



Planning Department

TOWN OF ACTON
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MEMORANDUM

To: Planning Board **Date:** August 28, 2013

From: Kristen Domurad-Guichard, Assistant Town Planner *KDG*

Subject: **Residences at Constitution Drive –
Application for Definitive Subdivision Plan Approval (Residential Compound)**

Location: 27 Jackson Drive
Owner: Xiaohong Qin
Applicant: Lexington Holdings, LLC
Engineer: Stamski and McNary Inc. 1000 Main Street Acton, MA 01720
Proposed Lots: 5
Proposed Units: 4 new dwelling units and 1 existing dwelling to be relocated
Proposed Streets: Constitution Drive
Street length: +/-385 feet to the cul-de-sac
Land area: 4.02 acres
Common Land: none
Map/Parcel: E3-25
Zoning: Residence 2 (R-2); Groundwater Protection District (GPD) Zone 4
Filing Date: **June 14, 2013**
Hearing: **September 17, 2013**
Decision vote: **November 18, 2013**

Attached for your review are the plan and application for the proposed “Residences at Constitution Drive” 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. Therefore, the Department is 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 (Rules) – Residential Compounds. Section 10 applies to small subdivisions and provides for many waivers from the normal design and construction standards of the Rules in order to minimize unnecessary site impacts. The Residential Compound complies with Bylaw Section 3.8.1.5. for Common Drives. 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 five house lots would fit on the parcel in conformance with:
 - a. minimum lot dimensional requirement for R-2;
 - b. minimum building setback requirements for R-2;
2. The Wetland Protection Bylaw Rules and Regulations require a minimum setback of 75 feet for buildings and structures or require a waiver from the Conservation Commission. The existing driveway encroaches into the 75 foot wetland setback. The road layout on the proof plan is within the 75 foot setback but does not create additional disturbances. If a waiver were required from the Conservation Commission, it would not restrict the Planning Board from granting approval.

Zoning

3. The five lots on the proposed Residential Compound plan are shown in conformance with the dimensional zoning requirements for R-2. Lot 2, Lot 3 and Lot 4 have reduced frontage allowed under Bylaw Section 5.3.3.3, Cul-de-sac Lots.
4. Groundwater Protection District Zone 4 imposes no special requirements on lots in single-family use.

Existing House

5. The applicant proposes to relocate the existing house to Lot 5.

Sidewalk

6. The plan shows an existing sidewalk along the frontage of the subdivision on Jackson Drive and proposed handicap ramps at the new curb cut for Constitution Drive. Section 9.6 of the Rules requires the applicant to provide sidewalks on one side of the traveled road within the proposed subdivision. The plan does not show a sidewalk along the new subdivision road. In lieu of constructing a sidewalk along the new subdivision road, the Planning Department suggests the applicant construct a sidewalk on the south side of Washington Drive from the current sidewalk end at Coolidge Drive to Musket Drive (see image on right) to complete the sidewalk network in this neighborhood. The length of sidewalk required along the proposed subdivision road would be +/-653 feet; the length of sidewalk recommended off site between Coolidge Drive to Musket Drive is +/-535 feet.



Waiver Requests

7. The design engineer on behalf of the applicant has requested general waivers from the Rules required of Section 8 and 9 seeking approval instead for a Residential Compound in accordance with Section 10 of the Rules. Section 10 contemplates such waivers in general and refers to and applies the Town's common driveway design standards instead. Planning Department staff, Deputy Fire Chief Robert Hart and the Applicant's engineer Rich Harrington of Stamski and McNary met on August 28, 2013 to discuss the proposed width of the common driveway. The following changes to the plan were discussed and are suggested here:
 - a. Reduce roadway pavement width of the cul-de-sac loop to 14 feet, and slightly increase the roadway centerline diameter;
 - b. Reduce roadway pavement width to 16 feet from approximately station 2+50 to station 6+50 to allow for a waiting area with adequate sight distance to oncoming traffic at the curve of the road;
 - c. Reduce roadway pavement width of the remaining roadway to 12 feet.
 - d. Maintain 3-foot clear shoulders on both sides per standard common driveway cross section.

Although a review of the proposed subdivision street reveals general compliance with the standards, the Planning Department suggests the plan be modified to reflect the changes noted above (a through d) to minimize site impacts.

Things to add and submit:

8. A private way maintenance agreement and covenant is required and should be submitted.
9. Street address numbers for the lots are needed.

Other

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

Recommendation

We believe comments noted in #6 through #12 can be easily addressed in the decision; in all other aspects the plan appears to comply with the Town of Acton Zoning Bylaw and Subdivision Rules and Regulations. As a result, we have attached a draft decision for your consideration. Additional comments from other Town departments, committees and agencies are attached. Please review other departmental comments. The hearing can be closed unless issues and concerns raised by other departments or information brought forward at the public hearing suggest otherwise.

Cc: Applicant
Manager Department
Engineering Department
