



## ACTON PLANNING BOARD

### Minutes of Meeting March 17, 2015 Acton Town Hall Room 204

Planning Board members attending: Mr. Jeff Clymer (Chair), Mr. Ray Yacouby, Mr. Rob Bukowski, Mr. Derrick Chin and new member Mr. Bharat Shah.

Also present: Roland Bartl, Planning Director and Kim Gorman, Planning Board Secretary

Absent: Mr. Michael Dube unable in person but available over the phone for agenda item II.

Mr. Clymer called the meeting to order at 7:33 PM.

#### **I. Citizens' Concerns**

Mr. Graham Knowland was present to express his concern about another recent violation with one of the trash haulers at the Brookside Shops. Mr. Knowland is objecting to the rezoning article for Brookside Shops until after the site and operations at Brookside Shops have been in compliance for several months without new violations.

#### **II. Vote - 245 Arlington Street – Advance Auto Parts Sign Special Permit Decision**

Mr. Bukowski reviewed the previously taped hearing and submitted a signed and dated "Mullin Rule" Ch. 79 Certification Form. Mr. Dube was unable to attend meeting but was on speaker phone for the vote. Board members reviewed the draft decision and modified it Section 4.4 to include the required landscaping and lighting. Mr. Yacouby moved to approve and issue the amended decision. Roll call vote: Mr. Clymer, Mr. Yacouby, Mr. Bukowski, Mr. Dube and Mr. Chin each in favor. The motion passed unanimously.

#### **III. Extension Request – PCRC Special Permit # 13-01 Decision – Central Street PCRC**

Mr. Stephen March, of Westchester Homes was present asking for an extension on the Central Street PCRC special permit. The permit was issued on January 15, 2013, filed with the Town Clerk on the 17<sup>th</sup>, and had expired after 2 years. Mr. Marsh cited the ongoing permitting process with the Conservation Commission. Noting good cause due to the separate jurisdiction by the Conservation Commission, Mr. Bukowski moved to grant a 1-year extension to January 17, 2016; Mr. Clymer 2<sup>nd</sup>; all in favor.

#### **IV. – Public Hearing – Definitive Subdivision - 456 Massachusetts Avenue – Jaime's Way**

Mr. Clymer appointed Mr. Bharat Shah to sit as a full member and opened the public hearing at 7:50pm. Mr. Ian Rubin, of Markey and Rubin, Inc., Mr. Steve Marsh, and Mr. Sean Keenan, of Keenan & Son LLP (applicant) were present. Mr. Rubin mentioned the prior preliminary plan proceedings. The proposal is for a 3 lots Residential Compound subdivision as provided in section 10 of the Subdivision Rules. The existing house would be moved and 2 new homes added. Each lot conforms to the applicable R-2 district standards of the ZBL.

Mr. Rubin referred to the proof plan, intended to show that the same number of lots could be achieved if developed as a standard subdivision rather than a Residential Compound. He has provided a proof plan and is requesting a waiver from the proof plan requirement of the Rules to allow for a 124' cul-de-sac layout diameter instead of the 140' required minimum. He acknowledged that without the waiver the land area would allow for two lots. Mr. Rubin stated the Fire Dept is looking to have a fire hydrant at the end of the cul-de-sac, but he is requesting to place it at the entrance at Massachusetts Avenue.

Mr. Marsh noted that the neighbors seem to prefer a small subdivision. Mr. Keenan stated he would prefer building 3 new homes instead of an affordable housing project. Mr. Rubin stated the drainage design would work better than with a potential affordable housing project. Mr. Rubin expects to ask for a hearing continuation, but is looking for a straw vote or direction from the Board on the waiver request. Mr. Keenan stated he is trying to work with the residents of adjacent Davis Place on a landscape screening; but more conversation is needed.

Mr. Bartl restated the Planning Department's recommendation against granting the requested waiver and the reasons for that recommendation, citing the purpose of the proof plan requirement, reviewing zoning history, and noting the various Town planning policies and documents.

Mr. F. Alex Parra, of D'Agostine, Levine, Parra & Netburn, P.C. was present to represent Davis Place. He stated they are indifferent with respect to the scope of the project and have been working on a revised landscaping plan.

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Minutes of the March 17, 2015 Planning Board Meeting

Approved: Yes

They hope that hearing continuation will allow time to work out the landscaping matters with the developer. One abutter stated his preference against a 40B development.

Mr. Marsh stated that Davis Place's neutral position on the type of development was a surprise; he would work with the abutters on landscaping; then he requested a hearing continuation.

The Board voted to continue the public hearing to April 21, 2015 at 7:45pm at the Acton Town Hall, Room 204.

#### **V. – Public Hearing – Wetherbee Plaza Units 1, 2, 3 107 and 115 Great Road Sign SP**

Mr. Clymer opened the public hearing at 8:40pm. Mr. Leo Bertolami, applicant and owner was present. Mr. Bertolami referred to the Planning Department's review memo noting that in his opinion it was partially wrong. He would like the Board to approve the signage requests for Milldam Leasing, Northeast Collection and Atir Natural Nail Care, and specify whatever it felt was appropriate.

Board members were stated that the application was lacking sufficient information for a decision and recommended that Mr. Bertolami review other sign special permit applications that have been approved by the Board; and possibly contacting a sign company in order to prepare a complete application with all required dimensions and materials shown. Following more discussion Mr. Bertolami agreed and the Board voted to continue the public hearing to April 21, 2014 at 8:15pm at the Acton Town Hall, Room 204.

#### **VI. – Public Hearing – Reichheld Ting Orthodontics & William Law, DMD - 77 Great Road Sign SP**

Mr. David Freedman, representative for Reichheld Ting Orthodontic (RTO) and William Law, DMD, explained the application for 3 signs. They are 2<sup>nd</sup> floor tenants at of 77 Great Road and are each requesting awning signs on the front 2<sup>nd</sup> floor windows, and RTO is requesting another awning sign above a window near the rear entrance. Mr. Freedman stated the signage will help customers locate the offices. There are illegal signs on the building, which staff has noted in a memo. Mr. Freedman asked that his clients sign application not be delayed on account of illegal signs by others.

Board members reviewed and discussed the documentation and the staff review memo, then voted to close the public hearing.

Mr. Yacouby moved to approve the sign special permit as requested, Mr. Chin 2<sup>nd</sup>; all in favor. The Board directed staff to write and issue the decision accordingly.

#### **VII. Public Hearing – Mathnasium - 135 Great Road Sign Special Permit**

Ms. Susri Anuradha, property owner and applicant explained the application for a free standing sign. She brought in samples of the proposed sign materials.

Board members reviewed and discussed the documentation and the staff review memo including a draft decision, then voted to close the public hearing.

Mr. Yacouby moved to approve the sign special permit as presented and to issue the decision as drafted with minor modifications and clarifications. Mr. Chin 2<sup>nd</sup>; all in favor.

#### **VIII. Consent Agenda – Draft Minutes of 3/03/15**

The minutes of the March 3, 2015 meeting were approved as amended.

#### **IX. Reports**

No Reports were given.

#### **X. Other Business**

1. Charter – Planning Board Membership. Mr. Clymer suggested changing the membership to 5 full members. Asking the Board of Selectmen to review and possibly bring to Fall Town Meeting to change. Mr. Bukowski explained his hardship with attending meetings but will continue for the upcoming public hearings. Mr. Clymer asked to place on next agenda appointing a board member to be a liaison to the Acton 2020 Committee.
2. Administrative Update – Board members support the Brookside Shops Article at the Annual Town Meeting in April.

The meeting was adjourned at about 10:06 PM.

Respectfully Submitted,  
Kim Gorman  
Planning Board Secretary