



PLANNING BOARD

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PLANNING BOARD MINUTES

Monday, March 6, 1989

Acton Town Hall

Planning board members present at the meeting were Quinton Brathwaite, Chairman; Mary Giorgio; Greg Niemyski; David Hill; and Douglas Carnahan, Assistant Town Planner, Tim Smith, and Town Planner, Roland Bartl, who were also present at the meeting.

The Chairman, Quint Brathwaite, called the meeting to order at 7:30 PM. Brathwaite began the meeting by opening the public hearing on the proposed zoning amendments, Articles G through N.

Mr. Brathwaite summarized the zoning amendments and asked if anyone had questions.

Acton resident Bruce Stamski expressed his concern that Article G might not achieve its objective. He felt that a signs location should be reviewed, placing a plywood sign model in the intended location and then evaluating it. That way the approving authority could have some flexibility in their final decision. He then asked if signs are currently reviewed by the building inspector.

Mrs. Giorgio explained that free-standing signs are currently reviewed by the Selectman.

Selectman Nancy Tavernier stated that the Selectmen spend considerable time on reviewing sign proposals, at least one a month. She explained that the Selectmen can only issue a special permit if the sign's location does not affect the safety of the driving public. What is needed is a set of clear standards for free-standing signs.

Mr. Niemyski stated that he felt the Board should not legislate free-standing signs as of right because the result would be that the Board would look like Route 9 in Framingham. Mr. Brathwaite added that the development pressures the town has been experiencing in the last couple of years that we need to adopt a formal review process for free-standing signs.

Acton resident Andrea Miller questioned if the current zoning bylaw or the proposed amendment addressed signs that had interior lighting. She stated that if it were not currently addressed that a provision be added to the amendment that would prohibit signs that were lighted from within. Mr. Bartl replied that signs lighted from other locations could be blinding.

Mr. Brathwaite agreed that this was an issue that the board should look into.

Mr. Niemyski asked if anyone knew what restrictions there were on dictating the material and design of free-standing signs. Town Planner Roland Bartl answered that the Board could limit dimensions but that it was not within the realm of zoning to regulate structural material and designs of signs.

Mr. Stamski then brought up the point that before people had to ask if they could put up signs, this in effect, inhibited people from putting up signs. If signs were allowed by right, even if they were regulated, the result could be to encourage the putting up of signs.

Mr. Niemyski concluded that he was in favor of adopting dimensional requirements with a review process.

There was a general agreement among the Board that the proposed zoning amendment, Article G, did not meet the concerns that they had expressed. The Board voted unanimously to eliminate Article G from the warrant.

The Board discussed Article H next. Mrs. Giorgio reminded the Board that they had discussed this article before and that the Board had concluded that it should be dropped from the warrant. Mr. Bartl explained why the article had been proposed. Mr. Niemyski asked if anybody present wanted to insert their input. Bruce Stamski replied that he thought that the Board should adopt standards but not strict standards.

Mr. Niemyski stated that he was totally opposed to eliminating the review process.

The Board subsequently voted unanimously to drop Article H from the warrant.

The Board next discussed Article I. Bruce Stamski stood up and said simply, "why?" Mr. Bartl explained that it was an issue that frequently came before the Board of Appeals and that they felt that the town's people should have the opportunity to decide on the issue. Mr. Niemyski stated that he had a problem with allowing people to put up anything they wanted near their lot lines. Abutters should be able to make comments at a public hearing on a proposal which places a structure near their lot line. The Board generally agreed with Mr. Niemyski's comments and voted unanimously to remove article I from the warrant.

Mr. Bartl continued the public hearing on the zoning amendments by summarizing Article J. The Board asked where it would apply. Bruce Stamski spoke out in favor of the Article.

The Board next discussed Article K - standards for nursing homes. Mr. Niemyski said that he had a problem with the maximum height allowed by the amendment. He did not want to see any nursing homes greater than two stories high. Mr. Bartl replied that this height limitation is not new but one that is a standard, applied across town. David Hill said that he thought the standard should set a limit of two stories and x amount of feet. Roland Bartl said that he understood the Boards concerns and will make appropriate changes.

Bruce Stamski then asked the Board if they would change the Zoning Bylaw to permit nursing homes in the light industrial district. Mr. Brathwaite said that he knew of 3 nursing homes in light industrial districts in Concord. The Board agreed that it should be made a future consideration.

The Board then turned their attention to Article L - Developable Site Area. Mrs. Giorgio reminded the Board that at their last meeting the Board had generally supported this amendment. Nancy Tavernier stated that she also strongly supported this amendment.

The Board decided to adjourn the public hearing on the zoning amendments for 5 minutes while they discussed the town acceptance of Maillet Drive, a newly constructed subdivision road. David Abbt, the Town Engineering Administrator, explained road acceptance procedures. He also explained that Maillet Drive was not 100% completed, a few things remained to be done but could not be completed until the spring thaw. He also reminded the Board that they still held a Bond on the subdivision. The Board voted unanimously to recommend acceptance of the road but not to release the bond.

Article M was the next item that the Board discussed. Mr. Carnahan stated that he felt that the open space should be accessible to the general public, not just to those living in the development. Mr. Bartl replied that it would depend on the ownership of the common land; if the common land were deeded to the town as conservation land then it would be accessible to the general public. Mrs. Giorgio said that although in some instances it might be appropriate to have public access it should not be made a requirement. Mr. Hill pointed out that by requiring public access the town would be making a taking without just compensation. Assistant Town Planner, Mr. Smith concurred with Mr. Hill that this would constitute a violation of the 5th and the 14th Amendments of the United States Constitution.

Mr. Stamski asked if there were any rules and regulations for the open space development bylaw. Mr. Bartl stated that the Planning Department was working on it.

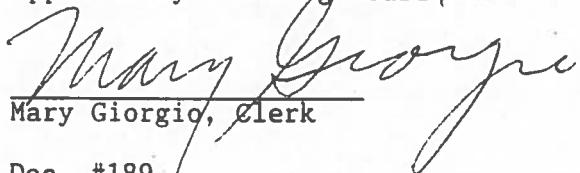
Next the Board discussed Article N - the phased growth provision. Mr. Bartl stated that Town Counsel had reviewed the amendment and given it his general nod of approval. Mr. Stamski criticized the amendment, stating it was unfair. He stated that people want open space but that they also want a back yard. He concluded that the provision for open space development should be optional.

Then the Board voted unanimously to recommend adoption of the following articles at Town Meeting: Groundwater Protection District; Inclusion of O'Toole well site into GPD; Open Space Development; Phased Growth-residential; Amendment of Table of Principal Uses; Rezoning of properties on River Street; Technical Corrections re: procedures, flood plain, floor area; Structures in Streets and Ways in flood plain and flood way; Dimensional Standards for Nursing Homes; Exclusion of R.O.W.'s from developable site area.

Lastly the Board Discussed their court case with Metwest, the developer of

the Meadowview Subdivision. They voted unanimously to go with a speedy trial.

Approved by Planning Board -


Mary Giorgio, Clerk

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