

# Kelley's Corner Steering Committee

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## *Meeting Minutes – 28 October 2015*

These are the meeting minutes from the Kelley's Corner Steering Committee of the Town of Acton, Massachusetts. The meeting took place on 28 October 2015 in the Land Use Conference Room at the Acton Town Hall.

Present: Andrew Brockway, Eric Solomon, J D Head, Jeff Clymer , Larry Kenah, Margaret Busse, Peter Darlow

Not Present: Kat Hudson

Board of Selectmen: Peter Berry

Planning Department: Kristen Guichard, Robert Hummel, Roland Bartl

### **Other Attendees**

- Ann Corcoran – Acton 2020

### **Meeting Summary**

The meeting was called to order at 7:36 pm by Andy Brockway.

### **Minutes (1)**

The minutes from the 13 October 2015 were approved with one edit.

### **Capital Request at Fall Town Meeting (2)**

The first discussion centered on an article for Fall Town Meeting that would request funding from the town to take the next steps on creating an engineering plan for the infrastructure work, a key component of the committee's work for the past two years.

### **Funding Breakdown**

The funding request was broken into two pieces.

- An initial set of funds estimated at \$318k would advance the engineering plan from its current state (approximately 10%) to a 25% plan as defined by MassDOT.
- An additional set of funds estimated at \$438k would advance the engineering plan to 100%.

The article in the Fall Town Meeting warrant (Article 7) is for the initial set of funds (\$318k for a 25% plan).

## Discussion

Peter Berry, the selectman assigned to this article, began the discussion. Peter argued in favor of the article. He described his record of service to the town and indicated that the infrastructure work is a critical next step for improving the town.

Roland Bartl also argued in support of the article. Roland briefed the committee on how funding for such projects works its way through critical state agencies, especially the Metropolitan Planning Organization (MPO). Organizations like the MPO move projects up their priority list based on commitment from the towns themselves. A key metric for this commitment (the only one?) is whether a town chooses to spend its own money to move the project forward. Roland's concern was that a six-month delay from town meeting would translate into a delay of a year at the state level.

The primary concern expressed by members was about timing. The committee had earlier decided that we were not ready to present the entire plan (including infrastructure improvements and zoning changes) to fall town meeting. What would be the effect of asking for these funds in the absence of a complete plan?

A second question surfaced during the discussion. Should the funding request aim for the 25% plan only or for the 100% plan? The total amount for this request is \$756k (\$318k + \$436k).

- Margaret Busse argued against the article. She would like to present the entire plan and that will happen at spring town meeting.
- Peter Darlow argued against decoupling the two funding requests.
- JD Head expressed concern about bringing this request to fall town meeting in the absence of completed supporting materials.
- Larry Kenah acknowledged the fiscal arguments made by Peter Berry and Roland Bartl but asked whether the article would receive the necessary support at Fall Town Meeting.

There was an additional discussion not related to the article at Fall Town Meeting. There are two acquisition costs (Community Way and everything else) that have unknown costs at this time.

## Votes

At the end of the discussion, the committee voted on two motions.

- That the committee recommend against this article at Fall Town Meeting
  - This motion passed unanimously.
- That, at Spring Town Meeting, the town be asked to allocate funds for the 100% plan
  - All members except Jeff Clymer voted in favor of this motion.
  - Jeff Clymer voted against.

## Special Permit Application for 110 Grille (5)

Walker Realty wants to build a 110 Grille restaurant at the former location of the McDonald's restaurant. Walker has the rights to a lease area that is part of the overall property owned by Stop & Shop. This proposal is going forward independent of the Kelley's Corner Improvement Initiative. Here are key points from this discussion.

- The plan would be governed by existing zoning regulations.

- The current lease area is not big enough to meet existing zoning.
- Stop & Shop has a contractual agreement with Walker that allows this plan to move forward independent of all other activities associated with Kelley's Corner.

Roland Bartl told the committee that the Planning Department has recommended delay.

## **Public Outreach (4) – Dates**

### **Public Forum**

This is the date when all of the documents are released to the public.

- **4 February 2016** – After only a brief discussion, we decided hold the public forum on Thursday, 4 February 2016.

### **Planning Board (PB)**

There are two dates associated with the Planning Board's approval of proposed zoning changes. There needs to be a public hearing on the proposed changes. The PB needs to vote on the proposed changes. In the absence of significant feedback at the public hearing, the PB might vote on the same day as the public hearing.

Early in the meeting, it looked like we had settled on 1 March for the PB public hearing but Jeff Clymer (PB chair) is gone for approximately one week starting on 1 March.

As a result, the PB dates are not yet set. We are looking at the last week in February (the week after school vacation week) for the PB public hearing.

### **Neighborhood Meeting**

At the previous meeting, we thought that we could eliminate a special meeting with Kelley's Corner neighbors. At this meeting, we reaffirmed that decision. Eric Solomon, one of the neighbors, supported that decision but stressed that we need a good letter that describes the final results. The letter should be sent some time in January.

### **Property Owners**

Roland Bartl and the Planning Department (PD) staff have been meeting with Kelley's Corner property owners and will continue to do so.

## **Public Outreach (4) – Current Status of Documents**

### **Final Report**

Roland Bartl reported that we are expecting the final report from The Cecil Group next week (or "this week" as these minutes are actually being written).

### **Design Guidelines**

Someone asked how the design guidelines are approved. We agreed that the permit granting authority (either BoS or PB depending on the final results from the Peter Berry committee) should adopt the design guidelines and "own" them going forward.

Someone (perhaps Andy Brockway) urged that we make sure that the substantive changes are all included in the first version of all of the documents that are released to the public on 4 February 2016. We can worry about improving the format and appearance of the documents in later revisions.

## **Details, Bloody Details**

As minutes from recent meetings have suggested, there are key issues related to actual content of the various plans that need to be resolved before the various documents are complete. The remainder of the meeting addressed these issues.

- Include hardware store mall in overall plans
- Restrictions on residential units
- Building setbacks
- Frontage requirements
- Building height

Each topic generated a sustained discussion. The minutes include some discussion points but focus on conclusions.

### **Include Hardware Store Mall on Overall Plans**

The current Kelley's Corner zoning area includes the mall on Main Street that includes ACE Hardware, Julie's Place, Dunkin' Donuts, and additional retail establishments.

The committee decided not to include this mall in the initial version of the master plan overlay district. The newly created district might be extended to include this mall in the future based on how the initial master plan process works and other considerations. Development at the mall will continue to be based on existing zoning regulations.

### **Restrictions on Residential Units**

In order to deal with several concerns, the committee decided to not allow residential units on the first floor of buildings that abut the street. This restriction includes the entire first floor, not simply the part of the first floor that faces the street.

### **Building Setbacks**

Robert Hummel provided several drawings of roadways, existing boundaries, and existing structures to simplify this discussion. In the absence of completed right-of-way (ROW) surveys, plans must work with existing ROW. After a spirited discussion, the committee agreed on the following restrictions.

- The minimum setback is 25 feet.
- The maximum setback is 30 feet but can be relaxed at the discretion of the Planning Board.

### **Frontage Requirements**

This particular requirement addresses how much of the width of a parcel of land must consist of a building. The existing requirement is 60%. The discussion mostly focused on this requirement as it applies to larger parcels of land. While 60% makes sense for smaller parcels, it allows for lots of wide open spaces for larger parcels. The committee finally settled on the following frontage requirements.

- For 300 feet or smaller, the existing 60% requirement will remain in effect.
- For frontage between 300 feet and 500 feet, the requirement is increased to 70%.
- The requirement for frontage larger than 500 feet is 80%.

## Building Height

The conversation about maximum building probably generated the longest conversation of the evening, mildly surprising in that it was the last item that we talked about at the meeting.

The first important point to make is that relaxing existing building height restrictions only applies to projects governed by a master plan special permit. This restricts the use of an increased maximum building height to a very small number of larger developments.

We used the drawings that Andy Brockway distributed at the most recent meeting to illustrate exactly what we were talking about when we used terms like maximum height, average height, and “spring point”.

During the discussion, two questions kept coming up.

- Are we talking about flat roofs or pitched roofs?
- If we simply restricted height based on a single number, we would seem to favor one type of roof over the other as developers would use the roof type that provided the maximum economic benefit.

In the end, we decided to restrict maximum height based on roof type.

- For buildings at the street frontage ...
  - For flat roofs, the maximum height is 40 feet. This would allow three generous stories (a 15-foot retail first floor plus two 12-foot residential floors).
  - For pitched roofs, there is a limit of 45 feet for the **mean height**. By including gables in the top floor, this would allow the so-called three-and-a-half stories with a portion of the top floor used for residential units.
- For buildings **not located** at the street frontage ...
  - The maximum allowed height will be 55 feet. There is an additional restriction of no more than four stories above the basement.

Someone made the point that the zoning regulations and design guidelines should explicitly point out that we will allow dormers. Roland pointed out that each additional dormer reduces the overall building height for a fixed value of mean height.

## Administrative Updates (6)

Kristen Guichard would poll members for the date and time of the next meeting.

## In Closing

The meeting adjourned at 11:08 pm.

These minutes were recorded by Lawrence J Kenah.