



Planning Board

TOWN OF ACTON
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DECISION

09-04

Isaac Davis Circle
Preliminary Subdivision

June 16, 2009

APPROVED

Decision of the Acton Planning Board (hereinafter the Board) on the application of Walker Realty, LLC of 2 Lan Drive, Westford, MA 01886 (hereinafter the Applicant) for property in Acton, Massachusetts owned by the Applicant. The property is located at 348-352 Main Street and shown on the 2007 Acton Town Atlas map F-3 as parcels 54, 61, and 61-1 (hereinafter the Site).

This Decision is in response to an Application for Approval of a Preliminary Subdivision Plan entitled "Isaac Davis Circle", received by the Acton Planning Department on May 22, 2009, pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and the Acton Subdivision Rules and Regulations (hereinafter the Rules).

The Applicant presented the subdivision proposal to the Board at an advertised public meeting of the Board on June 16, 2009. Ms. Katie L. Enright, P.E. of Hancock Associates assisted the Applicant with the presentation. Board members Mr. Greg Niemyski (Chairman), Mr. Bruce Reichlen (Vice Chair), Mr. Alan Mertz (Clerk), Ms. Ruth Martin, Mr. Roland Bourdon, Mr. Ryan Bettez, Mr. Ray Yacouby and Associates Mr. Jeff Clymer and Ms. Leigh Davis-Honn attended. 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 "Isaac Davis Circle, Preliminary Subdivision Plan", dated 5/15/09, drawn by Hancock Associates consisting of one sheet.
- 1.2 Supplemental items and documentation required by the Rules consisting of:
 - An Application for Approval of a Preliminary Plan, form PP, dated 5/21/09.
 - Filing fee.
 - A completed Development Impact Report, form DIR.
 - A locus map.
- 1.3 Additional information submitted by the Applicant:
 - Application cover letter by Hancock Associates, date 5/21/09.
 - Abutters list.

- 1.4 Interdepartmental communication received from:
- Acton Building Commissioner, dated 6/4/09;
 - Acton Engineering Department, dated 6/12/09;
 - Acton Fire Chief, dated 6/12/09;
 - Acton Health Department, dated 6/8/09;
 - Acton Planning Department, dated 6/12/09;
 - Acton Finance Director, dated 6/8/09;
 - Acton Water District, dated 6/10/09;
 - Design Review Board, dated 6/2/09;
 - Sidewalk Committee, dated 6/11/09.

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 proposed subdivision is located within the Residence 2 zoning district and the Groundwater Protection District Zone 4.
- 2.2 The Plan shows the division of approximately 2.43 acres into two residential lots.
- 2.3 The proposed single-family residential uses are allowed on the Site in accordance with the zoning bylaw.
- 2.4 The proposed lots appear to comply with the area and frontage requirements of the zoning bylaw.
- 2.5 The Plan shows a 126 foot long subdivision street with a loop turnaround, named Isaac Davis Circle. It intersects with Main Street.
- 2.6 The Applicant could consider a Residential Compound subdivision in accordance with section 10 of the Rules.
- 2.7 The Board has received comments from various Town departments, which are listed as Exhibit 1.4 above. The Board has considered these comments in its deliberations and made them available to the Applicant.
- 2.8 The Applicant has not requested any waivers from the Rules, and this Decision does not grant or imply any waivers.

3 BOARD ACTION

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

3.1 CONDITIONS and PLAN MODIFICATIONS

Unless stated or implied otherwise, the conditions shall be fulfilled and the modifications to the Plan shall be made when filing the application for approval of a definitive plan.

- 3.1.1 Change the street name.
- 3.1.2 Add sidewalks in the proposed street and along the subdivision frontage.
- 3.1.3 Determine and label sight distances at the Main Street intersection.

- 3.1.4 In addition to the specific items listed above, 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.
- 3.1.5 All property taxes and other municipal charges must be paid prior to the application for approval of the definitive plan.

Roland Bartl, AICP, Planning Director
For the Acton Planning Board

Copies to:

Applicant - certified mail #
Town Engineer
Natural Resources Director
Town Assessor

Building Commissioner
Municipal Properties Director
Town Manager
Historical Commission

Health Director
Town Clerk
Fire Chief

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