



## **Planning Board**

Meeting Minutes

January 21, 2020

6:45 PM

Room 204, Acton Town Hall, 472 Main Street

Planning Board members present: Derrick Chin (Chair), Emilie Ying (Vice Chair), Jon Cappetta (Clerk), Ray Yacouby and Anping Liu.

Planning Board members absent: Sam Bajwa.

Also present: Roland Bartl, Planning Director; Christina Marshall, Town Counsel's Office; Vivian Birchall, Administrative Assistant.

### **1. Opening**

Mr. Chin opened the meeting at 6:50pm and immediately moved to enter into Executive Session at 6:51pm to discuss strategy with respect to litigation captioned *Hryniewich v. Coughlin*, Civil Action No. 18 MISC 000668 (Mass. Land Court).

Mr. Yacouby moved, Mr. Liu seconded.

Before calling roll, the Chair declared that, in the executive session, the Board will discuss this litigation as discussing it in an open meeting may have a detrimental effect on the litigating position of the Town. He added that at the conclusion of the executive session, the Board will reconvene in open session.

He invited the clerk, Mr. Cappetta, to call the roll.”

Mr. Cappetta called roll: Mr. Chin – Aye, Mr. Yacouby – Aye, Ms. Ying – Aye, Mr. Liu – Aye, Mr. Cappetta – Aye

### **Executive Session (6:51pm - 7:30pm)**

After the Executive session, the board took a 5 minute break.

Chair Derrick Chin called the meeting to order at 7:35 pm.

He explained that since the two scheduled public hearings on the agenda were at the same time, the board would hear the 180 Newtown Rd matter first, to accommodate Town Counsel who was in attendance solely for that portion of the agenda.

### **I. New/Special Business**

- 1. Public Hearing 18-03 on Court Remand (7:35 PM) – Genevieve Lane PCRC Special Permit & Definitive Subdivision; 180 Newtown Road**



Mr. Chin summarized guidelines for the hearing to limit the scope of the public hearing to the narrow question of whether the PCRC project as approved enhances the goals of the Acton Open Space and Recreation Plan.

Mr. Bartl introduced new notes from the Natural Resources director, Mr. Tom Tidman, in which the director speaks further on the land in question and how it enhances the town's goals for open space and recreation. He also re-entered memos from natural resources division submitted in 2018 regarding wetlands protection.

The Board heard comments from Mr. Douglas Hausler, the attorney representing the project proponent (C. Coughlin), who urged the board to narrow the scope of discussions to two issues: whether the PCRC enhances the goals of the Acton Open Space and Recreation Plan, and whether the PCRC would have any impact on traffic. Mr. Chin and Ms. Marshall clarified that the board would only consider the first issue, pursuant to its vote at its December 2019 meeting where it first considered this issue.

The Board also heard comments from the public including the abutter and Plaintiff in the Land Court appeal (R. Hryniewich)

Public comments included:

- The project will change the beauty and habitat of Newtown Road.
- The existing property is on one or more acres of land and this project will over crowd the neighborhood.
- Church of Good Shepherd is concerned about negative impact of extra houses near their property and how that would also impact the community.
- Concern about increased traffic on Newtown Road. Intersection of Newtown Road with Main Street is already bad.

At one point during public comments, the lawyer representing the project proponent called for a point of order, suggesting that some of the public comments were out of the scope of the public hearing.

There being no more public comments, the board Chair, before the close of the hearing, asked fellow Board members if they had any more concerns regarding the project's relationship vis-à-vis the Open Space and Recreation Plan; followed by silence. The board voted unanimously (5-0) to close the public hearing.

Each Board member was invited to share their view on the case.

- Mr. Cappetta: The plan for 180 Newtown Road complies with the Town's Open Space and Recreation Plan
- Mr. Liu: Did not provide an opinion, but said that he is hearing the abutter's concerns.
- Mr. Yacouby: He has lived in the town for a long time, has witnessed the town evolve, and deeply cares about the town, acknowledges traffic concerns, but quickly pointed out



that this particular project is in line with the town's open space plan. Going by the guidelines set out at the start of the hearing regarding the scope of the hearing, the project complies with the Town's plans for open space and he will vote accordingly.

- Ms. Ying: Understands the concerns of the abutters and public, but they are not addressing the issues in the court case. The current project complies with the goals of the town's open space plan. She approves the project.
- Mr. Chin: Has lived in Acton for 44 years, served on various board and has watched the transition of the town, and would vote in favor of this project complying with the Town's open space plan.

Mr. Chin moved to accept the additional documents from the Natural Resources director into the record. Mr. Cappetta seconded. The Board unanimously approved to accept the addition documents.

Ms. Ying moved that the board find that project as proposed enhanced the goals of open space and recreation. Mr. Cappetta seconded.

**Vote:** 4:1 (Chin, Ying, Cappetta and Yacouby in favor; Liu opposed) that the PCRC enhances the goals of the Open Space and Recreation Plan.

## **2. Public Hearing 19-07 – Dodger Way Preliminary Subdivision – 46 High Street**

Mr. Chin opened the public hearing at 8:21 pm.

The applicant presented an overview of the preliminary subdivision plan, including proposed driveways, and house locations.

The board also heard comments from the public. The abutters requested detailed plans showing road access, boundary lines, screening, and tree saving measures, septic system locations, waste management and water filtration.

After all was heard, the board recommended that if the applicant chooses to apply for the approval of a definitive subdivision, they should incorporate staff comments and address abutter's concerns in the definitive plans submitted. The board also urged the applicant and the abutters to meet and have some dialogue regarding the project.

A motion was made and seconded to close the public hearing; motion passed unanimously.

Mr. Yacouby moved to approve the preliminary definitive subdivision with conditions reflecting the town staff comments, and that the applicant dialogues with the abutters and incorporates their concerns, and staff comments in the application for a definitive subdivision. Mr. Cappetta seconded. The vote unanimously carried (5-0).

With the applicant's approval, the Board also voted (5:0) to extend the deadline for writing the decision to February 5, 2020.



The Chairman requested that Planning staff write and issue a decision accordingly on the Board's behalf.

At 9:25pm time, one board member, Ray Yacouby excused himself from the meeting

### **3. Consideration for zoning amendments – Russian School of Mathematics**

The petitioner, Igor Chernin of the Russian School of Mathematics, presented an overview of the zoning amendment petition which requested the town to amend the zoning of property from residential to industrial, to increase Russian School of Mathematics' parking spaces, in a move to reduce traffic congestion on Main Street.

The board was informed that the petitioner had got enough signatures for a citizen's petition and was seeking the support of the Planning Board for the February zoning public hearing.

The board unanimously agreed that it would submit a recommendation after the February 11, 2020 public hearing.

The discussion ended at 10:00pm

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### **4. Regular Business**

#### **a. Reports & Administrative Updates**

Address the Outstanding OML Determination Letter by the Attorney General  
Ms. Ying moved to approve the revised 4/16/2019 meeting minutes and to delegate to the Town Manager's office to respond to Attorney General. Mr. Cappetta seconded. The motion carried (4-0 and 1 absentee)

#### **b. Previous Meeting Minutes**

Ms. Ying moved to approve the 12/16/19 meeting minutes as revised in the meeting to fill in the blanks and correct meeting location. Mr. Cappetta seconded. The motion unanimously carried.

#### **c. EV Charging Station**

The Planning Director informed the Planning Board that the Board of Selectmen has requested them to include an article on proposed EV charging stations for the zoning public hearing in February.

#### **d. Housing Production Plan Public Forum**

The Planning Director invited the planning board members to a Housing Production Plan Forum scheduled for January 30, 2020 at the Acton Town Hall, Room 204 at 7:00pm.



## **Adjournment**

At 10:18 PM a motion was made and seconded to adjourn the meeting. Meeting adjourned by unanimous vote.

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Documents used at the meeting:

- 1.21.2020 Planning Board Agenda
- DRAFT 12-16-19 Planning Board Minutes
- Revised 4-16-19 Minutes
- 18-03 - 180 Newtown Road PCRC decision as filed (11/29/18)
- Court's clarification (11/5/19)
- NR 180 Newtown Road follow up letter
- 180 Newtown Road – Jan 21 Agreement of Time Continuation

New public comments

- Comment – David Shoemaker
- Comment – Ken Henderson
- Comment – Rick Hryniewich
- Comment – Stephen and Kali Hart
- Comment – Trudy Khosla
- Public Hearing Handout
- 19-07 Dodger Way 46 - High Street Subdivision preliminary application
- Planning Division Memo
- AWD Comments
- Engineering Department Comments
- Design Review Board Comments
- Fire Comments

Also see link: <http://doc.acton-ma.gov/dsweb/View/Collection-11679>