



**ACTON PLANNING BOARD  
Minutes of Meeting  
October 23, 2018  
Acton Recreation Department  
50 Audubon Drive**

Planning Board members in attendance: Ray Yacouby, Chair; Derrick Chin; Emilie Ying; Anping Liu, and John Cappetta  
Also present: Roland Bartl, Planning Director; Vivian Birchall, Administrative Assistant.

Mr. Yacouby opened the meeting at 7:40pm.

**I. Citizens' Concerns**

Mr. Yacouby opened the meeting to citizen's concerns. There were none that were not related to the public hearing.

**II. Public Hearing # 180 Newtown Road Definitive Subdivision/PCRC - Continuation of 10/2/2018 hearing**

Mr. Yacouby opened the public hearing at 7:45pm.

The Planning Board chairman started the meeting by reading the list of concerns that the board had requested the applicant to address in the next meeting. He invited the applicant to make his presentation.

The applicant's engineer, Greg Roy, distributed copies of the revised plan and memorandum to the Board and public and gave a presentation of the plan, highlighting the adjustments and corrections made to incorporate the comments from the previous hearing. He presented a map showing common land in context with surrounding town-owned open space. He stated that the applicant would like to convey the common land to the Town and will accept a permit condition to that end. He also stated that the applicant would like to offer the construction of a conservation trail head parking lot on Arlington Street with up to four parking spaces, together with trail and boardwalk construction in cost not to exceed the cost of otherwise required sidewalk construction.

The public hearing comments and concerns included:

- The perennial or intermittent nature of Grassy Pond Brook. It was deferred to the Conservation Commission;
- Location and effectiveness of the septic systems. It was deferred to Board of Health;
- Fence or landscape screening for adjacent Newtown Road properties;
- School children's safety when waiting for the bus;
- Location of the public shade trees on the frontage along Newtown Road;
- Developer's plan for a sidewalk and alternatives such as a conservation land parking lot and boardwalk;
- Drilling private wells;
- How the development will impact traffic on Newtown Road;
- Whether the calculations were based on stream flow;
- Developer to look out for potential oil spills, during excavation, from previous property owner's actions of changing his car oil;
- Bad smell from septic systems;
- Position of the fire hydrant;

**Applicant/Developer** explained that information on traffic projections had been submitted to the Engineering Department in a supplemental letter, in September 11, 2018.

**Planning Staff, Mr. Bartl**, explained:

- Methodology of how the number of houses, (8), on the property was derived;
- Construction monitoring and enforcement, highlighting the various town departments involved with inspections; and performance guarantee;
- Liability for public lands and easements;
- Jurisdiction for septic systems, wetlands and streams;
- Fire Department approved the private road plan with a recommendation to increase the curb radius at lot 3.

Mr. Bartl and Board member, Mr. Chin reported that they had met with the Town Counsel to look into the definitions of "detrimental" and "injurious" to the neighborhood.

Mr. Chin said that given that the applicant has met all PCRC requirements, if the Planning Board disapproves the PCRC application and the applicant takes the issue to court, Town Counsel advised that it would be extremely difficult to defend the negative decision and it would be highly probable the land court would overturn the negative decision.

The Chairman asked the public if all the concerns and questions from the previous meeting had been addressed. There being no other questions, the public hearing was closed at 9:20pm.

**Decision:**

Mr. Chin moved and the Board unanimously agreed to ask the Planning Director to write up a draft decision of approval with conditions, to be discussed by the Board at the next meeting.

**Conditions:**

- Digging private wells is prohibited;
- Follow up with the tree warden about the public shade trees;
- Applicant and neighbors work out the desirable fencing/screening that meets their needs;
- Construct a sidewalk on Genevieve Lane;
- Construct a 4 space parking lot off Arlington Street with a pedestrian boardwalk to connect to the public trails, in compliance with the Natural Resources requirements;
- Put private way signage at the entrance of the drive way and small trail marker for pedestrian access to trail;
- Offer the common land to the Town for acceptance.

**The Board** unanimously agreed to meet on November 20, 2018 to further deliberate on the draft special permit decision.

**III. Other Business**

There was no other business

The meeting was adjourned at 9:55pm.

Respectfully Submitted,  
Vivian Birchall  
Land Use Department