



## **Planning Board**

Meeting Minutes  
December 16, 2019  
7:30 PM

Ground Floor Meeting Room, Acton Memorial Library, 486 Main Street

Planning Board members present: Derrick Chin (Chair), Emilie Ying (Vice Chair), Ray Yacouby, Jon Cappetta, and Anping Liu.

Planning Board members absent: Sam Bajwa.

Also present: Roland Bartl, Planning Director; Christina Marshall, Town Counsel's Office.

### **Opening**

Chair Derrick Chin called the meeting to order at 7:35 pm.

### **I. Regular Business**

#### **1. Citizen Comments**

A citizen spoke about proposed sewer extension into West Acton.

#### **2. Reports & Administrative Updates**

None

#### **3. Previous Meeting Minutes**

Mr. Cappetta moved approval of 10/15/19 meeting minutes as drafted; Mr. Yacouby 2<sup>nd</sup>; Unanimous vote to approve minutes as drafted.

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

#### **4. Public Hearing 18-03 on Court Remand (7:40 PM) – Genevieve Lane PCRC Special Permit & Definitive Subdivision; 180 Newtown Road**

Mr. Chin summarized this project's regulatory history.

Ms. Marshall summarized the Land Court proceedings, findings and recent Court Order.

Mr. Yacouby moved to limit the scope of the public hearing to the narrow question of whether the PCRC project as approved enhances the goals of the Acton Open Space and Recreation Plan. Mr. Cappetta 2<sup>nd</sup>. Following discussion, Board voted 4-1 (Liu opposed) to limit scope as moved by Mr. Yacouby. The motion required a simple majority to pass. Mr. Bartl summarized additional items in the record for the Board's consideration on the question of whether the project advanced the goals of the Open Space and Recreation Plan.

The Board then heard public comments, including from the abutter and Plaintiff in the Land Court appeal (R. Hryniewich) and from the project proponent (C. Coughlin).

Public comments included:

- Open Space Plan is intended to limit new houses & requires open space preservation.
- Conservation Commission should not have permitted project.
- PCRC will improve open space, but not building anything will do that too.



- Residents are currently walking on trails along the new road that would be created with the PCRC.
- The property is still privately owned and the PCRC is the only way that public will have legal access to any path on the land.
- Concern about development in other parts of Town.
- Newtown Road's character is all about open space now. This project will change the nature of Newtown Road including adding more traffic. The Town is not getting enough in exchange.

There was a question about access to the common land from the proposed development:

- Answer: Yes, but only on foot.

Motion to close public hearing was seconded and passed 3-2 (Liu and Ying opposed). Mr. Yacouby moved that the Board vote to find that the PCRC project as approved by prior special permit enhances the goals of the Open Space and Recreation Plan. Mr. Cappetta 2<sup>nd</sup>. The Board briefly deliberated on the apparent lack of a supermajority of the Board to make such a finding, and that failure to find that the special permit enhances the goals of the Open Space and Recreation Plan would effectively deny the special permit.

Following this deliberation, Ms. Ying moved to reopen the public hearing; Mr. Cappetta 2<sup>nd</sup>; the Board voted unanimously to reopen the public hearing to take more evidence on the question of whether the project advanced the goals of the Open Space and Recreation Plan.

A motion to continue the public hearing to January 21, 2020 was made by Ms. Ying and seconded by Mr. Cappetta. After some discussion, the Applicant agreed to the proposed continuation.

Mr. Bartl asked Board members to name specific information or documentation that they would like to see for the continued hearing. He suggested that Board members read the Acton Open Space and Recreation Plan and the definitions for Open Space and Common Land in the Acton Zoning Bylaw prior to the reopened hearing.

Vote on the motion passed 5-0.

The Applicant and the Board's Chairman signed the hearing continuation agreement.

##### **5. Public Hearing 19-06 – Pond View Way Definitive Subdivision (8:00 PM); 225 Newtown Road**

Mr. Chin opened the public hearing at the scheduled time and continued it to after the close of the 18-03 remand hearing.

After the hearing was reopened, Mr. Rubin of Markey and Rubin, representing the applicant, presented the subdivision plan and addressed departmental comments. Several members of the attending public offered comments, concerns and questions.

After all was heard, motion was made and seconded to close the public hearing; motion passed unanimously.

Following some deliberation, Mr. Yacouby moved to approve the definitive subdivision with conditions reflecting the departmental comments and that there be no street name sign installed; Mr. Cappetta 2<sup>nd</sup>. The Board vote to approve the subdivision with conditions as moved.



The Chairman requested that Planning staff write and issue a decision accordingly on the Board's behalf.

#### **6. Potential Zoning Amendments for 2020 Annual Town Meeting**

Mr. Bartl summarized two potential zoning amendments and noted that other amendments had been mentioned.

The petitioner for a zoning map amendment at Wetherbee Street was present and briefly explained the reasons for the citizens' petition.

Mr. Bartl noted the proposed zoning amendment for allowing Open Space Subdivisions by Right and the accompanying handbook. Board members shelved this potential amendment on for 2020.

#### **Adjournment**

At 10:20 PM a motion was made and seconded to adjourn the meeting. Meeting adjourned by unanimous vote.

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Documents used at the meeting:

<http://doc.acton-ma.gov/dsweb/View/Collection-10476>

- 12.16.19 Planning Board Agenda
- DRAFT 10-15-19 Planning Board Minutes
- 12-16-19 mtg. possible zoning amendments memo
- 18-03 - 180 Newtown Road PCRC decision as filed (11/29/18)
- Court's clarification (11/5/19)
- NR comments 11-26-19
- Order on Motions for Summary Judgment - 10-18-2019
- Planning comments 12/11/19
- Open Space and Recreation Plan, 2014-2021
- Comment - Dan Jones
- Comment - Lea Walton
- Comment - Rick Hryniewich
- Comment - Terra Friedrichs
- Petition to rezone 32 Wetherbee Street
- Zoning DRAFT November 2019 - open space subdivision by right
- PCRC Guidebook Final
- 19-06 Pond View Way Application
- AWD Comments
- Engineering Department Comments
- Pond View Way - Definitive Subdivision