



ACTON PLANNING BOARD

Minutes of Meeting
March 23, 2004
Acton Memorial Library

Planning Board members Ms. Lauren Rosenzweig (Chairman), Mr. Ed Pearson (Vice Chair), Mr. Christopher Schaffner, Mr. Hart Millett, and Mr. Patrick Halm were in attendance. Also present were Town Planner, Mr. Roland Bartl and Planning Board Secretary, Ms. Karen Switzer-Neff. Absent were Mr. Greg Niemyski and Ms. Stacy Rogers.

Ms. Rosenzweig called the meeting to order at 7:30 PM.

I. Citizens Concerns

No citizens concerns were presented.

II. Pubic Hearing, Proposed Zoning Change, Agricultural Use Definition

Ms. Rosenzweig opened the public hearing. Selectman Trey Shupert was present and explained to the citizens present the purpose of the proposed zoning change. He offered the following information:

- The Building Commissioner took enforcement action against Mr. Kennedy's business at 362 Main St. (Kennedy Landscaping) for illegal business operations in a residential zoning district.
- Mr. Kennedy had purchased the property across the street from his business to temporarily store nursery stock and display it for sale. He was advised by his attorney that it would be no problem due to the statutory agricultural exemption.
- There is a difference of opinion between the Town Counsel and Mr. Kennedy's attorney in interpreting the definition of agriculture.
- The proposed zoning change is a result of negotiations between the Board of Selectmen and Mr. Kennedy.
- The zoning change further defines the meaning of horticulture on a parcel of more than 5 acres and conforms the definition of agriculture to Mass. General Law, Chapter 40A.
- All permits are in place.
- There are no unintended consequences.
- The Board of Selectmen approve of the proposed zoning change.

Public Comments/Concerns

There was unanimous support for Mr. Kennedy and the proposed zoning change.

Planning Board Comments/Concerns

- Mr. Millett noted concerns about employees, equipment, and customers crossing Main Street. Mr. Shupert responded that Mr. Kennedy applied for a crosswalk with the police department but they cannot take action while the Town is in litigation with Mr. Kennedy.

Mr. Kennedy added that the property across the street is used for storage only. Customers rarely cross the street.

- Mr. Pearson expressed concern about a proposed zoning change being brought forward on short notice, particularly since the zoning violation has been an issue for 2 years. Mr. Shupert responded that the settlement was recent.
- Mr. Shupert was asked to confirm that there are no unintended consequences with the zoning change. Mr. Shupert responded that the use definition prevents any unintended consequences and the wording has been approved by Town Counsel. The result of the zoning change would be that Mr. Kennedy would be allowed to continue a non-conforming use in a residential district.
- Ms. Rosenzweig cautioned about setting a precedent.

Hearing no further questions or comments from the Planning Board or citizens present, the Planning Board voted unanimously to close the public hearing.

Mr. Pearson moved that the Planning Board vote to recommend the proposed zoning change at Town Meeting. The motion was seconded and passed by unanimous vote.

III. Consent Agenda - Approval of 2/24/2004 Minutes

The minutes of 2/24/2004 were approved as written.

IV. Reports

CPC

Mr. Schaffner reported that the committee is preparing for Town Meeting. Ms. Rosenzweig recommended that they contact the League of Women Voters for support.

EAVPC

Assistant Planner, Kristin Alexander, was present and reported that the committee is preparing for Town Meeting and continuing to meet with various other committees (LWV, EDC, TAC, etc).

MAGIC

Mr. Schaffner noted that he gave a presentation on Energy Efficiency and Green Buildings at the March 11th meeting. A legislative breakfast is scheduled for April 8th. Mr. Schaffner asked to be replaced as the Planning Board's MAGIC representative. When asked for volunteers, Mr. Pearson agreed to serve as the Planning Board's representative but cited concerns about MAGIC's avenue to progress.

OLAC

Mr. Millett reported on OLAC's preparation for Town Meeting and a recent Star Party.

Route 2 CAC

Mr. Halm reported that he had attended a meeting last Thursday. The rotary changes are expected to be implemented between 2015 and 2020.

V. Vote, Recommendations for Town Meeting Warrant Articles

Mr. Bartl reported that, at the request of the Selectmen, the East Acton Village Planning Committee had recommended that Article 34, East Acton Village Plan - EAV-2 District, be amended to eliminate vehicle repair & body shop from the proposed allowed uses. Mr.

Schaffner moved that the Planning Board recommend for approval at Town Meeting Article 34, Amend Zoning Bylaw - East Acton Village Plan - EAV-2 District, as amended. The motion was seconded by Mr. Millett.

The Board discussed the motion. There was concern about the original recommendation of the EAVPC being overturned by the Selectmen after 3 years of hard work. Assistant Planner, Kristin Alexander, responded that concerns pertained to vehicle related uses along Route 2A, and citizen concerns regarding potential pollution entering into Nashoba Brook. It was noted that the properties in the proposed EAV-2 are currently zoned Small Manufacturing (SM) or Limited Business (LB) where vehicle repair or body shop is an allowed use. The proposed change to prohibit the use in EAV-2 would render the existing businesses non-conforming.

Hearing no further discussion, members of the Board voted to approve the proposed change to Article 34 and to recommend its approval at Town Meeting.

VI. Town Meeting Preparation and Article Assignments

Article Assignments

Mr. Halm - Outdoor Lighting Bylaw and Housekeeping.

Ms. Rosenzweig - TJ O'Grady Skate Park, East Acton Village and Citizen Petitions.

Mr. Schaffner - Senior Housing.

Mr. Niemyski - South Acton Village.

Members of the Board discussed alternatives should one or more of the East Acton Village Articles fail. It was suggested that the East Acton Village Articles be presented as a cohesive group.

Mr. Bartl reviewed the other articles associated with street acceptances and a sidewalk easement and advised the Board to be prepared to answer any questions.

VII. 520 Main Street, Memo to Board of Appeals

The Board of Appeals asked the Planning Board to submit comments on the amended petition for the Franklin Place Comprehensive Permit. Members of the Planning Board reviewed their original memo and had the following additional comments:

- The amended plan proposes 12 units. Standard zoning would allow 6-8 units.
- It is not consistent with the Master Plan.
- The reduction from 32 to 12 units is generous and is a reasonable compromise by the developer.
- The configuration is not ideal for a village center.
- The garages should face the side or rear.
- Unless the configuration is changed, the sidewalk pieces around the loop should be eliminated, except for the sidewalk along the entrance road.

Mr. Bartl was asked to draft the memo to the Board of Appeals incorporating their comments and concerns. Ms. Rosenzweig will sign the memo on behalf of the Board.

VIII. Quail Ridge Country Club - Amend Decision

Ms. Rosenzweig recused herself from participating in the discussion and noted that she is a

member of the golf course. Mr. Pearson led the discussion and appointed associate member, Stacey Rogers, to act as a full member for the purpose of the special permit amendment. Mr. Schaffner moved that the Planning Board vote to approve Amendment #4 of Decision 02-06, Quail Ridge Country Club Special Permit for a Golf Course in a Residential District, dated March 23, 2004, which inserts a new condition 3.2.26, that requires the applicant to submit an as-built plan for the Site upon completion of all work. The motion was seconded by Mr. Halm and passed by unanimous vote.

IX. Discussion, EPA Stormwater Management Regulations

This was tabled to the next meeting.

X. Next Meeting, 4/13/2004 - Cancel or Reschedule

The April 13th meeting was canceled because it conflicts with Town Meeting.

Other Business

- Members of the Planning Board revoked Donna Jacobs' (former Assistant Planner) authorization to sign ANRs on behalf of the Acton Planning Board.
- Members of the Board updated Mr. Bartl's authorization to sign decisions, subdivision plans and ANRs on behalf of the Planning Board.

The meeting adjourned at 10:20 PM.