

Maren Toohill

From: Mark Gallagher <mgallagher@seal-harbor.com>
Sent: Tuesday, October 15, 2019 1:44 PM
To: Maren Toohill
Cc: Patrice Gallagher
Subject: Re: Harwood Open Space Special Permit and Sub Division

Thanks!

On Tue, Oct 15, 2019 at 10:46 AM Maren Toohill <MToohill@littletonma.org> wrote:

10 a.m. Oct. 16th is good, see you then.

Preliminary Subdivision file will be available for your review.

Maren

From: Mark Gallagher [mailto:mgallagher@seal-harbor.com]
Sent: Tuesday, October 15, 2019 10:43 AM
To: Maren Toohill <MToohill@littletonma.org>
Cc: Patrice Gallagher <pgallagher@seal-harbor.com>
Subject: Re: Harwood Open Space Special Permit and Sub Division

Thanks How is tomorrow morning at 10:00 a.m.? Do you have a plan showing the perc's and deep hole testing to support the original sub division plan?

Thanks again

Mark

On Tue, Oct 15, 2019 at 9:51 AM Maren Toohill <MToohill@littletonma.org> wrote:

Hi Mark, thanks for both of your emails. Yes, it was a lovely long weekend, just back to the office today following yesterday's Holiday.

I would be able to meet with you this week, either this morning or tomorrow. I will not be in the office Thursday and Friday, what is your availability tomorrow?

Please feel free to stop by the Planning Board office at your convenience to review the Preliminary Subdivision file for Healy Corner.

Thanks again,
Maren

From: Mark Gallagher [mailto:mgallagher@seal-harbor.com]

Sent: Tuesday, October 15, 2019 8:37 AM

To: Maren Toohill <MToohill@littletonma.org>; Mark Gallagher <mgsealharbor@gmail.com>; Patrice Gallagher <pgallagher@seal-harbor.com>

Subject: Re: Harwood Open Space Special Permit and Sub Division

Good Morning Maren; As a follow up to my prior e mail. If My Team is correct in their analysis of the "proof plan" than there are three lots which are disqualified from being counted towards the density in the Open Space Special Permit. The lots would be Lot #5, Lot #9 and Lot #14;

Lot #5 Access strip clearly does not meet the requirements of Chapter 173-28 (F) as its access strip abuts lot #12 which is also a "street frontage exception" lot

Lot # 9 Access strip clearly does not meet the requirements of Chapter 173-28 (F) as its access strip abuts lot #11 which is also a "street frontage exception" lot

Lot #14 Access strip clearly does not meet the requirements of Chapter 173-28 (F) as its access strip abuts lot #7 which is also a "street frontage exception" lot

Also from what I have read for the Planning Board to accept the proof plan, in this case a standard sub division plan the density needs to meet all of the sub division rules including on site septic disposal areas and wetlands compliance. We can review this when we meet however it doesn't appear many of the lots and proposed house locations meet the 50' setback requirements from the wetlands. Did anyone do an analysis of the standard sub division plans for compliance before they moved ahead with the open space plans density? It looks like the proof plan may support a density of 8-10 lots not the 14 which were proposed and surely not the 17 they are now trying to get approved.

Thanks again

Mark

On Sun, Oct 13, 2019 at 10:17 PM Mark Gallagher <mgallagher@seal-harbor.com> wrote:

Maren; I hope you enjoyed a long weekend. I'd like to make an appointment to review and discuss the file for the Healey Corner Open space plan and underlying "proof plan" submitted to the Board last year during the preliminary subdivision meetings.

As you know Chapter 173-28 provides the rules for "Street Frontage exception" lots. I have attached the paragraph for your reading. (Below)

The basis of the Planning Boards support for the open space plan and density was based upon the underlying proof plan. When my development team reviewed the plans last week we looked at the basis for the density including the "bonus" the Planning Board negotiated during the initial meetings leading up to the letter of support.

I believe the Planning Board may have missed some of the details necessary for the proof plan to be used when they moved over to the open space plan (special permit). My understanding is there was several prior instances (precedent) where the merits of this type of lot was discussed and determinations made on the writings in the zoning bylaws. Any deviation has to go to the Board of Appeals.

I can further explain the lots which clearly do not meet the bylaw. Further proof plans need to meet the underlying sub division rules in order to move forward as a basis for density. this includes wetlands set backs, storm water and Board Of Health requirements for sub surface systems.

With this in mind has the applicant provided a plan which demonstrates each of the initial lots proposed meet these requirements? I'd like to see a plan showing the testing on site for the septic capacity. I understand the applicant can make the leap to one system like Cooper however the rules provide the underlying sub division lots have to meet the requirements provided in writing. Its clear from the plan submitted that there are lots shown which could not be built upon (wetland set backs) as well as other lot design criteria which could not be met. I believe based upon professional assessment that the proof plan yields a lot total closer to 12 lots as a basis

including bonus lots provided by the Planning Board. This is a large change from the proposed 17 lots at the last meeting.

Tell me when you would be available this week. I am flexible. Ideally I would also like to have the Board of Health testing supporting the lots shown on the proof plan. I would also like to have the Town Manager available for the meeting as well if her schedule allows.

Thanks

Mark M Gallagher

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Littleton Mass 01460

Street frontage exception.

Lots having less than the normally required lot frontage may be created and built upon for residential use, provided that such lots are shown on a plan endorsed by the Planning Board "Approved for Reduced Lot Frontage." Plans shall be so endorsed if meeting each of the following, but not otherwise:

A.

Each lot shall have frontage of at least 35 feet.

B.

Egress over that frontage shall create no greater hazard owing to grade and visibility limitations than would be normal for a standard lot in the same area.

C.

Each lot must contain at least 40,000 square feet more than the minimum otherwise required, without counting the area within any access strip. "Access strip" in this case shall mean any portion of the lot between the street and the point where lot width equals 100 feet or more.

D.

All other normal lot requirements as specified in the Intensity of Use Schedule shall be met.

E.

Each lot with less frontage than normally required shall be capable of containing a square with sides equal to the normally required lot frontage. Said square shall be shown on the plan submitted to the Planning Board for endorsement.

F.

No lot having less than normally required frontage shall be endorsed by the Planning Board if its access strip abuts another such lot.

G.

Plans of reduced frontage lots shall show the frontage of each lot abutting its access strip and, if any such lot is a reduced frontage lot, shall show the location of that lot's access strip.

[Added 5-9-1988 ATM, Art. 14]