ACTON PLANNING BOARD

Minutes of Meeting
January 25, 2005
Acton Memorial Library

Planning Board members Ms. Lauren Rosenzweig (Chairman), Mr. Greg Niemyski, Mr. Christopher Schaffner, Ms. Stacy Rogers, and associates Mr. Edmund Starzec and Ms. Ruth Martin were in attendance. Also present were Town Planner, Mr. Roland Bartl and Assistant Planner, Kristin Alexander. Absent were Mr. William King and Mr. Gary Sullivan.

RECEIVED & FILED
FEB 9 2005
TOWN CLERK
ACTON

Ms. Rosenzweig called the meeting to order at 7:45 PM.

I. Citizens Concerns
None.

II. Minutes of 1/11/05
The minutes of 1/11/05 were amended, and then approved as amended.

III. Reports
CPC: Ms. Alexander described the 2005 CPA applications presented on 1/13/05.

IV. Hearing: "Ellsworth Village" Senior Residence Special Permit – opened at 7:45 PM
The Chair appointed Ms. Martin and Mr. Starzec to act as full members for the purpose of this special permit application. Present for the hearing were Mr. Michael Jeanson, applicant/owner, and Mr. George Dimakarakos of Stamski and McNary, Inc. Mr. Dimakarakos presented the following:

- The applicant asked Stamski and McNary last year to draft a 60 unit comprehensive permit plan. The plan was sent to MassHousing and the applicants received a site eligibility letter.
- Also last year, the applicant learned that the Senior Residence section of the Zoning Bylaw as written then wasn't practical. Stamski and McNary developed plans based on the then existing bylaw, drafted possible amendments, and discussed suggested Bylaw changes with the Planning Board. Eventually the Planning Board brought amendments to Town Meeting which approved them.
- The application now before the Board has 33 units under the Senior Residence section of the Zoning Bylaw as amended.
- The applicants and Stamski and McNary have met with the Planning Board and several times with the neighbors. Both groups were asked about access to the site. The Planning Board preferred access from Brabrook Road and the neighborhood from Great Road.
- The current plan requires wetlands alteration and replication. The Conservation Commission held one hearing thus far and now requested more information.
- To mitigate traffic concerns, the applicant is proposing three stop signs within the neighborhood, sidewalks along Ellsworth Village Road and Brabrook Road, and a pedestrian connection to Brookside Shops. Pedestrian access in the Brabrook Road right-of-way to Wetherbee Plaza was not proposed because of wetlands.

Planning Board comments/concerns:

- Mr. Schaffner noted that the length of Brabrook Road raises an emergency access issue, the road extension would cross wetlands, there are legal questions regarding the road, and there are neighborhood concerns. For these reasons, primary access should connect directly to Rt. 2A instead of Brabrook Road.
- Mr. Dimakarakos replied that the Planning Board gave direction to use Brabrook Road for primary access.
- Mr. Bartl stated that the Town owns the paved portion of Brabrook Road. The Town also owns

easement rights from the end of the pavement to the end of Brabrook Road extension (paper road) for all purposes that public ways are used in Acton. The Town can extend the road over the easement but not the developer unless he owns the underlying right-of-way. However, the two abutting lot owners appear to own the underlying land to the middle of the extension. The piece of right-of-way in front of the Ellsworth Village site doesn't appear to be owned by the Ellsworth property owner. A Selectmen's vote would be required to build the road (not a Town Meeting vote). The turnaround easement would disappear if the road is extended. This applies even if Ellsworth Village were a Chapter 40B project. Mr. Bartl read aloud a portion of Town Counsel's e-mail of October 27, 2004 citing a court decision which expresses expectation that landowners and municipalities "work out" access problems.

- Mr. Dimakarakos replied that he will ask their legal counsel to opine on the Brabrook Road access question. He also explained that emergency access can connect to Great Road near the detention basin. 133 Great Road and the Ellsworth Village property have the same owner. The applicant is under agreement to buy the Ellsworth Village property. The owner will only grant an emergency access easement across 133 Great Road. Stamski and McNary and the applicant will discuss the possibility for pedestrian access over the wetlands to Wetherbee Plaza with the Conservation Commission.

- Mr. Schaffner said he would prefer vehicular access connections to Brabrook Road and Great Road. Mitigating traffic impact through Brabrook Road is really important and in the best interest of the town at large. He added that more pedestrian connections could reduce traffic.

- When asked about wastewater disposal, landscaping, access to solar power, and outdoor lighting, Mr. Dimakarakos responded that wastewater disposal and landscaping information was forthcoming and that the other issues could be addressed.

- When Ms. Martin asked about the feasibility of the proposed tree removal on Pope Road, Mr. Dimakarakos responded that it is feasible, the existing intersection is unsafe now and shouldn't be left as is, and that the improvements are physically very doable.

- When asked about the feasibility of accessing the site from Rt. 2A over the steep grade, Mr. Dimakarakos stated that accessing the site from Rt. 2A would be bad planning because a left turn would be difficult, there is no potential to have a traffic light there, and people believe that curb cuts should be limited along Great Road.

- When Mr. Starzec asked if any other traffic calming measures had been considered, Mr. Dimakarakos said that more stop signs than what would typically be required are proposed and sidewalks are proposed. Their traffic engineer says traffic calming is not necessary. Mr. Dimakarakos replied that the development should generate half the trips than a typical family housing development of the same size. Their traffic engineer studied Audubon Hill for comparison.

- Ms. Rogers stated that she would like to see an alternative access and asked whether anyone had discussed plans with Sunny Meadow apartments to make a connection through their property. Mr. Dimakarakos responded that he had contacted the apartments' owner and the owner is not interested.

- Mr. Niemyski commented that Stamski and McNary should draft a plan showing how a road would be constructed through 133 Great Road if the property owner were to grant full access to Great Road.

- Ms. Rosenzweig stated that the applicants had presented two senior housing plans to the Planning Board: one under local zoning and one under the State Chapter 40B law. She was concerned that the Planning Board would lose control over design if it was a Chapter 40B proposal, so she had recommended the applicants apply under local zoning. She also raised the question whether the emergency access needs to be paved.

Public comments/concerns:

- Ed Vrablik, 11 Brabrook Road, stated that he wants a three way stop at Brabrook and Pope Roads. If the road / easement is adjudicated through the Selectmen, approximately 300 square feet of his property is under it and he wants it back.

- Carol Holley, 39 Pope Road, recommended full cut off lighting, a three way stop at Brabrook and Pope Roads because of the humps/dips and high speeds on Pope Road, and pedestrian access to Wetherbee Plaza. Ms. Holley asked: if the yard at the corner of Brabrook and Pope Roads had to be cut in ten feet to mitigate site line issues; if the access onto Rt. 2A could be for right turn only; if an unpaved emergency access would be a problem in the winter; and, since a traffic signal is likely in the future on Rt. 2A, if the signal would impact access to Rt. 2A.
- Graham Knowland, 29 Esterbrook Road, stated that he was not invited to any neighborhood meetings and he is a direct abutter. Mr. Knowland pointed out that the proposed grade and building heights make the buildings closest to his forested property 40 feet high with minimal setback. Mr. Knowland added: the wetlands and wetlands replication area should be subtracted from the projects developable acreage; Pope Road is a scenic road; the shape of the Ellsworth Village parcel is by design - a result of the property owner developing adjacent to Great Road first and this property later; and the hearing should be continued. Mr. Knowland also asked why the proposed path leading to Brookside Shops over the Town owned land is 18 feet wide.
- Linda Chapin, 4 Brabrook Road, said that children play and bicycle in the neighborhood so speed bumps are a safety concern. Ms. Chapin asked why a paper road can be used as a primary access.
- John Holleran, 10 Flagg Road, stated that the elevations on page four of the plans are incorrect. Mr. Holleran also suggested the whole project be moved closer to the Town land.
- Debbie Adams, 10 Brabrook Road, stated that she owns the easement at the end of Brabrook Road. Ms. Adams said that she does not believe the applicant has proven that every means possible has been made to avoid building over wetlands. She also pointed out that 133 Great Road has been rezoned and now access can be provided to the Ellsworth Village property.
- Tom Lemire, 5 Brabrook Road, commented that several items such as fire hydrants, speed bumps, and crosswalks are missing from the plans. Mr. Lemire stated that removing trees is not enough and asked what happened to the mitigation idea of chopping off the Pope Road hump/hill. Mr. Lemire also said he wants to hear about construction vehicles access, the time frame of construction, and mitigation measures during construction. He asked that the hearing be continued.

The motion was made to continue the public hearing on February 22, 2005 at 7:45 PM. The motion passed unanimously.

V. Other Business

- Ms. Rosenzweig made the following announcements:
  - The Transportation Advisory Committee (TAC) prefers not to have full responsibility for developing a plan to address South Acton train station issues as stated in the Planning Board and TAC draft letter to the Selectmen dated January 20, 2005.
  - She attended the 1/20/05 United Way forum on transportation issues. It was well attended and a lot of creative ideas were discussed. She recommends Planning Board members e-mail their suggestions to the United Way on how to improve regional transportation.
  - Marc Draisen of MAPC did not attend the Selectmen's last meeting as planned.
  - She would try to attend the next Arc of Innovation meeting.
    Mr. Schaffner suggested that a Selectman regularly attend the Arc of Innovation meetings if they are a dynamic committee.
- The Planning Board agreed to recommend to the Selectmen that the following appointments be made:
  - Ms. Martin as a full Planning Board member;
  - Ms. Martin to the Open Space and Recreation Committee;
  - Mr. Starzec to the Economic Development Committee;
  - Mr. Schaffner as the W.R. Grace liaison.

The meeting adjourned at 9:35 PM.