



ACTON PLANNING BOARD

Minutes of Meeting

January 27, 2004

Acton Memorial Library

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

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

I. Citizen Concerns

Ms. Jean Foley, Flagg Rd, asked if the procedures outlined at the January 22nd Smarter Land Use presentation could be used for the proposed Ellsworth Village project off of Braebrook Rd. Ms. Rosenzweig responded that the Planning Board would discuss the presentation during the time scheduled for Reports. Mr. Bartl noted that the developer and engineer for the proposed Ellsworth Village had indicated to him that they would like to use the local option under the Senior Residence Bylaw instead of the Chapter 40B. However, because of the way the bylaw is written, it cannot be used. He added that should the developer use local zoning instead of Chapter 40B, the density would go down from +/-5 units per acre to 3 units per acre. (The bylaw allows for a density bonus if affordable housing for seniors is included.) Ms. Rosenzweig noted that a representative of Stamski & McNary is schedule to meet with the Board later in the evening to discuss the inadequacies in the bylaw. Mr. Bartl added no changes have been proposed for the project yet. Ms. Rogers offered to sit down with Ms. Foley to discuss the procedures of Smarter Land Use.

II. Ron Peabody/Bob Durand re: Quail Ridge Country Club Consent Agreement

Ms. Rosenzweig recused herself from participating in the discussion and stated that she is a member of the Quail Ridge Country Club. The discussion was chaired by Mr. Pearson.

Present for the discussion were Mr. Ron Peabody from Quail Ridge Country Club, LLC, Mr. Bob Durand of Durand & Anastas Environmental, Inc., and Mr. Mike Toohill from ENSR Consulting. Mr. Toohill assisted the Planning Board and Conservation Commission in the review of the golf course. Mr. Toohill disclosed that ENSR is involved with Mr. Durand and Mr. Peabody on an unrelated project at Devens.

Mr. Peabody submitted a letter to the Board on January 22, 2004 in response to concerns regarding the withdraw of the Water Withdrawal Permit application and the Consent Agreement issued by DEP. He offered the following additional information:

- The Organization for the Assabet River (OAR) is challenging all Water Withdrawal Permit applications in the area due to the stressed nature of the Assabet River Basin.
- An appealed decision from the DEP could have further delayed the golf course.
- The new plan conserves water and requires less than 100,000 gallon per day, less than other golf courses in Massachusetts.
- A lined irrigation pond was constructed to hold 13 million gallons of water. The water from the pond would be used to irrigate the golf course during the drought season.
- The B-2 well that caused the most concern was abandoned.

Planning Board questions/comments:

- Some Board members indicated that they are satisfied with the answers outlined in Mr. Peabody's January 22nd letter.

- When asked what agreement he had made with DEP and OAR, Mr. Peabody responded that he had agreed to donate money towards an ongoing study of the Assabet River Basin, not to use 3 of the 5 proposed wells, and that he will not refill the irrigation pond during the drought season.
- Mr. Peabody was asked what methods he will use to ensure that he remains under the 100,000 gpd water withdrawal threshold. He responded that in addition to using the lined irrigation pond, he would use drought resistant grass seed and will be complying with the other requirements listed in the Consent Order.
- When asked, Mr. Durand confirmed that the information that he was required to submit within the first 10 days of the Consent Order was given to the DEP.
- Mr. Peabody was asked what agreement he has with the Acton Water District (AWD). He responded that he has a written agreement that AWD will provide water during construction only. He indicated that AWD verbally agreed to sell him water, if needed, and if it were available.
- When asked about a revised plan showing the irrigation pond, Mr. Peabody responded that he would submit a revised set of plans. He noted that roughly 90% of the golf course is in place per the plan and 10% are changes that were necessary given the site constraints. He added that Tom Tidman (Director of Natural Resources) and Bruce Stamski (the Conservation Commission's site monitor) is aware of every change.
- When asked about Audubon Certification as required in the Special Permit, Mr. Peabody responded that he will apply after the golf course is complete.

Mr. Bartl had the following concerns:

- No plan, as approved, has been submitted.
- Lack of communication.
- The affect the enlarged pond will have on surface water drainage and groundwater recharge.

Mr. Peabody responded that he would provide a set of up-to-date plans and will have Stamski & McNary or Epsilon address his concerns on drainage and water. He asked that Mr. Bartl notify him of any information he needs and he will respond within 48 hours.

Mr. Toohill was asked to look into the affect the withdrawal will have on wells surrounding the golf course. Mr. Peabody indicated that the wells surrounding the golf course have been tested and he would ask Epsilon to forward that information to Mr. Toohill.

Mr. Bartl noted that he would like to keep Mr. Toohill engaged in the review process and asked that Mr. Peabody provide funds to retain him. Mr. Peabody indicated that he is amenable to retaining Mr. Toohill and agreed to meet with Mr. Bartl and Mr. Toohill to work out the details. Mr. Peabody was reminded that the Planning Board issued the special permit for the golf course and the Board should be kept informed.

Mr. Peabody noted that he has concerns that Ms. Rogers is discussing concerns with the golf course directly with an employee of the DEP without divulging who she is speaking with. Ms. Rogers responded that she is acting as a private citizen and was relaying the information she obtained to the Planning Board. Mr. Peabody was asked to address this directly with Ms. Rogers.

III. Stamski & McNary re: Senior Residence Zoning Bylaw

Mr. George Dimakarakos from Stamski & McNary, Inc. was present to discuss the Senior Residence Zoning Bylaw. He noted that he had tried to apply the bylaw to a site with no constraints and was unable to get the allowed density given the way the bylaw is written. After approaching Mr. Bartl, he was advised to come before the Board with his concern. Mr. Bartl noted that the Senior Residence Bylaw has never been used since Town Meeting

adopted it in 2000 and added that he drafted a proposed zoning change after discussions with Mr. Dimakarakos.

Mr. Dimakarakos stated that the combination of the 60% open space requirement and the 30' set back requirements make it difficult to obtain the density that the bylaw allows. He presented a conceptual model, not representing any specific parcel, using the proposed zoning changes on an 8.3 acre site. The model showed 25 attached townhouses with 2 car garages. Mr. Dimakarakos noted that the proposed split of 80% contiguous & 20% scattered open space requirement allows the buildings to shift further away from sensitive areas. The reduction in building separation allows the 60% open space requirement to be achieved more easily.

Mr. Dimakarakos suggested that the Board consider drainage requirements in open space (detention/retention ponds). He explained that it is difficult to accommodate drainage structures with the wetlands requirements.

Planning Board questions/comments:

- One Board member did not like the model. Mr. Bartl noted that design issues could be addressed in the special permit.
- Requiring less open space can add flexibility in building layout.
- It was recommended that the maximum density requirement be kept the same for all zoning districts.
- Mr. Dimakarakos was asked how many units the conceptual model would have if it were a Chapter 40B project. Mr. Dimakarakos responded that the model could support 60-66 units.

Mr. Dimakarakos agreed to prepare for the February 10 public hearing a second conceptual model using a 30% open space requirement instead of 60%.

IV. East Acton Village Plan

Ms. Kristin Alexander, Assistant Planner, and members of the East Acton Village Planning Committee (EAVPC) were present for the discussion. Ms. Alexander reported that the EAV Plan had been finalized to include formatting, graphics, a timeline, historic and streetscape pictures, glossary and appendices.

The Committee was thanked for their dedication and hard work that was put into the EAV Plan. It was noted that the Plan is very thorough and appears to reflect the consensus of all parties. A minor typo was corrected. Mr. Niemyski moved that the Planning Board vote to adopt the East Acton Village Plan. The motion was seconded by Mr. Millett and passed by unanimous vote.

V. Consent Agenda

A minor correction was made to the minutes of 1/13/2004. Mr. Millett moved that the Planning Board vote to approve the 1/13/2004 minutes, as amended. The motion was seconded by Mr. Halm and passed by unanimous vote.

VI. Reports

Community Preservation Committee

Mr. Schaffer reported that the Committee has met with all of the applicants for 2004 CPA funding. He indicated that since he represents the Planning Board on the Committee, he would like input from the Board on the applications. Information will be provided for the next Planning Board meeting.

MAGIC

Mr. Schaffner reported that MAGIC is hosting a meeting with town administrators on February 10th in Boxborough beginning at 7:45 PM. He will not be able to attend.

OLAC

Mr. Millett reported that the proposed Outdoor Lighting zoning articles have been finalized for inclusion in the Town Meeting Warrant. Mr. Bartl added that the Committee is still considering a general bylaw for regulating existing lighting.

Planning Board Articles

Ms. Rosenzweig will submit an article to the Beacon on the benefits of cluster developments.

Smarter Land Use Presentation by Mr. Karl Kehde

Ms. Rosenzweig reported that the January 22nd presentation was attended by approximately 30 people. The presentation focused on how to get neighborhoods involved in the development process prior to the application being submitted for approval. A tool kit is available for \$300.00 that is used in conjunction with a sketched out conceptual plan or an aerial photo to assist with laying out a subdivision that is acceptable to the developers and abutters. To participate in the program, the Planning Board could adopt the procedure and make it available to developers and abutters by sending a letter advising them that the kit is available for their use. This was of interest to the Board and will be revisited at the February 10th meeting.

The meeting adjourned at 10:20 PM.