



ACTON PLANNING BOARD

**Minutes of Meeting
December 11, 2007
Acton Memorial Library**

Planning Board members Mr. Greg Niemyski (Chairman), Mr. Christopher Schaffner (Vice Chairman), Mr. Edmund Starzec (Clerk), Ms. Ruth Martin, Mr. Bruce Reichlen, Mr. Alan Mertz, Associates Mr. Roland Bourdon and Mr. Ryan Bettez attended. Also present were Planning Director, Roland Bartl and Secretary, Ms. Kim DeINigro.

Absent was Mr. Michael Densen.

Mr. Niemyski called the meeting to order at 7:31 PM.

I. Citizens Concerns

Ms. Paulina Knibbe, Board of Selectmen, was present to ask the Board if any member would be interested in joining the Senior Center Expansion / Relocation Study Committee.

II. Consent Agenda

Item A - Minutes of 11/27/07 and Item B – Bruce Freeman Rail Trail Support letter was approved and signed.

III. Reports

CPC: Mr. Starzec reported two proposals have been heard and more will be presented at the next meeting this coming Thursday.

MAGIC: Mr. Niemyski reported that each town representative participated in a community exchange of news and information and their recent issues.

WCF Study Committee: Mr. Mertz reported the next meeting will be this Wednesday. They are in the final stages of finishing the new draft bylaw and it will be reviewed by Town Counsel before Annual Town Meeting.

Open Space Committee: Ms. Martin reported the next meeting will be this Friday.

CWRMP: Mr. Schaffner reported they are reviewing the proposal for capacity and discussed citizens that choose not to connect, if they could sell their right to another homeowner. They will be reviewing the issues.

IV. Gymboree Sign Special Permit – 5-19 Nagog Park

Mr. Niemyski opened the continued public hearing at 7:45pm. Mrs. Marcia S. Alevizos, of Nagog Mall LLC, was present. Mrs. Alevizos stated she has been in discussion with her architect and builder and it will not be feasible to fasten a projecting sign to the parapet. It would significant cause structural problems.

Mrs. Alevizos proposal drawings showed two proposals for each the free standing sign and the hanging sign. Both would be acceptable to her. Board members reviewed the applicant's changed proposals and decided the smaller sized Proposals "A" for both signs (free standing and hanging) would be more fitting.

Mr. Niemyski moved to close the public hearing. Mr. Mertz moved to approve "Proposal "A" for both signs, Ms. Martin 2nd, all voted in favor.

Staff will provide the Board with a draft decision for next meeting.

V. The Residences at Quail Ridge, Senior Residence Special Permit Application - Discussion

The hearing had been closed at the previous meeting. The Board members reviewed the requested traffic information from the traffic consultants. Board members discussed whether there is a need to have a full second entrance/exit from Great Road to the development. Some members are worried that a single entrance or exit could cause unacceptable back ups at peak times. As stated in the Subdivision Rules and Regulations, Section 8.1.19, there shall be no more than 40 residential dwelling units on a single access street or series of streets having only one terminus onto a through street. There was general agreement that a second access should be pursued through the Great Road Condominium. There was no agreement on a solution should that effort fail, with some Board members suggesting that Acorn Park could then be considered for 2nd access, others expressed that then perhaps a single access could be considered. There was a concern if plowing of emergency accesses in the winter months will be sufficient and consistent if there is only a single street access?

Board members would like to see a turning lane on the eastbound side of Great Road at Skyline Drive and a second exiting lane on Skyline Drive.

Board members agreed that the access from Hazelnut Street to the Conservation land needs to be built and the easement granted to the town as originally required under the QRCC special permit. There is a proposal to grant easement along the boundary with a provision to relocate it to a different on-street location upon approval of this special permit. Board members dismissed that option

Other issues discussed:

The proximity of the 2nd or reserve leaching field to the property of the Concord Water area.

Issues with the abutting properties - buffer zones and screening.

Reconfiguration of driveways and sidewalks. The Planning Board opted for a minimum of 21' long driveways behind 5' sidewalks and 3' grass strips.

The Planning Board directed staff to create a draft decision for discussion and review at next meeting.

VI. Draft Zoning Articles - discussion

Board members discussed and reviewed the draft articles for potential zoning amendments for the 2008 Annual Town Meeting.

- Acton Open Door Theater/Dragonfly Theater – Mr. Bernard Haan and Catherine Longwell were present. Mr. Haan explained that his wife, Jennifer, had passed away recently. She was very involved with the Open Door Theater, which is a non-profit theater company performing in Acton since 1980. Their purpose is to provide a home for the theater in her memory. Mr. Haan stated the Open Door's productions include many children as well children and adults with special needs. The theater will offer space for other non-profit performance organizations to deliver programs to the community of Acton. The theater project has funding and community support. Once created, the theater would be donated in Jennifer's memory.
Mr. Haan stated two properties are under consideration as a building site for The Dragonfly Theater with each property requiring a zoning change:
524 Main Street is owned by Mr. Haan and Mr. Cates and currently zoned LI-1. A zoning change to SPS or yes for commercial entertainment is requested to allow this site to be developed for the theater.
484-486 Great Road which is currently zoned R8. A zoning change to LB (Limited Business) with an allowance for SPS will allow the project to pursue purchase of the land. The parcel is approximately 15 acres and the zoning change would only be needed on the portion of the land near Great Road.
Board members raised concerns if Mr. Haan decided to move the theater to another locate after the zoning change is created. Board members recommended staff and Town Counsel to review.
- Municipal Exemption – Mrs. Knibbe, Selectman, stated that she had not planned to be here to speak on this subject. However, she stated that the subject came up in connection with questions about the proper placement of the North Acton fire station building, and it is now again an open question in the search for a solution for an expanded or relocated senior center. Mr. Bartl explained that currently the Zoning Bylaw contains a municipal use exemption. There

are no exemptions for municipal uses, sites, or building from the dimensional rules. The Town could decide to create a general municipal exemption of a special municipal use district. For a municipal use district, the zoning bylaw could, but does not have to prescribe separate dimensional standards, standards for public review, or procedures to waive standards. Selectman Rosenzweig will be available to discuss further at the next meeting with the Board.

- Restaurant Outdoor Seating – The Design Review Board had discussed this with the Board at a previous meeting. This article would change the definition of a restaurant to allow more flexibility in outdoor seating throughout the town with the provision that such arrangements not obstruct public ways, sidewalks, parking lots, and similar facilities. Board members support the change.
- Light Industrial 1 District – Increase of FAR Ceiling to 0.20 - Mr. Starzec explained the Economic Development Committee (EDC) has discussed the issue with a couple of property owners in the LI-1 District (area at Post Office Square). The owners are eager to undertake a modest expansion of their buildings. Mr. Starzec stated the EDC recommends that additional density be allowed as-of-right within the LI-1 district by increasing the maximum FAR from 0.1 to 0.2, consistent with the other industrial districts within town. He noted the exceptionally large setback requirements to abutting residential districts. Board members support the proposed change. Staff asked Mr. Starzec to draft supporting documents to summarize.
- Senior Residence – Off-Site Affordable Units Option/Affordable Housing Contribution – Mr. Bartl stated the bylaw includes a section that regulates the construction of senior residence developments with affordable housing included in the project. This article will authorize the Board, when granting a special permit for Senior Residence housing, to arrange for the substitute provision of off-site affordable dwelling units that are not restricted to seniors, or for a monetary contribution to the Acton Community Housing Fund.
- Wireless Facility – The one-year moratorium on new wireless communication facilities ends on April 15, 2008. A current Wireless Communications Facility Bylaw Study Committee's draft for replacement of the currently suspended Section 3.10 and the moratorium Section 3.11 was provided.
- Clean-Up – Zoning Enforcement – This will provide for an alternative to the Building Commissioner to act as the enforcement office of the zoning bylaw. The recent departure of a long term Building Commissioner has made apparent the need for this change.
- Clean-Up – Two-Family Buildings in NAV – This would allow 2-family dwellings in the North Acton Village district. This change will treat this land use category equally in all the Acton's village zoning districts.
- Re-lettering Signs – In Section 7, there is an inconsistency with the definition of erecting a sign. Board members recommended staff and Town Counsel to review.

VII. Salary Parity

Mr. Niemyski reported he attended the BOS/Finance Committee meeting on the proposed salary parity. He motioned that the Board send a letter in support of the proposal. Mr. Starzec 2nd; all voted in favor. Mr. Niemyski signed the letter on behalf of the Board.

Mr. Schaffner moved to close the meeting, Mr. Starzec 2nd; all voted in favor.

The meeting adjourned at 10:00 PM.