

PLANNING BOARD

TOWN OF OTIS

MASSACHUSETTS

RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
OTIS, MASSACHUSETTS

ADOPTED JUNE 2, 1970
SUBDIVISION CONTROL LAW, MGL CH. 41, SECTIONS 81K - 81 GG INCLUSIVE

INDEX

	Page
PURPOSE.....	1
SECTION I. AUTHORITY.....	1
SECTION II. GENERAL REQUIREMENTS.....	1
A. Definitions.....	1
B. Plan Believed Not To Require Approval.....	2
General Requirements - FORM A.....	3
C. Filing Fees.....	4
SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS.....	4
A. Preliminary Plan - FORM B.....	4
1. General.....	4
2. Contents.....	4
3. Approval.....	4
B. Definitive Plan.....	4
1. General.....	4
2. Contents.....	5
3. Review By Board Of Health As To Suitability Of The Land.....	5
Environmental Impact Statement On Preliminary Plan And	
Definitive Plan.....	6
4. Public Hearing.....	6
5. Performance Guarantee.....	7
6. Reduction Of Bond Or Surety.....	7
7. Release Of Performance Guarantee.....	7
8. Certificate Of Approval.....	8
Section IV. DESIGN STANDARDS.....	8
A. Streets.....	8
B. Easements.....	9
C. Open Spaces.....	9
D. Protection Of Natural Features.....	9
E. Subdivision Standards For The Flood Plain District.....	9
SECTION V. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION.....	9
A. Street And Roadway.....	9
B. Monuments.....	10
SECTION VI. ADMINISTRATION.....	10
A. Variation.....	10
B. Reference.....	10
C. One Dwelling Per Lot.....	10
D. Building Permit.....	10

PURPOSE

The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a Planning Board and of a Board of Appeal 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 ordinances or by-laws; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a subdivision; and for co-ordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendation of the Board of Health and to the reasonable rules and regulations of the Planning Board pertaining to 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 81-M of Chapter 41, G.L.)

SECTION I. AUTHORITY

Under the authority vested in the Planning Board of the Town of Otis by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of the land in the Town of Otis, by vote of the Board following a public hearing.

SECTION II. GENERAL REQUIREMENTS

A. DEFINITIONS

Subdivision shall mean the division of a tract of land into two or more lots and shall include re-subdivision and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law, if at the time when it is made, every lot within the tract so divided has frontage on (a) a public way, (b) a way shown on a plan theretofore approved in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-laws, if any, of said city or town for erection of a building on such lot, and if no distance is so required such frontage shall be of at least thirty feet. Conveyances or other instruments adding to,

taking away from, or changing the size and shape of, lots of such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing shall not constitute a subdivision. (Section 81-L of Chapter 41, G.L.)

Lot shall mean an area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

Preliminary Plan shall mean a plan of a proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof, showing (a) the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan"; (b) the names of the record owner and the applicant and the name of the designer, engineer or surveyor; (c) the names of all abutters, as determined from the most recent local tax list, (d) the existing and proposed lines of streets, ways easements and any public areas within the subdivision in a general manner; (e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner; (f) the approximate boundary lines of proposed lots, with approximate areas and dimensions; (g) the names, approximate location and widths of adjacent streets; (h) and the topography of the land in a general manner. (Section 81-L of Chapter 41, G.L.)

B. PLAN BELIEVED NOT TO REQUIRE APPROVAL

Any person who wishes a plan of land to be recorded in the Registry of Deeds or to be filed with the Land Court and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application Form A to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval.

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 therefore.

If the Planning Board determines that the plan does not require approval, it shall without a public hearing and without unnecessary delay endorse on the plan the words, "Approval under the Subdivision Control Law not required."

The Planning Board may add to such endorsement a statement of reason approval is not required. The plan will be returned to the applicant, and the Planning Board shall notify the Town Clerk of its action.

If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform the applicant and return the plan. The Planning Board will also notify the Town Clerk of its action.

If the Planning Board fails to act upon a plan submitted under this section within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

GENERAL REQUIREMENTS (Amendment adopted 11-13-89, under MGL, Ch. 41, Sect. 81)
All plans and applications (Form A) submitted to the Planning Board shall include Map and Lot numbers as shown on Town of Otis Assessors Maps and indicate location to cross streets.

Reference to immediate abutters by name, as recorded on the Town of Otis Tax Records, shall be indicated on all plans.

In addition to the information commonly required in Plans of Land prepared for recording in the Registry of Deeds namely identification of minimum requirements as to acreage and frontage of each lot, plans shall address the requirement of adequate access as follows:

Adequate Access is defined as meeting the vital access standard to provide for safe and convenient vehicular travel including fire fighting, police, ambulance and other emergency equipment.

Every lot within the tract so divided under ANR shall have frontage on (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the Town having, in the opinion of the Planning Board sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic in relation to the proposed use of the land and for the installation of municipal services to serve such land and the buildings erected thereon.

Purpose of the amendment is to provide for orderly land development through the assurance that proper access to all lots will be reasonably guaranteed.

If, in the opinion of a majority of the Planning Board, access is deemed inadequate, the applicant will be required to submit to Subdivision Control Laws for filing and approval.

SUBDIVISION

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation or municipal services herein, unless and until a Definitive Plan of such subdivision has been submitted and approval by the Planning Board as hereinafter provided.

C. FILING FEES: Effective 11-13-89 Updated May 8, 2006 (AIC) Nov 13, 2006 (B)

Form A - Approval Not Required	- \$ 35.00	Per Lot
Form B - Preliminary Plan	- \$ 40.00	Per Lot
Form C - Definitive Plan	- \$ 50.00	Per Lot

SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A. Preliminary Plan FORM B

1. General

A Preliminary Plan of a subdivision may be submitted by subdivider to the Planning Board and to the Board of Health for discussion and approval, modification or disapproval by each Board. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. A properly executed application Form B (see Appendix) shall be filed with the Preliminary Plan submitted to the Planning Board.

The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval of a Preliminary Plan and accompanied by a copy of the completed application, Form B.

2. Contents

The Preliminary Plan shall be drawn on tracing paper with pencil at a suitable scale and two prints shall be filed at the office of the Planning Board and one print at the office of the Board of Health. Said plan shall be identified as a Preliminary Plan and show all the information described under the definition of the Preliminary Plan so as to form a clear basis for discussion of its problems and for preparation of the Definitive Plan. During discussion of the Preliminary Plan the complete information required for the Definitive Plan (Section III, B-2 Contents) and the financial arrangements (Section III, B-5 Performance Guarantee) will be developed.

3. Approval

The Planning Board may give such Preliminary Plan its approval, with or without modification. Such approval does not constitute approval of a subdivision.

B. Definitive Plan - FORM C

1. General

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

- An original drawing of the Definitive Plan and three contact prints dark line on white background. The original drawing will be returned after approval or disapproval.
- A properly executed application Form C (see Appendix).
- A deposit to cover the cost of advertising and notices.

The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application (Form C).

2. Contents

The Definitive Plan shall be prepared by an engineer or surveyor and shall be clearly and legibly drawn in black India ink upon tracing cloth. The plan shall be at a scale of one inch equals forty feet or such other scale as the Planning Board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed 24' x 36'. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

- a. Subdivision name, boundaries, north point, date of scale.
- b. Name and address of record owner, subdivider and engineer or surveyor.
- c. Names of all abutters as they appear in the most recent tax list.
- d. Lines of existing and proposed streets, ways, lots, easements, 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 Planning Board.
- e. 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.
- f. Location of all permanent monuments properly identified as to whether existing or proposed.
- g. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- h. Indication of purpose of easements.
- i. Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board.

-Items j, k, and l may be submitted on the same sheet as the Definitive Plan or on separate sheets.

- j. Existing and proposed topography at a suitable contour interval if required by the Planning Board.
- k. Existing profiles on the exterior lines and proposed profile on the center-line of proposed streets at a horizontal scale of one inch equals forty feet and vertical scale of one inch equals four feet, or such other scales acceptable to the Planning Board. All elevations shall refer to the Town datum.
- l. Proposed layout of storm drainage, water supply and sewage disposal systems.

3. Review by Board of Health as to Suitability of the Land

At the time of filing of the Definitive Plan, the subdivider shall also file with the Board of Health two contact prints of the Definitive Plan, dark line on white background. The Board of Health shall within forty-five days after filing the plan, report to the Planning Board in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it 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 public health, and include such specific findings and the reasons therefor in such specific findings and the reason therefor in such report, and, where possible, shall make recommendations for the adjustment thereof. Every lot shall be provided with a septic tank and drainfield satisfactory to the Board of Health.

In such area it shall be the responsibility of the subdivider or his agent to provide sufficient information to prove that the area for each lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drain field), such information shall consist of a report of a health officer regarding seepage and other tests as may be required. The subdivider or his agent may be required to provide the necessary equipment and labor for making these tests.

Environmental Impact Statement (EIS) on Preliminary Plan (Form B) and Definitive Plan (Form C) (Amendment 11-13-89)

The Planning Board, by a majority vote of the Members, may require a property owner and/or developer submitting a Plan for Subdivision of Land in the Town of Otis to undertake an Environmental Impact Statement (EIS) at the expense of the Applicant that details the probable effects of the proposed subdivision on the following matters:

- a. Increases in vehicular traffic on adjacent public ways or approved subdivision ways.
- b. Demands on public services and utilities including attendance at public schools.
- c. Changes in surface drainage in surrounding areas, especially on land sloped 25 degrees or more, including estimated increase in peak runoff caused by altered surface conditions and mitigating methods to be used to return water to the soil.
- d. The cumulative effect on waste disposal methods on the quality of surface waters and ground water supplies.
- e. Disturbance to other aspects of the natural ecology and neighborhood to assure sufficient buffer areas.
- f. Location of all wetlands, streamcourses, water bodies and vegetation to be regraded along with contour data including existing and proposed grades; subject to approval by Town Conservation Commission as to mitigating methods and wetland replication.
- g. A description of procedures to be followed to maintain sediment control and erosion control including manner in which removed sediment and vegetation will be disposed of.

The performance bond or accepted security required for completion of road construction may be expanded to be sufficient to cover the costs of performing erosion and sedimentation control measures according to Performance Standards described in the "Guidelines for Soil and Water Conservation" - - USDA Soil Conservation Service.

4. Public Hearing

Before approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Planning Board at the expense of the applicant at least 14 days prior thereto by advertisement in a newspaper of general circulation in the town once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing, or if there is no such newspaper in the town, then by posting such notice in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of such hearing and by mailing a copy of such advertisement to the applicant and

to all owners of land abutting upon the land included in such plans appearing on the most recent tax list.

5. Performance Guarantee

Before approval of a Definitive Plan of a subdivision, the subdivider shall agree to complete the required improvements specified in Section V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant.

a. Final approval with bonds or surety

The subdivider shall either file a performance bond of a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under "b" hereof. 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 Selectmen, and shall be contingent and the completion of such improvements within two years of the date of the bond.

b. Final approval with covenant

The subdivider shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services as specified in Section V, not covered by bond or deposit under "a" hereof, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

6. Reduction of Bond or Surety

The penal sum of any such bond, or the amount of any deposit held under clause "a" above, may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.

7. Release of Performance Guarantee

Upon the completion of improvements required under Section V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the subdivider, may orally request and agree on terms of release with said Planning Board, or he may send by registered mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance to the requirements contained under Section V, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has not been completed, it shall specify to the applicant in writing the details wherein said construction and installation fails to comply with the requirements contained under Section V. Failure of the Planning Board to act on such application within forty-five days after the receipt of the application by the Town Clerk, all obligations under the bond shall cease and terminate by operation of law, and any deposit shall be returned and any such covenant shall become void. In the event that said forty-five day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

8. Certificate of Approval

The action of the Planning 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 mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory twenty day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Planning Board with three prints thereof.

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

SECTION IV. DESIGN STANDARDS

A. STREETS

1. Location and Alignment

- a. All streets in the subdivision shall be designed so that, in the opinion of the Planning 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. The proposed streets shall conform, so far as practicable, to the Master or Study Plan as adopted in whole or in part by the Planning Board.
- c. Provision satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- e. Street jogs with centerline offsets of less than 125 feet should be avoided.
- f. The minimum centerline radii of curved streets shall be 100 feet. Greater radii may be required for principal streets.
- g. 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 60 degrees.
- h. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than 20 feet.
- i. The minimum width of street rights-of-way shall be 50 feet. Greater width shall be required by the Planning Board when deemed necessary for present and future vehicular travel.
- j. Dead-end streets shall be marked by an acceptable sign. They shall be provided at closed end with suitable turn-around acceptable to the Planning Board. Cul-de-sacs shall have a minimum diameter of 60 feet.
- k. Maximum gradient of the center line of any street shall not exceed 10%.

B. 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 12 feet wide.
2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

C. OPEN SPACES

Before approval of a plan the Planning Board may also in proper cases require the plan to show a park or parks suitably located for play-ground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Planning 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 years.

D. PROTECTION OF NATURAL FEATURES

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

E. SUBDIVISION STANDARDS FOR THE FLOOD PLAIN DISTRICT (Amendment, 6-7-83)

All subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Flood Plain District established under the Zoning By-Law it shall be reviewed to assure that:

1. The proposal is designed consistent with the need to minimize flood damage.
2. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage.
3. Adequate drainage systems shall be provided to reduce exposure to flood hazards.
4. Base flood elevation (the level of the 100 year flood) data shall be provided for proposals greater than 50 lots or 5 acres, whichever is the lesser, for the portion within the Flood Plain District.

SECTION V. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

A. STREET 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 and topped with two coats of oil and stone, in accordance with approved practices over 12 inches of well compacted binding gravel to a width of at least 20 feet, to be located insofar as practicable, centrally within the street right-of-way.
4. Adequate disposal of surface water shall be provided. Catch basins shall be built in conformity with specifications of the Selectmen on both sides of the roadway on continuous grades at intervals of not more than 400 feet, at low points and sags in the roadway and near the corners of the roadway at intersecting streets.

B. MONUMENTS

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 Planning Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of the Selectmen, 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.
2. Visibility in all directions for safe egress and ingress at intersections shall be required.

SECTION VI. ADMINISTRATION

A. VARIATION

Strict compliance with the requirements of these rules and regulations may be waived when in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

B. REFERENCE

For matters not covered by these rules and regulations, reference is made to Section 81-k to 81-GG inclusive, of Chapter 41 of the General Law, and to the By-Laws of Town of Otis.

C. ONE DWELLING PER LOT

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town of Otis without the consent of the Planning Board.

D. BUILDING PERMIT

No building shall be erected within a subdivision without written permission from the Planning Board and the Board of Selectmen.