

Subdivision Rules and Regulations

The proposed condo development (Lot 4) is located in Zoning District:R-10/8 (Residence 10/8) and Sub-District A – Affordable Housing Overlay District. When reviewing the permitted uses in each district there are cross-references to the Town of Acton Subdivision Rules and Regulations for design, infrastructure, construction and inspections that are referenced in the following Zoning Sections:

- Section 4.2 Open Space Development, § 4.2.2.2- Procedural Requirements- requires plans and information be designed and provided in accordance with the Subdivision Regulations, if applicable.
- Section 4.4 – Affordable Housing Incentives and Overlay District, see § 4.4.7, which contains a cross-reference to Section 4.2 for information to be provided.
- Section 9.B Senior Residence, § 9B.13 Streets, Utilities and Lighting provides that such infrastructure be provided in conformance with the Subdivision Regulations.

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Listed below are the exceptions that are anticipated to be required from the Subdivision regulations which are applicable to all or part of the above-cited regulations and others that may pertain to the project:

4.0 Procedure for the Submission of Conceptual and Preliminary Subdivision Plan

A waiver is requested from this Section and all subsections as the proposed subdivision shall follow requirements of M.G.L. Chapter 40B.

5.0 Definitive Plan

A waiver is requested from this Section and all subsections as the proposed subdivision shall follow requirements of M.G.L. Chapter 40B.

6.1 - 6.4 Performance Guarantees

Performance Guarantees will be as required by the Zoning Board of Appeals. A waiver is requested from these sections as the project will be built under the provisions of the Comprehensive Permit process. The proposed roadway will remain a private way and will be constructed concurrently with the building construction as the designs are fully integrated.

8.1.6 The proposed Streets and Ways shall compose a system that ensures safe and adequate circulation...

A waiver is requested from this Section and all subsections as the proposed streets and ways shall follow requirements of M.G.L. Chapter

40B and its regulations and guidelines and practices of the subsidizing agency. Off site roadway improvements are proposed along the adjacent private ways to permit the extension of utilities to the site and the proposed adjacent development in Westford. Such improvements are depicted on the submitted plans and include the installation of utility lines in Westford Lane, the widening of portions of Westford Lane and the resurfacing of portions of Westford Lane, which are affected by the proposed work. Further, an off site emergency access strip is being improved directly across from the principal site access off of Nagog park Road to Nonset Path to enhance public safety access to the site. This access way will be suitable width and material for public safety apparatus and will be gated to prevent inappropriate access.

Nagog Park Road is a private way designed to meet the traffic needs as a primary means of ingress/egress for the project. (See traffic study for additional information).

8.1.9.1 The project proposes a "four leg" intersection at the junction of the "Y" intersection for the access to the development and a separate 90° intersection of the alternate access drive to the Westford Apartment component of the 40B project. The Westford access is a tertiary access point to insure emergency access to the three proposed Westford apartment buildings and serves as a secondary access to the proposed development.

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8.1.13 & 8.1.14 Superelevation of curves, sight distances ... & Grades of Streets...

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A waiver is requested to both of these Bylaws as it relates to the Exception to Table II "Vertical Design Standards" to allow a 9.1% grade on a portion of the private road, as shown on plans.

8.1.16 DEAD-END STREETS are not permitted

A waiver is requested as the site is accessed from Laurel Hill Drive which is a single access roadway from station 11+00 to the "Y" intersection of the cul-de-sac at station 18+50. An emergency connection through the portion of the apartment complex in Westford provides access for emergency vehicles, Westford Lane/Durkee Lane. The driveway within this project creates a looped driveway/roadway network providing multiple means of access to the end of the way.

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8.1.17 Residential SINGLE ACCESS STREETS and other DEAD-END STREETS, whether temporary or permanent, shall not be longer than 500 feet.

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A waiver is requested as the street proposed is a single access street is longer than 500' to permit the proposed development and the subdivision

of excess land. An emergency connection to Durkee Lane is provided from the Westford portion of the project and, as noted above, the interior design of the project creates a looped driveway network, providing multiple means of access to the end of the roadway.

Deleted: Dogwood Way is provided.

Inserted: Dogwood Way is provided.†

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

A waiver is requested from this Section and all subsections to allow the proposed loop to be constructed not to form a "q" shape but instead, resembles a "Y", creating a tear drop internal shape to the loop beginning at the condo project (Lot 4). The configuration of the driveway system is such to optimize the placement of structures on the top of the hill and minimize earthwork on adjacent slopes. The proposed drive for the condo project (Lot 4) is intended to be one way moving in a counter-clockwise motion. Signs will be clearly posted to indicate that the driveway, not roadway, will be one way only. This design is more compatible with the topography and access to the excess land in Acton and provides access for fire and maintenance purposes to the Westford apartments and the condo project (Lot 4). Relief is requested from the requirements of the landscaping requirements so that it can be part of an integrated landscape plan.

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Deleted: a cul-de-sac to be constructed without sloped granite curbs, centered on the projection of the roadway rather than a 'q' shape as required.

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- 8.1.19 There shall be no more than 40 residential dwelling units on a SINGLE ACCESS STREET or series of STREET having only one terminus onto a THROUGH STREET.

A waiver is requested to permit more than forty (40) residential units on a single access roadway.

- 8.1.23 Whenever possible, STREET shall be laid out to minimize cutting and filling.

A waiver is requested as all work located in or adjacent to a wetland area will be conducted to meet the standards of the Massachusetts Wetlands Protection Act and the applicable regulations and policies there under. Local requirements will not apply to such work under the provisions of the Comprehensive Permit; see also – Acton Wetlands Bylaw exceptions listed below in this document. Accordingly, the sub-sections to this regulation are also requested to be exempted.

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

A waiver is requested for this Section. While not strictly applicable, the project proposes a driveway from the cul-de-sac in Acton to the rear of the apartment buildings in Westford. This driveway is neither a road nor a roadway. It is for emergency access and maintenance purposes for the benefit of the two buildings located in Westford.

8.2.2.1 The design shall include the size, quality, and type of pipe...

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A waiver is requested to allow the specific pipe sizing, capacity and inverts to be submitted to the Board of Appeals for approval prior to construction and not for the initial Comprehensive Permit process. Drainage calculations have been provided to demonstrate compliance with requirements for mitigation and storm water quality issues.

8.2.2.4 The rational formula (as described in Seelye's Design Data Book for Civil Engineers), based on a 10-year expectancy...

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A waiver is requested as the method of calculation for the drainage system design will be based upon two separate calculation methods. End of the system will be based upon the Soil Conservation Service's TR-20 model, interior drainage pipes and storm water velocities will be based upon the Rational Method, for a ten (10) year return frequency storm. The Rational Method is acknowledged as a standard for such calculations.

8.2.3 The peak rate of storm water runoff from the SUBDIVISION shall not exceed the rate existing prior the new construction based on a 10-year design storm.

Deleted: The initial submission, detailed calculations will be supplied for the detention basin designs, not interior drainage system components. This will demonstrate that the drainage system will not impact off-site areas. Prior to construction, detailed interior drainage system designs and calculations will be presented to the Board and/or their designated agent for review and approval, per the cited methodology above. ¶

A waiver is requested as drainage calculations will be provided to demonstrate compliance with the DEP's storm water quality standards, which exceed the requirements of this section

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8.2.4 & 8.3.5 STREET drainage shall not be channeled into a wetland or water body with first going into a vegetated detention basin & Velocity Check Dams

Inserted: In some locations on the site, street drainage will be channeled into an existing wetland without first going through a vegetated basin. However, no

A waiver is requested for these two Sections. Only in the areas of existing roadways, where stormwater management is limited to practical accommodations, will street drainage be channeled into an existing wetland without first going through a vegetated basin. However, no new, on-site drainage will be directly discharged to any wetland without pre-treatment in accordance with the Massachusetts DEP's Stormwater Quality Standards; as such compliance with the intent of this standard is being met. To allow flexibility in the use of the velocity check dams on the site in an appropriate manner as mandated by the NPDES permit. The subdivision regulations require the installation of check dams nightly, whereas the Erosion Control Plan requires them as needed prior to any

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Inserted: street drainage will be directly discharged to any wetland without pre-treatment in accordance with the Massachusetts DEP's Stormwater Quality Standards; as such compliance with the intent of this standard is being met. To allow flexibility in the use of the velocity check dams on the site in an appropriate manner as mandated by the NPDES permit. The subdivision regulations require the installation of check dams nightly, whereas the Erosion Control Plan requires them as needed prior to any predicted rainfall with appropriate provisions for any predicted heavy precipitation ... [1]

predicted rainfall with appropriate provisions for any predicted heavy precipitation.

- 8.5.4 Prior to issuance of construction documents and as part of any Notice of Intent application, the proponent will include a water balance calculation demonstrating compliance with the requirements of the DEP Stormwater Management Policies for recharge of runoff due to development.

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8.6 Sewerage

A waiver is requested as the proposed sewage collection system varies from the Master Sewer Plan as the site will not connect to the existing Nagog treatment plant despite having connection manholes available due to capacity issues at that plant. The proposed Comprehensive Permit includes the construction of a private wastewater treatment facility to serve this site as well as the remaining properties of the applicant. This system will be designed meeting the standards of the Massachusetts DEP, who has regulatory jurisdiction per 314 CMR 5.00 & 7.00 – Groundwater Discharge Permit and Sewer Extension/Connection Permit.

- 8.7.6 A 10-foot wide "Utility, Construction and Slope Easement" shall be provided along each side of the STREET...

A waiver is requested as the lots are being developed as part of a holistic development plan that include both the roadway construction and individual lot construction making such an easement is un-necessary.

Deleted: A waiver is requested as the proposed sewage collection system varies from the Master Sewer Plan as the site will not connect to the existing Nagog treatment plant despite having connection manholes available due to capacity issues at that plant. The application includes the construction of a private wastewater collection system and treatment facility to serve this site as well as the remaining properties of the applicant. ¶

8.8 Open Spaces

A waiver is requested from this Section and all subsections as the project shall follow requirements of M.G.L. Chapter 40B and its regulations and guidelines and practices of the subsidizing agency. The private development is providing for the recreational needs of its residents through certain amenities shown on the plan.

- 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.

A waiver is requested to allow the cross-section to vary from the standard street cross section, as is depicted on the plans.

Deleted: The private development is providing for the recreational needs of its residents through the creation of a club-house with a pool. The provision of this Section for a separate area would affect the design of the overall site and provide redundant amenities. *

- 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."

A waiver is requested to allow the cross section to vary from the standard street cross section as shown on the plans.

9.1.9 A waiver is requested to allow the cross section to vary from the standard street cross section as shown on the plans.

9.2.4 Open drainage trenches may be used 100 feet or more from the traveled STREETS or WAY only in cases of extreme hardship owing to conditions especially affecting the parcel and ...

A waiver is requested as open drainage trenches are used in compliance with good engineering practice and as a method of storm water quality treatment and in compliance with those previously cited standards.

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 ...

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A waiver is requested as the project will be served by a wastewater treatment system on an abutting land in Westford, as noted under Board of Health Regulations exceptions.

9.3.1 Monuments shall be installed at all STREET intersections...

A waiver is requested from using granite bounds as concrete monuments are planned to be used. They are more readily identifiable using modern surveying techniques as they contain steel reinforcing which is recoverable by metal detectors.

9.4 Driveways

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A waiver is requested to vary from the standard driveway entrance details as the driveways are integrated into the design and are similar in cross section to a roadway rather than a typical single family driveway.

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...

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A waiver is requested allowing use of continuous, low-profile, modified Cape Cod berms as shown at intersections of the access road and building access drives and at loop turnarounds. These are safer for bicycle traffic, which will be encouraged.

9.6.2 A sidewalk shall be required along that portion of any existing public STREETS upon which the SUBDIVISION has frontage.

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A waiver is requested as sidewalks are proposed to be constructed on one side of the access roads, providing for adequate and safe pedestrian circulation while minimizing the cut and fill slopes.

9.6.3 In general, sidewalks shall be constructed within the STREET layout at a line that is ...

A waiver is requested to relocate the sidewalks from the edge of the street layout to a location adjacent to the Cape Cod berm in order to minimize the cut and fill slopes, see also item 9.6.4, below.

9.6.4 A green strip shall be provided between the edge of the pavement and the sidewalk.

A waiver is requested to eliminate the green strip between edge of pavement and the sidewalk as it is not feasible because of insufficient space due to severe grades.

9.6.7 Bicycle PATHS shall be constructed to a minimum width of ten feet.

A waiver is requested to eliminate the need for bicycle paths, space constraints, minimization of cuts and fills and retention of vegetated areas make such construction uneconomical.

9.8.1 Deciduous shade STREET trees shall be planted on LOTS approximately 10 feet from the STREET sideline where trees are lacking.

Street trees are depicted on the Landscape Plan in a general fashion. Species will be coordinated with the Tree Warden. However, trees cannot be placed at 50' intervals due to the presence of driveways along a significant portion of the front yards to the individual units within the condo project (Lot 4). Further, the sizes and type of trees are varied to permit the placement of deciduous flowering trees where space is limited between drives and to increase amenity of units and variety on the driveway. Shade trees are proposed along the drive, where the ability to meet their needs for green space can be accommodated.

11.2 Earth Removal

A waiver is requested from this Section. The plans and accompanying construction information depict the removal of earth that is proposed as part of the development of the roadway and overall site development. The Erosion and Sedimentation Control Plan addresses the means to prevent erosion from impacting sensitive or offsite areas. The altered portion of the site is located in the Zone 4, Watershed Overlay Protection District.

Deleted: A waiver is requested allowing flexibility regarding the intervals and size of trees to be provided along streets. ¶

~~11.3 Mandatory Notice prior to Commencement of Construction Work~~

~~A waiver is requested as the notice prior to commencement shall be provided as is required by the Zoning Board of Appeals and the Comprehensive Permit regulations.~~

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11.6 Completion within Eight Years

A waiver is requested as the project shall be completed in the timeframe presented to the Zoning Board of Appeals and as approved by them.

11.8 Enforcement

A waiver is requested from this Section. The application for a building permit and the actions required prior to such application (filing of subdivision, approval of the Comprehensive Permit, easements, etc.) shall be undertaken as described in the approval document issued by the Zoning Board of Appeals and Comprehensive Permit requirements, which may or may not differ from the requirements of this section.

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Board of Health Rules and Regulations

9-6.4.1 Notwithstanding the requirements of 9-6.3, the Health Department shall grant approval for the installation of irrigation wells in public water supply areas when the following conditions have been met:...

A waiver is requested as this section allows irrigation well to serve only the lot on which it is installed. An Irrigation well is planned to supply Lots one and two as well as the adjacent lot under the same ownership in Westford. The irrigation well will only serve for irrigating landscape areas and shall not be available for potable or domestic use at any time.

9-6.5 A well must be located on the lot it servers.

A waiver is requested from this restrictions as described above in Section 9-6.4.1.

9-7 Enforcement

A waiver is requested from this Section and all subsections as a variance is not necessary because the project seeks a Comprehensive Permit under the jurisdiction of the Zoning Board of Appeals.

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Article 11 Minimum Requirements for the disposal of sanitary sewage in unsewered areas

A waiver is requested for this Article and all Regulations and subsections contained within as the site is to be served by a wastewater treatment plant located in the Town of Westford being subject to the requirements of a Groundwater Discharge permit (314 CMR 5.0) and Sewer Connection/Extension Permit (314 CMR 7.0) as issued by the Massachusetts Department of Environmental Protection. Regulatory