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Planning Department

MEMORANDUM

To: Board of Appeals **Date:** March 20, 2008
From: Roland Bartl, AICP, Planning Director *R. B.*
Subject: Application # 08-02 – Alexan Concord for Comprehensive Permit

The proposed 350-unit 40B project in Concord would have only one access from Sudbury Road in Acton. This project should not be approved without a full second street access to another street than Sudbury Road. Just like all building codes require two accesses and egresses into the dwelling units, one of the fundamental planning and development principles calls for more than one street access and egress to and from a residential area. The Alexan proposal ignores that principle. The reason for it is simple: A single street access can be blocked by an accident or natural disaster. In that event, no first responder will be able to get to a coincidental occurrence at any location behind the blockage, or their response time would be unduly extended. Fires could not be controlled or contained; heart attack or stroke victims would wait in vain for the critical first aid where timeliness is so critical for survival or a good recovery prognosis. Similarly, during natural disasters or fires a single evacuation route for residents could already be blocked or could become too congested to function as a safe escape route.

The principle is often ignored in small subdivisions and development projects. There is probably a threshold, on which reasonable people can disagree on, below which a secondary access is not warranted because of the low probability of coincidental emergencies. However, with every additional unit the probability rises. I suggest that 350 dwelling units is not a number that falls below anyone's serious concern threshold, rather – that it far exceeds the threshold.

It seems to me that it is a fair suggestion then, that with single access, the site cannot support a 350-unit development. Taking the Acton Subdivision Rules and Regulations as guide, anything over 40 units should have a 2nd access.

Specific Site Consideration:

Sudbury Road has inadequate vertical and horizontal alignments that exacerbate the single access concern. The proponent proposes improvements that would make it better. But, they cannot entirely fix the problem. Sudbury Road will continue to have steep grades and it appears that within its existing layout it would remain too narrow if the needed sidewalks are added.

Adjacent to the Alexan site is the Forest Ridge subdivision with the Thoreau Club at the end. It appears that the Town of Concord and the owners in the subdivision have over time erected a scheme through deed and use restriction and development agreements that prevent access into Forest Ridge Road from any other surrounding land. These are not physical restrictions and therefore can be altered and removed if there is a will to do so. Forest Ridge Road is wide, has a

sidewalk, and only gently sloping grades. It would lend itself perfectly for second access to the Alexan project without the need for any improvements or retrofitting. Sudbury Road could never be improved to that level. Moreover, it appears from our research that the Town of Concord owns property in the Forest Ridge subdivision that fronts on Forest Ridge Road and backs up to the parcel of the Alexan project. It appears, Concord is thus a participating land owner that could, if willing, influence and leverage change of any of the Forest Ridge restrictions as necessary to accommodate full second access for the Alexan project.

With single access in Acton as proposed, Acton – not Concord - would solely responsible for maintaining accessibility to the Alexan project at all times. With that responsibility comes potential liability if there is a loss of life or property due to Acton's failure at any time to ensure access to land in Concord, say during difficult ice or snow conditions.

Finally, there is another access alternative to Border Road in Concord that the Town of Concord could make available if it wanted to. Again, it is not a physical barrier. Rather, it is a very narrow strip of land that the Town of Concord map lists as conservation land, but that is in function nothing more than a buffer strip between two properties. It is quite possible that it, too, was created as part of the Forest Ridge scheme to isolate it from surrounding land.

I have raised this entire issue with the proponent and the Concord Planner. The answers from both have been that the various restrictions in and around Forest Ridge do not allow access, or do not allow access for residential use, or similar. I submit that the presence of artificial restriction and barriers does not mitigate the care that public officials should exercise with respect to the safety of their residents, and that this care is a concern for all Towns whose territories converge at the project site. It is logical to assume that in the event of an emergency first response attempts would come from Acton, Maynard, Sudbury, and Concord, since the fire departments of all four towns are in approximately the same distance away. The proponent and Concord Planner acknowledge that emergency access might be possible.

Emergency access:

We have no real experience with emergency accesses in Acton. I am not aware that any of the emergency accesses in Acton have ever been used. One might say "thankfully so". The fact is that they are not properly maintained, are partially overgrown, and don't get plowed in the winter. They are therefore not as reliable as one might think or wish and they are most certainly not available during times when snow cover is deep.

Project with Parallels - RQR:

The Planning Board has wrestled with this same issue when the Residences at Quail Ridge came before it for special permit approval. There, the second access would be through Acorn Park, which the Acorn Park residents vehemently opposed. The Planning Board did not finally decide the matter, and postponed decision on it to a supplemental application, hearing, and review instead. In its decision the Board directed the applicant to study the question of full second access and emergency access as follows:

(Submit) Plans, studies, and documentation on the adequacy and reliability of gated emergency access as the sole secondary access, and risk assessments for both the single street access with gated emergency access and the dual or multiple street access alternatives. The materials shall be prepared by professionals in traffic planning, traffic engineering, civil engineering and emergency management as most applicable to each specific material and include:

- Alternatives for gated emergency access ways from the Acorn Park subdivision.
- Methods to ensure long-term full-time reliability of the emergency access ways to be ready for use when needed without delay in the same manner or nearly in the same manner as full street access would provide, including an assessment of various engineering solutions and management and maintenance systems.
- A risk assessment of the single street access alternative with gated emergency access ways from Acorn Park compared to the dual or multiple full street access alternative via Acorn Park, taking into consideration various emergency response needs for the particular uses in the proposed development (174 age-restricted senior housing units, golf course, restaurant, pool and other recreation facilities, maintenance and storage building) and various scenarios that may require evacuation.
- A risk assessment for the same scenarios for the Acorn Park subdivision, which presently consists of 80 single-family homes on a single street access with one gated emergency access.

It seems to me that such studies would be rather appropriate in the case of the Alexan project evaluating, single access only, single access with emergency access, and full dual access scenarios. In addition, I would recommend that the Board require full disclosure and complete summary explanations of any and all restrictions in the Forest Ridge Subdivision and other surrounding land that purportedly prevent full second access to the Alexan site, and a description of the steps needed to remove or alter these restriction to enable access.

Cc: Town Manager
Planning Board
Jim Shea (Town Counsel in this matter)
Fire Chief
Town Engineer

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