



**FYI**

**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts, 01720  
Telephone (978) 264-9636  
Fax (978) 264-9630

**Planning Board**

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June 22, 2005

Helene and Guido Gagliano  
17 Washington Drive  
Acton, MA 01720

RE: fee waiver

Dear Mr. and Mrs. Gagliano:

I would like to inform you that the Board of Selectmen have considered your request for filing fee waiver and have approved to reduce the fee to \$2800.00. For your reimbursement, please contact the Finance Office at (978) 264-9621.

If you should have any questions, please don't hesitate to call.

Sincerely,

Kim DelNigro  
Secretary for Planning and Engineering Departments

Cc: Stephen G. Barrett  
Don Johnson



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Fax (978) 264-9630  
planning@acton-ma.gov

Planning Department

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**INTERDEPARTMENTAL COMMUNICATION**

**To:** Don P. Johnson, Town Manager **Date:** June 17, 2005  
**From:** Roland Bartl, AICP, Town Planner *R.B.*  
**Subject:** **Gagliano – Request for Filing Fee Waiver**

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Earlier this year the Gaglianos filed an application for approval of a definitive subdivision, which the Planning Board granted with conditions on May 10, 2005. This is a small two-lot subdivision, with a house already existing on one of the lots. The Planning Board approved it as a "Residential Compound", which, in this case, allowed the subdivision without construction of a new street. Instead the Board accepted the existing driveway as sufficient for access to two houses. All will remain private. The geometry of the subdivided land is truly unique – see attached plan copy. It required a disproportionately long subdivision layout relative to the size of the land in order to achieve the required minimum frontages and widths for the two lots.

Subdivision filing fees are based on road length, which generally is proportional to the size of the land and the number of lots in a subdivision, the complexity of the plan, and the required staff effort including inspections. For the Gagliano subdivision this formula did not work. The filing fee of \$7,220 was rather out of proportion for the review effort required.

I believe that this is a case where a fee reduction is justified. Planning staff effort for plan review and draft decision was modest. The hearing closed after one session. Other departmental reviews were short and succinct. There will be no need for engineering department inspections except for the required sidewalk.

The request does not suggest any particular number for a reduced filing fee. In my opinion it would be appropriate to retain the base fee of \$2,500 to cover the administrative services associated with the application and to waive the \$8 per linear foot charge because there will be no new street construction. However, I would add \$300 for engineering department plan review and construction inspection for the required sidewalk.

Total recommended fee: \$2,800.

The applicant has paid the filing as computed under the regulations. A waiver would require a refund.

Perspective: The present system of computing subdivision filing fees has been in place since approximately 1990. While over the years, some applicant may have slightly overpaid or underpaid for the services they received, the system has generally worked well. There has been only one other request for a reduction of a filing fee, which was granted although Planning staff had not

recommended it. This was a 1999 subdivision plan amendment within the Acorn Park development. I believe that the request now before the Board of Selectmen represents a truly unique situation, which only shows that however one might calculate fees there will always be the odd exception to the rule that deserves special consideration.

Cc: Planning Board

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May 23, 2005

Acton Board of Selectmen  
13 Ayer Road  
Acton, MA 04720

**Subject: Board of Selectmen Waiver Request  
Definitive Subdivision (Residential Compound) Filing Fee  
17 Washington Drive, Acton, MA**

Dear Board Members:

On behalf of our clients, Helene and Guido Gagliano, we respectfully request the following waivers from the Acton Subdivision Regulations:

***Section 12 – Appendix C – Fee Schedule:***

Required: \$2500.00 + \$8.00 per foot of road

Reason: According to the Planning Board decision issued on May 10, 2005:

**Findings and Conclusions**

2.5 - "...The Plan, as modified herein, accomplishes these purposes of the Rules' Residential Compounds option.

2.6 – Ways in Residential Compound subdivisions can be built to lesser design and construction standards than other streets in Acton. They are intended to remain private ways. This requires a legal framework for the maintenance and ownership of the private way. Furthermore, the Board needs assurances that the Town will not be asked to plow, maintain, or accept the private way in the future.

2.11 – "...In determining an equivalent value for off-site sidewalks, the Board has consistently applied construction cost equivalents of \$15.00 per foot for new sidewalks within the subdivision, and \$30.00 per foot for sidewalk additions along a subdivision's existing street frontage. Under the particular configuration of the Site this would result in a \$13,500 value, which appears out of proportion with a two-lot subdivision development."

Goldsmith, Prest & Ringwall, Inc.

per decision -  
should say  
\$ 8,000 R.B.

**Conditions**

3.3.1 - "... The location shall be decided on where the longest sidewalk segment can be installed for \$8,000, up to the length of the specified segments...

The project, approved by the Acton Planning Board on 4/26/05, consists of subdividing an existing 2.71 acre parcel into two (2) lots. The parcel is subdivided in a manner as to maintain the existing single family dwelling (17 Washington Drive) on one lot while a new single-family dwelling will be constructed on the second lot. Because of the narrow lot access the Planning Board not only considered lesser restrictions relating to the private way but also in relation to the sidewalk construction.

Please call our office should you have any questions.

Respectfully,

Bruce D. Ringwall, VP Goldsmith, Prest & Ringwall, Inc.

Copy: Helene and Guido Gagliano  
GPR file 00.159