



Planning Department

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

**To:** Planning Board **Date:** November 20, 2014  
**From:** Kristen Guichard, Assistant Town Planner *KSG*  
**Subject:** **Hayward Farm –**  
**Application for Definitive Subdivision Plan Approval (Residential Compound)**

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**Location:** 121 Hayward Road  
**Owner:** Dean Charter  
**Applicant:** Acton Management , Inc.  
**Engineer:** Foresite Engineering Associates, Inc.  
**Proposed Lots:** 4 (Lot 1, Lot 2, Lot 3 and Lot 4)  
**Proposed Units:** 4 new dwelling units, 1 existing dwelling unit to be razed  
**Proposed Streets:** Hutchinson Way  
**Street length:** +/- 350  
**Land area:** 2.43 acres (Does not include Lot A and Lot B)  
**Common Land:** none  
**Map/Parcel:** E2-261-2, 261-3, 262, 272 and 273  
**Zoning:** Residence 2 (R-2); Groundwater Protection District (GPD) Zone 4  
**Filing Date:** **October 27, 2014**  
**Hearing:** **December 2, 2014**  
**Decision vote:** **March 11, 2015**

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Attached for your review are the plan and application for the proposed “Hayward Farm” 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. Nevertheless, the Department is prepared to handle the matter as closely as possible within the 90-day time frame as is reflected in the dates above, unless extended through hearing continuations.

The application is filed under Section 10 of the Subdivision Rules and Regulations (Rules) – Residential Compounds. Section 10 applies to small subdivisions and provides for many waivers from the normal design and construction standards of the Rules in order to minimize unnecessary

site impacts. The Residential Compound design must comply with Bylaw Section 3.8.1.5. for Common Drives. A “proof plan” is required to show in general that compliance with the normal Rules’ standards is possible. A residential compound subdivision must remain a private way.

This plan also shows two Approval Not Required (ANR) lots, Lot A and Lot B to be considered separately from this subdivision application, through the Planning Department’s regular administrative procedures.

### **Waiver Requests**

1. The design engineer on behalf of the applicant has requested general waivers from the Rules required of Section 8 and 9 seeking approval instead for a Residential Compound in accordance with Section 10 of the Rules. Section 10 contemplates such waivers in general and refers to and applies the Town’s common driveway design standards instead.

### **Proof Plan**

2. The proof plan sufficiently demonstrates that a standard subdivision for four house lots would fit on the parcel in conformance with:
  - a. minimum lot dimensional requirement for R-2;
  - b. minimum building setback requirements for R-2;
3. The proof plan sufficiently demonstrates compliance with the Subdivision Rules and Regulations design standards.
4. Locating septic systems on Lots 1 and 2 could be possible but would be tight.

### **Proposed Plan**

The proposed plan is for a Residential Compound. Under the Subdivision Rules and Regulations, Residential Compounds refer to the Common Driveway, Zoning Bylaw Section 3.8.1.5, for design standards.

The following are minor deviations from these standards:

5. Bylaw Section 3.8.1.5 subsection (m) requires a 3 foot shoulder prepared with 3-4 inches of topsoil over the same gravel base as the wear surface and seeded. The plans show a 3 foot shoulder on both sides with a gravel base only extended 2 feet.

### **Zoning**

6. The plans show two lots (Lot A and Lot B) for approval under the Subdivision Control Approval Not Required (ANR). Lot A and Lot B are not subject to this review as noted above.
7. The four lots on the proposed Residential Compound plan are shown in conformance with the dimensional zoning requirements for R-2, as shown on the proof plan and proposed plan.
8. Groundwater Protection District Zone 4 imposes no special requirements on lots in single-family use.

### **Sidewalk**

9. In lieu of constructing sidewalks in accordance Section 9.6 of the Rules the applicant has proposed to construct a sidewalk along the south easterly side of Joseph Reed Lane Drive from Captain Brown Lane to Hayward Road, approximately +/-300 feet in length. A sidewalk currently exists along the frontage of the proposed subdivision on Hayward Road.

**Other**

10. Bylaw Section 3.8.1.5 subsection (d) requires the intersection angle between the Common Drive centerline and the street centerline be not less than 60 degrees. The angle should be labeled on the plan.
11. A decision of approval must contain the special conditions for residential compounds listed in Section 10.1.1.6 of the Rules (no further division of lots, restriction on allowed land uses, and perpetual street covenants and maintenance agreements). The Private Way Maintenance Agreement should include a statement that the Town will not be requested to accept or maintain the private street, drainage system, or any other improvements within the Residential Compound.
12. A standard performance guarantee will be required.
13. A certified as-built plan will be required.

**Recommendation**

We believe comments noted in paragraph #5, #9 and #10 are minor in nature and can be properly addressed in a decision as modifications to the plan. Additional comments from other Town departments, committees and agencies are attached. Please review other departmental comments. The hearing can be closed unless issues and concerns raised by other departments or information brought forward at the public hearing suggest otherwise.

Cc: Applicant  
Manager Department  
Engineering Department