



PLANNING BOARD • Town of Acton

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DATE June 22, 1988

Barbara Brown

TOWN CLERK, ACTON

The Acton Planning Board met on Monday, May 9, 1988 at the Junior High School Library. Members present: John Barry, Acting Chairman; Members: Mary Giorgio, Robert Block, and Quint Brathwaite. Absent: Marshall Dennis, Chairman; Greg Niemyski, Associate Member. Staff present: Peter Lowitt, Assistant Town Planner; Mary Robertson, Recorder. Prospective Member in attendance: David Peters.

I. 7:30 p.m. Consent Items:

- a) Minutes of 4/25/88 were accepted as amended.
- b) Albertine Circle Plan endorsement. Mr. Barry motioned to endorse the plan. Ms. Giorgio seconded and unanimously approved; Mr. Lowitt recommended the release of lots, Mr. Barry motioned and Ms. Giorgio seconded; unanimously approved. Mr. Lowitt recommended a motion to accept the bond calculation, Mr. Block so moved, seconded by Mr. Barry, and unanimously approved.

It was noted that a workshop will be held on May 16th, DPW Bldg, at 7:30 p.m. Mr. Lowitt requested the members review and edit the draft rules and regulations for Special Permit for Common Drives and Hammerhead Lots (enclosed in packet). Also, for thorough review and comment, the following sections were assigned to each member as follows: Ms. Giorgio, Section I; Mr. Brathwaite, Sections 2 and 3; Mr. Barry, Sections 4 and 5; Sections 6 and 7, by all. Reviews were requested to be returned by Friday, May 13th. A public hearing will be scheduled for June 27th.

II. 8:00 p.m. - Mr. Barry opened the Public Hearing for Newtown Road Common Drive Special Permit. Mr. Kevin Sweeney presented the Board with additional information for reapplication of a common drive special permit. He commented that the driveway services five (5) lots. Deed restrictions and agreements contain snow plowing and maintenance agreements. They have provided higher standards than called for and there is proper turn around and provisions for emergency vehicles. The site has a common drive but no hydrants.

Mr. Barry questioned the number of houses. Mr. Sweeney indicated three were occupied and two remain to be built.

Mr. Sweeney further added that the site had good topography, drainage, and a very attractive common drive utilizing rock formations. There were no comments from the Fire Department.

Ms. Giorgio asked if there were any significant changes from the 1984 request for permit.

Mr. Sweeney responded that the rules and regulations then did not call for them to build as called for at this time. The regulations are the same as when they applied and suits a higher standard.

Ms. Giorgio asked if anything had happened to change the land. Mr. Sweeney replied, "no."

Mr. Barry stated he would like to look at the site. He then requested comments from the public.

Miss Isabella V. Choate read a letter from her mother, Mrs. Isabella C. Choate and herself addressed to the Board supporting L&S Builders extension of Lot 5 (attached).

8:00 p.m. Agenda item II - High Ridge Preliminary Subdivision. Representatives were not in attendance.

Audubon Hill - The members discussed and reviewed the following:

- a) submission documents
- b) PCRC regulations
- c) staff comments
- d) Mr. Dufrens'e memo dated 8/10/85 to the Town Manager, re: Gift of Veenstra House to Council on Aging.

The Board identified some areas that need clarification of the differences between the Plan presented at the 1984 Town Meeting and the Plan presented 4/25/88:

- The entrance drive location has changed;
- the contours are different from the original plan;
- does the drive change improve site distance?
- the Plan, in 1984, used the Town Atlas;
- the 1988 Plan uses aerial photography and actual surveying of the site.

Mr. Lowitt then presented the Board with a letter from Mr. & Mrs. Evans of 43 High Street, dated 5/5/88, addressing several of their concerns, i.e.: 1) recommending a public hearing; 2) the increase of prices of the homes vs 1984 plan; 3) the lack of safeguards from the proposed elderly center and, 4) relocation of the road.

Another concern of the Board is whether or not the elderly center is a recreation USE and if this might result in being a substantial issue.

In summation, it was explained to the attendees that the Planning Board needs to determine (within 21 days) if there is substantial compliance with the Plan in accordance with the Rules and Regulations and approved at Town Meeting. If the Plan is found to be in substantial compliance, then the developer can submit their formal application with a public hearing. If disapproved, then the developer may resubmit once; otherwise, it requires a second Town Meeting vote.

Ms. Giorgio recommended the PCRC public hearing process for determination of these issues.

Other issues to be addressed: conservation and affordable housing (in terms of real cost).

Mr. Lowitt recommended the Planning Board read Mr. Dufresne's memo for background and to understand the PCRC process. He also requested holding off on voting until comments from the developer pertaining to the relocation of the access drive have been received and to make a decision at the workshop (May 16th). He further commented that the road location will be the biggest change requiring justification and that a scenic road hearing will be required.

Mr. Lowitt explained some of the technicalities to those abutters present. Mr. Block also defined a public hearing vs a public meeting for their information.

9:00 p.m. (exit Ms. Giorgio).

10:00 p.m. (re-enter Ms. Giorgio). Wyndcliff Common Drive Special Permit Hearing. Mr. Barry opened the public hearing and requested the applicant make his presentation. Attorney Charles Kadison presented the Board with a letter memorandum dated 5/9/88 outlining the petitioner's (Mr. Batts) intent to divide the lot (C-1) into two lots served by a common drive. He explained to the Board that when the existing drive was created, there were no zoning controls. He then cited the Zoning Bylaw, Section 10.3.5, the standards provided, and requested the Board grant the petition.

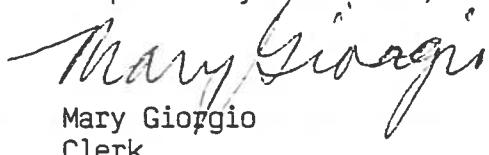
Mr. Brathwaite questioned the number of houses serviced by the common drive. Mr. Batts responded that seven were occupied and originally there was no requirement for a special permit when the houses were built. The drive is a "private way."

Mr. Barry questioned the maximum number of lots allowed. Mr. Batts stated that 12 could be serviced by the common drive, Wyndcliff Drive. He added that they have private wells and there is no problem with fire trucks having access.

In response to Mr. Block's query on the covenant being limited, Mr. Batts read the private covenant with amendments. The owners of Lot E, Mr. & Mrs. Recny, as well as the public, favored the petition.

Mr. Barry closed the hearing and meeting at 10:15 p.m.

Respectfully submitted,


Mary Giorgio
Clerk

225 Newtown Road
Acton, Massachusetts 01720
May 9, 1988

Planning Board
Acton, Massachusetts 01720

To whom it may concern:

As early as the late 1970's we have been concerned about the design of common drives servicing several houses. Particularly that they provide adequate emergency access while still keeping the benefits of a common drive over multiple single driveways.

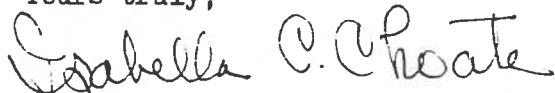
When we planned how we would develop this parcel, many years before it was actually placed on the market, we had this type of common drive with five houses off it in mind for that parcel.

During the negotiations with L & S Builders' we actually planned the location of the drive and discussed our concerns about access since the Town then still had no controls, and the developers built the drive with our concerns in mind.

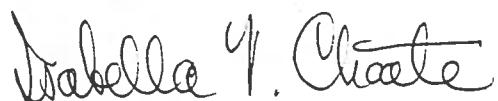
At the October 1986 meeting when this section was passed we actively supported its addition to the zoning regulations. The planning board, themselves at that Town Meeting, cited this driveway, "Chaffin Way" by name as an example of how they envisioned a common drive providing adequate access while preserving the scenic road, should be constructed.

Therefore we respectfully request that the Planning Board grant this extension of use to L & S Builders' Corporation, to allow Lot 5, # 194 Newtown Road, to be served by the existing common drive as originally planned and agreed to in 1984.

Yours truly,



Isabella C. Choate
(Mrs. Ralph C.)



Isabella V. Choate
(Miss)