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RULES AND REGULATIONS  
GOVERNING THE SUBDIVISION  
OF LAND  
DOUGLAS, MASSACHUSETTS

ADOPTED SEPTEMBER 17, 1975

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## Table of Contents

SECTION 1.0 PURPOSE (MGL Ch 41 §81M)	1
SECTION 2.0 AUTHORITY	1
SECTION 3.0 GENERAL	2
3.1 Basic Requirements	2
3.2 Definitions	2
3.3 Plan Believed Not to Require Approval (“ANR Plan”)	3
3.3.1 Administration/General (MGL Ch. 41 §81P)	3
3.3.2 Presentation	4
3.3.3 Contents	4
3.3.4 Site Access	5
SECTION 4.0 PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS	6
4.1 Preliminary Plan	6
4.1.1. Administrative/General	6
4.1.2. Filing Procedure	6
4.1.3 Presentation	7
4.1.4. Contents	7
4.1.5. Approval	9
4.2 Definitive Plan (MGL Ch41 §81U)	10
4.2.1. General	10
4.2.2. Filing Procedure	10
4.2.3. Contents	11
4.2.4. Profiles of Proposed Streets	15
4.2.5. Performance Guarantee (MGL Ch41 §81U)	16
4.2.6. Suitability of the Land	17
4.2.7. Public Hearing	18
4.2.8. Decision (MGL Ch41 §81U)	18
4.2.9. Monthly Reporting	19
4.2.10 As-built	19
4.3 Residential Compounds	19
4.3.1. Purpose	19
4.3.2. Eligibility	20
4.3.3. Criteria for Planning Board Approval	21
4.3.4. Application	21
4.3.5. Filing Fee	21
4.3.6. Conditions	22
4.3.7. Common Private Ways	22
4.3.8. Decision	23
SECTION 5.0: DESIGN STANDARDS	24
5.1 Streets	24
5.1.1. Location and Alignment	24
5.1.2. Width	24
5.1.3. Grade	25

5.1.4. Dead-End Streets .....	25
5.2 Easements .....	26
5.3 Recreational Areas (MGL ch41 §81U).....	26
5.4 Protection of Natural Features .....	26
SECTION 6.0 REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION.....	27
6.1 Street and Roadway .....	27
6.2 Curbs and Berms.....	28
6.3 Utilities.....	29
6.4 Sidewalks .....	29
6.5 Grass Strips .....	29
6.6 Trees.....	29
6.7 Monuments Street Signs and other Appurtenances .....	30
6.8 Clean Up .....	30
6.9 Inspection of Required Improvements.....	30
6.9.1. General.....	30
6.9.2 Pre-Construction & Progress Meetings .....	31
6.9.3. Site Preparation.....	31
6.9.4. Clearing and Grubbing.....	31
6.9.5. Excavation and Subgrade Preparation .....	31
6.9.6. Installation of Utilities .....	32
6.9.5 Backfill, Fill and Rough Grading.....	33
6.9.6. Gravel Base.....	33
6.9.7. Binder Course of Pavement Construction.....	33
6.9.8. Curb and Berm Installation.....	33
6.9.9. Sidewalk Construction .....	33
6.9.10. Trees and Planting.....	33
6.9.11. Loaming, Seeding and Mulching.....	34
6.9.12. Street Signs and Monuments .....	34
6.9.13. Street Lights .....	34
6.9.14. Top/Finish Course of Pavement Construction.....	34
6.9.15. Final Clean-up.....	34
SECTION 7.0 ADMINISTRATION .....	35
7.1 Authority .....	35
7.2 Waiver of Compliance (MGL Ch41 §81R) .....	35
7.3 Inspection.....	35
7.4 Separability .....	35
7.5 Amendments .....	35

RULES AND REGULATIONS  
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Adopted under the Subdivision Control Law Sections 81-K to 81-GG inclusive, Chapter 41, G.L.

## **SECTION 1.0 PURPOSE (MGL Ch 41 §81M)**

According to MGL Ch 41 §81M: *“The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of Douglas 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 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 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 or bylaws; for securing adequate provision for water distribution, sewerage, drainage and other municipal services, protection of natural water sources, flood control wetland areas, and other requirements; and for coordinating the ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions. Such powers may also be exercised with due regard for the policy of the commonwealth to encourage the use of solar energy and protect the access to direct sunlight of solar energy systems. 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 subdivisions of land; provided, however, that such board may, when appropriate, waive, as provided for in section eighty-one R, such portions of the rules and regulations as is deemed advisable.”*

## **SECTION 2.0 AUTHORITY**

Pursuant to Chapter 41, General Laws of the Commonwealth of Massachusetts, Sections 81K-81GG inclusive as most recently amended, the Planning Board of the Town of Douglas, Massachusetts, issues the following regulations governing all subdivisions of land in the Town of Douglas, all plans thereof and all procedures relating thereto.

## SECTION 3.0 GENERAL

### 3.1 Basic Requirements

No person shall make a subdivision of any lot, tract or parcel of land within the Town, or proceed with the planning improvement, or sale of lots in a subdivision, without first submitting to the Planning Board for approval a Definitive Plan of such subdivision.

### 3.2 Definitions

Unless specified otherwise, definitions, terms and standards referenced in the current version of the Commonwealth of Massachusetts Highway Department Standard Specifications for Highways and Bridges shall apply herein.

For the purpose of these rules and regulations, the following terms used herein are defined as follows and are to be used in conjunction with MGL ch 41 §81L:

- 1) **ACCESS:** Each lot proposed for acceptance in a definitive plan or a plan not requiring subdivision control (81P) shall have direct access for use by emergency and other vehicles from the street on which its frontage is measured.
- 2) **APPLICANT:** “*Applicant shall include an owner, or his agent or representative, or his assigns.*” (MGL Ch 41 §81L)
- 3) **BOARD:** The Planning Board of the Town of Douglas.
- 4) **DEVELOPER:** A person (as hereinafter defined) who proposes to develop a subdivision under a plan of a subdivision approved pursuant to Section 4.2 of these Rules and Regulations. The Developer may or may not be the Applicant.
- 5) **LOT:** A tract of land having specific boundaries which conform to minimum zoning dimensional requirements of area and frontage for building that are in effect at the time that said lot is being created.
- 6) **PARCEL:** A tract of land having specific boundaries which do not conform to minimum zoning dimensional requirements of area and frontage for building in effect at the time that said parcel is being created.
- 7) **STREETS:**
  - a) **Residential Street:** A street which generally serves only those residents living on that street and which can be considered to permanently serve the exclusive function of being a residential street.

- b) **Secondary Street:** A street which connects or may eventually connect two or more subdivisions or two or more groups of streets within the same subdivision or connects two or more streets in the town.
- c) **Principal Street:** A street which handles or is expected to handle a considerable volume of traffic and provides inter-town access between Douglas and adjoining communities.
- 8) **SUBDIVISION:** The division of a tract of land into two or more lots including resubdivision, and, when appropriate to the context, the process of subdivision of the land or territory subdivided.
- 9) **SUBDIVIDER:** The Property Owner(s), their Agents or representatives, or their assigns.

### **3.3 Plan Believed Not to Require Approval (“ANR Plan”)**

#### **3.3.1 Administration/General (MGL Ch. 41 §81P)**

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit the following to the Town Clerk:

- a) The original plan with four (4) prints thereof,
- b) two (2) application Form A's (see Appendix), and
- c) The appropriate filing fee.

The notification shall be accompanied by the necessary evidence to show that the plan does not require approval. Or, if delivered to the Board, said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.

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". A majority of the Board shall endorse said Plan. Said Plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action.

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 so inform the

applicant and return the plan. The Board shall also notify the Town Clerk of its determination in writing.

### **3.3.2 Presentation**

The plan shall be prepared and stamped by a Massachusetts Registered Professional Land Surveyor and shall be legible at a scale of 1 inch equals 40 feet, or such other scale that the Board may deem suitable to show details clearly and accurately.

### **3.3.3 Contents**

The following shall be clearly shown on the submitted plan.

1. The names and addresses of the Record Owner and the Applicant, the name and seal of the land surveyor who prepared the plan, and the names of all property abutters including map and parcel references and appropriate plan and deed references;
2. The statement “Approval under Subdivision Control Law is Not Required,” and with sufficient space for the date and signatures of all members of the Planning Board;
3. A locus map showing the location of the subject parcel;
4. The statement “Planning Board Endorsement does not necessarily mean that this plan conforms to the current zoning requirements;”
5. Plan and Deed references of Record Owner(s), as appropriate;
6. The plan shall be prepared in conformance with the requirements of 250 CMR 6.00 including, but not limited to the existing boundary with reference to at least two permanent boundary monuments on or off the land to which the plan relates. Providing a reference to previous submittals or plans is not adequate to show a relationship to the relevant monuments;
7. The boundary lines of proposed lots, with accurate areas and dimensions, bearings and distances to permanent monuments;
8. Existing and proposed easement dimensions and purpose;
9. The names, locations and identification of ways as public or private;
10. Highway Monuments within 500-feet of the lot and Highway Layout Stationing along the lot frontage;

11. Existing structures, bounds, walls and other monuments;
12. Existing culverts with size and type clearly labeled on the plan;
13. North arrow, date of survey and scale;
14. Any pertinent information such as zoning and overlay districts, clearly indicating limits of each;
15. Notice of any decisions or variances issued by the Zoning Board of Appeals, including but not limited to variances and special permits regarding the land and any buildings thereon;
16. Access limiting features including, but not necessarily limited to ledge, wetlands (in accordance with 310 CMR 10.00), water bodies, topography, and corner sight distance on the way access is being obtained;
17. Table showing zoning dimensional requirements for relevant zoning districts;
18. Limits of relevant overlay districts.

#### **3.3.4 Site Access**

The area from the street line to the proposed building area shall be mapped for the full width showing the following features; Topography over 10%; wetlands; site line triangles appropriate to the travel speeds of the road in accordance with AASHTO standards.



## **SECTION 4.0 PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS**

### **4.1 Preliminary Plan**

#### **4.1.1. Administrative/General**

*In accordance with MGL Ch41 §81S: "In the case of a subdivision showing lots in a residential zone, any person, before submitting his definitive plan for approval, may submit to the planning board and to the board of health, a preliminary plan, and shall give written notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such plan.*

*In the case of a nonresidential subdivision, any person before submitting his definitive plan for approval shall submit to the planning board and the board of health, a preliminary plan, and shall give notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such plan.*

*In either case, if the notice is given by delivery, the city or town clerk shall, if requested, give a written receipt therefor. Within forty-five days after submission of a preliminary plan, each board shall notify the applicant and the clerk of the city or town, by certified mail, either that the plan has been approved, or that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plan, or that the plan has been disapproved and in the case of disapproval, the board shall state in detail its reasons therefor. The planning board shall notify the city or town clerk of its approval or disapproval, as the case may be. Except as is otherwise provided, the provisions of the subdivision control law relating to a plan shall not be applicable to a preliminary plan, and no register or deeds shall record a preliminary plan."*

#### **4.1.2. Filing Procedure**

The Plan, accompanied by a properly executed application Form B (see Appendix), shall be submitted by delivery at a regularly scheduled meeting of the Board, or by registered or certified mail to the Board, postage prepaid in care of the Town Clerk. If so mailed, the date of receipt shall be the date of submission of the plan. In addition, written notice shall be given by the applicant to the Town Clerk by delivery or by registered or certified mail, that he has submitted such a plan. The Town Clerk shall give a written receipt, if requested, to the person who delivered such notice.

A deposit to cover the cost of administration and engineering expense, as required by the most recent Town of Douglas Planning Board Fee Schedule, shall be submitted at the time of Preliminary Plan submittal.

### 4.1.3 Presentation

The Preliminary Plan shall be drawn at a scale adequate to show pertinent details about the project, two 24"x36" prints and twenty "Half Scale" reduced (12" x 18") prints shall be filed with the Planning Board office. Fewer or additional copies may be requested by the Planning Board. Groups of prints shall be bound along the left edge and shall be folded in a manner to properly display the project title block when folded. The transmission shall include a written narrative detailing specifics about the project. The specifics about any particular project shall include, but not necessarily be limited to the following:

- a) United States Geological Survey (USGS) Topographic Quadrangle Sheet indicating Site Locus;
- b) Current Douglas Tax Assessors Map Detailing Site Location;
- c) Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Mapping indicating site locus, map panel ID number, and date of map;
- d) United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey of Worcester County, Massachusetts, Southern Part indicating site locus and including soil tables and descriptions, as appropriate;
- e) Traffic Impact and Safety;
- f) Stormwater Management;
- g) Anticipated Waiver Requests (if any) (MGL Ch41 §81R).

The Preliminary Plan should show sufficient information about the subdivision to form a clear basis for discussion of the layout and design for the preparation of the definitive plan. The applicant/developer is encouraged to review the zoning bylaw to become familiar with the various development options. Further, the applicant/developer should be prepared to justify to the Planning Board the submitted plan as it relates to such options under said bylaw. The chosen development plan should be the best fit for the parcel(s) and the development objectives while maintaining as reasonably as possible the amenities of the surrounding neighborhood. This submittal may be combined with the information required under Section 4.1.4.r.

### 4.1.4. Contents

The following shall be clearly shown on the submitted plan(s):

- a) If more than one page, each page must contain in the lower right-hand corner, the subdivision name, the page number, the date of plan preparation, and, when applicable, provisions for recording any and all revision dates, and space for Planning Board action. In addition, the first page shall indicate what information is to be found on each page of the plan;
- b) The locus of the land shown on the plan, at a scale of 1,000-feet (1000') to the inch;
- c) Title reference, date of deed, the book and page number, and Land Court certificate number (when applicable) for the subject parcel(s) being subdivided;
- d) Subdivision name, perimeter boundaries, north point, date and scale; or Subdivision name, perimeter boundaries as compiled from record plans and deeds, north point, date and scale. The approximate boundary lines of proposed lots shall be shown with the approximate areas and dimensions. Each lot shall be numbered sequentially. An on the ground field survey will only be required for Preliminary Plan submittals when a Flexible Development Special Permit will be sought;
- e) Name and address of record owner, subdivider, and Registered Professional Engineer and Registered Land Surveyor, as appropriate;
- f) In the case of a subdivision covering less than all of the land owned by the subdivider in the area of the subdivision, a plan showing in a general manner the proposed overall use of all of said land, if any;
- g) Approximate topography of the land with two-foot contour intervals;
- h) Names of all abutters as they appear in the most recent tax list;
- i) Site information showing approximate flood plains and zones, waterways and wetland resources areas (GIS database) pursuant to the Massachusetts Wetlands Protection Act and the Douglas Wetlands Protection Bylaw (on site and within 100 feet of the property);
- j) Zoning classification and location of any zoning district boundaries that lie within the locus of the plan, including any overlay zoning districts, including but not

limited to, the Flood Plain, Historic Districts, Scenic Roads, Water Supply Protection zones, Aquifer Protection District, etc.;

- k) Existing and proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision;
- l) Location, names and present widths of adjacent streets;
- m) The profiles of existing grades and approximate proposed finished grades of the roadway and underground utilities. Vertical scale of one inch to four feet (1" = 4') and a horizontal scale of one inch = forty feet (1" = 40;). Profiles of proposed streets may be submitted on separate sheets;
- n) Site line triangles and profiles of all proposed intersections;
- o) Proposed systems of sewage disposal, drainage including detention/retention basins, adjacent existing natural waterways, and water installations and other underground utilities, including easements, in a general way;
- p) A general indication of existing soil conditions, based of USDA-NRCS Soil Survey Map;
- q) Waiver list from Definitive Plan Requirements and explanation of how the granting of the waiver would be in the public interest. Demonstrate how the subdivision could be built without any waivers from the definitive plan (MGL Ch41 §81R);
- r) Review of alternative development scenarios, e.g., flexible development, low impact development, residential compound, etc.

#### **4.1.5. Approval**

The Planning Board may give such Preliminary Plan its approval, with or without modifications. Such approval does not constitute approval of a subdivision, but does facilitate the procedure in securing approval of the Definitive Plan.

In the case of disapproval, the Board will provide a detailed statement of the reasons for its action.

It is the intent of the Planning Board to work constructively with any Applicant to ensure that any proposed subdivision and its ways are of high quality and preserves the amenities indigenous to the Town of Douglas.

## **4.2 Definitive Plan (MGL Ch41 §81U)**

### **4.2.1. General**

The Definitive Plan should conform substantially to the Preliminary Plan as approved but may constitute only that portion which is proposed to be recorded and developed at the time.

### **4.2.2. Filing Procedure**

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board the following:

1. Twenty-two individually bound copies of the following:
  - a) Cover/transmittal letter summarizing the specific contents of the complete Application;
  - b) Form C – Application Form for the Approval of a Definitive Subdivision Plan signed by all Property Owners;
  - c) Fee Calculation Worksheet and copies of the check(s) submitted;
  - d) Written Narrative description of the existing conditions of the project and the proposed improvements to the project site. The description shall include sections on Environmental Impacts, Water Supply Impacts, Drainage Impacts, Sewage Disposal Impacts, Soils/Topographic Impacts, Traffic Impacts, and School Impacts, Natural and Cultural Resource Impacts;
  - e) Copy of the Assessors Map and accompanying Certified Abutters List for all property abutters within 300-feet of the project site;
  - f) Copy of the most recent United States Geological Survey (USGS) Locus Map indicating the project site location;
  - g) Copy of the most recent Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) indicating the project site location;
  - h) Copy of the Natural Resource Conservation Service (NRCS) Worcester County Soils Map indicating the project site location. Accompanying this figure should be copies of the relevant sections for soils narrative and engineering properties of the soil;

- i) Copies of any additional field soil testing results or groundwater elevation data that is available. This may include Title V soil evaluation for surrounding properties;
  - j) Waiver list from Definitive Plan Requirements and explanation of how the granting of the waiver would be in the public interest. Demonstrate how the subdivision could be built without any waivers from the definitive plan (MGL Ch41 §81R);
  - k) Copies of the deeds for the subject parcel(s);
2. Application Fee(s) as detailed in the Douglas Planning Board Regulations Governing Fees and Fee Schedules;
  3. Two full size sets of engineering drawings and twenty-two reduced (12" x 18") drawings which satisfy the minimum requirements detailed in Section 4.2.3;
  4. Two bound copies of the stamped and dated Stormwater Management Calculations as required under Section 4.2.3. i. 13.

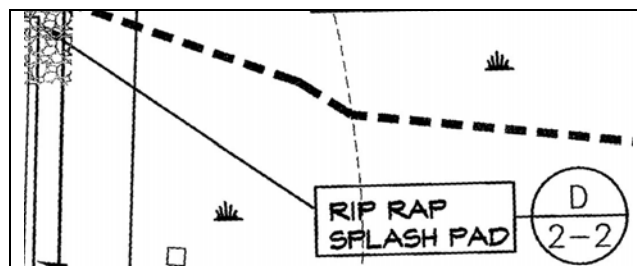
The Applicant shall file a Definitive Subdivision Plan at a regularly scheduled meeting of the Planning Board or by registered mail to the Planning Board Office. In the event of mailing, then mailing receipt is the date of submission (Chapt. 169 of the Acts of 1994).

#### 4.2.3. Contents

The Definitive Plan shall be prepared by a Massachusetts Registered Professional Engineer and a Massachusetts Registered Professional Land Surveyor and shall be presented in a clear and legible manner. The plan shall be at a scale of one inch equals forty feet (1" = 40') or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes shall not exceed 24" x 36" and shall not be less than 12" x 18". The Definitive Plan Drawings shall consist of the following plan sheets:

- a) **Cover Sheet** – The cover sheet shall show the project locus; the project name; the original date of submittal and all subsequent plan revision dates; an index of all drawings included in the set; the names, addresses and telephone numbers of the Owner(s), Applicant(s), Engineer(s), Surveyor(s) and all authorized Representative(s);
- b) **Key Plan** – This sheet will provide a layout of all drawings included in a set giving an overview of the sheet layout relative to the project limits. The Key Plan and Overall Site Plan may be combined if they can be presented in a clear and legible manner;

- c) **Overall Site Plan** –This sheet will show the entire site on one sheet with both existing and proposed conditions shown. The Key Plan and Overall Site Plan may be combined if they can be presented in a clear and legible manner;
- d) **Recordable Drawing(s)** – This set of drawing(s) will be those used to file at the Worcester County Registry of Deeds. They should be presented to meet the Registry Standards, include property boundary information and meet the requirements of 250 CMR;
- e) **Existing Conditions Sheet(s)** –This sheet will reflect the existing site conditions and shall be presented in a clear and logical manner so it is easily legible for the scale that it is drawn. ;
- f) **Proposed Conditions Sheet(s)** – This sheet will reflect the proposed site improvements and shall be presented in a clear and logical manner so it is easily legible for the scale that it is drawn and so it is easily distinguishable from the existing conditions that are shown on the drawing. Furthermore, the proposed conditions sheets shall use leaders and labels referencing specific details by detail letter and detail sheet number (see figure below for example).



**Sample Plan View Label:** “D” refers to the detail letter and 2-2 refers to the plan sheet where this detail is found.

- g) **Plan & Profile Sheet(s)** – This sheet will present the road and utility profiles. It will also show any centerline soil testing performed and show the approximate elevation for high groundwater and refusal at each hole. Compliance with the American Association of State Highway and Transportation Officials (AASHTO) Horizontal and Vertical Curve design requirements and sight distance requirements shall be included on these sheets. This set of sheets shall also include a corner sight distance profile demonstrating compliance with the AASHTO.
- h) **Detail Sheet(s)** – These sheets should provide information for the construction of all components of the project. The individual details shall be arranged in the order that

they will be constructed (ie. the erosion control detail would be first and the tree planting detail should appear last). Further, each detail shall be labeled sequentially with a letter (ie. Detail A – erosion control detail, also see figure below).



**Sample Detail Label:** “D” refers to the detail letter and 1-2 refers to the sheet where this proposed item is shown on the plan view.

- i) **Other Sheet(s)** – Other sheets may include, but are not necessarily limited to, landscaping plans, utility plans, renderings, etc.

Furthermore, the Drawings shall contain the following information:

- 1) Subdivision name including the way or ways on which it is situated, boundaries, north point, scale, benchmark and datum. All elevations to refer to North American Datum 1983 (NAD83) datum and horizontal control shall be tied to the Massachusetts State Plane coordinate system.
- 2) Name and address of record owner, Applicant, Registered Professional Engineer and Registered Land Surveyor, including professional stamps.
- 3) Names and addresses of all direct abutters as they appear in the most recent tax list. A list of all property owners within 300 feet should be provided with the Application.
- 4) Existing and proposed lines of streets, ways, lots, easements, waterways, and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board).
- 5) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line and to establish these lines on the ground.
- 6) Location of all permanent monuments properly identified as to whether existing or proposed and linked to the nearest public way monuments within 1,000 feet of center of the property entrance.



- 7) Location, names and present widths of ways bounding, approaching or within the subdivision.
- 8) Existing and proposed topography at two (2) foot contour intervals.
- 9) Lengths, radii and central angles of all curves in lot lines and street lines.
- 10) Zoning classifications of all areas shown on the Plan.
- 11) Areas of lots with lot numbers and areas of other adjacent land of applicant, or which Applicant or Owner has an interest in that is not included in the subdivision.
- 12) Size and location of existing and proposed water supply facilities.
- 13) A storm drainage system will be shown on a separate sheet. The Plan shall include invert and rim elevations of all catch basins and manholes together with surface elevations of all waterways within the subdivision at 100-foot intervals. Test pits or borings shall be performed at the expense of the applicant at 100-foot intervals along the centerline of the proposed roadways to determine the foundation material for road construction and to determine the seasonal high ground water elevation. Surface elevation and approximate depth of water shall be shown at each point where the drainage pipe ends at a waterway.  
  
Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage area and other information sufficient for the Board to check the size of any proposed drain, culvert or bridge shall be included.
- 14) All areas regulated by Wetlands Protection Act 310 CMR and rock outcrops, (unless otherwise specified by the Board), and other significant features.
- 15) Minimum building set-back lines on all lots. On lots adjacent to future roadways, as required in Section 5.1.1 c., the building set back line shall be as required for frontage along the proposed roadway.
- 16) Location of all the following improvements; street paving, sidewalks, street signs, street lighting standards (if required), all utilities above and below ground, curbs, gutters, street trees, storm drainage and all easements. (May be on a separate sheet).

- 17) A legend denoting any signs and symbols used on the plan and not otherwise explained.
- 18) Suitable space to record the signatures of the seven members of the Board.

#### **4.2.4. Profiles of Proposed Streets**

(May be made on a separate sheet) Profiles shall be drawn with:

- a) A horizontal scale of 1 inch to 40 feet (1"=40').
- b) A vertical scale of 1 inch to 4 feet (1"=4').
- c) Existing centerline keys with elevations shown every 50 feet.
- d) Existing right sideline in fine black dotted line.
- e) Existing left sideline in fine black dotted line.
- f) Proposed centerline grades and elevations, with elevations shown at every fifty (50) foot station, except that in vertical curves elevations shall be shown at twenty-five (25) foot station and at Point of Vertical Curvature (PVC) and Point of Vertical Tangency (PVT).
- g) All existing intersection walks and driveways shown on both sides of proposed and existing ways.
- h) All elevations referred to the North American Datum 1983 (NAD83) bench marks.
- i) Proposed grades of ways shall be shown.
- j) Size and location of existing and proposed utilities and their appurtenances and surface drains and their appurtenances.
- k) All center lines, street lines and curb lines (with elevations every 25 feet) of streets for a distance sufficient to meet AASHTO regulation either side of each intersection on a connecting street.
- l) Profiles shall show vertical location of all water lines, drainage lines and other utilities as well as required new waterways. Sizes of all pipes shall be shown as well as inverts of all pipes at each manhole or catch basin, together with invert elevation and rim elevation of each manhole or catch basin. Profiles

shall be included for each proposed water and sewer lines and all proposed drainage lines whether or not within the subdivision. All pipe slopes, diameters and constructions should also be included.

#### **4.2.5. Performance Guarantee (MGL Ch41 §81U)**

Before endorsement of a Definitive Plan of a subdivision the subdivider shall either, (1) file a performance bond secured by surety or deposit money or negotiable securities in an amount and form determined by the Board to be sufficient to cover, (a) the cost of all of the improvements specified in Section 6.0, (b) the maintenance of such improvements for one year, and, (c) a 10 percent contingency factor or, (2) follow the procedure outlined in "2" below.

##### **1) Approval with bonds or surety (Forms G, G-1, H, I & J)**

Such bond or security if filed or deposited shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer and shall be contingent on the completion of such improvements within two years from the date of issuance of the first building permit for the project or the first building permit in that particular phase of the project, as appropriate.

Upon its own motion or a written request of the subdivider the Board may decide at any time during the term of the performance bond that improvements have been installed in a satisfactory manner in sufficient amount to warrant reduction in the face amount of such bond, the face value of such performance bond may be modified by an appropriate amount. The 10 percent contingency shall be retained until road acceptance is final.

##### **2) Approval with a covenant (Forms F and F-1, F-2, F-3)**

Instead of filing a bond or depositing surety, the subdivider may request approval of his Definitive Plan on condition that a covenant running with the land has been duly executed and recorded and inscribed on the Plan, or on a separate document referred to on the plan, in accordance with Section 81-U of Chapter 41 G.L. Such covenant shall provide in part that no lot may be built upon or sold until all of the improvements as required in these regulations have been completed and approved as provided hereafter.

In this case, before approval of a Definitive Plan, there shall be filed by the subdivider a properly executed Approval Agreement (Form F), in accordance with Section 4.2.2.

Prior to delivering to the subdivider a Release of Restrictions (Forms F-1, F-2 & F-3) whereby the restrictions relating to the lot or lots listed therein shall be terminated, the Board shall determine to its satisfaction that such improvements specified in

Section 6.0 have been completed so as to adequately serve such lot or lots, in part by requiring that the subdivider submit to the Board the following:

- 1) As-built plan or partial as-built plan of the improvements made to date with a certification from the design engineer that all improvements made conform to the approved design plans, or shall list any deviations from the approved design plans;
- 2) Written documentation from the Town Engineer that required improvements conform to the Planning Board requirements in accordance with the approved Definitive Plan.
- 3) Written documentation from a majority of the Water Commissioners or from their Agent that the mains and hydrants conform to their specifications and the Planning Board requirements in accordance with the approved Definitive Plan.
- 4) A performance guarantee as permitted herein and by the subdivision control law (MGL ch 41 §81U) in an amount determined by the Board to be sufficient to cover the cost of any remaining or uncompleted work. Release of the check or bond shall be subject to the written approval of the Planning Board that the work has been completed in accordance with requirements.
- 5) A completed Release of Restrictions (Form F-1, F-2 or F-3) for signature by a majority of the Planning Board, if approved.
- 6) Submit copies of deeds and easements that have been reviewed and approved by Town Counsel for any lots for which release is sought.

Upon completion of such required improvements the subdivider shall so notify the Planning Board and the Town Clerk, by hand delivery or registered mail, requesting release from such covenant. The Board shall act on such request within forty-five days.

#### **4.2.6. Suitability of the Land**

##### **1) Board of Health Review (MGL Ch41 §81U)**

When a Definitive Plan of a subdivision is submitted to the Planning Board, a copy thereof shall also be filed with the Board of Health. The Board of Health shall, within forty-five (45) days after the Plan is so filed, report to the Planning Board in writing its approval or disapproval of said Plan, and in the event of disapproval, shall make specific findings as to which, if any, of the lots shown on such Plan cannot be used for building sites without injury to the public health, and include such specific

findings and the reasons therefore in such report, and, where possible, shall make recommendations for the adjustment thereof. Failure to so report within the time limit shall be deemed approval for a subdivision served only by municipal sewage.

## **2) Conservation Commission Review**

No work within an approved subdivision shall commence until such time as the provisions of the Massachusetts Wetlands Protection Act (MGL Ch 131 Sec. 40) and the Town of Douglas Wetlands Bylaw (Article 8 of the Douglas General Bylaws) have been complied with.

### **4.2.7. Public Hearing**

In accordance with MGL Ch41 §81T: ... *“Before approval, modification and approval, or disapproval, of the Definitive Plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Douglas once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing the applicant shall mail by certified return receipt a copy of such advertisement to all property owners within 300' of the land included in such Plan as appearing on the most recent tax list.”*

### **4.2.8. Decision (MGL Ch41 §81U)**

The Board shall issue a decision within 135 days of submittal of a definitive plan or within 90 days when a preliminary plan has been filed. The action of the Board in respect to such Plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board, but not until the statutory twenty day appeal period has elapsed with no appeal having been filed with the Town Clerk and following the filing of a certificate of action (Form C-1, C-2) of the Board to the Town Clerk. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with five (5) prints and one copy suitable for reproduction thereof. Also, upon endorsement, the Applicant shall submit one electronic file (.dxf, .dwg, etc) of the entire submittal to the Board, as acceptable.

Approval of the Definitive Plan does not constitute the laying out, or acceptance by the Town of streets within a subdivision.

**4.2.9. Monthly Reporting**

Monthly engineering reports shall be submitted to the Planning Board by the applicant's Engineer. Said report shall, at a minimum, indicate the status of the subdivision in terms of schedule for completion and to describe in reasonable detail any problems or delays encountered with the construction of the project.

**4.2.10 As-built**

The Board shall require the submission of partial and final "as-built plans" to assist with the review of Applicants requests for Surety reduction and for recommendation on final road acceptance. The As-built plans shall be submitted showing all changes, modifications, deletions, or additions made to the approved definitive set of plans including but not limited to rights of way, drainage, utilities, water and sewer, easements, roadway cross section and profile. One full-size set (24" x 36") of partial as-built plans that are certified by a professional engineer and a land surveyor shall be submitted to the Town Engineer for review along with any surety reduction requests. The Engineer and/or Land Surveyor shall provide the following stamped certification on all progress and final as-built plans:

*"I certify that to the best of my knowledge and ability that the lines, elevations, locations and information depicted on this drawing are true and accurate and are based upon final in-place field conditions as of the date indicated on this drawing.*

*Signature: \_\_\_\_\_ Date: \_\_\_\_\_"*

The final set of As-Built drawings shall include one full size mylar set of the entire project and 1 full size reproduction thereof. Electronic copies (.dxf, .dwg, etc.) of the as-built plans shall accompany each request for surety reduction, as appropriate.

Upon completion of the public improvements the developer shall provide the Planning Board with legal descriptions and mapping that is acceptable to the Town Counsel and the Board of Selectmen of all land that is to be conveyed to the Town or where easements are to be provided.

**4.3 Residential Compounds****4.3.1. Purpose**

The purpose of this Section is to provide an option for the development of a parcel of land under an alternative design, called a Residential Compound, where and only where the Board determines that such Residential Compound will promote development of the parcel in the best interests of the Town, considering the factors specified herein. A Residential Compound Plan shall be treated as a Definitive Plan for the purposes of the Subdivision Control Law. Because the Residential Compound Plan contains various

waivers from the otherwise applicable Rules and Regulations of the Planning Board, the approval of a Residential Compound is within the informed discretion of the Board pursuant to G.L. c. 41 s. 81R. Denial by the Board of a request to submit an application for a Residential Compound, or denial of an application for a Residential Compound, shall not be construed as denial of the right to subdivide the property, and the applicant shall retain all rights to submit a Definitive Plan pursuant to G.L. c. 41, s. 81U and these Rules and Regulations. Applicants are advised to see Section 4.4 of the Zoning By-Law for provisions regarding reduced lot frontage within a Residential Compound.

#### **4.3.2. Eligibility**

Applicants may request that a proposal be handled as a Residential Compound Plan (RCP). Prior to investing in extensive professional design costs for preparation of a RCP, the applicant is invited to review the proposed development of the parcel of land with the Board, in order to explore general conditions involving the site and to discuss potential problems. Pencil sketches, which need not be professionally prepared, will assist in this discussion, and should show the critical features required herein.

To qualify for consideration as a RCP, the subdivision must satisfy all of the following conditions; provided, however, that satisfaction of the following conditions shall only result in rendering the plan eligible for further consideration by the Board pursuant to this Section, and does not guarantee approval.

- a. The RCP must create at least two but not more than **10** lots and have a minimum of **100** feet of frontage on an existing public way.
- b. All lots created by the RCP shall have ingress and egress to a Common Private Way.
- c. Each lot shall have at least 50 feet of frontage on the Common Private Way and shall contain at least one hundred fifty (150%) percent of the minimum area requirement for the district in which it is located.
- d. The Common Private Way shall extend from a public way, and shall end in a cul-de-sac, as described below.
- e. Not more than one (1) RCP subdivision shall be created from a property, or a set of contiguous properties held in common ownership as of **May 26, 2009**. Documentation to this effect shall be submitted to the Planning Board along with the application for RCP approval.
- f. A buffer zone of at least 100 feet in width of indigenous vegetation shall separate any structures in the development from any adjacent public way. No vegetation shall be removed from this buffer zone after the development of the residential compound, nor shall any building or structure be placed therein.

#### **4.3.3. Criteria for Planning Board Approval**

The Planning Board may approve an RCP subdivision upon a determination that the RCP, as compared to an orthodox subdivision of the same parcel, is likely to:

- a. reduce the number of lots having egress onto existing public ways;
- b. reduce the number of lots having frontage on existing public ways;
- c. reduce cut and fill in road construction and subdivision development;
- d. promote public safety and welfare, particularly with regard to traffic and pedestrian safety;
- e. be constructed in a manner which will minimize the visual impact of the development of the subject parcel of land as viewed from the public way providing access to the RCP subdivision, or from adjacent properties; or
- f. produce less irregularly shaped or contorted lot configurations.

#### **4.3.4. Application**

In order to facilitate application for an RCP, the applicant shall submit a plan containing the following information, in a format acceptable to the Registry of Deeds and the Planning Board:

- a. centerline profile of proposed Common Private Way;
- b. location of any wetlands;
- c. proposed drainage;
- d. proposed utilities and road construction design;
- e. proposed lot lines and building sites;
- f. scale and area of vegetative screening separating the Common Private Way and RCP lots from adjacent public way;
- g. names of abutters from the latest available Assessor's records.

Such plan shall be prepared by Registered Professional Engineer, Land Surveyor, Architect, or Landscape Architect, unless this requirement is waived by the Planning Board. The Planning Board reserves the right to request any information not set forth above but otherwise required for the submittal of a Definitive Plan.

#### **4.3.5. Filing Fee**

An application fee as set forth in the Planning Board Fee Schedule shall be submitted with the application form to cover costs of processing and initial engineering review. The Planning Board may require additional fees in accordance with its Rules and Regulations.



**4.3.6. Conditions**

Any plan approved as an RCP must contain or refer to recorded covenants regarding each of the following:

- a. The Common Private Way shall remain permanently a private way, which shall not be extended.
- b. The Common Private Way shall not be connected to any other way except where it originates on a public way.
- c. All lots created by the RCP shall obtain access exclusively from the Common Private Way and not the public way serving the locus.
- d. Ownership of any lot shown on the RCP shall constitute membership in a homeowners association responsible for all liability, maintenance and snow removal from the Common Private Way. This condition shall be placed in the deed to each lot. The documents establishing the homeowners association and all deeds shall be approved as to form by the Planning Board's legal counsel prior to Execution.
- e. The Common Private Way shall be conveyed to the homeowners association which shall permanently retain all rights in the Common Private Way.
- f. The Common Private Way does not meet the standards of the Town for acceptance for new ways and shall not be proposed for such acceptance.
- g. Owners of lots in the RCP shall be subject to betterments for Common Private Way repairs and improvements, even though the Common Private Way shall not be accepted by the Town.
- h. The homeowners association shall indemnify, hold harmless and release the Town from liability for any damages resulting from an action brought by a third party or the association in any court due to the repair, use, or maintenance of the Common Private Way.

**4.3.7. Common Private Ways**

Common Private Ways shall have:

- a. A staging area shall be provided to promote ease of access from the Common Private Way to the abutting public way, and to minimize the discharge of water and sediment from the common private way onto the abutting public way. The staging area shall be at least 40 feet in length from the pavement on the public way, with a minimum width of 20 feet of pavement in accordance with the Subdivision Regulations, and sloped not more than 6% grade for the 40 feet it extends from the pavement on the public way;
- b. A centerline intersection with the street centerline of not less than 60 degrees;

- c. A roadway surface, on that portion of the Common Private Way extending beyond the staging area, of a minimum of 6 inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown, where appropriate; provided, however, that the applicant may seek a waiver of this provision upon a demonstration that alternative construction standards meet the access and safety standards of this provision;
- d. Proper drainage appurtenances, where required, to prevent washout and excessive erosion, with particular attention to the staging area, so that water draining onto the street surface from the staging area is eliminated to the maximum extent feasible;
- e. A roadway surface, on that portion of the Common Private Way extending beyond the staging area, with a minimum width of 16 feet for its entire length, and a minimum right-of-way width of 30 feet for its entire length;
- f. A turnaround or cul-de-sac of not less than 30 feet in depth and 40 feet in width provided at the end of the Common Private Way;
- g. A buffer zone of not less than 30 feet in width of indigenous vegetation separating the Common Private Way from any pre-existing residential lot line.

#### **4.3.8. Decision**

The Planning Board shall render a decision regarding a RCP in accordance with the provisions of G.L. c. 41, ss. 81U and 81R and Section 3, herein. The Planning Board may grant a waiver from these requirements in granting any approval.

## SECTION 5.0: DESIGN STANDARDS

Unless specified otherwise, definitions, terms and standards referenced in the current version of the Commonwealth of Massachusetts Highway Department Standard Specifications for Highways and Bridges shall apply herein.

### 5.1 Streets

#### 5.1.1. Location and Alignment

- a) All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- b) Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided. These access ways are to be deeded either in fee or by easement to the town prior to release of any bond.
- c) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- d) Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall not be permitted.
- e) The minimum centerline radii of curved streets shall comply with the American Association of State Highway Transportation Officials (AASHTO).
- f) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees.
- g) Property lines and right of way lines at street intersections shall be rounded or cut back to provide for curb radius of not less than twenty (20) feet.

#### 5.1.2. Width

The minimum width of street rights-of-way shall be sixty-feet (60'). Rights-of-ways reserved prior to the implementation of these regulation revisions may maintain a minimum 50-foot wide right of way over the area reserved. Greater width shall be

required by the Board when deemed necessary for present and future vehicular travel. Item Number 6 of Section 3.2 herein provides definitions for the three types of streets.

### **5.1.3. Grade**

- a) Grades of streets shall be not less than 1.0%. Grades shall not be more than 6.0% for principal streets nor more than 10.0% for secondary streets.
- b) All changes in grade exceeding one-half ( $\frac{1}{2}$ ) percent shall be connected by vertical curves of sufficient length to afford adequate sight distance.
- c) Streets and lots shall be aligned and graded to facilitate connection with the existing and proposed sewerage system where applicable.
- d) Vertical alignments shall be in compliance with AASHTO.
- e) Grades at all street intersections and at all cul-de-sacs shall not exceed 2.0% for a distance one-hundred fifty feet (150') as measured from the centerline intersection or the end of the cul-de-sac.

### **5.1.4. Dead-End Streets**

- a) Dead-end streets shall not be longer than one thousand (1,000) feet unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions.
- b) Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet, and a property line diameter of at least one hundred and twenty (120) feet.
- c) Through streets indicated on the plan, that are not constructed to provide through traffic, shall provide for temporary turnarounds to be approved by the Board, or its agent, before any houses on such streets shall be occupied.
- d) Any easement in a turn-around other than an easement appurtenant to a lot abutting the turn-around shall terminate upon the approval and recording of a plan showing extension of said way, except in such portion of said turn-around as is included in said extension, and upon the recording of a certificate by the Board of the construction of said extension.

## 5.2 Easements

- 1) Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twelve (12) feet wide to the town Right of Way.
- 2) Where a subdivision is traversed by a drainage way, the Board may require that there be provided to the town, a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such drainage way, to provide for construction of other necessary purposes, and to provide for extension of such drainage ways on adjoining property.
- 3) All public improvements to be constructed on private property must be substantially complete prior to the transfer of title of that piece of property. As-built plans and Inspection Forms shall be submitted to, and approved by the planning board for determination of substantial completion.
- 4) All easements and rights to drain shall be in a form acceptable to the Town Counsel and the Board of Selectmen.
- 5) Gravel drives providing access to public improvements shall be a minimum of 12' wide with an 8" layer of gravel meeting the Mass Highway specifications for gravel borrow.

## 5.3 Recreational Areas (MGL ch41 §81U)

Before approval of a Definitive Plan, the Board may require the Plan to show a park or parks suitably located for playground or recreation.

The Board may, by appropriate endorsement on the Plan, require that no building be erected upon such park or parks without its approval for a period of three (3) years. The Board shall not require dedication of such recreation areas without just compensation to the owner.

## 5.4 Protection of Natural Features

Due regard shall be shown for all natural features, such as topography, large trees, water courses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

## **SECTION 6.0 REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION**

Unless specified otherwise, definitions, terms and standards referenced in the current version of the Commonwealth of Massachusetts Highway Department Standard Specifications for Highways and Bridges shall apply herein.

### **6.1 Street and Roadway**

- 1) The entire area of each way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.
- 2) All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with common borrow or other suitable material permitted by the Board.
- 3) All roadways shall be brought to a finished grade as shown on the profiles of the Definitive Plan with at least the top twelve (12) inches of gravel borrow conforming to MassHighway M 1.03.0 type b compacted to 95% dry density to a width of the roadway base course plus two (2) feet on both shoulders.
- 4) Adequate disposal of surface water shall be provided and shall meet the standards of treatment outlined in the Massachusetts Department of Environmental Protection (DEP) Stormwater Policy Manual. Catch basins shall be pre-cast concrete structures with extended base sections that are located at low points and sags in the roadway, near the corners of the roadway at intersecting streets, and at intervals along the roadway that are determined by the contributing flowrate and the inlet grate capacities but in no instance shall they be located more than 300-feet apart from each other.
- 5) A four (4) inch compacted thickness of Class I bituminous concrete pavement, Type I-1, shall be placed on all roadways in conformance with the Massachusetts Highway Department Standard Specifications for Highways and Bridges. Two and one half (2 ½) inches of coarse mix (binder) bituminous concrete shall be laid, then upon which shall be laid a one and one half (1 ½) inch course of fine mix (finish) bituminous concrete.

A Building Permit shall not be granted by the building department until the base course of pavement is installed, sidewalks are installed and grass strips are prepared for loam and seeding to the satisfaction of the Planning Board. Within 21 days of a written request of the applicant the Planning Board will issue a letter to the building department documenting the developer's compliance.

- 6) All unpaved areas, within the road right-of-way, and all slopes immediately adjacent to the road shall be loamed and seeded.
- 7) The developer shall be responsible for maintaining in good repair all roads in a subdivision until they are accepted by Town meeting. This maintenance shall include sweeping, cleaning of catch basins, repair of any settlements or cracking and adjustment of castings within the pavement. The developer shall be responsible for keeping the roads clear & accessible at all times. This shall include, but not be limited to, plowing and sanding as required for public safety. The Town shall have the ability to contract outside snow removal/sanding vendors, at the expense of the Applicant, if the snow is not cleared within a reasonable amount of time. A “reasonable amount of time” is determined by the Planning Board or its Agent.
- 8) Driveways. All driveways extending from the completed road surface to the lot line must have a topping of at least two (2) inches of bituminous concrete. All driveway slopes must end at the street right of way, then continue forward to the completed road surface in the same grade as the sidewalk strip and/or shoulder in order to allow proper drainage of surface water. The driveway apron shall be placed to form a one (1) inch lip (elevation differential) when the final course of pavement is placed.
- 9) Underdrains shall be provided along the roadway in all areas where groundwater is indicated by mottles within 36" of the finished grade and where required in cuts along the right of way to ensure no ground water seeps onto the roadway or driveways.

## 6.2 Curbs and Berms

In instances where the Planning Board so requires, curbs and berms shall be installed in accordance with the following minimum requirements and the construction specifications enumerated herein.

Curbing shall be installed in accordance with the construction standards put forth in Standard Specifications for Highways and Bridges by the Massachusetts Highway Department. Cape Cod bituminous concrete berms shall be required throughout the development except where granite curbs are otherwise required. Cape Cod berms shall be installed directly on top of the binder course of the pavement.

Type VA-4 granite curbs shall be installed at all curb inlets for catch basins, All street intersections on the curve and extending 6 feet beyond the tangent points; and On all inside curves wherever the interior angle is less than 110 degrees.

### **6.3 Utilities**

- 1) The Planning Board has the authority to require the Applicant to connect to public utilities, as the Board deems appropriate.
- 2) All developments connecting to a public sewer system shall construct the system in conformity with specifications and requirements of the Water and Sewer Department.
- 3) In areas reasonably available to a public water system, 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 Water and Sewer Department.
- 4) Hydrants shall be installed by the developer so that all dwellings in the development are within 300 feet of a hydrant when public water is available.
- 5) Underground distribution systems shall be provided for any and all utility services, including electrical and telephone services. Adequate street lighting shall be provided of a design subject to approval by the Planning Board when required.

### **6.4 Sidewalks**

Five-foot wide sidewalks shall be installed on both sides of the proposed road. The sidewalk shall be constructed of poured concrete, shall have evenly spaced control joints, and shall have an 8-inch gravel base. All sidewalks and ramps shall be in compliance with all American with Disabilities Act (ADA) and applicable Massachusetts regulations.

Projects that are looped in a hairpin fashion to connect to the same pre-existing supply road or connect to a different road within a reasonable short distance shall provide a poured concrete sidewalk along the existing roadways and between the new roadways, so that the sidewalk may provide a loop.

### **6.5 Grass Strips**

A minimum five-foot wide grass strip shall be constructed between the road curb and front edge of the sidewalk. This strip shall be loamed with not less than four inches compacted depth of good quality screened loam seeded with lawn seed and rolled. Seeding and mulching shall be done at appropriate time of the year and in a manner to insure growth of grass and shall be done in accordance with the Massachusetts Standard Specifications for Highways and Bridges.

### **6.6 Trees**

In accordance with Planning Board policy, trees shall be installed at an average spacing of one hundred feet on both sides of proposed roadways. All trees must be hardwoods, one and



one-half (1-1/2) to two (2) inches in diameter, ten (10) to twelve (12) feet tall with good straight stems. These trees shall be planted in the five-foot grass strips.

All trees that do not survive shall be replaced prior to final road acceptance.

## **6.7 Monuments Street Signs and other Appurtenances**

- 1) Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points, where, in the opinion of the Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of the Board and shall be set according to such specifications. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed. Each project shall provide permanent horizontal and vertical control on these or other accessible monuments to the Planning Board.
- 2) The Planning Board requires that traffic control and street name signage be installed along any street or way that leads to a building lot for which a Certificate of Occupancy is being sought, prior to the Building Inspector issuing said certificate. The signage shall be installed in accordance with the approved subdivision drawings.
- 3) The Applicant shall provide permanent central mailbox units (CMU) as part of the project. These CMU's shall be approved as to style and location by the local Postmaster General of the United States Post Office. Post Office authorization shall be forwarded to the Planning Board for their record.

## **6.8 Clean Up**

- 1) All removed trees, stumps, brush and boulders shall be properly disposed of in accordance with all applicable Local, State & Federal regulations. Before sale of a lot, the subdivider shall clean up any debris thereon caused by construction of public improvements.
- 2) Upon completion of work in the subdivision, all equipment shall be removed and the entire area cleaned of debris and other objectionable material so as to leave a neat and orderly appearance.

## **6.9 Inspection of Required Improvements**

### **6.9.1. General**

Inspections shall be coordinated with the Town Engineer prior to starting subdivision construction. The Town Engineer will sign this checklist after satisfactory completion of each step by the contractor. Inspections shall be requested three work days in advance of

each inspection by written notice or phone call to the Town Engineer with a copy to the Town Engineer or the Planning Board Agent. Inspections shall be made after each step indicated below. All weight slips for bituminous material shall be furnished to the Town Engineer.

### **6.9.2 Pre-Construction & Progress Meetings**

A mandatory pre-construction meeting is required to be held between the Town Engineer, the Planning/Conservation Agent, the Applicant, the project construction superintendent, the Design Engineer and any other relevant parties to the construction process. This meeting is intended to establish construction control requirements, project scheduling and facilitate communication between all parties involved in the construction project. The Onsite progress meetings (inspections) will occur at a minimum on a monthly basis or more frequently as required by bond reductions, site control or as needed.

### **6.9.3. Site Preparation**

Site preparation shall include, but not necessarily be limited to, mobilization to the site; erection of erosion controls; construction of stormwater management structures and establishment of staging areas, field trailers, and stockpile areas. Site preparation inspections shall be performed by the Town Engineer or the Planning/Conservation Agent.

### **6.9.4. Clearing and Grubbing**

Clearing and grubbing shall be performed in accordance with the limits shown on the approved drawings. Clearing and grubbing shall be coordinated in an organized fashion. Separate areas for trees, stumps, brush and rock/boulders shall be maintained. Burial of organic materials (trees, brush or stumps) is prohibited. Burial of rock/boulders shall be prohibited unless burial is pre-approved by the Planning Board, the Town Engineer or the Planning/Conservation Agent. Clearing and grubbing inspections shall be performed by the Town Engineer or the Planning/Conservation Agent.

### **6.9.5. Excavation and Subgrade Preparation**

Site Excavation, grading and subgrade preparation shall be in accordance with the limits shown on the approved drawings. In areas where roads, stormwater management utilities, or other structures or utilities are proposed, excavation of unsuitable material (ie. debris, organic material, etc.) is required. Only suitable native or compacted soils shall be permitted to be located below roads, stormwater management utilities, or other structures or utilities. Site Excavation, grading and subgrade preparation inspections shall be performed by the Town Engineer or the Planning/Conservation Agent.

### **6.9.6. Installation of Utilities**

Site Drainage – Underdrains, storm and surface drains shall be installed as specified and in conformity with the approved Definitive Plan. Construction of stormwater management structures and utilities shall be inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

Water - Water mains and related equipment such as valves, thrust blocks, fire hydrants, pump stations, and water storage tanks shall be installed as specified and in conformity with the approved Definitive Plan. Construction of water mains and related equipment shall be inspected and approved by the Water & Sewer Department or their Agent and the Fire Chief or their agent. Written certification from the Water & Sewer Superintendent and the Fire Chief is required indicating that the construction of the water main has been installed as approved and meets the required specifications and testing requirements of the appropriate local, state and federal agencies. Backfilling and other peripheral activities associated with water utilities are also inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

Sewer - Sewer mains and related equipment such as valves, manholes, and pump stations shall be installed as specified and in conformity with the approved Definitive Plan. Construction of sewer mains and related equipment shall be inspected and approved by the Water & Sewer Department or their Agent. Written certification from the Water & Sewer Superintendent is required indicating that the construction of the water main has been installed as approved and meets the required specifications and testing requirements of the appropriate local, state and federal agencies. Backfilling and other peripheral activities associated with water utilities are also inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

Electric, Telephone & Cable – Installation of the underground (or aboveground) electric, telephone, and cable utilities shall be inspected and approved by their respective private supply companies. Backfilling and other peripheral activities associated with these utilities may also be inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

Other – Generally, other utilities not listed herein shall be installed as shown on the approved Definitive Plans and inspected by the governing department or agency. Where no governing agency or department exists, then these utilities may be inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

**6.9.5 Backfill, Fill and Rough Grading**

Backfill, fill and rough grading shall be performed in accordance with the approved definitive plans and in accordance with the current version of the Commonwealth of Massachusetts Highway Department Standard Specifications for Highways and Bridges. Backfill, fill and rough grading shall be inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

**6.9.6. Gravel Base**

Gravel Base shall be installed in accordance with the approved definitive plans and in accordance with the current version of the Commonwealth of Massachusetts Highway Department Standard Specifications for Highways and Bridges. Gravel Base shall be inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

**6.9.7. Binder Course of Pavement Construction**

Binder Course of Pavement shall be installed in accordance with the approved definitive plans and in accordance with the current version of the Commonwealth of Massachusetts Highway Department Standard Specifications for Highways and Bridges. Binder Course of Pavement shall be inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

**6.9.8. Curb and Berm Installation**

Granite curb and Bituminous Concrete Berm shall be installed in accordance with the approved definitive plans and in accordance with the current version of the Commonwealth of Massachusetts Highway Department Standard Specifications for Highways and Bridges. Granite curb and Bituminous Concrete Berm shall be inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

**6.9.9. Sidewalk Construction**

Sidewalks shall be installed in accordance with the approved definitive plans and in accordance with the current version of the Commonwealth of Massachusetts Highway Department Standard Specifications for Highways and Bridges. Sidewalks shall be inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

**6.9.10. Trees and Planting**

Trees and plantings shall be installed in accordance with the approved definitive plans. Trees and plantings shall be inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

**6.9.11. Loaming, Seeding and Mulching**

Loaming, Seeding and Mulching shall be installed in accordance with the approved definitive plans or as needed to repair disturbed areas. Loaming, Seeding and Mulching shall be inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

**6.9.12. Street Signs and Monuments**

Street Signs and Monuments shall be installed in accordance with the approved definitive plans. Street Signs and Monuments shall be inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

**6.9.13. Street Lights**

Street Lights shall be installed in accordance with the approved definitive plans. Street Lights shall be inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

**6.9.14. Top/Finish Course of Pavement Construction**

Top/Finish Course of Pavement shall be installed in accordance with the approved definitive plans and in accordance with the current version of the Commonwealth of Massachusetts Highway Department Standard Specifications for Highways and Bridges. Top/Finish Course of Pavement shall be inspected by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

**6.9.15. Final Clean-up**

Upon completion of the subdivision construction, The Developer shall clean all stray trash or unnecessary materials located around the site. All staging areas, field trailers, trees, brush, and excess materials shall be removed from the site. All stormwater management utilities are to be cleaned and prepared for a final inspection. Final cleanup inspection shall be performed by the Town Engineer, the Planning/Conservation Agent or other individual designated by the Planning Board.

## **SECTION 7.0 ADMINISTRATION**

### **7.1 Authority**

The Planning Board shall be the administrative agency of these regulations and shall have all the powers assigned them by Section 81A to 81GG of Chapter 41 of the General Laws of Massachusetts.

The Planning Board may assign as their agents appropriate town agencies or officials and may from time to time hire professional assistance to review plans and inspect improvements at the cost of the subdivider.

In accordance with MGL Ch 41§81W: The Board “...on its own motion or on the petition of any person interested, shall have the power to modify, amend or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan. ...”

### **7.2 Waiver of Compliance (MGL Ch41 §81R)**

Strict compliance with the requirements of these rules and regulations may be waived only when, in the judgement of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law. In waiving strict compliance the Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived.

### **7.3 Inspection**

Inspection shall be carried out at appropriate times during the improvement of the subdivision as spelled out in Section 6.0 of these regulations and in the attached Inspection Check List (Form P).

The responsible agency shall appoint a qualified person or shall make arrangements with a professional person or firm to carry out such inspection.

The cost of such inspection shall be borne by the developer, as required by the most recent Town of Douglas Planning Board Fee Schedule.

### **7.4 Separability**

If any section, paragraph, sentence, clause, or provision of these regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these regulations shall be deemed valid and effective.

### **7.5 Amendments**

These regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board after a public hearing on its own motion or by petition.