# FYI

**ACTON PLANNING BOARD**

**Minutes of Meeting**
**March 3, 2009**
**Acton Town Hall, Room 204**

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

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

## I. Citizens Concerns

None raised.

## II. Consent Agenda

Consent Item A. Minutes of 02/17/09 was approved and all voted in favor.

## III. Reports

CPC: Mr. Bourdon stated all CPA applications have been reviewed. The committee voted on 10 proposals to be recommended for the Annual Town Meeting for funding.
MAPC: Mr. Reichlen stated Mr. Jeffrey Mullen, of EOT was present on behalf of Gov. Deval Patrick, regarding the topic of the Transportation Reform and Finance Proposal Bill, which has been signed.

## IV. "Lazaro Circle" Preliminary Subdivision (53 River Street) – Public meeting

Mr. Niemyski opened the public meeting at 7:45pm. Mr. Niemyski briefly explained to the attending public the public meeting procedure.
Mrs. Leigh Davis-Honn recused herself due to being a direct abutter.
Mr. George Dimakarakos of Stamski and McNary, Inc. representing the applicant described the preliminary plan:
The plan proposes a mixed residential and commercial subdivision with four lots served by a public way, "Lazaro Circle", designed in accordance with the Acton Subdivision Rules and Regulations. Parking accommodations and drainage for the commercial lots are shown in a generic fashion. They will be refined at the time of filing for the required site plan special permit. The Fort Pond Brook runs through the property. There will be an improvement to storm water runoff quality. There is presently a one-story building on the 6.5 +/- acres.

Board members' questions and concerns related to:

- The plan does not show the sidewalk along the entire site frontage. Mr. D.: It will be shown on the definitive plan.
- Time line of the project? Mr. D: Due to the advertised FAR changes in South Acton Village, the plan was filed to "lock in" the present zoning as provided in the State Zoning Act. It will be followed by a definitive plan within 7 months.
- In Conservation's comments, Mr. Tidman stated creating a public park along Fort Pond Brook would be suitable. Mr. D: The applicant wants to leave a good mark and to leave a legacy.
- Any further study on the dam replacement? Mr.D.: A lot of study is needed and a Massachusetts Environmental Policy Act (MEPA) filing.

Residents in attendance raised questions and concerns regarding:

- Confused about the "lock in" procedures. Mr. Niemyski explained the provisions of the statute.
- Who completed the traffic study? Mr. D.: He provided trip generation estimates within the Development Impact Report (DIR) in the application.
- Was there an EPA (Environmental Policy Act) study done for the old mill? Mr. D: A"21E" study was done. Some diesel fuel was found in a small area. Clean up will occur in the near future.
- Worried of noise.
- Does not want commercial development. Mr. D: The commercial lots require a Site Plan Special Permit with a public hearing.
- Worried of traffic. River Street is very narrow; maybe make it a one-way street.
- The proposed plan is within the South Acton Historic District and there are many historic homes.
- Questions about the timing and of Federal Emergency Management Agency (FEMA) filings. Mr. D: FEMA looks at the application and we will conduct an investigation .
- Concerned about heavy rainfall. Seen part of site under water. Mr. D: The site is within the Flood Plain District, there will be a flood plan study.

The Board voted unanimously to close the public meeting. Board members reviewed a draft decision for approval, which staff had prepared due to the decision due date before the next Planning Board meeting. Mr. Reichlen moved to approve the amended decision (to remove Ms. Martin's and Mr. Yacouby's name due to their absence), Mr. Mertz 2nd. The Board voted unanimously in favor of motion.

**V. "Faulkner Mill" Preliminary Subdivision (4-8 High Street) – Public Meeting**

Mr. Niemyski opened the public meeting at 8:15pm. Mr. George Dimakarakos, of Stamski and McNary, Inc. was present for the applicant and described the preliminary plan:
The plan proposes a mixed residential and commercial subdivision consisting of (2) two lots served by a public way, "Faulkner Mill Road", designed in accordance with the Acton Subdivision Rules and Regulations. This project contains active construction on the 2.6 +/- acres. There is one (1) duplex built and three (3) foundations. The building permits have been issued prior to the filing of this preliminary plan. Applicant has recently completed a new sidewalk along the site frontage.

Board members raised questions and concerns related to:

- What will be the time line of the project? Mr. D: Due to the advertised FAR changes in South Acton Village, the plan was filed to "lock in" the present zoning as provided in the State Zoning Act. It will be followed by a definitive plan within 7 months. All building permits are issued.
- What will it consist of? Applicant: 11 duplex townhouses with some commercial mixed in.
- Street name is too similar to existing streets. Applicant: It will be reviewed and changed.

Residents in attendance raised questions and concerns regarding:

- Worried the commercial building is too close to property line. Could it be move further away from the lot line? Mr.D: It will be reviewed.
- What type of commercial will be there? Mr. D: No specific proposal at this time. Commercial use will comply with SAV zoning and requires a site plan special permit with a public hearing.
- Do not understand the relationship between the subdivision plan and zoning protections. Mr. D: Explained the statutory zoning protections.
- Concerned of the development and how will it look.
- Worried of property value maybe decreased.

The Board voted unanimously to close the public meeting.

Board members reviewed a draft decision for approval, which staff had prepared due to the decision due date before the next Planning Board meeting. Mr. Reichlen moved to approve the decision with minor amendments, Mr. Bourdon 2nd. The Board voted unanimously in favor of motion

Mr. Bourdon moved to close the meeting, Mr. Reichlen 2nd; all in favor; meeting adjourned at 8:45 PM.