

ACTON PLANNING BOARD MEETING
February 18, 2010

A. ROLL CALL – 7:00

Members present were:

Thomas Cashin – Vice Chairman

Yoli Gallagher

Jessica Donnell – 1st Alternate

Members absent were: Chip Venell – Chairman

Keith Davis

David Jones- 2nd Alternate

Also present were Kenneth Paul, Code Enforcement Officer; Stacey Howes, applicant, and Larry Julius.

B. MINUTES

No Minutes were approved.

C. UNFINISHED BUSINESS

There was no unfinished business to come before the Board.

D. NEW BUSINESS

Stacy Howes – 725 East Shore Drive – M149/L31 – Conditional Use Permit for a Family Day Care – Ms Howes explained during her discussion with the Code Enforcement Officer about her application she was told she was required to appear before the Board because her property is located in the Critical Rural Zoning District.

Mr. Paul advised Ms Howes is proposes to operate a private day care in her home and has registered with the State for a child day care. He referenced page 22 of the Acton Zoning Ordinance where the criteria for a Conditional Use Application is contained. He explained since the application is complete, the Board may schedule a public hearing and conduct a site walk if they wish to do so. He reminded the Board they didn't conduct a site walk for a similar application.

Ms Howes advised the State has restricted her operation to 12 children. She stated her property is across from the lake, but is much too far to require a fence to protect the children and is the last house at the end of East Shore Drive in a residential neighborhood. She mentioned she has spoken with her neighbors and none have expressed a concern about what she proposes to do. To Mr. Cashin's question of what the proximity to the water is her property, Ms Howes stated it was across the street, but the State Inspector told her there was no need for a fence because of the long distance to the water.

Regarding parking and traffic circulation, Ms Howes advised there is a turn around in her driveway so there is no need to back onto the road. She stated because of the location of her property, the traffic is basically restricted to the school bus which turns around in the cul-de-sac similar to a "T". She mentioned Heath Brook runs through that area so there would be no possibility of the road being enlarged.

It was noted that the Ordinance does not require a site walk and the Board determined one isn't required in this instance since the State has done that.

Responding to questions from the Board, Mr. Paul advised that the lots are larger in that area and the structure is six years old. He mentioned the applicant has submitted the abutters' list.

Ms Howes explained the topography of her property as it relates to the brook and mentioned she has installed a snow fence to have something there because her children sled in that area, but it isn't close to the brook.

To questioning from the Board, Ms Howes advised she has no plans to erect a sign because of the limited traffic in that area; her intent is to advertise and use word of mouth recommendations; the septic system is pumped periodically; she doesn't plan to have twelve children all day; she hopes to have a few children during the day and some after school; she and her assistant are certified; the State has given her an age range of six to seven week old infants to age 14; the number of children is determined by the ages of the children as the younger they are, the fewer she can have; from infants to two and a half year olds are considered to be two spots and it increases in numbers from there; she is restricted to 12 school age children and less if they are younger and she can have only four babies at any one time; she is CPR certified and is required to take only one additional child care class.

Ms Howes advised that the State Fire Marshal will conduct his inspection on Friday, February 19, and the State Inspector will return to do a final inspection thereafter.

At this time, the Board scheduled a public hearing for Thursday, March 4, 2010. They suggested that Ms Howes obtain some information from the State regarding the septic system and leach field or check with the Code Enforcement Officer for that information.

They also suggested that she think about installing a buffer between her property and the abutters.

F. OTHER BUSINESS

1. Proposed Sign Ordinance – The Board and Mr. Paul reviewed and discussed the second draft of a Sign Ordinance drafted by Mr. Venell which was to address the concerns expressed during the review of the first draft.

Based on comments made this evening, Mr. Cashin advised he would take the suggestions and develop a third draft for the next Meeting.

2. Board Vacancy – Since Mr. Julius was present, Mr. Cashin gave a brief overview of what occurred with his application for an appointment to the Planning Board.

G. CODE ENFORCEMENT OFFICE BUSINESS

There was no Code Enforcement Officer business to come before the Board.

H. ADJOURNMENT

The Meeting was adjourned at 8:30 PM.

Respectfully

submitted,

Recording Secretary

ANNA M. WILLIAMS,