



## PLANNING BOARD • Town of Acton

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Acton Planning Board

Minutes of Meeting

June 11, 1990



Planning Board members in attendance: Chairman Mary Giorgio, Greg Niemyski, Douglas Carnahan, James Lee and Quinton Brathwaite

Planning Staff in attendance: Town Planner Roland Bartl, Assistant Town Planner Timothy Smith, Planning Board Secretary Donna Jacobs.

The meeting was called to order at 7:30 PM by Mary Giorgio. Mary announced a rearrangement of the agenda moving discussion on Quick Lube to top of the agenda to accommodate Town Planner Roland Bartl's need to attend another meeting at 8:00 PM.

Mary Giorgio stated that she was sorry to see Tim Smith leave the Town of Acton's employ. Other members also expressed their appreciation of Tim's hard work during the past two years.

### III. Quick Lube - Draft Decision

Tim Smith asked the Board to take no action on the draft decision for Quick Lube this evening because Roland Bartl has just begun review of the decision upon his return from vacation this morning. It appears there are a couple of areas that need further examination.

Greg Niemyski asked if the staff comments on the applicant's final submission had been incorporated into the decision. Tim Smith reported that all of the staff comments, plus Jim Lee's comments have been included in the decision as drafted.

Doug Carnahan asked if there were items still missing that should have been provided by the applicant. Roland Bartl replied that the applicant had basically complied with the requests for information. However, in Roland's opinion, there are a couple of findings the Zoning Bylaw requires the Planning Board to make which create difficulty in this decision.

The first required finding posing difficulty is that the proposed use will not have, either during construction or after, adverse effect on groundwater, surface water, etc. Roland reminded the Board that the Conservation Commission has denied the Notice of Intent because they couldn't see how the proposed work could take place without impacting

the adjacent bordering vegetated wetland which leads to a water supply 2400' away. The Conservation Commission went on to require a 25' undisturbed vegetative buffer. If the Planning Board were to include this requirement as a plan modification, the changes to the site would be so drastic that it would need to be a whole new proposal.

The second problem is the fact that there are two types of benzene contamination found in the monitoring wells on the site. Roland questions what will happen to the contaminated groundwater due to construction activity on the site. The Planning Board could include a condition requiring a Phase II D.E.P. site study. However, that raises the question of how you deal with possible required remedial action after a special permit has been issued. The benzene levels in the monitoring wells exceed the Acton Water District standards, but don't exceed the state levels. Because of this, no 21E study is mandated by the state. The applicant may wish to complete a Phase II study because it could prove that the contamination in the wells is not coming from the site. Jim Lee asked if there was any past use that may have caused the contamination problem. Roland replied that the site has been vacant for years. Jim Lee advised the Board that it is possible to protect the adjacent brook, although probably at great expense. Mary Giorgio questioned whether the applicant is responsible for clean-up. Roland responded that the applicant is not responsible because the contaminant level is not high enough to trigger the DEP regulations. Quint Brathwaite suggested that it would be in the applicant's best interest to investigate the site and determine whether the contamination is generated from the site.

Doug Carnahan suggested the Town may want to take a more pro-active role than that stated in Plan Modification 1.6. Tim Smith replied that he believes the applicant should propose the best solution. Jim Lee added that it could be designed to meet Tim Smith's drafted condition. It was also questioned whether a limitation on salt for the parking area was practical. Jim Lee suggested that the Board require the applicant to dispose of the oil containers within the building so that leakage goes into the separate collector system that gets pumped rather than disposed of in the dumpster.

Greg Niemyski asked if it is the sense of the Board that the drafted decision should be re-written as a denial. Quint Brathwaite questioned finding #11 by asking how the Board could find that the proposed use is in harmony with the purpose and intent of the bylaw when the work is within 3-4' of the wetland. Mary Giorgio stated that she is not prepared to make a decision on this permit tonight. Quint Brathwaite moved to defer the decision until the next Board meeting. The motion was seconded by Greg Niemyski and carried unanimously.

## II. Conceptual Plan for Pine Street

Dave Perley appeared before the Board to present two conceptual plans for development of land off of Pine Street owned by the McKelvie

family. David Perley informed the Board that the first 250' of Pine Street is an accepted town way with the balance existing as a private way.

Dave Perley presented the Board with an ANR plan showing one lot with existing adequate frontage on the public way portion of Pine Street and two other lots to be noted "not a building lot" until the owner comes back in with a subdivision application. The property owner is utilizing this approach to allow their eldest son to begin construction on a house for himself as soon as possible since he will be married in the fall. Dave Perley also offered another conceptual plan showing one ANR lot and one hammerhead and asked for guidance from the Board. Dave Perley asked if submission of the three lot ANR plan would preclude the owner from later submitting a subdivision plan. The Board advised Mr. Perley that it did not appear to cause any problems for later submission of subdivision plans. Dave Perley is to meet with Tim Smith to discuss these issues in greater detail.

#### I. General Business

Jim Lee moved to approve the minutes of the May 14th meeting as amended. The motion was seconded by Quinton Brathwaite and passed unanimously.

#### V. Discussion on Charles Reeves' request for Extension of Hammerhead Special Permit - 706-708 Main St., Lots B-1C and B-1D

Mary Giorgio reviewed Mr. Reeve's request for an extension of his hammerhead lot special permit. Mary Giorgio stated that a substantial use has note begun, therefore an extension would be needed to continue the allowance of the hammerhead lot. Greg Niemyski reported that he has visited the site and there is not obvious construction activity taking place, but trees have been removed. Tim Smith said that Mr. Reeves is looking for a two year extension. Jim Lee moved that the Board grant a two year extension of the hammerhead lot special permit subject to the Board's reservation of all rights and conditions contained within the permit and that the Board not look favorably on another request for extension. Greg Niemyski seconded the motion which carried unanimously.

#### IV. Authentic Homes Hammerhead Lot Special Permit - Arlington Street

Tim Smith advised the Board that he spoke with Town Counsel, Mike Callaghan, about the drafted decision. Town Counsel's recommended re-wording of two items in the decision was discussed by the Board and agreed to. The Board requested the addition of a finding about the requirement of sidewalks. Greg Niemyski moved to approve the decision as modified. His motion was seconded by Doug Carnahan and carried unanimously.

## I. Oversight Meeting, Town Manager Meeting

Mary Giorgio asked if there were any specific issues the Board would like to discuss at these meetings. Board members indicated that they would like to discuss Town Counsel and input into appointment of Board members. Mary Giorgio suggested that Board members contact her with any additions for discussion items in the immediate future.

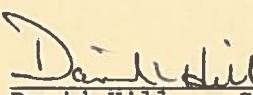
## III. Quick Lube

Greg Niemyski stated that he believes the proposed use is a poor use for the site and was going to vote against issuance of the permit. Since Roland Bartl has found two points supporting the Conservation Commission's denial, Greg stated that the Board should re-draft the decision as a denial. Quint Brathwaite stated his agreement adding that he doesn't believe the applicant's drainage system provides adequately for the potentially contaminated runoff from the roof and the pavement areas. Jim Lee suggested including the possibility or likelihood of further contamination of groundwater during the course of construction. Doug Carnahan asked if the Conservation Commission's denial was going to prevail. Tim Smith advised that DEP has contacted the applicant advising that the applicant hasn't provided enough information to DEP for them to issue a superseding order. It was agreed that the sense of the Board is to instruct staff to re-write the draft decision as a denial based on the information discussed this evening.

## Other Business -

Greg Niemyski urged the Board to play a more active role in the development of the proposed road/traffic improvement plan. Greg offered to contact Planning Council chairman Anne Fanton to arrange for a joint meeting on this topic.

Greg Niemyski moved to adjourn the meeting at 9:45. His motion was seconded by Quint Brathwaite and carried unanimously.

  
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David Hill, Clerk

DH/dmj