



RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND

PLANNING BOARD
WEBSTER, MASSACHUSETTS

ADOPTED MARCH 3, 1992

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**RULES AND REGULATIONS GOVERNING
THE SUBDIVISION OF LAND**

WEBSTER, MASSACHUSETTS

SECTION I. PURPOSE AND AUTHORITY

A. Purpose

These subdivision rules and regulations have been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the Town of Webster 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 Appeal under these regulations shall be exercised with due regard for:

1. the provision of adequate access to all the lots in a subdivision by ways that will be safe and convenient for travel;
2. lessening congestion in such ways and in the adjacent public ways;
3. reducing danger to life and limb in the operation of motor vehicles;
4. securing safety in the case of fire, flood, panic and other emergencies;
5. insuring compliance with applicable zoning by-laws;
6. securing adequate provision for water, sewerage; drainage, underground utility services, fire, police and other similar municipal equipment, street lighting and other requirements where necessary in a subdivision;
7. 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
8. protecting, promoting, and enhancing the natural beauty and amenities of the Town.
9. encouraging the use of solar energy and protecting the access to direct sunlight of solar energy systems.

B. Authority

Under the authority vested in the Planning Board of the Town of Webster by Section 81-Q of Chapter 41 of the Massachusetts General Laws, said Board hereby adopts these "Rules and Regulations Governing the Subdivision of Land" in the Town of Webster. Such rules and regulations first went into effect on the 4th day of May, 1954.

SECTION II. GENERAL

A. Definitions

ADT (Average Daily Traffic): The average number of cars per day that pass over a given point.

Applicant: Shall include an owner or his agent or representative, or his assigns.

Board: The Webster Planning Board.

Cartway: That portion of the way, right-of-way, or street layout which has been prepared and constructed for vehicular traffic.

Driveway, Common: a driveway which provides access to no more than three (3) lots used or to be used for single family dwellings only, but which does not qualify as a street for determining frontage under the Zoning-By-Law.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Length of a Dead-End Street: This distance shall be measured from the right-of-way line of the nearest through street to the midpoint of a cul-de sac turnaround.

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

Monument: A permanent marker to indicate a boundary point or other point for measurement purposes.

Municipal Service: Sewers, surface water drains, and other private or public utilities, including water pipes, gas pipes, electric lines, telephone lines, fire alarm system, and their respective appurtenances.

Permanent Benchmark: A permanent reference point with the elevation accurately established and referenced to the USGS datum.

Person: An individual, or two (2) or more individuals, a partnership, corporation, or trust having common or undivided interest in a tract of land.

Planning Board Agent: A Town employee or consultant authorized by the Planning Board to review subdivisions and administer these regulations.

Recorded: Recorded in the Worcester County Registry of Deeds except that, as affecting registered land, it shall mean filed with the recorder of the Land Court.

Registered Mail: Registered or certified mail.

Standard Specifications: The Commonwealth of Massachusetts, Department of Public Works, "Standard Specifications for Highways and Bridges," 1988 Edition as amended.

Street Hierarchy:

1. Residential Access Street. The lowest order of residential street. Provides frontage for access to private lots and carries traffic having a destination or origin on the street itself. Designed to carry traffic at slowest speed. Traffic volume should not exceed two hundred fifty (250) ADT at any point of traffic concentration. The maximum number of housing units should front on this class of street.
2. Residential Subcollector. Middle order of residential streets. Provides frontage for access to lots and carries traffic to and from adjoining residential access streets. Traffic should have origin or destination in the immediate neighborhood. Traffic volume should not exceed five hundred (500) ADT at any point of traffic concentration.
3. Residential Collector. The highest order of residential street. Conducts and distributes traffic between lower-order residential streets and higher-order streets (arterials and expressways). Since its function is to promote free traffic flow, access to homes and parking should be prohibited. Collectors should be designed to prevent use as shortcuts by non-neighborhood traffic. Total traffic volume should not exceed three thousand (3,000) ADT.

Subdivision: The division of a tract of land into two (2) or more lots and shall include re-subdivision and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on: (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence on May 4, 1954 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 building erected or to be erected thereon. Such frontage shall be of at least such distance as is required by the Webster Zoning By-Law for erection of a building on such lot. Conveyances or other instruments adding to, taking away from, or Changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the Town into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

B. Approved Plan Required

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

C. One Dwelling Per Lot

Not more than one building designed or available for use for dwelling purposes shall be erected, or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town of Webster without the consent of the Planning Board, which consent may be conditional upon the providing of adequate ways to each site for such-building, in the same manner as otherwise required for a subdivision.

D. Issuance of Building Permits

The Building Inspector shall not issue any permit until first satisfied that, a) the lot on which the building is to be erected is not within a subdivision, or b) 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.

E. Fees

1. All expenses for advertising, publication of notices, engineering, professional planning review, inspection of construction, recording and filing of documents specified below shall be borne solely by the applicant.
2. In addition to the application fees and per-lot charges for plans, the applicant shall pay any additional cost of retaining professional engineering review services if such services are deemed necessary by the Planning Board. All other expenses, such as inspections and tests by Town Departments, in connection with or for a subdivision, shall be separately billed to the applicant. Any unexpended fees shall be returned to the applicant.
3. Filing Fee Schedule.

Approval Not Required Plan: \$50.00 per lot

	Application Fee	Minimum Professional Services Fee	Maximum Professional Services Fee
Preliminary Plan:	\$100 per plan	\$500 per plan	\$1,000
Definitive Plan	\$50.00 per unit	\$200 per unit	None

Release and Inspection: \$2 per linear foot of centerline of the travelled way.

4. Application and professional review fees shall be paid to the Planning Board at the time the plan is submitted and made payable to the Town of Webster. The inspection fee shall be paid prior to the start of construction.

F. Plan Believed Not to Require Approval

1. Submission Procedures

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, may submit to the Town Clerk:

- a. two mylars and six (6) copies of the plan;
- b. two copies of a properly executed Form A;
- c. the filing fee as specified in Section II.E.;
- d. the evidence necessary to prove that the plan does not require approval.

The Town Clerk shall retain one copy of the plan and one copy of the Form A and transmit forthwith the mylars and five (5) copies of the plan, the filing fee, and one copy of the Form A to the Planning Board.

2. Determination by the Board.

- a. If the Board determines that the plan does not require approval, it shall forthwith without a public hearing and within twenty-one (21) days of submission endorse on the plan the words "Approval under the Subdivision Control Law Not Required." Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action. The Board shall keep one mylar for its records.
- b. If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within twenty-one (21) days of submission of said plan so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination.
- c. For any plan entitled to endorsement the Planning Board may note on the plan any lot or parcel which it believes is not a buildable lot under the terms of the Zoning By-Law: The endorsement may include a statement of the reason why approval is not required or that no determination is being made regarding conformance to zoning requirements.

3. Contents of Plan.

The plan submitted shall be clearly and legibly drawn on mylar single matte, .004" in black India ink. The plan shall be at a scale of one inch equals forty feet (1"=40'). Sheet sizes shall be either eighteen inches by twenty-four inches (18" x 24") or twenty-four inches by thirty-six inches (24" x 36"). The plan shall show the following information:

- a. Plan title, north point, date, and scale.
- b. Name of record owner, signature and seal of the registered surveyor who prepared the plan, and the Worcester District Registry of Deeds book and page reference.
- c. Existing and proposed boundary lines, frontage distance, and area of all lots and parcels which are being created or modified.

- d. Location and ownership of land abutting the property as appearing on the most recent tax list.
 - e. Lines of existing and proposed streets, ways, lots and easements. Sufficient data should be provided to determine the location, direction and length of every street and way line, lot line and boundary line.
 - f. Zoning classifications of all areas shown on the plan.
 - g. Location of all permanent bounds properly identified as to whether existing or proposed.
 - h. The statement "Approval Under the Subdivision Control Law Not Required" and an endorsement block area with room for the Planning Board to record its action, date of endorsement and signatures, followed by the statement "Endorsement by the Planning Board does not guarantee that any of the lots shown on this plan are buildable lots".
 - i. Location of existing structures and setback distances to proposed property lines as required by the Zoning By-Law.
4. Adequate Access Required.

Plans Believed Not to Require Approval shall be endorsed by the Planning Board only if each building lot to be created by such plan has adequate access as intended by the Subdivision Control Law.

5. Failure of the Board to Act.

If the Board fails to act upon the plan, or fails to notify the Town Clerk and the applicant of its action within twenty-one (21) days-after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and the Board shall forthwith make such endorsement on said plan, and on its failure to do so, the Town Clerk shall issue a certificate to the same effect. The plan bearing such endorsement, or the plan and such certificate as the case may be, shall be delivered by the Board, or in the case of the certificate, by the Town Clerk, to the applicant.

SECTION III--PROCEDURES FOR THE SUBMISSION AND APPROVAL OF PLANS

A. Preliminary Plan

1. General.

A preliminary plan of a subdivision shall be submitted for any proposed nonresidential subdivision and may be submitted for any proposed residential subdivision. The submission of such a preliminary plan will enable the applicant, the Board, other municipal agencies and owners of property abutting the subdivision to discuss the problems of the subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in every case.

2. Required Submissions.

To the Planning Board - two mylars, six (6) copies of the plan and waivers requested, one (1) Application Form B, and the required fee.

To the Town Clerk - one (1) copy of the plan and an application Form B.

To the Board of Health - three (3) copies of the plan.

To the Department of Public Works - two (2) copies of the plan for the Town Engineer and one each for the highway, water, and sewer superintendents - 5 copies total.

To the Conservation Commission - one (1) copy of the plan.

3. Incomplete Filings.

Any Preliminary Plan submitted by the applicant which does not conform to the requirements herein, or without the proper fee, shall be returned to the applicant within fourteen (14) days with a statement of its deficiencies, and the plan shall not be accepted for review by the Board until the deficiencies are corrected.

4. Contents.

The Preliminary Plan shall be drawn on mylar (single matte, .004") with pencil at a suitable scale, preferably one inch equals forty feet (1"= 40'). The plan shall be designated as a "Preliminary Plan" and, to form a clear basis for discussion of any problems associated with the subdivision and for the preparation of the Definitive Plan, the plan should contain the following:

- a. The subdivision name, boundaries, north arrow, date, scale, legend, and title "Preliminary Plan".
- b. Major site features such as existing stone walls, fences, buildings, large trees, wooded areas, and bedrock outcrops; wetlands which could come under the jurisdiction of the Conservation Commission; water bodies and water courses; scenic roads designated under the authority of Chapter 40, Section 15C; and existing topography at two foot contour intervals for the entire tract.
- c. The names of the record owner and the applicant and the name of the designer, engineer or surveyor.
- d. The names of all abutters, as determined from the most recent tax list.
- e. Existing and proposed lines of streets, ways easements and any public areas within the subdivision in a general manner.
- f. The proposed system of drainage, including adjacent existing natural waterways, in a general manner.
- g. Proposed water and sewer line locations.
- h. The approximate boundary lines of proposed lots, with approximate areas and dimensions.

- i. The names, approximate location and widths of adjacent streets.
 - j. Profiles of proposed streets at a scale of one inch equals forty feet (1" = 40') horizontal and one inch equals four feet (1" = 8') vertical.
 - k. Approximate building and driveway locations.
5. Plans for Overall Proposed Development.

In the case of a Preliminary Plan of a subdivision covering less than all of the land owned by the applicant in the area of the subdivision, the Board may request that the Preliminary Plan be accompanied by a plan showing in a general manner the overall proposed development of all the land owned by the applicant in the area of the subdivision and indicating the section for which approval is desired.

6. Approval

Within forty-five (45) days after submission of a preliminary plan the Planning Board and Board of Health shall notify the applicant and then the Town Clerk, by certified mail, either that the plan has been approved, or that the plan has been approved with modifications suggested by each Board or agreed upon by the person submitting the plan, or that the plan has been disapproved, and in the case of disapproval each Board shall state its reasons therefor. The Planning Board shall return one mylar to the applicant and keep one mylar for its records. Each Board shall send a copy of its decision to the other Board.

B. Definitive Plan

1. General.

Any person who submits a Definitive Plan of a Subdivision shall file with the Planning Board the following:

- a. Two mylars of the Definitive Plan and five (5) copies thereof, and five (5) copies of all additional materials as required herein.
- b. A properly executed Application Form C and a Designer's Certificate Form D.
- c. The required fee as specified in Section II.E.
- d. A list, certified by the Board of Assessors, of all owners of land abutting upon the land included in the plan as appearing on the most recent tax list.
- e. A list of waivers requested with explanation of need for each.

2. Date of Submission.

A plan shall be submitted when delivered at a meeting of the Planning Board or when sent by registered mail to the Planning Board, care of the Town Clerk. If so mailed, the date of mailing shall be the date of submission of the plan.

3. Notice to the Town Clerk.

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

application Form C. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt to the person who delivered such notice.

4. Submissions to Other Boards and Departments.

The applicant shall file one copy of all materials to the Board of Health, Conservation Commission, and Fire Department; and five (5) copies with the Department of Public Works (two copies for the Town-Engineer and one each for the highway, water, and sewer superintendents).

5. Incomplete Filings.

Any Definitive Plan submitted by the applicant which does not conform to the requirements herein, without the proper fee, shall be returned to the applicant within fourteen (14) days with a statement of its deficiencies, and the plan shall not be accepted for review by the Board until the deficiencies are corrected.

6. Contents.

The Definitive Plan shall be prepared, sealed and signed by a registered engineer and registered surveyor and shall be clearly and legibly drawn on mylar (single matte, .004") in black India ink. The plan shall be at a scale of one inch equals forty feet (1" = 40') or such other scale as the Board may accept to show details clearly and adequately. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

- a. Subdivision name, boundaries, north arrow, date, and scale.
- b. Name and address of record owner, subdivider, and Registered Professional Engineer and Registered Land Surveyor, with seals.
- c. Names of all abutters as they appear on the most recent tax list, including property owners on the opposite side of any streets abutting the subdivision.
- d. Existing and proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision. The proposed street names shall be shown in pencil until they have been approved by the Board. Before endorsement of the plan, approved street names shall be inscribed in ink.
- e. Sufficient data to determine the location, direction and length of every street and way, lot line and boundary line, so as to establish these lines on the ground.
- f. Location of all permanent monuments properly identified as to whether existing or proposed.
- g. Location, names, and present widths and grades of streets bounding, approaching or within reasonable proximity of the subdivision.
- h. Suitable space to record the action of the Board and the signatures of the members of the Board.
- i. Existing and proposed topography at two foot (2') contour intervals for the entire site.

- j. Zoning district names and boundaries within one hundred (100) feet of the subdivision, and minimum building setback lines for all lots.
 - k. Boundary lines, areas, and dimensions of all proposed lots with lot numbers.
 - l. House numbers on a separate sheet and a legend designating the manner in which such numbers are derived.
 - m. Location of existing and proposed sidewalks, street signs, street lighting standards, public utility facilities above and below ground, curbs and / or shoulders.
 - n. Location and purpose of all existing and proposed easements. The location of an easement shall not be modified without the permission of the Planning Board.
 - o. Locus plan, showing the location of the subdivision in relation to surrounding streets at a scale of one inch equals one thousand feet (1" = 1,000'), and an accurate index plan.
 - p. A sketch plan showing possible or prospective street layout for any adjacent land owned or controlled by the owner or applicant.
 - q. Park or open areas suitably located for conservation, playground or recreation purposes within the subdivision, if any.
 - r. Proposed system of drainage, including existing natural waterways and the proposed disposition of water from the subdivision to the primary receiving watercourse or other body of water. Drainage calculations shall be prepared using the Rational Formula (See Section V, B.7.). A report shall be submitted including the design criteria used and other information sufficient for the Board to check the size and design of any proposed drain, swale, culvert, catch basin or detention or retention pond.
 - s. Proposed sanitary sewer system, if applicable.
 - t. The location and size of existing and proposed water mains, hydrants, and main gate valves.
 - u. Location and species of proposed street trees and trees to be retained with trunks over three (3) inches in diameter at breast height within twenty (20) feet of the right-of-way lines of each street.
7. Profiles of Proposed Streets.
- For each street there shall be a separate profile at one inch equals forty feet (1" = 40') horizontal and one inch equals four feet (1" = 4') vertical, showing the following data:
- a. Existing exterior and center lines of the way, with sufficient data to determine their location, length, and direction. Elevations shall be based on U.S. Geological Survey datum. The existing centerline profile for intersecting streets shall be shown for at least one hundred (100) feet on each side of the intersection of street centerlines.
 - b. The proposed centerline profile showing all changes in grade, with elevations to be shown at fifty (50) foot intervals along uniform grades and at twenty-five (25) foot intervals along vertical curves.
 - c. Road centerline stationing.

d. All sewer and drainage facilities, indicating proposed pipe sizes, slopes, and rim and invert elevations.

8. Percolation Tests Required if Public Sewers are Unavailable.

Where sanitary sewers are not available, the results of percolation tests and deep test pits to determine water table and impervious materials shall be shown for those proposed lots within the subdivision as required by the Board of Health. The proposed locations of the septic system, wells, and buildings shall be shown to meet the requirements of Title 5 and the regulations of the Board of Health.

9. Erosion Control Plan.

The applicant shall submit an erosion control plan indicating the erosion control measures to be employed, including a description of locations of temporary stockpiles, spoil areas, temporary drainage systems, slope stabilization techniques and sediment basins and a narrative description of how erosion from individual lots onto streets and into drainage systems is proposed to be controlled.

10. Environmental Analysis.

An environmental analysis shall be required for Definitive Plans showing twenty-five (25) or more units. This analysis shall be prepared by an interdisciplinary team, and the qualifications of each member to perform the analysis of each topic shall be submitted. The analysis shall describe the measures proposed to minimize environmental damage, alternatives to the proposed actions and their consequences, and any short and long term consequences which cannot be avoided. The analysis shall include a discussion of the following:

- a. Drainage impacts and control measures to protect adjacent properties within the subdivision and abutter's properties.
- b. Impacts and measures to protect wetlands protected by the Wetlands Protection Act.
- c. Effects to and from flood hazard areas and measures to minimize such effects.
- d. General impacts upon groundwater quality and level.
- e. General impacts upon surface water quality and level.
- f. Effects on important wildlife habitats and unique natural areas.
- g. Impacts to nearby community and / or environmental resources.
- h. Presence of any endangered species (plant and animal) or any nearby habitats.
- i. Projected traffic impacts based upon peak hour and daily traffic volumes generated by the development on all roads and intersections within one thousand (1000) feet of the development.

11. Review by the Board of Health.

The Board of Health shall, within forty-five (45) days of the filing of the plan with the Planning Board, report to the Board in writing, and send a copy to the person who submitted the plan, of its approval or disapproval of the plan. In the event of disapproval the Board

of Health shall make specific findings as to which of the lots, if any, shown on the plan cannot be used for building sites without injury to the public health and include such specific findings and the reasons therefor in such report and, where possible, shall make recommendations for the adjustments thereof. If the report of the Board of Health shall so require, the approval by the Planning Board shall be on condition that no building or structure shall be built or placed upon the areas designated without consent of the Board of Health. Failure of the Board of Health to report shall be deemed approval, and the Planning Board shall note on the plan that health approval is by failure to report.

12. Conservation Commission Review.

The applicant shall document prior to Planning Board approval of the Definitive Plan, either that the Conservation Commission has determined that the Wetlands Protection Act (M.G.L. Chapter 131, Section 40) is not applicable the proposed development or that he has filed a Notice of Intent with the Commission. The Commission may also comment on the effects of the subdivision on the streams, wildlife and similar considerations, and the proposals for demolishing, retaining on moving site features. Concurrent review by the Commission and the Board may be exercised at the option of the two boards.

13. Public Hearing.

Before approval, approval with conditions, or disapproval of a Definitive Plan is given, a Public Hearing shall be held the Planning Board. Notice of the time, place and subject matter sufficient for identification shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Webster- once two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing. A copy of the advertisement shall be mailed to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list.

14. Action by Planning Board.

- a. Following a public hearing and within ninety (90) days (if a Preliminary Plan was submitted) or one hundred thirty-five (135) days (if no Preliminary Plan was submitted) of the date of submission, the Planning Board shall approve, modify and approve, or disapprove the plan, unless an extension has been requested in writing by the applicant. Such extension of time; if granted, shall be filed by the Board with the Town Clerk.
- b. Criteria for the Board's decision shall be the following:
 1. Completeness and technical accuracy of all submissions.
 2. Conformity with design and construction standards of these regulations.
 3. Determination that the subdivision as designed will not cause substantial and irreversible damage to the environment which could be avoided or ameliorated through an alternative development plan.
 4. Conformity with all applicable zoning requirements.
 5. Consistency with the purposes of the Subdivision Control Law.
 6. Determination that dangerous traffic conditions will not result from inadequacy of the adjacent ways providing access to the subdivision.

- c. Approval of the Planning Board or approval with conditions with respect to such subdivision plan shall be by majority vote of the Board. If the Board disapproves such plan, it shall state in detail wherein the plan does not conform to these rules and regulations or to the recommendations of the Board of Health.
- d. Following such action, and within the ninety (90) or one hundred thirty-five- (135) day period as applicable, or the extended time period agreed to by the Board, the Board shall file a certificate of its action with the Town Clerk, a copy of which shall be kept in a book for this purpose, and send notice of its action by registered mail, postage prepaid, to the applicant. A copy of the certificate shall be transmitted by the Board to the Building Inspector.
- e. Final Planning Board approval shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board, but not until 1) the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk, and said Clerk has notified the Board that no appeal has been filed; or if appeal has been taken, after the entry of the final decree of the court sustaining the approval of such plan; and 2) a satisfactory performance guaranty has been approved by the Board.
- f. Following plan approval, endorsement and recording, the applicant shall provide the Planning Board with three (3) prints of the plans, one (1) copy of final covenants and restrictions, if applicable, noting book, page number and date of recording for each, and three (3) prints of the street profiles. One (1) copy of the Definitive Plan and profile shall be transmitted to the Building Inspector and Highway Superintendent by the Board.
- g. Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of the streets within a subdivision. Requests for street acceptance must be made through the Board of Selectmen and accepted by a majority vote of Town Meeting.

C. Performance Guaranty

1. Form of Guaranty.

Before endorsement of its approval of a plan, the Board shall require that the construction of ways and installation of municipal services be secured by one, or in part by one and in part by another, of the following methods, which may be varied from time to time by the applicant. Such security shall provide, among other things, that no structures shall be occupied until streets or ways serving such structures have been surfaced with at least the binder course.

a. Approval with Bonds and Surety.

The applicant may either file a performance bond with approved surety or a deposit of money or negotiable securities, in an amount to be determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V. not covered by a covenant under clause (b.) below. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel

and shall be contingent on the completion of such improvements within two (2) years of the date of the bond or deposit, unless the time is extended by a vote of the Board.

If completion is secured by bond or deposit, the amount shall be determined by the Board, after review by the Town Engineer, to cover:

1. The cost to the Town, should it be obliged to install the required improvements.
2. Maintenance of roads and utilities for one (1) year.
3. Inflation over the time allowed for completion of the work.
4. Ten percent (10%) contingency.

b. Approval with Covenant.

The applicant may file a covenant, Form E, executed and duly recorded by the owner of record, running with the land, whereby such ways and municipal services as specified in Section V. shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed. (See M.G.L. Ch. 41 § 81-U for restrictions on sale of the subdivision, or individual lots, secured by a covenant.) Any covenant, and any condition required by the Board of Health, shall be either inscribed on the plan or contained in a separate document, referred to on the plan.

c. Approval with Mortgage Agreement.

The applicant may deliver to the Board an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the Planning Board and otherwise due the applicant, to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed, shall be available for completion.

2. Reduction of Security.

The penal sum of any such bond or the amount of any deposit held under clause (a.) above or the amount of funds retained pursuant to an agreement under clause (c.) above may from time to time be reduced by the Board, and the obligations of the parties thereto released by the Board in whole or in part so that the amount bonded, deposited, or retained continues to reflect the expected cost of work remaining to be completed as derived under clause (1.a) above. If release is by reason of Covenant, a new plan of the portion to be subject to the covenant may be required.

3. Release from Performance Guaranty.

Upon the completion of the improvements required under Section V., security for the performance of which was given by bond, deposit or covenant, or upon the performance of

any covenant with respect to any lot, the applicant shall send by registered mail to the Town Clerk and the Board a written statement (certified by a Professional Engineer) that the improvements in connection with which such bond, deposit or covenant has been given have been completed in accordance with the requirements contained under Section V., such statement to contain the address of the applicant. If the Board determines that said improvements have been completed, it shall release the interest of the Town in such bond and return the bond or the deposit to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded.

If the Board determines that said improvements have not been completed, it shall specify in a notice sent by registered mail to the applicant and to the Town Clerk the details wherein said improvements fail to comply with its rules and regulations and upon failure to do so 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, any deposit shall be returned and any such covenant shall become void. In the event that the forty-five (45) day period expires without such specifications or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

4. Failure of Performance.

Any such bond may be enforced and any such deposit may be applied by the Board for the benefit of the Town, as provided in Section 81-Y of M.G.L. Chapter 41 upon failure of the performance for which any such bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction and installation.

5. As-Built Plans

Prior to the final release of the performance guaranty, the applicant shall file with the Planning Board an As-Built Plan of completed streets. The plan shall show all plans and profiles corrected and certified by a Professional Engineer to be actual as-built locations and profiles of all streets, ways, and utilities, including those installed by others, the locations of all lot lines certified by a Registered Land Surveyor, and the assigned house numbers for each dwelling.

6. Acceptance by the Town.

- a. A minimum of ten percent (10%) of the original amount bonded, deposited or retained shall be held by the Town for the maintenance of streets and municipal services after completion of construction and installation until the streets are voted for acceptance by the Town, after which date the Town shall release the remainder to the applicant.
- b. Upon Planning Board approval of the As-Built Plan and final release of the performance guaranty, the applicant shall file with the Planning Board an original of the As-Built Plan on Mylar, together with the proper legal descriptions for initiating an article in the Town Warrant pursuant to the acceptance of ways at the Town Meeting and shall grant a deed (or deed of easement) to the Town of the streets, utilities and easements, as contained in the plan; said deed to be recorded by the Town upon acceptance of the streets by the Town Meeting.

SECTION IV. -- DESIGN STANDARDS

A. Basic Requirements

The applicant shall observe all design standards, and, as a general guideline, explore all methods and means to maintain as much of the natural topography, drainage and vegetation as possible so that disruption of these natural features and characteristics is kept to an absolute minimum. The Planning Board may require, in instances related to the preceding, that the applicant utilize the services of a registered Landscape Architect. These standards shall be considered as minimum and shall be waived or modified only in instances where such waiver or modification will result in improved subdivision design, the preservation and enhancement of natural features or an ultimate in saving in street maintenance cost and other similar costs usually associated with streets once duly accepted by the Town.

B. General Subdivision Design

All subdivisions shall be designed and constructed to do the following:

1. Reduce, to the extent possible:

- a. the volume of cut and fill;
- b. area over which existing vegetation will be disturbed, especially if within one hundred (100) feet of a river, pond, or stream, or having a slope of more than fifteen percent (15%);
- 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.

2. Increase, to the extent possible:

- a. vehicular use of collector streets to avoid traffic on streets providing house frontage;
- b. visual prominence of the landscape;
- c. legal and physical protection of views from public ways;
- d. street layout facilitating south orientation of houses;
- e. use of curvilinear street patterns.

C. Adequate Access from a Public Way

1. Where the street system within a subdivision does not have, in the opinion of the Board, adequate access from a public way, the Board may require, as a condition of approval of a plan, that such adequate access be provided by the applicant and/or that the applicant make

physical improvements to and within such a way of access, in accord with the provisions of Section V. of these regulations.

2. Where the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the applicant to dedicate a strip of land for the purpose of widening the abutting public way to a width at least commensurate with that required within the subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land-for the purpose of way and any such Work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the applicant.

D. Street Design

1. Location

- a. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall be given by the applicant to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- b. The proposed streets shall conform, so far as practicable, to the Master Plan as adopted in whole or in part by the Board.
- c. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- d. Street patterns derived solely for the purpose of providing maximum lot development will be cause for disapproval.
- e. Subdivisions containing more than twenty-five (25) lots shall have at least two (2) non-contiguous street connections with other existing public ways or ways shown on an approved subdivision plan. Divided streets may satisfy this requirement and shall be built according to the design standards for the appropriate street class; cartway widths may be applied to the aggregate dimensions of the two street segments.

2. Alignment.

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than seventy-five (75) degrees.
- b. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet should be avoided.
- c. Except where no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than four hundred (400) feet measured from centerline to centerline of the intersecting street.
- d. Cul-de-sacs and loop streets are encouraged to minimize through traffic on residential streets and to provide for maximum privacy.

3. Street Hierarchy.

- a. Streets shall be classified in a street hierarchy with design tailored to average daily traffic (ADT) calculated by trip generation rates. Each detached single family dwelling shall be deemed to generate ten (10) ADT. For other uses, the applicant shall refer to the latest edition of the Trip Generation Manual prepared by the Institute of Transportation Engineers. The Board may allow rates from other sources to be used if the applicant demonstrates that these sources better reflect local conditions
- b. Each residential street proposed in a subdivision shall be classified and designed for its entire length to meet the Standards for the street-type depending upon the average daily traffic the road is expected to carry.
 1. Residential access streets shall be designed so that no section conveys an ADT greater than two hundred fifty (250). Each half of a loop street may be classified as a single residential access street but the total traffic volume generated on the loop street should not exceed five hundred (500) ADT, nor should it exceed two hundred fifty (250) ADT at any point of traffic concentration.
 2. Subcollectors shall be designed so that no section conveys an ADT greater than five hundred (500). Each half of a loop subcollector may be classified as a single subcollector street, but the total traffic volume conveyed on the loop street should not exceed one thousand (1,000) ADT, nor should it exceed five hundred (500) ADT at any point of traffic concentration.
 3. Residential collectors shall be designed so that no section conveys an ADT greater than three thousand (3,000).
 4. Arterial streets convey an ADT greater than three thousand (3,000) and should be excluded from residential areas. Design for arterials shall meet the specifications of the Massachusetts Department of Public Works.
- c. Table 1 lists the specific standards for various design elements to which each street in the hierarchy must conform.

4. Dwelling Unit Access.

- a. Access to Residential Collectors: Whenever possible, these streets should be designed to limit access to residential lots by the following means:
 1. Creation of lots which back onto the residential collector and front on a lower order street parallel to it.
 2. Use of common driveways, cul-de-sacs, U-shaped streets or short loops with access to lots provided lower order streets.
 3. Design of a service road separated from the residential collector by plantings or a grass strip.
- b. Access to Arterial Streets: Whenever a subdivision that involves the creation of one or more new streets borders on an arterial street, no direct driveway access may be provided from the lots within the subdivision onto this street.

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- c. Access Through Another Municipality: In case access to a subdivision crosses land in another municipality, the Board may require certification by appropriate officials that the way in question is in accordance with the subdivision rules and regulations of that municipality, that the security for construction in that municipality 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.

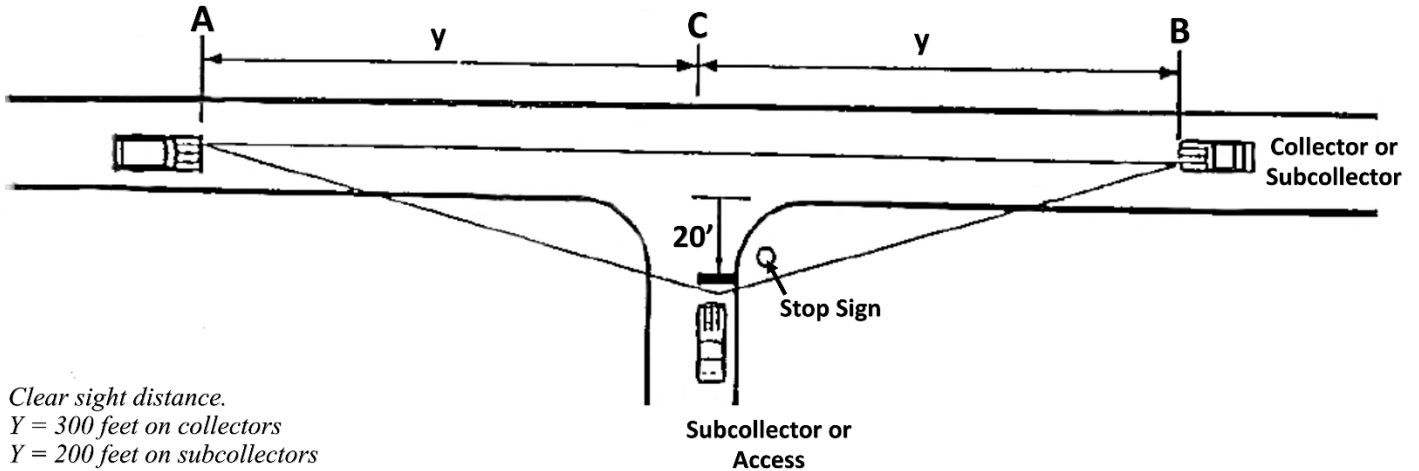
TABLE 1
STREET DESIGN STANDARDS

	TYPE OF STREET		
	Residential Access	Residential Subcollector	Residential Collector
1. Design Speed (mph)	25	30	35
2. Average Daily Traffic	250 (each loop) 500 (total)	500 (each loop) 1000 (total)	3000 (total)
3. Minimum Right of Way (1)	50'	50'	60'
4. Paved Width	32'	32'	32'
5. Sidewalks Required	One Side	One Side	Both Sides
6. Turf Area (with curbs)	Two 4½'	Two 4½'	Two 4½'
7. Shoulder Area	Two 4½'	Two 4½'	Two 4½'
8. Minimum Grade	.75%	.75%	.75%
9. Maximum Grade	8%	6%	5%
10. Maximum Grade Within:			
A. 50' of Intersection	3%	3%	--
B. 100' of Intersection	--	--	2%
11. Minimum Centerline Radius	100'	150'	300'
12. Minimum Tangent Length Between Reverse Curves	50'	100'	150'
13. Curb Radius at Intersection (3)	15'	25'	30'
14. Stopping Sight Distance	150'	200'	250'
15. Clear Sight Distance (y) at Intersection (4)	—	200'	300'

FOOTNOTES

1. Under certain circumstances, the Board may require an increase in right-of-way width by up to ten (10) feet to accommodate walkway construction and preserve natural features, or where further subdivision may change the street classification to a higher order street.

2. The Board may grant a waiver to allow steeper grades where due to severe topography, such grades are necessary to minimize cuts and fills. Waivers may not allow the grades shown above to be exceeded by more than two (2) percent.
3. The street classification with the higher requirement shall govern.
4. When a street intersects a street of higher order classification, a clear sight triangle should be designed to provide the driver of the entering vehicle with an unobstructed view to all points 4.5' above the roadway centerline in either direction.



5. Dead-End Streets.
 - a. Dead-end streets shall be classified as residential access streets in the street hierarchy and built according to those specifications.
 - b. A dead-end street shall not serve more than twenty (20) lots nor have a length greater than fifteen hundred (1500) feet. (See definition.)
 - c. Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred (100) feet, and a property line diameter of at least one hundred twenty (120) feet.
 - d. Consideration will be given to other forms of turnaround.
 - e. The interior portion of the turnaround shall not contain a landscaped island unless approved by the Board.

6. Future Connections.

Whenever connections to anticipated or proposed surrounding streets are deemed necessary by the Planning Board, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. The Board may require a temporary turnaround to be constructed to the end of such a street pending its extension to facilitate the flow of traffic or accommodate

emergency vehicles. The turnaround shall be provided in part on easements over lots, and the Board may impose a condition that upon extension of the street, the turnaround shall be removed and replaced with landscaping. Alternatively, when the street is extended, the turnaround may remain and be improved if the Board determines that it will serve the convenience of the neighborhood.

E. Utilities

1. General.

- a. Where adjacent property is not subdivided or where all the property of the applicant is not being subdivided at the same time, provisions shall be made for the extension of the utility system by continuing the mains the full length of streets-and to the exterior limits of the subdivision at such grade and size which will, in the opinion of the Board, permit their proper extension at a later date.
- b. Connections for sewer, drain, water, and gas services from the main structure in the way to the exterior line of the way shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement, in whole or in part, in the case of a lot to be used for a park, playground or for any other purpose for which, in the opinion of the Board, such connections shall not be required.
- c. All utilities shall have a minimum of four (4) feet of cover.

2. Utility Easements.

Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty-five (25) feet wide. Proper coordination shall be established between the applicant and utility companies for the establishment of utility easements in adjoining properties. Easements shall be indicated on the Definitive Plan.

F. Open Space

1. Before approval of a plan the Board may also in proper cases 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 not be unreasonable in area in relation to the land being subdivided, but generally not less than five percent (5%) of the area of the land to be subdivided, after considering the location and quality of the land to be set aside: The Board may by appropriate endorsement on the plan require that no building be erected upon such park or parks without its approval for a period not to exceed three (3) years.
2. Land designated for a park or playground shall not include a predominance of wetlands, ledge or other land unsuitable for recreation purposes. Land so designated shall have at least fifty (50) feet of frontage on a street.
3. The Board may require such parks and playgrounds to have maintenance provided by covenants and agreements until public acquisition is completed, but in no case longer than three (3) years.

G. Protection of Natural Features

All natural features, such as trees, wooded area, water courses, scenic points and historic spots, shall be preserved as much as possible. Any clearing, backfilling, cutting, thinning or other disturbance to trees twelve (12) inches in diameter at breast height located within the minimum front setback distance or other natural vegetation shall be prohibited unless deemed proper by the Board. Tree wells or retaining walls should be installed when and as requested by the Board for suitable grading around trees.

H. Storm Drainage Systems

1. General Approach.

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 safely dispose of runoff at all times during and after construction, to control erosion, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area being drained. Where determined to be appropriate by the Board, stormwater may be carried on the surface of the ground and recharged rather than piped to surface water. No drainage system which will cause siltation or pollution of any wetland, stream, brook, lake, river, or pond is acceptable.

2. Standards.

a. Facility design shall accommodate, as a minimum, the following standards; stricter standards may be required by the Board in high risk-areas:

Storm sewers and swales	25 year storm
Detention Basin	25 year storm
Culverts, other stream crossings	50 year storm

b. Peak stream flows and runoff at the boundaries of the subdivision in a twenty-five (25) year storm shall be no higher following development than prior to development, unless authorized by the Board after a determination that the receiving wetlands or water bodies may absorb the increase, or that provision of detention capacity is sufficient.

3. Connections.

Proper connection shall be made with any existing drains in the adjacent streets or easements which are found to be adequate to accommodate the drainage flow from the subdivision. A drainage connection permit shall be obtained from the Webster Department of Public Works prior to connecting into an existing drain.

4. Effect on Downstream Drainage Areas.

The Board shall consider the effect of each subdivision on existing downstream drainage facilities outside the subdivision. Where it is anticipated that the additional runoff from the subdivision will overload an existing downstream drainage facility, or decrease natural drainage conditions, the Board may withhold its approval until provision has been made for the improvement in such sum as the Board shall determine. No discharge of runoff onto property of others shall be allowed unless documentation is provided demonstrating authorization from the property owners involved.

5. Projection to Unsubdivided Areas.

Where property adjacent to a subdivision and in the same drainage area is not subdivided, provisions shall be made for proper projection of the drainage system by continuing appropriate drains and easements to the exterior boundaries of the subdivision at such size and grade as will allow for such projection.

6. Lot Drainage.

Lots shall be prepared and graded in such a manner that development of one lot shall not affect drainage on another lot or onto streets. Drainage shall be designed so as to avoid concentration of stormwater from one lot to the adjacent lots.

7. Drainage Easements

- a. Where a subdivision is traversed by a water course, drainage way, channel, or stream, the Definitive Plan shall show such, and the Board may that there be provided a perpetual water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel, or stream, and to provide for construction or other necessary purposes. The side slope shall not be steeper than two (2) horizontal to one (1) vertical.
- b. Where topography or other local condition are such as to make impractical, the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least-twenty-five (25) feet in width and adequate for maintenance equipment shall be provided across property outside the road lines and with satisfactory access to the road. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities.
- c. Drainage easements shall be indicated on the Definitive Plan and shall be transferred to the Town upon acceptance of the public ways. Until such acceptance, the subdivider shall be responsible for maintenance of all drainage facilities.
- d. Where a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the Definitive Plan.

8. Detention Basins.

- a. Detention facilities shall accommodate site runoff generated from 2-year, 10-year, and 25-year storms considered individually. Detention shall be provided such that after development the peak rate of flow from the site will not exceed the corresponding flow which would have been created by similar storms prior to development.
- b. To minimize the chance of clogging and to facilitate cleaning, outlet pipes shall be provided and shall be at least six (6) inches in diameter. Riser pipes, if utilized, shall be at least eight (8) inches in diameter. All pipe joints are to be watertight, reinforced concrete pipe. Trash racks and/or anti-vortex devices shall be required where necessary. Detention basins should be designed so that no permanent pool of water is established.

- c. All principal outlet structures shall be concrete block or reinforced concrete. All construction joints shall be watertight. Suitable lining shall be placed upstream and downstream of principal outlets as necessary to prevent scour and erosion.
- d. The applicant shall enter into an agreement with the Town to ensure the continued operation and maintenance of the facility. Responsibility for operation and maintenance of detention facilities including periodic removal and disposal of accumulated particulate material and debris, shall remain with the owner or owners of the property with permanent arrangements that such responsibility shall pass to any successive owner unless assumed by the Town. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility the successors in title.

9. Changes to Drainage Plan.

No changes to the drainage system-approved by the Planning Board shall be made without the express written approval of the Board. The Board may require a new public hearing if it determines that the proposed changes will significantly alter the previously approved drainage plan. Such changes shall be made on the as-built plans required under Section III.C.5.

I. Sanitary Sewers

Whenever existing sanitary sewers are within one thousand (1,000) feet of a proposed subdivision, the subdivision shall be connected to the municipal system. For non-residential subdivisions, the Board may require sewer lines to be extended more than one thousand (1,000) feet to accommodate treatment of process wastewater. The applicant shall submit a sewer plan in conformance with the requirements of the Department of Public Works and obtain a sewer permit before connecting into the municipal system. The applicant shall also be responsible for obtaining a sewer extension permit from the Mass. Department of Environmental Protection. Sewer connections shall be sized to accommodate future development in the vicinity of the subdivision.

J. Water Distribution System

Whenever existing public water mains are within one thousand (1,000) feet of a proposed subdivision, the subdivision shall be connected to the municipal system. The applicant shall submit a master plan in conformance with the requirements of the Department of Public Works and obtain a permit before connecting to the municipal system. Water mains shall be ductile iron pipe at least eight (8) inches in diameter. Mains of larger diameter shall be provided when required by the DPW. Permanent dead end water mains shall not normally be allowed; where permitted, they shall be provided with a hydrant as a means of flushing. Easements shall be provided where necessary to allow for extension or looping of mains through subsequent development.

K. Fire Hydrants

Hydrants shall be provided every five hundred (500) running feet on one (1) side of each street unless a greater distance is approved.

L. Driveways

1. All driveway entrances onto streets shall be constructed that vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets. Interference with the free and convenient flow of traffic in abutting streets shall be minimized.
2. Driveways shall meet the following standards:
 - a. Driveways shall be located not less than forty (40) feet from the tangent point of the curb radius of any intersection.
 - b. Driveways to corner lots shall gain access from the street of lower classification when a corner lot is bounded by streets of two different classifications.
 - c. In subdivisions containing single and two-family dwellings, driveways shall be not more than twenty (20) feet wide at the street line; have a radius of five (5) feet; and be at least ten (10) feet wide outside of the right-of-way line for single-lane driveways.
 - d. Driveway locations shall be shown on the Definitive Plan. Curb cuts of adjacent lots shall not be closer than thirty (30) feet unless otherwise approved by the Board.
 - e. The driveway opening shall be at least ten (10) feet from any existing or proposed structures within the street right-of-way, such as transformers, hydrants, drainage facilities, etc.
 - f. Driveway grades within the street right-of-way shall not exceed two percent (2%) and beyond the right-of-way shall not exceed fifteen percent (15%).
 - g. Driveways shall be paved within the right-of-way. All stumps and other yielding material shall be removed and there shall be provided a minimum base course of twelve (12) inches of processed gravel. Within the right-of-way, driveways shall have a minimum of three (3) inches of bituminous concrete pavement with a bottom course of two (2) inches and a top course of one (1) inch.
3. For new lots created in a subdivision after the approval of the Definitive Plan, the driveways shall comply with the standards listed above, and the applicant shall obtain a driveway permit from the Board of Selectmen before gaining access to the subdivision street.

M. Common Driveways

The Planning Board may allow common driveways in subdivisions in accordance with Section 650:43 of the Zoning By-Law (if approved by Town Meeting) in order to allow for a more efficient traffic flow, to reduce traffic hazards from numerous individual driveways, to consolidate access to lots across wetlands into one crossing, and otherwise where in its judgment such an arrangement will be more advantageous to the neighborhood than separate driveways. Where lots front on residential collectors or arterials, the Board may require that lots be served by a common driveway in order to limit possible traffic hazards on such street.

1. Common driveways shall be of sufficient dimensions so as to provide safe travel for vehicles and insure the safety of pedestrians. Where appropriate, the specific standards set forth below may be modified. The Board will give consideration to the number of

residences on the common driveway, the character of the neighborhood, and the nature of the terrain over which the driveway passes.

2. Common driveways shall have an easement width of not less than twenty-four (24) feet and shall have a paved width of not less than eighteen (18) feet.
3. A three (3) foot wide shoulder shall be constructed along each side of the paved or graveled way.
4. The minimum centerline radius shall be sixty (60) feet.
5. Grades shall not exceed twelve percent (12%), and shall not exceed three percent (3%) within fifty (50) feet of the street line.
6. Common driveways shall not exceed five hundred (500) feet in length.
7. Common driveways shall not be located nearer than sixty-five (65) feet from the intersection of the centerline of any right-of-ways.
8. Turnaround space shall be provided at the end of the common driveway and shall be capable of serving all vehicles including ambulances, fire engines and police vehicles.
9. Common driveways shall be completely defined by installing reinforced concrete bounds or iron rods or pipes at each point of change in direction of the easement lines in accordance with Section V.B.12.
10. The driveway shall be constructed according to the following specifications:
 - a. Organic and non-bearing material shall be removed to at least the full width of the traveled way to provide a lasting and safe driveway; rocks and stones projecting into the subgrade shall be removed to twelve (12) inches below finished grade.
 - b. Driveways shall be brought to subgrade nine (9) inches below finished grade, as shown on an approved plan, with bank gravel compacted to avoid-settlement. Water lines, storm drains, culverts and catch basins shall be installed before the finished sub-base is put in place. To the extent feasible, all other utilities shall be installed before the finished sub-base is put in place.
 - c. The finished sub-base of gravel for common driveways shall consist of six (6) inches of clean, compacted gravel containing no stones over two (2) inches in diameter, laid in two (2) lifts of three (3) inches each, and rolled after spreading. Such grading shall be brought to a grade two (2) or three (3) inches below the finished grade shown on the approved plan.
 - d. The driveway, shall have a finished surface of three (3) inches of bituminous concrete with a bottom course of two (2) inches and a top course of one (1) inch.

N. Sidewalks

1. Sidewalks shall be located within the right-of-way separated from the curb face by a shoulder or turf area at least four and one-half (4½) feet in width. Sidewalks may vary in horizontal placement to minimize soil disturbance, to save trees, to avoid rock outcrops, etc. If located outside the street right-of-way, an easement eight (8) feet in width shall be conveyed to the Town. Sidewalks shall be five (5) feet wide, have a minimum cross slope of one-quarter (¼) inch per foot for proper drainage, and have a maximum grade of eight

percent (8%). Sidewalks shall be accessible to the handicapped. Where adjacent property may be subdivided in the future, sidewalks shall be built to the end of the street to allow for their extension. Sidewalks shall be built according to the specifications listed in Section V.B.4.

2. Whenever the Planning Board finds that pedestrian access, such as trails or bikeways, is necessary from the subdivision to commercial areas, schools, public recreation sites, etc., and that such access is not conveniently provided by sidewalks adjacent to streets, the applicant may be required to reserve an easement of fifteen (15) feet in width to be conveyed to the Town, and improved to a width of six (6) to eight (8) feet to provide such access.

O. Shoulders

1. Where shoulders are proposed, they shall be at least four and one-half (4½) feet wide and located within the right-of-way.
2. Shoulders shall be grass-surfaced except in circumstances where grass cannot be expected to survive. In no case shall the shoulder be paved.

P. Subdivisions in Floodplains

All proposed subdivision shall be reviewed to determine whether they be reasonably safe from flooding. If any part of a subdivision is located within the Floodplain District established in the Zoning By-Law, it shall be reviewed to assure that:

1. The proposed subdivision is designed consistent with the need to minimize flood damage.
2. All public utilities such as sewer, water, and electrical systems shall be located and constructed to minimize or eliminate the risk of damage due to flooding.
3. Adequate drainage systems shall be provided to reduce exposure to flood hazards.
4. Base flood elevation [the level of the one hundred (100) year flood] data shall be provided for proposed subdivisions greater than fifty (50) lots or five (5) acres, whichever is the lesser, for that portion within the Floodplain District.

Q. Water Quality Protection

The Board may require that the following measures be taken because of its proximity to aquifers, groundwater recharge areas or public water supply wells:

1. Pollution control devices, including provision for contaminant removal employing detention basins with subsurface drains or perforated risers, oil and grit separator catch basins, and other appropriate devices;
2. Measures to restrict nutrient loading in down gradient groundwater to a maximum of five milligrams per liter (5 mg/l) nitrate-nitrogen; and
3. Sanitary sewer pipes reinforced with sealed joints.

R. Erosion Prevention Measures

1. Whenever feasible, natural vegetation shall be retained and protected. The extent of the disturbed area and the duration of its exposure shall be kept to a minimum.
2. Sediment basins shall be installed and maintained to remove sediment from runoff waters from land undergoing development.
3. Vegetative stabilization measures shall be employed. All perimeter dikes and slopes, basin or trap embankments shall be stabilized with sod, seed, and anchored straw mulch within seven (7) calendar days of disturbance. All other disturbed areas upon which active construction is not being undertaken shall be stabilized within thirty (30) days.
4. Topsoil stripped from disturbed areas shall be stockpiled in an approved area and stabilized with temporary vegetative cover if left for more than thirty (30) days. Perimeter sediment controls shall be installed around the stockpiled topsoil.
5. During the months of October through March, when seeding and sodding may be impractical, an anchored mulch shall be applied as approved by the Board.
6. Excavated soil shall not be placed within one hundred fifty (150) feet of rivers, streams, or ponds.

SECTION V. -- REQUIRED IMPROVEMENTS IN A SUBDIVISION

A. Basic Requirements.

The subdivider shall install all of the improvements itemized herein unless waived in writing by the Board. All work required under this section shall be carried out under the direction of the Board. No aforementioned performance guaranty shall be released until notice is received in writing that all work required under this section is completed to its satisfaction.

B. Improvement Requirements

1. Line and Grade Control.
 - a. All survey work shall be performed under the direction of a registered professional engineer or land surveyor.
 - b. Before any roadway excavations are started, the roadway right-of-way shall be witnessed at fifty (50) foot intervals on both sides, and the proposed finished grades shall be marked thereon. Before any lots are built upon, the corners of the lots shall be witnessed. The aforementioned witness stakes shall be preserved throughout all the construction procedures.
 - c. All proposed underground utility work shall be controlled with respect to line and grade by offset stakes, batter boards, laser instruments, etc. unless approved by the Town Engineer.
 - d. All property lines and easements shall be monumented before any lot on which they are located is built upon. (See Section V.B.12.)

2. Street and Roadway.

- a. The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like-materials and, trees not intended for preservation to a depth of at least twenty-two (22) inches below the finished surface as shown on the approved plan. Stumps, roots, brush and other material that may decompose shall not be buried on site and shall be disposed of in conformance with state regulations. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.
- b. The plane of the bottom of the excavation and the top of the fill when completed shall be known as the subgrade. Before gravel is spread, the subgrade shall be shaped to a true surface, conforming to the proposed cross-section of the street and rolled by a self-propelled roller weighing not less than twelve (12) tons. No gravel shall be placed on the finished subgrade until approval is given by the Town Engineer or his designee.
- c. All roadways shall be brought to a finished top of gravel grade as shown on the profiles of the definitive plan with a minimum of eighteen (18) inches of processed gravel spread and rolled in layers not exceeding eight (8) inches in depth. Any stone with a dimension greater than six (6) inches in the lower layer shall be removed before it is rolled, and the upper layer shall contain no stones with a dimension greater than three (3) inches. Rolling shall be done with a self-propelled roller weighing not less than twelve (12) tons. Gravel shall consist of hard, durable stone and coarse sand, practically free from loam and clay and uniformly graded. The base course gravel immediately before surfacing shall be fine graded to four (4) inches below final grade as shown on the profiles of the definitive plan. The fine-graded base course shall be sealed with a coat of road oil at a rate of one-half ($\frac{1}{2}$) gallon per square yard.
- d. No bituminous concrete shall be applied until the Town Engineer or his designee inspects and approves the finished gravel base.
- e. A four (4) inch compacted thickness of Class 1 bituminous concrete pavement, Type I-1 shall be placed on all roadways in conformance with the Massachusetts Department of Public Works most recent Standard Specifications for Highways and Bridges (Standard Specifications). Two and one half ($2\frac{1}{2}$) inches of coarse mix (binder) bituminous concrete shall be laid, then upon which shall be laid a one and one-half ($1\frac{1}{2}$) inch course of fine mix (top) bituminous concrete. No permanent surface shall be applied after November 15, unless authorized in writing by the Department of Public Works.
- f. Certifications as to conformance with the specified materials shall be furnished to the Town Engineer prior to placement of any pavement and upon completion of the work as to the quantity placed. Unless otherwise specified, all materials and workmanship shall conform to the requirements of the Standard Specifications.
- g. The bituminous concrete binder course shall be placed and all utilities installed to the property line before any building permit is issued in a subdivision. The binder course shall have been in place at least through one winter before installation of the top course.

3. Curbs and Berms.

Where curbs and berms are required, they shall be installed in accordance with the following requirements and the construction standards set forth in the Standard Specifications.

Curbs and berms shall be installed as follows on:

a. Arterial Streets

Type VA-4 granite curbs as specified in the Standard Specifications shall be required on both sides of all roadways.

b. Residential Collector, Subcollector and Access Streets

"Cape Cod" type or bituminous concrete berms shall be provided on both sides of all streets for the entire length of the roadway, unless the Planning Board approves the use of grassed swales for drainage control. Berms shall be extended along the radius of residential driveways and merged with the surface of the driveway.

4. Sidewalks.

The wearing surface shall be constructed of Class I bituminous concrete as required by the Standard Specifications. The foundation shall be a minimum of ten (10) inches of processed gravel laid in two (2) lifts of five (5) inches each, and shall be thoroughly compacted. The bituminous concrete walk surface shall be laid in two (2) courses to a depth of after a rolling of three (3) inches. The bottom course shall be two (2) inches in thickness and the top course one (1) inch in thickness after rolling. The surface shall be rolled with a self-propelled tandem roller weighing not less than 1½ tons and not more than five (5) tons.

5. Turf Areas.

a. In instances where a sidewalk is located within a street right-of-way, a turf area at least four and one-half (4½) feet wide shall be constructed between the back edge of the berm or curb and the edge of the sidewalk.

b. In instances where there is no sidewalk within the street right-of-way, the area between the back side of the berm or curb and the right-of-way line shall be turf, and may be planted with suitable shrubs in appropriate locations.

c. Turf areas shall consist of loam top soil placed to a depth of four (4) inches after rolling. The sources of the loam shall be inspected and approved by the Town before placing. The loam top soil shall have a normal amount of organic matter and be reasonably free from roots, heavy clay, large stones, weeds, brush or other litter. Seed shall conform to the following proportions unless it can be shown to the satisfaction of the Planning Board that some other combination of seed is comparable:

Red Fescue	60%
Red Top	20%
Kentucky Blue	20%

d. Seed shall be spread at the rate of three and six tenths (3.6) pounds to each one hundred (100) square yards and shall be rolled after raking in a fine layer of loam over the seed.

- e. All unpaved areas within the right-of-way which have been stripped by 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 in cut or one (1) foot vertical to three (3) feet horizontal in fill.

6. Street Trees.

- a. It shall be the general policy of the Planning Board to require that street trees be planted along both sides of proposed streets at a distance of no less than twelve (12) feet from the back edge of the pavement, berm or curb. Trees shall be of a long-lived species of established hardiness adapted to central Massachusetts and shall be approved by the Board after consultation with the Tree Warden. 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 subdivider. Evergreen trees should not be planted as street trees, but existing evergreen trees may be retained with the approval of the Board if they do not interfere with traffic visibility or utility placement.
- b. New trees shall be of one and one-half (1½) to two (2) inch caliper, between ten (10) and twelve (12) feet tall, and have straight trunks and good branching. Each tree shall be planted in at least one-half (½) cubic yard of topsoil in a cavity of sufficient depth and width to accommodate the ball without crowding. Each tree shall be supported with wooden stakes and shall be fastened to the stake with a loop of rubber or suitable fabric hosing. Prior to acceptance by the Town, any tree which dies shall be replaced by the subdivider.
- c. Careful consideration shall be given to the location of each tree. Trees shall be planted far enough away from overhead utility lines so that when mature, the spread of branches does not extend into the wires or partially block light fixtures. For shallow building setbacks, columnar forms should be planted on front or side lawns to eliminate tree interference.

7. Storm and Surface Drainage.

a. General

Adequate disposal of surface and subsurface water shall be provided. Unless waived by the Board, a system of storm drains, culverts, ditches, and related installations, including catch basins, gutters and manholes, shall be designed and installed to provide adequate disposal of surface water, including control of erosion, flooding and standing water from or in the subdivision and adjacent lands. The subdivision shall not result in downstream property owners or water courses receiving stormwater runoff at a higher peak flow rate than would have resulted from the same storm event occurring over the site of the proposed subdivision with the land in its natural, undeveloped condition.

b. Pipes, Culverts and Drains

The size of pipe shall be in accordance with the approved Definitive Plan and in any case shall not be less than twelve (12) inches in diameter. Pipe for the construction of culverts or drains which pass under a roadway or driveway shall be reinforced concrete (extra-strength). All pipes shall be laid true to line and grade as shown on the Plan. Each section of pipe shall have a full, firm bearing throughout its length. All joints shall

be made of rubber or Portland Cement Mortar unless otherwise directed. Minimum covering of all pipe shall be no less than thirty-six (36) inches. Cement concrete pipe will be allowed in trunk lines where depth of cover shall be at least four (4) feet from finished grade.

c. Size and-Slope of Drains

Sizes and slopes of drains shall be designed using the "Rational Formula" where:

$$Q = ACi$$

Q = Peak discharge of the watershed in cfs due to a twenty-five (25) year storm

A = Area of watershed in acres

C = Coefficient of runoff

i = Rainfall intensity in inches per hour based on the time of concentration

In no case shall a drainage line of less than twelve (12) inches diameter be used. All drains must be sloped to provide for minimum velocity of two and one-half (2½) feet per second for self-cleaning purposes. The maximum velocity shall be fifteen (15) feet per second.

d. Catch Basins and Manholes

1. Location: Except where drainage swales are used, catch basins shall be installed on both sides of a roadway on continuous grade and at all sides of an intersection. Catch basins shall be located so that the greatest distance which water will have to flow over the surface shall not be over three hundred (300) feet. Manholes shall be provided at change in direction and whenever there is a change in size of pipe, and shall not exceed a spacing of three hundred (300) feet. Not more than two (2) catch basins may be connected in series rather than to manholes.

2. Materials Specification:

a. Cement brick masonry or concrete block masonry, machine-made solid segments not less than eight (8) inches in width and precast concrete structures.

b. Manhole frames - twenty-six (26) inches in diameter; and covers (marked "D" for drains and "S" for sewers) - two hundred (200) pounds minimum weight.

c. "D" catch basin frames - twenty-six and one-half (26½) inches diameter; and grates - two hundred (200) pounds minimum weight.

d. Square catch basin frames - twenty-four (24) inches square; and grates - two hundred (200) pounds minimum weight.

e. Catch basin flanges in c) and d) above shall have three flanges only at curb inlets.

3. Construction Specifications: Catch basins and manholes shall not be less than four (4) feet in inside diameter at a point two and one-half (2½) feet below the bottom of the frame. Catch basins shall not be less than three (3) feet in-depth-measured from the invert of the outlet pipe. Brick masonry inverts shall be constructed for all manholes. The base of these structures shall consist of precast concrete pipes. A

twelve (12) inch weep hole shall be left in the base of the catch basins. The walls of these structures shall not be less than eight (8) inches in thickness, shall consist of cement brick concrete block masonry or precast concrete units and shall be laid in mortar composed of one (1) part Portland Cement, two (2) parts sand and sufficient water to form a workable mixture. Backfill shall not be applied until after inspection. Outside walls shall be thoroughly plastered with one-half CO inch thick Portland Cement mortar. Steps or metal rungs shall be provided in manholes over five (5) feet in depth.

4. Installation of Castings: Castings shall be set at the pavement binder course grade. Manhole castings shall be set to finish grade. Frame castings for catch basins and manholes shall be set in full mortar beds.
 5. Street Subdrains: Subdrains or interceptor drains are required where necessary to preclude flowage of ground water threatening to the integrity of the road surface. Street subdrains shall be installed where necessary to assure a five (5) foot depth to groundwater below the street pavement. Such drains shall be constructed in conformance with the Standard Specifications.
8. Water.
- a. Water pipes and related equipment such as hydrants and main shut-off valves shall be constructed to serve each lot in each street or portion thereof in conformity with the specifications of the Water Superintendent.
 - b. Water mains shall be laid to provide a minimum cover of five (5) feet from the finished grand, and shall not be deeper than eight (8) feet.
 - c. Gate valves shall be located in such number and locations that lines by individual block may be isolated for maintenance purposes.
 - d. House service connections will be installed by the developer. The final as-built plans shall show the location of the connection from the main to the structure, and the location of the shut-off valve shall be accurately tied to known reference points to allow Water Department personnel to find it as needed.
9. Sanitary Sewers.
- a. Collector sewers shall be vitrified clay or asbestos cement of a class specified by the Town Engineer; at least eight (8) inches in diameter laid to a minimum slope of one-half ($\frac{1}{2}$) foot per one hundred (100) feet and shall be deep enough to drain basement fixtures and prevent freezing. Precast concrete manholes shall be constructed at the ends of each line, and at all change in grade, size and alignment and shall not exceed a spacing of three hundred (300) feet.
 - b. All sewer pipe and manholes will be subject to an exfiltration test upon completion and before putting into service. The maximum allowable infiltration rate shall be five (500) gallons per mile of pipe per inch of pipe diameter in a twenty-four (24) hour period. The subdivider shall be responsible for furnishing all necessary materials, equipment and labor to conduct the tests which must be witnessed by the Town Engineer or his designee.

- c. House services shall be at least five (5) inches in diameter, laid at a minimum pitch of one-quarter ($\frac{1}{4}$) inch per foot. All sewers, including house services, shall be laid in an envelope of three-quarters ($\frac{3}{4}$) inch washed gravel. Deflections in line or grade in excess of one-half ($\frac{1}{2}$) inch will be cause for rejection.

10. Street Name Signs and House Numbering.

- a. Street name signs shall be furnished, set in concrete and erected at all street intersections prior to the occupancy of any house on the street.
- b. Street names shall be approved by the Board to provide names in keeping with the character of the Town. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets.
- c. Each house shall be provided with a number assigned by the Town and it shall be clearly visible from the street.

11. Street Lights.

Street lights shall be installed using overhead wires and in conformance with the specifications of the Massachusetts Electric Company and the Town's current practice for street light installation.

12. Boundary Markers and Monuments.

- a. Markers and monuments shall be installed on both sides of each proposed street at all angle points, at the beginning and end of all curves thereof, and at all intersection of streets and ways with each other or with the Plan boundary lines. The markers or monuments shall be of granite, not less than four (4) feet in length or six (6) inches in width and breadth, and shall have a drill hole in the center. All bounds shall be set flush with the surface of the adjoining ground. Wrought iron rods may be used where the points fall on exposed ledge.
- b. Each lot line and easement line established within the subdivision shall be completely defined in accordance with the approved plan. Reinforced concrete bounds of the same dimensions specified above or iron rods or pipes at least thirty (30) inches long and two (2) inches in diameter shall be installed at each point of change in direction of these lines.
- c. No permanent monument shall be installed until all road construction which would destroy or disturb the monument is completed.
- d. The placement and accurate location of these markers shall be certified to by the designer or surveyor on a form which shall be submitted with the Definitive Plan. Entrances to subdivisions shall not be marked by elaborate monuments.

13. Survey of Improvements as Installed.

After all street construction is completed, two copies of the As-Built Plans required by Section III, D.5. and 6. shall be furnished to the Planning Board prior to the final release of any performance guaranty.

14. Final Cleaning Up.

Upon completion of the work, the subdivider shall remove from the highway and adjoining property all temporary structures, surplus materials and rubbish which may have accumulated during the prosecution of the work and shall leave the subdivision area in a neat and orderly condition.

15. Maintenance.

If released from restrictions with regard to sale of lots or buildings on lots by the performance guaranty, the subdivider shall maintain the roads for vehicular travel in a manner satisfactory to the Board. Further, the subdivider shall maintain the roads in a subdivision in a condition which meets all the above requirements to the satisfaction of the Board either until acceptance of such roads by vote of the Town, or for a period of eighteen (18) months after the completion of the roadway and installation of utilities. A minimum of ten percent (10%) of the amount bonded, deposited or retained shall be held by the Town for the maintenance of streets and municipal services. See Section III, D.6.a.

16. Commercial and Industrial Subdivisions.

Commercial and Industrial Subdivision shall conform to all requirements applicable to residential subdivisions except as follows:

- a. Sidewalks may not be required.
- b. Pavement thickness shall be three (3) inches and shall be placed in two courses. The base course shall be two (2) inches thick and the top, one (1) inch. The top course shall not be placed until all utility connections have been made to each lot.
- c. Pavement width shall be thirty-two (32) feet between berms or curbs.
- d. Berm or curb radii at street intersections shall be a minimum of fifty (50) feet.
- e. Roadway grades shall not exceed six percent (6%).
- f. Second exits or looping streets should be provided so as to avoid dead-end turnarounds.

17. Inspections.

- a. Inspections during the progress of construction shall be arranged with the Planning Board prior to construction. The Board shall provide the subdivider with a checklist (Form G) covering the inspections and the proper Town official will initial the checklist after satisfactory completion of each step by the subdivider. Inspections shall be requested at least forty-eight (48) hours in advance of each inspection by written notice to the Department of Public Works. Upon receipt of such notice, the DPW shall appoint an Agent to make the required inspection to insure that the requirements of these Rules and Regulations are adhered to.
- b. The subdivider shall not proceed to the next step until all prior steps have been signed by the Agent as satisfactorily completed. If the Agent deems that the work has not been satisfactorily completed, he shall notify the subdivider and Planning Board as to the additional steps necessary to complete the work. If the Agent finds that the work has been covered or obscured, he may require that the work be uncovered at the subdivider's

expense so that a proper inspection may take place. The subdivider shall then notify the Agent when the work may be re-inspected.

- c. The Agent shall notify the subdivider whenever a violation has occurred and inform the subdivider of the measures needed to correct the violation. The subdivider shall comply with the directions of the Agent, or appeal the decision to the Planning Board, which shall then consider the matter at its next regularly scheduled meeting. No further work shall be done at the site pending resolution of the appeal. If work continues and the violation is not promptly corrected, the Planning Board shall issue a "Stop Work Order," which shall be enforced by an officer of the Town having police powers.

SECTION VI. -- ADMINISTRATION

A. Authority

The Planning Board shall be the administrative agency of these regulations and shall have all the powers assigned them by M.G.L., Chapter 41, Section 81-K through 81-GG.

The Planning Board may assign as their agents appropriate Town agencies or officials, and may from time to time hire professional assistance, to review plans and inspect improvements at the cost of the subdivider.

B. Modification, Amendment, Rescission or Change of an Approved Plan

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 in accordance with Section 81-41 of the Subdivision Control Law. All of the provisions of the Subdivision Control Law relating to the submission and approval of a plan of a subdivision shall, so far as apt, be applicable to the approval of the modification, amendment or rescission of such approval and to a plan which has been changed under this section.

C. Rescission of Approval After Five Years

The failure of the subdivider to begin work in a subdivision within five (5) years of the approval of the Definitive Plan shall constitute a reason for the rescission of such approval.

D. Waiver of Compliance

Strict compliance with the requirements these Rules and Regulations may be waived, only when, in the judgment of the Board, such action is in the public interest and inconsistent with the Subdivision Control Law. In waiving strict compliance, the Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived.

E. Severability

If any section, paragraph, sentence, clause, or provision of these Rules and Regulations shall be adjudged not valid; the adjudication shall apply only to the material so adjudged and the remainder of these regulations shall be deemed valid and effective.

F. Amendments

These Rules and Regulations, or any portion thereof, may be amended in accordance with M.G.L., Chapter 41, Section 81-Q, supplemented or repealed from time to time by the Board after a public hearing on its own motion or by petition.