



ACTON PLANNING BOARD

Minutes of Meeting October 16, 2012 Town Hall – Faulkner Room 204

Planning Board members attending: Mr. Ryan Bettez (Chairman), Mr. Jeff Clymer (Vice Chair), Ms. Margaret Woolley Busse (Clerk), Mr. Ray Yacouby, Mr. Roland Bourdon, Ms. Kim Montella, Mr. Derrick Chin associate member Mr. Rob Bukowski. Also present: Planning Director Mr. Roland Bartl, Assistant Planner Ms. Kristen Domurad-Guichard, and Planning Board Secretary Ms. Kim Gorman.

Mr. Bettez called the meeting to order at 7:30 PM.

I. Citizens Concerns

None raised.

II. Appointment, Charles Abraham – Zoning for firewood processing

Mr. Charles Abraham and Mr. Jacob Abraham were present.

Mr. Bartl explained the issue was brought to the Planning Department's attention by a neighbor's complaint.

Mr. Abraham stated he processes and stores firewood in an industrial zoning district, which is prohibited (i.e. heating fuel sales, service and storage prohibited Town-wide).

Mr. Charles Abraham stated he came to the Board for guidance for a zoning change and to work with the Board on amending the bylaw. He suggested updating the bylaw to exempt the processing of firewood and to solar energy systems.

Mr. Jacob Abraham stated it is more of a noise complaint. The bylaw can be misunderstood and is very confusing. Mr. Abraham stated the EDC has written a letter of support.

Board members discussed and reviewed the matter: bylaw change should be further explored; support the amendment conceptually; Mr. Abraham should work with staff on obtaining information on what surrounding towns allow with respect to firewood processing, sales, service and storage.

Staff stated they will explore further and draft an article for a public hearing.

III. PH – 55 Great Road – McDonald's Sign Special Permit

Mr. Bettez opened the 55 Great Road McDonald's Sign Special Permit application public hearing.

Ms. Paula Wright, applicant and Mr. Richard Lopez were present. Ms. Wright explained she has filed her application to request permission to erect a replacement sign at this location. Ms. Wright explained in February 2012, the sign was destroyed by a drunk driver. The sign that was destroyed was part of the approved building site plan of the new restaurant in 2007. When McDonald's was being built, she received the approval to retain and reface the sign that was there previously for Burger King. The previous illuminated sign was 13' high and 7' wide. This enabled McDonald's to be seen from traffic coming both eastbound and westbound on Great Road. Ms. Wright stated there is currently a non-illuminated temporary sign and the current sign is only 5 feet high and is not visible by the east bound travelers. This has not only resulted in a loss of business but has become a safety issue for cars making a sudden stops into the entrance.

Ms. Wright stated she would like a 7' high sign to be placed on masonry base to match the building; the sign itself will be 3' wide by 3' high on top of the masonry base, and the sign will be located within the island in front of the building, parallel to the street. Ms Wright would like the sign to be internally illuminated.

Board members questions and comments:

Since the sign is to be 7' high, the road setback needs to be 7' from the State's right of way.

There is a slope on the island; possibly build up the island with a stone wall and start at a higher ground elevation.

For illumination: Use TD Bank on Massachusetts Avenue as guidance; good examples of external lighting.

The sign needs to have a wooden appearance or otherwise have an acceptable exterior appearance that the Planning Board can approve under a special permit. Again TD Bank sign was noted as a reference.

Engineering's comments raised an issue with site distance; Board suggests moving sign closer to building westward for customers exiting.

Members of the public had comments/questions regarding:

Mr. Daniel Wagner, Hosmer Street and owner/landlord of 54 Great Road, stated his tenant Kathy Cormier did not receive the notice of public hearing. Board members explained only property owners receive notices. Ms. Wagner alleged that the sign has been illegal since 2006, that it was never approved by the Building Commissioner. It has been left wide open. Town spends a lot of funds for village plans. The Dunkin Donuts sign (44 Great Road) is much smaller and McDonalds is too large.

Board members directed Ms. Wright to apply comments and suggestions and return to the next meeting with revised rendering and drawings.

Mr. Bettez moved to continue the proposed 55 Great Road McDonald's Sign Special Permit application public hearing to November 6, 2012 at 7:45pm in room 204 at the Town Hall, Mr. Clymer 2nd, all in favor.

IV. PH – Continuation of Central Street PCRC

Mr. Bettez opened the public hearing at 8:20 PM.

Mr. Drew Garvin, E.I.T. of R. Wilson & Associates, and Mr. Jim D'Agostine and Mr. Steve Marsh of Mt. Laurel Realty (aka Westchester Company) were present.

Board members discussed the revised information regarding the discrepancy of the property line, T turnaround, drainage and wetlands.

Mr. Garvin stated he has revised the plans and made improvements; has addressed staff comments. There are now two proposed house lots, down one. The disputed parcel x has been delineated and is proposed to be deeded to the Town in a confirmatory deed.

Board members had the following comments/questions regarding:

- Question regarding the alignment of the walking trail/foot path? Will it run along the shoulder of the driveway? A: it would run along the driveway shoulder for part of the distance.
- Try to push the retain wall back a little away from the cemetery boundary? A: Working with Cemetery Commission and have not filed with Conservation Commission.
- What is the length of the stone wall?
- Thoughts on snow removal/storage snow plan. A: Will check with Conservation Commission on this question.
- Who will maintain the common land? A: Mr. Marsh stated the Sudbury Valley Land Trustees want to own it or hold a CRC on it.

Members of the public had comments/questions regarding:

- Please review Jim Snyder-Grants letter of concerns from April 17 docushare.
- Worried about the preservation of the walking/path trails.
- Worried about the protection of the land.
- Does not believe the development is a great benefit for Acton.
- The cemetery lot lines remain an issue and do not correspond to the old record.
- The shed is being used by the cemetery; a tractor is being stored inside.
- The previous surveyor, Mr. Tuttle's calculations do not agree with new surveys.
- The old Tuttle plan was never filed with the Registry of Deeds. Mr. Marsh stated the most recent ANR was filed with the Registry of Deeds. Mr. Bartl explained that proposed disposition

of parcel x is a compromise that avoids going to Land Court. Parcel X, after deeded back to the Town as PCRC common land can be used as open space and for historic preservation purposes, for instance to preserve any possible graves that might be there, but it cannot be further developed.

Punch list for applicant to work on for hearing continuation:

- Formalize the deed for public to use the walking trails.
- Finalize the deed or CR for the Sudbury Valley Land Trustees.
- Connect trails to an access on the common driveway; also place within the deed
- Review Engineering comments.
- Check Cemetery comments (shed location, a tractor is in use that is within shed)
- Screening and plantings on cemetery side.
- Work with the Cemetery regarding the driveway, retaining wall, and screening.
- Deed disputed land over to the Town/Cemetery (confirmatory deed).
- Work through wetlands (Conscom) issues and trail locations with Mr. Tidman.

A motion was made to continue the public hearing to November 20, 2012 at 8:00pm in the Town Hall, Faulkner Room 204, 2nd, agreed to by the applicant, and passed unanimously.

V. PH – 50 Powder Mill Road – Village Subaru SSP

Mr. Bettez opened the Village Subaru Sign Special Permit application public hearing at 8:45pm.

Mr. Thomas Fleming, representative for AutoPlex II was present. Mr. Fleming explained he has filed an application to request a special permit to install a second (2) exterior wall sign at this location. The sign will be 18" LED module light, channel letter "VILLAGE" located above the doorway. The sign identifies the Subaru dealership's name.

Board members questions and comments:

The wall sign is straight forward.

There were no comments from the public.

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

Mr. Yacouby moved to approve the draft decision, Mr. Clymer 2nd; all in favor.

Vote: Mr. Bettez, Mr. Clymer, Mr. Bourdon, Mr. Yacouby, Ms. Busse, Ms. Montella, Mr. Chin in favor.
Motion carried 8-0.

VI. Consent Agenda

No minutes were available.

VII. Reports

No Reports were given.

VIII. Administrative Update

Mr. Bartl stated an issue has been brought to the Planning Department's attention at 948 Main Street. The complaint came from a resident from Concord. The property is in the process of getting newly paved, with pavement areas exceeding allowed limits previously approved under site plan special permit. Temporary Concord school bus parking is proposed at the site, although the owner states that the two have nothing to do with each other. Mr. Bartl stated he has been in contact with the Concord's school department to alert them of the pavement violation.

Motion to adjourn the meeting, 2nd, voted at 9:45 PM.