



PLANNING BOARD • Town of Acton

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ACTON PLANNING BOARD
MINUTES OF MEETING
November 13, 1989

RECEIVED & FILED
DATE *December 12, 1989*
Barbara Brown
TOWN CLERK, ACTON

Planning Board members in attendance: Chairman Quinton Brathwaite, Vice Chairman Rob Block, Greg Niemyski, David Hill, Jim Lee and Mary Giorgio.

Planning Staff in attendance: Assistant Town Planner Timothy Smith, Planning Board Secretary Donna Jacobs and Town Planner Roland Bartl.

I. Public Hearing - Durkee Lane Name Change

William Smorzewski of 3 Durkee Road in Acton informed the Board that the Police appeared at his house late one evening with an arrest warrant for a Durkee Rd., Westford resident. He went on to state that a Durkee Rd., Acton neighbor had the FBI show up at his house looking for a Durkee Rd., Westford resident.

Robert Haig of Westford objected to the implications made about the character of the Westford residents and went on to inform the Board that there are 9 houses and 3 small businesses in Westford that would be greatly inconvenienced by a change of street name. Mr. Haig stated that the biggest problem with the Post Office is the Post Office itself due to the cramped quarters it occupies.

Philip Bohunicky, land-owner on Durkee Lane in Acton asked why the problems were occurring now and hadn't been reported in the past several years. He also asked what input the Board has received from the Acton Police and Fire Departments. Mr. Bohunicky questioned if legal complications could occur due to the name change.

Judith Wolf of 6 Durkee Road in Acton reported that she is repeatedly inconvenienced by people ringing her doorbell looking for Bobby's horse ranch on Durkee Lane in Westford and she received a delivery of several hundred pounds of horseshoes intended for delivery to the Westford horse ranch.

Robert Lelievre of Durkee Rd. in Westford reported that Westford recently changed the name of the street to Durkee Lane to eliminate the name confusion.

Robert Haig reported that Durkee Road/Lane was named after the historic Durkee Farm.

William Smorzewski of 3 Durkee Road in Acton reported that he spoke with the Postmaster General in Worcester asking if it was possible to have the mail delivered to Durkee Road in Westford by the Westford Post Office. The Postmaster General's office responded that Acton P.O. is willing to deliver the mail and it is appropriate for them to do so due to lack of access from Westford.

Judy Wolf of Durkee Road in Acton pointed out to the Board that the majority of Westford residents who signed the Attendance Record used the Durkee Road, Westford address rather than the Durkee Lane, Westford address as approved by Westford over a year ago.

Robert Block moved the Planning Board defer this decision to the Board of Selectmen and suggested that the Board recommend both names be changed. Motion was seconded by David Hill and defeated by a vote of 3 opposed, 2 in favor and 1 abstention.

Quint Brathwaite announced that the Board would not be making a decision this evening and moved to close the public hearing. Motion was seconded by Rob Block and carried unanimously.

II. Review Haley Lane Decision

The Board reviewed the draft decision for the Haley Lane Definitive Subdivision Plan and had the following recommendations:

- Add a condition that the subdivision road not be built similar to the condition used in the Blackberry Lane approval.
- delete "rationale" and use instead "No basis for granting this waiver".

Rob Block questioned #2.2 - minimum turning radius. Tim Smith responded that the turn radius used is for a common driveway, not a subdivision road because the common driveway is what will actually be built.

Greg Niemyski questioned 2.11 - moving the telephone pole asking whether or not it is necessary. Roland Bartl replied that we have not seen the sidewalk plan yet, so it cannot be determined at this time.

Rob Block would like 2.1 modified to use "Common driveway" rather than "road"

David Hill moved to approve the Definitive Subdivision Plan with the conditions as amended this evening. Motion was seconded by Rob Block and carried unanimously.

Executive Session - Kennedy Estates

Robert Block moved that the Board enter into executive session to discuss pending litigation on the Kennedy Estates subdivision decision, then reconvene in open session to continue the regular business of the Board. Motion was seconded by David Hill. A roll call vote was taken with unanimous decision to enter into executive session.

III. Town Meeting Preparation

The Board went on to discuss Town Meeting presentation of zoning articles. As only Mary Giorgio and Jim Lee will be in attendance at Town Meeting it was agreed that Mary Giorgio would present Articles 10, 11, 15 and 16 and Jim Lee would present Articles 12, 13, and 14.

The Board discussed Article 16 as amended by Roland Bartl. Jim Lee moved that the Board recommend Article 16 as amended. Motion was seconded by Greg Niemyski and carried unanimously.

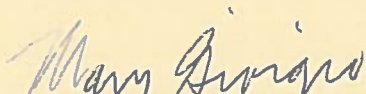
It was also agreed that if Town Meeting extended into a second night that Quint Brathwaite would take Mary Giorgio's remaining presentations and David Hill would take Jim Lee's remaining presentations.

Meadow View Update:

Roland Bartl advised the Board that he had delivered the Meadow View material to Town Counsel and expected to hear from Counsel this week. Jim Lee asked if the Board had any legal basis for denial. Roland replied that Town Counsel would advise whether there was a basis for denial.

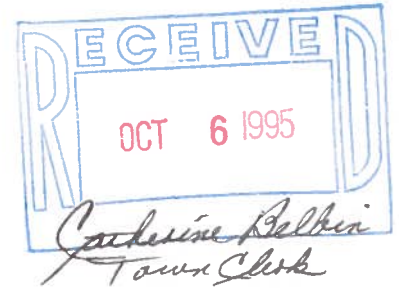
Meeting Adjourned at 10:00 PM.

Approved by the Acton Planning Board


Mary Giorgio, Clerk

12/11/89
Date

CONFIDENTIAL



ACTON PLANNING BOARD

MINUTES OF MEETING

NOVEMBER 13, 1989

EXECUTIVE SESSION

Planning Board members in attendance: Chairman Quinton Brathwaite, Vice Chairman Rob Block, Greg Niemyski, David Hill, Jim Lee and Mary Giorgio.

Planning Staff in attendance: Assistant Town Planner Timothy Smith, Planning Board Secretary Donna Jacobs and Town Planner Roland Bartl.

Robert Block moved that the Board enter into executive session to discuss pending litigation on the Kennedy Estates subdivision decision, then reconvene in open session to continue the regular business of the Board. Motion was seconded by David Hill. A roll call vote was taken with unanimous decision to enter into executive session.

Jim Lee asked what responsibility a Planning Board member had to respond to the summons individually. Mary Giorgio replied that Town Counsel would defend the Planning Board, respond to the summons, and appear in court.

Rob Block stated that in his opinion the suit is a nuisance suit and expressed his belief that the Town should file a counter-suit to establish the strong sentiment that this is a frivolous suit and Acton is not going to spend tax payers dollars defending a frivolous suit.

The Board discussed the suit in relation to the decision. It was a consensus of the Board that the decision was a good one and should be easily defended by Town Counsel.

After much discussion about the "may require" sidewalks and pedestrian easements, Greg Niemyski recommended that the Subdivision Rules and Regulations be amended to read "shall require". Quint Brathwaite added that the Board would still have the ability to grant a waiver on the sidewalk requirement should it be deemed to be in the best interests of the Town to do so.

Mary Giorgio stated that the pending law suit should be brought up in open session with the Board making a statement that this suit is injurious to the Town for the following reasons..... Roland Bartl relied that it may not be wise for the Board to make a strong statement at this time due to the pending court action.

Rob Block moved to conclude the executive session and reconvene in open session, Greg Niemyski seconded the motion. Roll call vote was taken and the motion carried unanimously.