



ACTON PLANNING BOARD DRAFT

**Minutes of Meeting
January 23, 2007
Acton Memorial Library**

Planning Board members Mr. Greg Niemyski (Chairman), Mr. Christopher Schaffner (Vice Chair), Mr. Edmund Starzec (Clerk), Ms. Ruth Martin, Mr. Bruce Reichlen, and Mr. Alan Mertz attended. Also present were Town Planner, Mr. Roland Bartl and Secretary, Ms. Kim DelNigro.

Absent was Mr. Michael Densen.

Mr. Niemyski called the meeting to order at 7:32 PM.

I. Citizens Concerns

None raised.

II. Consent Agenda

Item A, Minutes of 1/09/07, Item C, Colonial Path Subdivision – Initial Bond passed by consent. Item B, Sweeney Farm Bond Release, was pulled for discussion. The Board members discussed staff's memo regarding the issue of one dead tree. The Board has decided to release the bond except for \$1,000.00 for the replacement of the dead tree (unanimous).

Item D, 105 & 107 Summer Street – Draft Decision, was pulled for discussion. The Board members reviewed staff's draft decision and Mr. Niemyski moved to approve the decision as drafted. 2nd. Mr. Niemyski, Mr. Starzec, Ms. Martin and Mr. Schaffner in favor. Motion carried 4-0 with two abstention by Mr. Reichlen and Mr. Mertz, due to being absent from the hearing.

III. Reports

CPC: Ed Starzec reported the CPC has heard from all of the CPA applicants' presentations for the upcoming year. Mr. Starzec reported that one CPA project application was withdrawn. Mr. Starzec reported their deliberations will begin at the next meeting.

WRAC: Chris Schaffner reported the committee has approved their mission statement and are conducting a report on extended sewerage and capacity.

IV. Omnipoint Wireless Comm. Facility Special Permit – 164 Newtown Road - Continuation

Mr. Niemyski opened the public hearing at 7:45pm. Mr. Brian Grossman from Prince, Lobel, Glovsky & Tye, LL, representative for the applicant has withdrawn their application by letter. Mr. Niemyski moved to accept the withdrawal without prejudice. Mr. Reichlen 2nd, all voted in favor. This also closed the public hearing.

Mr. Sydney Johnston, speaking on behalf of the citizens of the neighborhood, was present. Mr. Johnston said he would have asked if the Board would accept the withdrawal with prejudice.

Mr. Niemyski explained that the full facts have never been heard from the applicant, the public hearing was never concluded, and a decision has never been made. Therefore, the Board's acceptance of the withdrawal without prejudice was the only appropriate action.

Mr. Johnston stated the residents of the neighborhood have been through a lot and have filed a citizen's petition with the Town Clerk for an annual town meeting to amend the zoning Bylaw of Acton to prohibit construction of cell towers in areas near public schools and in areas zoned residential.

V. Draft Zoning articles – revisions since last meeting

Board members discussed and reviewed the draft articles for 2007 Annual Town Meeting.

- Flexible parking design – Board members discussed how the flexible parking plan would work for municipal parking lots. No other changes.
- Tear-downs and reconstruction on undersized lots – Board members discussed the merit of a special permit requirement and the effects and appropriateness of allowing larger replacement structures. It was decided to omit the special permit and only allow replacements in kind, i.e. no larger floor area.

VI. Chapter 79 of the Acts of 2006 (Mullin Rule)

The Board members reviewed staff's memo regarding the new Chapter 79 of 2006 which would provide for Board members to miss one hearing session without losing eligibility to vote on a matter provided such members certify in writing that they have examined all evidence from the missed session including a video or audio record of the proceedings. The sense of the Board members is that they would like to make use of this and that they favor local adoption of this bylaw.

VII. Grassy Pond Place (53 Fort Pond Road) Definitive Subdivision – Public Hearing

Mr. Niemyski opened the public hearing at 8:15pm. Mr. Rich Harrington, of Stamski & McNary, Inc. was present and described the plan: The plan for 53 Fort Pond Road proposes a residential compound subdivision with four lots on a tract of land on the Littleton line. There is presently one house on the +/- 8.8 acre parcel, of which +/- 7.4 acres are in Acton and 1.4 acres are in Littleton. Mr. Harrington addressed the departmental comments concerning: the septic system design, revised turnaround provisions for a SU-30 vehicle, proposed drainage system design, proposed street addresses, additional survey monumentation along the road layout, planting trees and shrubs for screening.

Abutters in attendance raised questions and concerns related to:

- Worried about changes in drainage.
- Will the private way be widened?
- Clearing of trees.
- Worried of any blasting occurring.
- Too many houses in one area, not attractive.
- Worried of street signage and street numbering.

Board members raised questions and concerns related to:

- Will there be any blasting? Applicant: Do not expect to but can't rule out.
- Reconfigure the driveway turnaround; give more of a buffer.
- Would like construction manager to work with abutters and set up an 800 number.
- Would like to see more plantings and screening.

The Board directed the applicant to provide plan revisions to address the staff comments and other outstanding concerns. The motion was made to continue the public hearing on February 27, 2007 at 7:45 PM at the Memorial Library.

VIII. Review Draft Wireless Communication Facility Special Permit – Rules & Regs

Board members reviewed the revisions to the Wireless Communication Facility Rules and Regulations and recommended minor revisions. Mr. Bartl direct the Board members to email any additional suggestions and Board members agreed to revisit the item at the February 27th meeting to adopt the changes.

Mr. Reichlen moved to close the meeting, Mr. Starzec 2nd; all voted in favor.

The meeting adjourned at 9:56PM.