adam Hoffman motioned to close ZBA22-2 at 7:51PM. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Aye, Adam Hoffman- Aye, Scott Robb- Ay

**Deliberations:** 8.1.5 – All board members agree that the addition does not increase the non-conformity.

10.3.5- All board members agree that the special permit is consistent with the master plan, not detrimental to the neighborhood, is in harmony with the neighborhood, is appropriate for the site in question and complies with all applicable requirements of the by law.

Adam Hoffman motioned at 7:58PM to approve ZBA22-2 with conditions that the house is limited to 3 bedrooms at this time, the residence exterior will be as submitted according to Elevation Plan #1 as presented, and everything else is built as substantially presented in the documents. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik-Aye Scott Robb-Aye, Adam Hoffman-Aye

Scott Robb to write the decision.

## **2. ZBA 22-03 -Public Hearing – 35 Mohegan Road, Special Permit**

Chair, Ken Kozik opened the public hearing at 8:00PM

Jeff Kehm, of Kehm Architecture stated the applicant is proposing a 2 story addition on a nonconforming lot that is excess of 15%. Jeff stated the addition and renovation meets bylaws except for lot area and lot frontage. Jeff displayed documents showing existing floor plans, purposed floor plans, and area calculations showing a 16.1% increase. A master bedroom will be added to the second floor. There will be no change in footprint.

**Board Comments:** Ken Kozik asked to see a picture of the house as it is now. Adam Hoffman showed concerns about not receiving comments from the health dept and raised questions about a closet in an office. Jeff responded stating the number of bedrooms is staying the same and the Health Dept will be reviewing the building permit application anyway. Ken agreed that the Board cannot continue the application solely because they had not received comments from the Health dept.

**Residents' Comments:** None

Adam Hoffman motioned to close the public hearing at 8:22PM. Scott Rob seconded the motion. Roll Call Vote: Ken Kozik- Aye, Adam Hoffman-Aye, Scott Robb- Aye

**Deliberations:** 8.1.5 – All board members agree that the addition does not increase the non-conformity.

10.3.5- All board members agree that the special permit is consistent with the master plan, not detrimental to the neighborhood, is in harmony with the neighborhood, is appropriate for the site in question and complies with all applicable requirements of the bylaw.

Adam Hoffman motioned at 8:26PM to grant ZBA22-03 to be built substantially as shown on plans. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik-Aye, Adam Hoffman-Aye, Scott Robb- Aye.

Adam Hoffman to write the decision.

### **3. ZBA21-09- Public Hearing – 38 Nash Road, Special Permit Amendment**

Chair, Ken Kozik opened the public hearing at 8:27PM

Dave Greenhalgh gave a brief overview of the amendment stating the special permit was approved in July of 2021. Due to budgeting cost escalations they had to scale the project back, making the addition smaller than what was originally approved. In the original plan the applicant was going to add an office and mudroom/pantry. He is now going to eliminate the office and just build the mudroom and pantry for a total of 612 square feet.

**Board Comments:** Adam Hoffman mentioned the Health Department's memo and for the applicant to speak with them.

**Residents' Comments:** None

Adam Hoffman motioned to close ZBA21-09 Amendment at 8:33PM. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Aye, Adam Hoffman-Aye, Scott Robb- Aye.

**Deliberations:** All Board members agreed that they had previously granted the permit for a larger space and have no issues of what is being proposed.

Chair, Ken Kozik motioned at 8:34PM to grant ZBA21-09 Amendment subject to the construction substantially as shown on the plan. Adam Hoffman seconded the motion. Roll Call Vote: Ken Kozik-Aye, Adam Hoffman-Aye, Scott Robb- Aye.

Adam Hoffman to write Decision.

Adam Hoffman motioned to close the meeting at 8:40PM. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik-Aye, Scott Robb-Aye, Adam Hoffman-Aye

**Materials Used at the Meeting:**

<http://doc.acton-ma.gov/dsweb/View/Collection-14364>

**05/03/2022 Agenda**

**Minutes for 04/05/22**

**ZBA- How to participate remotely**

**35 Mohegan Road application materials as follows:**

35 Mohegan A1 Proposed Plans  
35 Mohegan A2 Building Elevations  
35 Mohegan A3 Building Prospectives  
35 Mohegan Abutters List  
35 Mohegan Application  
35 Mohegan Certified Plot Plan  
35 Mohegan Deed  
35 Mohegan Dimensional Table Area Calculations  
35 Mohegan Existing Plans  
35 Mohegan Locus Plan 1200  
35 Mohegan Narrative  
35 Mohegan Neighbor Support Signatures  
35 Mohegan Photos 1 & 2  
35 Mohegan Previous Permits  
Abutters' Notification  
Terra Email 3.15.22  
Legal Ad  
Building Comments 3.14.22  
Engineering Comments 3.14.22  
Water Dept Comments 3.16.22

**38 Nash Road amendment application materials as follows:**

Abutters Notification  
Accountable Mailings  
Amendment Request  
Amendment Request 2  
Application Letter  
Legal Ad

Building Comments 3.22  
Engineering Comments 3.22  
Fire Dept Comments 3.22

**767 Main Street application Materials as follows:**

ZBA Application Packet  
Abutters' notification  
Legal Ad  
Health Dept Comments 3.10.22  
Water Dept Comments 3.21.22