



PLANNING BOARD • Town of Acton

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DATE December 30, 1990

Barbara Bawson
for TOWN CLERK, ACTON

ACTON PLANNING BOARD

Minutes of Meeting

November 19, 1990

Planning Board members in attendance: Chairman Mary Giorgio, V. Chairman Greg Niemyski, David Hill, Doug Carnahan, Jim Lee and Quint Brathwaite. Planning Board members not present: Trey Shupert. Planning Staff in attendance: Town Planner Roland Bartl, Assistant Planner Donna Jacobs

Vice Chairman Greg Niemyski called the meeting to order at 7:30 PM and announced that Chairman Mary Giorgio would be joining the Board in approximately 15 minutes.

I. GENERAL BUSINESS

Minutes

Doug Carnahan moved that the Board vote to approve the minutes of the October 29, 1990 Planning Board meeting as written. The motion was seconded by David Hill and carried by unanimous vote.

Authentic Homes ANR

Assistant Planner Donna Jacobs reported that all litigation concerning this property has been resolved and agreements for judgements have been filed with the court. David Hill moved that the Board vote to endorse the ANR plan filed by Authentic Homes dated July 1990. The motion was seconded by Greg Niemyski and passed by unanimous vote. Board members then signed the Form A and its accompanying ANR plan.

Other Business

Attendance - Chairman Mary Giorgio inquired about Board members availability for the 12/3/90 Planning Board meeting due to the need for a six member vote on the Quick Lube petition. Mary asked Board members to contact the Planning Department or herself if they are unable to attend a scheduled meeting.

Stoneymeade - Pope Rd. sidewalk - Assistant Planner Donna Jacobs reported that Concord Cooperative Bank was the successful bidder at the foreclosure auction today. Town Planner Roland Bartl has spoken with Steve Calichman, representative of the bank, regarding the work remaining to be done on multiple occasions. Roland reported that the Bank is aware of the

requirement for a sidewalk along Pope Road and will be working with the Town on this issue in the immediate future. Quint Brathwaite reported that he believed Town Engineering Assistant Dan Danke had drawn a preliminary plan of the sidewalk layout. Roland said that he would speak with David Abbt about any possible plans for the sidewalk.

II. KENNEDY ESTATES - Public Hearing

Chairman Mary Giorgio opened the public hearing at 7:45 PM by reading the legal notice as published in the Beacon. Mary then asked Town Planner Roland Bartl to briefly outline the history of the subdivision's approval. Board members discussed their belief that Plan Modification 2.2 should be amended to provide a right-of-way for a roadway rather than the pedestrian sidewalk presently required. Quint Brathwaite stated that the Board has identified the need for connections between developed areas of Town as a high priority. Greg Niemyski said that one of the reasons for the proposed amendment was the uncertain future use of the abutting residentially zoned parcels.

Mary opened discussion to members of the audience. Atty. Charles Orcutt, representing property owner Marjorie Kennedy, stated that the Board's decision is in litigation because his efforts to resolve two issues raised by the decision did not meet with success during the 20 day appeal period. Attorney Orcutt informed the Board that, prior to any knowledge of the Board's proposed amendment to the decision, he had spoken with Town Counsel and agreed to extend the pre-trial hearing date until 1/22/91 to allow time for resolution of the issues.

Attorney Orcutt asked the Board to identify the location where they were proposing to extend the road. Mary Giorgio provided him with a copy of a memo dated 11/13/90 which describes the proposed location of the roadway right-of-way. Mr. Orcutt stated that he would consult with Bruce Stamski of Stamski & McNary to determine the feasibility of this request.

Attorney Orcutt offered a couple of alternatives for the Board's consideration. The first alternative would be that the Board accept a monetary contribution towards construction of an equal length of sidewalk elsewhere in town, ideally in a location where two existing sidewalks could be connected. The second alternative would be to move the pedestrian right-of-way to the drainage easement which leads from the cul-de-sac to the land owned by Franklin Charter. Attorney Orcutt said that he offers these two alternatives as a compromise and settlement.

Chairman Mary Giorgio asked about the sidewalk along the Arlington St. frontage which was also an issue in the court appeal. Mr. Orcutt stated that he would reply only with the Board's assurance that his response would not be used against his client in the appeal matter. The Board agreed to this stipulation. Attorney Orcutt then advised the Board that the sidewalk along Arlington Street would be constructed if and when the plan is signed by the Board.

George Charter asked if Board members had taken a look at the land. He advised the Board that he only abutted the Kennedy parcel for about 10' and that he has no intention to develop his land, merely to provide a couple of house lots for his daughter and grandchildren.

Barbara Smith asked the Board to confirm her understanding of the proposal. The Board confirmed that they are proposing to replace the sidewalk right-of-way with a roadway right-of-way.

Attorney Orcutt pointed out that he hasn't disputed the Board's right to impose a right-of-way this evening, but suggested that the modification could be in favor of one of Mr. Orcutt's offered alternatives.

Attorney Orcutt suggested that the hearing be continued to allow the Board time to consider his offer and allow him time to consult with Bruce Stamski.

Jim Lee moved that the Board vote to continue the public hearing until 12/3/91 at 8:30 PM. His motion was seconded by Greg Niemyski and passed by unanimous vote. Attorney Orcutt agreed with the continued date and time.

III. AUTUMN LANE

Chairman Mary Giorgio opened the discussion with Mr. Frank Manter by advising him that the Board has done all they can do with regard to the Autumn Lane subdivision.

Mr. Manter advised the Board that he believes the runoff flows over the existing berm and onto his property. He also stated that there are some open test holes that fill with runoff which he believes then discharges subsurface onto his property.

Mary Giorgio advised Mr. Manter that the Town Engineer has stated that the subdivision drainage system has actually improved the pre-existing drainage by decreasing the runoff from the site.

Jim Lee commented that the 9/18/89 memo from Engineering quoted a portion of the decision which required a berm before any building permit can be issued.

Quint Brathwaite told Mr. Manter that there is nothing more the Board can do. Greg Niemyski pointed out that, during the hearings on the subdivision approval, Mr. Manter stated that his yard was wet especially in the Spring and Winter. Greg advised Mr. Manter that nothing could be done until scientific data was provided to substantiate Mr. Manter's claim that he is experiencing increased runoff due to the subdivision.

Mr. Manter said that he is trying to get the berm, required by the Board in its decision, constructed to control runoff. David Hill informed Mr. Manter that the decision required construction of a berm, if the Engineering Department determined the existing berm to be inadequate, only when a

building permit application has been filed for the remaining lot.

Mary Giorgio informed Mr. Manter that the Engineering Department has provided information stating the following: 1) the drainage calculations submitted by the developer show that the subdivision will result in a reduction in runoff from the site; 2) the developer has constructed the subdivision in accordance with the subdivision plans and the Planning Board's decision; and 3) an October 22, 1990 site visit showed the street drainage system to be functioning as designed. Mary Giorgio stated that as far as the Planning Board is concerned there is no problem resulting from the development of the Autumn Lane subdivision and asked Mr. Manter to direct any remaining concerns he may have through another avenue.

IV. TOWN MEETING UPDATE

Mary Giorgio suggested that the Board prepare a statement of support for the Affordable Housing Bylaw and Historic District Bylaw. Members felt that individual statements of support would be preferable. Donna Jacobs read from the minutes of the 10/15/90 meeting which showed that the Board unanimously voted to recommend the adoption of these articles.

Roland Bartl suggested that Board members should be prepared to address Articles 8, 9 & 10 in the event they are removed from the Consent Agenda. It was agreed that Mary Giorgio would speak to Article 8, David Hill would handle Article 9 and Greg Niemyski would address Article 10. Roland review each of these articles with the Board and agreed to prepare a written summary of each article prior to Town Meeting.

V. SUBDIVISION RULES & REGS REVIEW - Part II

It was agreed to postpone this review until the 12/17/90 Planning Board meeting.

The meeting adjourned at 10:00 PM.

David Hill