



ACTON PLANNING BOARD

**Minutes of Meeting
August 18, 2015
Acton Town Hall
Room 204**

Planning Board members attending: Mr. Jeff Clymer (Chair), Mr. Derrick Chin, Mr. Michael Dube, and Mr. Ray Yacouby. Also present: Roland Bartl, Planning Director, Robert Hummel, Assistant Planner and Planning Board Secretary, Kim Gorman.

Mr. Clymer called the meeting to order at 7:33 PM.

I. Citizens' Concerns

No concerns were raised.

II. Reports

DRB:

Mr. Dube reported the Committee's next meeting is tomorrow night. There is a potential future project on Great Road to be discussed.

CPC:

Mr. Bartl reported the Committee has finalized the Draft 2016 CPA Plan for public release and voted officers at the last meeting.

III. Consent Agenda – Draft Minutes of 7/21/15

The minutes of the July 21, 2015 meeting were approved with minor corrections.

IV. – 456 Massachusetts Avenue (Jaime's Way) & 143 Prospect Street (Thomas Drive) Definitive Subdivision – Continuation of Public Hearing

Mr. Clymer opened the public hearing at 7:45pm.

Mr. Ian Rubin, of Markey and Rubin, Inc., Mr. Steve Marsh, of Westchester Homes and Mr. Sean Keenan, of Keenan & Son LLP (applicant) were present. Mr. Rubin stated the 2 issues for the continuation. One being screening issues; Mr. Rubin added additional trees displayed on the planting plan. Second was about the zoning setback violation that the long-term retention of the home at 143 Prospect Street would create after recording of the subdivision plan.

Mr. Rubin recapped that under the proof plan requirement of the subdivision rules the Massachusetts Avenue parcel cannot stand alone for a 3-lot subdivision. He added that the Prospect Street parcel cannot stand alone for a 2-lot subdivision. However, if combined they support a 5-lot subdivision. Mr. Rubin suggested that conveying 3,000 square feet of land from the Prospect Street parcel to the Massachusetts Avenue parcel by way of an ANR (Approval Not Required) Plan would bring the 3 lots subdivision of the Massachusetts Avenue parcel into compliance without impacting the viability of the Prospect Street parcel to remain part of the overall 5-lot subdivision. Mr. Rubin showed the potential ANR plan.

Abutters' concerns:

- Worried of devaluation of her property.
- Driveway/Street of Thomas Drive is close to her existing home and concerned of the noise. Additional screening; possibly place a few more trees.
- Leave current vegetation; possible place fence along driveway of Thomas Drive.

The Board voted to close the public hearing.

Mr. Bartl stated staff has consulted with Town Counsel regarding the zoning violation resulting from construction delay on the 143 Prospect Street (Thomas Drive) parcel. A partial accommodation is possible, restricting the Prospect Street portion of the subdivision from construction and separate lot conveyance until the existing house

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Approved: YES

is removed or relocated. The accommodation would need additional covenants, indemnifications, legal fees to be covered by the applicant, and special conditions on performance guarantees, all as stated in the draft decision.

Board members discussed and reviewed staff documents and the following additions: Adding additional trees and an 8' fence along driveway on Thomas Drive; try to keep current vegetation along Blanchard Place development (along Thomas Drive); convey Parcel A from Prospect Street to Massachusetts Avenue parcel; document with note on the plan for Lots 4 and 5 only to be restricted against separate conveyance and against building permits until the house is removed or relocated to eliminate the zoning violation. Mr. Dube moved to amend the draft decision accordingly, Mr. Yacouby 2nd; all in favor.

Mr. Bartl stated the covenants and other legal document would need to be prepared to the satisfaction of Town Counsel and that Keenan & Son (the Applicant) would need to create all draft documents, at his cost, for Town Counsel review, and cover the cost of Town Counsel's review and editing time.

The Board voted to review the draft decision at the next meeting on September 1, 2015 at 7:45pm at the Acton Town Hall, Room 204.

V. Other Business

1. New liaisons assigned:

Site Plan Special Permit Study Committee Rep – Mr. Derrick Chin

2. Administrative Update - Mr. Bartl reported on the rail trails. The Bruce Freeman Rail Trail will begin construction shortly. The Assabet River Rail Trail abutter easements have been negotiated to enable construction and have been approved by the Board of Selectmen. The Board of Selectmen voted an eminent domain taking on one of the easements. Negotiations on an easement agreement are continuing.

The meeting was adjourned at about 8:40 PM.

Respectfully Submitted,
Kim Gorman
Planning Board Secretary