



Planning Department

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MEMORANDUM

To: Planning Board **Date:** February 1, 2016
From: Kristen Guichard, AICP, Assistant Town Planner *KSG*
Subject: 37 Mohegan Road – Preliminary Subdivision – Residential Compound

Location: 37 Mohegan Road
Owner: Aaron Jeanson and Kaarin Jeanson
Applicant: Aaron Jeanson and Kaarin Jeanson
Engineer: Stamski and McNary, Inc.
Proposed Lots: 2
Proposed Units: 2 dwelling units (1 existing to remain; 1 new)
Proposed Streets: Mohegan Lane
Street length: +/- 98 feet
Land area: 3.88 acres
Common Land: none
Map/Parcel: D2-133
Zoning: Residence 2 (R-2); Groundwater Protection District (GPD) Zone 3;
Flood Plain Overlay District
Filing Date: **December 21, 2015**
Hearing: **February 2, 2016**
Decision vote: **March 4, 2016**

Attached for your review are the plan and application for the proposed “Mohegan Lane” Residential Compound preliminary subdivision, and comments from other Town departments, committees, and agencies. Please review the other departmental comments. They are not necessarily repeated here.

A preliminary subdivision allows for the discussion and clarification of any potential problems before a definitive subdivision plan is prepared. A preliminary subdivision plan can be submitted for discussion, modification, approval or disapproval by the Board. Any decision made by the Board is not binding on future definitive plans. (See MGL Chapter 41 Section 81-S)

A Residential Compound (See Section 10 of the Subdivision Rules and Regulations) allows for design waivers from Section 8 and 9 of the Subdivision Rules and Regulations. Although design standards for Residential Compounds follow Section 3.8.1.5 of the Zoning Bylaw (ZBL) and its

subsections for Common Drives, a proof plan must be submitted to demonstrate that the proposed street and lots can meet the standard requirements.

Overview

The Applicant proposes a Residential Compound, Mohegan Lane, which would extend Mohegan Road an additional 98 feet in length to provide frontage to one additional lot for a total of two lots. The existing dwelling on the Lot would remain and one new dwelling is proposed. The Lot is located at the end of Mohegan Road to the south and abuts Town owned (General Municipal) land to the north. Wetlands cover a good majority of the westerly half of the property; the existing dwelling unit and the proposed dwelling unit are located outside of the 75-foot wetlands buffer zone, but are within the 100-foot buffer zone. The street layout on the proof plan would require a minimal amount of wetland fill. The proposed residential compound is completely outside of the wetlands but is within the 50-foot buffer zone. The Applicant will be required to file with the Conservation Commission if a definitive subdivision plan is filed.

Proof Plan

1. The existing layout of Mohegan Road is +/- 560 feet from the property line of 37 Mohegan Road to the intersection of Freedom Farme Road, this portion of the road is a single access street. The roadway length is pre-existing non-conforming. Section 8.1.17 of the Rules and Regulations limits single access streets to be no longer than 500 feet:

*8.1.17 Residential SINGLE ACCESS STREETS other than DEAD-END STREETS, whether temporary or permanent, shall not be longer than 500 feet. **No waiver will be granted unless the following conditions are met**, in which case SINGLE ACCESS STREETS can be as long as 1500 feet:*

8.1.17.1 Condition 1: The SUBDIVISION is an Open Space Development, a Planned Conservation Residential Community, or a Planned Unit Development as defined in the Acton Zoning Bylaw. In such case, the 500 foot SINGLE ACCESS STREET limit shall not apply to a conceptual plan drawn for the purpose of determining the maximum number of building LOTS as required in the Acton Zoning Bylaw.

8.1.17.2 Condition 2: An open space buffer is provided along that portion of any existing public STREET upon which the proposed SUBDIVISION had frontage as of February 6, 1990. The open space buffer shall have a minimum depth of 300 feet. There shall be no buildings or structures within the open space buffer.

The proposed 98-foot extension for Mohegan Lane would increase the preexisting non-conforming roadway length. Although the Board has the authority to waive requirements of the Subdivision Rules and Regulations this section specifically states that, "No waiver will be granted unless the following conditions are met...". The application is not part of an Open Space Development, Planned Conservation Residential Community or Planned Unit Development.

2. In all other respects the Proof Plan shows that a standard subdivision and the two lots can meet the applicable requirements of the design standards and zoning bylaw.

Proposed Plan – Residential Compound

3. The proposed street meets the design requirements set forth in ZBL Section 3.8.1.5.
4. Section 10.1.1.5 of the Rules and Regulations state that the Town shall not be requested to accept or maintain the private street, drainage system or other improvements within the Residential Compound. A waiver from this section has not been requested, but if the Applicant moves forward with a definition plan we would recommend they discuss the possibility of accepting the street as a public way with the Engineering Department. From a practical sense, this may make plowing easier and may improve the existing emergency access turn around for Mohegan Road.

Zoning

5. Proposed Lot 1 and Lot 2 meet the dimensional regulations set forth in the ZBL.
6. The Groundwater Protection District 3 poses no restrictions for the single family uses proposed on the lots.
7. All proposed structures are located outside of the Flood Plan Overlay District.

Sidewalks

8. Sidewalks are required within a proposed subdivision but have not been shown at this time. There are no sidewalks along Mohegan Road. If a definitive subdivision follows the preliminary subdivision application, the Board could entertain a donation to the sidewalk fund in lieu of constructing a sidewalk within Mohegan Lane.

Recommendation

The Board should indicate whether they would waive Section 8.1.17 of the Rules and Regulations to allow a 98 foot extension of the single access street to accommodate one additional lot. Although the plans do not designate open space as required under the two conditions noted under comments #1, the westerly portion of the lot is protected under the Wetlands Protection Act and does act as a natural buffer. The waiver from Section 8.1.17 is unique and should be carefully considered. The Board could request but not require an easement across the property from the end of Mohegan to the abutting Town owned land in lieu of granting the waiver to provide future trail access. The Board may also consider the merit of improving the emergency access turn around. In addition, the existing house is on a non-conforming lot with only 40 feet of frontage, the proposed plan would bring the lot into compliance with the R-2 zoning requirements (150' frontage, 20,000sf land area). Comments from the Engineering Department and Acton Water District should be addressed in a Definitive Subdivision plan.

Cc: Engineering Department