

Subdivision Regulations City of Leominster October 2012



Office of The Planning board
City of Leominster, Massachusetts

CITY HALL - 25 WEST STREET
LEOMINSTER, MASSACHUSETTS 01453

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SECTION 1: PURPOSE AND AUTHORITY

1. PURPOSE

The subdivision control law has been enacted for the purposes enumerated under G.L. c.41, §81M and these regulations are adopted to protect the safety, convenience and welfare of the inhabitants of the City of Leominster 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 Planning Board and any board of appeal appointed under G.L. c.41, §81Z shall exercise their subdivision control powers with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage or other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in a city or town in which it is located and with the ways in neighboring subdivisions.

2. AUTHORITY

Under the authority vested in the Planning Board of the City of Leominster under the Subdivision Control Law (i.e., G.L. c.41, §§81K-81GG, the Board hereby adopts these rules and regulations governing the subdivision of land in the City of Leominster. Such rules and regulations shall be as dated and effective November 2, 1972, as revised through October, 2012.

Section 2: Limitations

1. Subdivision Control Law

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

2. Compliance with Zoning

The Planning Board may deny any subdivision plan that does not comply with the requirements of the applicable provisions of the Zoning Ordinance.

3. More Than One Building for Dwelling Purposes on a 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 city, without the consent of the Planning Board, and that such consent may be conditional upon the providing of adequate ways furnishing access to each site for each building, in the same manner as otherwise required for lots within a subdivision.

4. Non-residential Subdivision

In a nonresidential subdivision, any person that intends to submit a definitive plan shall submit a preliminary plan to the Planning Board and the Board of Health and will give written notice to the Leominster City Clerk by hand delivery or by registered mail, postage prepaid, that she/he has submitted such plan.

5. Failure to Record

Failure to record endorsed plan within six months of endorsement shall render any approval null and void without further action by the Planning Board.

6. Paper Street

A definitive plan of a subdivision shall be submitted for the improvement of a paper street in accordance with the requirements of G.L. c.41, §81FF.

7. The Board may withhold final release of the Subdivider's Covenant or a reasonable amount of money-based surety until the Board is both satisfied that all required improvements have been satisfactorily completing and that the following elements have been satisfied and have survived for the following periods of time:

- A) The pavement integrity is intact after one winter.
- B) Street Trees are successfully established as evidenced by survival for a full year.

- C) Permanent type grass on all seeded areas has been established, which shall be evidenced by survival through one winter season or 12 mowings.
- D) Shoulders and embankments shall be intact for one year after final grading and seeding.
- E) Functional integrity of all parts of the drainage system shall be intact and property maintained after one full year after the drainage system first becomes fully operational.
- F) Satisfactory installation of utilities as required by the Board, as evidenced by review of the as-built plans.

8. Enforcement by denial of building permits

The Building Commissioner shall issue no building permit for any lot in any subdivision except in accordance with the requirements of G.L. c.41, §81Y, including that any condition of subdivision approval limiting the right to erect or maintain buildings on such lot has been satisfied or waived by the Planning Board.

SECTION 3: ADMINISTRATION

1 All plans and all procedures shall in all respects comply with the provisions of these Rules and Regulations, unless the Board authorizes a waiver there from in specified instances in accordance with the requirements of G.L c. 41, §81R.

2. The Building Inspector shall not issue any permit for the erection of a building until first satisfied that the lot on which the building is to be erected is not within a subdivision, or that a way furnishing the access to a lot within a subdivision as required by the Subdivision Control Law is shown on a recorded plan and that any conditions endorsed there on limiting the right to erect or maintain buildings on such lot have been satisfied as provided for under G.L. c.41, §81Y.

3. The Board may assign as its agents appropriate City agencies or officials and may hire professional assistance to review plans and inspect improvements at the cost of the applicant and collect and expend funds them without further appropriation in accordance with the requirements and conditions set forth under G.L. c.44, §53G and under G.L. c.44, §53A.

4. The Board on its own motion or on the petition of any interested person shall have the power to modify, amend or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan after due notice and opportunity to the owner to be heard in accordance with and subject to the express limitations set forth under Section 81W of Chapter 41 of the General Laws. All procedural requirements set forth under the Subdivision Control Law shall apply.

5. As required under G.L. c.41, §81O, a plan shall be deemed submitted to the Planning Board when delivered at a meeting of the Board or when sent by registered mail to the Board; and, if so mailed, the date of receipt shall be the date of submission of the plan.

6. An application shall not be considered “complete” until all required documentation has been received. An application may be denied if it is not complete or the Planning Board may provide for a reasonable period of time to allow for the documentation to be provided, with the applicant to provide extensions of time for the Planning Board to act, equal to the delay experienced while completion of the required documentation takes place.

7. An approved Definitive Plan decision has a 20 day appeal period from the date that final action is taken by filing it with the Municipal Clerk’s Office; and any approved plan shall be submitted for endorsement within 6 months of the date of final action, not including any time during which an appeal takes place, or the approval shall lapse automatically without further action by the Planning Board.

8. No definitive plan shall be endorsed until the Planning Board is satisfied that the surety has been provided and is in place as required under G.L. c.41, §81U, ¶7. In the event that satisfactory surety has been provided, but has not yet been recorded or that the necessary funds have not yet been confirmed to be in place, the Board may endorse the plan and hold endorsed plan in escrow with the Board’s escrow agent, with the direction that the endorsed plan shall not be released until the recording of the surety is confirmed or that the required funds have been confirmed by the City’s Treasurer to be in place and available.

10. Establishment of Fees

The Planning Board shall establish and may periodically amend a schedule of fees for all applications under these Rules and Regulations. No application shall be considered complete unless accompanied by the required fee and failure to provide the fee shall be a basis for denial of approval of the application.

Section 4: Definitions

Applicant – The person who applies for the approval of a Plan of a proposed subdivision. The applicant or applicants shall be the owner or owners of all the land included in the proposed subdivision; however, an agent, representative or other assign may act for an owner, provided written evidence of such agency, representation or assignment is submitted to the Planning Board. Evidence in the form of a list of the officers and designated authority to sign legal documents shall be required for a corporation and a trustee’s certificate shall be provided for a trust.

The ownership and agency, representation and assignment information shall be provided to the Planning Board by a written document that is signed under oath and the Planning Board shall have the right to rely upon this document without making any further inquiry.

Abutter – Any owner of land within 300 feet of the property referred to in an application.

Base Flood Elevation - The level of flooding having a one per cent chance of being equaled or exceeded in any given year, as designated on the Flood Plain Conservancy District Map of the Zoning Bylaw, City of Leominster, June 1988 (Scale 1" = 1000' consisting of a single sheet); the City of Leominster Flood Insurance Rate Maps (FIRM) dated June 3, 1988 and issued by the Federal Emergency Management Agency.

Board – The Planning Board of the City of Leominster, Massachusetts.

City – The City of Leominster, Massachusetts.

Cul-de-sac - local, dead-end street with a turnaround at the end.

Developer or Subdivider – The owner of land being subdivided, acting directly or through an authorized agent, attorney, legal representative or assign.

Development Impact Statement (DIS) – A documented, written analysis of a proposed subdivision which provides the Planning Board and its agents with information necessary for plan review. Prepared by the applicant, a DIS shall follow the format presented in Appendix A of this document.

Easement - A legal interest in land.

Engineer – Any person who has been registered or otherwise legally authorized by the Commonwealth of Massachusetts to perform civil engineering services.

Lot – An area of land in one ownership with definite boundaries ascertainable or to be ascertainable of record, and use, or set aside and available for use, as a site of one or more buildings and buildings accessory thereto or for any other definite purpose, not including any portion of the lot that consists of standing water or a roadway.

Owner – The owner as shown by the records in the Worcester North District Registry of Deeds.

Preliminary Plans –

In the case of a subdivision showing lots in a residential zoning district, any person, before submitting a definitive plan for approval, may submit to the Planning Board and to the Board of Health, a preliminary plan, and then shall give written notice to the municipal clerk of the City by delivery or by registered mail, postage prepaid, that such a plan has been submitted such plan.

In the case of a nonresidential subdivision, any person before submitting a definitive plan for approval, shall submit to the Planning Board and the Board of Health, a preliminary plan, and shall give written notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that such a plan has been submitted.

In either case, if the notice is given by delivery, the City Clerk shall, if requested, give a written receipt. Within forty-five days after submission of a preliminary plan, each board shall notify the applicant and the City Clerk by certified mail, either that the plan has been approved, or that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plan, or that the plan has been disapproved and in the case of disapproval the Board shall state in detail its reasons. The Planning Board shall notify the City Clerk of the Board's approval or disapproval, as the case may be. Except as is otherwise provided, the provisions of the subdivision control law relating to a plan shall not be applicable to a preliminary plan, and no register of deeds shall record a preliminary plan.

In the case of a nonresidential subdivision where a preliminary plan has been duly submitted and acted upon or where forty-five days has elapsed since submission of the said preliminary plan, and then a definitive plan is submitted, the failure of a Planning Board either to take final action or to file with the city or town clerk a certificate of such action regarding the definitive plan submitted by an applicant within ninety days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval. Notice of such extension of time shall be filed forthwith by the Planning Board with the Municipal Clerk.

In the case of a subdivision showing lots in a residential zone, where a preliminary plan has been acted upon by the Planning Board or where at least forty-five days has elapsed since submission of the preliminary plan, an applicant may file a definitive plan. The failure of a Planning Board either to take final action or to file with the City Clerk a certificate of such action on the definitive plan within ninety days after such submission, or such further time as may be agreed upon at the written request of the

applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Planning Board with the City Clerk.

In the case of a subdivision showing lots in a residential zone, where no preliminary plan has been submitted and acted upon or where forty-five days has not elapsed since submission of such preliminary plan, and a definitive plan is submitted, the failure of the Planning Board either to take final action or to file with the City Clerk a certificate of such action regarding the definitive plan submitted by an applicant within one hundred and thirty five days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Planning Board with the City Clerk.

Roadway-The portion of the way, right-of-way or street layout which has been designed, approved and constructed for vehicular traffic.

Recorded: Recording in the Worcester North District Registry of Deeds for and, where registered land is affected, filing with the recorder of the Land Court.

Streets:

Local: A street that provides direct access to abutting properties only; this category shall include cul-de-sacs and loop streets.

Collector: A street used primarily to connect local streets to arterial streets that carries moderate volumes of traffic but for which less than 25% of the average daily traffic of a collector is normally attributed to through traffic.

Minor arterial: A street used to provide movement between major arterials, collectors and other minor arterials that carries relatively high volumes of traffic and for which at least 25% of the average daily traffic volume is normally attributed to through traffic.

Major arterial: A street of regional significance, with high volumes of traffic used primarily to carry traffic through the Town.

Subdivision - The division of a tract of land into two or more lots and including resubdivision, and when appropriate to the context, relating to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on: (a) a public way, or a public way which the City Clerk certifies is maintained and used as a public way; or (b) a

way shown on a plan previously approved in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the City having, in the opinion of the 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 such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such a distance as is then required by the Leominster Zoning Ordinance for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the City in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision, but any endorsement of such a plan shall not constitute a determination that the resulting parcel conforms to applicable zoning requirements.

Subdivision Control Law – Sections 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws of the Commonwealth of Massachusetts, entitled “Subdivision Control.”

Surveyor – Any person who has been registered or otherwise legally authorized by the Commonwealth of Massachusetts to perform land surveying services.

SECTION 5: Plan Believed Not to Require Approval

1. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that said plan does not require approval under the Subdivision Control Law may submit to the Board said plan, including a Mylar and five prints thereof, a filing fee, Digital Data in the form of a _____ and two (2) copies of a properly executed Form A.
2. Application for Endorsement of Plan Believed Not to Require Approval shall be accompanied by a plan prepared by a registered land surveyor. Said person shall file, by delivery or registered mail, a notice with the City Clerk stating the date of submission for such determination. The Board shall review the plan to determine whether it is a subdivision.

3. Plan Requirements

- A) Said plan shall be of a minimum dimensions of nine and one-half inches by fourteen inches (9-1/2" x 14") but a maximum size of not to exceed twenty-four inches by thirty-six inches (24" x 36") and shall contain the following information:
- B) Identification of the plan by name of current owner of record and location of the land in question.
- C) The statement "Approval Under Subdivision Control Law Not Required," and sufficient space for the date and the endorsement by an authorized person under G.L. c.41, §81P which shall include the Planning Director or Board Chairman or Vice-Chair of the Planning Board, if the Planning Director is not available.
- D) Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.
- E) In the case of the creation of a new lot, the remaining land area and frontage on accepted public ways of the land in the ownership of the applicant, if any.
- F) Notice of any decisions by the Zoning Board of Appeals including but not limited to variances and special permits regarding the land or any buildings thereon.
- G) Names of abutters from the latest available assessors records
- H) Distance to the nearest permanent monument
- I) Location of all existing buildings, including front, side and rear yard setbacks
- J) House number
- K) A locus map at one thousand (1,000) feet to the inch showing relationship of the parcel to intersections of two or more public roadways.
- L) If the Board determines that the plan does not require approval, the Board or a person authorized under G.L. c.41, §81P shall forthwith without a public hearing endorse on the plan the words "Approval under Subdivision Control Law not Required," or words of similar import. Such endorsement shall not be deemed to constitute any determination of compliance with requirements of the Zoning Ordinance. The original tracing of said plan shall be returned to the applicant.
- M) If the Board determines that the plan does require approval under the Subdivision Control Law, it shall forthwith so inform the applicant and return the original tracing of the plan. The Board shall also notify the City Clerk of its determination.
- N) The endorsement of a plan under this section may include a statement of the reason why approval is not required and for clarification of zoning issues related to the plan.

SECTION 6: Pre-Submission Review

Prior to investing in extensive professional design efforts for subdivision plans, it will often prove useful to review the proposed development of a parcel of land with the Planning Board, in order that general approaches and potential problems can be freely explored. Pencil sketches, which need not be professionally prepared, will assist the discussion and might show some but not all of the information shown on a Preliminary Plan.

SECTION 7: Preliminary Plan

1. General

A) A Preliminary Plan of a subdivision may be submitted by the developer for discussion and approval by the Board as provided for under these Regulations. The submission of such a Preliminary Plan will enable the developer, the Board, other municipal agencies and owners of property abutting the subdivision to discuss and clarify issues of concern before a Definitive Plan is prepared. Therefore, it is strongly recommended that the filing of a Preliminary Plan be considered in every case.

B) Application shall consist of submission of the original copy of Form B, an application fee (per fee schedule), together with the plan and three copies. One copy of which shall be transmitted by the Planning Board to the Board of Health. Applications and plans shall be submitted to the Office of the Planning Board by delivery (receipt required) or by registered mail, followed by the filing of a copy of Form B indicating the date of said submission with the City Clerk either by deliver (receipt required) or registered mail. The date of submission shall be determined as described in Section 2.6.4.

2. Contents

A) The Preliminary Plan shall be drawn by a Massachusetts registered surveyor or engineer on paper 24 inches by 36 inches, in pencil, at a scale of not greater than one inch equals ten feet or less than one inch equals one hundred feet, and three prints shall be filed at the Office of the Planning Board. Said Preliminary Plan shall show all the information set forth in Paragraph 3.1.1.1 below, so as to form a clear basis for the preparation of the Definitive Plan.

B) "Preliminary Plan" shall mean a plan of a proposed subdivision or re-subdivision of land showing:

- (1) The subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan";
- (2) The names of the record owner and the applicant and the name of the designer or surveyor;
- (3) The names of all abutters, as determined from the most recent local tax list;
- (4) The existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner;
- (5) The proposed system of drainage, including adjacent existing natural waterways, in a general manner;
- (6) The proposed sanitary sewer system and water distribution system, in a general manner;
- (7) The approximate boundary lines of proposed lots, with approximate areas and dimensions;
- (8) The names, approximate location and widths of adjacent streets;
- (9) The topography of the land in a general manner at 10' contour intervals;

- (10) An index plan at a scale of one inch equals 200 feet (1" = 200') (when multiple sheets are used);
- (11) A locus plan at a scale of one inch equals 1000 feet (1" = 1000') on all preliminary plans;
- (12) Zoning districts of all areas shown on the plan;
- (13) Six (6) copies of a Development Impact Statement. The requirement for a Development Impact Statement may be waived by the Planning Board. The format for a Development Impact Statement may be found in Appendix A.

In the case of a Preliminary Plan of a subdivision covering less than all of the land owned by the developer in the vicinity 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 developer in the area of the subdivision and indicating the section for which approval is desired.

3. Approval

The Planning Board may give such Preliminary Plan its approval, with or without modification. Such approval shall not constitute approval of a subdivision but does facilitate the procedure in securing final approval of the Definitive Plan. The Planning Board may also disapprove a plan.

4. Disapproval

A disapproval shall be accompanied by a detailed statement of reasons for the action. Disapproval does not disqualify the plan, but does record the Planning Board's position that changes may be required for Definitive Plan approval.

SECTION 8: Definitive Plan

1. Submission of Plan

A) A Definitive Plan shall be governed by the Subdivision Regulations in effect at the time of submission of such plan or in effect at the time of the submission of a Preliminary Plan, provided that the Definitive Plan evolved from the Preliminary Plan and definitive plan is filed within seven (7) months of the Preliminary Plan.

B) The land shown on the Definitive Plan shall be governed by the zoning in effect at the time of the first submission of the Definitive Plan or of the Preliminary Plan from which a Definitive Plan is evolved, provided the Definitive Plan followed the Preliminary Plan within seven months, in accordance with the provisions of G.L. c.40A, §6.

C) Any person submitting a Definitive Plan to the Planning Board shall give written notice that the submission to the Planning Board has been made to the City Clerk by delivery or registered mail; such notice shall describe the land to

which the plan relates sufficiently for identification and shall state when such plan was submitted and the name and address of the owner and such facts shall be taken by the City Clerk as true unless the contrary is made to appear.

D) The applicant shall file two original sets of drawings (mylars) of the complete Definitive Plan and fourteen (14) contact prints. The Planning Department shall distribute one copy to each of the following departments: The Health Department, The Building Inspector, D.P.W. Director, Conservation Commission, Fire Department, and Police Department.

E) The applicant shall also file one set of contact prints and a Development Impact Statement with the Board of Health.

F) Both original drawings and two copies of the Development Impact Statement will be reserved for signatures with one set to be returned to the applicant after approval or disapproval by the Planning Board and the other set to be filed in the Planning Department.

G. Original reproducible drawings of the Definitive Plan consisting of Plot Plan, Site Plan, Street Plan, Sewer Plan, (storm drainage and sanitary sewer) and Water Plan , reproducible copies of the original drawings including two Mylars and a digital set that meets the specifications of the Assessors Office, and fourteen contact prints thereof, dark line on white background. The reproducible copies and the original Plot Plan will be returned to the applicant after approval or disapproval.

H. Two copies of a properly executed application Form C.

I. Evidence that the Definitive Plan conforms to the approved Preliminary Plan or that the Definitive Plan includes the modifications required by the Board's action on the Preliminary Plan.

J. In the event that the Planning Board determines that employment of an outside consultant is necessary to review the subdivision and its impact, the cost of the consultant(s) shall be paid by the applicant in advance of the Planning Board engaging the consultant, all in full accordance with the provisions of G.L. c.44, §53G, with the Planning Board to give notice of the selection of the consultant and the cost to the Applicant and with the Applicant to have an opportunity to claim an administrative appeal as provided for under §53G and with the Planning Board to have the right to deny relief if the consulting fee is not received.

K. List of abutters, Form H, certified by the City Assessor.

L. The results of percolation tests required by the Board of Health

M. One (1) original and two (2) copies of Drainage Plan and Drainage Calculations

2. Contents

A) General Requirements

1. The Definitive Plan shall be prepared and stamped by a professional engineer or a land surveyor and a professional engineer that are registered/certified in the Commonwealth of Massachusetts and consist of the following:

2) Plan shall be drawn clearly and legibly in black India ink upon Mylar.

3) Plan size shall be 24 inches high by 36 inches wide and shall have a 2 inch border on the left side and $\frac{3}{4}$ inch border on all other sides.

4) The scale shall be 1" = 40' horizontal and 1" = 8' vertical.

5) A title block shall be located at the lower right hand corner and shall contain the subdivision name, the surveyor's and /or engineer's name and seal, the name and address of the owner and/or applicant, and the date.

6) An inset location map at a scale of 1" = 1000', showing the proposed roads and the subdivision in relation to the surrounding street system furnished on the first sheet.

7) Suitable space, preferably located at the lower left hand corner, shall be reserved for recording the action of the Board, the date, and the signatures of the members of the Board.

8) All elevations with a base of Mean Sea Level where possible

9) Where existing bench marks do not exist within a reasonable distance from the subdivision, at least two permanent bench marks shall be set

B. Plot Plan.

1. The Plot Plan shall include:

A) Names of all abutters, consistent with Form H, as they appear on the most recent tax list, including owners of land separated from the subdivision only by a street.

B) Existing and proposed lines of streets, lots, right-of-ways, easements, and public or common areas within the subdivision. The proposed names

of proposed streets shall be shown in pencil until they have been approved by the Board. The purpose of easements shall be indicated.

C) Location, names, and present widths of streets bounding, approaching, and within reasonable proximity of the subdivision.

D) Boundary lines, areas in square feet, and dimensions on all proposed lots, with all lots designated numerically and in sequence. The boundary lines and areas of other adjoining land of the applicant not included in the subdivision shall also be shown.

E) Location and description of existing and proposed bounds.

F) Where the owner or subdivider also owns or controls un-subdivided land adjacent to or across the street from that shown on the Definitive Plan, the applicant shall submit a sketch plan showing a possible or prospective street layout and the present drainage, natural and constructed, for such adjacent land, unless such a plan has already been submitted to the Board with a Preliminary Plan.

G) Area claimed as "buildable land" and the approximate proposed location of main building on each lot to comply with the provisions of the Zoning Ordinance.

H) The location of the general soil classification boundaries identified by the Natural Resources Conservation Service.

I) Soil evaluations and percolation tests. Soil test data should be provided for each proposed lot. Test locations shall be indicated on the plans and standard soil evaluation logs and percolation test forms provided. A minimum of two soil tests including percolation tests at the location of stormwater management systems shall be performed. Soil permeability testing may be required in infiltration systems. Soil testing at a minimum of every 250 feet along the roadway and at locations requested by the Planning Board, in order to demonstrate suitable soils for roadway construction. Soil testing shall be witnessed or confirmed by the Planning Board's technical consultant or by another person designated by the Planning Board within thirty days of the submission of a definitive plan.

C. Site Plan

1. The Site Plan shall include:

A) Items required under Plot Plan.

- B) Major site features such as waterways and water bodies, existing stone walls, fences, buildings, large trees, rock and ridges and outcroppings, wetlands and scenic vistas.
- C) Existing and proposed topography within 50 feet outside the subdivision with a 2-foot contour interval, unless the Board agrees that the natural surface of the ground may be adequately represented by contours with larger intervals or by figures of elevation.
- D) Existing and proposed buildings and those parts of buildings within 50 feet outside the property.
- E) Subsurface conditions on the tract, location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water, and location and results of soil percolation tests if individual sewage disposal systems are proposed (on a separate sheet).
 - 1. The above percolation tests on each lot within the subdivision shall be made by and at the expense of the developer and shall be in accordance with the Board of Health rules and the State Sanitary Code as applicable. Borings or test pits shall be made every 300 feet along the roadway centerline. Other borings may be required.
- F) Location of all the following improvements unless specifically waived in writing by the Board will be noted on the plan: street paving, sidewalks, street lighting standards, all utilities above and below ground (i.e., telephone, cable television, gas), curbs, gutters, storm drainage, all easements, and when required by the Fire Department, the fire alarm boxes.

D. Street Plan

1. The Street Plan shall consist of both a plan and profile with the corresponding stationing on the same sheet and shall include the information indicated below. Where more than one sheet is required, the stationing shall overlap by at least 100 feet.

- A) Sidelines, permanent lines (in pencil), sidewalk lines (in pencil), widths and names on all existing and proposed streets.
- B) Existing and proposed property lines extending approximately 50 feet beyond the street sideline.

- C) Centerline stationing of all proposed streets starting at station 0+00 on the sideline of an existing street and tied to the centerline of the existing street.
1. Centerline and sideline street layout data including all curve data, bearings, centerline stations and centerline angles of intersecting streets. Sidelines point of curvature and point of tangent shall be referred by centerline stationing where sideline curves exist and centerline curves do not.
 2. Street profile showing only existing centerline grade (dashed line) and proposed centerline grade (solid line) with elevations at every even 50 foot station shown, except in a vertical curve where they shall be shown on every even 25 foot station.
 3. All vertical curve data, including curve length, PVC, PVI, and PVT with elevations and low or high points.
 4. Location and description of all existing bench marks.
 5. Location and description of existing and proposed bounds.
 6. Location, purpose, and width of all easements outside of street sidelines.
 7. Location, names, and present widths of streets, bounding, approaching, and within reasonable proximity of the subdivision.

E. Sewer Plan (Storm Drains and Sanitary Sewers)

1. The sewer plan shall consist of a plan and profile with the corresponding stationing on the same street and shall include the information indicated below. Where more than one street is required, the stationing shall overlap by at least 100 feet.
 - a. Sidelines, widths and names of all existing and proposed streets.
 - b. Centerline curve data and bearings as detailed in Section 8D, Street Plan, are required.

- c. Existing and proposed street, sewer and drain profiles with grades, except the existing street grades. Pipe length between manholes, invert elevations, and slopes of pipe shall also be shown.
- e. Finished invert elevations for the storm drains and sanitary sewers at 50 foot intervals.
- f. Location and description of all existing bench marks.
- g. Location and description of all existing and proposed bounds.
- h. Location, width and purpose of all easements outside of street sidelines.

F. Water Plan

The Water Plan shall include:

1. Sidelines, widths and names of all existing and proposed streets.
2. Centerline stationing as required in Item 3.2.1.3.2 under Street Plan.
3. Locations, size and type of existing and proposed water lines.
4. Location and size of all valves, hydrants, corporation cocks, water shut-offs, and service connections at property lines.

SECTION 9: Required Improvements In Subdivisions; Design Standards and Construction Specifications

A) Basic Requirements

1. In addition to the following basic requirements, all improvements shall be implemented in accordance with current requirements set forth by the Department of Public Works relative to water, sewer and drainage.
2. The subdivider shall provide all of the improvements required herein and installed at the subdivider's own expense. All work done under this section shall be done under the direction of the Board and the Director of the DPW.
3. No aforementioned bond or covenant shall be released until all streets have the binder course and utilities in place over at least one winter

(December 1 to April 15) and full approval in writing of all work done under this section is received from the Director of the DPW.

4. In addition, the following minimum specifications shall govern the installation of all roadways, utilities and other improvements in all subdivisions.

B) Clearing and Grubbing of Right-of-Way

1. Trees over four inches in diameter located more than five (5) feet from the proposed edge of pavement will require permission of the Board if removal is desired by the developer. All other trees and shrubs shall be removed within the right-of-way as dictated by sound design and landscaping.

C) Responsibility

1. The responsibility for provision of adequate stormwater drainage shall rest with the developer and the developer shall own or control or have lawful permission to use all areas where stormwater drainage is proposed to be stored, drained or channeled.

2. Each subdivision, regardless of size, shall be designed to meet the performance standards of the Department of Environmental Protection's Stormwater Management Policy. There shall be no net increase in runoff allowed and the storm drainage capacity shall be designed to handle two-year through 100-year storm events without creating a net increase in runoff or runoff as to volume or rate.

3. The stormwater management system design shall be documented in a report submitted at the time of application. This report shall include all drainage calculations, proposed maintenance and operation requirements and provide a copy of the instrument(s) that are proposed to be used to create an owners association that will own and maintain said system to allow the Planning Board to evaluate the adequacy of the proposed design.

4. The subdivision submission shall include a plan in the plan set that indicates the maximum build-out of the property. This plan shall indicate proposed buildings, driveways, lot grading including grading for septic systems, limits of clearing, and any other pertinent data. This plan will be utilized to evaluate the proposed stormwater management system. The plan and associated drainage design shall demonstrate that no increase in runoff rate or flooding of adjacent properties or streets will result post-construction. All water runoff and flooding shall be controlled on

site in any instance in which downstream receiving waters are not adequate to handle any portion of the runoff from a 2-year through a 100-year storm event.

5. The proposed roadway centerline shall be staked at 50-foot intervals and be in place at the time of the Planning Board's site visit. Additional staking of drainage facilities, easements, and other areas may be required at the discretion of the Planning Board.

6. It shall be demonstrated through a volume calculation that there shall be no net loss of soil materials from the site. This calculation shall be set forth in a note on the post-construction conditions sheet and shall be certified and signed and stamped by the professional registered engineer.

7. Construction details and specifications shall be shown on a separate sheet as part of the subdivision submission and shall be certified and signed and stamped by the professional registered engineer.

8. If the Applicant or owner(s) of the land to be subdivided owns or controls land adjacent to or across the street from that shown on the definitive plan, the Applicant shall submit a sketch plan showing a possible or prospective street layout for such adjacent land, unless such a plan has already been submitted to the Planning Board with a preliminary plan.

9. A written list of any waivers requested from the Regulations shall be provided.

D) Sanitary Sewers

1. Sanitary sewer pipes and related equipment, such as manholes, connecting Y's, and laterals, shall be constructed to serve each building or portion in conformity with the City Construction Standards as promulgated and amended from time to time.

2. Where, in the opinion of the Board of Health existing public sewers are not reasonably accessible, a Definitive Plan may be approved without provision of sanitary sewers, provided: (a) that no lot shall be built upon without the provision of on-lot sewage disposal facilities specifically approved by the Board of Health in conformity with the regulations of said Board as promulgated and amended from time to time; and (b) that the Planning Board may require installation of so-called "dry sewers," in conformity with the Sewer Commission Sewer Plan, in any street where in its

estimation, sanitary sewers may become accessible within a period of five years.

E) Water

1. Water pipes and related equipment, such as hydrants and main shut-off valves, shall be constructed to serve each street or portion of a subdivision in conformity with the standards of the appropriate Water District as promulgated and amended from time to time.
2. Where, in the opinion of the Board, existing public water mains are not reasonably accessible, a Definitive Plan may be approved without provision of water lines provided: (a) that no lot shall be built upon without the provision of on-lot water facilities specifically approved by the Board of Health in conformity with the regulations of said Board as promulgated and amended from time to time; and (b) that the Board may require such special provisions of water for firefighting as are deemed necessary by the Chief of the Fire Department.

F) Utilities

1. All new gas, telephone, electricity and cable antenna television lines shall be installed underground.

G) Roads, Berms, and Curb Cuts

Wherever a sidewalk or bicycle path intersects a roadway, curb cuts shall be provided. Wheelchair access shall also be provided at intersections. Roadways, berms, curbs, curb cuts, and shoulders will be constructed in accordance with the City Construction Standards.

H) Sidewalks and Bicycle Paths

1. Unless the Board determines that pedestrian movement is otherwise provided for, sidewalks having a width of not less than five (5) feet shall be constructed between the roadway and the right-of-way line, as close to the latter as practicable, and generally parallel with the roadway.

2. Minor streets shall be provided with sidewalks on the one side only, secondary and major streets with sidewalks on both sides.
3. Pedestrian access other than by routes parallel with roadways may be permitted, provided easements are established.
4. The Planning Board may require bicycle paths from four (4) to eight (8) feet in width within a subdivision. In certain cases the sidewalk requirement may be waived where bicycle paths are provided.

I) Groundwater Drainage

1. If, as construction progresses, unforeseen groundwater conditions are encountered that require additional sub-drains or curtain drains, then the applicant agrees by making the application for subdivision approval and accepting the approval to return to the Board to allow for the addition of appropriate systems to accommodate the problems.

J) Retaining Walls

1. Retaining walls shall be installed where deemed necessary by the Board and they shall be designed by a Registered Professional Engineer.

K) Fire Alarm Systems

1. Whenever required by the Fire Department, a fire alarm system shall be installed underground in accordance with the specifications of the Fire Department.

L) Trees and Plantings

1. Existing Trees on the site, especially those over twelve (12) inches in diameter, should be preserved. Following is a list of recommended measures for the protection of trees:

(d) There shall be no operation of heavy equipment or storage of any materials under said tree within its natural drip line.

(a) Wherever possible, no grading or filling should be done within the drip line.

- (b) Supplemental irrigation shall be provided to new trees as needed during the summer months to aid growth.
- (c) No bituminous concrete paving or vehicle parking should be located under conifers. No more than twenty percent (20%) of the area under any deciduous trees' natural drip line may be so paved.
- (d) All drainage from paved areas should be directed away from root zones.

2. Street Trees:

- (a) The subdivider is required to plant suitable broad-leaved deciduous trees along roads or ways between the roadway and the sidewalk, unless specifically exempted by the Board.
- (b) All trees shall be the equivalent of well-rooted nursery grown stock free of injury, harmful insects, and diseases. They shall be well-branched, and of sound structure.
- (c) Large growing trees shall be spaced at intervals of 45 to 55 feet, medium growing trees at intervals of 30 to 40 feet, and small growing trees at intervals of 20 to 30 feet.
- (d) Trees on one side of the street may be set either opposite or diagonally to trees on the opposite side.
- (e) If overhead wires are present, large or medium growing trees to be planted along the same side as such wires should be planted within the setback area of the property rather than adjacent to the paved way.
- (f) Small growing trees with low branching characteristics should be planted within the front yard set-back area in all cases.
- (g) Minimum acceptable sizes of trees to be planted shall be as follows:
 - Large-growing: 2-1/2" trunk diameter, caliper 1' above ground.

- Medium-growing: 2-1/2" trunk diameter, caliper 1' above ground.
- Small-growing: 9' crown height, 5' spread.

(h) Planting operations shall be as specified in Section 8, Subsections A, C, E, and F, of the Recommended Standard Specifications for Planting Trees, Shrubs, and Vines compiled and issued by the Associated Landscape Contractors of Massachusetts, Inc.

(i) Requirements for support stakes, guy wire and cable, ground anchors, hose, and wrapping material shall be those contained in Section 6 of the Recommended Standard Specifications for Planting Trees, Shrubs and Vines, compiled and issued by the Associated Landscape Contractors of Massachusetts, Inc.

(j) The subdivider shall be responsible for maintenance of planted trees and replacement of those which have died or become diseased from the time of planting through one full year.

M) Bank Plantings

1. All cut or fill bankings with slopes greater than 3:1 must be planted with suitable, well-rooted, low-growing plantings.

- (a) All plants shall be the equivalent of nursery grown stock in good health, free from injury, harmful insects, and diseases.
- (b) Perennial grass turf installed as sod is an acceptable alternative for the planting of banks.
- (c) If bank plantings are of a type which are properly spaced at close intervals, 8" to 12" of loam shall be spread over the entire bank. If the plantings are to be widely spaced they may be planted in loam pits.
- (d) Mulch (wood chips or equivalent) shall be spread to a minimum depth of 6" among plants for weed and erosion control.
- (e) The subdivider shall be responsible for maintenance of bank plantings and replacement of those which

have died or become diseased from the time of planting through one full year.

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

a) Turf may be provided by seeding as well as by planting sod.

b) Bushy shrubs and herbaceous plantings that would tend to obscure visibility are not permitted within twenty (20) feet of the intersection of the curbs adjacent to the corner lots.

2. Cul-de-sac Plantings. The central radius of a permanent dead-end street should be landscaped. The following options are permitted:

(a) Planting with ground cover using an 8" to 12" base of loam, and spreading mulch between plants for weed control.

(b) Planting perennial grass by either sod or seed.

(c) Planting ornamental shrubs of a type acceptable to the Board.

(d) Retaining existing vegetation, with approval of the Board.

(e) Standards and specifications – the standards of the American Nurserymen Association and the specifications of the Associated Landscape Contractors of Massachusetts shall apply to landscaping subject to these regulations.

N) Grass Strips

1. All cleared areas of a right-of-way, not to be planted with groundcover plantings, including all disturbed area over all culverts in drainage easements, shall be loamed with not less than six (6) inches compacted depth of good quality loam, seeded with lawn grass seed.

2. Seeding shall be done at appropriate times of the year and in a manner

to insure growth of grass.

3. No utility poles, transformers, signs or similar items shall be placed within the grass plot within three (3) feet of the edge of the pavement (i.e., place at back of sidewalk).

O) Street Signs

1. Street name signs of a design conforming to the type in general use in the City shall be furnished, set in concrete and erected at all street intersections prior to the occupancy of any house on the street. They will be provided with "break-away" sign supports.

P) Street Lights

1. Street lights are required and installation should be coordinated with National Grid.

Q) Guard Rails

1. Guard Rails shall be installed as required by the Board.

R. Streets

1. Streets shall be constructed in all subdivisions at no expense to the City and shall be constructed in conformance with these regulations.

A) Location and Alignment

1. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel and natural drainage with no drainage pockets, and so that they are adjusted to the topography and provide the minimum number of intersections with existing and collector streets.
2. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.

3. Provision satisfactory to the Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.

- a) 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.
- b) Offset street intersections with centerline offsets of less than 125 feet are not acceptable.
- c) Dead-end streets shall not be longer than 500 feet unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions.
- d) Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 100 feet and a property line diameter of at least 120 feet.
- e) A dead-end street shall not have a grade of greater than two (2) percent for the last one hundred (100) feet at the closed end.
- f) A cul-de-sac shall not have a grade of greater than four (4) percent for the last one hundred (100) feet of street approaching the cul-de-sac.
- g) Temporary dead-end streets shall similarly provide for a turn-around, which may be located in part on easements over lots so long as contractual assurance is provided that upon extension of the street the terminated turn-around will be removed and replaced with loam and appropriate planting.

4. The minimum centerline radii of curved streets will not be not less than the following:

- Minor Streets - 150 feet
- Collector Streets - 500 feet

5. Streets shall be laid out so as to intersect as nearly as possible at right angles.

6. No street shall intersect any other street at less than sixty degrees. Property lines at street intersections shall be rounded to a radius of not less than twenty-five feet at intersections with a collector street and twenty feet for intersections involving only minor streets.

7. Roadways shall be constructed for the full length and width. The centerline of such roadway shall coincide with the centerline of the street right-of-way, unless a minor variance is specifically approved by the Board.

8. All reverse curves on collector streets shall be separated by a tangent at least one hundred fifty (150) feet long.

9. Subdivisions containing twelve (12) or more lots shall have at least two (2) noncontiguous street connections with a street or streets, either existing or shown on an approved subdivision plan, for which a performance guarantee has been filed.

10. Streets will ordinarily be requested adjacent parks and schools to provide access to and proper policing of such areas.

11. Streets shall not be built within twenty-five (25) feet of any watercourse, except where a stream crossing has been approved by the Planning Board. A street may cross land which is flood prone provided the lots served may be reached by another means of access which is not subject to periodic flooding.

12. Width

a) The width of street right-of-ways and traveled ways shall not be less than the following:

	<u>Right-of-Way</u>	<u>Traveled Way</u>
Minor Streets	50 feet	34 feet
Collector Streets	60 feet	40 feet

Greater width shall be required by the Board when deemed necessary for present and future vehicular travel.

The street cross section shall comply with Typical Street Sections, contained herein.

13. Grade

A) Grades of streets shall not be less than 0.5%. Grades shall not be more than 6.0% for collector streets, 10.0% for minor streets.

B) On any street where the grade exceeds 6.0% on the approach to an intersection or cul-de-sac, a leveling area with slope of not more than 4.0% shall be provided for a distance of not less than 100 feet measured from the nearest exterior line of the intersecting street.

C) Vertical curves are required whenever the algebraic

difference in grade between centerline tangents is 2.0% or more, providing a forward sight distance of 200 feet on minor streets, and 300 feet on collector streets.

D) Street grades shall be designed in relation to existing grades such that the volume of cuts and fills made within the right-of-way approximately balance, except to offset peat, boulders, or other unusable material to be removed.

14. Preparation of Roadway

A) Clearing.

1. The roadway shall be cleared of all obstructions of any kind for a distance equal to the sum of the specified width of the pavement plus the required shoulder and any sidewalk or swale on each side of the pavement.

2. A greater width may be required at corners and on the inside of curves for visibility.

B) Street Sub-grade

1) All materials shall be removed for the full length and width of the roadway (pavement and shoulder), to a depth of at least fifteen (15) inches below the finished surface as shown on the profile plan;

2) If the soil is soft and spongy, or contains undesirable material, such as clay, sand pockets, tree stumps, stones over six (6) inches in diameter, or any other material detrimental to the sub-grade, a deeper excavation below the sub-grade shall be made, as directed by the Board's designated agent.

a) At this point, all pipes and utilities shall be laid as specified above

b) An inspection must be made of the sub-grade by the Board's agent before any foundation gravel is spread.

c) The excavation shall be backfilled to three inches below sub-grade and well compacted with approved gravel consisting of hard durable stone and coarse sand practically

free from loam and clay, uniformly graded and containing no stone having a dimension greater than six inches.

C) Street Sub-base

1. Before the base is spread, the gravel borrow sub-base shall be shaped to a true depth of 12 inches conforming to the Typical Street Sections included herein.
2. The sub-base installation shall be in conformance with the Massachusetts Department of Public Works Standard Specifications for Highways, Bridges, and Waterways, as last revised Section 401.
3. It shall be compacted to 95% maximum density in layers not exceeding eight inches in depth, except the last layer shall not exceed four inches in depth.

D) Street Base Course (collector streets only)

1. On collector streets a base course of three inches of Class I bituminous concrete base course shall be laid in a separate course over the sub-base in accordance with the materials and standards designated by the Massachusetts Department of Public Works Standard Specifications for Highways, Bridges, and Waterways, Section 420.

E) Street Surface

- 1) The surface course shall be laid in two separate operations, consisting of a rolled 1-1/2 inch binder course of Class I bituminous concrete, Type I-1 and 1-1/2 inch surface course of Class I bituminous concrete, Type I-1 in accordance with Section 460 of the above-given state specification. The roadway shall be paved to the full width specified. The finished surface must be uniformly placed true to line and grade to form a close, even union around all curbs and projecting frames. It is the contractor's responsibility to see that all manhole frames, gate boxes and catch basin frames are at street grade to 1/4" below grade (not projecting) and accessible for their intended use.
- 2) Sewer, water, telephone conduits, and gas connections shall be installed to the lot line (back of sidewalk) prior to the surfacing of the road.

F) Sidewalks

- 1) Sidewalks shall be provided on both sides of collector streets and one side of minor streets. On the side of the minor street where no sidewalk is constructed, the grading and planting of the right-of-way shall be such that later addition of sidewalks is feasible without major re-grading.
- 2) Sidewalks shall be not less than five feet in width on collectors and four feet on minor streets and shall be located so that the back of the sidewalk conforms to the lot lines.
- 3) The sidewalks shall have a transverse slope or crown of $\frac{1}{4}$ of an inch per foot, sloping towards the street.
- 4) Preparation of the base shall be accomplished by removing material to a depth of 10 inches below finished design grade. Any soft spots of undesirable material shall be removed and replaced with gravel. The excavated area shall be filled with a minimum eight inches of gravel and well compacted (i.e., two passes of roller or vibratory compactors).
- 5) Forms shall be set to grade, then a rolled one inch binder and rolled on inch surface course of Type I bituminous concrete shall be placed, except at driveways where the binder thickness shall be rolled two inches.
- 6) At all intersections the sidewalks shall be constructed across the grass plot to the edge of the traveled way.
- 7) In addition, public off-street walkways, bikeways, or bridle paths may be required by the Board to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space, or community facilities, or to break up long blocks, or for such other reason as the Board may determine. Such ways may or may not be part of normal sidewalk provisions, but they shall not be a part of any lot in the subdivision.

G. Curbing and Shoulders

1. Curbing shall be installed along the edge of each roadway in all streets.
2. Bituminous concrete curbing shall conform to the specifications of Type A curbing in Section 501 of the Massachusetts Department of Public Works Specifications for Highways, Bridges, and Waterways and shall be

12-15 inches wide at the bottom, four inches wide at the top, and six inches high.

(a) Granite curbing shall conform to the specification of Type VA curbing in Section 501 of the Massachusetts Department of Public Works Specifications for Highways, Bridges, and Waterways and shall be six inches wide by 18 inches high and shall be laid with a seven inch reveal.

(b) Where the two types of curbing meet, the bituminous concrete curb shall be tapered up to meet the granite curbing or the granite sloped back and tapered to meet the bituminous concrete berm.

H. Grass Strip

1) Grass strips shall be provided on each side of the roadway between the roadway and the sidewalk on the side of the street. Where no sidewalk is to be installed, the grass strip shall extend between the roadway and the street side line. The minimum width shall be as follows:

Collector: 5 feet if with sidewalk
 10 feet if no sidewalk

Minor: 5 feet if with sidewalk
 8 feet if no sidewalk

2) The finished grade of such planting strips shall be $\frac{3}{4}$ inch/foot sloping toward the roadway. Where unusual physical land characteristics or topographic conditions exist, the Board may approve the construction of a planting strip at a slope greater than $\frac{3}{8}$ inch/foot provided the finished slope will not project above or below a plane sloped two horizontal to one vertical upward or downward from the edge of the roadway, and provided such variation is indicated on the Definitive Plan.

3. The strip shall have a 9" gravel foundation and the top six inches of planting strips shall consist of good quality loam, screened, raked and rolled with at least a 100-pound roller to grade. The loam shall be fertilized and seeded with lawn grass seed applied in sufficient quantity to assure adequate coverage, rolled when the loam is moist.

a) The Board may require such banks and all other disturbed areas adjacent to the traveled way to be loamed and seeded to grass. However, it is suggested that consideration be given to the surrounding growth and terrain. Roadsides should be made to

blend with the woods or natural surroundings that exist, and plantings in such areas should be chosen accordingly.

b) The subdivider shall be responsible for replacing all dead or diseased plantings for one full year from the time of planting.

I. Street Trees

1) Existing trees, which in the opinion of the Board are suitable for street trees, shall be preserved, and where such are inadequate, new trees shall be provided on both sides of all streets. Trees having a trunk diameter of at least two inches and a minimum height of 12 feet shall be planted four feet outside the right-of-way, usually to be spaced not more than 40 feet apart.

2) The subdivider shall be responsible for replacing all dead or diseased plantings for one full year from the time of planting.

J. Bounds

1) Granite bounds shall be installed on the street sideline at all points of curvature where the sideline changes direction, and at other points where, in the opinion of the Board, permanent bounds are necessary.

2) Bounds shall be not less than six inches square and three feet, thirty inches long.

3. The tops shall be set flush with the finished street sideline grade and shall be set in well-tamped binding gravel. The point of each bound shall be marked by a 3/8 inch drill hole in the top.

a) No permanent bound shall be installed until all construction which would destroy or disturb the bound is completed.

b) The developer's engineer or surveyor shall furnish the Board with a letter certifying that bounds have been placed precisely as indicated on the Definitive Plan.

K. Street Name Signs

1) Street name signs shall be installed at each street intersection at diagonally opposite corners and shall bear the names of both intersecting streets.

- 2) Street name signs shall be of a design conforming to street name signs used by the city. Street names shall be chosen from a list of Veteran names available in the Building Department.
- 3) Temporary stop signs, conforming to city regulations for size and color, shall be required at all intersections with public ways. The applicant shall be responsible for installing permanent stop signs at the completion of the project as requested by the Police Department.

L. Water

- 1) The subdivider shall provide, at no cost to the city, water supply facilities and appurtenances to serve each lot in the subdivision.
- 2) Where the public water system is located within 1000 feet of the subdivision, the subdivider shall connect to the public water system at his expense, and in accordance with the overall water plan for the area.
- 3) The contractor installing the pipe and those in his employ shall, in the opinion of the Director of the DPW, be experienced in water main construction and possess the required skills and equipment to satisfactorily complete the work.
- 4) Where the subdivision is not to be connected to the public water system, private on-lot water systems shall be constructed in conformance with the standards of the Board of Health.
- 5) The location of public water mains shall conform to the Typical Street Sections included herein, and shall not be closer than 10 feet measured horizontally from a sewer line. In no case shall the water line be constructed below nor less than 18 inches above a sewer line.
 - a. Service connections for each lot shall be extended to the street sideline when the water main is installed. Service connections shall be not less than one (1) inch type K, soft copper, using compression fittings.
 - b. Public water mains shall be not less than 8 inches in diameter and shall be Class 52 cement line pipe or Class II ductile iron. All pipes shall be cement-lined with paint seal coat inside and tar coated outside or approved as equal by the DPW.
 - c. Hydrants shall be located so as to be not more than 600 feet apart and shall conform to the specifications of the Director of the DPW and the Fire Chief.

- d. The placement and type of valves shall be approved by the Director of the DPW. In general, however, valves shall be located in such number and locations that water lines by individual blocks may be isolated for maintenance and repair purposes. Triple gates are required at intersections.
- e. Water lines shall be constructed so as to have a minimum of five feet of cover.
- f. Pressure testing shall be required in accordance with the American Water Works Association specification C600-64.
- g. All water lines shall be sterilized in accordance with the American Water Works Association specifications C601-54.

M.

- 1) The subdivider shall provide, at no cost to the city, adequate sewage disposal facilities to serve each lot in the subdivision.
- 2) Where the public sewerage system is located within 1000 feet of the subdivision and where such flow from the subdivision to the connection would be entirely by gravity, the subdivider shall connect to the public sewerage system at his expense in accordance with the overall sewerage plan for the area.
- 3) Where the public sewerage system is planned to be installed within 1000 feet of the subdivision within three years of the date of submission of the Definitive Plan, as indicated by an accepted city schedule of planned improvements, the subdivider shall at his cost, install in the street and to every lot, sewer laterals which can be connected to the proposed public sewerage system. The design for such connection shall be provided by the Department of Public Works.
- 4) Where the subdivision is not to be connected to the public sewerage system, private on-lot sewerage systems shall be installed and designed and constructed in conformity with Article XI of the Massachusetts Sanitary Code under jurisdiction of the Board of Health.
- 5) The location of public sewer line shall conform to the Typical Street Sections included herein.
- 6) Service connections for each lot shall be extended to the street sideline when the sewer line is installed.
- 7) Public sewer lines shall have a minimum diameter of eight inches.

Service connections shall have a minimum diameter of six inches.

8) Manholes shall be placed at every change in grade or horizontal alignment of the sewer line, but in no case shall be greater than 250 feet apart.

9) Manholes shall be of the type specified by the Department of Public Works.

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

a) Percolation tests shall be required for all lots not served by the municipal sewer system in conformance with Article XI of the Massachusetts Sanitary 21 Code. In addition, the Board of Health may also request additional soil analyses if in its opinion a public hazard may be created.

b) If the Board of Health is in doubt as to whether any of the land in the subdivision can be used as building sites without injury to the public health, it shall so notify the Planning Board in writing. Any approval of the plan by the Planning Board shall then only be given on condition that the lots or land as to which such doubt exists shall not be built upon without prior consent of the Board of Health, and shall endorse on the plan such condition, specifying the lots or land to which said condition applies.

c) If in the opinion of the Board of Health the site excavation, fill and grading may affect the suitability of the land for septic systems it may require additional percolation tests and soil analyses after such excavation, filling and grading has taken place.

N. Stormwater And Surface Water Drainage and Management

1. A system of storm drains, culverts, ditches, and related installations, including catch basins, gutters, and manholes, and other stormwater controls, shall be designed and installed to provide adequate disposal of surface water with regard to quantity and quality, including control of erosion, sedimentation, flooding, and standing water from or in the subdivision and adjacent lands, and shall be subject to approval by the Planning Board.

2. Adequate provision using site planning, source controls and pollution prevention, as well as DEP Best Management Practices shall be made for the disposal of all stormwater collected on streets, roofs or other impervious surfaces through a storm drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

3. The Massachusetts DEP Stormwater Management Policy Handbook and Stormwater Management Standards adopted by the DEP for controlling stormwater are incorporated into these Subdivision Rules and Regulations, by reference. The Stormwater Management Standards apply, as contained in the Wetlands Protection Act, 310 CMR 10.00.

4. The proposed subdivision shall not increase the rates, concentration or velocity of runoff when post construction conditions are compared to pre-construction conditions based upon drainage calculations prepared by a professional engineer to the satisfaction of the Department of Public Works and any peer review consultant. The plan will detain stormwater on the land at the site of the development to the maximum extent practicable utilizing the wise use of the natural features of the site and Best Management Practices, including groundwater infiltration.

5. Technical design and construction standards for detention/retention basins and infiltration structures, including but not limited to groundwater separation, allowable outlet control structures, sediment fore bays, emergency overflow spillways, waterways and splash pads, as well as sizing for basin, outlet and spillways shall be in accordance with the specifications, design assumptions and standards of the Department of Public Works, consistent with DEP Stormwater Management Standards.

6. When, in the opinion of the Planning Board, development of an area would increase runoff to downstream properties, it shall require that a detention area be constructed. Such detention area will be designed to handle the 100 year storm and such size shall be determined by the flood routing procedure as described in the U.S.D.A., Soil Conservation Service National Engineering Handbook, HYDROLOGY, and Section 4. Side slopes shall be not greater than three (3) to one (1) and shall be loamed, seeded, rolled and designed in accordance with the technical specification of the Department of Public Works.

7. In addition to control of stormwater runoff, basic aesthetics should be considered in the design of detention basins. Detention basins shall be located, to the maximum extent feasible, away from house lots adjacent to the proposed subdivision. Design which conveys a more natural appearance such as a freeform shape with flat side slopes is preferable to a "swimming pool" shape. Box configurations should be avoided. When viewed from the street, detention basins shall be landscaped and made and maintained as an integral part of the streetscape. Aesthetic design will be per the specifications of the Planning Board. Fencing of all or part of such retention areas may be required, as directed by the Planning Board. Detention or retention basins shall be sited on a separate drainage lot, located away from adjacent existing house lots.

8. An Operation and Maintenance Plan shall be provided for the proper maintenance of the stormwater drainage system and to ensure that systems function as designed, in accordance with DEP Best Management Practices. All detention or retention basins shall be the responsibility of the developer, and subsequently, the owner's association, once established, as to its long term maintenance, and maintenance of the landscaping. Said detention and retention basins with appurtenants shall be guaranteed from defect in construction and operation by the posting of a performance or defect guarantee for a minimum period of three years in an amount not to exceed twenty percent of the value of said improvements.

9. The biological and chemical properties of the receiving waters shall not be degraded by the stormwater run-off from the development site, using the best practicable measures. Provision for attenuation of runoff pollutants and for ground water recharge shall be incorporated into the stormwater management design. These standards shall apply, as provided in item 3, above.

10. Proper connections shall be made with any existing drains in adjacent streets or easements, provided that the subdivider seeks and obtains permission from the City to do so, after the City determines that sufficient capacity exists and that any required compensation has been received.

Connections shall be made only to stormwater facilities which are deemed adequate by the Department of Public Works, and to which the City has adequate maintenance access. Where property adjacent to the subdivision is not subdivided, provision shall be made for the proper projection of the drainage system by continuing appropriate drains to the exterior boundaries of the subdivision at such size and grade as will allow for such projection.

The applicant shall show the size and location of existing storm drain facilities that the new subdivision will tie into on the Definitive Plan. If, during construction of a subdivision, any drainage provisions should be found to be inadequate or omitted, because of conditions encountered during actual construction, the Planning Board shall require that such additional drainage facilities as are necessary be constructed by the developer at his expense. All stormwater field changes must be approved by the Department of Public Works and shall be identified on the As-Built Plans

11. Infiltration structures shall be placed only in type A or type B soils as designated by the United States Soil Conservation Service. The systems shall be sized using permeability rates attained in the field only.

12. All construction shall be in accordance with the current specifications of the Department of Public Works.

13. The size of any drain pipe shall be in accordance with the approved Definitive Plan and in any case shall not be less than twelve (12) inches in diameter, except as provided in Paragraph 5 of this Section.

14. Double catch basin gratings, with single frame, shall be installed where the roadway slope directly above such basin is four (4) percent or greater, or as designated by the Planning Board. Catch basin gratings shall be installed such that the gratings will not be hazardous to bicycle traffic. All catch basin gratings shall be designed on the assumption that they are 50% clogged and the height of water above them will not exceed five (5) inches.

15. Lots shall be graded as to prevent low spots that will not drain and create a public nuisance and to prevent excessive erosion. Where low spots cannot be avoided, they shall be drained by means of a drain pipe no smaller than 12 inches in diameter, and catch basins or other approved inlet structure, to the nearest street drains. An easement, thirty feet in width minimum shall be provided in the interest of the City. Lot grading shall be in accordance with Sufficient test holes shall be dug to determine the high ground water elevation pattern throughout the subdivision for considerations of road and utility design and building elevation. Structures on land subject to seasonal flooding or high water table, if built upon, shall be built at an elevation in accordance with requirements of the Board of Health, the DPW, and the Building Department.

16. Catch basins shall be located so that the maximum distance which water will have to flow over the surface shall not be greater than 250 feet. Catch basins shall be closer than 250 feet when, in the opinion of the Planning Board, it is so required.

A manhole shall be located at any change in direction or slope of a drain pipe. Catch basins shall be installed on both sides of the roadway, at low points in the roadway, and near the upper point of curvature of the curb rounding of intersecting streets. Catch basins shall not be installed at driveways. Catch basins shall be connected to manholes and not to other catch basins.

17. Portland cement concrete or stone masonry headwalls shall be constructed at the open ends of any drain pipes, and shall be constructed in accordance with the specifications of the Department of Public Works.

18. Brooks or tributary ditches that are left open within the subdivision shall be shaped to a cross-section and gradient as approved by the Planning Board. Side slopes shall be no steeper than a rate of three to one, and shall be loamed, seeded, and rolled in accordance with the specifications of the Department of Public Works. Riprap throughout shall be required where flow velocity is expected to exceed four (4) feet per second. Riprap shall be required on side slopes on outer sides of curvature, at changes in directions, and alongside headwalls. Riprap shall be placed, not dumped, where visible to the public.

19. Drainpipe slopes shall be designed to afford the following minimum velocities for the pipes flowing full.	Minimum Design Velocity (feet per Second)
Pipe Diameter (inches)	
12 - 42	3
48 - 54	4
60 - 66	5
72 and larger	6

20. The quantity of stormwater to be carried by the drainage system shall be based on the following criteria.

a) Method of estimation of runoff shall be made as follows (not withstanding requirements of DEP Stormwater Management Policy, when necessary):

1. Method of estimation of runoff for retention/detention basins, open drainage, and for pre-development versus post-development runoff comparisons shall use United States Department of Agriculture, Soil Conservation Service, National Engineering Field Manual, Chapter 2, Revised 1971, based on 24 hour rainfalls using a one-hundred year design storm frequency or return period.

2. Method of estimation of runoff for drain piping, infiltration structures, and other closed drainage systems shall use the "Rational Method" using a twenty-five year design storm frequency or return period based on the following:

(a) Percent Roof and Pavement LAND USE AND ZONING	%ROOF AND PAVEMENT
Business, General Industrial, Light Industrial	95
Apartments	80
Garden Apartments	60
Single and Two Family Residential (R-1,G)	40
Single Family Residential (R-2, R-3)	25
Single Family Residential (R-4)	20
Recreation, Conservation, Open Space, Agriculture	5

(b) Inlet time and time of concentration shall be determined in accordance with current engineering practice as outlined in the "." or similar accepted method.

(c) Rate of runoff shall be determined for the appropriate conditions as specified in the previous paragraphs.

21. Building Grades: No cellar floor, garage floor, or basement floor connected to the public drainage system shall be set at an elevation lower than two and twenty-five one-hundredths (2.25) feet above the top of the main drain line. Such floors shall be a minimum of one foot above the high ground water table. Pipe size shall be a minimum of six (6) inches with a pipe slope of 2%.

22. Foundation Drains: Foundation drains must be provided and connected to the Town's storm drainage system, provided that the subdivider obtains permission to do so, or open outlet on the lot. No foundation drainage shall be directed to the street.

23. Excavations. No excavations for storm sewers, catch basins, manholes, or related facilities shall be backfilled until inspected.

O. Flood Plain District.

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

- (a) The proposal is in compliance with Article V of the Zoning Ordinance.
- (b) The proposal is designed consistent with the need to minimize flood damage, and
- (c) All public utilities and facilities, such as gas, electrical and water systems, shall be located and constructed to minimize or eliminate flood damage, and
- (d) Adequate drainage systems shall be provided to reduce exposure to flood hazards, and
- (e) Base flood elevation (the level of the 100-year flood) data shall be provided for proposals greater than five acres for that portion within the Flood Plain District.

P. Easements

- 1) Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 20 feet wide.
- 2) Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of a minimum width of 20 feet to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

Q. Conservation Restrictions

- (a) Watercourses shall be located within easements conforming substantially to the lines of their courses, whose width shall not be less than 19.685 feet and whose boundaries shall not be closer than five (5) feet horizontally from the annual high water line. No building shall be constructed and no paving shall be permitted within such easement except as permitted under the Zoning Ordinance. Watercourses shall remain open except at street crossings.
- (b) In any subdivision, the developer may grant to the City a conservation restriction over any portion of the subdivision providing the area subject to restriction has the approval of the Conservation Commission and the City Council.
- (c) All drainage structures (unless flowing into an infiltration basin) will include metal markers stating "No Dumping-drains to surface water"

R. Grading of Slopes

- 1) All slopes resulting from grading of streets and sidewalks shall not exceed one foot vertical to two feet horizontal in fill; one foot to two feet in cut; and one foot in ledge.
- 2) Slope easements or retaining walls shall be employed where slopes cannot be contained within street sidelines.
- 3) Grass strips and driveway entrances shall be so graded as to prevent surface water on the street from draining onto private land, except at designated ponding and collection areas.

S. Open Space

- 1) The Board may require that an area be reserved for a possible park or Parks for up to three years as provided for under G.L. c.41, §81U.
- 2) Such reservation shall be made where particular natural features, abutting public land, or potential neighborhood need for recreation space make later public acquisition desirable.
3. In no event shall required reserved area exceed five percent of the total area of the subdivision.
4. Any open space or playground land shall be provided with appropriate frontage on a street and pedestrian ways will normally be required to provide access from each of the surrounding streets, if any, on which the open space, park or playground has not frontage.
5. Further, such parks and/or playgrounds may be required to have maintenance provided for by covenants and agreements acceptable to the Board, until public acquisition is accomplished by the community.
6. An open space buffer area of 20 feet shall abut all adjacent properties to the subdivision. The area shall be planted with suitable shrubs to create a visual and sound barrier between the subdivision and surrounding properties.

T. Protection of Natural Features

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

U. Industrial Subdivision

1. Industrial subdivisions shall comply with all requirements of the Subdivision Regulations except as noted in this section.
2. All streets shall be constructed as collector streets and all appropriate design standards shall apply.
3. Curb radii shall not be less than 50 feet.
4. Roadway grades shall not exceed 6.0 percent.
5. Looping streets and second exits should be provided to avoid cul-de-sac type turnaround.

V. Increase in Standards by Board

The Board may increase the above standards and/or request variation in design and layout so that the proposed subdivision shall conform to the overall plan for development of the city.

W. Safety

- 1) All precautions should be taken by the developer and his subcontractors to observe common-sense safety requirements. The Board designates the Director of Public Works to report all unsafe activities in preparation of the subdivision to the Board.
- 2) Holes greater than five feet in depth and soil piles higher than five feet, or materials stacked in an unsafe manner shall not be allowed unless the area is adequately protected.
3. The applicant shall be responsible for installing temporary stop signs at all intersections within the subdivision and adjoining roadways. The design and placement of stop signs must be pre-approved by the Department of Public Works.

X. Cleaning Up and Restoration of Damage

1. After any storm event and before the sale of a lot, the subdivider shall clean up any debris caused by street construction and installation of utilities. All areas within the street lines damaged, destroyed or altered in construction operations shall be restored to satisfaction.

Y. As-Built Drawings

- 1) An interim as-built plan shall be provided when a roadway is roughed in to confirm its location.
2. Upon completion of any roadway, the developer shall have the original plans and profiles of the Definitive Plan, as approved by the Board, corrected and certified by his engineer or surveyor to show the actual as-built locations and grades of all utilities, roadway profiles and any changes authorized by the Board or City Engineer.
 - a) These changes shall be drawn on the Mylar and the plan shall be marked "As-Built Drawing" in the lower right-hand corner. A digital version that meets the specifications of the Assessors Office shall also be prepared.

- b. Ties to all gate valves, tees, service connections, shut-offs, sewer Y's, bounds, etc., shall be shown.
- c. As-built revisions to the Street Plan showing all monuments, street widths, distances, bearings and complete curve data for all street sidelines and easements shall be utilized as Street Acceptance Plan and the plan so marked.
- d. The surveyor shall place a certification of the plan stating, "The street or streets or portions thereof shown have been set as shown." The plan shall be signed and stamped by the surveyor.

Z. Variation and Reference

1. Variation

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

2. Reference

For matters not covered by these rules and regulations, reference is made to Sections 81-K to 81-GG, inclusive, of the Subdivision Control Law.

AA. Construction Plan

An Applicant for definitive subdivision plan approval shall submit a Construction Plan and 8 copies for approval by the Planning Board before the close of the public hearing and it shall be imposed as a condition of approval.

The Construction Plan shall be prepared by a Registered Professional Engineer and shall be signed and stamped by said engineer. The Construction Plan shall contain the following information and requirements:

1. The Applicant shall provide to the Planning Board the name, address, telephone number and e-mail address of the project manager or other responsible party on site who will be responsible for construction activities. This must be provided at least 48 hours prior to any land disturbing activity on site.
2. The location of any and all construction areas shall be delineated.
3. The location of vehicle parking and location of equipment storage during construction, together with the location for wash down of vehicles and equipment.
4. Construction equipment shall not be parked or stored adjacent to any drainage channel, drainage inlet, or wetland buffer area.

Maintenance of construction equipment involving transfer of fluids and fuels shall be conducted in areas away from drainage channels and inlets and wetland buffer areas.

5. Limits of clearing and grading in relation to the existing trees and the property lines shall be shown on the plan.
6. The calculations for stormwater run-off from the property for all storm events, up to and including a 100-year storm events, shall be provided and the runoff for same shall be shown to be fully contained on site during construction so as to eliminate flooding runoff and runoff.
7. The total amount of land disturbance shall be quantified for the entire project, including, but not limited to, any disturbance that will be caused by roadway work, lot clearing, foundations for any structure, septic work, pools, tennis courts, landscaping. The amount of bare earth that will be exposed at any one time during development of the project (roads, lots and any other clearing) and the length of time it will be exposed shall also be quantified.
8. The methods that will be employed to protect areas with exposed earth during development and to prevent erosion and control sedimentation during and after the construction. This shall include a detailed description of the procedures that will be employed to maintain the site in good condition during and after construction, including all operations and maintenance procedures and plans, vegetation controls and erosion and sediment control measures (e.g., siltation fences and hay baling and filter bags for catch basins and a specific program for cleaning and repairing catch basins).
9. Methods for construction within a flood plain to flood-proof all structures and replace all flood storage capacity to control runoff and runoff in the event of 2-year through 100-year storm events so as to result in no net increase in runoff during such events.
10. Methods for the preservation and protection of waterways, flood plains, open space/conservation areas.
11. Location of all other conservation measures, permanent and temporary, including, but not limited to, dikes, water diversions, terraces, dams, reservoirs, water conduits, grassed waterways and plantings of drought resistant grass, shrubs and trees, temporary seeding, mulching, dust control, diversion dams, sediment traps, snow fence, silt fence, hay bales, filter fabric or filter bags in catch basins and stabilized construction entrance.
12. Location of specific major structures controls (i.e., where the stabilization practices will be placed, surface water locations, soil disturbance areas, drainage patterns and during and following grading).
13. The location for the stockpiling of topsoil, loam, gravel and any other materials, together with a plan to contain same so as to

prevent erosion and runoff in the event of 2-year through 100-year storm events. Earth material stockpiles shall not be allowed immediately adjacent to perimeter siltation barriers or drain inlets. Long term stockpiles (i.e., over 30 days) shall be shaped stabilized and circled by siltation fence or hay bales and shall be stabilized by temporary seeding or netting. Such stockpiling shall not exceed a duration of more than 3 years from the date of endorsement.

14. Any soil or earth material brought to the Property during construction shall be approved by the Planning Board's engineer, prior to its arrival.
15. All earth removal shall comply with the Regulations and the City's requirements.
16. All areas to be protected from encroachment from construction shall be marked on the ground as shown on the approved Subdivision Plan and these barriers shall be maintained by the developer throughout the construction phase of the project.
17. Satisfactory inlet protection shall be provided for the drainage system until all work has been completed and vegetation established.
18. The Construction Plan must account for the timing and sequence of installing all conservation measures in order to provide for maximum control of erosion and sedimentation in the event of a 2-year through a 100-year storm event during construction.
19. A copy of the NPDES plan and permit, if applicable, for construction sites with one acre or more of total disturbed area, inclusive of lot development, shall be provided by the Applicant to the Planning Board prior to the start of construction.
20. All stormwater management basins shall be constructed and stabilized to contain the runoff from a 2-year storm even through and including a 100-year storm event prior to paving and connection of the storm drain system. This requirement shall be a mandatory condition of subdivision approval and a note setting forth this requirement shall be placed upon the definitive plan.
21. In the event that a temporary stormwater management basin is proposed, it shall be shown in detail on the plan and shall be constructed and stabilized to contain the runoff before paving of any roadway that will contribute to the runoff occurs. This requirement shall be a mandatory condition of subdivision approval and a note setting forth this requirement shall be placed upon the definitive plan.

22. Tree stumps, limbs, brush and all construction debris shall be legally disposed of, off-site.
23. Hours of construction shall occur only during the following times:
Monday – Friday: 7 a.m. to 6 p.m., or dusk whichever is earlier
Saturday: 8 a.m. to 5 p.m., or dusk whichever is earlier
Sunday None.
24. Any blasting operations shall require proper permits and shall not be undertaken on any weekend or holiday.
25. Prior to the start of any road construction, a standard City street sign shall be erected indicating the approved street name.
26. Excavation dewatering shall be in a workman like manner and such water shall be free of suspended solids before being discharged into either a wetland or any stormwater drainage system. This condition applies to all forms of dewatering including pumping and trenching.
27. The Subdivision Plan endorsement and approval shall be exercised in compliance with all applicable provisions of the Conservation Commission Order of Conditions. If there is any inconsistency between the Subdivision Plan, as approved by the Planning Board, and the plans approved by the Conservation Commission, the Applicant shall apply for subdivision modification under G.L. c.41, §81W. The amended plan shall be accompanied by a report detailing changes from the prior approved subdivision plan and include revised drainage calculations, if applicable.
28. Catch basin grates shall be set flush with the binder course and then reset so as to be flush with the topcoat when installed.
29. Once paved, the subdivision street shall be kept clear and passable at all times. No equipment shall be parked in such a manner as to render the street impassable, and no refuse containers, trailers, or construction materials of any kind shall be placed or stored upon the street.
30. A program for sweeping of the streets, cleaning and repairing of catch basins and other drainage structures and mowing of all drainage structures that are to be stabilized with seeding.

31. All construction activities associated with the endorsed plan shall be conducted in a workman-like manner. During construction all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads.
32. Construction, once commenced, shall progress through to completion of the development as approved as continuously and expeditiously as possible and in accordance with the construction sequence and timetable approved at the pre-construction meeting.
33. No building permit for any new dwelling unit shall be granted by the Building Inspector until all drainage facilities and associated structures including pipes, underground utilities, such as electric, telephone and cable television, have been completed to the satisfaction of the Planning Board. No building permit for any new dwelling unit shall be granted by the Building Inspector until the base course of the roadway pavement to serve each unit has been completed to the satisfaction of the Planning Board.
34. Adequate provision for snowplowing, deicing and road maintenance shall be provided for by the Applicant during construction and by the Applicant or the Homeowners Association once construction is completed and before roadway acceptance.

SECTION 10: INSPECTIONS

The subdivider and/or property owner shall be responsible for requesting and obtaining all necessary inspections at the proper sequence of installation of improvements. Inspections shall be required for all major stages of the subdivision and site plan development process and prior to any release or reduction in a performance guarantee.

The Planning Board's Agent and the Director of Public Works shall be given at least 36 hours notice of work scheduled in order that inspections can be made at the following stages:

- a) After excavation and trenching, before placement of utilities or foundation material;
- b) During placement of water lines;
- c) After placement of drainage structures, before backfilling;
- d) Foundation gravel to be approved before placement;

- e) After placing gravel, before placing paving;
- f) As required for confirmation of extent of completion for release of security verifying:
 - placement of surface pavement
 - sidewalks
 - curbing
 - street signs
 - grading outside traveled way
 - trees
 - bounds
 - cleanup
- g) As required to advise on requested departures from plans as approved.
- h) Other inspections as required by the Fire Department and Director of Public Works shall also be facilitated through reasonable notice.
- i) The inspection of the work shall not relieve the developer of any of his obligations to fulfill the requirements of the Subdivision Regulations.
- j) When deemed necessary, the Planning Board may require that an independent engineer be hired at cost to the developer to inspect any or all aspects of a subdivision. The engineer shall be chosen by the Planning Board.
- k. No water main, drain, catch basin, road sub grade or foundation or any other item of work designated for inspection shall be backfilled or paved over until inspected by the Board or its representative.
- l. The Board requires that applicants shall pay an "inspection fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board the inspection of any subdivision construction.
- m. The "inspection fee" procedure shall be similar to the procedure for application review fees outlined in Section 4 "Consultant Fees".
- n. No work will be accepted that has been covered before inspection

Inspections shall be required before and after the commencement of the following work:

1. Site layout and controls.
2. Sub-base and roadway layout/preparation.

3. Rough grading, fine grading, and compaction.
4. Installation of water, storm drainage, sewer facilities and their appurtenances.
5. Installation of other underground utilities such as electric, telephone, gas, cable T.V., and fire alarm distribution lines and services.

Certification by a Registered Land Surveyor shall be required to verify proper monumentation.

Certification by a Registered Professional Engineer shall be required to verify the proper installation of all water, sewer, and drainage facilities.

Certification by the Fire Chief shall be required for fire alarm installation. All such certifications shall be filed induplicate with the Planning Board.

In all cases where an inspection is requested, the subdivider shall provide both complete and safe access for the Inspector. No less than forty-eight (48) hours of advance notice shall be given to the Inspector for all inspection requests.

SECTION 11: MAINTENANCE

A) Private roadway maintenance and open space management.

(1) The Planning Board shall require the formation of a home owners' association for subdivisions containing stormwater drainage infrastructure, common open areas and/or ways, which will remain private, the purpose of which is to maintain said private ways and open spaces for the protection of the lot owners in the subdivision.

(2) In cases where a home-owners' association is required, there shall be written into each deed for every building lot in the subdivision, a set of covenants and restrictions, the form and content of which shall be subject to the review and approval of the Planning Board, which shall provide for the following:

(a) Mandatory membership by all lot owners in the subdivision;

(b) Establishment of a maintenance trust fund to be drawn upon from time to time by the association to perform needed maintenance and reconstruction of private roads, as well as maintenance of common open spaces in the subdivision. Said fund shall consist of two parts, with mandatory minimum yearly payments by the members.

A maintenance endowment shall be established by the developer in the amount of 5% of the construction improvements cost, as approved by the Board, prior to the release of any lot in the subdivision. The principal amount of the endowment

shall not be drawn upon by the association for at least 15 years from the date of its establishment, at which time it may be drawn upon for maintenance or reconstruction of roads.

Annual maintenance deposits shall consist of interest generated by the endowment and annual assessments made to association members, the amount of such annual assessment to be established by majority vote of the Association.

B) To ensure future maintenance and avoid undue costs to the City:

1. Each stormwater basin design shall have a design life of 20 years, as documented in a peer review publication, third party testing, or other independent means;
2. The applicant shall provide cost estimates per year for future maintenance of the stormwater conveyance and detention/infiltration system. This cost estimate shall include semiannual sediment removal from all catch basins and street sweeping, and cleaning of sediment fore bays and detention ponds when necessary.
3. The Department of Public Works or the Planning Board's consultant engineer shall be required to approve all cost estimates prior to Planning Board approval.
4. The applicant shall establish a method of securing the anticipated cost in the form of a cash payment, or similar security made payable to the City of Leominster for its cost in maintaining, inspecting, or repairing the stormwater management system.
5. For systems not owned by the City, the applicant shall establish a home owners' association to be responsible for the maintenance and repair. The applicant shall also grant an easement to the City allowing it to enter on the property as necessary to inspect, repair, or maintain the system. In the event the City has to maintain or repair a private facility, said cost shall be assessed by the City to the owners within the subdivision. The security documents and easement shall be in a form satisfactory to the Planning Board.

SECTION 12: Development Impact Statement

A) Development Impact Statement

The Planning Board may require a developer of a subdivision or of more than one building on a lot to submit a Development Impact Statement (DIS) on the effects the proposed action has or will have on: (1) the immediate neighborhood or land area, (2) surrounding neighborhoods or land areas, and (3) the community at large. (3) environmental, fiscal and socioeconomic impacts.

1. The DIS shall include a detailed assessment of:

- a. The probable impacts of the proposed action on a wide variety of environmental, fiscal, and socioeconomic elements and factors.
- b. Environmental impacts shall mean any destruction, damage, or impairment, actual or probable, to any of the natural resources of the City and shall include but not be limited to:

- 1. water pollution, air pollution, improper sewage disposal, pesticide pollution, excessive noise, impairment and eutrophication of rivers, streams, floodplains, lakes, ponds, or other surface or subsurface water resources; destruction of wetlands, open spaces, natural areas, parks or historic districts or sites.

- c. The Development Impact Statement shall contain detailed information describing the nature and extent of the proposed work and its environmental impact; all measures being utilized to minimize environmental damage; any adverse short-term and long-term environmental consequences which cannot be avoided should the work be performed; and alternatives to the proposed action and their environmental consequences.

- d. Fiscal and socioeconomic impacts shall include traffic circulation and safety, neighborhood character, school enrollment, public facilities, associated fiscal expenditures and revenues, and effect on housing and other development activity.

2. Procedure

- a. Upon submission to the Planning Board of a Preliminary/Definitive Subdivision Plan, Cluster Development, Mixed Used Development, the applicant is required to submit a general statement or notification of the proposed action summarizing the following points:

- 1. A brief description of the proposed action and the area(s) or activities affected;
 - 2. Existing baseline conditions with a summary of probable impacts;
 - 3. A brief analysis of available alternatives and their effect.

- b. Based on a review of the above three items, the Planning Board will determine whether a complete Development Impact Statement (see Appendix B) will be required of the applicant. If required, the entire cost of the Development Impact Statement shall be the responsibility of the applicant. The statement must be prepared by a registered professional engineer, architect, or other professional acceptable to the Board.

c. At a preliminary scoping session to be held between the applicant and the Planning Board, the Board may waive any section(s) of the requirements which it deems non-applicable to the proposed project or may require additional information on any aspect of the requirements.

d. The Planning Board requires that a citizen participation component be incorporated in the Development Impact Statement, and specifically, that local residents directly impacted by the proposed action be allowed input in the study.

Development Impact Statement Outline is available in Appendix A

SECTION 13: Approval and Endorsement of Plan

A. Public Hearing

Before approval of the Definitive Plan is given a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Board at the expense of the applicant at least fourteen days prior thereto by advertisement in a newspaper of general circulation in the City of Leominster as required under the Subdivision Control Law (i.e., once in each of two successive weeks, with the first publication being not less than fourteen days before the day of the public hearing). A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list.

B. Action by the Board: After the Public Hearing, the Board will approve, modify and approve, or disapprove the plan as submitted. Criteria for action by the Board shall be the following:

- (1) Completeness and technical adequacy of the plans and supporting materials in compliance with these Regulations;
- (2) Determination that development at the proposed location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible traffic hazards, or environmental degradation which could be avoided or ameliorated through an alternative plan in violation of these Regulations;
- (3) Conformity with the design and construction standards described in these Rules and Regulations and practices, specifications and standards required and approved by Concord Public Works;
- (4) Conformity with all applicable zoning requirements;
- (5) Consistency with the purposes of the Subdivision Control Law as described in G.L.c. 41, section 81-M.

C. Approval Conditional upon Compliance with Hatch Act and Inland Wetlands Act.

Any plan approved by the Board, with or without condition, which is revised in order to comply with the Hatch Act (Massachusetts General Laws, Chapter 131, and Section 40, as amended) and the Inland Wetlands Act (Massachusetts General Laws, Chapter 131, Section 40A, as amended), shall constitute a new plan and shall be resubmitted to the Board.

D. Filing of Decision:

1. Where a Preliminary Plan has been duly submitted and acted upon or where forty-five (45) days elapsed without action on said Preliminary Plan, the Board shall file with the City Clerk a certificate of its action on the Definitive Plan within ninety (90) days of receipt of the Definitive Plan application, and shall send notice of its action by certified mail to the applicant.

2. In the case of a residential subdivision, where no Preliminary Plan has been submitted or where forty-five (45) days did not elapse between submission of a Preliminary Plan and submission of the Definitive Plan, the Board shall file with the Town Clerk a certificate of its action on the Definitive Plan within one-hundred and thirty-five (135) days of receipt of the Definitive Plan application, and shall send notice of its action by certified mail to the applicant.

E. Certificate of Approval

The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action.

G. Deviation from approved plan.

(1) After approval of any definitive plan, the location and width of ways shown thereon, or any street or way subject to the Subdivision Control Law, shall not be changed unless the plan is amended in accordance with the provisions set forth in MGL c. 41, § 81W, as amended, and approved by the Planning Board.

(2) After approval of a change or alteration, the applicant shall cause such approved changes to be shown on the record plans.

(3) Deviations from material and construction specifications shall not be allowed, except as specifically authorized by the Planning Board, upon consultation with the DPW and/or consulting engineer.

H. Revocation of Approval

The Board has the authority, on its own motion or on petition, to modify, amend or rescind its approval of a Definitive Plan in accordance with procedures and restrictions set forth under G.L. c.41, §81W. Notice of such action shall be given to the applicant, the City Clerk, and, as appropriate, to the Worcester North District Registry of Deeds.

G. Final Approval

1. Final approval, if granted, shall be endorsed within 60 days of the date of approval **upon** the Mylars for the Definitive Plan by the signatures of a majority of the Board, but not until the statutory twenty days appeal period has elapsed following the filing of the certificate of the action of the Board with the City Clerk and said Clerk has notified the Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with three prints.

2. Final approval, if granted by Planning Board vote or failure to act, shall be subject to the requirements, design criteria, and design standards and construction specifications of these Rules and Regulations, and such special conditions as may be specified by the Planning Board in its approval based upon the Rules and Regulations.

3. 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.

4. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the City of streets within a subdivision. Streets become public only after a proper Order to that effect has been voted by the City Council subsequent to the submission by the developer of the Street Acceptance Plan and necessary legal documents for recording.

5. A petition for street acceptance must be submitted to the City Clerk for action by the City Council before final release of a performance guarantee.

6. Where common facilities are considered within the subdivision to remain under private control, the Planning Board shall require, as a condition of approval of a plan, that the applicant provide adequate provisions for the long-term maintenance of such facilities. The Planning Board will require that the applicant establish a homeowner's association for the purpose of the perpetual maintenance of common facilities, including, but not limited to detention basins, sewage pumping stations, common open space and private ways which will serve the subdivision. A draft of said Homeowner's Association documents shall

be reviewed and approved by the Planning Board, as per the recommendation of City Counsel, prior to the approval of the subdivision.

7. Before endorsement of its approval of a Definitive Plan of a subdivision, the Planning Board shall require that the construction of ways and the installation of municipal services including street bounds, street signs, and planting of trees within the subdivision be secured by one, or in part by one and in part by another, of the methods described in Section 14.

H. Recording of Plan

Within ten (10) days after the Definitive Plan, as approved and endorsed, has been recorded at the Northern Worcester County Registry of Deeds and, in the case of registered land, with the recorder of the Land Court, the applicant shall notify the Board in writing of such recording, covenants or agreements, if any. Following plan approval, endorsement and recording, the applicant shall provide the Board with one polyester film reproducible, five prints of the Definitive Plan, one of which shall be certified by the Registry of Deeds as having been recorded, and one copy of final covenants and restrictions, noting book, page number and date of recording for each and one digital copy that meets the specifications of the Assessors Office. One copy of the Definitive Plan shall be transmitted to the Building Inspector and the Highway Surveyor by the Planning Board. Failure to comply with procedural and other requirements of these Rules and Regulations may result in rescission of the approval given hereunder by the Board.

Section 14: Performance Guarantees

A) Construction and Installation to be Secured

1) Before endorsement of the Planning Board's approval of a definitive plan of a subdivision, the applicant shall agree to complete the required improvements specified in Sections 8 and 9 for all lots in the subdivision, such construction and installation to be secured in accordance with MGL c. 41, § 81U of the Subdivision Control Law by one, or in part by the other, of the following methods which may from time to time be varied with the applicant.

B) Approval with financial performance guarantees (surety bonds, money, three-party lender agreement, with letters of credits not a method that is allowed under the statute as letters of credit are not negotiable instruments).

1) The applicant shall either file a surety company performance bond or provide a deposit of money or negotiable securities, excluding letters of credit, in an amount determined by the Planning Board in consultation with the Board of Public Works, to be sufficient to cover the cost of the improvements specified in these Regulations at state (or, if applicable, federal) prevailing wage rates not

covered by a covenant, Form D, plus 20% to cover contingencies, defects and inflation.

In addition, the applicant before starting any work shall establish a review fee account under G.L. c.44, §53G to cover the costs of necessary inspections and other similar work, including legal review of documents

In addition all surety instruments shall provide that the City and the Planning Board shall have the right but not the obligation to seize the surety in the event of a default and failure to seize the surety shall not constitute waiver or laches.

2) Warranty principal shall be not less than 15% of the estimated cost of those components of the entire project, which shall be dedicated for public use and shall cover workmanship and materials.

C.) Planning Board Access to Guarantee

1) Lenders agreements, surety bonds and other financial performance guarantees must be drafted so that the only requirement that must be met for the Planning Board to obtain the funds is to follow the demand procedure provided for under G.L. c.41, §81U, with notice to the financial institution (grantor) that.

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

D) Bond Approved as to Form

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

a) The surety must agree in writing that any litigation stemming out of the bond shall take place in Massachusetts

b) The bond shall include the name and address of the person to be served for any legal action.

c) No expiration date shall be included within the bond

d) The surety company shall be listed as licensed to transact business in Massachusetts and shall appear on the most recent list as published by the Massachusetts Division of Insurance.

5) The bond shall specifically include the following terms: cost of all or any part of the improvements specified in these regulations at state (or, if applicable, federal) prevailing wage rates not covered by a covenant, Form D, and to cover the costs of inspections, record plans, street acceptance plans, and legal work, and a contingency/inflation factor of 20% and a 15% Warranty principal.

E) Approval with Covenant.

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

2) Such covenant shall be a separate document referred to on the plan and delivered to the Planning Board. Upon approval of the covenant by the Planning Board, the applicant shall note the Planning Board's action on the definitive plan and the applicant shall record the covenant, endorsed definitive plan, and other appropriate documents at the Worcester North District Registry of Deeds.

(G) Completion time schedule.

1) The Performance Guarantee, whether by bond, deposit of money, lenders agreement or covenant, as previously described herein, shall be contingent upon the completion of such improvements within two years and there shall be a one-year warranty as required in these Regulations.

2) Upon written request from the applicant, the Planning Board may, at its discretion, grant an extension of the two-year deadline for completion, provided that adequate surety is provided.

3) In the case of a surety company bond, such an agreement for an extension shall not be effective until the surety delivers to the Planning Board a written statement that the surety agrees to the proposed alteration of the completion

schedule and that such alteration shall not relieve or affect the liability of the surety company.

4) Failure to complete all improvements as required by these rules and regulations within the time allotted may cause the Planning Board a) to draw upon the performance guarantee (surety bond, deposit of money, lenders agreement) in order to complete said improvements; and/or b) schedule a public hearing in order to rescind approval of the subdivision in accordance with appropriate sections of MGL c. 41, §81.

G) Completion Extension

1) If a subdivision is not able to meet the above requirement of completion within two years, then an extension must be sought from the Planning Board before the two year period expires, with full notice by certified mail to all interested parties, of the date, time and place the Planning Board meeting, which the extension request will be reviewed. The Planning Board will take all parties concerns in the review of such request, and a majority of the Board will be needed to obtain approval.

2) All securities requests will be scrutinized at the time that an extension request is made for their financial stability and more appropriate forms of securities may be necessary.

3) The Planning Board reserves the right to consult other resources, such as but not limited to, state insurance department, insurance agents, brokers, or other sources of such information in determining solvency or financial strength of surety companies. Request for extensions of surety bonds will trigger further proof of the above requirements to determine continued solvency and financial strength.

H. Release of performance guarantee

1. Financial performance guarantee. The amount of such bond or deposit of money, or lender's agreement may be reduced by the Planning Board. The applicant shall present to the Planning Board a list of all construction items performed and/or completed, said list to be based on, the subdivision approval, and the subdivision regulations in their entirety.

2. The amount to be reduced by the Planning Board, after consultation with the Board of Public Works, shall be based upon federal or state prevailing wage construction costs at the time the application for reduction is made.

3. The Planning Board shall withhold adequate funds to complete the project including as-built plans and street acceptance plans, as approved, but shall withhold no less than 20% of the original approved cost estimate.

4. At the completion of the project (based on a written acceptance from the Planning Board that the project has been completed) and a one-year warranty period, the amount withheld shall be released.

(l) Covenant.

1). The subdivider may request a release of lots where the required improvements have been completed to serve all of the lots for which release is sought.

2). Lots may only be released if they abut the completed portion of the road. No partial release from the covenants will be approved if the total length of roadway, including a temporary turnaround, abutting said designated lots, exceeds the City's maximum allowable length for dead-end streets unless the Planning Board has already approved within the limits of the development a dead-end street exceeding said limits.

3) In the absence of financial performance guarantees, adequate covenants will be held to insure completion of the project, including record plans, street acceptance plans, site inspections, and legal work. In addition, a covenant on two lots, which can be built on, will be held until all work in the subdivision, including the signing of all necessary legal documents, has been completed.

J. Procedures for full release of Performance Guarantee.

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

2) Before the Planning Board releases the full interest of the City in said performance guarantee:

a) The Planning Board shall obtain in writing from the Director of Public Works or from a registered professional engineer chosen by the Planning Board, a certificate of statement that all work required by these rules and regulations has been constructed in conformance with the approved construction plans. In the case where roadways will remain under private ownership, the project's registered professional engineer shall supply the above-mentioned certificate or statement.

b) The applicant shall present the Planning Board with letters from the electric, telephone, gas and cable TV companies stating that their respective underground systems have been installed to their satisfaction.

c) Record plans, shall be reviewed and approved by the DPW.

d) Receive from the applicant a street acceptance plan and necessary documents required by the City for Street Acceptance.

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

K. Releasing the Performance Guarantee

1) If the Planning Board determines that all improvements as shown on the endorsed definitive plan and all required plans and legal documents have been completed satisfactorily, it shall release all the interest of the City in such performance guarantee and return the bond to the person who furnished the same, or release the covenant, by appropriate instrument, duly acknowledged, which may be recorded.

2) If the Planning Board determines after inspection that said construction or installation has not been completed, or wherein said construction or installation fails to comply with these rules and regulations, the Planning Board shall send by registered mail to the applicant and to the City Clerk the details wherein said construction or installation fails to comply with its rules.

3) The applicant shall have 30 days after receipt of such notice to correct all problems mentioned in the above, or to request in writing a time extension. Failure of the applicant to finish all the necessary work within said 30 days, or

agreed upon time extension, shall cause the Planning Board to draw upon the bond or deposit of money as mentioned below.

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

L. Release of lots from Covenant

1) Release of lots from covenant in exchange for bond or deposit of money or a lender's agreement under G.L. c.41, §81U. The subdivider may request a release of lots from covenant in exchange for a financial guarantee, provided that:

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

b) The amount of the financial guarantee and the financial guarantee process shall be determined by the Planning Board, as described above.

M. Deviation from approved plan.

1) After approval of any definitive plan, the location and width of ways shown thereon, or any street or way subject to the Subdivision Control Law, shall not be changed unless the plan is amended in accordance with the provisions set forth in MGL c. 41, § 81W, as amended, and approved by the Planning Board.

2) In the event the applicant desires to alter or change the grade of a street or the size, location or layout of a storm sanitary or water line or appurtenant structure, the applicant shall:

a) Provide the Planning Board with a written statement requesting such alteration or change.

b) Provide the Planning Board with three prints of the original definitive plan with the proposed changes drawn on said prints in red.

3) No change or alteration shall be permitted unless the Planning Board has approved such change or alteration.

4) After approval of a change or alteration, the applicant shall cause such approved changes to be shown on the record plans.

(5) Deviations from material and construction specifications shall not be allowed, except as specifically authorized by the Planning Board, upon consultation with the DPW and/or consulting engineer.

N. Submission of revised plans, additional materials

1) Any revised plans and other additional materials submitted by the developer after the original submission, must be accompanied by a Form C with the appropriate fee and the developer must provide the number of copies and the format required for the original submittal.

2) The Planning Board may deny approval of revised plans or other additional materials if such plans/materials are not filed with the Planning Office at least 14 days prior to the date of the public hearing or meeting at which the developer wishes them to be considered. This is to ensure that the City departments and the public have adequate time to review and comment on said materials.

3) After approval of any definitive plan, the location and width of ways shown thereon, or any street or way subject to the Subdivision Control Law, shall not be changed unless the plan is amended in accordance with the provisions set forth in MGL c. 41, § 81W, as amended, and approved by the Planning Board.

4) In the event the applicant desires to alter or change the grade of a street or the size, location or layout of a storm sanitary or water line or appurtenant structure, the applicant shall:

a) Provide the Planning Board with a written statement requesting such alteration or change.

b) Provide the Planning Board with three prints of the original definitive

5) No change or alteration shall be permitted unless the Planning Board has approved such change or alteration.

6) After approval of a change or alteration, the applicant shall cause such approved changes to be shown on the record plans. (See §322-48.)

7) Deviations from material and construction specifications shall not be allowed, except as specifically authorized by the Planning Board, upon consultation with the DPW and/or consulting engineer.

O. Final Release of Performance Guarantee

a) The Board may withhold final release of the subdivider's bond or delivery of a certificate of performance on the subdivider's covenant until satisfied with but not limited to:

- 1) Pavement integrity intact after one winter.
- 2) Trees successfully established. .
- 3) Permanent type of grass on all seeded areas.
- 4) Shoulders and embankments intact.
- 5) Functional integrity of all parts of the drainage system.
- 6) Appurtenances have been constructed in accordance with the lines and grades of said plan and are accurately located as shown thereon.

b). The Board shall obtain in writing from the Director of the Department of Public Works a statement that all work required by these rules and regulations has been inspected by him or his agents and completed in each street in the subdivision (or the street or streets serving the lots in question), including sewers, storm drains, bridges, sidewalks and water mains and their appurtenances and that he has approved the methods of construction and materials used in the performance of such work.

c) The Board shall obtain in writing from the Board of Health a statement that each already installed on-lot sewerage system was installed in accordance with the Leominster Board of Health rules and regulations and Article XI of the Massachusetts Sanitary Code and each on-lot water system was installed in accordance with the standards of the Board of Health.

d) The applicant shall execute an instrument, in a form approved by the Board transferring to the City or to an approved public utility company without cost, valid unencumbered title to all sanitary sewers, water mains, and appurtenances thereto, and other utilities constructed and installed in the subdivision or approved portion thereof, and conveying to the city or approved public utility company without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate, and forever maintain such sanitary sewers and water mains, with any manholes, pipes, conduits, and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or approved portion thereof, and if any such sewers or water mains have been constructed and installed in land not within such streets, then in, through, and under a strip of land extending 10 feet in width on each side of the centerline of all such sewers and water mains.

P. Rescission

Failure of the developer to record the Definitive Plan within six months of its endorsement or to perform within the deadlines required under the approval or under these Regulations shall constitute automatic rescission of such approval.

Q. Fee to Streets and Easements

The developer shall retain title to the fee of each street, road, way or walkway in the subdivision or convey same to an owner's association and the fee shall be conveyed to the City without encumbrance and no consideration upon requesting the City Council to lay out the street as a public way. The developer shall also convey to the City any utility easement right within or appurtenant to the subdivision as contemplated under the approval of the subdivision for no consideration upon request by the City Council. Notation that this is to be done shall be placed upon the Definitive Plan.

APPENDIX A

DEVELOPMENT IMPACT STATEMENT

In accordance with Section 7 of the City of Leominster's Subdivision Rules and Regulations, the applicant shall submit, at the request of the Planning Board, a Development Impact Statement (DIS).

It is a developer's responsibility to prepare and document the DIS in sufficient detail to permit an adequate evaluation by the Planning Board; however, additional data may be required in writing by the Board. It is necessary to respond to all sections of the DIS form except when a written exemption is granted by the Planning Board.

NAME OF PROJECT: ACREAGE:

TYPE OF PROJECT: OWNER(S):

LOCATION: PLANNER:

PARCEL NUMBER(S): ENGINEER:

ZONING DISTRICT(S): ARCHITECT:

I. PROJECT DESCRIPTION

A. Number of Units: ____ Total
____ Single Family ____ Two Family ____ Row House ____ Apartment
____ Other ____ Condominium Ownership ____ Rental ____ Private

B. Number of Bedrooms:

C. Approximate Price/Unit:

II. EXISTING BASELINE CONDITIONS

A. Geology and topography

B. Immediate and surrounding land use

C. Water resources

III. NATURAL ENVIRONMENT

A. Land

(1) Describe the potential and probable impacts of the proposed development on the existing geology, topography, and land use of the project site and surrounding area.

(2) Describe any limitations on proposed project caused by subsurface soil and water conditions, and methods to be used to overcome them.

(3) Describe procedures and findings of percolation tests conducted on the site.

- (4) Describe the types and amounts of land which will be permanently affected by construction of the subdivision.
- (5) Describe proposed rough grading plans.
- (6) Describe location and extent of existing marshes, wetlands, or seasonal wet areas and any proposed alterations.

B. Air

- (1) Describe possible sources and duration of significant amounts of odors, smoke and dust.
- (2) Describe precaution to be taken to eliminate or minimize the adverse environmental effects of the smoke, dust or odors generated.
- (3) Describe the relationship of the location of the subdivision and prevailing wind patterns to nearby residences, businesses, recreation areas, and other public areas.
- (4) If incineration of refuse is proposed for the subdivision, describe the effects resultant emissions will have on air

quality in the area. Include proof that the incinerator complies with the latest local and state standards.

IV. WATER AND WETLANDS

- A. Evaluate how and to what extent the project will affect the quality and quantity of any existing or potential public or private water supply, including watersheds, reservoirs and groundwater.
- B. Describe the methods to be used during construction to control erosion and sedimentation and siltation including use of sediment basins and type of mulching, matting, or temporary vegetation; approximate size and location of land to be cleared at any given time and length of time to exposure; covering of soil stockpiles; and other control methods used. Evaluate effectiveness of proposed methods on the site and the surrounding areas.
- C. Describe the permanent methods to be used to control erosion and sedimentation. Include description of:
 - (1) Any areas subject to flooding or ponding;
 - (2) Proposed surface drainage system;
 - (3) Proposed land grading and permanent vegetation cover;
 - (4) Methods to be used to protect existing vegetation;
 - (5) The relationship of the development to the topography;
 - (6) Any proposed alterations of shorelines, marshes or seasonal wet areas;
 - (7) Any existing or proposed flood control or wetland easements;
 - (8) Estimated increase of peak runoff caused by altered surface conditions, and methods to be used to return water to the soils.

- D. Discuss probability that project will increase pollution or turbidity levels within receiving waterway and the precautions to be taken to minimize the effects.
- E. Discuss the project's effect on the waterway's aquatic biota and use as habitats.
- F. Discuss the project's effects on groundwater quality and supply and efforts to recharge groundwater supplies.
- G. Discuss what effect the project will have on increasing the incidence of flooding, including areas outside the subdivision.
- H. Discuss the effect of the proposed sewage disposal methods on surface and groundwater supplies and quality.

V. ENERGY

- A. Describe the types and increased quantity of energy required to serve the needs of the project residents.
- B. Indicate what the sources of this energy will be.

VI. NOISE

- A. Describe the time, duration and types of noises generated by the project, both during and after construction.
- B. Discuss what effect these noises will have on both humans and wildlife.
- C. Describe the controls which will be used to eliminate or minimize the effects of these noises.

VII. LOCAL FLORA AND FAUNA

- A. Discuss the project's effects on land-based ecosystems, such as the indigenous wildlife, stream bank cover, and vegetal or wooded growth.
- B. Describe proposed types and amounts of vegetal cover.

- C. Discuss the existence of rare or endangered plant, wildlife or fish species in the project area.

VIII. MAN-MADE ENVIRONMENT

A. Land Use

- (1) Describe how the proposed project conforms with the growth plans for the area and the City in general.
- (2) Describe land uses adjacent to the project.
- (3) Describe any existing or proposed public or common recreational or open areas within the subdivision.
- (4) Discuss the site's proximity to transportation, shopping, educational facilities, recreational facilities, etc.

B. Density

- (1) Provide a tabulation of proposed buildings by type, size (number of bedrooms, floor area), ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, parking and other paved vehicular areas, and usable open space.

C. Zoning

- (1) Indicate the zoning designations for the site and adjacent areas.

D. Architecture

- (1) Describe the agricultural and landscaping techniques which will be used to blend the structures with the surrounding area.
- (2) Discuss the heights of the structures in relation to the surrounding area.
- (3) Discuss the project's visual impact and possible interference with natural views.

- (4) Describe type of construction building materials used, location of common areas, location and type of service facilities (laundry, trash, garbage disposal).

E. Historic Buildings, Historic Sites and Archaeological Sites

- (1) Indicated location and significance of any historic buildings or sites on or adjacent to the project.

IX. PUBLIC FACILITIES

A. Water supply, flow, pressure and distribution

- (1) Describe the groundwater and/or surface water supply to be used.
- (2) Discuss the demands of the project for consumption and fire protection.

B. Sanitary sewerage connection, distribution and facilities

- (1) Discuss the quantity and type of sewage which will be generated by the project.
- (2) Describe the proposed sewage system.

C. Storm drainage facilities

- (1) Describe where connection to the City system is proposed.

D. Disposition of stormwater

- (1) Indicate the location of all proposed outfalls.
- (2) Describe the effect of the outfalls and their discharge on the receiving waters, i.e., increased flows, pollution, etc.
- (3) Discuss the quantity of stormwater to be discharged.

E. Refuse disposal

- (1) Estimate the quantity and types of refuse that will be generated by the subdivision.
- (2) Describe the proposed methods of refuse disposal.

F. Traffic facilities

- (1) Discuss future vehicular circulation patterns including number and types of vehicles inside and outside of development and nearby arteries and intersections.
- (2) Describe the proposed pedestrian circulation pattern.
- (3) Discuss the location and number of parking spaces proposed.

G. Electric power

- (1) Discuss the power demand of the subdivision.
- (2) Discuss the source of the electric power and the method of supplying the area.

H. Gas

- (1) Discuss the demands of the subdivision.
- (2) Describe what the gas will be used for in the area.
- (3) Describe the source of gas supply and the proposed method of supplying the area.

X. COMMUNITY SERVICES

A. Schools

- (1) Discuss the effect of the subdivision on existing schools, including number and ages of children generated by the subdivision.

(2) Describe the location of the nearest existing schools.

B. Recreation

(1) Describe existing and proposed recreational facilities, including active and passive types; age groups participating, and state whether recreational facilities and open space are available to all residents.

(2) Indicate location and width of existing and proposed pedestrian ways, bikeways or bridle paths.

C. Police

(1) Estimate the total population for the subdivision.

(2) Estimate the total number of automobiles for the area.

D. Fire

(1) Discuss the total number of buildings to be constructed and their types and construction.

(2) Describe the source and quantity of water available for fire protection for the area.

E. Public Works

(1) Calculate the total linear feet of roadway to be publicly maintained and plowed.

(2) Calculate the linear feet of street drains, culverts, sanitary sewers, and waterlines to be publicly maintained.

XI. HUMAN CONSIDERATIONS

A. Aesthetics and visual impact

(1) Discuss the change in the present character of the area due to the project, i.e., land use, density of development, etc.

(2) Discuss the measures to be taken to minimize the adverse effects of the project, i.e., architecture, buffers, etc.

B. Parks, forests and recreational areas

(1) Discuss how the siting and construction of the project will affect existing and potential park and recreation areas, open spaces, natural areas, and scenic values.

C. Public health

(1) Discuss the project's effects on residents' public health due to changes in water quality, air quality, noise levels, etc.

XII. PHASING

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

A. Stripping and/or clearing of site.

B. Rough grading and construction.

C. Construction of grade stabilization and sedimentation control structures.

D. Final grading and vegetation establishment.

E. Landscaping.

F. The construction of any public improvements shall be specified, explaining how these improvements are to be integrated with the development.

G. The number of housing units and the square footage of nonresidential uses to be constructed each year and their estimated value shall be specified.

APPENDIX B

ARTICLE VIII – SCHEDULED DEVELOPMENT

Section 22-47. Purpose

- (a) The purpose of this Article is to relate the timing of residential development to the City's ability to provide services to such development, and thereby promote the education, health, safety, convenience, and welfare of the inhabitants of the City, by regulating the maximum rate at which individual residential developments may proceed.

Section 22-48. Procedure

- (a) This Article shall take effect only when and if the Building Inspector determines that 600 dwelling units within subdivisions, contiguous parcels, multi-family complexes, and mobile home parks have been authorized city-wide within a twenty-four (24) month period.
- (b) While this Article is in effect, the Building Inspector shall issue building permits for construction of new dwelling units given final approval after passage of this Article, only if permit issuance will not result in authorizing construction within a twenty-four (24) month period of more than 30 units or 50 percent of the units potentially allowed in each development, whichever is greater.
- (c) In no case, while this Article is in effect, will the Building Inspector exceed the issuance of 300 building permits in a in a twelve (12) month period for those residential development specified in Section B of this Ordinance.
- (d) Permits shall be issued hereunder for each specific subdivision lot after the date so designated for the lot on a development schedule which has been approved by the Planning Board and recorded with the subdivision plan which created the lot. Planning Board approval of a development schedule shall provide that.
 - (1) The schedule designates for building not more than 30 units or 50 percent of the potential dwelling units in the subdivision, whichever is

greater, within the first two years (24 months) following definitive plan endorsement;

(2) In each year thereafter, the schedule permits construction of not more than 20 units or 25 percent of the total number of potential dwelling units in the subdivision, whichever is greater;

(3) In the opinion of the Planning Board, the development sequence established by the schedule is not arbitrary or unreasonable; and

(4) In the opinion of the Planning Board, the development schedule will not place an unreasonable burden on the City.

(e) In authorizing multi-family use, the Special Permit or Variance granting authority will establish the same development schedule designated for subdivision.

Section 22-49. Exemptions

(a) All units eligible to receive federal and state rental subsidies shall be exempt from this ordinance.

(b) All units which meet the local definition of affordable housing under the State's Homeownership Opportunity Program will be exempt from this Ordinance.

(c) Insofar as the subdivisions are not exempted by G.L. Chapter 40A, Section 6, from the provisions of this Ordinance, the period of time provided under G.L. Chapter 40A in which a subdivision is not affected by zoning changes is hereby extended during the duration of this Ordinance, as to protect such subdivisions against further changes in use and density requirements. Any approved preliminary plans would be exempt from any of the above changes

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN NOT TO REQUIRE APPROVAL

File one completed form and one copy with the Planning Board and one copy with the City Clerk. One mylar and four copies of the plan must be submitted to the Planning Board at time of application. Representation at the meeting is required.

Date: _____

To the Planning Board
25 West Street
City Hall
Leominster, MA

Members:

The undersigned, believing that the accompanying plan of his/her property in the City of Leominster does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

Name of Applicant: _____

Address: _____

Telephone: _____ *Fax:* _____ *Email:* _____

Name of Engineer or Surveyor: _____

Address: _____

Telephone: _____ *Fax:* _____ *Email:* _____

Deed of property recorded in: _____

Registry: _____

Book: _____ *Page:* _____

Location and Description of Plan: _____

Signature of Owner

FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

Completed application and two copies must be stamped by the City Clerk. One copy is filed with the City Clerk. The original completed and stamped application is filed with the Planning Board and the applicant should retain a copy. Fifteen copies of the plan must be submitted with the stamped application to the Planning Board.

Date: _____

The undersigned herewith submits the accompanying Preliminary Plan of property located in the City of Leominster for approval as a subdivision under the Massachusetts Subdivision Control Law.

Applicant Name: _____
Address: _____
Tele./Fax/Email: _____
Owner Name: _____
Address: _____
Tele./Fax/Email: _____
Option Holder Name: _____
Address: _____
Tele./Fax/Email: _____
Name of Engineer or Surveyor: _____
Address: _____
Tel./Fax/Email: _____
Deed of property recorded in _____ Registry
Book: _____ Page: _____ Assessor's Map: Parcel _____ Lot _____
Zoning District: _____ City Water? Yes / No City Sewer? Yes / No
General description of plan:
• Plan Title _____
• Location _____
• Total acreage of tract _____ Number of Lots Proposed _____

Property owner's certification: I/we hereby certify that the applicant(s) cited above have been authorized by me/us to file this application with the Planning Board on property that I/we own.

Signature of Applicant _____

_____ Date _____

Signature of Owner(s) _____

_____ Date _____

FORM C

City of Leominster, Massachusetts

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

A completed application and two copies must be stamped by the City Clerk. One copy is filed with the City Clerk. The original completed and stamped application is filed with the Planning Board and the applicant should retain a copy. The original mylar, an autocad file of the plan and Fifteen copies of the plan must be submitted with the stamped application to the Planning Board.

The applicant shall also file with the Planning Board an abutter's list from the Assessors Office along with labeled and stamped envelopes for two mailings to all abutters including the six surrounding towns.

Date: _____

The undersigned herewith submits the accompanying Definitive Plan of property located in the City for approval as a subdivision under the Massachusetts Subdivision Control Law.

Applicant Name: _____

Address: _____

Tele./Fax/Email: _____

Owner Name: _____

Address: _____

Tele./Fax/Email: _____

Option Holder Name: _____

Address: _____

Tele./Fax/Email: _____

Name of Engineer or Surveyor: _____

Address: _____

Tel./Fax/Email: _____

Deed of property recorded in _____ Registry

Book: _____ Page: _____ Assessor's Map: Parcel _____ Lot _____

Zoning District: _____ City Water? Yes / No City Sewer? Yes / No

General description of plan:

• Plan Title _____

• Location _____

• Total acreage of tract _____ Number of Lots Proposed _____

Property owner's certification: I/we hereby certify that the applicant(s) cited above have been authorized by me/us to file this application with the Planning Board on property that I/we own.

Signature of Owner(s) _____

Date _____

Signature of Applicant _____

Date _____

FORM D

NOTICE OF SUBDIVISION APPROVAL OR DISAPPROVAL

TO: City Clerk

The Planning Board on _____ by _____ vote
Date

DISAPPROVED

APPROVED with bonds or surety (cross out one)

with conditions

MODIFIED AND APPROVED with bonds or surety (cross out one)

with conditions

ENDORSED "Planning Board approval under Subdivision Control Law not required"

The following subdivision plan:

Name or Description _____

Submitted by _____

Address _____

On _____ (date) pending termination of the statutory twenty-day appeal period.

(signed) _____ Chairman

_____ Director

Planning Board Members

After twenty (20) days without notice of appeal, endorsed Mylar and the original of the plot plan, if approved, will be transmitted to the applicant.

cc: Applicant

Building Inspector

Director of Public Works

Conservation Commission

FORM E

USUAL FORM OF AGREEMENT (COVENANT)

KNOW ALL MEN BY THESE PRESENTS that whereas the undersigned has submitted application dated _____ and has requested the Board to approve such plan without requiring a performance bond.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Leominster Planning Board approving such plan without requiring a performance bond, the undersigned covenants and agrees with the City of Leominster as follows:

- (1) Except as otherwise expressly provided in Section 81-U of Chapter 41, G.L., no lot included in such plan shall be built upon or conveyed until the work on the ground necessary to serve such lot has been completed in the manner specified by the Subdivision Regulations of the City of Leominster, or a performance bond or other security in lieu of completion has been accepted by the Planning Board; and in accordance with the covenants, conditions, agreements, terms and provisions contained in the following:
 - (a) Application for Approval of Definitive Plan (Form C) signed by the Applicant and dated _____.
 - (b) The Rules and Regulations Governing the Subdivision of Land, Leominster, Massachusetts, adopted by the Planning Board.
 - (c) The Definitive Plan as defined by the above Rules and Regulations and as qualified by the Certificate of Approval issued by the Planning Board dated _____.
- (2) This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and operate as restrictions upon said land.

It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a certificate of release executed by a majority of said Planning Board and enumerating the specific lots to be so released.

- (3) The undersigned represents and covenants that the undersigned is the owner* in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned. (*If there is more than one owner, all must sign.)

FORM F

CONTRACT (PERFORMANCE BOND)

KNOWN BY ALL THESE PRESENTS,

That _____ (name of applicant) of

In the County of _____ and Commonwealth of Massachusetts is holden and strands firmly bound and obliged unto the City of Leominster in the full and just sum of _____ dollars to be paid unto the Planning Board of the said City of Leominster for the benefit of the said City of Leominster to be applied in accordance with the provisions of Section 81-U of Chapter 41 of the General Laws (Ter. Ed.) of Massachusetts to which payment, well and truly to be made, I bind myself, my heirs, executors, administrators, successors and assigns firmly by these presents.

Sealed with my seal and dated the _____ day of _____ in the year of our Lord two thousand and _____.

The condition of this obligation is such, that whereas the said _____ (name of applicant) on the _____ day of _____, 200__ submitted a Definitive Plan of a subdivision to the Planning Board of the said City of Leominster pursuant to the provisions of Sections 81-K to 81-GG inclusive of Chapter 41 of the General Laws (Ter. Ed.) of Massachusetts, which plan is entitled _____, was drawn by _____ and is dated _____; and further whereas the said _____ (name of applicant) desires to guarantee to the said Planning Board that the _____ utilities shown on said plan shall be installed as shown on said plan and the ways shown on said plan shall be constructed as shown on said plan and in accordance with the Rules and Regulations of the said Planning Board and in accordance with the following schedule:

(Construction Schedule)

which guarantee is required by Section 81-U of said Chapter 41.

NOW THEREFORE; if the above bounden _____ (name of applicant) shall cause the ways shown on the said plan to be constructed, and shall cause the utilities shown on said plan to be installed, as shown on said plan and in accordance with the Rules and Regulations of the said Planning Board and in accordance with the said time schedule then the above written obligation shall be null and void; otherwise to remain in full force and effect.

This obligation is secured by a deposit with the City of Leominster of the following:

IN WITNESS WHEREOF, the undersigned, applicant as aforesaid, does hereunto set his hand and seal this _____ day of _____, year _____

Applicant _____

Address _____

Description of Mortgages: _____

(Give complete names and Registry of Deeds reference)

Assent of Mortgagees:

COMMONWEALTH OF MASSACHUSETTS

_____, ss. Date: _____,

Then personally appeared the above named

and acknowledge the foregoing instrument to be _____ free act and deed, before me.

One copy each: _____

Applicant,

Notary Public

Planning Board (My commission expires: _____)

City Clerk

Date Approved: _____ Leominster Planning Board By: _____

and in the event of any default in the foregoing condition the said deposit or sureties may be applied by the said Planning Board toward the discharge of this obligation and in accordance with the provisions of said Chapter 41 of the General Laws (Ter. Ed.) of Massachusetts.

_____ seal

Witness Signature of Applicant

Form G

REQUEST FOR RELEASE OF BONDS, SURETY OR CONDITIONS

TO: Director of Public Works
Superintendent of the Water Division
FROM: Planning Board

SUBJECT: _____
(description and name, if any)

SUBMITTED
BY: _____
ADDRESS: _____

The improvements specified in the Planning Board Subdivision Regulations are believed to have been completed on the below described subdivision. Please indicate your approval or disapproval of release of bonds, surety or conditions insofar as the requirements of your department only are concerned. If release of conditions is indicated, specify for which lot(s) you approve release.

(signed) _____
(Planning Director)

------(do not detach)-----

TO: Planning Board
DATE: _____
SUBJECT: _____

(description and name, if any)

As the requirements of this department are concerned, the release of bonds, surety or conditions for the above described subdivision is:

APPROVED / DISAPPROVED (cross out one)

If disapproved, state reason:

Department _____

Signed _____

FORM H

CERTIFIED LIST OF ABUTTERS

Fill in this space with rough sketch of land described in this petition, and write against boundary lines the name and mailing address of adjoining owners in their relative positions. Include owners of land separated by the subdivision by only a street.

Planning Board

City Hall

Leominster, MA

Gentlemen:

This is to certify that at the time of the last assessment for taxation made by the City of Leominster, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown above were as above written, except as follows:

Date of Verification _____

Assessor (signature) _____

DEPARTMENTAL REVIEW OF SUBDIVISION PLAN

Date: _____

TO: Board of Health Director, Director of Public Works, Building Inspector, Conservation Commission

FROM: Planning Board

SUBJECT:

(description of plan, date)

The attached plan has been submitted to the Planning Board for approval as a subdivision.

For the guidance of the Planning Board will you please note any appropriate comment or approval on the blank below and/or on the plan itself and return to the Planning Board as soon as possible.

------(do not detach)-----

TO: Planning Board

DATE: _____

SUBJECT: _____
(description and name, if any)

(1) The undersigned APPROVES/ DISAPPROVES (cross out one) of this subdivision plan insofar as its requirements are affected.

Please state reasons:

(2) The following comments are offered for the guidance of the Planning Board:

Department _____

Signed _____