



Planning Division

TOWN OF ACTON
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March 18, 2021

**Notice of Public Hearing on Proposed Zoning Changes
and Proposed Changes to the Subdivision Rules and Regulations**

For publication as a LEGAL NOTICE on *March 25, 2021* and *April 1, 2021*:

Acton Planning Board Public Hearing to be held on 04/13/2021 at 7:45 PM virtually via zoom <https://zoom.us/j/96275905703>) to discuss the following proposed zoning bylaw change: (1) Drive up window amendments; (2) proposed amendment of Subdivision Rules and Regulations. Agricultural operations will not be impacted. Proposals are available with the Planning Division and Town Clerk. Please email planning@actonma.gov & clerk@actonma.gov for copy.

ARTICLE #
(Two-thirds vote)

AMEND ZONING BYLAW
Drive-up Window Facilities

To see if the Town will vote to amend Section 3.8, ACCESSORY USE Regulations, of the Zoning Bylaw as set forth below:

- A. Deleting Section 3.8.2.2, Drive-up facilities for banks, in its entirety, and renumber sections 3.8.2.3 through 3.8.2.8.

[Note—Section 3.8.2.2, currently reads: Drive-up facilities in a bank.]

- B. In Section 3.8 ACCESSORY USE Regulations, insert a new subsection as follows:

3.8.5 In the Office, Business, Industrial and Village Districts, drive-up window facilities for banks, pharmacies, and restaurants shall be subject to the following:

- a) Drive-up windows shall be integrated with and attached to the principal BUILDING.
- b) Pharmacies and restaurants are limited to one drive-up window located within one drive-up lane; banks have no such limitation.
- c) Parapets or canopies located over any part of the drive-up window facility shall be made of a durable and weatherproof material consistent with the building material and style to which it is attached; fabric or temporary awnings are not permitted.
- c) No signage shall be located on a drive-up window facility parapet or canopy.
- d) Drive-up window facilities for restaurants may include one additional menu SIGN than normally allowed under Section 7.5.9. Such sign may be a FREESTANDING SIGN or WALL SIGN and is limited to a DISPLAY AREA of 10 square feet. Menu SIGNS shall comply with Section 7 of this Bylaw.
- f) No additional curb cuts shall be allowed for the purpose of accommodating a drive-up window facility.
- g) The drive-up window facility shall not be located along or within 10 feet of the front façade of a BUILDING; for corner lots, the front façade shall be considered any side of the BUILDING facing a STREET.
- h) The location of the drive-up lane shall be part of and accessible from the parking lot, and designed in a manner to avoid queuing into a pedestrian walkway, crosswalk, access drive or STREET.
- i) In the Village and Kelley's Corner Districts, a drive-up window facility shall only be allowed with a Special Permit from the Board of Selectmen and is subject to the following additional standards and requirements:

- a. The drive-up window facility shall be located in the rear of the BUILDING unless the special permit granting authority finds that pedestrian safety would not be impacted, and that no other alternative locations are possible. In the case where the special permit granting authority finds that these conditions are met, a drive-up window facility may be allowed on the side of the BUILDING as defined in Section 5.2.5. If located on the side of a BUILDING, no portion of a drive-up window facility shall be counted to meet the BUILDING design criteria set forth in sections 5.5B.1.2(g)(i) and 5.6.3.4.

, or take any other action relative thereto.

SUMMARY

This article responds to the needs and desires identified in a public outreach effort conducted in the fall and winter of 2020. The outreach effort, conducted by the Town Planning Division and consultants, Community Circle, evaluated if a potential zoning amendment to allow drive-up windows for pharmacies and restaurants would be advantageous for the town to pursue at 2021 Annual Town Meeting. The outreach workshops and surveys indicated strong support to pursue expansion of drive-up window facilities. Currently, drive-up windows are only allowed for banks. The proposed bylaw allows for drive-up windows for banks in Village Districts where they are currently prohibited, and allows for drive-up windows for pharmacies and restaurants in all districts where these uses are allowed. The amendment includes provisions for design and siting of the drive-up window facilities and requires a special permit for drive-up windows in all Village Districts and the Kelley's Corner Zoning District.

Direct inquiries to: Kristen Guichard, AICP, Planning Director/ZEO – (978) 929-6631
Selectman assigned:

Recommendations: **Board of Selectmen** **Finance Committee** **Planning Board**

Subdivision Rules and Regulations



Planning Board

Town of Acton

\$25.00

Adopted: August 9, 1965

Last Amended: ~~February 26, 2019~~ April 13, 2021

~~Effective Date: April 3, 2019~~

Certified copies to Land Court and Registry of Deeds

Acton Planning ~~Department~~ Division

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PURPOSES of SUBDIVISION CONTROL

(Section 81-M of Chapter 41-G.L.)

"The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeals under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for all travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provisions for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the planning board shall receive the approval of such board if said plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the planning board pertaining to subdivision of land; provided, however, that such board may, when appropriate, waive, as provided for in Section 81-R, such portions of the rules and regulations as is deemed advisable."

SECTION 1

AUTHORITY

Under the authority vested in the Planning Board of the Town of Acton, Massachusetts by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Acton.

SECTION 2

GENERAL

2.1 DEFINITIONS

The definitions of the SUBDIVISION CONTROL LAW are incorporated herein (MGL, Ch. 41, S.81-L), unless expanded or clarified in the following. The words defined below are capitalized throughout these RULES. Where a defined word has not been capitalized, it is intended that the meaning of the word be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context.

ARTERIAL STREET	A STREET having an Average Daily Traffic volume of greater than 8000 vehicles per day. For proposed STREETS, the projected Average Daily Traffic volume shall be based on maximum potential build-out of all LOTS being accessed by said STREET, plus projected future through traffic volumes as deemed reasonable and realistic by the BOARD.
BOARD	The Planning BOARD of the Town of Acton.
COLLECTOR STREET	A STREET having an Average Daily Traffic volume of greater than 2000 and up to and including 8000 vehicle trips per day. For proposed STREETS, the projected Average Daily Traffic volume shall be based on maximum potential build-out of all LOTS being accessed by said STREET, plus projected future through traffic volumes as deemed reasonable and realistic by the BOARD.
CUL-DE-SAC STREETS	LOCAL STREETS open at one end only with special provisions for turning around.
DEAD-END STREETS	LOCAL STREETS open at one end only without turnaround.
EASEMENT	A right acquired by public authority to use or control property for a utility or other designated purpose.
EMERGENCY ACCESS WAY	A public or private WAY for secondary emergency access that is not generally available for vehicular travel, with a minimum twenty (20) foot right-of-way, a minimum ten (10) foot wide paved surface, three (3) foot shoulders, and posts or gates installed at all entrances. EMERGENCY ACCESS WAYS do not provide frontage.
LOCAL STREET	A STREET having an Average Daily Traffic volume of 2000 or fewer vehicles per day. For proposed STREETS, the projected Average Daily Traffic volume shall be based on maximum potential build-out of all LOTS being accessed by said STREET, plus projected future through traffic volumes as deemed reasonable and realistic by the BOARD.
LOT	An area of land, undivided by any STREET, in one ownership with definitive boundaries ascertainable from the most recently recorded deed or plan which is 1) a deed recorded in Middlesex County South District Registry of Deeds, or 2) a Certificate of Title issued by the Land Court and registered in the Land Court

	section of such Registry, or 3) title of record disclosed by any and all pertinent public documents.
MUNICIPAL SERVICES	Sewers, storm water drains, water mains, gas pipes, electrical lines, telephone lines, TV cables, fire alarm system, STREET lights, similar service installations and their respective appurtenances.
PARTIES IN INTEREST	<ul style="list-style-type: none"> • The person submitting a preliminary or definitive SUBDIVISION plan of land to the BOARD, and the owner(s) of the land shown on the SUBDIVISION plan. • Direct abutters to said land; abutters to the direct abutters within 300 feet of the boundary line of the SUBDIVISION; owners of land located directly opposite on any public or private STREET or way from the land shown on the SUBDIVISION plan; all as they appear on the most recent applicable assessor's tax list, including any such abutters or owners whose affected land is located in another city or town. The BOARD and the Planning Boards of every abutting city or town.
RESTRICTIVE COVENANT	Contract between the subdivider and the BOARD or other public authority concerning the use of the land inscribed on the definitive plan, or contained in a separate document referred to on the definitive plan.
RULES	The Acton Subdivision Rules and Regulations as set forth herein.
SERVICE STREET	A LOCAL STREET paralleling an ARTERIAL STREET or COLLECTOR STREET and specifically designed to separate land access from through traffic.
SINGLE ACCESS STREET	A CUL-DE-SAC STREET; a DEAD-END STREET; or other STREET having only one terminus onto a THROUGH STREET and providing access to other CUL-DE-SAC STREETS, DEAD-END STREETS, or STREETS forming a closed loop or circle.
STREET OR ROAD	A general term denoting a public or private STREET for purposes of public vehicular and pedestrian travel, including the entire area within the right-of-way.
SUBDIVISION	<p>Shall mean the division of a tract of land into two or more LOTS and shall include re-SUBDIVISION and, when appropriate to the context, shall relate to the process of SUBDIVISION of the land or territory subdivided; provided, however, that the division of a tract of land into two or more LOTS shall not be deemed to constitute a SUBDIVISION within the meaning of the SUBDIVISION CONTROL LAW if, at the time when it is made, every LOT within the tract so divided has frontage on:</p> <ul style="list-style-type: none"> a) a public STREET accepted by the Town of Acton, the Commonwealth of Massachusetts, or Middlesex County under MGL Ch. 82, or a STREET which the Town Clerk certifies is maintained and used as a public STREET, or b) a STREET shown on a plan theretofore approved and

	<p>endorsed in accordance with the SUBDIVISION CONTROL LAW, or</p> <p>c) a STREET in existence when the SUBDIVISION CONTROL LAW became effective in the Town of Acton, having, in the opinion of the Planning BOARD, sufficient width, suitable grade and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of MUNICIPAL SERVICES to serve such land and the buildings erected thereon. Such frontage shall be of at least such distance as is required by the Town of Acton Zoning Bylaw.</p> <p>Conveyances or other instruments adding to, taking away from, or changing the size and shape of LOTS in such manner as not to leave any LOT so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the SUBDIVISION CONTROL LAW went into effect in the Town of Acton, into separate LOTS on each of which one of such buildings remains standing, shall not constitute a SUBDIVISION.</p>
SUBDIVISION CONTROL LAW	Shall mean Sections 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws and any acts in amendment thereof, on addition thereto or in substitution therefor.
THROUGH STREET	A STREET having, by itself or by means of other STREETS, a connection at both ends to the overall ROAD system of the Town of Acton or of neighboring towns, so that each location on such STREET can be accessed through at least two alternative STREETS or combination of STREETS.
WAY, PATH	A general term denoting a public or private WAY for purposes of public non-vehicular travel, including the entire area within the right-of-way. Such WAYS or PATHS do not provide frontage.

2.2 COMPLIANCE of RULES with SUBDIVISION CONTROL LAW

These RULES contain for the reader's convenience, either verbatim or in slightly modified form relevant statutory provisions of MGL Ch. 41, the SUBDIVISION CONTROL LAW. These RULES are intended to comply with the SUBDIVISION CONTROL LAW and should be read to incorporate future changes in the SUBDIVISION CONTROL LAW. However, many aspects of the SUBDIVISION of land are not completely covered by the SUBDIVISION CONTROL LAW and these RULES contain definitions, procedural requirements, and design standards that are intended to be specific to the Town of Acton.

2.3 UNAPPROVED SUBDIVISION PROHIBITED

No person shall make a SUBDIVISION within the meaning of the SUBDIVISION CONTROL LAW of any land within the Town of Acton, or proceed with the improvement or sale of LOTS in a SUBDIVISION, or the construction of STREETS and WAYS, or the installation of MUNICIPAL SERVICES therein, unless and until a definitive plan of such SUBDIVISION has been submitted to and approved by the BOARD as hereinafter provided.

2.4 COMPLIANCE of LOTS with ZONING BYLAW

All proposed LOTS within a SUBDIVISION shall comply with the Zoning Bylaw of the Town of Acton, Massachusetts.

2.5 REFERENCES

For matters not covered by these RULES, reference is made to the SUBDIVISION CONTROL LAW, MGL Ch. 41, S.81-K through 81-GG; the Wetlands Protection Act, MGL Ch. 131, S.40; and the State Environmental Code, Title V (310 CMR 15.00).

Design and construction of STREETS, WAYS, sidewalks, drainage structures, sewage disposal structures and other appurtenant structures, shall comply with the standards set forth in these RULES; the "Design and Construction Standards", Town of Acton, January 1975 as amended (see Appendix); "Residential Street Design and Traffic Control", Institute of Transportation Engineers, 1989 or latest edition; "The Subdivision and Site Plan Handbook" by Listokin & Walker, Rutgers University, 1989 or latest edition; "A Policy on Geometric Design of Rural Highways and Streets" published by the American Association of State Highway and Transportation Officials, 2001 or latest edition; the "Highway Design Manual", published by the Commonwealth of Massachusetts, latest edition; the "Standard Specification for Highways and Bridges", published by the Commonwealth of Massachusetts, 1995 or latest edition; the "Construction and Traffic Standard Details", published by the Commonwealth of Massachusetts, latest edition and supplements; the "Manual on Uniform Traffic Control Devices" published by the Federal Highway Administration, latest edition; the "Seeley's Data Book for Civil Engineers", Volume I - Design, published by John Wiley & Sons, Inc., New York, latest edition; the "Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts", published by the United States Department of Agriculture, Soil Conservation Service, 1977 or latest edition. "Residential Streets", published by the American Society of Civil Engineers, the National Association of Home Builders and the Urban Land Institute, 1990 or latest edition. The above reference manuals may be referred to in various sections of these RULES.

SECTION 3

PLAN BELIEVED NOT to REQUIRE SUBDIVISION APPROVAL (ANR)

3.1 FILING of ANR PLAN

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with Land Court a plan of land, and who believes that his plan does not require approval under the SUBDIVISION CONTROL LAW must:

3.1.1 File with the BOARD a properly executed Application for Endorsement of Plan Believed Not to Require Approval (see Appendix - Form ANR).

3.1.1.1 Submit a filing fee to cover the expenses incurred by the Town in reviewing the application. The filing fee shall be submitted in check form and made payable to the "Town of Acton".

3.1.1.2 The filing fee shall be the amount established by the Board of Selectmen in accordance with MGL Ch. 40, S. 22F. The fee schedule is attached to these RULES for your information (see Appendix - Fee Schedule), but it is not part of these RULES. The filing fee is not refundable. The Planning Board does not have the authority to waive any portion of the filing fee.

3.1.2. Submit to the BOARD a plan prepared by a registered land surveyor, clearly and legibly drawn:

- (a) In compatible black drawing ink on polyester drafting film, or similar medium acceptable to the Registry of Deeds or Land Court, and
- (b) On disc or via another commonly used electronic media storage or transmission device in PDF and scalable CADD formats and registered to the Massachusetts State Plane Coordinate System, and
- (c) Accompanied by the necessary evidence to show that the plan does not require approval.

3.1.2.1 The dimensions of said plan shall be as required by the Registry of Deeds or the Land Court, as appropriate. The plan shall show:

- a) Identification of the plan by name of owner of record and location of the land in question.
- b) The statement "Approval Under Subdivision Control Law Not Required".
- c) Sufficient space for the date and the signatures of the BOARD or its designee.
- d) The zoning classifications, including overlay districts.
- e) The location of any zoning boundary lines that lie within the area.
- f) The Town Atlas map and parcel number(s).
- g) A note stating that endorsement of the plan does not signify compliance with zoning bylaw or building code requirements.
- h) The entirety of any LOT having its boundaries changed must be shown.
- i) Location of all existing and proposed bounds or permanent monuments marking the LOT lines.

- j) Notice of any decisions by the Zoning Board of Appeals, including but not limited to variances and exceptions regarding the land or any buildings thereon.
- k) PARTIES IN INTEREST from latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records.
- l) Distance to the nearest road or to other permanent monument.
- m) Location of existing buildings with front, rear and side yard setback dimensions.
- n) Locations of cart paths, EASEMENTS, right-of-ways, wetlands, water courses and other significant natural features.
- o) If on the plan an area is left for the future possible construction of a road to back or adjacent land, a minimum 10-foot wide slope EASEMENT shall be shown on all LOTS abutting such road area to enable proper slope construction if and when the road is built. The slope EASEMENTS shall be conveyed with the EASEMENT for future roadway and utility construction of the road area.
- p) Signature and seal of registered land surveyor who prepared the plan.

3.1.3 File, by delivery or by registered or certified mail, a written notice with the Town Clerk which contains certification of the date of submission to the Planning BOARD, accompanied by a copy of the Application for Endorsement of Plan Believed Not to Require Approval. If notice is given by delivery, the Town Clerk, if requested, shall give written receipt therefor.

3.2 DETERMINATION THAT APPROVAL IS NOT REQUIRED

If the BOARD determines that the plan does not require approval, it shall, without a public hearing and within twenty-one (21) days of submission, endorse on the plan the words, "Planning Board Approval Under the Subdivision Control Law Not Required." This endorsement does not imply that the plan which has been submitted complies with the Zoning Bylaw of the Town of Acton. The signed original of said plan shall be returned to the applicant.

3.3 DETERMINATION THAT APPROVAL IS REQUIRED

If the BOARD determines that the plan does require approval under the SUBDIVISION CONTROL LAW, it shall, within twenty-one (21) days of submission of said plan, give written notice of its determination to the Town Clerk and the applicant.

SECTION 4

PROCEDURE for the SUBMISSION of CONCEPTUAL and PRELIMINARY SUBDIVISION PLAN

4.1 CONCEPTUAL PLAN

Many development impacts can be avoided or mitigated if recognized early in the development process. Therefore, it is recommended that the applicant prepare a conceptual SUBDIVISION plan and a draft Development Impact Report (see Appendix - Form D.I.R.) as early as possible.

- 4.1.1 Prior to the filing of a preliminary plan, the applicant should informally consult with the Planning Department staff to review a conceptual plan of a SUBDIVISION proposal and to discuss any issues raised in the preparation of the Development Impact Report. Staff will answer questions; offer suggestions related to the general concept presented; and discuss possibilities to minimize negative development impacts.
- 4.1.2 The purpose of this consultation is to provide the developer an opportunity to present the proposed SUBDIVISION in the earliest stages of the development process, before a significant amount of money is spent on engineering details.

4.2 PRELIMINARY PLAN

4.2.1 GENERAL

A preliminary plan of a SUBDIVISION may be submitted by the subdivider for discussion, modification, approval or disapproval by the BOARD. The submission of such a preliminary plan will provide the means for the subdivider, the BOARD, municipal agencies, and owners of property abutting the SUBDIVISION to discuss and clarify any of the problems of such a SUBDIVISION before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in every case.

- 4.2.1.1 Prior to the discussion of the preliminary plan with the BOARD, the subdivider should discuss his plans with the Chief of the Fire Department, the Water Supply District of Acton, the Board of Health, the Engineering Department, and the Conservation Commission. Note, that pursuant to the SUBDIVISION CONTROL LAW, the filing of a preliminary plan in the case of a non-residential SUBDIVISION is required.

4.2.2 APPLICATION

Any person who wishes to apply for approval of a preliminary SUBDIVISION plan shall file with the BOARD by delivery or registered mail the following:

- 4.2.2.1 The completed Application for Approval of Preliminary Plan (see Appendix - Form PP) in electronic PDF format plus 2 paper copies.
- 4.2.2.2 The completed Development Impact Report (see Appendix - Form D.I.R.) in electronic PDF format plus 2 paper copies.
- 4.2.2.3 A complete PARTIES IN INTEREST List certified by the Board of Assessors or its authorized representative in electronic PDF, and Excel or Word table formats, plus 2 paper copies.

4.2.2.4 The Preliminary Plan with the form and contents as set forth below in electronic PDF and scalable CADD formats and registered to the Massachusetts State Plane Coordinate System, plus 2 prints (24" x 36" sheets) and 11 copies reduced to fit legibly on 11"x17" or 8.5"x11" sheets.

4.2.2.5 Submit a preliminary plan filing fee to cover the expenses incurred by the Town in reviewing the application. The filing fee shall be submitted in check form and made payable to the "Town of Acton". The filing fee shall be the amount established by the Board of Selectmen in accordance with MGL Ch. 40, S. 22F. The fee schedule is attached to these RULES for your information (see Appendix - Fee Schedule), but it is not part of these RULES. The filing fee is not refundable. The Planning Board does not have the authority to waive any portion of the filing fee.

4.2.2.6 File, by delivery or by registered mail to the BOARD in care of the Acton Planning Department. The delivery date or, if mailed, the date of receipt shall be the date of submission of the plan. Electronic documents may also be sent by e-mail or via web link.

4.2.3 FORM AND CONTENTS OF PRELIMINARY PLAN

The preliminary plans shall be drawn by a registered engineer or land surveyor in dark lines on white background, at a suitable scale to fit on a single sheet and it should be properly identified as a preliminary plan. It should show sufficient information about the SUBDIVISION to form a clear basis for discussion and for the preparation of the definitive plan. During the discussion of the preliminary plan, the complete information required by the definitive plan, the financial arrangements and proposed RESTRICTIVE COVENANTS will be developed. The preliminary plan shall contain the following information:

4.2.3.1 The SUBDIVISION name, north point, date, scale, boundaries, legend and title, "Preliminary Plan".

4.2.3.2 The names and addresses of the record owners, the applicant, and the name of the engineer or surveyor, and their appropriate seal.

4.2.3.3 The names of all PARTIES IN INTEREST, as determined from the most recent local tax list unless the applicant shall have more recent knowledge of such PARTIES IN INTEREST.

4.2.3.4 Existing and proposed lines of STREETS, WAYS, EASEMENTS, wetlands as defined by the Wetlands Protection Act (MGL Ch. 131, S.40) and the Acton Wetlands Protection Bylaw, and any public area within the SUBDIVISION in a general manner.

4.2.3.5 Existing and proposed drainage system, including existing adjacent natural waterways, in a general manner.

4.2.3.6 The approximate boundary lines of proposed LOTS, with approximate areas and dimensions.

4.2.3.7 Names, locations and widths of bounding STREETS approaching or within 500' of the SUBDIVISION.

4.2.3.8 Existing topography of the land, in a general manner.

4.2.3.9 Site features, such as, but not limited to, existing stone walls, fences, buildings, historic sites, rock ridges and outcroppings, swamps, wetlands and water bodies. Special attention should be given to noting physical features which define the boundaries of the SUBDIVISION.

4.2.3.10 The proposed names of the proposed STREETS and number on each LOT.

4.2.3.11 The Town Atlas map and parcel number(s).

4.2.3.12 Abutting properties in a general manner.

4.2.3.13 The existing zoning of the SUBDIVISION and any zoning boundary lines that lie within the area.

4.2.3.14 A locus map at a scale of 1"=1200' covering not less than a ½-mile radius around the SUBDIVISION showing major STREETS, buildings, streams, landmarks, and municipal facilities.

4.2.3.15 The SUBDIVISION outline with proposed LOT and STREET lines overlaid on the most recent aerial photograph from the Town of Acton web site geographic information system.

4.2.4 PUBLIC MEETING

To ensure that all PARTIES IN INTEREST have the opportunity to discuss any potential problems that may arise through the development of such a SUBDIVISION, before approval, modification and approval, or disapproval of the preliminary plan is given, a public meeting shall be held by the BOARD. A notice of the time and place of the public meeting and of the subject matter to be discussed, sufficient for identification, shall be given by the BOARD at the expense of the applicant by advertisement in a newspaper of general circulation in Acton not less than fourteen days before the day of such meeting, and by the applicant mailing a copy of such advertisement by first class mail to the property owner(s) and to all PARTIES IN INTEREST.

4.2.5 PLANNING BOARD ACTION

The BOARD may give such preliminary plan its approval with or without modification, or disapproval. Approval does not constitute approval of a SUBDIVISION but does facilitate the preparation of the definitive plan. The BOARD shall send a notice of its action to the Town Clerk and to the applicant within forty-five (45) days after the date of submission.

SECTION 5

PROCEDURE for the SUBMISSION and APPROVAL of DEFINITIVE SUBDIVISION PLAN

5.1. PRE-APPLICATION CONSULTATIONS

Pre-application consultations between an applicant and the professional staff of the Town are recommended. The following RULES apply for pre-application consultations:

- 5.1.1 All correspondence and communication must be sent through the Planning Department or a copy shall be provided to the Planning Department.
- 5.1.2 The Town staff will review applications in an attempt to avoid unnecessary technical deficiencies in the application and promote efficiency in the formal review and hearing process. Staff may also be requested to review an application for its thoroughness and completeness; however, staff will not be responsible for assuring the accuracy, completeness or thoroughness of any application submitted for review. It is the responsibility of the applicant to assure that the application to be submitted to the BOARD for its review is thorough, complete and accurate.

5.2 SUBMISSION of DEFINITIVE PLAN

Any person submitting a definitive plan of a SUBDIVISION or a petition for modification, amendment, or rescission of a SUBDIVISION, shall file with the BOARD, by delivery or registered mail, the following:

- 5.2.1 The completed Application for Approval of Definitive Plan (see Appendix - Form DP) in electronic PDF format plus 2 paper copies.
- 5.2.2 The completed Development Impact Report (see Appendix - Form D.I.R.) in electronic PDF format plus 2 paper copies.
- 5.2.3 Filing Fees - Submit a definitive plan filing fee in check form and made payable to the "Town of Acton". The filing fee shall be the amount established by the Board of Selectmen in accordance with MGL Ch. 40, S. 22F. The fee schedule is attached to these RULES for your information (see Appendix - Fee Schedule), but it is not part of these RULES. The filing fee is not refundable. The BOARD does not have the authority to waive any portion of the filing fee.
 - 5.2.3.1 Additional Review Fee Deposits - So that the BOARD may conduct a thorough and proper review of a definitive plan to ensure that the plan complies with these RULES, the BOARD may select and hire qualified consultants to review a definitive plan submission. The scope and cost of such consultant review may exceed the normal cost generally covered by the filing fee as set forth in the attached fee schedule. To cover the cost of these special reviews, an additional review fee deposit may be required by the BOARD at the time of submission or at any time in the review process. As the scope of study and review will vary according to the size of a particular SUBDIVISION, the applicant is hereby strongly advised to consult the Planning Department concerning the scope and cost of such studies during the review of the preliminary plan. Failure to do so could result in serious delays in the processing of the application. The amount of the fee deposit will

reflect the anticipated consultant fee(s) plus 10%. Note that some projects may require additional fees to cover further study if significant impacts or problems are found in the initial review. In accordance with MGL Ch. 44, S. 53G, any amount of such deposits remaining after endorsement of the definitive plan by the BOARD, plus any remaining accrued interest, will be repaid to the applicant or the applicant's successor in interest.

- 5.2.3.2 Appeal From the Selection of the Consultants - The applicant may appeal from the selection of an outside review consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The applicant must specify the specific grounds which the applicant claims constitute a conflict of interest or a failure to meet minimum professional requirements.
- 5.2.4 The definitive plan prepared by a registered engineer and land surveyor with the form and contents as set forth below in electronic PDF and scalable CADD formats and registered to the Massachusetts State Plane Coordinate System, plus 2 prints (24" x 36" sheets) and 11 copies thereof reduced to fit legibly on 11"x17" or 8.5"x11" sheets.
- 5.2.5 A completed Designer's Certificate (see Appendix - Form DC) in electronic PDF format

- 5.2.12 A list of mortgage holders (in electronic PDF format plus 2 paper copies) which shall be kept current during the period of SUBDIVISION development.
- 5.2.13 A draft RESTRICTIVE COVENANT (in electronic PDF format plus 2 paper copies) only if changes are proposed from the standard form shown in Appendix - Form RC, with reasons for the changes clearly explained.

5.3 CONTENTS of DEFINITIVE PLAN

The definitive plan shall be prepared by a registered engineer and land surveyor, clearly and legibly drawn in dark lines on white background. The plan shall be at a scale of 1"=40' or such other scale as the BOARD may require to show details clearly and adequately. It must be plainly marked "definitive plan". Sheet size shall be 24" x 36". If more than one sheet is needed, the sheets shall be accompanied by a single keyed sheet drawn to a 1"=200' scale showing the entire SUBDIVISION. The definitive plan shall contain the following information:

- 5.3.1 SUBDIVISION name, STREET names, boundaries, north point, date, scale and legend.
- 5.3.2 Names and addresses of the owner of record, the subdivider, the engineer and land surveyor, the book and page number of the recording of deed or the Land Court certificate.
- 5.3.3 Location of abutting property lines with ownership indicated.
- 5.3.4 Existing and proposed lines of sidewalks, STREETS, WAYS, LOTS, EASEMENTS, public and common areas, flood plain boundaries, zoning and zone lines including all overlay districts within and abutting the SUBDIVISION. If the construction of the proposed sidewalks, STREETS, WAYS, etc. would involve the removal of a public shade tree or a scenic road stone wall, show their location, type, and size of the public shade tree on the definitive plan. In the case of a shade tree, contact the Tree Warden. A scenic road hearing may be required.
- 5.3.5 Sufficient data to easily determine the location, direction, width and length of every STREET, EASEMENT, walk and WAY line, LOT line, and boundary line and to reproduce these lines on the ground. All bearings shall be true, magnetic or grid, and the needle used on the plan shall clearly indicate this.
- 5.3.6 Location of all permanent monuments, properly identified as to whether existing or proposed, including natural features and surfaces, and wetlands as defined by the Wetlands Protection Act (MGL Ch. 131, S.40) and the Acton Wetlands Protection Bylaw.
- 5.3.7 A locus map (or location map) at a scale of 1"=1200' showing the relationship of the proposed SUBDIVISION to the community and its facilities for a 1/2 mile radius around the proposed SUBDIVISION.
- 5.3.8 The SUBDIVISION outline with proposed LOT and STREET lines, LOT numbers and STREET addresses, and proposed building and septic system locations, overlaid on the most recent aerial photograph from the Town of Acton web site geographic information system.

- 5.3.9 Location, names and present width of STREETS or WAYS and sidewalks bounding, approaching or within reasonable proximity of the SUBDIVISION, showing both roadway widths and right-of-way widths.
- 5.3.10 House numbers on each LOT as determined by the Town Engineer, clearly distinguishable from the LOT numbers.
- 5.3.11 Site features such as, but not limited to, waterways, swamps, drainage courses, stone walls, fences, buildings, historic sites, ridges, outcroppings, and water bodies.
- 5.3.12 STREET trees and other planting as required by the RULES prepared by and displaying the seal of a registered landscape architect.
- 5.3.13 A note stating that all supplementary data submitted under the RULES are an integral part of the definitive plan and that non-compliance with the plan profiles, utilities, layouts and RESTRICTIVE COVENANTS will void the approval status; unless, a waiver is specifically approved by the BOARD in writing.
- 5.3.14 Suitable space to inscribe the signatures of the members of the BOARD (or officially authorized persons) and to record or make reference to the decision or Certificate of Action of the BOARD, any RESTRICTIVE COVENANTS given under MGL Chapter 41, Section 81-U, or any amendments thereto, and any conditions required by the Board of Health.
- 5.3.15 A clear indication, by proper symbols, markings, dates or other notes, after a thorough search has been made, of such points or boundary markers as were found in the traverses and/or perimeter surveys.
- 5.3.16 Existing and proposed topography for the entire SUBDIVISION at a suitable contour interval as required by the BOARD. (The normal requirement for a suitable contour interval is 2 feet.)
- 5.3.17 Existing profiles on the exterior lines and centerlines (to be determined by field survey) and proposed STREET profile at 50 foot stations (25 foot stations for vertical curves) with centerline elevations tied to a stationed base line, at a horizontal scale of 1"=40' and at a vertical scale of 1"=4', or such other scales required by the BOARD. 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.
- 5.3.18 Topography and all elevations shall be referenced to the NAVD88 vertical datum with the location and elevation of the starting bench mark plus at least two additional temporary bench marks on the site. The Horizontal datum used shall be the Massachusetts State Plane Coordinate System, Mainland Zone 2001 (US Survey Foot) and with the state plane coordinates shown for the starting and temporary bench marks (3 total).

The horizontal and vertical datums used shall not be assumed and shall be clearly referenced on the plan.

- 5.3.19 Proposed layout of storm drainage system, water supply system, fire hydrants, fire call box system, sewer mains and all other utilities. These layouts should be checked with the appropriate boards and agencies. Their final approval should be in writing and on file

with the BOARD prior to approval of the definitive plan. Fire call boxes should be shown, if any exist, in or immediately adjacent to the proposed SUBDIVISION as well as the required additions to the fire call box system within the SUBDIVISION. The locations, inverts, slopes, grades, stations, sizes and all other dimensions including type of pipe and materials to be used, of all utilities and appurtenances shall be clearly shown.

- 5.3.20 Storm drainage runoff calculations used for storm water drainage system design shall be prepared by and display the seal of a registered professional engineer. An adequate drainage design shall be provided meeting the design standards of the Chapter X General Bylaw and the Rules and Regulations adopted thereunder.
- 5.3.21 Detail of typical cross-section of roadway showing all features; detail of a gas trap/oil separator catch basin, manhole, headwall, sidewalk, subdrain, and all other appurtenances, structures and utilities.
- 5.3.22 If surface water drains onto adjacent STREETS or onto adjacent properties not owned by the applicant, in such a manner as to create drainage problems, suitable provisions for handling this drainage shall be submitted to the BOARD.
- 5.3.23 Indication of all EASEMENTS, covenants or restrictions applying to the land and their purpose, whether or not within the SUBDIVISION, including any decision, appeal or variance issued by the Board of Appeals or any other board or authority having jurisdiction and applicable to the SUBDIVISION land or any buildings thereon.
- 5.3.24 An erosion and sedimentation control plan meeting the design standards of the Chapter X General Bylaw and the Rules and Regulations adopted thereunder.
- 5.3.25 Location of all proposed septic disposal areas with a minimum of one percolation test and two deep test holes per leach area.
- 5.3.26 The locations, logs, and results of deep observation hole tests and percolation tests for groundwater recharge facilities consistent with Department of Environmental Protection Stormwater Management Policy.
- 5.3.27 Location of all existing and proposed above ground and underground structures, including but not limited to, buildings, foundations, wells, septic systems, and underground storage tanks, within the SUBDIVISION and within one hundred (100) feet of the perimeter of the SUBDIVISION.
- 5.3.28 Location of all proposed stump dumps and other locations where construction debris is to be buried.
- 5.3.29 If the proposed use of a LOT and/or the location of a proposed use is unknown at the time of submission of the definitive plan, the applicant shall show on the plan sufficient information with respect to, existing and proposed, underground structures and septic disposal areas, to enable the Board of Health to evaluate whether a septic disposal system can be located on the LOT to serve any permitted use of the LOT. Where a LOT(S) is to be served by public sewers or by a septic treatment plant, the application shall contain a certificate from the Board of Health stating that such public sewers or septic treatment plants are adequate to serve any permitted use of the LOT(S).

5.4 PLAN REVISIONS and AMENDMENTS

Revisions and additions to definitive plans made in response to staff, BOARD, or public comments in the course of an extended, multi-session public hearing review, and proposed amendments to a previously approved definitive plan submitted as a new application or application for a plan amendment, shall be submitted in electronic PDF format plus 2 paper copies and shown in legible color overlaid on the original or previously reviewed plan version so that the BOARD and other reviewers can easily find and read all proposed plan changes.

5.5 NOTICE to TOWN CLERK

Every person submitting a definitive plan of land to the BOARD for its approval shall, pursuant to MGL, Ch. 41, S.81-T, file written notice that he has submitted such a plan with the Town Clerk, by delivery or by registered mail, postage prepaid. If the notice is given by delivery the clerk shall, if requested, give a written receipt to the person who delivered such notice. The date of filing with the BOARD shall be certified on such notice by the BOARD or its authorized representative.

5.6 NOTICE to BOARD of HEALTH and REVIEW by BOARD of HEALTH

When a definitive plan of a SUBDIVISION is submitted to the Planning BOARD, as provided in MGL Chapter 41, S.81-O, a copy thereof shall also be filed with the Board of Health. The Board of Health, or its authorized representative, shall within forty-five days after the plan is so filed, report to the BOARD in writing, approval or disapproval of said plan, and in the event of disapproval, shall make specific findings as to which, if any, areas shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and where possible, shall make recommendations for the adjustment thereof.

Failure of the Board of Health to report shall be deemed approval by the Board of Health. If the report of the Board of Health so requires, the approval of the BOARD shall be on condition that no building or structure shall be built or placed upon the areas designated without consent by such Board of Health or authorized representative. In the event that approval by the Board of Health is by failure to make a report, the BOARD shall note on the plan that health approval is by failure to report.

5.7 SUBMISSION of ADDITIONAL INFORMATION

All additional information submitted after the initial application shall be submitted to the BOARD at the public hearing and in electronic PDF format plus 2 paper copies.

5.8 PUBLIC HEARING NOTICE

Before approval, modification and approval, or disapproval of the definitive plan the BOARD will hold a public hearing. Pursuant to M.G.L. ch. 41, s. 81T, the BOARD will give notice of the time and place of the public hearing and subject matter, sufficient for identification, as follows:

- 5.8.1 By publication of the notice in a newspaper of general circulation in the Town of Acton once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the public hearing. The newspaper will send the bill for the advertisement directly to the Applicant and the Applicant shall pay the bill directly to the newspaper.

- 5.8.2 By posting the notice in a conspicuous place in the Acton Town Hall for a period of not less than fourteen days before the day of the public hearing.
- 5.8.3 By mailing the notice, postage prepaid, to all PARTIES IN INTEREST with Accountable Mail (United State Post Office PS Form 3887 – Firm Mailing Book for Accountable Mail) or other proof of mailing. At least 21 days before the day of the public hearing, the APPLICANT shall submit to the Planning Department the letters containing the notice and addressed to each PARTY IN INTEREST. On the letters, the sender shall be identified as the "Town of Acton Planning Board, 472 Main Street, Acton, MA 01720". The letters shall be sealed and ready for mailing. The letters shall be accompanied by one open copy of the notice for the BOARD record and for posting the notice in Town Hall; a duplicate set of empty, open envelopes addressed to each PARTY IN INTEREST, sender as above, for the mailing of the decision notice; and payment to the Town of Acton for the cost of all mailings.

5.9 PLANNING BOARD ACTION on DEFINITIVE PLAN

The action of the BOARD on a definitive plan shall be by vote of a simple majority of the BOARD within 90 days of the date of submission, if the application for approval of the definitive plan was preceded by a preliminary plan in accordance with these RULES. If no such preliminary plan was filed, the BOARD shall act within 135 days from date of submission.

- 5.9.1 The action shall be accompanied by a decision that shall serve as the "Certificate of Action", and copies of said decision shall be certified and filed with the Town Clerk and sent by delivery or by registered mail to the applicant. If the BOARD modifies or disapproves such plan, it shall state in its decision the reasons for its action.
- 5.9.2 Final approval, if granted, shall be endorsed on the original drawing of the definitive plan as amended by the BOARD'S action by the signatures of a majority of the BOARD (or by the signature of the person officially authorized by the BOARD), but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the action with the Town Clerk and said Clerk has notified the BOARD that no appeal has been filed.
- 5.9.2.1 Submission of a plan for endorsement shall include an electronic copy of the final definitive plan on disc or via another commonly used electronic media storage or transmission device in PDF and scalable CADD formats and registered to the Massachusetts State Plane Coordinate System.
- 5.9.3 The BOARD shall include within the Decision, as a condition of its approval, that the BOARD'S approval of the Definitive Plan shall expire within a specified time period from the date of approval unless a final Definitive Plan, in accordance with the Decision, is submitted and endorsed by the BOARD.
- 5.9.3.1 Any request for an extension of the specified time limitation set forth in the Decision shall be made in writing to the BOARD at least thirty days prior to the expiration date. The BOARD reserves its rights to grant or to deny such extension if good cause for such extension is not shown.

SECTION 6

PERFORMANCE GUARANTEE

6.1 TYPES OF PERFORMANCE GUARANTEES

Before endorsement of its approval of a plan, the BOARD shall require that the construction of STREETS and the installation of MUNICIPAL SERVICES be secured by one, or in part by one and in part by another, of the methods described in the following clauses 6.1.1, 6.1.2, 6.1.3 and 6.1.4 which method or combination of methods may be selected and from time to time varied by the applicant:

- 6.1.1 By a RESTRICTIVE COVENANT, executed and duly recorded by the owner of record, running with the land, whereby such STREETS and services shall be provided to serve any LOT before such LOT may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such LOT, subject to that portion of the RESTRICTIVE COVENANT which provides that no LOT shall be built upon until such STREETS and services have been provided to serve such LOT; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such RESTRICTIVE COVENANT, of either the entire parcel of land shown on the SUBDIVISION plan or of all LOTS not previously released by the BOARD. A deed of any part of the SUBDIVISION in violation hereof shall be voidable by the grantee prior to the release of the RESTRICTIVE COVENANT but not later than three years from the date of such deed.
- 6.1.2 By a proper bond, sufficient in the opinion of the BOARD to secure performance of the construction of STREETS and installation of MUNICIPAL SERVICES required for LOTS in the SUBDIVISION shown on the plan.
- 6.1.3 By a deposit of money, negotiable securities, or a letter of credit, sufficient in the opinion of the BOARD to secure performance of the construction of STREETS and the installation of MUNICIPAL SERVICES required for LOTS in the SUBDIVISION shown on the plan. Negotiable securities and letters of credit shall be from an institution which, in the opinion of the TOWN Treasurer, is in sound financial condition.
- 6.1.4 By delivery to the BOARD of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the BOARD and otherwise due the applicant, to secure the construction of STREETS and the installation of MUNICIPAL SERVICES. Unless the lender executing such agreement is considered by the TOWN Treasurer to be in sound financial condition, the BOARD may reject such agreement as insufficient to serve as a performance guarantee. Said agreement shall also provide for a schedule of disbursements which may be made from time to time to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available to the BOARD for completion.

6.2 FORM OF PERFORMANCE GUARANTEES

Performance guarantees shall be filed with the Planning Department and shall be subject to the following requirements:

6.2.1 If performance is guaranteed by means of a RESTRICTIVE COVENANT pursuant to Section 6.1.1, such RESTRICTIVE COVENANT shall be in the form and contain the language as shown in the form entitled Approval with RESTRICTIVE COVENANT (see Appendix A - Form RC), or as otherwise required or approved by the BOARD.

6.2.2 If performance is guaranteed by means of a bond (Section 6.1.2; use Insurance Bond Form in Appendix A), a deposit of money or negotiable securities (Section 6.1.3) or an agreement whereby the construction lender retains loan funds (Section 6.1.4), the performance guarantee shall comply with the following:

6.2.2.1 It shall define the developers' obligation as "the construction of STREETS and WAYS, the installation of MUNICIPAL SERVICES and the construction of certain other improvements for LOTS as shown in the SUBDIVISION plan entitled _____, dated _____, and approved by the BOARD on _____ including without limitation the work described in attached Schedule "A" (Section 6.2.2.6).

6.2.2.2 It shall specify a scheduled completion date on which the construction of the approved SUBDIVISION STREETS and improvements shall be completed by the developer. The BOARD may extend such time as it deems appropriate after receipt of a written request received by the BOARD forty-five (45) days prior to the scheduled date of completion.

6.2.2.3 It shall state that it shall not expire until the BOARD upon request certifies that all road work and improvements have been completed according to the approved plan and that the performance guarantee is released, or, until 45 days have lapsed from the date the BOARD received, by certified mail, a request for such certification and release, whichever comes first.

6.2.2.4 It shall state that it applies in full to all successors of the applicant/developer whose performance is guaranteed.

6.2.2.5 It shall state that the full amount of the guarantee shall be due immediately to the Town of Acton in case of the default of the developer or his/her successor in constructing the STREETS and WAYS, MUNICIPAL SERVICES and other improvements in accordance with the approved SUBDIVISION plan. Default of the developer or successor shall be defined in the performance guarantee as meaning:

- a) failure to complete all improvements as shown on the approved SUBDIVISION plan by the scheduled completion date (as specified in accordance with Section 6.2.2.2), or
- b) bankruptcy of the developer or the foreclosure of any mortgage on all or part of the land of the approved SUBDIVISION before the scheduled completion date, or
- c) notice to the BOARD of the withdrawal or termination of any performance guarantee given hereunder, or of a request to substitute performance guarantee hereunder, prior to the scheduled completion date of the work,

unless it is given 45 days prior to the anticipated date of such withdrawal, termination or substitution, or

- d) any other condition or circumstance that constitutes default, in the opinion of the BOARD.

6.2.2.6 The performance guarantee shall include a detailed scope of work to be completed under the performance guarantee and a schedule of partial and final releases of the performance guarantee, in accordance with Section 6.3 and 6.4. (Schedule A)

6.2.3 The performance guarantee shall not contain any language that contradicts the above stated requirements.

6.2.4 A bond estimate may be requested from the BOARD once prior to the establishment of the performance guarantee and once with each subsequent full or partial bond release. The estimate will remain effective for ninety days. The penal sum of any such bond held under Section 6.1.2 or any deposit held under Section 6.1.3 or any amount of funds retained pursuant to an agreement under Section 6.1.4 shall bear a direct and reasonable relationship to the expected cost necessary to complete the subject work plus a contingency amount of no more than 50% of the expected cost to guard against unexpected costs and the effects of inflation. However, the estimate shall reflect the cost for the town to complete the work as a public works project which may necessitate engineering, inspection, legal and administrative fees, additional staff time and public bidding procedures.

6.3 PARTIAL RELEASES

Prior to final release of a performance guarantee, the BOARD may grant up to two partial releases from the required performance guarantee for partial completion of improvements (or three partial releases in the event the original performance guarantee exceeds the sum of \$1,000,000.00 or 50 LOTS) provided that:

6.3.1 No LOTS shall be released from a RESTRICTIVE COVENANT unless construction of STREETS and WAYS, and installation of MUNICIPAL SERVICES and other improvements in accordance with the approved SUBDIVISION plan for said LOTS has been completed or another form of security has been substituted, sufficient to complete said STREETS and WAYS, MUNICIPAL SERVICES and other improvements. The form entitled Release of LOTS - Certificate of Performance (see Appendix - Form LR-CP), or the form entitled Release of LOTS - Provision of Surety (see Appendix - Form LR-PS) whichever is appropriate, shall be submitted when applying for a partial release of LOTS from a RESTRICTIVE COVENANT.

6.3.2 No reduction in the amount of the performance guarantee shall reduce the performance guarantee to a value below the estimated cost of completing the unfinished portions of the improvements as set forth in 6.2.4.

6.4 FINAL RELEASE

Upon the completion of the construction of STREETS and WAYS, and the installation of MUNICIPAL SERVICES and other improvements in accordance with the approved SUBDIVISION plan, the applicant may request release of the bond, deposit of money or securities, or funds retained by lender by sending a statement of completion and a request for release by registered mail to the Town Clerk and the BOARD.

6.4.1 Such statement shall be accompanied by the following:

6.4.1.1 The as-built plan on disc or via another commonly used electronic media storage or transmission device in PDF and scalable CADD formats and registered to the Massachusetts State Plane Coordinate System, plus two paper copies, all as required in Section 11.7.

6.4.1.2 A written certification by a Registered Land Surveyor indicating that such as-built plan accurately reflects the conditions in the completed SUBDIVISION in compliance with the approved Definitive Plan.

6.4.1.3 A written certification by a registered professional engineer that the STREETS, drainage and utilities conform to the BOARD'S requirements in accordance with the approved Definitive Plan.

6.4.1.4 A written confirmation from the Acton Engineering Department that the binder course was exposed to one winter season (Nov. 15 - April 30) prior to the application of the wearing course, and that the completed STREET and drainage and utility improvements have been exposed to the natural elements and weather conditions during one additional winter season (Nov. 15 - April 30) without substantial damage, or that damage, if incurred, has been repaired to the satisfaction of the Acton Engineering Department.

6.4.1.5 A written certification by a Registered Landscape Architect or Certified Arborist that installation of STREET trees and other plantings required by these RULES and the approved SUBDIVISION plan have been completed satisfactorily, that such plantings have been exposed to one winter season (Nov. 15 - April 30) and that damaged plantings, if incurred, have been replaced to the satisfaction of the Acton Tree Warden.

6.4.1.6 The address of the applicant.

6.4.2 If the BOARD determines that said construction or installation has not been completed in accordance with the approved SUBDIVISION plan, it shall specify in a notice sent to the Town Clerk and, by registered mail, to the applicant, the details wherein said construction or installation fails to comply with the approved SUBDIVISION plan. Upon failure to do so within forty-five days after the receipt by said clerk of the statement requesting release of the Town's interests, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such RESTRICTIVE COVENANT shall become void. In the event that said forty-five day period expires without such specification by the BOARD, or without the release and return of the bond or return of the deposit or release of the RESTRICTIVE COVENANT as aforesaid, the Town Clerk shall, upon request, issue a certificate to such effect, duly acknowledged, which may be recorded.

6.4.3 However, even though all improvements covered by a performance guarantee may have been completed, the BOARD may delay the release of the performance guarantee if completion of construction on any remaining undeveloped or partially developed LOT or LOTS poses a substantial risk of damage to the SUBDIVISION improvements.

SECTION 7

ENDORSEMENT and RECORDING of APPROVED PLAN

7.1 ENDORSEMENT of APPROVED PLAN

The approved definitive SUBDIVISION plan is intended to be used as a contract document for the construction and inspection of the STREETS and utilities within the SUBDIVISION in conformity with these RULES. The approved plan shall also contain the "Record Plan" for purposes of filing with the Registry of Deeds or the Land Court. The following information and form is required for submission of the "Record Plan" for endorsement by the BOARD:

- 7.1.1 The entire approved definitive plan of the SUBDIVISION as amended by the BOARD in its decision of approval.
- 7.1.2 Reference to any required documents such as the vote and decision of the BOARD, RESTRICTIVE COVENANT, EASEMENTS deeded to the Town, conditions of the Board of Health or reference of Board of Health failure to report, etc. shall be inscribed on the "Record Plan" with a note that such documents shall be recorded with the "Record Plan".
- 7.1.3 One copy of the plan shall be submitted drawn in compatible black drawing ink on polyester drafting film or other medium acceptable to the Registry of Deeds or Land Court, and the same in PDF and scalable CADD formats, registered to the Massachusetts State Plane Coordinate System.
- 7.1.4 Following the endorsement of the Plan, the developer shall submit the entire endorsed plan, showing the endorsement signature, in PDF format plus 2 paper copies.

7.2 RECORDING PLANS

The approved "Record Plan", the decision of the BOARD, any RESTRICTIVE COVENANT, and any other supplementary documentation as required by the BOARD shall be recorded by the subdivider or his qualified agent at the Registry of Deeds or the Land Court.

SECTION 8

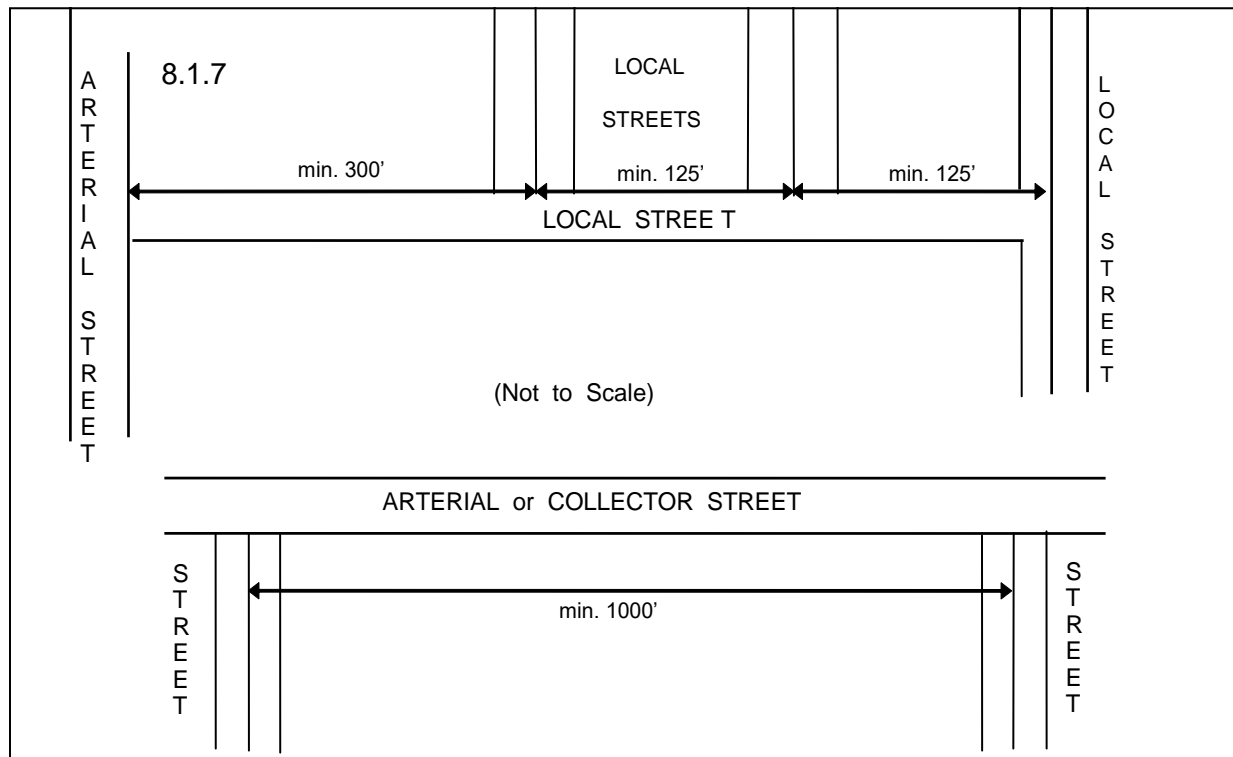
DESIGN STANDARDS

8.1 STREETS

All STREETS in the SUBDIVISION shall be designed so that, in the opinion of the BOARD, they will provide for safe vehicular and pedestrian travel. The design shall comply with these RULES and with the design reference manuals listed in Section 2.5. The BOARD may waive any design requirement or impose additional design requirements if the BOARD finds, based upon the conditions of the site that such waivers or additional requirements are necessary or desirable to provide for safe and convenient vehicular and pedestrian travel.

- 8.1.1 The proposed STREETS shall conform in width and alignment to those shown on the future circulation plan in the Master Plan or the official map if such plan or map is adopted. In general, all STREETS and WAYS shall be laid out to provide for adequate circulation and to maximize connections with existing, proposed and potential future STREETS and WAYS.
- 8.1.2 Provisions shall be made for proper projection of STREETS and WAYS to ensure adequate future access to any adjoining property. If suitable EASEMENTS or other connections from existing STREETS are already established providing potential access to the proposed SUBDIVISION the STREETS and WAYS shall be constructed to connect the proposed SUBDIVISION STREETS via said EASEMENTS and connections. Pavement or other improvements in any turnarounds in existing STREETS which, in the opinion of the BOARD, have been rendered superfluous due to the connection shall be removed.
- 8.1.3 As nearly as practicable SUBDIVISION STREETS shall be contiguous and in alignment with existing STREETS or proposed STREETS on abutting LOTS.
- 8.1.4 The BOARD may require the installation of pedestrian WAYS, bridle PATHS or bicycle PATHS having a ROW of not less than 20 feet in width where deemed necessary to provide adequate circulation or access to schools, playgrounds, parks, shops, transportation, open spaces, other community facilities, and to and between existing, proposed and future developments and neighborhoods.
- 8.1.5 There shall be no reserved strips controlling access to existing or proposed STREETS or adjoining property.
- 8.1.6 The proposed STREETS and WAYS shall compose a system that ensures safe and adequate circulation of vehicular and pedestrian traffic within the proposed SUBDIVISION and in coordination with adjacent STREETS and WAYS. The BOARD may require appropriate and reasonable improvements in adjacent STREETS and WAYS to minimize congestion, to insure safe and adequate access to the proposed SUBDIVISION, and to insure safe and adequate vehicular and pedestrian travel in a coordinated system of STREETS and WAYS in Acton.
- 8.1.7 Adjacent STREET intersections within a network of existing and/or proposed LOCAL STREETS shall have a minimum centerline offset of 125'. Whenever possible, adjacent STREET intersections along an existing and/or proposed ARTERIAL or COLLECTOR STREET shall have a minimum centerline offset of 1000'. An intersection of LOCAL

STREETS adjacent to an intersection with an ARTERIAL STREET shall have a minimum centerline offset of 300' from the ARTERIAL STREET. This section shall not apply to EMERGENCY ACCESS WAYS. All centerline offsets shall be measured between the points where the STREET centerlines intersect.



8.1.8 Where a SUBDIVISION abuts or contains an existing or proposed ARTERIAL STREET and/or COLLECTOR STREET, the BOARD may limit or restrict driveway cuts or curb cuts onto the ARTERIAL and COLLECTOR STREETS and may require SERVICE STREETS or driveway EASEMENTS within the proposed SUBDIVISION to ensure adequate access and the separation of local traffic for LOT access from through traffic. The BOARD may also require a non-access reservation along the ARTERIAL and COLLECTOR STREETS.

8.1.9 Intersections with more than four legs are not permitted.

8.1.10 STREET lines at intersections shall be cut back to provide for sideline radii of not less than 25 feet.

8.1.11 STREETS shall be laid out so as to intersect as nearly as possible at right angles and no STREET shall intersect any other STREET at less than 60 degrees. Curves of STREET sidelines at STREET intersections must have a radius of not less than 25 feet, except where the angle of intersection varies more than 10 degrees from a right angle, in which case the radius of the curve connecting the acute angle may be less and the opposite radius must be correspondingly greater.

8.1.12 The minimum centerline radius shall be as shown in Table I "Horizontal Design Standards".

8.1.13 Sight distances, tangents between reverse curves, ROW widths, grades, transition areas, crest vertical curves, sag vertical curves, stopping sight distances and correction

for stopping distances will be determined by using the following: Table I "Horizontal Design Standards", Table II "Vertical Design Standards" and Table III "Stopping Sight Distances".

8.1.14 Grades of STREETS shall be as shown on Table II "Vertical Design Standards".

8.1.15 STREET right-of-way widths shall be as shown on Table I "Horizontal Design Standards".

8.1.16 DEAD-END STREETS are not permitted.

8.1.17 Residential SINGLE ACCESS STREETS other than DEAD-END STREETS, whether temporary or permanent, shall not be longer than 500 feet. No waiver will be granted unless the following conditions are met, in which case SINGLE ACCESS STREETS can be as long as 1500 feet:

8.1.17.1 Condition 1: The SUBDIVISION is an Open Space Development, a Planned Conservation Residential Community, or a Planned Unit Development as defined in the Acton Zoning Bylaw. In such case, the 500 foot SINGLE ACCESS STREET limit shall not apply to a conceptual plan drawn for the purpose of determining the maximum number of building LOTS as required in the Acton Zoning Bylaw.

8.1.17.2 Condition 2: An open space buffer is provided along that portion of any existing public STREET upon which the proposed SUBDIVISION had frontage as of February 6, 1990. The open space buffer shall have a minimum depth of 300 feet. There shall be no buildings or structures within the open space buffer.

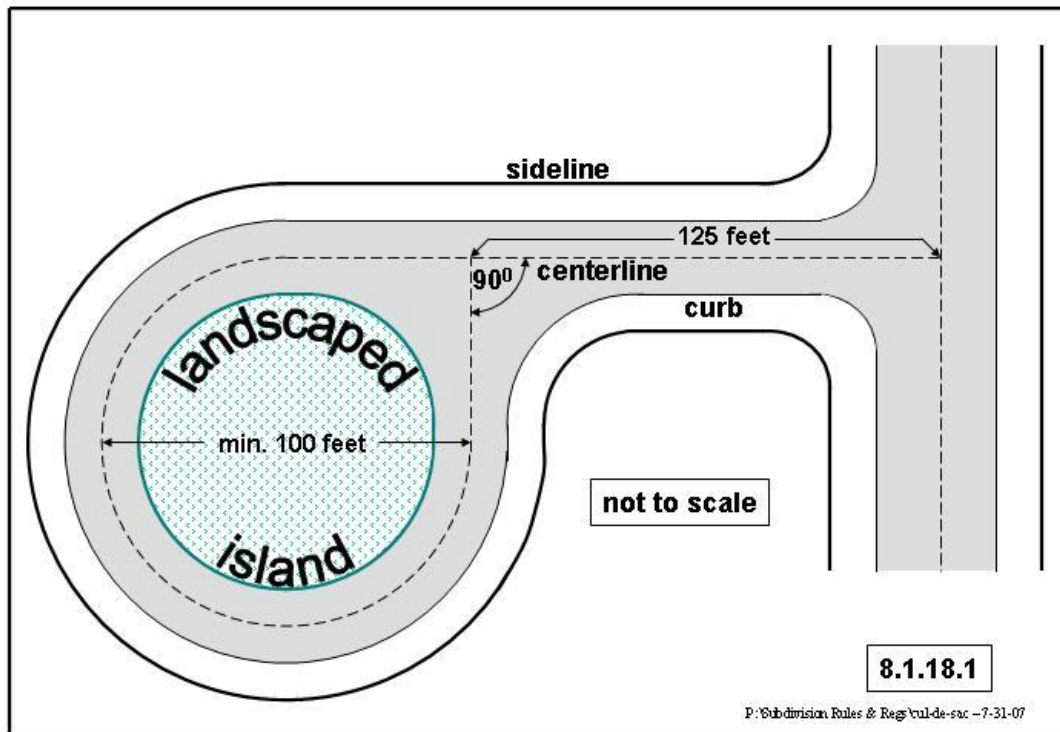
8.1.18 A CUL-DE-SAC STREET turnaround shall be designed in one of the two following ways:

8.1.18.1 A loop turnaround which shall be offset in relation to the STREET to form a 'q' whereby the STREET intersects with itself in a 90 degree angle as shown in the drawing below.

- a) The centerline diameter in the loop turnaround shall be at least 100 feet.
- b) The sideline diameter of the loop turnaround shall be selected to provide a constant shoulder width throughout the entire STREET, except that at the intersection the shoulder width may vary to meet other requirements of these RULES.
- c) There shall be no more than two driveways or common driveways accessing the loop turnaround.
- d) A loop turnaround shall feature a landscaped center island encircled by a sloped granite curb. The topography of the center island shall be convex in shape to prevent pooling of water and shall be landscaped in the following manner:
 - I) Within a distance of 6-8 feet from the edge of the curb the area should be smooth, loamed to a depth of six inches, and planted with perennial turf grasses.
 - II) The balance of the island shall have a highly varied topography and shall be planted with nursery grown stock, planted in accordance with the standard planting detail sheet in the appendix, and shall include a mixture of tall-growing deciduous shade trees and smaller deciduous ornamental trees. The ground surface of this area shall be planted with turf grass,

meadow grass mix or hardy, non-invasive, low-maintenance ground cover. Refer to Section 9.8 and the Standard Planting Detail in Appendix B for further instructions on plantings.

- e) The STREET approaching the loop turnaround shall be a minimum distance of 125 feet measured from the centerline of the intersecting STREET to the centerline of the loop turnaround STREET where it intersects with itself at a 90 degree angle as shown in the drawing below.

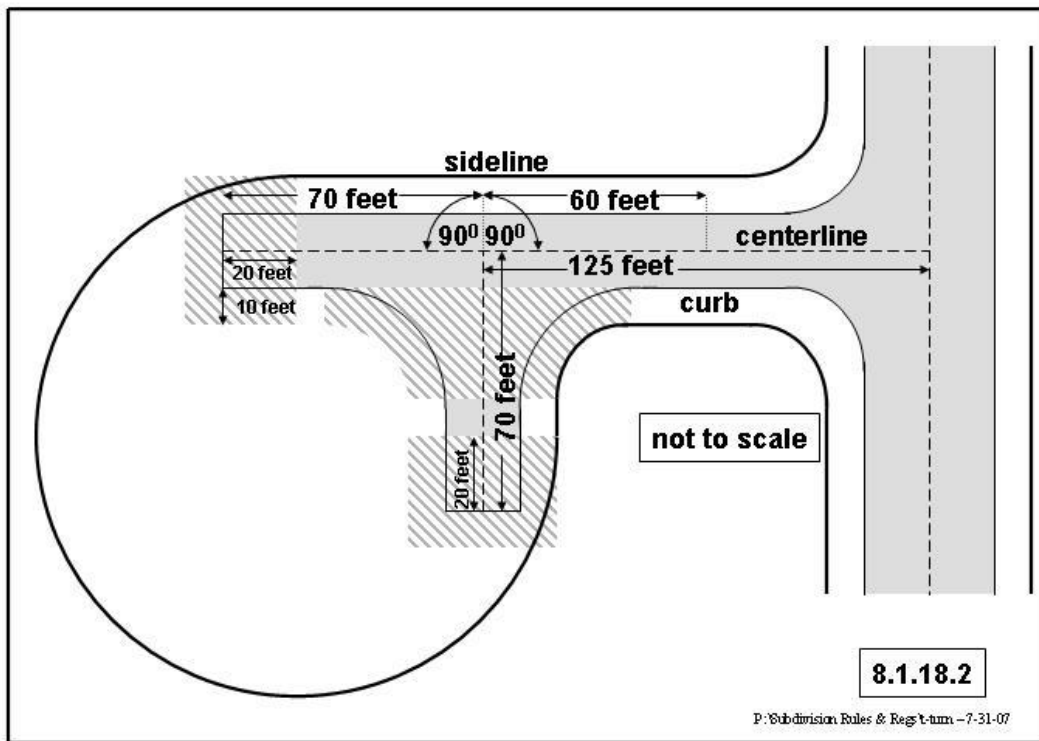


8.1.18.2 Using the same layout as in 8.1.18.1, a T-shaped turnaround as shown in the drawing below.

- a) One leg of the turnaround shall be located to the left of the STREET and positioned perpendicular to the other leg and to the STREET approaching the turnaround.
- b) Pavement of the turnaround legs shall be of the same width as in the remainder of the CUL-DE-SAC STREET.
- c) The turnaround legs shall be straight, and shall be 70 feet long measured along the centerline from the intersection of the legs to the end of pavement.
- d) The STREET approaching the T-shaped turnaround shall be a minimum distance of 125 feet measured from the centerline of the intersecting STREET to the centerline of the turnaround legs intersection as shown in the drawing below.
- e) The STREET approaching the turnaround shall be straight for a minimum distance of 60 feet.
- f) There shall be no driveways or common driveways off the ends of the turnaround legs, within 20 feet from the end of pavement, or in the intersection

roundings. These driveway-restricted areas shall extend for a depth of 10 feet off the pavement edge.

- g) A "No Parking" restriction shall be posted in the turnaround.



8.1.19 There shall be no more than 40 residential dwelling units on a SINGLE ACCESS STREET or series of STREETS having only one terminus onto a THROUGH STREET. To construct more than 40 dwelling units a secondary STREET access shall be provided.

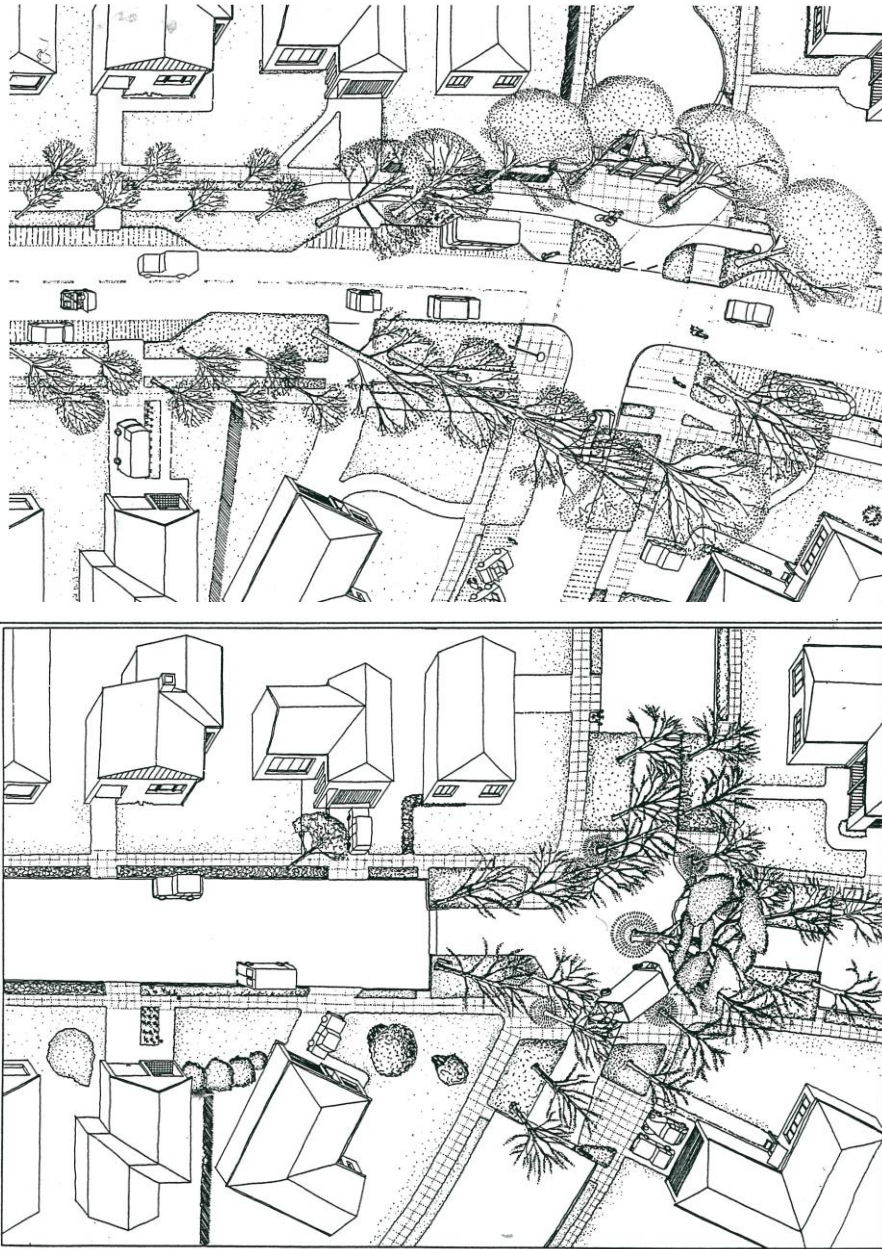
8.1.19.1 Where a proposed residential SUBDIVISION would increase any number of existing dwelling units on an existing SINGLE ACCESS STREET to more than 40 a secondary STREET access shall be provided. If in such cases secondary STREET access is impossible or impractical, the BOARD may require alternate means of access to a THROUGH STREET, improvements on the existing SINGLE ACCESS STREET, improvements within the adjacent STREET network, or combinations of these measures in order to ensure adequate safety and access to all dwellings in the proposed SUBDIVISION. In determining the number of dwelling units in a residential SUBDIVISION, the maximum potential build-out shall be assumed.

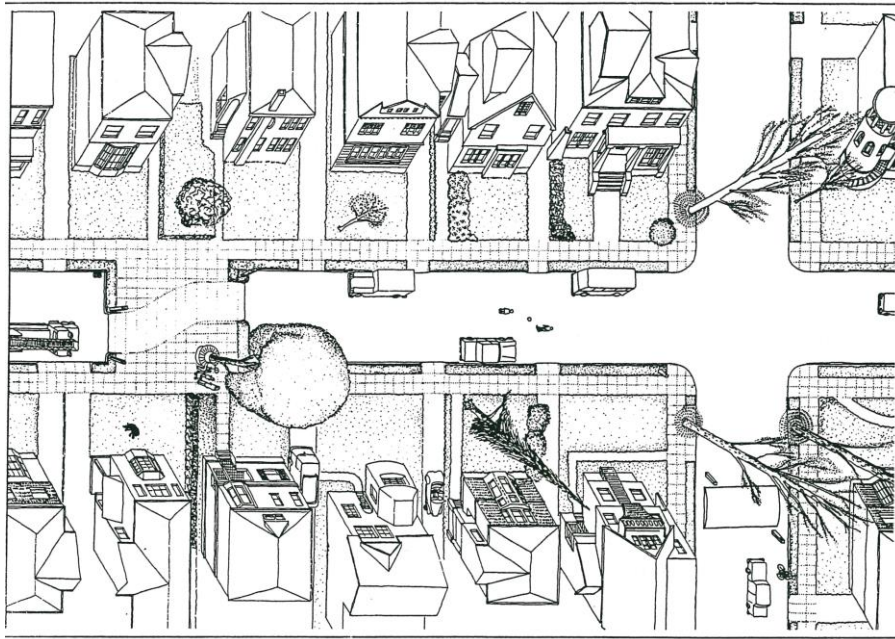
8.1.20 In non-residential SUBDIVISIONS, there shall be no more than 250,000 square feet of floor area on a SINGLE ACCESS STREET or series of STREETS having only one terminus onto a THROUGH STREET. To construct more than 250,000 square feet of floor space, a secondary STREET shall be provided.

8.1.20.1 Where a proposed non-residential SUBDIVISION would increase any number of existing square feet of floor area on a SINGLE ACCESS STREET to more than 250,000 square feet a secondary STREET access shall be provided. If in such cases secondary STREET access is impossible or impractical, the BOARD may require alternate means of access to a THROUGH STREET, improvements on the

existing SINGLE ACCESS STREET, improvements within the adjacent STREET network, or a combination of these measures in order to ensure adequate safety and access to all buildings in the proposed SUBDIVISION. In determining the floor area to be built in a non-residential SUBDIVISION, the maximum potential build-out shall be assumed.

- 8.1.21 In order to enhance safety and to improve the appearance of the STREET environment, the BOARD may require devices and design features such as neck-downs (encroachments on the standard pavement width, see graphics below) at intersections and at mid-block locations, or additional curves or other features that have a proven effectiveness in reducing vehicular speed. Neck-downs shall be landscaped in accordance with Section 9.8 and the Standard Planting Detail in Appendix B using appropriate adjustments to ensure adequate sight distance where necessary in the opinion of the BOARD.





8.1.22 In laying out the SUBDIVISION and in locating STREETS, WAYS, MUNICIPAL SERVICES and other improvements, due regard shall be shown for all natural features, such as large trees, (18 inch diameter or more), water courses, historic sites, and similar community assets, which, if preserved, will add attractiveness and value to the SUBDIVISION.

8.1.23 Whenever possible, STREETS shall be laid out to minimize cutting and filling. If the construction of the STREET would require filling or disruption of a wetland, such filling or disruption shall be made in compliance with the Wetlands Protection Act, MGL Ch. 131, S. 40, any Rules and Regulations issued thereunder, and with any Order of Conditions issued by the Acton Conservation Commission.

8.1.23.1 Filling or disruption of a wetland shall be avoided wherever possible by utilizing alternative upland access over the parcel to be subdivided or over an adjacent parcel which is also owned by the owner of the land to be subdivided either in person or through a separate realty trust or similar form of ownership. Where no such alternative upland access is available, the filling and disruption of wetlands shall be minimized.

8.1.23.2 The BOARD may grant appropriate waivers from these RULES in order to minimize the filling and disruption of wetlands, provided that such waivers are in the public interest to protect wetlands, address the requirements of the Acton Conservation Commission, and are not inconsistent with the purpose and intent of the SUBDIVISION CONTROL LAW.

8.1.24 The subdivider shall give due consideration to the attractiveness of the STREET layout in order to obtain maximum livability and amenities of the SUBDIVISION.

8.1.25 ROADS or roadways in a SUBDIVISION shall not provide access to land in an adjoining town unless there is also adequate access over STREETS in the adjoining town.

8.2 DRAINAGE

- 8.2.1 Adequate drainage shall be designed to take care of the surface and subsurface water of roadway and adjoining land. STREET drainage designs shall be of the type known as a "manhole system". The "manhole system" is one in which the water collected in the catch basins empties into an intermediate manhole in a main drain laid in the STREET as shown on the "Typical STREET Cross Sections as required by the Regulations of the Planning BOARD; Town of Acton, Massachusetts".
- 8.2.2 The main drain shall also have additional manholes installed at points where changes in direction and/or grade make such manholes necessary to ensure an uninterrupted flow of water to its final outlet. If it is felt that a variation or modification of the required drainage system is advisable, then the subdivider shall present such varied or modified design to the BOARD for their adjudication.
- 8.2.2.1 The design shall include the size, quality, and type of pipe; design and size of structures such as catch basins, leaching basins, drop inlets, manholes, etc., the percent of grade and depth at which the pipe is to be laid and the depth of any such structure aforementioned.
- 8.2.2.2 All necessary drains or roadway surface water to be carried across private lands shall be within EASEMENTS obtained by the subdivider and approved by the BOARD.
- 8.2.2.3 At the request of the BOARD a drainage design to eliminate or remove any other water or waters within the SUBDIVISION limits and not designated as roadway or subsurface water, and which is otherwise not taken care of, shall be drawn in a manner approved by the BOARD.
- 8.2.2.4 The rational formula based on a 24-hour period, 25-year expectancy period, shall be used to determine all drainage structures and pipe sizes.
- 8.2.3 The peak rate of storm water runoff from the SUBDIVISION shall not exceed the rate existing prior to the new construction based on a 25-year storm nor shall the total runoff volume for the 100-year event exceed pre-development conditions.

The BOARD may authorize the use of storm water drainage facilities located off the development site and designed to serve one or more LOTS provided it finds that the applicant has retained the rights and powers necessary to assure that the off-site storm water drainage facilities will be properly maintained in good working order.

- 8.2.4 STREET drainage shall not be channeled into a wetland or water body prior to meeting the water quality requirements of the Chapter X General Bylaw and the Rules and Regulations adopted thereunder.

8.3 EROSION and SEDIMENT CONTROL

- 8.3.1 During development and construction, adequate protective measures shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.
- 8.3.2 Land shall be developed in increments of workable size which can be completed during a single construction season. Erosion and sediment control measures shall be coordinated with the sequence of grading, development, and construction operations.

Control measures such as hydroseeding, berms, interceptor ditches, terraces, and sediment traps shall be put into effect prior to the commencement of each increment of the development/construction process.

- 8.3.3 An erosion and sedimentation control plan shall be provided meeting the design standards of the Chapter X General Bylaw and the Rules and Regulations adopted thereunder.

8.3.4 Erosion clean up

A note on the Erosion and Sedimentation Plan shall state that the developer is required to clean up any sand, dirt, or debris which erodes from the SUBDIVISION onto any public STREET or private property, and to remove silt or debris that enters any existing drainage system including catch basin sumps, pipe lines, manholes and ditches.

8.3.5 Velocity Check Dams

Hay bales will be used around the catch basins on the proposed STREETS to protect them from the eroding soils and provide a check dam* to slow the runoff during the construction. The developer shall provide velocity check dams* in all unpaved STREET areas at the intervals indicated below:

<u>Grade of the STREET</u>	<u>Intervals between Check Dams</u>
Less than 4%	100 feet
4% to 10%	50 feet
over 10%	25 feet

The developer shall provide velocity check dams* in all unvegetated or unpaved channels at the intervals indicated below:

<u>Grade of the Channel</u>	<u>Intervals between Check Dams</u>
Less than 3%	100 feet
3% to 6%	50 feet
over 6%	25 feet

* Check dams in unpaved STREETS and unvegetated or unpaved graded channels may be constructed of staked hay bales or other erosion resistant materials approved by the Acton Engineering Department. The check dams shall be installed at the end of each working day, and in the event of rainfall being predicted. The hay bales should be securely staked to prevent overturning, floatation, or displacement. They shall extend completely across the STREET or channel at right angles to the centerline. Also, a velocity check dam shall be provided along the entrance of the LOT to protect the public STREETS and adjacent properties from the hazards of erosion. All check dams shall be cleaned out of all debris and silt periodically.

8.4 SUBDIVISION STANDARDS in the FLOOD PLAIN DISTRICT

Whenever possible, STREETS shall be laid out so that filling or construction within the Flood Plain District established under the Acton Zoning Bylaw will not be required. If any part of a SUBDIVISION is located within the Flood Plain District, the SUBDIVISION shall comply with the following:

- 8.4.1 The design shall be consistent with the need to minimize flood damage.

- 8.4.2 All MUNICIPAL SERVICE installations shall be located and constructed to minimize or eliminate the possibility of flood damage.

- 8.4.3 Adequate drainage systems shall be provided to reduce exposure to flood hazards. The system shall be designed so that the total runoff volume for the 100-year event does not exceed pre-development conditions.
- 8.4.4 Base flood elevations (the level of the 100 year flood) shall be shown on the plan along with one foot contour intervals for the portion located within the Flood Plain District as established under the Acton Zoning Bylaw.

8.5 SUBDIVISION STANDARDS in the GROUNDWATER PROTECTION DISTRICT

- 8.5.1 In Zones 1-3 of the Groundwater Protection District, as defined in the Town of Acton Zoning Bylaw, all drainage from impervious covers associated with STREETS (exclusive of sidewalks) shall, at a minimum, be funneled into gas trap catch basins.
- 8.5.2 In Zones 1-3 of the Groundwater Protection District, the design of the SUBDIVISION STREETS and WAYS shall comply with the water quality requirements of the Groundwater Protection District of the Acton Zoning Bylaw.
- 8.5.3 In Zones 1-3 of the Groundwater Protection District, the design of the SUBDIVISION STREETS and WAYS shall comply with the depth to groundwater requirements of the Groundwater Protection District of the Acton Zoning Bylaw.
- 8.5.4 In Zones 1-4 of the Groundwater Protection District, the amount of annual precipitation being captured and recharged to the groundwater on site shall not be reduced due to development related surface runoff from the site when compared to pre-development conditions. The design of the site shall comply with the water balance requirements of the Groundwater Protection District of the Acton Zoning Bylaw.

8.6 SEWERAGE

Where applicable, sewers shall be designed in accordance with the master sewer plan, or in the absence of such a plan, in accordance with good engineering standards as approved by the Town Engineer and the Board of Health.

8.7 EASEMENTS

- 8.7.1 EASEMENTS for utilities across LOTS or along rear or side LOT lines shall be provided where necessary, and shall be at least 20 feet wide.
- 8.7.2 EASEMENTS for drainage across LOTS, usually along rear or side LOT lines, shall be provided where necessary and shall be at least 20 feet wide. Such EASEMENTS shall be of an adequate width to provide for the construction of such drainage and for the proper maintenance thereof.
- 8.7.3 In order to secure adequate provision for water, sewerage, drainage and other requirements where necessary in the SUBDIVISION, all water courses, drainage courses, channels, streams and other water bodies shall not be obstructed and remain free of debris.
- 8.7.4 All lines of all EASEMENTS shall be calculated and described on the SUBDIVISION plan with a bearing and distance.
- 8.7.5 A 10 foot wide "Utility, Construction and Slope Easement" shall be provided along each side of the STREET, including along each side of any STREET projections to adjoining land.

- 8.7.6 Sight EASEMENTS shall be provided wherever necessary to ensure that minimum stopping sight distances can be maintained.

8.8 OPEN SPACES

Before approval of a SUBDIVISION plan the BOARD may in proper case require the plan to show a park or parks suitably located for playground or recreation purposes and for providing light and air. The park or parks shall not be unreasonable in area in relation to the area of land being subdivided and to the prospective uses of such land. In general such areas should include at least 500 square feet per family of dry, level, accessible land for active recreation. The BOARD shall, by appropriate endorsement on the plan, require that no building may be erected on such park or parks without its approval for a period of not more than three years. (Chapter 41, Section 81-U of the General Laws and any acts in amendment thereof, in addition thereto or in substitution therefor.)

TABLE I		
HORIZONTAL DESIGN STANDARDS		
DESIGN SPEED	less than 25 mph	less than 30 mph
STREET CLASSIFICATION	LOCAL STREET	COLLECTOR STREET
MINIMUM CENTERLINE RADIUS*	110 feet (80 feet**)	175 feet
MINIMUM TANGENT between REVERSE CURVES	50 feet if radius is less than 1,450 feet	100 feet if radius is less than 2,850 feet
WIDTH of RIGHT-OF-WAY	40**-50 feet	50 feet
PAVEMENT WIDTH	20**-24 feet	24-26 feet
* The BOARD may require a larger radius if necessitated by terrain or roadway configuration.		
** For low intensity LOCAL STREETS (see footnote under Table II).		

TABLE II		
VERTICAL DESIGN STANDARDS		
DESIGN SPEED	less than 25 mph	less than 30 mph
STREET CLASSIFICATION	LOCAL STREET	COLLECTOR STREET
MINIMUM GRADE	1%	1%
MAXIMUM GRADE	8% (10%*)	8%
CREST VERTICAL CURVE**	K = 28 (15*)	K = 55
SAG VERTICAL CURVE**	K = 35 (20*)	K = 55
TRANSITION AREAS - MAXIMUM GRADE within 50 FEET of an INTERSECTION:		
INTERSECTING STREET	2%	2%
MAIN STREET	6%	5%
* for low intensity LOCAL STREETS, typical residential SINGLE ACCESS STREETS as permitted in these RULES, and any other LOCAL STREETS where anticipated future traffic does not exceed an average daily traffic volume of 250 vehicles per day (vpd)		
** rounded K (minimum) = <u>length of vertical curve in feet</u> algebraic difference in grades %		

TABLE III		
STOPPING SIGHT DISTANCE		
DESIGN SPEED	less than 25 mph	less than 30 mph
STREET CLASSIFICATION	LOCAL STREET	COLLECTOR STREET
STOPPING SIGHT DISTANCE*:	200 feet	275 feet
CORRECTION FOR STOPPING DISTANCE:		
Decrease for upgrades		
3%	---	10 feet
6%	20 feet	30 feet
9%	30 feet	50 feet
Increase for downgrades		
3%	10 feet	10 feet
6%	20 feet	30 feet
9%	30 feet	50 feet
* The BOARD may require sight EASEMENTS to ensure that the minimum stopping sight distance is provided.		

SECTION 9

IMPROVEMENTS

9.1 STREET AND ROADWAY

- 9.1.1 The construction of all STREETS and WAYS shall comply with the applicable standard cross-section, illustrated in the Design and Construction Standards, Town of Acton (see Appendix). The BOARD may authorize or require changes from these standards as it deems appropriate.
- 9.1.2 The entire area of each STREET or WAY shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.
- 9.1.3 All loam and other yielding material shall be removed from the roadway area of each STREET or WAY and replaced with suitable material. Provisions shall be made for dust control.
- 9.1.4 All roadways shall be brought to finish grade as shown on the profiles of the definitive plan with at least the top 18 inches consisting of three six-inch layers of well-compacted binding gravel one foot wider on each side than required pavement and to be located in the right-of-way, as shown on the appropriate Typical Cross Section.
- 9.1.5 The completed gravel surface shall be treated for the full width of the roadway with 2 inches of Class I, type 1, bituminous concrete pavement applied as a binder course. The binder course shall be exposed to one winter season (Nov. 15 - April 30) prior to the application of the wearing course.
- 9.1.6 The binder course shall be treated for the full width of the roadway with a wearing surface of 1.5 inches of Class I, type 1, bituminous concrete pavement applied in one course. Prior to installation of the wearing surface, the binder shall be swept clean, dried if necessary, and treated with an asphalt emulsion or tack coat to ensure a satisfactory bond between pavement courses. In order to minimize damage to the wearing surface, the wearing course shall not be applied until all construction on LOTS served by the SUBDIVISION STREETS is in the opinion of the BOARD completed or substantially completed.
- 9.1.7 Following the installation of the wearing surface, no excavations shall be permitted in the road surface for a period of five (5) years except in emergency cases. Any such excavation shall be repaired with infrared patching equipment.
- 9.1.8 STREET width, as designated on the definitive plan, shall conform to the "Street Cross Sections" and all STREETS shall be constructed in conformity to the "Design and Construction Standards, Town of Acton", latest edition.
- 9.1.9 No paving may take place after November 15th of any year.
- 9.1.10 Any fill material used shall be free of hazardous materials and free of construction debris. The BOARD may approve recycled crushed pavement or concrete for use in the subsurface during STREET construction, and recycled granite.

9.2 UTILITIES¹

- 9.2.1 Drain pipes, sewer pipes (if applicable) and related equipment, such as manholes and catch basins, shall be constructed in conformity with specifications of the "Standard Specifications for Highways and Bridges", Commonwealth of Massachusetts, 1995, as amended.
- 9.2.2 Adequate disposal of surface water shall be provided. Catch basins and drain manholes shall be built in conformance with the "Standard Specifications for Highways and Bridges", Commonwealth of Massachusetts, on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet, at low points and sags in the roadway and near the corners of the roadway at intersecting STREETS as necessary.
- 9.2.3 Sub-drains, constructed as shown in the Commonwealth of Massachusetts Construction Standards, shall be installed at the edge of the area to be paved when deemed necessary by the BOARD.
- 9.2.4 Open drainage trenches may be used 100 feet or more from the traveled STREET or WAY only in cases of extreme hardship owing to conditions especially affecting the parcel and under the following conditions:
 - 9.2.4.1 Depth shall not be more than four (4) feet below adjacent areas;
 - 9.2.4.2 Sides of trench shall not be steeper than one (1) foot of rise per two (2) feet of horizontal distance;
 - 9.2.4.3 Twenty (20) foot wide calculated EASEMENTS shall be provided with the main channel of flow centered on this EASEMENT.
- 9.2.5 Water pipes and related equipment, such as hydrants and main shut-off valves, shall be constructed to serve all LOTS on each STREET in the SUBDIVISION in conformity with specifications of the Acton Water District (or its successor). Hydrants shall be provided and placed at intervals of not more than 500 feet along each STREET and painted with luminous paint as specified by the Acton Fire Chief. All locations must be shown on the definitive plan and must be approved by the Fire Chief.
- 9.2.6 Water mains within SUBDIVISION limits shall be eight (8) inches in diameter or larger, except as otherwise permitted by the Acton Water District.
- 9.2.7 Sanitary sewers and related equipment if and when required shall be constructed to serve all LOTS on each STREET in the SUBDIVISION in accordance with the Master Sewer Plan and the specifications of the Town of Acton and the Board of Health.
- 9.2.8 Fire call boxes, as well as required connecting lines, shall be constructed to serve the SUBDIVISION in conformity with the specifications of the Fire Department of the Town of Acton. All box locations must be shown on the definitive plan and must be as approved by the Fire Chief.

¹ Contact the Acton Water District - (978) 263-9107 - as early as possible, if a new connection is proposed to the public water supply or if an existing connection requires modifications.

9.2.9 MGL Ch. 82, S.40 as amended, requires that contractors notify public utility companies, in writing, at least 72 hours before digging or excavating on public or private property. One phone call to the Massachusetts Public Utilities Underground Plant Damage Prevention System, called "DIGSAFE", will satisfy the law, the telephone number is 1-888-344-7233. This is to permit the companies to cooperate in protecting underground cables and mains from accidental damage.

9.2.10 All utility lines shall be installed underground, design and location must be approved by each pertinent utility company.

9.3 MONUMENTS

9.3.1 Monuments shall be installed at all STREET intersections, at all points of change in direction or curvature of STREETS, and at the center point of CUL-DE-SAC STREET turnarounds. Such monuments shall be of granite six (6) inches square by four (4) feet long and shall be set flush with the finished grade. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

9.3.1.1 The centerline of all STREETS shall be monumented at all points of curvature and tangency and at the centerline intersection of intersecting STREETS using magnetized masonry nails in the final course of pavement.

9.3.2 The BOARD shall require a certificate by a registered land surveyor to be obtained at the subdivider's expense, indicating that these permanent monuments are in place and are accurately located, including evidence that the bound traverse had a ratio "error of closure" of 1:15,000 or better.

9.3.2.1 The certificate is to be submitted to the Town Engineer prior to acceptance of the road by the Town (see Appendix - Form CB).

9.4 DRIVEWAYS

When a driveway meets the edge of the traveled STREET it shall conform to the "Typical Driveway and Trench Detail" of the Town of Acton and the "Specifications for Regulating Construction Within Public Ways" adopted by the Board of Selectmen in 1982, as amended.

9.5 CURBS

9.5.1 A continuous, low-profile, modified Cape Cod berm shall be provided as an integral part of all new STREETS. The BOARD may require alternate curb materials depending on local conditions and the location and purpose of the curb.

9.5.2 Sloped granite curbs, type SA as defined in section M9.04.2 of the Mass. Standard Specifications for Highways and Bridges shall be required as follows: at intersections with existing STREETS and at intersections within the SUBDIVISION for the distance of the arcs of the intersection radii plus a straight section at each end of the arc at least eight (8) feet in length; surrounding any islands or chokers within the STREET including landscaped islands in loop turnarounds of CUL-DE-SAC STREETS; throughout the T-shape turnaround of a CUL-DE-SAC STREET except for the straight curb line on the right side.

9.5.3 Curb radii at intersections and in turnarounds shall be sufficiently large to allow for the turning of SU-30 design vehicles (typical size of fire engines and school buses). In

determining the adequacy of a radius a turn shall be possible without obstructing oncoming traffic. Generally, curb radii in residential LOCAL STREETS shall not be larger than necessary to accommodate SU-30 vehicles in order to avoid excess pavement and excess crossing distances for pedestrians. In non-residential LOCAL STREETS and in COLLECTOR or ARTERIAL STREETS, where regular large truck (WB-50 design vehicle) traffic can be expected, the BOARD may require curb radii to accommodate WB-50 vehicles. In intersections and turnarounds, curb radii may be dimensioned independently from any required sideline radii.

9.6 SIDEWALKS, PEDESTRIAN WAYS, CROSS WALKS and BICYCLE PATHS

- 9.6.1 To provide for safe pedestrian travel, sidewalks shall be required in all SUBDIVISIONS in accordance with the following schedule:

LOCAL STREET	Sidewalk required on one side of traveled STREET only.
COLLECTOR STREET	Sidewalk required on both sides of traveled STREET
ARTERIAL STREET	Sidewalks required on both sides of traveled STREET.

- 9.6.2 A sidewalk shall be required along that portion of any existing public STREET upon which the SUBDIVISION has frontage.
- 9.6.3 In general, sidewalks shall be constructed within the STREET layout. The sidewalks shall be a minimum of five (5) feet in width and constructed in accordance with the requirements of the Massachusetts Architectural Access Board, the typical structural cross section (see Appendix) and with Sections 701.20, 701.40, 701.60, 701.62 of the Commonwealth of Massachusetts "Standard Specifications for Highways and Bridges", unless the BOARD authorizes different design to respond to local topography or other circumstances. Sidewalks should be designed around public shade trees and may meander around streetside utilities and equipment such as hydrants, mailboxes, utility poles, etc., if necessary. On ARTERIAL and COLLECTOR STREETS, where possible, a green strip shall be provided between the edge of pavement and the sidewalk to separate pedestrians from vehicular traffic.
- 9.6.4 Sidewalks, walk WAYS and bicycle PATHS shall consist of six (6) inches of bank run gravel (or equivalent) covered with three (3) inches of processed grading gravel. The gravel base shall be covered with a wearing surface of 2.5 inches of Class I, Type I, bituminous concrete applied in two courses.
- 9.6.5 Walk WAYS and bicycle PATHS shall be required where appropriate to improve circulation and connections with existing, proposed and potential future STREETS and WAYS.
- 9.6.6 Bicycle PATHS shall be constructed to a minimum width of ten (10) feet.
- 9.6.7 Handicapped ramps shall be installed at all cross walks and driveways in accordance with the requirements of the Massachusetts Architectural Access Board. In the location of crosswalks or bicycle PATH crossings the BOARD may require a reduction in the standard pavement width in order to shorten the crossing distance, and a raised pavement to reduce vehicle speed.

9.7 STREET SIGNS

- 9.7.1 STREET signs shall be erected at all intersections and shall identify the names of all intersecting STREETS. These signs shall be of the same type now existing in the town

and shall meet the specifications of the Acton Highway Department. They shall be erected prior to the construction of the first house on the STREET.

9.7.2 From the time of rough grading until such time as each STREET is accepted by the Town as a public STREET, the sign posts at the intersection of such STREET with any other STREET shall have affixed thereto a sign designating such STREET as a private STREET.

9.7.3 STREET sign posts shall be seated in concrete.

9.8 TREES and OTHER VEGETATION

9.8.1 Deciduous shade STREET trees shall be planted on LOTS approximately 10 feet from the STREET sideline where trees are lacking. Species and locations shall be subject to approval by the Acton Tree Warden. Trees shall be planted at not more than 50 foot intervals.

9.8.2 Trees shall be a minimum of ten (10) feet in height, with a caliper size of two (2) inches and shall be nursery grown stock.

9.8.3 All planting materials shall comply with the American Standard for Nursery Stock, ANSI Z260.1-2004, as amended.

9.8.4 Low maintenance and disease resistant species shall be selected that do not require watering or fertilizers following the care after initial planting.

9.8.5 Species shall be selected that are suitable for their intended location and service.

9.8.6 No species shall be selected that are on the Massachusetts Prohibited Plant List.

9.8.7 All cut and fill slopes within or contiguous to the STREET right-of-way shall be planted with suitable, well-rooted, low growing plant materials as determined by the BOARD. Wood chips, mulch, seeding or sodding shall be used to eliminate erosion. The BOARD may require alternative measures for slopes equal to or greater than 3:1.

9.8.8 All cleared areas of the STREET right-of-way, not to be planted with ground cover, and all disturbed area within public EASEMENTS, shall be loamed with not less than six (6) inches compacted depth of good quality loam and seeded with turf grass seed in accordance with good planting practice, including application of lime and fertilizer. Such areas shall be raked smoothly to allow mowing without equipment damage.

9.8.9 For guidance on planting species selections refer to *"Planting and Maintaining Sustainable Landscapes: A Guide for Public Officials and the Green Industry"*, Barnstable County and University of Massachusetts Extension, 2008. (Available at UMass Extension Bookstore, Slobody Bldg., 101 University Drive – Ste. A4, Amherst, MA 01002-2385; 413-545-2717; umassextensionbookstore.com).

9.8.10 The planting of trees and shrubs shall be executed in accordance with the standard planting detail sheet in Appendix B.

9.8.11 Where it is feasible to preserve existing trees in cut or fill areas, tree walls or tree wells shall be installed as depicted in the Typical Tree Wall Plan in Appendix B. A tree wall shall not be installed closer to the tree trunk than the existing drip line of the tree

9.9 EXISTING ADJACENT STREETS and WAYS

In order to ensure vehicular and pedestrian safety the BOARD will consider the adequacy of STREETS and WAYS adjacent to or providing access to a proposed SUBDIVISION. It is the BOARD'S intent that a proposed SUBDIVISION does not overly strain the capacity of existing or planned STREETS and WAYS so as to result in traffic congestion and safety problems.

- 9.9.1 When, in the opinion of the BOARD, a SUBDIVISION is deemed to have a detrimental effect on existing or proposed STREETS, WAYS and intersections or where a SUBDIVISION borders on an existing but inadequately constructed STREET or WAY, the BOARD may require appropriate and reasonable improvements in STREETS and WAYS bordering or providing access to the SUBDIVISION to minimize congestion and to insure safe and adequate vehicular and pedestrian travel in a coordinated system of STREETS and WAYS.
- 9.9.2 Improvements that the BOARD may require in adjacent and nearby STREETS and WAYS shall include, but shall not be limited to, grade adjustments and realignments of horizontal and vertical curves, corrections of drainage deficiencies, improvements of bridges and culverts, widenings and additions of travel lanes, installation of traffic control signage and traffic signals, and construction of sidewalks and bikeways.
- 9.9.3 A traffic impact study will be required with all preliminary plan submissions where deemed necessary by the BOARD, but in any case where the proposed or potential uses, in the opinion of the BOARD, will be likely to produce an additional 30 trip ends per peak hour (AM, PM or weekend, whichever is highest) or an average of 400 additional trip ends per weekday based on the most recent edition of the Institute of Transportation Engineers' (ITE) publication "Trip Generation".
 - 9.9.3.1 If the proposed or potential uses are not listed in said publication, the BOARD may approve the use of trip generation rates for another listed use that is similar, in terms of traffic generation, to the proposed or potential uses. If no such use is sufficiently similar, a detailed traffic generation estimate, along with the methodology used, shall be prepared by a person or firm who is a member of the ITE and has documented experience and qualifications in traffic planning and traffic engineering, and shall be submitted to the BOARD.
- 9.9.4 To avoid lengthy delays in the processing of the definitive plan submission, the applicant shall consult with the BOARD or its designee during the preliminary plan review to determine whether a traffic study will be required.
 - 9.9.4.1 If a traffic impact study is deemed necessary, it shall be prepared by a person or firm who is a member of the ITE and has documented experience and qualifications in traffic planning and traffic engineering, and it shall examine the following:
 - 9.9.4.2 Existing Traffic Conditions including STREET geometries, traffic volumes, safety, delays and levels of service for adjacent STREETS, WAYS and intersections potentially affected by the proposed SUBDIVISION.
 - 9.9.4.3 Future Traffic Conditions including trip generation, trip distribution, volume to capacity ratios, and levels of service for adjacent STREETS, WAYS and intersections affected by the proposed SUBDIVISION and for the proposed

STREETS, WAYS and intersections, at the time of completion and 5 years beyond anticipated completion taking into account background growth projections.

- a) Approach and departure route assignments shall be based on existing traffic patterns, minimum time paths and market studies.
- b) Trip generation for the proposed or potential uses shall be based on ITE Trip Generation (latest edition) averages and must include weekday AM, weekday PM, and weekend peak hour trips, as well as average weekday daily trips.
- c) Any anticipated reduction in trips due to special characteristics of the SUBDIVISION (i.e. mixture of uses, internal capture) must be fully explained and documented.
- d) Sight distances for turning movements to and from the SUBDIVISION and within the SUBDIVISION must be analyzed using AASHTO standards.
- e) The adequacy of vehicular queuing storage at the SUBDIVISION entrance shall be demonstrated.
- f) The impact and mechanics of any proposed phasing shall be outlined.

9.9.4.4 Mitigation Measures that could be taken to reduce the impacts of the proposed SUBDIVISION and their estimated costs.

- a) These should include demand management strategies (i.e. staggered work hours, car and van pooling, facilities for pedestrians and bicyclists) and capacity enhancements (i.e. lane additions, signalization).
- b) The study shall take into account any improvements that may be planned by the Town of Acton or the State within the study area.

SECTION 10

OPTIONAL RESIDENTIAL COMPOUND PLAN

- 10.1 The purpose of this rule is to permit small-scale residential SUBDIVISIONS (hereinafter called a Residential Compound) in a manner which minimizes Town maintenance responsibility and cost, while simultaneously preserving the rural character of the Town.
- 10.1.1 The BOARD may waive compliance with some or all of the design and improvement requirements of Section 8 and 9, where such action is in the public interest and not inconsistent with the intent and purposes of the SUBDIVISION CONTROL LAW and where the following conditions are met:
- 10.1.1.1 A Residential Compound shall contain not more than five (5) LOTS which may only be used for single family dwellings and associated and accessory uses and structures as permitted under the Acton Zoning Bylaw.
 - 10.1.1.2 All dimensional requirements applicable to the zoning district in which the land is located shall be complied with.
 - 10.1.1.3 Each building LOT shall have the frontage required by the zoning bylaw on a public STREET, or on a private STREET within the Residential Compound which provides all present and future owners of LOTS within the Residential Compound adequate and legally enforceable rights of access to a public STREET.
 - 10.1.1.4 An operations and maintenance plan shall be submitted for the drainage system. Drainage systems shall be minimal maintenance and where appropriate, a Low Impact Development (LID) low maintenance design, stamped and certified by a registered engineer that it complies with LID strategies, that includes some redundancy and extra capacity, is simple to design, and functions in the winter months.
 - 10.1.1.5 Assurances through deed restrictions or otherwise shall be given that the Town will not be requested to accept or maintain the private STREETS, drainage systems, open space, or any other improvements within the Residential Compound for which design or improvement requirements contained in Section 8 and 9 of these RULES have been waived, and that the land within the Residential Compound shall only be used for the purposes set forth in the developer's proposed Definitive Plan.
 - 10.1.1.6 The approved Definitive SUBDIVISION Plan of a Residential Compound shall contain conditions that:
 - a) there shall be no further division of the tract or LOTS contained therein;
 - b) development of the land is permitted only in accordance with the land uses indicated thereon;
 - c) the covenants of the developer regarding ownership, maintenance and utilization of STREETS, EASEMENTS, and drainage systems, continue to be complied with.

- 10.1.1.7 The covenants or other written assurances regarding ownership, operation, maintenance, and utilization of the STREET, EASEMENTS, and drainage systems, as required by the BOARD, shall be recorded prior to or simultaneously with the recording of the approved Definitive Plan.
- 10.1.2 Every application for a Residential Compound shall contain a proof plan at the same scale as the proposed Residential Compound plan that demonstrates that a STREET and LOTS can be designed in compliance with the requirements of Section 8 and 9 of these RULES, the dimensional requirements applicable to the zoning district in which the land is located, and other applicable laws.
- 10.1.3 As a general rule, the design and construction standards set forth in the Rules and Regulations for Common Driveway Special Permits, as amended, shall be applied to Residential Compounds.
- 10.1.4 Two copies plus one original mylar of an as-built plan shall be submitted at the conclusion of construction. The as-built plan shall be drawn at a legible scale (1 inch = 20', 40' or 50'); certified by a registered professional engineer and a land surveyor; and show pavement, drainage, utilities, and any other items to demonstrate the SUBDIVISION was built according to the approved plan.

SECTION 11

ADMINISTRATION

11.1 WAIVERS OF RULES AND REGULATIONS

Strict compliance with the requirements of these RULES may be waived when, in the judgment of the BOARD, such action is in the public interest and not inconsistent with the intent and purpose of the SUBDIVISION CONTROL LAW.

11.2 EARTH REMOVAL

11.2.1 Where earth removal is associated with the construction of SUBDIVISION STREETS and drainage, the developer shall provide the following information:

11.2.1.1 Amount of earth to be removed;

11.2.1.2 Proposed disposition of such earth.

11.2.1.3 Method of removal, including the means proposed to prevent erosion and sedimentation and to protect adjacent areas.

11.2.1.4 In Zones 1 - 3 of the Groundwater Protection District, the design of the SUBDIVISION ROAD shall comply with the depth to groundwater requirements of the Groundwater Protection District of the Acton Zoning Bylaws.

11.2.2 The BOARD may prescribe conditions of operation. Such conditions will become part of the SUBDIVISION approval.

11.3 MANDATORY NOTICE PRIOR TO COMMENCEMENT OF CONSTRUCTION WORK

Written notice shall be sent by certified mail to the BOARD advising the BOARD that construction within an approved SUBDIVISION shall commence not sooner than seven (7) days from the date that such notice is mailed to the BOARD. Such notice shall be signed by the applicant, subdivider, developer, or other authorized representative of the record owner of the SUBDIVISION.

11.4 INSPECTION

The BOARD will provide inspection by an authorized inspector of all construction phases in an approved SUBDIVISION to ensure full compliance with the RULES and the SUBDIVISION approval. This inspector shall not authorize any changes from these regulations or from the approved record plan for the SUBDIVISION without specific approval of the BOARD except as follows:

11.4.1 The Town Engineer may, with the confirmation by the Planning Director, authorize minor field changes that are in compliance with the RULES in matters related to drainage, erosion and sediment control, grading, utilities, monuments, and the safety of motorists, bicyclist, and pedestrians. The Town Engineer may decide in his/her discretion when field changes are not minor, or he/she may reject a requested field change. If the field change is rejected or deemed to be not minor, the subdivider may request a review by the BOARD at its next regular meeting. The BOARD shall respond by approving or disapproving the change within 15 days of the meeting at which it is submitted. If the

BOARD does not approve, the original plan will remain in effect and the subdivider will be required to reconstruct in accordance with the original plan.

- 11.4.2 Changes in matters not listed in the previous paragraph, shall always require the BOARD'S approval. The BOARD may decide in its discretion whether such changes warrant a public hearing or not. Changes affecting the layout of STREETS and LOTS that require the recording of a revised SUBDIVISION plan with the Registry of Deeds or the Land Court are all subject to the modification procedures in M.G.L. Ch. 41, S. 81-U and section 5 of the RULES, including a public hearing.
- 11.4.3 At the time the field change is requested, a "red-lined" plan (2 copies) shall be submitted to the Town Engineer, stamped by a Professional Engineer, with an explanation of the reason(s) for the requested change.
- 11.4.4 If the field change is approved, the Town Engineer and the Planning Director shall sign both copies of the "red-line" plan, file one copy and return the other to the subdivider. The Town Engineer shall inform the subdivider if the requested field change has been disapproved.
- 11.4.5 When deemed necessary the Town Engineer or the BOARD may require a properly revised SUBDIVISION plan showing the change in addition to the "red-lined" plan.
- 11.4.6 The inspector will inspect the work in progress during reasonable hours as he will see fit. But, in any case it will be the subdivider's responsibility to request his inspection at the following progress steps:
 - 11.4.6.1 After excavation and/or filling has been completed but before the gravel placement operation is started.
 - 11.4.6.2 After drainage system (pipe, manholes, catch basins and other drainage structures) is installed, but before it is covered. Inspector shall enter each catch basin to sight drainage pipe runs to adjacent basins. Any defective runs shall be corrected before approval is given.
 - 11.4.6.3 After surface gravel is in and compacted, but before bituminous concrete pavement is applied. Inspector shall also inspect pipe runs from catch basins as above.
 - 11.4.6.4 After bituminous concrete and curbing, if required, are installed.
 - 11.4.6.5 Before acceptance by the Town of Acton at an Annual or Special Town Meeting.
 - 11.4.6.6 At other specific times deemed necessary by the BOARD.
 - 11.4.6.7 Inspections of all plantings of trees and other vegetation are carried out by the Tree Warden or his designee. Prior to such inspection taking place, the subdivider shall submit a letter, stamped and signed by a Registered Landscape Architect or Certified Arborist, stating that the plantings were installed with commonly accepted industry practice, that they comply with the American Standard for Nursery Stock (ANSI Z60.1-2004), that they are healthy, and that actual plantings are consistent with the landscape planting plan for the SUBDIVISION and these RULES.

- 11.4.6.8 Inspections of the water system, including the placement of hydrants, valves etc. is normally carried out by the Acton Water District (or its successor). Duplicate inspections by an Inspector as designated by the BOARD will not normally be required.
- 11.4.6.9 The subdivider shall give 48 hours notice to the Town Engineer whenever an inspection is indicated.
- 11.4.6.10 The subdivider must furnish all data relative to baselines and grade stakes on the ground, stake sheets, ties and any other information which is needed in the opinion of the BOARD or those designated by the BOARD to accomplish such checking as is required for the requested approval and certification.
- 11.4.6.11 Failure of the subdivider to notify the BOARD as required herein shall result in the BOARD requiring any work not inspected as a result of such failure to be exposed in order that the proper inspection may be made.

11.5 TOWN BYLAWS

The subdivider should acquaint himself with the bylaws and regulations of the Town of Acton and the regulations of the Acton Water District which affect the SUBDIVISION. The particular bylaws which are to be considered are:

- 11.5.1 The Zoning Bylaw of the Town of Acton, as amended.
- 11.5.2 The Earth Removal Bylaw, as amended.
- 11.5.3 Sewage Disposal Rules and Regulations, as amended.
- 11.5.4 Regulations of the Acton Water District.
- 11.5.5 Plumbing Rules and Regulations.
- 11.5.6 Wetlands Protection Bylaw.

11.6 COMPLETION WITHIN EIGHT YEARS

The BOARD may impose as a condition of its approval of a definitive plan that the construction of all STREETS and all installation of MUNICIPAL SERVICES shown on the plan be completed within eight (8) years of the date of approval. If the construction and installation is not completed within the eight year period, the approval shall automatically lapse and no STREET shall be laid out, constructed or opened for public use unless and until a new Definitive Plan application has been filed in accordance with the RULES then in effect and the new plan has been approved by the BOARD.

11.7 ACCEPTANCE OF STREETS

When a ROAD or STREET in a SUBDIVISION has been completed in a manner fulfilling the requirements of the BOARD and there are no outstanding performance guarantees remaining in effect that were required as security to ensure completion of improvements within the SUBDIVISION, the subdivider may request the BOARD to inspect the ROAD in order to give a recommendation to the Board of Selectmen who will consider the question of laying out said STREET or ROAD under MGL Ch. 82. STREET acceptances within a SUBDIVISION are the financial and legal responsibility of the subdivider.

11.7.1 The BOARD shall require submission of the following information at least one hundred and eighty (180) days prior to Annual Town Meeting before making a recommendation to the Board of Selectmen. Except as otherwise notes all submissions shall be made in electronic PDF format:

- 11.7.1.1 Two copies of the as-built plan of the ROAD or STREET at a scale of 40 feet to the inch at size 24" x 36", plus a copy on disc or via another commonly used electronic media storage or transmission device in PDF and scalable CADD formats and registered to the Massachusetts State Plane Coordinate System. Said plan shall include a centerline profile (4 feet per inch on the vertical scale and 40 feet per inch on the horizontal scale) taken at 50 foot intervals along the STREET (25 foot intervals at vertical curves) as it has been completed, and shall show:
- a) All utilities, public and private, above and below grade, shall be shown on the plan as they exist.
 - b) The "as built" plan shall show the monuments (ROAD bounds) with the dates they were set and the traverse and fixed points on the SUBDIVISION perimeter used to establish the bound locations, all with bearings, distances or coordinate values sufficient to re-establish these points.
 - c) All elevations shall refer to the National Geodetic Vertical Datum (NGVD) of 1929.
- 11.7.1.2 A signed letter from the registered engineer certifying that all work, as required by the RULES and the approved SUBDIVISION plan, has been completed.
- 11.7.1.3 A signed certificate by a registered land surveyor indicating that all permanent monuments are in place and are accurately located, including evidence that the bound traverse had a ratio "error of closure" of 1:15,000 or better. Use Form CB - Certification of Bounds (see Appendix).
- 11.7.1.4 The legal description in electronic WORD format by metes and bounds of each ROAD and EASEMENT considered for acceptance by the Town.
- 11.7.1.5 The proposed deed in electronic WORD format conveying the fee in the STREET plus the associated EASEMENTS to the Town, and legal evidence that the fee in the STREET has not been inadvertently conveyed to abutting LOT owners.
- 11.7.1.6 The proposed article for the Town Meeting warrant in electronic WORD format generally describing the location and length of the ROAD or STREET to be considered for acceptance by the Town.
- 11.7.1.7 Written certification by the Acton Water District that the water supply system has been approved by the Acton Water District.
- 11.7.1.8 Written certification by the Acton Fire Department that the fire alarm system and fire hydrants have been approved by the Fire Department.
- 11.7.1.9 The plan shall be accompanied by a letter from the registered landscape architect certifying that installation of STREET trees and plantings, as required by the RULES and the approved SUBDIVISION plan, has been completed.

- 11.7.1.10 Written certification by the Acton Engineering Department that the binder course was exposed to one winter season (Nov. 15 - April 30) prior to the application of the wearing course, and that all SUBDIVISION improvements have been exposed to one winter season (Nov. 15 - April 30) without substantial damage, or that damage, if incurred, has been repaired to the satisfaction of the Acton Engineering Department.
- 11.7.1.11 Certificate of Compliance with conditions imposed on the parcel(s) contained within the SUBDIVISION by the Conservation Commission under MGL Ch. 131, S.40 and the Acton Wetlands Protection Bylaw, as applicable.
- 11.7.1.12 Copy of recorded deed(s) and other instruments for any Common Land or public open space, park or other such parcels contained within the SUBDIVISION.
- 11.7.1.13 Written evidence from the Town Treasurer that all property taxes owed to the Town for land contained within the SUBDIVISION owned by the applicant or by the original developer, or his/her successors in interest have been paid to the Town.

11.8 ENFORCEMENT

No building permit shall be issued for the construction of any building or structure located on a LOT subdivided or sold in violation of the provision of these RULES.

No building permit shall be issued for the construction of any building or structure on a LOT within the SUBDIVISION until the applicant has provided evidence to the Building Commissioner of the recording with the Registry of Deeds (or filing with the Land Court, as the case may be) of the BOARD'S decision granting approval of the definitive plan and of all deeds, EASEMENTS, covenants and LOT releases pertinent thereto, and of the definitive plan.

11.9 AMENDMENTS

The BOARD may, from time to time, amend these RULES by appropriate action taken at a public hearing, as provided by the MGL Ch.41, S. 81Q, as amended.

11.10 VALIDITY

If any provision or provisions of these RULES are finally adjudged invalid by a court of competent jurisdiction, such action shall not affect the validity of any other provision nor of the RULES as a whole.

SECTION 12

APPENDICES

This Section consists of the following:

Appendix A which contains forms, application forms, and other such materials. These forms and other materials are used by the BOARD in the orderly and reasonable administration of its duties under the SUBDIVISION CONTROL LAW and are included herein as a convenience to the applicant. Appendix A may, from time to time, be added to or diminished in number by the BOARD without a public hearing, and any item now or hereafter a part of Appendix A may be modified, amended or changed, also without a public hearing.

and

Appendix B which contains illustrations, details, and charts, pertaining to the design standards and required improvements for SUBDIVISIONS.

and

Appendix C, SUBDIVISION Fee Schedule. This fee schedule is adopted by the Board of Selectmen under authority of MGL, Ch. 40, S. 22F. It is not part of these RULES.

Appendix A

FORM ANR -	Application for Endorsement of Plan Believed Not to Require Approval
FORM PP -	Application for Approval of Preliminary Plan
FORM DP -	Application for Approval of Definitive Plan
FORM DIR -	Development Impact Report
FORM CLA -	Certified List of PARTIES IN INTEREST
FORM DP-LN -	Legal Notice
FORM DC -	Designer's Certificate
FORM CB -	Certification of Bounds
FORM RC -	Restrictive Covenant
FORM IB -	Insurance Bond
FORM LR-PS -	Release of Lots – Provision of Surety
FORM LR-CP -	Release of Lots – Certificate of Performance

ACTON PLANNING BOARD

FORM ANR

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

The undersigned, believing that the accompanying plan of his property in the Town of Acton does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

(Please type or print information in blanks below.)

1. Name of Applicant(s) _____
Contact Address _____ Phone _____
2. Name of Property Owner(s) _____
Contact Address _____ Phone _____
3. Name of Registered Land Surveyor _____
Address _____ Phone _____
4. Deed of property recorded in Middlesex South Registry of Deeds, Book Number _____;
Page Number _____; and/or registered in Middlesex Registry of Land Court, Certificate of
Title Number _____.
5. Zoning District _____, Town Atlas Map No. _____ Parcel No. _____.
Total Acreage of Land Divided _____
Location and Description of Property _____
_____.
6. Board of Appeals decisions pertaining to land or buildings (attach copy of decision)
_____.
7. Reason plan does not constitute a subdivision _____
_____.

Signature of Applicant _____

Date _____

Signature of Owner _____

Date _____

PLANNING BOARD APPROVAL under the SUBDIVISION CONTROL LAW NOT REQUIRED

Signed _____ for the Acton Planning Board

Date _____.

ACTON PLANNING BOARD

FORM PP

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Acton for Approval under the suggested procedure in the Rules and Regulations Governing the Subdivision of Land in the Town of Acton, Massachusetts.

(Please type or print information in blanks below.)

1. Name of Proposed Subdivision_____
2. Name of Applicant(s)_____
Address_____Phone_____
3. Name of Property Owner(s)_____
Address_____Phone_____
4. Name of Engineer_____
Address_____Phone_____
5. Name of Land Surveyor_____
Address_____Phone_____
6. Deed of property recorded in the Middlesex South Registry of Deeds Book Number_____,
Page Number_____and/or registered in the Middlesex Registry of Land Court, Certificate
of Title Number_____.
7. Zoning District_____Map No.(s)_____Parcel No.(s)_____
8. Approximate acreage in subdivision_____Number of lots_____
9. Total length of road(s) in linear feet_____
10. Location and Description of property_____

11. Are there any existing public shade trees along the site? Yes No

Signature of Applicant, Date

Signature of Applicant, Date

Signature of Owner, Date

Signature of Owner, Date

ALL owners (in case of a corporation, an authorized officer; in the case of a trust, ALL trustees) must sign.

ACTON PLANNING BOARD

FORM DP

APPLICATION for APPROVAL of DEFINITIVE PLAN

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Acton for Approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in the Town of Acton.

(Please type or print information in blanks below.)

1. Name of Proposed Subdivision _____
2. Name of Applicant(s) _____
Contact Address _____ Phone _____
3. Name of Property Owner(s) _____
4. Name of Engineer _____
Address _____ Phone _____
5. Name of Land Surveyor _____
Address _____ Phone _____
6. Deed of property recorded in Middlesex South Registry Of Deeds, Book Number _____,
Page Number _____; and/or registered in Middlesex Registry of Land Court, Certificate of
Title Number _____.
7. Zoning District _____, Town Atlas Map No. _____ Parcel No. _____
Approximate acreage in subdivision _____, Number of Lots _____
Total length of road(s) in feet _____
Location and Description of Property _____

8. Said plan has () / has not () evolved from a preliminary plan submitted to the Board on
_____ 20 ____; and approved (with modifications) () or disapproved () on _____ 20 ____.

9. Are there any existing public shade trees along the site? Yes No

Applicant(s) Signature, Date

Applicant(s) Signature, Date

Owner(s) Signature, Date

Owner(s) Signature, Date

All owners (in the case of a corporation, an authorized officer; in the case of a trust, all trustees) must sign.

DEVELOPMENT IMPACT REPORT

The Development Impact Report (DIR) is intended to serve as a guide to the applicant in formulating the development proposal, as well as a guide to the Planning Board in its evaluation of the proposed development in the context of existing conditions and planning efforts by the Town. The DIR should be prepared as early in the development process as possible, even if certain aspects are unknown at that time. It is recommended that the various aspects of the DIR, together with a conceptual development plan, are discussed with the Planning Department staff as soon as possible, prior to the filing of an application for approval of a preliminary plan.

The DIR seeks to raise the broad range of issues generally associated with development plans in a form and in a language that is understandable to a layperson. It assesses development impacts which could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information which will help the Town plan ahead and ensure adequate services in the future. It is the hope of the Planning Board that the use of the DIR, along with early consultations with the Planning Department staff and the applicant's continuing cooperation throughout the development process, will foster a development of excellent quality and design sensitive to Acton's natural and historic heritage and other community concerns.

The DIR shall be filed with an application for approval of a preliminary and a definitive subdivision plan. The DIR shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment. In preparing the DIR, professionals of the respective fields shall be consulted and a systematic, interdisciplinary approach shall be utilized which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning, designing and engineering of the proposed project.

DEVELOPMENT IMPACT REPORT

Please type or print information in blanks below.

1. Name of Proposed Subdivision _____
2. Location _____
3. Name of Applicant(s) _____
4. Brief Description of the Proposed Project _____

5. Name of Individual Preparing this DIR _____
Address _____ Business Phone _____

6. Professional Credentials _____

A. **Site Description**

7. Present permitted and actual land uses by percentage of the site.

<i>Uses</i>	<i>Percentage</i>
Industrial	
Commercial	
Residential	
Forest	
Agricultural	
Other (specify)	

8. Total acreage on the site: _____ acres.

<i>Approximate Acreage</i>	<i>At Present</i>	<i>After Completion</i>
Meadow or Brushland (non agriculture)		
Forested		
Agricultural (includes orchards, cropland, pasture)		
Wetland		
Water Surface Area		
Flood Plain		
Unvegetated (rock, earth, or fill)		
Roads, buildings and other impervious surfaces		
Other (indicate type)		

9. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *Note: be sure to include overlay zoning districts.*

District	Percentage

10. Predominant soil type(s) on the site: _____

Soil drainage (Use the US Natural Resources Conservation Service's definition)

Soil Type	% of the Site
Well drained	
Moderately well drained	
Poorly drained	

11. Are there bedrock outcroppings on the site? ____yes ____no

12. Approximate percentage of proposed site with slopes between:

Slope	% of the Site
0-10%	
10 - 15%	
greater than 15%	

13. In which of the Groundwater Protection Districts in the site located? How close is the site to a public well? Zone(s) _____ Proximity to a public well: _____ feet

14. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (Consult with the Massachusetts National Heritage Program and the Acton Natural Resources Director). ____yes ____no

If yes, specify: _____

15. Are there any unusual or unique features on the site such as trees larger than 30 inches D.B.H., bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formation or granite bridges?

____yes ____no

If yes, specify: _____

16. Are there any established foot paths running through the site or railroad right of ways?

____yes ____no

If yes, specify: _____

17. Is the site presently used by the community or neighborhood as an open space or recreation area?
____yes ____no

Is the site adjacent to conservation land or a recreation area? ____yes ____no

If yes, specify: _____

18. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? ____yes ____no

If yes, specify: _____

19. Are there wetlands, lakes, ponds, streams, or rivers within or contiguous to the site?

____yes ____no

If yes, specify: _____

20. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? ____yes ____no

If yes, specify: _____

21. Has the site ever been used for the disposal of hazardous waste? Has a 21E Study been conducted for the site? ____yes ____no

If yes, specify results: _____

22. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? ____yes ____no

If yes, specify _____

23. Does the project contain any buildings or sites of historic or archaeological significance? (Consult with the Acton Historic Commission or the Action Historical Society.)

____yes ____no

If yes, please describe _____

24. Is the project contiguous to or does it contain a building in a local historic district or national register district? ____yes ____no

25. Is the project contiguous to any section of the Isaac Davis Trail? ___yes ___ no

If yes, please describe _____

B. Circulation System

26. What is the average weekday traffic and peak hour traffic volumes generated by the proposed subdivision?

Average weekday traffic	
Average peak hour volumes morning	
Average peak hour volumes evening	

27. Existing street(s) providing access to proposed subdivision:

Name _____ Town Classification _____

28. Existing intersection(s): list intersections located within 1000 feet of any access to the proposed development:

Name of ways _____

29. Location of existing sidewalks within 1000 feet of the proposed site? _____

30. Location of proposed sidewalks and their connection to existing sidewalks:

31. Are there parcels of undeveloped land adjacent to the proposed site? ___yes ___ no

Will access to these undeveloped parcels be provided within the proposed site?

___yes ___ no

If yes, please describe _____

If no, please explain why _____

C. Utilities and Municipal Services¹

32. If dwelling units are to be constructed, what is the total number of bedrooms proposed?

33. If the proposed use of the site is nonresidential, what will the site be specifically used for and how many feet of Gross floor area will be constructed? _____

34. How will sewage be handled? _____

¹ Contact the Acton Water District - (978) 263-9107 - as early as possible, if a new connection is proposed to the public water supply or if an existing connection requires modifications.

35. Storm Drainage

- a. Describe nature, location and surface water body receiving current surface water of the site:

- b. Describe the proposed storm drainage system and how it will be altered by the proposed development:_____

- c. Will a NPDES Permit be required? ___yes ___ no

36. In the event of fire, estimate the response time of the fire department (consult with Fire Dept.)

37. Schools (if residential)

- a. Projected number of new school age children:_____

- b. Distance to nearest school:_____

D. Measures to Mitigate Impacts

Attach brief descriptions of the measures that will be taken to:

38. Prevent surface water contamination.

39. Prevent groundwater contamination.

40. Maximize groundwater recharge.

41. Prevent erosion and sedimentation.

42. Maintain slope stability.

43. Design the project to conserve energy.

44. Preserve wildlife habitat.

45. Preserve wetlands.

46. Ensure compatibility with the surrounding land uses.

47. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment rate of runoff for the 10-year storm event.

48. Preserve historically significant structures and features on the site.

49. To mitigate the impact of the traffic generated by the development.

Please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, graphics shall be used. List sources of data, reference materials, and methodology used to determine all conclusions. Use additional sheets as necessary.

ACTON PLANNING BOARD

FORM DC

DESIGNER'S CERTIFICATE

I hereby certify that the accompanying plan entitled _____
_____ dated _____

is correct, stating that the perimeter traverse of the subdivision before adjustment was closed to
an accuracy of a ratio "error of closure" not to exceed 1/15000*; that it is a subdivision of _____
acres conveyed by _____ to
_____ by a deed, dated
_____ and recorded in Middlesex County Registry of Deeds, South District,
Book _____, Page _____.

Other sources of information used in the preparation of the plan are:

1. Other deeds and plans, as follows _____

2. Oral information furnished by _____

3. Other _____

Furthermore, I certify that this survey was made on the ground in accordance with the "Procedural and
Technical Standards for the Practice of Land Surveying", Section 250 CMR** 5.0 between
_____ and _____.
(date) (date)

(Seal of Surveyor)

Signed _____
Registered Land Surveyor Date

Address _____

Registration No. _____

*As described in the "1989 Manual of Instructions for the Survey of Lands and Preparation of Plans"
published by the Land Court of the Commonwealth of Massachusetts, as most recently amended.

** Code of Massachusetts Regulations

ACTON PLANNING BOARD

FORM CB

CERTIFICATION OF BOUNDS

I hereby certify that permanent monuments have been accurately installed on

_____ (street)

and are located as described and shown on the "As Built" plan, dated _____

of said roadway submitted to the Planning Board, Town of Acton, Massachusetts as required by

the Acton Subdivision Rules and Regulations.

Furthermore, I certify that the bound traverses had a ratio "error of closure" not to exceed 1/15000*

and that these bounds have been set in accordance with the "Procedural and Technical Standards

for the Practice of Land Surveying", Section 250 CMR** 5.0 between _____

(Date)

and _____.

(Date)

Seal of Surveyor

Signed _____

Registered Land Surveyor

Date _____

Address _____

— Registration Number

* As described in the "1989 Manual of Instructions for the Survey of Lands and Preparation of Plans" published by the Land Court of the Commonwealth of Massachusetts, as most recently amended.

** Code of Massachusetts Regulations

ACTON PLANNING BOARD

FORM RC

RESTRICTIVE COVENANT

In consideration of the approval by the Planning Board of the Town of Acton, Massachusetts (hereinafter referred to as the Board), of a plan of land located in Acton, Middlesex County, Massachusetts entitled _____, dated _____, revised _____, by _____, approved by the Board on _____ and the waiver by the Board of a bond or other security for the construction of the ways and the installation of certain services shown on said plan, in compliance with the Town of Acton, Massachusetts (the "Town") Subdivision Rules and Regulations, last amended _____;

_____,
(the "Developer"), having its usual place of business in _____, its successors and assigns, hereby covenant and agree with the Board and the Town as follows:

1. The undersigned Developer is the owner in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of said land, except for those described below, and that the present holders of said mortgages have assented to this covenant prior to its execution by the Developer.
2. The Developer shall not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the following:
 - a) The Subdivision Control Law and the Acton Planning Board's Rules and Regulations governing this subdivision.
 - b) The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated _____.
 - c) The definitive plan as approved and as qualified by the certificate of approval.
 - d) Other document(s), namely:

3. However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or built upon until ways and services have been provided to serve such lot.
4. The Developer will expeditiously and diligently proceed to construct the ways shown on the aforesaid plan and in the event that the Board concludes, in its sole discretion, that the Developer is not so constructing such ways, the Developer shall provide additional security other than this covenant sufficient in the Board's opinion for the construction and completion of such ways and services as shown on the aforesaid plan or for a portion thereof. Such additional securities shall comply with the requirements of the Town's Subdivision Rules and Regulations, provided, however, that the Board shall determine the date by which the work, for which additional security must be posted, shall be completed.

5. This covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the Developer and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
6. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
7. Particular lots within the subdivision shall be released from this covenant upon the recording of a certificate of performance executed by the Planning Board and enumerating the specific lots to be released.
8. The Developer agrees to record this covenant with the Middlesex County Registry of Deeds, forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
9. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed.
10. This covenant shall be executed before endorsement of the approval of the definitive plan by the Planning Board and shall take effect upon such endorsement.
11. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before _____, the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be approved by the Planning Board, shall constitute reason for rescission by the Board of the approval of the plan.
12. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.
13. The land included in the subdivision is encumbered by and subject to the following mortgages which, however, are subordinated to this covenant:
 - a) Mortgage granted by the Developer to _____, dated _____, and recorded with the Middlesex South Registry of Deeds at Book _____, Page _____, and the Middlesex Registry of the Land Court as Document No _____, and
 - b) Other mortgages:

IN WITNESS WHEREOF, the mortgage holder(s) assents to this covenant and agrees to subordinate said mortgage(s) to this covenant, signed under seal as of the _____ day of _____, 20____.

FIRST MORTGAGE HOLDER _____

By _____

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 20____

Then personally appeared the above named _____, and acknowledged the foregoing instrument to be his/her/its free act and deed and the free act and deed of _____, before me.

Notary Public
My commission expires: _____

SECOND MORTGAGE HOLDER _____

By _____

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 20____

Then personally appeared the above named _____, and acknowledged the foregoing instrument to be his/her/its free act and deed and the free act and deed of _____, before me.

Notary Public
My commission expires: _____

IN WITNESS WHEREOF, the Developer(s) has executed this Restrictive Covenant under seal as of the _____ day of _____, 20____.

DEVELOPER(S)

By _____

By _____

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 20____

Then personally appeared the above named _____, and acknowledged the foregoing instrument to be his/her/its free act and deed and the free act and deed of _____, before me.

Notary Public
My commission expires:_____

Approved and accepted by the Acton Planning Board:

Date: _____

ACTON PLANNING BOARD

**FORM IB
INSURANCE BOND**

Bond No.: _____

**PERFORMANCE BOND SECURED BY
A SURETY COMPANY**

_____, 20____
Acton, Massachusetts

AGREEMENT made this date between the Town of Acton, MA, a Massachusetts municipal corporation acting through its Planning Board ("the Obligee"), _____ (insert name, and street & mailing address of builder/developer) ("the Principal"), and _____ (insert insurance company name), duly authorized to conduct business in the Commonwealth of Massachusetts and having a usual place of business at _____ (insert insurance company street and mailing address) ("the Surety") to secure the construction of streets and ways, the installation of municipal services, and the construction of certain other improvements within Two (2) years from the date hereof (the "Completion Date") for lots as shown on the subdivision plan entitled: " _____ (insert subdivision plan title) ", consisting of _____ (insert number of pages/sheets) _____ sheets, last revised on _____ (insert last revision date), endorsed by the Planning Board on _____ (insert plan endorsement date) ("the Approved Plan"). Said plan is recorded at the Middlesex South District Registry of Deeds as Plan No. ____ of _____.

KNOW ALL PERSONS BY THESE PRESENTS that the Principal and the Surety hereby bind and obligate themselves jointly and severally, their executors, administrators, devisees, heirs, successors and assigns to the Obligee with this Performance Bond in the sum of _____ (insert penal sum in words) (\$____,____.____) to be used to insure the performance and completion by the Principal on or before the Completion Date of all improvements, covenants, conditions, agreements, terms, and provisions shown and contained in the following:

1. The Approved Plan;
2. The Planning Board's Certificate of Approval, Decision #____, dated _____, 20__;
3. Including, but not limited to the items listed in the Town's Engineering Department bond calculation for _____ (insert subdivision & street name), dated _____, 20__;

This Performance Bond shall not expire until the Obligee upon request has certified that the Principal has performed and completed all road work, improvements and obligations according to the aforesaid documents, or the Obligee has accepted another method of securing performance as provided in Massachusetts General Laws c.41, §81U.

Upon the Obligee's certification that the Principal has completed all obligations as specified herein by the above completion date, or such later date as the Obligee may approve upon a written request by the Principal and the Surety made at least 45 days prior to the Completion Date, the Obligee shall release its interest in this Performance Bond.

In the event that the Principal fails to complete all obligations as specified herein, the full amount of this Performance Bond shall be due immediately to the Obligee. Failure by the Principal to complete all obligations set forth herein shall be defined as follows:

- a) Failure to complete all improvements as specified herein by the Completion Date, or
- b) Bankruptcy of the Principal or the foreclosure of any mortgage on all or part of the land shown on the Approved Plan before the scheduled completion date, or
- c) Notice to the Obligee of the withdrawal or termination of this Performance Bond, or of its substitution with another method of securing performance, unless such notice is given 45 days prior to the date of withdrawal, termination or substitution, or
- d) Any other condition or circumstance, which in the opinion of the Obligee constitutes the Principal's default under this Performance Bond.

Any amendments to this Performance Bond shall not take effect unless agreed upon in writing by all parties to this Agreement.

IN WITNESS WHEREOF, this instrument has been executed by the duly authorized representatives of the Principal, the Surety, and the Obligee.

Signed, sealed, and dated: _____, 20__.

(Signature for Principal)

(Signature for Surety)

| _____
~~Rolland Bartl, AICP, Town Planning Director~~ or
for the Obligee

Attachments: Power of Attorney for Person signing on behalf of Surety
Financial Statement by Surety
Surety's license to operate in the Commonwealth of Massachusetts

ACTON PLANNING BOARD

FORM LR-PS

RELEASE OF LOTS

PROVISION OF SURETY

_____, 20____

The Planning Board of the Town of Acton, Massachusetts, hereby certifies that sufficient surety, in the opinion of said Board, has been provided for the cost of the completion of the ways and certain services necessary to provide access and services to certain lots, hereinafter designated, in accordance with the provisions of the Restrictive Agreement dated_____, 20____ and recorded in the Middlesex South District Registry of Deeds, Book _____, Page _____, or registered in the Middlesex South District Land Registry, as Document No. _____, Page _____ Plan No. _____ of 20____, or registered in said Land Registry District in Plan Book _____, Plan _____ and said lots are hereby released from the restrictions as to sale and building specified in the Restrictive Agreement.

Lots designated on said Plan, released hereunder_____.

Approved by the Acton Planning Board

By:_____

Date_____

ACTON PLANNING BOARD

FORM LR-CP

RELEASE OF LOTS

CERTIFICATE OF PERFORMANCE

_____, 20____

The Planning Board of the Town of Acton, Massachusetts hereby certifies that the requirement for work on the ground called for by the Restrictive Agreement dated _____, and recorded in the Middlesex South District Registry of Deeds, Book _____, Page _____ have been completed to the satisfaction of the Planning Board as to the following designated lots shown on a Plan entitled _____ dated _____, recorded with said Registry of Deeds, Plan Book _____, Page _____, and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said Plan, released hereunder: _____

Planning Board of the Town of Acton, Massachusetts

By: _____

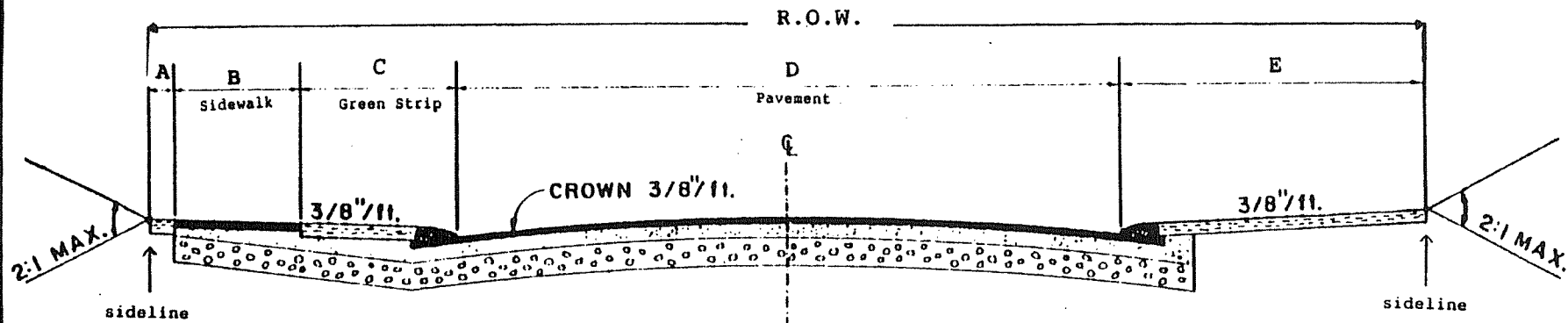
Date _____

Appendix B

DESIGN AND CONSTRUCTION STANDARDS FOR SUBDIVISIONS

• Typical Roadway Section	R-1
• Typical Utility Section	R-2
• Typical Block Manhole	D-1
• Typical Block Catchbasin	D-2
• Typical Leaching Basin	D-3
• Typical Headwall Section	D-4
• Typical Combination Headwall	D-5
• Typical Flared Concrete Pipe Ends	D-6
• Typical Subdrain Section	D-7
• Typical Waterway Sections	D-8
• Standard Planting Detail	P-1
• Typical Tree Wall Detail	P-2

TYPICAL STRUCTURAL SECTION FOR NEW STREETS



STANDARD WIDTHS (1)

		R.O.W.	A (3)	B	C	D (4)	E (3)
LOCAL STREET	low intensity (2)	40'	1'	5'	4'	20'	10'
	other	50'	3' (4')	5'	5'	24' (22')	13' (14')
						C	B A
COLLECTOR STREET		50'	2' (3')	5'	5'	26' (24')	5' 5' 2' (3')

Notes: (1) The BOARD may authorize or require variations from a standard width. Turning lanes, traffic islands, medians and provisions for on street parking may be required which necessitate greater R.O.W. and/or pavement widths. ARTERIAL STREETS also require additional R.O.W. and pavement width.

(2) These are typically residential SINGLE ACCESS STREETS as permitted in these RULES, and any other LOCAL STREETS where anticipated future traffic does not exceed an average daily traffic volume of 250 vehicles per day (vpd).

(3) Shoulders A and E should remain constant wherever possible.

(4) Centerline of pavement should equal the R.O.W. centerline wherever possible.

ROADWAY STRUCTURAL SECTION

3.5" BITUMINOUS CONCRETE TYPE I
2" Binder Course
1.5" Wearing Course

6" PROCESSED GRAVEL

12" SURFACING GRAVEL

SIDEWALK STRUCTURAL SECTION

2.5" BITUMINOUS CONCRETE TYPE I
applied in two courses

3" PROCESSED GRAVEL

6" BANK RUN GRAVEL (OR EQUIVALENT)

SHOULDERS (ALL OTHER AREAS)

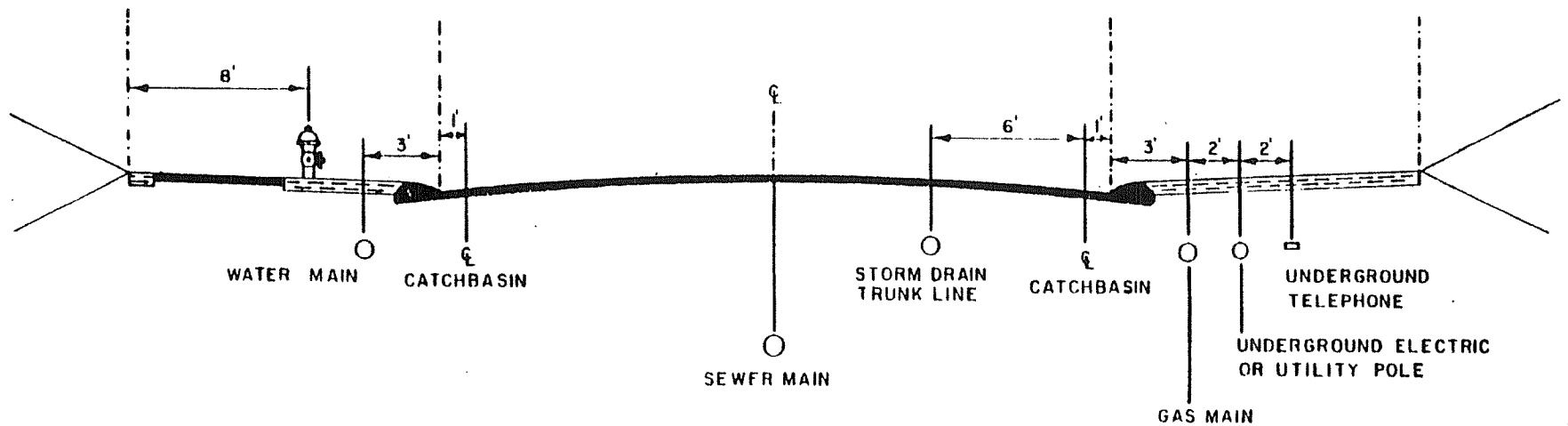
6" MIN. LOAM & SEED

TOWN OF ACTON
TYPICAL ROADWAY SECTION
ENGINEERING DEPT.

SCALE: NONE

SEPT, 1973

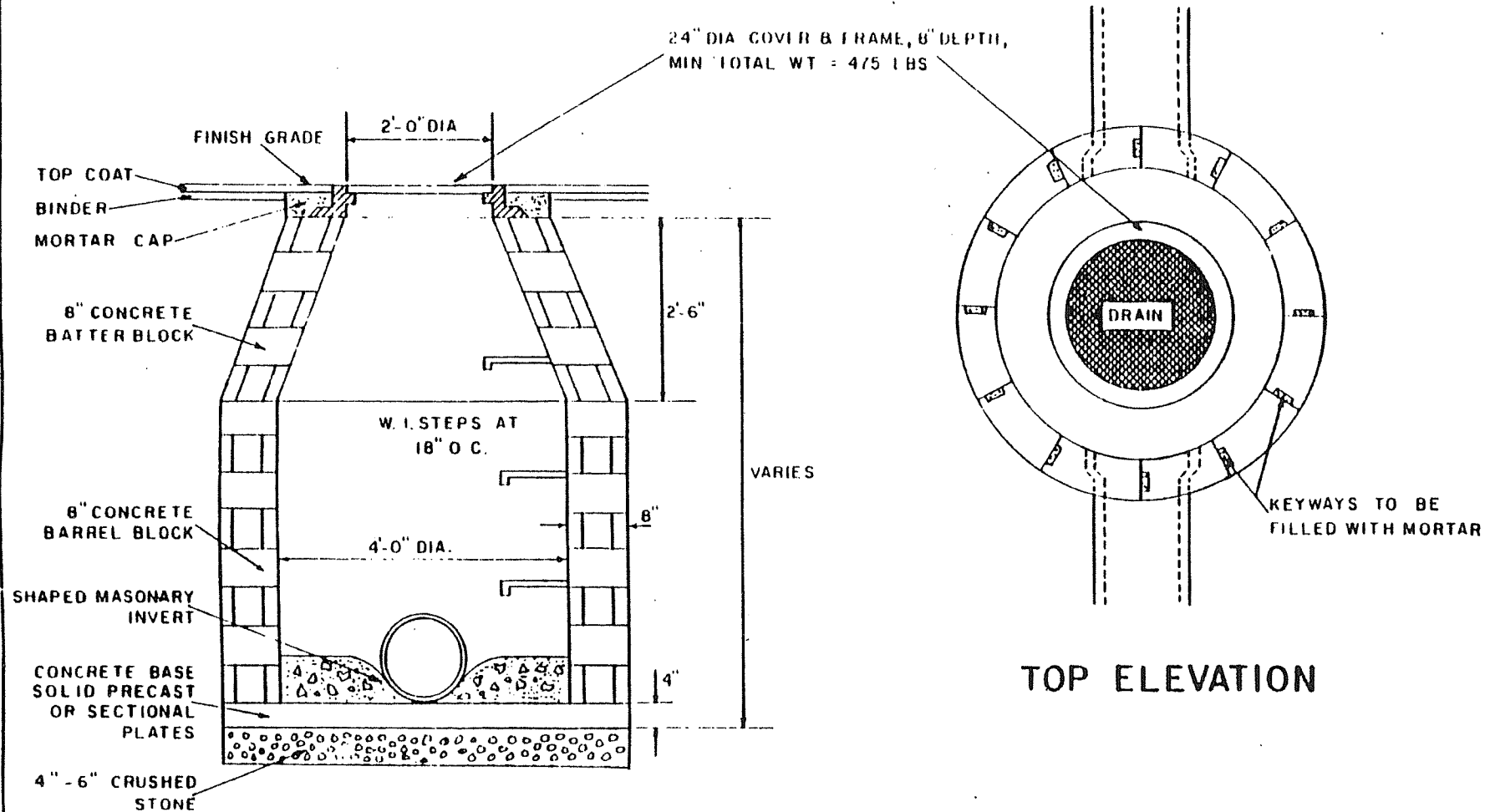
TYPICAL UTILITY SECTION



UTILITY	COVER
STORM DRAIN AND CROSS DRAIN (MIN 12" R.C.P.)	2'
GAS MAIN	2'-6"
UNDERGROUND ELECTRIC AND TELEPHONE CONDUITS	2'-6"
WATER MAIN	4'-6"
SEWER MAIN	6'-6"

TOWN OF ACTON
TYPICAL UTILITY SECTION
ENGINEERING DEPT.
SCALE: NONE OCT, 1974

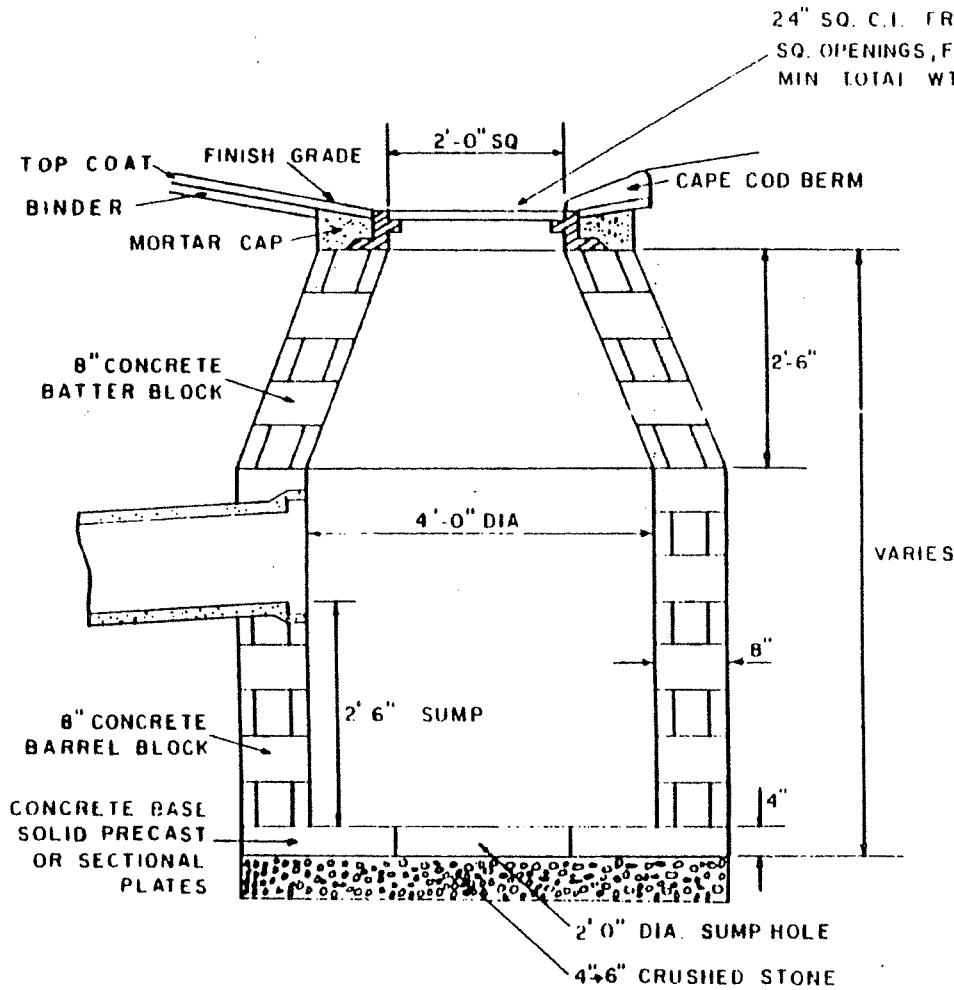
TYPICAL BLOCK MANHOLE



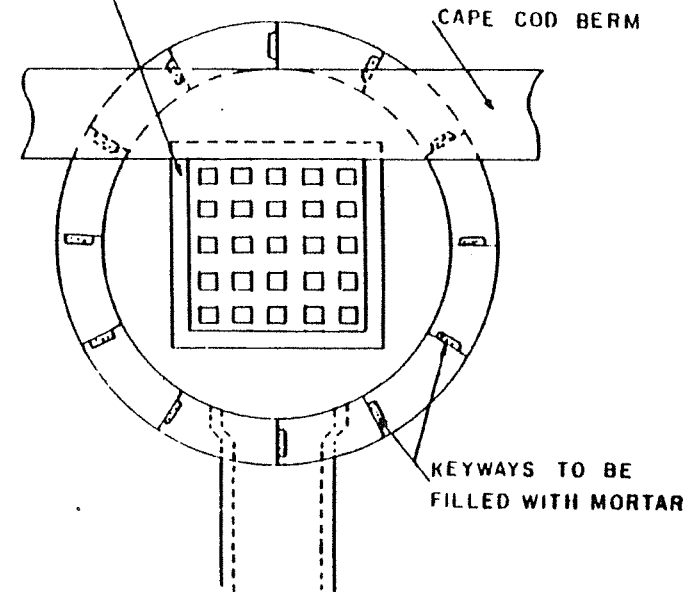
SIDE ELEVATION

TOP ELEVATION

TYPICAL BLOCK CATCH BASIN



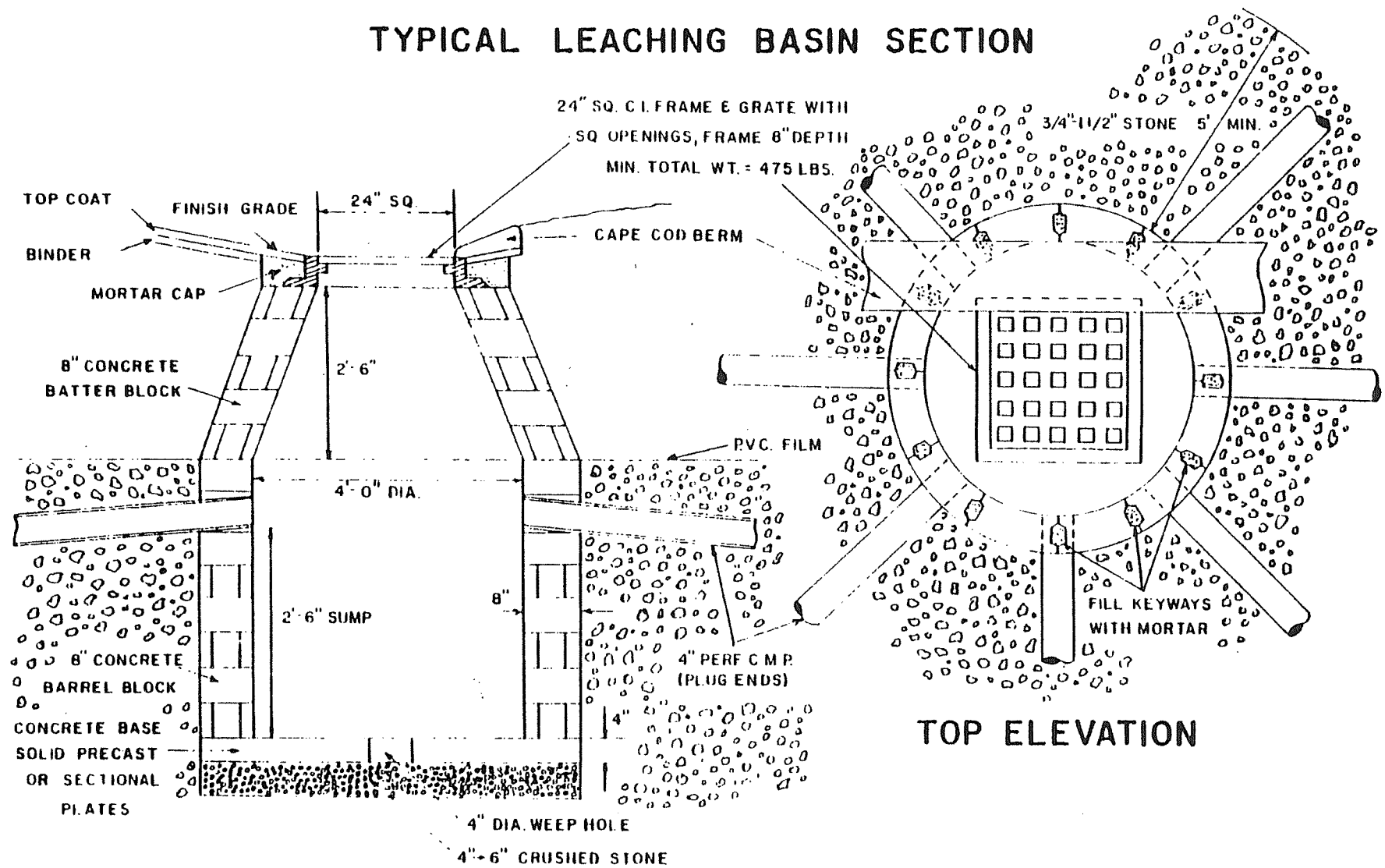
SIDE ELEVATION



TOP ELEVATION

TOWN OF ACTON
TYPICAL BLOCK CATCH BASIN
ENGINEERING DEPT.
SCALE: NONE
JAN, 1974

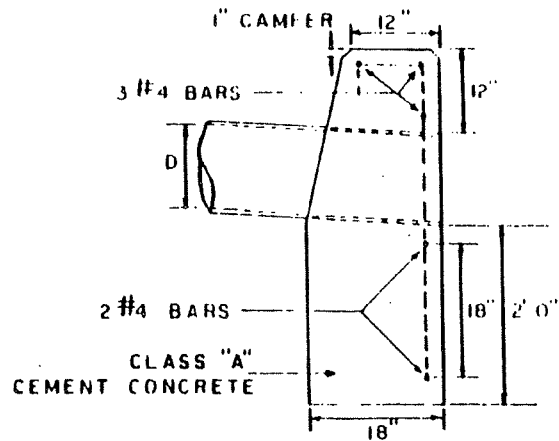
TYPICAL LEACHING BASIN SECTION



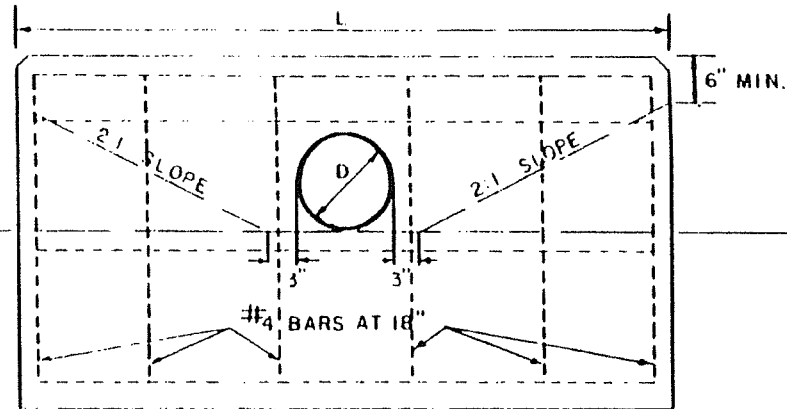
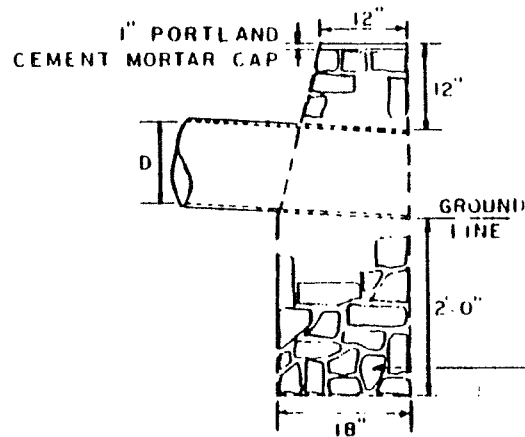
SIDE ELEVATION

TOP ELEVATION

TYPICAL HEADWALL SECTION



END ELEVATIONS



FRONT ELEVATION

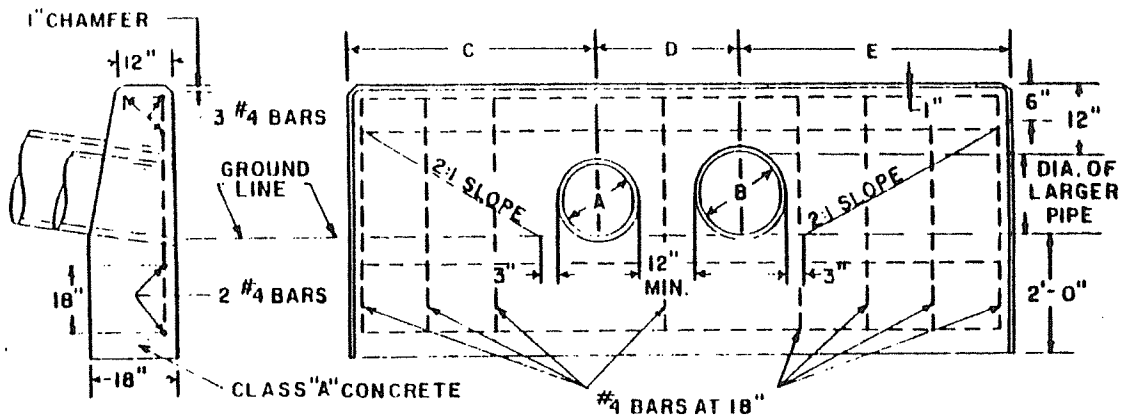
PIPE DIAMETER	12"	15"	18"	21"	24"	30"
"L"	7'-6"	8'-9"	10'-0"	11'-6"	12'-6"	15'-0"

NOTE ON ALL CONCRETE HEADWALLS THE REINFORCEMENT BARS HAVE A MIN DEPTH OF 2" FROM SURFACE

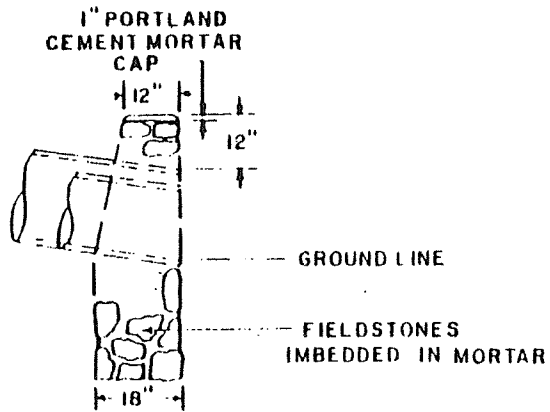
TOWN OF ACTON
TYPICAL HEADWALL SECTION
ENGINEERING DEPT
SCALE: NONE DEC, 1973

TYPICAL COMBINATION HEADWALL SECTION

DIAMETERS		LENGTHS		
A	B	C	D	E
12"	12"	3' 9"	2' 2"	3' 9"
12"	15"	4' 3"	2' 4"	4' 5"
12"	18"	4' 9"	2' 6"	5' 0"
12"	21"	5' 4"	2' 8"	5' 8"
12"	24"	5' 9"	2' 10"	6' 3"
12"	30"	6' 9"	3' 0"	7' 6"
15"	15"	4' 5"	2' 6"	4' 5"
15"	18"	4' 11"	2' 8"	5' 0"
15"	21"	5' 5"	2' 10"	5' 8"
15"	24"	5' 11"	3' 0"	6' 3"
15"	30"	6' 11"	3' 2"	7' 6"
18"	18"	5' 0"	2' 8"	5' 0"
18"	21"	5' 7"	2' 10"	5' 8"
18"	24"	6' 0"	3' 0"	6' 3"
18"	30"	7' 0"	3' 2"	7' 6"
21"	21"	5' 8"	3' 0"	5' 8"
21"	24"	6' 2"	3' 4"	6' 3"
21"	30"	7' 2"	3' 6"	7' 6"
24"	24"	6' 3"	3' 4"	6' 4"
24"	30"	7' 3"	3' 8"	7' 6"
30"	30"	7' 6"	4' 0"	7' 6"



FRONT ELEVATION



NOTE: ON ALL CONCRETE HEADWALLS
THE REINFORCEMENT BARS HAVE
A MINIMUM DEPTH OF 2" FROM
SURFACE

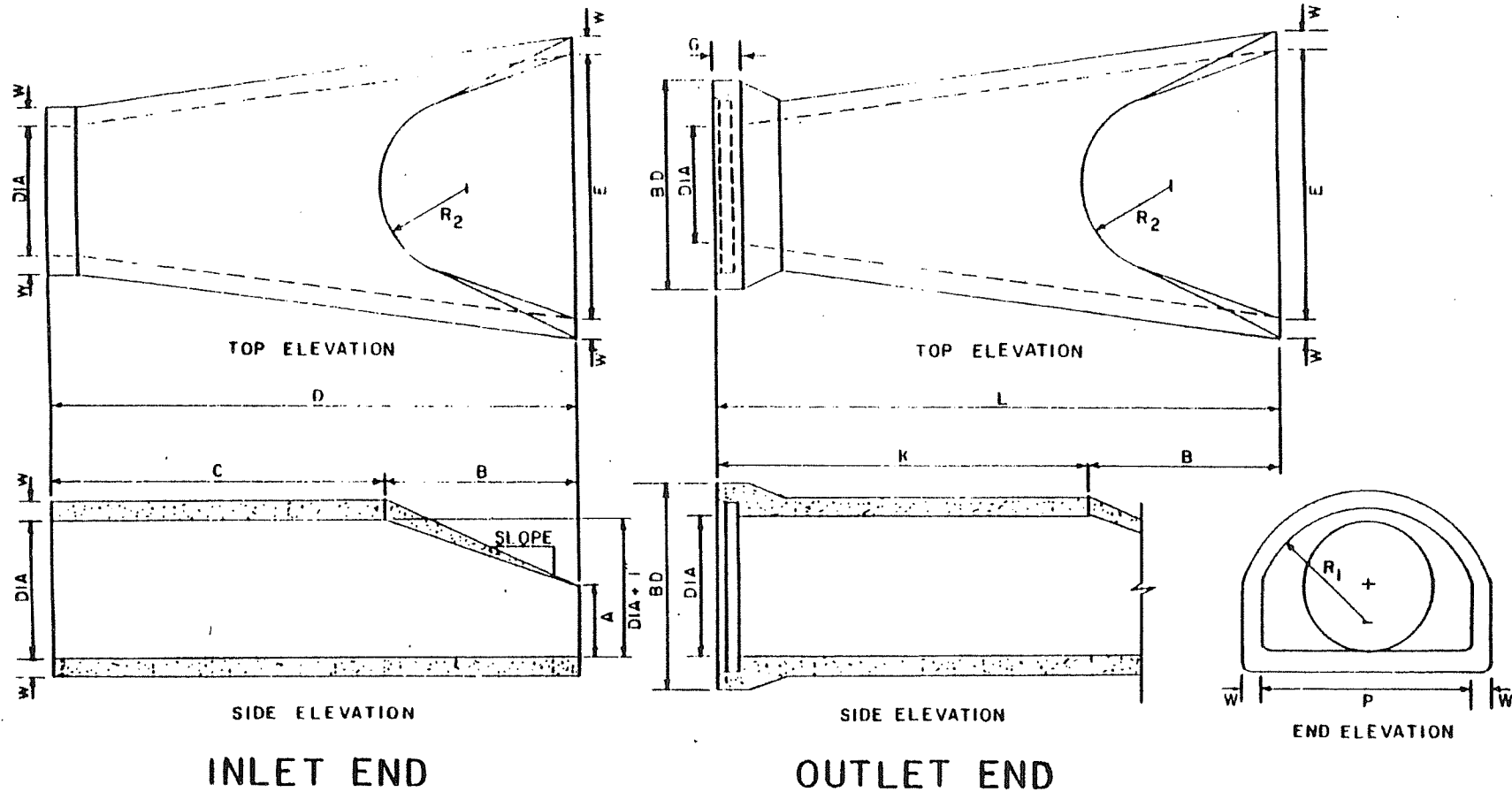
SIDE ELEVATION

TOWN OF ACTON
COMBINATION HEADWALL
ENGINEERING DEPT.

SCALE: NONE

APR 1974

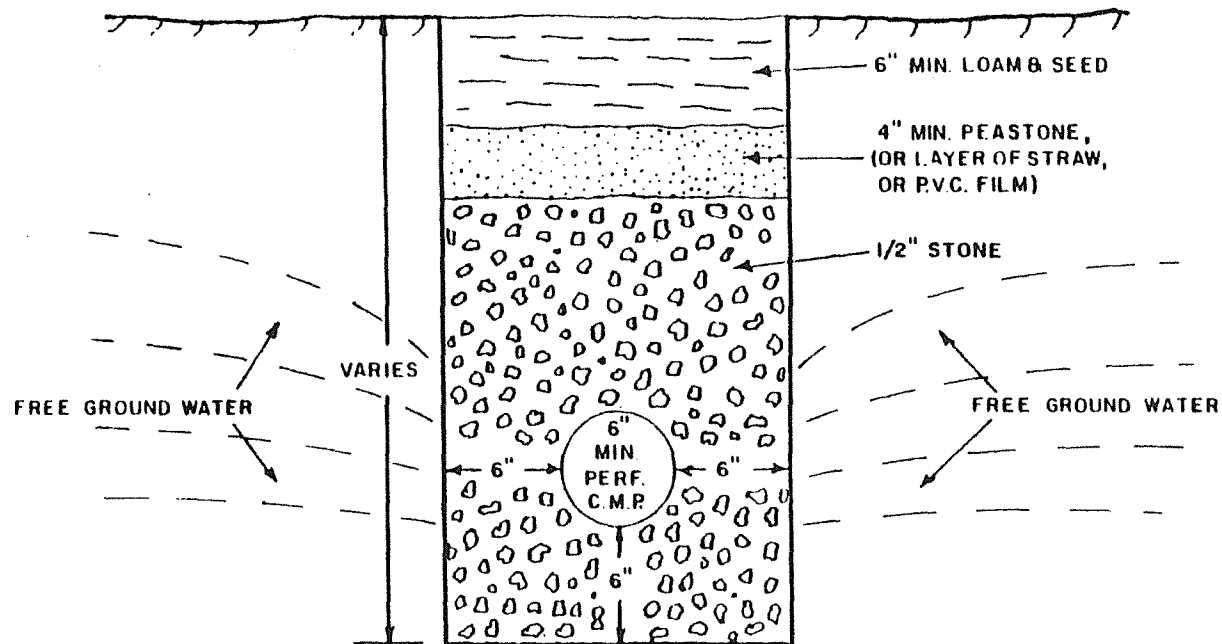
TYPICAL FLARED CONCRETE PIPE ENDS



DIA	W	A	B	C	D	E	BD	K	L	P	DIA +1	R	R	S	G	SLOPE
12"	2"	4"	2'-0"	4'-0"	6'-1 3/8"	2'-0"	20"	4'-6 1/8"	6'-6 1/8"	19 5/16"	13"	10 1/8"	9"	4"	2 1/2"	3:1
15	2 1/4"	6	2'-3"	3'-10"	6'-1 1/2"	2'-6"	24	4'-3 1/8"	6'-6 1/8"	24 5/16"	16	12 1/2"	11	4	2 1/2"	3:1
18	2 1/2"	9	2'-3"	3'-10"	6'-1"	3'-0"	28	4'-3 7/8"	6'-6 7/8"	29	19	15 1/2"	12	4	2 3/4"	3:1
21	2 3/4"	9	2'-11"	3'-2"	6'-1"	3'-6"	32	3'-0 5/8"	6'-7 5/16"	31 5/8"	22	16 1/8"	13	4	2 3/4"	3:1
24	3	9 1/2"	3'-7 1/2"	2'-6"	6'-1"	4'-0"	36	3'-0 1/2"	6'-8"	33 3/16"	25	16 13/16"	14	4	3	3:1

TOWN OF ACTON
FLARED CONCRETE PIPE ENDS
 ENGINEERING DEPARTMENT
 SCALE: NONE
 DEC, 1973

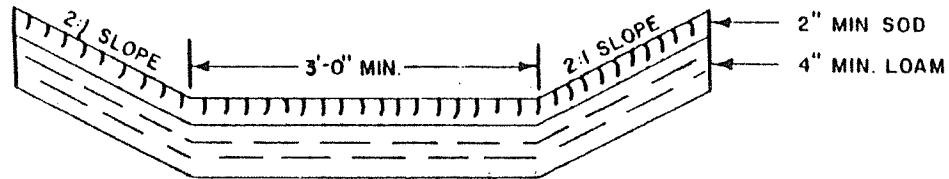
TYPICAL SUBDRAIN SECTION



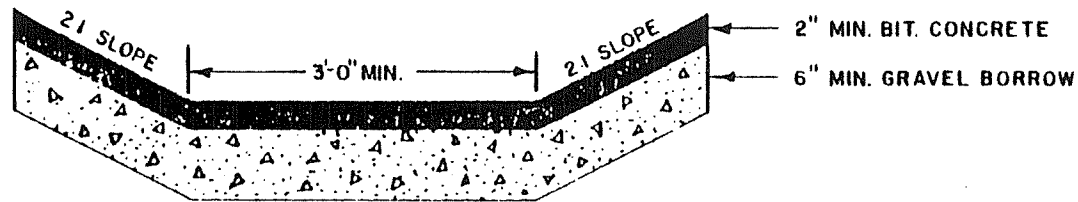
D-7

TOWN OF ACTON
TYPICAL SUBDRAIN SECTION
ENGINEERING DEPT.
SCALE: NONE JULY, 1974

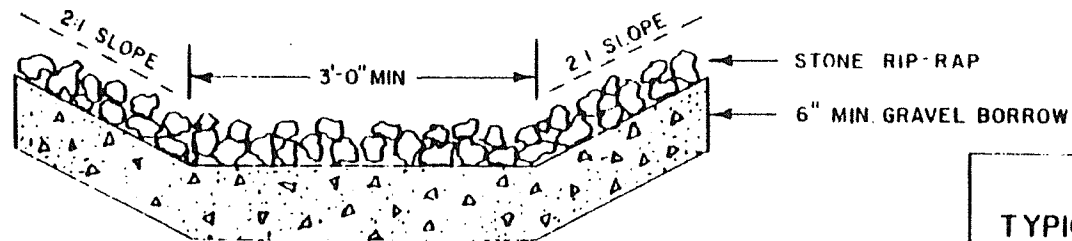
TYPICAL WATERWAY SECTIONS



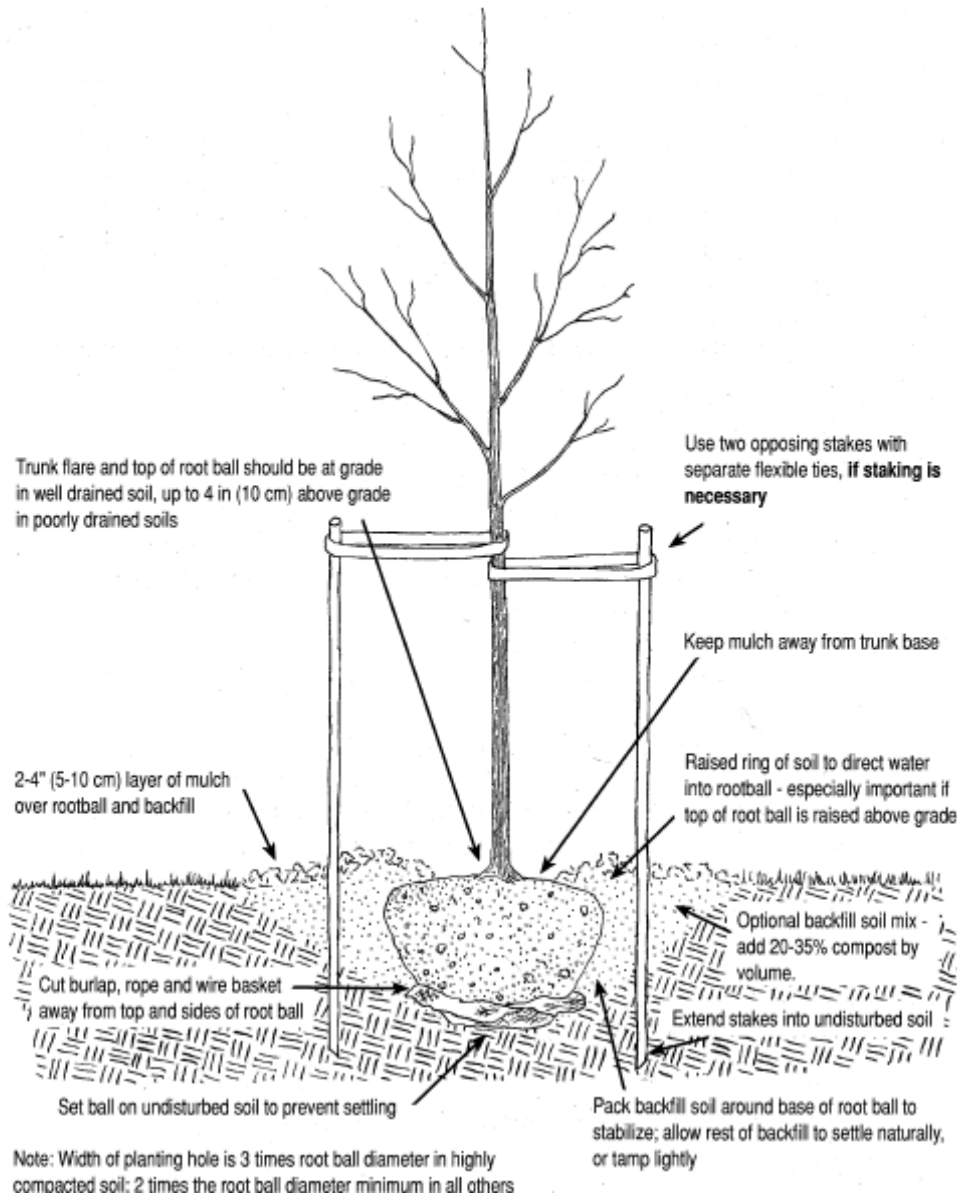
-OR-



-OR-



TOWN OF ACTON
TYPICAL WATERWAY SECTIONS
ENGINEERING DEPT
SCALE: NONE JULY, 1974



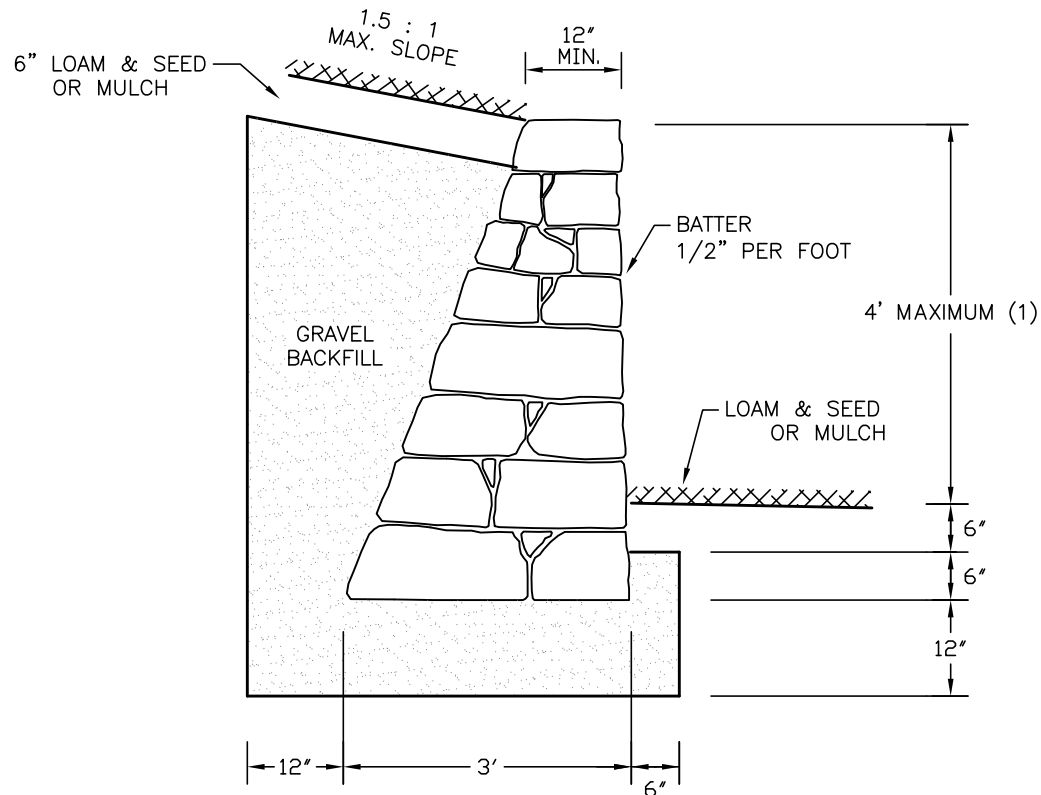
STANDARD PLANTING DETAIL

Diagram of a Typical Planting Site

some sites will require
special modifications

(From: "Principles and Practice of Planting Trees and Shrubs"; G.W. Watson & E.B. Himelick; ISA 1997)

TREE WELL / RETAINING WALL DETAIL



NOTES:

THE TREE WELL / RETAINING WALL SHALL NOT:

- 1.) BE INSTALLED CLOSER TO THE TREE TRUNK THAN THE EXISTING DRIP-LINE OF THE TREE.
- 2.) ENCIRCLE MORE THAN 50% OF THE EXISTING DRIP-LINE OF THE TREE.

THE WALL SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SECTION 685 (FIELD STONE MASONRY) AND SECTION 690 (WALLS REMOVED AND REBUILT) FROM THE LATEST EDITION OF THE MASSACHUSETTS D.O.T. HIGHWAY DIVISION'S STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES

(1) RETAINING WALL SHALL CONFORM TO 780 C.M.R.

P-2

TOWN OF ACTON

TYPICAL TREE WELL

ENGINEERING DEPARTMENT

SCALE: NONE

FEBRUARY 2010

Appendix C

<u>SUBDIVISION FEE SCHEDULE</u>	
PRELIMINARY PLAN	\$1000.00 or \$500.00 + \$0.50/foot of road, whichever is greater
DEFINITIVE PLAN	
Following a Preliminary Plan	\$2000.00 + \$5.00/foot of road
Without Preliminary Plan	\$2500.00 + \$8.00/foot of road
Modification or Amendment	\$2000.00 + \$5.00/foot of road
Rescission	\$500.00
ANR PLAN	
No New Lot Lines	\$25.00
New Lot Lines	\$100.00 + \$50.00/lot