



Planning Department

TOWN OF ACTON
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II A.

MEMORANDUM

To: Planning Board **Date:** November 17, 2009
cc: Acton Engineering Department
Ryan Pace, Town Counsel
From: Kristin K. Alexander, AICP, Assistant Planner *KKA*
Subject: **November 17, 2009 Consent Agenda Item II.A.**

Final Bond Release – Yin Peet (ground stabilization bond)

Attached is an e-mail chain (from Roland Bartl, 10/5/09) where Ms. Yin Peet requests a release of the \$20,000 bond with Western Surety Co. related to the Quarry Woods PCRC special permit project. The bond is to ensure the Applicant (Ms. Peet) completes the "stabilization of ground and the completion of improvements shown and required in the following:

1. The Approved Plan; and
2. the Planning Board's Special Permit Decision, Decision #06-08, dated September 26, 2006, as amended, specifically in Section 3.3.8, which states in part: 'The guarantee shall be in the amount of \$20,000 to allow the stabilization, securing, or completion by the Town as necessary, of any work begun should the Applicant fail to complete the work according to the Plan'."

Planning Board Decision 06-08 (Decision), Section 3.3.8, is attached.

Decision Section 3.3.18 (also attached) states that upon completion of driveway, drainage, and utility improvements; and adequate stabilization of the disturbed areas of the site; the Applicant (Ms. Peet) is required to submit an as-built plan. An as-built plan has not been submitted.

According to the Engineering Department, it appears the site has been stabilized and the improvements have been completed. However, since the required as-built plan has not been submitted, the Engineering Department cannot confirm whether the improvements have been made according to the Approved Plan. Therefore, I recommend the Planning Board hold **\$5,000.00 of the performance guarantee until the completion, submittal and approval of the as-built plan.**

Kristin Alexander

From: Roland Bartl
Sent: Monday, October 05, 2009 7:05 PM
To: Yin Peet
Cc: Creighton Peet; susan@doraninsurance.com; Planning Department
Subject: RE: Surety Bond

Yin:

Thank you for the notice and inquiry. I take this as your request for a release of the \$20,000 bond with Western Surety Co., bond #70423976.

I will forward this to our Engineering Department for a final inspection of the site to make sure the items covered under the bond have been completed in a satisfactory manner. Please accommodate them when they do their inspection.

Under guiding law we have 45 days to complete the inspection, sufficient to get done before the bond expiration or renewal date. However, the scope of the covered work items is fairly narrow, so it may go faster.

Regards -

Roland Bartl, AICP
Planning Director
472 Main Street
Acton, MA 01720
(978) 264-9636

From: Yin Peet [mailto:ypeet@verizon.net]
Sent: Monday, October 05, 2009 3:08 PM
To: Roland Bartl
Cc: Creighton Peet; susan@doraninsurance.com
Subject: FW: Surety Bond

Roland,
It's been a long time since we talked last.

One question:

It's time for our insurance to be renewed. The insurance company is asking if we would need to renew the Surety Bond as well.

Since the Surety Bond description reads: Site improvement: install septic system utility lines at 68 Quarry Road., I think we might not need it.

As of today in the Studio, all septic system and utility line is done and signed off by various parties; interior sheetrock, mud is also done, and the first layer of paint is in process. After the painting is done, the plumber and electrician will come back to install the final fixtures (scheduled for the day after tomorrow). So do we still need this Bond?

The Insurance Company needs your answer in writing. So please reply in writing, so they can proceed accordingly.

Thank you very much,

(for your info, I am forwarding the emails communication among us.)

11/13/2009

Yin

From: Susan Joy-Nowicki [mailto:susan@doraninsurance.com]
Sent: Monday, October 05, 2009 2:13 PM
To: 'Yin Peet'; 'Peet, R. Creighton'
Subject: RE: Surety Bond

Hello again,

Sorry to bother, but I just spoke with CNA Surety who is providing the bond. They advised me that in order to terminate the bond, they need something in writing from the Town of Acton confirming that the bond is no longer necessary.

Please either email/fax 781-934-7506 this documentation to me so I may forward to CNA.

Be sure to let me know if you have any questions.

Thank you, Susan

From: Yin Peet [mailto:ypeet@verizon.net]
Sent: Monday, October 05, 2009 11:38 AM
To: 'Peet, R. Creighton'; 'Susan Joy-Nowicki'
Subject: RE: Surety Bond

Susan and Creighton,
I don't believe we need this bond. The work has been completed, and the Studio interior is at the stage of final finishing (i.e., paint and put up the final fixture).
I hope we will wrap up the construction in 2 weeks, including obtain the certificate of occupancy.
Hope this info helps,
Yin

From: Peet, R. Creighton [mailto:cpeet@WPI.EDU]
Sent: Monday, October 05, 2009 10:24 AM
To: Susan Joy-Nowicki
Cc: Yin Peet
Subject: RE: Surety Bond

Hi Susan,

All of that work has been completed, so I don't believe we need the surety bond anymore, but I will have to consult with Yin to make sure, so I am copying her on this email. For sure the septic system is up and running, but there is still some electrical work that needs to be finished at the art studio, so maybe there is still a need for this surety bond. I think Yin hopes to have all electrical work done before December, however. Yin may have to ask the Town if the bond is still needed. Thanks for the reminder in any case.

Regards,
Creighton

From: Susan Joy-Nowicki [mailto:susan@doraninsurance.com]

11/13/2009

Sent: Monday, October 05, 2009 10:15 AM
To: Peet, R. Creighton
Subject: RE: Surety Bond

Thank you for your quick response!

The description reads: Site improvement: install septic system utility lines at 68 Quarry Road.

Hope that helps.

From: Peet, R. Creighton [mailto:cpeet@WPI.EDU]
Sent: Monday, October 05, 2009 10:13 AM
To: Susan Joy-Nowicki
Subject: RE: Surety Bond

Dear Susan,

Thanks for this reminder, but could you remind me what the surety bond is for? To be honest, I just don't remember. Until until I know what it is for, I can't say whether we need to renew it. Thanks.

Regards,
Creighton

From: Susan Joy-Nowicki [mailto:susan@doraninsurance.com]
Sent: Monday, October 05, 2009 9:39 AM
To: Peet, R. Creighton
Subject: Surety Bond

Hi Creighton,

The surety bond that you requested last December for the Town of Acton is up for renewal in December. Please advise if you want to renew this bond.

Many thanks!

Susan V. Joy-Nowicki
Francis R. Doran Insurance Agency, Inc.
P.O. Box 2744, Duxbury, MA 02331
phn 781-934-5900 / 800-447-2232 / fax 781-934-7506
www.doraninsurance.com
email: susan@doraninsurance.com

runoff or erosion occurs, the Board or the Building Commissioner may order the immediate cessation of any excavation, construction and building activities until the conditions that caused the runoff or erosion have been corrected.

- 3.3.6 All requirements of the Health Director must be met.
- 3.3.7 All taxes, and penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full prior to issuance of any building permit on the Site.
- 3.3.8 Prior to the start of any work on the Site, the Applicant shall provide the Board with a performance guarantee in accordance with Section 6 of the Subdivision Rules. If a restrictive covenant it shall be a restriction on all buildings on the Site and no partial releases shall be granted. If not a restrictive covenant, the guarantee shall be in the amount of \$20,000 to allow the stabilization, securing, or completion by the Town as necessary, of any work begun should the Applicant fail to complete the work according to the Plan. The Board reserves the right to require additional performance guarantees for any and all items and improvements shown on the Plan to be posted as a passbook in a form acceptable to the Town of Acton Treasurer.
- 3.3.9 No work on the Site shall begin prior to the endorsement and recording of the Plan.
- 3.3.10 All common land areas shall remain in their natural state and remain undisturbed during and after construction except as shown on the Plan and allowed under this decision.
- 3.3.11 The common land shown on the Plan and approved hereunder, including any portion that exceeds minimum zoning requirements, shall not be reduced in area.
- 3.3.12 No portion of the common land shown on the Plan and approved hereunder, including any portion that exceeds minimum zoning requirements, shall be used to meet area, setback, or any other zoning requirements for any other development or improvement that is not shown on the Plan, specifically, it shall not be used to support additional dwelling units or house lots.
- 3.3.13 The number of dwelling units on the Site shall not be increased above the number shown on the Plan and approved hereunder.
- 3.3.14 The size of the studio building shall not be increased above the size shown on the Plan without approval from the Board.
- 3.3.15 There shall be no blasting on the Site for the procurement or preparation of sculpting materials.
- 3.3.16 All work on the Site shall be conducted in accordance with the terms of this special permit and shall conform with and be limited to the improvements shown on the endorsed Plan.
- 3.3.17 All work on the Site shall be performed in compliance with the applicable law and regulations protecting wetlands and wildlife habitat in the Town of Acton.
- 3.3.18 Upon completion of all work on the driveways and associated drainage structures, the installation of utility including the installations contemplated in the attached Agreement between the Applicant and the Town of Acton, and the adequate stabilization of disturbed areas according the landscaping specifications required herein, the Applicant shall submit an as-built plan. Five thousand dollars (\$5,000) of the performance guarantee above shall be held by the Town until completion, submittal, and approval of the as-built.
- 3.3.19 This Decision, the endorsed Record Plan, the approved common driveway maintenance agreement and covenant, the approved common land restriction and ownership documents, and the attached Agreement between the Applicant and the Town of Acton shall be recorded by the Applicant at the Middlesex South District Registry of Deeds or the Land Court prior to the issuance of a building permit on the Site.