

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

Planning Department

MEMORANDUM

To: Planning Board **Date:** February 10, 2006
From: Kristin K. Alexander, AICP, Assistant Planner *KKA*
Subject: 68 Willow Street Definitive Subdivision (Residential Compound) Application

Attached are the application and departmental/agency reviews for 68 Willow Street Definitive Subdivision. The Preliminary Subdivision (Decision 05-04) was approved with conditions by the Planning Board on August 23, 2005. The applicant is proposing a **2 lot Residential Compound** under Section 10 of the Acton Subdivision Rules and Regulations (Rules). Below is general information about the proposed development and the Planning Department's comments.

Location:	68 Willow Street, West Acton
Map/Parcel:	F-2B/112
Zoning:	R-2, Groundwater Protection District Zone 3
Site Area:	1.82 acres
Street Length:	+/-250 feet proposed
Units:	2 proposed units (1 existing)
Applicant/Owners:	William J. and Ann B. Dunn
Address:	68 Willow Street, Acton MA 01720
Engineer:	Stamski and McNary, Inc., Acton, MA 01720
Public Hearing:	February 14, 2006 – 7:45 PM
Decision Due:	March 29, 2006

Plan Comments

1. According to Ms. Stephanie Cahoon, she does not own the center lot north of the site with Kevin Carroll. Verify the owners of the surrounding properties and change the record owner information on the Plan sheets as necessary.
2. The applicant has indicated that in lieu of constructing a sidewalk along the west side of Willow Street near Kingman Road (as stated in Condition 3.2.15 of the Preliminary Subdivision Decision for the project (Decision 05-04)), he would prefer contributing to the Town sidewalk fund. According to the applicant, the segment of sidewalk discussed in Condition 3.2.15 of Decision 05-04 contains a drainage swale and some mature trees. The applicant said in order to construct the sidewalk, easements may be needed on abutting properties along Willow Street to avoid the mature trees and a Notice of Intent would have to be filed because the area is located within a wetlands buffer (see attached letter dated 2-10-06 from Rich Harrington, Stamski and McNary, Inc.).

Planning staff would prefer the applicant construct a sidewalk segment along Willow Street rather than donating funds to the Town for sidewalk construction. Before Planning staff recommends to the Board where they would prefer the Willow Street sidewalk be constructed, we would like to meet with the Engineering Department. At the February 14th Board meeting, staff will hopefully be able to provide the Board with a recommendation regarding the sidewalk.

3. Show the approximate locations of existing underground structures (such as soil absorption systems) for the Wallace and Cahoon, Madden, and Bajwa properties if they are within 150' of the perimeter of the subdivision (Section 5.3.25 of the Acton Subdivision Rules and Regulations (Rules)).
4. Include the following notes on the Record Plan (Sheet 2):
 - "there shall be no further division of the tract or lots contained therein so as to create additional lots;
 - development of the land is permitted only in accordance with the land uses indicated thereon." (Section 10.1.1.6 of the Rules)
5. On the Record Plan (Sheet 2), label the concrete pad and shed in the Drainage Easement "to be razed."
6. Place a note on the Record Plan (Sheet 2) stating that the private way shall only serve the lots shown on the Plan.
7. The proposed street address sign is shown in different locations on Sheet 3 and Sheet 4. Please clarify.
8. The following typos need to be changed on the Plan:
 - a. Sheet 2 – Note 1: change "Rule" to "Rules."
 - b. Sheet 4 – Common Driveway Cross-Section Detail: In the title, change "Commion" to "Common."
 - c. Sheet 4 - Common Driveway Cross-Section Detail: In the second line of the bottom note, change "tress" to "trees."

Other Comments

9. Ways in Residential Compound subdivisions can be built to lesser design and construction standards than other streets in Acton. They are intended to remain private ways. Therefore, the document stating that the developer will retain the fee in this Residential Compound street is unnecessary.
10. Before endorsement of the Plan, if approved, the applicant will need to submit a completed draft Form RC – Restrictive Covenant, or another suitable performance guarantee.
11. Staff has not received comments from the Acton Fire Department (AFD) and the Acton Water Supply District (AWD). The applicant should contact the AFD and AWD regarding emergency vehicle access and water service for the site.
12. The applicant provided a cost estimate for moving the existing house on Lot 1 as shown on the proof plan (Condition 3.2.1 of Decision 05-04). However, staff could not locate the company by name, address, business type, or telephone number in the yellow pages.
13. Condition 3.2.6 of Decision 05-04 states:

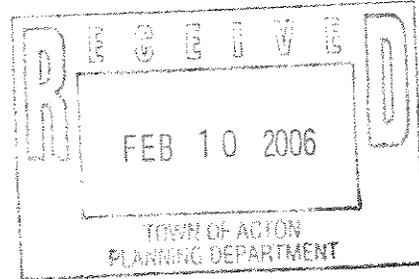
"Lot 1 shall be allowed full rights to use the private way for access. However, no driveway shall be constructed for lot 1 from the private way unless all lot 1 Willow Street curb cuts are closed. No new driveway parallel to Willow Street shall be constructed on lot 1 between the house and Willow Street, or within the minimum building set back from Willow Street."

- a. The Private Way and Maintenance Agreement has been drafted to allow Lot 1 full rights to use the private way for access, but does not require Lot 1 to share in maintenance responsibilities if they use the way. Staff does not have an issue with the way the agreement is written, but the future owners of Lot 2 might. Potential owners of Lot 2 should be made fully aware before purchasing the property that Lot 1 can use the way and without contributing to the maintenance of the way.
 - b. The Plan shows the driveway for Lot 1 coming from the private way. However, the Plan still shows one Lot 1 driveway entrance coming from Willow Street and the driveway located between the house and Willow Street. The Plan is inconsistent with Decision 05-04, but staff does not see a safety or circulation problem with the Lot 1 driveway design as proposed.
14. Change the dates to 2006 in the Draft Private Way and Maintenance Agreement.
 15. In parts (3), (4), (5), and (7)(b)(3) of the Draft Private Way and Maintenance Agreement, include language that states "and the drainage facilities appurtenant thereto," or something similar, to clarify that the lot(s) are also responsible for the maintenance of the facilities in the drainage easement (not just the private way).
 16. Simplify the language in part (1) of the Draft Private Way and Maintenance Agreement.
 17. Refer to the Drainage System Operation and Maintenance Plan (Sheet 5 of 5 of the Plan) in the Draft Private Way and Maintenance Agreement and attach a copy of the Maintenance Plan to the Agreement.
 18. If Lot 1 and Lot 2 share use of the private way, the Draft Private Way and Maintenance Agreement should include enforcement mechanisms in case there are differences of opinions among owners.
 19. The following typos need to be changed in the Draft Private Way and Maintenance Agreement:
 - a. In the fourth line of (7)(a), change "fron time to time from" to "from time to time of."
 - b. In the second line of the first paragraph, change "fee simple owner" to "fee simple owners."
 - c. In third line of the first paragraph, include Ann B. Dunn as an owner and applicant.

MEMO

February 10, 2006

Acton Planning Dept.
472 Main Street
Acton, MA 01720



RE: Residential Compound at 68 Willow Street

Members of the Board:

On behalf of our client, William Dunn, we would like to provide this additional information pertaining to items requested by the Planning Department:

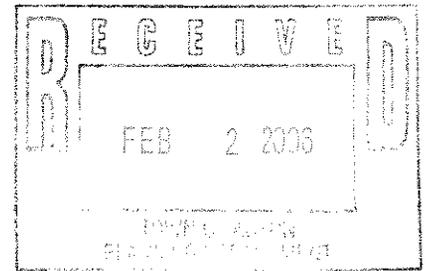
- 1.) There are no mortgage holders for the referenced property.
- 2.) Equivalent length of sidewalk for contribution to sidewalk fund:
 Sidewalk along Willow St.: 127' (excludes driveway cuts).
 Sidewalk along private way: 257'

Due to unknown factors pertaining to the exact location of the off-site sidewalk and the potential for requiring easements on abutting properties along Willow Street for the construction of a sidewalk, the applicant as stated in the DIR would prefer to contribute to the sidewalk fund based on the equivalent linear footage provided above.

Thank you
Stamski and McNary, Inc.

Rich Harrington

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9628
Fax (978) 264-9630



Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Board

Date: January 30, 2006

From: Engineering Department

Handwritten initials "gg" in blue ink, positioned between the "From" and "Subject" lines.

Subject: Review of 68 Willow Street – Definitive Subdivision Plan

We have the following comments regarding the above mentioned definitive plan dated received on December 29, 2005.

1. The Fire Chief should review the plans to ensure there is adequate access for a fire truck. Based on our turning templates for a SU-30 vehicle, a fire truck cannot turn into the driveway without driving over the grass.
2. There is no turnaround at the end of the proposed private way for an emergency SU-30 vehicle (fire truck).
3. The engineer still needs to address the requirement for a sidewalk as specified in Condition 3.2.15 of the Planning Board Decision dated August 23, 2005. We have conducted a field survey along Willow Street from Kingman Road to Central in preparation for a proposed sidewalk. Based on our preliminary site walk along Willow Street, we determined the sidewalk would be on the opposite side of the road from this residential compound.
4. The engineer should show the existing iron rebar at the front property corner adjacent to 60 Willow Street on the plans. There should be some notes added to the plans requiring the existing iron rebar at the property corner to be marked in the field prior to construction. There should also be a note on the plans stating that if the existing survey marker is damaged or destroyed during construction that the applicant will be required to hire a registered land surveyor to reset the monument and certify the new location.
5. The engineer does not show stone bounds to be set at the 2 locations on the northerly side of the private way (R.O.W. A). In lieu of these locations, the engineer proposes to set one of these bounds at the front property corner between lot 1 and 76 Willow Street. The second stone bound is shown at the property corner between lots 1 and 2 at the sideline of R.O.W. A. We do not foresee a problem with these alternate bound locations.

6. The engineer should revise General Note #20 on the Plan and Profile Sheet (sheet 4 of 5) to include the following notes for the proposed stone bounds:
 - The bounds shall be a six (6) inch square by four (4) feet long piece of granite set flush with the finished grade.
 - No permanent monuments shall be installed until all construction that would destroy or disturb the monuments is completed.
 - The Applicant will be required to submit a certificate (Form CB) by a registered land surveyor at the subdivider's expense, indicating that these permanent monuments are in place and are accurately located, including evidence that the bound traverse had a ratio "error of closure" of 1:15,000 or better.
7. The engineer has shown a modification to the existing driveway for 68 Willow Street (lot 1) that conflicts with Condition 3.2.6 of the Planning Board Decision #05-04 dated August 23, 2005. This condition does not allow a new driveway for lot 1 to the private way unless all the existing driveway curb cuts on Willow Street are closed. The condition also prohibits a new driveway to be constructed parallel to Willow Street on lot 1 between the house and the road.
8. We recommend that the engineer clearly label the proposed swale that is intended to channel overflow runoff from the infiltration basin to the wetlands at the rear of this property as shown on the drainage calculations. We want to make sure that the contractor and landscapers are aware that the grassed areas in the side and rear yard of lot 2 needs to maintain a swale for the infiltration basin in order to prevent runoff from discharging onto the abutting property owned by the Banks.
9. Based on their drainage calculations, the engineer was able to reduce the overall peak runoff rates from the site for a design ten-year storm event.
10. When we were reviewing the water balance calculations we noticed the land area of the post-development conditions increased by 0.15 acres from the pre-development conditions. The engineer should re-evaluate the calculations to ensure the ground water recharge has not been reduced based on the same land area.
11. The F.E.M.A. Flood Insurance Rate Maps show a 100-year flood zone (Zone A) along the rear of this property. If this flood zone area is located on the property, the engineer needs to clearly show it on the plans.
12. The applicant has provided a signed letter dated December 20, 2005 stating that they will retain the fee in the street until such time that the Town request to take the fee in the street. It is clearly documented that this proposed driveway will remain private. This letter should be excluded from the final approval to avoid any confusion with future homeowners, real estate agents, attorneys, etc...

13. If the owners at 68 Willow Street utilizes the new driveway in R.O.W. A as a future access to their property (lot 1) as stated in Condition 3.2.6 of the Planning Board Decision #05-04, the documentation for the private road should probably declare some joint responsibility to maintain the shared portion of the driveway.
14. When the new underground utilities such as the water service are installed in Willow Street the contractor will be responsible to pave the final trench with a special infrared patch since Willow Street was just paved last year.

Cc: Roland Bartl, Town Planner

ACTON MUNICIPAL PROPERTIES DEPARTMENT

INTERDEPARTMENTAL COMMUNICATION

To: Kim DelNigro, Planning Department *Date:* 7/6/05
REV.: 1/6/06

From: Dean A. Charter, Municipal Properties Director *DAC*

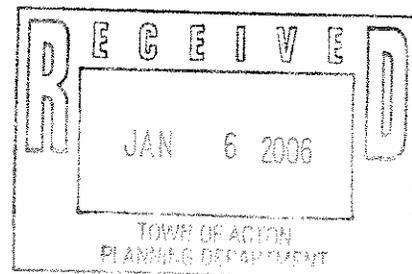
Subject: Proposed Residential Compound at #68 Willow Street

I have reviewed the plans submitted and visited the site of the above proposed development. My comments are as follows:

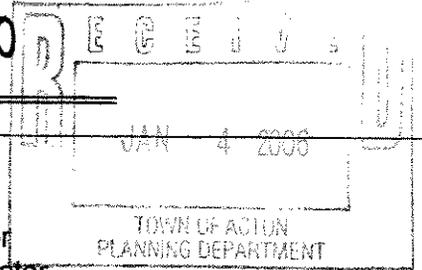
1. I find the engineer's use of different scales for the Proof Plan and the Preliminary Plan to be needlessly misleading. I assume this was done to make the Preliminary Plan look less onerous to the neighborhood.
2. I note that the Proof Plan proposes relocating the existing dwelling. I suggest that this might be window dressing, since the house in question has been built over the last half dozen years, and I question if moving a new house to generate one house lot would be financially viable.
3. No Public Shade trees need to be removed for this development.
4. I feel that the developer should make a contribution towards installing a sidewalk on Willow Street.

1/6/06 REVISIONS:

The Definitive Subdivision Plan, dated 12/20/05, for the noted site, resolves the questions I have raised above. I have no further comment.



ACTON PLANNING DEPARTMENT
Inter-departmental Memo
978-264-9636



Date: January 3, 2006

To: Assessors
Conservation Commission
Fire Department
Municipal Properties
Water District

Building Commissioner
Engineering Administrator
Health Department
Police Department, fyi
Acton Community Housing Corporation, fyi

From: Kim DelNigro, Secretary *(Signature)*

Subject: Review of Definitive Subdivision: 68 Willow Street Residential Compound

Attached is an application for approval for a definitive subdivision which is being proposed as a Residential Compound: 68 Willow Street Residential Compound. General information about the proposed development is as follows:

Location: 68 Willow Street
Applicant & Owners: William J. and Ann B. Dunn
Address: 68 Willow Street
Acton, MA 01720
Engineer: Stamski & McNary, Inc.
Lots: 2
Street Name: Willow Street
Street Length: 257 feet
Map: F-2B
Parcel: 112
Zoning: R-2
Decision Due: March 29, 2006

Please review the enclosed application and send your comments to the Planning Department no later than January 30, 2005. The public hearing is scheduled for February 14, 2006 at 7:45 PM.

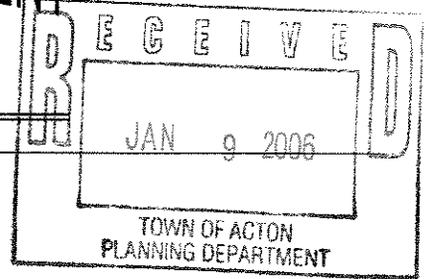
We have also received a copy of Drainage Calculations and Soil Observation Logs & Percolation Test. If you need to review the booklets or have any questions, please call the Planning Department at 264-9636.

Review Comments: The applicant has conducted sufficient on-site soil tests to confirm that both lots can support on-site septic systems.
The Health Department has no further comments.

(Signature)

1/4/06

ACTON PLANNING DEPARTMENT
Inter-departmental Memo
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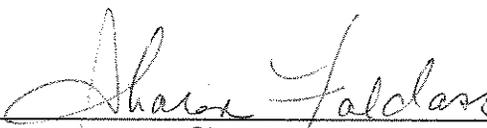


Date: January 3, 2006
To: Steve Barrett, Finance Director
From: Kim DeNigro, Planning Department Secretary 
Subject: Review of Definitive Subdivision entitled "68 Willow Street Residential Compound"
68 Willow Street
Map: F-2B, Parcel: 112

The Planning Board has received an application for the above referenced subdivision and is scheduled to hold a public hearing on February 14, 2006. Please advise the Board of any delinquent taxes owed on the property at this time. If any property taxes are overdue, the Planning Board will include a condition requiring tax payment in their decision.

No property taxes due at this time.

The following property taxes are overdue at this time:

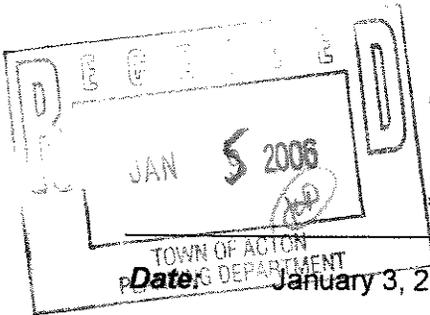


Signature



Date

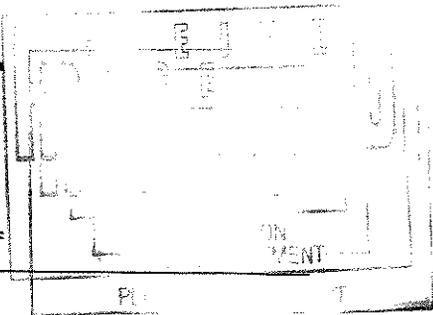
Thank you for your attention to this request.



ACTON PLANNING DEPARTMENT

Inter-departmental Memo

978-264-9636



Date: January 3, 2006

To: Assessors
Conservation Commission
Fire Department
Municipal Properties
Water District
Building Commissioner
Engineering Administrator
Health Department
Police Department, fyi
Acton Community Housing Corporation, fyi

From: Kim DelNigro, Secretary *DD*

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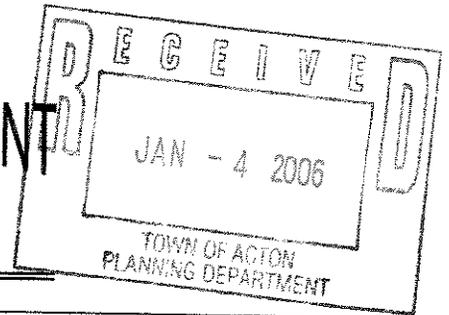
Location: 68 Willow Street
Applicant & Owners: William J. and Ann B. Dunn
Address: 68 Willow Street
Acton, MA 01720
Engineer: Stamski & McNary, Inc.
Lots: 2
Street Name: Willow Street
Street Length: 257 feet
Map: F-2B
Parcel: 112
Zoning: R-2
Decision Due: March 29, 2006

Please review the enclosed application and send your comments to the Planning Department no later than January 30, 2005. The public hearing is scheduled for February 14, 2006 at 7:45 PM.

We have also received a copy of Drainage Calculations and Soil Observation Logs & Percolation Test. If you need to review the booklets or have any questions, please call the Planning Department at 264-9636.

Review Comments: no comments *DD* 1/5/06

ACTON PLANNING DEPARTMENT
Inter-departmental Memo
978-264-9636



Date: January 3, 2006

To: Assessors
Conservation Commission
Fire Department
Municipal Properties
Water District
Building Commissioner
Engineering Administrator
Health Department
Police Department, fyi
Acton Community Housing Corporation, fyi

From: Kim DeNigro, Secretary *DD*

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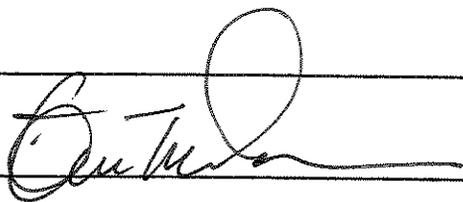
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Review Comments: *The residential compound as proposed, with the addition of one single family dwelling meets the set-back requirements of Acton's Wetlands by-law (section F 8.3). A notice of intent will be required, as work will occur within 100' of wetlands.*

Signature:

A handwritten signature in cursive script, appearing to read "C. M. ...", written over a horizontal line.

Date:

1. 4. 06