



## **Planning Board**

February 15th, 2022

7:30 PM

Virtual (Zoom)

Planning Board members present: Ray Yacouby (Chair), Sam Bajwa (Vice Chair), Jon Cappetta, Derrick Chin.

Also present: Kristen Guichard, Planning Director and Zoning Enforcement Officer, Alicia Burak Administrative Assistant

Ray Yacouby read the guidelines for virtual meeting.

Ray Yacouby called the meeting to order at 7:33PM.

Jon Cappetta called the roll: Ray Yacouby -Aye, Jon Cappetta-Aye, Derrick Chin-Aye, Sam Bajwa-Aye

### **I. Regular Business**

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

#### **1. Public Hearing PB22-1 62 Pope Rd, Scenic Road**

Ray Yacouby opened the hearing at 7:35PM.

Paul Kirchner of Stamski and McNary, representing the applicant, gave a brief overview of the project. The applicant demolished and reconstructed a historic stonewall before applying for a permit which violated the Town Bylaw Chapter J. Paul presented the before and after pictures of the old and new stone wall and referred to the as-built plan in describing the changes.

**Board Comments-** Chair, Ray Yacouby questioned the applicant on why an application was not submitted before the work was completed. The applicant stated that he did not know a permit was needed to alter a stone wall and pointed out other stonewalls along the road that have been

modified in the past. Ray stated to the applicant, “Mr. Bertolami, you’ve been in the town long enough that I personally find that answer offensive. It is a scenic byway, it is a historic wall. Not knowing, I take exception to.” Planning Board members agreed that the applicant has been a known builder in town for many years and should know the bylaw.

Ray Yacouby stated that if the applicant had submitted the application at the correct time he would have referred to the Historic Commission to see if the new stonewall was an appropriate replacement. Jon Cappetta and Derrick agreed that the newly constructed stone wall does not look historic and would have voted against it. Jon asked the applicant what percentage of stones from the historic stone wall were preserved for the new stone wall in which the applicant could not answer confidently.

Sam Bajwa looked at the other stone walls on the road and agreed that the new constructed wall did not look historic. He asked the Planning Department when the other stone walls were modified and when the bylaw was enacted. He made a recommendation of not rebuilding the new stone wall but to contribute money somewhere else in town.

### **Residents’ Comments-**

Terra Friedrichs of West Acton stated the applicant is a well-known builder, should have known the bylaws and didn’t believe his excuses on why he didn’t submit an application.

Alissa Nicol, School St stated the goal of the master plan is to preserve historical character and the bylaw exists to preserve the scenic road and thinks the new wall should be reconstructed.

David Honn, Historical District Commission, stated there is no historic authenticity to the new stone wall. He agreed with the Board Members that the applicant should have known the bylaw and stated that a major penalty should be put in place.

Kristen Guichard, Planning Director stated that the Planning Board does not have the authority to issue fines because the town did not adopt that part of the State General Laws.

Board members agreed to continue the public hearing to allow the applicant to speak with the Historic Commission to come up with a plan that was acceptable to the town.

Sam Bajwa motioned at 8:25PM to continue Public Hearing PB22-1 to March 15<sup>th</sup>, 2022 at 7:30PM to allow the Applicant time to speak with the Historical Commission and include them in a plan for a constructive resolution of the issue. Jon Cappetta seconded the motion.

Roll Call Vote: Ray Yacouby- Aye, Jon Cappetta-Aye, Derek Chin- Aye, Sam Bajwa-Aye

## **2. Public Hearing PB22-2 76 Willow St, Definitive Subdivision – ~~Withdrawn~~**

Planning Board Members agreed on the withdrawal of the application without prejudice.

### **3. Presentation on draft bylaw proposals**

Kristen Guichard presented a power point presentation on the accessory apartment bylaw outlining the 5 proposed changes.

#### **Continued Regular Business:**

1. Residents' Comments: Terra Friedrichs of West Acton mentioned concerns about zoning "uses" in the West Acton Village and stated she hoped the Planning Division is working on fixing the PCRC Bylaw.
2. Approve Previous Minutes: Jon Cappetta motioned at 9:00PM to approve the meeting minutes for 12/21/21. Sam Bajwa seconded the motion. Roll Call Vote: Ray Yacouby-Aye, Jon Cappetta-Aye, Sam Bajwa-Aye, Derrick Chin-Aye.
3. Board Member Reports: Ray Yacouby gave an update on the CPC.
4. Administrative Updates: Kristen Guichard mentioned the MBTA guidance memo and stated she will be conducting a presentation at the Select Board meeting on 3/21/22. She gave an update on the Powder Mill Corridor Study with Maynard, and stated a meeting will be held by Maynard Planning Board on Tuesday February 22, 2022.

Jon Cappetta motioned to adjourn the meeting at 9:08PM. Derek Chin seconded the motion. Roll Call Vote: Ray Yacouby-Aye, Jon Cappetta-Aye, Sam Bajwa-Aye, Derrick Chin-Aye

#### **Documents used at this meeting:**

**02.15.22 Agenda**

**PB- How to Participate Remotely**

**Draft 12-21-21 Planning Board Minutes**

**Proposed Changes to Accessory Apartment Bylaw**

**Pope Road Application Materials as follows:**

**6464 scenic road hearing request**

**6464 scenic road supplemental info**

**6464.WALL&DRIVEAB**

**Legal Ad**

**Terra Email 2.11**

**Terra Email 2.15**

**60-62 Pope Road-Scenic Road- Planning Division Memo**

**Assessors Dept Comments 1-6-22**

**Building Comments 1-6-22**

**Engineering Comments 1-6-22**

**Fire Comments 1-6-22**

**Health Dept Comments 1-6-22**

**Historical Commission Comments 1-20-22**

**Water Dept Comments 1-6-22**