



TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630

Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Board **Date:** October 10, 2008
From: Kristin K. Alexander, AICP, Assistant Planner *KKA*
Subject: Micmac Lane Definitive Subdivision (Residential Compound)

Below is basic information about the proposal and Planning Department comments. Comments were received from other Town departments/agencies. The applicant should address all comments received.

Location: 48 Nashoba Road and 6 Wampanoag Drive
Map/Parcel: D-2/15, 15-1
Tract Size: 14.77 acres
Number of Lots: 5 (one existing house)
Zoning: Residence 8/4 (R-8/4),
Groundwater Protection District (GPD) Zones 3 and 4
Affordable Housing Overlay District Sub-District A
Applicant: Kotanchik, 48 Nashoba Road, Acton, MA
Owners: Judith Kotanchik
Ruth Porter
Public Hearing: **October 14, 2008 (7:45 PM)**
Decision Deadline: **November 27, 2008**

Application Comments

1. The application form (Form DP) lists Judith Kotanchik as the applicant, but someone else signed it as the applicant. James Kotanchik is listed on the Definitive Plan as the applicant. All documents should be revised so all information is consistent.

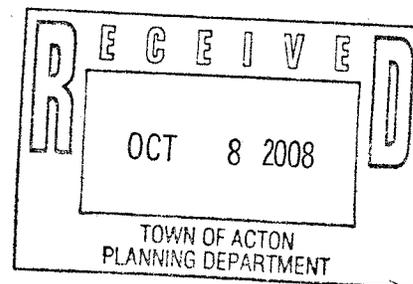
Plan Compliance Comments

1. The cul-de-sac shown on the Proof Plan measures 120 feet in diameter. The cul-de-sac does not comply with the Acton Subdivision Rules and Regulations (Rules) Section 8.1.18 which requires the cul-de-sac to be 140 feet in diameter. Revise the Proof Plan to show that the Micmac Lane cul-de-sac diameter, turning radii, angles, etc. comply with the Rules. In addition, the Proof Plan should be stamped by a registered land surveyor.
2. Provide documentation that the Approval Not Required (ANR) Plan signed by Roland Bartl for the Acton Planning Board on 12/28/07 was recorded at the Middlesex County Registry

of Deeds. If documentation cannot be provided, Porter's land should be included in the subdivision and the Record Plan (Sheets 2 and 3) needs to list Porter as a record owner.

3. The Rules Sections 9.6.1 and 9.6.2 require sidewalks on one side of local streets in subdivisions and along that portion of any existing public street upon which the subdivision has frontage (in this case, Nashoba Road and Central Street). All subdivisions should either include sidewalks or involve the applicant contributing towards the Town's sidewalk system. The applicant is proposing a contribution to the Town sidewalk fund. Staff has visited the site and nearby area. There appears to be no logical locations for new sidewalks or sidewalk extensions to connect to the existing system or Douglas and Gates Schools. Considering the circumstances, staff would agree that the applicant request a waiver from Section 9.6.1 of the Rules and in its place contribute \$20,173.50 to the Town's sidewalk fund (678' Micmac Ln. frontage x \$15/foot (to construct) + 74.45'-42'=32.45' Nashoba Rd. frontage x \$30/foot +301' Central St. frontage x \$30/foot).
4. On the Record Plan (Sheets 2 and 3), Note 2, in the second sentence, remove the comma between "plan" and "profiles".
5. On the Record Plan (Sheets 2 and 3), Note 7 is slightly vague so change it to state "The Private Way shall only serve Lots 1 through 5 on the Plan".
6. Provide a north arrow on the Record Plan (Sheet 3).
7. The Acton Fire Department still needs to review the proposal and provide written comments.
8. On the Plan and Profile (Sheet 6), add the following note near the intersection of Micmac Lane and Nashoba Road: "Proposed Street Name Sign: Micmac Lane".
9. The Tree Warden, Dean Charter, in his memo received 9/25/08, states that the two 24 inch trees at the entrance of Micmac Lane could be negatively impacted by the upgrades to Micmac Lane and eventually die; creating safety hazards and expenses to the Town. The two trees are public shade trees under Mass. General Law Chapter 87. Mr. Charter recommends a public hearing be held on the removal of these trees. Please see his attached memo. Planning Department staff defers to the Tree Warden on this issue.
10. During the preliminary plan process, the Tree Warden commented that in lieu of street trees planted along the private way (as required by Rules Section 9.8.1), the applicant could provide suitable landscape buffering between the proposed houses and the established residential neighborhood to the south. The applicant has provided landscaped buffer areas on the Plan near 11 and 12 Wachusett Drive, and near 44 Nashoba Road. The note on the Plan near 44 Nashoba Road; however, is too vague ("existing trees to remain") and only points to basically one shrub. Clarify the landscape buffering note and the buffering area on the Plan near 44 Nashoba Road.
11. On the Construction Details sheet (Sheet 8), add Acton Planning Board signature lines.
12. Changes need to be made to the "Private Way Covenant and Maintenance Agreement" and the "Micmac Lane – Declaration of Protective Covenants". Staff will provide the changes in separate documents to the applicant and the Board by the public hearing.

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



Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Department

Date: October 8, 2008

From: Engineering Department

Subject: Review of Definitive Plan: MICMAC Lane Residential Compound

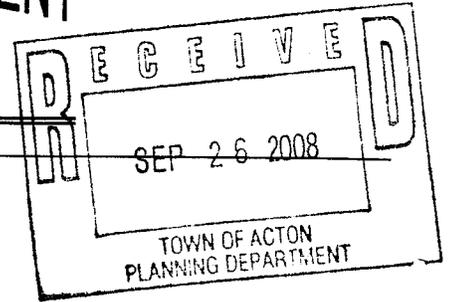
We have reviewed the definitive plan for MICMAC Lane dated December 31, 2007 and have the following comments:

1. The engineer will need to label the street addresses on the Definitive Plan.
2. Condition 3.2.10 of Decision 07-06 for the Preliminary Micmac Lane Subdivision also stated that 48 Nashoba Road shall be renumbered to have a Micmac Lane address.
3. The Fire Chief will need to review the plans to ensure they can safely maneuver within the site. Based on our turning templates, a SU-30 vehicle can maneuver the driveway configuration at the end of Micmac lane which serves as the turnaround.
4. Our turning templates show that a fire truck cannot access the driveways for Lot 1 & Lot 5 on Micmac Lane without driving over the grass.
5. The K-value for the sag vertical curve at the proposed catch basin (Station 6+73) is only 2.86; the minimum K-value on a low intensity street is 20. The engineer might need to ensure a fire truck can drive over this area without the vehicle bottoming out on the road pavement.
6. We recommend that no landscaping be planted directly behind the two (2) existing trees on either side of Micmac Lane at Nashoba Road. The sight line for drivers stopped on Micmac Lane appears to be behind the trunks of the trees.
7. General Note #32 on plan sheet 7 of 8 should require the street name sign and post to be the same type as used by the Acton Highway Department.
8. We had made some comments about the proposed drainage on Mimac Lane by Nashoba Road during the preliminary plan review. There is no drainage system being proposed for Micmac Lane at Nashoba Road on the Definitive Plan. The

engineer has modified the entrance to maintain the same rate of runoff onto Nashoba Road as it exists today. Section 3.8.1.5 (k) states that adequate drainage will be provided and it shall prevent drainage onto the existing street. The engineer will need to modify the drainage design to extend a drain line from the existing Nashoba Road drainage system to Micmac Lane.

9. We recommend that the engineer show a subdrain on Micmac Lane in the proposed cut section by Nashoba Road.
10. We recommend that the engineer adjust the proposed elevations in the infiltration basin so that the inlet on top of the outlet structure is set below the bottom elevation of the emergency overflow swale.
11. The applicant has proposed to contribute to the Town's sidewalk fund in lieu of constructing a sidewalk. There are no sidewalks on Nashoba Road at this location. There is an existing sidewalk on Wampanoag Drive.
12. The overall length of the common driveway, including the turnaround, is about 650 feet. This exceeds the overall 500 feet length requirement for single access streets. The applicant might need to consider a secondary access route for emergency response vehicles.
13. The engineer needs to label at least one (1) temporary benchmark on the plans.

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



Date: September 5, 2008

To: Assessors
Conservation Commission
Fire Department
Municipal Properties
Water District
Sidewalk Committee

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

From: Kim DeNigro, Secretary

Subject: Review of Definitive Plan: MICMAC Lane Residential Compound

Attached is an application for approval for a Definitive Plan which is being proposed as a Residential Compound: MICMAC Lane Residential Compound. General information about the proposed development is as follows:

Location: 48 Nashoba Road and 6 Wampanoag Drive
Applicant & Owners: James Kotanchik & Ruth E. Porter
Address: 48 Nashoba Road
Acton, MA 01720
6 Wampanoag Drive
Acton, MA 01720
Engineer: Stamski & McNary, Inc.
Lots: 5
Street Name: MICMAC Lane
Street Length: 678 +/-
Acreage: 14.77 +/-
Map: D-2
Parcel: 15, 15-1, 11-1
Zoning: R-8/4
Decision Due: November 27, 2008

Please review the enclosed application and send your comments to the Planning Department no later than September 26, 2008. The public meeting is scheduled for October 14, 2008 at 7:45 PM.

If you have any questions, please call the Planning Department at 264-9636.

Review Comments: _____

The sidewalk committee recommends a contribution to the general sidewalk fund be requested.

Signature: _____

Date: 9/26/08



Water Supply District of Acton

693 MASSACHUSETTS AVENUE
P.O. BOX 953
ACTON, MASSACHUSETTS 01720

TELEPHONE (978) 263-9107

FAX (978) 264-0148

September 25, 2008

TO: Town of Acton Planning Department

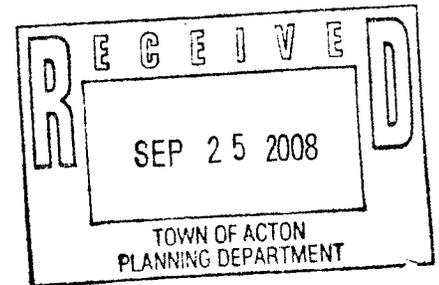
FROM: Chris Allen, District Manager

RE: Comments on Definitive Subdivision Plan Permit Application for Micmac Lane

1. The submitted plan does not include any size designations for proposed water mains or services.
2. The submitted plan does not designate locations of any curb stop service isolation locations to individual residences.
3. On Sheet 8, the "Water Service Connection" detail, the approved material is Polyethylene tubing rated at 200 psig vs. Type K Copper tubing.
4. All water mains, water appurtenances and installation of such must comply with Acton Water District (AWD) specifications.
5. A proposed "As-Built" plan of the water infrastructure must be submitted, reviewed and approved by AWD prior to any installation of said infrastructure.

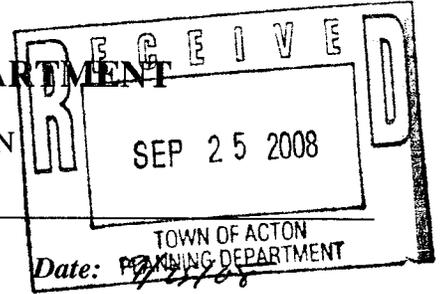
Respectfully submitted

Chris Allen
District Manager



ACTON MUNICIPAL PROPERTIES DEPARTMENT

INTERDEPARTMENTAL COMMUNICATION



To: Kim DelNigro, Planning Department
From: Dean A. Charter, Municipal Properties Director *(signature)*
Subject: Micmac Lane residential compound Definitive Plan

I have reviewed the plans submitted and inspected the site of the above noted Residential Compound. My comments are as follows:

There are two large Public Shade Trees on Nashoba Road that will be impacted by the widening and upgrading of Micmac Lane. Both trees are substantial, measuring 24 inches in DBH. One tree is an Oak, the other, mislabeled on the plan as an Oak, is a Hickory. Both trees contribute to the rural appeal of Nashoba Road, and both are protected under MGL Chapter 87. That said, it is very likely that the construction of the roadway will damage the root zones of the trees, and they will gradually decline and die, creating a safety hazard and an expense to the Town.

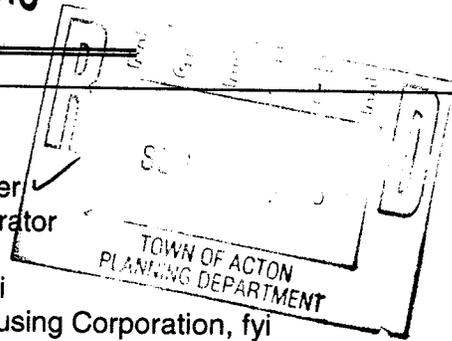
My recommendation is that the applicant be required to hold legal hearings on the removal of the trees, and, if approved, bear all costs to remove the trees and provide replacements in accordance with the Board of Selectmen's Policy on Non-hazardous tree Removal (copy attached). If the removals are not approved, the applicant should deposit a bond sufficient to cover the removals and replacements, to be held for a minimum of five years.

TOWN OF ACTON
POLICY ON THE REMOVAL OF NON-HAZARDOUS PUBLIC SHADE TREES
BY INDIVIDUALS OR AGENCIES OTHER THAN THE TOWN OF ACTON
ADOPTED BY THE TREE WARDEN AND BOARD OF SELECTMEN
JANUARY 22, 1991

- I. Trees are recognized as an asset to the community, providing a more healthful and beautiful environment in which to live. Trees and other vegetation provide oxygen, shade, protection from wind, glare and noise, view barriers, wildlife habitat, aesthetics, and priceless psychological counterpoint to the man-made urban setting. Landscaping is economically beneficial in attracting new residents, visitors and industry. When grown on the right place and of proper varieties, landscaping enhances the value and marketability of property and promotes the stability of desirable neighborhoods and commercial areas.
- II. This policy is to be used for the removal of any Non-hazardous public shade tree by any individual, utility, organization, corporation, or agency other than the Town of Acton. Actual removals shall only be performed by qualified tree removal contractors.
- III. This policy is to be followed for all public shade trees as defined by Massachusetts General Law, Chapter 87 (Tree growing within the right of way, at least 1.5 inches in diameter measured one foot above ground), other than:
 - A. Trees that are determined by the Tree Warden to be dead, diseased, or dangerous. A dangerous tree is one that is likely to fail, or significant portions are likely to fail, under mild environmental or man made stress;
 - B. Trees that are less than five inches in diameter that are, in the opinion of the Tree Warden, of no significant value.
- IV. An applicant who wishes to remove a non-hazardous public shade tree is responsible for the following expenses:
 - A. Legal advertising;
 - B. Cost of removal of tree and stump, including hauling away of all debris, and proper filling of stump hole;
 - C. Planting of sufficient replacement trees as described elsewhere in this policy;
 - D. Cost of police traffic details, repair of street surface and road shoulder, protection and restoration of utility structures;
 - E. All other costs related to the removal and replanting.
- V. Public shade trees shall not be removed for a private purpose without suitable compensation to the Town for replacements. The value of existing shade trees is to be calculated on an inch by inch replacement basis. Replacements shall be at least two inch diameter, nursery grown stock. The Tree Warden may, at his option, require larger replacements. For example, if an 18" diameter tree, measured four feet above grade is to be removed, the applicant must sufficiently reimburse the Town to provide for the purchase and planting of nine, two inch diameter replacements. Cost of the replacement trees are to be obtained from the latest edition of McMahon Heavy Construction Guide.

- VI. At the discretion of the Tree Warden, the applicant shall either:
- A. Arrange to plant suitable replacements using his own contractor, working to the Town's specifications, or
 - B. Make a cash contribution to the Town to be used exclusively for the purchase and planting of replacements, and related expenses.
- VII. If the applicant proposes to trim or prune a public shade tree, and if, in the opinion of the Tree Warden the proposed work will drastically effect the health, beauty, structural stability, or safety of the tree, the Tree Warden may consider the proposed work to have the same effect as the removal of the tree. In these cases, the Tree Warden may either order the removal of the tree, or allow the tree to remain, providing that it does not present an immediate hazard. In either case, appropriate replacement plantings must be provided by the applicant, in accordance with Section V.
- VIII. The tree removal contractor, to be paid for by they applicant, must be approved by the Tree Warden as to equipment, qualifications, and experience.
- The tree removal contractor shall provide certificates of insurance in the following amounts:
1. \$ 100,000 workmen's compensation;
 2. \$ 300,000 bodily injury;
 3. \$ 300,000 property damage;
 4. \$ 1,000,000 excess liability.
- IX. The applicant shall submit a bond, in a form and amount approved by the Tree Warden, prior to the commencement of work. The bond will be released after the successful completion of all items or work.
- X. All tree work shall be performed in compliance with A.N.S.I. Z-133 and N.A.A. standards. Applicant must guarantee the health of the replacements for two years from the time of planting.
- XI. Replacement trees shall be of such size and species as specified by the Tree Warden, and will be planted on public property, along rights of way and on setback easements as allowed by M.G.L. Chapter 87, Section 7. Planting location will be determined by the Tree Warden.
- XII. Nothing contained in this policy shall prohibit the Tree Warden from refusing to permit the removal of non-hazardous trees. The Tree Warden may refuse to grant the permit for the removal of a non-hazardous tree if, in his or her opinion, the tree is of historic or scenic value, is of a size or species not commonly found along the roadways of Acton, has significant wildlife value, or is an unusually healthy or significant specimen.
- XIII. All decision made by the Tree Warden are appealable to the Board of Selectmen.

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



Date: September 5, 2008

To: Assessors
Conservation Commission
Fire Department
Municipal Properties
Water District
Sidewalk Committee

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

From: Kim DelNigro, Secretary *kd*

Subject: Review of Definitive Plan: MICMAC Lane Residential Compound

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Engineer: Stamski & McNary, Inc.
Lots: 5
Street Name: MICMAC Lane
Street Length: 678 +/-
Acreage: 14.77 +/-
Map: D-2
Parcel: 15, 15-1, 11-1
Zoning: R-8/4
Decision Due: November 27, 2008

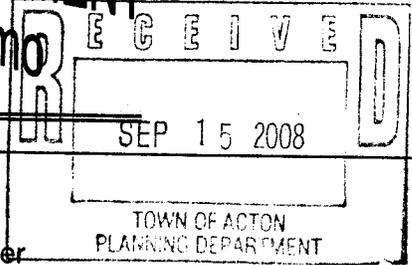
Please review the enclosed application and send your comments to the Planning Department no later than August 26, 2008. The public meeting is scheduled for October 14, 2008 at 7:45 PM.

If you have any questions, please call the Planning Department at 264-9636.

Review Comments: No comment at this time

Signature: Frank Rando Date: 9/16/08

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



Date: September 5, 2008

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

From: Kim DeNigro, Secretary *JD*

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Review Comments: _____

Signature: _____ Date: _____

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

Date: September 5, 2008

RECEIVED

To: Assessors
Conservation Commission
Fire Department
Municipal Properties
Water District
Sidewalk Committee

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

SEP 04 2008

ACTON BOARD OF HEALTH

From: Kim DeNigro, Secretary 

Subject: Review of Definitive Plan: MICMAC Lane Residential Compound

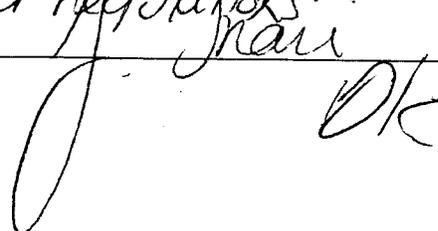
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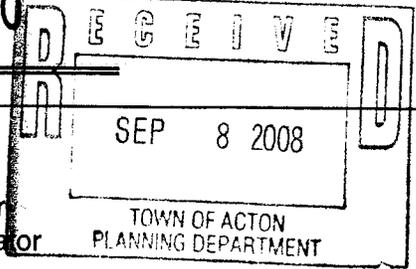
Review Comments: *It is the opinion of the Health Dept that enough documentation has been provided to indicate that on-site waste water systems may be placed on the proposed sites in a manner consistent w/ applicable rules and regulations.*

Signature: 

Date: 9/12/08

OK

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



Date: September 5, 2008

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

From: Kim DeNigro, Secretary *DD*

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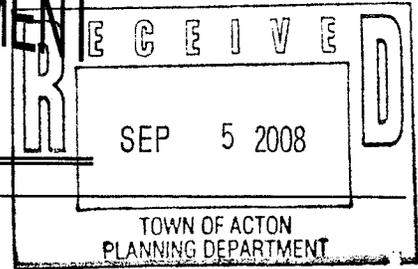
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If you have any questions, please call the Planning Department at 264-9636.

Review Comments: *The Conservation Commission has reviewed the wetlands line, no work is proposed within 100' of wetlands or within 200' of Fort Pond Brook. No filing with Conservation will be necessary.*

Signature: *Tom Tidman* Date: *Sept. 8/08*

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

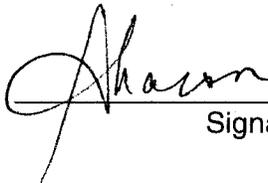


Date: September 5, 2008
To: Sharon Faldasz, Finance
From: Kim DelNigro, Planning Department Secretary *kd*
Subject: Review of a Preliminary Plan entitled "MICMAC Lane – A Residential Compound"
48 Nashoba Road & 6 Wampanoag
Map: D-2, Parcels: 15, 15-1, 11-1

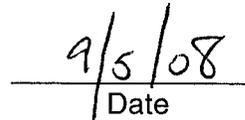
The Planning Board has received an application for the above referenced subdivision and is scheduled to hold a public meeting on October 14, 2008. Please advise the Board of any delinquent taxes owed on the property at this time. If any property taxes are overdue, the Planning Board will include a condition requiring tax payment in their decision.

No property taxes due at this time.

The following property taxes are overdue at this time:



Signature



Date

Thank you for your attention to this request.