



PLANNING BOARD • Town of Acton

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ACTON PLANNING BOARD

MINUTES OF MEETING

November 20, 1989

RECEIVED & FILED

DATE December 12, 1989
Barbara Brown
TOWN CLERK, ACTON

Planning Board members in attendance: Chairman Quint Brathwaite, Douglas Carnahan, Jim Lee, Mary Giorgio and Greg Niemyski.

Planning staff in attendance: Town Planner Roland Bartl, Assistant Town Planner Timothy Smith and Planning Board secretary Donna Jacobs.

I. PUBLIC HEARING CONTINUATION - SUBDIVISION RULES & REGULATIONS

Quint Brathwaite re-convened the public hearing at 7:35 PM. It was agreed that the Board should start with page #26, where the Board had left off at the previous hearing session.

Quint Brathwaite recommended that the Rules be amended to provide for review of an application to determine its completion; the clock wouldn't start until its determined that the application is complete.

Roland Bartl responded that it is not clear from state law if it is legitimate for a Planning Board to ignore the submission of a subdivision plan because it is incomplete. The safest method of dealing with submission of an incomplete application is to hold a public hearing and either receive an extension of time to allow for submission of missing documentation or close the hearing and deny the application without prejudice.

Greg Niemyski moved that the Board suspend the public hearing at 8:10 PM to allow time for discussion of the Meadow View draft decision. Motion was seconded by Mary Giorgio and passed unanimously.

II. MEADOW VIEW DRAFT DECISION

Mary Giorgio stated that the Board should deny the subdivision due to lack of water supply, lack of drainage pond and refuse to waive both the 500' cul-de-sac length requirement and the 60 unit rule.

Roland Bartl informed the Board that water supply is not an issue any longer if an easement is provided through the lot to the rear property line for a water main connection.

Mary Giorgio stated that she would prefer to disapprove the subdivision rather than grant a conditional approval. Mary went on to state that she would be in favor of waiving the 60 unit single access rule, but would not be in favor of waiving the cul-de-sac length rule.

Jim Lee asked what would be gained if the Board didn't waive the 500' cul-de-sac length rule. Mary Giorgio replied that the developer could still develop the land by using a 500' long cul-de-sac. Greg Niemyski pointed out that the Board has a 200' dead end road length rule which would prevent the developer from developing the land. Roland Bartl reviewed the plan and determined that the developer would only be able to get one or two lots if the cul-de-sac length rule is not waived.

Quint Brathwaite asked what the Conservation Commission's feelings are about the single access road. Tim Smith responded that Tom Tidman, Conservation Administrator submitted a letter to the Board dated 11/20/89 and distributed this evening indicating the double barrel road is unacceptable to Conservation. Tom Tidman also reported that the proposed alternate single access road would reduce the wetland filling from 3717 sq.ft. to 1607 sq.ft. and for this reason the Conservation Commission would much prefer the single access road option. Quint explained that Conservation could deny the project if the Planning Board approves the double access road.

Mary Giorgio expressed her concern that the developer has done nothing to address safety issues which would allow the 500' cul-de-sac length to be waived. Doug Carnahan asked what is the basis for the 500' rule? Doug stated that there appears to be no reason for the 500' limitation because fire hydrants will be installed and a fire/emergency access is provided. Jim Lee stated that he doesn't want the double access road approved because, in his opinion, it is an engineering disaster.

Roland Bartl stated that the Board could accomplish its goals by approving the subdivision with conditions rather than denying it and have the court determine the conditions. Quint Brathwaite stated that the Town is going to have to spend money defending the decision whether it is approved or denied and he feels the Board should approve the development with conditions stipulated by the Board rather than the courts. Quint further stated that if the Board does not waive the 500' cul-de-sac length rule, the developer cannot develop the land.

Mary Giorgio stated that the Board should not create a plan, once the plan reaches the definitive plan stage. Plan development should be done in the preliminary plan process by the developer.

Roland Bartl recommended that the Board require an emergency access and that a sidewalk be built upon it. Quint Brathwaite said he thought that was a good suggestion and would like it implemented in the decision.

Mary Giorgio discussed the location of the detention ponds and indicated that the Board should condition their location. She also pointed out that the Board of Health has concerns with several of the proposed lots which should be addressed in the decision. Roland Bartl replied that the re-design of the access road will allow relocation of the detention ponds and the Board of Health issues are addressed in the draft decision.

Mary Giorgio asked why Town Counsel assumed there is no problem with flooding. Jim Lee responded that the Engineering Department has indicated that development of the parcel as proposed will not increase the incidence or level of flooding. Roland Bartl said that past development probably contributed to increased flooding, but the detention ponds proposed for this site will prevent any contribution to flooding. The detention ponds meet engineering criteria used for site plan permits and have worked successfully for their developments. Jim Lee stated that there is no question the area has flooding problems, but he feels this development will not add to the flooding. The Board discussed limiting tree cutting as a method to reduce runoff and flood potential. Roland Bartl suggested adding the tree line to the definitive plan to help retain trees and ask that minimal cutting take place.

Greg Niemyski suggested the Board review the memo received today from Town Counsel. Quint Brathwaite expressed concern regarding Finding 14 of the draft decision & the requirement for 20' pavement width stating he would prefer a 24' width. Roland Bartl referred the Board to the Subdivision and Site Plan Handbook where it is stated that developments of less than 40 houses with 150' of frontage are considered low density developments and therefore should have 20' pavement widths for subdivision roads. Jim Lee suggested that the Board consider 22' or 24' pavement width for the main road and 20' pavement width for the loop road. Roland Bartl recommended the Board waive construction of the stub to prevent excess paving and also suggested signage for the sharp curve at the location of the road stub. Quint Brathwaite suggested 1.4 on page 3 of the draft decision be modified to provide emergency access/sidewalk combination. Quint also suggested that language be added to the middle of page 4 regarding the retention basin. Greg Niemyski suggested that a condition be added to page 5 about the dismissal of the MetWest appeal. Quint Brathwaite recommended re-numbering paragraph 9 to paragraph 1.

I. SUBDIVISION PUBLIC HEARING

Greg Niemyski moved that the Board re-open the public hearing on the Subdivision Rules and Regulations. Motion was seconded by Mary Giorgio and carried unanimously. Greg Niemyski then moved to suspend the hearing again to complete some house-keeping items. Motion was seconded by Mary Giorgio and carried unanimously.

III. REVIEW AND RE-VOTE HALEY LANE DECISION

Quint Brathwaite asked why it is necessary to re-vote the subdivision decision. Tim Smith replied that changes were made after the final engineering review by Engineering Administrator David Abbt. Highlights of changes in the decision are as follows:

page 3 - delete requirement that developer retains fee in street
Waivers - The Petitioner has not presented a basis for requesting this waiver.
2.11 deleted
2.13 modified to install Private Way sign at entrance
3.12 newly added condition
3.13 newly added condition

Greg Niemyski moved that the Board set-aside the previously approved decision and replace it with the decision presented tonight. Motion was seconded by Mary Giorgio and carried unanimously.

IV. NORTHBRIAR BOND RELEASE

Greg Niemyski asked if Dean Charter has approved the tree plantings and loaming and seeding. Tim Smith replied that Dean Charter had informed him that the tree plantings and seeding are acceptable. Doug Carnahan moved the Board release the performance guarantee for the Northbriar subdivision. Motion was seconded by Jim Lee and passed with 4 voting in favor and Greg Niemyski abstaining from vote.

V. STONEYMEADE BOND REDUCTION

Mary Giorgio suggested that the Board postpone discussion of the requested bond reduction until a later meeting because of the full agenda this evening.

I. SUBDIVISION RULES & REGULATIONS

Greg Niemyski moved that the Board re-convene the public hearing for the amendments to the Subdivision Rules and Regulations. Motion was seconded by Mary Giorgio and carried unanimously.

Regarding page 30, Roland Bartl summarized the changes in performance guarantee requirements. The Board discussed the changes and noted that the partial release provision is a major improvement over present conditions.

Greg Niemyski recommended adding a note to the Rules referring to the Acton General Bylaw recent amendment granting the Board the ability to spend \$100,000. of bond money.

Discussion took place around the 100' set back of two new proposed streets, maintenance of rural character, and the reduction in number of curb cuts. Quint expressed concern that the Board may be encouraging 1500' long cul-de-sacs by not allowing a loop within 1000'. Greg Niemyski asked if there was a consensus of the Board to retain open land along the frontage with buildings built in the backland. It was agreed to limit 4.1.5 to 100 feet and add an illustration for an X intersection.

Greg Niemyski questioned permitting a loop road over 500' in length. The Board recommended staff provide a definition of a loop road and acul-de-sac for the next Board meeting.

Jim Lee moved that the Board close the hearing, seconded by Doug Carnahan and carried unanimously.

Greg Niemyski moved to adjourn the meeting at 11:00, Motion was seconded by Jim Lee and carried unanimously.

Approved by the Acton Planning Board

Mary Giorgio 14/11/89
Mary Giorgio, Clerk Date