



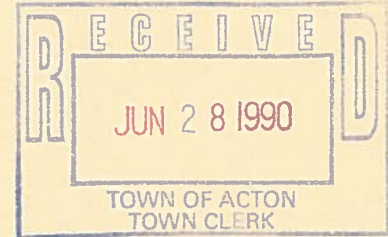
# PLANNING BOARD • Town of Acton

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

ACTON PLANNING BOARD

Minutes of Meeting

February 26, 1990



Planning Board Members in Attendance: Chairman Mary Giorgio, Vice Chairman Greg Niemyski, David Hill, Douglas Carnahan and Quinton Brathwaite.

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

## I. Public Hearing - Proposed Zoning Amendments

Vice Chairman Greg Niemyski, acting as chair for the Public Hearing, opened the hearing at 7:35 PM by reading the legal notice as published in the Beacon. Mr. Niemyski then introduced himself and the other members of the Planning Council who were in attendance at the public hearing - Planning Council Chairman Anne Fanton, Robin Talkowski, Pam Resor, Armand Dufresne and Walter Pizzano and the Town's Master Plan consultants from IEP - Rick Taintor, Bob Weitz and Mike Beck.

Greg Niemyski explained that each Article would be covered individually, beginning with a brief summary given by the Board and followed by a 20 minute period for questions and answers. Any questions not covered in the original twenty minutes allowed for discussion of the article, would be answered on a time allowed basis after all of the articles had been discussed. Greg went on to announce that the maps showing the proposed zoning amendments and the text of the proposed zoning amendments are posted in the hearing room for the public to view. In addition, there are copies of the proposed zoning amendments available for a minimal fee (to cover photocopy expenses).

### Article I

Article 1 creates four new residential zoning districts; Residence A (R-A) for the existing apartment and condominium developments currently zoned General Business; Residence 10 (R-10) creating 100,000 sq.ft. lots; and Residence 10/8 (R-10/8) & Residence 8/4 (R-8/4) allowing for higher density if developed using Open Space Development (cluster) provision in the Zoning Bylaw.

Edie Hill asked if any new areas are being zoned RA? Greg responded that only existing buildings zoned GB and used as multifamily residences are proposed for re-zoning to RA, no vacant land.

Mrs. Miriam Wallie, land-owner in N.Acton & resident of Cambridge, stated that their land in North Acton is assessed at \$1.4M and carries an annual tax bill of \$14,000. She and her husband are opposed to the proposed re-zoning to R-10/8 because 2.5 acre residential zoning is not characteristic of the existing neighborhood. Mrs. Wallie requested that their land be re-zoned to North Acton Village zone.

Quint Brathwaite stated that the Wallie's land is currently used as open space and therefore not inconsistent with proposed zoning.

Edie Hill requested that her property at 528 Great Road be left as business zoned land because her only access to the property is through a business parking lot.

Bruce Stamski said that he noted a lot of the currently zoned R-2 land is proposed to be re-zoned to R-8/4 and questioned why the Board/Council didn't consider going to a 40,000/20,000 sq.ft. zone instead of R-8/4. Town Planner Roland Bartl replied that those parcels were identified as critical to maintenance of character and open space in Acton during the public meeting processes of the Master Plan.

Bruce Stamski questioned if there would be any undeveloped land zoned R-2 remaining after these changes take place.

## ARTICLE 2 -

Proposed zoning amendment creates three new zoning district classifications under the heading "Industrial District"; Light Industrial 1 (LI1), Industrial Park (IP) and Small Manufacturing (SM).

Atty. Charles Kadison stated that he didn't realize prior to the meeting that the Board intended to impose a time limit on each article. He feels this is unwise because there is some confusion about the proposed changes and time should be taken to answer all questions. Atty. Kadison went on to state that we are not dealing with the Master Plan this evening, we are hearing about proposed zoning amendments.

Jean Panetta of 5 Willow Street in Acton stated that she is opposed to the re-zoning of her property because it has been in business use since before zoning. Greg Niemyski replied that zoning changes did not affect existing uses because the state law provides "grandfather" protection for uses in existence at the time of a bylaw change. Those uses would only be impacted if they wanted to change the use or expand the use which would require a Special Permit from the ZBA.

Edie Hill announced that people in attendance should realize there are two versions of the proposed zoning amendments text, February 8 and February 14. Residents should be using the February 14th version.

Bruce Stamski asked if pre-existing non-conforming uses require a special permit or a variance if they wanted to expand or change the use.



Quint Brathwaite replied that a Special Permit is required in accordance with Chapter 40A of the General Laws.

Don Foster of Foster Masonry stated that he disagrees with the Town's proposals to remove uses for which the property was originally purchased. Mr. Foster reported that the proposed changes reduced his FAR from 35% to 4%. He also stated that proper development of the remaining industrial land could produce tax revenues which would provide for implementation of the Master Plan. Greg Niemyski explained that the rationale for the proposed re-zoning in that area was based on the fact that large areas of undeveloped industrially zoned land have only one access/egress. Full development of the land as presently zoned would produce severe traffic problems.

Jean Panetta of Willow Street asked why present businesses couldn't be left alone. It was explained that present businesses and present uses will be allowed to continue as they have been.

Larry Petro of Airco stated that the proposed zoning changes give the business community the message that tax revenues from businesses are not needed by the Town. He urged the Board and Planning Council to consider the benefits derived from revenues prior to re-zoning.

### ARTICLE 3

Greg Niemyski explained that this article proposes the creation of two new zoning district classifications; Office Park-1 (OP-1) and Office Park-2 (OP-2) to reflect the current uses and to allow for further growth.

Bruce Stamski questioned if there is a change in the permitted uses of the land proposed to be re-zoned into Office Park. Town Planner Roland Bartl replied that since some of the land is presently zoned General Industrial, there are some uses which will not be allowed in the new zoning district.

Charles Kadison asked what the difference in property values will be for this zoning change and stated that the information should be available prior to vote. Greg Niemyski replied that careful consideration has been given to striking a balance within the proposed zoning changes.

Kathy Tatum of the Chamber of Commerce stated that she respectfully disagrees and believes that no consideration has been given to the change in property values and tax revenues. Doug Carnahan replied that while some uses may change, there is an expansion of office use in the area between Piper Road and the Concord Auto Auction which is where the high traffic generating office use can be accommodated due to Route 2, which should balance the change.

Marguerite Ecker of Nagog Woods asked for a point of clarification. Mrs. Ecker questioned that the hearing was indeed a public hearing for discussion of proposed zoning amendments which would be followed by the

inclusion of the proposed amendments as warrant articles and brought before Annual Town Meeting for consideration. Greg Niemyski responded that her statements were correct and that the Planning Board will be voting on which articles they will recommend for inclusion in the Town Meeting Warrant. Greg also stated that the financial analysis will be completed in the coming weeks for presentation at Town Meeting.

Kevin Sweeney stated that even if there is a negligible change, after reading the articles in the Beacon, it appears there is an urgent need for new revenues. Mr. Sweeney recommend that the Board postpone re-zoning until after the business plan is completed, thereby allowing for full consideration of proposed re-zoning impacts.

Anne Fanton, Planning Council Chairman, stated that the purpose of tonight's meeting is to conduct a public hearing on the proposed amendments to the Zoning Bylaw. Although this meeting is not intended to be a Master Plan informational meeting, Anne read the build-out figures for existing zoning and proposed zoning.

#### ARTICLE 4

Greg Niemyski advised that because the three sections of Article 4 are all inter-related, he would consider them as three parts of a whole for discussion purposes.

Article 4-1 proposes the creation of a new business zoning district, Limited Business (LB), for most parcels along Great Road which are not in residential use & are primarily zoned for General Business (GB). The proposed LB District would act as the sending District for the Transferable Development Rights provision proposed in Article 4-3. Article 4-1 also proposes landscaping standards and revised parking standards.

Article 4-2 proposes the creation of two new Village Districts. The North Acton Village District (NAV) is proposed for the area at Main Street and Harris Street in North Acton. The East Acton Village District (EAV) is proposed for the parcels near the intersection of Great Road and Pope Road. The proposed Village Districts will act as Receiving Districts in the Transferable Development Rights proposed in Article 4-3.

Article 4-3 proposes the establishment of Transferable Development Rights to encourage compact development in village districts and discourage further commercial sprawl along Great Road. The bylaw amendment proposes that providing the mechanism for transfer of development rights from a sending district to a receiving district will accomplish the proposed shift in the pattern of future development in an equitable manner.

Edie Hill questioned the logic behind the East Acton Village proposal stating that the size of Route 2A does not lend itself to the concept of



a village environment. Greg Niemyski replied that the establishment of a village is not instantaneous, but requires an extended period of time. The Planning Council is proposing the zoning changes now to provide for the gradual development of additional villages.

Bruce Stamski questioned whether it is possible to reach the 0.30 FAR allowed in the village districts due to physical constraints and parking requirements.

David Hirsch of Quarry Road stated that two major goals of the Master Plan are control of congestion and traffic. He believes that the proposed North Acton Village is contrary to the goals of the Master Plan.

Bruce Stamski asked why the Planning Council didn't propose the creation of villages in areas where people already go such as around the Gould's Plaza, etc. Quint Brathwaite replied that the areas proposed for re-zoning to village districts are largely undeveloped. Also, the creation of the villages is intended to reduce traffic along Route 2A. Quint also stated that there are large housing developments near both of the proposed village districts and he believes that people will walk rather than use cars.

Peter Shanahan of Nonset Path stated that he lives in North Acton and feels very isolated. His isolation was brought into focus this past summer when he hosted a foreign exchange student who had difficulty with the need for reliance on automobiles for transportation. Peter Shanahan went on to state that he applauds the efforts to bring villages into Town where pedestrian and bicycle traffic will be safe.

Kirk Ware reported that his analysis of the proposed office use parking requirements would bring the FAR down from the present 0.20 to an actual FAR of 0.075 rather than the 0.10 proposed in the amendment and asked that the Council examine this more closely.

Rick Taintor of I.E.P., Inc. replied that the calculations were done with office use in mind because of the high number of parking spaces required for office use and suggested that perhaps Kirk didn't factor in the 20% loosening of parking requirements for office space.

Kirk Ware asked what happens to those projects that are "in process" if the proposed zoning amendments are voted in. Roland Bartl replied that the question would be considered by the Planning Council at their next meeting.

## **ARTICLE 5**

Greg Niemyski explained that Article 5 proposes the establishment of a Planned Unit Development (PUD) option for parcels of land larger than 15 acres. The PUD would require a special permit and would allow mixed uses including residential while requiring mandatory open space.

There were no comments from the public.

## ARTICLE 6

Article 6 proposes the creation of a new business zoning district entitled "Kelley's Corner" to encompass the parcels in the area known as Kelley's Corner. No use or dimensional changes are proposed at this time. Town officials and property owners will begin working together in the future to deal with the problems that are unique to this area of Town.

Charles Kadison stated that he believes it is a good idea to re-zone the areas in Town that have special uses and problems unique to their location.

Eddie Hill suggested that this approach be implemented from the top, the Board of Selectmen, down to the individuals to encourage a cooperative effort in planning the Town's future development.

## ARTICLE 7

Article 7 proposes amendments to the current provision in the bylaw which regulate the use of signs.

Bruce Stamski asked how the proposed changes differ from the existing requirements. Greg Niemyski replied that the Planning Council evaluated recent sign permits issued by the Board of Selectmen and proposed changes that would allow many signs routinely authorized by special permit to be allowed as a matter of right.

Charles Kadison asked if there were any substantive and/or dimensional changes. Roland Bartl replied that the proposed changes establish two different sets of standards; one standard for smaller signs allowed by right and a second standard for signs requiring special permits. Roland went on to state that there were some changes in dimensional allowances.

Charlie Kadison suggested that the Council or Board take an existing business center/development and apply the new standards to them to see how they differ. Eddie Hill suggested they be applied as a test case to her property at 60 Great Road.

## ARTICLE 8

Greg explained that Article 8 proposes that use variances, which are presently allowed by the Zoning Bylaw, no longer be allowed. The citizens groups participating in the development of the Master Plan indicated a concern about this process.

Attorney Kadison spoke in favor of the continuance of use variances because, in his opinion, it provides greater flexibility. He went on to state that by deleting the use variance option, the Council is stating that they don't trust the ZBA.



Anne Fanton, Council Chairman, replied that the Planning Council feels the development of a Land Use Plan relies on specific uses permitted in specific districts by the Zoning Bylaw and, therefore, the provision to allow a use variance should be eliminated from the Zoning Bylaw.

Questions and Concerns addressed in the time period following discussion of the Articles included:

Kathy Tatum of the Chamber of Commerce stated that there are 18000 people in Acton and only a small minority of those people were represented in the Master Plan process. Kathy went on to state that the business community was not invited into the process.

Rolf Wetzell, President of the Nagog Woods, expressed concern about the re-zoning of Nagog Woods to Residence A (RA) because some of the uses within Nagog Woods are not defined as residential uses.

Anne Fanton reviewed the existing zoning build-out and proposed zoning build-out traffic volumes for the hearing. Anne reported that existing build-out would result in an additional 135,950 ADWT, while Master Plan build-out would result in an additional 110,000 ADWT. Charles Kadison questioned whether the analysis was done of town-generated traffic vs. flow-through traffic. Anne Fanton explained that the survey also included weekend traffic which provided information on the number of cars drawn to Acton for shopping, etc. as well as the commuter traffic on weekdays. Rosemary Sullivan stated that Acton's traffic is definitely commuter traffic, not shopping traffic.

Kevin Sweeney questioned the logic behind the elimination of vacant R-2 zoned land and asked whether this was eliminating the remaining "affordable" lots for new construction of moderate housing stock.

Eddie Hill stated that she did participate in an early Master Plan Meeting workshop with Rick Taintor as group facilitator and she heard things differently from the record. She went on to state that the Planning Council, and residents participating in the meetings, were biased and heard what they wanted to hear.

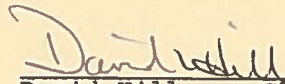
Mary Giorgio stated that she is disconcerted by the lack of substantive comments during the hearing tonight. She went on to state that the only substantive comments she heard were on the fiscal justification of the proposed re-zoning, what happens to projects in progress, and suggestions for alternative re-zoning to a couple of specific parcels.

Robin Talkowski stated that the Planning Council has worked toward the development of a balanced plan. Robin stated that we should acknowledge our biases and get beyond them to a balance plan, which she feels has been accomplished by the Planning Council.

David Hill moved to adjourn the hearing at 10:00 PM, motion was seconded by Mary Giorgio and carried unanimously.

The Planning Board meeting adjourned at 10:10 PM.

Respectfully submitted,

  
\_\_\_\_\_  
David Hill, Clerk