

Stamski And McNary, Inc.
Engineering - Planning - Surveying
80 Harris Street
Acton, MA 01720

Application for Approval of a Definitive Plan

Under the Subdivision Control Law and the Acton Planning
Board Subdivision Rules and Regulations

for

COLONIAL PATH RESIDENTIAL COMPOUND ACTON, MA

Location: Assessors Map H3B Parcels 68 & 69
#7 & #11 Sylvia Street
Acton, MA

Applicant: **Sylvia Fletcher, LLC**
12 Assabet Crossing
Acton, MA 01720

Owners: Sylvia Fletcher, LLC
12 Assabet Crossing
Acton, MA 01720

Dominic Castelline
11 Sylvia Street
Acton, MA 01720

Date: November 7, 2005

SM-3276A

NOV 29 2005

Acton, MA
2005-11-29 10:00 AM

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Attached Full Size Plans

“Definitive Subdivision Plan”

For

Colonial Path

A Residential Compound

Acton, Massachusetts

For: Sylvia Fletcher, LLC

Scale: 1”=40’; November 7, 2005

By: Stamski And McNary, Inc.

“Proof Plan”

in

Acton, Massachusetts

For: Sylvia Fletcher, LLC

Scale: 1”=40’; April 29, 2005

By: Stamski And McNary, Inc.

5.2.1

**FORM DP
APPLICATION FOR APPROVAL OF DEFINITIVE PLAN**

ACTON PLANNING BOARD

FORM DP

APPLICATION for APPROVAL of DEFINITIVE PLAN

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Acton for Approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in the Town of Acton.

(Please type or print information in blanks below.)

- 1. Name of Proposed Subdivision Colonial Path
- 2. Name of Applicant(s) Sylvia Fletcher, LLC
 Contact Address 12 Assabet Crossing, Acton, MA 01720 Phone: 2.(978) 263-7695
(978) 461-0197
- 3. Name of Property Owner(s) 1. Sylvia Fletcher, LLC
2. David Castelline & Paul Castelline
- 4. Name of Engineer Stamski and McNary, Inc.
 Address 80 Harris Street, Acton, MA 01720 Phone (978) 263-8585
- 5. Name of Land Surveyor Stamski and McNary, Inc.
 Address 80 Harris St., Acton, MA 01720 Phone (978) 263-8585
- 6. Deed of property recorded in Middlesex South Registry Of Deeds, Book Number 42692
243
 Page Number 48; and/or registered in Middlesex Registry of Land Court, Certificate of Title Number _____
- 7. Zoning District R-2, Town Atlas Map No. H3B Parcel No. 68 & 69
 Approximate acreage in subdivision 2.91±, Number of Lots _____
 Total length of road(s) in feet 483.28'
 Location and Description of Property The property is a combination and resubdivision of #7 and #11 Sylvia Street
- 8. Said plan has (X)/ has not () evolved from a preliminary plan submitted to the Board on APRIL 29 2005; and approved (with modifications) (X) or disapproved () on MAY 24 2005.

Paul Saboury 11/28/05
Applicant(s) Signature, Date

ITS MEMPHIS 11-28-05
Applicant(s) Signature, Date
Owner(s)

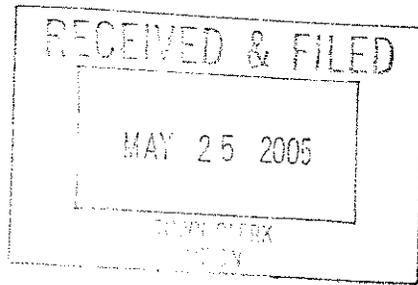
David Castelline 11/24/05
Owner(s) Signature, Date

Paul Castelline 11/24/05
Owner(s) Signature, Date

All owners (in the case of a corporation, an authorized officer; in the case of a trust, all trustees) must sign.



Planning Board



TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
pb@acton-ma.gov
www.acton-ma.gov

DECISION

05-03

Colonial Path

Preliminary Subdivision (Residential Compound)

May 24, 2005

APPROVED (with Conditions)

Decision of the Acton Planning Board (hereinafter the Board) on the application of Sylvia Fletcher LLC of 12 Assabet Crossing, Acton MA (hereinafter the Applicant) for property owned by the Applicant, and Dominic Castelline of 11 Sylvia Street, Acton MA. The property is located at 7-11 Sylvia Street in Acton MA and shown on the Acton Town Atlas map H3B, as parcels 68 and 69 (hereinafter the Site).

This Decision is in response to an Application for Approval of a Preliminary Subdivision Plan entitled "Preliminary Plan for Colonial Path, a Residential Compound, Acton, MA", filed with the Acton Planning Department on April 29, 2005, pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and the Acton Subdivision Rules and Regulations (hereinafter the Rules).

Messrs. Paul Gaboury and Glen Kaufmann, representing the Applicant, attended the advertised public meeting of the Board on May 24, 2005. Mr. Richard Harrington of Stamski and McNary, Inc. presented the subdivision proposal to the Board. Board members Gregory E. Niemyski (Chairman), William F. King, Ruth M. Martin, Christopher R. Schaffner, and Edmund R. Starzec were present. The minutes of the meeting and submissions on which this decision is based upon may be referred to 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 A plan entitled "Preliminary Plan for Colonial Path, a Residential Compound, Acton, MA", dated 4/29/05, drawn by Stamski and McNary, Inc., consisting of one sheet.
- 1.2 A plan entitled "Proof Plan in Acton, MA, for Sylvia Fletcher LLC, dated 4/29/05, drawn by Stamski and McNary, Inc., consisting of one sheet.
- 1.3 Supplemental items and documentation required by the Rules consisting of:
 - An Application for Approval of a Preliminary Plan, form PP, dated April 8, 2005.
 - Filing fee.
 - A completed Development Impact Report, form DIR.
- 1.4 Additional information submitted by the Applicant:
 - A certified list of abutters.
- 1.5 Interdepartmental communication received from:

- Acton Building Commissioner, dated 5/4/05;
- Acton Engineering Administrator, dated 5/17/05;
- Acton Health Department, dated 5/5/05;
- Acton Treasurer's Office, received 5/16/05;
- Acton Tree Warden & Municipal Properties Dir., dated 5/13/05;

Exhibits 1.1 through 1.3 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 5-lot subdivision as a Residential Compound under Section 10 of the Rules. It provides for broad waivers to "permit small-scale residential subdivisions in a manner that minimizes Town maintenance responsibility and cost, while simultaneously preserving the rural character of the Town". It refers to the common driveway standards of the Bylaw as a guideline for laying out and constructing residential compound subdivisions.
- 2.2 The Applicant has not requested any specific waivers from the Rules. However, the proposal as a Residential Compound contemplates waivers from sections 8 and 9 of the Rules. The Board, in its discretion, may grant waivers to any or all, or to none of the portions of these sections.
- 2.3 The proposed subdivision is located within the Residence 2 zoning district, the Affordable Housing Overlay Sub-district B, and the Groundwater Protection District Zone 4.
- 2.4 The Plan shows the division of approximately 2.86 acres into five lots. Presently, the site is composed of two lots. Each has a single-family residence on it. One of the existing houses would be razed.
- 2.5 The existing and the four proposed new single-family residences are allowed on the Site in accordance with the zoning bylaw (hereinafter the Bylaw), including all overlay district requirements.
- 2.6 The proposed lots as shown on the Plan comply with the area and frontage requirements of the Bylaw, including all overlay district requirements.
- 2.7 The Plan shows a +/-300-foot long subdivision street (to the center of the turnaround), named Colonial Path, that intersects with Sylvia Street. The proposed pavement width is 16 feet within a 30-foot wide layout. The proposed loop-turnaround has a center island and a 50-foot sideline radius. These street dimensions require waivers under section 10 of the Rules.
- 2.8 The Applicant has submitted a "proof plan" that shows a 5-lot subdivision with the standard street dimensions required by the Rules and lot areas and frontages that meet the minimum Bylaw requirements.
- 2.9 Traffic on the proposed street will be light. A Residential Compound more or less as proposed is appropriate for the Site.
- 2.10 By reference to the common drive standards of the Bylaw, the Rules require that "adequate drainage shall be provided. Due to the low-intensity if use and vehicle traffic, Low Impact Development (LID) options could be considered for purposes of handling storm water runoff. Generally, LID design seeks to avoid or minimize storm water discharge from the site, to disperse groundwater recharge locations throughout the site rather than concentrate recharge in one or few areas, and to handle storm water primarily with above-ground facilities and structures such as swales, recharge beds, or porous pavers.

- 2.11 The Site abuts an abandoned railroad right-of-way that is the future route of the Assabet River Rail Trail. The Sylvia Street runs up to the railroad right-of-way. Sylvia Street will be neighborhood and emergency access point to the rail trail.
- 2.12 Abutting land on Fletcher Court appears to be under consideration for new residential development in the near future. Neighborhoods and neighborhood streets should be connected wherever possible.
- 2.13 The application did not include a draft common driveway maintenance agreement and covenant as required under section 10 of the Rules. These documents will be required with the definitive plan application.
- 2.14 The Board has received comments from various Town departments, which are listed as Exhibit 1.5 above. The Board has considered these comments in its deliberations and made them available to the Applicant.

3 BOARD ACTION

Therefore, subject to and with the benefit of the following waivers, conditions, and plan modifications, the Board voted unanimously on May 24, 2005 to APPROVE the preliminary subdivision.

3.1 WAIVERS

Waivers from the Rules in accordance with section 10 seem appropriate to allow the street layout and design generally as depicted on the Plan. As a general policy, the Board does not waive sidewalk requirements of the Rules. However, the Board often considers or even requires sidewalk or other pedestrian or bicycle accommodations in alternate locations where they would be more useful to the general public as well as the Applicant's project. In this case, the Board requires the following as an alternative to meeting the standard sidewalk requirements of the Rules:

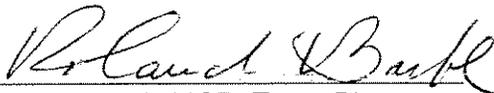
- 3.1.1. Show on the definitive plan an extension of Sylvia Street to the boundary of the abutting railroad right-of-way. The extension shall be 12 feet wide and paved to street construction standards in order to accommodate emergency vehicle access to, and match the width of the future rail trail. The extension shall be located at or near the northerly edge of the Sylvia Street layout to allow the option for parking spaces on the other side.

3.2 CONDITIONS and PLAN MODIFICATIONS

Unless stated or implied otherwise, the conditions shall be fulfilled and the modifications to the Plan shall be made before filing the application for approval of a definitive plan.

- 3.2.1. Show all modifications required under '3.1 Waivers' above.
- 3.2.2. Correct the ownership designation of the abutting railroad right of way to "MBTA".
- 3.2.3. Propose a LID drainage design that includes some redundancy and extra capacity, is simple to design, and functions in the winter months.
- 3.2.4. Submit a draft common driveway maintenance agreement and covenant for the street and all its appurtenances as required under section 10 of the Rules, including an operation and maintenance plan for the proposed drainage system.
- 3.2.5. Show drainage easements on the lots for any street related drainage facilities.
- 3.2.6. Assign and label street addresses for the lots.
- 3.2.7. Consult with the Fire Chief regarding adequacy of the turnaround and general fire protection issues, and make Plan changes as necessary.

- 3.2.8. Show adequate monumentation of the lots and the street as recommendation in the Engineering Department comment memo.
- 3.2.9. Assess and document the ground's recharge capacity in the locations where storm water recharge is proposed
- 3.2.10. Separate as far as possible the inlet and outlet locations in the drainage basin on lot 5.
- 3.2.11. Add a plan note requiring cleaning and repair of the 10-inch drain pipe under Sylvia Street.
- 3.2.12. Unless directed otherwise by this decision, the definitive plan shall comply with all requirements of the Rules, and shall address all departmental comments received by the Board in a manner that resolves any concerns raised therein to the satisfaction of the Board.
- 3.2.13. All property taxes and other municipal charges must be paid prior to the application for approval of the definitive plan.



Roland Bartl, AICP, Town Planner
for the Acton Planning Board

Copies to:

Applicant
Engineering Administrator
Conservation Administrator
Town Assessor

Building Commissioner
Municipal Properties Director
Town Manager
Historical Commission

Board of Health
Town Clerk
Fire Chief

I:\planning\planning board\decisions\05-03 colonial path prelim subd.doc

5.2.2

DEVELOPMENT IMPACT REPORT

FORM DIR

DEVELOPMENT IMPACT REPORT

The Development Impact Report (DIR) is intended to serve as a guide to the applicant in formulating the development proposal, as well as a guide to the Planning Board in its evaluation of the proposed development in the context of existing conditions and planning efforts by the Town. The DIR should be prepared as early in the development process as possible, even if certain aspects are unknown at that time. It is recommended that the various aspects of the DIR, together with a conceptual development plan, are discussed with the Planning Department staff as soon as possible, prior to the filing of an application for approval of a preliminary plan.

The DIR seeks to raise the broad range of issues generally associated with development plans in a form and in a language that is understandable to a layperson. It assesses development impacts which could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information which will help the Town plan ahead and ensure adequate services in the future. It is the hope of the Planning Board that the use of the DIR, along with early consultations with the Planning Department staff and the applicant's continuing cooperation throughout the development process, will foster a development of excellent quality and design sensitive to Acton's natural and historic heritage and other community concerns.

The DIR shall be filed with an application for approval of a preliminary and a definitive subdivision plan. The DIR shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment. In preparing the DIR, professionals of the respective fields shall be consulted and a systematic, interdisciplinary approach shall be utilized which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning, designing and engineering of the proposed project.

DEVELOPMENT IMPACT REPORT

Please type or print information in blanks below.

1. Name of Proposed Subdivision COLONIAL PATH "A Residential Compound"
2. Location #7 & #11 Sylvia Street Assessor's Map H3B Parcels 68 & 69
3. Name of Applicant(s) Sylvia Fletcher, LLC
4. Brief Description of the Proposed Project A proposed Residential Compound consisting of two existing and three proposed detached single family dwellings to be served by a 470' private way."Colonial Path" designed to the standards for a common driveway. The existing dwelling at #7 Sylvia Street will be razed and the existing dwelling at #11 Sylvia Street will remain.
5. Name of Individual Preparing this DIR Richard J. Harrington, P.E.
 Address Stamski And McNary, Inc. 80 Harris St. Business Phone (978) 263-8585 ext. 111
Acton, MA 01720
6. Professional Credentials Commonwealth of MA Registered Professional Engineer Lic. # 41298
Member of American Society of Civil Engineers

A. Site Description

7. Present permitted and actual land uses by percentage of the site.

| <i>Uses</i> | <i>Percentage</i> |
|-----------------|-------------------|
| Industrial | 0 |
| Commercial | 0 |
| Residential | 100 |
| Forest | 0 |
| Agricultural | 0 |
| Other (specify) | 0 |

8. Total acreage on the site: 2.91+/- acres.

| Approximate Acreage | At Present | After Completion |
|---|-------------------|-------------------------|
| Meadow or Brushland (non agriculture) | 0 | 0 |
| Forested | 2.45 +/- | 0.15 +/- |
| Agricultural (includes orchards, cropland, pasture) | 0 | 0 |
| Wetland | 0 | 0 |
| Water Surface Area | 0 | 0 |
| Flood Plain | 0 | 0 |
| Unvegetated (rock, earth, or fill) | 0 | 0 |
| Roads, buildings and other impervious surfaces | 0.12 +/- | 0.62 +/- |
| Other (indicate type) <u>Lawn Area</u> | 0.34 +/- | 2.14 +/- |

9. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *Note: be sure to include overlay zoning districts.*

| District | Percentage |
|---|-------------------|
| Residence 2 (R-2) | 100 |
| Groundwater Protection District Zone 4 | 100 |
| Affordable Housing Overlay Sub-District B | 100 |
| | |
| | |

10. Predominant soil type(s) on the site: 28B Scituate Fine sandy Loam 3-8%; 122B Paxton Fine Sandy Loam 3-8%

Soil drainage (Use the US Soil Conservation Service's definition)

| Soil Type | % of the Site |
|-------------------------|----------------------|
| Well drained | |
| Moderately well drained | 100 |
| Poorly drained | |

11. Are there bedrock outcroppings on the site? yes no
12. Approximate percentage of proposed site with slopes between:

| Slope | % of the Site |
|------------------|----------------------|
| 0 - 10% | 97 |
| 10 - 15% | 3 |
| greater than 15% | 0 |

13. In which of the Groundwater Protection Districts in the site located? How close is the site to a public well?

Zone(s) 4 Proximity to a public well: 7,400 +/- feet

14. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (Consult with the Massachusetts National Heritage Program and the Acton Natural Resources Director).

yes no

If yes, specify: _____

15. Are there any unusual or unique features on the site such as trees larger than 30 inches D.B.H., bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formation or granite bridges?

yes no

If yes, specify: _____

16. Are there any established foot paths running through the site or railroad right of ways?

yes no

If yes, specify: _____

17. Is the site presently used by the community or neighborhood as an open space or recreation area? yes no

Is the site adjacent to conservation land or a recreation area? yes no

If yes, specify: _____

18. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? yes no

If yes, specify: _____

19. Are there wetlands, lakes, ponds, streams, or rivers within or contiguous to the site? yes no

If yes, specify: _____

20. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? yes no

If yes, specify: _____

21. Has the site ever been used for the disposal of hazardous waste? Has a 21E Study been conducted for the site? yes no

If yes, specify results: No, to the best of the preparer's knowledge, existing land use is for two existing residential dwellings.

22. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? yes no

If yes, specify _____

23. Does the project contain any buildings or sites of historic or archaeological significance? (Consult with the Acton Historic Commission or the Action Historical Society.)

yes no

If yes, please describe _____

- a. Describe nature, location and surface water body receiving current surface water of the site: The site is located approximately 2,000 feet upstream of Fort Pond Brook. Runoff from the eastern portion of the site near #7 Sylvia Street leaves the site through an existing 10" diameter culvert under Sylvia Street. Runoff from the remainder of the site behind #11 Sylvia leaves the site via sheet flow along the westerly property line through the stone wall and into a defined drainage ditch along the edge of the railroad. Runoff from the entire site eventually joins back together within the wetland area associated with Fort Pond Brook.
- b. Describe the proposed storm drainage system and how it will be altered by the proposed development: Catch basins will direct runoff from the private way into the drainage basin and subsurface drainage areas to control peak rates of runoff. Excess runoff will be then directed back into its natural drainage patterns prior to leaving the site.
- c. Will a NPDS Permit be required? X yes ___ no

35. In the event of fire, estimate the response time of the fire department (consult with Fire Dept.)

3-4 Minutes

36. Schools (if residential)

a. Projected number of new school age children: 1.67x3 new dwellings= 5.01

b. Distance to nearest school: 8,000' +/-

E. Measures to Mitigate Impacts

Attach brief descriptions of the measures that will be taken to:

37. Prevent surface water contamination.
38. Prevent groundwater contamination.
39. Maximize groundwater recharge.
40. Prevent erosion and sedimentation.
41. Maintain slope stability.
42. Design the project to conserve energy.
43. Preserve wildlife habitat.
44. Preserve wetlands.
45. Ensure compatibility with the surrounding land uses.
46. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment rate of runoff for the 10-year storm event..
47. Preserve historically significant structure sand features on the site.
48. To mitigate the impact of the traffic generated by the development.

Please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, graphics shall be used. List sources of data, reference materials, and methodology used to determine all conclusions. Use additional sheets as necessary.

Development Impact Report
Section E Measures to Mitigate Impacts

37. Prevent surface water contamination The private way drainage will be directed into a closed drainage system composed of deep sump and hooded catch basins. The deep sump and hooded catch basins will act as pre-treatment by collecting driveway sediment and prohibiting oil and gas from entering the drainage system. After which, runoff will be directed into either the subsurface drainage area under the cul-de-sac turnaround or the drainage basin near Sylvia Street. The subsurface drainage area and drainage basin will be implemented prior to the discharge of runoff from the site. The discharge will be directed through the existing culvert.
38. Prevent groundwater contamination The septic system on each lot will be designed to meet or exceed Title V and the Town of Acton Board of Health standards. Each lot will be served by town water. The drainage system will be designed to treat and discharge the runoff so as to prevent contamination of the groundwater. In addition, all private way drainage will be directed into a stormwater management system as described above. This stormwater management system will contain any potential pollutants (i.e. oil and gas) before they can reach the groundwater table.
39. Maximize groundwater recharge Recharge of runoff for the private way will be provided within the proposed subsurface drainage area. The proposed drainage basin will also provide for additional recharge of runoff. The overall drainage concept for this site is to direct runoff away from the dwellings and driveways and onto the vegetated areas wherever possible.
40. Prevent erosion and sedimentation During construction, a haybale and/or siltation fence will be placed between the limit of construction and the edge of the property, which will remain in place until a vegetative cover is established. Any silt, construction debris, etc. shall be removed from the public way or abutting property immediately upon discovery. All sediments spilled, dropped, or washed into public rights-of-ways shall also be removed immediately. A "Stabilized Construction Entrance" will be located at the intersection with Sylvia Street. The "Stabilized Construction Entrance" will be removed and replaced with gravel prior to placement of pavement. All catchbasins and manhole rims will be covered with siltation fabric and haybales. The sumps will be cleaned out immediately upon completion of construction activities. All cut and fill slopes will be stabilized immediately with six inches (6") of loam and seed during the growing season (April 1 to November 1) or with haymulch during the non-growing season (November 1 to April 1). Any fill material used shall be free of hazardous material and construction debris. Rip rap will be placed at the end of all drainage outlets. The developer shall comply with the Erosion and Sedimentation Control Plan.
41. Maintain slope stability All cut and fill slopes will be stabilized immediately with six inches (6") of loam and seed during the growing season (April 1 to November 1) or with haymulch during the non-growing season (November 1 to April 1). Haybales and/or siltation fence shall remain in place until vegetation has been established. An Erosion and Sedimentation Control Plan will be prepared which will provide the necessary details.
42. Design the project to conserve energy The proposed dwellings will meet the stringent requirements of the state and local building codes.
43. Preserve wildlife habitat The site is not located within an area of estimated habitat of rare wildlife. Existing vegetation shall be preserved wherever possible.

44. Preserve wetlands There are no wetlands located within the site.

45. Ensure compatibility with the surrounding land uses The surrounding land uses are composed of residential single family homes along Sylvia Street and Fletcher Court. The existing and proposed use of the property is also residential. The approval of a residential compound will maintain the feel of a small neighborhood, since there will be less pavement, tree clearing and drainage required for a common driveway as opposed to a full subdivision road.

46. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment. See 37, 38 & 39. The subsurface drainage area and drainage basin for the private way will provide the storage and the controls necessary to disperse and slow down runoff from developed areas to below predevelopment runoff rates.

47. Preserve historically significant structures and features on the site The existing stone wall along the westerly line of the property will be preserved.

48. To mitigate the impact of the traffic generated by the development The proposed private way is a minor way designed to common driveway standards. The project will only generate traffic from three additional residential dwellings. A stop sign currently exists at the intersection of Sylvia Street with Main Street. The vehicle trips generated from this proposed development are well below any daily volume threshold that would effectively put a strain on the existing streets.

5.2.3

**FILING FEE
(COPY OF CHECK)**

Appendix C

| SUBDIVISION FEE SCHEDULE | |
|---------------------------------|---|
| PRELIMINARY PLAN | \$1000.00 or \$500.00 + \$0.50/foot of road, whichever is greater |
| DEFINITIVE PLAN | |
| Following a Preliminary Plan | \$2000.00 + \$5.00/foot of road (483.28 x \$5) = \$4416.40 |
| Without Preliminary Plan | \$2500.00 + \$8.00/foot of road |
| Modification or Amendment | \$2000.00 + \$5.00/foot of road |
| Rescission | \$500.00 |
| ANR PLAN | |
| No New Lot Lines | \$25.00 |
| New Lot Lines | \$100.00 + \$50.00/lot |

198

SYLVIA FLETCHER LLC
 12 ASSABET CROSSING
 ACTON, MA 01720

DATE 11/28/05

5-13/110

PAY TO THE
 ORDER OF

Town of Acton

\$ 4416⁴⁰

Forty-four Hundred Sixteen + ⁴⁰/₁₀₀

DOLLARS

Bank of America



82109

Maynard, Massachusetts

FOR _____

Paul Gaboury

⑈000198⑈ ⑆011000138⑆ 94190 20116⑈

5.2.4

**DEFINITIVE SUBDIVISION PLAN
(SEE ATTACHED)**

5.2.5

**FORM DC
DESIGNERS CERTIFICATE**

ACTON PLANNING BOARD

FORM DC

DESIGNER'S CERTIFICATE

I hereby certify that the accompanying plan entitled Definitive Subdivision Plan for Colonial Path
dated 11/7/05

is correct, stating that the perimeter traverse of the subdivision before adjustment was closed to
an accuracy of a ratio "error of closure" not to exceed 1/15000*; that it is a subdivision of _____

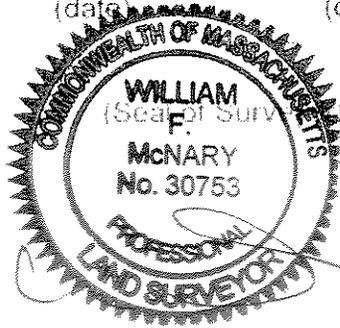
acres conveyed by A. Mary Schofield
B. Dominic P. & Alice A Castelline to
A. Sylvia Fletcher, LLC
B. David Castelline and Paul Castelline by a deed, dated

A. 05/04/04
B. 05/05/05 and recorded in Middlesex County Registry of Deeds South District.
Book A. 42692 Page A. 243
B. 45128 B. 48

Other sources of information used in the preparation of the plan are

- 1 Other deeds and plans, as follows Plan No. 614 of 1929, Plan No. 1490 of 1971 and
Plan No. 256 of 1974
- 2 Oral information furnished by _____
- 3 Other Main Street County Layout (1921), Railroad VAL Plans

Furthermore, I certify that this survey was made on the ground in accordance with the "Procedural and
Technical Standards for the Practice of Land Surveying", Section 250 CMR** 5.0 between
3/28/03 and 12/10/04
(date) (date)



Signed [Signature] 28 NOV 05
Registered Land Surveyor Date
Address STANYSKI AND MCNARY, INC
80 HAZARD STREET, ACTON, MA 01720
Registration No 30753

*As described in the "1980 Manual of Instructions for the Survey of Lands and Preparation of Plans"
published by the Land Court of the Commonwealth of Massachusetts, as most recently amended
** Code of Massachusetts Regulations

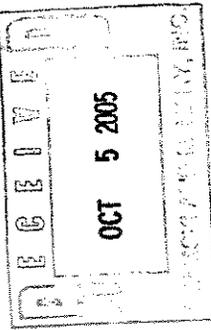
5.2.6

CERTIFIED LIST OF ABUTTERS



Brian McMullen
Assistant Assessor

Parcel Location: 7 & 11 Sylvia St
Parcel I.D.: H3 B-68 & 69



Town of Acton
472 Main Street
Acton, MA 01720
Telephone (978) 264-9622
Fax (978) 264-9630

| Location | Parcel ID | Owner | Co-Owner | Mailing Address | City | ST | Zip |
|----------------------|-----------------|-------------------------------------|-----------------------------------|-------------------------|------------|----|-------|
| 2 FLETCHER CT | H3 B 70 | MORANGE RICHARD A | MORANGE EILEEN R | 2 FLETCHER CT | ACTON | MA | 01720 |
| 5 FLETCHER CT | H3 B 27 | SUMMERS-MCGUINNESS MICHAEL P | SUMMERS-MCGUINNESS TAI | 5 FLETCHER CT | ACTON | MA | 01720 |
| 2 FLETCHER CT BESIDE | H3 B 51 | MORANGE RICHARD A | MORANGE EILEEN R | 2 FLETCHER CT | ACTON | MA | 01720 |
| 52 MAIN ST | H3 B 86 | TOLMAN JOHN H | TOLMAN PRISCILLA H | 1 BERRY RD - CLOUGH PON | CANTERBURY | NH | 03224 |
| 54 MAIN ST | H3 B 82 | THOMPSON KIRSTEN J | MARILYN | 54 MAIN ST | ACTON | MA | 01720 |
| 56 MAIN ST | H3 B 80 | PINTABONA RICHARD | JOAN F | 56 MAIN ST | ACTON | MA | 01720 |
| 62 MAIN ST | H3 B 71 | MURPHY PAUL C | MALLOY DEBORAH ET AL | 62 MAIN ST | ACTON | MA | 01720 |
| 64 MAIN ST | H3 B 59 | CAMPBELL DAVID B + KAREN E LIFE EST | WILLIAMSON STEPHEN | 64 MAIN ST | ACTON | MA | 01720 |
| 68 MAIN ST | H3 B 52 | UHRIG ELIZABETH | NASH BARRIE S | 68 MAIN ST | ACTON | MA | 01720 |
| 74 MAIN ST | H3 B 43 | KAUFMAN JODY | ANNA | 74 MAIN ST | ACTON | MA | 01720 |
| 99 MARTIN ST | H2 128 | SIMEONE MODESTO | SIMA | 91 MARTIN ST | ACTON | MA | 01720 |
| 100 MARTIN ST | H2 111 | MAITLAND TERRENCE | | 100 MARTIN ST | ACTON | MA | 01720 |
| 12 SYLVIA ST | H2 134 | GAEBEL GEORGINA R | | 36 SARGENT ROAD | BOXBORO | MA | 01719 |
| 10 PINE ST | I2 4 | MCKELVIE CURT A | MCKELVIE MICHELLE LEE | 10 PINE ST | ACTON | MA | 01720 |
| 3 SYLVIA ST | H3 B 51 | MARTINEAU JANICE C | MARTINEAU JOSEPH E | 3 SYLVIA ST | ACTON | MA | 01720 |
| 4 SYLVIA ST | H3 B 79 | HIPSKY DAVID B | HIPSKY SUSAN F | 4 SYLVIA ST | ACTON | MA | 01720 |
| 8 SYLVIA ST | H3 B 78 | MALLOY TIMOTHY J | MALLOY DEBORAH CAMPBELL | 8 SYLVIA ST | ACTON | MA | 01720 |
| 92 MARTIN ST | H2 102 | HOUGHTON, ROBERT W | BOLSTER, SARAH C. | 92 MARTIN ST | ACTON | MA | 01720 |
| 90 MARTIN ST | H2 95 | CAOQUETTE FRANCES S | CAOQUETTE MARY ANN + SIMEGNE JOHN | 90 MARTIN ST | ACTON | MA | 01720 |
| B & M RAILROAD | MARLBORO BRANCH | ATTN: MANAGER-RAILROAD PROPERTY | TEN PARK PLAZA | ROOM 5750 | BOSTON | MA | 02115 |

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE PLANNING BOARD, TOWN HALL, IN THE FOLLOWING TOWNS:

Boxborough, MA 01729 Maynard, MA 01754 Concord, MA 01742 Littleton, MA 01460
 Carlisle, MA 01741 Stow, MA 01775 Westford, MA 01886 Sudbury, MA 01776

April L. Thomas
Assessing Clerk

2/18/2005

5.2.7

STATEMENT FROM DEVELOPER

SYLVIA FLETCHER, L.L.C.
12 ASSABET CROSSING
ACTON, MASSACHUSETTS 01720

November 28, 2005

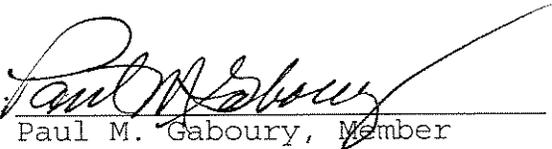
Planning Board
Town of Acton
472 Main Street
Acton, MA 01720

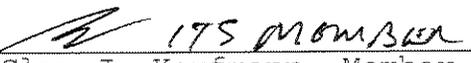
Re: "Colonial Path", Application for
Approval of Definitive Plan

Ladies and Gentlemen:

In connection with the above-noted Application, specifically Section 5.2.7 of the Town of Acton Subdivision Rules and Regulations, this is to advise you that Sylvia Fletcher, L.L.C. will retain the fee in the streets shown on the plans submitted therewith and upon the construction of the streets and installation of services will, at the request of the Town of Acton, grant to the Town the fee (or an easement for all purposes for which streets are used) in such streets; and will, at the request of the Town of Acton, grant to it any drainage or other easements shown on said plans.

Sylvia Fletcher, L.L.C.

By: 
Paul M. Gaboury, Member

By: 
Glen J. Kaufmann, Member

5.2.8

**FORM LN
DRAFT OF LEGAL ADVERTISEMENT**

ACTON PLANNING BOARD

FORM DP-LN

LEGAL NOTICE OF PUBLIC HEARING

ACTON PLANNING BOARD

The Acton Planning Board will hold a public hearing on _____, 20____, at
_____ in the Acton Memorial Library, 486 Main Street, Acton, Massachusetts to discuss a
proposed subdivision of land entitled DEFINITIVE SUBDIVISION PLAN FOR
COLONIAL PATH A RESIDENTIAL COMPOUND as
petitioned by SYLVIA FLETCHER, LLC. This subdivision
consists of 2.94- acres to be divided into 5 lots. The land is located in Acton,
Massachusetts off of SYLVIA STREET and shown on Town Atlas Map(s)
H3B, Parcel(s) 68 & 69. Plans may be viewed at the Office of the Planning Board or
the Office of the Town Clerk.

5.2.9

WAIVER REQUEST LETTER

November 7, 2005

Acton Planning Board
472 Main Street
Acton, MA 01742

Re: Colonial Way Subdivision, A Residential Compound
Waiver Request Letter

Members of the Board:

On behalf of our client, Sylvia Fletcher, LLC, we hereby request waivers from Section 8, Design Standards, and Section 9, Improvements, of the Acton Subdivision Regulations. The private driveway has been designed to Common Driveway Standards which is the general rule established under Section 10.1.2 of the Acton Subdivision Regulations.

The reason for granting the requested waivers is to allow the applicant to build a small scale residential subdivision in a manner which minimizes Town maintenance, responsibility and cost, while simultaneously preserving the rural character of the Town.

Respectfully,
For: Stamski and McNary, Inc.



Robert Blanchette, E.I.T.



Joseph March, P.E., P.L.S.

5.2.10

**LETTER AUTHORIZING TOWN TO COMPLETE
DRIVEWAY**

SYLVIA FLETCHER, L.L.C.
12 ASSABET CROSSING
ACTON, MASSACHUSETTS 01720

November 28, 2005

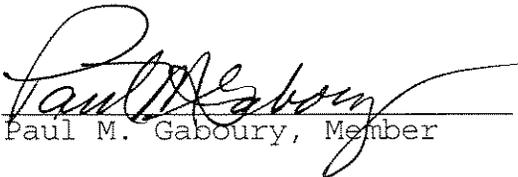
Planning Board
Town of Acton
472 Main Street
Acton, MA 01720

Re: "Colonial Path", Application for
Approval of Definitive Plan

Ladies and Gentlemen:

In connection with the above-noted Application, specifically Section 5.2.10 of the Town of Acton Subdivision Rules and Regulations, the undersigned does hereby authorize the Town of Acton, acting by and through its various departments and representatives, to enter upon the land which is the subject of the above-noted Application, for the purpose of completing any services and streets not completed by the Applicant/Developer in accordance with the aforementioned Application, any plans submitted therewith, and any conditions set forth in approvals or permits granted in connection with said Application.

Sylvia Fletcher, L.L.C.

By: 
Paul M. Gaboury, Member

By: 
Glen J. Kaufmann, Member

5.2.11

**LETTER DOCUMENTING AUTHORIZING VOTE IF
DEVELOPER IS ACTING IN THE NAME OF A TRUST,
CORPORATION OR COMPANY**

SYLVIA FLETCHER, L.L.C.
12 ASSABET CROSSING
ACTON, MASSACHUSETTS 01720

November 28, 2005

Planning Board
Town of Acton
472 Main Street
Acton, MA 01720

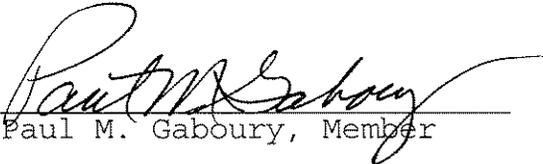
Re: "Colonial Path", Application for
Approval of Definitive Plan

Ladies and Gentlemen:

In connection with the above-noted Application, specifically Section 5.2.11 of the Town of Acton Subdivision Rules and Regulations, enclosed is a copy of a Consent of Members authorizing the filing of said Application and any and all related documentation.

Very truly yours,

SYLVIA FLETCHER, L.L.C.

By: 
Paul M. Gaboury, Member

By: 
Glen J. Kaufmann, Member

SYLVIA FLETCHER, L.L.C.
CONSENT OF MEMBERS
NOVEMBER 28, 2005

The undersigned members (the "Members") of SYLVIA FLETCHER, L.L.C. (the "Company"), a Massachusetts limited liability company, hereby consent to and adopt the following resolutions:

- RESOLVED: That the Members of the Company, acting jointly, shall be authorized to execute, acknowledge, deliver and record any and all instruments on behalf of the LLC purporting to affect an interest in real property including, but not limited to, deeds, notes, mortgages, and/or any other documents in any way related to the business of the Company.
- RESOLVED: That the Members of the Company, acting jointly, shall be authorized to execute, acknowledge, deliver and file with the Town of Acton (the "Town") an Application for Approval of Definitive Plan for the proposed subdivision to be known as "Colonial Path", to be located at what is currently known as 7 Sylvia Street and 11 Sylvia Street, Acton, Massachusetts, and any and all other documents relating thereto, which are required or requested by the Town in connection therewith, their execution thereof to conclusively identify the same as being the documents authorized and approved by this resolution.
- RESOLVED: That the Members of the Company, acting jointly, shall be authorized to execute, acknowledge, deliver and record any other documents and certificates and to take all such actions as may be necessary or appropriate to carry out the purposes of the preceding paragraph, the signature of which member appearing on any such document to be conclusive evidence of its having been authorized and approved by the Company.

EXECUTED as a sealed instrument the day and year first above written.


Paul M. Gaboury, Member


Glen J. Kaufmann, Member

THIS CONSENT MAY BE EXECUTED IN MULTIPLE COUNTERPARTS AND BY FACSIMILE.

5.2.12

COPIES OF DEEDS



QUITCLAIM DEED

Bk: 45128 Pg: 48 Doc: DEED
Page: 1 of 2 05/06/2005 10:14 AM

We, **Dominic P. Castelline** and **Alice A. Castelline**, both of Acton, Middlesex County, Massachusetts,

for Consideration paid, and in full consideration of \$1.00,

grant to **David Castelline**, of 135 Upland Road, Concord, Massachusetts, and **Paul Castelline**, of 4 Millwood Circle, Framingham, Massachusetts, as *tenants in common*; but **RESERVING UNTO THE GRANTORS a life estate**, to use and occupy said property.

with **QUITCLAIM COVENANTS**

two parcels of land in that part of Acton called South Acton, together being known and numbered as

11 Sylvia Street, Acton, MA 01720

Parcel 1:

The land in that part of Acton called South Acton, containing about 30,000 square feet, bounded and described as follows:

Beginning at the Southeasterly corner thereof at land formerly of Harold Taylor and at a proposed street; thence westerly along said proposed street, seventy-five and 30/100 (75.30) feet, to land of the Boston and Maine Railroad; thence northerly along the land of said railroad, four hundred and eighteen (418) feet, to a corner at land now or formerly of Lucille R. Laird; thence turning and running easterly along said land now or formerly of Laird, seventy-four (74) feet, to a corner at land formerly of Harold Taylor; thence turning and running easterly along said Taylor land four hundred and eight (408) feet, to the point of beginning.

Together with restrictions and rights of record insofar as the same are now in force and applicable.

Parcel 2:

The land in that part of Acton called South Acton, containing about one acre, bounded and described as follows:

Beginning at the southeasterly corner of the premises at land now or formerly of E. William Sylvia and land reserved for a street, said point being about 428.2 feet westerly of

11 Sylvia Street, Acton, MA 01720

Lexie S. Madge, P.C.
457 Great Road
Acton, MA 01720
(978) 635-1110

Main Street, sometimes called the road to Maynard, measured along the northerly line of said proposed street; thence westerly along said proposed street, extended one hundred and eight and 70/100 (108.70) feet to a corner; thence turning at about a right angle and running northerly on land now or formerly of George K. Haywood, et als, four hundred eight (408) feet to a corner; thence turning at about a right angle and running easterly one hundred eight and 75/100 (108.75) feet to land of said E. William Sylvia; thence southerly by said Sylvia land three hundred ninety-four (394) feet to the place of beginning.

Together with restrictions of rights of record insofar as the same are now in force and applicable.

Being the same premises conveyed to us by deed of Dominic P. Castelline, Trustee of the Dominic P. Castelline Trust, dated October 29, 1996, recorded with said Deeds in Book 26824 Page 246.

Witness our hands and seals, this 25th day of April, 2005.

Dominic P. Castelline
Dominic P. Castelline

Alice A. Castelline
Alice A. Castelline

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

April 25, 2005

On this twenty-fifth day of April, 2005, before me, the undersigned notary public, personally appeared Dominic P. Castelline and Alice A. Castelline, proved to me through satisfactory evidence of identification to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Annette E. Lissauer
Annette E. Lissauer, Notary Public
My Commission expires: 5/05/2011

Leslie S. Mudge, P.C.
457 Great Road
Acton, MA 01720
(978) 635-1100

REGISTRY OF DEEDS
SOUTHERN DISTRICT
ATTEST:
Luzene C. Byrne
REGISTER



Bk: 42692 Pg: 243 Doc: DEED
Page: 1 of 1 05/04/2004 10:38 AM

DEED

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD #
Date: 05/04/2004 10:35 AM
Ctrl# 028814 03732 Doc# 00108714
Fee: \$1,254.00 Cons: \$275,000.00

I, Mary Schofield, of Acton, Massachusetts, for consideration paid in the amount of Two Hundred Seventy-five Thousand and 00/100 (\$275,000.00) Dollars, grant to Sylvia Fletcher LL also known as Sylvia Fletcher LLC, a Massachusetts limited liability company with principal place of business at 12 Assabet Crossing, Acton, Massachusetts, with quitclaim covenants the land with the buildings thereon, situated in Acton, Middlesex County, Massachusetts, in the Southerly part thereof bounded and described as follows:

Beginning at the Southeasterly corner of the premises at land of Lucile Laird at land reserved for a Street, thence Westerly along said proposed Street one hundred thirty (130) feet to a corner; thence turning at about a right angle and running Northerly three hundred ninety-four (394) feet by land now or late of Hodgen to a corner; thence turning at about a right angle and running South 7 East by land now or late of Hodgen, one hundred thirty (130) feet to a corner; thence turning and running Southerly by land of Lucile Laird, three hundred seventy-eight (378) feet to the place of beginning.

Containing about one acre of land.

Together with the right to pass and repass with teams or otherwise from Maynard Street so-called, over a strip of land 40 feet in width adjoining land of E. Eddie Fletcher and Lucile Laird to the mortgaged premises. Said strip is now known as Sylvia Street.

For reference to title see deed from Bonnie Laird Marsh dated January 31, 1969, record with Middlesex South District Deeds Book 11641, Page 401.

Witness my hand and seal this 28 day of April 2004.

Mary Schofield
Mary Schofield

COMMONWEALTH OF MASSACHUSETTS

On this 28th day of April, 2004, before me, the undersigned notary public, personally appeared Mary Schofield, proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



Francis M. Connelley

Property Address: 7 Sylvia Street, Acton, MA