



ACTON PLANNING BOARD

Minutes of Meeting February 15, 2011 Acton Memorial Library, Meeting Room

Planning Board members Mr. Ryan Bettez (Chairman), Mr. Jeff Clymer (Vice Chairman), Mr. Ray Yacouby (Clerk), Mr. Roland Bourdon, Ms. Margaret Woolley Busse, Ms. Kim Montella and Mr. Derrick Chin attended. Also present was Planning Director, Mr. Roland Bartl and Secretary Ms. Kim Gorman

The meeting was called to order at 7:35 PM.
Ms. Margaret Woolley Busse left the meeting approximately 9:30.

I. Citizens Concerns

Ms. Kilpatrick, 7 Prescott Street, and several neighbors of the proposed Beacon Court subdivision were present.

Ms. Kilpatrick stated she is upset with the close of the public hearing. She stated there are a lot of questions that still need answering. Ms. Kilpatrick stated she thinks several laws are being broken; there are over 70 homes for a one-entry street; peak of the road is very dangerous; the neighborhood is flooded due to beavers; road is narrow due to snow banks (no place to put the snow); why not use the cul-de-sac street instead of a Y shaped street; doesn't not seem to have enough frontage; parking spaces for new home owners and visitors will cause on street parking; and her many emails went unanswered; the barn is historical; and she wants to protect her land and leaching field. She explained that she does not understand the laws but would like to understand.

II. Consent Agenda

Consent Item A. Minutes of 12/21/2010 and 1/4/2011 were approved as amended.

Consent Item B. Extension Vote – The Residence at Quail Ridge, Mr. Clymer recused himself, the Mr. Yacouby moved to extend the special permit for 2 years until March 18, 2013, Mr. Bourdon 2nd, all in favor.

Consent C. Street Acceptance – Robbins Mill Estates, Mr. Yacouby moved to recommend street acceptance, Mr. Bourdon 2nd, all in favor.

III. Reports

CPC - Mr. Bourdon stated the committee is deliberating its recommendations for the Annual Town Meeting.

IV. Public Hearing – Proposed Zoning Changes

Mr. Bettez opened the public hearing at 7:49 PM.

Board members discussed and reviewed staff's memo regarding possible zoning changes that could be prepared for the 2011 Annual Town Meeting. Mr. Bartl explained.

Article ZA - Amend the definitions of Gross and Net Floor Area in Sections 1.3.7 and 1.3.8 (In 3 Parts)

Article ZB – Amend Section 7.4.1 regulating the visible sign materials in the village zoning districts.

Article ZB was withdrawn.

Article ZC - Adopt a new Groundwater Protection District Map and amend Zone 2 delineations.

Article ZD – Amend in Section 5, Table of Standard Dimensional Regulations, amend footnotes (11) and (13), which regulate with the maximum net floor areas and floor area ratios for residential and non-residential uses in the South and West Acton village districts.

Article ZA –

Part A - Mr. Bartl explained the Sections 1.3.7 and 1.3.8 explained the NFA (net floor area) and GFA (gross floor area) and how they compute to FAR (floor area ratio). He suggested not using the 80% NFA/GFA ratio as contained in an earlier draft or any other formula approach.

Mr. Bartl showed numbers compiled from plan information, calculations, or estimates that indicate a wide spread of the NFA/GFA ratio between different land use types, and that a fixed ratio could discourage good design.

Part B – Insert words in Section 7.4.1 to exempt window signs from the materials requirements for signs in village districts.

Part C – Delete words in Section 8.2.3.1 to allow the extension of all aspects of non-conforming two-family and multi-family uses (by right and by special permit respectively), not just the building itself, for instance the addition of a driveway and parking area.

Article ZC – Adopt a new Groundwater Protection District Map and amend Zone 2 delineations for the Acton Water District’s Kennedy/Marshall well field off Main Street in North Acton and the Assabet well field off High Street in South Acton, and amend related sections 2.2 and 4.3.2.2 of the zoning bylaw. Mr. Bartl noted that once adopted the new map will go live on the Town’s website/GIS system.

Zone 1 is the most restricted and watched, which will not be changing. Zone 2 has restrictions on handling, storing and discharge. Its definition is identical with DEP’s Zone 2 definition. The changes make the Zone 2 zoning delineations consistent with DEP’s Zone 2 delineations.

Ms. Michaela Moran and other members of the Historic District Commission (HDC) asked the Board not to close the public hearing to further discuss Article ZD. More members of the HDC would like to attend.

Mr. Clymer motioned to continue the proposed zoning changes public hearing to March 1, 2011 at 7:45pm in Room 204 at the Town Hall, Mr. Bourdon 2nd, all in favor.

V. 408 Mass. Avenue – TD Bank Sign Special Permit – Public Hearing

Mr. Bettez opened the public hearing at 8:20 PM. Representing the applicant, Mr. Matthew Hyatt of Beveridge & Diamond and Mr. Matthew Murphy, senior associate engineer of Bergmeyer Associates, Inc.

The original public hearing was scheduled on February 2, 2011 but due to a snowstorm the public hearing was continue. Staff had reviewed documentation and had many concerns regarding the special permit application. Prior to tonight’s public hearing, new documentation was received and Mr. Murphy distributed additional pictures for the Board at the meeting.

Mr. Murphy explained that the scope of the requested special permit is now limited to two proposed wall signs (“shields”) and one proposed freestanding sign, specifically:

- For one additional wall sign on the side of the “tower”, and for allowing larger display areas for the two wall signs. The wall signs would be internally illuminated.
- One freestanding sign with a larger display area. The freestanding sign would be externally illuminated from the top.

All as shown on the plans and application documents.

Board members questions and comments:

- Does not like the internal illumination of the shield sign on the wall.
- Why are there 2 shield signs? Does not see a need for 2nd shield sign on the side.
Applicant: That is TD Bank’s signature sign.

- The internal illumination is too garish.
- Place gooseneck lights or evenly spaced LED linear lighting placed over the shield signs.
- Only illuminate the “TD” letters within the signs.

Mr. Yacouby moved to close the public hearing, 2nd, all voted in favor.

Mr. Yacouby motioned to approve the signs as requested, however that the wall signs (shields) shall not be internally illuminated; instead to be illuminated from an external light source in compliance with the zoning bylaw.

Vote: Mr. Bettez, Mr. Clymer, Mr. Yacouby, Mr. Bourdon, Ms. Busse and Mr. Chin in favor.

Opposed: Ms. Montella.

Motion carried 6-1. The chairman directed staff to write and issue the decision accordingly.

VI. Discussion/Review – Zoning Map and Land Use Map

Ms. Busse discussed Acton 2020 items. Ms. Busse stated there are 3 upcoming meetings regarding the burning issues.

March 3 will be discussing about economic development.

March 9 will be discussing traffic and connectivity.

March 12 will be discussing about housing.

Ms. Busse stated experts will be invited to help respond to questions. Trying to get a sense of it all. Land use will be discussed. Would like to see more Board members there for the issues and zoning.

Ms. Busse stated the next round of posts will include links, goals and objectives, revisions and reorganize. The website will be reposting the link to get more feedback. It is good to view for guidelines.

VII. Draft Decision – Beacon Court Definitive Subdivision

Board members reviewed staff’s draft decision for approval with conditions.

Mr. Bettez explained to the audience that the public hearing was closed and there will be no open discussion. Board members had directed staff to draft a decision which now in front of the Board for a vote.

Board members had questions and observation on the plan modifications:

Section 3.2.6 – When will the plan changes have to be made? Mr. Bartl: 1 year to complete.

Section 3.2.7 – Private Way – The required private restriction becomes a private obligation to maintain the road, including the pervious pavement. The Town will not police maintenance of private streets.

Board members made changes and corrections to the decision:

- Section 3.2.7, add new paragraph, specifically calling out the maintenance and specialty of care required for pervious pavement.
- Section 3.2.9 correct sum to sump.
- Section 3.2.9 remove “between lots 2 and 3” and insert “north east”.
- Section 3.2.13 insert cross reference to 3.2.6 - required street trees/landscaping.
- Section 3.3.4 add “single family” before residential lots.

Mr. Yacouby moved to approve the amended decision, Mr. Bourdon 2nd, all in favor.

Meeting was adjourned at 10:25pm.