

THE DAVIS PLACE CONDOMINIUM ASSOCIATION, INC.  
159 PROSPECT STREET  
ACTON, MA 01720

March 12, 2015

VIA E-MAIL [pb@acton-ma.gov](mailto:pb@acton-ma.gov), [rbartl@acton-ma.gov](mailto:rbartl@acton-ma.gov), [kguichard@acton-ma.gov](mailto:kguichard@acton-ma.gov)

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

Re: Application for Approval of Definitive Subdivision Plan  
"Jaime's Way" 456 Massachusetts Avenue, Acton, MA  
Applicant: Keenan & Son, LLP

Dear Members of the Planning Board,

Davis Place Condominium Association, Inc. ("Davis Place"), as an abutter to the proposed Jaime's Way three-lot subdivision at 456 Massachusetts Avenue, respectfully requests that if the Planning Board in considering approval of the subdivision, it defer final action on the application so as to allow Davis Place additional time to work with the Applicant on ways to mitigate the impact of the proposed development on Davis Place.

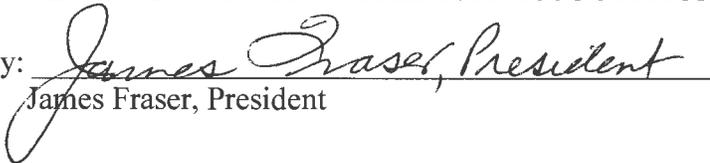
As the Planning Board is aware, Davis Place previously submitted a detailed landscaping plan in connection with the Applicant's preliminary plan. However, since the preliminary plan, the development has changed significantly and the definitive plan now shows the proposed subdivision way moved from the west side of the property to the east side. As a result, the landscaping plan previously submitted by Davis Place is no longer applicable. However, after reviewing the definitive application with our consulting engineers, Goldsmith, Prest & Ringwall, Inc. ("GPR"), the adverse effects of the proposed adjacent development may be able to be mitigated by an appropriate screening and planting plan. If the Planning Board is considering approval of the subdivision, such mitigation is consistent with the Subdivision Control Law and would further the public interest. Alternatively, without adequate screening, Davis Place respectfully submits that approval of the subdivision would be inappropriate. GPR's comments as to screening are submitted with this letter.

The Applicant has requested waivers from the provisions of the Town of Acton Subdivision Rules and Regulations which would permit the property abutting Davis Place to be divided into three lots. Under your Rules and Regulations, Section 11.1, as well as the Subdivision Control Law G. L. c. 41, §81R, waivers are in the discretion of the Planning Board, *Arrigo v. Planning Board of Franklin*, 12 Mass. App. Ct. 802 (1981) and can be granted when the Planning Board finds such action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law. The Planning Board may appropriately condition granting of waivers so as to mitigate the negative impacts on Davis Place of the proposed three-lot subdivision.

Therefore, if the Planning Board is considering possible approval of the definitive plan, Davis Place requests that the Planning Board defer action until its April meeting so that GPR's comments can be incorporated into the definitive subdivision plan for review by Davis Place and the Planning Board. Assuming that the Applicant and Davis Place agree on a planting and screening plan that is also acceptable to the Planning Board, Davis Place would then request that the revised landscaping plan be part of the conditions of approval of the proposed definitive subdivision. Additionally, if an acceptable planting and screening plan is arrived at, Davis Place requests as additional conditions of approval that: a) the planting and screening be installed prior to commencement of construction of the subdivision and any of its houses, including moving the existing house; and b) that the Planning Board require an enforceable covenant that the Applicant and its successors, including the future homeowners, be obligated to maintain the approved planting and screening.

The foregoing comments address only the presently proposed development. If the development proposal is altered, Davis Place respectfully requests the opportunity to comment on changes to the development proposal. We look forward to the opportunity to continue to work cooperatively with the Applicant and the Planning Board.

Very truly yours,  
THE DAVIS PLACE CONDOMINIUM ASSOCIATION, INC.

By:   
James Fraser, President

Encl: GPR Comments and Revised Planting Plan  
Cc: Keenan & Son, LLP – [sawitbuildit@gmail.com](mailto:sawitbuildit@gmail.com)

## Jim Fraser

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**From:** Bruce D. Ringwall <bringwall@gpr-inc.com>  
**Sent:** Thursday, March 12, 2015 11:22 AM  
**To:** Jim Fraser  
**Subject:** 456 Mass Ave. Planting Plan and comments  
**Attachments:** GPR marked Planting plan.pdf

Mr. Fraser:

I've marked up the Definitive Subdivision Planting Plan for 456 Mass Ave. I have reviewed the planting location and size relative to providing the necessary screening. The applicant has maintained the existing vegetation along the common boundary and supplemented with fewer and smaller plants. Starting along the southern edge of the site (adjacent to Davis Place) the proposed trees should be Blue Spruce rather than the Green Giant Arborvitae. The Spruce will create a better (wider) screen than the arborvitae. I've also added a two more at this location to assist in the screening of the development from Units 7 & 8. The existing vegetation are primarily mature deciduous trees which provide very little screening at the lower elevations when in bloom. During the balance of the year their screening is limited to trigs and branches. Therefore, I've added two more Fraser Firs and another Blue Spruce. I also suggest the proposed planting of the Blue Spruce and Fraser Fir shown on the applicant's plan be shifted to away from the existing trees. In the northern corner the two small existing pines provide very little screening so another Fraser Fir should be added. I added three Green Giant Arborvitae adjacent to Lot 2 for screening as well.

We recommend the size of the plant material be increase as marked on the attached plan to 18' and 14' trees. The applicant's engineers should review and modify their plans accordingly and provide the abutters a chance to review the revised plans before proceeding.

Bruce

**Bruce D. Ringwall, President**  
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Goldsmith, Prest & Ringwall, Inc.

