

ACTON PLANNING BOARD MEETING
NOVEMBER 6, 2008

A. **ROLL CALL** 7:00 PM

Members present were:

Chip Venell – Chairman
Thomas Cashin – Vice Chairman
Randy Goodwin
Yoli Gallagher
James Fiske
Keith Davis – Alternate
Larissa Crockett – Alternate

Also present were Kenneth Paul, Code Enforcement Officer and John Moore.

B. **MINUTES**

October 16, 2008 - A Motion was made and seconded to approve the Minutes of the October 16, 2008 Meeting as submitted. Davis/Crockett – 5/1 Abstention (Mr. Fiske as he was not at that Meeting).

C. **UNFINISHED BUSINESS**

1. **JOSEPH LENKOWSKI – Amendment to Loon Ridge Subdivision Plan** – Steve Sterns of Pinkham & Greer advised he would be explaining the proposal to the Board. In referencing the plan, he mentioned the scale was greatly exaggerated so as to be able to see the plan more clearly. He stated the profile in green is gravel at this time, but it will be higher when it is paved. He indicated the existing conditions as well as what they wish to revise. He said the street is private and what is depicted on the plan complies with the Road Ordinance dated 2003. He mentioned that the Road Ordinance specifies different classes under the private street section and there is no requirement that it be 2%. He stated the amendments being submitted meet all the ordinance requirements.

To Mr. Cashin's question of why don't they follow the approved plan, Mr. Stern advised that the original plan was approved in August, 2007 and what currently exists is very close to that approval. He explained that the reason it was higher (**WHAT WAS HIGHER?**) at that time was due to the ledge in that area, but two feet of ledge has since been removed which is why they are requesting an amendment.

At this time, Mr. Venell reviewed the Minutes of the August 2, 2007 Meeting and read them to the group. He stated the Board hadn't received the information from the engineer at that time and the culvert and elevations were the issue then. He referenced the comments in the prior Minutes concerning the use of the road during the winter months because of the slope. It was suggested at that time, that the Town hire someone to review that plan. He also read the Minutes of July 5, 2007 wherein this application was reviewed at that time also. He mentioned that during that review, there was a concern about the potential for washouts during the construction phase.

Mr. Lenkowski explained that the topics of the road and the retention pond were two different things. He mentioned that he had been told that the retention pond would not work, but that proved untrue as it is doing what it is suppose to do. He apologized for not returning to the Board for that approval then. He stated the excavator called and told him they had reached 400' from the road and in order to build it to the engineer's specifications, they would have to do additional blasting. He said he didn't think it would make that much of a difference and asked him to check with the engineer to see if there was any leeway. He said he was concerned about the impact it might have on the stormwater runoff system and asked if the road still conform to

the Ordinance. He advised that Mr. Sterns said it wouldn't impact the runoff system and that they were still within the Road Ordinance requirements. He stated based on that information, he didn't think he had to return to the Board. He said even with the current request for the road, the runoff will work fine and they are still within the Ordinance even if they don't build that section of the road.

Mr. Sterns mentioned that while the request is to amend the plan, nothing has changed from the recorded plan.

To Mr. Vernell's comment that it appears the profile has been changed and his question what the elevation is now, Mr. Sterns replied it is four feet higher than it was going to be [under the original plan]. He reiterated that it complies with the minor road standard that only requires no more than a 2% slope. He mentioned that he understands that it was approved as a private street since they were not requesting that the Town accept it and indicated the location of the road that they wish to amend. He stated that the maximum grades on the road are the same as for a minor street and the slope of the green area is 6.2% where the ordinance permits up to 8%. He said if there were a northern exposure he would be concerned about the road precipitation freezing and melting and freezing again, but this is on the east side where the sun only shines in the morning even in the winter.

To Mr. Cashin's comment that it appears that the green line depicted on the plan has been modified since the Board's last review, Mr. Sterns responded that it hasn't changed. While indicating the line on the plan, he explained that the grades are from 1.4% to 8%. He mentioned that the new road extends almost to the entrance before it flattens out. In order to prevent the runoff from going onto the road, they have installed ditches which are the same as on the original plan. He said it isn't possible to quantify the increase in runoff because it is so minute. He advised that about 18 months ago they had Corner Post engineering prepare a computer model and at that time they were able to see how the runoff system will work. They have made it wider by cutting into the slope more in order to conform to the plans.

Mr. Lenkowski explained that twice during construction there was a washout prior to the construction of the runoff system which is why the abutters complained. He said he is confident that there will be no further water problems given what Mr. Sterns has said.

Mr. Sterns mentioned that they had a meeting on site with the Road Commissioners when the swales were being installed. At that time, he spoke with Road Commissioner Scott Mooney about the pond and the road and Mr. Mooney didn't think the road was a problem given there would be a retention pond. He reiterated that the computer model indicated there would be no increase in the runoff going off the property.

To a question what he thought of the amendment, Mr. Paul advised he didn't see any problems with what is being presented.

Mr. Venell said he had no problem with the pond as it is still being built to the approved specifications and it appears that it will function as it is designed to, but the only thing is whether the Board should approve the amendment to the road as submitted at this time.

Mr. Cashin said that as long as the engineer is willing to stipulate that there will be no additional runoff than what was indicated on the original plan he has no problem with the amendment.

To Mr. Venell's comment that in wet weather it could be an issue, Mr. Lenkowski said when you look at the road, the change in slope isn't noticeable.

To Mr. Cashin's concern about the possible deterioration of the two pieces of flex pipe for the retention pond because of winter conditions and he would like to see them used only for the short term, Mr. Sterns

explained that was discussed at the last review by the Board. He stated at that time they also discussed either installing rip rap or grass.

To Mr. Cashin's reference of the prior complaints by the abutters concerning the runoff, Mr. Lenkowski advised that doesn't occur at this time because the Town installed a stone filled ditch which allows the runoff to flow under the road.

To Mr. Cashin's question what the pond on the other side do during a heavy rainfall, Mr. Lenkowski responded that it can't be seen because of the new work done by the Town. He said the runoff doesn't go down Young's Ridge Road.

At this time, Ms Crockett advised she would like to conduct a site walk to be able to understand what exists and what is being proposed more clearly to which Mr. Venell mentioned that the Board Members could visit the site at their convenience and that the review will be tabled until the Board's next Meeting.

Mr. Sterns stated that since the Board's last review, they have developed a maintenance plan for the erosion control system as well as replacing some of it. He said there has been a good deal of effort put into stabilizing those areas. He mentioned that the Storm Water Management Report is part of the application which lists the inspection/ maintenance schedule and what is required to take care of the system. He advised that he would be the engineer who will sign the plan. He said he would be sure that there is a statement regarding the shortness of the transition portion of the plan. He mentioned they are only asking for an amendment to the road since everything else has been build according to the originally approved plan. He thought if the Board had any concerns, they should talk to Road Commissioner Scott Mooney so that they will know what will occur. He mentioned that when he spoke to Mr. Mooney, he expressed concern about the drainage not the safety of the road.

Mr. Venell advised that the Board would speak to both Road Commissioners or at the least, Mr. Mooney to determine whether he has any comments and if he has anything to say, he will be invited to the Board's next Meeting.

2. **PATRICK FRAZIER** – Grace Way **Subdivision Amendment** – Mr. Frazier advised he has amended the plans to meet the ordinance requirements for a minor subdivision.

Mr. Venell reiterated his comments of the last Meeting that the Board has no authority to review this proposal based on SMRPC's memo regarding the State's definition of a "subdivision" that a parcel of 40 acres is not a lot. He mentioned that this application falls under the purview of the Code Enforcement Officer.

D. **NEW BUSINESS**

KENNETH WINN, Jr. – 4 35th Street (M153/L9) – Best Possible

Location Application – Mr. Paul advised that the proposed construction will be 70' from the water and 75' from 34th Street which leaves no room to relocate it. He mentioned that the 30% increase in the size of the structure which is permitted will not be toward the water. He said that the trees are being removed as a safety precaution, there will be a four foot foundation constructed and there are no flooding issues. He mentioned that the property is located on Lower Moussam Lake.

The Board reviewed the photographs attached to the application.

A Motion was made and seconded to accept the Code Enforcement Officer's recommendation for the location of a new dwelling for Kenneth Winn, Jr. of 4 35th Street. Davis/Gallagher – Unanimous.

E. **OTHER BUSINESS**

1. **DAVID PEPIN – Approved Application for an Extractive Use** – At this time, Ms Gallagher submitted a letter dated November 5, 2008 regarding her's and her neighbors' concern about the use of H Road by David Pepin's trucks when transporting items from his gravel site to other areas. The letter proposed another route that the trucks can take to arrive at the same place they do when they use H Road which is basically away from any populated areas, thereby, not affecting residents with the noise from the trucks when they use their brakes and the bouncing up and down of the loose parts that may be on the trucks.

The Board reviewed the letter and held a brief discussion about the proposed solution to the problem.

It was suggested that the first step the Board should take is to contact Mr. Pepin to determine if he is amenable to changing the route his trucks take to alleviate the residents' concerns.

Mr. Davis advised he would be willing to make the call.

2. **SHORELAND ZONE MAPS** – Ms Crocket gave a brief overview of the PDF presentation she saw at the SMRPC office and suggested that the Board invite Jamie Oman-Saltmarsh from that agency to their next Meeting for a similar presentation.

Mr. Cashin advised that, although he hasn't seen the program yet, he has been told that the information would be extremely help to the Code Enforcement Officer as the maps can be overlaid with the State designated sites such as wetlands, etc. more clearly than they can be seen on a paper map.

The Board agreed to view the presentation at its next Meeting, November 19, 2008, at 7:30 PM with Mr. Cashin advising he would call SMRPC to set up the appointment.

F. **ADJOURNMENT**

A Motion was made and seconded to adjourn the Meeting at 8:20 PM.

Respectfully submitted,

ANNA M. WILLIAMS,

Recording Secretary