

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
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planning@acton-ma.gov

Planning Department

MEMORANDUM

To: Planning Board **Date:** January 22, 2007
From: Kristin K. Alexander, AICP, Assistant Planner *KK*
Subject: January 23, 2007 Consent Agenda Item II. *B*

Sweeney Farm Lane Final Bond Release

Vote to release the remaining bond, \$13,600, held for Sweeney Farm Lane (off Willow Street in West Acton; Planning Board approved 9/28/04). There are three additional clean-up items related to this bond: two from the Engineering Department and one from the Tree Warden (see the attached Engineering Department e-mail dated 1/19/07 and Tree Warden memo dated 1/12/07).

In staffs' opinion, the Engineering Department remaining items are minor and a final bond release can be conditional subject to the approval of those items by the Engineering Department.

The Planning Board will need to decide whether it wants the tree to be replaced (as discussed in the Tree Warden's memo and the Applicant's letter to the Board dated 1/8/07). If the Board wants the tree to be replaced, would you want to (1) hold the full amount of the bond until the tree is replaced, or (2) allow a partial bond release and hold the amount for one tree replacement (\$1000 – see attached e-mail from Dean Charter to Corey York dated 8/30/06), or (3) release the final bond subject to Tree Warden (and Engineering Department) approval? Condition 3.2.3 of Decision 04-01 states:

“On the site plan sheet, delineate an area for the future location of at least five 12- to 18-foot tall healthy transplanted evergreen trees, for the benefit of the abutter Nicole Fandel. Add a note stating that the tree planting area may be changed by agreement between the Applicant and Ms. Fandel, and that 6- to 8-foot nursery stock replacements will be planted if any of the transplants do not survive the first year in their new location.”

FYI - The trees were only required to be planted during initial construction and were not to be monitored after one year from the initial planting. The Planning Department has not received any complaints about the dead tree.

Kristin Alexander

From: Corey York
Sent: Friday, January 19, 2007 2:40 PM
To: 'ACTONSURVEY@verizon.NET'
Cc: Planning Department
Subject: RE: Sweeney Farm Lane - next to 126 Willow Street

It appears that all the survey and construction items at Sweeney Farm Lane have been addressed according to our previous memo. There is an issue with a dead tree but Roland is working with John B and Dean.

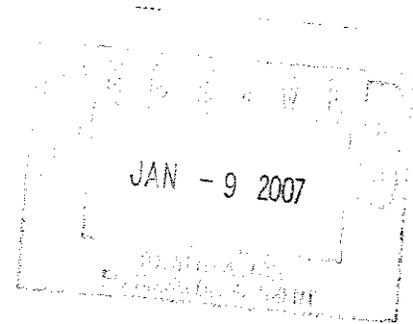


When you have a chance could you send me a revised bound certification to include the survey markers that were recently set and the latest plan revision. I also need Mark D to sign the statement on our as-built plan for Sweeney Farm Lane.

*Thank You.
Corey York
Acton Engineering Department*

January 8, 2007

Acton Planning Board
Acton Town Hall
472 Main Street
Acton, MA 01720



Ref: Planning Board Decision Sec 3.2.3

Dear Board Members;

Dean Charter, the tree warden, has inspected Sweeney Farm Lane and noted that one of the evergreens planted did not survive.

Please refer to Decision 04-01, Definitive Subdivision- Sweeney Farm Lane, 9/28/04 page 4 of 7 section 3.2.3, which states as follows; "On the site plan sheet, delineate an area for the future location of at least five (5) 12 to 18 foot tall healthy transplanted evergreen trees, for the benefit of Nicole Fandel." There are still over five (5) trees remaining between the properties.

Section 3.2.3 continues: "Add a note stating that the tree planting area may be changed by agreement between the Applicant and Ms. Fandel," Ms. Fandel was instrumental on the location of the trees. Ms. Fandel did not want the trees planted on her property. Per her wishes I then planted the trees on Lot 1. Lot 1 now 3 Sweeney Farm Lane has been sold. I no longer have any right to enter onto this property or has there been any request by them for me to do so to replant the one evergreen that did not survive.

The purpose of the planting of the evergreens was to insure Ms. Fandel and 3 Sweeney Farm Lane of their privacy. The evergreen that died does not interfere with maintaining privacy for both properties. If Ms. Fandel or 3 Sweeney Farm Lane residents request for me to replace the evergreen, I will be able to replace it in the spring according to the specifications required in the decision.

I hope you consider Sweeney Farm Lane in compliance with section 3.2.3 of the decision of 9/28/04 and this issue will not delay the final release of the Sweeney Farm Lane Subdivision Bond.

Sincerely,

John M Barbadoro

ACTON MUNICIPAL PROPERTIES DEPARTMENT

INTERDEPARTMENTAL COMMUNICATION

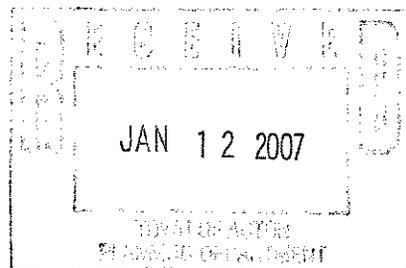
To: Planning Department **Date:** 1/12/07
From: Dean A. Charter, Municipal Properties Director *DAC*
Subject: Buffer plantings – Sweeney Farm

I am writing to respond to Mr. Barbadoro's letter of January 8, 2007, regarding the buffer plantings at Sweeney Farm Lane.

I agree with Mr. Barbarodoro's contention that the Decision requires that he plant "at least five (5) 12 to 18 foot tall healthy transplanted evergreen trees". I see evidence that Mr. Barbarodoro did so. However, at the time of my inspection today, I note that only four of those trees are alive, and one is very dead.

In accordance with the Decision, this one dead tree must be replaced with one 6-8 foot nursery grown specimen. The fact that there are other smaller plants in this area is inconsequential; the dead tree must be replaced, unless Mr. Barbarodoro can provide written documentation from the landowners on both sides of the boundary line that they do not want such a replacement.

cc.: Engineering



Kristin Alexander

From: Corey York
Sent: Friday, January 12, 2007 8:33 AM
To: Kristin Alexander; Kim DeInigro
Subject: FW: Sweeney Farm Lane - next to 126 Willow Street

-----Original Message-----

From: Corey York
Sent: Friday, January 12, 2007 8:20 AM
To: Dean Charter
Subject: RE: Sweeney Farm Lane - next to 126 Willow Street

FYI

Attached is a letter sent from John Barbadoro to the Planning Board in regards to the dead tree.

*Thank You,
Corey York
Acton Engineering Department*

-----Original Message-----

From: Dean Charter
Sent: Tuesday, January 02, 2007 3:10 PM
To: Corey York
Subject: RE: Sweeney Farm Lane - next to 126 Willow Street

Not as of this date

From: Corey York
Sent: Tuesday, January 02, 2007 1:09 PM
To: Dean Charter
Subject: FW: Sweeney Farm Lane - next to 126 Willow Street

Did John Barbadoro call you in regards to the dead tree at Sweeney Farm Lane?

Corey

-----Original Message-----

From: Corey York
Sent: Thursday, November 16, 2006 2:48 PM
To: Dean Charter
Subject: RE: Sweeney Farm Lane - next to 126 Willow Street

FYI

John Barbadoro is going to call you next week to talk about the dead tree. He said that he had transplanted more trees along the lot line than required by the decision. In any event, John wanted to talk with you and resolve any final items so that he can get his bond released from the Planning Board.

*Thank You
Corey York
Acton Engineering Department*

1/22/2007

-----Original Message-----

From: Dean Charter
Sent: Wednesday, August 30, 2006 8:52 AM
To: Corey York
Subject: RE: Sweeney Farm Lane - next to 126 Willow Street

The biggest Spruce Weston Nurseries have listed is a 9-10 foot Norway Spruce for \$300 wholesale (add 33% for retail). You should at least double that for planting. The decision actually suggests using smaller stock if the large material dies; as I recall they were supposed to use 6 footers. They would go for \$150 wholesale, so if we held \$1,000, we should be safe (that is about double what it would cost for the developer to do it).

Dean

-----Original Message-----

From: Corey York
Sent: Tuesday, August 29, 2006 5:01 PM
To: Dean Charter
Subject: RE: Sweeney Farm Lane - next to 126 Willow Street

I am going to talk with Roland. How much does a 12-18 foot high evergreen tree typically cost at a nursery?

Corey

-----Original Message-----

From: Dean Charter
Sent: Tuesday, August 29, 2006 2:32 PM
To: Corey York
Subject: RE: Sweeney Farm Lane - next to 126 Willow Street

Corey,

This morning (8/29) I inspected the trees. At this point four trees are in good shape, and one has died, of the five that were required under the decision. That tree needs to be replaced, and needs a full growing season to prove that it is still alive. Do you really want to do a partial release?

Dean

-----Original Message-----

From: Corey York
Sent: Monday, August 28, 2006 11:38 AM
To: Dean Charter
Subject: RE: Sweeney Farm Lane - next to 126 Willow Street

John Barbadoro is seeking another bond reduction for Sweeney Farm Lane. When you have a chance could you let me know if the evergreen trees have survived the transplant in accordance with the section 3.2.3 of the Planning Board Decision.

*Thank You,
Corey York
Acton Engineering Department*

-----Original Message-----

From: Dean Charter
Sent: Tuesday, November 01, 2005 4:42 PM

To: Corey York
Subject: RE: Sweeney Farm Lane - next to 126 Willow Street

check section 2.5 and 3.2.3 of the decision. He has not done this yet. \$2500 sounds like the right number, and we should hold it for a full year after the trees have been moved.

-----Original Message-----

From: Corey York
Sent: Tuesday, November 01, 2005 4:22 PM
To: Dean Charter
Subject: RE: Sweeney Farm Lane - next to 126 Willow Street

John Barbadoro, Apple Valley Homes, has requested a bond reduction for his 4 lot subdivision next to 126 Willow Street. There are no symbols for trees along the new road on the plans. He has proposed some 12-18 foot high evergreens between the new house on lot 1 and the existing house at 128 Willow Street. We are currently holding \$2500 for trees. When you have a chance could you let me know if he has any issues that you are aware of relating to trees.

*Thank You,
Corey York
Acton Engineering Department*

-----Original Message-----

From: Corey York
Sent: Tuesday, December 28, 2004 9:29 AM
To: Dean Charter
Subject: Sweeney Farm Lane - next to 126 Willow Street

John Barbadoro, Apple Valley Homes, has requested a bond calculation for his 4 lot subdivision next to 126 Willow Street. Sweeney Farm Road is a 185 foot long private road that has just recently been paved. Keith Carroll is the Site Contractor. When you have a chance could you let me know if he has a requirement for street trees. There are no symbols for trees along the new road on the plans. He has proposed some 12-18 foot high evergreens between the new house on lot 1 and the existing house at 128 Willow Street.

Thanks and have a good new years
Corey



Planning Department

TOWN OF ACTON
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August 31, 2006

Mr. John Barbadoro
Apple Valley Homes, Inc.
2 Orchid Drive
Littleton, MA 01460

Re: Sweeney Farm Land Bond Reduction

Dear Mr. Barbadoro:

On behalf of the Town of Acton Planning Board I authorize a bond reduction for the Sweeney Farm Lane Subdivision as follows:

current bond amount	\$ 35,600.00
authorized reduction	\$ 22,000.00
new minimum bond	\$ 13,600.00

The Bond Amount stated in our January 21, 2005 Tri-Party Agreement with Banknorth, N.A. may be reduced accordingly. The Engineering Department's 8/28/06 bond calculation is enclosed updating Exhibit A of the agreement. Please note that this is the second and last partial bond release on this subdivision. The next release will be for the entire remaining amount after completion of all outstanding work as certified by our Engineering Department.

Sincerely,

Roland Bartl, AICP
Town Planner

Cc: Planning Board

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