



Planning Department

IV

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
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Fax (978) 264-9630
planning@acton-ma.gov

MEMORANDUM

To: Planning Board **Date:** May 20, 2005
From: Roland Bartl, AICP, Town Planner *R.B.*
Subject: Colonial Path Preliminary Subdivision (Residential Compound) Application

Location: Off Sylvia Street, South Acton
Applicant: Sylvia Fletcher, LLC (Paul Gaboury)
Address: 12 Assabet Crossing, Acton MA 01720
Owner: Sylvia Fletcher, LLC, and
Dominic and Alice Castellini, 11 Sylvia Street, Acton, MA 01720
Engineer: Stamski and McNary, Inc.
Units: 5 Proposed Units (2 existing)
Street Name: Colonial Path
Street Length: +/-300 proposed
Map/Parcel: H-3B/ 68&69
Zoning: R-2, Affordable Housing Overlay Sub-district B
Decision Due: 6/12/05

Please see the attached a draft decision. It contains Planning Dept.'s recommendations in lieu of a separate memo. The decision due date falls before the next board meeting.



Planning Board

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DECISION

05-03

Colonial Path

Preliminary Subdivision (Residential Compound)

May 24, 2005

APPROVED (with Conditions)

Decision of the Acton Planning Board (hereinafter the Board) on the application of Sylvia Fletcher LLC of 12 Assabet Crossing, Acton MA (hereinafter the Applicant) for property owned by the Applicant, and Dominic Castelline of 11 Sylvia Street, Acton MA. The property is located at 7-11 Sylvia Street in Acton MA and shown on the Acton Town Atlas map H3B, as parcels 68 and 69 (hereinafter the Site).

This Decision is in response to an Application for Approval of a Preliminary Subdivision Plan entitled "Preliminary Plan for Colonial Path, a Residential Compound, Acton, MA", filed with the Acton Planning Department on April 29, 2005, pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and the Acton Subdivision Rules and Regulations (hereinafter the Rules).

Mr. Paul Gaboury, representing the Applicant, presented the subdivision proposal to the Board at an advertised public meeting of the Board on May 26, 2005. «engineer_rep» of Stamski and McNary, Inc. assisted with the presentation. Board members Gregory E. Niemyski (Chairman), William F. King, Ruth M. Martin, Stacy S. Rogers, Christopher R. Schaffner, and Edmund R. Starzec were present at 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 "Preliminary Plan for Colonial Path, a Residential Compound, Acton, MA «plan_name»", dated 4/29/05, «plan_date» drawn by Stamski and McNary, Inc., consisting of one sheet.
- 1.2 A plan entitled "Proof Plan in Acton, MA, for Sylvia Fletcher LLC, dated 4/29/05, drawn by Stamski and McNary, Inc., consisting of one sheet.
- 1.3 Supplemental items and documentation required by the Rules consisting of:
 - An Application for Approval of a Preliminary Plan, form PP, dated April 8, 2005.
 - Filing fee.
 - A completed Development Impact Report, form DIR.
- 1.4 Additional information submitted by the Applicant:

- A certified list of abutters.
- 1.5 Interdepartmental communication received from:
- Acton Building Commissioner, dated 5/4/05;
 - Acton Director of Natural Resources, dated -;
 - Acton Engineering Administrator, dated 5/17/05;
 - Acton Fire Chief, dated -;
 - Acton Health Department, dated 5/5/05;
 - Acton Historical Commission, dated -;
 - Acton Treasurer's Office, received 5/16/05;
 - Acton Tree Warden & Municipal Properties Dir., dated 5/13/05;
 - Acton Water District, dated -;
- 1.6 1.5 Correspondence received from:
- -
 - -

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 Applicant proposes the 5-lot subdivision as a Residential Compound under Section 10 of the Rules. It provides for broad waivers to "permit small-scale residential subdivisions in a manner that minimizes Town maintenance responsibility and cost, while simultaneously preserving the rural character of the Town". It refers to the common driveway standards of the Bylaw as a guideline for laying out and constructing residential compound subdivisions.
- 2.2 The Applicant has not requested any specific waivers from the Rules. However, the proposal as a Residential Compound contemplates waivers from sections 8 and 9 of the Rules. The Board, in its discretion, may grant waivers to any or all, or to none of the portions of these sections.
- 2.3 The proposed subdivision is located within the Residence 2 zoning district, the Affordable Housing Overlay Sub-district B, and the Groundwater Protection District Zone 4.
- 2.4 The Plan shows the division of approximately 2.86 acres into five lots. Presently, the site is composed of two lots. Each has a single-family residence on it. One of the existing houses would be razed.
- 2.5 The existing and the four proposed new single-family residences are allowed on the Site in accordance with the zoning bylaw (hereinafter the Bylaw), including all overlay district requirements.
- 2.6 The proposed lots as shown on the Plan comply with the area and frontage requirements of the Bylaw, including all overlay district requirements.
- 2.7 The Plan shows a +/-300-foot long subdivision street (to the center of the turnaround), named Colonial Path, that intersects with Sylvia Street. The proposed pavement width is 16 feet within a 30-foot wide layout. The proposed loop-turnaround has a center island and a 50-foot sideline radius. These street dimensions require waivers under section 10 of the Rules.
- 2.8 The Applicant has submitted a "proof plan" that shows a 5-lot subdivision with the standard street dimensions required by the Rules and lot areas and frontages that meet the minimum Bylaw requirements.

- 2.9 Traffic on the proposed street will be light. A Residential Compound more or less as proposed is appropriate for the Site.
- 2.10 By reference to the common drive standards of the Bylaw, the Rules require that "adequate drainage shall be provided. Due to the low-intensity if use and vehicle traffic, Low Impact Development (LID) options could be considered for purposes of handling storm water runoff. Generally, LID design seeks to avoid or minimize storm water discharge from the site, to disperse groundwater recharge locations throughout the site rather than concentrate recharge in one or few areas, and to handle storm water primarily with above-ground facilities and structures such as swales, recharge beds, or porous pavers.
- 2.11 The Site abuts an abandoned railroad right-of-way that is the future route of the Assabet River Rail Trail. The Sylvia Street runs up to the railroad right-of-way. Sylvia Street will be neighborhood and emergency access point to the rail trail.
- 2.12 Abutting land on Fletcher Court appears to be under consideration for new residential development in the near future. Neighborhoods and neighborhood streets should be connected wherever possible.
- 2.13 The application did not include a draft common driveway maintenance agreement and covenant as required under section 10 of the Rules. These documents will be required with the definitive plan application.
- 2.14 The Board has received comments from various Town departments, which are listed as Exhibit 1.5 above. The Board has considered these comments in its deliberations and made them available to the Applicant.

3 BOARD ACTION

Therefore, subject to and with the benefit of the following waivers, conditions, and plan modifications, the Board voted on May 24, 2005 to APPROVE the preliminary subdivision.

3.1 WAIVERS

Waivers from the Rules in accordance with section 10 seem appropriate to allow the street layout and design generally as depicted on the Plan. As a general policy, the Board does not waive sidewalk requirements of the Rules. However, the Board often considers or even requires sidewalk or other pedestrian or bicycle accommodations in alternate locations where they would be more useful to the general public as well as the Applicant's project. In this case, the Board requires the following as an alternative to meeting the standard sidewalk requirements of the Rules:

- 3.1.1. Show on the definitive plan a paved pedestrian walkway between Lots 4 and 5 from the proposed street to the boundary of the abutting Summers – McGuinness property on Fletcher Court. The width of pavement shall be at least 5 feet located in center of a 10-foot wide (minimum) easement, which shall be maintained clear of any obstructions and be accessible for pedestrian and bicycle use to residents in the general neighborhood. House locations shall be adjusted to meet privacy concerns. The easement shall be marked on both sides with landscaping elements or fences.
- 3.1.2. Show on the definitive plan an extension of Sylvia Street to the boundary of the abutting railroad right-of-way. The extension shall be 12 feet wide and paved to street construction standards in order to accommodate emergency vehicle access to, and match the width of the future rail trail. The extension shall be located at or near the northerly edge of the Sylvia Street layout to allow the option for parking spaces on the other side.

3.2 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.

- 3.2.1. Show all modifications required under '3.1 Waivers' above.
- 3.2.2. Correct the ownership designation of the abutting railroad right of way to "MBTA".
- 3.2.3. Propose a LID drainage design that includes some redundancy and extra capacity, is simple to design, and functions in the winter months.
- 3.2.4. Submit a draft common driveway maintenance agreement and covenant for the street and all its appurtenances as required under section 10 of the Rules, including an operation and maintenance plan for the proposed drainage system.
- 3.2.5. Show drainage easements on the lots for any street related drainage facilities.
- 3.2.6. Assign and label street addresses for the lots.
- 3.2.7. Consult with the Fire Chief regarding adequacy of the turnaround and general fire protection issues, and make Plan changes as necessary.
- 3.2.8. Show adequate monumentation of the lots and the street as recommendation in the Engineering Department comment memo.
- 3.2.9. Assess and document the ground's recharge capacity in the locations where storm water recharge is proposed
- 3.2.10. Separate as far as possible the inlet and outlet locations in the drainage basin on lot 5.
- 3.2.11. Add a plan note requiring cleaning and repair of the 10-inch drain pipe under Sylvia Street.
- 3.2.12. Unless directed otherwise by this decision, the definitive plan shall comply with all requirements of the Rules, and shall address all departmental comments received by the Board in a manner that resolves any concerns raised therein to the satisfaction of the Board.
- 3.2.13. All property taxes and other municipal charges must be paid prior to the application for approval of the definitive plan.

Roland Barti, AICP, Town Planner
for the Acton Planning Board

Date

Copies to:

Applicant
Engineering Administrator
Conservation Administrator
Town Assessor

Building Commissioner
Municipal Properties Director
Town Manager
Historical Commission

Board of Health
Town Clerk
Fire Chief

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TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
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Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Board

Date: May 17, 2005

From: Engineering Department *cy*

Subject: Review of Colonial Path Residential Compound – Preliminary Plan

We have the following comments regarding the above mentioned preliminary plan dated April 29, 2005:

1. The engineer will need to assign street addresses to the lots on Colonial Path and label the street numbers on the plans.
2. The Fire Chief will have to review the proposed turnaround to ensure that it is adequate for emergency SU-30 vehicles. Based on our turning templates, the loop turnaround will be tight for a SU-30 vehicle (fire truck).
3. There are no proposed monuments such as stone bounds shown on the plans for the new road. The engineer should either monument the layout of Colonial Path or each of the front and rear property corners for the new lots.
4. We also recommend that the engineer show a monument at the two property corners along Sylvia Street.
5. The engineer should be required to submit an as-built plan to certify the subdivision has been built in compliance with the approved plan.
6. We do not recommend granting a waiver from the sidewalk requirements for the subdivision.
7. The maintenance agreement for Colonial Path should incorporate the standard language for private ways so the future residents clearly understand the Town will not be responsible for snow plowing or any other related maintenance and that the shared driveway will not become a public way.
8. The Private Way Maintenance Agreement for Colonial Path should incorporate an Operation and Maintenance Plan for the proposed drainage system. The documentation for the drainage system should also clearly indicate that the Town will only be responsible for the future maintenance of the 10-inch diameter drain pipe

under Sylvia Street. The remainder of the proposed drainage system on private property will be the joint responsibility of the future homeowners on Colonial Path. The engineer will need to propose an inlet such as a catch basin within Sylvia Street to allow the street runoff to enter the existing drain pipe under the road.

9. We would like to suggest that the engineer design the proposed drainage system as simple as possible since the future homeowners will be jointly responsible for the routine maintenance and repairs.
10. The engineer will need to show easements encompassing the road drainage facilities on the individual lots so that the future homeowners on Colonial Path have the right to enter upon said lots to inspect, maintain and repair the drainage system, as necessary.
11. We recommend that the engineer conduct a deep test hole and percolation test in the same locations as the proposed recharge areas and the detention basin to determine the type of existing soils, the elevation of groundwater and the actual infiltration rate.
12. The runoff that is being channeled through the detention basin on Lot 5 adjacent to Sylvia Street would be more effectively treated if the inlet and outlet within the basin were spaced further apart. This would increase the amount of vegetated cover the runoff would pass over prior to discharging into the drain pipe under Sylvia Street.
13. The engineer should add a note to the plans to clean and repair the existing 10-inch drain pipe under Sylvia Street, as necessary.
14. The length of Sylvia Street from Main Street to Colonial Path is about 405 feet. By adding Colonial Path, the total length of the single access road becomes approximately 725 feet. This exceeds the overall 500 feet length requirement for single access streets.



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Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: ACHC **Natural Resources** **Date: May 3, 2005**
 Acton Water District **Municipal Properties**
 BOH **Police Dept.**
 Building Dept. *Finance*
 Engineering Dept.
 Fire Dept.

From: Kim DeNigro, Secretary for Planning & Engineering

Subject: Colonial Path Residential Compound – Preliminary Plan

Attached are the preliminary plans for Colonial Path Residential Compound.

Please review, and if there are any comments, please respond by Wednesday, May 18, 2005.

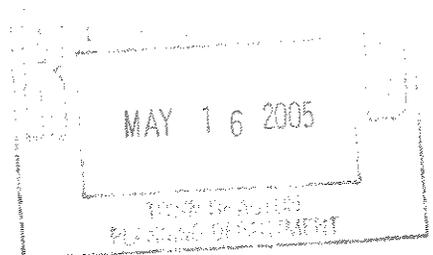
Thank you.

Any tax issues with these parcels?

<i>H-3B / 68</i>	<i>11 Sylvia St.</i>	<i>No outstanding taxes</i>
<i>H-3B / 69</i>	<i>7 Sylvia St.</i>	<i>No outstanding taxes</i>

Please advise.

*Thanks
 Roland*



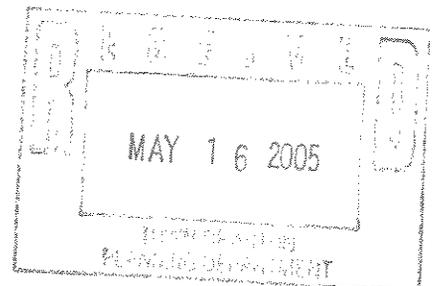
ACTON MUNICIPAL PROPERTIES DEPARTMENT

INTERDEPARTMENTAL COMMUNICATION

To: Kim DelNigro, Planning Department Secretary **Date:** 5/13/05
From: Dean A. Charter, Municipal Properties Director 
Subject: Colonial Path Residential Compound

I have reviewed the plans submitted for the above proposed Residential Compound, and have visited the site. As the proposal will have no impact on my areas of interest (there are no significant Public Shade Trees along Sylvia Street near the proposed street cut), I have no comment.

cc.: Engineering





INTERDEPARTMENTAL COMMUNICATION

Acton Board of Health - Telephone (978) 264-9634

TO: Planning Board

FROM: Brent L. Reagor, R.S. 

RE: Preliminary Subdivision Plan
Colonial Path

DATE: May 5, 2005

The Health Department has reviewed the plans and documents submitted by the applicant for the Preliminary application for the Colonial Path subdivision.

At this time, the Health Department has witnessed deep test holes and percolations tests throughout the property. The results of that testing show the soils will be able to support the subsurface disposal of septic tank effluent.

The applicant has yet to submit plans or applications for the construction of the onsite wastewater systems to serve the existing house or the four houses to be constructed.

