Planning Board

TOWN OF ACTON
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DECISION
09-02

Faulkner Mill Subdivision
Preliminary Subdivision
March 3, 2009

APPROVED

Decision of the Acton Planning Board (hereinafter the Board) on the application of Faulkner Mill Realty, LLC of 25 Westford Lane, Acton, MA 01720 (hereinafter the Applicant) for property in Acton, Massachusetts located at 8 High Street (formerly 4 High Street). The Applicant is the owner of the property. The property is shown on the Acton Town Atlas map H-2A, as parcel 64 and a portion of parcel 57 (hereinafter the Site).

This Decision is in response to an Application for Approval of a Preliminary Subdivision Plan entitled "Faulkner Mill Subdivision", received by the Acton Planning Department on January 28, 2009, pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and the Acton Subdivision Rules and Regulations (hereinafter the Rules).

The Applicant presented the subdivision proposal to the Board at an advertised public meeting of the Board on March 3, 2009. George Dimakarakos, P.E. of Stamski and McNary, Inc.

assisted the Applicant with the presentation. Board members Gregory E. Niemyski (Chairman), Bruce Reichlen (Vice Chairman), Ryan J. Bettez, Roland A. Bourdon III, Ruth M. Martin, Alan R. Mertz, Ray Yacouby, and associate members Leigh Davis-Honn and Jeff Clymer attended the meeting. The minutes of the meeting and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1.1 A plan entitled "Faulkner Mill Subdivision", dated January 27, 2009 drawn by Stamski and McNary, Inc., consisting of one sheet.

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

- An Application for Approval of a Preliminary Plan, form PP, dated 01/27/09.
- Filing fee.
- A completed Development Impact Report, form DIR.

1.3 Additional information submitted by the Applicant:

- Parties in interest list.
- Reduced size plan sheets.

1.4. Interdepartmental communication received from:

- Acton Building Commissioner, dated 2/9/09;
- Acton Engineering Department, dated 2/12/09;
- Acton Fire Chief, dated 2/24/09;
- Acton Health Department, dated 2/5/09;
- Acton Historical Commission, dated 2/11/09;
- Acton Planning Department, dated 2/25/09;
- Acton Sidewalk Committee, dated 2/19/09;
- Acton Treasurer's Office, dated 2/19/09;
- Acton Tree Warden & Municipal Properties Director, dated 2/18/09;
- Acton Water District, dated 2/19/09.

1.5. Other information:

- "Notification of Street Address change of 4 High Street" memo from the Acton Engineering Department dated 10/15/08.

Exhibits 1.1 through 1.3 are referred to herein as the Plan.

2 FINDINGS and CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

2.1 The proposed subdivision is located within the South Acton Village (SAV) zoning district and Zone 4 of the Groundwater Protection District.

2.2 The Plan shows the division of approximately 2.6 acres into two lots for residential and commercial uses.

2.3 In accordance with the Acton Zoning Bylaw (hereinafter the Bylaw), a variety of mixed uses are allowed in the SAV district and the applicable overlay districts.

2.4 The proposed lots comply with the area and frontage requirements of the Bylaw, including all overlay district requirements.

2.5 On Lot 1, one of the proposed duplex foundations and the proposed duplex with no existing foundation do not meet the front yard setback requirements of the Bylaw.

2.6 The Site will be served by public sewers in accordance with an agreement between the Applicant and the Acton Board of Selectmen and for the payment of sewer privilege fees per section D10 of the Acton General Bylaws.

2.7 The Plan shows a +/-466 foot long subdivision street, named "Faulkner Mill Road", that intersects with High Street.

2.8 The Plan documents comply in general with the Rules.

2.9 The Board has received comments from various Town departments, which are listed as Exhibit 1.4 above. The Board has considered these comments in its deliberations and made them available to the Applicant.

2.10 Chapter J of the Bylaws of the Town of Acton identifies High Street as a Scenic Road.

2.11 The Applicant has not requested any waivers from the Rules and this decision does not grant any waivers.

3 BOARD ACTION

Therefore, subject to and with the benefit of the following conditions and plan modifications, the Board voted to APPROVE the preliminary subdivision. .

3.1 CONDITIONS and PLAN MODIFICATIONS

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

3.1.1 All current and future Town application documents and plans shall reference the new street address for the property: 8 High Street.

3.1.2 Change the name of the property owner and the label northeast of the Site from "M.J. Harrington" and "Private Way" to the M.B.T.A. consistent with the Parties in interest list generated from the Town Assessor's office.

3.1.3 Change the name of the property owner east of the Site from "Robert C. Nealey" to "Ronald C. Nealey", consistent with the Parties in interest list generated from the Town Assessor's office.

3.1.4 All foundations, buildings and structures shall be constructed to meet the front yard setback requirements of the Bylaw or shall be removed from the Site.

3.1.5 Unless directed otherwise by this decision, the definitive plan and application shall comply with all the detailed requirements of the Rules whether specifically listed in this Decision or not, including but not limited drainage details and calculations, profiles, cross sections, documentation on sight distances, sidewalks, open space reservation, and planting plans.

3.1.6 In preparing the definitive plan, the Applicant shall be responsive to review comments received from the Acton Engineering Department and other departments and committees of the Town and shall address them in a manner that resolves any concerns raised therein to the satisfaction of the Board. These comments are listed in Exhibit 1.4 above. Any conflicts between the departmental recommendations and the Rules shall be highlighted.

3.1.7 All due property taxes and other municipal charges, if any, must be paid prior to the application for approval of the definitive plan.

Roland Bartl, AICP, Planning Director
for the Acton Planning Board

Date

Copies to:

Applicant - certified mail #
Engineering Administrator
Natural Resources Director
Assistant Assessor
Historic District Commission
Building Commissioner
Municipal Properties Director
Town Manager
Historical Commission
Board of Health
Town Clerk
Fire Chief
Sidewalk Committee

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