

ACTON PLANNING BOARD MEETING

October 1, 2009

A. ROLL CALL – 7:00

Members present were:

Chip Venell – Chairman

Thomas Cashin – Vice Chairman

Yoli Gallagher

Keith Davis

Jessica Donnell – 1st Alternate (Voting in place of Mr. Goodwin)

Members absent were: Randy Goodwin

David Jones- 2nd Alternate

Also present were Kenneth Paul, Code Enforcement Officer; Elise Miller, applicant; Scott and Mary Stanton, representing the Town of Acton.

B. MINUTES

1. September 17, 2009 – A Motion was made and seconded to approve the Minutes of the September 17, 2009 Meeting as submitted. Gallagher/Cashin – 3/2 – Abstentions (Messrs. Cashin and Davis as they were not present for that Meeting).

2. September 24, 2009 Public Hearing – A Motion was made and seconded to approve the Minutes of the September 24, 2009 Public Hearing as corrected. Davis/Donnell – Unanimous.

C. PUBLIC HEARINGS

1. Elise Miller – 3191 Route 109 – M138/L2 - Conditional Use Permit for a Pre-School – Ms Miller explained that she would like to open a pre-school in her home. She stated that currently she has children in her home Tuesday and Thursday and would like to expand the days to Monday through Thursday from 8:30 AM to 11:30 AM. She advised that the State has suggested that she call it a family care center so that the children can come earlier than 8:30 AM and stay after 11:30 AM in the event the parents have to drop the children off early and pick them up later. She said as per the Fire Marshal, she is permitted to have no more than six children a day, but she is fine having only four or five. She referenced the floor plan of her home she previously submitted to the Board which indicates a school room for the children. She mentioned there will be no kitchen in the school room and the septic system is only three or four years old. She stated that the State has conducted a water test for drinking purposes.

After ascertaining that there were no questions or comments, Mr. Venell closed the public hearing.

2. Town of Acton – Conditional Use Permit for a Town Sign at the Corner of H Road and Route 109 – Mr. Paul advised he would be representing the Town in this matter and mentioned that Scott and Mary Stanton of Dasco Signs will explain what the proposal.

Scott Station explained that the existing Town sign is in a deteriorated condition and he felt that a new sign would be in order which his company will donate. He stated with regard to the foundation, there will be hole dug and a board set in the cement level with the grade. The foundation will be approximately four feet wide and is designed for a specific load. He said it will be slightly smaller in size to the school's existing sign, but will be closer to the ground than the school sign. He mentioned the letters can be installed with a step ladder and there will be

three or four feet between the sign itself and the post. He stated it will be installed so that it can be seen from either direction. He advised that he will provide the letters and should the Town require more, he will supply them. He stated that they will be as easy to read as the messages on the Public Safety Building. He mentioned that the sign will be six feet wide with 4' x 8' panels where the school sign is eight feet wide. He stated the interior lights in the school sign are cool white with green plastic. He advised the lighting is standard to this type of sign and will be connected underground from the electrical pole.

Mr. Venell summed up the particulars of the sign and stated if any Board Member felt it wasn't in character with the existing sign, they should express those concerns at this time.

To Mr. Cashin's question whether the lights will be on a timer, Mr. Stanton stated what hours the sign will be lighted is up to the Board of Selectmen, but he would recommend the use of a timer. He said three or four hours a night would cost approximately \$45 to \$50 a year. He said he would recommend the installation of a photoelectric cell and a timer so that the lights will only be on when it is dark and with the timer, the lights could be turned off during the middle of the night.

After ascertaining that there were no further questions or comments, Mr. Venell closed the public hearing.

#### D. UNFINISHED BUSINESS

1. Discussion of Elise Miller Public Hearing – To Mr. Venell's question about the available parking, Ms Miller explained that her driveway is wide enough to accommodate three or four vehicles across and there is additional parking on the side of the house. She advised people using her services will not be required to back onto Route 109 as there is sufficient room to turn around. She mentioned that there would be no reason for the parents to park on Route 109.

At this time, the Board went through the Conditional Use Permit Standards and found that this application either meets them or they were not applicable.

To Mr. Venell's question whether there was anything that has not already been addressed that needs to be discussed, Mr. Cashin suggested that Ms Miller erect a "Children Playing" sign so that drivers will know to reduce the speed of their vehicles to which Mr. Venell suggested that Ms Miller speak with the Code Enforcement Officer about that.

A Motion was made and seconded that the applicant attempt to enforce "no backing out onto Route 109" and that she seek some suggestions from MDOT to better enforce the speed limit with signs. Cashin/Gallagher – 3/2 – Messrs. Venell and Davis.

A Motion was made and seconded to approve a Conditional Use Permit for Elise Miller for a family care center in her home at 3191 Route 109. Gallagher/Davis – Unanimous.

2. Discussion of Town of Acton Public Hearing – At this time, the Board addressed the standards of 6.6.3.7 – Conditional Use Permit – and found that they were all not applicable to this application.

Both Ms Gallagher and Ms Donnell expressed a concern about the brilliance of the lighting.

Mr. Stanton stated with regard to the question of the brightness of the lighting, he can't say whether it will be brighter than the school sign and explained the standard used for this type of lighting. He thought it might be less brilliant than the sign at the Public Safety Building.

To Ms Donnell's question whether the Board could impose a condition as to whether the background will be green or blue, Mr. Stanton advised he is aware of the Board's concerns.

A Motion was made and seconded to grant Scott Stanton full control of the design of the sign he is donating to the Town and to approve the Conditional Use Permit for a new sign for the Town to be located at the corner of H Road and Route 109. Cashin/Davis – 4/1 – Ms Gallagher.

3. Proposed Zoning Ordinance Amendments for the November 3, 2009 Referendum Ballot – After a brief discussion regarding the zoning ordinance amendments that will appear on the November 3, 2009 Referendum Ballot, the Board took the following action:

a) A Motion was made and seconded that the Board not approve Question #1 on the November 3, 2009 Referendum Ballot.. Cashin/Gallagher – 4/1 Mr. Venell.

b) A Motion was made and seconded that the Board not approve Question #2 on the November 3, 2009 Referendum Ballot as it does not maintain the conformity with the Comprehensive Plan and the Zoning Ordinance. Cashin/Gallagher – 4/1 – Mr. Venell.

c) A Motion was made and seconded that the Board recommend the adoption of the text of Question #4 on the November 3, 2009 Referendum Ballot. Cashin/Davis – Unanimous.

Mr. Cashin expressed a desire to have Jamie Oman-Saltmarsh of SMRPC attend the Board of Selectmen’s Public Hearing scheduled for October 8, 2009 so that she may give her input concerning the questions on the ballot. He mentioned that the Comprehensive Plan Implementation Committee will pay for her services out of its budget.

F. NEW BUSINESS

There was no new business to come before the Board.

G. OTHER BUSINESS

There was no other business to come before the Board.

H. ADJOURNMENT

The Meeting was adjourned at 8:30 PM.

Respectfully submitted,

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ANNA M. WILLIAMS,  
Recording Secretary