



Planning Board
September 16th, 2024
7:30 PM
In Person &
Virtual (Zoom)

Planning Board members present: Jon Cappetta, James Fuccione, Patricia Clifford, and Sam Bajwa

Also present: Kristen Guichard, Planning Director; Alicia Burak, Administrative Assistant

Planning Board members absent: Michaela Moran

Jon Cappetta read the guidelines for the virtual meeting.

Jon Cappetta called the meeting to order at 7:38 PM.

James Fuccione called the roll: Patricia Clifford-Aye, Jon Cappetta- Aye, Sam Bajwa- Aye, James Fuccione- Aye

Jon Cappetta elevated Patricia Clifford to full membership for the purposes of voting for that meeting.

I. Regular Business

1. Residents' Comments:

Jim Snyder-Grant, the Select Board liaison, updated the Board that Nathan Cookson has resigned from the Planning Board, and he can raise Patricia Clifford to a full member of the Planning Board. He will bring in an associate member as soon as possible.

2. Approve previous meeting minutes:

James Fuccione motioned to approve minutes from April 16th, 2024. Patricia Clifford seconded. Roll Call Vote: Sam Bajwa-Aye, Patricia Clifford-Aye, Jon Cappetta-Aye, James Fuccione-Aye

Patricia Clifford motioned to approve minutes from May 21st, 2024. James Fuccione seconded. Roll Call Vote: Sam Bajwa-Abstained (was absent from meeting), Patricia Clifford-Aye, Jon Cappetta-Aye, James Fuccione-Aye

Patricia Clifford motioned to approve minutes from June 26th, 2024. Sam Bajwa seconded. Roll Call Vote: Sam Bajwa-Aye, Patricia Clifford-Aye, Jon Cappetta-Aye, James Fuccione-Abstained (was absent from meeting)

James Fuccione motioned to approve minutes from July 16th, 2024. Jon Cappetta seconded. Roll Call Vote: Sam Bajwa-Aye, Patricia Clifford-Aye, Jon Cappetta-Aye, James Fuccione-Aye

3. Board Members' Reports – None

4. Administrative Updates & Reports:

Kristen Guichard, Planning Director, updated the Board on the Housing Production Plan that the Town is working on with JM Goldson and asked for a Planning Board member to be a part of the working group. James Fuccione volunteered to be a member of the working group.

Kristen also updated the Board on the new Affordable Homes Act, as well as a grant that the Town received for a 3-year regional bike share program that they hope to start in the Spring. She also updated the Board on the Habitat For All initiative and the Kelley's Corner project.

II. New/Special Business

1. PBSR24-1 - Public Hearing – 34 Minuteman Road, Scenic Road

The public hearing was opened at 7:56 PM.

The applicant provided a synopsis of their proposal, explaining that they wanted to remove two granite pillars to make their driveway wider by four feet and two inches, and leave the stone wall the way it is.

Kristen read the Historical Commission's suggestion, which was to relocate the granite pillars one foot wider on either side and adjusting the stone wall to accommodate.

Resident's Comments:

Terra Freidrichs, from Mass Ave, had concerns about the Board not asking the Design Review Board and the Historical Commission what they wanted to see the applicant do with the pillars once they are removed.

Alissa Nicol, member of the Select Board, asked the Board to consider the Historical Commission's recommendation.

David Martin, member of the Select Board, noted that the granite pillars look incongruous to the rest of the stone wall and neighborhood.

Board Comments

James Fuccione motioned at 8:18 PM to approve PBSR24-1 under the condition that the applicant remove the pillars with open dialogue with the Town about how they are going to be relocated and preserved, and keep the stone wall the way it is. Sam Bajwa seconded. Roll Call Vote: Sam Bajwa-Aye, Patricia Clifford-Aye, Jon Cappetta-Aye, James Fuccione-Aye

2. PBSR24-02- Public Hearing – 65 Taylor Road, Scenic Road

The public hearing was opened at 8:19 PM.

Qin Rui Pang, Town Engineer, presented the request to relocate a stone wall in front of 65 Taylor Road to accommodate sidewalk installation on the other side. The reason for this relocation is so that the road can be shifted to accommodate a row of existing pine trees on the other side of the road.

Residents Comments

Terra Friedrichs, from Mass Ave, called in to show support for the proposal.

Board Comments

Patricia Clifford motioned to approve PBSR24-02 at 8:28 PM. James Fuccione Seconded. Roll Call Vote: Sam Bajwa-Aye, Patricia Clifford-Aye, Jon Cappetta-Aye, James Fuccione-Aye

3. PB23-10 – Continued Public Hearing – 40 High Street, Definitive Subdivision

The public hearing was opened at 8:29 PM.

Royce Fuller, owner of 40 High Street, had concerns about the amount of time taken up in previous public hearings by abutters. He read a letter from Dr. Sati Agarwall that supported the 40 High Street stormwater design.

Robert Melvin, from Stamski and McNary representing the applicant, reviewed the GCG peer review comments and the subsequent plan revisions to address the outstanding comments. He updated the Board on the new landscaping plan.

The Board expressed support for the landscaping plan, but had concerns about voting that night without all the plan revisions done and without GCG at the meeting to brief the Board.

Residents Comments

Emily Laubscher, owner of 7 Bumble Bee Way, expressed concerns about the screening between her property and 40 High Street, and asked what the privacy would look like. Robert clarified that they want to retain what is there, and fill in more.

Terra Freidrichs, from Mass Ave, expressed support for the approval of 40 High Street.

Bill Bethune, speaking for the Audubon Hill North Condominium and the Audubon Community Corporation, expressed concern about runoff from Bumble Bee Way and urged the Board to require soil evaluations as a condition for approval of 40 High Street.

Geoff Beach, from 5 Bumble Bee Way, and Richard Kelleher, from Audubon Hill, expressed concerns about total stormwater storage at 40 High Street. Robert said that Stamski and McNary is happy to provide a separate response to the claims at a later date, if that is what the Board would like.

Board Comments

Patricia Clifford motioned at 9:13 PM to continue the public hearing until October 15th at 7:35 PM. James Fuccione seconded. Roll Call Vote: Sam Bajwa-Aye, Patricia Clifford-Aye, Jon Cappetta-Aye, James Fuccione-Aye

4. PB24-02 – Continued Public Hearing – 738 Main Street (9 Wyndcliff Drive), Definitive Subdivision

The public hearing was opened at 9:15 PM.

Robert Melvin, from Stamski and McNary representing the applicant, updated the Board on their response to GCG's latest comments, specifically about the street trees that were requested, and the required stopping sight distance. He is proposing 80 feet instead of the required 125 due to the increased amount of earth work and tree clearing that would be required to meet the 125 foot requirement.

Residents Comments

A resident of Wyndcliff Drive asked for clarification about the new houses and which homeowners associations they would be a part of. He also asked if there was going to be a through-way between Wyndcliff Drive and Main Street. Kristen responded that there would not be a through-way, and the homeowners association question is a private matter.

Kim Larson, a resident of Wyndcliff Drive, expressed concerns about construction equipment on Wyndcliff Drive. Robert replied that there can be a condition that construction must be avoided on Wyndcliff Drive.

A resident expressed concerns about the infiltration rate of the design. Robert responded that they use soil evaluators to make determinations of which infiltration rates to use and which hydrologic soil group to use.

Board Comments

The Board expressed concerns about voting without comments from GCG being updated in a revised plan set, same reasoning as 40 High Street.

James Fuccione motioned at 9:40 PM to continue the public hearing until October 15th at 7:45 PM. Patricia Clifford seconded. Roll Call Vote: Sam Bajwa-Aye, Patricia Clifford-Aye, Jon Cappetta-Aye, James Fuccione-Aye

5. Appointment – Concerns from owners of Bumble Bee Way about stormwater functionality and approvals

Jeff Aveni, counsel for the homeowners of Bumble Bee Way, advised the Board about a document dated August 2nd, 2024 which notes the issues that have not been addressed with the bond. He then proceeded to play a video outlining the stormwater issues.

Jonathan Silverstein, counsel for the applicant, mentioned that if the lot owners can make a legal claim against the applicant, but trying to use the Board as a point of leverage is unfair. He said that they will be submitting a request for release of the bond based on what is outstanding according to GCG. He also said there is no basis to expand the scope of GCG's inspection nor to cause the pull of the bond.

Jeff Aveni responded asking where in the documentation it was allowed for cutting the bottom off of a structure.

Richard Kelleher, from Audubon Hill, expressed concerns with the design of the stormwater system.

Karen Kinch, from Audubon Hill, expressed support for withholding the bond until the problems are fixed.

David Martin, a member of the Select Board and a resident of High Street, expressed support for the Board directing whatever inspection is necessary to get the information they need.

Board Comments

The Board directed planning staff to obtain a summary of inspections from GCG.

Jon Cappetta agreed with Jonathan Silverstein that the final inspection should be limited to the remaining issues in basin 1.

Lucio Iannone, from Bumble Bee Way, expressed concerns about only inspecting basin 1.

Jonathan Silverstein requested that the scope that was set by GCG last year remains the scope of what they look at now.

Pat said the summary of previous inspections from GCG would help the Board determine the scope of the final inspection.

Jeff Aveni said he will talk to his clients to see if they agree to share part of the costs of GCG's inspection.

Nina clarified that the direction of the Board is for staff to get the summary of previous inspections from GCG and then decide on the scope of the final inspection.

James Fuccione motioned at 10:45 PM to adjourn the meeting. Patricia Clifford seconded. Roll Call Vote: Sam Bajwa-Aye, Patricia Clifford-Aye, Jon Cappetta-Aye, James Fuccione-Aye

Materials used at this meeting:

Planning Board Agenda

PBSR24-1 - 34 Minuteman Road, Scenic Road application materials as follows:

Granite columns 1.jpg

Granite columns 2.jpg

PBSR-24-1 (2 page).PNG

PBSR-24-1.pdf

Engineering Comments.pdf

Fire Comments.pdf

Health Comments.pdf

Historic Comments.pdf

PBSR24-1 – 34 Minuteman Rd Planning Div Review Memo

PBSR24-02 – 65 Taylor Road, Scenic Road application materials as follows:

DOC102.pdf

Proposed Taylor Rd Sidewalk plan by Minot Ave Stonewall relocation.pdf

Right of Entry Form – 65 Taylor Road – 2024-5-8.pdf

Health Comments.pdf

PBSR24-2 – 65 Taylor Road Planning Div Review Memo.pdf

40 High Street application materials as follows:

Abutters List

Application Packet

SW Report

Def.Sub

Subcatchment maps

Doc024

Signed form DP

Continuation to 2-20-24

Continuation to 3-19-24

Continuation to 4-16-24

Continuation to 5-21-24

Continuation to 6-26-24

Continuation to 11-19-24

Mullins Cert

Revised Plans 9-20-24

Revised Plans 2-29-24

Revised Plans 11-18-24

New Material 8-20-24

New Material 6-25-24

New Material 5-8-24

Letter Dated 9-12-24

Letter Dated 8-22-24

Emily Laubscher email

Richard Keleher email

Anne Forbes Email

Geoff Beach comments

GCG Peer Review letter 4-11-24

GCG Peer Review Letter 8-8-24

GCG Peer Review Letter 12-29-23

GCG Peer Review Letter 10-15-24

GCG Peer Review Letter 12-10-24

Engineering Comments 12.28

DRB Comments 12.14

Fire Comments 1.9.24

Historical Commission Comments 12.15

Planning Memo
Comments from Geoff Beach
Letters to Planning Board
Continued Public Hearing on 7-16-24
Public Hearing Comment 4-26-24
Statement of Position on Proposed Concept B
011624_LaubscherPlanningBoardLTR
04152024_LaubscherPlanningBoardLTR
Planning Board Letter (Hofmann
40 High Street Letter – 05202024 – Proof Plan
40 High Street Project Design Concerns
Addendum to Joint Statement of Position
BBW Operational Failures w Signed Declaration
Letter to Planning Board – 40 High Street 240303
Letter to Planning Board – 40 High Street 240316
Letter to Planning Board – 40 High Street 240422
Letter to Planning Board – 40 High Street 240520
Ltr Planning Board 240108
Resident Email
Royce Fuller Email 4-22
Soil Group Classification Discrepancy
Statement of Position_submitted 01-10-24
Stormwater chapter x regulations
40 High Street Cultural Resource Info page
Extension forms
Planning Board Letter 5.7
Concept B
GCG Email
William Bethune Email 3-26
Updated Plans 5.25.24
738 Main St Application Materials as follows:
Application packet
Sw Report
6261A Def.Sub_FF
Proof plan
Subcatachments
Abutters list
Form dp
Revised Plans 11-18-24
Revised Plans 7-16
Revised Plans 8-13
Water District Comments
GCG Peer Review 10-08-24
GCG Peer Review 12-13-24
GCG Peer Review 06-21-24
Acton Historical Commission comments

DBR Review
Planning memo
Pb Continuation
Fire Comments
ROE Sidewalk
Engineering comments
Terra email
Nijan Datar email

Bumble Bee Way Materials as follows:

100924 – Bumble Bee Summary Letter – reduced size.pdf
Acton Planning Board Letter 11.19.2024.pdf
Bumble Bee 11.18.24 Letter Planning Board.pdf
Bumblebee Basin Ltr.pdf
Bumble Bee Letter.pdf
Preserve at Audubon Bond Release Request – Exhibit 1.pdf
Preserve at Audubon Bond Release Request – Exhibit 2A.pdf
Preserve at Audubon Bond Release Request – Exhibit 2B.pdf
Preserve at Audubon Bond Release Request – Exhibit 3.pdf
Preserve at Audubon Bond Release Request – Exhibit 4.pdf
Preserve at Audubon Bond Release Request.pdf
-PB23-10 Continued Public Hearing On 07.16.2024.pdf
BBW Operational Failures w Signed Declaration_07.15.2024.pdf