



**Minutes of Meeting  
April 4<sup>th</sup>, 2023  
7:30PM  
In Person & Virtual (Zoom) Meeting**

Board of Appeals members in attendance: Ken Kozik, Scott Robb, Adam Hoffman, David Schena  
Staff Present: Kristen Guichard, Planning Director, Nora Masler, Assistant Planner, Alicia Burak, Admin Assistant

**Opening**

Chair, Ken Kozik opened the meeting at 7:30PM. He called the roll. Ken Kozik- Aye, Scott Robb- Aye, Adam Hoffman-Aye, David Schena -Aye

**I. Regular Business**

**1. Approve previous meeting minutes**

Scott Robb motioned at 7:31PM to approve the January 3rd, 2023 meeting minutes as drafted. David Schena seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, David Schena- Aye, Adam Hoffman- No Vote

**2. Administrative Updates: None**

**II. New/Special Business**

**1. ZBA23-01 31 Faulkner Hill Road, Special Permit**

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

Applicant, Chris Murray gave a brief overview while presenting architectural plans. He proposed an addition of a two-car garage with a workout room above, and a mudroom which exceeds the allowed 15% increase on his non-conforming lot to 74%. Chris showed pictures of houses in the neighborhood and believed that they were similar in size.

Adam Hoffman and Ken Kozik were concerned about the 74% increase and asked the applicant if he considered constructing a one car garage or constructing the garage without the room above. Chris Murray stated that he was settled on a two-car garage and aesthetically, the garage wouldn't look right without the extra room above it.

Ken asked the applicant if he thought the proposed addition increases the nonconformity and if it would be detrimental to the neighborhood and the applicant stated no.

Scott Robb asked if there were comments from the neighbors, and there was not.

Residents' Comments: None

Adam Hoffman motioned at 7:59PM to close ZBA23-01. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb-Aye, Adam Hoffman-Aye

Deliberations:

Scott Rob stated he'd be more apt to approve a one car garage because it would be in conformity with the neighborhood. He believes the two-car garage pushes the conformity due to the size.

Adam Hoffman noted that most of the homes in the neighborhood are modest in size and have two car garages so he would be inclined to approve it.

Ken Kozik stated that the proposed addition with the room above the garage would blend with the homes in the neighborhood.

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.

Adam Hoffman motioned at 8:03PM to approve ZBA23-01. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb-Aye, Adam Hoffman-Aye, David Schena- No Vote

Adam Hoffman to write the decision.

Adam Hoffman left the meeting at 8:03PM

## **2. ZBA22-11 – Continued Public Hearing – 55 Knox Trail, Variance**

Chair, Ken Kozik opened the public hearing at 8:04PM

Ken Kozik gave a brief summary of the previous meeting and noted that the applicant started the project before applying for a variance.

Jim Cote and applicant Sergio Rubino presented the plot plan and pictures that was requested of the board, showing the shed was built in the rear setback. Jim noted due to the high rate of catalytic converter thefts in town, the applicant constructed the shed to make room for his equipment so he could store his vehicles inside the main building. He

noted the financial hardship being if the equipment was stolen, the company would go out of business. Ken referred to 10.5.5.1 and went through the findings with the applicant. The applicant stated that the shape of the lot was unique to the other lots and the only location that the shed could be placed was within the rear setback.

**Residents' Comments:** None

Scott Robb motioned to close the public hearing at 8:21PM David Schena seconded the motion. Roll Call Vote: Ken Kozik-Aye, Scott Robb-Aye, David Schena-Aye

**Deliberations:** Board members noted their concerns of the project being started before a variance was granted. Chair Ken Kozik went through the findings of 10.5.5.1, and all agreed there is no difference in soil, the topography was questionable, but the shape of the lot was clearly different than the surrounding area which affects his lot, therefore enforcement of the bylaw would cause him a financial hardship.

Scott Robb motioned at 8:23PM to grant the variance for ZBA22-11. David Schena seconded the motion. Roll Call Vote: Ken Kozik-Aye, Scott Robb-Aye, David Schena-Aye

Ken Kozik to write the decision.

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

Chair, Ken Kozik reopened the hearing at 8:24PM

Representative, Carol Woods gave an updated presentation including the square footage of each home in the neighborhood and two new design options of the proposed home she believes both options will fit it with the homes in the neighborhood.

Ken stated that they did a nice job on the presentation.

**Residents' Comments:**

Andy Magee thanked the applicant for listening to the neighborhood and the ZBA, and prefers house option 1.

Kathy Rink, 1 Lilac Court, stated she appreciated the additional work that the applicant has provided, thinks the comparison to the average is a little bit skewed due to the different sizes of the lots. She stated that both houses fit nicely into the plot plan but prefers house option 1.

Maggie Veloza, 11 Lilac- Agreed with the neighbors and prefers option 1.

Tris W, Laurel Court, preferred option one and thanked the applicant for the effort put in.

**Board Comments:** Board members commended the presentation stating it was well done and they appreciate the information provided and the way they worked with the neighborhood. Ken Kozik and David Schena preferred house option 2 and Scott Robb stated both options work but prefers house option 1.

Scott Robb motioned at 8:45pm to close the public hearing. David Schena seconded the motion. Roll Call Vote: Ken Kozik-Aye, Scott Robb-Aye, David Schena-Aye

**Deliberations:** David Schena stated that he liked option two better but was ok with option 1 if that's what the neighbors were happy with. Ken Kozik and Scott Robb stated they did a great job updating the plan and are also happy with option 1.

Scott Rob motioned at 8:47PM to approve ZBA23-05 with the conditions that it be substantially built as shown in plan option 1. David Schena seconded the motion. Roll Call Vote: Ken Kozik-Aye, Scott Robb-Aye, David Schena-Aye

Scott Robb to write the decision.

Scott Robb motioned at 8:49PM to close the meeting. David Schena seconded. Roll Call Vote: Ken Kozik-Aye, Scott Robb-Aye, David Schena-Aye

#### **4/4/2023 Meeting Materials:**

4-4-23 Agenda

1/3/23 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:**

Revised Plans 3.28.23  
9 Lilac Court Subdivision  
Option 1  
Option 2  
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:**

Revised Plans 3.2.23  
Acton Location Plan  
Location Map  
55 Knox Trail Building Sketch  
55 Knox Trail Application  
55 Knox Trail Photo  
55 Knox Trail photo 2  
55 Knox Trail Extensions  
Legal Ad  
Planning Memo  
Revised Planning Memo

**31 Faulkner Hill materials as Follows:**

31 Faulkner Hill Abutters List  
Murray Holland Final Application  
Planning Dept Memo  
Building Comments 2.23.23  
Fire Comments 2.23.23  
Health Comments 2.23.23

