



Planning Department

**TOWN OF ACTON**  
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**MEMORANDUM**

**To:** Planning Board

**Date:** November 8, 2010  
**2<sup>nd</sup> review date:** January 4, 2011

**From:** Roland Bartl, AICP, Planning Director *R. B.*

**Subject:** **Beacon Court –  
Application for Definitive Subdivision Plan Approval**

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**Location:** 57 Robbins Street  
**Owner:** James & Theresa Stellar, 57 Robbins Street  
**Applicant:** Centennial Homes, LLC, Acton, MA (Paul Gaboury)  
**Engineer:** Foresite Engineering  
**Proposed Lots:** 3  
**Proposed Units:** 2 new dwelling units (a 3<sup>rd</sup> unit is existing)  
**Proposed Streets:** Beacon Court  
**Street length:** +/-180 feet to throat of proposed T-turnaround (230 feet to end)  
**Land area:** 2.03 acres  
**Common Land:** none  
**Map/Parcel:** H-2/7-2  
**Zoning:** Residence 2 (R-2); GPD Zone 4.  
**Filing Date:** **October 5, 2010**  
**Hearing:** **November 16, 2010; continued**  
**1. to December 7, 2010 (w/o hearing evidence)**  
**2. to January 4, 2011**  
**Decision due:** **February 17, 2011; extended to March 24, 2011**

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Attached for your review are the plan and application for the proposed “Beacon Court” definitive subdivision, and comments from other Town departments, committees, and agencies. Please review the other departmental comments. They are not necessarily repeated here.

This definitive plan application was made without the preliminary plan review step that is customary for subdivisions. The law does not require a preliminary plan review procedure. But, it provides for an extended hearing and review time of 135 days (normally 90 days) from the application filing date where no preliminary plan was filed and acted upon.

The application is filed under section 10 of the Subdivision Rules and Regulations (SRR) – Residential Compounds. Section 10 applies to small subdivisions and provides for many waivers

from the normal design and construction standards of the SRR in order to minimize unnecessary site impacts. A “proof plan” is required to show in general that compliance with the normal standards is possible. A residential compound subdivision must remain a private way.

*January 4, 2011 comments in bold italic inserted below where additional comments are needed. No further comment indicates that item has been addressed adequately.*

### **Historical**

1. The proof plan would require the demolition of the existing house on the subdivision property; the proposed residential compound plan would require the demolition of the barn. The house and, quite possible, also the barn are on the cultural resources list. Therefore, the Historical Commission has limited jurisdiction under Acton’s Demolition Delay Bylaw to influence the final disposition of the house and/or the barn. The Historical Commission has been notified of the subdivision application with request to comment.

### **Rare or Endangered Species**

2. Note 2 on the plan cover sheet states that the site is within an estimated rare or endangered species habitat (Blue Spotted Salamander). MA Natural Heritage and Endangered Species Program should be consulted before subdivision approval.  
***There are two letters from NHESP in the file (no adverse effect subject to certain conditions).***

### **Zoning**

3. The applicant should survey the adjacent Sutherland property (59 Robbins Street) or provide pertinent existing documentation that confirms that the house on it will meet the minimum 30-foot front yard setback to the proposed street as shown on the residential compound plan.  
***Done – setback would be 44.1 feet.***
4. Lot 3 on the proposed residential compound plan does not meet minimum frontage requirements. The 100-foot minimum in the ZBL, Section 5.3.3.3 requires a minimum cul-de-sac sideline radius of 62.5 feet. The proposed radius is only 50 feet. Showing compliance on the proof plan does not help mitigate this problem – see SRR, sections 10.1.1.2 and 10.1.1.3. The engineer could experiment with a street layout that follows the outline of the proposed t-turnaround; this has been done in previously approved residential compound subdivisions.  
***Done. The lot lines have been modified to meet or exceed the standard 150’ min. frontage for all lots.***

### **Sidewalk**

5. In lieu of building a sidewalk in the subdivision, the applicant is offering a donation to the sidewalk fund. Based on standard per-foot cost figures, the donation would be:  
154 feet (subdivision frontage on Robbins Street) X \$50 = \$7,700 +  
180 feet (in new subdivision street) X \$20 = \$3,600, =  
Total: \$11,300.

### **Special Residential Compound Requirements**

6. A common driveway covenant and maintenance agreement must be provided covering all matters concerning the private street as required in SRR, section 10 and/or ZBL, section

3.8.1.5.

***Not provided. Can be conditioned.***

7. A decision of approval must contain the special conditions for residential compounds listed in SRR, section 10.1.1.6 (no further division of lots, restriction on allowed land uses, and perpetual street covenants).
8. The gravel base below the shoulders must be prepared in the same manner as the base below the paved surface.  
***The applicant's engineer has an alternate proposal which appears to make sense. I defer to Engineering Department review.***
9. Add 'private way' sign at the Robbins Street intersection.

### **Waiver Requests**

10. The list of requested waivers is generally consistent with what is contemplated under Section 10 of the SRR (Residential Compounds). Some waivers requested push it a little further, for instance to allow a 60-foot centerline radius (80-foot minimum per SRR and common drive standards). I have no problem with list, though, except as noted in the following:
  - SRR 8.1.10 – sideline radii. As proposed SU-30 vehicles (standard fire engines) cannot make the turns.  
***Our SU-30 template still shows a deficiency in the turn-around area. Also, the turn into Beacon Court from Robbins St. eastbound does not work. But, it is not likely that a fire engine would ever have to make this turn. Robbins Street has no outlet west of the proposed subdivision.***
  - SRR 9.2.6 – water main. See AWD comments for their requirements. We normally defer to the AWD in this matter.  
***The rules require an 8" line. The applicant has requested a waiver to allow a 4" HDPE line. The AWD is suggesting a 2" HDPE line. Recommend to continue to defer to the AWD.***
  - SRR 9.2.8 – Fire Call Box. I defer to the Fire Chief.  
***The Fire Chief has opined that call box is not needed.***
  - See also Engineering Department for their input on the waiver list.

### **Other**

11. Street address numbers are needed.
12. Add note per SRR, section 5.3.13 (note on the record plan regarding supplemental information and data being part of an approval).
13. Document the sight distances at Robbins Street. The minimum requirement is 275 feet.
14. If the residential compound plan is approved, the Typical Town of Acton Utility Section on plan sheet 6 should be removed.
15. A standard performance guarantee will be required.
16. A certified as-built plan will be required.

17. The applicant's engineer proposed porous pavement as a method of dealing with storm water. Some Planning Board members may recall discussions about that with the DRB a year or two ago. At a glance, small developments like proposed here might be suitable places for this application. However, concerns remain:
- requires deep gravel base possibly to below the frost line (not shown);
  - requires ban on winter sanding;
  - requires special maintenance to ensure porosity in the long term (power vacuuming);
  - resurfacing in the future may not be possible – may require full reconstruction of top layer.
- As stated I embrace the concept of pervious pavement for small-scale applications such is the case here. I defer to Engineering Department review and recommendation as to the details, construction execution, and maintenance.***

### **Recommendation**

The Board and the applicant should agree to a mutually acceptable hearing continuation and decision time extension sufficient in length to allow resolution of the issues raised here and in the other departmental reviews including review time for revised plans.

***Based on the status of departmental reviews, this project appears ready for approval with conditions and the hearing can be closed.***

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### ***Notes from the 11/16/10 Public Hearing Session***

- 18. ***During construction, there should be a fence at Kilpatrick's property line next to Lot 2 in vicinity of Kilpatricks' septic system to protect system against accidental damage.***
- 19. ***In lieu of standard public shade trees required under the SRR, consider screen of trees and other landscaping in front of the proposed two new homes on lots 1 and 2. Screen should be mostly deciduous to allow winter sun to penetrate.***

Cc: Applicant  
Manager Department  
Engineering Department

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