

ACTON PLANNING BOARD MEETING
September 17, 2009

A. ROLL CALL – 7:00

Members present were: Chip Venell – Chairman
 Thomas Cashin – Vice Chairman
 Yoli Gallagher Jessica Donnell – 1st Alternate
 David Jones-

2nd Alternate

Members absent were: Randy Goodwin
 Keith Davis

Also present were Kenneth Paul, Code Enforcement Officer; Peter Marchant of KJK Wireless; Scott and Mary Stanton, representing the Town of Acton.

B. MINUTES

September 3, 2009 – A Motion was made and seconded to approve the Minutes of the September 3, 2009 Meeting as corrected. Gallagher/Donnell – 3/2 – Abstentions (Messrs. Cashin and Jones as they were not present for that Meeting).

C. UNFINISHED BUSINESS

KJK WIRELESS for US CELLULAR – 1881 Route 109 – M_____L_____ - Site Plan Review for a Wireless Communications Tower – Peter Marchant explained that he submitted a revised plan for this application due to the comments made by some abutters at the previous site walk. He referenced the balloon test that was scheduled at approximately the same time as the previous site walk. He stated given the abutters' concerns they have relocated the tower and referenced the new location on the plans recently submitted. He explained that the tower has been moved 2,000' from the original location and access will be from 82 Sanborn Road. He stated the project itself has not been changed, just the location. He indicated the existing road that will be used with the new location and where a 75' x 75' compound will be erected as well as the location of the fall zone for the tower. He submitted an aerial view as well as a site map. He explained that the elevation of the previous plan was 737 ½' and the new plan indicates 733' which is 4.5' less in height. He mentioned that during the site walk, the abutters expressed concerns about the church and airfield which are were in close proximity to the original site. He submitted a map indicating the previous and new locations of the tower. He explained that there was a concern at the previous site walk concerning the affect this project might have on property values and to address that concern, he submitted a booklet containing information indicating that is not a problem. He also mentioned that while US Cellular will own the tower and be the primary user, there is the potential for other wireless carriers to lease antennae space. He indicated the location of a row of peach trees that line the access way and mentioned they will remove them if the property owner wishes, but for the most part, the site is an open field.

To Mr. Venell's comment that other than the location of the tower, everything else is the same as in the original application, Mr. Marchant answered in the affirmative and mentioned that the new location is farther away from any residence than the previous location.

To Mr. Venell's question whether there was a plan indicating the location of the abutters' residences, Mr. Marchant answered in the negative and advised that the property lines and the abutters' names are indicated on the plan. He also referenced the location of the structures on the site.

Mr. Venell suggested that another balloon test be scheduled as well as a site walk given the change of location of the tower and he felt the sooner that could be accomplished the sooner the public hearing can be scheduled. He mentioned that the Board's next Meeting will be the first Thursday in October, therefore, he suggested scheduling the balloon test for Saturday, October 3, 2009, from 6:00 AM to 1:00 PM with a "windy day" alternative for Sunday, October 4, 2009, and the site walk for the same day at 10:00 AM. He explained that would meet the publication and the posting requirements as well as give the secretary adequate time to notify abutters. He stated, therefore, the application will be on the Board's October 15, 2009 agenda for a public hearing.

To Mr. Jones' comment that he would like to place a condition on the approval of application to the effect that the Town's emergency services will have the option of using the tower for their emergency communications, Mr. Marchant advised that they generally offer that option.

At this time, the Board reviewed previous Minutes and the file to determine what standards have been met or waived as well as reviewing page 105, Article 6.6.4.6.2 of the Zoning Ordinance and waived the following standards:

1. Zoning classification(s), including overlay and/or subdistricts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or subdistricts or abuts a different district.
2. The bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
3. Location and size of any existing sewer and water mains, culverts and drains, onsite sewage disposal systems, underground tanks or installations and power and telephone lines and poles on the property to be developed, on abutting streets, or land that may serve the development and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.
8. The location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees and other important or unique natural areas and site features including, but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers and historic and/or archaeological resources, together with a description of such features.

A Motion was made and seconded to approve waiving items 1, 2, 3 and 8 of Article 6.6.4.6.2 of the Acton Zoning Ordinance. Cashin/Jones – Unanimous.

The following standards of Article 6.6.4.6.3, page 106, were waived as follows:

1. Estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal and evidence of their adequacy for the proposed use, including soils' test pit data if onsite sewerage disposal is proposed.
2. The direction of proposed surface water drainage across the site and from the site with an assessment of impacts on downstream properties.
5. The location, names and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.

9. The direction of existing surface water drainage across the site.

A Motion was made and seconded to approve waiving items 1, 2, 5 and 9 of Article 6.6.4.6.3 of the Acton Zoning Ordinance. Cashin/Donnell – Unanimous.

A Motion was made and seconded that the Board finds the application of KJK Wireless for US Cellular complete up to Article 6.6.4.7.22, page 115 of the Acton Zoning Ordinance. Cashin/Jones – Unanimous.

A Motion was made and seconded to request that the applicant provide photo simulations for the balloon test. Cashin/Jones – Unanimous.

It was determined that the 90 day approval or denial deadline begins at this time.

D. NEW BUSINESS

TOWN OF ACTION – Conditional Use Permit for a New Sign to be Located at the Intersection of H Road and Route 109 – Mary and Scott Stanton explained that the Selectmen would like to erect a billboard type sign in the same location as the existing sign. They stated the sign will be lit and will be perpendicular to Route 109. They submitted renderings of how the sign will look which contained the proposed dimensions and explained that the new sign will match the existing sign that is located on Sam Page Road. They advised that the new sign will be placed over the existing sign as per the request of the Board of Selectmen.

A Motion was made and seconded to accept the application for a new sign for the Town of Acton. Cashin/Jones – Unanimous.

At this time, a public hearing was scheduled for Thursday, October 1, 2009, at 7:30 PM.

E. OTHER BUSINESS

1. PROPOSED ZONING ORDINANCE AMENDMENTS – Mr. Paul distributed a copy of his proposed revisions, as requested by the Board of Selectmen, to the Acton Zoning Ordinance which will be placed for a referendum vote in November, 2009.

Mr. Cashin distributed a copy of the Warrant Articles that will be placed before the voters in November. He stated he would propose that the Board request an opinion from SMRPC regarding Articles 1 and 2 since that is the Town's consultant for zoning ordinance revisions. He advised his concern is whether those proposals are sound land use policies. He mentioned that the Zoning Ordinance must be in compliance with the Town's 2005 Comprehensive Plan, but if Article 1 is adopted and Article 2 isn't, the Ordinance will not be in compliance which could open the Town up to a legal challenge. He stated he would like the voters to be clear as to the process. He mentioned that the Board of Selectmen received a request and felt that the voters should make the decision.

To Mr. Venell's comment that he thought that was the purpose of the two public hearings, Mr. Cashin explained that if Article 1 should pass, the Town will revert back to the two-acre lot size which has the potential to increase the number of developable lots by 30%. He said he questions the soundness of doing that because of the potential increase in the need for public services which could increase taxes. He stated he would like to be sure that the Board and the public have as much information as possible. He explained that since the Town has a consultant, it should find out if what is being proposed is a good policy.

Mr. Venell stated he didn't agree with consulting with anyone since he doesn't know what more SMRPC could say with Mr. Jones advising he concurs with Mr. Venell's comments.

Both Ms Gallagher and Ms Donnell voiced their concurrence with Mr. Cashin's request and felt that the voters should have as much information as possible.

A Motion was made and seconded to forward a memo to SMRPC enclosing a copy of the Order dated September 3, 2009 which contains the Board of Selectmen's signatures for review as to the soundness for good land use policies. Cashin/Gallagher – 3/2 – Messrs. Venell and Jones. Mr. Venell advised he would like to ask the Selectmen if any of them spoke with SMRPC before the memo is forwarded to that agency.

2. Conditional Use Permit Standards Form – The Board reviewed and approved the use of the proposed Conditional Use Permit Standards Form which will assist them in reviewing those applications.

3. Wakefield-Acton Watershed Committee – Mr. Paul reminded the Board that the Wakefield-Acton Watershed Committee will make a 45-minute presentation on October 1, 2009 regarding the conditions of the various lakes in both towns as well as identifying what can be done with the zoning ordinances to address any detrimental situations.

F. ADJOURNMENT

The Meeting was adjourned at 9:00 PM.

Respectfully submitted,

ANNA M. WILLIAMS,
Recording Secretary