

## ACTON PLANNING BOARD MEETING

April 2, 2009

A. **ROLL CALL** – 7:00

Members present were:

Chip Venell – Chairman

Thomas Cashin – Vice Chairman

Randy Goodwin

Yoli Gallagher

Keith Davis – 1<sup>st</sup> Alternate (Voting in place of Mr. Fisk)

Larissa Crockett – 2<sup>nd</sup> Alternate

Members absent were: James Fiske

B. **MINUTES**

1. **February 19, 2009** – A Motion was made and seconded to approve the Minutes of the February 19, 2009 Meeting as corrected. Crockett/Cashin – 3/3 – Abstentions (Messrs. Venell, Goodwin and Davis as they were not present for the Meeting).
2. **March 19, 2009** – A Motion was made and seconded to approve the Minutes of the March 19, 2009 Meeting as submitted. Davis/Goodwin – 5/1 (Ms Crockett as she was not present for the Meeting).

C. **UNFINISHED BUSINESS**

There was no unfinished business to come before the Board.

D. **NEW BUSINESS**

**Patrick Coyne – Site Plan Review for a Mobile Lunch Truck** – Mr. Coyne advised that he would like to be permitted to locate a mobile lunch truck at the Acton Fairgrounds off of 12th Street. He proposes to operate the truck from 5:00 to 11:00 PM and will be serving dinner take out food. He stated that the property owner has said he would be willing to sign a document allowing him to park there. He mentioned the traffic circulation flow will be off of 12th Street. To a question from Mr. Venell whether the Code Enforcement Officer mentioned anything about the need for a Site Review, Mr. Coyne answered in the negative. He stated he simply completed the applications that the Code Enforcement Officer's secretary gave him. He mentioned that he hasn't reviewed the Zoning Ordinance to determine what information might be required for the applications he has submitted. He explained the location on the site where he will be parking his truck.

Mr. Venell suggested that the Board review the Land Use Table to determine what review process is required for this application.

After doing so, the Board felt this use fell under the "Facilities offering food and beverages prepared on the premises – drive through/take out" which requires a Site Review in the zoning district where he will locate his truck.

Mr. Venell suggested that there may some MDOT issues for this type of use close to a public way.

To Mr. Cashin's concern about the possibility of traffic looping in from 12th Street and the possibility of creating a "U" to mitigate that situation, Mr. Coyne explained that his intention is to have the vehicles enter and exit on 12th Street. He said if it is necessary, he may be able to locate the truck closer to Route 109 and park the customers' vehicles closer to the tree line. He mentioned a similar business he had in Sanford.

To Mr. Cashin's question whether an activity such as this actually requires a Site Plan Review, Mr. Venell pointed out that according to the Land Use Chart it does with Mr. Cashin responding that it isn't specifically excluded, but it also isn't mentioned.

To a question whether the food will be prepared on the premises [i.e. the truck], Mr. Coyne answered in the affirmative and stated it will be like any fast food business.

Mr. Davis commented that the Ordinance specifies that the Board can grant waivers for some of the submission requirements

Mr. Venell stated that in order for the Board to grant any waivers, the applicant will have to submit a list of what criteria he would like waived as well as what criteria he can meet. He mentioned that from what he has read most of the criteria might not be applicable to this application.

Mr. Cashin felt that if there was a definition of "facility", the applicant may not have to go through the Site Plan Review process. He said the intent of the Ordinance was that the type of services described in the Land Use Chart were to be contained in structures. He pointed out that if the Board looked at page 18 of the Ordinance it refers to "land use" so if the Board used "land use" rather than "facilities", the applicant's request would not fall under Site Plan Review. He suggested that the Board request that SMRPC review the application and advise them how they [SMRPC] would categorize the application.

Mr. Venell advised Mr. Coyne that his application will be on the agenda for April 16, 2009, the Board's next Meeting, therefore, he should be prepared to submit whatever he can such as a parking plan, where the truck will be located on the site and its proximity to 12<sup>th</sup> Street as well as a contract with the property owner which will give him the "interest" to use the site.

To a reference made to Article 6.6.4.5.4 page 102 and the requirement to notify the abutters of the first Meeting at which the application will be reviewed, Mr. Venell stated he didn't think the 30 days should begin at this time. He mentioned that given the area that is being used and the 500' requirement, there will be many abutters to notify.

To a question from Mr. Cashin why was there a Conditional Use application submitted with the Site Plan Review application, Mr. Coyne explained that the Code Enforcement Officer gave him the Conditional Use application and his secretary gave him the Site Plan Review application.

To Mr. Cashin's reiteration of his comment that he would like SMRPC to review the application, Mr. Venell agreed to do that.

E. **OTHER BUSINESS**

There was no other business to come before the Board.

F. **ADJOURNMENT**

The Meeting was adjourned at 7:50 PM.

Respectfully submitted,

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**ANNA M. WILLIAMS,**  
Recording Secretary