



ACTON PLANNING BOARD

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Minutes of Meeting
July 6, 2010
Acton Town Hall, Faulkner Room (204)

TOWN CLERK, ACTON

Planning Board members Mr. Ryan Bettez (Chairman), Mr. Jeff Clymer (Vice Chairman), Ms. Margaret Woolley-Busse, Ms. Kim Montella and associate member Mr. Derrick Chin attended. Also present were Planning Director, Mr. Roland Bartl and Planning Board Secretary, Mrs. Kim Gorman.

Absent were: Mr. Ray Yacouby (Clerk), Mr. Roland Bourdon, Ms. Leigh Davis-Honn and associate Mr. Greg Niemyski.

Meeting was called to order at 7:30 PM.

I. Citizens Concerns

None raised.

II. Consent Agenda

Consent Item A. Minutes of 05/18/2010 and 06/08/2010, Consent Item B. Reappointment of Roland Bourdon to the CPC for a 3-year term, Consent Item C. QRCC/RQR/Skyline Drive – vote to call bond/l.o.c., Consent Item D. Extension of Senior Residence Special Permit, Mr. Clymer moved to pass all consent agenda items. Mrs. Montella 2nd; all voted in favor.

III. Reports

CCPC: Ms. Woolley-Busse stated the up-coming meeting will be next Wednesday.

Open Space: Mr. Clymer stated they are nearing the final steps to purchase the Cauoette Property and still in the process of soil testing.

IV. Michele Circle Definitive Plan Subdivision – Public Meeting

Mr. Bettez opened the public meeting at 7:45pm.

Ms. Montella and Mr. Chin were appointed to sit as full voting members for the purpose of this matter, as they had also attended the previous 5/18/2010 hearing session.

Ms. Katie Enright, of Hancock Associates representing the applicant, Walker Realty, and Elizabeth Ahern of Walker Realty were present.

Ms. Enright stated this is a follow-up on the preliminary plan that was in front of the Planning Board last summer, then following up from the definitive plan hearing session on May 18.

Ms. Enright stated the plans have been revised to reflect comments made by the various town departments. The applicant was okay with the remaining concerns and would make further minor revisions. Ms. Enright stated the right of way, road, and utilities have been shifted to meet the 30' front yard to shed on the neighboring Post's property, and that no new waivers will be requested due to the changes.

Board members asked and commented as follows:

- The development is complete overkill. Too much of everything for 2 homes.
- The Board thought Mr. Tidman's comment was odd regarding existing untreated stormwater from the abutting Kennedy Nursery property to be directed to the same detention basin in the proposed subdivision.
- How to incorporate the sidewalk into the decision.

The public had no comment.

Mrs. Montella motioned to close the public hearing, Mr. Chin 2nd, all in favor.

Mr. Bartl asked the Board for guidance on writing the draft decision for next meeting.

V. Wireless Communication Facility Special Permit – Continuation of Public Hearing

Mr. Bettez announced: based on a request made by the applicant's representative, the public hearing session for the Wireless Communication Facility Special Permit for 5-7 Craig Road was rescheduled to July 20, 2010 at 8:15 PM in the Acton Town Hall, Room 204.

VI. Silva/Barry – Request for rezoning 22 Esterbrook Road

Mr. Dan Silva introduced himself to the Board. He stated he lived at 28 Esterbrook Road with his family for 18 years. Their lot is nonconforming for size in the R-8 zoning district. They want to replace their existing 1,008 square foot house with a larger house. They are dealing with water and mold issues in the existing house. The zoning bylaw only allows house replacements of equal size on nonconforming lots. His application for a variance was denied. Their neighbors, the Barry's' who live at 22 Esterbrook Road are willing to convey them land. But this would require that the Barry's lot be rezoned from R-10/8 to R-8. Barry's lot currently is nonconforming for frontage in the R-10/8 district. With the rezoning and the land conveyance, both lots would become conforming lots in the R-8 District, and the Silva's may construct the proposed new house. The Barry's lot would be zoned the same as all the neighboring residential lots on Esterbrook Road. No new house lots would be created. Mr. Silva asked the Board for their support in the rezoning and for the Board to initiate the rezoning.

Board members asked and commented as follows:

- Why not just build an addition? Mr. Silva stated they have water 8 months out of the year, basement has constant water. There is mold in the house and son has asthma. The water comes in from the sidewalls since the foundation is lower than ground level.

Mr. Bartl stated that the proposed change has no effect on the Town's planning and zoning policies.

Ms. Woolley-Busse moved to recommend support and will present the item at the next available Town Meeting, Mr. Clymer 2nd; all voted in favor.

VII. Appoint a Planning Board member to serve on MAGIC and MAPC

Mr. Bettez discussed the email from Mrs. Lauren Rosenzweig-Morton regarding the need for a representative from the Planning Board to serve as a representative for Acton on MAPC and MAGIC. Mr. Bettez stated the MAPC meetings are 4 times a year and MAGIC are once a month. Mr. Bettez stated it will be brought up at next meeting since some members were absent, and he would like to see if anyone is interested.

VIII. New Open Meeting Law – Discussion/Review

Board members reviewed the documents regarding the revised Open Meeting Law information.

IX. Discussion of Concept Development Plan – Stow Town Line, West Acton

Mr. Bartl explained the concept plan. The developer, Mr. Fenton would like to create 3 new lots with houses, frontage and access in Acton and lot area in both Acton and Stow. There would be 5 or so additional lots in Stow. One lot would have frontage on Woodchester Drive and 2 would have frontage on Windmere Drive. The project could be approved as an Approved Not Required (ANR) lot. The concept could potentially replace a previously proposed 40B project on the site. Members of the public were present and stated their concern with the proposed 40B project. The 40B project went to Mass. Housing and the site was evaluated; but there is no ruling. One citizen stated the Stow Planning Board had denied multiple development proposals on the property in the

past. They are happy to see the project to be developed at a smaller scale with 3 new lots in Acton.

X. Summer Schedule/Cancellations (need one meeting before 8/17 for decision vote (s))

Board members decided to cancel August 3, 2010 meeting, 2nd, all in favor.

Motion was made to close the meeting, 2nd; all in favor; meeting adjourned at 10:20 PM.

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