



TOWN OF ACTON
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Acton, Massachusetts 01720
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Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Lisa Tomyl

Date: June 29, 2016

**From: Kim Gorman, Municipal Properties Office Manager
Temporary Secretary for Planning Department**

Subject: Gift Acceptance – Sidewalk Contribution

A handwritten signature in blue ink, appearing to be "AG", is written over the "From" line of the communication.

Hello,

The Planning Department has received a check in the amount of \$500.00 from Nagog Homes LLC (Hayward Farm Definitive Subdivision - 2, 6, 7 and 8 Hutchinson Way) in lieu of the sidewalk fund, as stated in the Planning Board Decision # 14-04, Conditions # 3.3.1

Please bring this matter to the Board of Selectmen for consideration.

Thank you.

RECEIVED

DEC - 4 2014

TOWN CLERK
ACTON

Definitive Subdivision Decision – 14-04
Hayward Farm
December 2, 2014



Planning Board

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DECISION

14-04

Hayward Farm

Definitive Subdivision (Residential Compound)

December 2, 2014

APPROVED (with Conditions)

Decision of the Acton Planning Board (hereinafter the Board) on the application of Acton Management, Inc. of P.O. Box 2350, Acton, MA 01720 (hereinafter the Applicant) for property located at 121 Hayward Road Acton, MA, owned by Dean Charter. The property is shown on the Acton Town Atlas map E-2, as parcels 261-2, 261-3, 262, 272 and 273 (hereinafter the Site).

This Decision is in response to an Application for Approval of a Definitive Plan entitled "Hayward Farm a Proposed Residential Compound Subdivision at 121 Hayward Road", filed with the Acton Planning Department on October 27, 2014, pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and the Acton Subdivision Rules and Regulations (hereinafter the Rules).

The hearing was held on December 2, 2014. Scott Hayes, of Foresite Engineering Associates, Inc. presented the Plan on the Applicant's behalf. Board members Mr. Jeff Clymer (Chair), Mr. Roland Bourdon, Mr. Michael Dube (Clerk), Mr. Derrick Chin and Mr. Ray Yacouby were present throughout the proceedings of the hearing. The minutes of the hearing and submissions

- 3.2.5 Unless directed otherwise herein, the definitive plan shall be modified to comply with all requirements of the Rules, and shall address all departmental comments received by the Board in a manner that resolves to the Board's satisfaction any concerns raised therein.

3.3 CONDITIONS

The following conditions shall be binding upon the Applicant and its successors and assigns. Failure to adhere to the following conditions shall be reason to rescind this subdivision approval pursuant to MGL Ch.41, S.81-W. The Town of Acton may elect to enforce compliance with this Decision using any and all powers available to it under the law.

- 3.3.1 In lieu of granting waivers above from the Rules, which include a waiver from the requirement that a sidewalk must be built in the proposed subdivision streets, the Applicant shall construct a sidewalk along the south easterly side of Joseph Reed Lane Drive from Captain Brown Lane to Hayward Road and, prior to Plan endorsement, submit a contribution to the Town's sidewalk fund in the amount of \$500.
- 3.3.2 Hutchinson Way shall remain a private way. It shall not be accepted as a public way. The Applicant and the owners of Lots 1, 2, 3 and 4 shall not petition the Town to accept it as a public way.
- 3.3.3 Hutchinson Way in its entirety shall be maintained by the owners of Lots 1, 2, 3 and 4 in accordance with the common driveway easement and covenants. This shall include the removal of snow and ice. The Applicant and the owners of Lots 1, 2, 3 and 4 shall not petition the Town to provide snow and ice removal services in Hayward Farm or to provide any other maintenance and upkeep of Hutchinson Way.
- 3.3.4 Hutchinson Way shall not serve more than four (4) residential lots. There shall be no further division of the tract or Lots contained therein to create any additional Lots, and development of the land is permitted only in accordance with the single-family residential land uses indicated thereon, including all allowed accessory uses.
- 3.3.5 The Applicant shall be diligent in complying with the erosion and sediment control plan. The Applicant shall not cause or permit the runoff of water or erosion that result in the flooding or siltation of any street, way or drainage facility owned or maintained by the Town. If such runoff or erosion occurs, the Board 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 The Applicant shall be diligent in constructing the stormwater management system to be consistent with Massachusetts Stormwater Regulations.
- 3.3.7 All work on the Site shall be performed in compliance with the requirements of the Acton Board of Health and Acton Conservation Commission.
- 3.3.8 As required under Massachusetts General Laws, Ch. 60, S. 23, the Plan approved hereunder shall not be recorded with the Middlesex South District Registry of Deeds or the Land Court unless it is accompanied by a municipal lien certificate, indicating that all taxes, assessments, and charges then assessed against the land shown on the Plan have been paid in full. If not paid at the time of endorsement of the Plan, the Board will add a Plan note to remind the Registry of Deeds or the Land Court of this legal requirement.