



## ACTON PLANNING BOARD

### 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 unanimous vote.

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 minus \$1,000.00 for the replacement of the dead tree and passed by unanimous vote.

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. 2<sup>nd</sup>.

Vote: Mr. Niemyski, Mr. Starzec, Ms. Martin and Mr. Schaffner in favor. Motion carried 4-0 with one abstentions by 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 Starzec reported that one CPA project application was withdrawn.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 Brian Grossman from Prince, Lobel, Glovsky & Tye, LL, representative for the applicant has withdrawn their application by letter.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. Sydney Johnston, speaking on behalf of the citizens of the neighborhood, was present. Mr. Johnston had asked if the Board would accept the withdrawal with prejudice.

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.

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. Mr. Schaffner stated that the Board is enforcing the rules as written.

Mr. Niemyski moved to accept the withdrawal without prejudice which also closed the public hearing.

Mr. Reichlen motioned to accept, 2<sup>nd</sup>, all voted in favor.

## **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 stated the special permit would work well for municipal parking lots and have no other changes.
- Tear-downs and reconstruction on undersized lots – Board members stated a special permit is needed by the Board of Appeals for each case that is presented to them and to have the house replaced in kind.

## **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 census of the Board members would like to give their permission to the Board of Selectmen to adopt.

## **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 property at 53 Fort Pond Road proposes a residential compound for the subdivision into four lots of a tract of land on the Littleton line. There is presently one house on the +/- 8.8 acre parcel, of which less than 8 (+/- 7.4) acres are in Acton and +/- 1.4 acres are in Littleton. Mr. Harrington has addressed the departmental comments concerning the: septic system design, revised turnaround provisions for a SU-30 vehicle, engineer's 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 of 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 27<sup>th</sup> meeting to adopt the changes.

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

The meeting adjourned at 9:56PM.