



Planning Department

**TOWN OF ACTON**  
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**MEMORANDUM**

**To:** Planning Board **Date:** October 7, 2011

**From:** Roland Bartl, AICP, Planning Director *R. B.*

**Subject:** **Duggan Farm –  
Application for Definitive Subdivision Plan Approval (Residential Compound)**

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**Location:** 314 Arlington Street (West Acton area)  
**Owner:** Hobbyhorse LLC (formerly Brenda J. Duggan)  
**Applicant:** Comfort Homes, Inc., 2100 Lakeview Ave., Dracut, MA 01826  
**Engineer:** Hancock Associates, 315 Elm St., Marlborough, MA 01752  
**Proposed Lots:** 3  
**Proposed Units:** 3 new dwelling units (1 existing to be demolished)  
**Proposed Streets:** Duggan Way  
**Street length:** +/-160 feet to throat of proposed T-turnaround  
+/-320 feet to end of layout  
**Land area:** 2.17 acres  
**Common Land:** none  
**Map/Parcel:** F2A-123  
**Zoning:** Residence 2 (R-2); GPD Zone 4 (front), & Zone 3 (rear).  
**Filing Date:** **September 2, 2011**  
**Hearing:** **October 18, 2011**  
**Decision vote:** **December 8, 2011**

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Attached for your review are the plan and application for the proposed “Duggan Farm” definitive subdivision, and comments from other Town departments, committees, and agencies. Please review the other departmental comments. They are not necessarily repeated here.

This definitive plan application was made without the preliminary plan review step that is customary for subdivisions. The law does not require a preliminary plan review procedure. But, it provides for an extended hearing and review time of 135 days (normally 90 days) from the application filing date where no preliminary plan was filed and acted upon. The Applicant discussed with me the need for filing a preliminary plan. I advised that a preliminary plan would not be needed in this case of a three-lot subdivision. Therefore, I am prepared to handle the matter as closely as possible within the 90-day time frame as is reflected in the dates above, unless extended through hearing continuations.

The application is filed under section 10 of the Subdivision Rules and Regulations (SRR) – Residential Compounds. Section 10 applies to small subdivisions and provides for many waivers from the normal design and construction standards of the SRR in order to minimize unnecessary site impacts. A “proof plan” is required to show in general that compliance with the normal standards is possible. A residential compound subdivision must remain a private way.

### **Proof Plan**

1. The proof plan sufficiently demonstrates that a standard subdivision for three house lots would fit on the parcel in conformance with
  - minimum lot dimensional requirement for R-2;
  - minimum building setback requirements for R-2;
  - minimum wetlands setbacks;
  - adequate spaces for placement of septic systems;and without substantive waivers from the SRR or quite possibly without any waivers at all.

### **Zoning**

2. The three lots on the proposed Residential Compound plan are shown in conformance with the dimensional zoning requirements for R-2.
3. Groundwater Protection District Zones 3 and 4 impose no special requirements on lots in single-family use.

### **Existing House**

4. The applicant proposes to demolish the existing house. It is not on the cultural resource list.

### **Sidewalk**

5. The plan shows the proposed extension of the Arlington Street sidewalk to the proposed new subdivision street from where it presently ends at the driveway for 300 Arlington Street. The distance is a little less than the length of the proposed subdivision street layout combine with the subdivision parcel’s existing frontage. The cost of retrofitting existing streets with sidewalks is generally higher than the cost of building sidewalks alongside building new street. Therefore, I would deem the proposed sidewalk as acceptable. It is nice to see an applicant proactively address the Town’s sidewalk requirements.

### **Sight Distance**

6. The plan shows that the intersection sight distance at Arlington Street will be more than adequate.

### **Turning Radii**

7. The proposed turning radii at the Arlington Street intersection and in the T-turnaround appear adequate for the SU-30 vehicles (fire engine), based on checking the plan with the 30-scale turning template.

### **Waiver Requests**

8. The design engineer on behalf of the applicant has requested general waivers from the SRR requirements of section 8 and 9 seeking approval instead for a Residential Compound in accordance with SRR section 10. Section 10 contemplates such waivers in general and refers

to and applies the Town's common driveway design standards instead. A review of the proposed subdivision street reveals general compliance with these standards. However, I defer to Engineering Department comments regarding drainage and other engineering matters.

**Things to change and add:**

9. On the record plan sheet (3)
  - label the existing house as "to be removed";
  - denote the minimum lot width as defined in the zoning bylaw for proposed lot 3;
  - remove the "Chairman" notation from the Planning Board signature block; and
  - add note per SRR, section 5.3.13 (re: supplemental information/data part of approval).
10. Can the sidewalk be redesigned with a green strip separating it from the pavement edge? If not possible, then at least smooth a bit the sidewalk bends in front of street number 300 and 306 Arlington Street to ease sidewalk snow removal.
11. Acton already has a Duggan Road. The proposed street name, Duggan Way, must be changed to something that is not similar to an already existing street name.
12. Specify a "private way" sign, affixed to or combined with the street name sign.
13. A common driveway covenant and maintenance agreement must be provided covering all matters concerning the private street as required in SRR, section 10 and/or ZBL, section 3.8.1.5.
14. Street address numbers for the lots are needed.

**Other**

15. A decision of approval must contain the special conditions for residential compounds listed in SRR, section 10.1.1.6 (no further division of lots, restriction on allowed land uses, and perpetual street covenants).
16. A standard performance guarantee will be required.
17. A certified as-built plan will be required.

**Recommendation**

There is nothing here that would require a hearing continuation. Items 9 through 14 above can be properly addressed in a decision. The hearing can be closed unless issues and concerns raised by other departments or at the public hearing suggest otherwise.

Cc: Applicant  
Manager Department  
Engineering Department