



## PLANNING BOARD • Town of Acton

### MINUTES PLANNING BOARD MEETING JULY 20, 1981

CALL TO ORDER: 9:20 p.m. by Mrs. Bayne, (Chairwoman)

THOSE PRESENT: Mrs. Bayne, (Chairwoman), members, Ms. McCarthy and Mrs. Harting-Barrat; Town Planner, Mr. Dufresne; Mr. DeVincent, Northeast Structures; Mr. Doyle, Middlesex News; and Mr. Schafer, Beacon-Minuteman.

LOT RELEASE: The Board voted to release lots 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, of the Wildwood Hills Subdivision from the provisions of the restrictive agreement as to sale of said lots and as to building permits. The Board shall withhold release of lot #2 from the provisions of the restrictive agreement until either a proper bond is posted to secure completion or until the subdivision is completed satisfactorily according to the Subdivision Rules and Regulations. Also, the developer, Ernie DeVincent of Northeast Structures, hereby agrees to finish said subdivision in a form satisfactory to the Planning Board no later than October 10, 1981.

MOVED by Mrs. Bayne, second by Ms. McCarthy, all in favor.

BOND RELEASE: The Planning Board voted to release \$30,649.05 of the remaining \$63,875.44 plus accrued interest posted to secure the completion of the ways and services at the "Wampanoag Hill" subdivision. Such release is pursuant to an agreement between the developer, Four Seasons Development Corp. and the Planning Board dated, March 16, 1981. The balance of \$33,226.39 plus interest is to remain posted with the Town of Acton to secure the further completion of the above named subdivision. This vote must be exercised within 90 days. Four Seasons Development Corp. will be notified.

MOVED by Mrs. Bayne, second by Ms. McCarthy, all in favor.

VOUCHER: The Board signed a \$344.75 voucher; payment for the Wampanoag Hill Subdivision Inspections. The remainder of the \$1,000.00 inspection fee deposit after this transaction will be \$297.58. The Board is requiring that Four Seasons Development Corp. deposit an additional \$500.00 prior to 7/30/81 to cover for inspections and reviews which will be performed before the subdivision is complete.

VOUCHERS: The following vouchers were approved for payment by the Board:

Nashoba Blueprint	\$162.00
Charlotte Sagoff	\$7.56

MOVED by Ms. McCarthy, second by Mrs. Harting-Barrat, all in favor.

MINUTES: The following minutes were signed by Ms. McCarthy:  
June 15, 1981.

SITE PLAN: Mrs. Harting-Barrat will review site plan # 7/10/81 - 209, Weston Investment & Development Co. Date due to the Planning Board is 7/27/81.

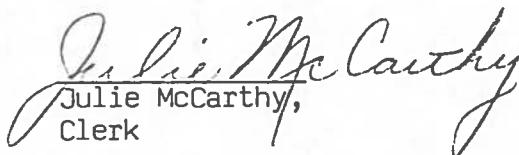
TOWN PLANNERS ISSUES:

Mr. Dufresne discussed with the Board the possibility of reviewing site-plans in the form of an impact analysis instead of reviewing in regards to zoning standards. The Board agreed that in fact they are a planning group and that their job should not necessarily be that of zoning compliance analysis. There is a question however as to whether the Boards zoning imput is necessary to check and balance the review as a whole. Mrs. Bayne will talk with the Selectmen concerning this problem.

PROJECTS: Mrs. Harting-Barrat will represent the Board on the South Acton Revitalization Committee.

MEETING ADJOURNED: 10:45 p.m.

Respectfully Submitted,

  
Julie McCarthy,  
Clerk

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## PLANNING BOARD • Town of Acton

MINUTES  
OPTIONAL RESIDENTIAL COMPOUND PLAN  
HEARING  
JULY 20, 1981

CALL TO ORDER: 8:05 p.m. by Mrs. Bayne (Chairwoman)

THOSE PRESENT: Mrs. Bayne, Chairwoman; members Ms. McCarthy and Mrs. Harting-Barrat; Town Planner, Mr. Dufresne; Mr. & Mrs. Wilson of 510 Great Rd., Mr. & Mrs. Crockett of 6 Harris St., Mrs. Welch of 127 Great Rd., Mr. & Mrs. Hearn of 116 Stow St., Mrs. Howe, Selectman, Mr. Schafer of the Beacon-Minuteman, and Mr. Doyle of the Middlesex News.

PRESENTATION: Mrs. Bayne and Mr. Dufresne began the meeting by explaining the history and purpose of this proposed subdivision rule and then opened the meeting for questions.

Participants at the hearing expressed general concern over the probability of the rule to encourage building where building would not ordinarily have taken place. Mr. Dufresne explained that it is a general assumption on the part of many town residents that land which is not built upon today will probably never be built upon. He explained that such an assumption is not based upon any factual evidence but rather upon an unwillingness on the part of suburban populations to accept the inevitability of growth within their community. He said that the historical development patterns in the region have illustrated that growth has occurred in many towns similar to Acton who also did not believe that growth would seriously affect them. He used the town of Wellesley as an example where only small, hard to develop parcels remained to be developed and town residents believed that they would not be developed. A close inspection of Wellesley's available land today reveals that virtually all of this "unbuildable" land has been built up to maximum density. Mr. Dufresne said that it was his belief that the Residential Compound Plan rule is one mechanism available to the town in which these small "undevelopable" parcels could be built upon at lower densities than they would ordinarily support in the future. He said that if the town were to wait until these small "subdivisions" became economically feasible, the town would be virtually forcing landowners and developers to develop at maximum allowable densities in order to cover the costs of developing the land. Whereas if the landowner were given the option to develop at lower density and lower costs, it could present an attractive proposition for them and ultimately for the town. He further explained that the private ways to be created through the Residential Compound Option would not be maintained by the town, but rather by an association of residents of the small development. This provision represents a significant cost savings to the town with respect to future street maintenance.

Mrs. Hearn of 116 Stow Street asked what a road of "reduced standards" meant. Mrs. Bayne explained that the Planning Board, through the Subdivision Control Law imposes many rigorous standards for road construction within the town. In a Residential Compound where environmental conditions permit these standards could be waived in part by the Planning Board at its discretion. Mrs. Bayne explained that the small size of the development, maximum of 3 lots, will perhaps not require that all standard subdivision specifications be required. In that case, the Board would review the layout & construction of the private way with respect to its performance on the land; for example, its ability to provide access for emergency vehicles as well as its potential for neighborhood impacts such as drainage and safety concerns.

Mrs. Crockett of 6 Harris St. asked about the provisions for "open space" and access to this open space. She wanted to know how the Board would assure that this mechanism was not going to be used to take land off of the tax rolls of the town.

Mr. Dufresne explained that the open space provision of the rule was intended for use where a "public benefit" could be substantiated through the acquisition of the open space, such as a stream buffer. Mrs. Bayne reassured Mrs. Crockett that the open space provision was not intended as a mechanism to reduce the amount of land to be taxed. Presently, Mrs. Bayne explained, the Assessors assess "back land" at a lower rate than other portions of a building lot. Also, Mr. Dufresne said that any open space would be required to show suitable access from a way for maintenance or other purposes.

Mrs. Hearn asked what the Town's intent is in adopting this rule. Mrs. Bayne responded that there are several intentions. One is to provide an incentive for landowners or developers to develop their parcels at lower than required densities thereby preserving Acton's rural character. A second intent is to reduce the town's maintenance responsibilities of small roadways thereby reducing maintenance costs. A third intent is to provide a mechanism which has the potential of reducing housing costs (by re-producing land improvement costs). Mrs. Bayne added that although the land improvement costs may be reduced, the Board has no control over the developer such as to require land to pass on this savings to the home buyer.

Mrs. Hearn asked if the Board could change its rules whenever it was so inclined. Mrs. Bayne explained that the Board has full legal authority to implement a program like the Residential Compound Option without changing any of its rules. Essentially, Chapter 41, "The Subdivision Control Law" allows a Planning Board to waive any of its rules, regulations and standards at any time during the subdivision process. However, Mr. Dufresne explained that although the Board could simply waive rather than change its rules, it was felt by the Board that to change its rules and hold a public hearing would provide the town with the opportunity to express its concerns about the rule and also provide the Board with

the necessary public input. In addition the small developer or private land owner, perhaps relatively unsophisticated regarding the State Law is the person we would like most to use this option; that person is probably unaware of the waivers which are possible. The large developer is likely to be more sophisticated about the law and knows what he can ask the Board to do.

Mrs. Hearn asked if this rule would prohibit "mother-in-law apartments"? Mrs. Bayne answered that it would not in any way affect the present "mother-in-law" apartment situation in Acton.

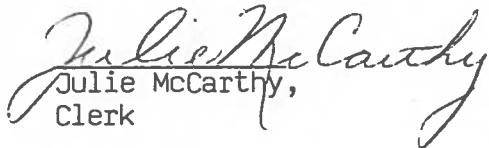
Mrs. Crockett asked whether or not an owner of a lot within a Residential Compound could further divide the lot in the future? Mr. Dufresne answered that the plan would require that no further subdivision could take place within the Compound. Also, deed restrictions, running with the land, would further prohibit land division within the Compound.

Mrs. Welch asked whether the rule would allow a landowner to develop lots which already have frontage on a street and then file for a Residential Compound for the remaining back portion of the parcel. Mrs. Bayne explained that any parcel which is reduced in size in any way after June 1, 1981 cannot use the Residential Compound Option.

Mrs. Bayne then explained to the group that each parcel of land to be considered as a Residential Compound will be evaluated on an individual basis for its suitability as a Residential Compound and that each plan will require a public hearing as is required for any subdivision in Acton.

HEARING ADJOURNED 9:20 p.m.

Respectfully submitted,

  
Julie McCarthy,  
Clerk

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