

# MODEL SUBDIVISION REGULATIONS



Prepared by the  
Pioneer Valley Planning Commission

In support of six communities  
*Town of Agawam*  
*Town of Belchertown*  
*City of Easthampton*  
*Town of Ludlow*  
*Town of South Hadley*  
*Town of Ware*

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and Environmental Affairs  
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Top Photos (l to r): A subdivision plan from Littleton, MA (Credit: Town of Littleton), Residential Development in Northampton, MA (Credit: PVPC)

Bottom Photos (l to r): A subdivision from Easthampton, MA (Photo credit: PVPC), Construction of subdivision in West Springfield (Photo Credit: Springfield Republican file photo), Commercial Development aerial from Mansfield, MA (Photo Credit: CDS, Inc.), New construction in Douglas, MA (Photo Credit: Key Realty Services)

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## INTRODUCTION & ACKNOWLEDGMENTS

**This project was funded by a grant from the Massachusetts Executive Office of Energy and Environmental Affairs through their EOEEA Planning Assistance Grant Program.**

The purpose of the project was to develop Model Subdivision Regulations incorporating the most up-to-date design standards and best practices and incorporating the policies and design elements of Low Impact Development (LID), Complete Streets, Green Streets, Healthy Communities and Stormwater Management (EPA/DEP MS4 Permitting).

It should be noted that these Subdivision Regulations are a model and that each community will need/want to modify to meet the particular characteristics of that community.

Most communities in the Pioneer Valley region have old and antiquated Subdivision Regulations, many adopted 20-30 years ago. These old regulations do not take into consideration, and can be in conflict with, subsequent revisions to the state's "Subdivision Control Law" which has revised some of the administration process. They also don't take into consideration, and do not result in, developments that are designed and function to provide for safe and convenient access for all users of all ages and abilities, including pedestrians, bicyclists, motorists, public transportation users, and delivery and emergency vehicle operators to all uses, features and facilities within the development, connections to existing and planned public ways, vehicular, pedestrian and bicycle facilities, and connections to adjacent ways and properties.

These out-of-date regulations require, and result in:

- the construction of over-designed roads which:
  - are unnecessarily wide
  - don't necessarily reflect the actual number or types of vehicles utilizing them
  - result in the creation of more stormwater run-off, increased heat islands, and increased construction and maintenance costs.
- Stormwater management systems that don't adequately take into consideration:
  - the natural environmental characteristics of the site
  - the impacts on abutting properties and downstream flooding
  - the requirements of the new EPA/DEP MS4 permitting requirements
  - climate change which has changed the characteristics of extreme storm events and increased flooding that are not adequately addressed by the traditional stormwater management designs nor the old FEMA and National Flood Insurance programs
  - changes in the National Oceanic and Atmospheric Administration's rainfall maps
  - increasing frequency of 100-year storm events

The goal of this project was to develop Model Subdivision Regulations that included:

- updated design and construction standards that meet the state-of-art and current best practices of the industry
- administrative procedures and processes that are efficient and effective
- design elements that reflect the growing awareness of the natural environment, people's healthy lifestyles and hazard mitigation (i.e. Low Impact Development (LID), Complete Streets, Green Streets, Healthy Communities, climate change and stormwater management)

In undertaking this project PVPC developed a Working Group consisting of the Planners/Engineers/Public Works/Conservation/Public Health officials of the communities of Agawam, Belchertown, Easthampton, Ludlow, South Hadley and Ware. These communities were included because of the expertise and experience of their municipal staff, the historical rate of residential growth that they have experienced, and the age of their current Subdivision Regulations.

<b>SUBDIVISION REGULATIONS</b>	
<b>MUNICIPALITY</b>	<b>DATE ADOPTED</b>
Ludlow	1977
Ware	1987
Agawam	1989
Easthampton	1990
S. Hadley	1995
Belchertown	2005

The Working Group conducted 12 working session from July 1, 2018 through June 30 2019. The Working Group included the participation of:

Agawam

- Marc Strange, Director of Planning & Community Development
- Pam Kerr, Assistant Planner & Conservation Officer
- Kathy Auer, Health Agent
- Michelle Chase, Town Engineer
- Dawn Nims, Engineer
- Michael Albro, Assistant Town Engineer

Belchertown

- Douglas Albertson, Town Planner

Easthampton

- Jeffrey Bagg, City Planner
- Dan Murphy, City Engineer

Ludlow

- Douglas Stefancik, Town Planner

South Hadley

- Richard Harris, Director, Planning & Conservation
- Jim Reidy, Public Works Superintendent
- Anne Capra, Conservation Administrator/Planner
- Sharon Hart, Health Director
- Vivian Price, DPW Operations Manager

Ware

- Rebekah L. DeCoursey, Director of Planning & Community Development
- Ruben Florez-Marzan, Director of Planning & Community Development (former)



Planning Assistance provided by:

Planning Consultant Lawrence Smith

Pioneer Valley Planning Commission

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## TIPS, ADVICE AND FURTHER EXPLANATIONS

It should be noted that these Subdivision Regulations are a model and that each community will need/want to modify to meet the particular characteristics of that community.

### **Administration**

The administration and processing of Preliminary and Definitive Subdivision applications is an intricate and complicated process governed by short time frames. Many Planning Boards without in-house professional planning staff can be overwhelmed by the level of detail and sophisticated engineering involved. Planning Boards should consider hiring “outside consultants” to assist them in the administration and processing of applications. Such planning consultants could assist the Board in everything from application intake, developing and publishing legal notices and abutter notifications, arranging for peer engineering reviews, coordinating departmental reviews, assisting in the conducting of Public Hearings, drafting Decisions, keeping track of deadlines, etc. The retaining of services for such “outside planning consultants” need not be borne by the Planning Board but should be paid for by the applicant in accordance with M.G.L. Ch. 44, Sec 53G (see Appendix G). Such professional planning services may be provided by your Regional Planning Agency or other qualified private municipal planning consultant.

### **“Informal” Reviews/Meetings**

Often times developers will attempt to hold an informal or preliminary meeting with the Planning Board at a meeting outside of (or before) the formal Preliminary or Definitive Plan submission process. The purpose of this is usually to feel the Board out on any number of issues, but most typically potential waivers. Meeting with applicants outside of the formal submission/review process should be discouraged. The Board should not be making any preliminary decisions or receiving information outside of the formal submission/approval process. This can prove to be especially problematic when abutters attend the required Public Meeting and/or Public Hearing and discover that the Board has already held numerous meetings with the applicant and discussed issues beforehand. This gives the impression (or reality) that the Board has already been unduly influenced, prejudiced or swayed before the neighbors have even had a chance to weigh in.

Applicants should be encouraged to meet with the community’s technical staff (Planner, Engineer, Public Works, Public Safety, Conservation Officer, etc.) to identify any technical issues that may be required to be addressed/resolved in developing their engineering plans to comply with the Subdivision Regulation requirements. In fact a single coordinated meeting with all involved is recommended.

### **LID v. Complete Streets & Healthy Communities**

One of the key interests in developing these Model Subdivision Regulations was to try and integrate the elements of Complete Streets, Healthy Communities, Stormwater Management, LID (Low Impact Development) and Green Streets. The Working Group found that this turned out to be more difficult and complicated than originally anticipated. While addressing and including the elements for Complete Streets, Healthy Communities and stormwater management (relative to the states MS4 permitting requirements) proved successful, including the elements of LID proved to be problematic. In fact, the Working Group spent much of its last three months wrestling with how to accommodate these conflicts. In the end, as is almost always the case, municipal planning is a balancing act of weighing the pros and cons of competing interests, and coming up with something that actually works.

Many of the elements of LID (reducing stormwater runoff, increasing infiltration, reducing the amount of impervious surfaces) while admirable and important, were found to be contrary to many of the elements of Complete Streets and Healthy Communities. While the LID elements proposed included;

- reducing the right-of-way to 30' and roadway pavement widths to as narrow as 18', the Working Group determined that to be too narrow for accommodating the broader usage within the right-of-way for users of all ages and abilities as promoted by Complete Streets. It also raised public safety concerns relative to adequate access for emergency vehicles.
- reducing or eliminating sidewalks, the Working Group found that this is contrary to providing expanded safe pedestrian environments to get people to go outside and get more fresh air and exercise as promoted by Healthy Communities.
- providing alternative pedestrian/bicycle pathways throughout open space areas instead of traditional sidewalks along the street within the right-of-way, the Working Group found that this may not accommodate one of the primary purposes of subdivision sidewalks which is to provide safe interior pedestrian circulation within the development itself and provide residents adequate access to their lots, homes and each other. This includes persons in wheelchairs, using walkers, pushing strollers, riding tricycles, etc.. In many instances requiring that such users share the paved street with motor vehicles creates unintended public safety concerns.

The LID Elements suggested also included specific design recommendations:

- utilizing the interior of cul-de-sacs for bio-retention basins, the Working Group found that these failed to provide adequate overflow features allowing for the controlled release of impounded storm water generated beyond 100-year storm events (a standard design feature in most detention/retention facilities) resulting in the flooding of the roadway and, potentially homes. A number of the Working Group members had experienced just such a situation in prior projects in their community's utilizing this design. It proved to be expensive and complicated to correct this design deficiency after the fact.
- utilizing pervious pavement in sidewalks and some sections of roadway with lower traffic volumes. While the Working Group found this to be an interesting idea, they also found that it would require increased maintenance time and expenses as well as capital expenditures (eg. buying a sidewalk vacuum) to maintain the integrity and functionality of the pervious pavement's porosity.
- eliminating catch basins and stormwater piping by eliminating berms and utilizing sheet run-off for street stormwater into vegetated swales along the edge of the street. This, in fact, was a fairly typical design feature utilized for many subdivisions in many of the Working Group's community's many years ago. This design has subsequently fallen out of favor in many communities because of the increased maintenance costs associated with it. The swales themselves require maintenance throughout the year to maintain their functionality. Every driveway crossing the swale requires a culvert that also requires increased time and costs to keep them maintained and open. Another significant deficiency is that this sheet run-off will not function in the wintertime as the plowing of the roadway will create "snow/ice berms" along the edge of the road retaining subsequent stormwater /melt-off within the roadway and preventing it from sheeting off into the swales as originally intended, creating icing of the roadway. This design may be perfectly suited for other parts of the country but not necessarily in the New England climate.

Now, it should be made clear that the Working Group does not oppose LID designs and finds it perfectly suitable and advisable in certain situations. In fact LID is encouraged in their communities for in-fill projects where traditional stormwater management designs cannot be accommodated and for private residential (multi-family, condominiums, etc.) and commercial development where the municipality will

not be responsible for the maintenance of it. It should be noted that LID is just one alternative for managing stormwater run-off, it is not the only alternative for managing stormwater run-off. The clear consensus of the Working Group was that, at this point, with limited budgets and resources, Public Works Departments generally would not have the personnel, equipment or budget to take on the responsibility for maintenance of LID stormwater management systems for their public streets. In short, Low Impact Development was believed to adversely impact municipal budgets.

### **Peer Reviews**

It is highly recommended that Planning Boards hire qualified outside engineering consultants to conduct a peer review of projects. Even municipalities that have in-house engineering capacity should consider this as they are often overworked and under budgeted. It is also recommended that the Planning Board select the engineering firm to conduct the peer review to ensure that said engineer is working for the Planning Board and representing the Board's/Town's interests. The municipality also should consider hiring a qualified outside engineering consultant on a yearly retainer to conduct peer reviews for all development projects submitted to the municipality's Boards/Commissions authorized under MGL Ch. 44, Sec 53G (Planning Boards, ZBA, Board of Health, Conservation Commission, See Appendix G) with the understanding that said outside engineering consultant shall not present applications to said Boards/Commissions while they are working for such Board/Commission. This would provide both continuity and consistency in the peer reviews of various Boards/Commission for a single project as well as expediting the peer review process (not having to waste valuable review time (the clock is ticking) going through the process of contracting a new peer reviewer each time for each project).

### **Performance Guarantees**

Performance Guarantees are required to ensure that the subdivision ultimately gets completed at no expense to the municipality. The Subdivision Control Laws (see M.G.L. Chapter 41, Sect. 81U) permits four types of Performance Guarantee:

- a proper bond sufficient in the opinion of the planning board to secure the construction of ways and the installation of municipal services.
- a deposit of money or negotiable securities sufficient in the opinion of the planning board to secure the construction of ways and the installation of municipal services.
- a covenant on the lots which prevents the lots from being sold until they are released by the Planning Board (presumably not released them until the required improvements have been completed)
- an agreement executed after the recording of a first mortgage covering the lot given as security for advances to be made to the applicant by the lender providing for the retention by the lender of funds sufficient in the opinion of the planning board to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available for completion.

While each Planning Board, after consultation with Town Counsel/City Solicitor, may have its preference as to which type of Performance Guarantee they would like used, the state law actually gives that initial decision to the developer. However, if the developer comes in for a subsequent partial release or reduction of the selected Performance Guarantee, then the Planning Board can condition that partial release or reduction to include other forms (or combinations) of performance guarantee that they prefer.

In the PVPC region the preferred and most utilized form of Performance Guarantee is a “Letter Of Credit” from a local bank. This is where the developer gives the bank collateral (usually the development itself) and the bank ensures funds available (through a Letter Of Credit) to the municipality to draw from if the municipality finds the need to finish the work. Letters of Credit are usually for a short-term (one year) so you have to make sure that they keep getting renewed. The Board should require that Letters Of Credit contain wording that they are automatically renewed unless the bank gives the developer and Board adequate prior notification that they are not going to renew it so the municipality can draw (or depending on the wording of the Letter Of Credit give notice on its intent to draw) on it to finish the work before it expires. What is good about such a Letter Of Credit is that it is provided by the local bank so you know them, you know where to find them, and most local bank’s are very sensitive to public opinion and tend to try and work things out amicably rather getting controversial press.

Covenants are probably the second most popular form of performance guarantee in our region. It is often preferred by the developer because it doesn’t require dealing with a loan from the bank. However, keep in mind that the Planning Board can’t convert a lot under a Covenant to cash to complete the work. The Covenant only gives the Board the control to prevent the lot from being developed. So, it is very important that, when releasing a lot from a Covenant, you make sure that all of the required improvements have been completed, or that a sufficient surety has been provided to cover any unfinished work to service that lot. Thus, the Board should only be releasing lots sequentially from the beginning of the development and requiring the construction of a temporary turn-around at the end of the section of road completed.

Bonds are usually issued by a bonding company. Depending on the wording of the Bond it could either provide for the funds to complete the project, or they are responsible for finding a contractor to finish the project. Most bonding companies are not local so you will likely find yourself dealing with somebody in Minnesota. This can make communication with them difficult, especially if you find yourself in court with them trying to collect. Not being local, bonding companies don’t have the community connection that local banks do and so aren’t as concerned about bad local press.

### **Partial Releases of Performance Guarantees**

When a developer requests a partial release or reduction of a performance guarantee they will likely document how much they have spent on the construction and request that their performance guarantee be reduced by that amount. From the Planning Board’s perspective, you shouldn’t really care how much they have spent on the project, you should care about how much it will cost the municipality to complete all of the rest of the work remaining if the developer fails to. So, any reduction requests should be based on ensuring that adequate funds are remaining in the performance guarantee. Also, the construction of a temporary turn-around at the end of the section of road completed should be provided.

### **Sidewalks**

The installation of sidewalks is a key component of both the Complete Streets and Healthy Community programs providing safe access and transportation for all users of all abilities within the subdivision. These Model Subdivision Regulations recommend sidewalks on both sides of the street.

You will often hear the statement “sidewalks to nowhere” arguing that sidewalks aren’t necessary because there are no others in the neighborhood and they won’t connect to any other sidewalks. But that ignores one of the primary purposes of subdivision sidewalks which is to provide safe interior pedestrian circulation within the development itself and providing residents adequate access to their lots, homes and each other. This includes persons in wheelchairs, using walkers, pushing strollers, riding tricycles, etc.. In many instances requiring that such users share the paved street with motor vehicles creates public safety concerns. In addition, “sidewalks to nowhere” eventually become “sidewalks to somewhere” as

additional parcels in the neighborhood continue to be developed providing an integrated and necessary network of pedestrian circulation. If the developer doesn't provide it now, then the municipality will be paying for it in the future.

### **Street Lights**

There are a number of attributes to requiring streetlights. Most police departments will encourage them in terms of public safety and crime prevention. They are consistent with the Healthy Community program in terms of providing a safer environment for pedestrian circulation encouraging people to go outdoors and getting exercise and fresh air in the evening, often as an alternative to hot summer days.

Some rural areas discourage street lighting as being out of character with the community and contributing towards light pollution.

Many communities would like street lighting but recognize that they could become another municipal expense taxing already tight municipal budgets. When budget cuts need to be made, typically turning off street lights becomes the first casualty and they may remain off for decades. Select Board's and Town/City Council's should be consulted relative to the community's policy on street lights and its ability to afford them.

As an alternative sometimes street lights are only required at certain curvatures and steep inclines in the roadway to illuminate potential hazard locations. Some communities also require that, even though they don't want the actual street lights installed at this time, they do want the underground conduits installed to make installation of wiring and street lights in the future easier should the need for arise.

### **Waivers**

The granting of waivers should be few and far between and scrutinized carefully. The granting of a waiver should be when it is in the town's/city's best interests, not as a way for the developer to reduce costs. Typically there is a quid-pro-quo with waivers in that the municipality gets something for giving something up. The granting of a waiver should provide something advantageous to the community in exchange for the developer not complying with the standard requirements. Waivers are not typically intended to be used as a way to circumvent a regulation just because the applicant can't or doesn't want to comply with it or a way for an applicant to save money. In considering a waiver request, the Board should consider and identify the public benefit that the municipality would be receiving from the approval of it.

If the Board finds that it is frequently granting the same waiver(s) then you should revisit your regulations and reconsider that requirement. The granting of waivers can begin a very slippery slope. While in theory they are supposed to be considered on a case-by-case basis and not set a precedent, in reality they do. Once you have granted a waiver to one development, you can be pretty sure that all subsequent applicants will be asking for the same thing.

Waivers should not be approved at the Preliminary Plan stage, or if they are it should be made clear that they are only preliminary and subject to change when the more detailed Definitive Plans are submitted and considered. The fact is that at the Preliminary Plan stage the Board will not have enough detailed information to make an informed and correct decision.

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## SECTION 1.0 AUTHORITY AND PURPOSE

### 1.1 Authority

Under the authority vested in the Planning Board of the [Town/City] of \_\_\_\_\_ by Section 81-Q of Chapter 41 of the General Laws, as amended, and by all subsequent thereto, said Board hereby adopts these Rules and Regulations Governing the Subdivision of Land in the [Town/City] of \_\_\_\_\_.

### 1.2 Purpose

These Subdivision Regulations for the [Town/City] of \_\_\_\_\_ have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of \_\_\_\_\_ 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 the subdivisions and in proper cases parks and open areas. The powers of the Planning Board and of the Board of Appeals under these Regulations 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; will provide safe and convenient access for all users of all ages and abilities, by all modes of transportation including pedestrians, bicyclists, motorists, public transportation users, and delivery and emergency vehicle operators, for minimizing congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles or travel by foot, bus, bike or wheelchair; for securing safety in the case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable Zoning [Bylaws/Ordinances] and Stormwater Management [Bylaw/Ordinance] of the [Town/City] of \_\_\_\_\_; for securing adequate provision for water, sewerage, drainage, underground utility service, street lighting, police, fire and other requirements where necessary in a subdivision; for coordinating the ways in a subdivision with each other, with the public ways in the [Town/City] of \_\_\_\_\_ and with the ways in neighboring subdivisions.

To the fullest extent reasonable and practicable, all subdivisions shall be designed and constructed to incorporate the most recent design standards, best practices, policies and design elements of:

- Complete Streets (see Appendix C.)
- Healthy Communities (see Appendix D.)
- Stormwater Management (see Appendix E.)

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## SECTION 2.0 DEFINITIONS

For the purpose of these Rules and Regulations, unless a contrary intention clearly appears, the terms and words defined in Section 81-L of Chapter 41 of the General Laws shall have the meaning given therein. The following other terms and words shall have the following meaning:

**ABUTTING OWNER:** The owner(s) of property which is contiguous to the property being subdivided and the owner(s) of property with frontage immediately across a public way from the property being subdivided. This will be identified from the assessors' records at the time of application.

**ACRE:** A unit of land equal to 43,560 square feet.

**AGRICULTURAL SOILS:** Agricultural land with soils designated as prime or of statewide or local significance by the Natural Resources Conservation Service (NRCS) soil surveys.

**APPLICANT:** Either the owner of the land stated in the application for subdivision or all the owners where title is held jointly, in common, or in tenancy by the entirety, including corporations. An agent, representative, or his assigns may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of their officers and designated authority to sign legal documents shall be required for a corporation.

**APPLICATION:** The application for the approval of a proposed subdivision or resubdivision of land, preliminary or definitive, or for an endorsement of an "approval not required", or "ANR" plan" (Form A).

**APPROVAL NOT REQUIRED (ANR):** Subdivisions that result in new parcels with frontage along existing roadways. This type of subdivision does not require approval from the Planning Board

**APPROVED AND ENDORSED BY PLANNING BOARD:** As applied to a plan or other instrument required or authorized by the subdivision control law to be recorded, shall mean, bearing a certification or endorsement signed by a majority of the members of a planning board, or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in a written statement to the register of deeds and recorder of the land court, signed by a majority of the board.

**BOARD:** The Planning Board of the [Town/City] of \_\_\_\_\_.

**CMR:** The Code of Massachusetts Regulations.

**COMPLETE STREETS:** Roads that are designed for all modes of transit, including vehicles, public transportation, biking and walking, for people of all abilities. Design considerations include bike or bus lanes, road narrowing, sidewalks, crosswalks, and facilities such as covered bus stops or bicycle parking. Please reference the City/Town of \_\_\_\_\_'s Complete Streets Policy [and Complete Streets Design Guidelines, if applicable]. See Appendix C.

**CONSULTANTS or CONSULTING SERVICES:** Includes, but is not limited to, architects, biologists and other environmental experts, chemists, engineers, geologists, landscape architects, planners, lawyers, sanitarians, and surveyors.

**DEAD END STREET (CUL-DE-SAC):** A street which joins another street at only one end with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**DETENTION BASIN:** An excavated basin for the short-term detention of stormwater runoff that allows a controlled release, typically through a combination of pipes and weirs sized to provide a certain discharge rate.

**DEVELOPER:** Not necessarily the owner of the land, but the person, persons, or corporation responsible for the subdivision application and development. This is interchangeable with APPLICANT and SUBDIVIDER. The developer may or may not be the original applicant, and may be a subsequent owner of the subdivision.

**DEVELOPMENT:** Any construction or grading activities conducted on real estate.

**EASEMENT:** A right to use or control real property owned by another for a specified purpose, and must be recorded at the Registry of Deeds.

**ENGINEER:** Any person who is currently registered by the Commonwealth of Massachusetts to perform professional civil engineering services.

**GENERAL LAWS (MGL):** The General Laws of Massachusetts. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

**HEALTHY COMMUNITIES:** A Healthy Community is where people come together to make their community better for themselves, their family, their friends, their neighbors, and others. A Healthy Community creates ongoing dialogue, generates leadership opportunities for all, embraces diversity, connects people and resources, fosters a sense of community, and shapes its future. (MA DPH Office of Healthy Communities – 2013) See Appendix D.

**IMPROVEMENT:** Any change to the existing conditions of a subdivision site for the purpose of complying with these regulations or rendering the site suitable for development and habitation. As used in these regulations, improvements include, but are not limited to, construction and installation of roadways, paved streets, berms, gutters, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, fire ponds, sewage and water systems, buildings, earth filling or removal, seeding, and grading.

**LANDSCAPING:** Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce a desired aesthetic effect appropriate to the site.

**LOT:** An area of land in one ownership, with definitive boundaries, used, or available for use, as the site of one or more buildings.

**MAXIMUM EXTENT PRACTICABLE (MEP):** Refers to the extent of efforts to comply with local post-construction stormwater management requirements. Elements of MEP indicate serious intent to comply and include selecting and implementing design elements to address site restrictions. MEP is defined as the following:

- Proponents of development/redevelopment projects have made all reasonable efforts to meet the applicable Massachusetts Stormwater Standards;
- They have made a complete evaluation of possible stormwater management measures stormwater BMPs, and environmentally sensitive site design that minimizes land disturbance and impervious surfaces; and,

- If not in full compliance with the applicable Standards, they are implementing the highest practicable level of stormwater management.

**MUNICIPAL SERVICE:** Public utilities furnished by the [Town/City] in which a subdivision is located, such as water, sewerage, gas, and electricity.

**NEW DEVELOPMENT:** Any construction activities or land alteration resulting in total earth disturbances equal to or greater than [1 acre/local threshold for triggering stormwater review] (or activities that are part of a larger common plan of development disturbing equal to or greater than [1 acre/local threshold for triggering stormwater review]) on an area that has not been developed previously to include impervious cover.

**OPEN SPACE:** Property within a subdivision designated to be deeded by the developer to the [Town/City], homeowner's association or other approved agency, or to be maintained by the developer or owner in an undeveloped state in a manner approved by the Planning Board. Such open space is to be used for passive or active recreation, agriculture, forestry, rare and endangered species habitat, natural or scenic vistas, unique natural or cultural features, or greenways. Such open space shall be retained in substantially a natural, wild or open condition, or in a landscaped condition in such a manner as to allow to a significant extent the preservation of wildlife or other natural resources. Open space shall be contiguous areas containing a high ratio of interior area to edge area. Open space shall contain to the greatest extent possible soils uniquely suited to agricultural use and that further create greenway corridors to establish linkages in landscape. Such areas shall be of adequate size and configuration to accommodate the intended use, and shall not include narrow or irregular pieces of land which are remnants from the layout of lots, streets, or drainage structures. Open space does not include areas designated for sediment control, erosion control, or storm water control, nor does it include wetland resource areas. Such areas are considered part of the subdivision structure, and are not intended to be for recreation.

**OWNER:** The owner of record as shown at the \_\_\_\_\_ County Registry of Deeds, Land Court, or Probate Court.

**PERFORMANCE GUARANTEE:** A guarantee, in the form of a surety bond, cash, savings passbook, covenant, negotiable securities or lender's agreement, by the developer to be used to complete subdivision improvements if the developer does not complete the improvements as promised, as required by MGL c. 41, Section 81U.

**PLAN, DEFINITIVE:** A proposed plan of a subdivision submitted by the applicant to be recorded in the \_\_\_\_\_ County Registry of Deeds or Land Court when approved by the Planning Board.

**PLAN, FINAL:** A proposed plan showing all buildings (not more than one building to be used for dwelling purposes) per building lot, to be approved by the Planning Board as a prerequisite to obtaining building permits.

**PLAN, PRELIMINARY:** A plan of a subdivision submitted by the applicant showing sufficient information to form a clear basis for discussion and clarification of its general contents and for the preparation of a Definitive Plan.

**POST CONSTRUCTION IMPERVIOUS SURFACE AREA:** The final impervious cover on the SITE.

**RECORDED:** Recorded in the Registry of Deeds of \_\_\_\_\_ County except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court.

**REDEVELOPMENT:** Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than [1 acre/local threshold for triggering stormwater review] (or activities that are part of a larger common plan of development disturbing equal to or greater than [1 acre/local threshold for triggering stormwater review]) that does not meet the definition of NEW DEVELOPMENT.

**REGISTER OF DEEDS:** The Register of Deeds of \_\_\_\_\_ County and, when appropriate, shall include the Recorder of the Land Court.

**REGISTERED MAIL:** Registered or certified mail.

**REGISTRY OF DEEDS:** The Registry of Deeds of \_\_\_\_\_ County and, when appropriate, the Land Court.

**RETENTION BASIN:** An excavated basin for the retention of stormwater runoff that is designed for infiltration or ponding and evaporation.

**RIGHT-OF-WAY:** That portion of land which is or is intended to be made available for the construction of roadways, ditches, drainage structures and utility lines and is to be conveyed to the [Town/City] in the case of a proposed [Town/City] road, or conveyed to an association charged with maintenance of such right-of-way in the case of a private road, including but not limited to the traveled portion and all adjacent land encumbered or intended to be encumbered by all necessary easements. The form and content of the instrument of conveyance shall be subject to the approval of the [Town/City] Counsel, at the option of the Planning Board.

**ROADWAY:** That portion of a way which is designed and constructed or intended to be constructed for vehicular travel, also known as the traveled portion of the way. See also STREET.

**SITE:** The area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover, excluding redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways as described under REDEVELOPMENT above.

**SPECIAL FLOOD HAZARD AREA:** The land in the floodplain subject to a one-percent or greater chance of flooding in a given year. The special flood hazard area contains all Zones A and A1-A30 as determined from the most recently prepared Flood Insurance Rate Maps, and subsequent revisions, and contains all land within the Flood Plain Overlay District on the Official Zoning Map of the [Town/City] of \_\_\_\_\_.

**STABILIZATION:** Structural or vegetative treatment applied to an area in order to prevent soil erosion.

**STANDARD SPECIFICATIONS:** Standard Specifications for Highways and Bridges, Massachusetts Department of Transportation, most current as amended/supplemented standard edition.

**STORMWATER POLLUTION:** Occurs when rain that falls on streets, parking lots and other land carries pollution into lakes, rivers, streams or other water bodies. Pollutants can include oil and fuel from vehicles, fertilizers and pesticides from yards or agricultural lands, pet waste, and soil picked p by erosion.

**STREET:** A public or private way either shown on a plan approved in accordance with these rules and regulations or otherwise qualifying a lot for access and frontage under MGL c. 41, Section 81L.

**STREET, COLLECTOR:** A street designed to receive and distribute traffic from and to various sub-areas and neighborhoods, and which will carry a substantial volume of traffic generally, over 400 vehicles per day.

**STREET, MINOR:** A street which primarily provides access to adjacent land uses. It may be either a through-street or a cul-de-sac.

**STREET, MAJOR:** a street having the primary purpose of carrying through traffic and the secondary purpose of providing access to abutting property.

**STREET, PRIMARY:** A street which receives and distributes traffic from and to various subareas within a given region, and receives traffic from a given residential neighborhood or industrial area and carries it to an arterial highway. These roads run through developed areas or connect concentrations of development, and carry significant volumes of traffic.

**STREET, SECONDARY:** A street which primarily provides access to adjacent land uses and which serves to connect minor streets with major streets.

**SUBDIVISION:** Subdivision shall mean the division of a tract of land into two or more lots and shall include resubdivision, 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 in 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 was made, every lot within the tract so divided has frontage on:

- A public way or a way which the Clerk of the [Town/City] of \_\_\_\_\_ certifies is maintained and used as a public way; or
- A way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law; or
- A way in existence when the Subdivision Control Law became effective in the [Town/City] of \_\_\_\_\_, having, in the opinion of the Planning Board, sufficient 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 or to be erected thereon.
- All of which have adequate Access From Public way

**SUBDIVISION CONTROL LAW:** Refers to Sections 81-K to 81 GG, inclusive of Chapter 41, of the General Laws of the Commonwealth of Massachusetts, entitled "Subdivision Control" as last amended.

**SUBDIVISION TYPE I:** a subdivision for residential uses.

**SUBDIVISION TYPE II:** A subdivision for commercial uses.

**SUBDIVISION TYPE III:** a subdivision for industrial uses

**SURVEYOR:** Currently Registered Land Surveyor in the Commonwealth of Massachusetts.

**[TOWN/CITY]:** The [Town/City] of \_\_\_\_\_, Commonwealth of Massachusetts.

**UTILITIES:** Public utilities furnished by off-site providers, such as water, sewer, gas, electricity, telephone, television, or other media.

**WAY:** A right-of-way or means of access to a lot. A public way is a way which has been accepted by, and the land owned by, the [Town/City] of \_\_\_\_\_, or by other means created as a public street. Any other way (private way) is a way over land which is owned by a private party but which is set forth by deed covenant, deed description or by other means as a private way.

**ZONING:** No subdivision rule may affect the size, shape, width, frontage, or use of lots. All subdivisions will fully comply with the [Town/City] Zoning By-Law.



## SECTION 3.0 GENERAL

### 3.1 Limitation of One Dwelling Unit per Lot

Not more than one building for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in the [Town/City] of \_\_\_\_\_.

### 3.2 Compliance with Other Permits Required

3.2.1 Zoning. Subdivisions shall meet the requirements pertaining to lot size, frontage, and all other requirements under existing zoning laws. No subdivision rules can dictate the size, shape, width, frontage or use of lots except that they shall be in compliance with all applicable zoning requirements.

3.2.2 Wetlands Protection [Act/Bylaw/Ordinance]. All projects occurring within [100 feet/other local jurisdictional area] of an area specified in 310 CMR 10.02(1)(a) shall meet the requirements of the [State/Local] Wetlands Protection [Regulations/Bylaw/Ordinance].

3.2.3 Stormwater Management [Bylaw/Ordinance]. All projects disturbing [an acre / local threshold for triggering stormwater management permit review] or more of land shall meet the requirements and design and performance standards of the [Town/City] of \_\_\_\_\_ Stormwater Management [Bylaw/Ordinance].

3.2.4 Any other applicable municipal, state or federal required permits or approvals

### 3.3 Plan Believed Not to Require Approval

#### 3.3.1 Filing Procedure

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 Laws may submit his plan and application (Form A) to the Board or to the [Town/City] Clerk accompanied by the necessary evidence to show that the plan does not require approval. Said plan shall be submitted either by delivery or by registered or certified mail. Receipt of the plan by the [Town/City] Clerk or Board shall constitute the date of submission. The applicant will also file the appropriate filing fee to cover the cost of handling reviews and public meeting expenses (See Section 8 for Fees)

If the Board determines that the plan does not require approval, it shall within twenty-one (21) days and without a public hearing endorse on the plan the words "Planning Board Approval under the Subdivision Control Law Not Required." 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 reproducible original of the plan. The Board shall notify the [Town/City] Clerk of its action.

The applicant shall provide electronic copies of said plan as a dwg. file set to the projected coordinate system NAD\_1983\_StatePlane\_Massachusetts\_Mainland\_FIPS\_2001(Meters) where available. Electronic copies must also be submitted in a digital format acceptable to the town.

OR, if preferred by the Planning Board

The applicant shall provide electronic copies of said plan which meet the current version of the “MassGIS Standard for Digital Plan Submission to Municipalities” meeting the requirements for Level I submission standards. Electronic copies must also be submitted in a digital format acceptable to the town.

3.3.1.1 The applicant shall:

- file with the Board:
  - A fully completed Form A
  - The required Filing Fee
  - \_\_\_ mylar copies of said plan
  - \_\_\_ paper copies of said plan
- give written notice (Form A) to the [town/city] clerk by delivery or by registered mail, postage prepaid, that he/she/they have submitted such a plan with the Planning Board.

3.3.1.2 If the Board determines that the plan does not require approval under the Subdivision Control Law , the Board will vote to approved and endorse the plan.

3.3.1.3 After endorsement by the Board the applicant shall file the endorsed mylar with the \_\_\_\_\_ County Registry of Deeds.

3.3.1.4 If the Board determines that the plan does require approval, the Board will vote to deny the plan and file a written statement with the [Town/City] Clerk, and mail a copy to the applicant, of its determination including its reason for denial.

Before the Board makes its determination, it shall review or have a consultant review the correctness of all street information and compliance with the \_\_\_\_\_ Zoning [By-Laws/Ordinances]. If, in the judgment of the Board, consulting services are necessary or appropriate, the applicant shall be responsible to cover the full cost of such services prior to the endorsement of the plan.

Where the physical condition or width of a public way, from which the lots shown on the plan have their access, is considered by the Board to be inadequate either to provide for emergency services or to carry the traffic which is expected, in the opinion of the Board, to be generated by such lots, the Board shall determine that the plan does require approval under the Subdivision Control Law.

Where the Board determines that in its opinion adequate access (as contemplated by section 81M of the Subdivision Control Law) does not exist, then the Board shall determine that the plan does require approval under the Subdivision Control Law.

If the Board fails to act upon a submitted plan within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Laws is not required as certified by the [Town/City] Clerk.

### 3.3.2 Plan Contents

The plan shall be prepared by a Massachusetts Registered Land Surveyor, shall be clearly and legibly drawn with waterproof ink upon mylar at a scale not smaller than one (1) inch equals forty (40) feet or a scale appropriate to project proposed, with the sheet size not exceeding thirty-six (36) inches by twenty-four (24) inches, and shall contain the following information:

- 3.3.2.1 North arrow, date, scale, legend, locus, and title, “Subdivision Approval Not Required”.
- 3.3.2.2 The names and addresses of the owner/s of record at the time of submission of the application, the applicant, and Land Surveyor (including the official seal).
- 3.3.2.3 Locations, names, lines and widths of all existing streets, sidewalks, publicly owned trails and shared use paths, and any common or public areas.
- 3.3.2.4 Location and setbacks of all existing structures on the proposed site.
- 3.3.2.5 Location, dimensions and purpose of all easements, both existing and proposed, within and adjacent to the land in question.
- 3.3.2.6 The plan shall show boundary lines, dimensions of all subject lots, sites of divisions, lot areas (in acres or square feet, as appropriate), with all lots designated numerically and in sequences.
- 3.3.2.7 Location of all monuments properly identified as to whether existing or proposed.
- 3.3.2.8 Frontage dimensions of all lots created and the dimensions of any frontage remaining on the original subdivided parcels, including the area of any subdivided parcels with a structure.
- 3.3.2.9 Suitable space to record the action of the Board and the signatures of members.
- 3.3.2.10 Book and page number from the \_\_\_\_\_ Registry of Deeds or title reference of subject property.
- 3.3.2.11 A notation reading “Endorsement of this Plan does not certify compliance with the zoning required for a building lot.”

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## SECTION 4.0      PROCEDURE FOR SUBMISSION AND REVIEW OF PLANS

### Coordination of Plan Reviews with Other Required Approvals and Permits

It is strongly advised, where projects require additional approvals from other permitting authorities, that such approvals be obtained either prior to submitting applications to the Planning Board or are submitted to the other permitting authorities at the same time that applications are submitted to the Planning Board. It is important to note that other permitting authority's processes may have time lines that are not coterminous with the Planning Board's Subdivision Approval process.

#### 4.1      Pre-Submission Review

Prior to investing in extensive professional design efforts for subdivision plans, it may be beneficial for the prospective applicant to discuss his/her ideas with the Planning and other technical municipal staff. It may be useful in avoiding problems at a later stage of the subdivision review process.

Any person engaged in the process of pre-submission review is strongly recommended, but not required, to prepare a Voluntary Sketch Plan that will include the following:

- 4.1.1    Existing Resources / Site Analysis Map: A map which identifies, locates, and describes noteworthy features to be designed around through sensitive subdivision layouts, such as vegetation, wetlands, steep slopes, agricultural soils, historic or cultural features, threatened or endangered species, unusual geological formations, and scenic views or viewsheds.
- 4.1.2    Voluntary Sketch Plan: A simple and inexpensive drawing prepared by a professional landscape architect, architect, planner, site designer or engineer, which illustrates conceptual layouts of house lots, streets, stormwater management, conservation areas and other improvements. Ideally, this is based on the Existing Resources/Site Analysis Map and reflects comments received from [Town/City] officials.

Contact between the applicant and Planning Board outside of the formal plan submission process should be limited. Any meetings between applicants and Planning Board members must be conducted at a posted public meeting. It should be noted that any comments or suggestions made by the Board are purely advisory and they are not bound by them in their review and decisions on any subsequently submitted Preliminary or Definitive Plans.

#### 4.2      Preliminary Plan

##### 4.2.1    General

A Preliminary Plan of a Type I subdivision may be submitted by the applicant for discussion and action by the Board.

A preliminary plan must be submitted for Type II and Type III subdivisions. The submission of such a Preliminary Plan will enable the applicant, the Planning Board, or other municipal agencies, and owners of property abutting the subdivision to discuss and

clarify any problems of such a subdivision before a Definitive Plan is prepared. It is strongly recommended that a Preliminary Plan be filed in all cases, except those cases where pre-submission review has adequately clarified all issues.

To the fullest extent reasonable and practicable, all subdivisions shall be designed and constructed to incorporate the most recent design standards, best practices, policies and design elements of:

- Complete Streets (see Appendix C.)
- Healthy Communities (see Appendix D.)
- Stormwater Management (see Appendix E.).

At the time of submission the center line of the proposed roadway shall be adequately and accurately staked or flagged on the site, and the individual proposed lots shall be identified in some manner, sufficient for identification by the Planning Board members and [Town/City] officials when site visits are made

#### 4.2.2 Filing Procedure

The procedure for filing a Preliminary Plan is as follows:

- 4.2.2.1 Any person who submits a Preliminary Plan shall do so by delivery at a properly posted and convened meeting of the Planning Board and Board of Health, or by certified or registered mail to the Planning Board and Board of Health, postage prepaid, and a notice filed with the [Town/City] Clerk by delivery or by registered mail, postage prepaid, that such a plan has been submitted to the Planning Board. Receipt of such plan by the Planning Board at a properly posted and convened meeting shall constitute the date of submission. If mailed, the date of receipt (as shown on the returned registered mail receipt) shall be the date of submission of the plan. Such plan shall be accompanied by the completed Form C and a filing fee (See Planning Board Policies and Procedures for Fees).
- 4.2.2.2 The applicant shall file the original drawing (s) or suitable reproducible (s) and eight (8) copies with the Board and two (2) copies with the Board of Health. Said plan shall be prepared by a currently Registered Massachusetts Engineer and currently Registered Massachusetts Land Surveyor. Five (5) additional reduced scale copies on 11"x17" paper shall also be filed with the Planning Board.
- 4.2.2.3 A list of anticipated requested waivers from the Subdivision Rules and Regulations.
- 4.2.2.4 In order to make application information available on the [Town/City]'s web site, and for presentation purposes at public meetings/hearings, all applications (Form C., Preliminary Development Impact Statement (see Appendix F.), Waiver Requests, Preliminary Engineering Plans, supportive information) shall also be submitted in a digital format on a single disk or drive and include:
  - text information shall be submitted in a format suitable for reading as an MSWord document or PDF (portable document format) Adobe Acrobat file.

- engineering plans shall be submitted in a PDF format.
- other plans, drawings and photographs must be submitted in a format approved by the Planning Board.

4.2.2.5 Any additional expenses for outside consultants for professional review of the plans, survey, or inspections shall also be paid by applicant in accordance with the PLANNING BOARD POLICIES AND PROCEDURES – TECHNICAL ASSISTANCE and M.G.L. CHPT 44 SEC. 53G (see Appendix G.)

#### 4.2.3 Contents

The Preliminary Plan shall be drawn at a scale of one inch to forty feet (1"=40') or such other scale as the Board may accept to show details clearly and adequately on a sheet of paper twenty-four by thirty-six inches (24" x 36"). The Plan shall include the following:

- 4.2.3.1 The Subdivision name, boundaries, North arrow, date, scale, legend and title "Preliminary Plan".
- 4.2.3.2 The names and addresses of the owners of record, the applicant and the engineer or surveyor.
- 4.2.3.3 A locus plan overlaid on the most recent MassGIS orthophotos or other best available high-quality low-elevation air photos.
- 4.2.3.4 Existing and proposed lines of streets, ways, sidewalks, trails, shared use paths, and easements and any public or common areas within the subdivision, in a general manner.
- 4.2.3.5 The proposed system of drainage, including adjacent existing natural waterways, in a general manner.
- 4.2.3.6 The proposed method of sanitary sewage disposal and system and water distribution system (including general soils information), in a general manner.
- 4.2.3.7 The approximate boundary lines of proposed lots with approximate areas and dimensions.
- 4.2.3.8 The names, approximate locations and widths of adjacent streets.
- 4.2.3.9 The topography of the land, in a general manner.
- 4.2.3.10 Land subject to protection/permitting under the Wetlands Protection Act (CMR 140)
- 4.2.3.11 An index plan at a scaled of one inch equals two hundred feet (1"=200'), when multiple sheets are used.
- 4.2.3.12 A key plan at a scale of one inch equals one thousand feet (1"=1000').

4.2.3.13 In the case of a subdivision covering less than all of the land owned by the subdivider, a plan showing in a general manner the proposed overall development of all said land.

#### 4.2.4 Action by the Board

Within forty-five (45) days of submission of the Preliminary Plan, the Board shall take one of the following actions:

4.2.4.1 Approve the plan as presented;

4.2.4.2 Approve the plan with modifications;

4.2.4.3 Disapprove the plan.

and shall file its decision with the [Town/City] Clerk and notify the applicant (certified mail). Failure of the Board to file its decision on a Preliminary Plan within 45 days after submission shall be deemed to constitute approval of such a plan. In the case of disapproval, the reasons why shall be stated. Approval of the plan does not constitute the approval of a subdivision and no Register of Deeds shall record a Preliminary Plan.

Approval of the Preliminary Plan by the Board does not constitute approval of a subdivision but does facilitate the procedure in securing approval of the Definitive Plan. In addition, such approval does not in any way authorize the owner to proceed with construction of roadways and/or other work in the subdivision.

### 4.3 **Definitive Plan**

#### 4.3.1 General

A Definitive Plan shall be governed by the subdivision regulation in effect at the time of submission of such plan, or in effect at the time of submission of a Preliminary Plan provide that a definitive plan evolved therefrom shall have been submitted to the Board within seven (7) months from the date of submission of the Preliminary Plan (if submitted).

To the fullest extent reasonable and practicable, all subdivisions shall be designed and constructed to incorporate the most recent design standards, best practices, policies and design elements of:

- Complete Streets (see Appendix C.)
- Healthy Communities (see Appendix D.)
- Stormwater Management (See Appendix E.).

A Definitive Plan shall also be governed by the zoning in effect at the time of submission of such plan or a Preliminary Plan from which a Definitive Plan is evolved in accordance with the provisions of Section 6 of Chapter 40A of the General Laws as amended.



4.3.2 Filing Procedure

Any person submitting a Definitive Plan of a subdivision to the Board for approval shall give written notice to the [Town/City] Clerk by delivery, or by registered or certified mail, postage prepaid. A plan is deemed submitted when delivered to the planning board at a meeting of the board or when sent by registered mail to the planning board. If so mailed, the date of receipt (as shown on the returned registered mail receipt) shall be the date of submission of such plan.

The applicant shall file with the Board the following:

- 4.3.2.1 An original reproducible drawing of the Definitive Plan, and eight (8) 24"x36" contact prints thereof with the Board, plus two (2) contact prints with the Board of Health and one (1) contact print for the Board of Assessors. The original drawing will be returned to the applicant after a decision on the Plan by the Board. Five (5) additional reduced scale copies on 11"x17" paper shall also be filed with the Planning Board.

At least one of the 24"x36" prints shall have the significant features illustrated according to the following color scheme, and shall be used for presentation purposes:

<b>Feature</b>	<b>Identifying Color</b>
Roads	Dark gray
Streams and water bodies	Blue
Wetlands	Solid Red
100 year floodplains	Orange
Dedicated open space and recreation areas	Green
Pedestrian and bicycle paths	Brown
Subdivision and lot boundaries	Black

- 4.3.2.2 In order to make application information available on the [Town/City]'s web site, and for presentation purposes at public meetings/hearings, all applications (Form D, Waiver Requests, Engineering Plans, supportive information) shall also be submitted in a digital format via email or on a single thumb drive or other digital format acceptable to the town/city and include:

- text information shall be submitted in a format suitable for reading as an MSWord document or PDF (portable document format) Adobe Acrobat file.
- engineering plans and a colored print shall be submitted in a PDF format.
- other plans, drawings and photographs must be submitted in a JPEG, TIFF or PDF format

- 4.3.2.3 Two (2) properly executed application Form D, one to the Board and one to the Board of Health.

- 4.3.2.4 A filing fee (see Attachment \_\_)

Any additional expenses for professional review of the plans, survey, or inspections shall also be paid by applicant in accordance with the hiring of outside consultants (MGL Chpt. 44 Sec. 53G, See Appendix G.).

- 4.3.2.5 A certified list of abutters (Form F) and two sets of abutter addresses on mailing labels.
- 4.3.2.6 A list of requested waivers from the Subdivision Rules and Regulations.
- 4.3.2.7 A more detailed Development Impact Statement (see Appendix F.)
- 4.3.2.8 For the mailing of Public Hearing Notices, 1 complete set of legal sized envelopes with Planning Board's return address, one addressed for each applicant, owner, engineer and abutters, and all with sufficient postage to assure delivery via the U.S. Postal Service.
- 4.3.2.9 For the mailing of decision, 1 legal sized envelope with the Planning Board's return address, addressed to the applicant, and with sufficient postage for delivery by registered mail via the U.S. Postal Service.

#### 4.3.3 Contents

The Definitive Plan shall be prepared by a current Registered Civil Engineer and current Registered Land Surveyor. The Plan shall be at a scale of one inch to forty feet (1"=40'), unless otherwise specified by the Planning Board. Sheet size shall not exceed 24" x 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The data required below may be on separate sheets as is necessary.

The Definitive Plan shall have the following information:

- 4.3.3.1 The subdivision name, boundaries, North arrow, date, scale, legend, and bench mark(s). All elevations shall be to the U.S.G.S. bench marks.
- 4.3.3.2 The names and addresses of the owners of record, the applicant, the engineer and surveyor and their official seals.
- 4.3.3.3 The names of all abutters as determined from the most recent tax list.
- 4.3.3.4 Existing and proposed lines of streets, sidewalks, shared use paths, rights of way, easements, and public or common areas within the subdivision. Proposed names of new streets shall be shown.
- 4.3.3.5 Location, names and present widths of street(s) bounding, approaching, or within reasonable proximity of the subdivision.
- 4.3.3.6 Zoning districts of all the areas shown on the plan.
- 4.3.3.7 Key plan showing location of the subdivision at a scale of one inch equals one thousand feet (1"=1000'), and an index plan at a scale of one inch equals two hundred feet (1"=200'), or at a scale matching that used on the Assessors maps.

- 4.3.3.8 Existing (solid line) and proposed (broken line) topography at two (2) foot contour intervals including the finished grade of all lots.
- 4.3.3.9 Street frontage, lot numbers and areas of lots.
- 4.3.3.10 Location of all natural waterways and water bodies within and adjacent to the subdivision.
- 4.3.3.11 Location of significant site features located within the proposed right-of-way such as existing stone walls, fences, buildings, large trees (with a minimum diameter of 18” measured at 4’ DBH (Diameter at Breast Height)), flood plains, and rock outcroppings.
- 4.3.3.12 Boundaries of lands subject to the Massachusetts Wetlands Law CMR-140.
- 4.3.3.13 Location and limits of soil types, particularly Agricultural Soils, consistent with the soils classification maps prepared by the Natural Resources Conservation Service.
- 4.3.3.14 Areas where the depth of natural soil to bedrock is four (4) feet or less.
- 4.3.3.15 The extent of any Interim Wellhead Protection Areas and Recharge Areas.
- 4.3.3.16 Delineation of slopes of twenty-five percent (25%) or greater.
- 4.3.3.17 Areas delineated as “BioMap Core Habitat” or “Supporting Natural Landscape” on the Massachusetts BioMap Project developed by the Massachusetts Natural Heritage & Endangered Species Program.
- 4.3.3.18 Location of all permanent monuments, properly identified as to whether proposed or existing.
- 4.3.3.19 If requested by the Board of Health, the location and results of all percolation tests to evaluate subsurface conditions for each lot in the prospective subdivision. These tests will be done if individual sewer systems are proposed. The tests will be done in accordance with the State Sanitary Code and the regulations of the \_\_\_\_\_ Board of Health.
- 4.3.3.20 Location of all existing wells and areas of potential well locations for each proposed lot.
- 4.3.3.21 If utilizing public water, the size, pressure and location of existing and proposed water supply facilities.
- 4.3.3.22 If utilizing public water, the size, pressure and location of all fire hydrants, pump, water lines between hydrants and pump, and source(s) of water for fire fighting.
- 4.3.3.22 If utilizing public sanitary sewer, the size, capacity and location of existing and proposed components of all sanitary sewer facilities.

- 4.3.3.23 Location of all the following improvements unless specifically waived in writing by the Board: street paving, bike lanes, sidewalks, shared use paths, street lighting standards, all utilities above and below ground (i.e., electricity, phone, cable TV, gas), curbs, gutters, storm drainage, and all easements (with statement of the purpose of each such easement) including any required utility easements outside of the right-of-way.
- 4.3.3.24 The location of core borings taken along the center line of the proposed road every 100' to a depth of 6'. The logs of such core borings shall be included.
- 4.3.3.25 An Application for a Stormwater Management and Erosion and Sediment Control Permit, in accordance with Section \_\_\_ of the \_\_\_\_\_ General/Zoning [Bylaw/Ordinance], along with all required plans and supportive information and documentation, must be submitted as part of the Definitive Subdivision Plan submission approval. No work shall commence on the construction of an approved Definitive Subdivision Plan until a Stormwater Management Permit has been approved and issued. Wherever possible the proposed drainage system shall be designed to utilize, and be compatible with, the existing drainage patterns and existing natural features of the site.

The storm water management plan shall be designed to incorporate and address the stormwater management for the entire proposed development, including anticipated buildout of individual lots.

Detention ponds shall be utilized wherever possible, although other methods will be entertained where detention ponds are determined, by the Board, not to be feasible. The systems shall also be designed such that the volumes and velocities of storm water leaving the site after construction shall not exceed that of the pre-construction state of the site.

Detention ponds, retention ponds and other storm water drainage structures, not located within the proposed existing street right-of-way, must be located on their own individual parcel, and may not be included as a part of any intended building lot. Such individual parcel shall be placed under the ownership, control and responsibility of a homeowner's association, or other approved equal by the Planning Board, created for such purpose. An easement shall be granted to the entity owning the street (including its successors and assigns) authorizing the discharge of storm water into said drainage structure. Said association shall be responsible for:

- the maintenance, repair, and improvement of the storm water drainage structure ensuring its continued functioning capability as designed and constructed
- maintaining a bank account at all times, with a balance of no less than an amount determined by the Highway Superintendent as being sufficient, for the purpose of paying for said maintenance and improvement
- maintaining an insurance policy in the amount of at least one million dollars (\$1,000,000.00)
- having said structure inspected, and maintained, repaired and improved as needed, at least once a year by a qualified person/firm (i.e. engineer, landscaper as appropriate)

- having said qualified person firm forward a written report, at least once each calendar year, certifying said inspection and any maintenance, repairs, and improvements that were required and undertaken to the Planning Board and Highway Superintendent/Director/stormwater permitting authority.

The developer shall provide an easement on the parcel to the [Town/City], and similar wording shall also be included in any Homeowner's Association Bylaw/ordinances, where, should said association fail in any of its aforementioned responsibilities as listed above, give the [Town/City] the right to intercede and conduct any of the maintenance, repairs and improvements that it feels are necessary to ensure the proper functioning of the structure, and assess the association the cost of said maintenance, repairs and improvements, plus a 20% administrative fee.

4.3.3.26 Sufficient data including the length, bearings, radii, and central angle to determine the exact location, direction, and length of every street, and way, lot line and boundary line, and to establish these lines on the ground.

4.3.3.27 Profiles shall be prepared as follows:

- A horizontal scale of 1" = 40'.
- A vertical scale of 1" = 4'.
- Existing grade of road center line drawn in fine black solid line.
- Existing right sideline drawn in fine black dotted line.
- Existing left sideline drawn in fine black dash line.
- All elevations shall refer to the U.S. Coast and Geodetic Survey bench marks.
- Proposed roadway center line grades drawn in heavy red line with precise elevations at point of vertical tangency, point of vertical contact, high point and low point.
- Rates of roadway gradient shown in percentage.
- Size, location and rates of gradient of proposed stormwater management facilities, drains, sewer lines, catch basins, man holes, as well as required new waterways, and sizes of all pipes.
- Invert and rim elevations of each man hole or catch basin shall be shown.
- As long as the work is related to the proposed subdivision, profiles shall be shown even if the new work is outside said subdivision.
- Water mains will be shown in profile to demonstrate sufficient clearance of other structures.
- Size and location of all other utilities to be placed in the right of way. These shall be placed so as to minimize flood damage.
- Location of any intersected public or private way.

4.3.3.28 Cross sections details shall comply with the Typical Section contained in Appendix B and shall include: Street section showing paving, crown, berm, shoulder and distance to the right of way line, sidewalks, bikelanes and cross sections for any stormwater management facilities. drainage trench.

- 4.3.3.29 Suitable space to record the action of the Board and signatures of Board members.
- 4.3.3.30 The following Statements shall appear on all plans:
- 4.3.3.30.1 Planning Board approval of any subdivision shall be deemed revoked in all cases where the construction of ways and installation of municipal services has not been completed or where the applicant (his agents or assigns) has failed to meet any conditions of said approval by the completion deadline date stated in the Subdivision Approval, unless such time is extended in writing between the applicant (his agents or assigns) and the Planning Board in accordance with the provisions of Section 4.3.9 Completion Time Schedule, of the \_\_\_\_\_ Rules and Regulations Governing the Subdivisions of land.
  - 4.3.3.30.2 Compliance with the requirements of the \_\_\_\_\_ Subdivision Rules and Regulations, unless they have specifically been waived by the Planning Board, are required as part of the approval of this plan.
  - 4.3.3.30.3 Approval of this plan shall be automatically revoked if recorded more than six (6) months following the date of endorsement unless specifically waived prior to such expiration by the Planning Board.
- 4.3.3.31 Location of all special flood hazard areas as determined from Flood Insurance Rate Maps, designated as Zones A and A1-A30, for the [Town/City] of \_\_\_\_\_, as well as a note on the plan stating the Community Panel Number(s) and whether or not the subject property is in a Special Flood Hazard Area.
- 4.3.3.32 Landscaping Plan showing the location of all existing and proposed landscaping, including the center of any proposed cul-de-sacs. Tree species must be approved by the Tree Warden. Indicate which large trees (with a minimum diameter of 18” measured at 4’ DBH (Diameter at Breast Height)) are proposed to be removed within the proposed right-of-way.
- 4.3.3.33 Traffic Analysis. The developer shall be required to provide a traffic analysis prepared by a registered traffic engineer. This report must bear the traffic engineer’s stamp and detail the number of vehicle trips generated per day, and how traffic will affect the surrounding road network. This analysis must conform to the standards contained in the most recent version of the *Massachusetts Department of Transportation Highway Division Traffic and Safety Engineering 25% Design Submission Guidelines*. This plan should explain traffic impacts, types of streets, opportunities for public transit access, impacts on vehicle, pedestrian and bicycle circulation and include the following:
- a. Estimated daily and peak hour vehicle trips generated by the proposed use, traffic patterns for vehicles and pedestrians showing adequate access to and from the site, and adequate vehicular and pedestrian circulation within the

site. Previous generated data may be used but may not be more than two years old.

- b. Traffic flow patterns at the site, including entrances and egresses and curb cuts on site and within 200 feet of the site
- c. An interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.
- d. Adequate pedestrian access, including provisions for sidewalks to provide access to adjacent properties and between individual businesses within a development.
- e. Safe provision for school bus stops and public transit stops when appropriate.

4.3.3.34 Construction Quantities. The applicant shall submit a detailed estimate for all construction within the proposed roadway layout and/or public utility easements, certified by the project's Registered Professional Engineer. Said estimate shall be based on the latest approved edition of "Standard Specifications for Highways and Bridges" of the Commonwealth of Massachusetts, and shall include:

- a. Schedule of Values for Subdivision Construction, (see Form H: Definitive Subdivision Construction Cost Estimate)
- b. Total amount for cost of completion of project.
- c. Costs adjusted to account for municipal prevailing wages rates
- d. Costs shall be revisited and adjusted every five (5) years for an inflation/safety factor

4.3.3.35 The applicant shall include a maintenance plan for the subdivision right-of-ways, easements and roads for the time prior to acceptance by the [Town/City]. The maintenance plan should include provision for the maintenance of road pavement, sidewalks, water and sanitary sewer, stormwater management, soil settling problems, street sweeping, snowplowing and clearing of snow from sidewalks and shared use paths, maintaining vegetative stabilization of all right-of-ways and easements, erosion controls, fall leaf clean up, catch basin and drainage system cleaning, and other provisions as determined to be necessary by the Planning Board.

4.3.3.36 Road Acceptance. All requirements as listed under Section 4.3.14 in the \_\_\_\_\_ Subdivision Regulations.

4.3.3.37 Any other information that the Board may deem necessary.

#### 4.3.4 Review by the Board of Health

At the time of the filing of the Definitive Plan with the Board, two (2) copies shall also be filed with the Board of Health. The Board of Health shall report in writing its approval or disapproval of said Plan. In the event of disapproval it shall make specific findings as to

which if any of the lots shown on said Plan cannot be used as building sites without injury to the public health. The Board of Health shall include specific findings and the reasons therefore in such report, and where possible it shall make recommendations for adjustments necessary for the Plan's approval. Any approval by the Board shall be on the condition that lots deemed injurious to the public health shall not be built upon without prior consent of the Board of Health. The Board shall endorse on the plan such conditions, specifying the lots to which said conditions apply. Failure by the Board of Health to report on the proposed subdivision within forty-five (45) days after the filing of the Plan shall be deemed approval of the Plan by the Board of Health.

All subdivisions shall apply to connect to the [Town/City] sanitary sewerage system where this system is available and where it is feasible to do so. Every lot not served by the [Town/City] sewerage system shall have an adequate approved sewage disposal system satisfactory to the Board of Health.

#### 4.3.5 Review by Other [Town/City] Departments

The Board shall, upon submission of a Definitive Plan, transmit one copy each to the Board of Selectmen, Fire Department, Highway Department, Water Department, Police Department, Conservation Commission and any consultants that may be selected by the Board for their review. Comments and recommendations shall be made to the Board within forty-five days following receipt of a copy of the plan.

#### 4.3.6 Public Hearing

Before approval, modification, and approval or disapproval of the Definitive Plan is given, a public hearing shall be held by the Board. Said Public Hearing shall be held after the Board of Health makes its report or after the 45 day period to report expires. Notice of the specific time and place shall be given by the Board at the expense of the Applicant by advertisement in a newspaper of general circulation in the [Town/City] of \_\_\_\_\_ once in each of two successive weeks, the first publication being not less than fourteen days before the date of such hearing. A copy of the Definitive Plan shall be available to the Public through the [Town/City] Clerk's office, not less than fourteen (14) days before the date of the Public Hearing.

A copy of said notice of public hearing shall be mailed by the Planning Board to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list in accordance with the M.G.L. Chapter 41, Section 81T. The Planning Board shall also send notice of a public hearing to the following: the Board of Selectmen, the Board of Health, the Conservation Commission, the Fire Department, the Police Department, the Superintendent of Schools, the Building Inspector, the Water Department and the Highway Department.

#### 4.3.7 Approval, Modification or Disapproval

After the required public hearing but within ninety (90) days from submission, in the case for Type II and Type III subdivision, or Type I subdivision that has submitted a preliminary plan, or within one-hundred and thirty-five (135) for Type I subdivision which no preliminary plan was submitted, the Board shall take final action upon the Definitive Plan. It shall approve the Plan as submitted, modify and approve the Plan or



disapprove the Plan. If the Board modifies or disapproves the Plan, it shall state with its vote the reasons for its action.

The failure of the Board either to take final action or to file with the [Town/City] Clerk a certificate of such action regarding the definitive plan submitted by an Applicant within one hundred thirty-five (135) days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Board with the [Town/City] Clerk.

Approvals of Definitive Subdivision Plans are transferable only upon the prior approval of the Planning Board.

#### 4.3.8 Performance Guarantee & Requirements Prior to Endorsement of Definitive Plan

An approved, or approved with modifications, Definitive Plan shall not be endorsed until after the mandatory twenty-day appeal period has elapsed as certified by the [Town/City] Clerk, or after issuance of a final decree of the court sustaining the approval of such plan, if appealed, and not until the applicant has complied with all of the following.

##### 4.3.8.1 Required Documents to be Submitted:

- 4.3.8.1.1 A revised Definitive Subdivision Plan with the necessary corrections if conditional approval was given or modification required
- 4.3.8.1.2 Delivered one set of the Mylar originals of the plan (for recording at the \_\_\_\_\_ Registry of Deeds), one copy in a digital format approved by the Planning Board, and three copies of the definitive plan if no corrections were necessary; (Note: If corrections were required by the Planning Board, seven prints shall be delivered.) Said mylars must bear the certification of the [Town/City] Clerk that twenty days have elapsed after the decision has been filed in the office of the [Town/City] Clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied.
- 4.3.8.1.3 Submitted the approved plan in the required digital format per Section 4.3.2.5 of these Regulations.
- 4.3.8.1.4 Submitted a municipal lien certificate, indicating that all taxes, assessments and charges have been paid in full.
- 4.3.8.1.5 Caused to be executed, in a form accepted to the [Town/City] Counsel, all deeds of easements, as shown on the plan and/or required by the Planning Board, and submission of such deeds and documents to the Planning Board, and signed an agreement to pay for [Town/City] engineering or legal review service, and public hearing advertisement.

- 4.3.8.1.6 The applicant shall submit all documents including, but not limited to, master deeds, restrictive covenants, deed restrictions, shared land, detention pond, open space, and recreation areas. A homeowners' association must be established to maintain the streets and infrastructure until and unless the streets are accepted by the [Town/City]. Covenants must include the requirement that the homeowner's/landowner's association or other entity accept all responsibility under [Town/City] [Bylaw/Ordinances] to keep all sidewalks in front of open space associated with the project free of snow. This requirement shall apply even if omitted from a covenant
- 4.3.8.1.7 Submitted a proforma or sample of the individual property deeds to the individual homeowners to be used showing that the developer has retained his rights and ownership of the right-of-way. When selling lots, the developer shall retain his rights and ownership of the right-of-way, and such shall be stated and included in all deeds to lots in the development.
- 4.3.8.1.8 Posted the necessary performance guarantee. The monetary value of said guarantee, using any method other than a covenant, shall be based on a Construction Quantity Estimate (see below) if conditional approval of the subdivision was given and if said approval changed the original quantities. In addition, the monetary value of the performance guarantee shall be adequate to cover all costs the [Town/City] would incur to complete the project at the end of the expiration of said guarantee, including but not limited to construction costs at state (or, if required, federal) prevailing wages, record plans, street acceptance plans, and legal costs.

4.3.8.1.8.1 Construction Cost Estimate

With all performance guarantees the applicant shall also submit a detailed Construction Cost Estimate for all construction within the proposed roadway layout and/or public utility easements, certified by the project's registered professional engineer. Said estimate shall be based on the "Standard Specifications for Highways and Bridges," 1988 Edition, as amended, of the Commonwealth of Massachusetts, and shall include:

- 4.3.8.1.8.1.1 Schedule of Values for Subdivision Construction (see Form H: Definitive Subdivision Construction Cost Estimate)
- 4.3.8.1.8.1.2 Total amount for cost of completion of project.
- 4.3.8.1.8.1.3 Costs adjusted to account for municipal prevailing wage rates.

4.3.8.1.8.1.4 Costs adjusted to add an inflation/safety factor of 20%.

4.3.8.1.9 Delivered an irrevocable offer of dedication of all facilities to be dedicated to the public. Said offer must be accompanied by a lawyer's title opinion that the offer is free of any liens and encumbrances, and all mortgages must be subordinated to the offer. The offer shall be irrevocable, except the offer can be withdrawn if the project proponent does not proceed with the project and requests that the subdivision approval be rescinded or otherwise amended such that the dedication is no longer necessary.

4.3.8.1.10 If determined to be required by the Planning Board, received from the applicant an executed instrument, in a form approved by the Planning Board, transferring to the [Town/City] or to an approved public utility company, without cost to the [Town/City], valid unencumbered title to all sanitary sewers, water mains, and appurtenances thereto, and other utilities constructed and installed in the subdivision or approved portion thereof, and conveying to the [Town/City] or to an approved public utility company without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers, water mains and other utilities, with any manholes, conduits, and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or approved portion thereof, and if any such sewers or water mains have been constructed and installed in land not within such streets, then in, through, and under a strip of land extending 10 feet in width on each side of the center line of all such sewers and water mains. The Planning Board may require greater than 10 feet in width on each side of the center line where it deems necessary.

4.3.8.1.11 A formal petition, accompanied by said plans, requesting that the street be accepted by the [Town/City] as a [Town/City] Street (except as in 4.3.8.1.12 below).

4.3.8.1.12 A document, the form and content of which must be approved by the [Town/City] Counsel, suitable for recording, deeding the proposed public roadway to the [Town/City].

4.3.8.1.12.1 In cases where the developer has requested, and the Planning Board has approved, that the road not be accepted as a [Town/City] Road but be kept as a Private Way, not under the ownership and/or responsibility of the [Town/City] but under the ownership and responsibility of a homeowner's association as established in accordance with state law, the developer shall submit to the Planning Board for its approval an irrevocable declaration that shall be included in the deed to the roadway, the homeowner's association Master

Deed and Bylaw/ordinances, and the deeds to all of the lots in the subdivision.

Said irrevocable declaration shall state that said way is a Private Way and not a [Town/City] road, that it is not under the ownership and/or responsibility of the [Town/City] but under the ownership and responsibility of the homeowner's association, that it shall remain a Private Way in perpetuity and, if at such time it is ever petitioned to become a [Town/City] Road that it first must be brought into compliance with the design and construction standards for a definitive subdivision road required at the time that the petition is submitted.

Private Ways shall be designated by blue street identification signs

4.3.8.1.13 Failure of the applicant to meet the above requirements shall be full and sufficient reason to withhold endorsement. If the applicant fails to submit the required performance guarantees, easements and other documentation and the endorsement of the plan by the Planning Board is delayed more than six months after the expiration of the twenty-day appeal period, the Planning Board, on its own motion, shall exercise its power to modify, amend, or rescind its approval of the subdivision plan or to require a change in the plan as a condition of said plan retaining the status of an approved plan.

#### 4.3.8.2 Performance Guarantee

Before endorsement of the Planning Board's approval of a Definitive Plan of a subdivision, the applicant shall agree to complete the required improvements specified in the approved Definitive Subdivision Plan for all lots in the subdivision, such construction and installation to be secured in accordance with Chapter 41, Section 81-U, M.G.L., as amended, by one, or in part by the other, of the following methods which may from time to time be varied with the applicant. While the applicant chooses the initial form of the Performance Guarantee, the Planning Board shall determine/approve the actual dollar amount (where applicable). The Planning Board may require a change in the form/method and amount of the Performance Guarantee when a partial release is requested by the applicant.

4.3.8.2.1 Financial performance guarantees (surety bonds, money or three-party lender agreement).

The applicant shall either file a surety company performance bond or provide a deposit of money or negotiable securities in an amount determined by the Planning Board in consultation with the appropriate [Town/City] departments, to be sufficient to cover the cost of all or any part of the improvements specified in these

regulations at state (or, if applicable, federal) prevailing wage rates not covered by a covenant below, and to cover the costs of inspections, record plans, street acceptance plans, and legal work, and a contingency/inflation factor. Warranty principal shall be not less than 15% of the estimated cost of those components of the entire project which shall be dedicated for public use and shall cover workmanship and materials.

4.3.8.2.1.1 If financial performance guarantees are used, at least two lots in a subdivision which can be built on must be covered by a covenant to ensure that all work, including legal work, is completed.

4.3.8.2.1.2 Three-party agreement for lender retention of funds, surety bonds and other financial performance guarantees must be drafted so that the only requirement that must be met for the Planning Board to draw on the letter is to notify the financial institution (grantor) that:

“We have incurred liability by reason of the failure of the applicant/ developer/owner, within ninety days of the expiration of this letter, to complete the construction of their project (insert name of subdivision and plans) in accordance with the definitive subdivision plans and submittal, the subdivision approval, the \_\_\_\_\_ Zoning [Bylaw/Ordinance], and the Rules and Regulations Governing the Subdivision of Land in \_\_\_\_\_. The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is otherwise let and the work paid for. Any excess over the cost of completing the work will be returned to the grantor.”

4.3.8.2.1.3 Such bond, deposit of money or negotiable securities, shall be approved as to form, the surety or financial institution, and manner of execution by the Planning Board.

4.3.8.2.1.4 Approval with Money

By a deposit of money sufficient in the opinion of the Planning Board to secure performance of the construction of ways and installation of municipal services required for lots in the subdivision shown on the plan, and the Planning Board may require that the applicant specify the time within such construction shall

be completed. Deposits of money shall take the form of one or a combination of the following:

4.3.8.2.1.4.1 Savings passbook (with three signed withdrawal slips) account made out to the [Town/City] of \_\_\_\_\_ and controlled by the [Town/City] Treasurer, with agreement from the bank that no withdrawal from the account be made without approval of the Planning Board.

4.3.8.2.1.4.2 Certified cashier's check or bank check.

4.3.8.2.1.5 For any surety bond:

4.3.8.2.1.5.1 The surety must agree that any litigation stemming out of the bond will take place in Massachusetts

4.3.8.2.1.5.2 The bond must include the name and address of the person to be served for any legal action.

4.3.8.2.1.5.3 The bond must specifically include the terms above.

4.3.8.2.1.5.4 No expiration date may be allowed in the bond (The bond must be valid until the work is complete.), and the warranty performance period has been completed.

#### 4.3.8.2.2 Approval with covenant

Instead of filing a bond or depositing money, the applicant may fulfill a covenant, executed and duly recorded concurrent with recording the subdivision approval by the owner of record, running with the land, that no lot in the subdivision shall be sold and no building erected thereon until such ways, services and, whenever applicable, temporary turnarounds are constructed and installed, and until record plans, street acceptance plans, and other required work are accepted by the Planning Board in accordance with these rules and regulations so as to adequately serve the lots.

4.3.8.2.2.1 Such covenant shall be inscribed on the definitive plan or on a separate document referred to on the plan and delivered to the Planning Board. The Planning Board shall turn over the covenant agreement to the [Town/City] Counsel, who shall review its contents and forward his comments in writing to the Planning Board. Upon approval of the covenant by the Planning Board,

the applicant shall note the Planning Board's action on the definitive plan and the Planning Board shall record the covenant, endorsed definitive plan, and other appropriate documents at the \_\_\_\_\_ County Registry of Deeds.

#### 4.3.9 Completion Time Schedule

All required improvements and legal documents shall be completed within a maximum period of three years from the date of endorsement of the Definitive Plan by the Planning Board. There shall be at least a three-month period between the completion date of all improvements and one-year warranty period and the expiration date of any bond, deposit of money, letter of credit or covenant. Said three-month period shall give the [Town/City] the opportunity to collect the financial performance guarantee so that it will be able to complete the necessary improvements in case the developer is unable to do so and/or the Planning Board denies any requests for an extension of time. "Warranty" shall include all workmanship and materials.

- 4.3.9.1 Upon written request from the applicant filed with the Planning Board prior to the expiration date, the Planning Board at its discretion, grant an extension of time, and such agreement shall be executed and affixed to the financial performance guarantee or covenant.
- 4.3.9.2 In the case of a surety company bond, such an agreement for an extension shall not be effective until the surety delivers to the Planning Board a written statement that the surety agrees to the proposed alteration of the completion schedule and that such alteration shall not relieve or affect the liability of the surety company.
- 4.3.9.3 In the case of a covenant, the Board may grant final approval of the Definitive Plan conditional upon the completion of the construction of all ways and installation of utilities within specified time period from date of said covenant. Failure to complete such improvements shall automatically rescind approval of the plan.
- 4.3.9.4 Failure to complete all improvements as required by these rules and regulations within the time allotted shall cause the Planning Board to draw upon the performance guarantee (surety bond, deposit of money, letter of credit) in order to complete said improvements and/or schedule a public hearing in order to rescind approval of the subdivision in accordance with appropriate sections of MGL c. 41, § 81.
- 4.3.9.5 If the specified subdivision improvements in accordance with the Rules and Regulations are not completed within two (2) years of the date of the bond, deposit of money, lender's agreement or covenant, the Planning Board may require an estimate of the costs of the remaining work, increase the amount of the performance guarantee proportionately, and establish a new date for completion of said required improvements. Failure of the developer to complete the improvements within said two (2) year period, or any extension thereof, shall not relieve the developer from his/her obligation to pay for increased costs for completing the improvements in excess of his/her

performance guarantee and shall be grounds for rescission of the approval of the plan pursuant to G.1., Ch.41, Sec. 81 W.

#### 4.3.10 Evidence of Performance and Release/Partial Release of Performance Guarantee

##### 4.3.10.1 Procedures for partial release

The developer may, upon partial completion and installation of required improvements in a subdivision, the security for the performance of which was given by bond, deposit of money, letter of credit, or covenant, make formal application, in writing either by hand delivery or certified mail, to the Planning Board for partial release of his/her/their performance guarantee, in accordance with the procedures set forth herein. It is up to the discretion of the Planning Board whether to approve such request. The Planning Board may deny, approve or partially approve such request. The Planning Board shall determine/approve the actual dollar amount (where applicable). The Planning Board may require a change in the form/method and amount of the Performance Guarantee when a partial release is requested by the applicant.

##### 4.3.10.1.1 Financial performance guarantee

The amount of such a bond, or deposit of money, or letter of credit or three-party agreement for lender fund retention held may, from time to time, be reduced by the Planning Board. The applicant shall present to the Planning Board a list of all construction items performed and/or completed, said list to be based on the subdivision approval, and the subdivision regulations in their entirety. The amount to be reduced by the Planning Board, after consultation with the Highway Superintendent, shall be based upon federal or state prevailing wage construction costs at the time the application for reduction is made. The Planning Board shall withhold adequate funds to complete the project, but shall withhold no less than 20% of the original approved cost estimate. At the completion of the project (based on a written acceptance from the Planning Board that the project has been completed) and a one-year warranty period, the amount withheld shall be released under 4.3.10.2.

##### 4.3.10.1.2 Covenant

The developer may request a release of conditions for lots where the required improvements have been completed for that section of roadway beginning at any intersection with a [Town/City] road and abutting lots up through the last lot to be released. Lots may only be released if they abut the functionally (in the opinion of the Planning Board) completed portion of the road. No partial release from the covenants will be approved if the total length of roadway, including a temporary turnaround, abutting said designated lots, exceeds the [Town/City]'s maximum allowable length for dead-end streets unless the Planning Board has already approved within the



limits of the development a dead-end street exceeding said limits. In the absence of financial performance guarantees, adequate covenants will be held to ensure completion of the project, including record plans, street acceptance plans, site inspections, and legal work. In addition, a covenant on one lot which can be built on will be held until either a) the [Town/City] has acceptance all of the Definitive Plan's roadways a [Town/City] streets, or b) said covenant has been exchanged in lieu of the cash value (as determined by the Planning Board) of the lot. Covenant shall be inscribed on the Definitive Plan or in a separate document referred to on the Plan, and delivered to the Planning Board.

4.3.10.1.2.1 The subdivider may request a Release of lots from covenant, in exchange for a bond, deposit of money or surety provided that:

4.3.10.1.2.1.1 A revised Construction Cost Estimate (see Section 4.3.8.1.8.1) for all of the work remaining to be completed in accordance with the approved plans has been submitted.

4.3.10.1.2.1.2 Lots will be released in area of the subdivision where all the required improvements have been completed.

4.3.10.1.2.1.3 The lots run consecutively and are released on both sides of the road simultaneously, beginning with the lots nearest any intersection of the subdivision road and a [Town/City] road.

4.3.10.1.2.1.4 The amount of the surety of Bond shall be determined by the Planning Board, based on the submitted revised Construction Cost Estimate and their estimates for constructing the road within existing approval. The amount of the Surety or Bond shall be determined on a request by request basis, and each request shall be judged on its own merits.

4.3.10.1.2.1.5 The amount of the Surety or bond on existing lots for which prior Surety or Bond has been given may be increased by the Planning Board should the specified Subdivision improvements in accordance with these Rules and Regulations not be completed within the allotted time period as specified and such

increase would take into consideration increased construction costs.

4.3.10.1.2.1.6 Such a covenant shall be inscribed on the Definitive Plan or in a separate document referred to on the Plan, and delivered to the Planning Board. The Planning Board shall turn over the covenant to the [Town/City] Counsel who shall review its contents.

4.3.10.1.3 All requests for a partial release of the performance guarantee must be accompanied by:

4.3.10.1.3.1 A revised Construction Cost Estimate (see Section 4.3.8.1.8.1) for all of the work remaining to be completed in accordance with the approved plans.

4.3.10.1.3.2 A certification from the project's engineer that all work and systems have been completed in accordance with the approved plans and are functioning as designed and intended.

4.3.10.1.3.3 Proof that all fees to cover inspections for the release of the performance guarantee have been paid in full by the applicant.

4.3.10.1.3.4 "As-Built" plans for that portion of the roadway for which a partial release is being requested.

4.3.10.2 Procedures for full/final release.

The developer may, upon completion and installation of required improvements in a subdivision, the completion of record plans and street acceptance plans, as specified in these rules and regulations, and the completion of a one-year labor and materials warranty period make formal application, in writing either by hand delivery or certified mail, to the Planning Board for full release of any outstanding performance guarantee.

4.3.10.2.1 Before the Planning Board releases the full interest of the [Town/City] in said performance guarantee, the Planning Board shall:

4.3.10.2.1.1 Receive a certification from the project's engineer that all work and systems have been completed in accordance with the approved plans and are functioning as designed and intended.

The sanitary sewer and public water systems must be pressure tested and video taped and comply with the municipality's standards. Documentation of such testing and video taping must be submitted.

In no instance shall bonding or covenants be released for the final road course and sidewalks until said work has withstood one full winter season. Partial or final release for this work may be requested of the Planning Board no sooner than April 1st of the calendar year subsequent to completion of way and walks.

- 4.3.10.2.1.2 That the streets and drainage system have functioned as designed and intended and been in use for through one full winter.
- 4.3.10.2.1.3 Obtain in writing from the Highway Superintendent, or from a registered professional engineer chosen by the Planning Board (and paid for by the applicant), a certificate of statement that all work and systems required by these rules and regulations has been constructed in conformance with the approved construction plans. In the case where roadways will remain under private ownership, the above-mentioned certificate or statement shall be supplied by the project's registered professional engineer.
- 4.3.10.2.1.4 Receive from the applicant written evidence from the electric, telephone, gas and cable TV companies and all other public and private utilities stating that their respective underground systems have been installed and are functioning to their satisfaction.
- 4.3.10.2.1.5 Receive from the applicant written evidence from a Registered Land Surveyor that all permanent bounds and monuments on all street lines and on the lot or lots within the subdivision are in place and are accurately located in accordance with the approved Definitive Plan.
- 4.3.10.2.1.6 Find that all fees to cover inspections for the release of the performance guarantee have been paid in full by the applicant.
- 4.3.10.2.1.7 Obtain from the applicant a set of record “as-built” construction plans. Approval of said plans by the Planning Board shall take place after review of the former by the Highway Superintendent.
- 4.3.10.2.1.8 Receive from the applicant street acceptance plan or plans and necessary documents. Said plans and documents, after approval by the Planning Board and the Highway Superintendent, shall be presented by the Planning Board to the [Town/City] Meeting for a formal street acceptance.

- 4.3.10.2.1.9 Copies of all of the recorded lot deeds showing that the applicant has retained his/her/their rights to the subdivision road(s) right-of-way, or Certification from developer's lawyer that all deeds to lots contained phrasing which retained his rights to the right-of-way(s).
- 4.3.10.2.1.10 All "as-built" Definitive Subdivision Plan information pertaining to the creation of the lots (including annotation of frontage, dimensions, acreage, etc.) shall also be submitted in a digital format acceptable to the [Town/City] using drawing interchange files (AutoCAD compatible DWG or DXF files). Horizontal and vertical control shall have at least two (2) points tied (in feet) into the most recent Massachusetts State Plane Coordinate System using municipal GIS monuments stationed throughout the [Town/City]. Horizontal control shall have a closure of 1:12,000 or better. Vertical control must be of second order D Class 2 accuracy or better and be tied to USGS datum. All records of control shall be delivered to and reviewed by the [Town/City].
- 4.3.10.2.1.11 All "as-built" Definitive Subdivision Plan, Record and Street Acceptance Plan information shall also be submitted in pdf and AutoCAD compatible format such as dwg or dxf or in another digital format acceptable to the [Town/City].
- 4.3.10.2.2 If the Planning Board determines that all improvements as shown on the endorsed definitive plan and all required plans and legal documents have been completed satisfactorily, it shall release all the interest of the [Town/City] in such performance guarantee and return the bond to the person who furnished the same, or release the covenant, by appropriate instrument, duly acknowledged, which may be recorded.
- 4.3.10.2.3 If the Planning Board determines after inspection that said construction or installation has not been completed, or wherein said construction or installation fails to comply with these rules and regulations, the Planning Board shall send by registered mail to the applicant and to the [Town/City] Clerk the details wherein said construction or installation fails to comply with its rules.
- 4.3.10.2.4 The applicant shall have 30 days after receipt of such notice to correct all problems mentioned in the above. Failure of the applicant to finish all the necessary work within said 30 days shall cause the Planning Board to draw upon the bond or deposit of money as mentioned below.

4.3.10.2.5 Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the [Town/City] of \_\_\_\_\_, as provided in MGL c. 41, § 81, upon failure of the performance for which any bond or deposit was given to the extent of the reasonable cost to the [Town/City] of completing such construction and installation.

#### 4.3.11 Recording of plan

The developer shall, within 10 days after the definitive plan has been endorsed, record said plan, required forms and, whenever applicable, the Planning Board's order of conditions, public easements (plans and documents), restrictive covenants, master deeds, etc., at the \_\_\_\_\_ County Registry of Deeds, and in the case of registered land with the Recorder of the Land Court. Within seven (7) days of said recording the applicant shall provide the Board with a copy of the Registry's receipt of said recording including the book, page number, and date of recording. The cost of said recording shall be borne by the developer.

#### 4.3.12 Rescinding Approval of the Plan

Failure of the applicant to record the Definitive Plan at the \_\_\_\_\_ County Registry of Deeds within six (6) months of its endorsement or to comply with the construction schedule of the performance agreement shall constitute sufficient cause for the Board to rescind such approval, in accordance with the requirements of section 81-W of Chapter 41 of the General Laws as amended.

#### 4.3.13 Preconstruction Conference

Prior to commencement of construction, the developer and the contractor must meet with the DPW Director and other relevant [Town/City] officials (preferably at a single meeting) to review the subdivision permit and conditions. The applicant must provide evidence that all required documents have been recorded and all required fees paid. Subsequent to said recording and prior to any building permit being issued, the project applicant shall file within seven calendar days one print of the definitive plan with the Building Inspector. Further, in accordance with the statute, where approval with covenant is noted thereon, the Inspector shall issue no permit for the construction of a building on any lot within the subdivision, except upon receipt from the Planning Board of a copy of the certificate of performance releasing the lot in question.

#### 4.3.14 Road Acceptance

When a road or way in a subdivision has been completed in a manner fulfilling the requirements of the Planning Board, the Applicant may request the Planning Board or their designee to inspect the road or way in order to give a recommendation to [Town/City] Meeting, on whether the road or way should be accepted.

The Planning Board shall require the following information before making a recommendation to the [Town/City] Meeting:

- 4.3.14.1 Two (2) copies of a plan of the road or way "as built," at a scale of one inch equals forty (1"= 40') feet to the inch at size 24" x 36". Said plan to show a center line profile (4 feet per inch on the vertical scale and 40 feet per inch on a horizontal scale) taken at fifty (50) foot intervals along the road or way as it has been completed. All utilities, public and private, above and below grade shall be shown on the plan as they exist. Said plan shall also be submitted in an electronic format acceptable to the Planning Board.
- 4.3.14.2 Two (2) copies of the description by metes and bounds of each road and easement considered for acceptance by the [Town/City]. After acceptance by the [Town/City] Meeting of a road or way in an approved subdivision, the "as built" plan referred to above, the vote of the [Town/City] Meeting and the description of the road or way shall be recorded with the \_\_\_\_\_ Registry of Deeds by the [Town/City] Clerk.
- 4.3.14.3 A release of liens under oath from all contractors and subcontractors approved for work on the road or way, attesting to the fact that all payments due them for labor and materials have been received, and that payments for all materials have been rendered.
- 4.3.14.4 A plan for maintenance of the subdivision right-of-ways, easements, roads, and sidewalks for the time after acceptance by the [Town/City] and continuing for 20 years. The maintenance plan should include provision for the maintenance of road pavement, sidewalks, soil settling problems, street sweeping, snowplowing, maintaining vegetative stabilization of all rights-of way and easements, erosion controls, Fall leaf cleanup, catch basin and drainage system cleaning and maintenance, all stormwater management systems (to comply Section \_\_, Operation and Maintenance Plan, provided under the [City/Town] of \_\_\_\_\_ Stormwater Management [Bylaw/Ordinance]), and other provisions as determined to be necessary by the Board.
- 4.3.14.5 A Roadway Conveyance Plan showing the overall boundary of the proposed roadway to be conveyed to the [Town/City].. This plan must include the bearing and distance descriptions of the roadway right-of-way.
- 4.3.14.6 A Roadway Conveyance Instrument prepared by an attorney and in a form suitable for execution by the Board of Selectmen after acceptance of the roadway at [Town/City] Meeting. This instrument must include a legal description of the right-of-way and include reference to any easement documents.
- 4.3.14.7 An Easement Conveyance Plan showing overall boundary of any proposed easements to be conveyed to the [Town/City]. This plan must include the bearing and distance description of the easement tied to the roadway right-of-way.
- 4.3.14.8 An Easement Conveyance Instrument prepared by an attorney and in a form suitable for execution by the Board of Selectmen after acceptance of the easement at [Town/City] Meeting. This instrument must include a legal

description of the easement as well as a description of the [Town/City]'s rights within the easement.

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## SECTION 5.0 DESIGN STANDARDS

To the fullest extent reasonable and practicable, all subdivisions shall be designed and constructed to incorporate the most recent design standards, best practices, policies and design elements of:

- Complete Streets (see Appendix C.).
- Healthy Communities (see Appendix D.).
- Stormwater Management (see Appendix E.).

### 5.1 Streets

#### 5.1.1 Location and Alignment

- 5.1.1.1 All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe and convenient access for all users of all ages and abilities, by all modes of transportation including pedestrians, bicyclists, motorists, public transportation users, and delivery and emergency vehicle operators. 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 as well as connections to existing and planned public ways, vehicular, pedestrian and bicycle facilities, and connections to adjacent ways and properties. Where minimum standards are not herein specified, the latest edition of AASHTO (American Association of State Highway and Transportation Officials) A Policy on the Geometric Design of Highways and Streets shall apply.
- 5.1.1.2 Provision shall be made, which is satisfactory to the Planning Board, for the proper projection of streets and ways for bicycles and pedestrians, or for access to adjoining property which is not yet subdivided or developed.
- 5.1.1.3 Reserve strips prohibiting access to streets or to adjoining, property shall not be permitted without expressed approval of the Board.
- 5.1.1.4 Dead-end streets (cul-de-sac) are discouraged and shall be permitted as minor streets only. Developers should make every effort to avoid the creation of dead-end streets and should connect proposed subdivisions to existing dead end streets wherever reasonable and practicable.
- A. A developer may demonstrate that a dead end streets is appropriate when they can demonstrate that a future connection to an existing street is not possible or practicable, or when the surrounding property will never need a street connection because of extremely sensitive or permanently protected natural resources. In this situation the project must provide a viable pedestrian and bicycle connection to the surrounding property as appropriate.
- B. Where the Board has approved a proposed development of a dead end street that ends in a cul-de-sac, the cul-de-sac shall have a circular turning radius of not less than 60 feet or a maximum of 100 feet (measured at the center-line), and a property line radius of at least 85 feet. They shall in all additional ways conform to the same requirements as any other street. The

length of a dead-end street allowed by right is a maximum of one thousand feet (1000') as measured along the centerline of construction of the street from the edge of the development's property line nearest the connecting existing public street which is not itself a dead-end street to the middle of the cul-de-sac.

C. All cul-de-sac streets shall have turnaround islands that are planted with trees and/or other vegetation or left with natural tree growth in lieu of paving the entire area of the cul-de-sac (see Section 6.13.4). The maintenance of the inner circle shall be the responsibility of the developer, his successors and assigns, or a homeowners' association.

5.1.1.5 Horizontal curves on the street centerline shall not begin or end within one hundred and fifteen (115) feet of the centerline of the intersecting street.

5.1.1.6 Streets entering on opposite sides of another street shall be laid out directly opposite each other; or with a minimum offset of 200 feet between their respective centerlines.

5.1.1.7 The centerline of the roadway shall coincide with the centerline of the right-of-way unless otherwise approved by the Board. The distance from the edge of pavement to the edge of the right-of-way shall be equidistant from the center-line of the roadway.

5.1.2 Road Design Standards

Street standards shall be provided in accordance with the following tables.

<b>LOCATION AND ALIGNMENT</b>		
	<b>Type I Subdivision and Minor/Secondary Streets</b>	<b>Type II &amp; III Subdivisions and Major/Collector Streets</b>
Minimum Right-of-Way width (in feet)	60	70
Horizontal Alignment Minimum radius of center line (in feet)	250	500
Vertical Alignment Minimum stopping sight distance at three and one-half (3.5) feet above pavement (feet)	200	275
Grade		
• Maximum (percent)	8	5
• Minimum (percent)	1	0.75
Intersection		
• Intersection angles (degrees)	90	90
• Minimum sight distance (in feet) (at stop-controlled or obstructed-view intersection)	300	550
• Minimum Distance center line of road shall be straight when approaching an intersection	115'	115'
• Max. grade for 30' approaching an	2%	2%

intersection		
• Minimum radius at edge of roadway pavement (in feet)	25	55
• Minimum Radius at edge of right-of-way	25	55

<b>ROADWAY CONSTRUCTION</b>			
<b>Bituminous Concrete</b>	<b>Type I Subdivision</b>	<b>Type II Subdivision</b>	<b>Type III Subdivision</b>
• Top Course*	1.5"	2"	1.5"
• Binder Course*	2"	3"	1.5"
• Base Course*	-	-	3"
<b>Type I, II &amp; III Subdivisions</b>	<b>Subgrade Soil Type (as defined by the USDA/NRCS Soil Survey and determined by soil borings)</b>		
Gravel Sub-Base	<b>Severe/Poor</b>	<b>Moderate/Medium</b>	<b>Good/Excellent</b>
• Processed gravel*	top 4"	top 4"	top 4"
• Gravel base*	25"	14"	14"
• Geotextile Road Fabric shall be placed under the gravel sub-base when the subgrade soil contains clay			
*shall comply with Massachusetts Department of Transportation Specifications for Highways, Bridges and Waterways (latest edition)			

<b>PAVEMENT WIDTH (Face of Berm-to-Face of Berm)</b>		
	<b>Type I Subdivision</b>	<b>Type II &amp; III Subdivisions</b>
Proposed street with MDTVP** of not greater than 100 ADT*	22'	32'
Proposed street with MDTVP** of not greater than 200 ADT*	24'	32'
Proposed street with MDTVP** of not greater than 500 ADT*	26'	32'
Proposed street with MDTVP** of not greater than 2,000 ADT*	28'	32'
Proposed street with MDTVP** exceeding 2,000 ADT*	32'	32'
Pavement width within 30' of each intersection	24'	32'
*Projected traffic volume anticipated to utilize the proposed subdivision developments roadway(s) based on ten (10) average daily trips (ADT) per dwelling unit (i.e. a two-family house will generate 20 ADT).		
**The Maximum Daily Traffic Volume Projected (MDTVP) shall be based on the above-mentioned ADT per dwelling unit, and shall include all traffic and all traffic types expected to utilize said street, whether generated within the development (as in the case of a dead-end street) or outside of said development (as in the case of a through street) and passing any section of a roadway, and shall determine the width of the entire length of said roadway. In establishing the proposed road width, the developer shall also consider the future growth of the surrounding area, and its utilization of these streets.		

### 5.1.3 Adequate Access from Public Way

5.1.3.1 When the physical condition or width of a public way from which a Subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such Subdivision, the Board may require the Applicant to dedicate a strip, of land for the purpose of widening the abutting public way to a width at least as great as that required within the Subdivision, and to make physical improvements to and within such public way to the same standards required within the Subdivision. Any such dedication of land for purpose of way and any such work performed with such public way be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening of construction shall be borne by the Applicant. Such frontage shall be of at least such distance as is then required by zoning or other ordinances for the erection of a building on such lot. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in 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 Laws went into effect in the [Town/City] of \_\_\_\_\_ into separate lots on each of which one such building, remains standing, shall not constitute a subdivision.

5.1.3.2 The Board may disapprove of a subdivision plan where, in the opinion of the Board, the existing surrounding municipal infrastructure (e.g. street width and construction and necessary utilities) is insufficient and/or incapable of handling the additional volumes (e.g. traffic, storm water) anticipated, by the Board, to be generated by the project. Board may accept or require off-site improvements to mitigate any of these impacts.

## 5.2 **Easements**

5.2.1 Easements for utilities shall be located around the individual lot's perimeter wherever possible. They shall be contiguous from lot to lot. Easements shall be at least 20 feet in width.

5.2.2 Where a subdivision is bisected by or adjacent to a watercourse either natural or manmade, the Board may require that there be a storm-water or drainage easement of at least 20 feet in width to conform to the path of the watercourse, and to provide for any construction related to that watercourse.

5.2.3 The Board may require an easement for watercourse that are not within a subdivision but may be affected by it.

5.2.4 The Board may also require an easement at any place it deems necessary to protect the health and safety of the inhabitants of \_\_\_\_\_.

5.2.5 All easements, including their purpose, shall be shown on the Definitive Subdivision Plan and placed on the parcel(s) deed.

### 5.3 Protection of Natural Features

All significant natural features such as: large trees, watercourse and wetlands, as well as scenic and historic areas shall be preserved where possible and practicable. These features add to both the attractiveness, and economic value of the subdivision and the [Town/City].

### 5.4 Open Spaces

Before approving a Definitive Plan for a subdivision, the Board may require that a section of that land be set aside for possible use as a park or a playground. The Board may require that no building be erected upon such area until the land is either purchased by the [Town/City], or is deeded in gift to the [Town/City] or to a neighborhood civic association. This land may be held in said status for a period of 3 years, at which time if the land is not deeded or purchased it may be included in a new subdivision proposal.

### 5.5 Stormwater Management & Erosion and Sediment Control (See Appendix E.)

The storm water management system shall be designed to incorporate and address the stormwater management for the entire proposed development, including anticipated buildout of individual lots.

5.5.1 All subdivision designs must meet the Stormwater Management and Erosion Control Design and Performance Standards in the Stormwater Management [Bylaw/Ordinance], Section \_\_\_\_\_ of the [General/Zoning] [Bylaws/Ordinances] for the [Town/City] of \_\_\_\_\_ and Appendix E. of these regulations.

5.5.2 Erosion and sediment controls must be implemented during construction, as delineated in Section \_\_\_\_ of the Stormwater Management [Ordinance/Bylaw] for the [Town/City] of \_\_\_\_\_ and Appendix E. of these regulations.

5.5.3 All stormwater management systems must have an Operation and Maintenance (O&M) Plan to ensure that systems function as designed, in accordance with Section \_\_\_\_ of the Stormwater Management [Ordinance/Bylaw] of the [City/Town] of \_\_\_\_\_ and Appendix E. of these regulations.

5.5.4 All tributary areas shall be assumed to be fully developed in accordance with the \_\_\_\_\_ Zoning By-Law/Ordinance unless publicly owned or deed restricted. Water velocities in pipes and paved gutters shall be between two (2) and ten (10) feet per second, and not more than five (5) feet per second on unpaved surfaces. Facility design shall \_\_\_\_\_ be \_\_\_\_\_ as \_\_\_\_\_ follows:

- Street surface drainage (storm sewers, swales) – 25 year storm
- Detention basins – 100 year storm
- Watercourses, drainage ways, channels or streams – 100 year storm
- Culverts, bridges, other water crossings – 100 year storm

5.5.5 All permanent storm water control structures (including but not limited to detention/retention ponds, oil/water separators, weirs, etc.) should be located on separate parcels placed under the ownership, control, responsibility and liability of a Homeowner's Association comprised of the property owners of this subdivision, or

another entity that the Planning Board deems acceptable. An easement shall be granted to the entity owning the street (including its successors and assigns) authorizing the discharge of storm water into said stormwater retention area. Sufficient draft legal documentation creating said Association, and its rules and regulations, including the aforementioned and following responsibilities, shall be submitted to and approved by the Planning Board prior to their endorsing the approved definitive plan. Final legal documents must be submitted to and approved by the Planning board prior to recording and prior to the sale of any lots. Said Association shall be responsible for:

- the maintenance, repair, and improvement of the storm water drainage structure ensuring its continued functioning capability as designed and constructed
- maintaining a bank account at all times, with a balance of no less than an amount determined by the Department of Public Works Director as being sufficient, for the purpose of paying for said maintenance and improvements
- maintaining an insurance policy in an amount of at least one million dollars (\$1,000,000.00)
- having said structure inspected, and maintained, repaired and improved as needed, at least once a year by a qualified person/firm (i.e. engineer, landscaper as appropriate)
- having said qualified person/firm forward a written report, at least once each calendar year, certifying said inspection and any maintenance, repairs, and improvements that were required and undertaken to the Planning Board and Department of Public Works Director
- maintaining any planted cul-de-sac islands or boulevards

The Homeowner's Association documents shall also include wording providing that, should said association fail in any of its aforementioned responsibilities as listed above, granting the town the right to intercede and conduct any of the maintenance, repairs and improvements that it feels are necessary to ensure the proper functioning of the structure, and assess the association and/or the association's individual members, the cost of said maintenance, repairs and improvements, plus a 20% administrative fee. In addition, an easement permitting such access and activities by the town shall be included on the definitive subdivision plan and the deeds to the Homeowner's Association's properties and its individual member's properties which are part of the development.

- 5.5.6 Apart from the area for roads and the storm water system, there shall be no exposed and unstable soil, unless specifically authorized by the Board upon recommendation from the Conservation Commission and Department of Public Works Director (or his designee).
- 5.5.7 Storm water shall not be permitted to sheet flow across the surface of the roadway. It must be piped underneath.
- 5.5.8 Catch basins shall be placed on both sides of the street. They shall be placed at street intersections to intercept stormwater runoff.
- 5.5.9 The maximum distance between catch basins shall be 300 feet.
- 5.5.10 The minimum diameter of storm drainage pipes shall be 12 inches.
- 5.5.11 The method of construction and the materials used in construction shall conform to the most recent Massachusetts Department of Transportation, Standards and Specifications

for Highways, Bridges and Waterways.

## **5.6 Sewerage**

- 5.6.1 If a subdivision is within 500 feet of the public sewerage system, the developer shall be required to connect all new homes as part of the proposed plan to that system according to the [Town/City] of \_\_\_\_\_ Construction Standards.
- 5.6.2 If a subdivision is within 500 feet of a planned public sewerage system, the developer shall be required to install a sewer main and laterals, according to the [Town/City] of \_\_\_\_\_ Construction Standards in order to connect to the planned sewer in the future. The planned public sewerage system shall have been adopted at a previous [Town/City] Meeting and shall be scheduled to be built no more than 5 years from the date of submission of a Definitive Plan.
- 5.6.3 The subdivision shall be designed to be in compliance with the rules and regulations of the \_\_\_\_\_ Sewer Commission, in effect at the time of definitive plan approval.
- 5.6.4 Where a public sewerage system connection is not feasible (according to the above rules), a private on site sewerage system shall be designed and constructed in conformity with the Title V Regulations of the Commonwealth of Massachusetts and subject to the approval by, and in conformity with the [Town/City] of \_\_\_\_\_ Board of Health and its Rules and Regulations.

## **5.7 Water**

- 5.7.1 To insure the health and safety of inhabitants, the subdivider shall connect all proposed subdivisions to the public water supply system if available.
- 5.7.2 Private on-lot water systems shall be constructed in accordance with the Title V Regulations of the Commonwealth of Massachusetts. It shall be subject to the approval of the [Town/City] of \_\_\_\_\_ and Board of Health.
- 5.7.3 All connections to the public water supply shall be built in accordance with the [Town/City] of \_\_\_\_\_, Water Department Regulations at the time of construction.
- 5.7.4 There shall be no use of water hydrants for construction purposes without the prior written approval of the Water Department.

## **5.8 Access Through Another Municipality**

At least one point of access to a subdivision must be within the [Town/City] of \_\_\_\_\_.

If additional access to a subdivision crosses land in another municipality, the Board may require certification from appropriate authorities that such access is in accordance with the Master Plan and subdivision requirements of such municipality and that a legally adequate performance bond has been duly posted or that such access is adequately improved to handle prospective traffic.

Any subdivision with lots located in \_\_\_\_\_ must be serviced and accessible by a \_\_\_\_\_ Road so that emergency and maintenance vehicles can service the lots without having to leave \_\_\_\_\_.

**5.9 Relationship to [Town/City] Plans**

The design and layout of a proposed subdivision should be guided by the goals and objectives of any existing Community Development plans, master plans, village plans, or statements of goals and objectives for the [Town/City] of \_\_\_\_\_.



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

### **6.1      General Requirements**

The applicant shall provide all of the improvements required herein and installed at his/her own expense. All work done under this section shall be done under the direction of the Board, including registered engineer(s) and any other consultants appointed by the Board. The applicant shall promptly reimburse the [Town/City] for the full amount of the cost of such engineer(s) and other consultants. No performance guarantee under Section 4.3.10 shall be released until:

- 6.1.1 All streets and other improvements (except for the top coat of paving) shall have been in place at least 12 months and in place at least one winter (December 1 through April 15); All streets and other improvements (including the top coat of paving) must be completed prior to submission for [Town/City] Meeting approval and acceptance.
- 6.1.2 Full approval in writing of all work done under this section is received from the Board's engineer(s) and any other consultants (See Section 4.3.12); and
- 6.1.3 A cashier's check or money order, payable to "[Town/City] of \_\_\_\_\_, Massachusetts," has been received to provide reimbursement for the full amount of the cost of such engineer(s) and other consultants.
- 6.1.4 All of the above must be completed prior to submission for [Town/City] Meeting approval and acceptance.

In addition to the Mass. Department of Transportation Construction Standards, the following minimum specifications shall govern the installation of all roadways, utilities, and other improvements in all subdivisions.

### **6.2      Clearing and Grubbing of Right of Way**

- 6.2.1 No perishable matter such as stump, trunks, or limbs of trees or brush shall be buried within the limits of the right-of-way lines.

### **6.3      Required Improvements Prior to Road Construction**

- 6.3.1 A temporary mud tracking bed (construction entrance) shall be put in place at each site entrance. This tracking bed shall consist of a four (4) inch minimum layer of 2 1/2"– 4" crushed stone and shall be thirty (30) feet in length and fifteen (15) feet wide. This bed shall be maintained during construction to prevent tracking or flowing of sediment onto the public right-of-way and shall be removed prior to placement of gravel base and pavement.
- 6.3.2 All detention ponds, drainage swales, level spreaders, and drainage outflows shall be constructed and stabilized with vegetation or erosion control matting prior to the construction of approved roads. Inspections during and after the construction of these facilities by the Board or its Agent shall take place to ensure conformance to [Town/City] regulations.

- 6.3.3 It shall be the responsibility of the contractor to control blowing dust and soil. A functional water truck or any other [Town/City] accepted dust control measure must be available on site at all times.
- 6.3.4 No paving will be allowed between November 15 and April 1. The ground temperature for base course paving shall be forty (40) degrees F and rising. The ground temperature for wearing course pavement shall be fifty (50) degrees F and rising. Base course pavement will not be accepted until it has been in place for a minimum of one (1) winter season at which time the wearing course can be placed.

## **6.4 Foundation of Roadway**

(See Diagrams in Appendix B)

### **6.4.1 Sub-base**

- 6.4.1.1 Within the roadway area including driveway aprons, sidewalks, and grass strips, all material shall be removed to subgrade and any unsuitable material, in the opinion of the [Town/City] or Consulting Engineer, below subgrade shall be removed and shall be replaced with proper bank-run gravel and brought to proper compaction. The depth of the subgrade will be governed by existing conditions and shall be as specified by the Highway Superintendent (or his designee).
- 6.4.1.2 Ground water. Wherever ground water is encountered within four (4) feet of the proposed roadway surface or wherever the soil type indicates the possibility of a capillary rise of water in the sub-grade soil, sub-drains shall be installed under both shoulders of the roadway. The design and depth of the sub-drains shall be in accordance with the specifications of the Highway Superintendent (or his/her designee) and the Planning Board.
- 6.4.1.3 Rock excavations. Wherever rock is encountered, it shall be excavated to a depth of two (2) feet below the sub-base of the roadway for the full width of the street layout. The excavated rock shall be replaced with a granular material satisfactory to the Highway Superintendent (or his designee) and the Planning Board.
- 6.4.1.4 Where fill is required, it shall be placed in layers not deeper than eight (8) inches and shall be spread uniformly with the large stones at the bottom.
- 6.4.1.5 Any gravel used as fill in the subbase shall be composed of hard, durable stone and coarse sand, practically free from loam and clay containing no stone having a dimension greater than six (6) inches, and when spread and compacted shall present a stable foundation.
- 6.4.1.6 Each layer shall be thoroughly compacted with a roller weighing not less than ten (10) tons and rolling shall continue until a firm, even surface true to line and grade is achieved. Any depressions shall be filled and rerolled, and any soft or unsuitable areas shall be removed and replaced with suitable material and rolled. All fill shall be placed in eight (8) inch layers compacted to not less

than ninety-five percent (95%) of maximum dry density as specified in the Massachusetts Department of Transportation Standards. The developer shall be responsible for the costs of all soil testing and analysis required by the [Town/City].

6.4.1.7 The subgrade shall be shaped and finish graded at the required depth below and parallel to the proposed pavement surface, in conformance with the Typical Street Cross-Section.

6.4.1.8 Inspections shall be required after completion of the subgrade (see § 7.1).

#### 6.4.2 Gravel Base

6.4.2.1 The gravel base courses shall consist of well compacted gravel placed upon the subgrade, the entire width of the roadway in layers not greater than six (6) inches deep.

6.4.2.2 When spreading the gravel, care should be taken to rake forward and distribute the largest stones so they will be at the bottom of the gravel base course and evenly distributed.

6.4.2.3 Each layer shall be thoroughly compacted with a roller weighing not less than ten (10) tons, and rolling shall continue until a firm, even surface true to line and grade is achieved. Any depression that appears during or after rolling shall be filled with gravel and re-rolled. All fill shall be placed in six (6) inch layers compacted to not less than ninety-five percent (95%) of maximum dry density as specified in the Massachusetts Department of Transportation Standards. The developer shall be responsible for the costs of all soil testing and analysis required by the [Town/City].

6.4.2.4 The gravel used in the base course shall conform to the specifications of the sub-base (§ 6.4.1), except that it shall contain no stones having a dimension that complies with Massachusetts Department of Transportation Standards.

6.4.2.5 The gravel base surface shall be shaped and finish graded at the required depth below and parallel to the proposed pavement surface, in conformance with the Typical Street Cross-Section.

6.4.2.6 Inspections shall be required before commencement and after completion of the gravel base (see § 7.1).

### 6.5 **Surfacing of Roadway**

6.5.1 The roadway shall be paved the entire width, including under the berms, and the surface treatment shall be compacted bituminous concrete placed in two (2) layers.

6.5.2 The first layer or binder course shall be Class I bituminous concrete pavement, Type I-1, binder course mix, laid at a thickness in accordance with Section 5.1.2 and in accordance with Section 460 of the Massachusetts Department of Transportation Standards Specifications for Highways, Bridges and Waterways. (Latest Edition)

- 6.5.3 The second layer of surface course shall be Class I bituminous concrete pavement, Type I-1, top course mix, laid at a thickness in accordance with Section 5.1.2 and in accordance with Section 460 of the Massachusetts Department of Transportation Standard Specifications for Highways, Bridges, and Waterways (Latest Edition).
- 6.5.4 The plant mix material shall be delivered to the site in a hot and easily workable condition, when weather conditions are satisfactory, so that it can be properly placed on the appropriate base. Job mix formula must be approved by applicant's engineer in writing prior to installation.
- 6.5.5 All bituminous concrete shall be spread by an approved mechanical spreader in a uniformly loose layer to the full width required and to such thickness that each course when compacted shall have the required thickness and shall conform to grade and the Typical Street Cross-Section. Hand spreading of bituminous concrete material will be allowed only for special areas which do not permit mechanical spreading and finishing.
- 6.5.6 Each course of bituminous material shall be rolled with a self propelled, equally balanced, tandem roller weighing not less than five (5) nor more than ten (10) tons. Places inaccessible to the power roller, shall be compacted by means of hand or vibratory tampers. Any displacement caused by the roller shall be corrected by raking and adding fresh mixture where required. Compaction shall be in accordance with Massachusetts Department of Transportation Standards
- 6.5.7 Traverse joints shall be formed by laying and rolling against a form of the thickness of the compacted mixture placed across the entire width of the pavement. When the laying of the mixture is resumed, the exposed edge of the joint shall be painted with a thin coat of bituminous tack coat. The fresh mixture shall be raked against the joint and thoroughly tamped with hot tampers and rolled.
- 6.5.8 The final bituminous surface shall show no deviation greater than one-quarter (1/4) inch when tested with a sixteen (16) foot straight edge placed parallel to the centerline of the surface course.
- 6.5.9 Finished roadway and driveway apron surfaces less than the required thickness or containing any soft or imperfect places will not be approved.
- 6.5.10 All roadways shall be brought up to the finish grade as shown on the Definitive Plan, and all manhole covers, gate boxes, gas drips and other access to underground utilities shall be set flush with the surface of the road, grass strip or sidewalk. Inspections shall be required upon completion of the binder and surface courses (see § 7.1).

Once completed, no steel tracked vehicles are permitted on the roadway's pavement

## **6.6 Berms**

Berms shall be constructed along both sides of major, secondary and minor streets. Their construction shall meet requirements set forth by Massachusetts Department of Transportation in their latest volume of Standard Specifications for Highways and Bridges utilizing curbs, berms, catch basins, stormwater drains, oil/water separator (i.e. stormceptor, vortex, etc.) and detention/retention basins.

- 6.6.1 Berms shall be per Massachusetts Department of Transportation Standards Class 1 bituminous Type A (sloped Cape Cod style) placed on the bituminous binder. The installation of bituminous berm shall conform to the relevant provisions of the Massachusetts Department of Transportation Standard Specifications.
- 6.6.2 Where possible, berms shall not be cut out at driveway aprons.

## **6.7 Drainage**

- 6.7.1 The design capacity of the drains shall be determined by the rational method, unless the engineer exhibits satisfactory evidence that another approach is more appropriate for the specific case. The engineer shall design the drainage collection and piping system in accordance with the zoning regulations and the natural drainage boundaries of the total contributing drainage area, using a minimum 10-year design frequency storm for Type I subdivision and a minimum 10-year storm design frequency for Type II and III subdivisions. Where, in the opinion of the Board, flooding would produce damage or a safety hazard, the design frequency storm shall be increased to 25-year. A 100-year design frequency storm shall be used for all bridge openings or major culverts. Detention/retention systems shall be designed as per the [Town/City]'s Stormwater Regulations and Appendix E.
- 6.7.2 Drainage pipe within the roadway shall be reinforced concrete (or other Planning Board approved equal based on supportive engineering data submitted by the development's engineer) and have a minimum diameter of 12 inches. Joints shall be rubber gasket type. HDPE (double walled) pipes may be used for drainage outside of the roadway or for culverts under the roadway.
- 6.7.3 Where open stream channels exist within a subdivision, adequate provision shall be made for properly maintaining them. It is the [Town/City]'s intent to preserve and maintain the natural features of such streams and any development should be planned accordingly.
- 6.7.4 Drainage pipe shall be bedded in accordance with the most recent Massachusetts Department of Public Works, Standards and Specifications for Highways, Bridges and Waterways or manufacturer's conditions.
- 6.7.5 Manholes and catch basins shall be precast (outlets shall contain debris hoods) and a typical detail of such noting materials, dimension and construction details shall be submitted to the Highway Superintendent for approval.
- 6.7.6 Drain manholes shall be located at every change in grade or direction of the drainage line, at catch basin connections and shall not exceed 300 feet apart in a continuous system.
- 6.7.7 Iron castings for manhole frames and covers and catch basin frames and grates shall be in accordance with the most recent Massachusetts Department of Transportation, Standards and Specifications for Highways, Bridges and Waterways.
- (1) Manhole cover shall have 3-inch lettering to read "DRAIN".
  - (2) Catch basin grates shall be Massachusetts Department of Transportation compliant.
  - (3) Stormwater treatment units shall be installed prior to discharge into basins

## **6.8 Sidewalks**

- 6.8.1 Sidewalks must meet ADA standards and must be at least five (5) feet in width and shall be constructed on both sides of the street starting at the property line, when in the opinion of the Board such sidewalks are necessary. Their construction shall be of bituminous concrete with a 1" top coat, 2" binder course and 10" of gravel base that meet the requirements set forth by Massachusetts Department of Transportation in their latest volume of Standard Specifications for Highways and Bridges. Sidewalks shall be cross-pitched 1%-2% (see diagram in Appendix B).

The Planning Board may waive the requirement and permit sidewalks on only one side where an in-lieu of payment, in an amount approved by the Planning Board, is made. Such payments shall be deposited into a dedicated Pedestrian & Bicycle Parking Reserve Account to be used solely for expenses (land acquisition, design engineering services and construction costs, but not maintenance costs) related to adding sidewalks and bicycle parking spaces, improving the utilization of existing parking spaces. Requests to appropriate funds out of this reserve account shall be filed with the City Council/Select Board and referred to the Planning Board, who shall have 60 days to forward their comments and recommendations before a City Council/Select Board vote of the appropriation is taken.

- 6.8.2 Driveways shall be constructed at the level of the sidewalk wherever possible to avoid the need for ramps on either side of a driveway. Where it is not possible to construct driveways at the level of the sidewalk, such sidewalk and driveway shall be graded in accordance with ADA/MA-AAB standards as most recently amended. All crosswalks and sidewalks shall have wheelchair ramps installed at the time of construction in accordance with ADA/MA-AAB standards as most recently amended. The developer shall be responsible for all costs associated with changes that are necessary to meet the current laws before the [Town/City] has fully accepted ownership of the property or ways. Painted crosswalks are required at adjoining ADA/MA-AAB ramps. Their construction shall meet the requirements set forth by Massachusetts Department of Transportation in their latest volume of Standard Specifications for Highways and Bridges.

- 6.8.3 The sidewalk binder course must be installed prior to the issuance of any Building Permits

## **6.9 Grass Strips**

All cleared areas of a right-of-way, not to be planted with groundcover plantings, including all disturbed area over all culverts in drainage easement, shall be loamed with not less than four (4) inches compacted depth of good quality loam, seeded with lawn grass seed. Seeding shall be done at appropriate times of the year and in a manner to ensure growth of grass. No utility poles, signs or similar items shall be placed within the grass plot within three (3) feet of the edge of the pavement.

## **6.10 Street Signs**

Street name signs of a design conforming to the type specified by the Manual on Uniform Traffic Control Devices shall be furnished and installed by the subdivider, of break-away design in

accordance with the Massachusetts Department of Transportation latest Standards, and erected at all street intersections prior to the occupancy of any house on the street.

A blue street sign designating the street as a “Private Way” shall also be furnished and installed by the subdivider at the entry as a private way, until the street is accepted as a public way at [Town/City] Meeting.

## **6.11 Street Lighting**

Street lighting shall be installed along any street the Board deems appropriate. Light standards to be used shall be subject to the approval of the Board and when used be spaced no less than every 500 feet.

## **6.12 Monuments and Markers**

6.12.1 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 Department of Public Works Director and shall be set according to such specifications.

6.12.2 Markers, the type of which shall be determined by the Planning Board, shall be installed at every corner of each lot within the subdivision. Their locations shall be noted on the Definitive Plan.

6.12.3 All monuments and markers shall be installed before bond or covenant is released.

## **6.13 Trees and Planting**

### **6.13.1 Street Trees**

6.13.1.1 Shade trees of a species to be determined by the board shall be planted along the side lines of the streets with the grass strips at intervals to be determined by the Board. The applicant shall be responsible for obtaining the full growing season for these trees or shall be responsible for replacing the tree with one at least equal in size to the tree being replaced and again guarantee for at least one full growing season.

6.13.1.2 There shall be a minimum of two street trees for every lot frontage spaced 75' apart or as otherwise approved by the Planning Board.

6.13.1.3 Large and medium height growing trees shall have a minimum 2 ½" trunk diameter, caliper measured at 4' above the ground. Small height growing trees (for placement under utility lines) shall have a 9' crown height and a 5' spread.

### **6.13.2 Bank Plantings**

6.13.2.1 All cut or fill bankings that tend to wash or erode shall be planted with suitable, well-rooted, and low-growing plantings. All plants shall be the equivalent of nursery grown stock in good health, free from injury, harmful insects, and diseases.

- 6.13.2.2 Use of invasive species is prohibited. Please refer to the “Massachusetts Prohibited Plant List” maintained by the Massachusetts Department of Agricultural Resources for the latest list of invasive species. Acceptable planting include very low-growing (4" to 12"), low growing (12" to 30"), and herbaceous plantings. Perennial grass turf installed as sod is an acceptable alternative for the planting of banks.
- 6.13.2.3 If bank plantings are of a type which are properly spaced at close intervals, eight (8) to twelve (12) inches of loam shall be spread over the entire bank. If the plantings are to be widely spaced they may be planted in loam pits.
- 6.13.2.4 Mulch (wood chips or equal) shall be spread heavily among plantings for weed and erosion control. Softwood wood chips should not used in areas where they will be subject to flotation and washing away.
- 6.13.2.5 The subdivider shall be responsible for maintenance of bank plantings and replacement of those which have died or become diseased from the time of planting through one full growing season.

### 6.13.3 Corner Plantings

Requirements for plantings adjacent to street intersections shall be the same as those for Bank Plantings with the following exceptions:

- 6.13.3.1 Turf may be provided by seeding as well as by planting sod.
- 6.13.3.2 Bushy shrubs and herbaceous plantings that would tend to obscure visibility are not permitted within one hundred (100) feet of the intersection of the curbs adjacent to the corner lot.

### 6.13.4 Cul-de-Sac Plantings

The central portion of a permanent dead-end street should be landscaped. The following options are permitted:

- 6.13.4.1 Planting with ground cover using an eight (8) to twelve (12) inch base of loam, and spreading mulch between plants for weed control.
- 6.13.4.2 Planting perennial grass by either sod or seed.
- 6.13.4.3 Planting ornamental shrubs of a type acceptable to the Board.
- 6.13.4.4 Retaining existing vegetation, with the approval of the Board.
- 6.13.4.5 Standards and Specifications.

The standards of the American Nurserymen Association and the specifications of the Associated Landscape Contractors of Massachusetts shall apply to landscaping subject to these regulations. The Tree Warden will have final authority for the approval of trees concerning their health, species, size and location.



#### **6.14 Fire Protection**

Fire protection shall be designed in accordance with the requirements of the \_\_\_\_\_ Fire Department.

#### **6.15 Guard Rails**

Guard rails shall be installed as required by the Board or its engineering consultant, based on State Construction Standards or the publications of the American Association of State Highway and Transportation Officials (AASHTO).

#### **6.16 Utilities**

All electrical, telephone, fire alarm and other wires and cables shall be installed underground, unless in the opinion of the Board and the appropriate utility company, such installation is impractical or not in the best interest of the [Town/City]. If located within a flood prone area (determined by the Board), transformers, switching equipment, or other vital components shall be flood-proofed and approved by the Board or a Board appointed engineer at the subdivider's expense.

#### **6.17 Final Clean Up**

After completion of construction and before release of the performance guarantee, the subdivider shall remove all temporary structures, debris, surplus materials, and rubbish, and shall otherwise leave the area in a neat and orderly appearance and shall clean the entire drainage system. Burning of the rubbish and waste material is prohibited.

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## SECTION 7.0 ADMINISTRATION

### 7.1 Inspections

- 7.1.1 Inspections shall be carried out by the project engineer and the municipality's designated engineering professional (to be paid for by the applicant) at appropriate times during the development of the subdivision when the following stages of progress have been reached:
- 7.1.1.1 Prior to the commencement of any work required and authorized by the approval of the Definitive Subdivision Plan, inspection of the erosion/sedimentation control facilities installed.
  - 7.1.1.2 Before clearing and grubbing, the Tree Warden shall designate those trees which are to be preserved in the tree belt;
  - 7.1.1.3 The roadway shall be inspected at the stages of sub-base, gravel base, binder course, surface course;
  - 7.1.1.4 The sanitary and storm drainage systems before the backfilling of utility trenches and underground drainage or stormwater conveyance structures;
  - 7.1.1.5 Inspections required in accordance with Stormwater Management Bylaws/Ordinances and in Appendix \_\_\_\_.
  - 7.1.1.6 The water system and related accessories shall be inspected by the Water Department of \_\_\_\_\_;
  - 7.1.1.7 Sidewalks shall be inspected upon completion of the sub-base, permanent binder and finish courses;
  - 7.1.1.8 Curbs, loaming, and seeding operations may also be inspected by a Board appointed Engineer. At the completion of all improvements in the subdivision, the Board appointed Engineer shall make an inspection before final release of performance guarantee.
  - 7.1.1.9 Inspections shall be made prior to backfilling of joints, bonds, couplings, etc.
  - 7.1.1.10 Final Inspection when all work, including construction of stormwater management facilities and landscaping have been completed. Final inspection shall include a full, dated TV inspection of all stormwater pipes installed.
  - 7.1.1.11 Requests for inspections shall be made at least 48 hours in advance.
  - 7.1.1.12 Right of entry for inspection. When any new stormwater control or other facility is installed on private property, or when any new connection is made between private property and a public drainage control system or sanitary sewer, the filing of an application shall be deemed as the property owner's permission to the permit granting authority, or its agent, for the right to enter the property at reasonable times and in a reasonable manner for the purpose of

the inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Bylaw is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this Bylaw.

- 7.1.2 The applicant shall provide the Planning Board with an inspection bond in an amount approved by the Planning Board sufficient to cover the municipality's expenses for their designated engineering professional to undertake the required inspection process.
- 7.1.3 The Applicant shall provide the municipality's designated engineering professional with an anticipated construction/inspection schedule.
- 7.1.4 The Board may make arrangements with a professional person or firm to carry out such inspections in behalf of the [Town/City] (See Section 8 and Appendix G.). The subdivider shall notify the proper inspector at least 48 hours before carrying out the above mentioned stages.
- 7.1.5 Construction of streets and installation of utilities may be phased provided that each section shall not be less than 500 feet.
- 7.1.6 Inspection (full-time during utility installation, at strategic times during overall construction) costs shall be borne by the subdivider and shall be computed by the Highway Superintendent.
- 7.1.7 Each specified construction stage should be completed to the satisfaction of the Inspector in writing before further work shall be done. Further work performed without this approval will result in returning the construction to the status necessary to perform the required inspection.
- 7.1.8 The developer has the responsibilities to ensure that the approved construction plans are implemented and construction qualities are met. Surveillance and field revisions by [Town/City] officials and inspectors cannot be construed as fulfilling this responsibility.

## **7.2 Waiver of Compliance**

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Laws. Please refer to Appendix D for full waiver requirements. Waiver requests must be submitted in writing as part of the Definitive Subdivision Plan Submission.

## **7.3 Fees**

The Board shall adopt reasonable fees to cover all administrative and review costs. The fee schedule may be amended by the Board when deemed necessary by the Board. See Section 8.0 for current fee schedule.

The Board has the right to hire "outside consultants" at the expense of the applicant in accordance with MGL Chapter 44, Section 53G (see Appendix G.).

#### **7.4 Validity**

The invalidity of any of the foregoing rules, regulations, and requirements shall not affect the validity of the remainder. Any part of these Regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law, and shall be deemed to be effective immediately.

#### **7.5 Interpretation**

Whenever these Rules and Regulations made under the authority hereof differ from those prescribed by any local bylaw/ordinance or other local regulation, the provision which imposes the greater restriction or the higher standard shall govern. The [Town/City] of \_\_\_\_\_ shall not be held responsible for any individual interpretation of these rules and regulations.

#### **7.6 Administrative Forms**

Attached, as part of these regulations, are certain administrative forms, applications, and other documents associated with subdivisions. These forms may be changed from time to time by majority vote of the Board without notice to reflect changes in procedures or laws.

#### **7.7 Appeals**

Appeals may be taken to the Superior Court in accordance with MGL c. 4

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## SECTION 8.0 FEES

### 8.1 Fee Schedule

Fees shall accompany each application and can be found in the \_\_\_\_\_ PLANNING BOARD POLICIES AND PROCEDURES.

- Subdivision Regulations: \$\_\_\_
- Form-A Subdivision/ANR Plan: \$\_\_\_
- Outside Consultant Fee: \$\_\_\_
- Preliminary Subdivision Plan: \$\_\_\_
- Definitive Subdivision Plan \$\_\_\_
- Plan Revision:
  - Public Hearing still Open: \$\_\_\_
  - Public Hearing Closed: \$\_\_\_
    - when the Planning Board determines that it's a minor revision: \$\_\_\_
    - when the Planning Board determines that it's a major revision or the revision is required because work was not done in compliance with approved plan; \$\_\_\_
- Inspection Fee \$\_\_\_
- Partial Performance Guarantee Release & Inspection Fees: \$\_\_\_
- Final Performance Guarantee Release & Inspection Fees: \$\_\_\_

### 8.2 Hiring “Outside Consultants”

See the \_\_\_\_\_ PLANNING BOARD POLICIES AND PROCEDURES and Appendix G.

[EDITOR’S NOTE: It is highly recommended that Planning Boards hire a qualified outside engineering consultant to conduct a peer review of projects. Even municipalities that have in-house engineering capacity should consider this as they are often overworked and under budgeted. It is also recommended that the Planning Board select the engineering firm to conduct the peer review to ensure that said engineer is working for the Planning Board and representing the Board’s/Town’s interests. The municipality also should consider hiring a qualified outside engineering consultant on a yearly retainer to conduct peer reviews for all of the municipality’s Boards/Commissions authorized under MGL Ch. 44, Sec 53G with the understanding that said outside engineering consultant shall not present applications to said Boards/Commissions while they are working for such Board/Commission. This would provide both continuity and consistency in the peer reviews as well as expediting the peer review process.

**8.3 Rules for Hiring Outside Consultants**

- 8.3.1 As provided by MGL Ch. 44, Sec. 53G (see Appendix G.), the \_\_\_\_\_ Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Planning Board, for specific expert services deemed necessary by the Board to come to a final decision on an application submitted to the Planning Board pursuant to the requirements of the \_\_\_\_\_ Bylaw/ordinances, the \_\_\_\_\_ Subdivision Regulations, and any other [Town/City] bylaw/ordinance, regulation, or rule as they may be amended or enacted from time to time.
- 8.3.2 Funds received by the Planning Board pursuant to these rules shall be deposited with the [Town/City] Treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation as provided in GL Ch. 44, 53G (see Appendix G.). Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant.
- 8.3.3 Specific consultant services may include but are not limited to the engineering of roads and ways, private and public, driveways, grades, grading, and sanitary systems, to hydrogeologic and drainage analysis, to impact analyses of various kinds, and to environmental and land use law. The consultant shall be chosen by, and report only to, the Planning Board.
- 8.3.4 The Planning Board shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five (5) days of the date notice is given.
- 8.3.5 The fee must be received in its entirety prior to the initiation of consulting services. The Board may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to determine that the application is administratively incomplete (except in the case of an appeal). The Board shall state such in a letter to the applicant, copied to [Town/City] Counsel. No additional review or action shall be taken on the application until the applicant has paid the requested fee. For applications to be considered under the local bylaw/ordinance regulations only, failure by the applicant to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to deny the application.
- 8.3.6 The applicant may appeal the selection of the outside consultant to the Select Board/City Council, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal



must be in writing and received by the Select Board/City Council and a copy received by the Planning Board within ten (10) days of the date consultant fees were requested by the Planning Board. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

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**SECTION 9.0    APPENDIX**

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**APPENDIX A**  
**RECOMMENDED PROCEDURAL STEPS BY SUBDIVIDER**  
**FOR SUBMISSION OF SUBDIVISION PLANS FOR APPROVAL (\*)**

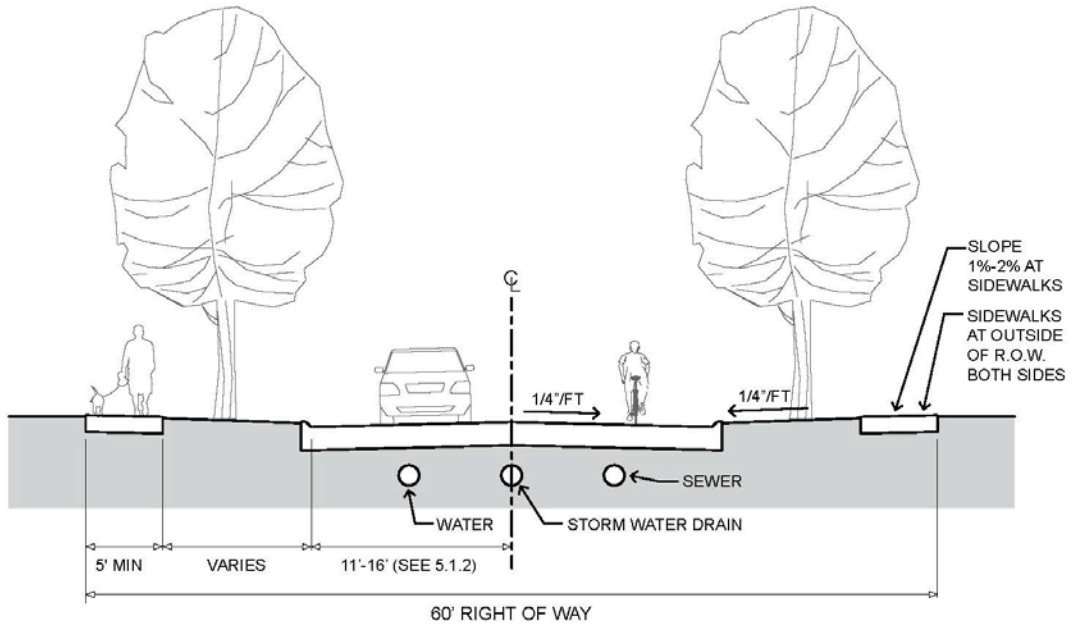
**The Subdivider:**

1. Discusses subdivision requirements with the Planning Department preferably on the basis of an informal sketch Plan.
2. Prepares a Preliminary Plan and submits it with proper application form to the Planning Board.
3. Submits prints of the plan to the Board of Health, Conservation Commission, Police, Fire and Highways Departments.
4. Files a copy of the application form signed by the Chairman or Clerk of the Planning Board with the [Town/City] Clerk as a notice of plan submission.
5. Attends Planning Board meeting with his Land Surveyor and Engineer for plan review and approval by the Board with representatives of other involved [Town/City] agencies.
6. Prepares a Definitive Plan on the basis of the approved Preliminary Plan and submits it (including a digital pdf copy) to the Planning Board with proper application form and fee.
7. Submits prints of the plan to the Board of Health, Conservation Commission, Police, Fire and Highways Departments.
8. Files a copy of the application form signed by the Chairman or Clerk of the Planning Board with the [Town/City] Clerk as a notice of plan submission.
9. Submits such additional data and information as may be required by the Planning Board and Board of Health.
10. Attends the public hearing held by the Planning Board with his Land Surveyor and Engineer.
11. Puts up a bond or deposit in the amount determined by the Planning Board or signs a covenant after the Definitive Plan has been approved by the Board of Health and by the Planning Board.
12. Files the approved lot plan after it is endorsed by the Planning Board in the Registry and furnishes a paper and electronic (pdf and CAD (DWG)) copy and of the recorded plan to the Planning Board.
13. Proceeds with the construction of road and other required improvements and installation of municipal services in accordance with the approved (and endorsed) plan and recommendations of the Board of Health and in conformance with the established standards and specifications for such improvements in the [Town/City], and subject to periodic inspections by appropriate [Town/City] agencies.
14. Notifies the Planning Board when all required construction and installation of required improvements and services is completed and requests that the bond, deposit or covenant be released.

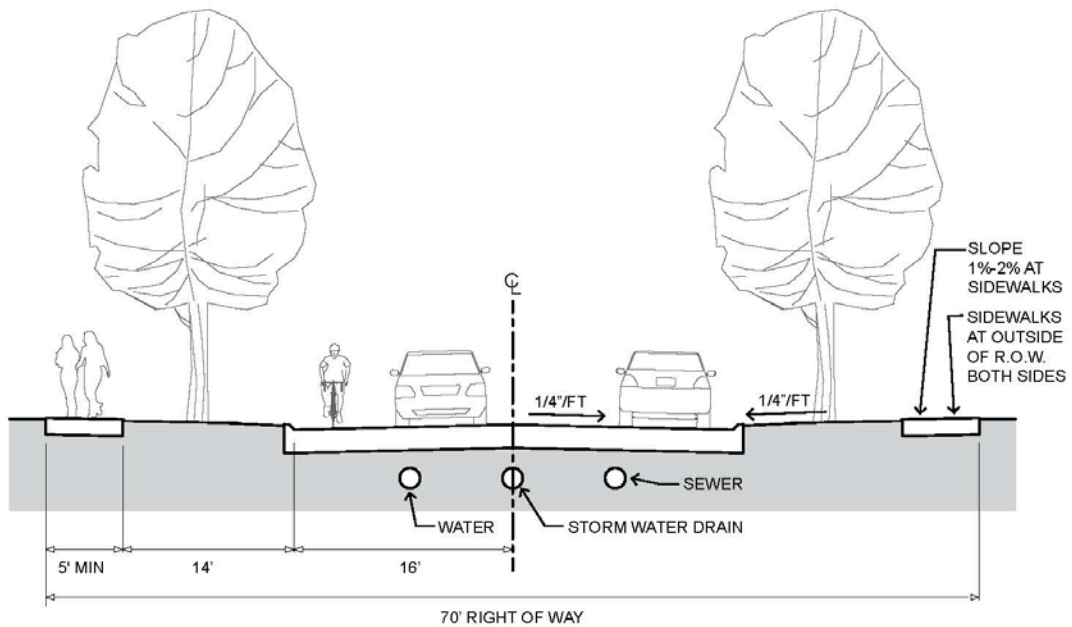
(\*) See the Planning Board's Subdivision Rules and Regulations for detailed requirements.

## APPENDIX B TYPICAL STREET CROSS SECTION, PAVEMENT DETAILS & INTERSECTION DIAGRAMS

### Typical Street Cross Sections

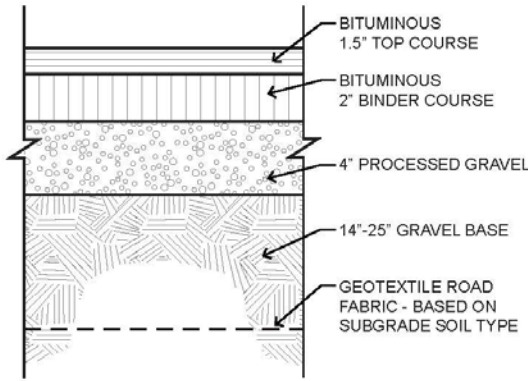


**TYPE I SUBDIVISION & MINOR/SECONDARY STREETS**  
NOT TO SCALE

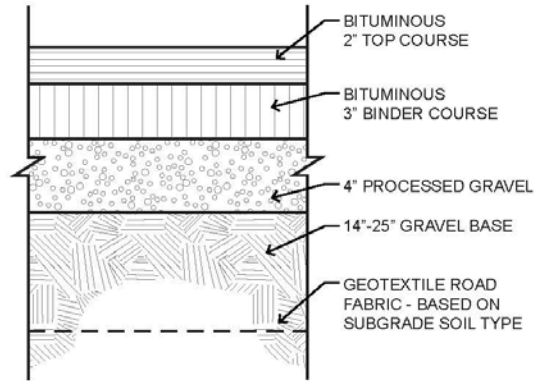


**TYPE II & III SUBDIVISION & MAJOR/COLLECTOR STREETS**  
NOT TO SCALE

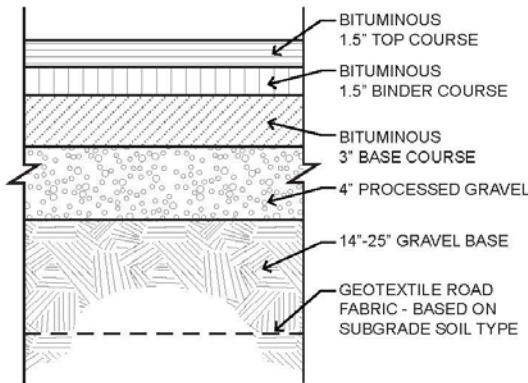
**Pavement Details**



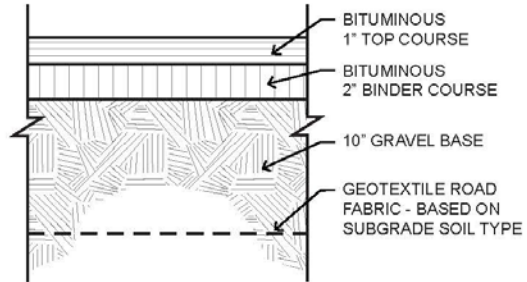
**TYPE I SUBDIVISION**  
 NOT TO SCALE



**TYPE II SUBDIVISION**  
 NOT TO SCALE

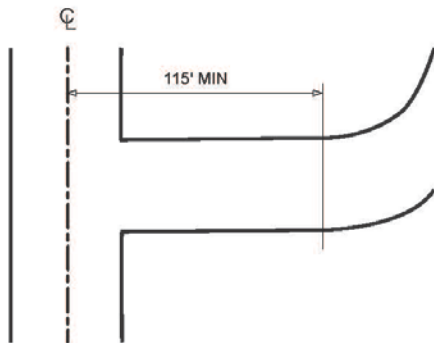


**TYPE III SUBDIVISION**  
 NOT TO SCALE

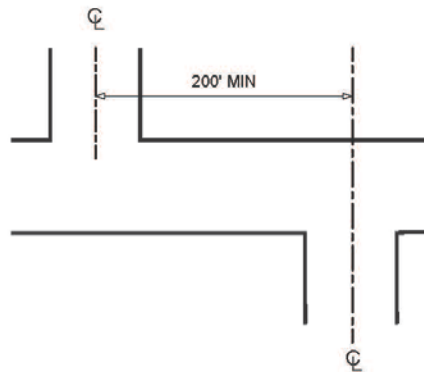


**SIDEWALKS**  
 NOT TO SCALE

**Intersection Diagrams**



**HORIZONTAL CURVES (5.1.1.5)**  
 NOT TO SCALE



**OFFSET OPPOSING STREETS (5.1.1.6)**  
 NOT TO SCALE

## APPENDIX C COMPLETE STREETS

### MassDOT Complete Streets Program details

The MassDOT Complete Streets Funding Program provides technical assistance and construction funding to eligible municipalities. Eligible municipalities must:

- pass a Complete Streets Policy and
- develop a Prioritization Plan.

All Program news, guidance, and registration information are available through an online Portal <https://masscompletestreets.com/>

A Complete Street is one that provides safe and accessible options for all travel modes - walking, biking, transit and vehicles – for people of all ages and abilities.

It is key for private developers to follow our community’s Complete Streets vision. To ensure a shared vision, name of municipality \_\_\_\_\_ will review all proposed developments to determine if they adequately incorporate Complete Streets.

#### *Example Complete Streets Policy:*

\_\_\_\_\_ (Name of Community) Complete Streets Policy

*Where feasible, Complete Streets design recommendations shall be incorporated into all publicly and privately funded projects. This includes transportation infrastructure and street design projects requiring funding or approval by the Town of Reading, as well as projects funded by the state and federal government, such as the Chapter 90 funds, Town improvement grants, Transportation Improvement Program (TIP), the MassWorks Infrastructure Program, Community Development Block Grants (CDBG), Capital Funding and other state and federal funds for street and infrastructure design. The same will be applied to private developments and related street design components or corresponding street-related components. In addition, to the extent practical, state-owned roadways will comply with the Complete Streets resolution, including the design, construction, and maintenance of such roadways within Town boundaries. The Town Engineer, in consultation with the Department of Public Works and/or the Parking/ Traffic/ Transportation Task Force as needed, will use best judgment regarding the feasibility of applying Complete Streets principles for routine roadway maintenance and projects.*

### Most Recent Design Standards

All roadways shall be designed and constructed in compliance with the Community’s Complete Streets policy and related Design Guides. Design considerations may include: bike or bus lanes, road narrowing, sidewalks, crosswalks, and facilities such as covered bus stops or bicycle parking.

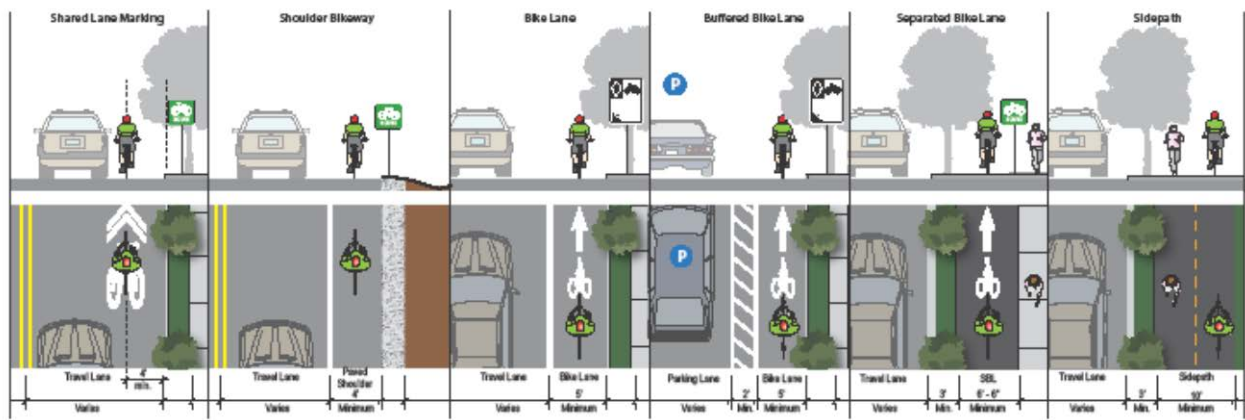
If such details are not specified in the policy and if no community-specific design guide exists, then follow the guidelines as detailed below:

## Separated Bike Lanes

The applicant shall adhere to the MassDOT separated Bike Land Planning Design Guide available at: <https://www.mass.gov/lists/separated-bike-lane-planning-design-guide>

## For all other Complete Streets improvements

The applicant shall review and consider the design elements contained in the Urban, Rural and Suburban Complete Streets Design Manual prepared by Alta Planning & Design for the city of Northampton and communities in Hampshire County available at: <https://www.northamptonma.gov/DocumentCenter/View/6668/Hampshire-County-Complete-Streets-Design-Manual-1-4-2017-FINAL?bidId=>



*Bike Lane Matrix. Image/text from the Urban, Rural and Suburban Complete Streets Design Manual, created by Healthy Hampshire and the City of Northampton, 2017*

## Americans with Disabilities Act (ADA) Standards for Accessible Design (28 CFR Part 36), 1994.

A number of federal actions and publications address ADA standards. In 1990, Congress passed the Americans with Disabilities Act<sup>21</sup>, which is civil rights legislation that prohibits discrimination on the basis of disability. The ADA Standards for Accessible Design<sup>22</sup> furthers the Act through guidelines for accessibility applied during the design, construction, and alteration of both buildings and transportation facilities. In 1999, the U.S. Access Board published Accessible Rights-of-Way: A Design Guide that provides guidance on the design of public rights-of-way. Also, FHWA's Designing Sidewalks and Trails for Access, Parts I and II<sup>24</sup> offers extensive guidance on developing accessible pedestrian rights-of-way. Accessibility laws, implementing regulations, and standards require that, where pedestrian facilities are newly provided or altered, they be accessible to and usable by people with disabilities. Furthermore, Title II of the ADA specifically requires the construction of curb ramps along existing pedestrian routes. In addition, if pedestrian use is required through local or other regulations, such as a neighborhood walk-to-school requirement or a bus stop along a roadway, accessible facilities should be available.

## Best Practices & Policies

- **Provide a Variety of Travel Routes.** Those walking or biking are more likely to do so when they feel safe and comfortable. Therefore, a variety of routes should be provided so non-motorized facilities are planned along streets with travel conditions that would naturally attract such activity. This involves providing connections to adjacent neighborhoods, re-routing



bike traffic to secondary roads, or designing roadside facilities that include buffers and other elements to improve comfort levels.

- **Provide for Safe Travel Along the Street.** A variety of options may be considered to facilitate non-motorized and transit travel. Depending on the context, bike lanes, cycle tracks, sidewalks and pathways can all assist in moving pedestrian and bicycle traffic
- **Provide for Safe Travel Across the Street.** Where travel along the street is often considered in non-motorized planning, it is often the travel across the street that can deter non-motorized activity.
- **Encourage walking and bicycling.** In addition to the obvious transportation, energy and environmental benefits of walking and bicycling as an alternative to motorized travel, public health experts are encouraging walking and bicycling as a way of improving health, including a response to the obesity “epidemic.” Literature shows that states with higher levels of bicycling and walking also have a greater percentage of adults who meet the recommended 30-plus minutes of daily physical activity
- **Improve economic health.** A balanced transportation system that includes complete streets can bolster economic growth and stability by providing accessible and efficient connections between residences, schools, parks, public transportation, offices, and retail destinations.
- **Improve Safety.** Attention to travel speed and facilities for all modes can help improve safety. Separated lanes, crosswalks, pedestrian refuge medians, and pedestrian walk signals are all measures that may help improve safety. Depending on the type of measure implemented and speed reductions achieved, traffic calming has reduced collisions by 20 to 70 percent.
- **Expand the efficiency of transportation modes.** Streets that provide travel choices can increase the overall capacity of the transportation network and move people more efficiently.<sup>4</sup> On a project-by-project level, a holistic approach to incorporating all modes can reduce the need to retrofit streets at a later date, which saves valuable time and resources.
- **Enhance safety for children and the elderly.** Complete streets are beneficial for all segments of the population, but particularly for children and the elderly. Youth under age 16 ride bicycles more than any other segment of the population.<sup>6</sup> Thus, it is important to provide a safe and well-connected network for children to get to school by walking and bicycling. Mobility for the elderly is an increasing need, particularly for those without access to a vehicle or for those who feel less safe driving.
- **Benefit the environment.** Walking, bicycling and taking transit are no or low-emission options for traveling. Statistics show that by using transit instead of driving to work, a commuter can reduce their carbon-dioxide emissions by 20 pounds per day, or more than 4,800 pounds per year.

## Design Elements

It is key for private developers to follow our community’s Complete Streets vision. To ensure a shared vision, name of municipality \_\_\_\_\_ will review all proposed developments to determine if they adequately incorporate Complete Streets.

- Requiring sidewalks and shade trees helps create a safe and comfortable pedestrian environment that promotes walking.
- Requiring narrower roads and traffic calming measures creates safer streets for pedestrians and enables children to travel safely and to be more active. This is especially true if a subdivision sets aside land for a playground or community park.
- Connecting sidewalks and bike lanes to larger networks creates additional opportunities for physical activity and allows people to access the larger community without having to rely on an automobile. For example, connections to sidewalk networks can allow children to walk or bike to school.

## Subdivision Regulations Checklist

- Require sidewalks.
  - In rural environments or other locations where sidewalks on both sides of the street may not make sense, a sidewalk on one side of the street may be acceptable.
- Require interconnecting street and sidewalk networks.
  - If a dead-end is created, require the subdivision design to allow for streets to be connectable in the future.
  - Where applicable, require multi-use paths at the end of dead-end streets that connect to a larger network of pathways.
  - Require bicycle and pedestrian linkages to nearby public ways.
- Design driveways to minimize pedestrian impacts.
  - Encourage shared/common driveways to reduce the number of automobile curb cuts.
  - Require driveways to rise up to the level of the sidewalk instead of designing the sidewalk to descend to the level of the driveway.
- Narrow road widths and the turning radius at intersections to reduce traffic speeds and the crossing distance at intersections. (Reducing the total amount of pavement also decreases stormwater runoff pollution impacts on waterways as well as urban heat island effects).
- Encourage a preliminary meeting with the Planning Department/departmental review meeting prior to subdivision design to review potential healthy design strategies.
- Encourage submission of Preliminary Subdivision Plans to provide an opportunity to encourage healthy design strategies before plans are finalized.
- Create an Inter-Departmental Project Review Process that establishes meetings of representatives from various municipal departments/boards, including the Board of Health, to provide review and feedback on projects while still in design development.
- Require roads to be designed to “Complete Streets” standards, with equal attention to the needs of automobiles, cyclists and pedestrians.
- Require shade trees along pedestrian and bicycle pathways.
- Require traffic and environmental impact studies for larger subdivisions.
- Require an analysis of pedestrian circulation for subdivisions.

## APPENDIX D

### HEALTHY COMMUNITIES

A Healthy Community is where people come together to make their community better for themselves, their family, their friends, their neighbors, and others. A Healthy Community creates ongoing dialogue, generates leadership opportunities for all, embraces diversity, connects people and resources, fosters a sense of community, and shapes its future. (MA DPH Office of Healthy Communities – 2013)

Healthy Community design is about planning and designing communities to make it easier for people to live healthy lives. Healthy Community design encourages mixed land uses to bring people closer to the places where they live, work, worship, and play. Doing so reduces dependence on cars and provides affordable housing, good bicycle and pedestrian infrastructure, space for social gathering, and access to transit, parks, and healthy foods. (US CDC – 2013)

In 2014, the Massachusetts Department of Public Health (MA DPH) engaged the Pioneer Valley Planning Commission (PVPC) to develop a Healthy Community Design Toolkit for the Commonwealth of Massachusetts. This toolkit is available at: <https://www.mass.gov/files/documents/2016/07/vr/healthy-comm-design-toolkit.pdf>

Developers wishing to make their projects as healthy as possible are encouraged to use the MA Healthy Community Design Toolkit. The toolkit includes a **Subdivision Regulations Checklist**:

- Require sidewalks.
- In rural environments or other locations where sidewalks on both sides of the street may not make sense, a sidewalk on one side of the street may be acceptable.
- Require interconnecting street and sidewalk networks.
  - If a dead-end is created, require the subdivision design to allow for streets to be connectable in the future.
  - Where applicable, require multi-use paths at the end of dead-end streets that connect to a larger network of pathways.
  - Require bicycle and pedestrian linkages to nearby public ways.
- Design driveways to minimize pedestrian impacts.
  - Encourage shared/common driveways to reduce the number of automobile curb cuts.
  - Require driveways to rise up to the level of the sidewalk instead of designing the sidewalk to descend to the level of the driveway.
- Narrow road widths and the turning radius at intersections to reduce traffic speeds and the crossing distance at intersections. (Reducing the total amount of pavement also decreases stormwater runoff pollution impacts on waterways as well as urban heat island effects).
- Encourage a preliminary meeting with the Planning Board/Department prior to subdivision design to review potential healthy design strategies.
- Encourage submission of Preliminary Subdivision Plans to provide an opportunity to encourage healthy design strategies before plans are finalized.
- Create an Inter-Departmental Project Review Process that establishes meetings of representatives from various municipal departments/boards, including the Board of Health, to provide review and feedback on projects while still in design development.

- Require a set-aside of future parkland (even if only temporary, as required by Massachusetts law), to give the homeowner’s association, municipality or other entity time to acquire it.<sup>1</sup>
- Require roads to be designed to “Complete Streets” standards, with equal attention to the needs of automobiles, cyclists and pedestrians.
- Require shade trees along pedestrian and bicycle pathways.
- Require traffic and environmental impact studies for larger subdivisions.
- Require an analysis of pedestrian circulation for subdivisions.

### **Most Recent Design Standards/Best Practices & Policies/Design Elements**

For municipalities that have Design Guidelines related to Healthy Community design [please insert reference to them here].

In addition to the Massachusetts Healthy Community Design Toolkit, these resources may be helpful.

New York City (New York), City of, Center for Active Design. 2010. *Active Design Guidelines: Promoting Physical Activity and Health in Design*. <https://centerforactivedesign.org/dl/guidelines.pdf>

- This seminal document provides guidelines that promote active, healthy living in urban design (land use mix, transit and parking, parks/open space/recreational facilities, children's play areas, public plazas, grocery stores/fresh produce access, street connectivity, traffic calming, pedestrian pathways, streetscape programming, and bicycle networks/infrastructure) and building design (stairway use, and building programming, facilities, and exteriors/massing that support physical activity).

Peel (Ontario), Region of. 2014. *Affordable Housing Active Design Guidelines and Standards*. <http://www.peelregion.ca/health/resources/healthbydesign/pdf/CDI-0560.pdf>

- Provides a set of elements for consideration during the procurement, design, and rehabilitation or retrofit phases of affordable housing development that promote an active lifestyle among residents.

Toronto Public Health, City of Toronto Planning, City of Toronto Transportation Services and Gladki Planning Associates. 2014. *Active City: Designing for Health*. <https://www.toronto.ca/legdocs/mmis/2014/hl/bgrd/backgroundfile-69334.pdf>

- Report identifies and describes ten "Active City" design principles that address proximity, connectivity, design quality, and equity.

American Planning Association, Planning and Community Health Center. 2015. *Health in the Development Review Process*. Washington, D.C.: American Planning Association. [https://planning-org-uploaded-media.s3.amazonaws.com/legacy\\_resources/nationalcenters/health/toolsforhealth/pdf/devreviewguidelines.pdf](https://planning-org-uploaded-media.s3.amazonaws.com/legacy_resources/nationalcenters/health/toolsforhealth/pdf/devreviewguidelines.pdf)

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<sup>1</sup> M.G.L. c 41 § 81U. Retrieved from <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81U>

- Guide discusses how local development codes can incorporate healthy community considerations into regulatory language. Identifies the principles of a healthy built environment and applicable code provisions for implementation; offers a health-focused development review checklist.

Los Angeles (California), City of, and Gensler. 2013. *Designing a Healthy LA*.

<http://www.urbandesignla.com/resources/docs/DesigningAHealthyLA/hi/DesigningAHealthyLA.pdf>

- This guidebook, intended for those who plan, design, and build the city's buildings, streets, neighborhoods, and open spaces, offers a broad range of guidelines for integrating health into the physical environment.

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## APPENDIX E

### STORMWATER MANAGEMENT REQUIREMENTS

#### 1.0 STORMWATER MANAGEMENT PLAN

Choose one of the options below.

##### **For MS4 Permitted Communities:**

- 1.1 An Application for a Stormwater Management Permit, in accordance with [Bylaw/Ordinance], along with all required plans and supportive information and documentation, must be submitted as part of the Definitive Subdivision Plan submission approval.

No work shall commence on the construction of an approved Definitive Subdivision Plan until a Stormwater Management Permit has been approved and issued. Wherever possible the proposed drainage system shall be designed to utilize, and be compatible with, the existing drainage patterns and existing natural features of the site.

The stormwater management plan shall be designed to incorporate and address the stormwater management for the entire proposed development, including anticipated buildout of individual lots.

1.2 Inspections

- 1.2.1 In addition to the inspections described in Section 7 of these Subdivision Rules and Regulations, the storm drainage systems shall be inspected at intervals in accordance with the Section \_\_\_ of the Stormwater Management [Bylaw/Ordinance] of the [Town/City] of \_\_\_\_\_.

- 1.2.2 The Stormwater Authority or its agent will join the Project Design Engineer for inspections. The Stormwater Authority or its agent may inspect the work and either approve it or notify the applicant in writing in what respects there has been a failure to comply with the requirements of the approved plan.

Any portion of the work that does not comply shall be promptly corrected by the applicant or the applicant will be subject to the bonding provisions of Section \_\_\_\_\_ or the penalty provisions of Section \_\_\_\_\_. The [Town/City] may conduct random inspections to ensure effective control of erosion and sedimentation during all phases of construction.

#### **OR**

##### **For Non-MS4 Permitted Communities**

- 1.1 Stormwater Management Plan Required. A Stormwater Management Plan must be submitted as part of the Definitive Subdivision Plan submission approval.

- 1.2 Contents of the Stormwater Management Plan. A stormwater management plan submitted with the Definitive Subdivision Plan application shall contain sufficient information for the Stormwater Authority to evaluate the environmental impact, effectiveness and acceptability of measures proposed for reducing adverse impacts from construction stormwater runoff and post-development stormwater runoff.

The stormwater plan shall comply with the criteria established in the [Ordinance/Bylaw] and must be submitted with the stamp and signature of a professional engineer (PE) licensed by the Commonwealth of Massachusetts.

The Stormwater Management Plan shall fully describe the project in narrative, drawings, and calculations, and shall include:

- 1.2.1 Contact information, including the name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected;
- 1.2.2 A locus map;
- 1.2.3 The existing zoning and land use at the site;
- 1.2.4 The proposed land use and proposed area of disturbance;
- 1.2.5 The location(s) of existing and proposed easements;
- 1.2.6 The location of existing and proposed utilities;
- 1.2.7 The site's existing and proposed topography with contours at two-foot intervals;
- 1.2.8 Description of existing site hydrology;
- 1.2.9 Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity;
- 1.2.10 A description and location of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which storm water flows;
- 1.2.11 A delineation of 100-year flood plains, if applicable;
- 1.2.12 Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration;
- 1.2.13 The existing and proposed vegetation and ground surfaces with runoff coefficient for each;
- 1.2.14 A drainage area map showing pre and post-construction watershed boundaries, drainage area and storm water flow paths;
- 1.2.15 A description and drawings of all components of the proposed drainage system including:
  - 1.2.15.1 Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
  - 1.2.15.2 All measures for the detention, retention or infiltration of water performed per the requirements of the Massachusetts Stormwater Handbook;
  - 1.2.15.3 All measures for the protection of water quality;
  - 1.2.15.4 The structural details for all components of the proposed drainage systems and storm water management facilities;
  - 1.2.15.5 Notes on drawings specifying materials to be used, construction specifications and details;
  - 1.2.15.6 Expected hydrology with supporting calculations;
  - 1.2.15.7 Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;



- 1.2.15.8 Environmentally sensitive site design analysis demonstrating, where feasible:
  - 1.2.15.8.1 reduced impervious surface coverage through street design, street width, parking design, and sidewalks;
  - 1.2.15.8.2 retention of open space and mature trees;
  - 1.2.15.8.3 increased development density in exchange for open space protection in other areas of the site.
  - 1.2.15.8.4 incorporation of decentralized, stormwater management systems to treat and infiltrate stormwater closer to the source.
  
- 1.2.16 For projects involving redevelopment, “Maximum Extent Practicable” in the Massachusetts Stormwater Management Standards shall be determined by an alternatives analysis that shall include the following:
  - 1.2.16.1 An estimate of peak runoff flows and total runoff volumes from the project site in its undeveloped condition (e.g. no artificial impervious cover) for storm events with 2, 10, 25, and 100-year recurrence intervals.
  - 1.2.16.2 An estimate of peak runoff flows and total runoff volumes from the project site in its existing condition for storm events with 2, 10, 25, and 100-year recurrence intervals.
  - 1.2.16.3 An estimate of peak runoff flows and total runoff volumes from the project site in its redeveloped condition for storm events with 2, 10, 25, and 100-year recurrence intervals.
  - 1.2.16.4 An estimate of the groundwater recharge volume that would be required for infiltration if the project included development of a previously-undeveloped site based on the soil types present, using the infiltration depths for each soil type specified by the Massachusetts Stormwater Handbook
  - 1.2.16.5 A completed Checklist for Redevelopment Projects from the Massachusetts Stormwater Handbook, including an estimate of the proposed percent TSS removal performance and groundwater recharge volume that will be achieved by the proposed redevelopment project.
  
- 1.2.17 Erosion and Sedimentation Control Plan (ESCP) for Construction Activities:
  - 1.2.17.1 A description of construction and waste materials expected to be stored on site, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
  - 1.2.17.2 Narrative describing all erosion and sediment control practices, including tree preservation and protection;
  - 1.2.17.3 Erosion and sedimentation control plan drawings, including detailed drawings and specifications with sizing calculations;
  - 1.2.17.4 Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization;
  - 1.2.17.5 An inspection and maintenance schedule, including an inspection and maintenance log form, for the period of construction (See Section \_\_\_ for required construction inspections);

- 1.2.18 Operations, Maintenance, and Inspection Plan that shall serve as the basis for the final agreement as described in Section \_\_\_\_\_.
- 1.2.18.1 *Names of owners.* The name(s) of the owner(s) for all components of the stormwater management system.
- 1.2.18.2 *Maintenance agreements.* Maintenance agreements that specify:
- 1.2.18.2.1 The names and addresses of the person(s) responsible for operation and maintenance;
  - 1.2.18.2.2 The person(s) responsible for financing maintenance and emergency repairs;
  - 1.2.18.2.3 The estimated operations and maintenance budget;
  - 1.2.18.2.4 A maintenance schedule for all drainage structures, including swales and ponds, and including routine and non-routine maintenance tasks to be performed;
  - 1.2.18.2.5 A map and list of easements with the purpose and location of each;
  - 1.2.18.2.6 A plan drawn to scale showing the location of all stormwater BMPS in each treatment train, including catch basins, manholes/access lids, main, and stormwater devices, along with the discharge point;
  - 1.2.18.2.7 A description and delineation of public safety features;
  - 1.2.18.2.8 An operation and maintenance log form;
  - 1.2.18.2.9 Agreement that the person(s) responsible for operation and maintenance will follow this schedule and maintain an operation and maintenance log to include inspections, repairs, replacement and disposal (type of material and disposal location), and will submit annual letter to the Stormwater Authority with such logs attached to document that work has been done over the last 12 months to properly operate and maintain the stormwater control measures;
  - 1.2.18.2.10 Information on how future property owners will be notified of the presence of the stormwater management system and the requirement for proper operation and maintenance;
  - 1.2.18.2.11 Provide that, if after notice by the Stormwater Authority or designated agent to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within 30 days, the Department of Public Works or another agent of the Stormwater Authority, may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties.
  - 1.2.18.2.12 The signature(s) of the owner(s).
- 1.2.18.3 Stormwater management easements as necessary for:
- 1.2.18.3.1 Access for facility inspections and maintenance.
  - 1.2.18.3.2 Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
  - 1.2.18.3.3 Direct maintenance access by heavy equipment to structures requiring regular cleanout.

- 1.2.18.4 Stormwater management easement requirements.
  - 1.2.18.4.1 Purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
  - 1.2.18.4.2 Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Town.
  - 1.2.18.4.3 Easements shall be recorded with the registry of deeds prior to issuance of a certificate of completion.
- 1.2.18.5 Changes to operation and maintenance plans.
  - 1.2.18.5.1 The owner(s) of the stormwater management system must notify the Stormwater Authority of changes in ownership or assignment of financial responsibility.
  - 1.2.18.5.2 The maintenance schedule in the maintenance agreement may be amended to achieve the purposes of this Bylaw by mutual agreement of the Stormwater Authority and the responsible parties. Amendments must be in writing and signed by all responsible parties. Responsible parties must include owner(s), persons with financial responsibility, and persons with operational responsibility.
- 1.2.18.6 Maintenance responsibility.
  - 1.2.18.6.1 The owner of the property on which work has been done pursuant to this Bylaw for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.
  - 1.2.18.6.2 A maintenance schedule shall be developed for the life of any stormwater management facility and shall state the maintenance to be completed, the time period for completion, and who shall be legally responsible to perform the maintenance. This maintenance schedule shall be printed on the stormwater management plan.
  - 1.2.18.6.3 Records of installation and maintenance.
  - 1.2.18.6.4 Failure to maintain practices.
- 1.2.19 Any other information requested by the permitting authority.

## **2.0 DESIGN STANDARDS**

### **For MS4 Communities:**

- 2.1 All Stormwater Management Plans must conform to the design standards as enumerated in Section \_\_ of the Stormwater Management [Bylaw/Ordinance] of the [City/Town] of \_\_\_\_\_.
- 2.2 To the fullest extent reasonable and practicable, all subdivisions shall be designed and constructed in conformance with the following documents, as existing or amended:
  - 2.2.1 The Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas (MassDEP)

## 2.2.2 The Massachusetts Stormwater Handbook (MassDEP)

**For Non MS4 Communities**, consider adding the following standards:

- 2.1 Massachusetts Stormwater Handbook Standards. Projects must meet the Massachusetts Stormwater Management Standards. When the proposed discharge may have an impact upon a sensitive receptor, including streams, wetlands, vernal pools, storm sewers, an increase in these minimum requirements, based on existing stormwater system capacity, may be required.
- 2.2 Projects must use environmentally sensitive site design, site planning and design strategies to the maximum extent practicable in order to reduce runoff from projects. If full compliance is not provided, an applicant must document why key steps in the process could not be met and what is proposed for mitigation. Strategies should include:
  - 2.2.1 Identify, map, and preserve the site's natural features and environmentally sensitive areas such as wetlands, native vegetation, mature trees, slopes, drainage ways, permeable soils, flood plains, woodlands and soils to the greatest extent possible;
  - 2.2.2 Minimize grading and clearing;
  - 2.2.3 Delineate potential building envelopes, avoiding environmental resource areas and appropriate buffers by clustering buildings and reducing building footprints;
  - 2.2.4 Develop methods to minimize impervious surfaces, and protect and preserve open space.
  - 2.2.5 Promote erosion and sediment control by using measures that are appropriate to the conditions of the site.

During planning:

- a. avoid sensitive areas, steep slopes, and highly erodible soils to the maximum extent possible when developing site plans
- b. identify potential problem areas before the site plan is finalized and approved
- c. plan to use sediment barriers along contour lines, with a focus on areas where short-circuiting (i.e., flow around the barrier) may occur
- d. use berms at the top of a steep slopes to divert runoff away from the slope's edge
- e. design trapezoidal or parabolic vegetated drainage channels, not triangular
- f. use vegetated channels with rip rap check dams, instead of impervious pavement or concrete, to reduce the water velocity of the conveyance system.
- g. design a check dam or sediment forebay with level spreader at the exit of outfalls to reduce water velocity of the discharge and collect sediment.
- h. use turf reinforcement matting to stabilize vegetated channels, encourage vegetation establishment, and withstand flow velocities without scouring the base of the channel.
- i. plan open channels to follow land contours so natural drainage is not disrupted.
- j. use organic matting for temporary slope stabilization and synthetic matting for permanent stabilization.
- k. provide a stable channel, flume, or slope drain where it is necessary to carry water down slopes.

During construction:

- a. minimize the amount of disturbed area and protect natural resources
- b. stabilize sites when projects are complete or operations have temporarily ceased protect all storm drain inlets and armor all newly constructed outlets
- c. protect slopes on the construction site
- d. protect all storm drain inlets and armor all newly constructed outlets use perimeter controls that provide protection along the site's edge before sediment reaches roadway, storm drains, or adjacent properties
- e. stabilize construction site entrances and exits to prevent off-site tracking
- f. inspect stormwater controls at regular intervals and especially following any storm.

For further guidance, see: *Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas*, MassDEP, 2003, as updated.

- 2.2.6 Manage runoff using smaller, decentralized, low-tech stormwater management techniques to treat and recharge stormwater close to the source;
- 2.2.7 Lengthen flow paths and maximize sheet flow;
- 2.2.8 Use native plant vegetation in buffer strips and in rain gardens (small planted depressions that can trap and filter runoff);
- 2.2.9 Use drought-resistant vegetation;
- 2.2.10 Integrate techniques into the site design to create a hydrologically functional lots or development site.
- 2.2.11 Manage all construction materials and wastes on site so as to avoid polluted flows. This includes: demolition materials, excess or discarded building or site material, including but not limited to concrete truck washout, chemicals, litter and sanitary waste. These wastes may not be discharged into any storm drain system owned by the [Town/City] of \_\_\_\_\_.

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**APPENDIX F**  
**SAMPLE DEVELOPMENT IMPACT STATEMENT**

A Development Impact Statement (DIS) is a documented, written analysis of a proposed development which provides the Planning Board and Town Officials with information necessary for plan review.

It is a developer's responsibility to prepare and document the DIS in sufficient detail to permit an adequate evaluation by the Planning Board; however, additional data may be requested in writing by the Board. It is necessary to respond to all sections of the DIS form except when a written exemption is granted by the Planning Board. The applicant is urged to contact the Office of the Town Planner in the process of completing a Development Impact Statement.

---

NAME OF PROJECT: \_\_\_\_\_ ACREAGE: \_\_\_\_\_  
TYPE OF PROJECT: \_\_\_\_\_ OWNER(S): \_\_\_\_\_  
LOCATION: \_\_\_\_\_ PLANNER: \_\_\_\_\_  
PARCEL NUMBER(S): \_\_\_\_\_ ENGINEER: \_\_\_\_\_  
ZONING DISTRICT(S): \_\_\_\_\_ ARCHITECT: \_\_\_\_\_

A. **PROJECT DESCRIPTION**

1. Number of Units:  
Total \_\_\_\_\_ Low-Income \_\_\_\_\_ Single-Family \_\_\_\_\_
2. Two-Family \_\_\_\_\_ Row-House \_\_\_\_\_ Apt. \_\_\_\_\_ Other \_\_\_\_\_
3. Condominium  
Ownership \_\_\_\_\_ Rental \_\_\_\_\_ Private \_\_\_\_\_
4. Number of Bedrooms: Row Houses \_\_\_\_\_ Apartments \_\_\_\_\_
5. Approximate Price/Unit: Private \_\_\_\_\_  
Condominiums \_\_\_\_\_  
Rental \_\_\_\_\_

B. **CIRCULATION SYSTEMS**

1. **Street Design** – Explain reasons for location of streets, stubs, and intersections. Project the number of motor vehicles to enter or depart the site per average day and peak hour.

2. Parking & Bus Stops – Discuss the number, opportunities for multiple use, and screening of parking spaces. With respect to bus stops, if any, explain the location, shelter design and orientation to any path systems.

C. SUPPORT SYSTEMS

1. Water Distribution

- a. Public – Discuss the project’s water distribution system, including projected demand, ability to serve all lots, use of water for air conditioning, and any special problems such as check valves or booster pumps which must be dealt with.
- b. Private – Discuss the type of system, level of treatment, suitability of soils and results of percolation tests.

2. Sewage Disposal

- a. Public – Discuss the project’s sewage disposal system, including projected flow, size of pumping stations including auxiliary power, and any special problems such as check valves, etc. which must be dealt with, and the effects on the waste water treatment facility.
- b. Private – Discuss the type of system, level of treatment, suitability of soils and results of percolation tests.

3. Storm Drainage – Discuss the storm drainage system including the projected flow from 10 year and a 100 year storm, name of the receptor stream, and any flow constriction between the site and the receptor stream.

4. Refuse Disposal – Discuss the location and type of facilities, hazardous materials requiring special precautions, and screening.

5. Lighting – Discuss the location and size of lights, and methods used to screen adjoining properties from glare.

6. Fire Protection – Discuss the type and capacity of fuel storage facilities, location of storage areas for hazardous substances, special requirements, and distance to fire station.

7. Recreation

- a. Public – Indicate the distance to and type of public facilities.
- b. Private – Discuss the type of private recreation facilities to be provided within the development.

8. Schools – Project the student population of the project for the nursery, elementary, middle school and senior high school levels and indicate the distance, capacity, and present enrollment of the nearest elementary and secondary schools.



- D. NATURAL CONDITIONS – Describe briefly the following natural conditions:
1. Topography – Indicate datum, source, date, slopes greater than 25%
  2. Soils – Indicate prime agricultural land, depth to bedrock, extent of land which has been filled.
  3. Mineral Resources – Indicate extent and economic importance of resource, extent and means of proposed extraction, rehabilitation measures.
  4. Surficial geology
  5. Depth to water table
  6. Aquifer recharge areas
  7. Wetlands
  8. Watercourses
  9. Flood prone areas
  10. Vegetative cover
  11. Unique wildlife habitats
  12. Unique flora
  13. Environmental constraints
- E. DESIGN FACTORS – Describe briefly the following features. Photographs are helpful.
1. Present visual quality of the area
  2. Location of significant viewpoints
  3. Historic structures
  4. Architecturally significant structures
  5. Type of architecture for development
- F. ENVIRONMENTAL IMPACT - Describe briefly the following features.
1. Measures taken to prevent surface water contamination
  2. Measures taken to prevent ground water contamination

3. Measures taken to maximize ground water recharge
4. Measures taken to prevent air pollution
5. Measures taken to prevent erosion and sedimentation
6. Measures taken to maintain slope stability
7. Measures taken to reduce noise levels
8. Measures taken to preserve significant views
9. Measures taken to project design to conserve energy
10. Measures taken to preserve wildlife habitats
11. Measures taken to ensure compatibility with surrounding land uses

G. PLANS – Describe briefly how your project is consistent/inconsistent with the following:

1. Master Plan
2. Open Space Plan
3. Regional plans prepared by the Lower Pioneer Valley Regional Planning Commission

H. PHASING – If the development of the site will take place over more than one year, supply a schedule showing how the development will be phased. A flow chart is helpful. This time table shall include the following elements:

1. Stripping and/or clearing of site
2. Rough grading and construction
3. Construction of grade stabilization and sedimentation control structures
4. Final grading and vegetative establishment
5. Landscaping
6. The construction of any public improvement shall be specified explaining how these improvements are to be integrated with the development.
7. The number of housing units and the square footage of nonresidential uses to be constructed each year and their estimated value shall be specified.

## **APPENDIX G**

### **“OUTSIDE CONSULTANTS” FEES**

#### **M.G.L. Chapter 44: Section 53G - Employment of Outside Consultants** (abbreviated version)

**Who:**

- Section 8C of chapter 40 (Conservation Commissions)
- Section 9 or 12 of chapter 40A (Zoning Special Permit Granting Authorities & ZBA's)
- Section 21 of chapter 40B (ZBA/Comprehensive Permits)
- Section 81Q of chapter 41 (Planning Boards, Subdivision control Law)
- Section 31 of chapter 111 (Boards of Health)

**For:**

- the imposition of reasonable fees for the employment of outside consultants

**Fees:**

- deposit in a special account established by the municipal treasurer in the municipal treasury
- kept separate and apart from other monies
- shall be expended (including interest, if any) at the direction of the authorized board or authority without further appropriation
- expended only in connection with carrying out its responsibilities under the law
- at completion of project any excess amount in the account (including accrued interest) attributable to a specific project, shall be repaid to the applicant/successor in interest
- a final report of said account shall be made available to the applicant/successor in interest
- municipal accountant shall submit annually a report of said special account to the chief elected body and chief administrative official of the municipality for their review
- said report shall be published in the city or town annual report
- municipal accountant shall submit annually a copy of said report to the director of the bureau of accounts.

**Administrative Appeal:**

- rules shall provide for an appeal from the selection of the outside consultant to the board of selectmen
- grounds for an appeal shall be limited to claims that:
  - the consultant selected has a conflict of interest or
  - does not possess the minimum, required qualifications
    - minimum qualifications shall consist either of an educational degree in or related to the field at issue, or three or more years of practice in the field at issue or a related field
- required time limits for action upon an application by the permit granting board shall be extended by the duration of the administrative appeal

- if no decision is made by the board of selectmen within one month following the filing of the appeal, the selection made by the permit granting authority shall stand
- such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

Full Text:

## **M.G.L. CHAPTER 44. MUNICIPAL FINANCE**

### **Section 53G. Employment of Outside Consultants**

Notwithstanding section 53, any city or town that provides by rules promulgated under section 9 or 12 of chapter 40A, section 21 of chapter 40B, section 81Q of chapter 41 or section 31 of chapter 111, or by rules promulgated by a conservation commission established by a city or town under section 8C of chapter 40 when implementing the authority conferred under said section 8C of said chapter 40, section 40 of chapter 131, or under any local wetlands ordinance or by-law, for the imposition of reasonable fees for the employment of outside consultants may deposit such fees in a special account. Such rules shall provide for an administrative appeal from the selection of the outside consultant to the city council or town board of selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by a municipal permit granting board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the city council or the town board of selectmen within one month following the filing of the appeal, the selection made by the municipal permit granting authority shall stand. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section. Any such account shall be established by the municipal treasurer in the municipal treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the authorized board or authority without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account shall be made available to the applicant or to the applicant's successor in interest. The municipal accountant shall submit annually a report of said special account to the chief elected body and chief administrative official of the municipality for their review. Said report shall be published in the city or town annual report. The municipal accountant shall submit annually a copy of said report to the director of the bureau of accounts.

**APPENDIX H**  
**AUTHORITY OF THE PLANNING BOARD TO ALLOW EXCEPTIONS  
AND WAIVE REQUIREMENTS UNDER THE SUBDIVISION CONTROL  
LAW**

Requirements Which Can Be Waived:

The authority given to the Planning Board to make exceptions and waive compliance with the Subdivision Rules and Regulations is found in Sections 81-M and 81-R.

Section 81-M states, in part, as follows: "... such board (Planning Board) may, when appropriate, waive, as provided for in section eighty-one R, such portions of the rules and regulations as is deemed advisable." It is up to the applicant to provide the Planning Board with sufficient information to justify a waiver and convince the Planning Board of its appropriateness.

Section 81-R authorizes the Planning Board, "... in any particular case where such action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law, ..." to waive requirements regarding the following:

- A. Strict compliance with the Subdivision Rules and Regulations may be waived. Such waivers are commonly confined to specific land development standards such as road construction details, in accordance with the provisions of Section 81-Q which states, in part, as follows: "In establishing such requirement regarding ways, due regard shall be paid (by the Planning Board) to the prospective character of different subdivision, ... and the prospective amount of travel upon the various ways therein, and to adjustment of the requirements accordingly."
- B. The Planning Board may, "... where roads are not otherwise deemed adequate, approve a plan on conditions limiting the lots upon which buildings may be erected and the number of buildings that may be erected on particular lots and the length of time for which particular buildings may be maintained without further consent by the Planning Board to the access provided. The Planning Board shall endorse such conditions on the plan to which they relate, or set them forth in a separate instrument attached thereto, to which reference is made on such plan and which shall for the purpose of the Subdivision Control Law be deemed to be a part of the plan."
- C. Frontage or access requirements specified in the Subdivision Control Law may be waived. (Cannot be waived, if required by Zoning [Bylaw/Ordinance])

NOTE: A specific requirement as to lot frontage in a subdivision is found in Section 81-O which states, in part, as follows: provided every lot "... has frontage on a public way or way shown on a plan approved in accordance with the Subdivision Control Law of least such distance, if any, as is then required by Ordinance or Bylaw/ordinance of said city or [Town/City] for erection of a building on such lot, and if no distance is so required has such frontage of at least twenty feet."

Requirements Which Cannot Be Waived:

With the above exceptions, all other statutory requirements contained in the Subdivision Control Law though frequently included in the Planning Board's Subdivision Rules and Regulations cannot be waived or modified but must be carefully followed. Among such requirement the following are found to be included:

- A. Requirements governing the submission, amendment, approval, endorsement and recording of definitive plans prepared by registered land surveyors.
- B. Approval of plans by the Board of Health.
- C. Requirements regarding performance guarantees for completion of the work in accordance with the Subdivision Rules and Regulations, and the recommendations of the Board of Health before the plan is endorsed by the Planning Board.
- D. Procedure and requirements regarding the adoption, amendment and filing of the Subdivision Rules and Regulations by the Planning Board.

#### Summary

Although a rather broad authority has been delegated to the Planning Board, to waive the various requirements under the Subdivision Control Law, it is in the public interest to bear always in mind the purposes of the Subdivision Control as set forth in Section 81-M. Among those the most basic requirement is the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel.

**APPENDIX I**  
**SELECTED PROBLEMS IN SUBDIVISION CONTROL**

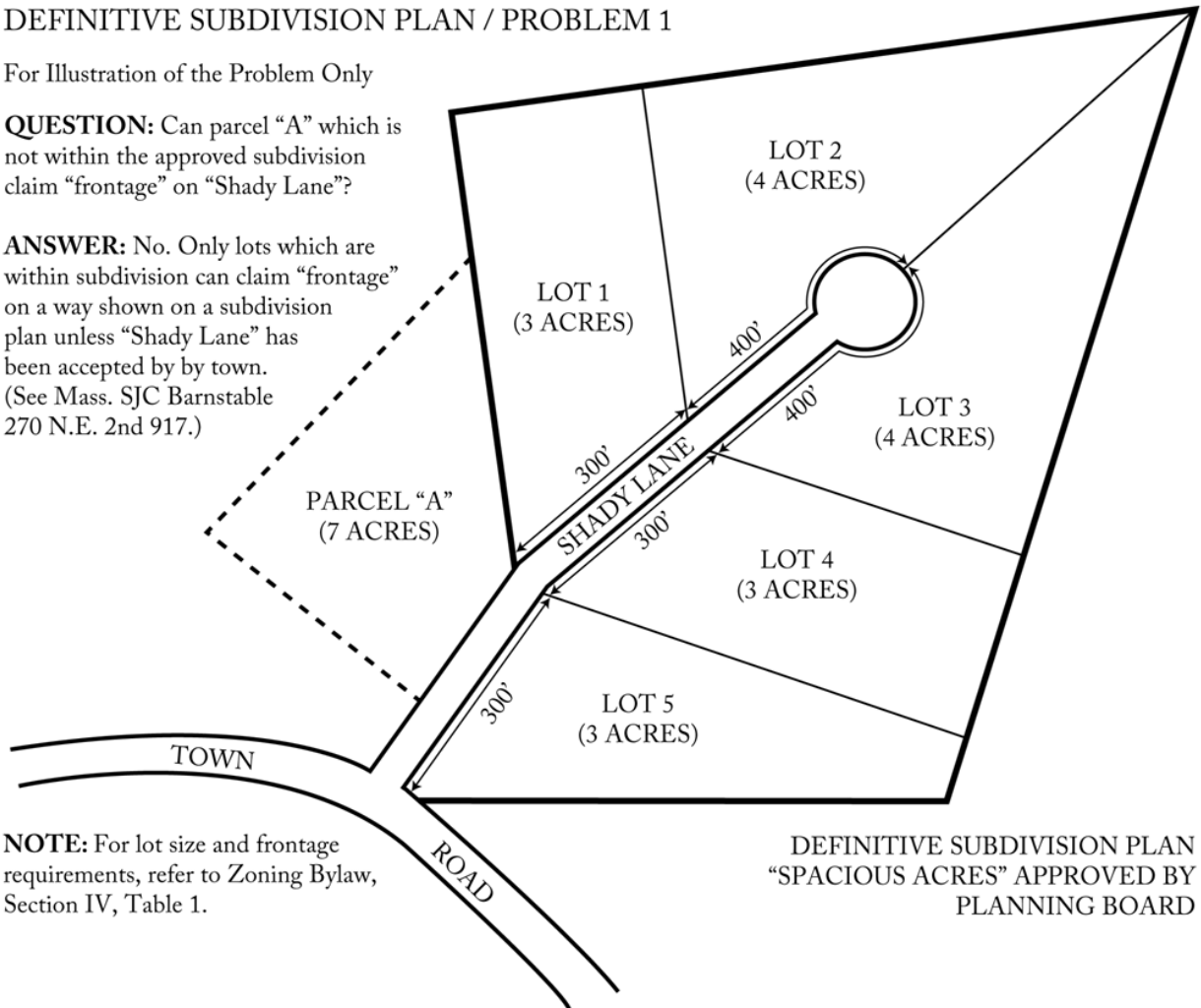
**Problem 1 – Frontage**

DEFINITIVE SUBDIVISION PLAN / PROBLEM 1

For Illustration of the Problem Only

**QUESTION:** Can parcel "A" which is not within the approved subdivision claim "frontage" on "Shady Lane"?

**ANSWER:** No. Only lots which are within subdivision can claim "frontage" on a way shown on a subdivision plan unless "Shady Lane" has been accepted by town. (See Mass. SJC Barnstable 270 N.E. 2nd 917.)



**NOTE:** For lot size and frontage requirements, refer to Zoning Bylaw, Section IV, Table 1.

DEFINITIVE SUBDIVISION PLAN  
"SPACIOUS ACRES" APPROVED BY  
PLANNING BOARD

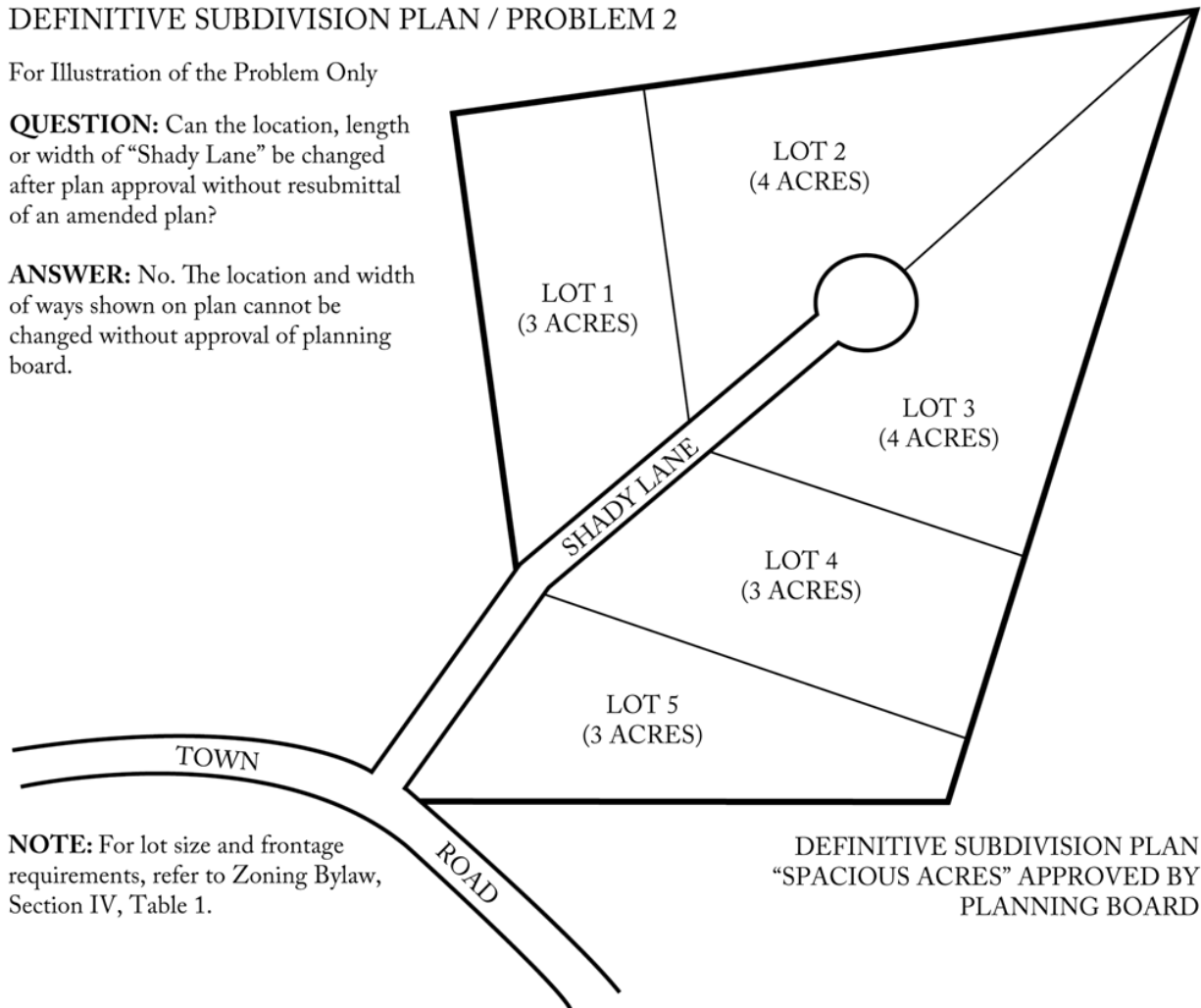
## Problem 2 - Revision to Road Layout

### DEFINITIVE SUBDIVISION PLAN / PROBLEM 2

For Illustration of the Problem Only

**QUESTION:** Can the location, length or width of "Shady Lane" be changed after plan approval without resubmittal of an amended plan?

**ANSWER:** No. The location and width of ways shown on plan cannot be changed without approval of planning board.



**NOTE:** For lot size and frontage requirements, refer to Zoning Bylaw, Section IV, Table 1.

DEFINITIVE SUBDIVISION PLAN  
"SPACIOUS ACRES" APPROVED BY  
PLANNING BOARD



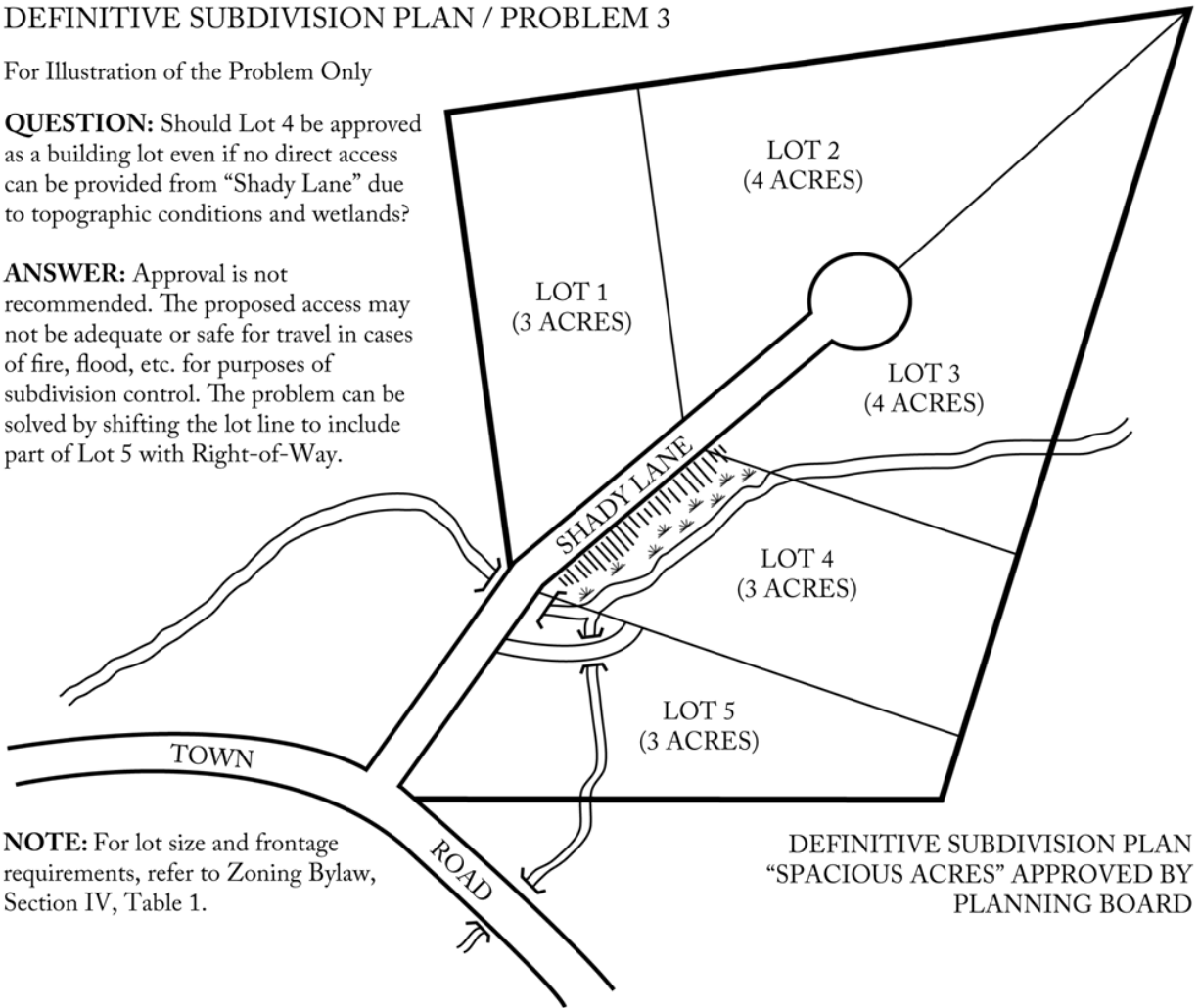
### Problem 3 - Frontage and Adequate Access

#### DEFINITIVE SUBDIVISION PLAN / PROBLEM 3

For Illustration of the Problem Only

**QUESTION:** Should Lot 4 be approved as a building lot even if no direct access can be provided from "Shady Lane" due to topographic conditions and wetlands?

**ANSWER:** Approval is not recommended. The proposed access may not be adequate or safe for travel in cases of fire, flood, etc. for purposes of subdivision control. The problem can be solved by shifting the lot line to include part of Lot 5 with Right-of-Way.



**NOTE:** For lot size and frontage requirements, refer to Zoning Bylaw, Section IV, Table 1.

DEFINITIVE SUBDIVISION PLAN  
"SPACIOUS ACRES" APPROVED BY  
PLANNING BOARD

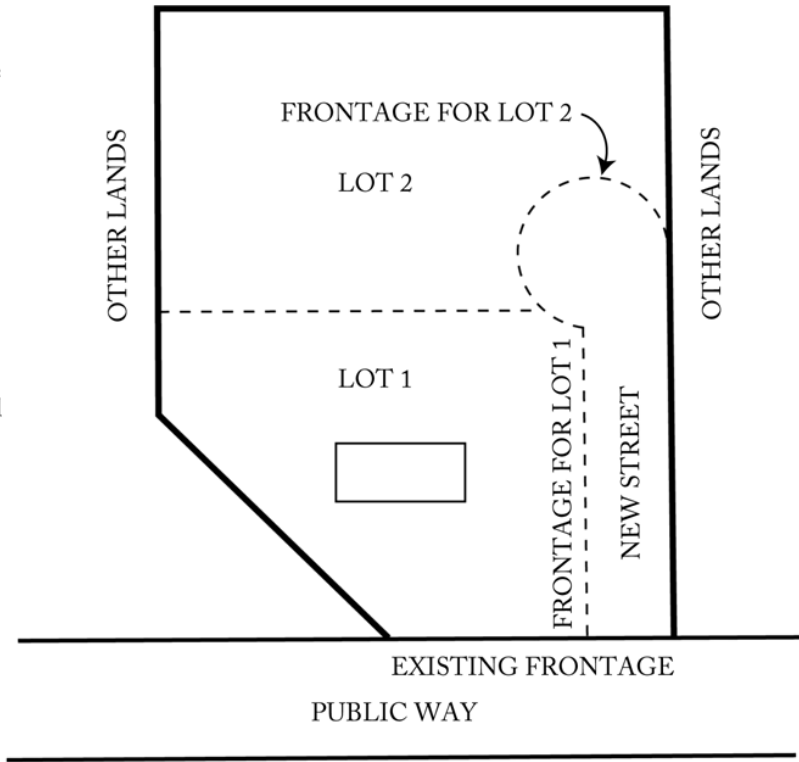
**Problem 4 - Two Dwellings on a Lot**

DEFINITIVE SUBDIVISION PLAN / PROBLEM 4

For Illustration of the Problem Only

**QUESTION:** Can another dwelling be erected on a lot which has more than the required acreage for two lots but only a minimum (or non-conforming) frontage?

**ANSWER:** Yes, by laying out a new “street” which would provide the required frontage for two lots, and then dividing the parcel into two parts, Lot 1 and Lot 2 as illustrated (plan must be approved under the Subdivision Control Law).



**NOTE:** For lot size and frontage requirements, refer to Zoning Bylaw, Section IV, Table 1.

DEFINITIVE SUBDIVISION PLAN  
"SPACIOUS ACRES" APPROVED BY  
PLANNING BOARD

**SECTION 10.0 FORMS**

Form A: Application for Endorsement of Plan Believed  
Not to Require Endorsement ..... 10-2

Form B: Subdivision Status Data Form ..... 10-4

Form C: Application for Approval of a Preliminary Plan ..... 10-8

Form D: Application for Approval of a Definitive Subdivision Plan ..... 10-9

Form E: Application for Approval of a Modified Definitive Subdivision Plan ..... 10-10

Form F: Request For Certified List of Abutters ..... 10-11

Form G: Definitive Subdivision Plan Approval Decision/Conditions ..... 10-12

Form H: Definitive Subdivision Construction Cost Estimate ..... 10-23

Form I: Performance Bond Agreement ..... 10-25

Form J: Covenant Agreement ..... 10-28

Form K: Substitution Performance Guarantee ..... 10-29

Form L: Certificate of Performance – Release of Lot ..... 10-30

Form M: Request for Inspection Services ..... 10-31

Form N: Engineer’s Certification of Performance ..... 10-33

Form O: Definitive Subdivision Extension Request ..... 10-34

**Form A  
APPLICATION FOR ENDORSEMENT OF PLAN  
BELIEVED NOT TO REQUIRE APPROVAL**

[Town/City] of \_\_\_\_\_ **Planning Board**

<b>Application Filing Date (to be filled out by the [Town/City] Clerk):</b>	
<p><b>Applicant Information:</b></p> <p>Name: _____</p> <p>Address: _____</p> <p>Telephone: _____</p> <p>Email: _____</p> <p><b>Owner Information</b> (if different from applicant)</p> <p>Name: _____</p> <p>Address: _____</p> <p>Telephone: _____</p> <p>Email: _____</p> <p><b>Engineer/Surveyor Information:</b></p> <p>Name: _____</p> <p>Address: _____</p> <p>Telephone: _____</p> <p>Email: _____</p>	<p><b>Property Information:</b></p> <p>Property Address/Description: _____ _____</p> <p>Deed of Property Recorded in: _____</p> <p>Book: _____ Page: _____</p> <p>Assessor's Map/Parcel: _____</p> <p>Zoning District: _____</p> <p>Number of Existing Parcels/Lots: _____</p> <p>Number of Proposed Parcels/Lots: _____</p> <p>Frontage (in feet) of proposed parcels/lots: _____ _____</p>
<b>Signatures</b>	
<p><b>To the _____ Planning Board</b>, the undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the reasons listed on page 2:</p>	
<p>Owner: _____ Date: _____</p> <p>Printed Name/Title: _____</p> <p>Signature of Applicant (if other than Owner): _____</p> <p>Printed Name/Title: _____ Date: _____</p>	

**Circle the appropriate response or explain fully on a separate sheet**

- The accompanying plan is not subdivision because the plan does not show a division of land.
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distances as is presently required by the \_\_\_\_\_ Zoning ordinance under section \_\_\_\_\_ which requires \_\_\_\_\_ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
  - a public way or way in which the [Town/City] Clerk certifies is maintained and used as a public way namely \_\_\_\_\_ or
  - a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely \_\_\_\_\_ on (date) \_\_\_\_\_ and subject to the following conditions (*attach sheet*), or
  - a private way in existence on \_\_\_\_\_, the date when the sub-division control law become effective in the [Town/City] of \_\_\_\_\_, 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 installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_
- The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance/other instrument, namely \_\_\_\_\_ which adds to/takes away from/changes the size and shape of lots in such a manner that no lot affected is left without frontage as required by the \_\_\_\_\_ Zoning Ordinance under section \_\_\_\_\_, which requires \_\_\_\_\_ feet.
- The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings, were standing on the plan prior to \_\_\_\_\_, the date when the subdivision control law went into effect in the [Town/City] of \_\_\_\_\_, and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law is as follows: (*attach sheet*)

I certify that the above is true and accurate to the best of my knowledge:

Signature of Engineer/Surveyor \_\_\_\_\_

Printed Name/Title \_\_\_\_\_

Date \_\_\_\_\_

**FORM B**  
**SUBDIVISION STATUS DATA FORM**  
(A general guide for processing of subdivisions plans)

Procedural Steps for Subdivision Approval (Under Subdivision Control Law, Sections 81-K to 81-GG, Chapter 41, G.L. and the Planning Board's Subdivision Rules and Regulations)

\_\_\_\_\_  
Name and location of development

\_\_\_\_\_  
Plan entitled \_\_\_\_\_ Prepared by \_\_\_\_\_ Dated \_\_\_\_\_

\_\_\_\_\_  
Applicant (Owner, his agent or representative) Address

Total acreage \_\_\_\_\_ Number of lots \_\_\_\_\_ Zone \_\_\_\_\_

**PRELIMINARY PLAN SUBMISSION** (Recommended, but not mandatory under the law)

DATES

1. Preliminary Plan and application form filed with Planning Board \_\_\_\_\_
2. Copy of Preliminary Plan filed by applicant with Board of Health & Conservation Commission \_\_\_\_\_
3. Notice by applicant to [Town/City] Clerk that he has submitted Preliminary Plan to Planning Board \_\_\_\_\_
4. Board of Health notice to applicant and [Town/City] Clerk:
  - ( ) Plan Approved
  - ( ) Approved with modifications
  - ( ) Plan Disapproved (Detailed reasons must be given within 60 days after submission of plan in the case of disapproval)
5. Board of Health notice to Planning Board of its action \_\_\_\_\_
6. Planning Board at its meeting
  - a. Reviewed the plan (See Subdivision Regulations what the plan must show) \_\_\_\_\_
  - b. Determined that plan represents subdivision requiring approval by Planning Board \_\_\_\_\_
  - c. Voted on the plan \_\_\_\_\_:
    - ( ) Approved
    - ( ) Modified and approved
    - ( ) Disapproved (Detailed reasons must be given)
7. Planning Board notice to applicant of its action by mail (Within 60 days after filing of plan) \_\_\_\_\_
8. Planning Board notice to [Town/City] Clerk of its action \_\_\_\_\_ (within 60 days after submission of plan)

**DEFINITIVE PLAN** (Final plan of land on mylar)

\_\_\_\_\_  
Plan entitled \_\_\_\_\_ Prepared by \_\_\_\_\_ Dated \_\_\_\_\_

9. Definitive plan submitted and application form filed with Planning Board by: \_\_\_\_\_

( ) Delivery ( ) Mail ( ) Fee Paid

10. Print of definitive plan filed by applicant with Board of Health \_\_\_\_\_

11. Notice by applicant to [Town/City] Clerk that he has submitted definitive plan to Planning Board \_\_\_\_\_

12. Planning Board at its meeting:

a. Reviewed the plan \_\_\_\_\_

b. Determined that plan represents subdivision of land requiring Planning Board Approval \_\_\_\_\_  
(See Section 81-L for definition of "subdivision")

c. Set public hearing for \_\_\_\_\_

13. Public Hearing advertised by Planning Board on \_\_\_\_ and on \_\_\_\_\_ in \_\_\_\_\_ (Newspaper)  
(In a newspaper of general circulation in [Town/City], once in each of two successive weeks, the first publication at least 14 days before the day of hearing.)

14. Copies of advertisement sent to:

a. Applicant \_\_\_\_\_

b. Abutters (as appearing on most recent tax list) \_\_\_\_\_

c. Board of Selectmen \_\_\_\_\_ (A recommended procedural step but not mandatory under the law)

15. Board of Health report received (Failure to report in 45 days is deemed approval but only in case subdivision is to be serviced by municipal sewerage)

( ) Plan approved

( ) Conditionally approved

( ) Disapproved (Specific findings and recommendations required as to lots which can not be used for building sites).

16. Public Hearing held by Planning Board \_\_\_\_\_ (Must be held well within 60 days. See item 18)

17. Vote taken by Planning Board at meeting held on \_\_\_\_\_. (Not before approval of plan by Board of Health except \_\_\_\_\_ subdivision serviced by municipal sewerage in which case Board of Health's failure to act in 45 days is deemed approval by that Board.)

( ) Plan approved

( ) Conditionally approved

( ) Modified and approved

( ) Disapproved (Detailed reasons must be given)

18. Certificate of its action filed by Planning Board \_\_\_\_\_ with [Town/City] Clerk (Failure to file within 60 days after submission of plan is deemed approval).

19. Planning Board notice of its action to applicant by certified or registered mail. \_\_\_\_\_

20. Performance bond or deposit in amount of \$ \_\_\_\_\_ or covenant filed with Planning Board (Amount set by Planning Board to cover cost of construction of roads, etc. under subdivision regulations.)
21. Bond, deposit or covenant sent to [Town/City] Counsel for approval. \_\_\_\_\_
22. Bond, deposit or covenant returned by [Town/City] Counsel \_\_\_\_\_  
Approved \_\_\_\_\_ Disapproved \_\_\_\_\_
23. Bond, deposit or copy of recorded (by applicant) covenant filed with [Town/City] Clerk (Must be completed before next step can be taken). \_\_\_\_\_
24. Planning Board's approval endorsed on plan (lien) \_\_\_\_\_ by majority of the Board (not before 20 days after plan approval by the Board without notice of approval to the Superior Court, so certified by [Town/City] Clerk on the plan).
25. Endorsed plan of land (lien) returned to applicant \_\_\_\_\_ for recording in Registry of Deeds or Land Court.
26. Plan of land recorded by applicant with Register \_\_\_\_\_ of Deeds or Land Court (Must be done within 6 months after endorsement).
27. Notice of recording of plan received from applicant (A recommended procedural step but not mandatory under the law) (Photostat copy of recorded plan serves as notice). \_\_\_\_\_
28. Notice from applicant as to completed work ready for inspection. \_\_\_\_\_
29. Notice to DPW Superintendent/Engineer by Planning Board requesting inspection of work completed.  
\_\_\_\_\_
30. Notice from DPW Superintendent/Engineer that inspection has been made. \_\_\_\_\_  
Construction approved ( ) not approved ( )
31. Notice from applicant that all required improvements have been constructed. \_\_\_\_\_
32. A copy of the above notice from applicant mailed by Planning Board to Board of Health \_\_\_\_\_
33. Notice from Board of Health to Planning Board that all required work has been completed in accordance with recommendations of the Board of Health and to their satisfaction (To be detailed if not so completed) \_\_\_\_\_
34. Planning Board determines at its meeting held on \_\_\_\_\_ that the required work is:  
( ) Completed  
( ) Not completed (Specify in detail to applicant and [Town/City] Clerk by certified mail. Failure to do so within 45 days from receipt of notice from applicant that work is completed, is deemed approval.
35. Planning Board at its meeting held on \_\_\_\_\_ voted to:  
( ) Release bond, deposit or covenant  
( ) Reduce the amount of bond or deposit



36. Notice from Planning Board to [Town/City] Clerk and applicants: \_\_\_\_\_
- ( ) Bond, deposit or covenant is released
  - ( ) Amount of bond or deposit is reduced

**Form C  
APPLICATION FOR APPROVAL OF  
PRELIMINARY SUBDIVISION PLAN**

[Town/City] of \_\_\_\_\_ **Planning Board**

**Application Filing Date (to be filled out by the [Town/City] Clerk):**

**Applicant Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**Owner Information**

(if different from applicant)

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**Engineer/Surveyor Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**Property Information:**

Property Address/Location/Description:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Deed of Property Recorded in: \_\_\_\_\_  
\_\_\_\_\_

Book: \_\_\_\_\_ Page: \_\_\_\_\_

Assessor's Map/Parcel: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Number of Existing Parcels/Lots: \_\_\_\_\_

Number of Proposed Parcels/Lots: \_\_\_\_\_

Number and Length of Proposed Streets:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signatures**

To the \_\_\_\_\_ **Planning Board**, the undersigned herewith submits the accompanying Preliminary Plan of a subdivision of property located in the [Town/City] of \_\_\_\_\_ for study, discussion and approval under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in \_\_\_\_\_, as amended.

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name/Title: \_\_\_\_\_

Signature of Applicant (if other than Owner): \_\_\_\_\_

Printed Name/Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Form D  
APPLICATION FOR APPROVAL OF  
DEFINITIVE SUBDIVISION PLAN**

[Town/City] of \_\_\_\_\_ **Planning Board**

<b>Application Filing Date (to be filled out by the [Town/City] Clerk):</b>	
<p><b>Applicant Information:</b>                  Name: _____                  Address: _____                  _____                  Telephone: _____                  Email: _____</p> <p><b>Owner Information</b>                  (if different from applicant)                  Name: _____                  Address: _____                  _____                  Telephone: _____                  Email: _____</p> <p><b>Engineer/Surveyor Information:</b>                  Name: _____                  Address: _____                  _____                  Telephone: _____                  Email: _____</p>	<p><b>Property Information:</b>                  Property Address/Location/Description:                  _____                  _____                  _____</p> <p>Deed of Property Recorded in: _____                  _____</p> <p>Book: _____ Page: _____</p> <p>Property Identification-Original Parcel's                  Assessors Map/Parcel #:                  _____</p> <p>Zoning District: _____</p> <p>Number of Existing Parcels/Lots: _____</p> <p>Number of Proposed Parcels/Lots: _____</p> <p>Number and Length of Proposed Streets:                  _____                  _____                  _____</p>
<b>Signatures</b>	
<p><b>To the _____ Planning Board,</b> the undersigned herewith submits the accompanying Definitive Plan of a subdivision of property located in the [Town/City] of _____ for study, discussion and approval under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in _____, as amended. A list of the names and addresses of the abutters of this subdivision provided by the _____ Assessor's Office is attached.</p> <p>Owner: _____ Date: _____</p> <p>Printed Name/Title: _____</p> <p>Signature of Applicant (if other than Owner): _____</p> <p>Printed Name/Title: _____ Date: _____</p>	

**Form E  
APPLICATION FOR APPROVAL OF  
MODIFIED DEFINITIVE SUBDIVISION PLAN**

[Town/City] of \_\_\_\_\_ Planning Board

<b>Application Filing Date (to be filled out by the [Town/City] Clerk):</b>	
<p><b>Applicant Information:</b>                  Name: _____                  Address: _____                  Telephone: _____                  Email: _____</p> <p><b>Owner Information</b>                  (if different from applicant)                  Name: _____                  Address: _____                  Telephone: _____                  Email: _____</p> <p><b>Engineer/Surveyor Information:</b>                  Name: _____                  Address: _____                  Telephone: _____                  Email: _____</p>	<p><b>Property Information:</b>                  Property Address/Location/Description:                  _____                  _____</p> <p>Deed of Property Recorded in: _____                  _____</p> <p>Book: _____ Page: _____</p> <p>Property Identification-Original Parcel's                  Assessors Map/Parcel #: _____</p> <p>Zoning District: _____</p> <p>Number of Existing Parcels/Lots: _____</p> <p>Number of Proposed Parcels/Lots: _____</p> <p>Number and Length of Proposed Streets:                  _____                  _____</p> <p>Describe Modification(s) being requested:                  _____                  _____</p>

**Signatures**

**To the \_\_\_\_\_ Planning,** the undersigned herewith submits the accompanying Modified Definitive Plan of a subdivision of property located in the [Town/City] of \_\_\_\_\_ for study, discussion and approval under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in \_\_\_\_\_, as amended. A list of the names and addresses of the abutters of this subdivision provided by the \_\_\_\_\_ Assessor's Office is attached.

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name/Title: \_\_\_\_\_

Signature of Applicant (if other than Owner): \_\_\_\_\_

Printed Name/Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Form F**

**REQUEST FOR ABUTTER'S LIST FOR APPROVAL  
OF DEFINITIVE SUBDIVISION PLAN  
and ASSESSOR'S VERIFICATION**

[Town/City] of \_\_\_\_\_ Planning Board

<b>Request Filing Date (to be filled out by the Assessor's Office):</b>	
<b>Applicant Information:</b> Name: _____ Address: _____ _____ Telephone: _____ Email: _____	<b>Property Information:</b> Property Address/Location/Description: _____ _____ _____ Deed of Property Recorded in: _____ _____ Book: _____ Page: _____ Property Identification-Original Parcel's Assessors Map/Parcel #: _____
<b>Owner Information</b> (if different from applicant) Name: _____ Address: _____ _____ Telephone: _____ Email: _____	
<b>Signatures</b> I acknowledge that it is my responsibility to procure the abutter's list and understand that up to two (2) weeks may be required for its preparation. Requesting Party : _____ Date: _____	

**Form G**

**DEFINITIVE SUBDIVISION PLAN APPROVAL  
DECISION/CONDITIONS**

**[Town/City] of \_\_\_\_\_ Planning Board**

+++++

**Subdivision Title:**

**Project/File #:**

**Applicant:**  
(name, address)

**Property Owner:**  
(name, address)

**Property Address:**

**Assessor's Map/Parcel:**

**Filing Date:**

**Legal Notices Published:**

**Public Hearing Opened:**  
**Public Hearing Continuations:**  
**Public Hearing Closed:**

**Decision Meeting Date:**  
**Decision Filing Date:**

+++++

The Applicant requested that the Planning Board approve a Definitive Subdivision Plan under the Massachusetts Subdivision Control Law, Massachusetts General Laws Chapter 41, Section 18K through 81GG (the "Subdivision Control Law"), and under the Town/City of \_\_\_\_\_ Subdivision Rules and Regulations to allow for a subdivision with \_\_\_\_\_ ( ) single family home building lots.

**DECISION**

After conducting a Public Hearing, and at a regularly scheduled meeting, the (Town/City) Planning Board voted \_\_\_\_\_ ( ) in favor, \_\_\_\_\_ ( ) opposed and \_\_\_\_ ( ) absent/recused on a motion to approve the Definitive Subdivision Plan Application.

On a motion to approve the Definitive Subdivision Plan Application:

Roll Call Vote:

<u>Name</u>	-	<u>Vote</u>
_____	-	_____
_____	-	_____
_____	-	_____
_____	-	_____
_____	-	_____

**CONDITIONS**

In an effort to ensure and protect the health, safety, and well being of all abutters, area residents, and users of this subdivision, this Definitive Subdivision Plan approval is contingent upon the satisfactory compliance with and completion of the following the conditions:

**GENERAL**

1. This subdivision shall not have more than \_\_\_\_ single family building lots.
2. When selling lots, the developer shall retain his rights and ownership of the right-of-way, and such shall be stated and included in all deeds to lots in the development.
3. A proforma or sample of the individual property deeds to the individual homeowners to be used shall be submitted to and approved by the Planning Board prior to their endorsing the approved definitive plan.
4. The stormwater retention/detention system located outside of the street right-of-way on lot(s) \_\_, as well as the underground water cisterns on lot(s) \_\_\_\_\_, shall be placed under the control, responsibility and liability of a Homeowner’s Association comprised of the property owners of this subdivision, or another entity that the Planning Board deems acceptable. An easement shall be granted to the entity owning the street (including its successors and assigns) authorizing the discharge of storm water into said stormwater retention area. Sufficient draft legal documentation creating said Association, and its rules and regulations, including the aforementioned and following responsibilities, shall be submitted to and approved by the Planning Board prior to their endorsing the approved definitive plan. Final legal documents must be submitted to and approved by the Planning Board prior to recording and prior to the sale of any lots. Said association shall be responsible for:

- the maintenance, repair, and improvement of the storm water drainage structure ensuring its continued functioning capability as designed and constructed
- the maintenance, repair, and improvement of the underground water cisterns, including keeping them filled, ensuring their continued functioning firefighting capability as designed and constructed
  
- maintaining a bank account at all times, with a balance of no less than an amount determined by the Planning Board as being sufficient, for the purpose of paying for said maintenance and improvements
  
- maintaining an insurance policy in an amount of at least one million dollars (\$1,000,000.00)
  
- having said structure inspected, and maintained, repaired and improved as needed, at least once a year by a qualified person/firm (i.e. engineer, landscaper, fire department as appropriate)
  
- having said qualified person/firm forward a written report, at least once each calendar year, certifying said inspection and any maintenance, repairs, and improvements that were required and undertaken to the Planning Board, (Town/City) Engineer/Department of Public Works (DPW) Superintendent and Fire Department.

Said stormwater drainage and underground water cistern easements and Homeowner’s Association documents shall also include wording specifying that should said association fail in any of its aforementioned responsibilities as listed above, the town has the right to intercede, enter the property and conduct any of the maintenance, repairs and improvements that it feels are necessary to ensure the proper functioning of the stormwater and cistern systems, and assess the association the cost of said maintenance, repairs and improvements, plus a 20% administrative fee.

5. The petitioner and/or developer of this subdivision must provide each first time buyer of all/any lots within the subdivision, a copy of all conditions and restrictions imposed by the Planning Board.
6. The applicant shall comply with all other laws and regulations including the (Town/City) Zoning Bylaw and Subdivision Rules and Regulations, unless specifically waived by the Planning Board
7. The Planning Board specifically grants only the following requested waivers to the Subdivision Rules and Regulations:
  - a. ...
  - b. ...
  - c. ...
8. The Planning Board retains its jurisdiction and the right to, on its own motion, modify, amend, rescind or revoke its approval of this Definitive Subdivision Plan, after holding a Public Hearing in accordance with Chapter 41, Section 81T, when it believes that there is material noncompliance with the terms of this decision.



**THE FOLLOWING MUST BE SUBMITTED/COMPLETED WITHIN 60 DAYS OF THE EXPIRATION OF THE APPEALS PERIOD, PRIOR TO ENDORSEMENT OF THE PLANS, AND PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**

9. The applicant shall provide the Town with a Performance Guarantee, subject to approval of the Planning Board, prior to the Planning Board's endorsement of the Definitive Plan. Said Performance Guarantee may take the form of either 1) a covenant, 2) a bond, deposit of money or negotiable security in conformance with the provisions of Section 81-U of Chapter 41, M.G.L. Should the developers choose 2), then the developers shall complete all public roads and utilities twelve (12) months prior to the expiration date of said performance Guarantee to enable the Town to draw upon said Guarantee if necessary. The monetary value of the Guarantee shall be determined by the Town Highway Superintendent, and shall be 100% of the cost of completion of the development as of the date the Guarantee expires. Said Performance Guarantee must be received and approved by the Planning Board prior to their endorsing the approved definitive plan.
10. No release of the Performance Guarantee, partial or otherwise, will be considered by the Planning Board, without certification by the petitioner's Professional Engineer, and concurred to by the municipal Engineer/DPW Superintendent or his/her designee, as to the achievement of design and construction standards in accordance with the approved plans.
11. Documents (deeds) for all easements and other required legal documents shall be presented to, and approved by the Planning Board prior to their endorsing the approved definitive plan.
12. Within 21 days of the expiration of the 20 day appeal period with no appeal being filed, or if an appeal has been filed within 21 days of the final dismissal or denial of said appeal, the applicant shall present the Planning Board with two (2) complete set of Mylars of the Definitive Plans, with all of the required changes and these Conditions of Approval contained thereon, suitable for the Planning Board's endorsement. Said mylars must bear the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied. One (1) complete set of Mylars of the Definitive Plans, with all of the required changes and these Conditions of Approval contained thereon, containing the Planning Board's endorsement, shall be retained by the Planning Board. The fee for recording or registering shall be paid by the owner or applicant.
13. The developer shall, within 60 days after the definitive plan has been endorsed, record said plan, required forms and, whenever applicable, the Planning Board's order of conditions, public easements (plans and documents), restrictive covenants, master deeds, etc., at the \_\_\_\_\_ County Registry of Deeds, and in the case of registered land with the Recorder of the Land Court. Within seven (7) days of said recording the applicant shall provide the Planning Board with a copy of the Registry's receipt of said recording including the book, page number, and date of recording. The cost of said recording shall be borne by the developer.
14. Within 30 days of their recording, the applicant shall submit to the Planning Board copies of all plans and documents as recorded, complete with the Registry's Book and Page number. No work which is related to and/or authorized under this approved definitive subdivision plan may commence until, among other things, the applicant has delivered these to the Planning Board.
15. Definitive Subdivision Plan information pertaining to the creation of the lots (including annotation of frontage, dimensions, acreage, etc.) shall also be submitted in a digital format approved by the Planning Board, using drawing interchange files (AutoCAD compatible DWG or DXF files), in either

ASCII or binary format. Horizontal and vertical controls shall be in accordance with the requirements of the (Town/City) Engineer/DPW Superintendent. All records of control shall be delivered to and reviewed by the (Town/City) Engineer/DPW Superintendent.

16. Approved Definitive Subdivision Plan information shall also be submitted in a pdf digital format approved by the Planning Board.
17. No Building Permits may be applied for, and the Building Inspector shall issue no permits for, any of the lots in this development, unless he is notified in writing by the Planning Board that all of the necessary plans and related documents have been recorded at the Registry of Deeds and, if necessary, any release of Performance Guarantees.

## CONSTRUCTION

18. The applicant shall provide an “outside consultant” fee to the Planning Board, in an amount determined by the Planning Board, to retain the services of the peer review engineer to conduct periodic on-going inspections of the project to review its compliance with the approved plans.
19. Prior to the commencement of construction, the applicant shall submit to the (Town/City) Engineer/DPW Superintendent, for his/her approval, a written schedule for regular inspections and notification procedures (ongoing throughout the construction of the project).
20. No work shall commence until a pre-construction conference (a single meeting) has been held between the applicant, the contractor, the project engineer, and appropriate town officials (i.e. Planner, DPW, Police Department, Fire Department, Building Inspector, etc.). The applicant is responsible for contacting the (Town/City) Departments to make arrangements for such conference.
21. The developer shall notify the Planning Board, DPW, Police Department, Fire Department, Building Inspector, in writing, five working days in advance of the date of commencement of construction.
22. The construction of all ways and the installation of all municipal services shall commence within twelve months of the expiration of the appeal period. Failure to so comply may be reason for the Planning Board to rescind approval of the subdivision. The Planning Board may grant extensions for good cause, upon written request by the applicant provided:
  - a. said request is submitted prior to the expiration of this Approval, and
  - b. said approval requires the affirmative vote of a majority of the full Planning Board taken at a Public Meeting (no Public Hearing is required).
23. From the commencement of construction, all work shall continue in an uninterrupted and timely fashion, excepting weather related delays, until the project is completed. Failure to so comply may be reason for the Planning Board to rescind approval of the subdivisions.
24. All work shall be completed in conformance with the approved plans within three (3) years from the expiration of the appeals period. Failure to so comply may be reason for the Planning Board to rescind approval of the subdivision. The Planning Board may grant extensions for good cause, upon written request by the applicant provided:
  - a. said request is submitted prior to the expiration of this Approval, and
  - b. said approval requires the affirmative vote of a majority of the full Planning Board taken at a Public Meeting (a Public Hearing is required).

25. All work shall be in accordance with:
  - a. the approved Definitive Subdivision Plans endorsed by the (Town/City) Planning Board
  - b. where applicable, Title V of the Mass Environmental Code and/or conditions imposed by the (Town/City) Health Department.
  - c. where applicable, any Orders of Conditions issued by the (Town/City) Conservation Commission or Department of Environmental Protection
  - d. ...
  - e. ...
26. Where applicable, all lots are subject to approval by the appropriate agencies for on-site water supplies and on-site septic systems
27. When applicable, after the installation of the complete storm water sewer system, the developer shall present a plan, compatible with the municipal Engineering/DPW's GPS/CAD software, which must be submitted to and approved by the Town Engineer/DPW Superintendent, showing ties to fixed and easily identifiable objects and elevations (whenever applicable) of all appropriate components of said systems, so that they may be physically located in the future.
28. During construction, adequate provisions shall be made on-site for the parking, storing, stacking of construction and contractor vehicles and materials, as well as delivery vehicles/trucks, including off-hours, sufficient to prevent said vehicles from parking, storing, stacking on the public way.
29. During construction, adequate and effective measures shall be taken to prevent erosion/siltation from leaving the site, or impacting the on or off-site drainage systems.
30. All existing topsoil for areas to be disturbed shall be stockpiled on site and shall be surrounded with silt fence and hay bales or shall be covered with a solid woven fabric or tarp to prevent erosion or loss of usable top soil materials. Earthen materials shall only be removed where duly permitted by the town.
31. During Construction adequate and effective measure shall be undertaken to prevent trucks and construction vehicles from dragging/depositing soil, mud and other debris onto the public way. Sediment tracked onto public roads from construction activities shall be swept at the conclusion of each construction day, until all work areas have been properly stabilized.
32. The site shall be kept reasonably clear of construction debris and trash, and said debris and trash shall be removed periodically from the site. Debris or trash which becomes a nuisance to abutters or which blows onto the adjacent roadway shall be removed immediately upon notification by the City/Town or its representative.
33. Each lot within the approved subdivision must be stabilized with permanent plantings and perennial grass cover within twenty-one (21) days after the completion of construction. If construction takes place during winter months (December 1<sup>st</sup> to March 30<sup>th</sup>) this condition will not become effective until April 1<sup>st</sup>. During winter months other erosion control methods shall be utilized (i.e. hay bales).
34. Should any problems become apparent to the Planning Board during construction, it may vote to attach additional appropriate conditions.
35. No occupancy permits may be applied for nor shall any occupancy permits be issued by the Building Inspector for any lot in this development until the Planning Board notifies the latter that the following

have been constructed by the developers and approved by the Town/City Engineer/DPW Superintendent:

- a. all required utilities to and servicing said lot
- b. a driveway
- c. at least the binder course of the road has been installed

36. The roadway's asphalt concrete surface course shall not be installed until the roadway's asphalt concrete base course and gravel base course, and any utilities underlying the roadway, have been installed for one full winter (see Town/City Engineer/DPW Superintendent for specific dates).
37. At the conclusion of construction the applicant is responsible for removing, patching and repairing any damage to the town roads resulting from this project, if determined necessary by the municipal Engineering/DPW Superintendent to the extent required by the municipal Engineer/DPW Superintendent.

### **POST CONSTRUCTION**

38. At the completion of the subdivision's construction, and prior to the town accepting said street as a town street, the street, right-of-way, all easements and the entire storm water system shall be cleaned of silt and debris by the developer.
39. Upon completion of construction, the developer shall present the Planning Board with:
- a. Two (2) copies of a plan of the road or way "as built," at a scale of the originally approved plans at size 24" x 36". Said plan to show a center line profile (4 feet per inch on the vertical scale and 40 feet per inch on a horizontal scale) taken at fifty (50) foot intervals along the road or way as it has been completed. All utilities, public and private, above and below grade shall be shown on the plan as they exist. Said plan shall also be submitted in an electronic format acceptable to the Planning Board.
  - b. All "as-built" Definitive Subdivision Plan information pertaining to the creation of the lots (including annotation of frontage, dimensions, acreage, etc.) shall also be submitted in a digital format, using drawing interchange files (AutoCAD compatible DWG or DXF files), as required by the municipal Engineer/DPW Superintendent.
  - c. All "as-built" Definitive Subdivision Plan, Record and Street Acceptance Plan information in pdf and AutoCAD compatible format such as dwg or dxf as required by the Planning Board.
  - d. A written statement from the project's engineer certifying that all work and systems have been completed in accordance with the approved plans and are functioning as designed and intended and been in use for through one full winter.
  - e. A video of the interior of the sanitary and stormwater sewer systems.
  - f. A written statement from the Town/City Engineer/DPW Superintendent, and from a registered professional engineer chosen by the Planning Board (and paid for by the applicant), and all other applicable municipal Boards/Commissions/Departments certifying that all work and systems required by these rules and regulations has been constructed in conformance with the approved construction plans. In the case where roadways will remain under private ownership, the above-mentioned certificate or statement shall be supplied by the project's registered professional engineer.
  - g. Written evidence from the electric, telephone, gas and cable TV companies and all other public and private utilities stating that their respective underground systems have been installed and are functioning to their satisfaction, or documentation that efforts to obtain such written evidence failed and were not responded to.

- h. A written statement from a Registered Land Surveyor certifying that all permanent bounds and monuments on all street lines and on the lot or lots within the subdivision are in place and are accurately located in accordance with the approved Definitive Plan.
  - i. A written statement certifying that all fees to cover inspections for the release of the performance guarantee have been paid in full by the applicant.
  - j. A written plan, approved by the municipal Engineer/DPW Superintendent, for maintenance of the subdivision right-of-ways, easements and roads from the time after acceptance by the Town/City and continuing for 20 years. The maintenance plan should include provision for the maintenance of road pavement, soil settling problems, street sweeping, snowplowing, maintaining vegetative stabilization of all rights-of way and easements, erosion controls, fall leaf cleanup, catch basin and drainage system cleaning and maintenance, and other provisions as determined to be necessary by the municipal Engineer/DPW Superintendent.
  - k. Copies of all of the recorded lot deeds showing that the applicant has retained his/her/their rights to the subdivision road(s) right-of-way, or Certification from developer's lawyer that all deeds to lots contained phrasing which retained his/her/their rights to the right-of-way(s).
  - l. A formal petition, accompanied by said plans, requesting that the street be accepted by the Town/City as a Town/City Street.
  - m. A Roadway Conveyance Plan showing the overall boundary of the proposed roadway to be conveyed to the Town/City. This plan must include the bearing and distance descriptions of the roadway right-of-way.
  - n. Two (2) copies of the description by metes and bounds of each road and easement considered for acceptance by the Town/City.
  - o. A Roadway Conveyance Instrument prepared by an attorney and in a form approved by the Town Counsel/City Solicitor suitable for execution by the Board of Selectmen/City Council after acceptance of the roadway. This instrument must include a legal description of the right-of-way and include reference to any easement documents.
  - p. An Easement Conveyance Plan showing overall boundary of any proposed easements to be conveyed to the Town/City. This plan must include the bearing and distance description of the easement tied to the roadway right-of-way.
  - q. An Easement Conveyance Instrument prepared by an attorney and in a form suitable for execution by the Board of Selectmen/City Council after formal Town/City acceptance of the easement. This instrument must include a legal description of the easement as well as a description of the Town's/City's rights within the easement.
40. No final release of the Performance guarantee shall be allowed prior to the Planning Board's receiving and approving of all of the items in Condition 39.
41. The total responsibility for the maintenance (including snow and ice removal) repair, reconstruction of the roadway and utilities shall remain with the developers, their successors and assigns, until the

Town Meeting/City Council has accepted the streets as Town/City streets.

- 42. Upon the installation of the first coat of pavement, or the start of construction of the first home, whichever occurs first, the applicant shall install street signs and a stop sign at all intersections of the subdivision roads as shown on the approved plans.
- 43. Until the Town Meeting/City Council accepts such streets as Town/City Streets, the developer shall install blue "Private Way" signs on all of the development's street signs.
- 44. The maintenance of the detention/retention ponds and associated appurtenances located outside of the right-of-way, even if and after the street is accepted by the town as a town street, shall remain the responsibility and liability of the individual lot owners or subsequent established homeowner's association.
- 45. Work on this development shall only take place between the hours of 7 AM - 5 PM Mondays thru Fridays and 8 AM - Noon on Saturdays. No work is permitted on Sundays and town recognized Holidays unless prior written approval is issued by the Town Administrator/Mayor. Such requests must be received by the Town Administrator's/Mayor's Office at least seven (7) calendar days prior to the Holiday.
- 46. The paved roadway shall be widened at the cistern locations sufficient for access of the cisterns by the Fire Department.
- 47. ...
- 48. ...

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### **ENFORCEMENT**

The Building Department will issue no permits for construction until notified, in writing, by the Planning Board that a properly executed performance guarantee on the project is in effect.

### **EXPIRATION OF DECISION**

Approval of this Definitive Subdivision plan is conditional upon an acceptable performance guarantee agreement between the petitioner and the (Town/City) Planning Board within 60 days from the vote to approve the plan. The Planning Board will not endorse the approved definitive plan prior to this security agreement being finalized and accepted by a majority vote of the Planning Board.

Failure to comply with all conditions and restrictions listed, as part of this decision may be cause for the rescinding of this plan as an approved subdivision.

**SIGNATURE OF THE PLANNING BOARD MEMBERS**

\_\_\_\_\_, Chair

\_\_\_\_\_, Vice Chair

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Copies:

- DPW
- Engineering Department
- Water Department
- Building
- Assessors
- Conservation Commissions
- Applicant (Registered Mail)

+++++

**TOWN/CITY CLERK’S CERTIFICATION**

*TOWN/CITY CLERK’S OFFICE*  
TOWN/CITY OF (TOWN/CITY), MASSACHUSETTS

*I, \_\_\_\_\_, CLERK OF THE TOWN/CITY OF (TOWN/CITY) HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS DEFINITIVE SUBDIVISION PLAN BY THE (TOWN/CITY) PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE, AND THAT NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.*



**Form H**

**DEFINITIVE SUBDIVISION  
CONSTRUCTION COST ESTIMATE**

[Town/City] of \_\_\_\_\_ Planning Board

Applicant Information	
Name	
Address	
Phone	
Email	

Subdivision Information	
Name	
Address	

Engineer Information	
Name	
Company	
Address	
Phone	
Email	

Developer / General Contractor Information	
Name	
Company	
Address	
Phone	
Email	

Item	Item Description	Unit	Quantity	Unit Cost	Total Cost
1	Site Clearing, Grubbing, Earth Excavation				
2	Backfill and Grading to Sub-Base				
3	Drainage Utility System (pipe, structures, basins, etc)				
4	Water Utility System (pipe, hydrants, services, valves, etc)				
5	Telecommunication Utility System				
6	Electrical Power Utility System				
7	Lighting Utility System				
8	Gas Utility System				
9	Other Utility System _____				
10	Gravel Placement and Compaction on Sub-Base				
11	HMA Roadway - Base / Binder Course				
12	HMA Roadway - Top Course				

Item	Item Description	Unit	Quantity	Unit Cost	Total Cost
13	HMA Sidewalk - Binder Course				
14	HMA Sidewalk - Top Course				
15	HMA Berms / Curbs				
16	Linestriping				
17	Signage & USPS Collection Box				
18	Guardrails & Fencing				
19	Landscaping				
20	Loam Placement and Seeding				
21	[Town/City] Inspection Fees				
22	Engineering / Testing / As-Built Fees				
23	Other _____				

**Total Projected Construction Cost**  
**Cost Adjustment Municipal Prevailing Wage Rates**  
**Cost Adjustment for a Factor of Safety / Inflation**  
**Total Adjusted Construction Cost**  
**Legal and Administrative Cost**


Definitive Subdivision Construction Cost Estimate Certification	
Name	
Title	
Company	
Address	
Phone	
Email	
Certification Date	

**Form I**  
**PERFORMANCE BOND AGREEMENT**  
(Review with Town Counsel/City Solicitor)  
[Town/City] of \_\_\_\_\_ **Planning Board**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ , and at \_\_\_\_\_, in the County of \_\_\_\_\_ and Commonwealth of Massachusetts, by and between \_\_\_\_\_ party of the first part, hereinafter called the SUBDIVIDER, and the [TOWN/CITY] OF \_\_\_\_\_, a [Town/City]ship within said County of \_\_\_\_\_ acting through its Planning Board, party of the second part, hereinafter called the [Town/City].

WITNESS:

WHEREAS the subdivider has petitioned the [Town/City] for approval of a Definitive Plan of a subdivision entitled: \_\_\_\_\_, Located \_\_\_\_\_, said Plan has been submitted to the [Town/City] Planning Board, copies of which are on file in the office of said Board.

NOW THEREFORE, in consideration of the approval of said Definitive Plan and plan-profile by the Planning Board of said [Town/City], the Subdivider agrees with the [Town/City] as follows:

(1) To construct and install streets, ways, utilities and improvements as shown on the approved Definitive Plan, cross-sections and plan-profile in strict compliance with the subdivision rules and regulations of the Planning Board and in accordance with the following general specifications:

- (a) Streets and ways shown on the Plan shall be cleared for the entire width, including the necessary side slope excavations, and the roadway shall be excavated to sub-base grade and below sub-base grade where specified by the Planning Board and/or Highway Superintendent, and then brought up to sub-base grade by compacting gravel the required number of inches.
- (b) Utilities shown on the Definitive Plan and plan-profile endorsed by the Planning Board shall be installed, where specified, including water mains, hydrants, sanitary sewers, storm water drains, manholes, catch basins, electrical and telephone wires and cables, together with their appurtenances.
- (c) All roadways shall consist of a gravel base course of good binding gravel in accordance with the approved definitive subdivision plan and the \_\_\_\_\_ Subdivision Regulations.
- (d) The hardened surface of the roadway shall be paved the required width, and the hardened surface treatment shall be compacted bituminous concrete as specified in the Subdivision Regulations of \_\_\_\_\_.
- (e) Monuments, sidewalks, curbs, loaming and seeding, planting and street signs shall be installed as shown on the Definitive Plan and in accordance with the Subdivision Regulations.

(2) To file with the Planning Board a Certificate of Performance attesting to the satisfactory performance of all works and installations as set forth in this agreement and the subdivision rules

and regulations of the [Town/City] at which time the Planning Board or their authorized representative shall inspect the works and installations and said Board will proceed with the release of the deposit or bond if the provisions of this agreement have been completed.

(3) SPECIAL CONDITIONS:

The Planning Board, its representatives, or other agents of the [Town/City] shall have right of entry at all times during the life of this agreement for the purpose of examination and inspection of works and installations included herein and that the [Town/City] at its discretion shall have the right to use whatever materials may be in or on the land for completion of said works and installations as hereinafter provided.

(a) All easements to be transferred to the [Town/City] by recording said instruments in the \_\_\_\_\_ County Registry of Deeds or Land Court at the expense of the Subdivider before the final bond is released.

(b) Sale or transfer of any lot or lots abutting any street covered in this Bond Agreement shall not release the Subdivider of any obligation contained herein to complete any roadway construction, including clearing, excavation, side slopes, utility installations, grading, gravel or paving, monuments, sidewalks, curbing, loaming and seeding, planting, and street signs in the right-of-way strip.

(4) To deposit with the [Town/City] Treasurer cash in the form of a Certified Check or Pass Book payable to the [Town/City] of \_\_\_\_\_, or file with the [Town/City] Treasurer a bond with sufficient sureties, approved by the [Town/City] in the amount of \_\_\_\_\_ which shall insure to the said [Town/City] the faithful performance, by the subdivider, of the within covenants, promises and agreements, which shall be applied in one of the following ways:

(a) Full amount to be deposited before the Definitive Plan is endorsed and to be released on satisfactory completion of this agreement.

(b) Full amount to be deposited before the Definitive Plan is endorsed and at the request of the subdivider, partial releases to be made upon satisfactory completion and approved by the Planning Board of items

1 (a), 1 (b), 1 (c), 1 (d), and the remainder to be released upon completion of the remaining conditions of this agreement.

NOW, THEREFORE, if the Subdivider shall, on or before \_\_\_\_\_, 20\_\_ make and complete the work and installations as set forth herein and file with the Planning Board the Certificates of Performance required, any cash deposited hereunder shall be released to the Subdivider, and, the obligation under any surety bond filed with the Board shall be null and void; otherwise the amount which the [Town/City] pays to complete said work and installations shall be deducted from such cash deposit, and, the principal and surety shall pay to the Treasurer of the [Town/City] the amount which the [Town/City] pays to complete said work and installations; provided, however, the amount shall not exceed the total deposit required or the penal sum of the bond.

This agreement shall terminate upon satisfactory completion of all requirements under the subdivision rules and regulations of the Planning Board and of said work and installations agreed to.

This instrument includes the Subdivider, his administrator, executor successor or assigns.

The Subdivider herein states as one of the material allegations that induce the said [Town/City] to approve this Subdivision that he/it is the owner of the tract in fee, subject to the following encumbrance: \_\_\_\_\_ and that he will not sell, convey, mortgage or pledge the tract in whole or in part, except as individual building lots, without consent of the [Town/City] and without making such sale, conveyance, mortgage or pledge subject to the conditions set forth herein.

IN WITNESS WHEREOF, the said Subdivider and mortgagee has/have caused his/their seals to be affixed and these presents to be signed the day and year first above written.

MORTGAGEE

SUBDIVIDER

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

RECEIPT of the original, hereof, together with the cash deposit or Bond stipulated in paragraph (4) is hereby acknowledged.

Approved by Majority of the Planning Board of the [Town/City] of \_\_\_\_\_:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Date: \_\_\_\_\_

**Form J  
COVENANT**

(Review with Town Counsel/City Solicitor)

[Town/City] of \_\_\_\_\_ Planning Board

The undersigned \_\_\_\_\_  
of \_\_\_\_\_ County, Massachusetts,  
hereinafter called the "Covenantor," having submitted to the \_\_\_\_\_ Planning Board, a definitive plan of  
subdivision, entitled \_\_\_\_\_  
dated \_\_\_\_\_ made by \_\_\_\_\_ does hereby covenant and agree with said  
Planning Board and the successors in office of said Board, pursuant to General Law (Ter.Ed.) Chapter 41, Section 81U, as  
amended, that:

The covenantor is the owner of record of the premises shown on said plan;

This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the  
covenantor, and their successors in title to the premises shown on said plan;

The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance  
with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by  
mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof  
may sell any such lot, subject only to that portion of this Covenant , which provides that no lot so sold shall be built  
upon until such ways and services have been provided to serve such lot;

Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel  
of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first  
providing such ways and services.

This covenant shall take effect upon the approval of said plan;

Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is  
recorded.

The undersigned \_\_\_\_\_  
wife, husband, of the covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the  
provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and  
other interest therein.

OWNER: \_\_\_\_\_ Date \_\_\_\_\_

EXECUTED as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ ss. \_\_\_\_\_ 20\_\_\_\_

Then appeared \_\_\_\_\_  
and acknowledged the foregoing instrument to be \_\_\_\_\_ free act and deed,  
before me

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_ 20\_\_\_\_

**Form K**  
**SUBSTITUTION PERFORMANCE GUARANTEE**  
(Review with Town Counsel/City Solicitor)

[Town/City] of \_\_\_\_\_ **Planning Board**

**Filing Date (to be filled out by the [Town/City] Clerk):**

**AGREEMENT** made this \_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the County of \_\_\_\_\_ and Commonwealth of Massachusetts, by and between \_\_\_\_\_ hereinafter called the SUBDIVIDER and the [TOWN/CITY] OF \_\_\_\_\_, a municipal corporation located within said County acting through its Planning Board, hereinafter called the [TOWN/CITY].

**WITNESSETH:**

WHEREAS on \_\_\_\_\_ the Planning Board approved a certain Definitive Subdivision Plan entitled \_\_\_\_\_ in return for which the Subdivider executed a certain Performance Agreement, dated \_\_\_\_\_ the performance was secured by the Covenant of the Subdivider, duly recorded in \_\_\_\_\_ County Registry of Deeds, Book \_\_\_\_\_ Page \_\_\_\_\_.

WHEREAS the Subdivider now desires to have certain lots released from the operation of said Covenant and offers to provide other security for the faithful performance of said Agreement.

NOW THEREFORE, the parties, in consideration of their mutual undertakings, agree as follows:

1. The Subdivider deposits with the [Town/City] hereunder the following collateral: in the amount of \$ \_\_\_\_\_ with payment order in the name of the [Town/City] of \_\_\_\_\_ to insure the true and faithful performance of all of the requirements of said Performance Agreement as they relate to \_\_\_\_\_ Street in its entirety, and \_\_\_\_\_ Street for a distance of \_\_\_\_\_ feet from the end of the present public way.
2. In the event the ways described in the Performance Agreement are laid out as public ways subsequent to the date of that Agreement, the Subdivision agrees to complete the work required by the Performance Agreement nevertheless.
3. The [Town/City] will deliver forthwith to the Subdivider its formal Release (from the aforesaid Covenant) as to lots \_\_\_\_\_ through \_\_\_\_\_, inclusive, on Subdivider's Definitive Plan.

**IN WITNESS WHEREOF** the said parties have caused these presents to be signed, sealed, and delivered the day and year first above written.

OWNER: \_\_\_\_\_ Date \_\_\_\_\_

Approved by Majority of the Planning Board of the [Town/City] of \_\_\_\_\_:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ Date: \_\_\_\_\_

**Form L**  
**CERTIFICATE OF PERFORMANCE – RELEASE OF LOTS**  
(Review with Town Counsel/City Solicitor)

[Town/City] of \_\_\_\_\_ **Planning Board**

**Filing Date (to be filled out by the [Town/City] Clerk):**

**Certification and Signatures**

The undersigned being a majority of the Planning Board of the [Town/City] of \_\_\_\_\_, Massachusetts hereby certify that the requirements for work on the ground called for the covenants dated \_\_\_\_\_ and recorded in the Hampden County Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, (or registered in Land Registry District as Book \_\_\_\_\_ Page \_\_\_\_\_) have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on a plan entitled \_\_\_\_\_ recorded with said Deeds, Plan Book \_\_\_\_\_, Page \_\_\_\_\_ (or registered in Land Registry District as Book \_\_\_\_\_ Page \_\_\_\_\_) and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots Designated on said Plan as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Majority of the Planning Board of the [Town/City] of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_ ss. \_\_\_\_\_,  
2003

Then personally appeared \_\_\_\_\_ one of the above named members of the Planning Board of the [Town/City] of \_\_\_\_\_ and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_



**Form M**

**REQUEST FOR INSPECTION OF CONSTRUCTION**

[Town/City] of \_\_\_\_\_ **Planning Board**

<b>Request Filing Date (to be filled out by Department):</b>	
<b>Applicant Information:</b> Name: _____ Address: _____ _____ Telephone: _____ Email: _____	<b>Property Information:</b> Name of Subdivision: _____  Property Address/Location/Description: _____ _____ _____  Descriptions of works and/or installations to be inspected: _____ _____ _____ _____
<b>Engineer/Surveyor Information:</b> Name: _____ Address: _____ _____ Telephone: _____ Email: _____	

<b>Certification and Signature</b> To the Planning Board  The undersigned hereby certifies that the above described works and/or installations have been made in accordance with the approved plans as designed and laid-out by me.  Engineer: _____ Printed Name/Title : _____ Date: _____  Professional Seal:
--

<b>REQ'D</b>	<b>ITEM</b>	<b>DATE</b>	<b>INSPECTOR</b>	<b>DEPT.</b>	<b>REMARKS</b>
	1. Roads				
	a. Subbase				
	b. Base Course				
	c. Binder Course				
	d. Top Course				
	2. Berms				
	3. Sidewalks				
	a. Subbase				
	b. Base Course				
	c. Cement Concrete				
	d. Binder Course				
	e. Top Course				
	4. Loam & Seed				
	5. Street Trees				
	6. Street Name Signs				
	7. Monuments				
	8. Fire Alarm				
	9. Police Call System				
	10. Drainage System				
	11. Water System				
	12. Sewer System				
	13. Other Improve.				
	14. Final Acceptance				

cc: Planning Board

Form N

Engineer's Certification of Performance

[Town/City] of \_\_\_\_\_ Planning Board

<b>Request Filing Date (to be filled out by the [Town/City] Clerk):</b>	
<b>Applicant Information:</b> Name: _____ Address: _____ _____ Telephone: _____ Email: _____	<b>Property Information:</b> Name of Subdivision: _____  Property Address/Location/Description: _____ _____ _____
<b>Owner Information</b> (if different from applicant) Name: _____ Address: _____ _____ Telephone: _____ Email: _____	Descriptions of works and/or installations certified to: _____ _____ _____ _____
<b>Certification and Signature</b> To the Planning Board  The undersigned hereby certifies that the above described works and/or installations have been made in accordance with the approved plans as designed and laid-out by me, and all systems are functioning as designed.  Engineer: _____ Printed Name/Title : _____ Date: _____  Professional Seal:	

**Form O**

**Definitive Subdivision Extension Request**

[Town/City] of \_\_\_\_\_ **Planning Board**

**Filing Date (to be filled out by the [Town/City] Clerk):**

**Applicant Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**Property Information:**

Name of

Subdivision: \_\_\_\_\_  
\_\_\_\_\_

**To the \_\_\_\_\_ Planning Board,** please accept this request for an extension to the time period for the following project: \_\_\_\_\_

I would like to extend the Planning Board's (circle one):

- Public Hearing to: \_\_\_\_\_  
(date)
- Deadline date for filing its decision with the City Clerk to: \_\_\_\_\_  
(date)
- Deadline for completion of construction to: \_\_\_\_\_  
(date)

Applicant's Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Dated: \_\_\_\_\_

Approved by Majority of the Planning Board of the [Town/City] of \_\_\_\_\_:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Date: \_\_\_\_\_