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Preliminary Subdivision Decision – 17-03
Pond View Way
May 16, 2017



Planning Board

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
pb@acton-ma.gov
www.acton-ma.gov

DECISION

17-03

Pond View Way

Preliminary Subdivision (Residential Compound)

May 16, 2017

APPROVED (with Guidance)

Decision of the Acton Planning Board (hereinafter the Board) on the application/owner of Salvation Trust LLC for property located in Acton, MA at 225 Newtown Road. The property is shown on the Acton Town Atlas as parcel C3-34 (hereinafter the Site).

This Decision is in response to an Application for Approval of a Preliminary Subdivision entitled “Pond View Way, a Residential Compound at 225 Newtown Road, Acton, Massachusetts”, filed with the Acton Planning Department on April 26, 2017, 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 May 16 2017. Ian Rubin, of Markey & Rubin, presented the application on behalf of the applicant. Board members Mr. Ray Yacoubi (Chairman), Mr. Derrick Chin (Vice Chair), Mr. Jeff Clymer, Mr. Anping Liu, Ms. Emilie Ying, and Mr. Jon Cappetta (Alternate) 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 April 26, 2017;
 - Development Impact Form, Form DIR;
 - Acton Certified Abutters List;
 - Littleton Certified Abutters List;
- 1.2 A plan entitled, "Pond View Way, Preliminary Subdivision - Residential Compound, 225 Newtown Road, Acton, Massachusetts", dated April 26, 2017 and consisting of five sheets – Cover Sheet, Proof Plan, Subdivision Layout Plan, Site Plan, Site Plan 2.
- 1.3 Interdepartmental communication received from:
 - Acton Water District, dated 4/27/17;
 - Engineering Department, dated 4/27/17;
 - Health Department, dated 5/1/17;
 - Planning Department, dated 5/10/17;
- 1.4 Public Comments
 - Brian Michon, dated 5/12/2017.

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 Site is located within the Residence 10/8 (R-10/8) zoning district and the Groundwater Protection District Zone 4.
- 2.2 The Preliminary Residential Compound Plan shows the division of +/- 5 acres (+/- 217,800 square feet) into two lots for single family residential use. The Site currently has one house on it, which would be demolished.
- 2.3 The proposed single-family residential uses are allowed on the Site in accordance with the Bylaw.
- 2.4 The proposed lots as shown would comply with the dimensional requirements of the Bylaw, Section 5. The proposed lots include land area in Littleton and section 5.3.7 in the ZBL allows area in an adjacent town to be counted towards minimum lot size.
- 2.5 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.
- 2.6 MGL. Ch. 41. Section 81L defines that a "Subdivision" shall mean the division of a tract of land into two or more lots.
- 2.7 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.

- 2.8 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.
- 2.9 The Proof Plan in a general manner demonstrates a standard subdivision road layout that meets the requirements of Section 8 and 9, and zoning compliance for a total of two lots except that, from viewing the proof plan, it is unclear if the proposed proof plan is in compliance with the maximum grade requirements of the Subdivision Rules and Regulations (Table 1). It requires a 10% maximum grade and a 2% maximum grade within 50 feet of intersection.
- 2.10 The minimum requirement of Section 8.1.7 of the Subdivision Rules and Regulation is that Arterial or Collector streets shall have a minimum centerline offset of 1000'. The subdivision plan is only serving one additional lot than previously existed. This requirement can be waived under the Residential Compound request.
- 2.11 The proposed street would replace the existing street curb cut for 225 Newtown Road.
- 2.12 Elevations and grades on the Site appear suitable for the residential compound to be constructed in compliance with grading requirements of the Rules.
- 2.13 The intersection and turn-around areas as shown appear to accommodate the dimensions of an SU-30 vehicle.
- 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 $(100 \times \$20) + (380 \times \$50) = \$21,000$
- 2.15 The Board solicited comments from various Town departments. They are listed in Exhibit 1.3 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 May 16, 2017, five in favor, none opposed to approve the preliminary subdivision with the Waivers and Other Guidance set forth below.

3.1 WAIVERS

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 Submit a proposed Street Covenant and Maintenance Agreement per Section 10 of the Rules.
- 4.2 Provide a draft recordable restriction for lot 4A that restricts a driveway off Newtown Road.
- 4.3 Show a profile for the proof plan roadway for the Definitive Plan.
- 4.4 Include a proposal for how to address the Rules' requirement for sidewalks. Either building the required sidewalk, making a donation to a Town fund for sidewalks, bicycle facilities, or transit improvements, or building a 420 feet stretch of sidewalk on Newtown Road between Simon Willard Road and Minuteman Road.
- 4.5 Assign street numbers for the lots as directed by the Engineering Department and Fire Departments.
- 4.6 Contact the Acton Water District to ensure that plans for water infrastructure installations meet the District's requirements.
- 4.7 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.
- 4.8 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.
- 4.9 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.



Roland Bartl
Roland Bartl, AICP, Planning Director
for the Town of Acton Planning Board

Copies
furnished:

Applicant / Owners-
certified mail #
Town Clerk
Land Use Departments

Acton Water District
Police Chief
Historical Commission
Manager's Department

Engineer Department
Fire Department
Sidewalk Committee
GIS Department