



ACTON PLANNING BOARD

Minutes of Meeting
January 3, 2012
Town Hall – Faulkner Room

Planning Board members Mr. Ryan Bettez (Chairman), Mr. Jeff Clymer (Vice Chair), Mr. Ray Yacouby (Clerk), Mr. Roland Bourdon, Mr. Derrick Chin, Ms. Kim Montella, and Ms. Margaret Woolley Busse attended. Also present were Planning Director, Roland Bartl and Assistant Planner, Ms. Kristin Alexander.

Mr. Bettez called the meeting to order at 7:34 PM.

I. Citizens Concerns

None raised.

II. Consent Agenda

Item A - Minutes of 12/06/11: Not available for action.

III. Reports

CPC: Mr. Bourdon stated that project applicants are making presentations now. Applicants have requested more money for projects than there are community preservation funds available. The CPC will recommend which projects should receive community preservation funding in February.

EDC: Mr. Chin reported the EDC supports the Town's efforts to enforce temporary sign violations; especially in West Acton. Mr. Chin also noted that the EDC wants to (1) be notified by the Planning Department when new businesses apply for sign permits, and (2) know why it can take the Town up to 60 days to review a sign permit.

OSC: Mr. Clymer stated the OSC applied for community preservation funds. Mr. Clymer also reported the Town of Maynard purchased the Maynard Country Club.

MAPC/MAGIC: No update.

WRAC: No update.

DRB: No update.

IV. 540 Massachusetts Avenue – Street Determination (vote)

Board members reviewed and discussed the draft Decision and had the following comments:

- The private way should be assigned a new street name. Change Condition 3.1.5 so the applicant shall also receive Town approval for a new street name.
- Change Limitation 3.2.2 so the validity of the determination shall expire if no building permit is issued on the Site for an authorized use within five years from the date of filing with the Town Clerk, or if the improvements on the Way are not completed in accordance with the approved Plan within two years from the issuance of the building permit.
- Modify Finding and Conclusion 2.10 and Condition 3.1.10 to express since the applicant had granted an easement for the Acton Community Housing Corporation Willow/Central Street affordable housing project, the obligation of constructing a sidewalk or donating to the sidewalk funds is waived.

Mr. Bourdon moved to approve the decision as amended, Mr. Yacouby 2nd; all voted in favor.

V. Zoning Articles under consideration

Sal's Auto request for used auto dealership

Mr. Bartl explained he prepared a draft warrant article for Annual Town Meeting to demonstrate to the Board how the Zoning Bylaw would have to be changed to respond to Mr. Salvatore Panetta's request to sell used motor vehicles at his vehicle repair business. Mr. Panetta is the owner of Sal's Auto & Truck Repair located at 5 Willow Street in Acton. The draft warrant article is an amendment to Zoning Bylaw Section 3.8.3.7 to accommodate the sale of used motor vehicles as an accessory use to auto repair shops with certain conditions and requirements. Mr. Bartl noted that Section paragraph d) of the draft warrant article should state "landscaping requirements of" before "Section 6.7 or 6.9" (parking lots). The Board still needs to decide whether it wants to hold a public hearing to consider the proposal for 2012 Annual Town Meeting.

The Board members discussed how many vehicles on a lot should be on display for sale at the same time. No decision was made.

Ms. Renee Robins, 53 Windsor Ave, stated that Sal's Auto & Truck Repair currently has a light that shines in her bedroom window. Ms. Robins is concerned that allowing used car sales on the Sal's Auto & Truck Repair property would mean additional lighting on that property. Board members responded that the lighting could be made to comply with the Zoning Bylaw as a condition of the required special permit.

Mr. Panetta stated that the gross vehicle weight of "10,000 pounds" and wheel base maximum of "135-inches" stated in Sections 3.8.3.7, 3.5.20, and 3.5.22 of the draft warrant article should be reevaluated because most pickup trucks today weigh more than 10,000 pounds and have a longer wheel base. Mr. Panetta also explained that he only wants to sell four or five cars at a time for a little extra income; he does not want to sell a lot of cars.

The Board decided to bring the proposal, and particularly the open display of vehicles question, to a public hearing for discussion.

TRB Development Group request for pharmacy drive through window

Mr. Bartl explained he prepared a draft warrant article for Annual Town Meeting to demonstrate to the Board how the Zoning Bylaw would have to be changed to respond to TRB Development Group Inc.'s request to consider allowing drive through windows for pharmacies in Acton. TRB Development Group Inc. is interested in developing a CVS pharmacy with drive through windows on the Goodyear Tire site on Massachusetts Avenue in Acton. The draft warrant article is an amendment to Zoning Bylaw Section 3.8.2 to accommodate drive-up facilities as an accessory use to pharmacies with certain conditions and requirements.

Mr. Lou Levine, Attorney for TRB Development Group Inc., had the following comments on the draft warrant article:

- Insert text to amend Zoning Bylaw Section 7.7 (exterior signs) to include pharmacy drive-up signs;
- Remove the bullet, "In the Kelley's Corner and Village Districts, no parking spaces in front of the building", because parking is an issue that should be dealt with at the time of site plan review;
- Remove the one lane/window per store limit because it should depend on what the site looks like and two windows might reduce the queuing.

Mr. Rich Mattocks, VP of Development of TRB Development Group Inc., explained pharmacies want one main entrance and want it convenient to the parking area because people usually try to get in and out of pharmacies quickly. Mr. Mattocks also stated that the CVS would be designed for a 50 year life.

Mr. Philip Henry, Civil Engineer with R.J. O'Connell & Associates Inc., explained the CVS model is based on convenience to the consumer - drive-up and walk-in; so it is as simple as parking needs to be near the store entrance. He stated the proposed site is narrow, so it would be difficult to rotate

the store. Mr. Henry added that if the store had two entrances, the store would need additional security, cash registers, and staff to man the registers.

Mr. Bartl suggested the store could have one main entrance on the side of the building near some parking; with more parking available in the rear.

Ms. Woolley Busse reported one goal of the Acton 2020 plan is walkability and pedestrian activity in Kelley's Corner.

Ms. Pamela Harting-Barrat, Acton Selectman, stated that she heard a woman say she would not use the proposed CVS. Ms. Harting-Barrat said the woman frequents CVS' current location in the Roche Bros. plaza because she likes the one stop shopping. For example, while CVS is filling her prescriptions, she conducts other business in the plaza.

When asked, if TRB Development Group Inc. had to choose between parking in front of the building or a drive through, Mr. Mattocks replied: parking in front of the building.

Mr. Levine stated the CVS drive through would provide a public benefit and convenience, so it would be positive to bring it to Annual Town Meeting and let the townspeople decide.

The Board agreed to decide at its 1/17/12 meeting which proposed zoning articles will be brought to a public hearing to be considered for 2012 Annual Town Meeting.

VI. Acton 2020 Update and Action Items

Ms. Woolley Busse stated the Acton 2020 Committee is reviewing the first draft of the comprehensive community plan and the executive summary. The Acton 2020 Committee will be bringing the draft executive summary and highest priority implementation strategies to the Selectmen, Planning Board, and Finance Committee for review and discussion. Ms. Woolley Busse stated she will be sending the executive summary and strategies to the Planning Board for review and discussion at its 1/17/12 meeting. There will be a meeting in March to present the final plan to the public. The comprehensive community plan will be presented at 2012 Annual Town Meeting.

VII. Election of Planning Board Officers (Chair, Vice Chair, Clerk)

Mr. Bourdon motioned to nominate Mr. Ryan Bettez as Chairman, Mr. Yacouby 2nd, all voted in favor.

Mr. Bettez motioned to nominate Mr. Jeff Clymer as Vice Chairman, Mr. Bourdon 2nd, all voted in favor.

Mr. Yacouby motioned to nominate Mr. Roland Bourdon as Clerk, Mr. Clymer 2nd, all voted in favor.

The meeting adjourned at 9:45 PM.