



MASSACHUSETTS

PLANNING BOARD

MEETING MINUTES
OCTOBER 6, 1980
8:00 PM; DPW FACILITY

PRESENT Mrs. Bayne (Chairwoman); members, Mr. Weare, Mr. Phillips, Ms. McCarthy; Planning Administrator, Mr. Dufresne; Mr. Quebec, Mr. Nolan, Mr. Brock, Mr. Cross.

ABSENT Mr. Becklean

MEETING OPENED 8:05 PM

WILDE MEADOWS Mrs. Bayne read the Engineering department's comments (dated October 6, 1980) on the definitive subdivision plan entitled Wilde Meadows. The Engineering Department had minor problems with the plan which will be settled in the conditions for approval. Mrs. Bayne then read the following motion:

To approve the definitive subdivision plan "Wilde Meadows," owner/subdivider: Bolton Corporation; designer/engineer: Nolan Engineering Service, 21 Davis Road, Acton, Massachusetts; dated August 12, 1980, subject to the following conditions:

1. that the "Standards and Specifications For Soil Erosion and Sedimentation Control" shall be revised to show the following:
 - a) a date corresponding to the latest revision date on the plan;
 - b) the title of the document shall be changed to read, "Soil Erosion and Sedimentation Control For Definitive Plan of Wilde Meadows";
 - c) in paragraph 5, lot 103 shall be changed to read lot 102;
 - d) add to paragraph 7 after the last sentence: "No lot shall be stripped and stockpiled as provided herein until a sewerage disposal permit, building permit, and Order of Conditions pursuant to Chapter 131, Section 40 (if any) has been issued for the particular lot where development is contemplated."
 - e) the signature and stamp of the Registered Professional Engineer responsible for drafting the Soil Erosion and Sedimentation Control Plan shall be shown;
2. the plan shall show the latest revision date;

3. reference shall be made on the plan incorporating the "Soil Erosion and Sedimentation Control Plan" as part of the definitive subdivision plan by adding to sheet 1 under Notes, "5. The Soil Erosion and Sedimentation Control Plan - Definitive Plan of Wilde Meadows dated _____, by Ralph Nolan, Engineer, is hereby incorporated as an integral part of this definitive plan";
4. show offset from street centerline to catch basins at stations 3 + 29.16 on Profile Plan;
5. a covenant and, if appropriate, a subordination agreement satisfactory to the Board shall be submitted prior to endorsement of the plan;
6. the plan must comply in all respects to the Subdivision Rules and Regulations, Town of Acton, Massachusetts, as last amended April 5, 1979, except for the following waivers:
 - a) to allow a centerline radius of 250' instead of the required 275';
 - b) to waive the requirement for superelevation of the roadway.

MOVED by Mrs. Bayne, second by Ms. McCarthy, all members in favor.

VOUCHERS The following vouchers were approved for payment by the Board:

Beacon Publishing Co.	\$14.40
Beacon Publishing Co.	\$18.00
MAPC	\$18.00

MOVED by Mr. Weare, second by Ms. McCarthy, all members in favor.

MINUTES The minutes of the public hearing for the helicopter by-law, dated September 29, 1980, were approved as written.
MOVED by Mr. Weare, second by Ms. McCarthy, all members in favor.

ANR 2751 Mr. Dufresne received a call from Mr. Dunphy stating a definitive subdivision plan for Nashoba Road would probably be submitted, along with a list of requested waivers. Mr. Dunphy was concerned about the Board's position on providing legal frontage to lots fronting on a private way. Mr. Dufresne said that he told Mr. Dunphy that he saw no problems with this concept, but that the final decision rests with the Board. Mr. Dunphy also stated that the precedent for provision of legal frontage for lots on a private way has already been established through the approval of Nonset Path in the Nagog Woods development area. Mr. Dufresne stated that he could not speak

for the Board members but he felt granting of waivers may be possible. Mr. Dufresne suggested that Town Counsel review the subdivision plan when submitted, so that legal complications can be avoided.

BOARD OF APPEALS PETITIONS

The following recommendations were approved by the Board to be forwarded to the Board of Appeals:

Hearing Number: 80-36

Petitioner's Name: John and Carol Dargin

Relief Requested: continuance of September 8, 1980 hearing

Recommendations: NONE

Hearing Number: 80-43

Petitioner's Name: Digital Equipment Corporation

Relief Requested: variance from Section V.A.5.b.(i) of the Zoning By-law as amended through July 23, 1973, to allow 25% of parking spaces for small cars and for a reduction in length of standard size parking spaces.

Recommendation: see recommendation by Planning Board in IDC dated August 26, 1980.

Hearing Number: 80-44

Petitioner's Name: Hans P. and Catherine A. Scott

Relief Requested: Special permit under Section IV.B.2.h. to allow conversion of garage into a "mother-in-law" apartment for Mrs. Scott's mother.

Recommendation: NONE

Hearing Number: 80-45

Petitioner's Name: Arthur Jr. and Wendy Osborn

Relief Requested: Variance from Section VI.A. for sideyard setback.

Recommendation: NONE

Hearing Number: 80-46

Petitioner's Name: Mark B. Smith, V.M.D.

Relief Requested: Review of Building Commissioner's decision to deny permit under Section XII.A.2. and Section IV.C.1.

Comments:

Petitioner wants to use property at 272 Great Road for veterinary hospital claiming the use to be permitted under Section IV.C.1. Section IV.C.1. allows hospital uses in a General Business District. The Building Commissioner's denial is predicated on the fact that Section IV.C.1. speaks to "hospitals, nursing homes, and convalescent homes" for human beings, not animals. He also defines the proposed use as one where there is a mixture of professional office use (a doctor's office, etc.) and a use similar in its effect to a kennel use. The professional office use is allowed by right in the district in which the land is located.

However, the Building Commissioner's denial clearly emphasizes that the "other" function of the use - to board animals for an unspecified amount of time during treatment - has similar characteristics to a kennel use, which is allowed by Special Permit from the Board of Appeals. In effect, the Building Commissioner has upheld that the zoning by-law, where it is not specific in its address to particular uses should be enforced to respond to the more restrictive provision applicable. In this case, where the use is not clearly defined, it is prudent to interpret the law as requiring a Special Permit for the use.

Recommendation: It is recommended that the Board of Appeals uphold the decision of the Building Commissioner.

Hearing Number 80-47

Petitioner's Name: Mark B. Smith, V.M.D.

Relief Requested: Special Permit under Section IV.C.2. to allow a kennel use, and under Section VII.D.2. to allow a reduction in the number of parking spaces.

Comments: As to the Special Permit under Section IV.C.2. to allow a kennel use, the Planning Board cannot formulate an informed recommendation on this case since the plan presented is vague and incomplete. The plan entitled, "Professional Office, Dr. Mark Smith, 11 Magnolia Drive, Acton, Mass., scale 1"=20', does not show which portions of the building are to be used as an office, nor does it show which portion of the building will house the animals. The plan does not state whether the animals will be kept inside or outside of the building. Also, there is no way of determining whether waste disposal methods will be adequate. The Planning Board feels that these and other questions merit review prior to the granting of any relief sought by the applicant.

As to the Special Permit under Section VIII.D.2. to allow a reduction in the number of parking spaces required, again the information presented is inadequate. The application states that the applicant would like to accomodate only 9 parking spaces, however the plan does not show how many are actually required, nor does it show where the 9 spaces will be located on the lot.

Recommendation: The Planning Board cannot formulate recommendations on these petitions due to a lack of information.

Hearing Number: 80-48

Petitioner's Name: Main Street Realty Trust

Relief Requested: a) Variance from Section VI.A. for frontage, area, and sideyard setbacks.
b) Variance from Section VI.F. for waiver of fencing requirement.

c) Variance from Section VII.C.2. for 16 ft. width driveway instead of 24 ft. required width.

Zoning District: I-2

Recommendation: The Planning Board feels that the information presented is inadequate for a thorough evaluation of the proposal's potential land use impacts. The Planning Board cannot formulate a judgement of whether the variances from sideyard, access drive, and fence requirements will constitute a detriment to the neighborhood since the proposed use is not indicated on the plan submitted with the variance application. The Board does feel that the potential for negative land-use impacts exists because of the shape and location of the lot in question, therefore the Board would like the opportunity to evaluate this proposal thoroughly if and when all of the information is made available.

MEETING RECESSED: 9:10 PM

PUBLIC HEARING OPENED: 9:10 PM

MEETING RESUMED: 9:54 PM

SITE PLAN

Rex Lumber, #9/11/80-197 by Ms. McCarthy. The proposed site plan is for construction of a lumber yard located at 840 Main street. Six buildings are proposed for the purposes of sawing, drying and burning wood, and office use. Ms. McCarthy's main concerns with this site plan are:

- 1) adequate provisions for storage of sawdust;
- 2) hours of operation;
- 3) total amount of pavement since this is a potential aquifer recharge area; and,
- 4) air, water, and noise pollution resulting from the sawing, drying, and woodburner process.

The Board voted to accept Ms. McCarthy's site plan report as it will be written.

MOVED by Mr. Weare, second by Mr. Phillips, all members in favor.

SITE PLAN

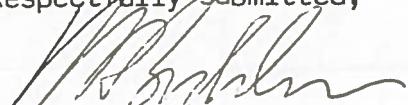
9/26/80-198, Dr. Mark Smith, was assigned to Mr. Weare, who will report on it on at the meeting of October 27, 1980.

CURRENT TOPICS

The Board agreed not to meet on Columbus Day, October 13, 1980 and the evening before Veteran's Day, November 10, 1980 unless an ANR plan which requires immediate action is submitted.

MEETING ADJOURNED: 10:40 PM

Respectfully submitted,



William R. Becklean
Clerk



MASSACHUSETTS

PLANNING BOARD
FEE SCHEDULE PROPOSAL
PUBLIC HEARING MINUTES
OCTOBER 6, 1980
9:10 PM; DPW FACILITY

PRESENT Mrs. Bayne (Chairwoman); members, Mr. Weare, Mr. Phillips, Ms. McCarthy; Planning Administrator, Mr. Dufresne; Mr. Nolan, Mr. Cross.

ABSENT Mr. Becklean

HEARING OPENED 9:10 PM

The legal notice was read as it was printed in the local newspapers. Mrs. Bayne then discussed some of the reasons for implementation of the new fee system. Mrs. Bayne stated that certain subdivisions require a minimum of the Town staff's time, while others require much time and effort during review by Town departments. The Board feels that charging a fee for the time spent by the Town's staff on subdivisions and ANR's would be an incentive for the submission of accurate plans according to the town's rules and regulations, and reduce the occurrence of repeated site inspections.

The meeting was then opened to all for discussion. Mr. Nolan of Nolan Engineering Service said he found no problems with the fee deposit for ANR and subdivision plans, but questioned how such a schedule would be arranged for definitive subdivision plans. Mr. Dufresne answered that the proper fees would have to be received prior to the Board's approval of the plan or site inspection. Mr. Nolan felt that the 2.5 salary multiplier was reasonable, but his main concern was that the developer and engineer submitting a subdivision plan would have no idea of the approximate cost for review and inspections. Mr. Nolan suggested that a stricter definition of the fees required be stated. Mr. Nolan suggested a fee system similar to the system already in effect, that is, \$.50 per linear foot of proposed roadway, but with a minimum fee as is being proposed. Then, the incremental costs can be deducted from the deposit. Mr. Nolan felt that this would allow the developer to plan for the review costs involved. The Board felt this idea to be a good compromise, and that these suggestions will be taken into consideration as the proposal is revised.

Mr. Dufresne will check the legality of disapproval or rescission of a plan for failure of the subdivider to comply to fee deposit rules. The Board will vote on the revised proposal at the October 20, 1980 meeting.

PUBLIC HEARING ADJOURNED 9:54 PM

Respectfully submitted,

William R. Becklean
clerk