

Town of **Douglas**, Massachusetts

FORM C-1

Certificate of Approval of a Definitive Plan

May 27, 2003

It is hereby certified by the Planning Board of the Town of **Douglas**, Massachusetts, that a duly called and properly posted meeting of said Planning Board, held on **May 27, 2003**, it was voted to approve a definitive plan entitled:

“A Two Lot Definitive Subdivision Plan” in the Town of Douglas, Massachusetts

submitted by

Kenneth Ballou (APPLICANT/OWNER), and Heritage Design Group, Inc. (ENGINEER)

originally filed with the Planning Board on **February 20, 2003**

concerning property located

off West Street and Riedell Road,

With the following conditions:

See attached decision for conditions and waivers.

A copy of this Certificate of Approval is to be filed with the Town Clerk and a copy sent to the Applicant.

A true copy, attest:

Douglas Town Clerk

Douglas Planning Board

DECISION

Town of Douglas Planning Board

Definitive Subdivision Plan
for a Two Lot Definitive Subdivision
in the Town of Douglas, Massachusetts

Decision of the Douglas Planning Board (BOARD) on the petition of Kenneth Ballou, 78 West Street, Douglas, MA 01516 (APPLICANT/OWNER) for property located southwest of the West Street and Riedell Road intersection and shown on Douglas Assessor's Map 162 as Parcel 23 (SITE).

I. BACKGROUND:

The decision is in response to an Application for Approval of a Definitive Plan (APPLICATION) by the APPLICANT to be allowed to construct a 2-lot residential subdivision at the SITE. This APPLICATION was formally received by the BOARD on February 10, 2003 and was thereafter reviewed for general completeness. The submittal was made by Heritage Design Group, LLC., 10 River Road, Suite 101, Uxbridge, Massachusetts 01569 (ENGINEER) and was comprised of the documents listed in the Exhibits below.

The BOARD caused notice of the time and place of its public hearing and the subject matter thereof to be published, posted and mailed to the APPLICANT, abutters and other parties of interest. The Public Hearing was opened on Tuesday, March 11, 2003 at 7:45 pm.

After causing notice of the time and place of its public hearing and the subject matter thereof to be published, posted and mailed to the APPLICANT, abutters within 300-feet and other parties of interest as required by law, the BOARD Chairman called the meeting to order on March 11, 2003, in the Community Meeting Room, Douglas Town Hall, 29 Depot Street, Douglas, MA. The following BOARD Members were present during the Hearing Process: Chairman Richard Vanden Berg, Ernest Marks, Joel Rosenkrantz, Eben Chesebrough, Linda Brown, Daniel Heney and Josiah Burch. The ENGINEER was present on behalf of the APPLICANT. The hearing was continued by request of the Applicant to the following dates: March 25, 2003; April 22, 2003; and May 14, 2003 at which time, following public input, the hearing was closed. The record of the proceeding and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or the Office of the Planning Board.

II. FILINGS:

Submitted for the Boards deliberation were the following:

1. Application for Approval of a Definitive Subdivision Plan which includes the following items:
 - a. Application Form C dated February 10, 2003;
 - b. Record Deed of the Property;
 - c. Locus Maps;
 - d. Certified Abutters List;
 - e. Assessors Maps;
 - f. Waiver Request List by ENGINEER,
 - g. Definitive Filing Fee Calculation dated July 10, 2001 by ENGINEER,
 - h. Subdivision Plans entitled "A Two Lot Definitive Subdivision Plan in the Town of Douglas, Massachusetts" submitted February 10, 2003, with an Owner of Record and Applicant of Kenneth Ballou, P.O. Box 604, Douglas, Massachusetts 01516 and designed by Heritage Design Group, 10 River Road, Suite 101, Uxbridge, Massachusetts 01569 with revisions thereto thru March 20, 2003 and any revisions resulting from this decision, including the following 10 plan sheets:

i. Cover Sheet	1 of 1
ii. Existing Conditions Plan	E1 of E1
iii. Sheet Index	S1 of S1
iv. Definitive Subdivision Plans	DS1 thru DS2
v. Grading and Drainage Plans	G1 thru G2
vi. Plan & Profile Plans	P1 of P1
vii. Site Detail Plans	D1 thru D2
 - i. Drainage Analysis report dated April 2, 2003 and prepared by Heritage Design Group, 10 River Road, Suite 101, Uxbridge, MA 01569.
2. Memorandum dated March 11, 2003 from the Assistant Assessor to the Town Engineer regarding plan submittal deficiencies.
3. Comments dated March 11, 2003 from the Conservation/Planning Agent to the Planning Board.
4. Letter dated March 11, 2003 to Heritage Design Group from the Town Engineer reviewing the submittal.
5. Planning Board Meeting Minutes dated March 11, 2003.
6. Planning Board Meeting Minutes dated March 25, 2003.
7. Letter dated April 15, 2003 to the Douglas Planning Board from Heritage Design Group addressing comments raised.

8. Planning Board Meeting Minutes dated April 22, 2003.
9. Letter dated May 12, 2003 to the Douglas Planning Board from Heritage Design Group addressing comments raised.
10. Planning Board Meeting Minutes dated May 14, 2003.

III. FINDINGS:

After due consideration of the exhibits and the record of the proceedings, and upon satisfaction of the conditions herein, the Board finds the following:

1. The submittal is for properties identified on Town of Douglas Assessor's Map 162 as Parcel 23. The property is located in both an "RA" (Rural Agricultural) zoned district and a "VR" zoned district. The submittal, as proposed, adheres to the minimum dimensional requirements for an RA zone.
2. The acreage, based upon the Tax Assessors Mapping information, is 16.430 Acres.
3. The proposed roads and ways have been presented as remaining private in perpetuity and held in common Ownership with the Owners of the newly created lots served thereby.
4. The Planning Board has no authority to rule on the locations of existing property boundaries.
5. The definitive plan, with the granted waivers, generally conform with the requirements of the Town of Douglas Rules and Regulations Governing the Subdivision of Land ("Regulations"), and the Subdivision Control Law MGL Chapter 41, Sections 81A – 81GG ("SCL").
6. This approval does not relieve the Applicant from complying with or obtaining the appropriate permits for any federal, state and local laws, rules or regulations.

IV. DECISION & CONDITIONS:

Therefore, the Board voted to approve the Definitive Subdivision Plan entitled "A Two Lot Definitive Subdivision Plan in the Town of Douglas, Massachusetts" dated February 10, 2003 by Heritage Design Group, 10 River Road, Suite 101, Uxbridge, MA 01569; Owner and Applicant being Kenneth R. Ballou and Linda C. Ballou, P.O. Box 604, Douglas, Massachusetts 01516; subject to the following conditions:

A. GENERAL CONDITIONS

- 1) This subdivision approval is given based upon the subdivision plans identified in Exhibit 1 above with revisions thereto through May 27, 2003. The Board will not consider any additional revisions or modifications to the plans as approved other than those resulting from conditions contained herein. If the Applicant wishes to modify or revise the plans he must follow provisions of the Subdivision Control Law, MGL Chapter 41, Sections 81A – 81GG (“Subdivision Control Law”) and the Douglas Rules and Regulations Governing the Subdivision of Land adopted September 17, 1975 and revised November 24, 1998 (“Regulations”) relating to the submission of a Definitive Plan.
- 2) The Applicant shall ensure safe and convenient vehicular access to the project site during the entire duration of the project. Any Planning Board representatives shall be permitted access to the project site for the duration of the project provided that notice is given to the site construction forman upon arrival.
- 3) Nuisance – The Applicant is responsible to ensure that nuisance conditions, not necessarily limited to the following, do not exist in and around the site as a result of the construction operation. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
 - a) Hours - The hours of operation for any construction activities onsite shall be between 7:00 am and 7:00 pm, Monday thru Friday, 8:00 am and 5:00 pm on Saturdays, and no work shall be allowed onsite on Sundays or on Holidays as recognized by the Commonwealth of Massachusetts.
 - b) Dust - The Applicant shall implement dust control operations, in an approved manner, whenever necessary or when directed by the Planning Agent, even though other work on the project may be suspended. Methods of controlling dust shall meet all air pollutant standards as set forth by Federal and State regulatory agencies.
 - c) Noise - The Applicant shall implement measures to ensure that noise does not exceed acceptable levels, as set forth by Federal and State regulatory agencies. The Applicant shall cease any excessively loud activities when directed by the Planning Agent.
 - d) Vibration - The Applicant shall implement the necessary controls to ensure that vibration does not create a nuisance or hazard for property abutters.

- e) Traffic - The Applicant shall implement necessary traffic safety controls to ensure a safe and convenient vehicular access in and around the site. Any traffic issues that occur as a result of site operations and construction shall be mitigated immediately, at the expense of the Applicant. Additional traffic mitigation measures may be required as necessary, or as directed by the Planning Agent.
 - f) Roads – The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways permitting access to residents and emergency vehicles until the subdivision is completed. 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 solely determined by the Planning Board.
 - g) Complaints – All complaints related to the above or otherwise, shall be logged and tracked by the Planning Agent. Complaints will be brought to the attention of the Planning Board, as necessary. Any complaints that are found to be repetitive in nature and continue with no mitigation in the opinion of the Planning Board, may constitute a violation of these conditions and may be grounds for a stop order or a partial stop order.
- 4) The Applicant shall provide temporary central mailbox units (CMU) for the residents during project construction. 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.
- 5) Inspections and Reporting
- a) The Applicant is responsible for the subdivision roadway and infrastructure inspection fees as detailed in the Douglas Regulations.
 - b) The Applicant shall furnish labor and equipment as needed, at no expense to the Town, to assist in performing inspections of the site.

- c) The Applicants Engineer shall provide monthly status and scheduling reports to the Planning Board by the first day of each month until the project is completed, as required by the Regulations. Projections of the upcoming month's work shall also be identified in these monthly reports. The reports shall include any relevant quantity and cost estimates, partial as-built plans, and supporting documentation deemed necessary by the Planning Agent to justify and supplement claims of completed work. Each of these reports shall be signed, stamped and dated by the Design Engineer and contain the following signed statement: "I hereby certify that all quantities and representations contained herein are accurately represented to the best of my professional knowledge and ability."
 - d) The Applicant shall give the Planning Board a 24-hour notice in writing prior to the request for an inspection.
 - e) The Applicant is responsible for the construction and completion of all stormwater management systems prior to any other site construction activities.
- 6) Surety & Covenants
- a) Prior to signing the approved plan, the Applicant shall submit a covenant running with the land, suitable for recording and written in conformance with the Douglas Regulations and the Subdivision Control Law.
 - b) The Applicant shall submit prior to the request for release of lots from covenant, a tabular summary of all quantities of each construction item to be broken down in a manner sufficient for the Planning Board or its agent(s) to estimate the cost of construction for bonding purposes. Said tabular summary shall include, but may not be limited to, all roadway work, landscaping, common areas, water, drainage, utilities (electric, cable, telephone, to name a few), and other construction proposed on the plan.
 - c) Prior to granting a release from covenant, in part or in whole, the Applicant or subsequent Owner shall complete all the required improvements or submit a performance bond, a deposit of money, or a bank passbook in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements required by this subdivision approval. Said surety shall also include a ten percent (10%) contingency factor based upon the value of the work remaining at the time of posting of surety. This full contingency will remain in place until the Planning Board is satisfied that the entire subdivision has been constructed in accordance with the approved Definitive Plan.

- d) Partial as-built plans, certified by a Professional Civil Engineer and Professional Land Surveyor shall be produced with each request for bond/surety reduction. Any items for which reductions are requested shall be clearly identified on the as-built plans including spot elevations, details, cross sections, finished grades, and the like. Furthermore, any testing locations shall also be indicated on the as-built plans. No release of bond/surety will be considered for items that have not been witnessed and approved by the Planning Board Agent(s), specifically by signing the appropriate place on the Form P.
- 7) Construction Standards
- a) Where insufficient information is contained in the design drawings or no local design standard exists, The 1988 Massachusetts Highway Department Standard Specifications for Highways and Bridges as amended and supplemented shall be adhered to.
 - b) Burial of any stumps and debris onsite is expressly prohibited. Localized burial of stones and/or boulders shall not be permitted.
 - c) Soil material to be used as backfill for pipes roads and/or structures (ie. detention basins) shall be tested at the expense of the Applicant, by a firm selected by the Planning Board. Testing of said backfill shall be performed in conformance with standards and frequencies established by the Planning Agent.
 - d) Riprap shall be furnished and installed on all sideslopes in excess of 3 horizontal : 1 vertical (33%) in accordance with Massachusetts Highway Department Standard Specifications for Highways and Bridges Section M2.02.0 – Riprap if the sideslope has not been stabilized prior to acceptance.
- 8) Utilities
- a) Submittal of a utility plan as approved/designed by National Grid, or other appropriate agency shall be provided to the Planning Board prior to start of construction. The proposed layout shall not conflict with any of the infrastructure shown on the proposed drawings.
- 9) Infrastructure
- a) Completion of all roadways, drainage areas, and other improvements required by the Douglas Regulations shall be accomplished within two (2) years from the release of the covenant or posting of surety.

- 10) Easements
 - a) Easements shall be provided to the Town to permit the service of drainage facilities, as necessary.
- 11) Conservation Issues
 - a) The amount of wetland and upland area on each lot shall be specified on the plans and on each lot, where applicable.
 - b) Any work occurring onsite within areas under the jurisdiction of the Douglas Conservation Commission shall be permitted accordingly prior to the start of construction within those areas.
- 12) Other
 - a) A phasing plan clearly indicating the limits of work for each phase shall be submitted to the Planning Board for approval prior to the start of construction, if required.
 - b) The Applicant shall maintain a copy of the approved plan and this Certificate of Approval at the SITE during construction.
 - c) The Applicant shall obtain temporary easements or written permission from any abutting property Owner if, during the course of construction, it becomes necessary to enter upon their land for construction or planting.
 - d) Prior to the application for issuance of occupancy permits for any dwelling having its frontage on any street within the SITE, the following must be complete:
 - i. All street drainage shall be fully complete and functioning with all grates and castings set to grade,
 - ii. The storm water drainage area shall be operational, fully constructed, and completed according to the plans,
 - iii. All improvements shall be installed and inspected to the satisfaction of the Planning Board's Agent(s).

- e) Any sale or transfer of rights or interest in all or any part of the property described in this plan shall include a condition that successors are bound to the terms and conditions of this Certificate of Approval and the covenant. In the event of the sale of the entire development: 1) the Planning Board shall be provided with the name, the address, and the telephone number of the new Owner and of the representative, if other than the Owner, responsible for the project.
- f) The Applicant and/or subsequent Owner(s) shall be bound by all conditions and requirements set forth in this Certificate of Approval. Sureties in place shall remain in full force and effect until such time that a surety of equal or greater value is provided.
- g) Conditions contained herein does not relieve the Applicant from adhering to the Douglas Regulations.

B. SPECIAL CONDITIONS

- 1) A deed restriction shall be provided to the Planning Board indicating that Dogwood Lane and Cardinal Drive, as shown on the Drawings shall remain private ways in perpetuity. The form of the document shall be provided to and approved by Town Counsel prior to the issuance of a building permit.
- 2) A deed restriction shall be provided indicating that Parcel A, Parcel B, Parcel C, Lot 1, and Lot 2 shall not be further subdivided in perpetuity to create more than a total of two buildable lots (ie. Lot 1 and Lot 2). The form of the document shall be provided to and approved by Town Counsel prior to the issuance of a building permit.
- 3) A deed restriction shall be provided indicating that Lot 1 and Parcel B as shown on the Drawings shall be held in common ownership in perpetuity. The form of the document shall be provided to and approved by Town Counsel prior to the issuance of a building permit.
- 4) A deed restriction shall be provided indicating that Lot 2 and Parcel C as shown on the Drawings shall be held in common ownership in perpetuity. The form of the document shall be provided to and approved by Town Counsel prior to the issuance of a building permit.
- 5) Easements and supporting documentation shall be provided to the Town allowing adequate access for maintenance and improvements of all drainage facilities, as necessary. The form of the document shall be provided to and approved by Town Counsel prior to the issuance of a building permit.

- 6) The Engineer shall modify the index of plans to properly reflect the actual drawings contained in the complete set of approved drawings.
- 7) Douglas Water & Sewer Department approval is required prior to construction of the water lines in Dogwood Lane and Cardinal Drive. The approval shall be in writing and shall be provided to the Planning Board prior to release of the Covenants.

WAIVERS REQUESTED:

The Board considered and voted upon the following requested waivers from the Rules and Regulations Governing the Subdivision of Land, Douglas, Massachusetts adopted September 17, 1975 and revised November 24, 1998:

- a) Section III. B. 2. a.** – *“Two original mylar drawings of the Definitive Plan and eight contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval. Eight contact prints, dark line on white background, will be required of the final endorsed mylar.”*

Waiver from submitting two original mylars. The applicant will submit mylar plans showing all revisions and conditions to the Board for endorsement after the 20-day appeal period expires.

Vote: **5 in favor** **0 opposed** **2 abstained**

- b) Section III. B. 3. f.** – *“Location of all permanent monuments properly identified as to whether existing or proposed.”*

Waiver from installing permanent concrete/granite monuments. The applicant is asking a waiver from installing permanent concrete/granite bounds. The applicant asks that the Board allow for the installation of iron pins as an alternative.

Vote: **5 in favor** **0 opposed** **2 abstained**

- c) Section III. B. 3. h.** – *“Existing and proposed topography at two (2) foot contour intervals.”*

Waiver from showing topography at two (2) foot contour levels. The applicant is asking a waiver from providing two (2) foot contour levels on the interior of the property. The applicant is providing two (2) foot contour levels in the areas of the proposed roadways only.

Vote: **5 in favor** **0 opposed** **2 abstained**

- d) Section III. B. 3. n.** – *“Where sanitary sewers are not available, a soil evaluator’s report for each lot proposed within the subdivision shall be included, as per Title V.”*

Waiver from providing a soil evaluator’s report for each proposed lot. The soil testing for the individual septic systems will be done as part of the review by the Board of Health.

Vote: **5 in favor** **0 opposed** **2 abstained**

- e) Section IV. A. 1. c.** – *“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 in fee to the town prior to release of any bond.”*

Waiver from providing access to adjoining property. The applicant does not wish to provide access to adjoining property. This project is for two (2) proposed single-family homes only. No further development is proposed and waiving this requirement will ensure no future connection to development on abutting properties

Vote: **5 in favor** **0 opposed** **2 abstained**

- f) Section IV. A. 1. f.** – *“The minimum centerline radii of curved streets shall comply with AASHTO.”*

Waiver from requiring centerline radii of curved streets to comply with AASHTO. The applicant wishes to make use of the existing drive off Riedell Road and would like to avoid any realignment.

Vote: **5 in favor** **0 opposed** **2 abstained**

- g) Section IV. A. 3. a.** – *“Grades of streets shall be not less than 0.5%. Grades shall not be more than 6.0% for principal streets nor more than 10.0% for secondary streets.”*

Waiver from requiring streets to have grades no greater than 10%. The applicant proposes to make use of the existing right of way off Riedell Road and not undertake major cuts and fills to comply with this requirement. The access road off of West Street will be less than 10%.

Vote: **5 in favor** **0 opposed** **2 abstained**

- h) Section IV. A. 3. b.** – *“All changes in grade exceeding one-half (½) percent shall be connected by vertical curves of sufficient length to afford, in the opinion of the Board, adequate sight distance.”*

Waiver from having site distance that complies with AASHTO standards. The applicant proposes to make use of an existing curb cut along Riedell Road that is currently used by three (3) single-family homes for access. This project seeks to extend this existing driveway for one (1) additional single-family home and construct a new driveway off West Street for one (1) other additional new single-family home. The access from West Street is slightly obstructed by two (2) deciduous trees. However, due to the fact that the volume of traffic that is proposed will be minimal, the applicant is asking for this waiver.

Vote: 5 in favor 0 opposed 2 abstained

- i) Section IV. A. 3. e.** – *“Grades at all intersections shall not exceed 2.0% for one-hundred fifty feet (150’).”*

Waiver from requiring grades at all intersections to not exceed 2.0% for one-hundred fifty feet (150’). The applicant proposes to make use of the existing right of way off Riedell Road and not undertake major cuts and fills to comply with this requirement. The access road off of West Street will also need a waiver from this requirement as avoiding major cuts and fills is being sought.

Vote: 5 in favor 0 opposed 2 abstained

- j) Section IV. A. 4. 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.”*

Waiver from providing a cul-de-sac turnaround with 100-120 ft diameter. The applicant is providing a cul-de-sac right of way that meets the 120 feet diameter requirement and will provide an area for turning around, however, he is asking that the turn around not be required to have a diameter of 100 feet.

Vote: 5 in favor 0 opposed 2 abstained

- k) Section IV. C.** – *“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.”*

Waiver from providing land suitable for use of the Town for playgrounds or parks. The applicant is asking a waiver from this requirement, as the use of the land is proposed to be strictly for the two (2) homeowners.

Vote: 5 in favor 0 opposed 2 abstained

D) Section V. A. – ***“Streets and Roadway***

- 1. The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.*
 - 2. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.*
 - 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 Mass. Highway 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. Catch basins shall be built in conformity with specifications of the Highway Department on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet, at low points and sags in the roadway and near the corners of the roadway at intersecting streets.*
 - 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 Department of Public Works Standard Specifications for Highways, Bridges, and Waterways. 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 Certificate of Occupancy shall not be granted by the building department until the base course of pavement is installed, sidewalks are installed and grass strips 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 four inches minimum) 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.*
 - 8. 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.*
 - 9. 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 when the final course of pavement is placed.

10. Underdrain 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 ensure no ground water seeping onto the roadway or driveways."

Waiver from constructing access roads as streets and roadways. The applicant proposes to construct the access roads according to common driveway standards.

Vote: 5 in favor 0 opposed 2 abstained

m) Section V. B. – “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, Bridges and Waterways by the Massachusetts Department of Public Works. The use of bituminous concrete berms shall be discouraged and "Cape Cod" type berms encouraged where granite curbs are not required. However, whenever bituminous concrete berms are permitted they shall be installed on top of the binder course of the pavement."

Waiver from installing curbs and berms. The applicant proposes to construct the access roads according to common driveway standards.

Vote: 5 in favor 0 opposed 2 abstained

n) Section V. C. 4. – “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.”

Waiver from installing utilities underground and installing street lighting. The applicant proposes to extend utilities from existing poles to the two (2) proposed single-family homes. Also, driveways will be for private use only and the traffic volume will not warrant streetlights.

Vote: 5 in favor 0 opposed 2 abstained

- o) Section V. D.** – *“Five-foot sidewalks shall be installed wherever required. The sidewalk shall be constructed of Portland cement concrete in conformity with the specifications of the Highway Department. All sidewalks and ramps shall be in compliance with all ADA and applicable Massachusetts regulations.”*

Waiver from installing sidewalks. The applicant proposes to construct access roads according to common driveway standards.

Vote: 5 in favor 0 opposed 2 abstained

- p) Section V. E.** – *“A 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 loam seeded with lawn seed and rolled. Seeding shall be done at appropriate time of the year and in a manner to insure growth of grass.”*

Waiver from installing grass strips. The applicant proposes to construct access roads according to common driveway standards.

Vote: 5 in favor 0 opposed 2 abstained

- q) Section V. F.** – *“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 caliper, ten (10) to twelve (12) feet tall with good straight stems. These trees shall be planted in the five-foot grass strips.*

Each tree shall be supported with three (3) 2"x 2" x 8' wooden stakes and shall be fastened at the top with a loop of rubber or suitable fabric hosing.

All trees shall be subject to a one (1) year guarantee.”

Waiver from installing street trees. The applicant proposes to construct access roads according to common driveway standards.

Vote: 5 in favor 0 opposed 2 abstained

- r) Section V. G. 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.”*

Waiver from installing permanent concrete/granite monuments for the access roads. The applicant is asking a waiver from installing permanent concrete/granite bounds. The applicant asks that the Board allow for the installation of iron pins as an alternative.

Vote: **5 in favor** **0 opposed** **2 abstained**