



Planning Department

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MEMORANDUM

To: Planning Board **Date:** September 17, 2007
Revised: November 21, 2007

From: Roland Bartl, AICP, Town Planner *RB*
Kristin Alexander, AICP, Assistant Planner *KKA*

Subject: The Residences at Quail Ridge –
Application for Senior Residence Special Permit (Zoning Bylaw Section 9B)

NOTE: *See notes in respective paragraphs. "Addressed" means that the Applicant has responded to the inquiry. The response may be adequate, however, we may have further comments.*

Location: Off Skyline Drive & off Acorn Park Drive
Owner/Applicant: Quail Ridge Country Club, LLC
Address: 354 Great Road
Engineer: Stamski and McNary, Inc.
Units: ~~177~~ **174** proposed, 9 Affordable (5%)
91 single-family, 50 duplex, 36 multi-family
Streets: Skyline Drive, Quail Ridge Drive, and others
Street length: +/-8,400 feet
Land area: 155.55 acres
Common Land: 82.1 acres (52.8%), 9-hole golf course with amenities
Map/Parcel: D-4/4
Zoning: R-10/8
Hearing: **September 25, 2007, November 27, 2007**
Decision due: ~~December 24, 2007~~ **January 24, 2008**

Attached for your review are the plan and application for the "Residences at Quail Ridge" senior housing special permit, and comments from other Town departments, committees, and agencies. They are all relevant. Please review them.

I reviewed the plan and the application and can offer the following comments at this time:

1. Access, Circulation, and Traffic Impacts

a. Acorn Park Special Permit

The proposal shows two routes of access to Great Road – Skyline Drive and Acorn Park

Drive via Hazelnut Street and Palmer Lane.¹ The Plan as proposed complies with this requirement. **Based on public input and Planning Board direction, the Applicant has revised the plan to make Skyline Drive the primary access to the site and Acorn Park Drive via Hazelnut Street and Palmer Lane emergency access only.**

b. *Trip Generation and Volume Projections*

The applicant's traffic consultant has made reasonable assumptions for the trip generation from the proposed housing units and restaurant. I am less convinced by the proposed discounting for the reduction in holes at the golf course from 18 to 9. The source citation (ITE Trip Generation Manual) notes the high volatility of their numbers due to the low sample numbers and the wide spread of data points. It seems intangibles such as atmosphere, friendships, surrounding population density, setting, quality of food and services, etc. might play a larger role than the number of holes in a course.²

The traffic consultant's study assumes a background growth of only 0.5% per year. I find this suspect in light of the fact that all other traffic studies in recent memory have assumed a background growth of 1% or greater. In addition, recent conversations with traffic consultants during an interview process for one of the Town's own projects, several experts in the field confirmed the use of 1% per year as the appropriate number for background growth. Looking at permanent MassHighway count stations, the historic growth rate, which is used to project forward, may be different if the applicant's consultant would look at the same time window that most others profess to use for their projections. The assumptions for annual background traffic growth have a significant effect on the projected level of service and capacity 5 and 10 years from now. **Addressed. The Applicant's traffic consultant states that as a result of making the changes as requested, the Levels of Service (LOS) at the respective intersections will not change, LOS F stays at LOS F. The traffic consultant did not provide updated numbers on volumes, queuing lengths, etc.**

c. *Trip Distribution on Great Road*

It appears that the applicant's traffic consultant has assumed a directional split of traffic from the development - 30% westbound on Great Road (2A/119) and 70% eastbound on Great Road. With these assumptions, the traffic study conclusion is a modest deterioration of operations with either no drop in Levels of Service (LOS) or a one-letter drop; say from C to D. Note that F is the lowest LOS category. So, an intersection or movement that is already at F (unsignalized left turns, for instance) will remain at F, but only because there is no G or H on the rating scale. Similarly, the traffic signal warrant analyses turn back negatives. What happens if the trip distribution assumptions need to change, as suggested in the next paragraph? **Addressed.**

d. *Trip Distribution to and from Great Road*

It is unclear what the assumption is for internal distribution, i.e. how much traffic would come and go via Skyline Drive v. Acorn Park. It would not be the same as the directional split on Great Road. It should be provided since this assumption directly affects the Acorn Park neighborhood and streets. Traffic prediction is not an exact science; therefore they should be made with a reasonable set of assumptions that can find general acceptance given the proposed open circulation pattern. **Addressed – no longer an issue.**

e. *Trip Distribution Alternatives*

For a number of possible reasons – say, for instance,
- neighborhood impacts in Acorn Park;

¹ In the original special permit for Acorn Park the Planning Board had limited to 10 the number of additional units that the Board may approve without requiring full secondary street access outside of the Acorn Park Subdivision. Palmer Lane came later and use up half of this allowance.

² The Planning Department has the 6th edition of the ITE Manual. The applicant's consultant is citing from the 7th edition. It is possible that more reliable data sets were collected for the 7th edition.

- questions concerning the adequacy of Skyline Drive or the streets in Acorn Park or both;
- management of most or all turning traffic at one signalized Great Road intersection as opposed to creating two marginally functional unsignalized intersections; -
it may be more prudent to turn the directional split to and from Great Road one way or the other. So, what would happen to the traffic impact analysis and its conclusion with respect to the local street and the intersections of Great Road, if Skyline Drive was the only access and egress, if Acorn Park was the only access and Egress, or if the connection to Acorn Park was one-directional. **Addressed. Based on public input and Planning Board direction, the Applicant has revised the plan to make Skyline Drive the primary access without further study of other alternatives.**

f. *Suitability of Acorn Park Streets*

For whatever level of access through Acorn Park, the applicant should evaluate the adequacy of Palmer Lane, Hazelnut Street, and Acorn Park Drive in view of the low-intensity local street standards for width and grade under which they were built. **Addressed – no longer an issue.**

g. *Improvements*

The applicant's traffic consultant does not suggest a need for any improvements. This may be the case, but I would like to see the LOS and capacity projections with an annual growth rate of 1%. In addition, the police chief points out the need for deceleration/turning lanes on Great Road at Skyline Drive. Especially, the geometry for the right turn into Skyline Drive, while it looked okay on paper, is not working well. Finally, guardrails should be considered along the steep slopes near the street at Skyline Drive. **The Applicant addressed the geometry questions related to the Great Road and Skyline Drive intersection. The Applicant has not addressed the guardrails recommendation for the steep slopes near Skyline Drive. As observed previously, with the single access option at Skyline Drive, the LOS F will remain at LOS F for the Skyline Drive intersection. No detailed numbers have been provided to assess how much volumes and queue lengths would increase. We're very skeptical that this would be a functional solution. The Applicant should look for a second access to Great Road.**

2. Public v. Private Streets

a. *Private Streets Proposed*

Per the application, the proposed streets would remain private. The Board should give consideration to the question of private or public, or whether at least the major streets through the development should be public, and what modifications, aside from a formal subdivision approval, would be necessary for them to become public ways. In reviewing the matter with the Highway Superintendent, the first inclination towards public streets turned into a preliminary recommendation that the streets as proposed should remain private. Depending on the Board's preference and direction, the layout and arrangement of streets and buildings may need to change.

b. *Arguments for Public Ways*

- Streets, especially through-streets in a neighborhood of significant size as is proposed here, serve a vital access function for the public, for deliveries of goods and services, for emergency services, as well as for alternate traffic routing in rare instances.
- Unlike small-scale residential compounds or common driveways, streets in this neighborhood will function, look, and feel like public streets. They connect with other public ways, and they should be legally passable in the same manner as public ways are everywhere in Acton.
- This development provides Acorn Park resident an alternative access to Great Road should there ever be an obstruction at the Acorn Park Drive intersection.
- Residents in the development pay taxes like everybody else. The burden of maintaining

8000 plus feet of street is a significant added cost. Regardless of restrictions and covenants, residents may seek to sway public opinion and convince future Boards and Town Meeting to accept the street as public ways, especially once maintenance comes due in 20 years, or so.

- Alternatively, a large neighborhood like this, with private ways and an exclusive flair as suggested by the golf course and other amenities may have a tendency to shutter itself off. I am not certain that Acton is ready for gated communities.

c. *Argument against Public Ways*

- As shown on the plan, plowing would be difficult to impossible for a public entity. All streets have stretches with multiple short driveways in close proximity. There is little room for snow storage without continuously and repeatedly plowing in residents. Complaints at the Highway Department office would multiply during and after each winter storm event, without the Department's ability to provide a remedy.

- The existing part of Skyline Drive in the areas of the wetlands crossings is not built to standards that would have been required if it had been originally proposed as a public way. Pilings and headwalls are less durable and solid. The street surface itself and drainage provisions may be adequate or nearly adequate.

Addressed.

3. Street Design and Layout

Regardless of private v. public, or of who plows the streets in the winter, as proposed the streets are inadequate for public safety and emergency access. The Fire Chief, Police Chief, Town Engineer, and I reviewed the plans in a joint meeting. The most serious issue of concern identified during the meeting was the narrowness of the streets in the areas of high housing density.

The proposed 20-foot pavement width may or may not technically comply with the reference standard in the Acton Subdivision Rules, depending on how car trips distribute over the proposed street network. More importantly, the frequency of driveways, the narrow shoulders, the sidewalks without a green strip divider for snow storage, and the short driveways will result in a further narrowing of the available pavement width when snow is on the ground. On-street parking, especially during holidays, would also be a problem. The driveways are so short in most instances that, with the exception of compact cars, vehicles parked in the driveway will block the proposed sidewalks or may even hang into the street itself.

The joint recommendation (Fire, Police, Engineering, and Planning) is for:

- widening of the proposed street to 24 feet in the areas where houses line the streets;

Addressed

and

- lengthening the driveways to provide at least a full parking stall length plus 2 feet between the garage door and the outer sidewalk edge or the street curb line.

The applicant proposes only 1 foot, which doesn't appear sufficient. We also noted now that the applicant proposes 4-foot wide sidewalks. Five-foot wide sidewalk width is barely functional; 4 foot wide sidewalks are dysfunctional.

4. Sidewalks

5. As proposed all street in the development would have sidewalks (see "Public v. Private Streets" and "Street Design and Layout" for questions about the functionality of the proposed sidewalks) with the exception of Skyline Drive from the golf course facility to Great Road. With the golf course use in mind, this street was approved without a sidewalk. Instead the sidewalk would be placed on the east side of Great Road – see "Outstanding Work", below. With the development

now proposed, the sidewalk on Great Road becomes even more important. And a sidewalk on the existing portion of Skyline Drive should be added now that it will become a major access route to the proposed residential development.

It is conceivable that some sidewalks on less-traveled streets within the development could be waived to get the sidewalks built where they are most needed. Moreover, some proposed street could be shortened or eliminated to reduce cost, achieve more contiguous green space, and reduce habitat segmentation, for instance the long road to the three houses in the northwest corner or the southerly run of proposed Greenside Lane. **Addressed.**

6. Wastewater Disposal

There have been recurring problems of water run-off and seepage flowing from the golf course driving range across the wooded slope onto the Great Road Condominium the parking lots. Under the driving range is the current septic system and between it and the property line is also a long narrow storm water basin. No complete and satisfactory solution has been implemented to date to arrest the massive water seepage. Now this same area is proposed as the location for expanded treatment plant leaching fields. In addition, the storm water basin would take in more run-off. What are the plans and provisions to arrest the parking lot flooding problems?

Addressed.

7. Common Land Use and Ownership

The proposed use of the common land is a 9-hole golf course. Following the applicant's appointment with the Planning Board in January, when this project was preliminarily presented, we consulted with Town Counsel regarding the legality under the Acton zoning bylaw of the proposed 9-hole course on the common land (see separate confidential memo from Town Counsel).

- a. In short, recreation, including a 9-hole golf course, is an allowed use for the common land in Senior Residence developments subject to the Planning Board's approval per section 9B.9.2.1 of the zoning bylaw. **No Applicant Response Needed.**
- b. The proposed common land ownership by a corporation of the condominium unit owners is also an available arrangement in the zoning bylaw. **No Applicant Response Needed.**
- c. If approved, the common land must be subjected to adequate deed restrictions, enforceable by the Town, to ensure the long term compliance with the common land use restrictions. **Addressed.**
- d. The golf course comes with a number of existing and proposed amenities and facilities - tennis courts, pool, family center, cart storage and maintenance building, and a proposed new restaurant. It appears that the proposed restaurant is a replacement for the much larger club house that was originally planned with the 18-hole course. **Addressed. The answer is yes.**
- e. It is not entirely clear, and to some extent in the discretion of the Planning under its special permit authority, whether or not the amenities and accessory uses that were considered acceptable and appropriate for the 18-hole golf course in a residential district (zoning bylaw section 3.5.17), are also allowed or appropriate in connection with a recreation use on the common land of a senior residence community, or as an accessory use of the senior residence development under zoning bylaw section 9B.4.6 and 9B.4.7; and, if allowed and appropriate, under which conditions. **Addressed in part. The Applicant should provide more detailed documentation that shows that the amenities in their aggregate do not exceed the maximum 5% pavement and building coverage on the minimum required common land.**

- f. The common land must provide a benefit to the residents of the Town and the Senior Residence Development (zoning bylaw section 9B.3.b). The Board should consider if the previous public use requirements under the 18-hole golf course special permit are sufficient in this case, or if additional conditions must be imposed to meet the intent of section 9B – Senior Residence, of the zoning bylaw. The previous public use conditions required that course must be:
- i) available at no charge twice a year to the Town of Acton, or any of its agencies, for fund raising or other events approved by the Board of Selectmen;
 - ii) offered at no charge to the Acton - Boxborough High School Golf Team as their home course;
 - iii) available during the off-season at no charge to the general public for winter recreational opportunities, such as cross-country skiing or snow shoeing.

Addressed.

- g. To allow the Planning Board to evaluate and fairly decide on these questions, the applicant should explain how the relatively high maintenance and operational costs of the 9-hole course, including the proposed amenities, will be funded through the units in the senior residence development, through membership fees, through public user fees, or a combination of these any other methods. It should be noted that, if a major funding source are the residential senior units, they will be burdened with these costs in addition to the other condominium fees for upkeep of the wastewater treatment plant, the streets if they remain private, and all other common grounds, facilities and structures. **Addressed.**
- h. Specifically to the proposed restaurant: The site is in a residential zoning district. In order to fit with the intent of the zoning bylaw to allow recreation uses on common land, and to allow amenities, including a restaurant, for the senior residence community, the proposed restaurant must be restricted from general public use and remain strictly an amenity of the golf course and the condominium, with invitees of qualified users/patrons allowed. **Addressed. However, our question remains how the Applicant will control the operation to ensure that it serves primarily the residents of Quail Ridge. We assume that "primarily" means 51% or more.**

8. Senior Residence Deed Restriction

The draft condominium master deed included with the application sets forth the proposed senior residency restrictions (section 8(b) and Exhibit D. Comments and questions:

- a. The applicant should provide summaries of the Housing for Older Persons Act of 1995 and M.G.L. Ch. 151B that these sections refer to. **Addressed. We have not yet reviewed the attachments.**
- b. The restriction to residency by at least one person 55 or older is open too widely. Younger individuals should be allowed only if he or she is a spouse or care provider, or in the case of minors, if the age-qualified resident acts as a stand-in parent or guardian in a case where the minor's parents are unable to carry out customary parental duties and obligations.
- c. Families with children should be excluded even if a parent qualifies under the age restriction.
- d. I would suggest a provision that allows a surviving spouse to remain living in the unit without time limit even if the survivor does not meet the age restriction.
- e. Residency is defined as more than 120 consecutive days or a total of 120 days in a calendar year. I believe this is identical to what the Planning Board agreed to at Ellsworth Village. This means that younger individuals would have visitation rights up to these limits.

For Items b-e above, the Applicant's response is "senior residence deed restriction shall comply with all applicable State and Federal regulations." The Applicant should explain if there are any conflicts between said regulations and Items b-e above.

- f. A phrase should be added stating that the senior residency restriction shall not be changed or amended without approval by the Town of Acton Planning Board. **Addressed.**

9. Affordable Units

The proposal calls for 5% or nine affordable units, the minimum required under zoning bylaw section 9B.12.2. Comments and questions:

- a. To the extent reasonable possible, all affordable units should be made eligible for inclusion in the Town's affordable housing inventory so as to count towards the 10% goal. **Addressed.**
- b. How is the percentage of ownership in the common areas defined for the affordable units? **Addressed.**
- c. What is the applicant's intend with regards to the affordable units' condominium fees and golf course contributions, while keeping the units affordable and eligible for inclusion in Acton's affordable housing inventory? **Addressed.**
- d. DHCD has new LIP (now Local Action Units) guidelines, some of which address age restricted units. I have not had a chance to review them myself, but I hear that they are not favorable towards age restricted housing. The applicant should study these new guidelines and structure its affordable housing proposal accordingly. This may affect the terms of the age restrictions that will be imposed. In the case of conflict between the new guidelines and Acton Zoning Bylaw or the Planning Board's prior special permit policy in the matter, the Planning Board may have to make a judgment call what best serves the need for senior affordable housing in Acton. **Addressed.**
- e. Also, see ACHC comment letter, dated 8/21/07, which further discusses this matter and points out that the new guidelines specify a market study for senior (age-restricted) affordable housing. **Addressed.**
- f. The Planning Board has previously directed me to draft zoning amendments for the next Annual Town Meeting that would allow provisions for off-site senior or family housing as an alternative to inclusion of affordable units in the senior residence development. However, this application is too early for such an amendment to apply here. **Addressed.**

10. Outstanding work under previous permits – existing bonds

The Planning Department is still holding on behalf of the Planning Board several bonds to secure work approved under previous permits on this site or related to the site. These are:

- a. Under the QRCC golf course special permit:
\$40,000 generally to finish site work and stabilization (address water seepage problem into Great Rd. Condo parking lot, and removal of temporary wetlands crossings).
- b. Under the Skyline Drive Subdivision approval:
\$187,700 for a variety of outstanding work, some of which may be done – other is not. Among the items not completed is the sidewalk on the east side of Great Road from the Woodvale Condo driveway to Main Street.
- c. Under the Hillside Condo special permit:
\$161,100 for a variety of items, including additional money held for a sidewalk on the east side of Great Road – Woodvale to Main Street.

At what point does the Planning Board wish to see work completed from previous projects before approving a new project? **Acknowledged by the Applicant. Staff still needs direction from the Board.**

11. Foot trail from Hazelnut Street to Nagog Hill Conservation Land

One of the incomplete or outstanding items from the golf course special permit is the designation and construction of a walking trail from Hazelnut Street along the northern boundary of the golf course (5th hole) to the Nagog Hill conservation land. Does the Board wish to see this completed before the new project begins? Does the Board wish to see adjustments to the proposed plan to make room for the trail as originally required? **Addressed.**

12. Street Maintenance during marketing phase

The applicant should be required in the special permit, if granted, to arrange and pay for street plowing, sanding, sweeping, and all other maintenance until the sale of all units; rather than unloading this responsibility onto the condo association home owners early at a time when there is not yet a full contingent to share the cost. **Addressed.**

13. Future Bonds

If granted, the special permit should require a bond more or less in accordance with Acton Subdivision Rules to secure the construction of the proposed streets, related drainage facilities, sidewalks, and related items. **No Applicant Response Needed.**

14. Water Withdrawal Issues

Board members may have overheard discussions of QRCC water withdrawal, consent decrees with DEP, hearing over water withdrawal permit violation before the Board of Health, etc. It is my understanding that these matters have nothing directly to do with the proposal now before the Planning Board. **No Applicant Response Needed.**

15. Future Hearings and Reviews

This is a significant and sizeable development project. It is reasonable to assume that there will be one or more hearing continuations, as well as plan revisions throughout the hearing phase. Therefore, I have reviewed the application for now with an eye mostly on the big picture issues. I have not done a detailed compliance check with section 9B of the zoning bylaw or with the rules and regulation for senior residence special permits. The time for that would be more appropriately spent once the project plans have been firmed up.

I would suggest that the Board, after hearing the applicant and public comments, and after its own inquiry, consider giving the applicant direction on at least some of the bigger picture items. The applicant can then go back with a clearly defined list of things to do, changes to be made, and items to submit in preparation of the hearing continuation. With sufficient time allowance for staff review, any continuation date before late November (11/27) or December is probably not realistic.

Furthermore, the applicant should start meetings with the Conservation Commission before revisiting with the Planning Board. It seems there is a lot within their jurisdiction that they may reshape the project significantly to minimize wetlands impacts.

Additional Comments

16. MEPA Review

Does the change in project from an 18 hole golf course to a 174 unit senior residence development with a 9 hole golf course (and related amenities/accessory uses) trigger a review by the Massachusetts Environmental Policy Act (MEPA) office? If so, please provide the Planning Board with copies of all correspondence between the Applicant and the MEPA office. If not, staff recommends that the Applicant fund an independent traffic consultant review of the project as currently proposed. We are particularly concerned with the functionality of the Skyline Drive intersection being the only access to the project and located in close proximity to the Route 2A/27 intersection. MEPA review might bring this matter to the attention of MassHighway which owns and controls Great Road. Without MEPA review, we cannot ensure MassHighway review. In the absence of MEPA review, the Planning Board could also ask the Applicant to invite MassHighway to review the traffic study and suggest how to mitigate the impacts.

17. Northwest Corner Houses

We note that the three houses in the northwest corner of the site have been removed from the plan. Staff assumes that this area will then remain undeveloped.

Cc: Applicant
Manager Department

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