



## DEVENS STREET ACCEPTANCE POLICY

I. The following describes the process for the acceptance of new roads, constructed under a Unified Permit issued by the Devens Enterprise Commission (hereinafter “DEC”), as public ways. Applicant/Developer (hereinafter “applicant”) is responsible for all costs in connection with the acceptance procedure, including but not limited to preparation of plans, inspections and public notices.

- 1 Applicant submits a letter of petition to have the road accepted as a public way (“Petition”). Along with the letter of Petition, the following information must be submitted to both the DEC and Massachusetts Development Finance Agency (“MassDevelopment”) in both paper and digital format:
  - a. Title Certification:

A title certification prepared by an attorney licensed in Massachusetts, running to the benefit of MassDevelopment and/or the DEC (as applicable), listing the names and addresses of all persons currently owning the fee to any lands within the area which is to be designated as the public right of way for the constructed road (generally either the developer of the subdivision and/or the abutting lot owners), and any lots affected by drainage, water, sewer, utility, access, buffer, and/or other related easements (the “appurtenant easements”), which will be granted to MassDevelopment (or in the case of any open space that might be adjacent to the right of way, to the Devens Enterprise Commission);
  - b. Copies of Deeds and Other Instruments:

A copy of the deed(s) in to the applicant, if none of the lots have been conveyed. If any of the lots have been conveyed, the applicant shall also submit a copy of all the deeds out from the applicant, any deeds either granting or reserving easements to the applicant, and any covenants, declarations or other instruments by which the applicant retains or reserves the fee in the way or appurtenant easements;
  - c. Street Acceptance and Layout Plan:

A copy of the Roadway Acceptance Plan, showing the metes and bounds to be established as the sidelines of the public right of way and any and all other easement areas to be granted and/or retained, in recordable form, with a signature block provided for the Land Use Administrator. This plan is referred to as the “Layout Plan,” and it shows the correct boundaries of the public right of way and the easement areas, and meets all other plan requirements. Three additional copies of the Plans shall be submitted to the DEC with request;
  - d. Final site as-built plan:

A copy of the relevant portion of the definitive subdivision As-Built Plan prepared and stamped by a Massachusetts Registered Professional Engineer or Professional Land Surveyor, showing the constructed roadway and all utilities, public and private, above and

below grade, and in compliance with all other requirements of the DEC and Devens (MassDevelopment) Engineering Department.

- e. For projects approved under Innovative Residential Development regulations:  
A plan and deed to the required open space must accompany the Petition.
  - f. Certificate of Compliance:  
For projects requiring a Wetlands Order of Conditions, the applicant shall obtain a Certificate of Compliance prior to submission of the Petition. A copy of the Certificate must be submitted with the application.
  - g. Legal Descriptions:  
A legal description, with metes and bounds, of the proposed public right of way boundary and all other lands/easement areas that are to be conveyed to MassDevelopment or the DEC. Legal descriptions are not required if the metes and bounds are legibly shown on the Layout Plan; and
  - h. Taxes/Fees:  
The applicant shall pay any outstanding permit fees related to the DEC unified permit. The applicant shall also pay any outstanding MassDevelopment charges, including but not necessarily limited to property taxes, PILOT fees, excise taxes and MassDevelopment utility charges, related to the parcels(s) to be conveyed and any other parcel(s) associated with the project or owned, in whole or in part, by the applicant within the Devens Regional Enterprise Zone.
- 2 The DEC's designated agent and Devens (MassDevelopment) staff will review the deeds and plans for compliance with the Unified Permit and other relevant standards, shall conduct a field visit and issue a report regarding outstanding issues or issue a letter recommending acceptance. Written recommendation for acceptance must be provided by DEC agent and from the Devens (MassDevelopment) Utility Department, Department of Public Works, Public Safety and the Engineering Department. No action will be taken on the application without recommendation of all parties.
  - 3 The DEC will hold a public hearing to consider the petition and will vote on whether or not to recommend acceptance to the MassDevelopment Board of Directors. Notice of the public hearing and a copy of the Layout Plan will be provided to the Town Clerks of Ayer, Harvard and Shirley to be posted.
  - 4 Upon recommendation of the roadway for acceptance by the DEC, the MassDevelopment Board of Directors will vote on whether or not to accept as a public way.
  - 5 Upon a vote to accept by the MassDevelopment Board of Directors, the applicant shall prepare final versions of the deed(s) for the accepted public way(s), any related open space parcels and any necessary easement agreements and present to Devens (MassDevelopment) and DEC Counsel for final approval. Upon approval by Counsel, the applicant shall have the

deed(s)/easement(s) and Layout Plan recorded with the Worcester District and/or Middlesex South Registry of Deeds, as appropriate, and shall provide proof of said recording.

II. The following describes the process for the acceptance of Right of Way Layouts for streets which have previously been declared public ways or for adjustments to the metes and bounds of Right of Way Layouts which have previously been accepted.

- 1 MassDevelopment Engineering Department will oversee the preparation of a Right of Way Layout Plan, showing the metes and bounds to be established as the sidelines of the public right of way and any and all other easement areas to be granted and/or retained, in recordable form, with a signature block provided for the DEC Land Use Administrator. This plan is referred to as the “Layout Plan,” and it shows the correct boundaries of the public right of way and of any easement areas.
- 2 The DEC, at a public meeting will vote on whether or not to recommend acceptance of the Right of Way Layout to the MassDevelopment Board of Directors. Agenda of the public meeting shall be property noticed by the DEC.
- 3 Upon recommendation of the roadway layout for acceptance by the DEC, the MassDevelopment Board of Directors will vote on whether or not to accept the public way layout.
- 4 Upon a vote to accept by the MassDevelopment Board of Directors, a final version of the Layout Plan will be prepared and provided to DEC for final review and signature by the Land Use Administrator.
- 5 MassDevelopment shall have the Layout Plan recorded with the Worcester and/or Middlesex South Registry of Deeds, as appropriate and shall provide proof of said recording to the DEC.

*Adopted: August 29, 2017*  
*Revised January 11, 2018*