



## **Planning Board**

September 15, 2020

7:30 PM

Virtual (Zoom)

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

Also present: Kristen Guichard, Interim Planning Director and Robert Hummel, Assistant Town Planner, Nina Pickering- Cook, Town Counsel.

### **Opening**

Chair Derrick Chin called the meeting to order at 7:33 pm. He read the guidelines for virtual meeting.

The Clerk called the roll: Ray Yacouby- Aye, Sam Bajwa- Aye, Anping Liu - Aye, Jon Cappetta- Aye, and Derrick Chin- Aye. Unanimous (5-0)

### **1. New/Special Business**

#### **1.1 PB 20-07 - Planned Conservation Residential Community (PCRC) Special Permit - 22 Elm Street**

The Chair opened the hearing at 7:41 pm.

The applicant, represented by Scott Hayes from Foresite Engineering presented an overview of the PCRC application including the list of requested waivers.

#### **Discussion:**

##### **The board discussed;**

- The PCRC bylaw requirements in regards to the common land ownership and access to the common land.
  - It was clarified that the Bylaw allows for the common land to remain privately owned by the owners of the PCRC units and that the 40-foot access does not need to be public.
- There is no proposed affordable housing units on the project plan
- Concerned about increased traffic on the street.
- The DRB comments, and considered having the applicant review building design plans with the DRB

#### **Public comments**

- Select Board informed the board that traffic would be down when Gates/Douglas new buildings are in use
- Statement from abutters at 18 Elm Street, with concerns including flooding, trees not drawn to scale, property lines, request for a traffic study, absence of a sidewalk, septic systems location and design, Elm Court is a private drive way and abutters will not consent to access to the private drive way.
- Abutter at 3 Jesse Drive. Applicant is constrained with the setbacks from existing private agreements, width of the road, traffic



- A resident from School Street, concerned about waivers for 6 houses on a common drive, and questioned the wetland buffer.
- Intent of public access is not met
- Need a proof plan to show what is allowed to be built by right, need a requirement that trees are identified and reserved

After discussion and with agreement with the applicant Mr. Yacouby moved, Mr. Cappetta seconded and the board unanimously agreed to continue the hearing to October 20, 2020 at 7:35pm

The Clerk called roll: Ray Yacouby- Aye, Sam Bajwa- Aye, Anping Liu - Aye, Jon Cappetta- Aye, and Derrick Chin- Aye. Unanimous (5-0)

### **1.2 PB 18-03 – Continued Remand Public Hearing, Planned Conservation Residential Community (PCRC) Special Permit -180 Newtown Road**

Town counsel explained the history of the remand hearing, the term De Nova and the Board's mandate.

#### **Board discussion:**

- The board reviewed the memo and email from Natural Resources Director, Tom Tidman which detailed how the application enhances the goals of the Town's Open Space and Recreation Plan. Board members stated agreement with Mr. Tidman's letter and email which detailed how the open space parcel in the proposed PCRC is a key element in the Plan.

The applicant, represented by the attorney Doug Hausler agreed with the memos from the Natural Resources department and with the board member comments.

#### **Public comment/concerns:**

- Abutters to the property made comments to protect the wetlands and objected to building 8 houses on 4.62 acres.

Mr. Yacouby moved, Mr. Cappetta seconded and the board unanimously agreed to close the hearing. The Clerk called roll: Sam Bajwa- Aye, Jon Cappetta- Aye, Ray Yacouby- Aye, Derrick Chin- Aye and Anping Liu – Aye.

After hearing public comments, including comments from the plaintiff and the defendant's attorney in the Land Court case, and after reviewing the exhibits, and information submitted, the board voted to supplement the findings on the original special permit decision to include a specific finding that the information provided in this public hearing satisfies that the plan enhances the town's open space and recreation plan. The Clerk called roll: Ray Yacouby- Aye, Sam Bajwa- Aye, Anping Liu - Aye, Jon Cappetta- Aye, and Derrick Chin- Aye. Unanimous

### **1.3 PB 20-6 – Continued Public Meeting, Preliminary Subdivision – 40 High Street**

The Chair opened the hearing at 9:42 pm.

The applicant, represented by Paul Kirchner from Stamski and McNary presented an overview of the application for a preliminary subdivision at 40 High Street. The applicant also briefed the board about the existing approved non-conforming multi-family dwelling on the property and explained that retaining it on the site provided a public good by providing more moderately priced housing on the property.



### **Board discussion**

- General support for retaining the multi-family housing unit as it would provide more moderately priced housing in Acton as opposed to renovating it into a single family dwelling
- Applicant advised to address concerns with stone wall, tree shade, driveways

### **Public comments**

Abutters to the property made comments about concerns with increased traffic and requested a tree protection plan be submitted with the final proposal

After discussion, Mr. Yacouby moved, Mr. Cappetta seconded and the board voted 4:1 to approve the preliminary plans as presented at the meeting.

The clerk called roll. Sam Bajwa- Aye, Anping Liu- Nay, Jon Cappetta- Aye, Ray Yacouby- Aye, and Derrick Chin- Aye.

The board delegated the Planning staff to write and sign the decision, on its behalf, and to include guidance for a definitive plan based on what was discussed at the meeting.

## **I. Regular Business**

### **Previous Meeting Minutes**

Mr. Yacouby moved to approve the 08/18/20 meeting minutes, Mr. Cappetta seconded. The Clerk called roll: Ray Yacouby- Aye, Anping Liu - Aye, Sam Bajwa- Aye, and Jon Cappetta- Aye, Derrick Chin- Aye. The vote was (5-0)

### **Adjournment**

At 10:41 pm, Mr. Cappetta moved to adjourn the meeting. The clerk called roll. Ray Yacouby- Aye, Anping Liu - Aye, Sam Bajwa- Aye, and Jon Cappetta- Aye, Derrick Chin- Aye. The vote was (5-0). The meeting adjourned.

Vivian Kobusingye Birchall,  
Land Use Department

Documents used at the meeting:

- DRAFT 9.16.2020 Planning Board Agenda
- DRAFT 08.18.20 Planning Board
- 22 Elm Street Application
- 180 Newtown Remand
- 40 High Street Application
- Planning Division Memos

Also see link for more information: <http://doc.acton-ma.gov/dsweb/View/Collection-11688>