

Kim Gorman

From: kilpatrick_6@verizon.net
Sent: Friday, September 17, 2010 9:32 AM
To: Planning Board; Planning Department
Subject: FW: Concerns for 57 Robbins St/ Improper notification of abutters

After speaking to Kristen in the Planning Office, I realized that I did not forward this email to you. We have revised the list of concerns and have listed them separately below.

Concerns for proposed Residential Compound on 57 Robbins Street:

- Very, very high water table that has increased in severity over the last few years
- Title V inspection failing for 59 Robbins St due to water issues (which directly abuts 57 Robbins St. and 7 Prescott Rd.)
- One of the new proposed home foundations will be extremely close to the leach field for 7 Prescott Rd.
- Leach fields for 1 Prescott Rd, 5 Prescott Rd, 7 Prescott Rd, 59 Robbins St, (and the 3 homes proposed for 57 Robbins St.) are very close in proximity.
- How will the leach fields be affected with saturated soil?
- Basement flooding has always been an issue with most abutters and abutter's abutters and most Robbins St residents.
- Basement flooding has worsened over the last few years on Robbins St. and Prescott Rd, for basements that did not typically flood.
- Last spring Robbins Street was completely cut off in three directions due to flooding issues and school busses could not enter our neighborhood for two days, affecting approximately 80 homes.
- The retention pond abutting the side of 57 Robbins (on the property of 7 Prescott Rd) "hit water" when digging the pond 18 years ago and did not tell the town officials.
- 7 Prescott Rd has continued basement water problems that exist year round.
- The Acton Water Dept. has struck water when replacing water pipes on Stow St., approximately 3 feet down in the ground.
- Wetlands surround the entire neighborhood.
- A new paved "private way" with two paved driveways and two new foundations will lead to more 'run off' in a very delicate area that is already prone to flooding
- Where will all the water go?
- The proposed location for the private way will be dangerous when exiting due to a peak in the road. Ledge exists in the ground and it cannot be lowered any further.
- Endangered species exist on the property.
- The proposed builder Centennial Homes, in two Acton developments, "clear cut" all the trees in those developments. Neighbors would like trees saved.

Thank you for your attention to this issue,
Michelle and John Kilpatrick

From: kilpatrick_6@verizon.net [mailto:kilpatrick_6@verizon.net]
Sent: Friday, September 10, 2010 8:37 PM
To: 'manager@acton-ma.gov'; 'bos@acton-ma.gov'
Cc: 'HC@acton-ma.gov'; 'nr@acton-ma.gov'; 'framsbottom@acton-ma.gov'; 'bstamski@acton-ma.gov'; 'health@acton-ma.gov'; 'highway@acton-ma.gov'; 'planning@acton-ma.gov'; 'clerk@acton-ma.gov'; 'cpc@acton-ma.gov'
Subject: FW: 57 Robbins St/ Improper notification of abutters

To: Town Manager and Board of Selectmen,

At this time we would like to lodge a formal complaint to the Town of Acton due to the improper notification of abutter's for a Historical Commission Public Hearing for the demolition of a historic barn on 57 Robbins Street.

Our complaint is against Centennial Homes LLC and we would like to bring the following to the attention of the town officials. Also please find the attached email to Acton town assessor requesting documentation of incorrect abutter's information.

Background on this issue:

- On Wednesday September 8, 2010 there was a Historic Commission Public Hearing for 57 Robbins St. to demolish a historic barn that is on the cultural resource list.
- If the barn is demolished, a Private Drive can be built and provide additional frontage for two new homes to be constructed on the property.
- All abutters and "abutters of abutters" were supposed to be notified by certified mail.
- 7 Prescott Rd was not notified by certified mail of the hearing.
- 7 Prescott Rd is the "largest abutter per foot" to 57 Robbins St.
- 7 Prescott Rd also qualifies as an abutter of an abutter.
- 7 Prescott Rd's property line (and septic system) is 12 feet from one of the proposed new homes.
- The owner of the 57 Robbins and developer "know who we are."
- It is very hard to believe that we were left off the list as an "oversight."

Other Concerns with the hearing:

- The Historic Commission published the notification of the public hearing one time in the Beacon and not the traditional "two times."
- In the notice, the day of the week and the numerical date did not match for the hearing.
- The notice incorrectly listed the owner as Colonial Homes LLC and it should have been Centennial Homes LLC.
- The one time it was published on August 26th occurred when many neighbors were on vacation.
- The meeting fell on the Jewish New Year and many of my neighbors celebrate the holiday and could not attend.
- None of the above items were taken into consideration, and the meeting was held.
- At the hearing the Real Estate Developer from Centennial Homes (Glen Kaufman) said he did not "feel it necessary" to describe the future development plans of 57 Robbins St to the attendees.
- Centennial Homes has not filed building plans with the Planning Department for approval of the development, prior to this hearing.
- Centennial Homes is asking to demolish a historic barn before his new development plans are approved by the town of Acton Planning Board.
- Glen Kaufman said he is "all set with approvals" before he has even submitted plans to the Planning Board.
- Many of the questions directed to Glen Kaufman (Centennial Homes) were not answered honestly or accurately (wetlands, conservation, endangered species issues.)

In light of full disclosure and abiding by state laws and town rules/bi-laws, we request that special attention be noted with the property of 57 Robbins St and the way in which the parties involved are conducting business (i.e. Centennial Homes LLC, Teresa and James Stellar, Town Officials, Commissions, etc.) There are several red flags already being raised and the project has not even begun. The fact that the developer has chosen to "leave out" an abutter that is going to be directly impacted may show he has something to hide.

- Some of the problems as landowners in this neighborhood, we know about are mostly water related issues:
 - Very, very high water table that has increased in severity over the last few years
 - Title V inspection failing for 59 Robbins St due to water issues (which directly abuts 57 Robbins St. and 7 Prescott Rd.)
 - The leach field for 7 Prescott Rd will be extremely close to one of the new proposed home foundations.
 - Leach fields for 1 Prescott Rd, 5 Prescott Rd, 7 Prescott Rd, 59 Robbins St, (and the 3 homes proposed for 57 Robbins St.) are very close in proximity.
 - How will the leach fields be affected?

- Basement flooding has always been an issue with most abutters and abutter's abutters and Robbins St residents
- Basement flooding has worsened over the last few years on Robbins St. and Prescott Rd, for basements that did not flood.
- Last spring Robbins Street was completely cut off in three directions due to flooding issues and school busses could not enter our neighborhood for two days, affecting approximately 80 homes.
- The retention pond abutting the side of 57 Robbins (on the property of 7 Prescott Rd) "hit water" when digging the pond 18 years ago and did not tell the town officials.
- Wetlands surround the entire neighborhood.
- 7 Prescott Rd has continued basement water problems that exist year round.
- A new paved "private way" with two paved driveways and two new foundations will lead to more run off in a very delicate area that is already prone to flooding
- Where will all the water go?
- The proposed location for the private way will be dangerous when exiting due to a peak in the road. Ledge exists in the ground and it cannot be lowered any further.
- Endangered species exist on the property.

With that said, we have many concerns with this new development and how the developer is conducting business. To start, we love the historic value of the 57 Robbins St, the antique colonial house and red barn. It adds character and charm to our neighborhood. It is a shame to demolish something we all appreciate so much. Barns in our town are being knocked down one after another; it would be nice to be able to save this one where it is still in such good condition.

On a higher level, the water issues and septic issues are extremely important to everyone in this neighborhood and are not a "luxury" but a necessity! We cannot go without the use of our bathrooms for even a day and do not have the extra funds to replace our septic system if it fails due to the new homes being built.

Your attention to these issues is greatly appreciated. We are sure that some kind of resolution can be reached if all involved co-operate and work honestly together.

Thank you,
John and Michelle Kilpatrick
7 Prescott Rd
Acton, MA

From: kilpatrick_6@verizon.net [mailto:kilpatrick_6@verizon.net]
Sent: Friday, September 10, 2010 6:41 PM
To: 'Dpowell@actonma.gov'
Cc: 'finance@acton-ma.gov'; 'HC@acton-ma.gov'; 'nr@acton-ma.gov'; 'framsbottom@acton-ma.gov'; 'bstamski@acton-ma.gov'; 'health@acton-ma.gov'; 'highway@acton-ma.gov'; 'planning@acton-ma.gov'; 'clerk@acton-ma.gov'; 'cpc@acton-ma.gov'
Subject: 57 Robbins St/ Improper notificaton of abbutters

Daryl Powell
Kilpatrick
Acton Town Assessors Office
Main Street
Acton, MA 01720

John and Michelle

7 Prescott Rd
Acton, MA 01720

Dear Daryl,

Per our conversation today, September 10, 2010, please carry out the following:

- Add our address/names to the abutters list for 57 Robbins St, Acton, MA.
- Send in writing the reason for the oversight of our names being left off the abutter's list for 57 Robbins St.

- Send a copy of the Assessor's map that led to this discrepancy.
- Send a copy of the original abutter's list that was used for the Historic hearing on 9/8/10.

Going forward, we would like to be notified for any activity/hearings concerning 57 Robbins St by certified mail, including but not limited to:

- Finance Department/Assessors Office
- Historic Commission
- Building Department
- Conservation Department
- Engineering Department
- Health Department
- Highway Department
- Planning Department
- Town Clerk
- Any other board, committee, commission, or department related to activity with 57 Robbins St.

Thank you,
Michelle and John Kilpatrick