



PLANNING BOARD • Town of Acton

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ACTON PLANNING BOARD

Minutes of Meeting

September 24, 1990



Planning Board members in attendance: Chairman Mary Giorgio, Greg Niemyski, David Hill, Jim Lee, Quint Brathwaite and Trey Shupert

Planning staff in attendance: Assistant Planner Donna Jacobs

The meeting was called to order at 7:30 PM by Chairman Mary Giorgio.

I. GENERAL BUSINESS

Minutes - Greg Niemyski moved that the Board approve the minutes of the September 17, 1990 Planning Board meeting as written. The motion was seconded by David Hill and unanimously approved.

Retail sales uses in the Small Manufacturing District - Greg Niemyski stated that he would like retail sales in the Small Manufacturing District prohibited, rather than modifying the language concerning Lumber Yards permitted in this zoning district. The Board discussed Greg's recommendation and the fact that the legal notice for the public hearing has already been submitted to the Beacon. Because of the timing, a separate public hearing would be required to allow this prohibition to appear as an Article on the Fall Town Meeting Warrant. Greg moved that the Board place an additional Article on the Warrant which would amend the Zoning Bylaw to prohibit retail sales in the Small Manufacturing District and hold a separate public hearing prior to Town Meeting. David Hill seconded the motion. The Board discussed the positioning of this Article on the Warrant and decided to ask the Selectmen to place the new Article before the previously drafted article so they could move "no action" on the second article if the first one passes. The Board voted unanimously in favor of the motion.

Haley Lane - The Board received the revised Homeowners Agreement which now includes the wording recommended by the Acton Water District. Quint Brathwaite moved that the Board vote to approve the red-line change for the re-configuration of the water supply to the subdivision with the provision that the Homeowners Agreement be recorded at the Registry of Deeds prior to issuance of any Building Permits and the Building Inspector be so notified. Jim Lee seconded the motion which was approved unanimously.

Authentic Homes' ANR - Donna Jacobs advised the Board that the legal documents dismissing the pending litigation are not complete, therefore Jim Fenton has agreed to extend the time for a decision on the ANR Plan until October 30th. Greg Niemyski moved that the Board vote to accept the extension of time. The motion was seconded by David Hill and was unanimously approved.

Proposed Zoning Bylaw Amendments - Greg Niemyski moved that the Board conduct a public hearing on October 15, 1990 on the proposed Zoning Bylaw amendments as shown in the Legal Notice to appear in the Beacon on September 27th and October 4th. David Hill seconded the motion which was unanimously approved.

II. STONEYMEADE: BOND REDUCTION REQUEST

Copies of the deed for the conveyance of the Common Land to the Town were distributed to Board members for their review. Mary Giorgio discussed having the Bond reduction contingent upon the approval of the drafted deed by Town Planner Roland Bartl and Town Counsel. Mark Gallagher stated that the deed presented this evening includes modifications made as a result of staff comments on an earlier draft. Mark Gallagher said that holding the partial release of bond monies causes payments to contractors to be withheld and asked how long it would take to have the deed reviewed. Donna Jacobs indicated that Roland could probably review the drafted deed by the end of the week. Mary Giorgio reported that she had visited the site and agreed with the Engineering Administrator's recommendation of the amount to be released. Greg Niemyski reported that he also had visited the site and concurred with Mary's recommendation that the Board follow the advice of the Engineering Department. Mark Gallagher stated that there is an item in the Bond Calculation for the installation of railings on the retaining wall. The Board reminded Mark that they had conducted a site visit and determined that the railings were necessary for pedestrian safety. Donna Jacobs said she would provide Mark Gallagher with documentation of the Board's decision on the railings. Mary Giorgio moved that the Board vote to authorize a bond reduction contingent upon approval of the deed by Town Planner & Town Counsel. David Hill seconded the motion which was unanimously approved.

Mark Gallagher advised the Board that Stoneymeade Way is in the final stages on completion and that he intends to ask the Town to accept the road at the 1991 Annual Town Meeting. Mark expressed his concern about the \$50,000. which is included in the bond for the installation of sidewalks along Pope Road. Mark reminded the Board that this sum has been set aside for three years and there has been no movement toward the installation of sidewalks. Board members replied that the Board had visited the site and determined the layout location. Jim Lee questioned whether the Board had a firm commitment on who's going to design the sidewalk. Quint Brathwaite stated that former Assistant Planner Tim Smith was to have drawn the plans in accordance with the Planning Board/Conservation Commission's joint site visit. Quint said that work could begin as soon as the plans were drawn.

Mark Gallagher stated that the sidewalk construction is subject to both D.E.P. and Conservation Commission regulations and in addition, a street tree hearing would be required. Mark Gallagher reminded the Board that he had previously offered to provide the sum for playground improvements, soccer fields or some other type of improvement in place of the sidewalk. David Hill recommended that the Board appoint one member to oversee this issue and suggested the Trey Shupert may want to act as overseer to help acquaint himself with the rules and regulations. Trey agreed to oversee this issue for the Board.

III. HAMMERHEAD LOT SPECIAL PERMIT, Lot 5 Ayer Road

Mary Giorgio opened the public hearing on L&S Builder's application for a Hammerhead Lot Special Permit for Lot 5 Ayer Rd. by reading the Notice of Public Hearing which appeared in the Beacon.

Susan Carter of David E. Ross Assoc. and Kevin Sweeney of L&S Builders presented the plans to the Board. Susan Carter gave a brief development history of the parcel which included a Definitive Subdivision known as Cook Estates, a Comprehensive Permit (no longer valid) and a previous Hammerhead Lot Special Permit.

Mary Giorgio referred to the staff comments on the application for Hammerhead Lot Special Permit which were received by the Board, in particular the comments and recommendations received from the Engineering and Planning Departments. Mary asked Kevin Sweeney if he would agree to the Engineering Department's recommendation that he pave the shared portion of the driveway and draw up a driveway maintenance agreement to be recorded at the Registry of Deeds for the two lots sharing the driveway. Kevin stated that he would have no problem if the Board required driveway paving and a driveway maintenance agreement as part of its Special Permit.

Greg Niemyski moved that the Board vote to grant a Hammerhead Lot Special Permit for Lot 5 Ayer Road as recommended by the Planning Dept. staff. The motion was seconded by Jim Lee and was unanimously approved.

IV. KENNEDY ESTATES SUBDIVISION

David Hill moved to have the Board enter into Executive Session for the purpose of discussing pending litigation on the Kennedy Estates Subdivision and to reconvene in Open Session at the conclusion of the Executive Session. His motion was seconded by Quint Brathwaite was approved by unanimous roll call vote

At the conclusion of the Executive Session, the Board reconvened in Open Session. Quint Brathwaite moved that the Board modify its decision on Kennedy Estates to require the projection of the subdivision roadway as set forth in the Subdivision Rules and Regulations. This modification would be in lieu of the present condition which requires a paved walkway to serve as a

pedestrian & bicycle access. Trey Shupert seconded the motion which passed by unanimous vote.

V. PUD RULES AND REGULATIONS

After reviewing the revised draft of the PUD Rules & Regulations, Quint Brathwaite moved that the Board adopt the PUD Rules and Regulations as written. Jim Lee seconded the motion which was unanimously approved.

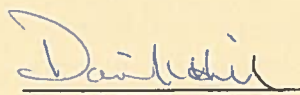
VI. AFFORDABLE HOUSING OVERLAY DISTRICT

The Board reviewed in further detail the proposed Affordable Housing Overlay District in preparation for the upcoming public hearing. Board members discussed the possibility of amending the drafted language to include a traffic study and proposed traffic mitigation measures when the development proposal reaches a certain level of impact on the transportation infrastructure. Mary Giorgio stated that she believes traffic could be a problem no matter where the development was located. It was suggested that either the Bylaw or its subsequent Rules & Regulations should include a requirement for such a traffic study, written similar to the PUD Rules & Regs. Section 3.10 but consistent with the Subdivision Rules & Regs' limit of 400 ADT's. David Hill suggested that if the development includes a density bonus of 10% or more or if the development is located in District B, then a traffic study should be required. Trey Shupert said that the Town should put some teeth into this requirement and questioned who would get to choose the consultant. Donna Jacobs advised that the Planning Board would select the consultant if the regulations follow the newly adopted "Additional Review Fee Deposit" sections of the Board's various existing Rules & Regulations.

Other Business

The Board discussed the upcoming public hearing for the Historic District Study Committee's proposed Bylaw and local districts. It was agreed that Quint Brathwaite would attend the public hearing as the Planning Board's representative.

The meeting adjourned at 9:45 PM.


David Hill, Clerk