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ACTON PLANNING BOARD

Minutes of Meeting
January 6, 2009
Acton Town Hall, Room 204

Planning Board members Mr. Greg Niemyski (Chairman), Mr. Bruce Reichlen (Vice Chair), Mr. Alan Mertz (Clerk), Ms. Ruth Martin, Mr. Roland Bourdon, Associates Mr. Ray Yacouby and Ms. Leigh Davis-Honn attended. Also present were Town Planner, Mr. Roland Bartl and Secretary, Ms. Kim DelNigro.

Absent was Mr. Ryan Bettez.

Mr. Niemyski called the meeting to order at 7:30 PM.

I. Citizens Concerns
None raised.

II. Consent Agenda
Consent Item A. Minutes of 11/18/08 was approved and all voted in favor.

III. Reports
CPC: Mr. Bourdon stated that 13 CPA applications were receive and the proposals are being reviewed and the next meeting is scheduled for Thursday.
EDC: Mr. Reichlen missed the last meeting. Mr. Doug Tindal, EDC Co-Chair, was in present and reported the EDC is exploring its meaning and goals. They are sorting duties into clusters and creating task items. At this time it is work in progress. The next meeting is this Thursday.
Design Review Board: Ms. Martin stated she has been ill and has not attended any meetings. Ms. Ann Sussman of the DRB was in the audience and reported that Mr. Tom Peterman has resigned.

IV. Design Review Board – Discussion re: Parking Requirements – possible zoning change
Ms. Ann Sussman, DRB Chairman, presented her presentation on pervious paving. She stated pervious paving is a surface layer that allows rainfall to percolate into an underlying reservoir base where rainfall is either infiltrated to underlying soils or removed by a subsurface drain. At this time pervious paving is illegal in Acton. Ms. Sussman would like to make zoning flexible for new buildings using green design. Pervious paving is most suitable for low traffic areas she showed some examples of where it is being used locally.
Ms. Sussman would like to see the zoning bylaw adjusted within Sections 3 and 6, and possibly other places where impervious pavement is required.

Planning Board questions and concerns included:

- Worried of winter damage from plows where grass pavers are used. DBR member mentioned a rubber mount would be needed under the plow to raise it off the ground.
- How would one contain oil drippings or gas from vehicles, and what would be the treatments? DRB member mentioned that gravel below the pavement would catch the drippings.
- Would need to set Engineering Specifications for quality standards.

The Board Chairman asked Ms. Sussman for further documentation including a suggested list of zoning bylaw section changes.

V. Other Zoning Changes - Discussion

Board members discussed and reviewed staff's memo regarding possible zoning changes that could be prepared for 2009 Annual Town Meeting. Mr. Bartl explained.

- Vehicle Storage within the Light Industrial 1 (LI) District and the Groundwater Protection District Zone 2 – Mr. Bartl stated Mr. Richard Warren has been to the EDC for guidance for a change to allow truck leasing at his new location at 10 Craig Road. The Board noted that there would be no more impact on groundwater than exists with other allowed uses in the subject location (industrial, warehousing, etc.). The Board asked for a redraft of the article that would allow truck rental as an accessory use in the LI district with limits on fleet size, vehicle size, and the time that rental trucks can be parked at the location. The Board decided to carry this item forward to a public hearing with the requested changes.
- Housekeeping; Minor Changes – Mr. Bartl suggested exempting rail trails and walking paths from zoning requirements in Section 1.4 – Applicability, amending the use definition of services (section 3.5.13) to include various "off-site services", which would allow a proposed building cleaning service to locate at Knox Trail in the Technology District (TD), and requiring plexiglass, lexan or similar material for the boarding up of vacant buildings (in section 8). To accommodate the building cleaning service, the Board decided to only add 'building cleaning services' to section 3.5.14 – use definition of building trade shops. The Board would like input from Mr. Craig, Fire Chief on the matter of boarding up vacant buildings. The Board decided to carry this item forward to a public hearing with the requested changes and additional information.
- Wind Power Systems; Solar Energy Systems; Solar Access – Mr. Bartl offered information on these items for consideration in a possible zoning amendment. The Board decided to refer these items to the 'Greening Acton' Committee.
- Size of Residential Buildings – Mr. Bartl stated the replacement of or additions to modest homes resulting in "mansions" has become a growing concern and reminded the Board that it had tried to address the issue in the past. He informed the Board that a recent SJC decision reversed longstanding legal opinion and case law by deciding that regulating the size of single-family homes through FAR limits was a legitimate exercise of zoning powers. Mr. Bartl discussed issues of implementation of a possible FAR limit on single-family homes, i.e. determining the proper FAR limits for different neighborhoods and district. The Board decided to defer the item for further study.
- Maynard Zone 2 Well Protection – Mr. Bartl stated the article would include Acton Groundwater Protection District Zone 2 protections in an area of South Acton for a public water supply well in the Town of Maynard. Mr. Bartl questioned the appropriateness of imposing severe zoning constraints on Acton properties for well protection in another Town. He suggested that a State regulatory approach would be more suitable for protecting regional water supplies. Mr. Halley (Health Director) raised questions about the appropriateness of the standard Zone 2 protection delineation for Maynard's bedrock wells and has asked a hydrologist to advise the Town. The Board deferred this item for further study.
- Parking Lot Standards – Mr. Bartl stated the Design Review Board (DBR) wanted to discuss changes to parking lot design and numerical requirements. Ms. Ann Sussman (DRB) stated that the proposal is very complicated and that the DRB member most knowledgeable in the matter is not present to explain. The Board decided to defer the article.
- Definitions: Family; Single-Family Dwelling; Mobile Home; Alteration v. Expansion – Mr. Bartl reported on a recent case before the Board of Appeals that is now in litigation. It raised question about all these definitional items and asked if the Board wanted to propose any changes. The Board decided to defer the matter until wait until the legal proceedings have come to a close.
- Floor Area Ratios in South Acton Village and West Acton Village Zoning Districts – Mr. Bartl reported on discussions with the Historic District Commission regarding the proper interpretation of FAR limits in the SAV and WAV zoning districts, specifically of the relevant footnotes in the Table of Standard Dimensional Regulations of the zoning bylaw. The area of disagreement is whether or not a purely residential use can build out to the higher limit, which is how the Town

has interpreted the language for many years and approved several by-right and special permit projects, Town Counsel had offered a clarifying amendment of the Town's reading of the regulation. Mr. Bartl added language favoring the HDC interpretation for discussion purposes. Generally, Several Board members spoke in favor of the standing Town interpretation. Associate member Ms. Davis-Honn strongly argued in favor of amending the zoning bylaw along the line of the HDC's requested alternative interpretation. Also, arguing in favor of this alternative was her husband Mr. Honn (in the audience), member of the HDC. Ms. Sussman (DRB) spoke in favor of reviewing and possibly amending the FAR limits. She noted the concern of abutters where projects are currently proposed. Ms. Honn explained that she and her husband own property across from a site that would be affected by any change in the FAR limit. The Board decided to bring to the public hearing for purposes of further discussion a "worst case scenario" draft article that would eliminate the dimensional table footnotes in the FAR column for the SAV and WAV district.

The Planning Board directed staff to draft revised articles and to advertise a zoning change public hearing for 2/17/08.

Other Business:
Green Business and LEED Construction - Mr. Bartl stated the Board of Selectmen was looking into regulations for promoting Green Buildings and LEED Construction and design standards. Board members suggested this item for study by the "Greening Acton' Committee.

Mr. Yacouby moved to close the meeting, Mr. Bourdon 2nd; all voted in favor.

The meeting adjourned at 11:00 PM.