



**Minutes of Meeting  
February 6th, 2024  
7:30PM  
Virtual (Zoom) Meeting**

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

**Opening**

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

**I. Regular Business**

- 1. Approve previous meeting minutes:** Approval of meeting minutes from 12/05/2023 have been continued to 3/5/23.
- 2. Administrative Updates:** Chair Ken Kozik reported Adam Hoffman will be acting as chair for the March meeting and Scott Robb will be acting as chair for the April meeting.

**II. New/Special Business**

- 1. ZBA23-06- Continued Public Hearing – 105 & 115 River St, Special Permit**

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

Louis Levine gave a brief overview on the property history noting it is in the Light Industrial District and consists of two separate uses, a pre-existing non-conforming single-family home in the front of the property and a warehouse in the rear of the property that was granted a variance (ZBA) and site plan special permit (Select Board).

The applicant is seeking a special permit for the extension of a non-conforming use to construct a second-floor addition on the preexisting house. He noted that the house is on the cultural Resource list and the applicant met with the Historic Commission (HC) due to the demolition delay bylaw and the HC approved the partial demolition plans.

Chris Chan Tse, of Gold Beach Construction, presented the existing conditions of the home showing inhabitable structural issues around the foundation and the interior which is not in compliance with current building code. He showed the revised plans that show an expansion of the second floor (adding 280 SF or 26% increase in size) which retains the aesthetic of the original structure, and a relocated bulkhead. He advised that the

foundation is not suitable for the existing structure and/or new structure and structural reinforcements will need to be made or the foundation will need to be replaced remaining the same length and width.

David Schena asked the applicant whether the new foundation will be a full basement or crawlspace as it is now. Chris confirmed that it was stay as a crawl space.

Ken Kozik asked for clarification on the structural wall was that was mentioned in the February 2<sup>nd</sup>, 2024 Planning Memo.

Planning Director, Kristen Guichard clarified the location of the structure wall mentioned in the February 2<sup>nd</sup>, 2024 Planning Memo and explained that the wall including the foundational and structural elements would need to remain intact to hold the nonconformity.

Chris Chan Tse confirmed that the existing foundation would not be removed.

### **Public Comment**

Terra Friedrichs, West Acton expressed concern about the absence of the Historic Commission memo in the packet. She sought clarification on whether the commission recommended approval with conditions or outright approval.

Louis Levine clarified that the Historic Commission had taken no position on the special permit and had only reviewed the demolition delay bylaw. The applicant's architectural plans were reviewed, and after revisions, the commission was satisfied.

Adria Osborne, River Street, raised concerns about potential damage to adjacent properties during construction and sought reassurance regarding the project's impact on surrounding areas.

Parking during construction was also discussed, with the applicant assuring tight parking management and potential police detail to mitigate issues experienced in the past. Adria Osborne asked about the potential increase in height of the proposed structure and its impact on neighboring properties, specifically concerning obstruction of light and views.

Chris Chan-Tse confirmed that the new structure would be taller, given the approximate existing height is 16 feet and the proposed height is approximately 25 feet.

Tris Windle, Laurel Court, provided clarification on the property's square footage from the town's property record card.

Adam Hoffman motioned at 8:13PM to close the public hearing. David Schena seconded the motion. Roll Call Vote: Ken Kozik-Aye, Adam Hoffman- Aye, David Schena- Aye.

**Deliberations** Chair, 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 8:17PM to approve ZBA 23-06 subject to the conditions that it be built substantially as shown on the plans and the applicant is to either keep the existing foundation or if they do any rebuilding of the existing foundation, that it remain linked with the structural wall. David Schena seconded the motion. Roll Call Vote: Ken Kozik-Aye, Adam Hoffman- Aye, David Schena- Aye,

## **2. ZBA23-08 -Public Hearing -135 High Street, Special Permit**

Chair, Ken Kozik opened the hearing at 8:19PM

Myra Cabre from JTA Architects presented plans on a proposed addition (23% increase) of a primary bedroom and unfinished basement on a non-conforming lot, noting the non-conformity is due to a shortage in frontage.

### **Public Comments:**

Terra Friedrichs, West Acton asked about electric heat requirements which the board advised they make no requirements. She showed support of the project.

Tris Wendell, Latural Court, noted the bedroom addition and asked if the home was on a septic system or town sewer. M Cabre advised that the house has a septic tank but there will not be a change in the number of bedrooms.

Board Comments: Adam Hoffman asked the applicant if the existing square footage includes the existing basement. She confirmed and noted that the house would increase in size from 3000 sq. ft to 3700 sq. ft including the basement.

Adam Hoffman motioned at 8:38PM to close the public hearing. David Schena seconded the motion. Roll Call Vote: Ken Kozik-Aye, Adam Hoffman- Aye, David Schena- Aye.

Board members agreed that that increase is large but a significant amount of the increase was the basement and therefore were in favor of the project and the applicant gave a great presentation.

**Deliberations** Chair, 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 8:38PM to approve ZBA23-08 subject to conditions it be built substantially as shown in the plans. David Schena seconded the motion. Roll Call Vote: Ken Kozik-Aye, Adam Hoffman- Aye, David Schena- Aye.

David Schena to write the decision.

### **3. ZBA23-05 – Continued Public Hearing – 226 Main St, Special Permit**

Aidan Schlotman presented revised plans showing the construction of a smaller house (an increase of 975 square feet of net floor area) that was set back farther from the lot line with no proposed tree removal. He stated the architecture of the house was redesigned to fit in more with the neighboring houses.

Adam Hoffman requested clarification of the street view from the street.

Aiden Schlotman clarified that the street view would include the front of the house with a retaining wall on the left side.

#### **Public Comments:**

Evert Fowle, 228 Main St, appreciated the new plans but still concerned with the large size.

Paul Bresnick, 230 Main St, liked the plans and believed the house was consistent with the houses in the neighborhood.

Terra Friedrichs, West Acton, did not think the house was consistent with other homes in the area.

Adam and David stated they were still uncomfortable with the scale of the project.

The applicant requested a continuation in order to revise the plans.

Adam Hoffman motioned at 9:31PM to continue ZBA23-05 to 3/5/24 at 7:30PM. David Schena seconded the motion. Roll Call Vote: Ken Kozik-Aye, Adam Hoffman- Aye, David Schena- Aye.

Adam Hoffman motioned at 9:32PM to close the meeting. David Schena seconded the motion. Roll Call Vote: Ken Kozik-Aye, Adam Hoffman- Aye, David Schena- Aye

**2/06/2024 Meeting Materials:**

2-06-23 Agenda

Meeting Minutes

How to participate remotely

**105 & 115 River Street materials as follows:**

**Revised Application**

Updated Plans

Demo approval

115 River St Historical Package

Hearing continuations

Planning Dept Memo

135 High Street materials as follows:

Application

Presentation

Plans

Contract

Engineering Comments

Acton Water District Comments

Health Comments

Planning Memo

**226 Main Street Street materials as follows:**

**Revised Application**

**Revised Plans 11.3, 12/29. 1.29**

**Abutters'List**

**7216 ZBA Packet**