



ACTON PLANNING BOARD
Minutes of Meeting
November 7, 2017
Acton Town Hall
Room 204

Planning Board members in attendance: Ray Yacouby, Chair; Derrick Chin; Emilie Ying; Anping Liu; Jon Cappetta; Bharat Shah
Also present: Kristen Guichard, Senior Planner; Katelyn Huffman, Planning Board Secretary.

Mr. Yacouby opened the meeting at 7:30 pm.

I. Public Hearing For Proposed Temporary Moratorium For Recreational Marijuana

Mr. Yacouby opened the public hearing at 7:30 pm. He introduced selectwoman, Janet Adachi, to speak to the topic. Ms. Adachi informed the Board that the proposal had come from the BOS. The Board of Selectmen were originally divided on the topic. They took the alternative and instead of bringing it to a ballot vote that would completely prohibit it, they decided to bring the proposed Temporary Moratorium to Town Meeting in hopes of freezing any recreation marijuana shops until the rules and regulations of Recreational Marijuana establishments has been written and released. Once these rules and regulations are out, the Board of Selectmen agreed that they would reevaluate whether or not they should completely ban Recreational Marijuana facilities in Acton. Mr. Yacouby opened the floor to public comment.

Public Comment: Angie Tso, an Acton Resident, gave a presentation in support of the Temporary Moratorium. A large number of residents of the Town stood up and also expressed their support of the moratorium. Their reasoning was due to safety, property values, commercialization, and substance abuse possibilities.

Two residents spoke against the moratorium. They felt that the people's voice should ring true from the original ballot vote. They also felt that this would hinder economic growth and development, and reduce the ability for people to use other medicinal remedies for illness. They pointed out that there are other dangerous substances such as cigarettes and liquor, that are not causing as much of a stir even though they are also dangerous.

Mr. Yacouby made a motion to close the public hearing at 8:11 PM. Ms. Ying seconded the motion. The motion carried unanimously.

The Board as a whole felt that they should support bringing the moratorium to Special Town Meeting. They felt that the subject should be revisited once there are rules and regulations in place and that an outright ban would be premature.

Mr. Shah made a motion to support the temporary moratorium for recreational marijuana and bring it to Special Town Meeting.

Mr. Cappetta seconded the motion. The motion carried unanimously.

II. Minutes

Mr. Yacouby noted that the Board received a letter from Anne Forbes, of 25 Martin Street, stating that she felt that the draft meeting minutes did not reflect the nature of the Planning Board's 10/17/17 public hearing, specifically in regards to the discussion of potentially changing the zoning to allow commercial parking in the South Acton Village District by special permit. He made it clear that the board was not advocating for the article, or arguing the position of the land owner. He mentioned that at one point the Board even felt that the subject should be kicked back to the Board of Selectmen. The Board felt strongly that if this were to go to Town Meeting that the article should require the change to be by Special Permit through the Planning Board only and not through the by-right process. He asked Ms. Huffman to add in that there were a number of other concerns in regards to this issue but that they were not directly related to the article. He asked Ms. Huffman to add in the specific quotes of David Honn, David Martin, Terra Friedrichs, and Anne Forbes comments to the minutes, verbatim since they had issue with them.

Ms. Ying agreed that Mr. Honn, Mr. Martin, Ms. Friedrichs and Ms. Forbes comments should be added into the revised minutes. She felt that the entire discussion was strictly regarding whether the article should be presented by right or by special permit. She did not remember anyone strongly against the proposal.

Mr. Chin agreed that there should not be so much nit-picking. The comments in the minutes make sense. The minutes are only to reflect the true feeling of the meeting overall, plus the vote and are not about length or transcript.

Mr. Shah moved to rewrite the minutes and bring them back to the next Planning Board meeting. Mr. Cappetta seconded the motion. The motion carried unanimously.

III. Citizen's Concerns

Mr. Honn asked if the HDC memo could be added into the meeting minutes. Mr. Yacouby informed him that since it was not prepared until after the public hearing, that it was not in the purview of the Board to accept and add that in. Mr. Honn told the Board that he did

not agree with the meeting minutes and requested that they be more like a verbatim transcript. Mr. Yacouby reiterated that the meeting minutes should be a summary and not a transcript and should capture the vote and true feeling of the meeting as per open meeting law.

IV. Reports

Ms. Ying reported that On October 18th, the DRB reviewed the Statewide rezoning smart growth bill currently in the Statehouse and how it will affect local zoning. House version of bill H2420, Senate S-81. There was a public hearing in May 2017. Possible move in 2018 due to the registration process. Last year Senate approved but House declined. The petitioner hired 3 lobbyists this year and aim to pass this bill. "By-right" or "as of right", development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver or other discretionary zoning approval; provided, however, that "by-right" or "as of right" development may be subject to site plan review under section 9D.

Another item on the DRB agenda was a Tree Preservation Bylaw. The sample we looked at was from Concord who recently passed such a bylaw at their TM. She mentioned that she would like to discuss this further at the next planning board meeting.

Ms. Ying reported that the Open Space Committee has a purchase and sale agreement prepared for property at Newtown Road.

V. Administrative Updates

Ms. Huffman informed the Board of their upcoming December 19, 2017 Public Hearing regarding a Sign Special Permit at 533 Main Street, Acton Self Storage.

Mr. Yacouby agreed to make the presentation for Brookside Shops at Town Meeting. Ms. Ying agreed to present the housekeeping article at Town Meeting.

Ms. Ying made a motion to close the meeting. Mr. Cappetta seconded the motion. The motion carried unanimously.

The meeting was adjourned at 8:50PM.

Respectfully Submitted,
Katelyn Huffman
Planning Board Secretary