

## 2009 ANNUAL REPORT PLANNING DEPARTMENT

The Department provides technical, logistical and administrative support to the Planning Board, Board of Appeals (variance requests, special permit applications and 40B projects), Board of Selectmen (site plan and use special permits under zoning) the Community Preservation Committee, and the Economic Development Committee (see also the separate reports from the Community Preservation, Economic Development Committee and the Board of Appeals). In 2009, the Department also provided support for the Outreach Steering Committee helping bring to a close the Town's first phase of the Comprehensive Community Plan. The report is entitled "Acton Today. Tomorrow. Together – Emerging Vision and Goals for Acton's Future (please visit [www.actonoutreach.com](http://www.actonoutreach.com)). In a related effort, the Planning Department partnered with Tufts University for the Open Neighborhood Project, which was a unique opportunity to participate in an experimental hands-on community planning and design workshop using "Second Life" 3-D computer simulation tools with Kelley's Corner as a test site. The project was enhanced through a grant from the Acton Boxborough Cultural Council and participation by the Discovery Museum and High School students.

Other highlights of Department work are plan reviews and Board support for hearings on projects such as the Removal of Public Shade Trees on High Street to make room for a sidewalk (scenic road hearing), preliminary subdivisions for Lazaro Circle, Faulkner Mill, Isaac Davis Circle; various 40B projects (comprehensive permits for affordable housing developments), the proposed Next Generation Child Care Center on Main Street, and the West Acton Village Ecology (WAVE) Project; efforts to secure funding for the Assabet River and Bruce Freeman rail trails; reviews of multiple building and development plans for zoning bylaw and special permit compliance; and various zoning enforcement actions. All duties and work are carried out under the direction of the Town Manager. Department staff is: Roland Bartl, AICP, Planning Director; Kristin Alexander, AICP, Assistant Planner; Scott Mutch, Zoning Enforcement Officer/Assistant Planner; and Kim DelNigro, Secretary.

### **Planning Board**

Members of the Planning Board are Selectmen appointees. At the end of 2009, the Board's members are:

Ryan J. Bettez, Chairman

Jeff Clymer, Vice Chair

Ray S. Yacouby, Clerk

Gregory E. Niemyski

Roland A. Bourdon, III

Leigh Davis-Honn

Margaret Woolley-Busse (Associate)

Kim Montella (Associate)

Former members Bruce A. Reichlen, Alan R. Mertz, Ruth M. Martin resigned in 2009.

Planning Board meetings are open to the public, usually at 7:30 PM at the Town Hall (Faulkner Meeting Room 204) on the first and third Tuesday of each month.

### *Development Activity*

When reviewing development applications, the Planning Board strives to protect the health, safety, and welfare of all Acton residents – present and future, and to preserve the integrity of Acton's character. This aspiration is framed by the Town of Acton Master Plan and Zoning Bylaw. The Planning Board's authority to approve or disapprove development applications is also defined and limited by the State Zoning Act (MGL Ch. 40A), the State Subdivision Control Law (MGL Ch. 41, S. 81K-GG), and the constitutional rights of land owners.

In 2009, the Board approved proposed subdivision rules and regulation changes, held two scenic road hearings, granted one sign special permit, and approved three preliminary subdivisions. 12

ANR Plans (Approval Not Required plans in Subdivision Control Law) were signed. Overall, the Board approved 17 new building lots, 16 for single-family homes and one for commercial use. The table below shows the ten-year history of approved new residential lots.

<b>Year</b>	<b>New Residential Lots Approved</b>
2000	33
2001	15
2002	103
2003	4
2004	8
2005	8
2006	30
2007	15
2008	25
2009	17

### *Zoning*

The Acton Zoning Bylaw is the regulatory blueprint that affects the future use and development of land in Acton. It is the intent of the Planning Board that the Zoning Bylaw and any changes to it are generally consistent with the Master Plan. After holding public hearings, the Planning Board recommended and the 2009 Annual Town Meeting voted the following Zoning Bylaw amendments:

- To add Truck Rental as an Accessory Use in the Light Industrial -1 (LI-1) zoning district.
- To exempt bike ways and walkways from the zoning bylaw,
- To add building cleaning services to the existing building trade shop definition.
- To clarify language in the outdoor lighting regulations.

After holding public hearings, the Planning Board recommended and the 2009 Special Town Meeting in June voted the following Zoning Bylaw amendments:

- Proposed new dimensional and parking regulations for child care facilities in residential zoning districts.

### **Board of Selectmen – Site Plan and Use Special permits**

In 2009, the Department supported the Board of Selectmen in their role as use and site plan special permit granting authority under the zoning bylaw. The Board of Selectmen issued three use special permits (two for commercial recreation, one for a restaurant expansion), three new site plan special permits for a commercial building expansions and modifications on Great Road and Main Street, and four site plan special permit amendments. The Board denied one site plan special permit application.

### **Board of Appeals**

In 2009, the Department supported the Board of Appeals in reviewing variance, special permit and 40B comprehensive permit applications. The Board of Appeals issued one special permit and two 40B comprehensive permits. The Board of Appeals also heard two petitions to overturn the Zoning Enforcement Officer's (ZEO) ruling related to child care facilities. Due to State law's preferential treatment for childcare facilities the Board of Appeals on one petition overturned the ZEO on all counts, and overturned the ZEO on the other petition on all counts but one.

## Zoning Enforcement

To be added

### Special Projects

#### *Bicycle Lockers*

Kim DelNigro oversees the bicycle locker rentals at the South Acton train station. In 2009, 33 lockers out of 40 lockers were rented for the whole year and several more were rented from month to month. This is a slight increase over the number of rentals in the previous year.

#### *Rail Trails*

The outlook for progress on the Assabet River and Bruce Freeman Rail Trails has improved despite funding shortages for needed transportation projects in the Boston region and the use of much of the available funding for several high-profile highway reconstruction and expansion projects, and bridge maintenance. After completion of the 10% conceptual design of the Acton/Maynard portion of the Assabet River Rail Trail (ARRT) and project approval by MassHighway, the Planning Department succeeded in placing the project in the regional long-range transportation plan with construction funding scheduled before 2015. This allows access to the more than \$1 million Federal earmark to advance to final design. Design work is expected to resume in early 2010. ARRT, Inc. ([www.arrtinc.org](http://www.arrtinc.org)) is a regional non-profit group that supports and advocates for the trail.

Following the completion of 25% design of the Bruce Freeman Rail Trail (BFRT) in Acton, Westford, and Carlisle in 2008, Concord also finished the 25% design stage in 2009. The four Towns have entered into an Inter-municipal Agreement for the Advancement of the Bruce Freeman Rail Trail. The joint application for \$1/2 million of Statewide Enhancement Grant funding has been approved. It will be used to advance the trail design in Acton, Carlisle, and Westford. Less favorable is the placement of the Bruce Freeman Rail Trail on the regional long-range transportation plan, where construction funding is not programmed until sometime between 2021 and 2025. The Friends of the Bruce Freeman Rail Trail ([www.brucefreemanrailtrail.org](http://www.brucefreemanrailtrail.org)) is a regional non-profit group that supports and advocates for the trail.

Respectfully submitted,  
Roland Bartl, AICP  
Planning Director