

Sunnyside Lane Definitive Subdivision Plan Town Planner Report

Definitive Subdivision Plan #249
Prepared by: Elizabeth Hughes, Town Planner

Revised Report Date: May 9, 2022

GENERAL INFORMATION

Owner/Applicant: AWMW, Inc.
233 Independence Road
Concord, MA 01432

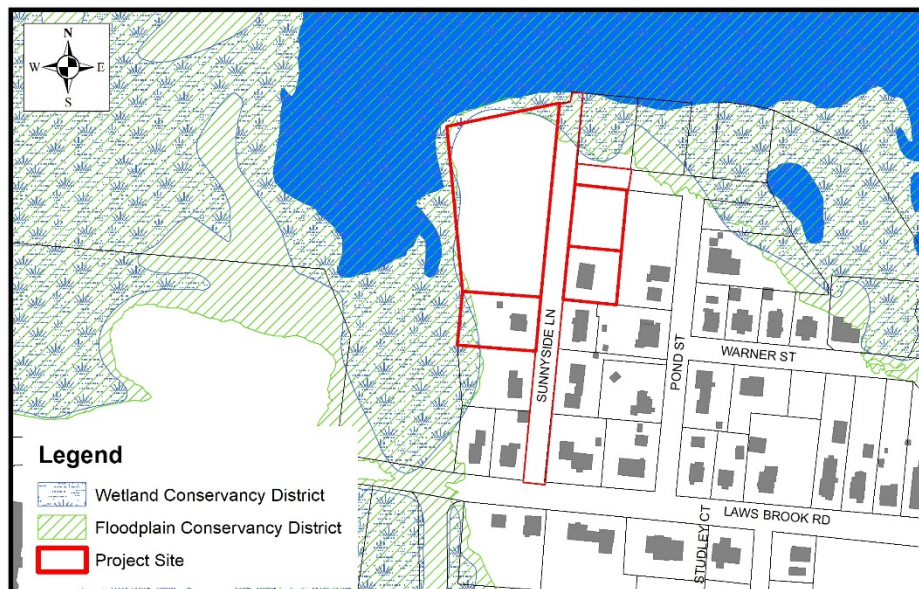
Engineer: Stamski & McNary, Inc.
1000 Main Street
Acton, MA 01720

Requested Action: **Render a decision on Definitive Subdivision Plan Sunnyside Lane for the improvement of Sunnyside Lane and the creation of four new lots pursuant to MGL Ch. 41, Section 81 and the Planning Board Subdivision Rules & Regulations. Decision is required to be filed with the Town Clerk on or before May 27, 2022 unless an additional time extension is granted.**

Location: Sunnyside Lane is located off Laws Brook Road, approximately 1,300 feet from the intersection of Laws Brook Road and Commonwealth Avenue. The parcels included in the proposed project are identified as Assessor Parcel #2088, #2089, #2092, #2092-1, and #2093.

Size of Project Site: Road Right-of-way area to be improved is 0.63 ac. The Site has a total of 2.38 ac.

Existing & Surrounding Land Use/ Zoning: The properties to be divided are located in the Residence C Zoning District, with two existing lots developed with a single-family dwelling. Portions of Parcels #2088 and #2089 are within the Wetland and Floodplain Conservancy District, wetland, and wetland buffer for Warner's Pond. To the north and west of the Project Site is Warner's Pond and associated wetland. To the east and south are developed residential properties (Residence C).



1. Project Site History & Subdivision Requirement

Prior to Concord's adoption of Subdivision Control Law in 1938, Sunnyside Lane was laid out as a private way with a right-of-way of 650 ft. in length and 40 ft. wide. Over time, approximately 500 ft. of the road has been improved as a gravel road of varying widths that currently serves as access for seven single-family dwellings. In 1964, the Select Board adopted the "Snow and Ice Removal from Private Ways" policy based on criteria for private roadways set by the Public Works Commission. Sunnyside Lane has been plowed and sanded by the Town since then.

Pursuant to the Subdivision Rules and Regulations Section 3.3.1, the Board has to consider the following factors with determining whether an existing private way is adequate:

- (a) Is the right-of-way at least forty (40) feet wide and of reasonable horizontal alignment?
- (b) Does the existing horizontal and vertical alignment of the traveled way provide safe visibility?
- (c) Is the traveled way constructed at least eighteen (18) feet wide, with at least eight (8) inches depth of gravel, and with adequate provisions for drainage?
- (d) If the road could ever service more than five (5) dwellings, is it bituminous surfaced or have provisions been made for such surfacing without cost to the Town?
- (e) Have provisions been made for public utilities without cost to the Town?

The Sunnyside Ln. right-of-way is 40 ft. and fairly flat so that it provides safe visibility. However, in certain portions, the improved roadway is not 18 ft. wide, it is unknown whether there is 8" of gravel and there are no provisions for stormwater drainage. Additionally, the roadway currently serves 7 dwellings, and the applicant is proposing to add four additional dwellings. For these reasons, the Applicant is required to submit a Definitive Subdivision Plan.

2. Proposed Project

The Applicant is proposing to reconstruct 600 ft. of Sunnyside Ln. from Laws Brook Road to a proposed modified T-turnaround at the end of the road instead of a fully compliant cul-de-sac. The proposed roadway will be 18 ft. wide with 2 ft. shoulders and paved the entire length. The Applicant is proposing to extend a looped water main from Sunnyside Ln. to Pond St. **utilizing an unnamed road right-of-way that connects the two roads.** ~~across two lots owned by the Applicant.~~ Stormwater drainage is handled through a swale and series of catchbasins along the western side of Sunnyside Ln, to a detention basin. Work is proposed within the 100-foot and 50-foot wetland buffer.

All of the four new dwellings will be served by Town water and private on-site sewage disposal systems.

The Applicant is requesting 6 waivers from the Subdivision Rules & Regulations design standards that are listed and analyzed in Section 4 of this report.

3. Zoning Bylaw Lot Requirements

The property is located within the Residence C Zoning District, which requires:

1. Minimum Lot Area = 10,000 SF – **Each lot has over 10,000 s.f.**
2. Minimum Lot Frontage = 80 LF – **Each lot has over 80 feet of frontage.**

3. Minimum Lot Frontage Exception = 160 LF (if width is 125 LF at building line) – **not being utilized**
4. Minimum Lot Width = 64 LF – **Each lot meets the minimum lot width.**
5. Minimum Front Yard Setback = 20 feet – **The plans show building envelopes which are in compliance with the required setback.**
6. Minimum Side Yard Setback = 15 feet – **The plans show building envelopes which are in compliance with the required setback**
7. Minimum Rear Yard Setback = 30 feet – **The plans show building envelopes which are in compliance with the required setback.**
8. Minimum Corner Clearance = 10 feet – **Lot 5B shows the required corner clearance.**
9. Maximum Height = 35 feet – **At the time a building permit application is made for the construction of a dwelling on each lot, the Applicant will be required to submit plans that show the height calculation for the proposed dwelling from existing grade.**

4. Subdivision Rules and Regulations Requested Waivers

Under MGL c. 41§ 81R, the Planning Board may grant waivers of its regulations that are “in the public interest and not inconsistent with the intent and purpose of the subdivision control law.” The Applicant is requesting the following waivers:

1. Section 6.8.1, Street Design, Table 1A, Minimum Right-Of-Way Width of 50 ft.: A minimum required right-of-way width is 50 feet. An unnamed Street right-of-way, now known as Sunnyside Lane, was established per plan dated March 1929 with a 40-foot right-of-way. The Applicant is not able to modify the road right-of-way layout to 50 ft. due to the transfer and development of existing lots along Sunnyside Ln. A waiver is requested. **The Board has stated it is in support of this waiver.**
2. Section 6.8.1, Street Design, Table 1A, Minimum Pavement Width: The minimum pavement width in Residence C is 26’. In order to minimize impervious area impact, a pavement width of 18’ has been proposed. Shoulders are proposed on either side of the roadway providing a total width of 22’+. A waiver is requested. **The Fire Department does not have any issues with the proposed pavement width. The Board members individually visited the site following the Applicant marking out the proposed pavement width. The Applicant has also revised the plans to increase the shoulder width on the east side of the road. The Board believes that the 18-foot width will encourage slower driving, which would increase safety for pedestrians and cyclists by promoting road sharing at slow speeds and helps maintain a more rural character adjacent to Warner’s Pond. The Board has stated it is in support of this waiver.**
3. **Section 6.8.1, Street Design, Table 1A, Minimum Curb Radius:** The minimum curb radius at the intersection of Sunnyside Ln. and Laws Brook Rd. is 30 ft. The proposed curb radius at the intersection of Sunnyside Lane and Law Brook Road is 20 ft. There is a mature street tree that would need to be removed if the full 30-foot curb radii was proposed. The Applicant has provided a turning analysis for Concord’s Ladder truck to show that a curb radius of 20 ft. is sufficient for emergency vehicles. A waiver is requested. **The Fire Department does not have**

any issues with the proposed minimum curb radius given the low volume of traffic on Sunnyside Lane. **The Board has stated it is in support of this waiver.**

4. Section 6.8.1, Street Design, Table 1A, Cul-de-Sacs: The road layout and construction does not meet the required standards for a cul-de-sac turnaround. The Applicant cannot construct a fully compliant cul-de-sac and does not wish to connect Sunnyside Ln. to Pond St. due to floodplain, wetlands, and wetland buffer. A modified T-turnaround within the road right-of-way at the terminus of Sunnyside Ln. is proposed. The design of the turnaround can accommodate the current fire truck standards. A waiver is requested. **The Fire Department does not have any issues with the proposed modified T-turnaround. The Board has stated it is in support of this waiver.**
5. Section 6.8.1, Street Design, Table 1A, Curbing: As a minimum, a continuous, low profile, modified Cape Cod berm shall be provided as an integral part of all new streets. In order to provide LID practices at the request of the Town, no curbing was proposed, instead a swale adjacent to the roadway is proposed to direct runoff to the proposed area drain and ultimately to the stormwater management system. A waiver is requested. **The Engineering Division continues to have issues and questions regarding the plans and the stormwater drainage system that should be addressed prior to the Board making a determination on this requested waiver.**
6. Section 6.10, Sidewalks: A sidewalk on one side of the street is required. The plans do not show any sidewalks. The Applicant states that there currently is no sidewalk along Sunnyside Lane, and the vehicular and pedestrian traffic volumes are not as such to warrant the need for a sidewalk. A waiver is requested. **With the development of the proposed subdivision, there would be a total of 11 dwellings served by Sunnyside Ln. The Board members individually visited the site following the Applicant marking out the proposed pavement width. The Applicant has also revised the plans to increase the shoulder width on the east side of the road. The Board believes that the 18-foot width will encourage slower driving, which would increase safety for pedestrians and cyclists by promoting road sharing at slow speeds and helps maintain a more rural character adjacent to Warner's Pond. The Board has stated it is in support of this waiver.**
7. Section 6.17, Street Trees: Street trees shall be planted within the road right-of-way, between the area designated for sidewalks and the sideline of the street pavement and shall be spaced at intervals of approximately fifty (50) feet on center, but no closer than thirty-five (35) feet. The Applicant states that due to the proposed drainage swale and an already established neighborhood and existing entities, street trees cannot be planted within the road right-of-way. The Applicant is proposing that the required 25 trees 50 feet on center that would otherwise be required be planted on the adjacent lots that are part of the subdivision. A waiver is requested. **The Town Planner agrees with the requested waiver but recommends that the Applicant be required to offer the existing property owners the option for having a street tree planted on their property, which would then become that property owner's sole responsibility and any remaining trees be planted along the frontage of the lots to be developed. The Board has stated it is in support of this waiver.**

8. Section 6.17, Street Lighting: Provision for street lighting connection is required. The Applicant states that there is currently no street lighting existing along Sunnyside Ln. and is not proposing to install new streetlights. A waiver is requested. **The Board has stated it is in support of this waiver due to low volume of traffic on the dead-end road and the proximity to the adjacent wetlands and Warner's Pond.**

5. Town Department Comments

A. Fire Department

The Fire Department did not have any issues or concerns with the proposed project.

B. Police Department

The Police Department did not have any issues or concerns with the proposed project. **The Community Safety Officer has conducted a site visit and does not feel that a streetlight at the intersection of Sunnyside Ln. and Laws Brook Rd. is warranted. He does recommend standard conditions regarding police details for work at the intersection and submission of a Construction Sequencing and Safety Plan.**

C. CPW Engineering Division

The Public Works Commission (PWC) met with the Applicant on April 13, 2022 to discuss the project and the Town continuing to plow the road pursuant to the Town's 1964 Private Road Snow & Ice Policy. The PWC voted to continue to plow the road subject to the two conditions as outlined in a memo dated April 4, 2022, from the Engineering Division that the property owners keep the road in a well-maintained condition and sign a hold harmless agreement. The Engineering Division has reviewed the revised plan and in a May 4th memo, continues to have questions about the stormwater drainage, the treatment of the increased shoulder and necessary improvements at the intersection with Laws Brook Road to increase the sight distance. Additionally, the Engineering Division states that because of the swale drainage system and only the paved roadway will be plowed, icing could become an issue at the low point of the roadway at Station 2+44.82 if large snowbanks prevent runoff and snow melt from entering the swale. A catch basin is needed on the westerly edge of pavement at the low point to allow stormwater runoff to enter the drainage system during winter conditions.

D. CPW Water/Sewer Division

In a memo dated March 1, 2022, the CPW-Water/Sewer Division does not raise any significant issues or concerns but does require various modifications to the plans and **recommends standard conditions of approval should the Planning Board move to grant the project. The Water/Sewer Division has not provided comments on the revised plans.**

E. Concord Municipal Light Plant

The Concord Municipal Light Plant is still reviewing the revised plans to make a determination on the Board's question regarding whether CMLP wishes to underground the utilities from Laws Brook Road while the road is being reconstructed and should have a comment letter prior to the Board's May 10th meeting.

F. Building Inspections Division

The Building Commissioner does not have any issues or concerns with the proposed plan and

recommends conditions of approval regarding final grading, roof and perimeter drains and final plot plans.

G. Health Division

In a February 22, 2022 letter to the Planning Board, the Board of Health voted on February 15, 2022 to approve the Definitive Subdivision Plan subject to five conditions of approval.

H. Natural Resources Division

In a March 21, 2022 memo, the Natural Resources Director identifies four issues with the plans that have to be addressed by the Applicant and makes a recommendation regarding the construction of the roadway shoulder with a permeable surface and notes to be included in any homeowners documents. **The Natural Resources Director has not provided comments on the revised plans.**

I. Sustainability Division

The Sustainability Director has reviewed the revised plans and does not have any further comments. In her previous comments, she does recommend resilient plantings as part of the stormwater drainage system.

J. Planning Division

The Town Planner recommends that the plans identify any Protected Trees as required in the Tree Preservation Bylaw be shown on the plans and that the Applicant document the required grading for only the roadway and utilities separate from the grading required for the construction of each house lot so it can be determined which Protected Trees are exempt from the Bylaw. Alternatively, the Applicant can identify any Protected Tree and as a condition of approval work with the Town Planner on determining which trees should be mitigated and which trees can be preserved and protected. **The plans indicate that approximately 1,800 c.y. of fill is required. The Town Planner has requested that the Applicant provide information on the cut and fill for the subdivision and for each lot to determine whether a special permit is required. A special permit is not required if the fill for the subdivision and fill for each lot is less than 1,000 c.y. each.**

The revised plans include a note that brush will be cleared in the Unnamed Way to the two existing pathways to Warner's Pond and no filling or removal of trees will be required. It is recommended this be a condition of approval.

As a condition of approval, the Applicant should be required to provide homeowner association documents regarding the maintenance of the private road and stormwater drainage.

6. Town Planner Recommendation

The Town Planner recommends that the Board discuss the various issues and concerns raised in this report and by Town staff and continue the public hearing to May 24th at 7:00 p.m. to review a final decision.