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Planning Board

DECISION
08-02

The Residences at Quail Ridge
Senior Residence Special Permit
February 12, 2008

GRANTED with CONDITIONS

Decision of the Acton Planning Board (hereinafter the Board) on the application of Quail Ridge Country Club, LLC c/o Ronald B. Peabody, Manager (hereinafter the Applicant) for property in Acton, Massachusetts, owned by the Applicant. The property is located at 354B Great Road, Skyline Drive, Acton, Massachusetts and shown on the 2007 Acton Town Atlas as D-4/4, D-4/9 and C-4/29 (hereinafter the Site).

This Decision is in response to an application for a Senior Residence special permit, received by the Acton Planning Department on July 23, 2007, pursuant to Section 9B of the Acton Zoning Bylaw (hereinafter the Bylaw) and the Rules and Regulations for Senior Residence special permits (hereinafter the Rules). The Applicant presented the subject matter of the special permit to the Board at a duly noticed public hearing on September 25, 2007. Mr. Steve Graham, of Graham & Harsip, P.C. and Mr. George Dimakarakos, of Stamski & McNary, represented the Applicant.

The hearing was continued to October 23, 2007 and November 27, 2007 and then closed. Board members Gregory E. Niemyski, Edmund R. Starzec, Ruth M. Martin, Michael C. Densen, Bruce Reichlen, and Alan R. Mertz, and associate member Roland A. Bourdon III were present throughout the hearing. Mr. Bourdon was designated by the Chairman to sit on the Board to act on this application pursuant to section 10.3.9 of the Bylaw. Mr. Niemyski, Mr. Bourdon, and Mr. Starzec each missed one session of the hearing. Each certified in writing that he has reviewed all evidence from the missed hearing session. The minutes of the hearing 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 "The Residences at Quail Ridge, Senior Residence Special Permit, Acton, Massachusetts" dated July 18, 2007, drawn by Stamski and McNary, Inc. of 80 Harris Street, Acton, MA consisting of 43 sheets.

1.2 Supplemental items and documentation required by the Rules consisting of:

- A properly executed Application for Approval of a Definitive Plan, form DP, dated July 17, 2007.
- Filing fee in the amount of $69,008.00.
- Quail Ridge Country Club LLC Consent of Members, July 17, 2007.
- A completed Development Impact Report, form DIR.
- Certified abutters list.
- Use Description.
- Owner's statement to retain the fee in the street.
- A letter authorizing Town entry into the Site to complete the streets.
- Copies of deeds and plans of records.
- A list of mortgage holders.
- A draft master deed of the Residences at Quail Ridge Condominium.
- Documents related to the affordable dwelling units including a written statement regarding percent affordable and marketing (7/17/07); draft regulatory agreement (6/12/07); a letter regarding subsidy arrangements (7/17/07); a letter describing the selection criteria for affordable unit buyers (7/17/07); the Residences at Quail Ridge anticipated construction schedule and schedule for the construction of the affordable units; tabulation of affordable and market rate unit types.
- Building descriptions for the Residences at Quail Ridge Condominiums (6/14/07); developer information.
- Draft Residences at Quail Ridge Condominium Trust ownership and maintenance of common land documents, 6/12/07.
- Other Permits and Variances as itemized in Section 3.8 of the application book.
- Drainage, earth removal, and water balance calculations.
- Sewer design calculations.
- Traffic Impact Study, Conley Associates, March 2007.
- Architectural Floor and Elevation Plans.

1.3 Additional information submitted by the Applicant:

- Letter from Stamski and McNary, Inc. responding to Town Department, Board, Commission, and abutter input, dated 10/19/07.

- A revised Site Layout Plan In Acton, Massachusetts, The Residences at Quail Ridge, drawn by Stamski and McNary, Inc., 10/18/07.
- Letter from Graham & Harsip, P.C. responding to Town Department, Board, Commission, and abutter input, dated 10/17/07.
- Memorandum from Leslie Grant, Transportation Engineer, Conley Associates to Roland Bartl, Town Planner, 10/19/07.
- Memorandum from Leslie Grant, Transportation Engineer, Conley Associates to Jennifer Conley, P.E., AICP, PTOE, 11/2/07.
- Memorandum from Leslie Grant, Transportation Engineer, Conley Associates to Dennis Ring, 12/5/07.
- E-mail from Steven R. Graham, Graham & Harsip, P.C., to Roland Bartl regarding landscaping screening, 12/26/07.

1.4 Interdepartmental communication received from:

- Acton Water District, received 9/10/07;
- Acton Community Housing Corporation, dated 8/21/07;
- Acton Housing Authority, dated 9/20/07;
- Acton Fire Chief, dated 11/20/07;
- Acton Health Director, dated 8/9/07 and 11/7/07;
- Acton Tree Warden & Municipal Properties Dir., dated 8/6/07 and 11/7/07;
- Acton Engineering Administrator, dated 9/19/07 and revised 11/21/07;
- Acton Building Commissioner, dated 8/30/07;
- Acton Assessor's Office, dated 9/21/07;
- Acton Treasurer's Office, dated 8/17/07;
- Acton Planning Department, dated 9/17/07 and revised 11/21/07, and 12/7/07;
- Acton Natural Resources Director, dated 9/10/07;
- Acton Sidewalk Committee, dated 8/27/07;
- Acton Land Stewardship Committee, dated 6/11/07, 9/14/07, and 11/26/07.

1.5 Correspondence received from:

- Woodland Design Group, Auburn, NH: Traffic Impact Assessment, Proposed Quail Ridge Country Club Redevelopment, dated 9/20/07.
- The residents of Acorn Park Drive, Palmer Lane, Hazelnut Street, Beechnut Street, Chestnut Street, and Walnut Street, Acton, MA: petition, dated 9/21/07 with cover memo from the Acorn Park Condominium Association dated 9/21/07.
- Mr. Andrew J. Gallo, Bingham McCutchen LLP, Boston, MA representing his client John Bowman in relation to his membership in the Quail Ridge Country Club, letter dated 9/21/07.
- Mr. James R. Russell, 5 Palmer Lane, Acton, MA, letters dated 10/15/07 and 11/24/07.
- Concord Public Works, Water and Sewer Division, letter dated 10/26/07 and e-mail from Matthew Mostoller dated 11/19/07.
- Mr. Allan G. Dennison Jr., 22 Mohawk Drive, Acton, MA, e-mail dated 10/30/07.
- Mr. Sungyung Lim, 537 Acorn Park Drive, Acton, MA, e-mail dated 11/8/07 and sketch plan of landscape buffer proposal between 537 Acorn Park Drive and 30 Greenside Lane received 11/27/07.

1.6 Other

- E-mail from Town Counsel to the Acton Building Commissioner and Acton Town Planner, 1/24/07.

- E-mail from Ms. Joan Cirillo, Land Steward, Nagog Hill Conservation Area to Roland Bartl regarding easement article for trail on QRCC, 12/29/07.

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:

Relationship to Zoning

2.1 The Site is located for the most part within the Residence 10/8 zoning district. It has a minor portion in the Limited Business zoning district. The Affordable Housing Overlay Sub-district A overlays most of the Site. There are portions within the Flood Plain District, and Groundwater Protection District Zones 2, 3, and 4.

2.2 There is presently an 18-hole golf course on the Site, the Quail Ridge Country Club. The Board approved it by special permit as golf course in residential districts under section 3.5.17 of the Bylaw.

2.3 The Applicant proposes to convert the 18-hole course to a 9-hole course with 174 senior residence dwelling units – 88 single-family units, 50 duplex townhouse units, and 36 garden style apartment units. However, the Plan shows 86 single-family units, 52 duplex townhouse units, and 36 garden style units.

2.4 The tabulation on the Plan documents compliance with the area requirements for Senior Residence developments. Golf course parcel A alone meets the minimum common land area requirement.

2.5 The proposed use, a Senior Residence development with 174 dwelling units, nine of them (5.2%) affordable, may be allowed on the 148.9 acre Site by special permit in accordance with the Bylaw, including all overlay district requirements.

2.6 The proposed remaining 9-hole golf course on the Common Land Open Space Parcel A, with the proposed customary supplemental golf course uses and amenities – club house, pool, tennis court, restaurant, maintenance building, and parking - on Lot 2, is a recreation use within the meaning of the term recreation as used in section 9B.9 of the Bylaw. Some of the said supplemental uses, notably the restaurant, rely on the presence of the golf course to be allowed under the Bylaw. They cannot exist on the Site on their own.

2.7 The golf course may be allowed on the common land if the Board can find that it benefits the residents of the Town and the Senior Residence development (Bylaw, section 9B.3). The Board finds that it does:

- Golf is a recreation activity that is "for the most part ... reliant upon and compatible with the natural surroundings" (Block v. Otis Zoning Board of Appeals, Mass. Land Court, 1994) and that is consistent with several public planning objectives cited in the purpose statement 9B.1 of the Bylaw: to preserve land for open space, recreation, natural areas, and scenic vistas.
- Under the standards of section 9B of the Bylaw and in accordance with this decision, the golf course will be restricted from further housing or other development and thus become protected open space.
- As the only golf course in Acton it provides another dimension to the recreational opportunities that Acton residents can enjoy.

- The applicant proposes several types of golf course users: The owners of the proposed age-restricted senior housing units who would maintain a membership as part of the unit ownership; club members, which may be any Acton residents or residents of other towns; the general public may use the golf course for a fee.
- The course will continue to be available at no charge for use by the ABRH golf team.
- The course will be available at no charge to the public for winter recreational opportunities, such as cross-country skiing or snow shoeing.
- The course will be available to the Town at no charge twice a year for events.

2.8 Simultaneously, the golf course, including its supplemental uses, offers a recreation and leisure facility, community center, and restaurant for the seniors in the development as provided in section 9B.4 of the Bylaw.

Traffic Generation and Impacts

2.9 The application book contains a traffic study by Conley Associates, dated March 2007 with various later supplements and clarifications. The total trip generation estimate for the project is estimated to be 838 average weekday additional daily trips.

2.10 Distribution of traffic would vary depending on access configuration with the greatest effect on the intersection of Skyline Drive with Great Road if Skyline Drive is the only street access.

2.11 Side street level of service along Great Road (Route 2/119) is failing (LOS F) especially for left turns onto Great Road. The additional traffic will make things worse for the locations where traffic from this Site will enter Great Road.

2.12 The intersection of Great Road and Main Street (Route 27) is in proximity to Skyline Drive.

2.13 Great Road including the intersection with Main Street is a State owned road where MassHighway has ownership control regarding any improvements and modifications.

2.14 The Applicant has filed a MEPA Notice of Project Change with the Massachusetts Executive Office of Energy and Environmental Affairs and the Town will be commenting regarding traffic impacts and other matters.

Access

2.15 Bylaw section 9B – Senior Residence, in sub-section 9B.13 states: "Generally, all streets and ways, drainage facilities and utilities shall be designed and constructed in compliance with the Acton Subdivision Rules and Regulations (hereinafter the SRR) whether or not the Senior Residence development is a subdivision."

2.16 The original plan and application shows three access streets, two from the existing Acorn Park Subdivision and one from Great Road via Skyline Drive.

2.17 The Acorn Park access streets would utilize existing public way street extensions to the Site. Skyline Drive is an existing private access street.

2.18 Acorn Park residents objected to the use of Acorn Park streets as access to the Site stating that the streets in Acorn Park are not suitable to handle additional traffic due to their narrow winding nature, and citing concerns over potential speeding, safety, and congestion.

2.19 Streets in Acorn Park are laid out in a curvilinear fashion with a pavement width of 20 feet, except for a portion of Acorn Park Drive that has a 24 foot pavement width that

widens further on its approach to its intersection with Great Road. The standards in the SRR call for 20-foot pavement width in low intensity local streets for traffic volumes up to 250 vehicles per day (+/-25 single-family homes or +/-75 retirement homes), and 24-foot pavement width for other local streets. The streets in Acorn Park were designed and built according to these standards based on then anticipated traffic volumes.

2.20 Acorn Park residents hired a traffic planning firm (Woodland Design Group, Inc.) to evaluate the effect on traffic volumes in Acorn Park streets as a result of new traffic from the proposed Residences at Quail Ridge. Based on trip distribution assumptions that the Applicant had used, the firm predicts traffic volumes on low intensity local access streets in Acorn Park to increase between 168 and 204 vehicles per day depending on location or, assuming 16 hours per day with traffic activity, 1 additional vehicle every four to six minutes. Woodlands design group counted or estimated the existing traffic volumes at 115 and 211 vehicles per day respectively.

2.21 In response to the Acorn Park residents' concerns the Applicant tendered a revised plan showing only one street access via Skyline Drive and two gated emergency accesses from Acorn Park.

2.22 Street design standards have changed over time with a general trend towards narrower streets in residential areas. This results in slower vehicle speeds than on wider streets.

2.23 The ICMA's (International City Management Association) 1979 edition of "The Practice of Local Government Planning" recommends two 10-foot wide travel lanes for local access streets and minor connectors with up to 1,500 vehicles per day, reasoning that at this traffic volume the probability of oncoming traffic meeting where cars are parked on opposite sides of a street is slight.

2.24 Similarly, "The Subdivision and Site Plan Handbook", Listokin and Walker, 1989, Rutgers University finds that in low development intensity subdivisions, where lot widths or frontages are greater than 150 feet and where daily traffic is low (less than 500 vehicles per day, or 1000 vehicles per day on a loop road), there will be little or no demand for on-street parking. It concludes that in such circumstances a 20-foot pavement width is sufficient; i.e. two 10-foot wide travel lanes; noting further that, "in the rare cases a vehicle must park on the street, the low traffic volume will allow other vehicles to pull around it with little inconvenience". Through the Acorn Park subdivision, traffic from the proposed new development would follow two routes to where Acorn Park Drive intersects onto itself and traffic travels to and from Great Road: (1) Via Hazelnut Street and the westerly portion of Acorn Park Drive. Here, the average lot frontage is +/- 255 feet along the +/- 4,590 feet of street sideline; or, (2) via Palmer Lane and the easterly portion of Acorn Park Drive, where the average lot frontage is +/- 218 feet along the +/- 4,590 feet of street sideline.

2.25 AASHTO's (American Association of State Highway and Transportation Officials) "A Policy on Geometric Design of Highways and Streets", 2001 suggests two 9-11 – foot wide travel lanes for residential streets, and further remarks that "traffic volume is not usually a major factor in determining the geometric criteria to be used in designing residential streets."

2.26 These standard references suggest that the streets in Acorn Park meet generally accepted and recommended design standards for existing traffic volumes and for any additional traffic that would come from the proposed senior residence development if streets were connected. The SRR are sufficiently conservative to leave room for

additional future traffic growth that may not have been anticipated at the time when the streets in Acorn Park were designed and approved.

2.27 The SRR state that for more than 40 dwelling units there must be a secondary means of access that is suitable in the opinion of the Planning Board. Thus, the SRR reserve room for the Board to make judgment calls that are specific responses to specific situations, weighing factors such as the availability and suitability of streets or land for a secondary access, and the reliability of emergency access as compared to full street access against the proposed number of dwelling units above 40.

2.28 For a number of reasons a single full street access (Skyline Drive) to the 174 proposed retirement homes plus a golf course with amenities is a troublesome prospect. The following lists the considerations that lead to this conclusion:

- The SRR limit the number of dwelling units on a single access street to 40. 174 is more than four times that number. To grant a waiver, the Board would have to find in the affirmative that such a waiver is in the public interest or that for a reason the SRR are not applicable here.
- The SRR limit the length of a residential single access street to 500 feet, or 1,500 feet in Open Space Developments, PCRC's, and similar developments. Without a full second street access, the proposed development would have a single access street with other internal streets connected to it, totaling +/-8,400 feet in length – more that four times the Rules' limit. To grant a waiver, the Board would have to find in the affirmative that such a waiver is in the public interest or that for a reason the SRR are not applicable here.
- In a Planning Advisory Service memo, the American Planning Association (APA) stated significant concerns related to cul-de-sac development design, highlighting that "access to interior lots can be blocked at the open end of a dead-end street or along the cul-de-sac "spine" by an accident, stalled car or truck, fallen tree, snow pile, or construction (November 1985)."
- In the APA's publication "Planning for Street Connectivity: Getting from Here to There", the author's emphasize how street connectivity provides greater emergency vehicle access and reduced response time, and, conversely, provide multiple routes of evacuation in case of disasters such as wildfires (PAS Report 515, May 2003).
- A second street access can improve the quality of utility connections, facilitate maintenance, and enable more efficient transport-based services such as home deliveries, senior vans, or routine ambulance services.
- The lack of connectivity between neighborhoods isolates them from one another leading to indirect, inefficient routes that have the potential to increase travel distances, travel times, increase the carbon emissions, and reduce the viability of walking and bicycling.

2.29 Whether a secondary means of access consisting of one or two gated emergency access ways connecting to the street network in the Acorn Park Subdivision is suitable in the opinion of the Planning Board to mitigate these adverse conditions in this case remains an open question:

- The Acton Fire Chief writes in his 11/20/07 evaluation of the single street access Plan version: "Gated emergency access areas as shown are acceptable, provided that provisions are made for maintenance and year round access."
- The caveat in that statement presupposes that emergency access ways are available at all times especially after frequent heavy snow falls quite common here in

New England. If not properly maintained, at a certain depth, snow-covered emergency access ways become useless.

- For understandable reasons, the Acton Highway Department places priority on snow removal from actively used public ways as opposed to back-up emergency access ways. Due to limitations on manpower and other resources, the latter may never get plowed in a significant storm. There is no reason to assume that this would be any different in private snow plowing operations.
- There are also potential consequences of a blockage in the single access street to a housing development due to an accident or natural disaster. In such an event, questions arise as to whether the emergency access way(s) would be readily available or whether a delayed response time to an emergency call in the development would result from the need to clear the emergency access.
- There are also questions as to whether a gated emergency access can safely serve as a fully functioning alternate access or egress in the event of a longer term blockage of the single access street.
- Finally, there are questions as to whether methods and means are available to guarantee the rapid availability of a gated emergency access at all times, under all circumstances, in the same manner as a regular full street would be.

2.30 The Board takes the Acorn Park residents' concerns seriously. While streets in Acorn Park appear to have excess capacity to absorb additional traffic and standard street design recommendations indicate that there will be no reduction in traffic safety on the Acorn Park streets with the projected additional traffic from the Residences at Quail Ridge, the Board considers the preservation of the quality and serenity of life of abutters a worthy goal where that is possible, after weighing all aspects of a particular situation.

2.31 Here, the particular situation suggests the need for a more deliberate and thoughtful approach than the hearing and proceedings have yielded to date, to determine the location(s) for full secondary street access, or in the alternative to ascertain the function, reliability, and risks associated with a gated emergency access as the only means of secondary access to 174 age restricted senior residences with amenities such as a golf course and a pool.

2.32 Full secondary street access directly to Great Road as an alternative to access through Acorn Park would provide better and more direct access to the senior housing dwelling units. This appears most practical through Great Road Condominium as an extension eastward of proposed Greenside Lane. There, on the Great Road Condominium property is a wide gap between residential buildings with some driveways and parking lots on it that could be rearranged.

2.33 The Board recognizes that Great Road Condominium is an abutter that is not currently a party to the application and that it may reject the proposition of a street access through its property. Nevertheless, the potential advantages appear significant and the Applicant should therefore explore the feasibility and suitability of a direct connection from proposed Greenside Lane to Great Road through the Great Road Condominium property.

2.34 It is also apparent that a new street access option through Great Road Condominium changes the proposed project enough to consider new abutters and new parties in interest that must be notified.

2.35 As a result of these considerations, the Board has prescribed a procedure below to investigate and finalize the selection of the actual secondary means of access to the Site.

Previous Unfinished Obligations from Related Development Projects

2.36 The Site is currently home the Quail Ridge Country Club (QRCC), which is an 18-hole membership golf course with amenities. The Board granted a special permit for QRCC in May 2002. The Board granted subdivision approval for Skyline Drive in January 2002, serving as access to QRCC and now the proposed access street to the proposed senior residence development. And, the Board granted in December 1999 a special permit for the nearby Hillside Place Condominium. Each of these projects was proffered by the Applicant, or one of his closely related business entities. These projects are essentially completed except for the following outstanding items:

- The trail and trail easement for public pedestrian use and Town maintenance and emergency vehicle access between Hazelnut Street and the Town's Nagog Hill Conservation Area as shown on the approved plan for QRCC.
- The Sidewalk on the east side of Great Road from the Woodvale Condominium Driveway to Main Street as required under conditions of the Hillside Place special permit and the Skyline Drive subdivision approval.

Continuing Obligations from the QRCC Special Permit

2.37 The QRCC special permit as amended carried certain conditions for the operation of the QRCC golf course that are equally applicable to the proposed 9-hole golf course on the Site. These relate to Turfgrass and Integrated Pest Management (IPM) Plan practices, environmental audits, public use, school use, use for Town functions, parking monitoring and management, notifications to Acton emergency service agencies before scheduled tournaments, public water supply use for irrigation, groundwater monitoring data reporting; equipment washing; and water balance certification.

Other

2.38 The Board has received comments from various Town departments, which are listed in Exhibit 1.4 above. These comments were considered by the Board in its deliberations, were made available to the Applicant, and are incorporated into this decision as deemed appropriate by the Board.

2.39 The Plan appears to count on certain waivers from the SRR. These are discussed in section 3.1 Waivers below.

2.40 The Plan as amended and approved herein and the proposed uses as approved herein are appropriate for the Site; consistent with the Master Plan; in harmony with the purpose and intent of the Bylaw, specifically Section 9B; and complies in all respects to the applicable requirements of the Bylaw. The development of the Residences at Quail Ridge, as amended and approved hereunder protects and enhances Acton's New England character, its environmental and historic resources, and scenic vistas. It provides common land that benefits the residents of the Town and the senior residents in the development; provides quality housing for seniors with a range of incomes and physical abilities; provides for the safety of vehicular movement, and for the safety and convenience of pedestrians in a manner that is compatible with Acton's New England character and the needs of SENIORS; is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhoods; and will therefore not be detrimental or injurious to the neighborhood.

3 BOARD ACTION

Therefore, the Board voted on February 12, 2008 to GRANT the requested special permit subject to and with the benefit of the following waivers, Plan modifications, conditions, and limitations. The vote was five in favor, two opposed.

3.1 WAIVERS

It appears the Plan as shown would require the following waivers from the Rules and the SRR. The SRR set forth standards for this application as prescribed through section 9B.13 of the Bylaw:

3.1.1 Waiver from Section 8, Table II, Intersecting Street and Main Street, to allow greater slopes at the following intersections: Skyline Drive at Quail Ridge Drive, Greenside Lane at Skyline Drive, and Parkland Drive intersections at Quail Ridge Drive. The waiver is NOT GRANTED as shown. All down gradient side street approaches shall meet the standards of the Rules. All other non-compliance waivers from this Section shall be minimized.

3.1.2 Waiver from Section 9.5, Curbs, to allow bituminous concrete cape cod berms on intersection roundings when only slope granite curbs are permitted. The waiver is NOT GRANTED.

3.1.3 Waiver from Section 8.1.18, Cul-de-Sac Street, to allow an alternative turnaround design at the end of Greenside Lane. The waiver is GRANTED for the turnaround at the end of Greenside Lane as shown on the Site Layout Plan dated 10/16/07.

3.1.4 Waiver from Appendix B, Design and Construction Standards, Typical Roadway Section, to allow less than 3.5 inches of bituminous concrete required for a typical roadway. The waiver if NOT GRANTED.

3.1.5 Waiver from Appendix B, Design and Construction Standards, Typical Roadway Section, to allow less than the 18 inches of gravel required for a typical roadway. The waiver is NOT GRANTED.

3.1.6 Other waivers may be required depending on the supplemental decision the Board will make under Plan Modification item 3.2.2 below, such as but not limited to waivers from the maximum length of a single access street and maximum number of dwelling units on a single access street.

3.2 PLAN MODIFICATIONS

The Building Commissioner shall not issue a building permit, nor shall any construction activity begin on the Site, until and unless he finds that the Plan is revised to include the following additional, corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons or agencies other than the Building Commissioner, the Applicant shall be responsible for providing evidence of such approvals to the Building Commissioner.

3.2.1 Show all modifications required under section 3.1 Waivers above.

Access:

3.2.2 Skyline Drive is the primary means of access from Great Road to the Residences at Quail Ridge. The original application and plan show two additional public way street extensions from the Site, through the existing Acorn Park Subdivision, to Great Road. As

such, the plan is approvable because it shows both a primary means of access and two suitable alternative public way means of access to the Site. However, the Board finds that there are potential alternatives to provide adequate or possibly superior secondary access to the Site which would mitigate the potential for adverse effects on the Acorn Park Subdivision. In this decision, the Board has prescribed a procedure to investigate and finalize the selection of the secondary means of access to the Site which may result in plan modifications as provided below.

3.2.3 The Board's primary goal is to achieve at least one additional full street access in addition to Skyline Drive to the Residences at Quail Ridge that is feasible and suitable for implementation. Based on the evidence presented at the hearings, the conditions in the field, the layout of existing streets, and the characteristics of the neighborhood, there exists a potentially superior option to provide the second access directly to Great Road through the Great Road Condominium property, presumably in a more or less straight easterly extension of proposed Greenside Lane. This alternative is deserving of further investigation and consideration as set forth below. Should that option prove not to be feasible or suitable, the Board will consider, based on further study and proceedings as set forth below, the following matters before making a final designation of the secondary means of access to the Site:

- The feasibility and risks of a single primary means of street access by Skyline Drive with one or two gated emergency access(es) through the Acorn Park subdivision as the secondary means of access and egress.
- The most appropriate way to provide full second street access through the Acorn Park subdivision via Hazelnut Street and/or via Palmer Lane taking into account the interests of the residents in Acorn Park and the potential future residents and users of the Site.

The steps leading to a final determination of the secondary means of access to the Site shall be as follows:

➢ **<u>Application</u>**

3.2.2.1 The Applicant shall within 180 days from the filing with the Town Clerk of this decision submit an application to the Board for making a final determination of the secondary means of access to the Site. The application shall include the following:

A – Regarding the Feasibility and Suitability of Street Access through Great Road Condominium:

3.2.2.2 Documentation that the Applicant has made a diligent and good faith effort and negotiated in good faith with the Great Road Condominium Board of Directors or Trustees to secure a 2nd access through the Great Road Condominium property including, as available after the Applicant's diligent effort, the following:

- Copies of correspondence to, with, and from the Great Road Condominium Board of Directors or Trustees.
- Votes taken by the Great Road Condominium Board of Directors or Trustees.
- Votes taken by the Great Road Condominium Association members.
- Any agreements, including purchase and sale agreement, with the Great Road Condominium Board or Association for the street access.

- Appraisals.
- Zoning analysis, including if necessary for zoning compliance with the application of section 8.8 of the Acton Zoning Bylaw.
- Studies, including traffic studies, and preliminary layout and construction plans for street access through the Great Road Condominium property to Great Road.
- Any mitigation plans for the Great Road Condominium such as replacement of parking spaces or landscaping.
- Arrangements and agreements with Great Road Condominium for the maintenance of the street access through their property.
- Cost estimates.

3.2.2.3 Documentation or report on the Applicant's efforts, if any, to consult with MassHighway regarding a new or modified curb-cut on Great Road, including any rulings from MassHighway on a curb cut application.

3.2.2.4 Documentation or report on the Applicant's consultations, if any, with all other agencies with potential jurisdiction for a street access through the Great Road Condominium due to the presence of wetlands, septic systems, drinking water wells, etc., determine required permits and approvals from other agencies, and evaluate the feasibility of receiving such permits and approvals.

B – Regarding the Feasibility and Risks of Gated Emergency Access Ways versus Full Secondary Access through Acorn Park:

3.2.2.5 Plans, studies, and documentation on the adequacy and reliability of gated emergency access as the sole secondary access, and risk assessments for both the single street access with gated emergency access and the dual or multiple street access alternatives. The materials shall be prepared by professionals in traffic planning, traffic engineering, civil engineering and emergency management as most applicable to each specific material and include:

- Alternatives for gated emergency access ways from the Acorn Park subdivision.
- Methods to ensure long-term full-time reliability of the emergency access ways to be ready for use when needed without delay in the same manner or nearly in the same manner as full street access would provide, including an assessment of various engineering solutions and management and maintenance systems.
- A risk assessment of the single street access alternative with gated emergency access ways from Acorn Park compared to the dual or multiple full street access alternative via Acorn Park, taking into consideration various emergency response needs for the particular uses in the proposed development (174 age-restricted senior housing units, golf course, restaurant, pool and other recreation facilities, maintenance and storage building) and various scenarios that may require evacuation.
- A risk assessment for the same scenarios for the Acorn Park subdivision, which presently consists of 80 single-family homes on a single street access with one gated emergency access.
- A risk assessment that evaluates the street system in Acorn Park and quantifies the likelihood of bodily injury on those streets under current traffic

conditions as compared to traffic conditions that would be present if full street connections to Acorn Park were provided from the proposed development.

C – Regarding Full Secondary Street Access Alternatives through Acorn Park:

3.2.2.6 Plans, studies, and documentation, prepared by professionals in traffic planning, traffic engineering, and civil engineering as most applicable to each specific material, for each of the following secondary access alternatives:

i. Access via Hazelnut Street.

ii. Access via Palmer Lane.

iii. Access via both Hazelnut Street and Palmer Lane.

The submission material shall include:

- Projected traffic volume data at build-out conditions for all affected streets in the Acorn Park subdivision.
- Projected volume-to-capacity (v/c) ratio assessments for each affected street in the Acorn Park subdivision taking into account:
  a. street widths;
  b. street curvatures;
  c. sight distances along street segments and at intersections; and
  d. any other relevant street conditions.
- Mitigation measures designed to help improve v/c ratios as necessary and to otherwise maintain traffic safety and discourage speeding. These may include, but shall not necessarily be limited to:
  a. pavement widening or narrowing;
  b. sight distance improvements;
  c. traffic calming devices such as neck-downs or raised intersections;
  d. one-way traffic regulations; and
  e. one-way traffic regulations at the connection points to the Acorn Park subdivision only with elongated and/or curved one-way travel lanes to discourage violators.
- Preliminary plans for each solution and associated mitigation options.
- Narratives that explain, elaborate, and discuss the aforesaid plans and materials in terms that can be understood by non-experts.

➢ **<u>Procedure</u>**

3.2.2.7 After receipt of the aforesaid application, the Board will forthwith schedule a public hearing that will be held in the same manner as a public hearing required for special permits under M.G.L. Ch. 40A including the requisite notifications to parties in interest and legal notices in the paper. Parties in interest shall be those as defined in the Rules in relation to the Site and the Great Road Condominium property. There shall be no application fee. The Applicant shall only pay for all required notifications to parties in interest as defined in this section and for legal notices.

3.2.2.8 At the hearing the Board will review the Applicant's materials and seek to hear from the Applicant and its engineers and other consultants, from representatives with authority from the Great Road Condominium, and from the attending public.

3.2.2.9 The Board reserves its right to engage peer review consultants at the Applicants cost in accordance with the Rules to advise the Board on any or all of the secondary means of access alternatives, the adequacy of the information submitted, the risk assessments provided, and mitigation measures proposed.

3.2.2.10 After the close of the hearing, which shall not be unreasonably delayed, the Board will evaluate the alternatives and supporting materials and information presented in the application and at the hearing, and then render a supplemental decision at its next regularly scheduled meeting or as soon as reasonably possible thereafter designating the final selection of suitable secondary access to the Residences at Quail Ridge. The supplemental decision will be limited in scope to the final selection of suitable secondary access to the Site.

➢ **Possible Outcomes**

3.2.2.11 If the Board, after holding the hearing and reviewing all the evidence, finds that a street access to Great Road through the Great Road Condominium property is feasible and suitable, it will issue a supplemental decision of approval for this access, which may contain conditions and required plan modification. The Plan as otherwise approved hereunder shall then be modified accordingly, and the Applicant shall seek all other permits and approvals that may be required, and construct said access as approved by the Board.

3.2.2.12 If the Board finds that direct access to Great Road through the Great Road Condominium property is not feasible or suitable, its supplemental decision will reject this access alternative and proceed with deciding on the following secondary access alternatives through Acorn Park:

i. A combination of two means of gated emergency access through the Acorn Park subdivision to the proposed development, including a variety of methods to ensure the reliability of a gated emergency access; and

ii. Three permutations of alternative full street access through the Acorn Park subdivision, including possible traffic mitigation solutions for each alternative that will maximize traffic and pedestrian safety in the streets within the Acorn Park subdivision:

- Access via Hazelnut Street.
- Access via Palmer Lane.
- Access via both Hazelnut Street and Palmer Lane.

3.2.2.13 If the Board, after holding the hearing and reviewing all the evidence, finds that single street access with two reliable gated emergency access ways through the Acorn Park Subdivision is adequate to protect the public health, safety and wellbeing of the people at the Residences at Quail Ridge and the users of the golf course facility, and that there are significant countervailing reasons for not requiring full secondary street access through Acorn Park (such as an unduly increased risk of bodily injury in the streets of Acorn Park on account of added traffic from the proposed development), the Board will issue a supplemental decision approving the single street access configuration with emergency access only, which may contain conditions and required plan modifications.

The Plan as otherwise approved hereunder shall then be modified accordingly, and the Applicant shall seek all other permits and approvals that may be required, and construct said access configuration as approved by the Board.

3.2.2.14 If the Board, after holding the hearing and reviewing all the evidence, finds that single street access with gated emergency access as the sole secondary means of access is not adequate, and/or that there are not significant countervailing reasons against requiring full secondary street access through Acorn Park, the Board will render a supplemental decision at its next regularly scheduled meeting or as soon as reasonably possible thereafter approving for implementation suitable second street access through the Acorn Park subdivision with, with some, or without associated mitigation measures. The Plan as otherwise approved hereunder shall then be modified accordingly, and the Applicant shall construct said access as approved by the Board.

Age Restriction

3.2.4 To be in compliance with Bylaw section 9B.11, all units in the Residences at Quail Ridge senior residence development shall be occupied by at least one individual aged 55 years or older. The Board considers the following residency exceptions as being in compliance with section 9B.11: Spouses and children of any age, including adopted children, of a qualified senior person; children of any age for which the qualified senior person is a legal guardian; grandchildren of any age of a qualified senior person when the grandchildren's parents are not able to fulfill their parental duties due to death, illness, or other catastrophic infliction; and live-in home health aides or household aides of any age employed by the qualified senior person to assist that person with household or health care needs. The draft master deed included in the application, including its Exhibit D, shall be modified accordingly. Visitors as defined in the draft master deed shall also be allowed.

Affordable Units

3.2.5 Designate on the Plan one additional affordable townhouse unit and two additional affordable units to be located scattered in the multi-unit buildings, The Lodges (for a total of nine).

3.2.6 At least one of the affordable units in The Lodges shall be designated as an end unit.

3.2.7 In the condominium master deed and all legal documents related to the affordable units, specify which unit numbers will be the designated affordable units.

3.2.8 In the condominium master deed and all legal documents related to the affordable units, specify that the affordable units shall be sold to income eligible persons or households that meet the age restrictions of the master deed.

3.2.9 In the condominium master deed specify the percentage in ownership of the affordable units in the condominium reflecting the units' restricted sale and re-sale prices, and specify that the condominium fees shall be assessed proportionately to the units' percentage in ownership. Accordingly, votes in the decisions of the condominium association shall also be based on the percentage in ownership.

3.2.10 In the condominium master deed and all legal documents related to the affordable units, specify the local preference criteria for the sale and re-sale of the affordable units in accordance with section 9B.12.7 of the Bylaw, which the Acton Community Housing Corporation may further define from time to time.

3.2.11 The resale fee in the deed rider shall be adjusted to 2%.

3.2.12 All draft legal documents and restrictions concerning the affordable dwelling units may be further modified to ensure compliance with the Department's of Housing and Communities Development (DHCD) Local Initiative Program (LIP)/Local Action Unit (LAU) guidelines and to qualify these affordable units a part of Acton's affordable housing stock under M.G.L. Ch. 40B. Such changes, if any, shall be made only under the direction and subject to the approval of Town Counsel, which the Board hereby names as its designee in this matter. However, no such changes shall be in violation of section 9B.11 of the Bylaw which requires that all units in a Senior Residence Development shall be age restricted to persons age 55 or older (section 9B.11) and as further specified herein.

Open Space Conservation Restriction for Parcel A

3.2.13 Submit for Board approval an open space conservation restriction for parcel A that is separate from any condominium deeds or documents and that makes the Town of Acton the beneficiary of the restriction.

Other

3.2.14 Change all documents to reflect the total unit count of 174 - 86 single-family, 50 duplex, and 36 garden style units, as shown on the plan, and in particular correct the unit composition table in section 3.6.7 of the application book and the land use data table on Plan sheet 2 so that the two match the aforesaid total and unit type numbers.

3.2.15 Show sidewalks and walkways as presented conceptually on the Site Layout Plan, dated October 18, 2007 and add a continuous sidewalk connection to Hazelnut Street and along the entire Skyline Drive to Great Road. The sidewalks shall be laid out and designed 5 feet wide and otherwise in compliance with the Subdivision Rules, except that the green strip between the curb and the sidewalk may be reduced to three feet.

3.2.16 Unit driveways shall measure a length of at least 21 feet from behind the sidewalk to the buildings or garage doors.

3.2.17 Show two exit lanes for Skyline Drive at Great Road.

3.2.18 Subject to MassHighway approval, show a right turn lane eastbound on Great Road for Skyline Drive.

3.2.19 Show guard rails on Skyline Drive along sections with significant down slopes in the shoulder area.

3.2.20 As stated below and described in the Health Director's memos dated 8/9/07 and 11/7/07, the following issues shall be addressed:

a. Amend the wastewater treatment plant and related sections of the master deed of the Residences at Quail Ridge Condominium and other condominium documents to also reference the Massachusetts Department of Environmental Protection.

b. Clearly notify each prospective buyer and/or condominium owner that their unit is served by a low pressure grinder pump that has an emergency storage capacity of no more than 70 gallons.

c. Submit an operation and maintenance manual to the Health Department for the treatment plant; indicating the quantity of and including the service and maintenance

on (1) all pumps located in each dwelling unit and structure, and (2) the reserve pumps and spare parts supply to be maintained at the wastewater treatment facility.

d. Revise the Plan as follows:

i. Add information to the Plan describing how solid waste management will be handled on the entire Site.

ii. Show the leaching fields, wastewater treatment facility, and grinder pump locations on the Plans.

iii. Each low pressure pump unit should be equipped with a visual and audible alarm.

iv. On Sheet 29 of 43, specify the PVC pipe in the profile to be SDR-21 PVC pipe.

v. Add a detail drawing for sewer line and drainage line crossings.

vi. Draw the utilities at the intersection of Parkland Drive and Quail Ridge Drive on Sheet 21 of 43 so they are more legible on the Plan.

vii. Label the sewer manhole in front of 29 Greenside Lane.

viii. Relocate the low pressure service lines for 31 Greenside Lane and 50 Ryder Path, and the sewer service line for 46 Skyline Drive.

ix. Provide a sewer profile for the section between 9 Quail Ridge Drive and 114 Quail Ridge Drive.

x. Show a low pressure service line for 29 Greenside Lane.

xi. Clearly show the pump station for the three multi-unit buildings on the Plan.

xii. Provide a detail drawing of the location of the DH502 pump station in relationship to catch basin #54.

xiii. Correct the low pressure service line for 139 Bentgrass Path so its location is consistent on Page 18 and Page 33 of the Plan.

xiv. Clearly show on the Plan where gravity sewer will be located on the Site.

xv. Show sewer service lines for the three multi-unit buildings.

xvi. Describe provisions for backup power for the restaurant and the three multi-unit buildings.

xvii. Provide outdoor visible and audible alarms on the restaurant and multi-unit buildings pump stations.

3.2.20 Modify the Plans to address the following issues raised in the Acton Water Supply District's memo received 9/10/07:

a. Show water main sizes.

b. Show individual service isolations.

c. Annotate sizes on residential services.

d. Loop dead-ends wherever possible.

3.2.21 Submit a water impact study to the Acton Water Supply District (AWSD) for review and approval.

3.2.22 Coordinate fire flow tests and fire hydrant locations with the Acton Fire Department (AFD) and AWSD. AFD and AWSD approval of the Plan shall be submitted in writing prior to Plan endorsement.

3.2.23 Contact the Fire Chief to determine the need and locations for fire alarm call boxes.

3.2.24 Obtain approval from the Acton Police and Fire Departments for the proposed street names within the development to ensure that there is no confusion during a 911 emergency with other existing street names in Town.

3.2.25 Provide suitable landscape screening between the Residences at Quail Ridge and the homes at Acorn Park as per agreement between the Applicant and the Trustees Board of Directors of the Acorn Park Condominium.

3.2.26 Submit a letter, stamped and signed by the Landscape Architect of record, that the plantings were installed in compliance with commonly accepted industry practice, that they comply with the American Standard for Nursery Stock (ANSI Z60.1-2004), that they are healthy, and that the actual plantings are consistent with approved landscape plan.

3.2.26 Modify the Plan to address the following concerns raised by the Acton Engineering Department in their memo dated September 19, 2007, last revised November 21, 2007:

a. Continue the baseline stationing for the existing portion of Skyline Drive through the new development instead of restarting the stationing at Station 0+00.

b. Remove the existing perpendicular turnaround leg at the existing end of Skyline Drive by the golf course

c. Label the minimum centerline radius on the Plan and Profile (Sheet 34 of 43) for Parkland Lane between Stations 4+71.48 & 5+10.81.

d. Ensure all roads, intersections, common drives, and parking areas are adequately designed on the Plan for emergency SU-30 vehicles (fire truck) access.

e. Prior to approving the drainage design, a Professional Engineer shall conduct a deep test hole and percolation test in the same locations as the proposed infiltration chambers and basins to field verify the type of existing soils, the actual infiltration rate and the groundwater elevations that were used in the drainage design. The results of the testing shall be submitted to the Acton Engineering Department for review and approval. The Professional Engineer shall label the estimated seasonal high groundwater on the typical detail for the infiltration and detention basins and the subsurface infiltration chambers.

f. Add a note requiring subdrains along all roadways within the cut sections of the existing ground surface as well as any other locations where groundwater becomes a problem for the roads.

g. Provide high-capacity double grates on the catch basins (CB #8 and #9) located at the low point on Quail Ridge Drive at about Station 10+91.

h. Remove the diversion walls from inside the catch basins (such as on Quail Ridge Road at Station 10+91 (CB #8 and #9)) and utilize separate diversion manhole(s).

i. Label the type of traffic-rated covers that will be used for the subsurface recharge facilities located under the road(s).

j. Label a drainage swale to be constructed at the base of proposed slopes behind the units on Greenside Lane by Skyline Drive.

k. Propose an alternative design to the outlet pipe for Stormwater Basin #12 to prevent the basin from discharging across the existing driveway for the Concord Water Plant.

l. Propose a culvert crossing or some other alternative for the existing path on Common Land parcel A to prevent Stormwater Basin #15 outlet runoff from discharging across the pathway surface.

m. Line Stormwater Basin #28 with a manmade impervious barrier and only allow this basin to detain runoff; not infiltrate into the ground. Verify and correct the contours for the drainage basin on the Plans as needed. Label the invert elevations of the outlet structure in Stormwater Basin #28 on the Plans.

n. Add a note to the detail for the Stormceptor to specify the location(s) where this structure will be installed on the Site.

o. Add to the details for the infiltration and detention basins a requirement that all the existing top and sub-soil shall be removed from underneath the bottom of the basin and from underneath the earth berm.

p. Add a note in the Drainage System Operation & Maintenance Plan (Sheet 41 of 43) for the infiltration basins so that the parties responsible will understand when there is standing water in these basins after a specified time period that these basins need to be cleaned to remove the sediment that has accumulated along the bottom of the basin.

q. Label the stormwater basins on the Site Development Plan to identify which basins will be used for detention or infiltration. Add a note on the typical details for the infiltration and detention basins to specify the stormwater basins. Modify the detail for the detention basin to show the outlet pipe to be set at or slightly below the bottom elevation of the drainage basin.

r. Add a note to the typical detail for a proposed water quality swale outlet structure identifying the locations of the outlet structures.

s. Add a typical cross section for the water quality swale and clearly label the water quality swales on the Site Development Plan.

t. Incorporate the Drainage System Operation and Maintenance Plan (Maintenance Plan) into the private way covenant and maintenance agreement for the road(s), access driveway(s) and the parking areas either by attaching it to the Maintenance Plan or inserting the language directly into the Maintenance Plan.

u. Label the 3/16 inch per foot sidewalk cross slope on the typical road and common driveway cross sections as the maximum allowable cross slope.

v. Add a Plan note stating that the binder course of pavement shall be exposed to one winter season (November 15 – April 30) prior to the application of the wearing course.

w. Add a Plan note stating that the proposed street name signs shall meet the specifications of the Acton Highway Department. The street name sign shall have a sign affixed to it designating the street a private road. Show the street name signs affixed to the same posts as the stop signs where practical to minimize the amount of sign posts.

x. Add a Plan note stating that any traffic related street sign post shall be seated in concrete.

y. Show the location of the sign identifying the development on the Plans.

z. Add a note to the typical detail for a wooden guardrail stating that this type of guardrail is not allowed along the roadways. Include in the notes that any guardrail located alongside the roads shall meet MassHighway standards.

aa. Show a vertical granite curb at the proposed culvert crossing on Quail Ridge Drive instead of a slope granite curb.

bb. Show a stop line and stop sign at the intersections in accordance with the Manual on Uniform Traffic Control Devices (M.U.T.C.D).

cc. Label the crosswalks at road intersections to be painted on the street in conformance with the M.U.T.C.D.

dd. Change the intersecting street name labeled on the Plan and Profile for Parkland Lane (Sheet 35 of 43) from Ryder Path to Bentgrass Path.

ee. Add a note or detail stating the dimensional requirements for a standard parking space, maneuvering aisle, etc...

ff. Specify on the Plans that the Standard Pavement Detail does not apply to the roadways.

gg. Add a note requiring stating sidewalk construction shall comply with Architectural Access Board standards.

hh. Connect the end of the sidewalk on Skyline Drive to the interior walkways located at the golf course parking area.

ii. Show on the Plan the proposed grading for the relocated paths within the development.

jj. Extend the sidewalk located adjacent to the handicap space that ends at the edge of Skyline Drive and install sidewalk ramps, crosswalks, signs, etc to provide a pedestrian connection to the existing building and/or the proposed restaurant and golf course facility.

kk. Revise the street numbering on Quail Ridge Drive and Ryder Path so house numbers on both sides of the road remain fairly consistent and to correct duplicate street addresses.

ll. Show a sign for the multi-unit buildings on the road clearly indicating the Greenside Lane street addresses for the units. Renumber the multi-unit buildings so the addresses on both sides of Greenside Lane remain fairly consistent.

mm. Describe on the Plans the locations of the mailboxes.

nn. Revise the Plans to show the turnaround at the end of Greenside Lane as it is shown on the Site Layout Plan dated 10/16/07.

3.2.27 In accordance with the Concord Public Works Water and Sewer Division letter dated 10/26/07 and e-mail dated 11/19/07:

a. Show the Town of Concord's water transmission main within the existing 40-foot wide utility easement on the Plan at locations only where Site work is proposed across or adjacent to the water main. For these locations, show construction, profile, and utility details. Submit the revised Plans to the Town of Concord Public Works Water and Sewer Division for approval.

b. Update the cross sections of the road crossings at Nagog Brook on the Plan to reflect the relationship with the Town of Concord infrastructure in this vicinity.

c. Remove from the Site Development Plan Sheet all pedestrian pathways and sidewalks entering the Town of Concord land.

3.2.28 The Plan shall be modified to comply in all respects with the Bylaw. Unless directed otherwise by this decision, the Plan shall also be modified to comply with all requirements of the Rules, and to address all departmental comments received by the Board in a manner that resolves any concerns raised therein to the satisfaction of the Board.

3.3 CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns. Failure to adhere to these conditions shall render this special permit null and void, without force and effect, and shall constitute grounds for the revocation of this special permit, and of any building or occupancy permit issued hereunder. The Town of Acton may elect to enforce compliance with this special permit using any and all powers available to it under the law.

Previous Unfinished Obligations

3.3.1 Pedestrian trail from Hazelnut Street to the Nagog Hill Conservation Area:

- Prior to the issuance of a building permit on the Site for any dwelling units or other improvements shown on the Plan, the Applicant shall offer the Town a grant of easement or parcel deed for the pedestrian trail from Hazelnut Street to the Nagog Hill Conservation Area along the northern Site boundary in the location more or less as shown on the plan approved under the golf course special permit for the Quail Ridge Country Club (decision #02-06 as amended). The easement, which is subject to Town Meeting acceptance, shall be for public pedestrian trail use and Town construction and maintenance of the same (omitting the reference to emergency access previously stated in the special permit decision for the Quail Ridge Country Club).
- If the easement is accepted by Town Meeting, the Applicant shall complete the trail within 180 days from the date of Town Meeting acceptance and before the issuance of the 20th building permit on the Site. The Town continues to offer to prepare the applications and represent the Town's interest at hearings before the Conservation Commission necessary to obtain approval. The Applicant shall be responsible for the preparation of all necessary plans, calculations, specifications, and documentation in support of said application made by the Town. After approval by the Conservation Commission, the Applicant shall then complete the construction of the trail, or assist the Acton Land Stewardship Committee with the completion of the trail construction as needed including delivery of materials and/or financial support for the purchase of materials that are required to traverse the wetland and build all other trail construction elements in accordance with the Conservation Commission approved plans and specifications.

3.3.2 Prior to the issuance of a building permit on the site for any dwelling units or other improvements shown on the Plan, the Applicant shall complete all sidewalks along Great Road as required in the Hillside Condominium PCRC special permit, as amended, and in the Skyline Drive subdivision approval.

Public Use of Golf Course

3.3.3 The 9-hole golf course on the common land, including all its supplemental uses and amenities shall be open for use and enjoyment to all Acton residents either through purchase of a club membership or by paying a user fee.

Ongoing Obligation from Previous QRCC Special Permit

3.3.4 All work on the Site and the ongoing operations of QRCC shall be performed in compliance with the applicable law and regulations protecting wetlands and wildlife habitat in the Town of Acton including the Order of Conditions of the Acton Conservation Commission issued on April 9, 2002 (MADEP File Number 85-778), as amended or substituted by the Conservation Commission. Turfgrass and Integrated Pest Management (IPM) Plans that are prepared and amended in conformance with said Order of Conditions or are otherwise approved by the Conservation Commission in subsequent years shall be deemed in compliance with this special permit.

3.3.5 Upon completion of all work on the Site as determined by the Board, the Applicant shall submit to the Board an as-built plan for the Site showing the information required under Rules, Drainage and Water Balance Calculations, and all other documentation necessary and appropriate to show compliance with this special permit and the Plan approved hereunder and applicable requirements of the Zoning Bylaw and said Rules. All plans and supporting documentation shall be prepared and certified by a Massachusetts Registered Professional Engineer.

3.3.6 The golf course owner shall retain a professional consultant with experience in environmentally responsible management of golf courses (Consultant) who shall perform the following annual auditing and reporting tasks:

The Consultant shall conduct on-site reviews twice a year (May and October). The reviews shall be accomplished by a team which includes the Consultant's environmental audit professional, the Quail Ridge Golf Country Club's golf course superintendent, and a golf course superintendent from another local facility using Integrated Pest Management/Turf Management (IPM/TM) practices and/or an IPM expert. The on-site reviews shall be conducted with advance notice to the Quail Ridge Superintendent. The review shall incorporate the following tasks:

1. Look at the ongoing operational IPM/TM practices.
    a. Scouting reports
    b. Local environmental conditions
    a. Pathogen diagnosis
    b. Soil analysis
    c. Tissue analysis
2. Conduct visual inspections of the equipment maintenance area.
    a. Oil/solvent disposal
    b. Parts wash station
    c. Fuel tanks
    d. Overall appearance of equipment maintenance area
3. Inspect equipment washdown areas.
    a. Runoff of clippings and wash water contained/recycled
    b. Assure that washdown system is functional
4. Review pesticide/fertilizer storage, mixing, and recordkeeping procedures.
5. Review irrigation system leak detection and maintenance plan.
6. Review water conservation practices.
    a. Pumphouse flow meters
    b. Monthly withdrawal records
    c. Irrigation system computer

7. Conduct on-course inspections of areas in close proximity to environmentally sensitive receptors.
   a. Turfgrass/native grass buffer zones are working properly
   b. Runoff should be detained before wetland areas

The Consultant shall prepare a summary report of each site visit for submission to the Planning Board, the Conservation Commission, the Board of Health, The Acton Water Supply District, and the Quail Ridge Country Club Superintendent. This report shall identify any deficiencies noted during the site visit and the steps recommended to correct each deficiency.

In addition to the on-site reviews, the Consultant shall review the water quality and quantity information being submitted to the Town for compliance with this Special Permit and the Conservation Commission Order of Conditions (Special Conditions 78 and 96). The Consultant shall also review the annual IPM/TM reports which the Quail Ridge Superintendent will be submitting annually to the Town (Conservation Commission Order of Conditions - Special Condition 88). The Consultant shall prepare a letter report of its review findings for submission to the Planning Board, the Conservation Commission, the Board of Health, the Acton Water Supply District, and the Quail Ridge Country Club Superintendent. This report will identify any recommended changes to the upcoming year's IPM/TM plan. Upon the Board's request, the Consultant shall attend a regularly scheduled meeting of the Board to present its report answer questions by Board members and the attending public.

Immediately upon receipt of this decision, the owner of the golf course shall inform the Board of its current Consultant that performs these duties as per Amendment #7 of the QRCC special permit. Thereafter, QRCC shall give the Board 60 days prior notice before contracting with any new Consultant to perform this task, including the Consultant's name, title, resume, and other relevant information to document his/her qualifications to perform this task. The Board reserves the right to reject any such Consultant selection if the documentation submitted does not provide reasonable evidence that the chosen Consultant possesses the expertise and experience to perform this task to the satisfaction of the Board. In the event of a Consultant rejection by the Board, the golf course owner shall reopen its search and select another consultant as quickly as possible and without missing a growing season.

3.3.7 The golf course shall be:

- 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.
- Offered at no charge to the Acton - Boxborough High School Golf Team as their home course.
- Available during the off-season at no charge to the general public for winter recreational opportunities, such as cross-country skiing or snow shoeing.

3.3.8 As necessary during hours of anticipated peak usage, the golf course owner shall engage valet parking services. The golf course owner shall strictly enforce the Valet Parking Plan approved under the QRCC special permit, as amended, and make it available to the valet parking operators. Emergency access and egress lanes shall always remain open. At no time, shall overflow parking extend onto Skyline Drive.

3.3.9 At least one month before scheduled tournaments or other events, during which parking (including valet parking) may not suffice to meet the needs of event participants and spectators, QRCC shall notify the Acton Police and Fire Departments.

3.3.10 Potable water, provided by the Acton Water District, shall not be used for irrigation of landscaping anywhere on the golf course including around the clubhouse compound and parking lot, unless specifically approved by the Acton Water District on a case-by-case

basis. No public water shall be used for washing of maintenance vehicles or golf carts unless the Acton Water District has approved such use of public water. All non-potable hose bibs shall be appropriately marked "for non-potable use only".

3.3.11 Groundwater monitoring data shall be sent to the Acton Water District after the first full year of monitoring is completed, and again every year thereafter.

3.3.12 All equipment that has been used for fertilizer or pesticide application shall be washed and cleaned within a containment area (such as shown at the maintenance building) where possible spills can be captured in a holding tank for proper and legal disposal.

Age Restriction

3.3.13 All units in the Residences at Quail Ridge shall be age restricted to seniors age 55 or older in accordance section 9B.11 of the Bylaw and as further specified under Plan Modifications herein.

Affordable Units

3.3.14 As the Applicant has proposed, the Residences at Quail Ridge shall include nine affordable units - three single family units, four town house, and two units in the multi-family buildings in scattered locations as designated on the Plan approved hereunder that are age-restricted to seniors in accordance with 9B.11 of the Bylaw and as further specified herein.

3.3.15 The affordable units shall be designed and constructed in accordance with the compatibility requirements of section 9B.12.6 of the Bylaw.

3.3.16 The affordable units shall be marketed, priced, and sold in accordance with the Department's of Housing and Communities Development (DHCD) current guidelines for Local Action Units (LAU guidelines, previously Local Initiative Program (LIP) guidelines) and the Applicant shall exert its best efforts to qualify the units a part of Acton's Subsidized Housing Inventory under M.G.L. Ch. 40B. To the extent that compliance with these guidelines or approval otherwise by DHCD requires a market study for the age restricted affordable unit, it shall be prepared to satisfy such requirement.

3.3.17 The Town of Acton through its designee, presently the Acton Community Housing Corporation (ACHC), shall act as the monitoring agent for the marketing of the affordable units at the initial sale and any future resale. If and when the units become part of the Acton Subsidized Housing Inventory, DHCD shall be responsible for monitoring the limited dividend component of the proposed project unless DHCD specifically designates another entity for that monitoring function.

3.3.18 The affordable units shall be sold and re-sold in accordance with the local preference criteria of the Bylaw, section 9B.12.7, which the ACHC may further define from time to time. The current ACHC local preference criteria, which the Board finds consistent with the intent of the Bylaw, are:

> To the maximum extent permitted by law, first preference for the purchase of 70% of the Affordable Units shall be given to households that meet one or more of the following "Acton Connection" preference criteria:
>
> (a) at least one member of the household is <u>currently</u> a legal resident of the Town of Acton. For purposes of the Lottery, a person shall be deemed a resident if that person has been registered as an Acton resident with the Acton Town Clerk pursuant to G.L. c. 51, §4 <u>and</u> would be considered a resident under the United States Census Bureau's residency guidelines.

(b) at least one member of the household is either a parent, son or daughter or sibling of a current Acton resident.

(c) at least one member of the household is an employee of the Town of Acton, the Acton Public Schools, the Acton-Boxborough Regional School District, or the Acton Water District.

(d) at least one member of the household is currently privately or publicly employed within the Town of Acton.

[1] Usual residence has been defined as the place where the person lives and sleeps most of the time. This place is not necessarily the same as the person's voting residence or legal residence. Also, non-citizens who are living in the United States are included, regardless of their immigration status.

3.3.19 The affordability restrictions for the affordable units shall remain in effect in perpetuity except in the event that at the time of sale or resale no qualified buyer can be located within 180 days after a unit is first marketed, or such extended time as the seller and the monitoring agent may agree. In such an event the conditions of the regulatory agreement for the unit shall govern and any proceeds of the sale of the unit in excess of the restricted sale price shall be paid to the Town of Acton for purposes of supporting other affordable housing initiatives in Acton.

3.3.20 The Applicant shall contact the Acton Housing Authority regarding the possible sale of up to two affordable units to the Acton Housing Authority at the reduced sale price. It is unclear if the Acton Housing Authority might pay for the monthly condominium and golf course membership fees or would seek a waiver. The Board does not decide this matter here.

3.3.21 The Board reserves its right to make in its discretion minor revisions to the conditions and required plan modifications concerning affordable housing conditions set forth herein without a further public hearing to ensure that the affordable units are eligible for the Acton Subsidized Housing Inventory.

Accessibility

3.3.22 All dwelling units shall be built to be adaptable with only minor structural changes for persons with disabilities to meet the requirements for Group 2B residences as set forth in the Massachusetts Building Code, 521 CMR, as amended.

Prior Special Permit

3.3.23 Within one year from the date of the filing of this decision with the Town Clerk, the Applicant shall file with the Board an application, for the rescission of prior special permits granted by the Board on the Site (decisions 98-05 and 02-06), including appropriate and necessary documentation in support of the rescission request.

Other

3.3.24 The maximum number of dwelling units shall be 174.

3.3.25 Add in conspicuous locations of the Residences at Quail Ridge Master Deed and Bylaws that all uses of the land in the Residences at Quail Ridge shall comply with the Town of Acton zoning bylaw and this Senior Residence Special Permit.

3.3.26 Streets in Acorn Park shall not be used by construction vehicles associated with the development on the Site.

3.3.27 All outdoor lighting on the Site shall comply with Sections 10.6.2 and 10.6.3 of the Bylaw.

3.3.28 The golf course shall not be illuminated.

3.3.29 The restaurant shall only exist and operate as a supplemental use to the golf course. In the event that the golf course ceases operation, the restaurant shall also shut down operation, except as may otherwise be allowed under section 9B of the Bylaw and the Rules and Regulations for Senior Residence special permits.

3.3.30 The area in the vicinity of the 4th and 7th tees of the present golf course west and south-west of the wetland with the vernal pool, no further tree clearing shall occur without approval of the specific locations and extent by the Board.

3.3.31 The Applicant shall be diligent in complying with the erosion and sediment control plan. The Applicant shall not cause or permit the runoff of water or erosion that results in the flooding or siltation of any street, way or drainage facility owned or maintained by the Town. If such runoff or erosion occurs, the Building Commissioner may order the immediate cessation of any excavation, construction and building activities until the conditions that caused the runoff or erosion have been corrected.

3.3.32 Before the issuance of any building permit on the Site, all requirements and conditions of the Board of Health and the Massachusetts Department of Environmental Protection (DEP) for the on-Site wastewater disposal system shall be met and complied with

3.3.33 Prior to issuance of a building permit on the Site, the Applicant shall provide full public disclosure of proposed water withdrawals for the golf course and other operations on the Site, follow the regular and open application process to seek a standard DEP water withdrawal permit, and shall not preclude, prevent, or obfuscate public review and comments to DEP.

3.3.34 All taxes, and penalties and back charges, if any, resulting from the non-payment of taxes, shall be paid in full prior to issuance of a building permit.

3.3.35 Prior to the start of any work on the Site, the Applicant shall provide the Board with a performance guarantee for all streets and other public improvements on the Site as shown on the approved Plan. Said performance guarantee shall comply with the standards in Section 6 of the SRR. The Board reserves the right to require additional performance guarantees for any and all items and improvements shown on the Plan.

3.3.36 If blasting is required for any of the work shown on the approved Plan, the Applicant shall strictly follow the regulations and instructions of the Acton Fire Department.

3.3.37 All common land areas shall remain in their natural state and remain undisturbed during and after construction except as shown on the Plan.

3.3.38 The common land shown on the Plan and approved hereunder, including any portion that exceeds minimum zoning requirements, shall not be reduced in area.

3.3.39 No portion of the common land shown on the Plan and approved hereunder, including any portion that exceeds minimum zoning requirements, shall be used to meet area, setback, or any other zoning requirements for any other development or improvement that is not shown on the Plan, specifically, it shall not be used to support additional dwelling units or house lots.

3.3.40 All work on the Site shall be conducted in accordance with the terms of this special permit and shall conform with and be limited to the improvements shown on the Plan as modified herein.

3.3.41 All water service lines shall be installed in accordance with the specifications of the Acton Water Supply District.

3.3.42 All access rights for the Town of Concord to its water treatment facility shall be protected.

3.3.43 All work on the Site shall be performed in compliance with the applicable law and regulations protecting wetlands and wildlife habitat in the Town of Acton.

3.3.44 All roads and common drives within the Residences at Quail Ridge development shall remain private. The owners of the Residences at Quail Ridge Condominiums shall be jointly responsible for plowing, sweeping, and otherwise maintaining all roads and common drives within the Residences at Quail Ridge development, including all related infrastructure (drainage systems, street lights, etc.). The owners of the Residences at Quail Ridge Condominiums shall not petition the Town to plow, sweep, or maintain any of the roads or common drives and shall not petition the Town for acceptance of any of the roads or common drives in the Residences at Quail Ridge development as public ways.

3.3.45 The Residences at Quail Ridge Condominium association shall be jointly responsible for owning, operating and maintaining the pump station at the three multi-unit buildings on the Site.

3.3.46 This Decision, the record plan, the open space restriction for Parcel A, the condominium master deed with the affordable housing restrictions for the nine designated affordable units, and any restrictive covenant executed as a performance guarantee shall be recorded at the Middlesex South District Registry of Deeds or the Land Court prior to the issuance of a building permit on the Site. Affordable unit restrictions and deed riders shall be recorded at the time of their conveyance.

3.4 LIMITATIONS

The authority granted to the Applicant under this special permit is limited as follows:

3.4.1 The foregoing required modifications and conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Bylaw and the Rules.

3.4.2 This special permit applies only to the Site identified in this decision and to the proposed use and activity as shown on the Plan.

3.4.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.

3.4.4 This special permit shall lapse if substantial use thereof has not commenced within two years of the filing date of this decision with the Town Clerk, except for good cause, or if construction under this special permit is not continued through to completion as continuously and expeditiously as is reasonable. For substantial use to have commenced, clearing and grading of at least one street as approved hereunder must be under way. For construction to continue towards completion as continuously and expeditiously as is reasonable, construction activity shall not rest for more than 1 year. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates, and the Board herewith reserves its rights and powers to grant or deny such extension, to issue any appropriate changes to the special permit and to require any appropriate modifications of the Plan.

3.4.5 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this special permit with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

4 APPEALS

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, S. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

Signed on behalf of the Acton Planning Board

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

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Eva Taylor, Town Clerk Date

Copies furnished:

Applicant - certified mail #	Building Commissioner	Health Director
Town Clerk	Engineering Administrator	Municipal Properties Director
Fire Chief	Conservation Administrator	Town Manager
Owner	Police Chief	Acton Water District
MAGIC (DRI only)	Historical Commission	Assistant Assessor
	Historic District Commission	

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