



Planning Board

September 19th, 2023

6:00 PM

In Person &

Virtual (Zoom)

(revised by the Planning Board on 12/20/2023)

Planning Board members present: Jon Cappetta, Sam Bajwa, Nathan Cookson, Michaela Moran, James Fuccione and Patricia Clifford

Also present: Kristen Guichard, Planning Director, Kaila Sauer, Assistant Planner & Alicia Burak, Administrative Assistant.

Planning Board members absent: None

Jon Cappetta read the guidelines for the virtual meeting.

Jon Cappetta called the meeting to order at 6:06PM

Sam Bajwa called the roll: Jon Cappetta- Aye, Sam Bajwa- Aye, Michaela Moran-Aye, Nathan Cookson- Aye, James Fuccione-Aye (arrived at 6:11PM), Patricia Clifford-Aye

I. Regular Business

1. Resident Comments: Franny Osman advised she is working on a new newspaper and is looking for writers to help cover meetings.
2. Approve Previous Meeting Minutes: Postponed to 10/17/2023 meeting
3. Board Member Reports: None
4. Administrative Updates and Reports: None

II. New/Special Business

1. Joint Meeting of Maynard and Acton Planning Boards- Powder Mill Road Corridor initiative

Sarah Scott of MAPC presented a PowerPoint presentation and project summary to Acton and Maynard's Planning Boards while accepting feedback from both towns.

Both Planning Boards expressed satisfaction with the progress of the project.

2. Election of Officers: Postponed to 10/17/2023 meeting.

3. PB23-04 – Continued Public Hearing -308 Old High Street, Groundwater Protection District Special Permit

Michaela Moran elevated Patricia Clifford to full member at 7:41PM
Sam Bajwa did not participate in this continued hearing.

Sean McCormick presented his application for an expansion of a non-conforming use in the Groundwater protection district. Shipping containers were brought in post pandemic, used to store inner benign materials. During a site visit with Mike Gendron and Kristen Guichard they were made aware that they need permits for additions.

George Dimakarakos of Stamski and McNary gave a power point presentation showing the placement of the 5 shipping containers, described the proposed restoration with removing gravel and paved area, and how the groundwater is not affected.

Kaila Sauer, Senior Planner advised that the Health Department confirmed that the shipping containers are not storing hazardous material. The Acton Water district did not have any concerns with material leaching in to the ground water, and GCG did not have any concerns. (Noted in Planning Memo)

James Motioned to at 7:57 approve PB23-04. Michaela Moran seconded. Roll Call Vote: Jon Cappetta- Aye, Michaela Moran-Aye, Nathan Cookson-No, James Fuccione-Aye, Patricia Clifford-Aye

4. PB93-09- Public Hearing – 123 Quarry Road, PCRC Amendment and Common Driveway Special Permit

Jon Cappetta opened the hearing at 8:00PM

Nathanial, Stamski and McNary on behalf of the applicants gave presentation on the application. He showed plans of the existing PCRC that contains two houses and 3 single family lots and open space. They are proposing to develop the existing PCRC into a 6 lot PCRC with 6 (4 bedroom) houses that share common driveway with a turnaround for

emergency vehicles. He went over the storm water management plan, septic, and noted that it's not within the wet lands. He advised that the proposed design is an efficient way to build the maximum amount of houses the land allows while gaining 5,000 more square feet in common land.

The Board discussed the location of the proposed septic system. Michaela Moran noted she did not like the Septic being in the common land. Kristen Guichard advised that the Board can allow this per the PCRC rules and regulations but advised the applicant if they are donating the open space to the Town, they should make sure the leaching area is not included in the donated land and an access easement to maintain the system is provided.

Kaila Sauer went over the Planning Dept memo recommendations, noting the list of missing information needed from the applicant and recommended the Board to continue until all the information has been received.

Residents Comments: Richard Kelleher, member of the Design Review Board (DRB) raised concerns that the DRB has not reviewed the project.

Members of the Planning Board agreed to continue the hearing to allow for more information to be provided, and to receive comments from Conservation and the DRB.

Sam Bajwa motioned at 8:37PM to continue PB93-09 to 10/17/23 at 7:35PM. James Fuccione seconded the motion. Roll Call Vote: Jon Cappetta- Aye, Sam Bajwa- Aye, Michaela Moran-Aye, Nathan Cookson-Aye, James Fuccione-Aye, Patricia Clifford-Aye

5. PB23-07 – Public Hearing – 270 Great Road, Sign Special Permit

Jon Cappetta opened the public hearing at 8:38PM

Tracey Diehl presented proposed plans and is seeking a special permit to replace the existing sign with a sign that is larger than what is allowed in the bylaw (bylaw allows 6 square feet and the proposed sign is 6.7 square feet). She went over the dimensions and location of the proposed sign.

Patricia Clifford asked if there was a special permit for the sign that currently exists. Kaila Sauer confirmed a special permit for a secondary sign was approved in 2007 that was 10 square feet, which was 4 feet larger than what is allowed.

Residents' Comments: None

James Fuccione motioned at 8:48PM to approve PB23-07. Sam Bajwa seconded the motion. Roll Call Vote: Jon Cappetta- Aye, Sam Bajwa- Aye, Michaela Moran-Aye, Nathan Cookson-Aye, James Fuccione-Aye, Patricia Clifford-Aye

6. Update on Bumble Bee Way Subdivision, PB20-02 (46 High Street)

Developer Mark Gallagher, Attorney Erica Mastrangelo, Engineer Mike Carter of GCG met with the Planning Board to discuss the outstanding issues that need to be addressed at Bumble Bee Way. Mike Carter updated the Board on results of his site walk from this morning and referenced his memo (**memo noted below in documents used and posted publicly at <https://doc.actonma.gov/dsweb/Get/Document-88460/Site%20Visit%20091923%20Letter.pdf>**) He noted this was not a formal site walk or memo, rather to provide a current status update to the Board for the meeting tonight as requested by the Town. Mark Gallagher acknowledged the items that need to be addressed and requested an extension of the terms within the bond for the construction deadline to November 15th 2023.

Emily Laubscher, Jeff Fishman, Geoff Beach residents of Bumble Bee Way shared their frustrations and concerns of the ongoing construction on the site in regards to flooding and erosion issues that were referenced in the emails that were sent. Scott of Wellington property Management expressed concerns about erosion on their abutting property at Audubon Hill.

Geoff Beach asked for clarification on the construction deadline and terms of the bond. Planning Director, Kristen Guichard explained the process.

In response, Attorney Mastrangelo warned Geoff Beach and Emily Laubscher that by continuing to comment on the construction they risked violating non-disparagement agreements they had with Seal Harbor.

Kristen Guichard advised the Board that a vote would be needed to extend the terms within the bond for the construction deadline, and to determine if they want to vote that the Town would then pull the bond and finish construction if the outstanding items have not been addressed.

It was acknowledged that the grass would not be growing prior to completion in November, and that the bond should be held to assure the berms were fully established regardless of all structures being adequately completed this fall.

Jon Cappetta motioned at 10:05PM to extend the terms within the bond for the construction deadline to November 16th 2023 and pull the bond if the work is not complete. Roll Call Vote: Jon Cappetta- Aye, Sam Bajwa- No, Michaela Moran-Aye, Nathan Cookson-Aye, James Fuccione-Aye, Patricia Clifford-Aye

Michaela Moran motioned at 10:11PM to adjourn the meeting. James Fuccione seconded the motion. Roll Call Vote: Jon Cappetta- Aye, Sam Bajwa- Aye, Michaela Moran-Aye, Nathan Cookson-Aye, James Fuccione-Aye, Patricia Clifford-Aye

Materials used at this meeting:

Planning Board Agenda
Planning Board draft minutes 7.18

PB23-09 Materials as follows:

Application
Stormwater report
Plans
Continuation sheet
Planning Memo
Conservation Comments
Peer Review Comments
Health Comments

PB23-04 Materials as follows:

Application
Letter re Phoenix Adhesives
RH Adhesives Letter
308 Old High St Site Plan Peer Review
Acton Water District Comments
EDC Letter to PB
Fire Comments
Health Comments
Planning Memo

PB23-07 Materials as follows:

Application
Planning Memos
Health Comments

46 High Street Materials as follows

Bond construction deadline memo

Punch list

As built

Definitive Subdivision Plans

Bond Terms

Emily Laubscher comments

Geoff Beach Comments

Decision 20-02

Nashoba paving invoice

Mark Gallagher comments
Mindy Fishman comments
Registered Plan
Revised Plans 10/30
Site Visit letter 9.19.23