



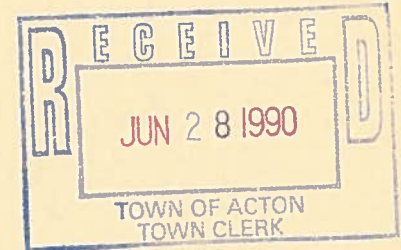
# PLANNING BOARD • Town of Acton

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

ACTON PLANNING BOARD

Minutes of Meeting

March 26, 1990



Planning Board members in attendance were Chairman Mary Giorgio, Greg Niemyski, David Hill and Quinton Brathwaite.

Planning Staff in attendance were: Assistant Town Planner Timothy Smith, Planning Board Secretary Donna Jacobs

Chairman Mary Giorgio called the meeting to order at 8:00 PM when a quorum was attained.

## II. Public Hearing - Hammerhead Lot Special Permit; 266 High Street

Chairman Mary Giorgio opened the hearing by waiving the reading of the Public Notice and turning the floor over to the applicant, Michael Case for his presentation to the Board.

Michael Case informed the Board that he presently lives in the house adjacent to the proposed hammerhead lot and would like to sell the existing house and build a new home for his family, including an in-law apartment, on the proposed hammerhead lot.

David Hill asked if the applicant has seen the staff review comments. Michael Case replied that he had reviewed the comments with Tim Smith. David asked what the applicant's thoughts were on the concerns around sight distance and safety. Michael Case indicated that the entrance to the driveway could be regraded as needed to increase the safety.

Michael Case informed the Board that he has spoken to Dean Charter about the potential need for tree removal and work on the stone wall. Dean Charter and Michael Case discussed the fact that High Street is a scenic road which may require a public hearing under the scenic road bylaw provision. Dean Charter will look at the site and advise Michael Case of his decision.

Chairman Mary Giorgio asked if there were any comments from the public and hearing none, closed the public hearing at 8:13 PM.

I. Lisa Lane - Street Acceptance Recommendation

Mary Giorgio informed the Board she was present at the Selectmen's meeting last week when this item appeared on their agenda. The Selectmen voted to recommend Lisa Lane be accepted as a public way at the Annual Town Meeting and asked that the Planning Board reconsider their vote against recommending the acceptance of the road. Mary Giorgio said that she was informed by the Selectmen that Lisa Lane is not a 21E site. Doug Halley spoke to Tim Smith to clarify this issue and said that Lisa Lane is on the 21E list for investigation, but not on the list for designated sites.

Mary Giorgio reported that she has learned that the Town of Northboro had a costly experience in a similar situation when they accepted a road with 21E issues as a town way and subsequently ended up participating in the clean-up costs in excess of \$400,000.

Greg Niemyski moved that the Board ask the developer to conduct a thorough site investigation for 21E designation prior to consideration of recommendation for road acceptance at Town Meeting. Quint Brathwaite seconded the motion which carried by unanimous vote.

III. Public Hearing Continuation - Hammerhead Lot Special Permit, Oakwood Rd.

Mary Giorgio reconvened the public hearing by announcing that the Board would begin by first accepting comments and questions from the audience.

Leo O'Halloran of 15 Oakwood Rd. stated that his land slopes back into the area and he is concerned about adding another septic system to an area that already drains two existing septic systems. He also indicated his concerns about the four foot strip of land along the boundary line because it is practically inaccessible by the lot owner and may become an area for mischief. Mr. O'Halloran stated that he doesn't believe the proposed lot configuration is in harmony with or meets the intent of the bylaw, but is being utilized merely to meet the minimum lot requirements and is therefore detrimental to the neighborhood.

Gunther Imke of 17 Oakwood Rd stated that he came from the dense development of a city to the privacy afforded his property in Acton. If the Board allows the proposed hammerhead lot his privacy will be impaired.

John Folsom of Piper Road stated that allowing a 4 foot barrier across a stream that flows nine months of the year is not the intent of the bylaw.

David Hill informed the audience that the 4 foot strip of land shown on the plan does not represent any change in topography, but is merely a lot line shown on a plan. David Hill went on to state that the Board doesn't look kindly upon plans with lot line that create

unusable portions of the lot, but that such lots have been approved in the past.

David Hill went on to state that once a hammerhead lot is approved, the approval contains a condition which prohibits further subdivision of the land in the future. David added that in this case the developer could have applied for a subdivision of the land and thereby create at least 2 to 3 lots rather than the single lot proposed in the hammerhead lot special permit application.

Mr. Imke of 17 Oakwood questioned the Board about the fact that an early percolation test failed. Chairman Giorgio allowed Ernie DeVincent to address this concern after stating that any questions about the septic system should be addressed to the Board of Health. Ernie DeVincent acknowledged that an early perc test failed, but reported that he has since received a permit from the Board of Health for this lot after testing in another location on the lot. Ernie DeVincent also informed the Board that Conservation Administrator Tom Tidman has advised that the wetland portions of the site do not need to be staked. Tom Tidman has approved the plan subject to the installation of staked haybales prior to the start of excavation.

Quint Brathwaite stated that the 4' strip of land going to the other lot is just a surveyor's statement assuring that he measured the land. Quint stated that there will probably be no change in this land area other than the placement of monuments for lot line markings.

Leo O'Halloran stated again that he felt it would be detrimental to the neighborhood to allow the Hammerhead Lot Special Permit. Mary Giorgio re-stated his concerns as 1) some future landowner will use the 4' strip in a manner detrimental to the neighborhood; 2) driveway will be going through the existing house's side yard; 3) septic location; and 4) drainage.

Paul Gagnon of 11 Oakwood Drive is concerned about the driveway width and exact location because the driveway is going to be constructed next to his house.

John Folsom asked what the minimum side yard requirement is in the R-2 District stating that there is only 23 feet between the existing house and the Right of Way. David Hill responded that the side yard requirement is 10' in the R-2 District.

Leo O'Halloran asked how the utilities would be provided to the site. Ernie DeVincent responded that the house will be heated by oil and the oil tank will be located in the basement of the house; town water will be supplied to the house in accordance with Acton Water District requirements and electricity will be brought to the house by overhead wires supported by poles.

Chairman Mary Giorgio closed the hearing, after unanimous vote to close, at 9:00 PM with the stipulation that the Board would accept comments in writing on or before April 2, 1990.

IV. Haley Lane Subdivision Plan Endorsement

Tim Smith explained that the subdivider sought approval for only one lot from the MBTA and that the MBTA has approved only one lot. Because of this, the subdivider is asking the Board to accept a covenant to be recorded at the Registry/Land Court stating that MBTA approval is necessary prior to the development of Lot #6.

Tim Smith also pointed out the need for a red line change on sheet 3 of 4 to correct a drafting error in the typical catch basin detail. The Neenah gas trap is drawn incorrectly. Tim explained that the red line change could be accomplished by adding a note to the plan indicating the correction shall be done and approved by the Engineering Department no later than the pre-construction conference or the subdivider could have the catchbasin detail redrawn prior to recording the plan.


The Board voted unanimously the following: to accept the proposed covenant stipulating MBTA approval for Lot 6 prior to construction of said lot; require that either a note be added to the plan or that the catchbasin detail be redrawn prior to recording the plan; and to sign the subdivision plan.

V. Foster Masonry

Greg Niemyski moved that the Board enter into Executive Session for the purpose of discussing the pending litigation with Foster Masonry and reconvene in open session following the executive session discussion. Greg's motion was seconded by Quint Brathwaite and a unanimous roll call vote was recorded.

No further business was discussed after reconvening in open session. The Board voted to adjourn at 9:40 PM.

Respectfully submitted,

  
David Hill Clerk

DH/dmj