

ACTON PLANNING BOARD PUBLIC MEETING

August 18, 2011

ROLL CALL – Meeting began at 7:10 pm

Members present were: Chip Venell – Chairman
 Thomas Cashin – Vice Chairman
 Arthur Kelly

Members absent were: Yoli Gallagher
 Jessica Donnell
 Bob Kane – 1st Alternate
 Open Seat – 2nd Alternate

Also present were: Jim Crowley, Ken Smith, Kenneth Paul, Code Enforcement Office and Linda Capristo, Recording Secretary

MINUTES – **Approval of August 4, 2011 minutes.** Motioned by Mr. Kelly to accept as written, Mr. Cashin seconded – Unanimous Vote.

NEW BUSINESS –

WORKSHOP – Ken Smith (Stan and Arlene Smith) – Apple Stand – Route 109 – Map & Lot 233-024

The Board met with Mr. Smith to discuss his interest in purchasing a pre-constructed 14x22 building (Apple Stand) for the purpose selling of apples when in season. Mr. Smith said this shed can be built without a floor and plan to have a slab. This would be set off the driveway into Apple Valley Campground. Mr. Venell said that means there would be no D.O.T. issues. Mr. Smith said he also wants to put a Tractor Shed for his father to display his old tractors. The first bay of the tractor shed he would like to put a small walk-in cooler for the Apple Stand. Mr. Smith had some sample sketches for the Board's review but emphasized that he didn't want to purchase the building until he knew the Town requirements.

Mr. Paul spoke up and said he looked at the current Zoning Ordinance as Agricultural Commercial it is a permitted use in the Rural Zone. Mr. Venell asked what zone was this, Mr. Paul replied he is in the Rural Zone but it is Commercially Zoned across the street. He continued and said this lot is an individual lot separate from the campground and it seems like an agricultural use. Mr. Paul pointed out the lot in some pictures and said it would meet the required setbacks. It is a pre-existing lot and you can see where the barn was prior to the Route 109 right-of-way coming through. He showed the garage up by the road. As long as it is agricultural, he has the right to use it year round if he wants. Mr. Paul said he thought before Mr. Smith invested into this project, he should come before the board with his plans but it is definitely a permitted use. Mr. Venell said no conditional use. Mr. Cashin asked if Mr. Smith could discourage parking along 109 and use the grass area to park. He also said this should elevate some of the pedestrian crossing Route 109. Mr. Kelly and Mr. Smith said that most people do park off the Apple Valley Campground driveway in the grass more so than on Route 109. Mr. Venell said it sounds great and there is nothing that we are involved with and if it meets all that is needed for that lot then you are all set. Mr. Smith continued by saying it is the cutest building. Mr. Venell asked if this was for this year and Mr. Smith said he didn't want to rush it, that it is for next year. Mr. Paul told Mr. Smith come in to complete a building permit application. Mr. Cashin asked if he could work with the CEO with regards to cones and signage to discourage pedestrian traffic across 109. Mr. Smith replied that the orchards are

on both sides of the road but this should reduce the pedestrian and tractor crossings. The Board wished Mr. Smith good luck.

WORKSHOP – Jim Crowley - Apple Core, LLC – 1076 Route 109 – Map & Lot 33-020

Mr. Crowley presented the Board and CEO a Wastewater Mounding and Transmission Analysis from R.W. Gillespie and Associates, Inc. for the proposed new septic field at Crabby Bear Restaurant. Mr. Crowley comes before the board tonight to discuss signage and to discuss the rental space to a land surveyor office above the store. Mr. Paul handed over the septic designed for Mr. Crowley which includes the restaurant, the rented space above, the ice cream stand and the existing residential house. Mr. Crowley showed the board some pictures of back parking area where the new septic would be as well as pictures of signage and the current driveways. He continued by saying that he is looking for approval for plumbing permit for Land Survey Office with new system by adding two new restrooms upstairs. He continued by saying that he is illegal by having one bathroom, currently he has forty-nine 49 seats and would like to increase that number to 99. This system will cover sixty-five (65) for the restaurant plus six (6) employees, two (2) employees for the ice cream stand, five (5) employees for the rental tenant upstairs and the two bedroom house next door. Mr. Crowley said what he understood that the design is for 99 and not 65. Mr. Paul said there was a design that went to the State and there is a second revision out so maybe we don't have the most current plan. Mr. Venell told Mr. Crowley that he will want to contact the project engineer so that you are both on the same page. Mr. Crowley said without getting into the septic system, he was here today to get the land surveyor tenant in.

Mr. Paul said looking at Mr. Crowley's existing Conditional Use, it's considered a substantial expansion if you increase the area by more than twenty-five percent (25%). The area already exists but has never been used. For new material not processed, nor previously associated with the existing use. Mr. Venell said, so it's a new tenant that has never been used and is totally divorced from anything like that. It has no use for ice cream, crafts, docks etc. Mr. Paul said there is really no impact in that regard.

For Mr. Crowley to move forward with amending his current conditional use, he is to provide the following:

1. Conditional Use Application along with \$100 fee.
2. Proposed use of second floor.
3. Septic design to include updated tenant and seating capacity (include all employees, tenant and residential home next door.)
4. New parking diagram including calculations.
5. Signage plan to include what is being added or taken down with dimensions.

NEW BUSINESS –

Code Office – Best Possible Location – John Beaudoin, 47 Spruce Street, Map & Lot 128-008

Mr. Paul said that this is a demo and reconstruct. The dwelling is currently 45 feet from the water and the new dwelling will sit back 15 feet further back for a total of 60 feet. There is a new 5-bedroom septic. The garage is also being demoed and being built into the house. Mr. Cashin motioned to accept Mr. Paul's recommendation with no closer than 60 feet, Mr. Kelly seconded, unanimous vote.

UNFINISHED BUSINESS – None.

ADJOURNED – 8:25 pm