



## **Planning Board**

January 21, 2025

7:30 PM

In Person &  
Virtual (Zoom)

**Planning Board members present:** Jon Cappetta, Michaela Moran, James Fuccione, Patricia Clifford, Ron Beck (Associate Member)

**Also present:** Kristen Guichard, Planning Director; Nathaniel Ryan, Assistant Planner; Nina Pickering-Cook (Town Counsel)

**Planning Board members absent:** Saw Bajwa

Jon Cappetta read the guidelines for the virtual meeting.

Jon Cappetta called the meeting to order at 7:34PM

James Fuccione called the roll: Jon Cappetta- Aye, Michaela Moran-Aye, James Fuccione-Aye, Patricia Clifford-Aye, Ron Beck-Aye

### **I. Regular Business**

- 1. Residents' Comments: None**
- 2. Approve previous meeting minutes** – Continued to next meeting.
- 3. Board Members' Reports:**

Ron proposed the idea of a future Planning Board discussion about how the Town handles cumulative stormwater impacts on adjacent properties. Kristen responded that she could schedule a separate discussion with Ron and the Town Engineer, since the Board does not get involved with Chapter U, and only with Chapter X when a permit requiring stormwater design is in front of the Board.

### **4. Administrative Updates & Reports-**

Kristen mentioned a Strategic Economic development meeting tomorrow at 7pm.

She also mentioned the Housing Production Plan update, Forum #2 on Jan 30<sup>th</sup>, looking at goals of the past and how they have been achieved/not achieved and to help establish new goals.

## **II. New/Special Business**

### **1. PB23-10 – Deliberate and Vote – 40 High Street, Definitive Subdivision**

Jon Cappetta opened by stating that the Board would be deliberating on a draft decision available to the public, with conditions, on 40 High Street.

Michaela Moran recused herself as an abutter.

Ron Beck stated that at the last meeting the Board voted on inspecting whether or not the system was functioning as designed before issuing occupancy permits. Kristen Guichard clarified that the Board could require the total system be inspected prior to the issuance of any occupancy permits, rather than individually.

The Board had concerns with the language of section 3.3.1 and asked the Planning Division to revise.

Patricia Clifford motioned at 8:08 PM to approve PB 23-10 with the conditions that the Board has amended that night. James Fuccione seconded the motion. Roll Call Vote: Patricia Clifford-Aye, Jon Cappetta-Aye, James Fuccione-Aye

### **2. Update on December 12, 2024 Site Visit to Bumblebee Way**

Nina outlined the submissions that the Board will be reviewing in regards to Bumblebee Way, including the GCG memo on January 6th of their final inspection that outlined a few areas of non-compliance.

Kristen walked the Board through GCG's comments. GCG recommended that the developer address the remaining issues in Basin 1.

Nina asked if the failure of the parging and sealing of the outlet structure is what caused the weeping out onto Bumblebee Way and High Street. Kristen clarified that they are separate issues. The major issue that GCG saw was the sealing that needed to occur.

Pat asked what GCG specifically wants the Board to do. Kristen said GCG recommended planting grass, parging and sealing, and for the design engineer to address the small amount of weeping.

Nina outlined Mr. Silverstein's comments from an email dated January 21, 2025. Seal Harbor believes it has fulfilled its obligations under the Board's approval of the project, and would like the remaining \$2,500 surety to be released.

Nina clarified that it is up to the Board to decide what they want to do regarding the few remaining issues in the GCG memo, and residents/abutters can suggest what they would like the Board to decide.

Jeff Aveni, counsel for the homeowners of Bumblebee Way, mentioned that the stormwater management system at the site does not work, and what was constructed was not what was approved. He asked what the Board planned to do about this, and said they rushed to release the bond.

Three residents had concerns about stormwater runoff from the Bumblebee site.

The Board entered into deliberation and confirmed Michaela Moran is also recused from Bumblebee Way.

Jon asked what the Board can do with the \$2,500 to remedy.

Kristen responded they can fix the structure. Kristen said that in her talks with Mike Carter from GCG, he believes it is significant enough to fix Basin 1's sealing and the grass receding. Kristen noted the Board can get more clarification from Mike.

Kristen clarified for James that Mike thought the weeping issue was minor and did not need to be addressed with the bond money.

Nina clarified to the Board that they would need to ask counsel to discuss and negotiate an access agreement that sufficiently protects the Town, if the Town is going to go on site and do work.

Jon asked if the weeping is something that the Board is able to discuss on February 4<sup>th</sup>.

Nina clarified that the Board can use the bond to remedy the remaining issues (excluding the weeping), and if there are broader concerns about High Street, there are other things that the Town can explore as a capital improvement plan, but are outside the Board's jurisdiction.

James Fuccione motioned at 9:17 PM to call the bond to remedy the issues 1 and 2 (grass seeding and parging). Patricia Clifford seconded. Roll Call Vote: Patricia Clifford-Aye, Jon Capetta-Aye, James Fuccione-Aye

3. PB24-03 – Deliberate and Vote 738 Main Street (9 Wydcliff Drive), Definitive Subdivision

Pat asked if section 3.3.1 dealt with the same concerns about occupancy permits that were had with 40 High Street. Kristen said that this condition is slightly different, since there is not a concern about overflow onto Main Street.

Patricia Clifford motioned at 9:24 PM to approve PB 24-02 with the conditions that the Board has agreed on. Michaela Moran seconded the motion. Roll Call Vote: Patricia Clifford-Aye, Jon Cappetta-Aye, James Fuccione-Aye, Michaela Moran-Aye

#### 4. Updates on Habitat for All Initiative

Kristen updated the Board on Pat and Michaela's concerns and her talk with the consultant, JM Goldson, stating that they are running the numbers for inclusionary zoning with a Boston-based developer. Kristen was hoping to get a quorum on February 4<sup>th</sup>. Everybody but Ron is available at 6:00 PM. Pat asked if they could see the numbers before the meeting. Kristen responded yes.

Kristen addressed the Tree Clearing Bylaw, specifically the clear cutting delay, and how it would help the Habitat for All initiative and that they should be brought to Town Meeting together. It will go in front of the Select Board on February 24<sup>th</sup>.

#### 5. Accessory Dwelling Unit Bylaw Updates

Nate updated the Board on new Massachusetts state legislation, which allows accessory dwelling units by-right in zoning districts that allow for single-family residential uses. He stated that the Planning Division is waiting on final regulations from the Executive Office of Housing and Livable Communities before drafting zoning bylaw amendments, which they hope to bring to Town Meeting in May.

Patricia Clifford motioned at 9:54PM to adjourn the meeting. James Fuccione seconded the motion. Roll Call Vote: Jon Cappetta- Aye, Michaela Moran-Aye, James Fuccione-Aye, Patricia Clifford-Aye.

#### **Materials used at this meeting:**

Planning Board Agenda

#### **40 High Street application materials as follows:**

Abutters List

Application Packet

SW Report  
Def.Sub  
Subcatchment maps  
Doc024  
Signed form DP  
Continuation to 2-20-24  
Continuation to 3-19-24  
Continuation to 4-16-24  
Continuation to 5-21-24  
Continuation to 6-26-24  
Continuation to 11-19-24  
Mullins Cert  
Revised Plans 9-20-24  
Revised Plans 2-29-24  
Revised Plans 11-18-24  
New Material 8-20-24  
New Material 6-25-24  
New Material 5-8-24  
Letter Dated 9-12-24  
Letter Dated 8-22-24  
Emily Laubscher email  
Richard Keleher email  
Anne Forbes Email  
Geoff Beach comments  
GCG Peer Review letter 4-11-24  
GCG Peer Review Letter 8-8-24  
GCG Peer Review Letter 12-29-23  
GCG Peer Review Letter 10-15-24  
GCG Peer Review Letter 12-10-24  
Engineering Comments 12.28  
DRB Comments 12.14  
Fire Comments 1.9.24  
Historical Commission Comments 12.15  
Planning Memo  
Comments from Geoff Beach  
Letters to Planning Board  
Continued Public Hearing on 7-16-24  
Public Hearing Comment 4-26-24  
Statement of Position on Proposed Concept B  
011624\_LaubscherPlanningBoardLTR  
04152024\_LaubscherPlanningBoardLTR  
Planning Board Letter (Hofmann  
40 High Street Letter – 05202024 – Proof Plan  
40 High Street Project Design Concerns  
Addendum to Joint Statement of Position  
BBW Operational Failures w Signed Declaration

Letter to Planning Board – 40 High Street 240303  
Letter to Planning Board – 40 High Street 240316  
Letter to Planning Board – 40 High Street 240422  
Letter to Planning Board – 40 High Street 240520  
Ltr Planning Board 240108  
Resident Email  
Royce Fuller Email 4-22  
Soil Group Classification Discrepancy  
Statement of Position\_submitted 01-10-24  
Stormwater chapter x regulations  
40 High Street Cultural Resource Info page  
Extension forms  
Planning Board Letter 5.7  
Concept B  
GCG Email  
William Bethune Email 3-26  
Updated Plans 5.25.24  
40 High Street Definitive Subdivision Draft Decision  
**738 Main St Application Materials as follows:**  
**Application packet**  
Sw Report  
6261A Def.Sub\_FF  
Proof plan  
Subcatachments  
Abutters list  
Form dp  
Revised Plans 11-18-24  
Revised Plans 7-16  
Revised Plans 8-13  
Water District Comments  
GCG Peer Review 10-08-24  
GCG Peer Review 12-13-24  
GCG Peer Review 06-21-24  
Acton Historical Commission comments  
DBR Review  
Planning memo  
Pb Continuation  
Fire Comments  
ROE Sidewalk  
Engineering comments  
Terra email  
Nijan Datar email  
738 Main Street Definitive Subdivision Draft Decision