JUN 17
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FYI

ACTON PLANNING BOARD

Minutes of Meeting
June 2, 2009
Acton Town Hall, Room 204

Planning Board members Mr. Greg Niemyski (Chairman), Mr. Bruce Reichlen (Vice Chair), Mr. Alan Mertz (Clerk), Ms. Ruth Martin, Mr. Roland Bourdon, Mr. Ryan Bettez, Mr. Ray Yacouby and Associates Ms. Leigh Davis-Honn and Mr. Jeff Clymer attended. Also present were Town Planner, Mr. Roland Bartl and Secretary, Ms. Kim DelNigro.

Mr. Niemyski called the meeting to order at 7:35 PM.

I. Citizens Concerns
None raised.

II. Consent Agenda
Consent Item A. Minutes of 04/21/09 was approved and all voted in favor.

III. Reports
CPC: Mr. Bourdon reported the CPA award letters have been sent out. He stated the Fitzgerald Piano has been restored and is being moved to the Acton Memorial Library and the Exchange Hall building is being painted.
EDC: Ms. Davis-Honn reported the committee is discussing on meeting twice a month. The workgroup has been approved and is moving forward with their efforts.
Open Space: Ms. Martin reported a property is in review. At this time, the committee is working toward finding ways to apply Green and LEED standards to the property and to be use as a prototype.
DRB: Mr. Bettez reported the committee had met with a concrete industry representative from RI regarding pervious pavement and also met with a restaurant owner regarding a concept plan to add to his building.

IV. Public Hearing - Proposed new dimensional and parking zoning regulations for child care facilities in residential zoning districts
Mr. Arthur Kreiger of Anderson & Kreiger, Town Counsel, discussed and explained the statutory framework for the proposed zoning amendment for child care facilities in residential zoning districts, the meaning of the proposed dimensional and parking, and case law examples. Mr. Kreiger stated that the recent Next Generation child care facility applications gives the Town a reason to review its zoning on the subject matter to ensure that it is reasonable in residential districts within the context of the State Zoning Act and related case law. Mr. Bartl explained the draft article. Staff had analyzed the net floor areas (NFA) and floor area ratios (FAR) of existing homes in the various residential zoning districts. His presentation included histograms with size and FAR distributions, their medians, and where the drafted limits would fall within the distributions.
Citizen's questions and concerns included:

- Great discussions and analysis from staff.
- Need to consider what size limits are defensible.
- Timeframe of Special Town Meeting.

Board members raised questions and concerns regarding:

- Could site plan special permit be used? Mr. Krieger and staff advised that the statute does not allow special permits.
- Town Counsel and Staff updated the Committee on the Board of Appeals Hearing on Next Generation.
- Try to set zoning regulations that encourage future applicants to locate larger facilities in non-residential area.
- Board members discussed several adjustments to the proposed size and FAR limits for a more reasonable fit of childcare facilities within residential neighborhoods. Mr. Bartl stated that a closer look at the data suggested a few changes to the draft limits.

The Board voted unanimously to close the public hearing.

Mr. Niemyski suggested with the following changes to the drafted size limits:

In R-2: The maximum NFA be reduced to 2500 sq. ft.
In R-4: The maximum NFA be reduced to 3500 sq. ft.
In R-8 & R-8/4: The maximum FAR be reduced to 0.04.
In VR: The maximum FAR be reduced to 0.17 and maximum NFA be reduced to 2500 sq. ft.

Mr. Yacouby moved to recommend the proposed zoning amendment with these changes to the Board of Selectmen and Special Town Meeting. Mr. Bettez 2nd, all voted in favor.

V. <u>Public Hearing – Proposed amendment to Section 3.6.3 – Manufacturing of the zoning bylaw, to include manufacturing in the field of renewable and alternative energy</u>

Mr. Bartl explained the proposed article. The Massachusetts Department of Energy Resources requires specific zoning language for Acton to be eligible for economic stimulus grants that are available for local towns. He explained that the development and manufacturing of renewable and alternative energy equipment and systems is currently allowed under the existing definition of manufacturing. The change simply satisfies the Department's request without changing the meaning and effect of the zoning bylaw.

The Board voted unanimously to close the public hearing.

Mr. Bourdon moved that the Board recommend to Special Town Meeting and the Board of Selectmen to adopt the zoning bylaw amendment as set forth in the article, except that the words "renewable energy or alternative energy" should read "renewable or alternative energy", Mr. Yacouby 2nd, all voted in favor.

The Board thanked Mr. Arthur Kreiger for his time and help with the proposed article changes.

Mr. Yacouby moved to close the meeting, Mr. Bourdon 2nd; all in favor; meeting adjourned at 9:40 PM.