



Town Clerk

PLANNING BOARD • Town of Acton

RECEIVED & FILED

DATE March 10, 1988

Barbara Brown
TOWN CLERK, ACTON

The Planning Board met on Monday, January 25, 1988 at 7:30 p.m. in the Raymond J. Grey Junior High School Library.

Members present were: Marshall Dennis, Chairman, Jack Barry, and Greg Niemyiski. Staff present: Mitchell Korbey, Planner, Peter Lowitt, Assistant Planner, and Mary Robertson, Recorder. Members absent: Mary Giorgio, Pamela Harting-Barrat, Robert Block, and Quinton Brathwaite.

At 8:20 p.m., Mr. Jim Fenton, Authentic Homes; Messrs. Scheier and Harsip, of Scheier, Scheier, & Graham, were present

Mr. Dennis informed them that the Board was without a quorum. Therefore, a decision could not be made tonight. However, he requested their input for review at this time.

Mr. Scheier cited their reliance on the Corcoran case and with reference to the Gifford case, the court made a decision not to be held on analogous cases. He informed the Board that Mr. Fenton has an order of conditions from the Conservation Commission and that the Board of Appeals decision was in abeyance, but he still doesn't know whether the plan is an ANR. Their position is that there is no area of controversy.

Mr. Dennis questioned what constitutes effective access--what is illusory and what serves as an impediment. Further, that actual access to a structure is not necessary for ANR as long as you can walk from the street to the lot.

Mr. Scheier responded, "it is not a Planning Board issue if you can walk from the road to the lot, this is access. No form of driveway is required as long as you can walk from the street to the lot."

Mr. Korbey then stated that since access to the lot involves a water crossing, one would have to build an impervious structure over wetlands which would, in turn, alter the wetland--two of the lots are literally covered by a brook.

Mr. Scheier commented that because it is an ANR lot doesn't mean houses will be built and asked if this requires a subdivision. His point being that the degree of wetness is not an issue, just simple access.

Mr. Korbey pointed out that ANR vs buildability approvals are not relevant.

Mr. Barry asked where there would be an impediment. Mr. Scheier responded, "a waterway."

Mr. Dennis remarked that there is no vehicular access over frontage on the plan. He summarized by requesting Mr. Bass to continue work on this issue and come up with options for the Planning Board as soon as possible.

Mr. Scheier expressed their desire to work out legal issues.

Mr. Dennis stated that he just wants to look at access over frontage only and to deal with one issue at a time, so a summary judgment may be the way to go. It was agreed that Mr. Bass will have summary materials available for the Planning Board on February 5th at the Planning Board Office, and will meet again on February 8th. (Members may pick up material on the 5th at the office.)

Exit Mr. Fenton, et al. Exit Recorder.

At 9:00 p.m., Amy Hurst presented groundwater zoning amendments and the meeting concluded at 10:00 p.m.

Respectfully submitted,

Mary Giorgio, Clerk
Date Mary Giorgio

0010p/disk 0015Z