



## ACTON PLANNING BOARD

### Minutes of Meeting September 6, 2016 Acton Town Hall Room 204

Planning Board members attending: Derrick Chin (Vice Chair); Jeff Clymer; Michael Dube; Mike Mai; and Bharat Shah.

Also present: Roland Bartl, Planning Director, Robert Hummel, Assistant Town Planner; and Victoria Kulwicki, Planning Intern.

Mr. Chin opened the meeting at 7:35 pm.

#### **I. Citizens' Concerns**

None

#### **II. Reports**

Mr. Chin explained that the Economic Development Committee has an upcoming presentation to the Board of Selectmen for approval for a local business database. Mr. Clymer provided an update on behalf of the Open Space Committee regarding the potential acquisition of the Lazaro property located at 53 River Street. The appraisal for the property, has been completed and a vote is scheduled for Friday.

There were no additional reports from other committees.

#### **III. Consent Agenda**

##### A. Minutes

Mr. Clymer moved that the minutes of August 16, 2016 be approved as amended. The motion carried unanimously.

#### **IV. 111 Summer Street – “Summer Place” Definitive Subdivision**

Mr. Chin opened the public hearing at 7:45 PM. Mr. William Hall gave a brief presentation on behalf of the applicant, explaining that the proposed subdivision is a residential compound that divides one existing lot into two new lots. The existing dwelling is to be preserved. There were interdepartmental comments provided by staff, including the Fire Department.

Mr. Hall acknowledged that the proposed private road does not meet 527 CMR 1.0 Chapter 18 (new Fire Code) requirements for minimum turning radius and width. Mr. Clymer asked what it would take to meet Fire Code regulations. Mr. Hall was concerned that compliance could compromise the setback of the existing dwelling. Mr. Bartl explained the goal of the Residential Compound option to reduce environmental impact, thus making the Fire Code's increased pavement requirement somewhat incompatible; however, the Fire Code is State law and its requirement could not be waived by the Planning Board. Mr. Clymer agreed. Mr. Bartl asked Mr. Hall to elaborate on possible revisions to meet Fire Code requirements. Mr. Hall explained that he planned to meet with Fire Chief Hart to achieve compliance.

Mr. Clymer asked Mr. Hall whether his client intended to donate to the Town's Sidewalk Fund or to build sidewalks. Mr. Hall informed the Board that this was yet to be determined.

Mr. Clymer moved to approve the application under the condition that all Fire Code requirements are met, and with the specification that the applicant may choose whether to construct a sidewalk or donate to the Sidewalk Fund. The motion was seconded by Mr. Dube, and passed unanimously.

#### **V. Other Business**

At 8:10, Ms. Friedrichs of 627 Mass Ave requested to voice a citizen concern. She explained that she had heard echoed across a number of Boards and Committees various opinions on dwelling design principles, including a preference for vinyl siding over wooden materials. Ms. Friedrichs suggested that the Board partake in an educational session wherein an architect or other designer could explain the aesthetic and historic value of different design standards.

Mr. Clymer noted among other things that the Board has no jurisdiction over design principles and that the Design Review Board was responsible for providing guidance regarding design.

The Board then proceeded to discuss the meeting schedule for September and October. The Board agreed to cancel the upcoming September 20<sup>th</sup> meeting barring any unforeseen circumstances.

Mr. Clymer shared that he would be officially resigning at the end of October.

## **VI. Proposed Zoning Changes**

Mr. Chin opened the public hearing at 8:30 pm.

### ***1. Dwellings on Nonconforming Lots***

Mr. Hummel presented the proposed zoning article to increase the allowance for by-right expansion of existing dwellings on non-conforming lots from 15% to 50%, as suggested by Mr. Clymer at the August 16, 2016 meeting. Mr. Clymer explained that he had proposed the 50% increase to reduce the burden on homeowners and Town staff, while still affording the Town a degree of protection against disproportionate increases in a building's square footage that would be in disharmony with the surrounding neighborhood.

Mr. Chin opened the floor to public comment.

Ms. Ann Chang requested a graphic to depict a 15% versus a 50% addition. Mr. Bartl agreed to prepare such a visual for Special Town Meeting.

Mr. David Honn of 105 School Street explained that he did not support the proposed change. He expressed concern over Acton's aging population. Given the trend, he speculated that in 10-15 years' time, demand for small homes would be high; he suggested preserving Acton's small housing stock now. Mr. Honn added that if the proposed zoning change was motivated by a desire for a reduced permit processing workload, there might be other ways to control permit flow such as a cap of 1 permit approval per month.

Ms. Friedrichs agreed with Mr. Honn and challenged the assertion that such special permits often passed with few or no conditions. She requested to know how many special permits had passed without conditions and how many special permits were in the pipeline. She also explained that a similar zoning article (which increased the by-right expansion of buildings on nonconforming lots to 30%) had come before the Board two years ago, but was not brought to Town Meeting. She asked why a larger expansion might be appropriate now.

Mr. Clymer explained that extensive research determined the recommendation of 50%. He also explained that residents on conforming lots do not need to seek a special permit for an expansion. This zoning article seeks to reduce the burden on potential applicants residing on the 1/3 of Acton lots that are currently nonconforming.

Ms. Friedrichs requested a map of all the nonconforming parcels in Acton. Mr. Bartl agreed to make one publicly available.

Mr. Honn expressed concern over the potential for speculation. Mr. Bartl explained that an applicant may only replace a building by right with the same amount of square footage, and that there is a two-year wait time after which an applicant may begin expanding a building.

The Board deliberated, and Mr. Clymer moved to bring the article to Special Town Meeting with the Board's favorable recommendation, with the mover being Chairman Ray Yacouby. In the event Mr. Yacouby is not able to act as mover, Mr. Clymer will be the mover. The motion was seconded by Mr. Shah and passed unanimously.

### ***2. Accessory Apartments***

Ms. Kulwicky presented the proposed zoning article to allow accessory apartments in newly constructed detached buildings, not to exceed 2 bedrooms and 500 square feet in size.

Ms. Chang suggested that the Planning Board reach out to the Senior Center and the Council on Aging to raise awareness among the senior community, as seniors could benefit from this zoning change. Mr. Chin agreed to do so.

He then questioned whether 500 square feet might be too small for an accessory apartment. Mr. Dube explained that at the previous meeting on August 16, 2016, 800 square feet was proposed and that at that time the Board preferred a smaller size to encourage small-scale options for single people and family members, rather than families with children.

Ms. Kulwicki explained that 500 square feet is the average size of prefabricated 'tiny houses' and is also comparable to the size of detached garage buildings, which are already permitted in the Zoning Bylaw.

Mr. Honn suggested that such accessory apartments be used as 40Bs to help the Town reach its affordable housing goals. He provided materials from the Town of Lincoln, which provides a subsidy and other grants to fund 40Bs in accessory apartments. Mr. Honn suggested the Town look into this as an option.

Mr. Bartl inquired about the financial feasibility of the subsidy program. He also suggested that such 40Bs might not necessarily qualify for the Town's affordable housing stock, as apartments 500 square feet or smaller are not typically a viable option for families with children. He clarified that the intent of the article is to diversify Acton's housing stock.

Ms. Friedrichs asked whether a person residing in an accessory apartment may be entitled to an additional accessory apartment. She also asked how the Town could ensure that designs are in keeping with the character of the surrounding neighborhood.

Mr. Dube suggested that because the property owner is required to reside on the lot, they may be inclined to design a visually appealing apartment. He acknowledged that there is no way to enforce design through the zoning mechanism.

Mr. Shah raised concerns over the assurance of affordability and the likelihood of property owners actually constructing and renting such accessory apartments. He commended the idea but cautioned that it might not be fully developed, which could negatively impact the very property owners the article is intended to help.

Mr. Dube moved that the article be brought to Special Town Meeting with the Board's favorable recommendation, with the mover being Chairman Ray Yacouby. In the event Mr. Yacouby is not able, Mr. Clymer act as the mover. The motion was seconded by Mr. Clymer. The motion passed with a 4-1 majority.

### **3. Restaurant Seating**

Ms. Kulwicki presented the proposed zoning article to raise the by-right seating limit for restaurants from 10 to 65.

Mr. Shah commented that the 65-seat limit may be too low. Mr. Clymer commented that the 65-seat limit preserved a degree of protection for the Town.

Mr. Clymer moved to bring the article to Special Town Meeting with the Board's favorable recommendation, with the mover being Chairman Ray Yacouby. In the event Mr. Yacouby is not able, Mr. Clymer will act as mover. The motion was seconded by Mr. Dube and passed unanimously.

### **4. Signs and Advertising Devices**

Mr. Hummel presented the article proposing three changes to the regulations for signs and advertising devices.

The Board deliberated, and Mr. Clymer moved to bring the article to Special Town Meeting with the Board's favorable recommendation, with the mover being Chairman Ray Yacouby. In the event Mr. Yacouby is not able, Mr. Clymer will act as mover. The motion was seconded by Mr. Dube and passed unanimously.

### **5. Outdoor Lighting Regulations**

Mr. Bartl presented amendments to the Zoning Bylaw that would address LED outdoor lighting requirements.

Mr. Shah suggested that the Planning Department collect information on the LED regulations in place in similar towns and cities. Mr. Bartl recommended that Gary Green be present at Special Town Meeting in order to answer specific technical questions.

Mr. Clymer moved to bring the article to Special Town Meeting with the Board's favorable recommendation, with the mover being Chairman Ray Yacouby. In the event Mr. Yacouby is not able, Mr. Clymer will act as mover. The motion was seconded by Mr. Shah and passed unanimously.

Jeff Clymer moved to close the Planning Board meeting. The motion was seconded by Mr. Shah. All in favor.

The meeting was adjourned at 10:00 pm.

Respectfully Submitted,  
Victoria Kulwicki  
Planning Department Intern