

**“BEACON COURT”**  
**Definitive Subdivision Application**  
**Residential Compound Plan**

**57 Robbins Street**  
**Acton, Massachusetts**

**September 30, 2010**

**Prepared for:**  
**Centennial Homes, LLC**  
**P.O. Box 2170**  
**Acton, Massachusetts 01720**

**Prepared by:**  
**FORESITE Engineering Associates, Inc.**  
**16 Gleasondale Road, Suite 1-1**  
**Stow, Massachusetts 01775**



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***NOTE: Stormwater Report & Calculations under separate cover filed herewith.***

**ACTON PLANNING BOARD**

**FORM DP**

**APPLICATION for APPROVAL of DEFINITIVE PLAN**

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Acton for Approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in the Town of Acton.

(Please type or print information in blanks below.)

- 1. Name of Proposed Subdivision BEACON COURT
- 2. Name of Applicant(s) CENTENNIAL HOMES, LLC  
Contact Address P.O. Box 2170 ACTON, MA 01720 Phone (978) 263-0069
- 3. Name of Property Owner(s) JAMES + TERESA STELLAR
- 4. Name of Engineer FORESITE ENGINEERING ASSOCIATES, INC.  
Address 16 GLEASONDALE RD, STE 1-1, STOW, MA 01775 Phone (978) 461-2350
- 5. Name of Land Surveyor FORESITE ENGINEERING ASSOCIATES, INC.  
Address 16 GLEASONDALE RD, STE 1-1, STOW, MA 01775 Phone (978) 461-2350
- 6. Deed of property recorded in Middlesex South Registry Of Deeds, Book Number 17152,  
Page Number 528; and/or registered in Middlesex Registry of Land Court, Certificate of  
Title Number NA.
- 7. Zoning District R-2, Town Atlas Map No. H2 Parcel No. 7-2  
Approximate acreage in subdivision 2.03 ± Ac, Number of Lots 3  
Total length of road(s) in feet 230 FT  
Location and Description of Property 57 ROBBINS ST. - EXISTING  
SINGLE FAMILY DWELLING
- 8. Said plan has ( ) / has not (  ) evolved from a preliminary plan submitted to the Board on \_\_\_\_\_ 20 \_\_\_\_; and approved (with modifications) ( ) or disapproved ( ) on \_\_\_\_\_ 20 \_\_\_\_.

[Signature] Applicant(s) Signature, 9/27/10 Date

[Signature] Applicant(s) Signature, 9/27/10 Date

[Signature] Owner(s) Signature, 9/25/10 Date

[Signature] Owner(s) Signature, 9-25-10 Date

All owners (in the case of a corporation, an authorized officer; in the case of a trust, all trustees) must sign.

**DEVELOPMENT IMPACT REPORT**

The Development Impact Report (DIR) is intended to serve as a guide to the applicant in formulating the development proposal, as well as a guide to the Planning Board in its evaluation of the proposed development in the context of existing conditions and planning efforts by the Town. The DIR should be prepared as early in the development process as possible, even if certain aspects are unknown at that time. It is recommended that the various aspects of the DIR, together with a conceptual development plan, are discussed with the Planning Department staff as soon as possible, prior to the filing of an application for approval of a preliminary plan.

The DIR seeks to raise the broad range of issues generally associated with development plans in a form and in a language that is understandable to a layperson. It assesses development impacts which could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information which will help the Town plan ahead and ensure adequate services in the future. It is the hope of the Planning Board that the use of the DIR, along with early consultations with the Planning Department staff and the applicant's continuing cooperation throughout the development process, will foster a development of excellent quality and design sensitive to Acton's natural and historic heritage and other community concerns.

The DIR shall be filed with an application for approval of a preliminary and a definitive subdivision plan. The DIR shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment. In preparing the DIR, professionals of the respective fields shall be consulted and a systematic, interdisciplinary approach shall be utilized which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning, designing and engineering of the proposed project.

## DEVELOPMENT IMPACT REPORT

Please type or print information in blanks below.

1. Name of Proposed Subdivision BEACON COURT
2. Location 57 ROBBINS STREET
3. Name of Applicant(s) CENTENNIAL HOMES, LLC
4. Brief Description of the Proposed Project 3 LOT RESIDENTIAL COMPOUND SUBDIVISION, EXISTING DWELLING PLUS TWO NEW SINGLE FAMILY HOUSE LOTS
5. Name of Individual Preparing this DIR SCOTT P. HAYES, P.E. FORESITE ENGINEERING  
Address 16 GLEASONDALE RD, STE 1-1 Business Phone (978) 461-2350  
STOW, MA 01775
6. Professional Credentials MA REG. PROF. CIVIL ENGINEER 41017; MA DEP CERTIFIED SOIL EVALUATOR 1030

### A. Site Description

7. Present permitted and actual land uses by percentage of the site.

Uses	Percentage
Industrial	
Commercial	
Residential	40%
Forest	60%
Agricultural	
Other (specify)	

8. Total acreage on the site: 2.03± acres.

Approximate Acreage	At Present	After Completion
Meadow or Brushland (non agriculture)	-	-
Forested	1.10	0.58
Agricultural (includes orchards, cropland, pasture)	-	-
Wetland	0.15	0.15
Water Surface Area	-	-
Flood Plain	-	-
Unvegetated (rock, earth, or fill)	-	-
Roads, buildings and other impervious surfaces	0.09	0.33
Other (indicate type) <u>OPEN SPACE / LAWN / YARD</u>	0.69	0.97

9. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *Note: be sure to include overlay zoning districts.*

District	Percentage
RESIDENCE 2 (R2)	100%

10. Predominant soil type(s) on the site: GLACIAL TILL / CHARLTON HOLLIS ROCK OUTCROP  
(NRCS 103B)

Soil drainage (Use the US Natural Resources Conservation Service's definition)

Soil Type	% of the Site
Well drained	100%
Moderately well drained	
Poorly drained	

11. Are there bedrock outcroppings on the site?  yes  no
12. Approximate percentage of proposed site with slopes between:

Slope	% of the Site
0 - 10%	90%
10 - 15%	10%
greater than 15%	

13. In which of the Groundwater Protection Districts in the site located? How close is the site to a public well? Zone(s) 4 Proximity to a public well: 9,000 feet  $\pm$
14. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (Consult with the Massachusetts National Heritage Program and the Acton Natural Resources Director).  yes  no
- If yes, specify: BLUE SPOTTED SALAMANDER

15. Are there any unusual or unique features on the site such as trees larger than 30 inches D.B.H., bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formation or granite bridges?  yes  no

If yes, specify: 40" HARDWOOD ADJACENT TO EXISTING BARN

16. Are there any established foot paths running through the site or railroad right of ways?  yes  no

If yes, specify: \_\_\_\_\_

17. Is the site presently used by the community or neighborhood as an open space or recreation area?  
 yes  no

Is the site adjacent to conservation land or a recreation area?  yes  no

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_

18. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view?  yes  no

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_

19. Are there wetlands, lakes, ponds, streams, or rivers within or contiguous to the site?  
 yes  no

If yes, specify: BORDERING VEGETATED WETLANDS ALONG NORTHEAST  
BOUNDARY (SEE PLAN)

20. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws?  yes  no

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_

21. Has the site ever been used for the disposal of hazardous waste? Has a 21E Study been conducted for the site?  yes  no

If yes, specify results: \_\_\_\_\_  
\_\_\_\_\_

22. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste?  yes  no

If yes, specify \_\_\_\_\_  
\_\_\_\_\_

23. Does the project contain any buildings or sites of historic or archaeological significance? (Consult with the Acton Historic Commission or the Acton Historical Society.)

yes  no

If yes, please describe EXISTING HOUSE ON SITE, #57 RUBBING ST IS HISTORIC AND ON THE TOWN'S HISTORICAL RESOURCE LIST.

24. Is the project contiguous to or does it contain a building in a local historic district or national register district?  yes  no



35. Storm Drainage

- a. Describe nature, location and surface water body receiving current surface water of the site:

BORDERING WETLANDS TO A TRIBUTARY OF FORT POND BROOK

- b. Describe the proposed storm drainage system and how it will be altered by the proposed development:

STORMWATER WILL BE MANAGED ON SITE UTILIZING LID DESIGN PRACTICES (POLYASPHALT INFILTRATION, REDUCED LIMITS OF DISTURBANCE)

- c. Will a NPDES Permit be required?     \_\_\_yes     Xno

36. In the event of fire, estimate the response time of the fire department (consult with Fire Dept.)

2 MINUTES

37. Schools (if residential)

- a. Projected number of new school age children: 3

- b. Distance to nearest school: 1.5 mi

**D. Measures to Mitigate Impacts**

Attach brief descriptions of the measures that will be taken to:

- 38. Prevent surface water contamination.
- 39. Prevent groundwater contamination.
- 40. Maximize groundwater recharge.
- 41. Prevent erosion and sedimentation.
- 42. Maintain slope stability.
- 43. Design the project to conserve energy.
- 44. Preserve wildlife habitat.
- 45. Preserve wetlands.
- 46. Ensure compatibility with the surrounding land uses.
- 47. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment rate of runoff for the 10-year storm event.
- 48. Preserve historically significant structures and features on the site.
- 49. To mitigate the impact of the traffic generated by the development.

Please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, graphics shall be used. List sources of data, reference materials, and methodology used to determine all conclusions. Use additional sheets as necessary.

## DEVELOPMENT IMPACT REPORT ADDENDUM

### *“Beacon Court” Definitive Subdivision Application*

38. To prevent surface water contamination, all storm water runoff from the proposed street will be infiltrated utilizing a LID porous asphalt pavement system. This method of street drainage results in no discharge to surface waters.
39. Groundwater contamination occurs when sewage leaching facilities are situated too close to ground water, and thereby undergo little filtration through natural soils. To prevent groundwater contamination, sewage disposal systems will be constructed well above the high groundwater elevation and within soils determined by, methods established by the Massachusetts Department of Environmental Protection and Town of Acton Health Department, to be suitable for such leaching facilities.
40. To maximize groundwater recharge, a LID porous asphalt pavement system is proposed for the roadway wearing surface in lieu of a conventional impervious bituminous asphalt surface. By directly recharging the street drainage, groundwater recharge will be increased from current conditions by development.
41. Erosion and sedimentation occur primarily during construction, primarily from earth cutting and filling operations prior to stabilization of slopes and from leaving disturbed soils unstable. The subdivision roadway proposed conforms well to the existing grade, which does not exceed a 3% grade, with very little cut or fill required for the construction. Adequate precautions will be taken in the form of staked hay bales with silt fence erosion control barriers, velocity check dams, and by minimizing slope and time of stabilization of disturbed areas.
42. The project will not create any substantial cut or fill slopes. Slope stability will be maintained by attending to disturbed slopes in a timely manner (spreading loam and seeding within a short time period after establishing final grades).
43. Due to the relatively small magnitude of the development (2 new houses) and the minimal anticipated maintenance required, the subdivision will have negligible impact on local energy consumption.
44. The site is within an estimated habitat of rare or endangered species (blue spotted salamander) and under the jurisdiction of the Natural Heritage &

Endangered Species Program and the local Conservation Commission. The site has been carefully designed to preserve a large contiguous wooded (habitat) area adjacent to wetlands along the rear, easterly boundary as well as to preserve a number of large hardwood trees in the vicinity of the T-turnaround. Limits of clearing have been minimized to only the extent necessary to construct the two new single family homes proposed. The development has been 'fit in' to the areas most suitable for development and left the majority of the site in its current natural state.

45. The project will not disturb any wetland resource area or land area within the Town of Acton Conservation Commission 50-ft no disturbance buffer. Minimal site work associated with the construction of the dwellings will occur between the 75-ft buffer zone and 100-ft buffer zone which will be require a permit from the Acton Conservation Commission, but in compliance with Acton Wetland Bylaw setback requirements.
46. Surrounding land uses are residential, single family home uses. The proposed development is compatible with the like surrounding uses.
47. Peak runoff will be controlled utilizing a LID porous asphalt pavement system for the proposed roadway. Peak runoff rates from the site will not be increased for the 10-yr design storm. Please refer to the drainage report for a more comprehensive analysis of the drainage design.
48. House # 57 Robbins Street shown on Lot 1 of the Beacon Court Definitive Subdivision is a historic structure and on the Town of Acton Historical Resource list. The subdivision has been designed as a Residential Compound with reduced right-of-way and pavement widths to accommodate the preservation of this dwelling as an integral part of the design.
49. With only 2 new lots proposed by this subdivision, the average daily traffic to Robbins Street will increase from approximately 10 to 30 vehicle trips per day. This is a relatively small volume of traffic. The low volume of traffic and the fact that a cul-de-sac (not a through street) is proposed should ensure that there is no significant change to the existing traffic patterns in the area.

**Centennial Lane LLC**  
12 Assabet Crossing  
Acton, MA 01720

2130

53-7052/2113

9/28 20 10

PAY TO THE ORDER OF Town of Acton

\$ 4,484.00

Four thousand four hundred eighty four

DOLLARS

 Socially responsible  
and inclusive  
business bank.

**Avidia Bank**  
42 Main Street  
Hudson, MA 01749

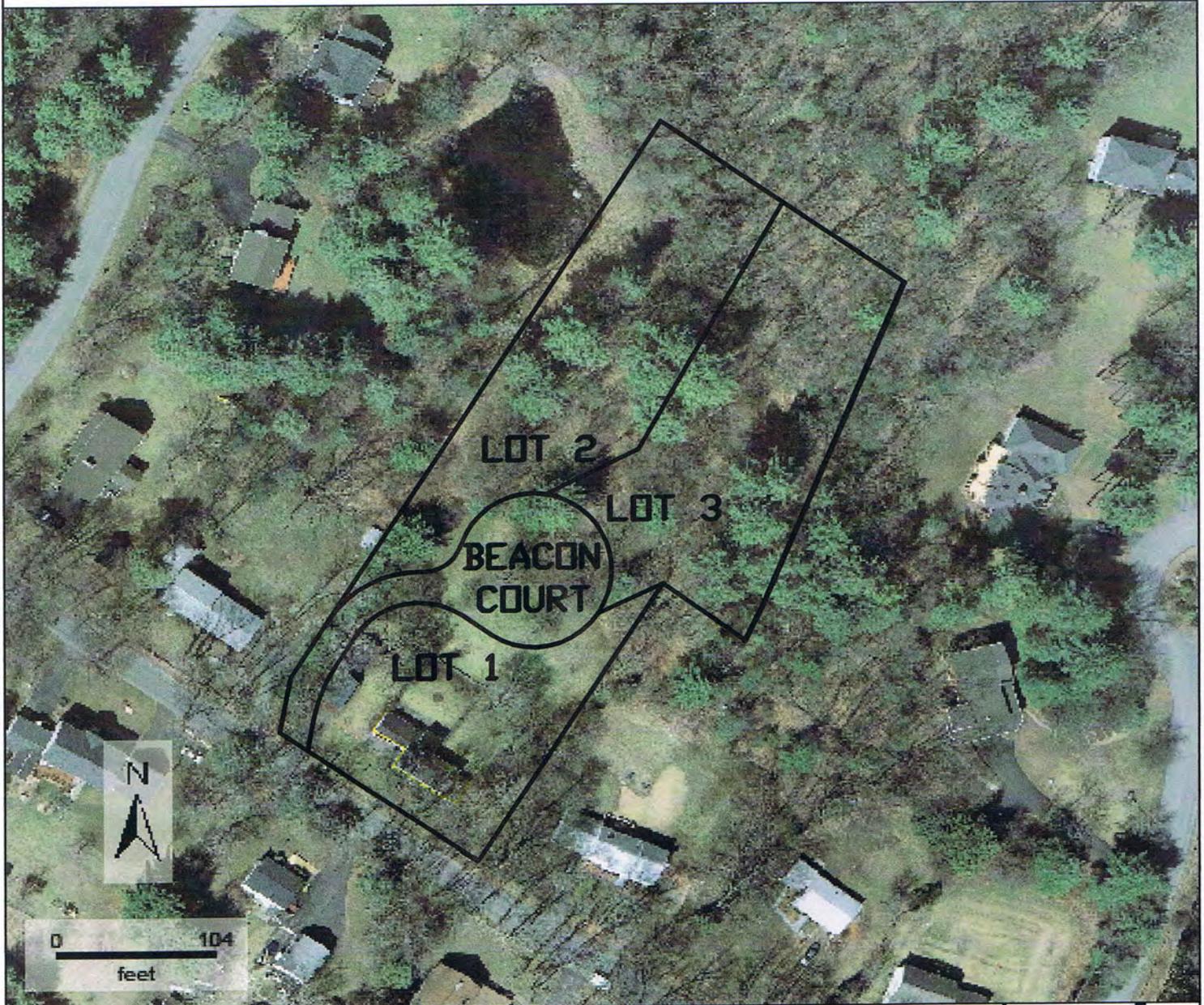
FOR Beacon Court

  
18 Perrebut

MP

⑈002130⑈ ⑆211370529⑆ 24 154726⑈

robbins



**Property information**

Property ID H2-8  
Location 82 ROBBINS ST



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

This data set/map is for planning purposes only and should not be used for larger scale analysis. The Town of Acton shall not be held liable for any use of the data or images shown on this map, nor is any warranty of accuracy expressed. All uses of this data set/map are subject to field verification.



ACTON PLANNING BOARD

FORM DC

DESIGNER'S CERTIFICATE

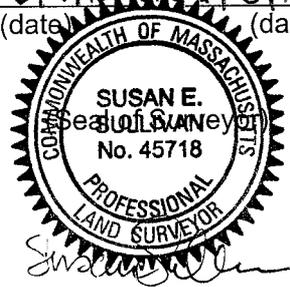
I hereby certify that the accompanying plan entitled "BEACON COURT" DEFINITIVE SUBDIVISION - RESIDENTIAL COMPOUND PLAN dated 9/20/10

is correct, stating that the perimeter traverse of the subdivision before adjustment was closed to an accuracy of a ratio "error of closure" not to exceed 1/15000\*; that it is a subdivision of 2.029 acres conveyed by WILLIAM P. + ELIZABETH M. LYNCH to JAMES R. + TERESA D. STELLAR by a deed, dated 6/30/86 and recorded in Middlesex County Registry of Deeds, South District, Book 17152, Page 528.

Other sources of information used in the preparation of the plan are:

- 1. Other deeds and plans, as follows PLAN NO. 82 OF 1965; PLAN NO. 860 OF 1992; PLAN NO. 378 OF 1992; PLAN NO. 1227 OF 1987
- 2. Oral information furnished by \_\_\_\_\_
- 3. Other \_\_\_\_\_

Furthermore, I certify that this survey was made on the ground in accordance with the "Procedural and Technical Standards for the Practice of Land Surveying", Section 250 CMR\*\* 5.0 between 6/9/10 and 6/15/10.  
(date) (date)



Signed Susan Sullivan 9/20/10  
Registered Land Surveyor Date

Address 16 GLEASDALE RD, STE 1-1, STOW, MA 01775

Registration No. 45718

\*As described in the "1989 Manual of Instructions for the Survey of Lands and Preparation of Plans" published by the Land Court of the Commonwealth of Massachusetts, as most recently amended.

\*\* Code of Massachusetts Regulations



**Town of Acton**  
 472 Main Street  
 Acton, MA 01720  
 Telephone (978) 264-9622  
 Fax (978) 264-9630

Brian McMullen  
 Assistant Assessor

**Parcel Location** 57 Robbins St  
**Parcel I.D.:** H2-7-2

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
7 PRESCOTT RD	H2-7	KILPATRICK III JOHN G	KILPATRICK MICHELLE T	7 PRESCOTT RD	ACTON	MA	01720
5 PRESCOTT RD	H2-7-8	TANG TAK-CHUNG	TANG LORI	5 PRESCOTT RD	ACTON	MA	01720
2 PRESCOTT RD	H2-7-6	TOWN OF ACTON			ACTON	MA	01720
1 PRESCOTT RD	H2-7-9	KELLY JAMES T JR	KELLY SUSAN L	1 PRESCOTT RD	ACTON	MA	01720
1 PRESCOTT RD REAR	H2-7-12	KELLY JR JAMES T	KELLY SUSAN L	1 PRESCOTT RD	ACTON	MA	01720
1 OVERLOOK DR	H2-7-10	CREW JOHN E		1 OVERLOOK DR	ACTON	MA	01720
1 OVERLOOK DR BEHIND	H2-7-11	TOWN OF ACTON			ACTON	MA	01720
59 ROBBINS ST	H2-7-1	SUTHERLAND ANITA TRUSTEE	THE ANITA A SUTHERLAND REALTY	59 ROBBINS ST	ACTON	MA	01720
68 ROBBINS ST	H2-19	THOMAS JOHN J		68 ROBBINS ST	ACTON	MA	01720
64 ROBBINS ST	H2-23	JIAN JIANHUA	REN YAPING	64 ROBBINS ST	ACTON	MA	01720
60 ROBBINS ST	H2-24	CAVOOTO FRED T TRUSTEE	60 ROBBINS STREET REALTY TF	60 ROBBINS ST	ACTON	MA	01720
53 ROBBINS ST	H2-7-3	CORTES ELADIO R	HAYDEE E	53 ROBBINS ST	ACTON	MA	01720
56 ROBBINS ST	H2-28	BARTLETT JR JOHN R	BARTLETT JESSICA D	56 ROBBINS ST	ACTON	MA	01720
44 ROBBINS STREET	H2-32	PERKINS SCOTT R	PERKINS SHANE	44 ROBBINS STREET	ACTON	MA	01720
51 ROBBINS ST	H2-33	CRAIG TERENCE		51 ROBBINS ST	ACTON	MA	01720
45 ROBBINS ST	H2-33	RAGO JEFFREY ALLAN	RAGO MARIE TRISTAN	45 ROBBINS ST	ACTON	MA	01720
40 ROBBINS ST	H2-37	ORCHARD KRISTINA A		40 ROBBINS ST	ACTON	MA	01720
2 HERON VIEW ROAD	H2-15	BRANDON CHRISTOPHER D	BERRY JOANN	2 HERON VIEW ROAD	ACTON	MA	01720
4 HERON VIEW RD	H2-15-2	DING SUYUN	WANG JIANXIN	4 HERON VIEW RD	ACTON	MA	01720
6 HERON VIEW	H2-15-3	LEE KENNETH	YEE DIANA J	6 HERON VIEW	ACTON	MA	01720
5 HERON VIEW RD	H2-15-4	BLANCO MARIO A	BLANCO LINDA C	5 HERON VIEW RD	ACTON	MA	01720
3 HERON VIEW	H2-15-5	SCHUEER DAVID L	SCHUEER DIANE L	3 HERON VIEW	ACTON	MA	01720

The owner of land sharing a common boundary or corner with the site of the proposed activity (300 feet) in any direction, including land located directly across a street, way, creek, river stream, brook or canal.  
 The above are as they appear on the most recent applicable taxes.

Brian McMullen  
 Assistant Assessor  
 Acton Assessors Office



16 Gleasondale Rd., Suite 1-1  
 Stow, Massachusetts 01775  
 Phone: (978) 461-2350  
 Fax: (978) 841-4102  
 www.foresite1.com

September 23, 2010

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

## “Beacon Court” Definitive Subdivision Residential Compound Application

### Requested Waivers to Town of Acton Subdivision Rules & Regulations Last Amended December 15, 2009

Dear Board Members,

On behalf of our client, Centennial Homes, LLC, we respectfully request the following waivers from the Town of Acton Subdivision Rules and Regulations, last amended December 15, 2009, for the proposed “Beacon Court” Residential Compound definitive subdivision application.

- 5.2.3.1 **Review fee deposit.** Applicant requests a waiver to submitting additional review fee deposit on the basis that the subdivision is very small in scale and simple in design and that review by outside consultants for a development of this scale is not warranted.
- 8.1.2 **Provision for projection of STREETS and WAYS.** A waiver is requested to the requirement of projecting the proposed street to abutting properties on the basis that the site is traversed by wetlands and constructing a way through wetlands to abutting land on Prescott Road is not feasible due not only to the extensive wetland filling that would be required to do so, but also because the site is within Estimated Habitat of Rare or Endangered Species and that such impactful construction would likely not be permitted by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP). It should also be noted that abutting properties on Robbins Street and Heron View Drive are already developed residential properties with suitable access from those ways.
- 8.1.10 **Street lines at intersections required to be cut back to provide a sideline radius of not less than 25 feet.** A waiver is requested to this requirement on the basis that the proposed street is a very low intensity street with a travelled way width of only 12-ft, likening it more to a driveway than a subdivision street, and that all utilities, improvements and pavement roundings proposed within the street right of way are contained within layout without the need for such sideline roundings. Additionally, providing such 25-ft roundings would shift the street substantially closer to the existing historically significant house requiring demolition of at least a portion of this structure for it to meet the front yard setback to the proposed street. Preservation of the historically significant house is a very high priority of the overall design of the project.

- 8.1.15 **STREET right-of-way width.** Table I “Horizontal Design Standards” requires a minimum right-of-way width of 40-ft. A waiver to this requirement is requested from 40-ft to 20-ft on the basis that providing a 40-ft right-of-way width would require demolition or relocation of the existing historically significant dwelling at 57 Robbins Street. Preservation of this house was a very high priority of the overall design of the project. Additionally, a 40-ft right-of-way width is excessive for the proposed travelled way width of only 12-ft with no sidewalks or curbs proposed in the right-of-way.
- 8.1.15 **Minimum centerline radius.** Table I “Horizontal Design Standards” prohibits a centerline radius of less than 80-ft. A waiver is requested to this requirement on the basis that the proposed street is a very low intensity street and is maneuverable for an SU-30 design vehicle with the 60-ft centerline radius proposed.
- 8.1.15 **Pavement width.** Requires a minimum pavement width of 20-ft. A waiver is requested for a paved width of 12-ft due to the very low intensity street proposed and that the street will remain a private way.
- 8.1.18.2.c. **Requires legs of a T-shaped turnaround to be 70-ft long.** A waiver is requested to this requirement on the basis that the 70-ft legs are excessive for the scale of this development. 60-ft long legs are proposed. The T-shaped turnaround is maneuverable for an SU-30 design vehicle.
- 8.1.18.2.e. **Requires the STREET approaching the T-shaped turnaround to be straight for a minimum distance of 60 feet.** A waiver is requested to this requirement on the basis that a 60-ft tangent is excessive for a street of this scale.
- 8.1.18.2.f. **Prohibits driveways off the ends of T-shaped turnaround legs, within 20-ft of the end of pavement or in the intersection roundings.** A waiver is requested to this requirement to allow the driveway for Lot 2 to access the end of the T-turnaround, and the driveway to Lot 3 to access within 10-ft of the end of the T-turnaround.
- 8.2.1 **Requires a “manhole system” for street drainage.** A waiver is requested to allow a Low Impact Development (LID) design utilizing an angular crushed stone base for the road with a permeable porous asphalt wearing surface. The design requires no curbs, catch basins, drain manholes, or detention basins and is consistent with Section 10.1.1.4 of the Subdivision Rules promoting LID design practices.
- 9.1.4 **Road base gravel requirements.** A waiver is requested to this requirement so that the LID permeable porous asphalt design may be utilized for this street.
- 9.1.5 **Binder Surface Paving Requirements.** Requires 2” of Class I, Type bituminous asphalt binder course. A waiver is requested to allow the porous bituminous asphalt mix in lieu of this requirement for the LID design.
- 9.1.6 **Wearing Surface Paving Requirements.** Requires 1.5” of Class I, Type bituminous asphalt wearing surface. A waiver is requested to allow the porous bituminous asphalt mix in lieu of this requirement for the LID design.
- 9.1.8 **STREET width and conformance with “Street Cross Sections” and “Design and Construction Standards, Town of Acton”.** A waiver is requested tot this requirement to the extent necessary to construct the porous asphalt street in lieu of a conventional street design.

- 9.2.6 **Water Main Diameter (Min. 8" required).** A waiver is requested to allow the installation of a 4" HDPE water main to serve the two new proposed dwellings in the subdivision on the basis that an 8" main line is excessive to serve two single family homes and will promote a stagnant dead end on the municipal water system.
- 9.2.8 **Fire call boxes.** A waiver is requested to installing a fire call box in the development on the basis that the call box system is an antiquated public safety measure since the advent of the 911 emergency system and mobile telephones.
- 9.3.1 **Monuments.** Requires 6" x 6" square x 4-ft long granite boundary markers at all intersections and changes in direction of street layouts. A waiver is requested to allow the use of 3/4" diameter x 36" long iron rods to demark the layout in lieu of the granite markers on the basis of the small scale of the development and the ease of recovering such monuments with metal detection devices.
- 9.5.1 **Cape Cod Berms.** Requires bituminous cape cod berms on all new streets. A waiver is requested to installing berms on the basis that the LID porous asphalt street design precludes the need for such curbs.
- 9.5.2 **Granite Curbs.** Requires sloped granite curbing at all intersection roundings and within 8-ft of such roundings. A waiver is requested to installing berms on the basis that the LID porous asphalt street design precludes the need for such curbs.
- 9.6.1 **Sidewalks.** Requires sidewalks on one side of the travelled way for LOCAL STREETS. A waiver is requested to providing a sidewalk along the proposed STREET because of the very low intensity street and the lack of any existing sidewalks in Robbins Street to connect such sidewalk to. The applicant offers to make an equivalent monetary donation to the Town of Acton sidewalk fund instead of constructing a sidewalk in the subdivision.
- 9.8.1 **Street Trees.** Requires street trees to be planted 10-ft off the street sideline at not more than 50-ft intervals. A waiver is requested to the requirement of planting street trees because of the very low intensity street proposed and because of the overall efforts made in the design and layout of the STREET to preserve so many existing mature deciduous hardwood trees within the right of way.

The above requested waivers for the proposed "Beacon Court" Definitive Subdivision are reasonable and in harmony with the intent of the Residential Compound provision of the subdivision rules. We look forward to discuss them in greater detail with the Board at the opening of the public hearing scheduled for the project.

If the Board should have any questions regarding this matter or require any additional information, please do not hesitate to contact our office.

Sincerely,

FORESITE Engineering Associates, Inc.  
By: Scott P. Hayes, P.E.  
Principal

cc: James & Teresa Stellar  
Centennial Homes, LLC

James & Teresa Stellar  
57 Robbins Street  
Acton, MA 01720

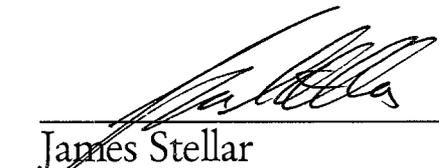
September 23, 2010

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

**RE: Section 5.2.9 of the Town of Acton Subdivision Rules & Regulations**

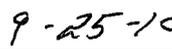
Dear Board Members,

We, James Stellar and Teresa Stellar, owners of the land proposed for development as "Beacon Court" Definitive Subdivision located at 57 Robbins Street, in Acton, Massachusetts, do hereby authorize the Town of Acton or their assigns to enter the subdivision to complete the streets and services if the developer does not complete them according to his obligations.

  
James Stellar

  
Date

  
Teresa Stellar

  
Date

Meridian Homes, Inc.  
P.O. Box 2170  
Acton, MA 01720

Mosaic Partners, LLC  
P.O. Box 2170  
Acton, MA 01720

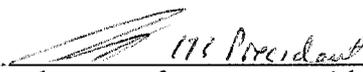
September 23, 2010

Acton Planning Board  
Acton Town Hall  
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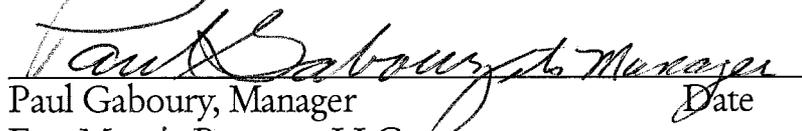
**RE: Section 5.2.10 of the Town of Acton Subdivision Rules &  
Regulations**

Dear Board Members,

I, Glen Kaufmann, President of Meridian Homes, Inc., acting as a manager of Centennial Homes, LLC, do hereby affirm the authorizing vote of Meridian Homes, Inc. to act as applicant in the matter of the proposed "Beacon Court" Definitive Subdivision application proposed at 57 Robbins Street in Acton, Massachusetts.

  
Glen Kaufmann, President 9/27/10 Date  
For: Meridian Homes, Inc.

I, Paul Gaboury, Manager of Mosaic Partners, LLC, acting as a manager of Centennial Homes, LLC, do hereby affirm the authorizing vote of Mosaic Partners, LLC to act as applicant in the matter of the proposed "Beacon Court" Definitive Subdivision application proposed at 57 Robbins Street in Acton, Massachusetts.

  
Paul Gaboury, Manager 9/27/10 Date  
For: Mosaic Partners, LLC

SITE

WILLIAM P. LYNCH AND ELIZABETH M. LYNCH,

04/30/06 01:51 TR 749 RE 25.00

of 57 ROBBINS STREET, ACTON,

MIDDLESEX

County, Massachusetts

being hereinafter, for consideration paid, and in full consideration of TWO HUNDRED THIRTY THOUSAND DOLLARS\* (\$230,000.00)\*

grant to JAMES R. STELLAR AND TERESA D. STELLAR, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETY,

XXXX

with quitclaim covenants

XXXXXXXX

[Description and encumbrances, if any]

A certain parcel of land, with the buildings thereon, situated on the Northeasterly side of Robbins Street in that part of Acton called South Acton, Middlesex County, Massachusetts, and being shown as Lot C on a plan entitled, "Plan of Land in Acton, Mass., owned by W. T. Cavoto," R. D. Nelson, 37 Main Street, Concord, Engineer, dated December 14, 1964 and recorded with Middlesex South District Deeds, Book 10739, Page 341, and bounded and described as follows:

- SOUTHWESTERLY by Robbins Street, one hundred fifty-three and 55/100 (153.55) feet;
- NORTHWESTERLY by Lot A on said plan, thirty-five and 51/100 (35.51) feet;
- NORTHWESTERLY again by said Lot A and other land of the grantors, four hundred thirty-two and 15/100 (432.15) feet;
- NORTHEASTERLY again by land of the grantors, one hundred eighty-seven and 25/100 (187.25) feet;
- SOUTHEASTERLY by land now or formerly of Conant, two hundred fifty-three and 82/100 (253.82) feet;
- SOUTHWESTERLY by Lot B as shown on said plan, sixty-five and 41/100 (65.41) feet; and
- SOUTHEASTERLY by said Lot B, two hundred fourteen and 91/100 (214.91) feet.

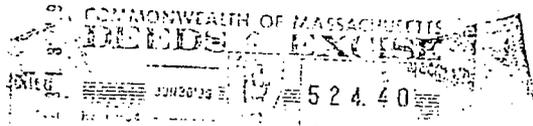
Containing, according to said plan, 87,972 square feet of land.

Said premises are subject to easements and restrictions of record insofar as the same are here in force and applicable.

Being the same premises conveyed to said Grantors by Deed of Wilfred T. Cavoto and Georgia J. Cavoto dated January 21, 1965 and recorded with said Deeds in Book 10742, Page 174.

Grantee or Property Address: 57 Robbins Street, Acton, MA

(\*Individual — Joint Tenants — Tenants in Common.)



Witness hand and seal this 27th day of JUNE 19 86

Handwritten signatures of William P. Lynch and Elizabeth M. Lynch.

The Commonwealth of Massachusetts

MIDDLESEX

ss.

JUNE 27, 19 86

Then personally appeared the above named WILLIAM P. LYNCH AND ELIZABETH M. LYNCH

and acknowledged the foregoing instrument to be THEIR free act and deed, before me

Notary signature of John P. Fadden, Jr. and commission expiration date 01/11/91.

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

**LIST OF CURRENT MORTGAGE HOLDERS  
57 ROBBINS STREET, ACTON, MA**

1. First Horizon Home Loans  
4000 Horizon Way, Suite 100  
Irving, TX 75063  
Phone: (800) 364-7662

2. Bank of America, NA  
P.O. Box 26078  
Greensboro, NC 27420  
Phone: (800) 934-5626

**RESTRICTIVE COVENANT**

In consideration of the approval by the Planning Board of the Town of Acton, Massachusetts (hereinafter referred to as the Board), of a plan of land located in Acton, Middlesex County, Massachusetts entitled \_\_\_\_\_, dated \_\_\_\_\_, revised \_\_\_\_\_, by \_\_\_\_\_, approved by the Board on \_\_\_\_\_ and the waiver by the Board of a bond or other security for the construction of the ways and the installation of certain services shown on said plan, in compliance with the Town of Acton, Massachusetts (the "Town") Subdivision Rules and Regulations, last amended \_\_\_\_\_;

\_\_\_\_\_,  
(the "Developer"), having its usual place of business in \_\_\_\_\_, its successors and assigns, hereby covenant and agree with the Board and the Town as follows:

1. The undersigned Developer is the owner in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of said land, except for those described below, and that the present holders of said mortgages have assented to this covenant prior to its execution by the Developer.
2. The Developer shall not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the following:
  - a) The Subdivision Control Law and the Acton Planning Board's Rules and Regulations governing this subdivision.
  - b) The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated \_\_\_\_\_.
  - c) The definitive plan as approved and as qualified by the certificate of approval.
  - d) Other document(s), namely:

\_\_\_\_\_  
\_\_\_\_\_

3. However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or built upon until ways and services have been provided to serve such lot.
4. The Developer will expeditiously and diligently proceed to construct the ways shown on the aforesaid plan and in the event that the Board concludes, in its sole discretion, that the Developer is not so constructing such ways, the Developer shall provide additional security other than this covenant sufficient in the Board's opinion for the construction and completion of such ways and services as shown on the aforesaid plan or for a portion thereof. Such additional securities shall comply with the requirements of the Town's Subdivision Rules and Regulations, provided, however, that the Board shall determine the date by which the work, for which additional security must be posted, shall be completed.
5. This covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the Developer and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.

6. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
7. Particular lots within the subdivision shall be released from this covenant upon the recording of a certificate of performance executed by the Planning Board and enumerating the specific lots to be released.
8. The Developer agrees to record this covenant with the Middlesex County Registry of Deeds, forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
9. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed.
10. This covenant shall be executed before endorsement of the approval of the definitive plan by the Planning Board and shall take effect upon such endorsement.
11. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before \_\_\_\_\_, the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be approved by the Planning Board, shall constitute reason for rescission by the Board of the approval of the plan.
12. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.
13. The land included in the subdivision is encumbered by and subject to the following mortgages which, however, are subordinated to this covenant:
  - a) Mortgage granted by the Developer to \_\_\_\_\_, dated \_\_\_\_\_, and recorded with the Middlesex South Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_, and the Middlesex Registry of the Land Court as Document No \_\_\_\_\_, and
  - b) Other mortgages:

IN WITNESS WHEREOF, the mortgage holder(s) assents to this covenant and agrees to subordinate said mortgage(s) to this covenant, signed under seal as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

FIRST MORTGAGE HOLDER \_\_\_\_\_

By \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 20\_\_

Then personally appeared the above named \_\_\_\_\_, and acknowledged the foregoing instrument to be his/her/its free act and deed and the free act and deed of \_\_\_\_\_, before me.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

SECOND MORTGAGE HOLDER \_\_\_\_\_

By \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 20\_\_

Then personally appeared the above named \_\_\_\_\_, and acknowledged the foregoing instrument to be his/her/its free act and deed and the free act and deed of \_\_\_\_\_, before me.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

IN WITNESS WHEREOF, the Developer(s) has executed this Restrictive Covenant under seal as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DEVELOPER(S)

\_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 20\_\_\_\_

Then personally appeared the above named \_\_\_\_\_, and acknowledged the foregoing instrument to be his/her/its free act and deed and the free act and deed of \_\_\_\_\_, before me.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Approved and accepted by the Acton Planning Board:

\_\_\_\_\_

Date: \_\_\_\_\_