

PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

ACTON PLANNING BOARD

Minutes of Meeting

April 23, 1990



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

Planning Staff in attendance: Assistant Town Planner Tim Smith, Planning Board Secretary Donna Jacobs

Chairman Mary Giorgio called the meeting to order at 7:33 PM.

I. General Business

The Board, by unanimous vote, approved the Minutes of the April 9th meeting as rendered.

Planning Staff advised the Board that revised copies of the Zoning Bylaw should be available for the next meeting.

II. Public Hearing - Hammerhead Lot Special Permit, 106 Arlington St.

Chairman Mary Giorgio opened the Public Hearing by reading the notice of public hearing as it appeared in the newspaper. Property owner Jim Fenton and consulting engineer Bruce Stamski of Stamski and McNary appeared before the Board to explain the proposed hammerhead lots. Bruce Stamski outlined the plan and the history of the changes from the original proposal for 4 lots to the present 2 lot hammerhead configuration. Bruce Stamski pointed out the fact that the proposed lot layout includes a narrow strip of land along the stone wall and back of Lot 1 to obtain the required flood storage area to satisfy the ZBA's requirements. Bruce Stamski said that Lot 2 is more than ample size to accommodate the minimum lot requirement.

Jim Fenton has met with the Conservation Commission and they have OK'd the plan. The ZBA has reviewed the plan and the details of the settlement for court case have been established and agreed to. The Engineering Department has reviewed the plan and said that it meets with their approval.

The 2 hammerhead lots will have a common driveway, which is not subject to requirements in Zoning Bylaw because those requirements regulate common drives for three or more houses.

David Hill asked about the Engineering Dept's comments concerning the enlarged turn-around. Bruce Stamski replied that it can be accomplished without impacting the flood areas.

Quint Brathwaite asked if there had been any thought given to deeding Lot 3 to the Acton Conservation Commission. Jim Fenton replied that he has given it no thought at this time.

Greg Niemyski asked about sidewalks along the frontage. Jim Fenton replied that he would give an easement to the Town so that if the sidewalks get done, the Town can build one here as well. Mary Giorgio asked if the easement would serve this purpose. Tim Smith replied that the easement would suffice. Tim pointed out that the property is adjacent to Kennedy Estates subdivision and it would be nice to continue the sidewalks from the Kennedy land to the Fenton property. Jim Lee stated that the frontage is 102.5 feet long and that the sidewalk requirement should not be dismissed easily.

Jim Lee asked what the width is of the narrow strip along the back of the lot. Bruce replied that the strip is one foot wide. Jim also questioned the soils ability to support the bridge structure. Jim Fenton replied that the gravel in the area of the bridge starts at a depth of 2' so there is good support for the bridge.

Mary Giorgio questioned whether the Conservation Commission has any problems. Bruce Stamski responded that the proposed impact of the wetlands is less of an impact than what the Conservation Commission had previously approved, so they have no problems with this proposal.

Greg Niemyski asked if Jim Fenton could place a sign marked "Private Driveway" at the entrance from the street to prevent cars from turning down the drive by mistake.

Abutter George Charter spoke in favor of the proposal saying he believes it to be the best use of the land.

Abutter Gerald Burger said that he believes it to be a good plan and has no objections with the proposal.

Abutter Barbara Smith said that the plan is OK, but if the Board required Kennedy Estates to put sidewalk along their frontage then they should also require Mr. Fenton to install sidewalks along his frontage. Mary Giorgio said that the driveway roundings will, in effect, act as sidewalk. David Hill said that there is 90' of frontage along Arlington that won't be involved in the driveway and driveway roundings. Tim Smith pointed out that this is not a subdivision, but a special permit. The requirement for sidewalks is clearly spelled out in the Subdivision Rules & Regs., but not required in the Hammerhead Special Permit Rules & Regs. Bruce Stamski pointed out that the proposal is for two individual lots with frontage that are similar to ANR lots except for the reduced frontage and increased area requirements.

The hearing closed at 8:20 PM.

IV. Hammerhead Special Permit for 266 High Street - Draft Decision

David Hill questioned whether condition #3 should read "A hearing shall be required. Tim Smith responded that since the decision was drafted it has been established that the applicant is not subject to the scenic road hearing requirements because the stone wall is not within the public way R.O.W. It was agreed that this condition would be deleted from the decision.

The Board discussed a couple of other changes as follows: In item #8, delete the last sentence and in item #6 change the last sentence to read "This building square is not dimensioned."

David Hill moved to issue the decision approving the Hammerhead Special Permit application as modified this evening. Motion was seconded by Greg Niemyski and carried unanimous.

V. Hammerhead Special permit - Oakwood, DeVincent

Mary Giorgio explained that the Board lacked a quorum for the public hearing and proposed to hold another public hearing in three weeks to make everything procedurally correct and issue the decision that night. Tim Smith said that he could bring the decision to the meeting for the Board's signatures after the close of the new public hearing.

III. Quik Lube Public Hearing (continuation)

The hearing re-convened at 8:30 PM. Bob Moran requested the Board allow him to have the hearing continued and introduced Atty. Dick Cotter to speak on behalf of the applicant.

Atty. Cotter spoke to Town Planner Roland Bartl today about Roland's concerns around the amount of information still missing. Atty. Cotter said that it was the first the applicant knew of the missing information and immediately arranged a meeting with Bob Moran, Roland Bartl, Doug Halley and Hydro Environmental. Atty. Cotter is concerned about making a good "first impression" of the Groundwater Special Permit.

Bruce Stamski asked if the Board wished to have a presentation this evening of where the applicant is today or wait until the hearing is continued as has been requested.

Greg Niemyski replied that the requirements for a Groundwater Special Permit are clearly spelled out and if this was important to the applicant the information should have been gathered after the first continuation. Doug Carnahan stated that he is not in favor of a continuation. Mary Giorgio explained that the Board has had bad experiences in the past with numerous continuations and went on to state that the applicant should have been prepared before applying for the permit. David Hill stated that he agrees with Mary and that the applicant has already had a long extension from February to the last meeting and then again to tonight's meeting. Atty. Dick Cotter said that in the spirit of fairness the Board should grant the requested

extension which will allow time for proper presentation of the required materials. Jim Lee expressed his disappointment that the Board is still missing the information that was missing at the original hearing in February. Bob Moran stated that he has not had the information that he needed from Mobil Oil and is still waiting for additional information from Mobil. Bob Moran went on to state that he knows the environmental issues are important, but the information takes a long time to gather. Bob Moran stated that he has a lot of money invested in the proposed development through engineering costs and he respectfully asks for another continuation to prevent a denial.

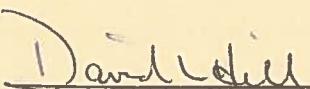
Greg Niemyski asked if there is any new information for presentation tonight. Bruce Stamski replied that the information requested by GZA is here and the plan modifications as suggested have been done. The monitoring wells have been installed and the results of tests have been received. Bruce Stamski stated that where it has fallen short is in the area of compliance with the Hazardous Materials Bylaw. Chris Allen of Hydro Environmental said that there was a basic misunderstanding in this area. He reported that the hazardous materials management plan can be formulated and there is nothing unusual. Bruce Stamski pointed out that GZA's report stated that the proposed development basically complies with the Acton Zoning Bylaw.

Jim Lee asked Tim Smith if we have a copy of the plan with the modifications addressed by Bruce Stamski and Tim replied that we do. Doug Carnahan asked if the applicant will be ready to submit all information within two weeks. Doug Carnahan moved to close the hearing and allow two weeks for the applicant to provide additional written material. Jim Lee seconded the motion. David Hill pointed out that the Board will cut off all public input into the hearing by utilizing this method. Jim Lee said that he is in support of the motion. Doug Carnahan reminded the Board that the Groundwater District was just passed at last years Town Meeting and this is the first application we've received since its inception. The motion carried with three in favor and David Hill and Greg Niemyski opposed.

Other Business

David Hill moved to go into Executive Session for the purpose of discussing pending litigation on Foster/Masonry and reconvene in open session. Greg Niemyski seconded the motion which was voted through unanimous roll call vote.

The Board reconvened in open session at 9:20. Meeting was adjourned at 9:21 PM.



David Hill, Clerk

DH/dmj
[174]