



PLANNING BOARD

Minutes of Meeting December 6, 2011 Town Hall – Faulkner Room

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

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

I. Citizens Concerns

Mr. Salvatore Panetta, owner of Sal's Auto Repair, of 5 Willow Street, would like to change the zoning of his property to Limited Business, or achieve some other zoning change accommodation. He would like to add a small used car sales lot with a dealer license to his existing car repair business. Currently the zoning is West Acton Village (WAV) where motor vehicle sales are not allowed. The Board suggested Mr. Panetta to return to the next meeting to discuss further and for staff to have a placeholder for a possible zoning change at the next annual town meeting.

II. Consent Agenda

Item A - Minutes of 10/18/11: Voted unanimously to approve amended minutes.

III. Reports

No updates.

IV. Village Arms Apartments (Spring Hill Commons) 421 Great Road – 4th extension request

Board members reviewed supporting documents from Attorney Steven R. Graham representing the applicant, Ms. Barbara Terrell of GPT-Acton, LLC, and discussed the reasons for the 4th special permit extension request for one more year. The special permit allows the reconstruction of non-conforming multi-family building. Board members stated they are getting frustrated with the property and it is an eyesore. The applicant review the reasons for the past delays and explained that they now have all issued resolved and financing for the project.

Mr. Yacouby motioned to grant a 1-year extension to January 10, 2013, but within 60 days to have the construction site secured with a fence, trash and tree brush removed, and to allow modifications that are required to meet current building code requirements; Mr. Clymer 2nd; all in favor.

V. Public Hearing - Street Determination at 540 Massachusetts Avenue

Mr. Bettez opened the public hearing at 7:45 PM and immediately continued public hearing to 8:10 pm to complete other agenda items.

Mr. Bettez explained the public hearing procedure.

Mr. Bruce Ringwall, P.E. of Goldsmith, Prest & Ringwall, Inc. and Mr. Ed Flannery attended for the applicant.

The applicant seeks a determination by the Planning Board under Acton Zoning Bylaw Section 1.3.16.4) that the way accessing 540 Massachusetts is a street for the purposes of providing access and frontage to lots. The lots are zoned Village Residential (VR). The way appears to have been in existence prior to 1915 as shown on a plan. The section of the way the applicant is requesting a determination on is the first 270' +/- from Massachusetts Avenue currently serving 540 Mass. Ave. The section of the way is paved to 12' wide within a 16' wide right of way. The right of way in question is 6,097 +/- square feet (s.f.) of which 55% is paved. There is currently a 4-unit single family home and as of now, no plans to change it; just looking for a street determination. With a favorable ruling by the Planning Board, there is potential for the creation of one more additional building lots.

Board members had questions/comments regarding the existing condition of the way, ownership of the way, and how many additional homes might be created.

Abutters in attendance raised questions and concerns related to:

How far does the right of way go? Applicant: Years ago it went past the MBTA line, now 240', up to the stone wall at the southern end of the lot that is at 540 Mass. Ave.

Concerned because the edge of abutter's home is 3' away from the right of way and worried about more traffic.

The Board's general direction to staff is to create the draft decision for next meeting with a determination for a street for up to two additional dwelling units, and to comply with Engineering Dept. comments, to name the road and make a sidewalk contribution).

A motion to close the public hearing was seconded and passed unanimously.

VI. PH – Proposed Amendments pertaining to the filing requirements set forth in the Subdivision Rules and Regulations and Special Permit Regulations

Mr. Bettez opened the public hearing at 9:20PM. Board members discussed and reviewed staff's memo regarding the amendments to the subdivision rules and regulations to receive all applications and documentations through electronic form, and to make corresponding changes in the special permit rules. There were no comments from the public.

Mr. Bourdon moved to accept all changes, Mr. Yacouby 2nd; all in favor.

The motion was made to close the public hearing. The motion was seconded and passed unanimously.

VII. Rich Mattocks – Discussion of Pharmacy Drive-through Window (zoning change)

Mr. Rich Mattocks, VP Development of TRB Development Group Inc., wanted to discuss with the Board the possibility of amending the Zoning Bylaw to allow drive-throughs at pharmacies. Mr. Mattocks stated TRB Development has developed CVS stores throughout New England and is proposing to replace Goodyear Tire at Kelley's Corner on Massachusetts Avenue with a new CVS. The CVS would like a drive-through window there. The CVS store at Rt. 2A/27 have been interested in a drive-through window as well. It is part of CVS's business model throughout the country and most pharmacies nowadays have drive throughs. Mr. Philip Henry, project manager of R.J, O'Connell & Associates Inc., stated his expertise on drive-throughs. He explained the peak hours of the drive through; the convenience for the consumer and time efficiency. Mr. Kim Eric Hazarvartian, traffic engineer of TEPP, LLC was also present. Mr. Hazarvartian stated he has over 30 years experience. He explained that pharmacy drive-throughs are less intense than banks and food establishments. Attorney Levine, representing the applicant, added that in Acton drive-throughs are only allowed at banks and it is site specific.

Members of the public had the following comments/questions:

Ms. Harting-Barrat spoke as a resident. She stated she called 6 pharmacies with drive-throughs and they told her they also fill non-prescription orders at the windows but would prefer those customer to enter the store since there is a possibility such customers would purchase more items. Acton Pharmacy delivers for their customers. She is concerned about the Town allowing drive throughs.

Board members questions and concerns.

- Would need to apply specific conditions on any special permit approval.
- May not be consistent with the Acton 2020 aims for Kelley's Corner.
- May not need 2 drive through lanes.
- Every site is different.

The Board suggested returning to the next meeting to discuss further and for staff to have a placeholder for the next annual town meeting.

Ms. Montella left the meeting at 10:10pm

VIII. Review – draft decision of Duggan Farm (314 Arlington Street)

Board members discussed and reviewed staff's draft decision for approval with conditions.

Board members made changes and corrections to the decision:

- Section 3.2.3, spell out MUTCD.
- Section 3.2.4, add "stone wall" after mailboxes.
- Section 3.2.5, insert "be" within 4th indent after shall.
- Section 3.2.17, spell out through (1-3).

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

Vote: Mr. Bettez, Mr. Clymer, Mr. Bourdon, Mr. Yacouby, Ms. Montella and Mr. Chin in favor.

Ms. Woolley-Busse was not present throughout the hearing.

Motion carried 6-0.

IX. Full Release of Funds – Robbins Mill Estates

Board members discussed and reviewed staff's memo for final release of the performance bond for the Robbins Mill Development.

Mr. Yacouby moved to approve the final release, Mr. Bourdon 2nd; all in favor.

Board members cancelled the December 20, 2011 meeting.

The meeting adjourned at 10:30 PM.