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ACTON PLANNING BOARD

Minutes of Meeting
September 7, 2010
Acton Town Hall, Faulkner Room (204)

Planning Board members Mr. Ryan Bettez (Chairman), Mr. Jeff Clymer (Vice Chairman), Mr. Ray Yacouby (Clerk), Mr. Roland Bourdon, Ms. Margaret Woolley Busse, Ms. Kim Montella, and associate members Gregory Niemyski and Mr. Derrick Chin attended. Also present was Planning Director, Mr. Roland Bartl and Planning Board Secretary, Ms. Kim Gorman.

Absent was Ms. Leigh Davis-Honn

Meeting was called to order at 7:35 PM.

I. Citizens Concerns

Ms. Lauren Rosenzweig Norton, Chairman of the Board of the Board of Selectmen, wanted to take a few minutes to give an informal thank you of 20 + years of service to Mr. Gregory Niemyski. Ms. Rosenzweig Norton stated that Mr. Niemyski was a great Chairman while she was on the Planning Board. She stated Mr. Niemyski helped move a lot of things forward and was very efficient. The Board thanked Mr. Niemyski for his service to the Town.

II. Consent Agenda

Consent Item A. Minutes of 08/17/2010, Mr. Yacouby moved to pass the consent agenda item. Mr. Clymer 2nd; all voted in favor.

III. Reports

CPC: Mr. Bourdon reported he is the new vice chairman and the next meeting will be September 9, 2010 and will include a public hearing on the Draft 2011 Community Preservation Plan.

EDC: Mr. Bartl reported they are working on a program to give the sign enforcement a softer touch. Working on areas in West Acton. He stated the historic overlay district has different rules and they trying to incorporate them. Mr. Scott Mutch (Zoning Enforcement Officer) and Ann Chang (EDC member) will be working together to have informal meetings with business owners. They are hoping it will save time and effort in the long run, helping individuals understand the sign enforcement.

Open Space: Mr. Clymer reported the committee discussed the Caouette property.

MAGIC: Ms. Rosenzweig Norton reported the committee discussed The Comprehensive Land Use Reform and Partnership Act. Representatives discussed new legislation. What will be changed, grants, planning for change, work on transportation issues, revamp zoning laws and out of date land use laws, working on master plan process and combining the process of permitting.

DRB: Ms. Montella reported the Board of Selectmen continues to review their charter. They are planning a survey on commercial and multi-use properties. They are in review of the Spruce/Arlington Project. Ms. Montella suggested if anyone has any photos of municipal buildings to add to their survey to add for architectural ideas, please email them to Ann Sussman by the weekend.

Acton 2020: Ms. Woolley Busse stated that the committee is working hard on finishing the website. Ms. Woolley Busse stated the first Acton 2020 public workshop will be October 20th.

IV. Public Hearing – Proposed Zoning Changes for Special Town Meeting

Mr. Bettez opened the public hearing at 7:45 PM and continued it immediately to following the next agenda item due to the time.
Mr. Bettez re-opened the public hearing at 8:15 PM.
Board members discussed and reviewed the draft zoning articles.
Mr. Bartl stated Town Counsel reviewed the proposed changes and had no comment other than a typo correction in the sign article.

Article A) Rezone parcel at 22 Esterbrook R. from Residence 10/8 to Residence 8:
Board members had no changes. Mr. Bourdon moved to recommend Article A to the Board of Selectmen and Town Meeting, Mr. Clymer 2nd, all in favor.

Article B) Make minor changes in Section 7, Signs and Advertising Devices: Board members discussed the EDC's pledge for business friendliness while keeping with the town characters regarding the town's sign bylaw enforcement. Board members discussed adding the word "banner" at the end of Section 7.5.19. Ms. Busse motioned to recommend Article B as amended to the Board of Selectmen and Town Meeting, Mr. Yacouby 2nd, all in favor.

Article C) Exempt from zoning appurtenances and easement related to public bicycle, pedestrian, and multi-use paths. Mr. Bartl stated the exemption is just adding to the exemption that already exists for such trails. It is a prophylactic measure planning ahead for the future. Board members discussed. Mr. Bourdon moved to recommend Article C to the Board of Selectmen and Town Meeting, Mr. Clymer 2nd, all in favor.

Ms. Rosenzweig stated by September 13, 2010 the Board of Selectmen will know if the Special Town Meeting will occur.

Mr. Bettez closed the public hearing.

V. Wireless Communication Facility Special Permit – Vote on Decision

Mr. Bettez opened the discussion to vote at 8:00 PM.
Mr. Bartl requested that the Board in the future not vote a decision at the close of the hearing; better to take under advisement and only give staff direction (perhaps a straw vote) for the decision. The vote should take place at a later meeting with a draft decision prepared to vote on.

Mr. Bourdon certified pursuant to Ch. 79 of the Acts of 2006 that he viewed and examined all evidence of the missed session including the 7/6/10 DVD.
Mr. Bourdon stated in Section 2.5 of the decision that T-Mobil was misspelled; should be T-Mobile and in Section 2.7 Personal Wireless Service Provider was typed twice.

Board members discussed how to avoid special permit applications from entities that are not qualified under the TCA and the zoning bylaw to file such applications (wireless internet service providers). How does the FCC change their rules and how can we have more clarity? Mr. Bartl stated there needs to be a list of questionable co-locators. Perhaps the Board could consider a zoning change at the next annual town meeting to allow for such ineligible entities for Section 3.10.

Mr. Clymer moved to issue the amended denial decision of the Wireless Communication Facility Special Permit application from SBA Towers for 5-7 Craig Road; Mr. Bourdon 2nd. all in favor.
Six voted in favor; one abstained; motion passed.

Mr. Bettez wanted to thank Mr. Niemyski for staying on the Board as an associate for the vote of this special permit. The Board thanked Mr. Niemyski.

Motion was made to close the meeting, 2nd; all in favor; meeting adjourned at 8:55 PM.

09-07-2010 - Meeting Information

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PDF	040 - IV. - Public Hearing - Proposed Zoning Changes for Special Town Meeting	planning	09/01/10	3 MB	
PDF	050 - V. - Decision # 10-02 - SBA Towers II, LLC (Application for Wireless Communication Facility Special Permit 5-7 Craig Road)	planning	09/03/10	322 KB	
PDF	100 - FYI - 07.20.2010 - PB Mintes - TC Stamped	planning	08/20/10	2 MB	
PDF	110 - FYI - HDC - Waiver # 1022	planning	09/02/10	510 KB	
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