



PLANNING BOARD • Town of Acton

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ACTON PLANNING BOARD

Minutes of Meeting

October 23, 1989

RECEIVED & FILED

DATE *December 12, 1989*

Barbara Brown
TOWN CLERK, ACTON

Planning Board members in attendance: Chairman Quint Brathwaite, James Lee, Mary Giorgio, Greg Niemyski, Doug Carnahan and David Hill.

Planning Staff in attendance: Tim Smith, Assistant Town Planner and Donna Jacobs, Planning Board secretary.

The meeting was called to order at 7:30 PM by Chairman Brathwaite. The agenda was revised to include two additional items, the Bellows Farm bond and the bond release requested by Stoneymeade Development.

I. Meadow View Definitive Subdivision

At 7:32 PM Chairman Quint Brathwaite opened the public hearing for Meadow View Definitive Subdivision by reading the public hearing notice. The applicant, Warren Bolton, then introduced his consultants Joe March of Stamski and McNary, Dr. Edward Chiang of H2O Engineering, and co-applicants Doris Bolton and David Bolton.

Atty. Warren Bolton read from the preliminary decision the Board's reasons for denying the Preliminary Plan. Warren Bolton read into the record of the meeting his June 21, 1989 letter advising the Planning Board that any issues concerning the parcel be addressed to the Bolton family. He informed the Board that the only correspondence he received after said letter was the decision denying approval of the Preliminary Plan submitted by Metwest, leaving him no alternative but to proceed by filing this application for approval of a Definitive Plan.

Joe March of Stamski and McNary began his presentation by stating that one reason for denial of the Definitive Plan was the long single access road. The present plan shows a double access. Another reason for denial was the location of the proposed retention basin which has been relocated (causing the loss of two building lots) on the new plan presently before the Board. Joe March informed the Board that the drainage system has been designed for a 100 year storm. Mr. March submitted a letter prepared by Stamski & McNary addressing the comments dated 10/19/89 from the Acton Engineering Dept.

Greg Niemyski asked if the developer has taken the Conservation Commission's concerns into consideration. Warren Bolton submitted covenants proposed for the subdivision which include a provision that no work will begin until the proposed development receives approval from the Conservation Commission. Greg Niemyski asked how the

concerns raised by the Conservation Commission regarding Lot #2 will affect the plan. Mr. Bolton introduced Dr. Edward Chiang to answer questions on wetlands concerns. Dr. Chiang stated that there are three areas of concern: the roadway crossing, the driveway crossing to Lot 2 and the water main installation. Dr. Chiang went on to state that the water main installation will be a temporary disruption of the wetland and upon completion of the installation, the wetland vegetation will be restored. He also informed the Board that they are looking into shifting the location of the detention pond to meet the 25' setback that Conservation requires and if the Conservation Commission rejects this proposal, then lot 2 is useless. Greg Niemyski asked what will happen to lot 2 if it cannot be accessed? Warren Bolton replied that the Bolton's would still own it, pay taxes on it and may appeal the decision of the Conservation Commission.

David Hill asked if Warren Bolton was amenable to compromise? Warren Bolton replied that he originally had 21 lots, less the Conservation Commission's problems with lot 2, less the Board of Health's concerns with three lots, less the 10% open space set aside could yield a lot count of 16.

Warren Bolton stated that he would like to reach a compromise with the Board to allow a single access roadway and a small strip of land for emergency access as suggested by the Engineering Department. He stated that his problem is that the other case is still pending in Land Court with a continuation date of December 21. He asked for direction from the Board to allow time for the engineers to re-do plans prior to the court date so if the plan is not approved, both cases could be tried together. He informed the Board that the pre-trial conference scheduled for September was cancelled because the Boltons were attempting to work something out with the Town.

Mary Giorgio questioned Warren Bolton's statement that the Planning Board didn't respond beyond the decision issued on the Preliminary Plan. Mary Giorgio stated that the Planning Board does not generate plans, it reviews them and if Warren Bolton wanted to modify the plan, he should have submitted something to the Board for their consideration. Warren Bolton replied that he decided to submit a Definitive Plan. David Hill asked if Warren Bolton had availed himself of the minutes of previous meetings and hearings. Mary Giorgio stated that the Preliminary Plan was denied because although progress had been made, it was not sufficient progress. Mary Giorgio asked to go on record that there is a lot of additional material other than the decision denying the Preliminary Plan. Many hours of effort went into the previous submissions and transcripts of those meetings were available to the applicant.

Jim Lee asked Dr. Chiang if he was comfortable that there was an acceptable engineering solution to the wetlands issue of the water main installation. Dr. Chiang replied that the job is costly, but can be done. He is now trying to determine a workable solution within the applicant's budget. Warren Bolton said that he would have his engineer design the system and give \$20,000. to the Water District for their installation of the water main.

Tim Smith reminded Chairman Quint Brathwaite of the Haley Lane hearing scheduled for 8:15 PM. Quint obtained permission from the Haley Lane applicant for a 15 minute postponement of the start of their hearing.

Keith Gregory of 73 Robbins St., spokesperson for the community at large, read a statement signed by 104 people and submitted it to the Board for inclusion in the permanent record of the hearing.

Jim Stellar of 57 Robbins Street submitted a letter to the Board for inclusion in the permanent record discussing his concerns about traffic flow and sight distance.

Tom Sadler of 22 Nash Road asked for clarification of the approval process of the application. He questioned if approval can be sought without all of the details shown on the plan? He also questioned whether the \$20,000. offered by Mr. Bolton to the Water District for installation of the water main was the upper limit of his contribution. He went on to caution that, because of the Town's fiscal problems, the Board should be sure that the Town does not assume any costs to provide water to the development.

Greg Niemyski asked for verification that the Water District has stated the existing water main could supply adequate water to the new subdivision. Mr. Bolton informed him that the Water District met and determined that there was adequate supply and the records of their meeting have been sent to the Planning Dept. Dorothy Campbell of 34 Robbins Street stated that she takes exception to Dr. Chiang's statement that there is adequate flow and would be contacting the Water District for further information.

Chairman Brathwaite obtained Mr. Bolton's agreement to a continuation of the hearing to November 6 at 9:15 PM. Mr. Bolton noted however, that he could not grant an extension of the time within which to make a decision due to the court date of December 21.

II. Haley Lane

The hearing was opened at 8:40 PM by Chairman Quinton Brathwaite. Mr. Paul Nyquist, engineer for the applicant, stated that this was an application for approval of a three lot subdivision. He went on to state that the road has been designed as a common driveway with a street drain at the intersection of the new street to tie into the existing drainage system on River Street.

Greg Niemyski asked if Mr. Nyquist had received the comments from the Engineering Department. Mr. Nyquist responded that he had reviewed the comments with the Engineering Department and addressed most of their concerns.

Jim Lee asked about the Board of Health comments. Mr. Nyquist replied that he had received them only today and would address their concerns with the property owner this week.

Greg Niemyski stated he was concerned because the latest staff comments are a month old.

Assistant Planner Tim Smith pointed out that the applicant has applied for approval of a residential compound and although he directed Mr. Nyquist to look at the standards for common driveways, the application is for a subdivision approval and is therefore subject to the subdivision rules and regulations standards for construction of roads.

Atty. Charles Orcutt, representing the applicant, informed the Board that on October 18, 1989 the Conservation Commission unanimously voted that the work proposed does not alter any area subject to the Wetlands Protection Act as a result of the applicant's filing of a Request for Determination of Applicability with the Conservation Commission. Attorney Orcutt thanked the Board, on behalf of his client, for their past efforts in getting this parcel re-zoned. He asked that the Board note that although the proposal is for a three lot subdivision, only two additional lots will be created because the Applicant's home already exists on one of the lots.

Tim Smith, Assistant Planner, advised the Board to correct the Planning Dept. comments to reflect the receipt of the list of requested waivers.

Chairman Quinton Brathwaite asked the applicant to agree to extend the hearing until November 6 at 9:00 to allow for submission of drainage calculations and the inspection fee deposit. Assistant Planner Tim Smith asked if the applicant would agree to extend the time for a decision, and Atty. Orcutt replied that an extension would be granted if needed.

III. Bellows Farms

Assistant Planner Tim Smith reviewed with the Board the additional materials concerning the Bellows Farm performance guarantee. The Board voted unanimously to authorize Chairman Quinton Brathwaite to take action to draw on the Irrevocable Letter of Credit No. 101 jointly issued by the Woburn Five Cents Savings Bank and Foxborough Savings Bank.

IV. Stoneymeade Bond

Assistant Planner Tim Smith reported that the Planning Department could not authorize the release voted at the previous Board meeting. He informed the Board that Mark Gallagher has met with Town Planner Roland Bartl and Engineering Administrator David Abbt to work on a recalculation of the performance bond. The figures presented to the Board this evening represent an amount agreeable to the Town and the developer. A motion to release the sum of \$169,761.97 was made and passed unanimously.

V. Maillet Drive

Greg Niemyski moved to release the performance bond for Maillet Drive as the work has been completed. Motion was seconded by Jim Lee and passed unanimously.

VI. Powdermill Rd./High Street

Town Planner Roland Bartl has asked for a volunteer from the Planning Board to meet with Selectmen Bill Weeks for the purpose of reviewing the plan to signalize this intersection. VHB, Inc. is developing a plan for apportionment of the cost of installation among the businesses in the area. It was suggested that Rob Block would be interested in volunteering as he lives closest to the site.

VII. Subdivision Rules & Regulations

Greg Niemyski stated that he has no problem with the technical amendments proposed for the Rules & Regs., but he would like to get into land use and land planning issues. He stated that the Planning Board should have a pro-active role in the development of Acton. Greg stated that he would like an inventory of residential lots to be developed and the configuration of this residentially zoned land to help in planning.

Quint Brathwaite suggested the Board look into developing a provision for a "floating zone" in the bylaw.

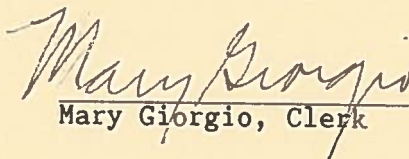
The Board discussed the proposed changes to the performance guarantee section of the regulations. Mary Giorgio stated that she felt the details of the release should be contained within the agreement itself rather than trying to spell them out in the rules and regulations. David Hill indicated that it might be better to allow releases for an amount equal to 50% of the work remaining to be done to eliminate numerous requests for small amounts. The Board asked Dan Danke of the Acton Engineering Department for his thoughts on this issue. Dan stated that he felt the proposed amendment allowing three releases provided the flexibility needed by both the developer and the Town.

The Board then discussed the proposed changes in the limitation of cul-de-sac length. Quint Brathwaite stated that he didn't think it should be changed. Mary Giorgio asked why the Board should change what has proved to be a good tool in the past. Greg Niemyski stated that he believes the length of the cul-de-sac should be parcel oriented and the Board has insufficient information to determine the effectiveness of the proposed change. Greg asked the Planning Dept. to provide the Board with the number of parcels that would be impacted by the change. He also asked that the Board be provided with an inventory of parcels according to size (0-8, 8-20, 20-50, and 50+). David Hill expressed his belief that using the Open Space Development as a trade-off is wise. Greg Niemyski agreed that this is a good idea. Assistant Planner Tim Smith questioned Quint Brathwaite's reluctance to give up the 500' length. Quint responded that he doesn't think the proposed change gains the Town anything. Mary Giorgio feels that the 500' limitation provides a good negotiating tool. David Hill added that he feels it is a good bargaining chip.

The Board then discussed the proposed change to single access streets. Greg Niemyski indicated that the wording needs to be more clear. Tim Smith, Assistant Planner, suggested that adding a definition for single access street might help clarify it.

James Lee moved to adjourn the meeting at 10:25 PM. Motion was seconded by Mary Giorgio and passed unanimously.

Approved by Acton Planning Board.

 12/7/89
Mary Giorgio, Clerk Date