



**Minutes of Meeting  
August 2, 2022  
7:30PM**

**In person, Room 9 and Virtual (Zoom) Meeting**

Board of Appeals members in attendance: Ken Kozik, Scott Robb, David Schena  
Staff Present: Kristen Guichard, Planning Director/ZEO, Kaila Sauer, Assistant Planner

**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**

Minutes will be reviewed and approved at the next meeting.

**2. Administrative Updates:**

Chair Ken Kozik noted that all materials need to be received 48 hours in advance.

**II. New/Special Business**

**7:30 PM ZBA 22-06 – Public Hearing – 3 Main Street, Special Permit**

Chair Ken Kozik opened the hearing at 7:32PM.

Abby Fuerte of Superior Landscape of 3 Main Street read her letter to the Board explaining why they need a non-resident employee in their house. Superior Landscape has their administrative functions at their home office, and there is already two desks and equipment for more than one person. She is seeking approval for her non-resident employee to work out of her home and feels like it is not detrimental.

Board Comments: Ken Kozik noted that 3 Main Street has a long driveway, and the lot is fenced in. Abby Fuerte confirmed that there is enough room for parking, and there is only two cars parked there typically now, and the one-non resident would add another car.

Scott Robb asked if any of the operations that they received letters about would be occurring. Kaila Sauer confirmed that the zoning violation is closed. Abby Fuerte stated there would be no redesign internally.

**Residents' Comments:**

Terra Friedrichs of West Acton, asked if the only difference would be the non-resident employee. The Board confirmed that would be the only difference.

Scott Robb motioned to close public hearing 22-06 at 7:40PM. David Schena seconded the motion, Roll call vote: Ken Kozik-Aye, Scott Robb- Aye, David Schena- Aye.

**Deliberations:**

Board members agreed to a condition of no more than 2 non-resident employees.

Ken Kozik went through the findings, all members agreed it is consistent with the master plan, is in harmony with the purpose of the by-law, will not be detrimental to the neighborhood, and is appropriate for the site in question.

Scott Robb motioned at 7:43PM to grant special permit 22-06 with the condition of no more than two non-resident employees. David Schena seconded to motion. Roll Call Vote: Ken Kozik-Aye, Scott Robb- Aye, David Schena- Aye

**7:45 PM ZBA 22-05 – Continued Public Hearing – 9 Lilac Court, Special Permit**

Ken Kozik opened the public hearing at 7:45PM

Kaila Sauer went over the Planning memo.

Carol Woods represented the applicant. The family purchased as bank-owned property; originally looking for something for dad to move in; septic is for 4 bedrooms, working on the project since 2018 and decided to relocate but wants to build something that people can use for extra family member and then sell the home, says previous house is not 2 bedroom, cost a lot of money to abate asbestos, everything functionally obsolete. New home will be energy efficient.

**Board Comments**

Ken Kozik – asked about comparison to other homes, doubling size of home, asked if everyone else at 3,000 square feet?

Scott Robb– asked about attic space, and if the applicant can provide numbers for other houses on street.

Applicant stated attic space – not included in square footage calculation – about 200 square feet.

**Public Comment:**

Ann Heath Kavanagh – parents live at 12 lilac Ct – house was in good shape until it went into foreclosure, noting the windows were open for a long time and house went into disrepair, is not like other houses on street, lot is too small for proposed house, asks owner to take into consideration the lot size and re-evaluate.

Alissa Nicol, 76 School St – lives in 1700 sq ft home, objects on present proposal on moral ground. Calls on Acton master plan and HPP, focus on rehab, in climate emergency, stated most houses in the neighborhood have an average of 1700 square feet.

Terra Friedrichs – hopes to decide on massing, likes rehab, affordable. Stated proposed house is double the size, urges denial.

Andy Magee – 10 Lilac Ct- stated scale not in line with neighborhood, massing issue, maintenance in disrepair, concerned that maybe time to deny hearing after applicant continues to not be responsive with the application.

David Honn, 105 School St- noted the poor quality of application, expects applicant to address issues, needs visual evidence of original house.

Kathy Rink, 1 Lilac Ct – worried about affordability, wants denial or continued with appropriate design.

Aaron Belli, 13 Lilac Ct – existing house is an eyesore, massing issue, wants denial.

Ken Kozik stated the application is not at point for approval, had asked a month ago for comparatives of other houses on the street, still seems to be too large. He asked the applicant to go back to drawing board and provide updated plans

Scott Robb and David Schena both agreed to a continuation.

Scott Robb motioned to continue ZBA22-05 to 9/6/2022 at 7:45PM. David Schena seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, David Schena- Aye.

Scott Robb motioned to close the meeting at 8:33PM, David Schena seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, David Schena- Aye.

**Materials Used at the Meeting:**

<http://doc.acton-ma.gov/dsweb/View/Collection-14367>

**8/2/22 Agenda**

**ZBA-how to participate remotely**

**3 Main Street 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