



Planning Department

TOWN OF ACTON
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MEMORANDUM

To: Planning Board **Date:** July 14, 2009
From: Roland Bartl, AICP, Planning Director
Subject: Subdivision Rules and Regulations – Proposed Amendments

A. Plan/Application Filing Requirements

In Section 3 (ANR Filing):

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

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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, with two prints thereof, and (b) on disc or via another commonly used electronic media storage or transmission device in a scalable CADD format and registered to the Massachusetts State Plane Coordinate System. accompanied by the necessary evidence to show that the plan does not require approval.

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Delete subsection 3.1.2.1.b) (locus plan) and renumber subsections c) through g) to become subsections b) through f) respectively.

Comment [rb1]: Locus plan no longer needed with electronic submission at final plan endorsement stage (see 5.8.2.1).

Insert a new subsection 3.1.2.1.g) as follows:

- g) A note stating that endorsement of the plan does not signify compliance with zoning bylaw or building code requirements.

Delete subsection 3.1.2.1.q), renumbered above to p).

In Section 4 (Preliminary Plan Filing):

Delete subsection 4.2.3.11 (locus map) and replace it with the following new subsections:

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 1/2-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.

Comment [rb2]: Where previous applicants have submitted aerial photography, the Board found it very useful.

In Section 5 (Definitive Plan Filing):

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.

Deleted: to cover the expenses incurred by the Town in reviewing the application. The filing fee shall be submitted

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.

Comment [rb3]: Locus plans no longer needed with electronic submission at final plan endorsement stage (see 5.8.2.1).

Insert a new section 5.3.8 as follows and renumber current sections 5.3.8 through 5.3.28 to become sections 5.3.9 through 5.3.29 respectively:

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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.

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Insert a new section 5.4 as follows; and renumber present sections 5.4 through 5.8, including their respective sub-sections to become sections 5.5 through 5.9 instead.

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 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.

Delete subsection 5.8.2.1 (changed above to 5.9.2.1) and replace it with the following new subsection 5.9.2.1:

5.8.2.1 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 a scalable CADD format and registered to the Massachusetts State Plane Coordinate System.

In Section 6 (Performance Guarantee – As-Built Plan):

Insert a new subsection 6.4.1.2 as follows and renumber current subsections 6.4.1.2 through 6.4.1.5 to become subsections 6.4.1.3 through 6.4.1.6 respectively:

6.4.1.2 The as-built plan on disc or via another commonly used electronic media storage or transmission device in a scalable CADD format and registered to the Massachusetts State Plane Coordinate System.

In Section 11.7 (Acceptance of Roads):

11.7.1.1 Two copies plus the original mylar 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 of the as-built plan on disc or via another commonly used electronic media storage or transmission device in a scalable CADD format 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.

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Delete subsection 11.7.1.14.

B. Secondary Street Access

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.

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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.~~

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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~~ access shall be provided.

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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.

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C. Street Name 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.

D. 4-way intersections

8.1.9 Intersections with more ~~than four~~ legs are not permitted.

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E. Sight Easements (inserts new section)

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

F. Sending Abutters Notices

5.7.1 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.

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Comment [rb4]: A USPS term

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G. Red-line Changes

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 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.

Comment [rb5]: Generally, this reflects current practice.

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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.

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11.4.4 If the field change is approved, the Town Engineer 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.

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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.

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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:

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And renumber current sections 11.4.5.1 through 11.4.5.10 to become sections 11.4.6.1 through 11.4.6.10 respectively.

H. Landscaping/Planting Stock/Planting Details

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Comment [rb6]: All changes relative to landscaping etc. (part H) have been developed in consultation with the Tree Warden.

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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.

8.1.18.1.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.

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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.

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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

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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.~~

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~~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.~~

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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; umassexensionbookstore.com).

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

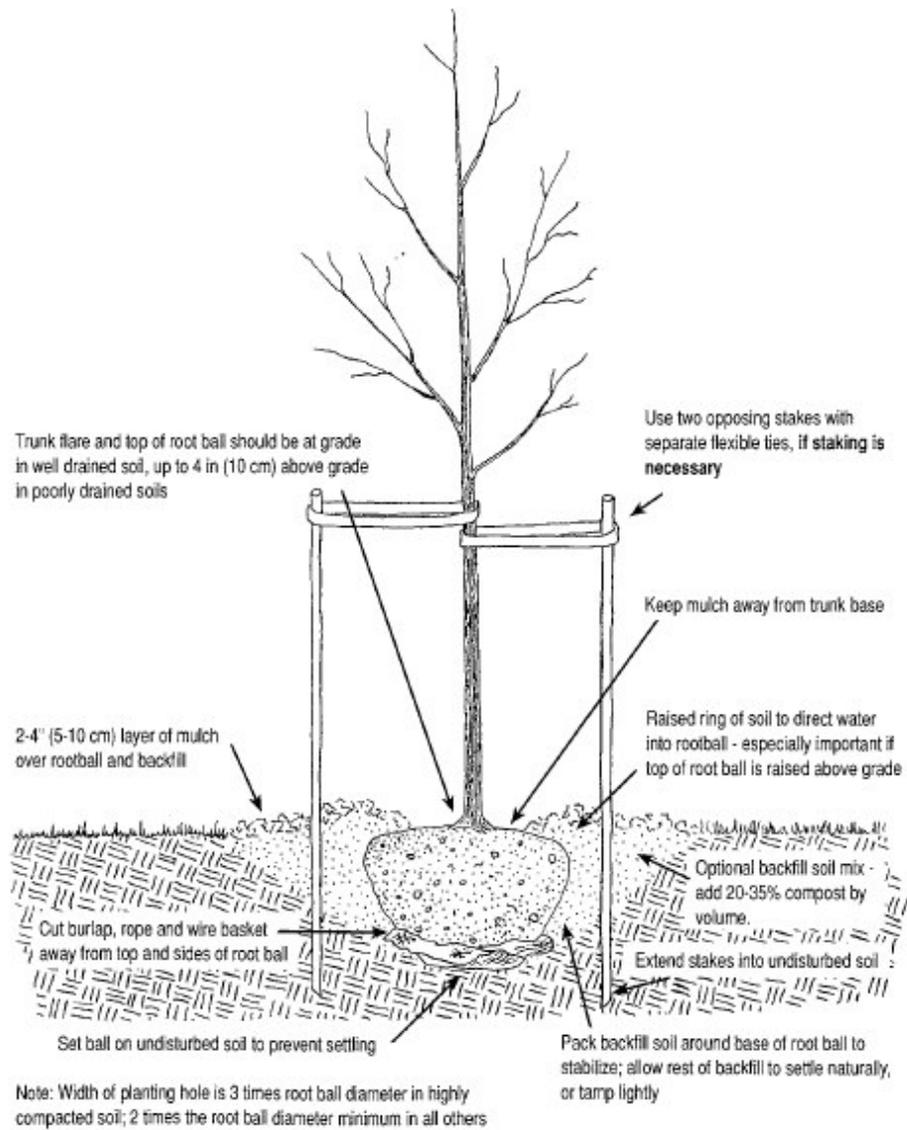
9.8.11 Where it is feasible to preserve existing trees in cut or fill areas, tree walls or tree wells shall be installed as depicted in the Typical Tree Wall Plan in Appendix B. A tree wall shall not be installed closer to the tree trunk than the existing drip line of the tree.

Insert a new section 11.4.5.7 as follows and renumber existing sections 11.4.5.7 through 11.4.5.10 to become 11.4.5.8 through 11.4.5.11 respectively.

11.4.5.7 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.

In the appendix, delete plantings details P-1, P-2, P-3 and P-4 and the plant list for cul-de-sac islands & chokers, and insert the following new planting detail:

STANDARD PLANTING DETAIL
Diagram of a typical planting site
(some sites will require special modifications)



In the appendix, delete the typical tree well plan & section, and insert the following new tree wall detail:

TYPICAL TREE WALL PLAN

