



PLANNING BOARD • Town of ~~Acton~~ RECEIVED & FILED

DATE May 3, 1988
Barbara Brown
TOWN CLERK, ACTON

The Planning Board presented the Warrant Articles proposed for Spring Town Meeting, 1988 for review at a public hearing on Monday, February 22, 1988 in the auditorium of the Raymond J. Grey Junior High School, Acton, Mass. at 8:00 p.m.

Present were: Chairman, Marshall Dennis; Members: Mary Giorgio, Jack Barry, Robert Block; Associate Member: Quinton Brathwaite; Staff present: Roland Bartl, Acting Town Planner; Peter Lowitt, Assistant Planner, and Mary Robertson, Recorder.

Mr. Dennis opened the public hearing at 8:00 p.m. by reading the public notice which had been published in the "Beacon" and "Middlesex News" on 01/08/88 and 01/15/88. Comments and suggestions were welcomed by the Board.

Article I - Hammerhead Lots

Mr. Bruce Stamski asked if the Police or Fire Departments had problems with hammerhead lots.

Mr. Dennis responded that he wasn't certain if they had, however, he commented that the intent of the amendment is to try to prevent foreseeable problems. Also, to limit the length of the drive to be consistent with a cul-de-sac which has a limit of 500 feet. This is only for hammerhead lots and not common drives.

Mr. York questioned "convoluted" lots being part of hammerhead lots, and if the article disallowed all hammerhead lots.

Mr. Dennis stated that there have been hammerhead lots with driveways much less than and greater than 500 feet, depending on the existing lot. He further explained that 500 foot cul-de-sac requirement is in the Zoning Bylaw at this time.

Mr. Kadison commented that there is no safety motion nor traffic motivation and he cannot see any logic or rationale for it.

Mr. Brathwaite offered that the town has been using the standards for the 500 foot cul-de-sac and they've been trying to keep things consistent with prescribed rules.

Mr. Dennis added that rather than having convoluted lots and lot boundaries and driveways leading to backland, we're trying to place limits by putting in a 500 foot maximum.

Mr. Dufresne identified the 500 foot ruling limitation coming from the Mass. Planning Boards in the 1950's; however, he could not see public reasoning for this now.

Mr. Block again clarified the Board's intent of access over frontage with specified maximum distance to ensure access to necessary emergency equipment, as may be required. However, Mr. Stamski felt with this restriction, the Board is bringing this back to the standard subdivision setting and sees this as a diminishing "tool." He believes it would create less density in the development of land.

Mr. Orcutt's feelings were that hammerhead lots have already undergone scrutiny and "everytime someone's sensitivity is effected by someone's creativity in residential subdivision, we have this type of public hearing." He added that the reason the Board is at loggerheads over this is the same as the Board's reasoning in the '70's and '50's--someone is offended by lot lines. Furthermore, he asked what crisis the hammerhead lots have caused, as perceived by the Board.

Mr. Dennis responded that it's the amount of development taking place in far reaching areas away from the front of a lot and the extent to which that happens.

It was Mr. Kadison's opinion that this is a growth issue and felt the motivation of the hearing is to restrict growth.

Mr. Barry explained that this is a Special Permit with a safety issue.

Mr. Meagher pointed out that if this is a safety issue and Special Permit needs to be granted, then the developers have to put out a great deal of money. Mr. Kadison added that a Special Permit can be a five-six month process and can cost up to \$1-3,000.00 depending on the plans. It also places a financial burden on the consumer, so there has to be a compromise and he sees no justification for this.

Mr. Orcutt also asked what inquiries or complaints have been received from the Police or Fire Department regarding perceived safety hazard problems on existing hammerhead lots.

Mr. Dennis stated that to date, there hasn't been any difficulty, but it doesn't mean that it doesn't exist now or in the future.

Mr. Stamski felt that the creativity of land use is being taken away by this control and would like the lots left as is.

Article 2 - Daycare

A clarification of "educational use" was requested to which Mr. Lowitt responded by reading the governing state law. In addition, Mr. Orcutt recommended a clearer definition of the "Private/Non-Profit" language.

Article 3 - Interior Driveways

Mr. Kadison thought that Site Plan Special Permit addresses this article. Mr. Dennis responded that the drawing in the bylaw showed that the interior was equivalent to a parking lot and this article intends to expand that for other interior driveways within the entire lot so that those standards can be applied uniformly, i.e. fire lane, or road leading to a loading dock. Mr. Stamski questioned if there are any provisions for a waiver to the 20 ft width of driveway. The Board will look into it.

Article 4 - Common Drives

Mr. Orcutt referred to a Town Meeting held in 1986 whereby the Planning Board recommended a revision, therefore, he couldn't understand the need for a change. Mr. Dennis stated that this is an attempt to make the common drive standards more uniform as well as all common drives without limits of 5 or 8, but the Engineering Department feels some maximum should be placed.

Mr. Orcutt then replied, "if you have a common driveway, you should have a specific, low limit number of houses serviced by a common driveway, otherwise you create a very convenient way to avoid the type of specification for construction of what would be a subdivision road, unless you want a lot of private ways." Another concern, he added, should be fire hydrants.

Mr. Kadison shared Mr. Orcutt's view that control of common drives is a tool the Planning Board should have, although he disagreed on lower limits. He feels that a common drive does provide an alternative method of getting to a lot and in many cases a common drive is more economic. "As long as special permit is exercised, there's no real problem." He also felt that flexibility should be left in so that the developer and Planning Board can cooperate in that greater process.

Mr. Dufresne recommended changing the number of lots in the second sentence. Another concern is safety. He mentioned, "usually, traffic control, safety, and curb cuts are limited--when there's a driveway, there's a point of conflict." He recommended that the Planning Board keep their options open.

Mr. Stamski also suggested that common drive design standards should be adopted.

Mr. Marshall replied that they will try and come up with design standards but want to leave it flexible enough to allow for deviations.

Article 5 - Dimensional Regulations

Mr. Kadison stated that lot lines do not mean anything here and questioned if this is a growth issue. What he perceives is an area that could be developed with the value taken away from the owner. His personal view is that every man has a right to use his land as he sees it. "The Board is taking property value away from a citizen--is there good cause, he asked."

Mr. Dennis replied that the Board has seen more and more lots come in with irregular shapes on a marginal piece of land. Mr. Brathwaite then illustrated a diagram of irregular properties on a chart for the audience and tried to explain the Board's position.

Mr. Stamski felt if setback and health requirements protect public health and safety, then why is there a need for this; could a 100-foot diameter circle be considered as an alternative in which the dwelling must be contained.

A building envelope was also recommended.

Mr. Stephen Vader commented that he's all for the bylaw.

With reference to Mr. Orcutt's concern on overlay districts, Mr. Lowitt stated that with new technology, the Board of Health regulations will be severly tested.

Mr. Dufresene reminded the Board that the Fair Housing Committee has to answer to the MCAD on an annual basis as to what actions the town has taken to open the town to housing. He further stated that this article is a mechanism for anti-growth. The town is subject to the Mass. Commission against adverse effects on housing and E.O. 215 may be imposed on the town.

Mr. Kadison requested the rationale on paragraph 5.2.3. Mr. Dennis responded that this goes back to the formation and configuration of lots. Mr. Kadison argued that this is limiting growth in the town as there's no safety provision and this limits the number of houses being built.

Article 6 - FAR

Mr. York felt the goal intended is not met by this article. It excludes the small lot and assessment of use of a commercial lot--it needs flexibility.

Mr. Lowitt addressed the USE issues. He gave examples of the worst case scenario and explained Gross Floor Area and Net Floor Area.

Mr. Kadison felt that traffic problems could not be resolved this way.

Ms. Fanton referred to the LWV traffic study which has collected information on FAR. She felt this was a legitimate approach to traffic. She added that the town needs to look at road improvements and the rate and amount of growth. The State DPW can rebuild roads but there's a need to control traffic.

It was recommended that the Planning Board go with FAR but with larger coverage than .20. It was also suggested that the Board look at the effect on smaller lots and to check the mix of properties to arrive at developable area.

Article 7 -

Mr. Kadison wanted to know what kind of development the Board is going to encourage in the zones and followed with a history of the Route 2A development.

Mr. Barry commented that automobile traffic increase is a projected problem.

Mr. Stamski asked if the Board can ease in the force of development of land if there is a lot of grandfathering since this will create large development in a short span of time.

Mr. Orcutt urged control and felt that traffic growth concerns will be precipitated over the next three-five years. He suggested limiting square footage per year to spread out growth.

Article 8 - SAV

Ms. Fanton asked if this encourages overlay districts or restaurants and sees traffic as a problem.

Concerns were expressed over existing buildings and disparity among types and sizes of buildings. Mixed use is favored.

Article 9 - Decrease Number of Parking Spaces

Mr. Orcutt thought this was a good provision, but the information is outdated with a need to create a better formula for 1990.

Mr. Dufresne commented that this applies in a site plan setting and encouraged the Board to go to 75%.

Article 10 - Prohibited Uses

Mr. Bartl clarified the article. Concern was if zoning would accomplish the goal.

Mr. Dennis concluded by thanking everyone for their input and ideas; he welcomed suggestions in writing and closed the hearing at 11:00 p.m.

Respectfully submitted,

Mary Giorgio
Mary Giorgio, Clerk
Date 4/28/88