



MASSACHUSETTS

**PLANNING BOARD**

MEETING MINUTES  
JANUARY 19, 1981  
8:00 PM; DPW FACILITY

PRESENT Mrs. Bayne (Chairwoman); members, Mr. Phillips, Mr. Weare, Mr. Becklean, Ms. McCarthy; Planning Administrator, Mr. Dufresne; Mr. Power, Mr. Levine, Mr. Donahoe, and Mr. Allen.

MINUTES The minutes of January 5, 1981 and January 12, 1981 were approved as amended.  
MOVED by Mr. Weare, second by Mr. Phillips, all in favor.

**NORTH ACTON UPDATE**

The Planning Board agreed that Mrs. Sherman's report on North Acton be submitted to the Board after the Spring Town Meeting. This will allow the Board to devote more of their time to current proposals which need to be completed for the Spring Town Meeting, as well as give Mrs. Sherman the opportunity to incorporate the latest results of the Hydro-Study in her report.

**APPOINTMENT WITH BOB POWERS**

The Board met with Mr. Powers, Mr. Donahoe, and Mr. Levine to discuss the erosion and sedimentation problems at the Silver Hill Road site of the Ridgewood Estates Subdivision. The Board stated it could not release the bond until it was notified as to what problems had been alleviated by Mr. Power, and what work still had to be done. Mrs. Bayne stated that the Board's main concern was that the developer had not yet addressed the concerns of the town engineering department which were listed in a letter sent to Mr. Powers in September of 1979 after a preliminary final inspection was made. Mr. Dufresne added that the Board had sent out many letters since then to the developers asking them to address this problem. Mr. Levine stated that he had no evidence that the Board had sent out such letters and he asked to see the Planning Board's files.

Mr. Donahoe replied that he felt it was impossible to assess the problems on the site due to bad weather conditions. Mr. Donahoe felt that the problems were the results of poor maintenance by the lot owners, who should resume the responsibilities of erosion control as Mr. Power did when he bought the lots from the previous owner. Mr. Levine stated that lots which had been properly loamed, seeded and sold could have poor lawns as a result of maintenance problems such as the owner not fertilizing or liming the lawn properly, or lack of available water due to the water ban in Acton. Mr. Becklean asked Mr. Levine if the issue was whether the lawns were properly established at the time the lots were sold. Mr. Levine replied that

erosion problems can result no matter how well established the lawn was at the time it was sold, whether 6 inches of loam was applied or 6 feet. Mr. Donahoe added that erosion was a constant problem. Mr. Becklean stated that there were no erosion problems at the site prior to the construction of the subdivision. Mr. Donahoe said that erosion was a natural process. He said that he lived in Acton, and has spent a lot of money on his own lawn, and it "looks like hell because I can't water it." Mr. Donahoe added that in the case of the Silver Hill site, the Conservation Commission did not allow them to put in the lawns at the prime time. Mr. Dufresne said that the original site plan showed that the area had at least one foot of loam before construction. Mr. Dufresne added that the Town of Acton has an earth removal by-law that states that no loam, soil, sand, or gravel shall be removed from any land in the Town not in public use other than when such removal is necessary for the excavation and grading of a building and appurtenant driveways, or for street construction approved by the Planning Board. Mr. Levine stated he wasn't aware that the earth removal by-law applied to subdivisions. Mr. Powers said that the assistant town engineer was present at the time the lawns were being loamed, and he has reloamed and reseeded Mr. Atkinson's lawn to Mr. Atkinson's satisfaction. Mr. Power said that he realized the problems he had inherited by acquiring this subdivision, including the pile of sand which was blowing and causing problems. Mr. Power stated that he would work to alleviate the problems if the Board would state exactly what they felt needed to be done. Mrs. Bayne agreed that it would be difficult to assess some of the problems due to the weather, but said she would speak to the assistant town engineer concerning any problems which could be alleviated now. Mr. Donahoe suggested that he visit the site with the assistant town engineer. The Board felt that this was a good idea, and also suggested that Mr. Donahoe discuss the definition of loam with the assistant town engineer. Mr. Power will meet with the Board and Mr. Donahue on February 2, after the engineers visit the site. Mrs. Bayne reminded Mr. Power that the Tree Warden's requirements would also have to be met before the bond would be released.

#### WAMPANOAG HILL TOPOGRAPHY WAIVER

The Engineering Department discussed the topography waiver with Mr. Donohue, engineer for the Wampanoag Hill Subdivision, and Mr. Dufresne. Due to the unusual circumstance that this subdivision plan had originally been endorsed as an ANR plan the plans on file with the Board of Health and other Boards do not refer to the required data base for elevations. The Board agreed to grant a waiver from Section III.B.4.n. of the Subdivision Rules and Regulations. This regulation requires that all elevations shall refer to a bench mark (or bench marks) using Massachusetts Coast and Geodetic Survey Vertical Control for base data and the location and elevation of the bench mark, plus at least one more bench mark.

The Planning Board voted to grant this waiver by amending Sec. III.A. of the motion for approval of the Wampanoag Hill Subdivision dated January 12, 1981.

MOVED by Mr. Weare, second by Mr. Becklean, all in favor.

PUTNAM PARK BOND

Representatives of the Putnam Park Subdivision have requested that the Board release the bond in the amount of \$15,000.00 which is currently being held for the completion of Meadow Brook Road. A bond for \$25,000.00 will then be submitted by the developers for completion of Meadowbrook and Putnam Road. The Board agreed with this arrangement.

NAGOG PARK ROAD

The Board discussed the possibility of accepting a bond in the amount of \$240,000.00 for the completion of Nagog Park Road. The Board currently holds \$100,200.00 for the completion of the road from sta. 0 - 27. The Board agreed that a written agreement should be drafted stating that certain amounts of bond money could be released as specified amounts of the road are completed. The Board will seek legal counsel in the drafting of the agreement for partial bond releases, and administrative costs will be included in this agreement, as it will require extensive bookkeeping by the Town Treasurer.

The Board reviewed the proposal for an addition to the Subdivision Rules and Regulations for a residential compound development. The Board addressed the need for changing the number of building lots on which none other than single-family dwellings shall be permitted, and agreed that the number should be limited to 3 rather than 5. Also, the wording in # 3 was amended to prevent lots from being created in order to be eligible for such development. Mr. Dufresne will speak to the Building Commissioner to discuss potential enforcement problems, and with Town Counsel to discuss any legal problems with the proposal. The Board will also speak with planners from other towns whose Rules and Regulations allow such development. Mrs. Bayne will speak with fire department officials about potential safety problems which might occur at such developments.

Meeting adjourned: 11:15 PM

Respectfully submitted,



William R. Becklean  
Clerk