



## PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

### ACTON PLANNING BOARD

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Minutes of Meeting

DATE November 20, 1990

October 29, 1990

Barbara Brown  
for TOWN CLERK, ACTON

Planning Board members in attendance: Chairman Mary Giorgio, Greg Niemyski, Trey Shupert and Doug Carnahan. Planning Board members not present: Quinton Brathwaite, Jim Lee, David Hill. Planning Staff in attendance: Assistant Planner Donna Jacobs.

Chairman Mary Giorgio called the meeting to order at 7:30PM.

### I. GENERAL BUSINESS

#### Minutes

Greg Niemyski moved that the Board vote to approve the minutes of the October 15, 1990 Planning Board meeting as written. Doug Carnahan seconded the motion which was unanimously approved.

#### Authentic Homes

Doug Carnahan moved to accept an extension of time until November 20, 1990 for endorsement of the ANR plan filed for Arlington Street. The motion was seconded by Greg Niemyski and carried by unanimous vote.

#### Pope Road Hammerhead Special Permit Extension

Greg Niemyski moved that the Board vote to extend the existing Hammerhead Lot Special Permit for Parcels 18-1 & 18-2 (Map E-6). The motion was seconded by Doug Carnahan and carried by unanimous vote.

#### Audubon Hill PCRC - Unit Release

Doug Carnahan moved that the Board vote to release Audubon Hill Unit 48 (Phase S-3) from the restrictions as to sale specified in the Restrictive Covenant for the development. Greg Niemyski seconded the motion which was carried by unanimous vote.

#### Other Business -

#### Stoneymeade Subdivision

Greg Niemyski questioned whether there had been any work done towards the installation of the sidewalk on Pope Rd. which was required in the subdivision decision. The Board discussed the legal notice of foreclosure by Concord Cooperative Bank which appeared in last weeks Beacon and what, if any, impact the foreclosure would have on the work remaining to be done at Stoneymeade. Donna Jacobs reported that Town Planner Roland Bartl has reviewed the tripartite agreement which serves as the performance guarantee for the subdivision and feels there is no reason to call the bond in at this time. Board members stated that they want to be sure the sidewalk is

constructed along Pope Road with the \$50,000. allocated under the tripartite agreement. The Board instructed staff to look into the following methods for constructing the sidewalk with the bond monies:

- a) Ask the Town Engineering Dept. to draw a plan and then ask the Highway Dept. to construct the sidewalk this Spring.
- b) If the Engineering Dept. workload is too heavy, look into hiring an engineering consultant to draw the plan and then ask the Highway Dept. to construct the sidewalk.
- c) If both the Engineering Dept. & Highway Dept. are unable to construct the sidewalk, look into either requiring the bank to have the sidewalk constructed or put the contract out for bid.

Donna Jacobs said she would investigate all of these possibilities and report back to the Board at their 11/19/90 meeting.

### Zoning Articles

Municipal Exemption - Greg Niemyski questioned how the Selectmen decided to handle the Municipal Exemption issue. Donna Jacobs advised that the Selectmen voted to place the Article proposing certain specific municipal exemptions on the Warrant as recommended by the Board.

Nonconforming Buildings - Greg also asked about the final wording of the Article on Expansion of Nonconforming Buildings. Donna informed the Board that the Article remained as presented at the Public Hearing because it was felt that there is sufficient case law addressing the upward expansion of nonconforming buildings.

Town Boundary Lots - Donna Jacobs reported that the Article on Town Boundary Lots has been modified as suggested to allow residential use.

## II. TRANSPORTATION IMPROVEMENTS

Board members discussed the staff memo of 10/11/90 which compiled all of the written comments on VHB's recommended transportation improvements that were received from individual Board members.

Mary Giorgio called the Board's attention to recommendation #11 (Upgrade Rte. 27/Concord Rd. and Newtown Rd. intersection) and stated that, unlike fellow Board members, she believes this improvement should be a high priority.

Doug Carnahan suggested that the Board direct staff to reword the existing memo by deleting "unanimous" and "majority" and forward it to the Planning Council as the Planning Board's recommendations. Members agreed with Doug's suggestion and also agreed to include the items that the Planning Board was unable to reach a consensus on.

## III. MEADOWVIEW SUBDIVISION - Executive Session

The Board voted by unanimous roll call vote to enter into Executive Session for the purpose of discussing the pending litigation on the Meadowview Subdivision appeal and to reconvene in Open Session at the conclusion of the Executive Session.

#### IV. HAMMERHEAD SPECIAL PERMIT DECISION - Lot 5 Ayer Road

Donna Jacobs reported that she and Roland Bartl met with Susan Carter, engineer for Kevin Sweeney, late this afternoon to discuss a reconfiguration of the lot lines which would involve Lot 5.

Board members agreed to postpone their vote on the draft decision due to the need for a change in lot lines. The Board discussed the possible methods of addressing Kevin Sweeney's need to change the lot lines for Lot 5 Ayer Rd. and determined that, rather than moving forward with the draft decision which would then need modification, the best method would be to allow Kevin Sweeney to withdraw his previous application and re-file with a new plan. Board members also discussed the possibility that Kevin Sweeney would request a waiver from the \$1000. flat filing fee. It was agreed that the Board would grant a partial waiver of fees based on staff's recommendations that \$500.00 should cover the costs incurred in reviewing the new application and plan.

#### V. HISTORIC DISTRICT STUDY COMMITTEE

Susan Master-Karnik met with the Planning Board to update Board members on the changes that have been made in the proposed Preservation Bylaw since the 10/10/90 public hearing. Susan reported the following changes: regulation of temporary signs has been deleted; temporary structures have been defined as those not in existence for more than 1 year; Section 8.2 has been reworded to state that the Commission will not be more restrictive than Zoning in either FAR or building height; and that wording has been changed concerning enforcement of the Preservation Bylaw.

Susan Master-Karnik reported that SARC is concerned about an area proposed for inclusion in the South Acton Historic District that has also been included in the Affordable Housing Overlay District. Their concern is that by including the parcels in the Affordable Housing Overlay District the Town may be indirectly promoting the demolition of historic structures in South Acton. Board members recommended that the HDSC meet with the Planning Council to resolve this issue prior to Town Meeting.

Doug Carnahan questioned the inclusion of the West Acton pharmacy and bank buildings within the West Acton Historic District. Susan replied that these buildings were identified as non-contributing buildings and they would be reviewed for scale and materials if any alterations were proposed. Susan Master-Karnik stated that the Preservation Bylaw does not attempt to make all of the buildings in the district look alike and therefore doesn't require non-contributing structures to become more "historic" when alterations are proposed.

## VI. MASTER PLAN EXECUTIVE SUMMARY

Planning Council Chairman Anne Fanton met with the Planning Board to discuss the following: changes in the affordable housing overlay district bylaw that have occurred since the public hearing on 10/15/90, the Master Plan Executive Summary, and VHB's recommended transportation improvements.

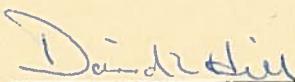
Affordable Housing Overlay - Anne informed Board members that Town Counsel had been consulted with regard to the concerns about special permits being as disincentive due to the process of obtaining a special permit. However, Town Counsel has advised that there is no other way around the special permit requirement due to the types of decisions that need to be made. Other concerns expressed about the proposal include the amount of discretion the Planning Board has as the special permit granting authority, the range of affordability, and the density bonus. The Recreation Commission expressed concern about including the large parcel which abuts the proposed N.A.R.A. because the parcel is uphill from the recreation area which could result in contamination due to septic breakout or insufficient filtering of the septime. Anne reported that Roland Bartl has changed the wording to allow for the requirement of tertiary treatment plants when deemed necessary.

Executive Summary - Anne Fanton advised the Board that the Planning Council is looking for comments on content as well as readability and asked that members submit there comments on the Executive Summary to the Planning Council before November 15th.

Transportation Improvements - Board members advised Anne Fanton that this topic had been discussed by the Planning Board this evening and resulted in the formation of a prioritized list of the recommended transportation improvements which will be given to the Planning Council in the immediate future.

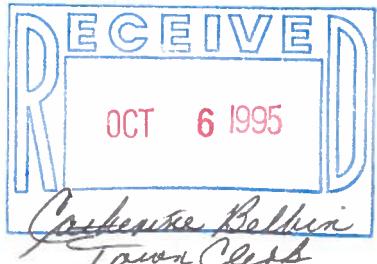
The Planning Board meeting adjourned at 10:15 PM.

Respectfully submitted,

  
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David L. Hill Clerk

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**CONFIDENTIAL**



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Board members discussed the confidential memo from Town Planner Roland Bartl dated October 1, 1990 which outlined the most recent proposed amendments to the Board's decision.

Plan Modifications, Par. 2.2, p.7 - The Board agreed with Roland's recommendations about the proposed Plan Modifications contained in Par. 2.2, p.7. Members discussed and agreed with the proposed width, sidewalk located on westerly side, reverse curve design, 10 foot gravel path connecting the McGovern land with the subdivision road, and eliminating the 20 foot wide road stub as stated on page 2 of 4 of the "amended decision". Members suggested that a plan be drawn illustrating the new road layout so they could determine that the revised plan met the above stated terms and was located so as to prevent headlight glare from cars exiting onto Robbins Street.

Conditions, Par.3.0, p.10 - The Board agreed that this could be deleted as per Roland's recommendation.

Conditions, Par.3.8, p.11 - Board members discussed the fees which were incurred by the Town in the review and approval of the subdivision. The Board agreed that these fees represent actual costs incurred by the Planning Board, therefore the fees should be reimbursed to the Town.

Conditions, Par. 3.9, new - Board members discussed the developer's concerns that no easements be granted until the developer is sure that he has legal lots and agreed that this is a reasonable condition. However, the Planning Board agreed that it would be best to receive title to the conservation land and the easements leading to that land rather than accepting easements.

Limitations, Par.4.2, P.12 - Board members discussed Roland's recommendation and agreed to allow a one year time period instead of the six month period required by the decision.