



PLANNING BOARD • Town of Acton

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Barbara Brown
TOWN CLERK, ACTON

ACTON PLANNING BOARD

MINUTES OF MEETING

November 6, 1989

Planning Board members in attendance: Chairman Quinton Brathwaite, Mary Giorgio, David Hill, Robert Block, James Lee, Greg Niemyski and Doug Carnahan.

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

- I. Chairman Quinton Brathwaite opened the Public Hearing for proposed zoning amendments at 7:35 PM.

Article 10 - Sidewalks in the Business and Industrial Districts adding new section 10.4.3.4 to require standard sidewalks along the frontage of all commercial and industrial developments. After discussion, Quint Brathwaite moved that the Planning Board recommend Town Meeting vote to adopt this proposed zoning amendment, seconded by David Hill and passed unanimously.

Article 11 - Zoning Map Amendment to Map 1 Re-zoning two pieces of Town owned property located at the intersection of Pearl Street and Windsor Avenue in West Acton from R-2 Residential to West Acton Village District. Mr. William Lawrence of Concord, MA questioned which uses are permitted in the WAV District. Roland Bartl responded that WAV is a mixed use district allowing residential, limited industrial and commercial uses. Planning Board member Jim Lee moved that the Board vote to recommend Town Meeting adopt this proposed zoning amendment, motion seconded by Mary Giorgio and passed unanimously.

Article 12 - Overlay Districts - deleting "Cluster Development - CD" and replacing it with Open Space Development - OSD" to correct an omission at the 1989 Spring Town Meeting when Cluster Development was replaced by Open Space Development. By unanimous vote, the Planning Board will recommend Town Meeting adopt this amendment to the zoning bylaw.

Article 13 - Prohibited Uses - to prohibit outdoor storage on permeable surfaces and also prohibit trailers and mobile structures from being used for the purpose of office, retail or storage space.

John R. Frongello of Somerville Lumber, Inc. asked if he could obtain a permit for short term trailer use. Mike LaFoley of Acton Supply asked if there was grandfather protecting for those existing trailers and storage areas. William Lawrence of Concord Acton Industrial Park asked what prompted this proposed zoning amendment. Town Planner Roland Bartl replied that use of trailers change the Floor Area Ratios and is aesthetically unappealing. Greg Niemyski stated that businesses were using trailers as an inexpensive alternative to expansion of facilities thus skirting zoning requirements. Rob Block recommended that the Board amend this proposal to allow use by special permit. Craig Palmer of Palmer Moving and Storage informed the Board that the use of trailers for storage was an integral part of his business and asked how he could be sure this change in zoning would not adversely impact his business. Roland Bartl replied that the present use would be grandfathered and any expansion would be subject to zoning bylaw conditions regarding expansion of a pre-existing non-conforming use.

Rob Block moved that the Board table this by moving "No Action" at Town Meeting to allow for possible re-wording. Greg Niemyski suggested amending the proposed wording rather than pulling it from Town Meeting consideration. Doug Carnahan seconded the motion to recommend "No Action". Motion carried with five voting in favor and two opposed.

Article 14 - Common Driveways in the Business and Industrial Districts proposed to further define the construction of common driveways in these zoning districts. Rob Block asked how the Plywood Ranch, Acton Post Office and 403 - 411 Mass Ave. office buildings would be regulated by this zoning bylaw. He also questioned if there was a point in the process to require a new petitioner to improve existing private ways? Roland Bartl replied that this area would be regulated under the Site Plan Special Permit and any request for amendment of an existing special permit could provide opportunity for improvements in existing conditions. Greg Niemyski moved that the Board recommend Town Meeting adopt this proposed bylaw amendment, Jim Lee seconded motion. Motion carried six in favor and one opposed.

Article 16 - Home Occupations - delete existing Section and replace with new Section 3.8.1.2 to more clearly define the range of home occupations allowed in Acton's residential districts to better protect residential neighborhoods.

Kathy Minton-Tatum of the Acton Chamber of Commerce asked if grandfather protection is afforded to existing home occupations. Jim Barnes asked why the changes were proposed. Roland Bartl replied that existing uses are grandfathered. He went on to state that Building Commissioner Garry Rhodes has received numerous complaints from residents and has been unable to enforce the Bylaw due to the present wording. Harry Donohue of Acton Survey suggested that limited retail sales be allowed for those practitioners allowed to conduct their business in the residential district. Harry Donohue proposed the wording the amended as follows:

i. retail sales of goods not produced on premises.

Roland Bartl stated that this proposed change should be reviewed by the Building Commissioner and Town Counsel prior to being voted by the Board. Roland will meet with Garry Rhodes to discuss this issue prior to the next Planning Board meeting.

Jim Lee moved to close the public hearing, motion seconded by Greg Niemyski and carried unanimously.

II. At 8:20 PM, Chairman Brathwaite opened the Public Hearing for the proposed amendments to the Subdivision Rules & Regulations by reading the Notice of Public Hearing.

Harry Donohue of Acton Survey had the following comments and suggestions on the proposed amendments to the Rules & Regulations:

p. 7 definition of abutter should be amended to read the same as the state definition (abutters to abutters and those across the street and within 300 feet of property bounds)

p. 8 consider inserting the word "minimum" prior to "twenty feet"

p. 10 b) since Town Planner is authorized to sign it should be amended to allow "or the Board's designee"

h) showing these additional items on the ANR plan adds unwarranted expense for the landowner. Tim Smith informed the Board that a recent ANR submission tried to gain frontage off an easement & advised if the requirement had been in place it would have been easier to spot this attempt to gain frontage where no frontage exists.

i) add "minimum" before 10 feet & use "conveyed" instead of "go with"

p. 13. remove Section 2.5.5 as it is already in zoning bylaw. Roland replied that the zoning bylaw is unclear in its requirement for residential uses & by inserting these standards in the Subdivision Rules & Regulations we clearly state that these standards are applicable in subdivision road construction.

p. 15 delete "Professional Land Planner" or substitute "Registered Landscape Architect" Martin Graetz stated that the Board should be concerned with the results of the plan rather than who prepared the plan.

p. 18 Section 3.3.2.3 - delete "Professional Land Planner"

Section 3.3.2.4 - amend to 1:15,000 closure and 1989 Manual

p. 25 Harry stated that he takes exception to the inclusion of new Sections 3.3.3.23 - 25. Tim Smith advised that these sections were added at the request of Health Director Doug Halley.

Quint Brathwaite announced that, due to time constraints, the hearing would be continued to November 20th at 7:30 PM in Room 204 of the Acton Town Hall.

III. At 9:00 PM. Chairman Brathwaite reconvened the Public Hearing on the Haley Lane Definitive Subdivision. Mr. Paul Nyquist, consulting engineer for the applicant, reported there were two items incomplete at the conclusion of the last meeting; 1) report on condition of existing septic system and 2) engineering comments. Mr. Nyquist informed the Board the existing septic system is satisfactory to Health Director Doug Halley. In addition, the Engineering Department's comments are agreeable to the applicant and therefore will be incorporated into a modified plan upon approval of the subdivision. Tim Smith reported the filing fee has not been received by the Planning Department. The applicant replied that she would deliver the check to the Planning Department Tuesday, November 7th. David Hill moved to close the Public Hearing, motion was seconded by Doug Carnahan and carried unanimously.

IV. At 9:15 PM. Quint Brathwaite reconvened the Public Hearing for the Meadow View by announcing that abutters would be allowed to address the Board first due to the limited time available to them at the previous meeting.

Dorothy Campbell of 234 Robbins St. questioned the adequacy of the water supply. Quint recognized Ron Parente of the Acton Water District and asked him to respond to this concern. Mr. Parente stated that although there is adequate flow and pressure on Robbins St., the Water District wanted a connection to Nash Road. Quint Brathwaite questioned the term "adequate flow". Mark Russell of Dufresne & Henry Engineering (Water District's consulting engineer) showed the existing water supply lines and advised that the determination of adequate flow for household use and fire protection is 20 lbs. residual pressure and stated that there is sufficient flow to supply the proposed subdivision. He went on to state that the major problem is the existence of only one long water main supplying this area. It is for this reason the Water District has asked for a connection to Nash Rd. Rob Block asked about the cost of the Nash Rd. connection. Ron Parente responded that the developer will bear that cost. Mark Russell of Dufresne & Henry said water supply reliability has been a problem in this area of Town due to the age of the water pipes (approx. 40 years old).

Cynthia Durost of 1 Martin Street is very concerned with the proposed development potentially increasing flooding conditions in this already troubled area and is also concerned whether the water supply is adequate in fire flow conditions. Ms. Durost submitted a letter dated November 6, 1989 for the Board's records.

Roland Bartl referred to a memo from the Water District received one year ago which stated there may be problems under fire flow conditions due to the high velocity of water flowing through the pipes. Roland asked Mark Russell if pipe breakage is more likely to occur in this situation. Mr. Russell replied that due to the age of the pipes and their history of repairs, there is concern about supply under these circumstances.

Mr. R. Halloran of 81 Robbins St. informed the Board that since 1961 there has been incremental filling of the wetlands in this vicinity which has resulted in the flood conditions experienced by this neighborhood each year.

Pam Resor of the Acton Conservation Commission read a letter from the Commission (also submitted as part of the record) addressing their concerns about the proposed wetlands crossing providing access to the subdivision site. The Conservation Commission would like the Planning Board to limit the road to a single access way of minimum width deemed safe and acceptable to the Planning Board.

Neil Dionesotes of 16 Nash Road delivered his letter urging denial of the proposed subdivision due to inadequate safe access to the subdivision from adjacent public ways.

Martin Graetz of the Traffic Advisory Committee expressed their concerns about the utilization of two 2 way streets as a means of circumventing the subdivision rules. He also reported that no traffic study has been performed therefore the traffic impact cannot be addressed until such a study is performed.

Ann Forbes submitted a letter for inclusion in the record of the meeting addressing her concerns about the justification for granting waivers to the subdivision rules and regulations i.e., hardship or public benefit.

Keith Gregory expressed concerns about water supply and work in the wetlands. Keith stated that most lots will require filling within the 100 foot wetlands buffer. He went on to state that two wetlands crossings are unnecessary and the length of the cul-de-sac should be limited to 500 feet. Keith also questioned the continued supply of drinking water to the existing homes during the construction process. Mr. Gregory also asked if the Nash Rd. connection is a condition of the approval for water supply. Keith Gregory also questioned the possibility of obtaining Town ownership of the wetlands.

Anita Sutherland questioned why the new plan was submitted when everyone had spent so much time and effort on the previous plan. Anita also questioned if the previous plan had been denied. Roland Bartl informed her that the previous plan had been denied and that state law requires the Board to hear any application it receives even if there was a previous submission.

Nancy Corcoran expressed her confusion about the Water District's position. At the October 23rd meeting, Mr. Warren Bolton stated that he would bear the cost of the Nash Rd. connection up to \$20,000. Ron Parente of the Water District replied that the developer will supply monies to install the pipe (or actually install it themselves) from one end and the Water District would do the other end. Ron Parente stated any cost over \$20,000.00 would be born by the Water District.

Dorothy Campbell asked what happened to get the Water District to change their vote. Ron Parente stated that the development is not as large as previously proposed, there are new Water Commissioners and the Water District has to have very good reason to deny water to a proposed development.

Co-applicant David Bolton read a letter into the record from Warren Bolton because Warren Bolton was unable to attend the hearing this evening.

Roland Bartl asked if the proposed stump dump is also the area of the proposed park. David Bolton replied that he didn't know. Dr. Edward Chiang, engineering consultant for the developer, replied that they were the same area. Roland Bartl also questioned if the proposed park is also the 10% set-aside required by the subdivision control law and, if so, would it remain open for only three years.

Registered Land Surveyor Ralph Bibbo, consultant to the developer, distributed copies of a proposed single access roadway. The Board questioned the problem of access to lot #2. Dr. Chiang replied that lots #1 and #2 may be combined in the future under provision 81P of the MGL Ch. 41 depending on the design of the detention basin. Dr. Chiang informed the Board that the Conservation Administrator has asked for a re-flagging of the wetlands so the plan shows two lots (1 & 2) now with the detention basin design occurring after the wetlands have been re-flagged.

Al Stuart of 20 Nash Road advised the Board that "No Trespassing" signs have been incorrectly located along the property bounds and asked that the signs be re-posted according to boundary lines.

Doug Carnahan moved to close the public hearing, seconded by Mary Giorgio and passed unanimously.

It was agreed that Mary Giorgio and Quint Brathwaite will work with staff on the decision.

- V. The assignment of zoning articles for presentation at Town Meeting was postponed until the November 13th meeting.
- VI. The minutes of the October 23rd Planning Board meeting were unanimously approved.

Other Business:

The Board discussed the requested bond reduction for Post Office Square. Acton Engineering Administrator David Abbt has recommended the Board not grant the bond reduction at this time due to work remaining to be done. Greg Niemyski moved to deny the requested bond reduction, seconded by Jim Lee and passed unanimously.

The meeting was adjourned at 10:30 PM.

Approved by the Planning Board.

Mary Giorgio 12/11/89
Mary Giorgio, Clerk Date