



# **SUBDIVISION RULES AND REGULATIONS OF TOWN OF ATHOL, MASSACHUSETTS**

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**TOWN OF ATHOL  
PLANNING BOARD  
RULES AND REGULATIONS GOVERNING  
THE SUBDIVISION OF LAND**

**SECTION 1000. PURPOSE AND AUTHORITY.**

**1100. PURPOSE.**

These subdivision rules and regulations are hereby enacted, in accordance with the provisions of M.G.L. c. 41, s. 81M, for the purpose of guiding future patterns of development to encourage economic expansion and population growth that will be sustainable over the long term and will preserve the Town's historic, natural and scenic assets while protecting the safety, convenience, and welfare of the inhabitants of the Town, by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Planning Board and of the Board of Appeals under these regulations and the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for securing safety in the case of fire, flood, panic, and other emergencies; for insuring compliance with the Zoning By-law, for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other municipal equipment, and street lighting and other requirements where necessary in a subdivision; for coordinating the ways in a subdivision with each other and with the public ways in the town, and with the ways in neighboring subdivisions; and ultimately, to support the Town's vision of its future and improve the quality of life for both present and future Town residents.

**1200. AUTHORITY.**

These Rules have been adopted under the authority vested in the Planning Board by M.G.L. c. 41, s. 81Q, as amended. The Planning Board shall be the agency responsible for the administration of the Rules and shall have all of the powers assigned to it by M.G.L. c. 41, ss. 81K to 81GG, inclusive.

**SECTION 2000. GENERAL REGULATIONS.**

**2100. DEFINITIONS.**

For the purposes of these Rules the following words and terms used herein are hereby defined or the meaning thereof explained, extended, or limited as stated in M.G.L. c. 41, as amended. Other terms or words or phrases not defined herein or in the Subdivision Control Law shall be construed according to the common and approved usage of the language, but technical words and phrases and such other terms or phrases as may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

**Abutter** shall mean (a) an owner of land sharing a common property line with the owner of land referred to in a subdivision application and (b) an owner of land which is directly across a way from the frontage of said subdivision land.

**Applicant** shall mean the owner of the land referred to in an application filed with the Planning Board, or the owner's duly authorized representative or the applicants assigns

**Board** shall mean the Planning Board.

**BEST MANAGEMENT PRACTICES (BMPS):** Best management practices shall include both nonstructural and structural BMPs.

**Easement** shall mean a right acquired by a public authority or other person for use or control of property for utility or other designated public purpose.

**Frontage** shall have the same definition as that used in the Zoning By-law.

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

**Lot, corner** shall mean a lot which has legal frontage on both a public way and on a proposed subdivision way, and which shall be shown on a subdivision application and shall be considered a part of that plan.

**LOW IMPACT DEVELOPMENT:** Low Impact Development (LID) is an approach to land development that uses land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID seeks to design the built environment to remain a functioning part of an ecosystem rather than exist apart from it. LID tools are used to plan and engineer urban and rural sites to maintain or restore the hydrologic and ecological functions of their watersheds.

**Massachusetts Department of Highways Standard Specifications for Highways, Bridges and Waterways** shall refer to the latest edition with amendments.

**Massachusetts General Laws Annotated or M.G.L.** shall mean the General Laws of the Commonwealth of Massachusetts, Ter. Ed., with all additions thereto and amendments thereof. In the case of a rearrangement of the General Laws, any citation of particular sections herein set forth shall be applicable to the corresponding sections in the new codification.

**MASSACHUSETTS STORMWATER HANDBOOK:** The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**Municipal Services** shall mean sewers, surface water drains, and other private or public utilities including water pipes, gas pipes, electric lines, cable television lines, telephone lines, fire alarm

lines, and their respective appurtenances.

**NONPOINT SOURCE POLLUTION:** Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

**NONSTRUCTURAL BMPs:** Site design approaches and techniques intended to reduce a site's impact on the watershed through the use of stormwater management practices including conservation and protection of natural areas and greenspace, reducing impervious coverage, and using natural features for stormwater management.

**Owner** shall mean, as applied to real estate, the person (hereinafter defined) holding the ultimate fee simple title to a parcel, tract, or lot of land, as shown by the record in the appropriate Land Registration Office, Registry of Deeds, or Registry of Probate. Twenty days prior to any and all transfer of ownership, the owner shall supply the Planning Board with the name of the new owner and proof of transfer of deed.

**Permanent Benchmark** shall mean a permanent reference point with the elevation accurately established by stone bounds and referenced to the United States Coast and Geodetic Survey datum.

**Person** shall mean an individual, partnership, corporation, or two or more individuals or a group or association of individuals, having common or undivided interests in a tract of land.

**POINT SOURCE:** Any discernible, confined and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure or container from which pollutants are or may be discharged.

**RECHARGE:** The replenishment of underground water reserves.

**Roadway or Street** shall mean that portion of the way, right-of-way, or street layout which has been prepared and constructed for vehicular traffic.

**Rules:** These Subdivision Rules and Regulations of the Planning Board.

**Street Categories:**

Collector shall mean a street with anticipated traffic equivalent to that generated by 50 homes or more, or which serves abutting land zoned for business or industry.

Dead End shall mean a street or a combination of streets which has only one means of ingress from or egress to a collector or minor street. Only lanes shall be dead-end streets.

Lane shall mean a street which cannot serve as access to more than ten (10) dwelling units.

Minor shall mean a street which cannot qualify as a lane but which can be expected to handle less traffic than a collector street and which serves no abutting land zoned for business or industry.

**Subdivision** shall mean "(t)he 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 into two or more lots shall not be deemed constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be at least twenty feet. 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 law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision." See M.G.L. c. 41, s. 81L.

**Subdivision Control Law** shall mean M.G.L. c. 41, ss. 81K to 81GG, inclusive, and any amendments thereof, additions thereto, or substitutions therefore.

**STRUCTURAL BMPs:** are devices that are engineered and constructed to provide temporary Storage and/or treatment of stormwater runoff.

**Town** shall mean the Town of Athol

**Way or Right-of-Way** shall mean the full strip of land designated as a way, consisting of the roadway, and any planting strips or sidewalks. A way so designated shall be available only for such uses as are customary for ways in the Town, and shall not be available for any private construction such as buildings, fuel tanks, septic systems, fences, or walls.

**Yard, front** shall mean land extending across the required width of the lot and lying between the street line of the lot and the nearest line of the building. The depth of the front yard shall be the minimum distance between the building and the front lot line.

**Zoning By-Law** shall mean the zoning by-law of the Town.

## **2200. PROCEDURES.**

### **2210. General.**

2211. All plans, and all procedures relating thereto, shall comply in all respects with the provisions of these Rules, unless the Board authorizes a variation there from in specified instances.

2212. Any person desiring to make a subdivision within the meaning of the subdivision control law of any land within the Town shall, before proceeding with the improvement or sale of lots in the subdivision, or the construction of ways, or the installation of municipal services therein, submit to the Board a plan of such subdivision and secure approval by the Board of a Definitive Plan as hereinafter provided.

2213. The Board shall not approve or modify and approve any plan of a subdivision of land, unless all lots and other aspects of such plan conform with the Zoning By-law of the Town or a variance from the terms thereof has been granted by the Board of Appeals.

**2220. Issuance of Building Permits.** The official in the Town authorized to issue building permits shall not issue any permit for erection of a building until first satisfied (a) that the lot on which the building is to be erected is not within a subdivision, (b) that a way furnishing the access to the lot within a subdivision as required by the subdivision control law is shown on a recorded plan and that any conditions endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied, and (c) that all other applicable requirements have been met. See also Sections 3830 and 4360.

### **2230. Professional and Technical Assistance.**

- a) The Planning Board shall require any applicant for a subdivision that requires approval under M.G.L Chapter 41 to submit a deposit of \$5,000 to the Town Clerk at time of preliminary application for the purposes of funding project review by a qualified professional. This deposit shall be placed in a special municipal account and administered in accordance with M.G.L Chapter 44: Section 53G. Review services may include, but shall not be limited to those for potential water resource impacts, civil engineering review, site survey, as-built survey, traffic analysis, legal or financial analysis.
- b) Any application requiring approval by the Planning Board that does not include this deposit shall be considered incomplete. The Planning Board may waive the required deposit, decrease or increase the amount as it determines appropriate. The Planning Board may also require additional funds during the review process to cover anticipated additional review costs.
- c) The Planning Board shall provide adequate statements of review expenses to the applicant during regularly scheduled hearings or by certified mail as they are made available. Documentation of expenditures may include but is not limited to invoices submitted to the Town by the professional reviewing the project. Any funds provided by the applicant that are not used for professional review services, including any interest that may have accrued on those funds, shall be returned to the applicant at the close of the review process.

**2240. Modification, Amendment, or Rescission.** The Board, on its own motion or on the petition of any interested person, shall have the power to modify, amend, or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan, after due notice and opportunity to the owner to be heard in accordance with M.G.L. c. 41, s. 81W, as amended.

**2250. Submission of Plans.** Plans shall not be considered "submitted" until all required documentation has been received by the Board, including fees.

**2260. Fees.** The fees indicated in Appendix A - Planning Board Fee Schedule shall accompany the submittal of application materials of the various plans specified in the Rules, to cover costs of processing, technical review, and inspection.

**2300. [RESERVED]**

**2400. PLAN BELIEVED NOT TO REQUIRE APPROVAL / ANR.**

**2410. Submission.** 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 said plan does not require approval under the Subdivision Control Law, may submit to the Board said plan, Seven (7) prints thereof, and three (3) copies of a properly executed Form A - Application for Endorsement of a Plan Believed Not to Require Approval, accompanied by the necessary evidence to show that the plan does not require approval. The applicant shall also submit the fee as set forth in Appendix A - Planning Board Fee Schedule with the application form. In addition, the application submission shall also include a labeled or clearly marked electronic copy (CD or other medium) of all materials, including the ANR Plan. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination. The Board will review the plan to determine whether it is a subdivision and whether it conforms to the standards for endorsement.

**2420. Required Information.** Said plan shall be of a minimum dimension of nine and one-half inches by fourteen inches (9 1/2" x 14") but not to exceed a dimension of twenty four inches by thirty six inches (24" x 36"), drawn at a scale of one (1) inch equals forty (40) feet, and shall contain the following information:

2421. Identification of the plan by the name of the owner of record and the location of the land in question, to include a locus;

2422. The statement "Approval Under the Subdivision Control Law Not Required", and sufficient space for the date, and all signatures of the members of the Board;

2423. Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan as determined by the Zoning Agent / Building Inspector;

2424. In the case of creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant, if any;

2425. Notice of any decisions by the Zoning Board of Appeals, including but not limited to variances and special permits regarding the land or any buildings thereon;

2426. Names of abutters from the latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available records;

2427. Distance to the nearest permanent monument; contours at the scale of available topographical maps, or where applicable, contours at a scale sufficient to demonstrate that each lot has present vehicular access from the way serving the site;

2428. Location of all existing buildings, including setback and side and rear yard designations and any existing structures on any remaining adjoining land owned by the applicant and dimensions of yards relating to such structures;

2429. Location of any easement or way, public or private, across the land, with a designation as to the use of the same.

**2430. Denial of Endorsement.** If the Board determines that the plan does require approval under the Subdivision Control Law, does not conform to the standards for endorsement hereunder, or does not provide sufficient information to make a determination, it shall within twenty-one (21) days of submission of said plan, so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination. In the case of insufficient information, the Board, with written agreement of the applicant, may continue the meeting so that the applicant may have an opportunity to provide the information. If the applicant does not agree to continue the hearing the Planning Board may deem the plan denied.

## **2500. ACCESS ADEQUACY REGULATIONS.**

**2510. General.** Plans shall be endorsed as not requiring approval under the Subdivision Control Law and subdivision plans shall be approved only if each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, M.G.L. c. 41, ss. 81K - 81GG.

**2520. Standards of Adequacy.** The Building Inspector shall make the determination that newly created lots meets the dimensional zoning requirements. The building inspector's determination of



a building lot will not however, serve as the single factor as to whether a lot is "buildable". Streets within a subdivision shall be considered to provide adequate access if, and only if, complying with the standards established in these Rules. Ways providing access to streets within a subdivision shall be considered to provide adequate access where, prior to construction on any lots, the applicant ensures that such access will be in compliance with the Subdivision Regulations for right of way width, pavement width, maximum grade, and sight distance requirements applicable to ways within a subdivision.

**2530. Obligations.** The Board may require, as a condition of its approval of a subdivision plan, that the developer construct access ways to a width as required in these regulations, the applicant shall make physical improvements within such way or compensate the town for the cost of such improvements in order to meet the standards specified above and that the applicant make improvements to the public way interceded by the newly created access ways.

**2540. Waivers.** The Board may waive strict compliance with these access regulations only upon its determination, following consultation with the Selectmen, Superintendent of Public Works, Police Chief, and Fire Chief, Zoning Agent and Conservation Commission, that the way in fact will be otherwise sufficient to serve the needs for access to serve potential uses of land abutting on or served by the way in question.

## **2600. WAIVERS.**

**2610. General.** Strict compliance with these Rules may be waived when, in the judgment of the Board, following review by Selectmen, Superintendent of Public Works, Police Chief, Fire Chief, Zoning Agent, and Conservation Commission, such action is in the public interest, not inconsistent with the Subdivision Control Law, and promotes public health and safety.

## **SECTION 3000. SUBMISSION AND ACTION.**

### **3100. PRE-SUBMISSION REVIEW.**

**3110. General.** Prior to investing in extensive professional design costs for preparation of subdivision plans, the applicant is invited to review the proposed development of the parcel of land with the Board, in order to explore general conditions involving the site and to discuss potential problems. Pencil sketches, which need not be professionally prepared, will assist in this discussion, and should show the critical features of a Preliminary Plan. In some cases, this pre-submission review may eliminate the need for the formal submission of a Preliminary Plan.

### **3200. PRELIMINARY PLAN.**

**3210. Submission.** A preliminary plan of a subdivision may be submitted by the subdivider to the Board and through the Board to the Board of Health for discussion and approval, modification or disapproval by the Board. Notice of submission shall be provided to the Town Clerk in accordance with M.G.L. c.41, s. 81S. The submission of such a Preliminary Plan shall be made of Form B - Application for Approval of a Preliminary Plan - and will enable the subdivider, the Board, the Board of Health, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify any aspects of or problems with such subdivision before a Definitive Plan is prepared. For

this reason, the Board strongly encourages the submission of such Preliminary Plans in every case. Nonresidential subdivisions shall submit a preliminary plan. Thirteen (13) copies of the Preliminary Plan shall be submitted to the Board at a regularly scheduled meeting, together with the fee set forth in Appendix A - Planning Board Fee Schedule. In addition, the application submission shall also include a labeled or clearly marked electronic copy (CD or other medium) of all materials, including the Preliminary Plan. Copies of the plan may be examined by the public during regular business hours of the Town Hall.

3211. When the application is deemed complete and properly submitted by the Planning Board or its agent, it shall notify the Town Clerk in writing of the final submittal date. The final submittal date shall be the date that the completed and properly submitted application is received by the Planning Board. For applications that have been deemed incomplete, the applicant must agree in writing to any new submittal date in order for any additional information or material to be considered part of the original application.

**3220. Contents.** The preliminary plan may be drawn on tracing paper with pencil, preferably at a scale of one (1) inch equals forty (40) feet, or other suitable scale acceptable to the Board, shall be clearly designated as "Preliminary Plan", and shall show:

- a. subdivision name, boundaries, north point, date, and scale;
- b. name and address of record owner, applicant, and designer, engineer, and surveyor;
- c. names of all direct abutters as determined by the Assessors with 4 1/8 x 9 1/2 envelopes that have been addressed to each abutter and affixed with first class postage;
- d. existing and proposed lines of streets, ways, easements, and public areas within the subdivision;
- e. location, direction, names, and present widths of streets and public or private ways bounding, approaching, or within reasonable proximity of the subdivision;
- f. location, names, and present widths of streets bounding, approaching, or near the subdivision;
- g. topography of the land in a general manner, including contours at a scale required by the Board;
- h. proposed system of drainage, including existing natural waterways, in a general manner, but including drainage both within and adjacent to the subdivision;
- i. approximate boundary lines of proposed lots, with approximate areas and dimensions;
- j. estimates of the grades of proposed streets, driveways, or profiles, where required by the Board;
- k. major site features such as existing stonewalls, fences, buildings, large trees and wooded areas, rock ridges and outcroppings, wetlands within 100 feet of the subdivision, perennial streams within 200 feet of the subdivision, and other water bodies;
- l. identification of any land area lying within five hundred (500) feet of any property valued under the provisions of M.G.L. c. 61A, as amended.

3221. The preliminary plan shall be accompanied by a statement of existing zoning, any easements, covenants, and restrictions applying to the area proposed to be subdivided, and a list of any waivers from these Regulations requested by the applicant.

3222. During discussion of the requirements set forth in Section 3220, the complete information required for the definitive plan (Section 3320) and the financial obligations of the applicant (Section 3500) will be developed.

**3230. Site Visit.** After the regular Board meeting at which preliminary plan is first discussed, or a definitive plan is submitted without prior preliminary plan, the Board and/or its agent may schedule a site visit to the proposed subdivision, accompanied by the applicant and his agents or representatives. In order to facilitate inspection and review of the site of the proposed subdivision, temporary staking will be required along the center line of all proposed roads in the subdivision before said site visit, or if impractical, the Board may permit a suitable alternative procedure.

**3240. Decision.** The Board shall, in conformance with M.G.L. c.41, s. 81S, approve such preliminary plan with or without modifications, or disapprove such preliminary plan with reasons therefore.

3241. Approval of a preliminary plan, with or without modifications, does not constitute approval of a subdivision. Such approval normally facilitates the final approval of a subdivision through submittal of a definitive plan.

3242. The Board shall notify the Town Clerk in writing of its decision on a preliminary plan in accordance with M.G.L. c.41, s.81S, as amended.

3243. The submission of a preliminary plan for examination by the Board shall not be deemed the submission of a definitive plan of a subdivision of land for approval by the Board under M.G.L. c.41, s.81L, and the action or decision of the Board as to such preliminary plan shall not prejudice its action or decision as to the definitive plan.

### **3300. DEFINITIVE PLAN.**

**3310. Submission.** A Definitive Plan of a subdivision may be submitted by the subdivider to the Board for review and approval, modification or disapproval by the Board. Notice of submission shall be provided to the Town Clerk in accordance with M.G.L. c.41, s. 81S. The submission of such a Definitive Plan shall be made on Form C -Application for Approval of a Definitive Plan. Any person submitting a Definitive Plan of a subdivision of land to the Board for approval shall file therewith the following:

- a. thirteen (13) prints of the Definitive Plan, dark line on white background. Prints will be referred to other town boards and departments for review;
- b. one copy of the Definitive Plan and the set of application submission materials shall be submitted digitally on CD Rom or other electronic medium;
- c. accompanying statements as required in Sections 3330 and 3340, below;
- d. one (1) properly executed Application Form and any other required forms on file with the Board (see Appendix);
- e. the fee set forth in Appendix A - Planning Board Fee Schedule;
- f. a certified list of abutters signed by the Board of Assessors with business sized envelopes, stamped and addressed to each abutter.

3311. When the application is deemed complete and properly submitted by the Planning Board or its agent, it shall notify the Town Clerk in writing of the final submittal date. The final submittal date shall be the date that the completed and properly submitted application is received by the Planning Board or its agent.

3312. The applicant shall file by delivery or by registered mail written notice with the Town Clerk stating that a Definitive Plan has been submitted in accordance with M.G.L. c.41, s.81T, as amended, with the date of submission of the Definitive Plan, accompanied by a copy of the Application Form.

3313. The applicant shall file one (1) copy of the Definitive Plan and one (1) copy of the Application Form with the Board of Health.

**3320. Contents.** The Definitive Plan shall be prepared by a Registered Professional Engineer and/or Land Surveyor, and shall consist of eight (8) sets of signed and stamped plans and original Mylar and shall be 24" x 36" in overall dimensions, with a one inch margin left on one 24" edge of each sheet for filing purposes. The prints shall be at a scale of not less than one (1) inch equals forty (40) feet, or such other scale as the Board may prescribe as adequate to show details clearly. Profiles of proposed streets shall be drawn to the same horizontal scale as the Plan, and with vertical scale ten (10) times larger unless otherwise permitted by the Board, on separate sheets and Mylar of the same dimensions as the Plan sheets. If multiple sheets are used to show the subdivision, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall show the following information:

- a. subdivision name, boundaries, north point, date, and scale;
- b. locus map at a scale of one (1) inch equals one thousand (1000) feet showing the proposed streets in relation to existing streets in the immediate vicinity;
- c. name and address of record owner, applicant, and engineer or surveyor, with seal;
- d. where the owner or subdivider also owns or controls unsubdivided land adjacent to or directly across the street from the land shown on the Definitive Plan, the applicant shall submit a sketch plan showing possible or prospective street layout in the event that such unsubdivided land is developed, and shall also show the present drainage for such unsubdivided land, natural and constructed;
- e. boundary lines of bordering adjacent land or of land across the street from property being subdivided and names of abutters thereon as determined from the certified list of abutters;
- f. existing and proposed lines of streets, ways, easements, and any public or common areas within the subdivision;
- g. location, direction, names, and present widths and grades of streets and public or private ways bounding, approaching, or within reasonable proximity of the subdivision;
- h. sufficient data to determine the location, direction, and length of every street and way line, lot line, and boundary line so as to establish these lines on the ground. The location of base lines and necessary data from which bearings and elevations may be determined may be furnished by the County Engineer's Office. Should the Town establish a co-ordinate system, all street corners must be tied into the nearest

triangulation station. The relative error of closure of property line traverse shall not be less than 1 part in 12,000. A signed statement to this effect shall appear on the engineer's tracing cloth drawing. A copy of traverse notes shall be furnished to the Board upon request;

- i. location and identification of all existing buildings and site features such as stonewalls, fences, large trees with approximate dimensional size, and wooded areas, rock ridges and out-croppings, flood plain areas, wetlands within 100 feet of the subdivision, perennial streams within 200 feet of the subdivision, and other water bodies, including depth of water and direction of flow within or adjacent to the proposed subdivision;
- j. existing and proposed topography with two (2) foot contours based on mean sea level datum, or at a suitable interval as required by the Board. All buildings and physical features of abutting property that are within one hundred (100) feet of the boundary must be shown.
- k. acreage of each lot, lot lines, bearings and length thereof in conformity with the Zoning By-Law in each case;
- l. location of existing and proposed monuments, hydrants, public utility facilities, water pipes, sewer pipes, fire ponds and cisterns, and public water supply wells within the subdivision;
- m. park or open areas suitably located for conservation, playground, or recreation purposes within the subdivision, if any;
- n. proposed storm drainage of land, including existing natural waterways and the proposed disposition of water from the proposed subdivision to either adequate natural drainage channels including any low impact development techniques or artificial means of disposal thereof. Four copies of an Operation and Maintenance Plan (O&M Plan) for Stormwater showing a runoff plan and calculations using the rational formula (as described in Seelye's Design Data Book for Civil Engineers, latest edition), based on a ten-year expectancy period, to determine necessary pipe sizes which can be no less than twelve (12) inches in diameter. Roadways crossing brooks with a drainage area in excess of ten (10) acres shall be based on a twenty-five (25) year expectancy period. Pipe size, capacity, depth of flow and velocity of flow shall be included;
- o. location and purpose of all existing and proposed easements;
- p. location and species of proposed street trees, and/or individual trees or wooded areas to be retained within forty (40) feet of the sidelines of each street;
- q. street plans and profiles must show the percent of grade, radii and length of curves, the point of curvature, and the point of tangency of curves;
- r. street profiles on the centerlines and sidelines of proposed streets at a horizontal scale of one inch equals forty feet and vertical scale of one inch equals four feet, or such other scale acceptable to the Board. Profiles shall show elevation of sills of all existing structures. Present and proposed elevations must be shown at least every 50 feet and must refer to the town base, mean sea level, if bench available within two thousand (2,000) feet of subdivision. Profile plans of roadways and appurtenances shall be derived from "on the ground" topography. Profile plans shall show roadway cross-sections together with locations of proposed underground utilities including sanitary

- and storm sewer lines, water lines and their appurtenances, along with details of all structures, headwall, and retaining walls;
- s. approximate proposed location of principal building on each lot to comply with the provisions of the Zoning By-Law, whenever uncertainty exists or upon the request of the Board, the Board of Health, or the Conservation Commission;
  - t. location of a minimum of two (2) permanent benchmarks;
  - u. suitable space to record the action and signatures of the Board members on each sheet of the Definitive Plan in the lower right hand corner;
  - v. location of existing utilities, underground or overhead, indicating size, type, and location of easement;
  - w. an overlay at the same scale as the Definitive Plan showing the SCS interpretation of suitability for on-site sewage disposal, or showing USGS surficial geology, or both. Board of Health sanctioned testing required under Title 5 (310 CMR 15.00) may be substituted for this overlay. Test pit logs for locations selected by the Planning Board and shown on one of the above overlays, with not more than one (1) pit per four (4) proposed lots, selected to reveal general patterns of subsurface characteristics, after consultation with the Board of Health and the Conservation Commission;
  - x. any subdivision with a lot boundary with-in 1500' of an existing town sewer and or town water services must tie in and extend those services to each and every lot with-in the subdivision. Provided this does not create or extend an existing deadend water main. Where connection to the public water system is not proposed, information indicating why such connection is not feasible, description of provisions to be made for water for fire fighting, and information adequate to allow determination of compliance these regulations regarding potable water quality and quantity. Sewer extensions shall not create a capacity issue down gradient in the existing town systems. Proof of adequate capacity shall be the responsibility of the applicant;
  - y. an Erosion and Dust Control Plan, indicating the erosion and dust control measures to be employed, including description of locations of temporary stockpiles, spoil areas, temporary drainage systems, slope stabilization techniques, sediment basins, etc., and narrative description of how dust is to be controlled and how erosion from individual lots onto streets and into drainage systems is proposed to be controlled and, in the case of subdivision of more than fifteen (15) lots, review comments on the Plan by the Conservation Commission and by the Soil Conservation Service or by others acceptable to the Board as expert in soil erosion;
  - z. where located within a flood plain, base flood elevation (the level of the one hundred [100] year flood) data for proposals greater than five (5) acres;
  - aa. an engineer's estimate of materials with quantities required to construct roadway, utilities and appurtenances for plan as submitted.

**3330. Accompanying Statements and Data.** The Definitive Plan shall be accompanied by four (4) copies of the following written statements:

- a. Existing zoning and any easements, covenants, and restrictions applying to the area proposed to be subdivided
- b. Logs of results of all test pits made.

- c. Data and proposed arrangements for water supply, sewerage, and sewage disposal, including all appurtenances, as required by the Board of Health.
- d. An Operation and Maintenance Plan (O&M Plan) for Stormwater infrastructure is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with these Rules and Regulations and any conditions that apply to the project, and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 are met in all seasons and throughout the life of the system. The O&M Plan shall remain on file with the Athol Planning Board and the Department of Public Works and shall be an ongoing requirement until the conclusion of the project. The O&M Plan shall include:

Drainage calculations prepared by the applicant's engineer, including design criteria, drainage area and other information sufficient for the Board to verify the size of any proposed drain, swale, drainfield, culvert, bridge, or catch basin. Said calculations are to be made separately for each drainage facility showing its location, the total upstream drainage area, the percentage of impervious surfaces in the drainage area, the runoff per acre, the design runoff, facility size, slope and capacity, and the velocity of water through it. Describe any areas subject to ponding or flooding, existing or proposed flood control or wetland easements, estimated increase of peak runoff caused by altered surface conditions, and methods to be used to return water to the soils.

A Maintenance schedule for all drainage structures, including swales and ponds. And a list of easements with the purpose and location of each.

- e. A complete list of any waivers requested from these Rules, pursuant to Section 5300, herein.
- f. the written intent of the applicant for future ownership / maintenance expectations, to include covenants, associations, and deed restrictions.

**3340. Development Impact Statement (DIS).** The impact of the proposed subdivision is to be described according to the following criteria, except that in the case of subdivisions containing 20 or fewer units, upon completion of the site plan review process the Board will normally waive some or all of these requirements. Unless this requirement is waived by the Board, the DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional or Civil Engineer, and a Registered Surveyor.

- a. Physical Environment.
  - 1. Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, location of significant viewpoints, stone walls, trees over 16 inches in diameter, trails and open space links, and indigenous wildlife.

2. Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.
- b. Surface Water and Subsurface Conditions.
1. Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the project.
  2. Describe any proposed alterations of shore lines, marshes, or seasonal wet areas.
  3. Describe any limitations imposed on the project by soil and water conditions and methods to be used to overcome them.
  4. Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the development and possible mitigative measures for such impacts.
  5. Soil analysis shall be performed at the discretion of the Board at the developer's expense. (i.e., suspected 21E Site)
- c. Circulation Systems.
1. Explain the reasons for location of streets and intersections as shown on the Definitive Plan, with specific reference to criteria set forth in Section 4100, below.
  2. Project the number of motor vehicles to enter or depart the site per average day and peak hour. Also state the number of motor vehicles to use streets adjacent to the proposed subdivision per average day and peak hour. Such data shall be sufficient to enable the Board to evaluate (a) existing traffic on streets adjacent to or approaching the proposed subdivision, (b) traffic generated or resulting from the proposed subdivision, and (c) the impact of such additional traffic on all ways within and providing access to the proposed subdivision. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the DIS.
- d. Support Systems.
1. Water Distribution: Discuss the types of wells proposed for the site, means of providing water for fire-fighting, and any problems unique to the site. If there is a municipal tie-in, required PSI and GPD expectancies will be required. Also fire flows shall be conducted by the applicant and at their expense.
  2. Sewage Disposal: Discuss the type of system to be used, suitability of soils, procedures and results of percolation tests, and evaluate impact of disposal methods on surface and groundwater. If there is a municipal tie-in, projected added GPD flow to sewer to be addressed.
  3. Refuse Disposal: Discuss the location and type of facilities, the impact on existing Town refuse disposal capacity, hazardous materials requiring special precautions.



4. Fire Protection: Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing firefighting equipment to confront potential fires on the proposed site.
  5. Recreation: Discuss the distance to and type of public facilities to be used by residents of the proposed site, and the type of private recreation facilities to be provided on the site.
  6. Schools: Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the nearest public schools serving these categories of students.
- e. Phasing. Where development of the subdivision will require more than one (1) year, indicate the following:
1. Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.
  2. Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into subdivision development.

#### **3400. REVIEW OF DEFINITIVE PLANS.**

**3410. Board of Health as to Suitability of the Land.** The applicant shall file with the Board of Health two prints of the Definitive Plan. The Board of Health shall, within forty-five (45) days after filing of the plan, report to the Board in writing and shall make specific findings as to which, if any, of the proposed lots shown on such plan cannot be used for building sites without injury to the public health, or is unsuitable because of drainage conditions. The Board of Health shall make specific findings and state reasons therefore in such report, and, where possible, shall make recommendations for the adjustment thereof. The Board of Health shall determine the extent of soil evaluation, which may include deep test holes, percolation tests, and test borings, and shall determine the number of tests to be required. At the time of the filing of the Definitive Plan, the applicant shall stake all proposed lots and mark proposed lot numbers on said lots for identification to facilitate review by the Board of Health.

**3420. On-site Wastewater Disposal.** Notwithstanding Section 3410, a permit to construct an individual sewage disposal system for sanitary wastewater disposal shall be obtained from the Board of Health for each individual lot prior to the issuance of a building permit. A condition shall be recorded on the Definitive Plan as follows: "No building or structure shall be built or placed upon any lot without a permit from the Board of Health."

**3430. Other Town Officials.** Before approval of a Definitive Plan is given, the Board will obtain appropriate checks on the engineering and survey information shown on said plan, and written statements that the proposed improvements shown are laid out to the satisfaction of the official, as follows:

3431. As to the design of the street system, location of easements, and design of sewerage, water, and drainage systems, including appurtenances: the planning consultant or engineer designated by the Board and the Superintendent of Public Works or his designee;

3432. As to location, size, and species of street trees: the Superintendent of Public Works or his designee (tree warden);

3433. As to the form of easements, covenants, and performance guarantees: Planning Board Legal Counsel.

3434. As to location of hydrants: the Superintendent of Public Works and the Fire Chief. As to fire ponds and cisterns, and with regard to fire safety: the Fire Chief.

3435. As to street safety: the Police Chief and the Superintendent of Public Works or his designee. The traffic safety committee shall review plans if deemed necessary by the Police Chief.

3436. As to the location of street lights the Superintendent of Public Works.

3437. As to Zoning Compliance the Zoning Agent / Building Inspector.

**3440. Public Hearing.** Before approval, modification, or disapproval of a Definitive Plan is given, a public hearing shall be held by the Board. Notice of such hearing shall be given in accordance with the provisions of M.G.L. c.41, s.81T, as amended. A copy of said notice shall be mailed, by certified mail, to the applicant and to all owners of land submitted on Form D - Certified List of Abutters.

**3450. Decision.** After the public hearing, the Board in due course will approve, modify and approve, or disapprove the Definitive Subdivision Plan submitted. Criteria for action by the Board shall be the following:

3451. Completeness and technical adequacy of all submissions;

3452. Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard, or other environment degradation;

3453. Conformity with the requirements of these Rules and compliance with the Zoning By-Law;

3454. Determination, based upon the Development Impact Statement (where submitted), that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

**3460. Mandatory Conditions.** Any definitive plan approved by the Planning Board shall contain the following conditions:

3461. Failure by the applicant to obtain the endorsement of the Planning Board within six (6) months of the date of the approval of the Definitive Plan shall result in the automatic rescission of this approval. The time for such endorsement may be extended for not more than one year upon the written request of the applicant, for good cause shown, prior to the expiration of said six month period, and upon a vote of the majority of the Planning Board.

3462. Failure by the applicant to complete the construction of the ways and the installation of the services shown on the Definitive Subdivision Plan within three (3) years of the date of endorsement shall result in the automatic rescission of this approval. The time for such construction and/or installation may be extended upon the written request of the applicant, for good cause shown, prior to the expiration of said three (3) year period, and upon a vote of the majority of the Planning Board.

### **3500. PERFORMANCE AND MAINTENANCE GUARANTEES.**

**3510. Final Approval with Bond or Surety.** Before approval of a Definitive Plan, the subdivider shall either file a performance bond, or deposit money or negotiable securities in an amount determined by the Board as set forth below. Letters of credit are not acceptable. Passbooks shall be accompanied by a form assigning same to the Town. A bond estimate may be requested by the Board; such estimate shall remain effective for 90 days. The estimate shall reflect the cost for the Town to complete work under adverse conditions which may necessitate legal fees, public bidding, and additional town staff time. Ordinarily the Board shall require an amount covering the total cost of construction of all roads and other improvements within and without the subdivision. Such bond or security if filed or deposited shall be approved as to form and manner of execution by the Planning Board Legal Counsel, and as to sureties by the Town Treasurer. Such bond or security shall be contingent on the completion of such improvements not later than three (3) years from the date of the endorsement of the definitive plan and subject to annual review and possible increase to reflect market changes. Failure to so complete shall result in the automatic rescission of the approval of the definitive plan by the Board, unless the Board extends said period, for good cause shown, after the written request of the applicant prior to the expiration of said period.

3511. In determining the amount of the bond or surety, the Board shall be guided by the following formula in setting the sum of the security:

- a. an estimate of the cost to complete the work approved by the Superintendent of Public Works and all other affected Departments / Boards; plus.
- b. a fifteen (15%) percent margin or error; plus
- c. an appropriate rate of inflation over a five year period.

**3520. Final Approval with Covenant.** Instead of filing a bond or depositing surety, the subdivider may request approval of the Definitive Plan on condition that no lot in the subdivision shall be sold and no building shall be erected thereon, until the improvements specified herein are constructed and installed so as to adequately serve said lot or lots. Such covenants shall be executed and duly recorded by the owner(s) of record, and shall run with the land. Proposed covenants shall be submitted with the Definitive Plan, and shall be approved as to form by the Town Counsel or Special Town Counsel. Such covenant shall state that the improvements shown on the definitive plan shall be completed not later than three (3) years from the date of the endorsement of the definitive plan. Failure to so complete shall result in the automatic rescission of the approval of the definitive plan by the Board, unless the Board extends said period, for good cause shown, after the written request of the applicant prior to the expiration of said period. Covenants and stated conditions therein shall be referred to on the plan and recorded in the Registry of Deeds. The subdivider shall promptly, after recording, send a copy of the covenant, showing book and page number, to the Board.

**3530. Converting Covenant to Another Performance Guarantee.** If the applicant desires that lots be released from a covenant and that the improvements remaining to be constructed or installed be secured by another form of performance guarantee, a formal written request shall be sent to the Planning Board by registered mail which sets forth and includes:

- a. The extent and scope of remaining work to be completed to satisfy the requirements for the construction or installation of all required ways and municipal services; and,
- b. An estimate, pursuant to these Regulations, which reflects all remaining costs related to the construction of all required ways and installation of all required municipal services; and,
- c. The form and type of guarantee being given to the Planning Board to secure all remaining improvements.

3531. The Planning Board or its agent will make a determination as to the sufficiency of the submitted estimate, and, if such estimate is accepted, a new performance guarantee will be given to the Planning Board. Upon acceptance by the Planning Board of the new performance guarantee, all applicable lots shall be released from the covenant.

3532. No lot shall be released from the covenant until the first course of pavement serving such lot has been installed in accordance with the specifications of the approved Definitive Plan.

**3540. Converting Bond, Deposit, or Agreement to Covenant.** If the applicant desires to secure by means of a covenant the construction of ways and the installation of municipal services in a portion of a subdivision for which no building permits have been granted nor any lots have been sold, and to have the Planning Board release the bond, deposit of money or negotiable security, or agreement and mortgage previously furnished to secure

such construction and installation, the applicant shall submit to the Planning Board a reproducible tracing and three (3) contact prints of the reproducible tracing of the definitive subdivision plan, limited to that part of the plan which is to be subject to such covenant. Upon approval of the covenant by the Planning Board, reference thereto shall be inscribed on such section of the plan, and it shall be endorsed by the Planning Board and recorded with the covenant at the expense of the applicant. Certified copies of all documents which the applicant records at the Registry of Deeds shall be provided to the Planning Board as set forth in these Regulations.

**3550. Maintenance Guarantee.** The Planning Board may require a maintenance bond as a condition of the approval of a Definitive Plan, to secure the maintenance of stormwater management facilities, cisterns, fire ponds, or other improvements.

### **3600. ENDORSEMENT AND RECORDING.**

**3610. Certificate of Approval.** The action of the Board with respect to any Definitive Plan shall be by majority vote of the Board as constituted, copies of which shall be certified and filed with the Town Clerk and sent by registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for such modification or disapproval. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board, but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the Board's action with the Town Clerk and said clerk has notified the Board that no appeal has been filed.

3611. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with seven (7) blueprints and the original thereof. The Planning Board upon receipt of the blueprints and the original, shall send one (1) blueprint to each of the following Board or Supervisors of the Town: Fire Department, Conservation Commission, Board of Health, Board of Assessors, and Department of Public Works, and shall retain the original and two copies for its own files.

3612. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.

**3620. Recording of Plan.** Within thirty (30) days after the return of an approved plan, the applicant shall cause to be recorded in the Registry of Deeds, and in the case of registered land with the recorder of the Land Court, a copy of the approved Definitive Plan and accompanying covenants and agreements, if any. Following plan approval, endorsement, and recording, the applicant shall provide the Board with five (5) prints of the Definitive Plan, one of which shall be certified by the Registry of Deeds as having been recorded, and one (1) copy of final covenants and restrictions, noting book, page number, and date of recording for each. One copy of the Definitive Plan shall be forwarded to the Building Inspector by the Board.

### **3700. EVIDENCE OF SATISFACTORY PERFORMANCE.**

**3710. Submission.** Before the Board shall finally release a performance bond or a deposit, or in the case of approval with covenants, issue a final release of a covenant, all held pursuant to Section 3500, above, the applicant shall:

3711. File with the Board a certified copy of the layout plan of each street in the subdivision marked "As Built". In the case of approval with covenants, the applicant may show only the street or streets serving the lots for which a release is desired on the layout plan. Certification shall be by a Registered Professional Engineer or Land Surveyor, and shall indicate that streets, storm drains, sewers, water mains, and their appurtenances have been constructed in accordance with said plan and are accurately located as shown thereon.

3712. Obtain and submit to the Board written evidence that the required improvements, as set forth herein, have been completed to the satisfaction of the official listed below:

- a. for the planting of any required street trees: the Superintendent of Public Works or his designee (Tree Warden)
- b. for the placing of monuments and construction of all other required improvements the Superintendent of Public Works or his designee;
- c. the performance of all other required work the Planning Board and/or its designated agent;
- d. for streets and drainage, as in conformance with the approved Definitive Plan the Superintendent of Public Works or his designee;
- e. for underground wiring, water mains, sanitary sewers, storm sewers: The Inspector of Wires;
- f. for hydrants, fire ponds, and fire alarms, as in conformance with the approved Definitive Plan the Superintendent of Public Works or his designee and the Fire Chief.

3713. The applicant shall submit written evidence that all of the required improvements stated in Section 3712 have been in place twelve months without damage, or, if damage has occurred, that such damaged improvements have been repaired to the satisfaction of the Board.

## **3800. RELEASE OF PERFORMANCE GUARANTEE.**

**3810. General.** Upon completion of the improvements required under Section 4000, or the performance of any covenant with respect to any lot, the applicant shall send by registered mail to the Town Clerk a statement, in duplicate, that said construction or installation in connection with any bond, deposit, or covenant has been completed in accordance with the requirements of Section 4000. Such statement shall contain the name and address of the applicant, and the date of filing with the Town Clerk. The Town Clerk shall forthwith furnish a copy of the statement to the Board. If the Board determines that said construction or installation has been completed, it shall release the interest of the Town in such bond or deposit and return the bond

or deposit to the person who furnished same, or issue a release of covenant in a form acceptable for recording. If the Board determines that said construction or installation has not been completed, it shall specify to the applicant in writing the details wherein said construction or installation fails to comply with the provisions of Section 4000. Upon failure of the Board to so notify the applicant within forty-five (45) days after the receipt by the clerk of said statement, all obligations under the bond shall cease and terminate by operation of law, and deposit shall be returned, and any covenant shall become void. In the event that such forty-five (45) day period expires without notification by the Board, or without the release and return of the bond, or the return of the deposit, or the release of the covenant, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which shall be recorded by the applicant.

**3820. Ways and Services.** The Board shall release from covenants only those lots for which installation and construction of ways and services has been completed, in accordance with these rules. The applicant shall submit the appropriate form when applying for the release of a lot from a covenant.

**3830. Pavement.** The Board shall not release any bond, deposit, or covenant nor shall a building permit be granted for any lot until the first course of pavement has been installed with manhole covers and other structures set therein at the level of such first course.

**3840. Completion of Work.** After the completion of the work described on the definitive plan and in its decision, the Planning Board shall retain a bond in the amount of five (5%) percent of total project costs. Prior to the release of this bond, a deed for the roadway and associated infrastructure shall be delivered to the Planning Board. Prior to the release of this bond, as built plans shall be provided to the Planning Board, and the Planning Board's agent shall certify that the improvements shown thereupon are as built on the site.

## **SECTION 4000. REQUIRED IMPROVEMENTS.**

### **4100. GENERAL.**

4110. Design Guidelines. All subdivisions shall be designed, and improvements made by the developer, consistent with the requirements of Section 4000, Required Improvements, and shall be designed to do the following:

4111. Reduce, to the extent possible:

- a. the volume of cut and fill;
- b. area over which existing vegetation will be disturbed, particularly in those areas within 200 feet of a water body, having a slope of more than 15%, or overlying easily eroded soils;
- c. number of mature trees removed;
- d. extent of waterways altered or relocated;
- e. visual prominence of man-made structures or uses not necessary for safety or orientation;

- f. erosion and siltation;
- g. flood damage;
- h. number of driveways exiting onto existing streets;
- i. disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic environs.

4112. Increase, to the extent possible:

- a. visual prominence of the landscape;
- b. legal and physical protection of views from public ways;
- c. street layout facilitating south orientation of houses;
- d. use of curvilinear street patterns.

4113. The location of proposed streets, parks and open spaces shall be designed so as to minimize the number of probable house sites located within five hundred (500) feet of any property valued under the provisions of M.G.L. c. 61A. Where reasonable designs could substantially reduce the proximity of house sites to agricultural land but are not employed, an explanation for failure to do so shall be provided to the Board by the applicant.

**4120. Conformance with Zoning By-Law.** All lots shown on the plan shall conform with the requirements for area, dimensions, frontage, buildable area, and all other requirements of the Zoning By-Law.

**4130. Access to Subdivisions.** A way providing access to any subdivision must be within the Town limits, without requiring municipal service vehicles (including, but not limited to, fire vehicles, police vehicles, plows, school buses, emergency vehicles, and maintenance vehicles) to exit the Town in order to enter the subdivision. Any other access to a subdivision through another town requires certification by that town that the way in question is in accordance with the subdivision rules and regulations of the Planning Board of that town, that any bond posted for construction in that town is adequate, and that the way provides adequate access for police, fire, and emergency vehicles as well as the expected traffic generated by the subdivision. The Planning Board may require, as a condition of approval, written agreements indicating, if applicable, the services to be provided to the subdivision by the adjacent town.

**4140. Open Spaces.**

4141. Before approval of a plan, the Board may require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall be of reasonable size, but generally not less than five (5%) percent of the area of the land to be subdivided, after considering the location and quality of the land to be set aside. The minimum area acceptable for later public acquisition shall be three (3) acres. The Board may by appropriate endorsement on the plan require that no building be erected on such park or parks without the approval of the Board for a period of three (3) years.



4142. Land designated for park or playground use shall not include wetlands, ledge, slopes in excess of fifteen (15%) percent other land unsuitable for recreation purposes.

4143. Any open space, park, or playground shall provide at least fifty (50) feet of continuous frontage on a street. Pedestrian ways may be required by the Board to provide access from nearby streets on which the open space, park, or playground has no frontage. Such parks or playgrounds may be required to have maintenance provided by covenants and agreements acceptable to the Board or until such time as Town Meeting acceptance.

**4150. Wetlands Protection.** The Board may condition its approval of a Definitive Plan upon the issuance of an order of conditions by the Conservation Commission of the Town, pursuant to the Wetlands Protection Act, M.G.L. c. 131, s. 40.

**4160. General Construction Standards.**

4161. All streets, street drains, catch basins, and appurtenances thereto shall be installed without expense to the Town.

4162. All right of way lines, drain lines, and underground municipal services shall be laid out as to line and grade by a Registered Professional Engineer or a Registered Land Surveyor.

4163. All construction details, materials, methods, and specifications shall conform to the current requirements of the "Commonwealth of Massachusetts, Standard Specifications for Highways and Bridges, Boston, Massachusetts" as supplemented or specifications adopted by the Athol Department of Public Works.

4164. Areas within the subdivision used previously for the extraction of gravel or borrow shall be re-graded, loamed, and in sod before final release of the performance guarantee is authorized by the Planning Board. All construction debris, refuse, stumps and slash, and other solid waste shall be removed from the site, and all surplus construction material, before final release of the performance guarantee is authorized by the Planning Board.

**4200. STREETS.**

**4210. Location.**

4211. All streets in the subdivision shall be designed so that, in the opinion of the Board and after consultation of the Police Chief, the Fire Department and the Superintendent of Public Works or their designees, they will provide safe vehicular travel and natural drainage with no drainage pockets, and that they are adjusted to the topography and provide the minimum number of intersections with existing and collector streets. Streets shall be continuous and in alignment with existing streets as far as is practicable. Due regard shall

also be given by the applicant to the attractiveness of the street layout so as to promote the maximum liveability and amenities in the subdivision.

4212. Provision shall be made by the applicant, satisfactory to the Board, for the proper projection of streets, or for access to adjoining property, if any, which has not yet been subdivided. In the alternative, the Board may limit or prohibit the projection of streets to adjoining property where such action is in the public interest.

4213. Subdivisions containing ten (10) or more lots shall have at least two (2) noncontiguous street connections with a street or streets either existing or shown on an approved subdivision plan for which a performance guarantee has been filed.

4214. Streets will ordinarily be required adjacent to parks, playgrounds, and schools, to provide proper access and policing of such areas.

#### **4220. Alignment.**

4221. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at an angle less than sixty (60) degrees.

4222. Intersections shall be separated by not less than six hundred (600) feet on collector streets, and (400) feet elsewhere.

4223. Centerline offsets for intersecting streets shall not be less than one hundred fifty (150) feet.

4224. All intersections and approaches to intersections shall be cleared of any obstructions to the motorist's view and so maintained.

4225. No street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be allowed. The minimum centerline radii of curved streets shall conform to the following:

Collector streets: 300 feet	Minor streets: 150 feet	Lanes: 150 feet
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4226. Sight distances of at least two hundred (200) feet in each direction shall be provided at intersections, except that three hundred (300) feet shall be provided at intersections with state-numbered highways or collector streets or other streets having a speed limit of 40 MPH or greater. At such intersections, the Planning Board may require intersection designs with longer turning radii and safe acceleration and deceleration features, including increased street width, increased curb radii, and use of traffic islands for channelization.

4227. All reverse curves on collector streets shall be separated by a tangent at least one hundred (100) feet in length.

4228. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than twenty-five (25) feet, except that a curb radius of not less than fifteen (15) feet may be allowed at intersections of lanes with minor streets.

4229. At no time shall the Town Meeting consider acceptance as a public way a street of less than 500 feet.

#### **4230. Widths/Lengths**

The minimum width of streets shall conform to the following:

Collector streets: Fifty (50) feet right of way      Twenty-Eight (28) feet pavement

Minor streets: Fifty (50) feet right of way      Twenty-Six (26) feet pavement

Lanes: Fifty (50) feet right of way      Twenty-Four (24) feet of pavement

Minimum Length: In no case, shall streets intended to be accepted by the town, have less than 500 feet of pavement.

#### **4240. Grades.**

4241. Centerline grade for any street shall not be less than seventy-five hundredths (.75) of one percent.

4242. Maximum centerline grades on continuous grades of 400 feet or less shall conform to the following:

Collector streets: seven (7) percent:

Minor streets ten (10) percent

Lanes: ten (10) percent

On grades longer than 400 feet, reduce by 2% for each category.

4243. On any street where the grade exceeds 6% on the approach to an intersection, a staging area with a slope of not more than 4% shall be provided for a distance of at least forty (40) feet from the nearest edge of the traveled intersecting way.

4244. Proposed centerline grade shall not be more than ten (10) percent above or below existing centerline grade unless the Board specifically waives this provision due to unusual topographic circumstances.

4245. To the extent feasible, street grades shall be designed in relation to existing grades so as to approximately balance the volume of cut and fill made within the right of ways, except to offset peat, boulders, or other unusable material required to be removed.

#### **4250. Dead-end Streets.**

4251. A dead-end street, whether temporary or permanent, shall not have a centerline length in excess of 500 feet from the traveled edge of the intersecting street to the furthest traveled edge of the dead-end street, unless the Board specifically waives this provision due to unusual topography or other conditions.

4252. A dead-end street shall not have a grade in excess of three (3) percent for the last one hundred (100) feet of its closed end.

4253. Dead-end streets shall be provided at the closed end with a cul-de-sac having a minimum radius of fifty-seven (57) feet of black top and a maximum radius of sixty-eight (68) feet of a property line.

4254. Temporary dead-end streets shall also provide the turn-around set forth in Section 4253, which may be located in part on easements over lots, so long as contractual assurance is provided that upon extension of the street in question, the turn-around shall be removed and replaced with proper plantings and landscaping. Turnarounds shall permit maneuvering without backing.

4255. Only lanes may be permitted to be dead-end streets.

4256. Permanent dead-end water mains shall not be allowed. Easements shall be provided where necessary to allow for extension or looping of mains through subsequent development. Parallel mains on one street shall not constitute a looped system.

#### **4260. Construction of Roadways.**

4261. Each street shall be constructed on the centerline of the right of way; the centerline of the paved surface shall coincide with the centerline of the right of way. Pavement specifications shall be shown on detail plans submitted with the Definitive Plan.

4262. The Planning Board may require slope easements where retention cannot be adequately handled within the required right of way.

4263. The roadway shall be cleared of all obstructions of any kind for a distance equal to the sum of the specified width of the pavement, plus the required shoulder, sidewalk or swale on each side of the pavement. A greater width may be required at corners and on the inside of curves for visibility.

4264. At least one (1) week prior to commencement of street construction, the Department of Public Works shall be notified by certified mail of the intended commencement. The Department of Public Works shall, upon receipt of such notification, appoint an agent and instruct said agent to make continuing inspections of the work to insure that the requirements listed below are adhered to. The inspecting agent shall furnish the subdivider with a check list of steps to be completed. The subdivider shall not proceed with any steps until all prior steps have been signed by the Inspector as satisfactorily completed. The completed check list is to be returned to the Planning Board. Failure to submit completed check list may be deemed sufficient cause for the Board to withhold final approval of the roadway construction.

4265. Forming the Subgrade. All top soil, sub-soil, rocks, ledge and other unsuitable material shall be excavated to provide a gravel base depth of at least two (2) feet within the traveled way, twelve (12) inches for shoulders and sidewalks. Unless a permit is granted by the Town for the removal of loam and top soil, said material will be stock-piled on the premises for final landscaping of roadway shoulders and adjacent house lots. The depth of excavation may be reduced by written authorization of the Department of Public Works if the existing base is certified by the plan engineer as clean gravel meeting state specifications for construction. A greater depth of excavation may be required in any area where the sub-grade material (clay, peat, etc.) will not support the roadway, or drainage conditions require more gravel to establish a firm foundation. Prior to placement of the gravel base course, the entire sub-grade surface shall be thoroughly compacted by means of a three (3) wheel roller weighing not less than ten (10) tons or equivalent pneumatic tired or vibratory compactors. After compacting, the surface shall show no deviation in excess of two (2) inches from the grades indicated on the drawings. No gravel base course shall be placed in any sub-grade area until said area has been inspected and approved by the Department of Public Works or its agent.

4266. Placing and Compacting Gravel Base Course Materials. Bottom course gravel consisting of no stones larger than six (6) inches shall be placed in maximum lifts of eight (8) inches compacted depth. The final foot is to be a finer gradation with no stones larger than one and one half (1.5) inches in diameter. The base course gravel shall be placed not less than two (2) months prior to surfacing. All drainage and utilities are to be installed prior to placing base course gravel. The base course gravel, once approved, is not to be disturbed by digging without written authorization of the Department of Public Works.

4267. Conditioning of Base Course Prior to Surfacing. The surface of the base course will be inspected and tested for tolerances by the Department of Public Works or its agent. Any deviations in excess of the required tolerances shall be corrected by the subdivider as directed. Any ruts or soft yielding areas in the base course shall be corrected by removing unsuitable material, adding suitable material, reshaping and recompacting as directed. The base course, immediately before surfacing, shall be fine graded to four and one-half (4.5) inches below final grade as shown on the profiles on the Definitive Plan, with the grades of

the street further apart than fifty (50) feet. Grading shall be by means of a self-propelled road grader and such hand labor as may be required.

4268. Application on Permanent Surface. A permanent type pavement of Class I Bituminous Concrete, Type I-1 shall be placed in strict accordance with the Mass. Dept. of Public Works Standard Specifications for Highways, Bridges, and Waterways, Section 460.0 through 460.62. Said pavement shall be laid in two (2) courses, consisting of three and one-half (3.5) inches compacted thickness of base mixture and one and one-half (1.5) inch compacted thickness of top mixture. The completed pavement shall have a uniform compacted thickness of four and one half (4.5) inches. No permanent surface will be applied after November 1st unless authorized in writing by the Department of Public Works.

4269. Drainage structure frames and utility boxes shall be set to the binder grade unless otherwise directed by the Superintendent and his designee. The frames and boxes shall be raised to finish grade and set in a concrete collar just prior to final paving.

#### **4270. Shoulders.**

4271. Roadways shall have shoulders in conformance with the following widths:

Collector streets: 5 feet

Minor Streets: 5 feet

Lanes: 5 feet

4272. Shoulders shall be pitched at three-eighths (3/8) inch to the foot towards the curb or swale.

4273. Shoulders shall have an eight (8) inch gravel foundation, four (4) inches of topsoil (after rolling), and be planted in accordance with Section 4530.

#### **4300. STORMWATER MANAGEMENT.**

4310. General. Storm drains, culverts, swales, detention basins, and related facilities shall be designed to permit the unimpeded flow of all natural water courses, to ensure adequate drainage at all low points along streets, to control erosion, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area being drained, peak storm discharge rate at the boundaries of the subdivision in a twenty-five (25) year frequency storm shall be no higher following development than prior to development, unless authorized by the Board after consultation with the Conservation Commission, and determination that the receiving wetlands or water bodies may absorb the increase, or that the provision of detention capacity is sufficient. In a flood plain, adequate drainage systems shall be provided to reduce exposure to flood hazards.

Best Management Practices and Technology and the use of Low Impact Development. Where determined to be appropriate to the Board, the use of low impact development is

encouraged. Stormwater may be carried on the surface of the ground and recharged (herein, "open system") rather than piped to surface water (herein, "closed system"). The Planning Board will use the policy, criteria specifications and standards, of the latest edition of the Stormwater Handbook to execute the provisions of this section of the Rules and Regulations. The Handbook includes a list of acceptable stormwater treatment practices known as Best Management Practices (BMPs). Unless specifically revised in the zoning bylaw, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts's water quality standards.

**4320. Full Build Out.** Storm water run-off calculations for proposed conditions should use general land use conditions that assume full build out within the existing zoning requirements. Less conservative values may be applied to determine peak storm discharge rate when coupled with enforceable land use restrictions.

**4330. Location of Detention Basins.** Detention basins shall not be located on a separate parcel. No detention basin shall be located within fifty (50) feet of any lot line. Detention ponds shall have deeded easements to the town. A bond shall be kept in the towns' detention ponds escrow for upkeep in case of owners' lack of maintenance.

**4340. Storm Drains.**

4341. Except where drainage swales are used, catch basins or if directed, drop inlets, will be required on both sides of the roadway on continuous grades at intervals of not more than two-hundred and fifty (250) feet. Storm drains and culverts shall be no less than twelve (12) inches inside diameter and shall be of greater size if required by design considerations. All drains shall have a minimum of three (3) foot cover, except where reinforced concrete pipe is used and there the minimum cover shall be two (2) feet. Pipe approved by the Massachusetts Highway Department (MHD) shall be installed in accordance with MHD requirements. The subdivider shall specify the class of pipe to be used. Catch basin to catch basin connections shall not be permitted unless approved by the Superintendent of the Public Works for extreme situations.

4342. Proper connections shall be made with any existing drains in adjacent streets or easements where they may exist and prove adequate to accommodate the drainage flow from the subdivision, and in the absence of such facilities, or the adequacy of the same, it shall be the responsibility of the developer to extend drains from the subdivision as required a manner determined by the Department of Public Works, or Planning Board.

4343. Side drains during construction may be required by the Department of Public Works. Six (6) inch subdrains, five (5) feet off the side line may be required in all cuts over three (3) feet.

**4350. Catch Basins.** Catch basins shall be provided with grates installed and approved as to design by the Superintendent of Public Works. Manholes shall be provided at changes in direction, slope, or whenever there is a change in size of pipe, and so as to eliminate the draining of one basin into another basin. Catch basins and manholes shall be constructed of reinforced concrete. Catch basins shall have a four (4) foot deep sump. Drainage structures may only be constructed of concrete block if permitted by the Superintendent of Public Works in specific cases.

**4360. Certificate of Occupancy.** No certificate of occupancy shall be issued for any dwelling unit in a subdivision until the stormwater management system is fully operational.

#### **4400. MUNICIPAL SERVICES.**

**4410. Electricity and Telephone Service.** Electricity and telephone service shall be provided to each lot. All electrical, telephone, and other utility wires shall be placed below ground in conduit, unless the Board determines that such placement is not feasible or is not in the best interests of the Town.

**4420. Fire Protection.** Provision shall be made for fire protection in the subdivision. The applicant shall review plans for fire protection with the Chief of the Fire Department and reach an agreement as to the method of providing adequate fire protection. A subdivision plan shall be approved only upon presentation of evidence to the Board, subject to the approval of the Fire Chief, that adequate provisions for fire protection have been made. No certificate of occupancy shall be issued for any dwelling unit in a subdivision until all components of the fire protection system are fully operational.

**4430. Street Lighting.** Street lighting shall be provided for those locations where the Planning Board, following consultation with the Police Chief, the Board of Selectmen, and if deemed necessary the Traffic Safety Committee, recommends that the Town maintain lighting. Street lights shall remain lit until town approved. Escrow account may be required for payment of street lights.

**4440. Water.** Evidence shall be submitted to satisfy the Board of Health that adequate and potable water supply is available for each lot in the subdivision installed under roadway from existing road.

4441. any subdivision with a lot boundary with-in 1500' of an existing town sewer and or town water services must tie in and extend those services to each and every lot with-in the subdivision, provided this does not create or extend an existing dead end water main. Where connection to the public water system is not proposed, information indicating why such connection is not feasible, description of provisions to be made for water for fire fighting, and information adequate to allow determination of compliance to these regulations regarding potable water quality and quantity. Sewer extensions shall not create



a capacity issue down gradient in the existing town systems. Proof of adequate capacity shall be the responsibility of the applicant;

4442. Where a connection to the public water system is not feasible, the Planning Board shall approve a subdivision only upon its determination that the following provision for fire protection shall be met:

- a. A reliable year-round water supply readily accessible to the Fire Department shall be provided from natural or constructed bodies of water, such as ponds, streams or cisterns.
- b. Design, construction and capacity of natural and constructed bodies of water shall be approved by the Fire Department and shall comply with National Fire Protection Association (NFPA) standard 1142, "Water Supplies for Suburban and Rural Fire Fighting."
- c. Cisterns shall have a minimum capacity of thirty thousand (30,000), gallons available for firefighting as provided for in NFPA 1142 (ISO requirement, Fire Chief's Handbook, p. 601).
- d. Cisterns shall be inspected by the Fire Department during construction.
- e. A dry hydrant installed in conformance with NFPA 1142 is required. Height of the suction connection must be approved by the Fire Department.
- f. Subdivisions in which all houses have residential Sprinklers installed in conformance with NFPA 13, 13D or 13R shall not require additional fire protection.

4443. Where a connection to the public water system is not feasible, the Planning Board shall approve a subdivision only upon its determination that the well(s) on each lot is likely to be able to provide a sustained yield of five (5) gallons per minute with water quality meeting DEP's "Drinking Water Regulations of Massachusetts," as may be amended from time to time. One (1) test well may be required of the Applicant per ten (10) potential lots, or the Planning Board's determination may be based upon the written statement of a hydrogeologist following his analysis of well records on nearby premises, subsurface conditions, and potential sources of contamination.

4444. Subdivisions served by the town's water system shall meet the following specifications:

- a. Hydrants shall be spaced no more than five hundred feet (500) apart.
- b. Hydrant locations shall be approved by Fire Department.
- c. Minimum fire flow requirements (gallons per minute required to control a fire) shall meet National Fire Protection Association standards and be approved by the Fire Department.

#### **4500. OTHER IMPROVEMENTS.**

##### **4510. Sidewalks.**

4511. Required Locations. Sidewalks within street right-of-ways shall be provided as follows:

Collector streets: Both sides

Minor streets: One side

Lanes: One side

Omission of sidewalks shall be at the discretion of the Planning Board after comments from the site plan review process.

4512. Width and Alignment. Sidewalk pavement shall be five (5) feet wide on collector streets, and four (4) feet wide elsewhere. Except at intersections, sidewalks shall be separated from the traveled way by not less than the required shoulder width. Pavement width may vary to reflect or protect existing topography, trees, ledge, and other site features.

4513. Other Walkways. Public off-street walkways, bikeways, or bridle paths may be required by the Board to provide grounds, parks, shopping, transportation, open space, or community facilities, or to break up long blocks, or for any other reason that the Board may determine. No such walkway, bikeway, or bridle path shall be a part of any lot in the subdivision.

4514. Construction. Sidewalks shall have a foundation of twelve (12) inches or more of compacted processed gravel with a maximum stone size of one and one half (1.5) inches. Sidewalks shall be constructed of either 4000-pound redi-mix concrete or Hot Mix Asphalt as recommended by the Department of Public Works and directed by the Planning Board. Granite curb shall be used when recommended by the Department of Public Works and directed by the Planning Board.

Hot mix asphalt shall be a minimum of 2 and one half (2.5) inches of binder course and 1 inch of top course for a total thickness of three and one half (3.5) inches.

Concrete shall be a minimum of five (5) inches thick. Grass strips may be required between sidewalks.

4515. Landscaping. Grass Landscaped area shall be positioned between street pavement and sidewalk at the discretion of the Superintendent of Public Works.

**4520. Grass Plots and Slopes.** Embankments outside the shoulders and swales shall be evenly graded and pitched at a rate not steeper than two to one (2:1) in cut and three to one (3:1) in fill. The Board may require such banks and all other disturbed areas adjacent to the traveled way to be loamed and seeded to grass, or, after consideration of the surrounding vegetation and terrain, to be blended with such woods or natural surroundings as exist, with plantings chosen accordingly.

#### **4530. Plantings.**

4531. Unpaved areas within the right-of-way which have been stripped by the construction shall be graded to meet the adjoining property with a slope of not more than one (1) foot vertical to two (2) feet horizontal and loamed with at least four (4) inches of good quality topsoil. These areas shall be thickly seeded with perennial grasses or other planting materials approved by the Board.

4532. If the developer finds it necessary to remove any of the Town's trees, or if the Planning Board so requires, the developer shall replace any and all such trees at his own expense.

4533. Before removing any tree within the existing town right-of-way, the Tree Warden shall be consulted and shall post all trees that are proposed to be removed and a public hearing held.

4534. Suitable existing trees within the right-of-way, if larger than four (4) inch caliper and located outside the shoulders, shall be preserved, if recommended by the tree warden. Trees to be retained shall not have grade changed over their root areas more than twelve (12) inches.

4535. Where suitable trees do not exist at intervals of less than forty (40) feet on each side of the street, they shall be provided by the developer.

4536. Trees to be planted shall be well branched, nursery grown stock at least two and one-half (2.5) inch trunk diameter at four (4) feet above ground, and be free of injury, harmful insects, and diseases. They shall be long-lived species adapted to the local environment and approved by the Planning Board after review by the Superintendent of the Public Works and his designee (the Tree Warden).

4537. New plantings shall be guaranteed by the developer for a period of one year from the date of planting.

**4540. Curbing and Berms.** Bituminous concrete berms shall be installed on both sides of all roadways in conformity with the "typical roadway cross-section," appended hereto, except where waived by the Board after consultation with the Superintendent of Public Works or his designee where open drainage systems are being relied upon, and except at intersections with state- numbered highways or collector streets, where sloped granite curbing will be required.

**4550. Driveway Entrances.** Driveway entrances shall be constructed so to prevent drainage onto public ways. Driveways at intersections and cul-de-sacs shall be spaced so as to facilitate snow removal.

#### **4560. Monuments.**

4561. Monuments shall be installed at all street intersections; at all points of change in direction of curvature of the streets.

4562. Monuments must be granite or reinforced concrete, measure a minimum of four by four inches by four feet (4"x4"x4') and project four (4) inches above finish grade. Reference points are to be drilled in the top of each monument.

4563. Iron rods shall be installed at each lot corner along the street and as necessary to locate any easements to be deeded to the town.

4564. Four major corners of each lot shall be marked with iron rods. Iron rods shall be three-quarter (3/4) inch iron rod set to a depth of not less than four (4) feet below finished grade and to project not more than six (6) inches above finished grade.

4565. Placement and accurate location of all monuments shall be certified by a Registered Land Surveyor, and indicated on the as built plan.

#### **4570. Signs.**

4571. Street Signs. As soon as a street is paved, street signs conforming to those placed by the Town shall be erected at each end of the through way and intersections. The word "Private" shall be lettered on a separate sign placed under the street sign. This separate sign shall be removed when the street is accepted by the Town, and replaced by a sign that says, "Not a Through Way" if it is a cul-de-sac

4572. Advertising Signs

- a. No advertising signs shall be erected that may prevent the clear view of motorists at intersections.
- b. All signs shall conform to the Zoning By-Law of the Town.

#### **4600. MAINTENANCE AND CLEAN-UP.**

**4610. General.** The entire area of the subdivision must be cleaned up so as to leave a neat and orderly appearance free from debris and other objectionable materials, leaving no unfilled holes, and leaving no other artificially created hazards. A bond may be required to secure performance of this regulation.

**4620. Right of Way.** The entire area within the right-of-way shall be properly maintained by the developer until accepted by the Town. Immediately prior to such acceptance, all catch basins shall be cleaned. Snow removal and sanding of the streets shall be the responsibility of the developer until such acceptance. An escrow account or maintenance bond may be

required to secure performance of this regulation and is subject to annual review and possible increase to reflect market changes.

**4630. Stormwater Infrastructure.** All stormwater infrastructure constructed within the duration of the project shall be properly maintained as set forth in the Operation and Maintenance Plan submitted by the developer and maintained until such roadway accepted by the Town. An escrow account or maintenance bond may be required to secure performance of this regulation and is subject to annual review and possible increase to reflect market changes.

#### **4700. EASEMENTS.**

**4710. Fire Ponds and Utilities.** Easements for fire ponds and utilities across lots or centered on rear or side lines shall be provided, and shall be at least twenty (20) feet wide.

**4720. Storm Water Easement.** Where a subdivision is traversed by a water course, drainage way, stream, or channel, the Board may require that a storm water easement or drainage right-of-way be provided of adequate width to provide for free flow of water in its natural course, for construction, or for other necessary purposes.

#### **4800. FLOOD PLAIN.**

In a flood plain, all public utilities and facilities such as gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage.

#### **4900. PRIVATE DRIVEWAYS.**

**4910. Topping.** All driveways extending from the completed road surface to the lot lines must have a topping of at least three (3) inches of bituminous concrete. All driveway slopes must end at the street right-of-way, then continue forward to the completed road surface in the same grade as the sidewalk strip and/or shoulder in order to allow proper drainage of surface water.

**4920. Curb Cuts.** Curb cuts for driveways shall be constructed to Department of Public Works specifications in conformance with all zoning regulations.

#### **4900A. NON-RESIDENTIAL SUBDIVISIONS.**

**4910A.General.** Any street servicing land in a nonresidential zoning district as defined by the Zoning By-Law shall be designed as a collector street.

**4920A. Requirements.** The requirements herein shall be modified as follows: roadway construction shall provide for twenty-four (24) inch gravel foundation, base course of four (4) inch Asphalt Institute Type IV mix, and one and one half (1.5) inch Class I-1 bituminous concrete finish course, except that this requirement may be reduced where an alternative

system is demonstrated to be adequate for anticipated traffic, using the methods specified by the Asphalt Institute Manual Series NO. 1 (MS-1) "Thickness Design."

**4930A. Storm Drainage.** Storm drainage shall be designed on the basis of at least eighty percent (80%) impervious coverage on all lots, and lawns rather than natural vegetation in buffers and other remaining areas, unless there are land use restrictions enforceable by the Town, assuring some lower level of impervious coverage and natural vegetation.

## **SECTION 5000. ADMINISTRATION.**

**5100. INSPECTION.** For the protection of the town and future residents of the subdivision, a series of inspections during the course of construction is required to ensure compliance with the approved Definitive Plan and these Rules.

**5110. Inspection Requests.** Inspections shall be requested by the subdivider at least four (4) full working days in advance by written notice to the Board and its duly authorized representative.

**5120. Inspections Required.** The subdivider shall contact the Planning Board and its duly authorized representative for inspections regarding the following aspects of the subdivision, at the specified times:

5121. Roadbeds: following excavation of the roadbed, but prior to any backfilling.

5122. Drainage system: following installation of drain pipe, culverts, catch basins, and all related construction, but prior to any backfilling.

5123. Underground utilities: following laying of electric, telephone, and fire alarm cable in roadway and to individual dwellings, but prior to any backfilling.

5124. Bottom gravel foundation: following application, grading, and compaction of gravel foundation.

5125. Top Gravel Foundation: following application, grading, and compaction of gravel foundation.

5126. Pavement: notice shall be given so that inspection may be conducted during and upon completion of paving. Copies of all pavement trucking slips shall be submitted to the Superintendent of Public Works after final paving is complete.

5127. Final inspection: following completion of roadways, permanent bench marks, curbing, berming, walkways, grading, seeding, and cleanup.

**5130. Backfilling.** No water main, storm drain, catch basin, utility installation, road sub-grade or foundation, or any other item of work designated for inspection, shall be backfilled or paved over until inspected and approved by the Board or its duly authorized representative.

**5200. REFERENCE.** For matters not covered by these Rules, reference is made to M.G.L. c.41, ss. 81K - 81GG, inclusive, as amended.

**5300. SEPARABILITY.** If any section, paragraph, sentence, clause, or provision of these Rules shall be adjudged invalid, the adjudication shall apply only to the material so adjudged, and the remainder of these shall be deemed to remain valid and effective.

**5400. AMENDMENTS.** These Rules or any portion thereof may be amended, supplemented, or repealed from time to time by the Board, after a public hearing, on its own motion or by petition.

A True Copy, Attest:

Nancy E. Burnham  
Town Clerk