



PLANNING BOARD • Town of Acton

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ACTON PLANNING BOARD

Minutes of Meeting

August 13, 1990



Planning Board Members in attendance: Chairman Mary Giorgio, Greg Niemyski, David Hill, Jim Lee, Doug Carnahan and Trey Shupert

Planning Staff in attendance: Town Planner Roland Bartl, Planning Board Secretary Donna Jacobs

I. GENERAL BUSINESS

Chairman Mary Giorgio welcomed the newly appointed Planning Board member, William "Trey" Shupert, to the Board.

The Board voted unanimously to approve the minutes of the July 30, 1990 Planning Board meeting as submitted.

II. KENNEDY ANR & STATUS OF ROAD

John Kennedy wishes to file his ANR plan with the Land Court to satisfy the court's resolution of the estate issues. As the plan is drawn, the Board would have to deny endorsement unless it determines that the existing access roadway is a legal STREET (by definition of the Acton Zoning Bylaw) and thereby provides frontage. Roland pointed out that it may be possible to revise the present ANR plan by either showing the remaining land located in Westford (provided that portion of the land has frontage in Westford) or add a note on the plan stating that the lots shown are not building lots due to lack of frontage. In any case, the entire land to be divided would have to be shown, both in Acton and Westford.

Representing John Kennedy, Attorney Justin McCarthy appeared before the Board to discuss his client's requests. Atty. McCarthy requested that the Board advise him of their site visit of August 4th. Chairman Mary Giorgio reported that she was the only Board member able to attend the site visit. Mary stated that the road appears to have a hard base and sufficient width thus providing adequate access for the present use. Jim Lee reported that although he was unable to attend the site visit, he had visited the site previously and found the road to adequately serve its present uses.

Jim Lee asked Atty. McCarthy why his client requires the present access roadway be declared a legal road to describe the land in Land Court rather

than using the usual metes and bounds methodology. Atty. McCarthy replied that the court decision required a plan be drawn and recorded to resolve the estate.

Atty. McCarthy advised the Board that his client is offering the Board an extension of the time to act on the ANR application until October 16, 1990 to allow his client time to have the plan re-drawn using one of the approaches discussed this evening. Greg Niemyski asked if the Board is able to grant an ANR plan without frontage. Roland replied that he has checked with counsel who advised that adding a note to the plan which states that the lots are not building lots due to lack of frontage is allowed. Doug Carnahan informed Atty. McCarthy that the Board will not be meeting again until September 17th and asked if this posed any problems. Atty. McCarthy said it would not be a problem as his client will extend the deadline for action until 10/16/90.

David Hill moved to accept the extension of time for action on the application for approval of the ANR plan. His motion was seconded by Greg Niemyski and carried unanimously.

Greg Niemyski moved that the Board vote to determine that the existing access roadway is not a STREET (as defined in the Acton Zoning Bylaw), and issue the letter as drafted by Roland informing John Kennedy of the Board's decision. Greg's motion was seconded by David Hill and carried unanimously.

III. BOND CALCULATIONS - Colonial Acres III & Cook Estates

The Board reviewed the bond calculations for Cook Estates and Colonial Acres III subdivisions prepared by the Engineering Department at the request of Kevin Sweeney of L&S Builders. Jim Lee inquired if the roadways were status quo from past request for bond calculation. Roland replied that David Abbt, Engineering Administrator, reported that there had been no change in the amount of work remaining to be done since the last bond calculation. Roland suggested that the Town may need to charge the developer for the time spent performing the inspection and calculations if a bond is not posted within the ninety day time period. David Hill moved to establish the bond amounts as recommended by the Engineering Department. His motion was seconded by Greg Niemyski and carried unanimously.

IV. SUBDIVISION RULES & REGULATIONS

This agenda item was postponed to a future meeting in September.

V. HISTORIC DISTRICTS - PRELIMINARY REPORT

Roland informed the Board that the Preliminary Report was filed with both the Mass. Historical Commission and the Acton Planning Board on August 10th. The Historic District Study Commission will be holding a public hearing more than 60 days after the filing date in accordance with MGL Ch.40C and

is seeking comments from the Planning Board.

Doug Carnahan asked if there is a jurisdictional conflict with the establishment of a Historic District Commission. Roland replied that the Historic District Commission's jurisdiction is primarily limited to design and bulk as a method to ensure that the proposed construction/activity will fit into the character of the historic district. Doug asked if there wasn't a potential that the new historic districts would contravene the establishment of the zoning village districts. Roland explained that zoning controls what is permitted but the Historic District Commission can require how or where the permitted use can be placed on the lot.

Jim Lee stated that the proposed districts cover three relatively small areas of town which are almost fully built. Roland said that the impact on commercial activity should be fairly limited and that the Historic Commission will be dealing with permanent architectural features such as cornices, moldings, siding rather than roof materials, paint color and storm windows.

Mary Giorgio asked about the time schedule. Roland replied that the report has to be filed with the Planning Board and Mass. Historical Commission, then a hearing is held after 60 days have elapsed, and then the Historic District Study Committee will prepare a final report. The Committee is targeting the special town meeting scheduled for late fall for their warrant article/s which require a 2/3's vote for adoption.

VI. FUTURE MEETINGS & AGENDAS

Items for inclusion on future meeting agendas include the following:

Affordable Housing Overlay District -

Further discussion is needed about the district proposed by the Planning Council. The Board agreed to look at the plan in detail at a meeting in the very near future.

Traffic Improvement Plan -

The Board has questions about which approach the Planning Council has decided to utilize in the final traffic improvement plan (enhance traffic flow or impede flow and encourage traffic to seek alternate routes), the number of revised plans included in the contract price, sources of funding for recommended improvements, possible modification of regulations to provide for implementation of the recommended improvements, the need for betterment districts and/or impact fees, and possible zoning amendments needed to implement the recommended improvements.

Roland advised that the revised plan is due from VHB by September 1st. The Board agreed to schedule this on the agenda for Sept. 10th or Sept. 17th.

Future Meetings -

August 27th - Canceled due to vacations

September 10th - New meeting added as working session for review of HDSC Preliminary Report, Affordable Housing Overlay, PUD Rules & Regulations and drafted Zoning Bylaw amendments

September 17th - Agenda items to include Traffic Improvement Plan, vote on PUD Rules & Regulations and proposed re-write of Sign Bylaw

September 24th - Public hearing on hammerhead lot special permit, subdivision rules and regulations

Other Business -

No appeal was filed within the statutory appeal period on the Quick Lube Groundwater Special Permit decision. Roland reported that the applicant asked the Supreme Judicial Court for special consideration because they just missed the deadline for appeals. Town Counsel said that the S.J.C. did not grant Quick Lube's request and indicated to Roland that Quick Lube will probably file an amended plan with the Board.

Roland reported that he spoke to Mike Callaghan (Town Counsel) about Foster Masonry. Atty. Callaghan said that Foster Masonry will be filing a revised industrial subdivision plan, based on zoning protections from 1984, shortly and reminded the Board that the judge has retained jurisdiction.

Meeting was adjourned at 9:30 PM.

David Hill
David Hill, Clerk