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Preliminary Subdivision Decision – 16-18  
Laurentide Circle  
November 1, 2016

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Planning Board

**TOWN OF ACTON**  
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**DECISION**

16-18

**Laurentide Circle**

Preliminary Subdivision (Residential Compound)

November 1, 2016

APPROVED (with Guidance)

Decision of the Acton Planning Board (hereinafter the Board) on the application of John L. Steele, Executor for property located in Acton, MA at 1 Brucewood Road, owned by the Estate of Marie J. Franzosa. The property is shown on the Acton Town Atlas as parcel G3-119 (hereinafter the Site).

This Decision is in response to an Application for Approval of a Preliminary Subdivision entitled "Laurentide Circle, a Residential Compound at 1 Brucewood Road, Acton, Massachusetts", filed with the Acton Planning Department on October 3, 2016, pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and the Acton Subdivision Rules and Regulations (hereinafter the Rules).

The Board held an advertised public meeting about the proposed subdivision on November 1, 2016. Daniel Carr of Stamski and McNary presented the application on behalf of the applicant. Board members Mr. Ray Yacouby (Chair), Mr. Derrick Chin, Mr. Jeff Clymer, and Mr. Bharat Shah were present throughout the meeting. The minutes of the meeting and submissions on which this Decision is based upon may be viewed in the Planning Department or the Town Clerk's office at the Acton Town Hall.

## **1 EXHIBITS**

Submitted for the Board's deliberation were the following exhibits:

- 1.1 An application package consisting of the following items and documentation as required by the Rules and Regulations or additionally provided:
  - A properly executed Application for Approval of Preliminary Plan, Form PP, received September 30, 2016;
  - Development Impact Form, Form DIR;
  - Certified Abutters List;
  - Deed;
  - Waiver request letter.
- 1.2 A plan entitled, "Preliminary Subdivision, Laurentide Circle, a Residential Compound at 1 Brucewood Road, Acton, Massachusetts", dated September 23, 2016 and consisting of three sheets - Title Sheet, Proof Plan, and Preliminary Residential Compound Plan.
- 1.3 Interdepartmental communication received from:
  - Planning Department, dated 10/14/16;
  - Health Department, dated 10/24/16;
  - Water Supply District of Acton, dated 10/21/16;
  - Engineering Department, dated 10/21/16;

Exhibits 1.1 through 1.2 are referred to herein as the Plan.

## **2 FINDINGS and CONCLUSIONS**

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Applicant proposes the subdivision as a Residential Compound under section 10 of the Rules. It provides for broad waivers from design standards set forth in section 8 and 9 of the Rules. It refers to the common driveway standards of the Zoning Bylaw (hereinafter the Bylaw) as a guideline for designing and constructing residential compound subdivisions. The application contains the requisite waiver request.
- 2.2 Section 10.1.2 of the Rules requires a Proof Plan for Residential Compound Subdivisions that demonstrates the ability to comply with the standard design and improvement requirements in Sections 8 and 9 of the Rules, including their subsections, and the dimensional requirements applicable to the zoning district in which the land is located. This requirement ensures that waivers granted for Residential Compound Subdivisions under section 10 of the Rules do not result in the creation of more lots than would be possible when observing the standard requirements of the Rules under Sections 8 and 9.
- 2.3 The Proof Plan demonstrates a standard subdivision road that meets the requirements under section 8.1.18 and the Typical Roadway Section, and zoning compliance for a total of three lots.
- 2.4 The Site is located within the Residence 2 (R-2) zoning district and the Groundwater Protection District Zone 4.

- 2.5 The proposed +/-227 foot long subdivision street would intersect with Brucewood Road approximately 200 feet east of Piper Road and approximately 350 feet southwest of Pinewood Road. These distances are acceptable and in compliance with the Rules.
- 2.6 Sight distances appear adequate in all directions.
- 2.7 The proposed street would replace the existing double driveway.
- 2.8 Elevations and grades on the Site appear suitable for a street to be constructed in compliance with grading requirements of the Rules.
- 2.9 The intersections and turn-around areas as shown appear to accommodate the dimensions of an SU-30 vehicle.
- 2.10 The Preliminary Residential Compound Plan shows the division of +/-2.22 acres (+/- 96,900 square feet) into three lots for single family residential use. The Site currently has one house on it, which would be demolished.
- 2.11 The proposed single-family residential uses are allowed on the Site in accordance with the Bylaw.
- 2.12 The proposed lots as shown would comply with the dimensional requirements of the Bylaw, Section 5.
- 2.13 The proposed siting of the homes on each lot complies with the minimum setback dimensions of the Bylaw, although the siting of the homes remains flexible within the building setback envelopes shown on the Plan.
- 2.14 Section 9.6 of the Rules requires the applicant to provide sidewalks on one side of the traveled street within the proposed subdivision and along the portion of any existing public street upon which the subdivision Site has frontage. The Board does not waive this requirement, except for allowing on a case by case basis (a) equivalent sidewalk construction in suitable alternative locations, or (b) an equivalent contribution to the Town's sidewalk fund, based on the Board's standard contribution rate of \$20/foot of sidewalk in proposed new subdivision streets and \$50/foot of sidewalk along existing street frontages. In this case the contribution would be approximately  $(200 \times \$20) + (250 \times \$50) = \$16,500$ .
- 2.15 The Board solicited comments from various Town departments. They are listed in Exhibit 1.4 above. The Board considered all comments in its deliberations and made them available to the Applicant. They are restated herein as required plan modifications or conditions as deemed appropriate by the Board.

### **3 BOARD ACTION**

The Board voted at its meeting on November 1, 2016, four in favor, none opposed to approve the preliminary subdivision with the Waivers and Other Guidance set forth below.


#### **3.1 WAIVERS**

- 3.1.1 The Applicant requested waivers from Section 8 (Design Standards) and Section 9 (Improvements) from the Rules to allow the construction of the street generally as shown on the Plan. This waiver is granted pursuant to Section 10 of the Rules, except for the requirement for sidewalks.

### **4 GUIDANCE FOR SUBMISSION OF A DEFINITIVE PLAN**

Unless stated or implied otherwise, the following shall be fulfilled and any necessary modifications to the Plan shall be made when filing an application for approval of a Definitive Plan:

- 4.1.1 Submit a proposed Street Covenant and Maintenance Agreement per Section 10 of the Rules.
- 4.1.2 Include a proposal for how to address the Rules' requirement for sidewalks. Before considering a contribution to the sidewalk fund, please contact the Acton Engineering Department to discuss the feasibility of constructing additional sidewalk along Piper Road south from Route 2 and Anders Way.
- 4.1.3 Assign street numbers for the lots as directed by the Engineering Department.
- 4.1.4 Contact the Acton Water District to ensure that plans for water infrastructure installations meet the District's requirements.
- 4.1.5 Unless directed otherwise by this Decision, the Definitive Plan and application shall comply with all the detailed requirements of the Rules whether specifically listed in this Decision or not, including but not limited to drainage details and calculations, profiles, cross sections, documentation on sight distances, sidewalks, and planting plans.
- 4.1.6 In preparing the Definitive Plan, the Applicant shall be responsive to review comments received from the various Town departments and committees and shall address them in a manner that resolves any concerns raised therein to the satisfaction of the Board. These comments are listed in Exhibit 1.3 above. Any conflicts between the departmental recommendations and the Rules shall be highlighted.
- 4.1.7 If applicable, the Applicant shall pay in full all property taxes and other municipal charges due, and penalties and back charges resulting from the non-payment of taxes prior to the application for approval of a Definitive Plan.

  
Kristen Guichard, AICP, Assistant Planner  
for the Town of Acton Planning Board

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**furnished:**

Applicant -  
certified mail #  
Town Clerk  
Fire Chief  
Owners

Building Commissioner  
Town Engineer  
Natural Resource Director  
Police Chief  
Assistant Assessor

Health Director  
Municipal Properties Director  
Town Manager  
Acton Water District