



PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

Acton Planning Board

Minutes of Meeting

August 14, 1989

RECEIVED & FILED

DATE Oct 4, 1989

Catherine Belbin
TOWN CLERK, ACTON

Planning Board members in attendance: Quinton Brathwaite, Mary Giorgio, Greg Niemyski, James Lee, and David Hill.

Planning staff in attendance: Roland Bartl, Town Planner; Timothy Smith, Assistant Planner, and Donna Jacobs, Planning Board secretary.

The meeting was called to order in Room 204 of the Acton Town Hall at 7:33 PM by Chairman, Quinton Brathwaite.

I. Anne Fanton, Chairman of the Planning Council, and Rick Taintor of I.E.P. Master Plan consultant) met with the Planning Board to discuss what the board would like to see included in the Master Plan. G. Niemyski stated that consistency among town boards, staff and policies should be a goal of the Master Plan. Additional items to be included, in G. Niemyski's opinion should be:

- site plan architectural review,
- site plan approval given to the Planning Board,
- enforceable sign bylaw in keeping with a rural community,
- noise and air pollution should be dealt with now rather than waiting until they become crisis issues,
- some of North Acton should be re-zoned to residential and adequate buffer should be provided to residential areas,
- existing N. Acton recreation lands should be incorporated into the town-wide recreational program.

M. Giorgio stressed the importance of what Selectman Dore' Hunter has termed "connectivity" - relating one subdivision to another and to the existing road and sidewalk systems in town. M. Giorgio added that it may be appropriate to allow continued development of existing "centers" and down-grade allowable development elsewhere instead of universal zoning town-wide.

D. Hill stated that the Master Plan should address the things that people object to about subdivisions/development such as infrastructure over-burdening and asked if there was some way to objectively measure development impact. D. Hill stated that he agreed with G. Niemyski about site plan approval being transferred to the Planning Board.

Q. Brathwaite stated that affordable housing should be included in the Master Plan. A. Fanton replied that the housing study was done under a separate grant and the results from that study will be included in the Master Plan.

James Lee referenced the tower hearing of last week and the importance of aesthetic values to Acton residents. J. Lee stated that protection of that aesthetic value will maintain the character of Acton.

A. Fanton asked for input from the board regarding Selectman N. Tavernier's challenge to come up with a term to replace "rural character". M. Giorgio and J. Lee replied that "New England town character" is easily identified as a unique characteristic not found in other areas of the country.

J. Lee added that he felt the Acton town center should be treated differently from other "centers" in town to ensure continuation of its aesthetic value.

G. Niemyski asked what happens down the line in the Master Plan process.

R. Taintor asked if the Planning Board would care to comment on papers as they are drafted. The board replied they would like to comment and asked to be sent copies of papers as they are drafted.

- II. At 8:10 PM, Chairman Q. Brathwaite re-convened the Durkee Lane Hearing. Atty. Mark Scheier addressed the board as the representative of Durkee Lane Realty Trust. He referenced the site visit of a few weeks ago and his memo to the Planning Board concerning the history of section 81FF of M.G.L. Ch.41. Atty. Scheier went on to address R. Bartl's memos to the board dated July 12, 1989, and August 8, 1989. In his opinion, R. Bartl's memo is contrary to state law.

Atty. Scheier stated that his client feels no improvements to the existing way are necessary, but his client has offered to improve the way by paving. Atty. Scheier presented the board with a copy of a building permit issued to the landowner in 1956, renewed in 1957 authorizing construction of a building on the site.

Chairman Q. Brathwaite asked for comments from the board and stated that the Planning Board is reserving the right to make its decision until after advice from Town Counsel has been received by the board.

R. Bartl questioned Atty. Scheier about the previously approved, but not recorded plan. M. Scheier replied that it appears that no one has a copy of the plan.

Q. Brathwaite questioned whether the issuance of a Building Permit indicated an approved subdivision.

R. Bartl questioned use/interpretation of MGL Ch.41 S.81FF which was designed for lots in the approval process or "transition" at the time the subdivision control law was passed into law.

William Smorzewski of 3 Durkee Road informed the board of the problems already experienced due to the duplication of name - Durkee Road and Durkee Lane. He stated that the Post Office and Police Dept. have mixed up Durkee Rd. with Durkee Lane and expressed concern that the Fire Dept. may be confused in the event of fire or another emergency if the duplicate names were allowed to continue in usage. D. Hill asked how this pertained to the hearing. W. Smorzewski replied that additional development of Durkee Lane would intensify the problems now experienced by the people of Durkee Rd.

Judy Wolff of 6 Durkee Rd. supported her neighbor's statements and added that she has received deliveries intended for a Durkee Lane address. Q. Brathwaite stated that he understood their concerns and they were noted in the record of the public hearing.

Atty. Scheier asked Chairman Brathwaite if the Planning Board would require the road be built to current subdivision standards. Q. Brathwaite replied that the board would discuss this issue at its workshop meeting on August 21st at which time they hoped to have a reply from Town Counsel on the issue of the petition.

G. Niemyski moved to close the hearing. Motion to close was 2nd by M. Giorgio and carried unanimously.

III. The board then discussed the acceptance of the proposed name change from Technology Dr. to Post Office Square. James Lee stated that it would be appropriate to name a road after something the public would relate the name to. M. Giorgio questioned whether the additional mail boxes and stamp machines conditioned in the site plan special permit have been installed. Daniel Danke replied that several have been placed in various locations throughout the town.

James Lee moved to accept the name change. Motion was seconded by G. Niemyski and carried unanimously.

IV. Appointment cancelled.

V. The planning board reviewed the minutes included in their packets. After review, the board unanimously voted to accept the minutes as amended for the meetings of June 12, 1989, June 19, 1989, June 26, 1989, and July 20, 1989.

VI. The board then discussed the assignment of board members to specific plans. G. Niemyski questioned the reason behind this request and asked if this would replace review by the Planning Department. Both T. Smith and R. Bartl replied that this was not intended to replace the review by the Planning Department but rather to increase the board's familiarity with a proposed development. J. Lee stated that he likes the present system of receiving packets from the Planning Department & didn't see the need for a change. M. Giorgio stated that individual assignment works well & referred to the Meadowview development where two members were assigned to review the application with the staff and attend site visits. R. Bartl stated that it establishes a contact on the Planning Board for other town boards and makes for a more even distribution of work - relieving some of the burden of the Planning Board chairman. M. Giorgio added that the assignment is not for each specific agenda item, but rather each proposed major development. J. Lee stated that he thought the assignment process would replace the packets and he wants both processes to happen. Q. Brathwaite called for a vote to accept assignment of board members to specific proposed major developments. The voted carried with four members in favor and one member not voting.

T. Smith stated that the board needs to assign a member for Kennedy Estates. After discussion, M. Giorgio said she would accept the assignment of Kennedy Estates and arranged to set up a site visit for August 15th.

G. Niemyski moved that the Planning Dept. send a letter to the Police and Fire Depts. informing them of the concerns raised by the Durkee Road residents during the Durkee Lane Public Hearing this evening. Motion was seconded by D. Hill & carried unanimously.

G. Niemyski questioned the board's intentions regarding the developers letter concerning the completion of Northbriar Rd. After discussion, it was decided that T. Smith will ask Engineering Administrator, David Abbt to conduct a site inspection and determine if the work has been completed. T. Smith will ask the developer for a Bound Certification.

R. Bartl discussed the questions raised by Atty. Scheier during the public hearing on Durkee Lane and informed the board that he is awaiting Town Counsel's opinion. G. Niemyski asked if the Planning Dept. could inform the board as to the number of other ways similarly in existence that may be impacted by a decision on the Durkee Lane petition and how many parcels are adjacent to the Durkee Lane location that could be further developed. R. Bartl informed the board of the subdivision regulation prohibiting the connection by road to another Town. R. Bartl also asked the board to consider the point that if the road is adequate without complying with existing standards for Lazaro Paving and their substantial machines & equipment, what basis could the board use for denying further development at some point in the future. M. Giorgio stated that if M. Scheier is correct, she'd rather let them do it without improving the way so the board can deny any future development due to inadequate access. J. Lee stated that if M. Scheier is correct, the board should approve it as a private way with advice from Town Counsel on how it can be approved without allowing further development.

M. Giorgio moved to adjourn the meeting at 9:15 PM. Motion was seconded by D. Hill, carried unanimously.

Approved by the Planning Board

Mary J. Giorgio 10/2/89

Mary Giorgio, Clerk Date