

Kim DeNigro

From: Roland Bartl
Sent: Tuesday, February 12, 2008 11:13 AM
To: Planning Board
Subject: FW: Acton/Gen PI Bd - RQR decision question

FYI - clarification for tonight's decision on RQR.

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-----Original Message-----

From: Stephen Anderson
Sent: Tuesday, February 12, 2008 7:53 AM
To: Roland Bartl
Subject: RE: Acton/Gen PI Bd - RQR decision question

I agree with both of your points:

1. Vote = 2/3;
2. Default = full secondary access through both Acorn Park public ways.

Steve

FroI agree with both points:

m: Roland Bartl [mailto:rbartl@acton-ma.gov]
Sent: Monday, February 11, 2008 6:56 PM
To: Stephen D. Anderson
Subject: RQR decision question
Importance: High

Steve:

A Planning Board member has asked me these good questions:

"How does the board deterministically decide on which approach? Will it be a simple majority vote on the options, or will it require 5 votes toward a particular outcome? If it's the later, its possible that the board has no decision, but aren't we too far along to have a denial (explicit or implicit) at that point, so what's the default?"

Seems to me the determination of access falls under the special permit rules requiring 5 out 7 votes in favor towards any particular outcome. The proceeding and hearing will be "de novo" so any Board member at that time can sit and decide; it is not limited to the members now deciding. If the Board cannot gather a majority in favor of one or another outcome, where does that leave the applicant? The default seems to be that which meets the subdivision rules, i.e. full access to Acorn Park. Section 2.16 - "The original plan and application shows three access streets, two from the existing Acorn Park Subdivision and one from Great Road via Skyline Drive." and in section 3.2.2 ".... The original application and plan show two additional public way street extensions from the Site, through the existing Acorn Park Subdivision, to Great Road. As such, the plan is approvable because it shows both a primary

means of access and two suitable alternative public way means of access to the Site. ..." seem to say that, but it is not expressly state anywhere else.

Your thoughts? Am I missing something? Need to know by tomorrow evening. Thank you

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