



## **Planning Board**

April 13, 2021  
7:30 PM  
Virtual (Zoom)

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

Absent: None

Also present: Kristen Guichard, Planning Director and Robert Hummel, Assistant Town Planner

### **Opening**

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

Mr. Chin read the guidelines for virtual meeting.

Mr. Cappetta called the roll: Derrick Chin - Present, Ray Yacouby - Present, Jon Cappetta – Present, Sam Bajwa – Present, and Nathan Cookson – Present, unanimous (5-0).

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

#### **1.1 Public Hearing on Proposed Zoning Changes and Proposed Changes to the Subdivision Rules and Regulations**

Mr. Cappetta called the roll: Derrick Chin - Present, Ray Yacouby - Present, Jon Cappetta – Present, Sam Bajwa – Present, and Nathan Cookson – Present, unanimous (5-0).

The Chair opened the public hearing at 7:45 PM.

Mr. Guichard highlighted the changes regarding public shade tree in Subdivision Rules and Regulations.

Ms. Guichard made a presentation on the proposed zoning change amendments for drive-up windows.

Deliberations on the proposed changes for the proposed zoning changes and Subdivision Rules and Regulations:

#### **Public Comments**

- Mr. Kenah asked what district are village and business districts.
- Mr. Charter highlighted the Council of Disability's letter and noted that most drive thru operations have more than one window.
- Ms. Murray asked the board to add volume limits into the draft bylaw. She also advocated to include two lanes instead of the one lane restriction as drafted.
- Mr. Wagner echoed Ms. Murray's comments. He also advocated for the two window approach and setting a car length requirement in the proposed zoning amendment.
- Ms. Friedrichs didn't believe that drive-up windows were compatible in the town.



#### Board Comments

- Mr. Yacouby thought the draft zoning bylaw amendment were good frameworks and thanked the Select Board and the Planning Division for taking this on as an initiative.
- Mr. Bajwa made a comment based on the number of windows question that Dean Charter made in his public comments.
- Mr. Cappetta asked about the impact on traffic.
- Mr. Chin was worried that the proposed zoning bylaw would put small businesses out of business.
- Mr. Cookson asked why did the town propose these specific uses and was not in support of pharmacy drive-up windows.

#### Voting

##### (1) Drive-up Windows Zoning Amendment

At 8:50 PM, Mr. Yacouby moved to continue the Proposed Zoning Public Hearing to April 20, 2021 at 7:45 PM via Zoom. Mr. Cappetta 2<sup>nd</sup> the motion. Mr. Cappetta called roll. Derrick Chin - Aye, Ray Yacouby - Aye, Sam Bajwa – Aye, Jon Cappetta – Aye and Nathan Cookson – Aye, unanimous (5-0).

##### (2) Amendment of Subdivision Rules and Regulations

At 7:53 PM, Mr. Yacouby moved to approve the amendments to the draft Subdivision Rules and Amendment as presented. The motion was seconded by Mr. Cappetta. Mr. Cappetta called the roll: Derrick Chin - Aye, Ray Yacouby - Aye, Jon Cappetta – Aye, Sam Bajwa – Aye, and Nathan Cookson – Aye, unanimous (5-0).

#### **1.2 PB 21-1 - Continued Public Hearing: Ground-Mounted Solar Photovoltaic Installation Special Permit –50 Independence Road**

At 8:55PM, Mr. Chin reopened the public hearing.

Mr. Cappetta called the roll: Derrick Chin - Present, Ray Yacouby - Present, Jon Cappetta – Present, Sam Bajwa – Present, and Nathan Cookson – Present, unanimous (5-0).

Mr. Beals and Mr. Kopperl gave an update from the last public hearing. The draft decision that was briefly discussed at the last public hearing reflects the comments that were mentioned. Mr. Beals mentioned that they had conversations with the Fire Chief in regards of the existing fire hydrant and proposed conditions. The draft decision reflects the mentioned concerns and the use of the existing fire hydrant on site.

#### Public Comments:

- Mr. Rosen gave a background of HFC's. He agreed with Mr. Beals' suggested decision conditions.
- Mr. Friedrichs asked the board to require more funds for the replacement of trees.

#### Board Comments:

- Mr. Yacouby wanted to hear from Mr. Rosen regarding Mr. Beals' suggested decision conditions.
- Mr. Bajwa asked the applicant to reconsider including more funds for the replacement of trees.



The applicant made an offer to provide the Town of Acton mitigation payment to offset the proposed removal of trees. The applicant proposed, beginning on the fifth anniversary of the commercial operation date (COD) of the solar facility and continuing through the fifteenth anniversary of said COD, yielding an aggregate contribution of \$50,000.00 to the Town of Acton. The funds could be used by the Town for any purpose related to planting new trees or protecting existing trees. The board members asked the applicant to provide a higher contribution and after a back to forth discussion, the applicant offered to increase the mitigation payment to \$60,000.00. The new contribution was included in the draft decision

The Board reviewed the draft decision that the Planning Division Staff drafted and they made additional changes to the decision conditions that addressed Emergency Response Plan, Carbon Mitigation, and the battery storage system.

At 10:09 PM, Mr. Yacouby moved, Mr. Cookson seconded, and the board unanimously (5-0) voted to close the public hearing. The Clerk called roll: Derrick Chin- Aye, Ray Yacouby- Aye, Jon Cappetta- Aye, Sam Bajwa- Aye, and Nathan Cookson - Aye, Unanimous.

At, 10:11 PM, Mr. Cappetta moved, Mr. Chin seconded, and the board unanimously (5-0) voted to approve the draft special permit decision as discussed at the meeting and to delegate the Planning Division to issue the draft decision on the board's behalf. The Clerk called roll: Derrick Chin- Aye, Ray Yacouby- Aye, Jon Cappetta- Aye, Sam Bajwa- Aye, and Nathan Cookson - Aye, unanimous (5-0).

At 10:18 PM, the Board took an 11 minute recess. Mr. Cookson left the Planning Board meeting at 10:18 PM for the rest of the meeting's duration.

### **1.3 PB 20-07 - Continued Public Hearing - Planned Conservation Residential Community (PCRC) Special Permit - 22 Elm Street**

At 10:32 PM, Mr. Chin reopened the public hearing.

Mr. Cappetta called the roll: Derrick Chin - Present, Ray Yacouby - Present, Jon Cappetta – Present, and Sam Bajwa – Present, unanimous (4-0).

At 10:32PM, Mr. Yacouby moved to continue the 22 Elm Street Special Permit to April 20 at 8:00PM via Zoom. Mr. Cappetta 2<sup>nd</sup> the motion. Mr. Cappetta called roll. Derrick Chin - Aye, Ray Yacouby - Aye. Jon Cappetta – Aye, Sam Bajwa – Aye, (4-0).

## **II. Regular Business**

### **1.1 Citizen Concerns**

There were none.

### **1.2 Approve Previous Meeting Minutes**

At 7:42PM, Mr. Yacouby moved to approve the 03-16-2021 meeting minutes presented at the meeting. - Mr. Bajwa 2<sup>nd</sup>. Mr. Cappetta called roll: Derrick Chin - Aye, Ray Yacouby - Aye, Jon Cappetta – Aye, Sam Bajwa – Aye, and Nathan Cookson - Aye, (5-0).

### **1.2 Administrative Updates & Reports**

Ms. Guichard polled the Board regarding a special Planning Board meeting in early May.



### **Adjournment**

At 10:45PM, Mr. Yacouby moved to adjourn the meeting. Mr. Cappetta 2<sup>nd</sup> the motion. Mr. Cappetta called roll. Derrick Chin - Aye, Ray Yacouby - Aye, Jon Cappetta – Aye, and Sam Bajwa – Aye, unanimous (4-0).

Documents used at the meeting:

- 04/13/21 Planning Board Agenda
- DRAFT 03/16/21 – Planning Board Minutes
- Public Hearing on Proposed Zoning Changes and Proposed Changes to the Subdivision Rules and Regulations
  - Town Presentation
  - Dean Charter Public Comments
  - Planning Board Zoning Public Hearing Packet 04-13-2021
- Ground-Mounted Solar Photovoltaic Installation Special Permit – 50 Independence Road Application
  - PB21-1 DRAFT Decision - Ground Mounted Solar Special Permit - 50 Independence Road (Updated)
  - Larry Beals - decision condition suggestions - 04-13-21

Also please see link for more information: <http://doc.acton-ma.gov/dsweb/View/Collection-13293>

Submitted

Robert Hummel

Assistant Town Planner