



## DESIGN REVIEW BOARD

Meeting Minutes

March 9, 2021

5:30 PM

VIRTUAL MEETING

**Present:** Peter Darlow, (Chair), David Honn, Richard Kelleher, Tom Doolittle, Holly Ben-Joseph, Dean Charter (BoS Laison), Matt Murphy Planning Department (Zoom Monitor)

**Absent:** none

Citizen's attending: Terra Friedrichs, Danny Factor, Saad Dinno  
Planning Dept. Staff attending: Kristen Guichard, Robert Hummel

### 1. Opening

Chair, Peter Darlow, opened the meeting at 5:32 pm and read the Covid 19 protocol procedures for Zoom meetings.

### 2. Regular Business

- A. Citizens' concerns – Comments were opened for special business topics.
- B. Approval of Meeting Minutes – It was moved and seconded to approve the January 19, 2020 minutes as amended. The minutes as amended were approved unanimously. Peter D to submit minutes for posting.

### 3. Special Business

- A. Review draft of updated BoS Shade Tree Policy

*Public shade trees along public roads / scenic byways:*

Dean Charter provided a revised policy for Shade Trees based on the 1991 BoS policy for protection of public way shade trees. Dean met with the Tree Warden and the Director of the DPW to formulate a policy that they believe will work best with the Town's resources.

Critical Root Zone protection (CRZ), which wasn't addressed in the 1991 policy is now covered. The policy states the CRZ is 18 times the DBH (diameter breast height) of the tree at a four-foot height. If more than 1/3 of the CRZ is disturbed during construction then the Tree Warden may determine that the tree is effectively killed.



The proposed policy for determining the value of trees to be replaced will be calculated on a two-inch for once-inch replacement basis. For example if an 18" caliper is removed, the proponent is responsible for 32" of caliper replacement. This could take the form of twelve 3" caliper trees. If the Town requests a monetary payment the calculation would be to take the retail cost of say a 3" caliper tree plus double that cost for installation.

Board members were generally supportive of the revised policy but had the following suggestions and comments:

- Some members felt the replacement trees should have a minimum size of 4-5" caliper so that their visual impact would be greater at planting, and that smaller caliper trees are more vulnerable to vandalism and do not succeed because of the damage. Other members stated that a 3" caliper tree will quickly catch up in size to a 4" caliper tree so that is no need to plant at the larger size. Dean C stated that larger root balls may not fit in the strips between the sidewalk and street, and that Town departments are not set up to plant large sized trees.
- In section VI A legal advertising should be defined clearly.
- Section V, 18" should just be 18.
- It should be stated clearly who is warranting the trees. If the Town plants the trees will the compensation cover a two year warranty?
- One member suggested adding a statement to the policy requiring that all existing trees be sited on a plan before any permitting take place. Also this member suggested using the Cross-Sectional system for valuation which is more accurate and involved and requires an appraisal. Dean C stated they decided that they decided against using this method because it is cumbersome, expensive and doesn't necessarily increase the value of trees significantly.
- In section VIII spell out the meaning of DBH
- Members supported clearly defining who would be supervising excavation around existing trees and who would be paying for the supervision.
- In section IX, clearly define what makes a qualified tree removal contractor.
- David H suggested that the Cross Sectional method be used for specimen trees of great significance such as a 100 year old oak tree in front of the library, and DBH method be used for all other less significant trees. David also suggested that in order to reach a middle valuation (between cross-sectional and caliper methods) a simple cost per caliper inch could be set. Dean C feels using a stepped appraisal approach could be justified.

The public had following suggestions and comments:

- Danny Factor (from Green Acton) states the draft hasn't been reviewed by the full board of Green Acton. Green Acton would like early tree identification, would like to require a public shade trees hearing before permitting, support cross sectional method, and more enforcement.



- Danny asks if with this policy we are just trying to recoup the price of the tree or is this policy to be a strong disincentive for tree removal considering the Town of Acton has stated we are in a climate emergency, and also have biodiversity loss.
- Terra Friedrichs supports what Danny F has stated and also said that many towns require even greater compensation for tree removal. She agrees with planting trees at a larger size (4" to 5" caliper)

The board is split on which method of measurement should be used, as members see the benefit of both methods. With a very expensive and restrictive policy, the town could be open to legal action. Dean C will take all of the comments into consideration while making the final edits to the policy. Once completed, the policy will be brought before the Board of Selectmen.

**B. Drive up Window design parameters**

Kristen G and Robert H explained the main points of a new drive up window zoning. Robert reviewed the design process which included public input through two meetings and an on-line survey. The results showed a desire by residents to allow for drive through window for pharmacies, and restaurants.

The proposed new zoning will have two avenues for installation of drive up windows, 1) within the villages a special permit will be required, and 2) outside of the villages drive up windows will be allowed by-right. The requirement for a special permit gives the town more authority to control the visual outcome of the window. Location of the window, signage, curb cuts, and lighting will be controlled.

In general, the DRB members feel design of the drive ups should be reviewed in all locations, not just in the villages because developing a standardized code for the windows would be difficult because location would be distinct since many of the windows will be going into existing establishments. Please refer to the DRB memo, Comments on Drive-Up Windows, dated 11-30-2020 for more comments from the DRB.

Kristen asked that the DRB provide them some examples of past DRB memos regarding the bank at the Acton Woods Plaza drive-up memos.

The public had the following comments:

- Terra Friedrichs does not want the DRB to write a memo to help craft the zoning by-law without prefacing it with a statement that the DRB does not support drive ups. She also agrees that all locations should require a special permit and is opposed to the drive ups because they will increase the amount of impervious surfacing.
- Saad Dinno, owner of Acton Pharmacy in West Acton Village said that they will not be able to install a window because of space limitations and that this new by-law will hurt smaller local businesses.



Because of a time conflict, the discussion concerning the use of fossil fuel in newly developed building in town was not discussed at this meeting.

#### **4. Adjournment**

At 7:05 p.m., it was moved and seconded to adjourn the meeting.  
The motion was approved unanimously.

#### **Documents and Exhibits Used During this Meeting**

- Draft Meeting Minutes from January 19, 2001
- Drive up zoning Considerations For DRB Meeting on 3/9/21 (from planning department)
- BoS Tree Policy Review dated 2-4-21

Respectfully submitted,

Holly D. Ben-Joseph