

**RULES AND REGULATIONS
GOVERNING THE
SUBDIVISION OF LAND
IN THE TOWN OF
WILMINGTON,
MASSACHUSETTS**



**ADOPTED BY THE WILMINGTON PLANNING BOARD
APRIL 29, 1975**

William G. Hooper, Jr. Chairman
Louis Maglio, Jr., Clerk
Joel F. Gardiner
William J. Hanlon
Arthur E. Harding, Jr.

AMENDED JUNE 1, 2004

TOWN OF WILMINGTON
MASSACHUSETTS



PLANNING BOARD

April 29, 1975

At a duly authorized public meeting of the Wilmington Planning Board on April, 1975, after discussion and upon motion duly made and seconded, it was unanimously

VOTED: In accordance with Section 81Q, Chapter 41 of the General Laws of the Commonwealth of Massachusetts, to amend the Planning Board Rules and Regulations by substituting therefore the Rules and Regulations Governing the Subdivision of Land in the Town of Wilmington, Massachusetts, dated April 29, 1975.

WILMINGTON PLANNING BOARD

William G. Hooper, Jr., Chairman
April 29, 1975

A True Copy Attest:
The Commonwealth of Massachusetts
Middlesex. ss.

Then personally appeared the above named William G. Hooper, Jr., Chairman, Wilmington Planning Board, and acknowledged the foregoing instrument to be the free act and deed of the Wilmington Planning Board, before me,

Esther L. Russell, Justice of the Peace
My commission expires July 26, 1979

RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
WILMINGTON, MASSACHUSETTS

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RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND WILMINGTON, MASSACHUSETTS

(adopted under the Subdivision Control Law
Section 81-K to 81-GG inclusive, Chapter 41, G.L.)

PURPOSE

These subdivision regulations are adopted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Wilmington by "...regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Planning Board and of the Board of Appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger of 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 (Wilmington Zoning By-laws); for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the (Town) and with the ways in neighboring subdivisions. It is the intent of the subdivision control law (under which these regulations are adopted) that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendation of the Board of Health and to the reasonable rules and regulations of the Planning Board pertaining to subdivisions of land; provided, however, that such board may, when appropriate, waive, as provided for in Section 81-R, such portions of the rules and regulations as is deemed advisable." (Section 81-M of Chapter 41, G.L.)

SECTION I. AUTHORITY

Under the authority vested in the Planning Board of the Town of Wilmington by Section 81-Q of Chapter 41 of the General Laws, said Board has hereby adopted these rules and regulations governing the subdivision of land in the Town of Wilmington.

SECTION II. GENERAL

A. Definitions

ALLEY OR SERVICE ROAD	A narrow land between buildings, especially through the middle of a block, giving access to the rear of buildings and/or lots.
APPLICANT	A person (as hereinafter defined) who applies for the approval of a plan of a subdivision or a person who applies under Section III. "Applicant" shall include an owner, or his agent or representative, or his assigns.
BENCH MARK	A mark made in a durable object of known position and elevation as a reference point.
BOARD	The Planning Board of the Town of Wilmington.
CERTIFIED BY	Certified by (or endorsed by) the Planning Board, as applied to a plan or other instrument required or authorized by the subdivision control law to be recorded, shall mean bearing a certification or endorsement signed by a majority of the members of the Planning Board, or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in a written statement to the Register of Deeds and Recorder of the Land Court, signed by a majority of the Board (Section 31-L of Chapter 41 G.L.)
DESIGNER	A Professional Civil Engineer and a Land Surveyor registered to practice in Massachusetts or a person working under the direct supervision of a registered professional engineer and surveyor.
DEVELOP	To erect a house or other structure, or in any way to improve a lot substantially.
DEVELOPER	A person (as hereinafter defined) who develops a subdivision under a plan of a subdivision approved pursuant to Section III of these Rules and Regulations.
EASEMENT	A right acquired by public authority or other person to use or control property for a utility or other designated public purpose.
GENERAL LAWS	(abbreviated G.L.) The General Laws of Massachusetts Tercentennial Edition. In case of a rearrangement of the General Laws, any citation or particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

LOT	An area of land in one (1) ownership with definite boundaries, used, or available for use, as the site of one (1) or more buildings. (Section 81-L of Chapter 41 G.L.)
MONUMENT	A permanent marker to indicate a boundary.
MUNICIPAL SERVICES	Sewers, water drains, water pipes, gas pipes, electrical lines, telephone lines, fire alarm system, similar systems and their respective appurtenances.
OWNER	As applied to real estate, the person holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the Land Registration Office, Registry of Deeds or Registry of Probate.
PERSON	An individual, or two or more individuals or a group or association of individuals, a partnership, trust or corporation having common or undivided interests in a tract of land.
PLANNING BOARD AGENT	Town employee or consultant authorized by the Planning Board to review subdivisions and administer the regulations.
PRELIMINARY PLAN	A plan of a proposed subdivision or a re-subdivision of land prepared in accord with Section III to facilitate proper preparation of a definitive plan.
PLAN OR DEFINITIVE PLAN	The plan of a subdivision as duly submitted (with appropriate application) to the Board for approval, to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board, and such plan when approved and recorded: all as distinguished from a preliminary plan.
PRIVATE UTILITIES	This term shall include telephones, cable television, electric light and power, and gas lines whether installed on, above or beneath the surface of the ground.
PUBLIC UTILITIES	This term shall include only sanitary sewers, surface water, drains, and water pipes and their appurtenances and fire alarm systems.
RECORDED	Recorded shall mean recorded in the Registry of Deeds of Middlesex County, except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court. (Section 81-L of Chapter 41 G.L.)
REGISTRY OF DEEDS	Registry of Deeds shall mean the Northern Middlesex Registry of Deeds and, when appropriate, shall include the Land Court. (Section 81-L of Chapter 41 G.L.)

ROADWAY

That portion of a way which is designed and constructed for vehicular travel.

STREET,
MAJOR

A street which, in the opinion of the Board, is being used or will be used as a thoroughfare within the Town of Wilmington or which will otherwise carry a heavy volume of traffic.

STREET,
MINOR

A street which, in the opinion of the Board, is being used or will be used primarily, to provide access to abutting lots and which will not be used for through traffic.

STREET,
SECONDARY

A street intercepting one (1) or more minor streets and which, in the opinion of the Board, is used to carry a substantial volume of traffic from such minor streets(s) to a major street or community facility, and normally including a principal entrance street to a shopping center, industrial park, planned unit development, or a large subdivision, or group of subdivisions, and any principal circulation street within such developments.

SUBDIVISION

The division of a tract of land into two (2) or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law, if at the time when it is made, every lot within the tract so divided has a frontage on (a) a public way, or a way which the Town Clerk of the Town of Wilmington certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the Town, having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning By-law. 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 (2) or more buildings were standing when the subdivision control law went into effect in the Town into separate lots on each of which one (1) of such buildings remains standing, shall not

(As revised December 5, 1989)

constitute a subdivision. (Section 81-L of Chapter 41 G. L.)

SUBDIVISION CONTROL The power of regulating the subdivision of land granted by the Subdivision Control Law, Chapter 41, Section 81-A through GG inclusive, as hereinafter amended.

TOWN Town of Wilmington.

WAY A way is synonymous with the terms, road, street, highway and avenue and shall denote any such lien or route for passage whether public or private. The width of a way shall be the width of the strip of land laid out, designated, acquired and/or dedicated for the use of such a way. Such width includes the spaces for vehicular travel, sidewalks, edgestone and planting spaces where required.

B. Approved Plan Required

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

C. Source of Information Required

In those cases in which the land shown on the plan is abutted by land of an owner not the owner of the land as shown, the Board may require a statement from the person who prepared the plan as to the source or sources of the information about the location of boundaries. A separate form for such statement will be furnished by the Board, see Form D-1, Designer's Certificate.

D. More Than One Building for Dwelling purposes on a Lot

Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the Town, without the consent of the Planning Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision. (See Zoning By-Law, Section III-1A-1.)

(AS REVISED JUNE 1, 2004)

E. FILING FEES:

Applications for subdivision approval (preliminary or definitive) and approval not required plans shall be accompanied by a check payable to the Town of Wilmington in accordance with the most recent fee schedule adopted by the Planning Board.

F. PROJECT REVIEW FEES: If, after receiving an application, the Board determines that it requires technical advice unavailable from municipal employees, the Board may employ outside consultants. Whenever possible, the Board shall work cooperatively with the applicant to identify appropriate consultants and to negotiate payment of part or all of consultant fee by the applicant. Alternatively, the Board may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Board alone.

F. 1 A review fee may be imposed only if:

- (i) The work of the consultant consists of review of studies prepared on behalf of the applicant, and not of independent studies on behalf of the Board,
- (ii) The work is in connection with the applicant's specific project, and
- (iii) All written results and reports are made part of the record before the board.

F. 2 A review fee may be imposed only after the Board has complied with the Uniform Procurement Act, M.G.L. c. 30B, §§1-19.

F.3 All fees assessed pursuant to this section shall be reasonable in light of:

F.3.1 The complexity of the proposed project as a whole,

F.3.2 The complexity of particular technical issues,

F.3.3 The number of housing units proposed,

F.3.4 The size and character of the site,

F.3.5 The projected construction costs, and

F.3.6 Fees charged by similar consultants in the area.

F.4 As a general rule, the Board will not assess any fee greater than the amount which might be appropriated from Town funds to review a similar town project.

A TRUE COPY ATTEST



TOWN CLERK

- F.5 Any invitation for bids or request for proposals shall indicate that award of the contract is contingent upon payment of a review fee by the applicant. If the applicant fails to pay the review fee within ten days of receiving written notification of selection of a bidder or offeror, the Board may deny the comprehensive permit.
- F.5.1 The Board will select the consultant after reviewing both the bid or proposal, and any comments received from the applicant pursuant to section 4.2.4.2(iii)(c) above, but will not formally award the contract until such review fee has been paid.
- F.6 Prior to paying the review fee, the applicant may appeal the selection of the consultant to the board of selectmen.
- F.6.1 The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications.
- F.6.2 The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.
- F.6.3 The required time limits for action upon the application by the Board shall be extended by the duration of the appeal. In the event that the board of selectmen makes no decision within one month following the filing of the appeal, the selection made by the Board shall stand.
- F.7 Special Accounts: Each review fee shall be deposited in a special account established by the town accountant pursuant to M.G.L. c. 44 §53G. This amount may be augmented by the applicant from time to time, as required by the Board.
- F.7.1 Funds from the special account may be expended only for the purposes described in section 4.2.4.1 above, and in compliance with the Uniform Procurement Act, M.G.L. c. 30B §§1-19.
- F.7.2 Within 30 days of the completion of the project or of such time as the applicant formally withdraws the proposal, the applicant shall receive a final report of funds in the special account and shall be paid any unspent excess in the account, including accrued interest.
- F.7.3 The town's accountant shall submit annually a report of the special account to the board of selectmen and the town manager for their review. This report shall be published in the town's annual report.

(As Revised September 5, 1989)

SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A. Plan Believed Not To Require Approval

1. Submission of Plan

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and two (2) contact prints thereof and two (2) copies of a properly executed Form A to the Planning Board at a regularly scheduled meeting accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered or certified mail, a notice with the Town Clerk stating the date of submission to the Board for such determination accompanied by a copy of said application and describing the land to which the plan related sufficiently for identification. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor. See Form Q - Document Control Sheet for the Distribution of Plans.

Said plan shall be of minimum dimensions of nine and one half inches by fourteen inches (9 1/2" X 14") but a maximum size not to exceed sixteen inches by twenty-one inches (16" X 21") and shall contain the following information:

- a. Identification of the plan by name of owner of record and location of the land in question.
- b. The statement "Approval Under Subdivision Control Law Not Required," and sufficient space for the date and the signatures of all members of the Board.
- c. Zoning classification and location of any Zoning District Boundaries that may lie within the locus of the plan.
- d. In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
- e. Notice of any decisions by the Zoning Board of Appeals, including but not limited to variances and exceptions regarding the land or any buildings thereon.
- f. Names of abutters from the latest available Assessors' records unless the applicant has knowledge of any changes subsequent to the latest available Assessors' records. See Form E - Certified List of Abutters.
- g. Distance to the nearest permanent monument.

Add Map/Project #

A TRUE COPY, ATTEST:
Trivella S. Warr
TOWN CLERK

- h. Location of all existing buildings, including set back and side and rear yard designations.
- i. A locus map at one thousand (1,000) feet to the inch.
- j. Name and address of Registered Land Surveyor (Stamp of Professional Land Surveyor is required).

2. Endorsement of Plan not Requiring Approval

If the Planning Board determines that the plan does not require approval, it shall without a public hearing and within twenty-one (21) days of submission endorse the plan.

The Planning Board may add to such endorsement a statement of the reason approval is not required. The plan shall be returned to the applicant, through the Engineering Department, and the Planning Board shall also notify the Town Clerk in writing of its action.

3. Determination that Plan Requires Approval

If the Planning Board determines that the plan does require approval, under the Subdivision Control Law, it shall, within twenty-one (21) days of the submission of the plan, so inform the applicant in writing, by certified mail, and return the plan. The Planning Board shall also notify the Town Clerk in writing of its action.

4. Failure of Board to Act

If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the person submitting the plan of its action within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

B. Preliminary Plan

1. General

A Preliminary Plan of a subdivision may be submitted by the applicant. The Preliminary Plan, seven (7) prints of it and the minimum filing fee (see Section IIE) shall be filed with the Planning Board at a regularly scheduled meeting to be distributed according to the Document Control Sheet. (See Form Q - Document Control Sheet for the Distribution of Plans.) The applicant shall also file by delivery or registered or certified mail a notice with the Town Clerk stating the date of submission to the Board for such approval of a Preliminary Plan accompanied by a copy of a properly executed application Form B.

The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Conservation Commission, the Town Engineer, the Building Inspector, the Police Department, the Fire Department, and other Town agencies and owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. A properly executed Form B shall be filed with the Preliminary Plans submitted to the Planning Board. See Form Q - Document Control Sheet for Distribution of Plans.

2. Contents

The Preliminary Plan shall be drawn on tracing paper or other reproducible substance at a suitable scale, preferably forty feet (40') to the inch. The plan shall be designated as a "Preliminary Plan" and to form a clear basis for discussion of the details of the subdivision and for preparation of the Definitive Plan, the plan shall contain the following:

- a. The subdivision name, if any, boundaries, north point, date, scale, legend and title "Preliminary Plan".
- b. The names and addresses of the record owner of the land and the subdivider and the name, seal, and address of the designer, engineer and surveyor who made the plan, which shall appear in the lower right hand corner.
- c. The names of all abutters, as determined from the last assessment, unless the applicant shall have more recent knowledge of such abutters. See Form E - Certified List of Abutters
- d. The locus of the land shown on the plan with sufficient information to accurately locate the plan.
- e. The existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner.
- f. Major features of the land such as existing walls, fences, monuments, buildings, trees six inches (6") in caliper measured four feet (4') above the ground (dbh),⁽¹⁾ wooded areas, outcroppings, ditches, swamps, water bodies and natural waterways. Where available, aerial photographs may be required.
- g. The proposed systems of sewage disposal, water installation and drainage in a general manner including adjacent existing natural waterways intended to receive sewage and drainage effluent.
- h. The approximate boundary lines of proposed lots, with lot numbers, approximate areas and dimensions.
- i. The names, approximate location and widths of adjacent streets, or streets approaching or within reasonable proximity of the subdivision.
- j. The topography of the land with a two foot (2') contour interval based on the U. S. Coast and Geodetic Survey (Sea Level Datum of 1929). Water bodies and their elevations shall be shown with the date of measurement.
- k. The proposed names of the proposed streets.
- l. The profiles of existing grades and approximate proposed finished grades of the roadway, and drain and sewer utilities.
- m. Area of adjoining land and water of the applicant not presently being subdivided.
- n. The zoning classification of land shown on the plan and the location of any zoning district boundaries that may lie within the locus of the plan.
- o. Sheet and lot number(s) from the Assessors' Maps.

(1) dbh = diameter breast high

3. Approval

The Planning Board may give such Preliminary Plan approval, with or without modification or suggestion, after the Board's review with the Board of Health, the Conservation Commission, the Town Engineer, Water & Sewer Board, Building Department, Police Department, Fire Department and other Town agencies. Such approval does not constitute approval of the subdivision but facilitates the preparation of the Definitive Plan and the securing of approval thereof. The original of the Preliminary Plan will be returned to the applicant. In the event of disapproval, the Planning Board shall state the reasons for its disapproval in accord with Section 81-U of Chapter 41, G.L. Approval shall be effective for six (6) months or until a definitive plan evolving from the preliminary plan is filed, whichever comes first.

C. Definitive Plan

1. General

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Planning Board all items required in subsections 1 and 2 of this Section and the minimum filing fee (see Section II E) for a Definitive Plan to be "duly submitted" in accord with these Rules and Regulations and the General Laws of Massachusetts. Such submission shall be made at a regularly scheduled meeting of the Planning Board. See Form Q Document Control Sheet for the Distribution of Plans.

- a. An original drawing of the Definitive Plan and three (3) contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval, through the Engineering Department.
- b. A properly executed application Form C - Application for Approval of a Definitive Plan; Form D - Engineer's Certificate; or D1 - Land Surveyor's Certificate; and Form E - Certified List of Abutters. Approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified.
- c. The Definitive Plan shall be prepared by a professional engineer and a land surveyor registered in Massachusetts and shall be clearly and legibly drawn in black india ink upon tracing cloth to the following standards.
 - (1) The classification and precision of surveys shall conform to Class A or better of the most recent Land Court Manual of Instructions, Commonwealth of Massachusetts. It is required that all other survey and Definitive Plan preparation, where not herein specified, be guided by the Manual of Instructions.
 - (2) The plan shall be at a scale of one inch (1") equals forty feet (40'), or such other scale as the Planning Board may accept to show details clearly and adequately.
 - (3) Plans and profiles of each individual street shall be at a scale of one inch (1") equals forty feet (40') horizontal and one (1") equals four feet (4') vertical.

- (4) All elevations shall refer to the United States Coast and Geodetic Survey (Sea Level Datum of 1929)
 - (5) Sheet sizes shall be sixteen by twenty-one inches (16" X 21") including a one inch (1") border: for recording purposes, other plans shall be 24" X 36".
 - (6) All plans shall be accompanied by a locus map at a scale of one inch (1") equals two thousand feet (2000') or other scale acceptable to the Planning Board showing the relationship of the subdivision to highways and major streets in the Town.
 - (7) All plans shall be accompanied by a location plan at a scale of one inch (1") to one hundred feet (100') to one inch (1"). The location plan shall show the entire subdivision layout, adjacent streets, in any, or streets within a reasonable distance, sufficient to identify the location and the access to the land.
- d. The applicant shall also file by delivery or registered or certified mail a notice with the Town Clerk stating the date of submission to the Planning Board for such approval accompanied by a copy of the completed Form C - Application for Approval of Definitive Plan.

2. Contents

The Definitive Plan shall contain the following information:

- a. A title, appearing in the lower right-hand corner of each plan, showing the name of the subdivision, if any; the date; scale; the names and seals of the designer, engineer and surveyor who made the plan.
- b. North point, whether true, magnetic or grid benchmark and so indicated, and boundaries of the subdivision.
- c. Location and ownership of abutting property as it appears on Form E - Certified List of Abutters unless the applicant shall have more recent knowledge of such abutters, so indicated. in including all abutting land owned by the applicant not presently being subdivided.
- d. Major features of the land, such as existing waterways, swamps and water bodies, natural drainage courses, walls, fences, buildings, wooded areas, out-croppings and ditches which exist on or near the site at the time of survey. Where available, aerial photographs may be required.
- e. Lines of existing and proposed streets, ways, lots, lot numbers or other designation of each lot, 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 Planning Board.
- f. Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines including lot frontage on the streets, of the boundary lines of all streets and easements, and the length radii,

tangents, and central angles of all curves in lot lines and street lines. All angle points, or intersections of tangents along the street lines, shall be shown. Areas of lots with lot numbers and the area and frontage on public ways as set forth in Section 81-L of Chapter 41 G.L. of adjoining lands of the applicant not included in the subdivision shall be shown. The engineer or surveyor shall have the mathematical computations available to present to the Board (and/or Town Engineer), for a matter of record. It is recommended that traverse computations be placed on a separate or subsequent sheet.

- g. Location of all permanent monuments properly identified as to whether existing or proposed.
- h. Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both roadway widths and right-of-way widths.
- i. The zoning district classification of land shown on the plan and the location of any zoning district boundaries that lie within the locus of the plan and the applicable minimum front, side and rear yard depths for each lot as is required by the Zoning By-Laws.
- j. Indication of all existing and proposed easements, covenants or restrictions applying to the land and their purposes, whether or not within the subdivision, including any decision on appeal or any variances or exceptions made by the Zoning Board of Appeals applicable to the subdivision of the land or any buildings thereon.
- k. If the property that comprises the subdivision or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land of the applicant.
- l. Sheet and lot number(s) from the Assessors' Maps.
- m. Suitable space to record the action of the Planning Board and the signatures of all members of the Planning Board including where appropriate the words "Deeds of easements to be recorded herewith" or words "Covenants to be recorded herewith."

(Items n. thru u. may be submitted on the same sheet as the Definitive Plan or on separate sheets of the same size and material as the plan sheet. Each sheet shall bear title block and signature block as required in paragraphs 2a. and m. above):

- n. Existing profiles of the exterior lines and center-line drawn in fine black line, dot dash for left, dot dot dash for right side, and dash for center-line, and proposed profile on the finished center-line drawn in fine black solid line of proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4').

At least two (2) bench marks are to be shown on plan profile sheets and grade elevations at every fifty foot (50') station except in vertical curves which shall be at every twenty-five foot (25') station. All existing and proposed intersections and sidewalks, bikeways and walkways shall be shown with all proposed grade elevations calculated. Elevations are to be

referred to the United States Coast and Geodetic Survey (Sea Level Datum of 1929.)

- o. Existing and proposed topography at two feet (2') contour intervals and by symbols the highest known water mark of the last five (5) years. There shall also be indicated by differentiating symbols the contour line four feet (4') above said high water mark.
- p. Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewer pipes and their appurtenances and/or sewage disposal systems, storm drains and their appurtenances and easements pertinent thereto, and dimensions of curbs, including data on borings and percolation tests made, and method of carrying water to the nearest watercourse or easements for drainage as needed, whether or not within the subdivision.
If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the applicant, he shall clearly indicate what course the discharge will take, and shall present to the Board evidence from the Town Engineer or the owner of adjacent property that such discharge is satisfactory and permitted by public or private ownership of adjacent street or property.
- q. Drainage calculations shall be submitted in a suitable form along with amplifying plans outlining drainage areas within and affecting the subdivision. A plan shall also be submitted showing the route followed by all drainage discharging from the subdivision to the primary receiving water course or other large body of water. Drainage design shall be based on the rational formula ($Q=CIA$). The runoff coefficient "C" shall be determined from the proposed use of land within the watersheds with a minimum value of 0.50 to be used. The rainfall intensity shall be determined from the times of concentration and the Yarnell curves. A ten (10) year frequency storm shall be used for street drainage and twenty-five (25) year frequency storm for cross culverts. The minimum time of concentration for street drainage shall be ten (10) minutes and for cross culverts shall be twenty (20) minutes.
- r. Location and species of all proposed street trees and location of all existing trees with trunks over twelve inches (12") in diameter, measured four feet (4') above the finished ground level (dbh), within the minimum front, side and rear yards, and all other trees so dimensioned and located elsewhere on the lot which are to be retained (except those within five feet (5') of street right-of-way lines. See Sub-section VG Trees).
- s. Refer to a typical cross section of each street, roadway, drainage ditch and sidewalk to be constructed.
- t. Location of proposed street lights, pedestrian lighting (if required), sidewalks, transformer pads, and fire alarm system.
- u. For each sheet of the subdivision plan as submitted the following information if not shown elsewhere shall be shown
 1. The total area which is being subdivided on each sheet.
 2. The total area of lots included on each sheet.
 3. The total of areas dedicated for street purpose, drainage, sewer or utility easements on each sheet.

4. The total of areas reserved for parks, bikeways, and any other public use on each sheet.

The format shall be as shown on Form R - Area Within A Subdivision

- v. An environmental impact statement when required by the Planning Board, other Town By-Laws, State or Federal Laws or Regulations. The Planning Board may require any private person, firm or corporation to prepare an environmental impact report for any and all work, project or activity which may cause damage to the environment, and for which no funds of the Commonwealth are to be expended. This report shall be limited in scope to the purposes of the Subdivision Control Law, Sections 81-K through 81-GG.

3. Staking

To facilitate review of the Definitive Plan by the appropriate authorities, at the time of filing of the Definitive Plan, the applicant shall stake the center line of all proposed streets at a minimum of every one hundred feet (100') with the center line stations and the cut or fill dimensions to finish grade marked on the stakes.

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

At the time of filing of the Definitive Plan, the applicant shall also file with the Board of Health two (2) contact prints of the Definitive Plan, dark line on white background, together with such information in the nature of percolation tests and deep test holes as the Board of Health may require plus the information required on Schedule C - The Board of Health Review. The Board of Health shall within forty-five (45) days after filing of the plan, report to the Planning Board in writing approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and, where possible, shall make recommendations for the adjustment thereof, provided, however, if a municipal sewerage system will service the proposed subdivision, then failure of the Board of Health to make such a report within forty-five (45) days after the plan is filed with their office shall be deemed approval by such Board. The Board of Health shall send a copy of such report, if any, to the person who submitted such plan.

Every lot so located that it cannot be served by a connection to the municipal sewer system shall be provided with septic tank and drainfield satisfactory to the Board of Health and/or the Commonwealth of Massachusetts Sanitary Code minimum standards as the Board of Health shall determine.

5. Review by Other Town Officials

The applicant will transmit copies of the Definitive Plan to Town Officials other than the Board of Health as follows:

One (1) copy each to the Conservation Commission, Town Engineer, the Superintendent of Schools, Town Counsel, Building Inspector, the Board of Water and Sewer Commissioners, the Board of Selectmen, the Police Department and the Fire Department, and also in the case of an industrial subdivision, to the Industrial Development Commission.

The applicant will return a completed Form O - Receipt for Subdivision Plan to the Planning Board within fourteen (14) days of the filing of the Definitive Plan.

Before the Definitive Plan is approved, the Planning Board will request written statements from the above officials with regard to the proposed improvements in the following respect:

- a. Conservation Commission as to potential involvement with Chapter 131, Section 40, G.L.
- b. Town Counsel as to the form of easements, covenants and performance guarantees.
- c. The Town Engineer as to the design of the street system, location of easements, monuments, drainage system, water system, and if applicable, the sewage system.
- d. Building Inspector as to compliance with the Zoning By-law.
- e. Fire Department as to location of hydrants and the alarm system.
- f. Police Department as to street safety.

In each of the above cases the Planning Board will assume that the respective officials have no comment if no report is received in forty-five (45) days.

6. Soil Survey and Percolation Tests.

Where appropriate, the Planning Board may require soil surveys and/or test borings to be prepared at the expense of the applicant to establish the suitability of the land for the proposed storm drainage system and proposed street construction.

7. Public Hearing

Before taking any action to approve, modify and approve or disapprove a Definitive Plan, the Planning Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and of the subject matter, sufficient for identification shall be published in a newspaper of general circulation in the Town of Wilmington once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing and by mailing a copy of such advertisement to the applicant and to all owners of land abutting the land shown on the plan and shown on the most recent tax list.

8. Planning Board Procedure.

The procedure that the Planning Board will follow with regards to approval, disapproval or modification of the Definitive Plan submitted by the applicant will be that as set forth in Chapter 41, Section 81-U of the General Laws, as amended. In summary, the Board, after receiving the Plan and profiles, will review the same to determine whether they are in compliance with its adopted Rules and Regulations. Before final approval of the plan, the applicant shall comply with all reasonable regulations and rules of the Town Engineer and the Board of Health

SECTION III.C.8. (continued)

not otherwise covered by these Rules and Regulations. The applicant should also coordinate his plans with the utility companies which service the development to avoid delay during the period of construction. Before approval of the plan, the applicant shall establish that the lots in the Definitive Plan are in conformity with the Wilmington Zoning By-Laws and failure to the lots to so comply will be adequate grounds for disapproval of the Definitive Plan. See Chapter 41, Section 81-Q of the General Laws, and amendments thereto.

The Board may, as a condition of granting a building permit under Section 81-Y, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the Town. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such plan and which shall for the purpose of the subdivision control law be deemed to be a part of the plan. Final approval shall be conditioned on obtaining all necessary permits from the Massachusetts Department of Public Works, and on notification given to the Planning Board by the applicant of any changes in the plan required by said permit or permits.

9. Performance Guarantee

Before endorsement of the Board's approval of a Definitive Plan the applicant shall agree to complete the required improvements specified in Section V for any lots in a subdivision within one (1) year of the date of approval. Such construction and installation shall be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be carried by the applicant with the written consent of the Planning Board.

a. Approval with Bonds or Surety

The applicant shall either file a performance bond, issued by an agency licensed to do business in the Commonwealth of Massachusetts, a deposit of money or negotiable securities, in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under "b" hereof. Such bond or security, if filed or deposited, shall be accompanied by an appropriate and properly executed agreement prepared in the manner of Form F and G or such other form as the Board may require, and approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer and shall be contingent on the completion of such improvements within one (1) year of the date of the approval of the

Definitive Plan. See Form F - Performance Bond Surety Company and Form G - Performance Bond Secured by Deposit.

b. Approval with covenant

The applicant shall file a Form H - Covenant or such other form of covenant as the Planning Board requires and is approved as to form and manner of execution by the Town Counsel, properly executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby such ways and services as specified in Section V, not covered by bond or deposit under "a" hereof, shall be provided to any lot before such lot may be built upon or conveyed, other than by mortgage deed.

Before installation of utilities is begun the evidence of completed financial arrangements required in Section I I shall be filed with the Planning Board.

Priscilla R. Ward

10. Certificate of Approval or Disapproval

The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent to the applicant, return receipt requested, by delivery or registered mail. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the Rules and Regulations of the Planning Board and to the recommendations of the Board of Health. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the approval (or disapproval as the case may be, see Forms C-1 and C-2), of the Planning Board with the Town Clerk and said Clerk has notified the Planning Board that no appeal has been filed. Final approval shall be subject to the construction specifications contained herein and to the rules and regulations of the Town Engineer and the Board of Health. After the Definitive Plan has been approved and endorsed, the Planning Board shall file with the Engineering Dept. the original of all plans not to be recorded and a duplicate original of all the plans to be recorded. The Planning Board may extend the sixty (60) day period permitted by statute between submission of a Definitive Plan and action thereon upon written request of the applicant.

Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets shown on the plan.

a. Time for Completion

The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within one (1) year of the date of approval. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until a new application and Definitive Plan in accordance with the then in effect Rules and Regulations is filed with and approved by the Board. Ways or portions thereof not completed within one (1) year from the date of approval by the Board, shall thereafter be completed in accordance with the then in effect design and construction standards of the Planning Board, unless an extension of time is granted.

b. Endorsement

The endorsement of plan approval by the Planning Board shall be valid for a period of one (1) year from the date of said approval. Prior to the expiration of the one (1) year approval period, the developer and/or owner shall request in writing to the Planning Board an extension of time, if necessary. Failure to request extension of time prior to the expiration of the one (1) year approval period shall result in the Planning Board notifying the Building Inspector that no additional building permits should be issued in said development. The request for extension shall state reasons for said extension and also the length of time requested. Extension of time shall not in any case exceed one (1) year. Additional extensions after the first may be applied for but not until at least ten (10) months have expired on the extension in effect.

c. Recording

The applicant shall file the approved Definitive Plan and covenant, if any, at the Registry of Deeds, and shall notify the Planning Board in writing presenting evidence of the recording of the plan and the covenant within ten (10) days of said filing. The applicant shall deliver to the Planning Board two (2) copies of the approved and recorded Definitive Plan, one (1) 105 mm negative and one (1) copy of a Certificate of Title duly searched and executed by an attorney or title company stating that the title to the premises shown on said plan and appurtenances thereto is in the applicant and free of all encumbrances. In addition the applicant shall file one (1) copy of the approved and recorded Definitive Plan each with the Board of Health, Conservation Commission, the Building Inspector, Assessors' Office, Water and Sewer Commissioners, the Superintendent of Schools, Police Department and Fire Department. A duplicate original shall be filed with the Town Engineer.

11. Reduction or Release of Performance Guarantee

a. Reduction of Bond Surety

The penal sum of any such bond, or the amount of any deposit held under clause "9a," may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required by the Board.

b. Release of Performance Guarantee

Upon completion of improvements required under Section V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the developer or owner at his expense, will cause to be published in a Wilmington newspaper at least fourteen (14) days prior to the releasing of the performance bond or surety, an announcement that such release is contemplated. He shall also send by registered mail to the Town Clerk and the Planning Board a written statement that the said construction or installation in connection with which such bond, deposit or covenant has been secured, has been completed in accordance with the requirements contained under Section V, such statement to contain:

1. Name and address of applicant.
2. A compliance Certificate signed under oath by the developer and his Engineer that the development has been completed according to the Rules and Regulations of the Planning Board and the Town of Wilmington Zoning By-laws.
3. Copies of or reference to the requisite number of Inspection Forms and Reports.
4. An As-Built Plan (see Paragraph 12 and Section V.A.7)
5. Written evidence from the Town Engineer as to construction of all ways and sidewalks, installation of monuments, street signs, traffic signs, pavement, lighting, gutters and curbs, required grading and drainage, water mains.

hydrants and appurtenances, all sewer mains and appurtenances, adequate lot drainage, planting and seeding, all in accordance with the Definitive Plan.

6. Written evidence from the Board of Health as to the installation of sewage disposal facilities if applicable, all in accordance with the Definitive Plan.
7. Written evidence from the Chief of the Fire Department as to the installation of the fire alarm system, all in accordance with the Definitive Plan.
8. Written evidence from the Office of the Building Inspector as to conformance to the Town of Wilmington Zoning By-law.

If the Planning Board determines that said construction or installation has not been completed, it shall specify to the Town Clerk and to the developer, in writing, by registered mail, the details wherein said construction and installation shall have failed to comply with requirements contained under Section V. Upon failure of the Planning Board to act on such application within forty-five (45) days after the receipt of the application by the Town Clerk and the Planning Board, all obligations under the bond shall cease and terminate by operation of law, and any deposit shall be returned and any such covenant shall become void.

In the event that said forty-five (45) day period expires without such specification, or without the release and return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

If the Planning Board determines that said construction or installation has been completed, it shall notify the Town Treasurer within forty-five (45) days on a properly executed Form J - Release Form, that it releases the interest of the Town in such bond or deposit and that it shall be returned to the person or persons who furnished same, or, in the case of covenant it shall issue a written release of the covenant on a properly executed Release Form. However, a maintenance guarantee providing surety equal to ten percent (10%) of the total value of the work within the subdivision shall be provided and shall be held by the Town for the maintenance of streets and municipal services for eighteen (18) months after completion of construction and installation or until the streets are accepted by the Town, whichever comes first, after which date the Town shall return the remainder of the bond to the person or persons who furnished same.

Approximately sixty (60) days before the expiration of the eighteen (18) months, the Planning Board shall request the Town Engineer to make an inspection of said street or way or portion thereof to determine whether or not defects have developed therein, and determine whether or not it should recommend to the Board of Selectmen and laying out of said street or way or portion thereof as a public way. The Planning Board shall at the same time cause to be published in a newspaper of general circulation in the Town of Wilmington an announcement that such inspection will be made, and that the release of the Town's interest in the bond is contemplated. If the recommendation is in the affirmative, the Board shall so advise the Board of Selectmen forthwith, including in such recommendation, notification that the eighteen (18) months for which the developer is responsible for the maintenance of said way or portion thereof will expire on a certain date and said way may be laid out as a public way.

Upon the expiration of the period for which the developer is responsible for maintenance of said way, if said developer has complied with all the requirements of the Planning Board Rules and Regulations: as set forth in an inspection report of said way, and has filed an acceptance plan and deed described in Paragraph 12. below to the Planning Board which have been found valid and acceptable to the Board, and the Board has recommended to the Board of Selectmen that said way(s) should be laid out as a public way(s), any monies held by said Board for the maintenance of said way(s) shall be returned forthwith to the developer.

12. Acceptance Plan

Approximately at the time of published announcement regarding inspections the developer shall file an acceptance plan with the Planning Board on tracing cloth of completed street or streets together with proper legal description for initiation by the Board of Selectmen of an article in the Town Warrant pursuant to the acceptance of the ways by the Town Meeting (see Section V.A.8), and upon acceptance by the Town shall grant a deed to the Town of the streets as contained in the plan, said deed to be recorded by the Town Clerk upon acceptance of the streets by the Town Meeting.

SECTION IV. DESIGN REQUIREMENTS

A. Streets

1. Location

- a. All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular and pedestrian travel and an attractive street layout in order to obtain the maximum safety and amenity for future residents of the subdivision, and they shall be in accord with the Rules and Regulations of the Planning Board.
- b. The proposed streets shall conform in location, so far as practicable, to the official map, to any existing and proposed plans of the Planning Board, to the Master Plan or parts thereof adopted by the Planning Board and, where required by the Planning Board, to the existing and proposed street system.
- c. Provision satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoining property, whether or not subdivided.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.

2. Alignment

- a. Street jogs with centerline offsets of less than one hundred and fifty feet (150') shall be avoided.
- b. The minimum centerline radii of curved streets shall be as follows:

Major Street	one thousand feet	(1000')
Secondary Street	four hundred feet	(400')
Minor Street	one hundred feet	(100')

- c. A tangent at least one hundred and fifty feet (150') in length shall separate all reverse curves on major and secondary streets except where at least one (1) radius is five hundred feet (500') or more.
- d. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty degrees (60°).
- e. Property lines at street intersection shall be rounded or cut back to provide for a radius of not less than thirty feet (30'). However, when the intersection of two (2) streets varies more than ten degrees (10°) from a right angle, the radius of the curve at the obtuse angle may be less and of the acute angle may be greater than thirty feet (30') to the extent approved or required by the Planning Board.
- f. Streets shall be laid out so as to intersect at intervals in a range of six hundred feet (600') to twelve hundred feet (1200') in length, unless otherwise specified by the Planning Board. In special instances the Planning Board may approve an easement for a future street, in lieu of actual construction of a cross street.

3. Width

- a. The minimum width of right-of-way shall be as follows:

Major Streets: sixty feet (60') in a low intensity area and eighty feet (80') in a high intensity area as determined by the Planning Board.

Secondary streets and such minor streets, which in the judgment of the Planning Board may in the future be changed in character to become a secondary street: fifty feet (50') in a low density area and sixty feet (60') in a high density or high intensity area.

Minor Streets: fifty feet (50')

- b. When a minor street will provide the only access for lots fronting on a length in excess of five hundred feet (500') or where, on a secondary or major street, potential volume warrants, the Planning Board may require a greater right-of-way than that specified above and may require construction of a divided roadway.

4. Grade

- a. The centerline grade for any street shall not be less than one percent (1.0%).
- b. The maximum centerline grade for streets shall be as follows:

	Low Density Area*	High Density and Non-Residential Area*
Minor Street	six percent (6%)	five percent (5%)
Secondary Street.	five percent (5%)	four percent (4%)
Major Street	four percent (4%)	three percent (3%)

*as determined by the Planning Board

- c. Where changes in grade exceed one percent (1%) vertical curves, as required by the Board, will be provided.
- d. Where a grade is four percent (4%) or greater within one hundred and fifty feet (150') of the intersection of street right-of-way lines, there shall be provided in a residential subdivision containing only one (1) family dwellings, a levelling area of at least seventy-five feet (75'), with a maximum grade of three percent (3%), and in all other subdivisions, a levelling area of at least two hundred feet (200'), with a maximum grade of two percent (2%).
- e. The grade of any street except in special instances shall be so designed that the surface run-off of water shall be from the building line to the street. Where one side of a street drops off so that surface water runoff cannot drain into the street, provision must be shown for drainage tiles and catch basins, with any easement needed, to prevent overflow onto neighboring lots or erosion of banks.

5. Dead-end Streets

- a. For the purposes of this section, any proposed street which intersects solely with a dead-end street shall be deemed to be an extension of the dead-end street. Dead-end streets and their extensions, if any, shall not be longer than five hundred feet (500') unless in the opinion of the Board, a greater length is necessitated by topography or other local conditions. Dead-end streets shall be measured from the right-of-way line of the intersection street. If a dead-end street is longer than a thousand feet (1000'), the Board may require a divided roadway.
- b. Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred feet (100'), and a property line diameter of at least one hundred and twenty feet (120') unless otherwise specified by the Planning Board. The Planning Board may, at its option require a minimum outside roadway diameter of one hundred forty feet (140'), a property line diameter of one hundred sixty feet (160') and the placement of a circular landscaped island with minimum radius of twenty feet (20') at the center of the turn-around, if the dead-end street is not intended to connect with another street at some future point in time.
- c. The Board may require a roadway easement from the end of the dead-end street to adjacent property. If a dead-end street is subsequently extended beyond the required turn-around, any easement appurtenant to a lot abutting the turn-around, except that portion of the turn-around included in said extension, shall terminate upon the approval and public or private recording of a certificate by the Planning Board of the construction of said extension.

6. Street Names

Street names shall be approved by the Planning Board to provide names in keeping with the character of the Town. Proposed street names shall not duplicate nor bear phonetic resemblance to the name of existing public ways, paper street, or any other way qualified to afford frontage under Section 81-L of Chapter 41 G.L. A proposed street which is in alignment with an existing street shall bear the same name as the existing street.

B. Curb Cuts

1. Driveways in subdivisions containing one (1) and/or two (2) family dwellings only shall be at least ten feet (10') wide on private property and have a bituminous curb return at the roadway of two feet in radius, and shall have an opening of least sixteen feet (16') at the gutter line.
2. Driveways for multiple dwellings and all non-residential uses shall be at least twenty-four ft. wide and have a bituminous curb return at the roadway of two feet (2') in radius, and shall have an opening of at least thirty feet (30') at the gutter line.
3. Where rolled curbs or no curbs exist, the driveway flare should have a three foot (3') radius. Driveway cuts shall not be within sixty-five feet (65') of the intersection of the center line of intersecting streets.
4. If driveways slope from the edge of the street right-of-way to the edge of the pavement, there shall be a grade of not less than one percent (1%) but not more than eight percent (8%), but the grade between the sidewalk and the right-of-way shall be only as shown on the cross-sections, Schedules A and B.

C. Easements

1. Where utilities cross lots or are centered on rear or side lot lines, easements shall be provided of a width of at least thirty feet (30').
2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board shall require a storm water easement or drainage right-of-way of adequate width and proper side slope as determined by the Town Engineer to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for construction or other necessary purposes. In no case shall the width be less than thirty feet (30') or the side slope be steeper than two (2) horizontal on one (1) vertical.
3. Access easements to park and conservation land shall be provided, if required by the Planning Board, and shall be at least thirty feet (30') wide.
4. Wherever possible easements along rear lot lines shall be continuous to the street at the end of the block to connect with the adjoining blocks in the shortest direct line.

D. Open Space

Before approval of a plan the Planning Board may also, in proper cases,

require the plan to show a park or parks, suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land and shall be at least equal to one (1) acre of land for each twenty (20) single family dwelling units or fraction thereof shown on the plan. It shall be equal to three (3) times the floor area of all other dwelling units, and ten (10) percent of the land area for all non-residential subdivisions. The Planning Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval for a period of three (3) years. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purposes of a park and/or playground. The area or areas shall be so located as to serve adequately all parts of the subdivision as approved by the Planning Board. The Planning Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions. Any land so reserved shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the Planning Board. Land acquired in this manner shall be compensated as provided in Section 81-Q of Chapter 41 of the General Laws.

E. Protection of Natural Features

Due regard shall be shown for all natural features, such as trees, wooded areas, water courses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. Any clearance, cutting, thinning or other disturbance to trees twelve inches (12") or over in diameter measured four feet (4') above finished ground level (dbh), located within the minimum front, side and rear yards but not closer than five (5') of an existing or proposed street right-of-way line, or other natural vegetation shall be prohibited unless deemed both proper by the Planning Board and not in conflict or contradiction to the intent of Section IVF. Any such proposed clearance shall be shown on the plan and written reasons therefor may be requested by the Board.

F. Lot Drainage

1. Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of a minimum width of thirty feet (30') and proper side slope shall be provided. Storm drainage shall be designed in accord with the specifications of the Planning Board. Where required by the Planning Board or the Board of Health, the Applicant shall furnish evidence as to any lot or lots to either Board as necessary that adequate provision has been made for the proper drainage of surface and underground waters from such lot or lots.

G. Fire Hydrants

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

the Chief of the Fire Department in writing. In any case there shall be a minimum of one (1) hydrant in each subdivision. They shall be of a style approved both by the Fire Chief and the Town Engineer.

H. Sidewalks, Grass Plots, Trees

See Cross Section in Schedules A, B

I. Utilities

All required utilities shall be placed underground at the time of initial construction. Required utilities include water, sewer, storm drainage, telephone, electricity, gas, street lights, fire alarm systems and cable TV unless otherwise specified by the Planning Board. The applicant shall submit evidence of completed financial arrangements with private utility companies prior to approval.

Where adjacent property is not subdivided or where all the property of the Applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision, at such grade and size which will, in the opinion of the Planning Board, permit their proper extension at a later date.

a. Sewerage

- 1) If a public sewerage system is located within two thousand feet (2000') down slope from a non-residential subdivision or a multiple family subdivision or within one thousand feet (1000') of a one (1) or two (2) family subdivision, all lots shall be connected to the public sewerage system by the developer.
- 2) If a public sewerage system is planned to be installed within one thousand feet (1000') down slope of any subdivision within three (3) years of the date of submission of the Definitive Plan as indicated by prior Town Meeting action, the sewer system shall be installed by the developer in the street and to every lot which can be connected later to the public sewerage system. Should the Town's Master sewerage plan show larger mains to be installed in the future than are required to service the proposed subdivision, or show other improvements or extensions within the limits of the subdivision not required to service said subdivision, then the Town through the Town Engineer may enter into an agreement whereby the developer shall install such mains or other improvements according to such plan and that he be compensated by the Town for the differential in cost incurred beyond that necessary to service the subdivision. In order for proper design and installation of all such improvements, the Town shall be responsible for establishing and providing, at the Applicant's expense, the necessary plan, specifications and design standards of the proposed public sewerage system.
- 3) If public sewerage connections are not required according to the above, or if the planned public sewerage system has not yet been installed to

within the required distance of the proposed subdivision, private on-lot or communal sewerage systems as approved by the Wilmington Board of Health shall be installed. The on-lot facility shall be located in the front yard wherever practicable to facilitate connections to an eventual public sewerage system.

- 4) Manholes shall be located at every change in grade or horizontal alignment but not more than three hundred feet (300') apart. Sewerage pumping may be permitted at the discretion of the Town Engineer.

b. Water

Every subdivision shall be connected to the public water system by the developer.

c. Gas

Mains shall be installed if gas connection is available.

d. Storm Drainage

Adequate disposal of surface and sub-surface water shall be provided on both sides of the roadway at intervals not to exceed three hundred feet (300'), unless otherwise approved by the Town Engineer and at such other places as deemed necessary by the Town Engineer to assure adequate drainage of all low points and to provide proper runoff of storm water. In no instances shall catch basins be located along a driveway cut.

e. Electricity

The Planning Board may permit transformers, switches and other such equipment to be placed on the ground in approved locations, screened from view with evergreen shrubbery.

J. Fire Alarm System

One (1) fire alarm box shall be provided for each one thousand (1000) linear feet or fraction thereof of street within the subdivision. Exact location of boxes shall be specified by the Chief of the Fire Department and indicated on the plan. The circuit shall be installed so that it may be connected with a circuit on a Town way adjoining the subdivision.
See Section V, Subsection K.

K. Bikeways and Walkways

1. Public bikeways or pedestrian walkways may be required by the Planning Board to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space and/or community facilities or for such other reason as the Board may determine. These may or may not be part of normal sidewalk provision, but they shall not be a part of any lot in the subdivision.

2) Design Standards

- a. Minimum right-of-way width: fifteen feet (15')
- b. Minimum pavement width: ten feet (10')
- c. Maximum gradient: five percent (5%) for segments less than one-hundred feet (100') in length, three percent (3%) elsewhere.
- d. Minimum center line radius: twenty five feet (25')

SECTION V. CONSTRUCTION REQUIREMENTS

A. General

1. It is the intent that no street or way through private property shall be accepted by the Town unless the same be previously constructed and completed in accordance with the Standard Cross Section (see Schedules A and B), Street Layout Plan, Profile and the following specifications.
2. To insure high quality and uniformity of construction and unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the "Commonwealth of Massachusetts, Department of Public Works Standard Specifications for Highways and Bridges 1973 Edition," as amended thru 1/1/75, and the Special Provisions included, hereinafter referred to as the Standard Specifications. Appropriate illustrations are found in "Commonwealth of Massachusetts, Department of Public Works, Construction Manual Part 3, 1966 as amended."
3. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications, amendments or addenda. These specifications and special provisions shall take precedence and shall govern when they are stricter.
4. To facilitate reference where appropriate, each paragraph in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications.
5. The extent of work required shall be completed as shown upon approved plans, and shall be in compliance with the Standard Cross Section.
 - a. Offset stakes shall be set under the direction of a Registered Land Surveyor at fifty foot (50') intervals and at each sewerage and drainage structure and at each hydrant, to indicate the location and the exact amount of cut, fill or grade.
 - b. Improvements to minimize adverse environmental impact shall be installed in accordance with all details as shown on the approved definitive plan.

- c. No earth shall be removed from the area shown on a definitive plan except in accordance with the approved plan.
- 6. As each construction operation is completed, it shall be approved by the proper Town authority and/or utility company prior to starting work on the succeeding operation.
- 7. The developer shall have the approved plans and profiles that are on file in the Planning Board office corrected and certified by his Engineer to show the actual as-built locations and profiles of all streets, ways and utilities and any changes authorized by the Planning Board. See also Section III C 11 b.4.

B. Streets and Roadways

- 1. The roadway shall be graded and prepared for pavement as follows:
 - a. 101* Clearing and grubbing of the entire area of such street or way including slopes, shall be performed to remove all stumps, brush, roots and like material which may exist upon the surface.
 - b. 120 Earth excavation shall be the removal of all materials encountered within the R.O.W. down to the true surface of the subgrade, or to suitable material in areas where unsuitable material exists, in preparation for foundation of roadway, sidewalks, driveways and berms. Approved materials obtained from the excavation may be used in fills as required if, in the opinion of the Town Engineer, they are suitable.
 - c. 150 When in the opinion of the Town Engineer suitable material is not available within the limits of the roadway location to form the subgrade or sub-base, the developer shall obtain suitable additional material from other sources in accordance with this section and as may be approved by the Town Engineer.
 - d. 170 The subgrade surface, fifteen and one-half inches (15½") below the finished surface grade in minor and secondary streets, and eighteen inches (18") below the finished surface grade in major streets in residential subdivisions and in all streets in non-residential subdivisions, shall be prepared true to the lines, grades and cross sections given and properly rolled. All soft or spongy material below the subgrade surface shall be removed to a depth determined by the Town Engineer and the space thus made shall be filled with special gravel borrow, containing no stones over six inches (6") in their largest diameter.

* Numbers refer to specific sections in the Standard Specifications. The Standard Specifications should be referred to for descriptions, materials and construction methods.

- e. 401 Gravel sub-base or foundation containing no stones having any dimensions greater than six inches (6") shall be spread on the surface of the subgrade to a minimum depth of twelve inches (12") in conformity with requirements of Section M1.03.0 Type a of the Standard Specifications for furnishing gravel borrow.

Final grading, rolling and finishing including the shaping, trimming, rolling and finishing of the surface of the sub-base prior to application of gravel for surfacing of the roadway and base courses for walks and berms shall be in accordance with this section and as directed by the Town Engineer.

At the conclusion of this step the roadway shall be staked in all locations where permanent monuments are to be installed as provided in Subsection H - Monuments.

2. Roadways shall be constructed for the full length of all streets within the subdivision and shall have curb radii corresponding to the property line radii required in Section IV A.2.e. above. The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Town Engineer. The minimum and maximum widths of roadway pavement shall be as follows:

	Pavement	Right-of-Way
Minor Street	Thirty two feet (32') Minimum	Fifty feet (50') Minimum
Secondary Streets	Thirty two feet (32') Minimum	Fifty feet (50') Minimum
	Forty two feet (42') Minimum	Sixty feet (60') Maximum
Major Streets and all streets in a subdivision other than a residential subdivision	Forty two feet (42') Minimum	Sixty feet (60') Minimum
	Forty-eight feet (48'') Maximum which may be raised by the Planning Board as needed	Eighty feet (80') Maximum

3. 460 The wearing surfaces of roadways shall be of Class I Bituminous Concrete Pavement, Type I-1. This type of pavement shall be composed of mineral aggregate, mineral filler and bituminous material, plant mixed and laid hot. The pavement shall be constructed in two (2) courses, the first of two inches (2'') and the second of one and one-half (1½'') making a final pavement depth after rolling of three and one-half inches (3½'') upon the prepared surface and constructed in conformity with lines, grades and typical cross-section shown on the appropriate schedule except that in industrial subdivisions the first course shall be two and one-half inches (2½''). Material and construction methods shall conform to all other requirements of Section 460 of the Standard Specifications except that no such construction shall be undertaken before March 30th of any year nor after November 1st of any year without written permission of the Town Engineer. Pavement thickness shall be a minimum of six inches (6'') laid in three (3) courses of 2½"=2=1½" on all roadways in non-residential sub-divisions and major streets in residential subdivisions.

4. Embankments adjoining the right-of-way shall be evenly graded and pitched at a slope of not greater than two (2) horizontal to one (1) vertical up or in cut sections nor shall they be greater than 4 horizontal to 1 vertical down or in fill sections. Where cuts are made in ledge, other slopes may be determined with the approval of the Town Engineer. Where terrain necessitates greater slopes, retaining walls, terracing, fencing, or rip-rap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with and approved by the Planning Board. Guard rails shall be furnished whenever the slope is greater than four horizontal to one vertical downhill and shall be installed within the two foot leveling area behind the sidewalk. Whenever embankments are built in such a way as to require approval by the Planning Board, the developer must furnish to the Town evidence of duly recorded access easements free of encumbrances for maintenance of the slopes, terraces or retaining walls. All such slopes shall be grassed in accordance with the specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.

C. Utilities ⁽¹⁾

1. Installation and materials unless other specified shall conform to the standards of the Town of Wilmington.
2. 140 Excavation for structures, including foundations for drains, sewers and water pipes, walls and other structures shall be made to the depth as indicated on the Definitive Plan or established by the Town Engineer as appropriate. Rock excavation designated as Class B encountered in trench excavation shall be removed as directed by the Town Engineer.
3. 200 All drain, sewer, gas and water pipes, underground utilities, and other structures shall be installed to the right-of-way line upon the completion of roadway subgrade and before the placing of the sub-base, gravel base course, sidewalks or pavement. If the pavement is removed, excavated or damaged, the trench shall be covered with a poured reinforced concrete slab to the lines, grades and dimensions approved by the Town Engineer.

a) Sewerage

Where public sewers are required the following design standards shall apply:

- 1) Public sewers shall be designed according to professional engineering practices in accordance with the requirements of the standards of the Board of Water and Sewer Commissioners.
- 2) Public sewers shall not be less than eight inches (8") in diameter; house services not less than six inches (6").
- 3) On-site sewage disposal facilities, where installed, shall be constructed in conformity with the rules, regulations and requirements of the Board of

(1) See Subsection J for specifications for street lights

Health. On-site septic tanks and leaching fields shall be located in the front yard of the building(s) served, wherever practicable, for eventual connection to the public sewerage system. Due consideration should be given to surface and subsurface soil conditions, drainage and topography in the location of such on-site facilities.

b) Water

- 1) Public water mains shall be installed to the standards of the Board of Water Commissioners and shall be minimum thickness Class 23 cement-lined ductile iron pipe and shall not be less than eight inches (8") in diameter. Pipe joints shall be push-on type. Hydrants shall be located as specified in Section IVG.
- 2) Each hydrant shall be served directly from the water main through a six inch (6") lateral connection. It shall be gated with a six inch (6") bottom valve and shall have two (2) two and one-half inch (2½") hose outlets and one (1) five inch (5") pump outlet. Water main gate valves shall be located in such number and locations that lines by individual block may be isolated for maintenance purposes.

c) Gas

The Lowell Gas Company shall be notified by the developer upon approval of the Definitive Plan so that installation of gas mains may be completed without undue delay. If excavation is made after the subgrade is completed and inspected, the mains shall be put in a trench covered with a poured reinforced concrete slab to the lines, grades and dimensions approved by the Town Engineer.

d) Storm Drainage

200,220,230 Adequate disposal of surface and sub-surface water shall be provided and pipes, manholes and catch basins shall be provided according to the sizes and depths as indicated on the plan and in conformity with the requirements of Sections 200, 220, 230 of the Standard Specifications.

- 1) The standard depth of catch basins shall be two and one half feet (2½') below the invert of lowest drain. Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in conformity with the requirements of Section 230 for installation of pipes.
- 2) Reinforced concrete pipe throughout shall be installed according to the size as shown on the plans. No backfilling of pipes shall be done until the installation has been inspected by the Town Engineer. All drainage trenches shall be filled with clean gravel borrow in accordance with Section 150.
- 3) 260 Where sub-drains are required they shall be constructed in conformance with Section 260 of the Standard Specifications.

e) Other Utilities

- 1) Four underground conduits (fire alarm, telephone, electricity and cable television) shall be installed in conformity with Section 800 of the Standard Specifications. Service shall be provided to each lot and each street light before the subgrade is prepared.
2. Electric lines shall be installed underground in accord with the regulations of the Electric Company.
- 3) Other utilities shall be installed in underground conduits in accord with Section 800 of the Standard Specifications or as required by the utility company or department.

D. Sidewalks

1. Sidewalks shall be constructed within the subdivision, separated from the pavement area by a seeded grass plot (see Subsection F).
2. The sidewalk shall extend the full length of each side of the street and shall be a minimum width of five feet (5').
3. 701 Bituminous concrete sidewalks having a minimum thickness of two and one half inches (2½") after compression, shall be constructed on an eight inch (8") gravel foundation to the required lines and grades in accordance with these Specifications. Pitch shall be ⅜" per foot.
4. 701 If cement concrete sidewalks are desired, they shall be constructed as directed by the Town Engineer in conformity with this section of the Standard Specifications.

E. Curbs and Guard Rails

1. Bituminous concrete curbs of seven inches (7") in height shall be provided along each side of the roadway except that granite curbs of the same height and of type VA4 (Subsection M9.04) shall be provided:
 - a. At intersections along the roadway the distance of the arcs of the curves plus a straight section at each end of eight feet (8').
 - b. On the innerside of all curves with a radius less than two hundred and fifty feet (250').
On all grades over 3% to 3' beyond the downslope catch basin.
2. 600 Guard rails shall be installed for safety at curves or filled areas as required by the Planning Board or Engineering Department in accordance with the Specifications for steel beam guard rails.

F. Grass Plots

1. 751,765 A grass plot shall be provided on each side of each roadway between the pavement and sidewalk areas, and shall occupy all the remaining area not paved. Seed shall conform to Section M6.030 of the Standard Specifications.
2. The slope of the grass plot shall be shown on the profiles and Standard Cross Sections Schedules A and B.

3. Street light stanchions and street lights shall be located in the grass plot or in the median, if there is one, but shall not be nearer than twenty five feet (25') from the intersection of two (2) streets, measured from the intersection of the tangents of the intersecting street curb lines. If street lights are located in the median, the Board may require pedestrian lighting placed in the grass plot.

G. Trees

1. Street trees of a species approved by the Tree Warden and/or the Town Engineer shall be planted on each side of each street in a subdivision.

Street trees shall be located outside of the right-of-way as shown in the Profile and Standard Cross Sections Schedules A and B approximately at forty foot (40') intervals; shall be at least twelve feet (12') in height; two inches (2") in caliper measured four feet (4') above the approved grade (dbh); shall be planted each in at least one-half ($\frac{1}{2}$) cubic yard of topsoil, unless otherwise required by the Tree Warden and/or Town Engineer; and be not closer than five feet (5') nor more than ten feet (10') from said right-of-way line.

2. All deciduous street trees shall be clear of any branches from the approved grade level to a point seven feet (7') above ground level.
3. The developer will be liable for all trees so planted as to their erectness and good health for eighteen (18) months after planting.
4. Except as otherwise provided all cut bankings shall be planted with a low growing shrub or vine and wood chipped to a minimum depth of six inches (6") or seeded with a deep rooted perennial grass to prevent erosion.

H. Monuments

1. Monuments shall be installed on street lines at all points of curvature, and at all points of change in direction.
2. Markers (iron pipes, iron pins, granite bounds or concrete bounds) shall be installed at each point where the lot line intersects the street right-of-way, and at all other points where, in the opinion of the Planning Board, permanent monuments are necessary.
3. 710 Monuments shall be a standard permanent granite of not less than four (4') in length and not less than six inches (6") in width and breadth and shall have a onehalf inch ($\frac{1}{2}$ ") diameter hole one and one-half inch ($1\frac{1}{2}$ ") deep, drilled in the center of the top surface. Said monuments shall be installed at the time of final grading with the top flush with the top final graded surface.
4. The placement and accurate location of these markers shall be certified by a registered land surveyor and properly located on the Acceptance Plans.

I. Street Signs

1. From the time of rough grading until such time as each street is accepted by the Town as a public way, the sign posts at the intersection of such street with any other street shall have affixed thereto a sign designating such street as a private way.
2. Street signs for each intersecting street shall be installed at each intersection to conform to standards established by the Town Engineer.

J. Street Lights

1. Street and pedestrian lighting shall be installed to conform to the type and style in general use in the Town of Wilmington unless otherwise specified by the Board of Selectmen.
2. Street and pedestrian light stanchions shall be located at such intervals as required by the Planning Board in the grass plot or median, as provided in Subsection F, and shall be installed in accord with the procedure required by the Reading Municipal Light Company.

K. Fire Alarm System

The fire alarm system shall be installed in accordance with the Specifications of the Wilmington Fire Department. See Section IV, Subsection J.

L. Bikeways and Walkways

1. 701 Except as specified herein, where bikeways and walkways are required they shall be constructed in conformance with Section 701 of the Standard Specifications.
2. Specifications of Subsection D (Sidewalks) Paragraphs 3 and 4 shall apply to bikeways and walkways.
3. For the length of each bikeway and walkway there shall be a cross slope equivalent to three-eighths of an inch ($\frac{3}{8}$ ") per foot of width to provide for proper drainage. Levelling areas at intersections with sidewalks shall be shown in details.

M. Maintenance of Improvements

For the purpose of protecting the safety, convenience and welfare of the Town's inhabitants 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 reducing the danger to life and limb in the operation of motor vehicles for securing safety in the case of fire, flood, panic and other emergencies; under the authority of Chapter 41, Section 81M as amended, the applicant or his successor shall provide for the proper maintenance and repair of improvements under this Subsection of the Rules and Regulations during the construction and for the period of eighteen (18) months after the completion of the construction of said improvements or until the Town votes to accept such improvements, whichever comes first. (See Section III C 11.)

N. Provision for Competent Supervision

The applicant shall provide competent supervision during the development of his subdivision. If at any time, it becomes apparent to the Town Engineer that the supervision is not satisfactory, he may request the Board that they order the discontinuance of the development until competent supervision is provided.

SECTION VI. ADMINISTRATION

A. Variation

Strict compliance with the requirements of these Rules and Regulations may be waived when in the judgement of the Planning Board such action is in the public interest and not inconsistent with the Subdivision Control Law.

B. Reference

For matters not covered by these Rules and Regulations, reference is made to Section 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws.

C. Building Permit

1. No building shall be erected within a subdivision without written permission from the Planning Board by Form J - Release Form.
2. The Building Inspector shall not issue any permit for the erection of a building until he is 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 such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under Chapter 41 Section 81-X, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board, and in the event that more than one (1) building for dwelling purposes be erected or placed or converted to use as such on any lot, that the Building Inspector is satisfied that consent has been obtained from the Planning Board in accord with Section IID of these Rules and Regulations, Chapter 41 Section 81-Y, and amendments thereto.

D. Inspections

1. Inspections shall be arranged by the developer with the Town Engineer for that purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.
2. Inspection shall be requested in writing at least forty eight (48) hours in advance of each inspection to the Town Engineer.
3. The Planning Board may establish the order of the required inspection and may require satisfactory completion of one (1) step before the subdivider proceeds to the next. It may require tests to be done by the subdivider as a

condition for approval when in the opinion of the Planning Board it is advisable.

4. The proper Town official shall indicate on Form P - Inspection Form, provided by the Planning Board, the date of inspection and the approval and shall file such form, and an inspection report, if any, with the Planning Board, subsequent to each inspection.
5. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the applicant or rescission of the approval of the plan in accord with Chapter 41, Section 81-W of the General Laws of Massachusetts.

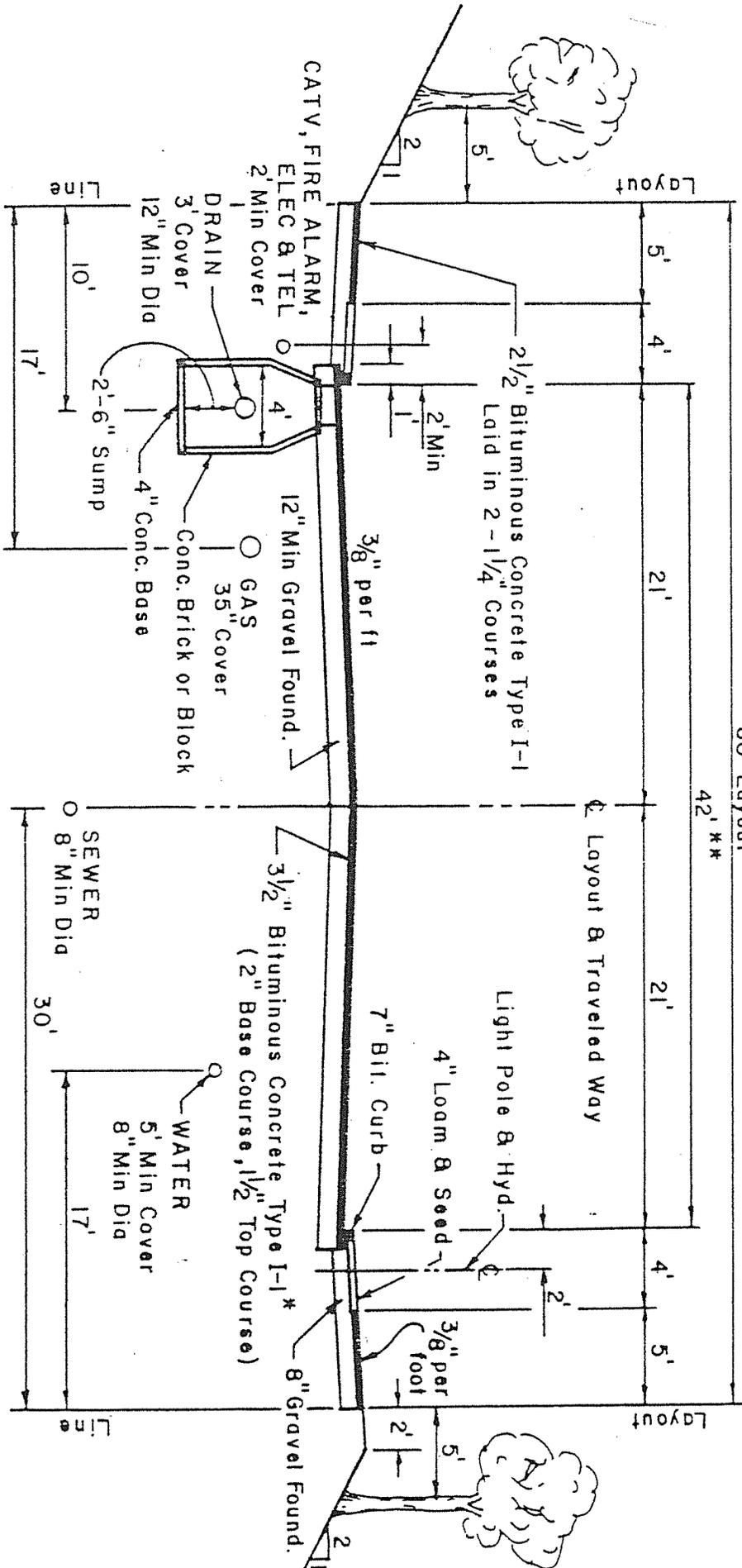
E. Validity

If, in any respect, any provision of these Rules and Regulations in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be invalid and in all other respects these Rules and Regulations shall stand as if such invalid provision had not been made, and they shall fail to the extent, and only to the extent, of such invalid provision, and no other provision of these Rules and Regulations shall be invalidated, impaired or affected thereby.

F. Effective Date

These regulations become effective after approval by the Board, certification by the Town Clerk and filing with the Register of Deeds and the Recorder of the Land Court, 1975.

(ALL UNSUITABLE MATERIALS TO BE REMOVED)



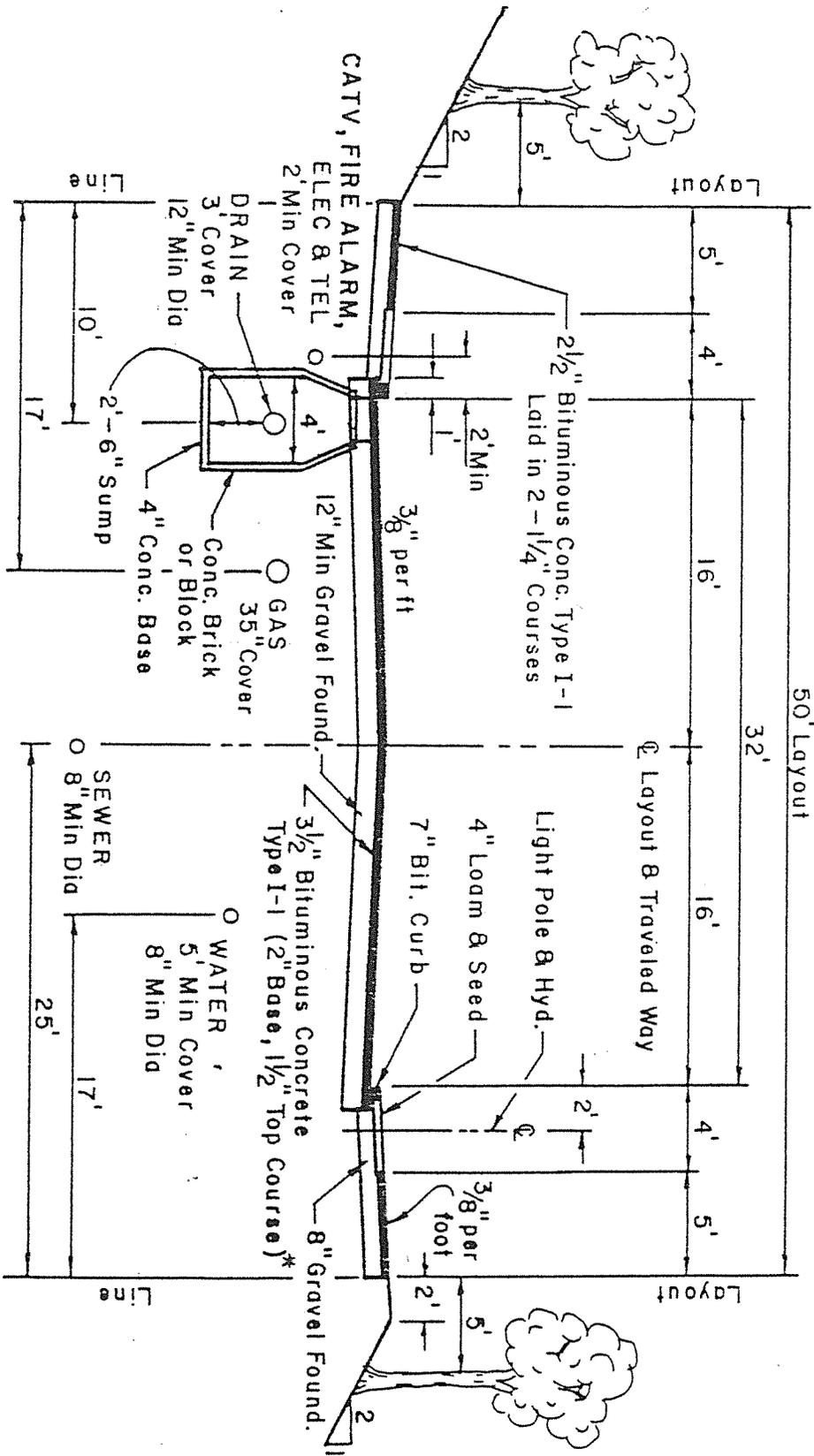
STANDARD CROSS SECTION
 60' LAYOUT SCALE: 1 in. = 80 ft

Robert L. Higgins
 Robert L. Higgins
 Town Engineer

** For 80' Layout, pavement width 48'. See text for detail and additional requirements for 80' Layout.
 * Non-residential streets to be 6" Bit. Conc. Type I-1 at 2 1/2", 2" & 1 1/2" layers.



(ALL UNSUITABLE MATERIAL TO BE REMOVED)



STANDARD CROSS SECTION
 50' LAYOUT

SCALE: 1 in = 80 ft

* Non-residential streets to be 6" Bit. Conc. Type I-1 at 2 1/2", 2" & 1 1/2" layers.

Robert L. Higgins
 Robert L. Higgins
 Town Engineer



SAMPLE TITLE BLOCK LAYOUT

NO	DATE	BY	DESCRIPTION	APP'D

REVISIONS

SUBDIVISION NAME
 SUBDIVISION OF LAND IN WILMINGTON MASSACHUSETTS
 OWNER AND DEVELOPER

DEFINITIVE PLAN
TITLE OR DESIGNATION OF DRAWING
 (AS ON INDEX SHEET)

NAME AND TITLE OF DESIGNERS

STREET ADDRESS SCALE CITY STATE
 DATE SHEET OF SHEETS

I, TOWN CLERK OF THE TOWN OF WILMINGTON, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE WILMINGTON PLANNING BOARD WAS MAILED TO THE REGISTERED PROFESSIONAL ENGINEER AND REGISTERED LAND SURVEYOR BY FIRST CLASS MAIL AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAY PERIOD AFTER SUCH RECEIPT AND ACCORDING TO SAID NOTICE

DATE _____ TOWN CLERK _____

SEAL OF REGISTERED PROFESSIONAL ENGINEER
 SEAL OF REGISTERED LAND SURVEYOR

APPROVED UNDER "SUBDIVISION CONTROL LAW"	PRELIMINARY PLAN FILED
CHM	DEFINITIVE PLAN FILED
	PUBLIC HEARING
	DEFINITIVE PLAN APPROVED
	DEFINITIVE PLAN ENDORSED
WILMINGTON PLANNING BOARD	

REGISTERED PROFESSIONAL ENGINEER REGISTERED LAND SURVEYOR

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN# _____

APPLICATION FOR A PLAN THOUGHT NOT TO REQUIRE APPROVAL

FORM A

To the Planning Board of the Town of Wilmington:

The undersigned wishes to record the accompanying plan and requests a determination by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons:

1. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage, area and depth required by the Wilmington Zoning By-law and is on a public way, namely, _____ or a private way, namely, _____ . Assessor's Map _____, block _____ lot # _____.
2. The division of land shown on the accompanying plan is not a subdivision for the following reason(s):

The owner's title to the land is derived under deed from _____ dated _____, 19 ____, and recorded in Middlesex County Registry of Deeds, Book _____, Page _____.

Received by Town Clerk

Date _____

Time _____

Signature _____

Applicant's Signature _____

Applicant's Address _____

Owner's Signature _____
and Address if not
the Applicant _____

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS
DATE _____

SUBDIVISION NAME _____ PLAN# _____

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

FORM B

To the Planning Board of the Town of Wilmington:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

By _____ dated _____, 19____ being land bounded as follows: _____

Town Atlas Sheet _____, block _____ lot # _____ hereby submits said plan as a PRELIMINARY subdivision plan in accordance with the Rules and Regulations of the Wilmington Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____ by deed dated _____ and recorded in the Middlesex County Registry of Deeds Book _____, Page _____, registered in the _____ Registry District of the Land Court. Certificate of Title No. _____.

Received by Town Clerk

Date _____

Time _____

Signature _____

Applicant's Signature _____

Applicant's Address _____

Owner's Signature _____
and Address if not
the Applicant _____

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS
DATE _____

SUBDIVISION NAME _____ PLAN # _____

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

FORM C

To the Planning Board of the Town of Wilmington:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____ by _____ dated _____, 19____ being land bounded as follows: _____

_____ Town Atlas sheet _____, block _____ Lot # _____ hereby submits said plan as a DEFINITIVE plan in accordance with the Rules and Regulations of the Wilmington Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____

by deed dated _____ and recorded in the Middlesex County Registry of Deeds Book _____, Page _____, registered in the _____ Registry District of the Land Court, Certificate of Title No. _____; and said land is free of encumbrances except for the following: _____

Said plan has () has not () evolved from a preliminary plan submitted to the Board on _____, 19____ and approved (with modifications) () (disapproved) () on _____, 19____.

The undersigned hereby applies for the approval of said DEFINITIVE plan by the Board, and in furtherance thereof hereby agrees to abide by the Board's Rules and Regulations. The undersigned hereby further covenants and agrees with the Town of Wilmington, upon the approval of said DEFINITIVE plan by the Board.

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

FORM C

1. to install utilities in accordance with the rules and regulations of the Planning Board, the Town Engineer, the Board of Health, and all general as well as Zoning By-laws of the Town of Wilmington, as are applicable to the installation of utilities within the limits of ways and streets;
2. to complete and construct the streets or ways shown thereon in accordance with Section V of the Rules and Regulations of the Planning Board and the approved DEFINITIVE plan, profiles and cross sections of the same. Said plan, profiles, cross sections and construction specifications are specifically, by reference, incorporated herein and made a part of this application. This application and the covenants and agreements herein shall be binding upon all heirs, executors, administrators, successors, grantees of the whole or part of said land, and assigns of the undersigned; and
3. to complete the aforesaid installations and construction within one (1) year from the date hereof.

Received by Town Clerk

Date _____

Time _____

Signature _____

Applicant's Signature _____

Applicant's Address _____

Owner's Signature _____
and address if not
the Applicant _____

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

CERTIFICATE OF APPROVAL OF A DEFINITIVE PLAN FORM C-1

It is hereby certified by the Planning Board of the Town of Wilmington, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, 19____, it was voted to approve a definitive plan entitled: _____

submitted by: _____;
originally filed with the Planning Board on _____,
concerning the property located _____

with the following conditions:

A copy of this certificate of approval is to be filed with the Wilmington Town Clerk and a copy sent to the applicant.

A true copy, attest:

Clerk, Wilmington Planning Board

WILMINGTON PLANNING BOARD

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN# _____

CERTIFICATE OF DISAPPROVAL OF A DEFINITIVE PLAN

FORM C-2

It is hereby certified by the Planning Board of the Town of Wilmington, Massachusetts, that a duly called and properly posted meeting of said Planning Board, held on _____, 19____ it was voted to disapprove a definitive plan entitled: _____;
submitted by: _____; originally filed with the
Planning Board on _____; concerning property located _____
_____ for the following reasons:

A copy of this certificate of disapproval is to be filed with the Wilmington Town Clerk and a copy sent to the applicant.

A true copy, attest:

WILMINGTON PLANNING BOARD

Clerk, Wilmington Planning Board

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN# _____

ENGINEER'S CERTIFICATE

FORM D

To the Planning Board of the Town of Wilmington:

In preparing the plan entitled, I hereby certify that the above named plan and accompanying data is true and correct in accordance with the requirements of the current Rules and Regulations Governing the Subdivision of Land in Wilmington, Massachusetts, and that the designs contained herein are in accordance with commonly accepted engineering practice and in compliance with applicable laws and regulations of the Commonwealth of Massachusetts and By-laws of the Town.

1. Sources of data are listed as follows _____

2. Oral information furnished by _____

3. Actual measurements on the ground and other field determinations _____

4. Other sources _____

(Seal of Engineer)

Signed: _____
(Registered Professional Engineer)

Address

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

LAND SURVEYOR'S CERTIFICATE

FORM D-1

To the Planning Board of the Town of Wilmington:

In preparing the plan entitled _____, I hereby certify that the above named plan and accompanying data is true and correct to the accuracy required by the current Rules and Regulations Governing the Subdivision of Land in Wilmington, Massachusetts, and my source of information about the location of boundaries shown on said plan were one or more of the following:

1. Deed from _____ to _____
dated _____ and recorded in the _____ Registry in Book _____,
Page _____

2. Other plans, as follows _____

3. Oral information furnished by _____

4. Actual measurement on the ground from starting point established by _____

5. Other sources _____

(Seal of Land Surveyor)

Signed: _____
(Registered Land Surveyor)

Address

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN# _____

CERTIFIED LIST OF ABUTTERS

FORM E

To the Planning Board of the Town of Wilmington:

The undersigned, being an applicant for approval of a definitive plan of a proposed subdivision entitled: _____
_____ submits the following list of adjoining owners and the abutters to
the adjoining owners indicating the address of each abutter, including owners of land separated from the subdivision
only by a street.

Signature of Applicant

Address

_____, Massachusetts

_____, 19____

To the Planning Board of the Town of Wilmington:

This is to certify that at the time of the last assessment for taxation made by the Town of Wilmington, the names and
addresses of the parties assessed as adjoining owners to the parcel of land shown in the accompanying document
were the owners of record for that period.

Assessor

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

PERFORMANCE BOND-SURETY COMPANY

FORM F

Know all men by these presents that _____ as Principal, and _____ a corporation duly organized and existing under the laws of the state of _____ and having a usual place of business in _____, as Surety, hereby bind and obligate themselves and their respective heirs, executors, administrators, successors and assigns, jointly and severally, to the Town of Wilmington, a Massachusetts municipal corporation, in the sum of _____ Dollars, (\$ _____).

The condition of this obligation is that if the Principal shall fully and satisfactorily observe and perform in the manner and in the time therein specified, all of the covenants, conditions, agreements, terms and provisions contained in the application signed by the Principal and dated _____, 19____ under which approval of a definitive plan of a certain subdivision, entitled _____ and dated _____, 19____, has been or is hereafter granted by the Wilmington Planning Board, then this obligation shall be void, less 10% for the necessary period, otherwise it shall remain in full force and effect and the aforesaid sum, reduced as necessary, shall be paid by the Town of Wilmington as liquidated damage.

The Surety hereby assents to any and all changes and modifications that may be made of the aforesaid covenants, conditions, terms and provisions to be observed and performed by the Principal, and waives notice thereof.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of _____, 19 _____.

Principal

by _____

(Title)

Surety

by _____

Attorney-in-Fact

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

PERFORMANCE BOND-SECURED BY DEPOSIT

FORM G

Know all men by these presents that _____ hereby binds and obligates himself/his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Wilmington, a Massachusetts municipal corporation, in the sum of _____ Dollars (\$ _____), and has secured this obligation by the deposit with the treasurer of said Town of Wilmington of said sum in money or negotiable securities with proper stock powers.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns shall fully and satisfactorily observe and perform in the manner and in the time herein specified, all of the covenants, conditions, agreements, terms and provisions contained in the application signed by the Principal and dated _____, 19 _____ under which approval of a definitive plan of a certain subdivision, entitled _____

and dated _____, 19 _____ has been or is hereafter granted by the Wilmington Planning Board, then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid security for said sum shall become and remain in full force and effect and the aforesaid security for said sum shall become and the sole property of said Town of Wilmington as liquidated damage.

IN WITNESS WHEREOF the undersigned has hereunto set his hand and seal this _____ day of _____, 19 _____.

Principal

By: _____
Title

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

FORM G-1

TRI-PARTY AGREEMENT
TO BOND CONSTRUCTION OF WAYS AND THE
INSTALLATION OF MUNICIPAL SERVICES

AGREEMENT made this _____ day of _____ between _____ recorded in Middlesex North Registry of Deeds Book _____ Page _____, Wilmington, Middlesex County, Massachusetts (hereinafter Developer), the Town of Wilmington acting by its Planning Board of 121 Glen Road, Wilmington, Middlesex County, Massachusetts (hereinafter Town), and the _____ (hereinafter Lender).

WHEREAS, the Developer currently has under construction a subdivision identified as _____ which plan has been recorded in Middlesex North Registry of Deeds Plan Book _____ Page _____ for which he has entered into a Covenant with the Town to secure the construction of said _____ and the installation of municipal services from Station _____ to Station _____ all as shown on Grading and Utility Plans, Plan and Profile, and Details Plans all as filed and approved by the Wilmington Planning Board; and _____.

WHEREAS, said Covenant requires the Developer to post a proper bond or deposit of money, negotiated securities, Tri-Party Agreement, or the assignment of a bankbook deposit sufficient in the opinion of the Planning Board to secure performance of the construction of said _____ and the installation of municipal services from Station _____ to Station _____; and _____.

WHEREAS, the Developer has already made substantial progress in the development of said _____ subdivision, the construction of _____ and the installation of municipal services from Station _____ to Station _____; and _____.

WHEREAS, the Developer's Lender has committed funds to the Developer for the development of said _____ subdivision, some of which funds can be segregated or reserved for Developer's performance under said Covenant; _____.

The parties to this Agreement, in consideration of the mutual covenants and stipulations set out, agree as follows;

1. The Lender hereby guarantees to the Town a sum of _____ as surety for the Developer's compliance with his covenant to construct said _____ and to install municipal services from Station _____ to Station _____ all in accordance with the said Plans and Profiles hereinbefore referenced to.
2. The Lender shall not disperse any portion of said surety fund without the written consent of the Town which consent, pursuant to the terms of said Covenant, shall be granted at such time as the work required by the Town has been completed and upon prior approval of the Town Engineer of the Town of Wilmington which approval shall not be unreasonably withheld.

3. In the event the Developer does not complete the development of said _____ from Station _____ to Station _____ in or within the time stated in the Rules and Regulations Governing the Subdivision of Land in the Town of Wilmington, Massachusetts or such additional time as may be extended by the Wilmington Planning Board, for whatever reason, the Lender hereby agrees, at the direction of the Town, to release to the Town of Wilmington said surety fund to be applied to the construction of said _____ and the installation of municipal services from Station _____ to Station _____ all as required by the aforementioned Plans and Profiles.

4. Incorporated herein by reference and made a part of this Agreement, as if fully contained herein, is the developer's Covenant to Secure the Construction of Ways and the Installation of Municipal Services for the _____ date _____ and recorded in Middlesex North Registry of Deeds, Book _____ Page _____ and Developer's Conveyance of Easements and Utilities dated _____ and recorded in said Registry of Deeds Book _____ Page _____ and the Developer's Plan of Land recorded in said Registry of Deeds in Plan Book _____ Plan No. _____, _____ sheets, and Subdivision Plan of Land, Grading and Utilities Plans, Plan and Profile Plans and Details Plans all as filed and approved by the Wilmington Planning Board.

5. This instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by any party or agent of any party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by all the parties and endorsed on this agreement.

6. This agreement shall inure to the benefit of and be binding upon the heirs, executors, administrators, assignees, and successors of the respective parties.

IN WITNESS WHEREOF, the parties have executed this Agreement at Wilmington, Massachusetts, the day and year first above written.

DEVELOPER:

By: _____

BANK

By: _____

TOWN OF WILMINGTON

By Its Planning Board:

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

FORM H

COVENANT TO SECURE THE CONSTRUCTION OF WAYS AND
THE INSTALLATION OF MUNICIPAL SERVICES

I, _____ with an address of _____, having filed and submitted a definitive subdivision plan which has been approved by the Planning Board for the Town of Wilmington, a municipal corporation located in Middlesex County, Massachusetts, said plan being entitled: _____, dated _____; Scale: _____; Owner _____, Engineer: _____, which plan is to be recorded herewith, do hereby covenant and agree with the Planning Board of the Town of Wilmington and its successors in office, pursuant to General Laws Chapter 41 Section 81-U, as amended, that:

1. _____ is the owner of the above land as shown on a deed from _____ dated _____ and recorded in Middlesex North Registry of Deeds Book _____ Page _____. There are no mortgages or encumbrances of record or otherwise other than shown on said Plan or as hereinafter specified.
2. This covenant shall run with the land and shall be binding upon the executors, administrators, heirs, assigns and successors in interest and grantees of the record owner and other successors in title to the premises as shown on said Plan.
3. The ways and services to serve any lot in said subdivision shall be installed and constructed within one (1) year of the date of approval of the Plan by the Planning Board in accordance with said Definitive Subdivision Plan and the plan and profile sheets designated as follows: (1) _____ and (2) _____, all of which are filed with the Town of Wilmington Planning Board and which are herein incorporated by reference thereto; and said ways and services shall also be constructed in accordance with the Rules and Regulations of the Wilmington Planning Board before any lot on the aforesaid Plan may be built upon or conveyed other than by mortgage deed; provided, however, that a mortgagee who acquires title to the premises by mortgage foreclosure or otherwise and any succeeding owner of the premises or part thereof may sell any such lot subject to the limitation that no such lot shall be built upon until such ways and services have been provided to serve such lot, and provided further that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire premises shown on said subdivision plan or all off the lots shown on such plan that have not been previously released by the said Planning Board.
4. Reference to this covenant shall be endorsed upon said plan and this covenant shall be duly recorded at the Middlesex North District Registry of Deeds contemporaneously with the recording of the aforementioned Plan.

5. It is understood and agreed that lots within said subdivision shall be released respectively from the foregoing covenant upon the recording of an instrument of release of such lot executed by a majority of the members of said Planning Board, or by any person authorized and designated to execute such instrument on behalf of the Planning Board, and enumerating the specific lot or lots being released.

6. It is understood and agreed that lots within said subdivision shall be respectively released from the foregoing covenant upon the receipt by the Planning Board of a proper bond or deposit of money, negotiable securities, the assignment of a bankbook deposit, or suitable third party agreement sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on said Plan. It is understood and agreed that no security will be released, partially or fully, by the Planning Board until such time as the work required by the Planning Board is completed.

7. For valuable consideration, the receipt of which is hereby acknowledged, the said _____, does hereby give, grant, sell, transfer and deliver unto the said Town of Wilmington and its successors and assigns forever, all water, sewer and drain pipes, conduits, manholes, culverts and their appurtenances that have been constructed or installed in said _____ and in Drain and Utility Easements so described on said Plan, and all other easements as shown on said Plan. The title to water pipes, sewer and drain pipes, conduits, manholes, culverts and their appurtenances, however, shall not pass until such times, if ever, as the Town shall establish _____ as a town or public way and said _____ hereby covenants with the Town of Wilmington that the undersigned is the lawful owner of such property, that it is free from all encumbrances, and the undersigned has good right to sell and transfer such property as aforesaid and that the undersigned will warrant and defend the same against claims and demands of all persons.

For title reference see Middlesex North Registry of Deeds, Book _____ Page _____.

IN WITNESS WHEREOF the undersigned, applicant as aforesaid does hereunto set his hand and seal this _____ day of _____, 19____.

Signature

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX, SS.

Then personally appeared the above named _____ as aforesaid and acknowledged the foregoing instrument to be his/her free act and deed, before me.

Notary Public

My commission expires:

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

FORM J

RELEASE OF LOTS IN EXCHANGE FOR PROVISION OF SURETY

The undersigned, being a majority of the Planning Board of the Town of Wilmington, Massachusetts, hereby certify that in the opinion of the Planning Board the surety **in the amount of \$** _____ (**_____ Dollars and _____/100**) provided by the subdivider in the form of a _____ dated _____ deposited with the Town Treasurer, in the name of the Town of Wilmington, Massachusetts, is sufficient to secure the construction of ways and installation of municipal services required to serve Lot(s) # _____ (a total of _____ lots), within the subdivision entitled, “ _____”, and recorded with the North Middlesex Registry of Deeds in Plan Book _____, Page _____, Plan No. _____ (or registered in Land Registry District, Plan Book _____, Page _____).

The construction of the ways and installation of municipal services for these lots has been secured by the provisions of a Covenant dated _____, and recorded in the North Middlesex Registry of Deeds, Book _____, Page _____, (or registered in Land Registry District, Plan Book _____, Page _____).

The construction of ways and installation of municipal services within the subdivision are not yet complete. However, the subdivider chose to modify the method of Performance Guarantee, as permitted by Massachusetts General Laws, Chapter 41, Section 81-U, from a restrictive covenant to a deposit of money or negotiable securities.

FORM J

RELEASE OF LOTS IN EXCHANGE FOR PROVISION OF SURETY

In consideration of the provision of the aforementioned surety to secure the completion of the construction of ways and installation of municipal services, lots numbered _____ are now released from the restrictions as to building and sale set out in the Covenant dated _____.

EXECUTED AS A SEALED INSTRUMENT

ON THIS _____ DAY OF _____

MAJORITY OF THE PLANNING BOARD
OF THE TOWN OF WILMINGTON

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Date: _____

Then personally appeared the above members of the Wilmington Planning Board and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

Notary Public

My commission expires

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN# _____

FORM K

CONVEYANCE OF EASEMENTS AND UTILITIES

I/we, _____ with an address of _____ for consideration paid, hereby grant to the Town of Wilmington, a municipal corporation located in Middlesex County, Massachusetts, having its principal place of business at 121 Glen Road, Wilmington, Massachusetts 01887 with QUITCLAIM COVENANTS, the following:

- A. The perpetual rights and easements to construct, inspect, repair, remove, replace, operate and forever maintain (1) a sanitary sewer or sewers with and manholes, pipes, conduits and other appurtenances, (2) pipes, conduits and their appurtenances for the conveyance for water and (3) a covered surface and ground water drain or drains with any manholes, pipes, conduits and their appurtenances, and to do all other acts incidental to the foregoing including the right to pass along and over the land for the aforesaid purposes, in, through and under the whole of _____ in Wilmington as shown on plan entitled: _____ dated: _____ scale: _____ owner: _____ engineer: _____ and bounded and described (metes and bounds) as follows: _____
- B. The rights and easements to use for _____ (describe use or purpose) the following parcel of land situated on _____ in said _____ (street) (City/Town) and bounded and described (metes and bounds) as follows: _____
- C. The rights and easements to use for a public way together with others lawfully entitled thereto the following parcel of land situated on _____ in said _____ (street) (City/Town) and bounded and described (metes and bounds) as follows: _____

TO HAVE AND TO HOLD the above described rights and easements unto the said Town of Wilmington and its successors and assigns forever.

And, for the consideration aforesaid, the said grantors do hereby give, grant, sell, transfer and deliver unto the said Town of Wilmington and its successors and assigns forever, all water, sewer and drain pipes, conduits, manholes, culverts and their appurtenances that have been constructed or installed in _____ and in the said Drainage and Utility Easements, and all other easements in the above-described land. The title as to said water pipes, sewer and drain pipes, conduits, manholes, culverts and their appurtenances, however, shall not pass until such time, if ever, as the Town of Wilmington establishes said _____ as a Town way, and the

said _____ hereby covenants with the Town of Wilmington that the undersigned is the lawful owner of the foregoing articles, that they are free from all encumbrances, that the grantor has good right to sell and transfer the same as aforesaid and the grantor will warrant and defend the same against the claims and demands of all persons.

For grantor's title see deed from _____, dated _____ and recorded in Middlesex North Registry of Deeds, Book _____ Page _____.

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

Signature

Middlesex, ss.

The Commonwealth of Massachusetts
_____. 19____

Then personally appeared the above named _____ and acknowledged the foregoing to be his/her free act and deed before me.

Notary Public

My Commission Expires:

Mortgagee's Consent

(to be completed if a mortgage exists)
(name and address)

the present holder of a mortgage on the above-described land, which mortgage is dated _____, recorded with Middlesex North District Deeds in Book _____ Page _____, for consideration paid, hereby consents to the granting of the rights and easements contained in the foregoing instrument and hereby agrees with the Grantee and its successors and assigns to hold its said mortgage subject and subordinate to said rights and easements.

EXECUTED as a sealed instrument this _____ day of _____.

Name
and Title

Middlesex, ss. _____
The Commonwealth of Massachusetts, 19____

Then personally appeared the above named _____
and acknowledged the foregoing to be his/her free ac and deed, before me.

Notary Public

My Commission Expires

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN# _____

**FORM L
REFERRAL FORM**

Board of Health _____
Conservation Commission _____
Town Engineer _____
Superintendent of Schools _____
Town Counsel _____
Building Inspector _____
Board of Water & Sewer
Commissioners _____
Board of Selectmen _____
Police Department _____
Fire Department _____
Industrial Development
Commission* _____

The attached definitive plans were submitted to the Planning Board on _____. A public hearing has been scheduled for _____ p.m. on _____ to discuss these plans.

May we have your comments and recommendations concerning this subdivision by no later than _____. Please return this form with a letter containing your comments and recommendation.

Thank you

Clerk Planning Board

* Industrial Subdivision Only

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

CONTROL FORM AND PRELIMINARY PLAN CHECKLIST

FORM M-1

Subdivision Plan _____

Applicant (Name) _____ Locus of Plan _____

Address _____

Engineer (Surveyor) _____

Preliminary Plan - Date Submitted (S) _____

Approval date (S + 60) _____

1. Form "B" Completed () Yes () No Fee Paid: () Yes () No

a. Date filed - Town Clerk _____

2. See Form Q for Document Distribution

3. Plan to include following information (See Section IIIB2-Contents)

- a. Subdivision name & date, boundaries
north point and scale _____
- b. Name and address of developer/or owner _____
- c. Owners of abutting property _____
- d. Existing and proposed streets, ways
and easements _____
- e. Major features of the land _____
- f. Proposed sewerage disposal system _____
- g. Bounds of proposed lots, areas
and dimensions _____
- h. Adjacent streets _____
- i. Topography of land _____
- j. Proposed street names _____
- k. Profiles _____
- l. Adjoining land _____
- m. Zoning classifications _____
- n. Town Atlas references _____
- o. Draft environmental statement _____

4. Date Form M-1 and set of preliminary plans sent to following (S+10)

- a. Board of Health _____
- b. Conservation Commission _____
- c. Town Engineer _____
- d. Building Department _____
- e. Fire Department _____
- f. Police Department _____

5. Date Form M-1 set of preliminary plans returned from the following (S+45)

- a. Board of Health _____
- b. Conservation Commission _____
- c. Town Engineer _____
- d. Building Department _____
- e. Fire Department _____
- f. Police Department _____

6. Planning Board Action _____ Dated _____, 19 _____

- a. Approval required by Board of Health for Definitive: () Yes () No
- b. Type of Road Construction: () Major Street () Secondary Street () Minor Street

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

CONTROL FORM AND DEFINITIVE PLAN CHECKLIST

FORM M-2

Subdivision Name _____

Applicant (Name) _____ Locus of Plan _____

Address _____

Engineer (Surveyor) _____

1. Definitive plan - Date Submitted (S) _____
2. Preliminary Plan Submission Date _____ Date of Action _____
3. Form C (and I) Completed: () Yes () No Fee Paid: () Yes () No
 - a. Date Filed - Town Clerk _____
4. Approval Deadline Date (S+60) _____
5. Hearing Date (H) _____
6. Date of Letters to Abutters (H-14 days) _____
7. Date of Newspaper Notices (1st) _____
8. Date of Newspaper Notices (2nd)
(H7 days) _____
9. Plan to include the following information (See Section III C2-Contents)
 - a. Title, subdivision name, date _____
 - b. Northpoint, boundaries _____
 - c. Owners of abutting property (Form E) _____
 - d. Major features of the land _____
 - e. Lines of existing and proposed streets _____
 - f. Lengths of bearings of street, way, lot lines _____
 - g. Monuments _____
 - h. Adjacent streets _____
 - i. zoning classification _____

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

CONTROL FORM AND DEFINITIVE PLAN CHECKLIST

FORM M-2

- j. Covenants, restriction, Z.B.A. decisions _____
 - k. Land Court references _____
 - l. Sheet, block and lot number - Town Atlas _____
 - m. Space to record Board action _____
 - n. Profiles _____
 - o. Topography _____
 - p. Water, sewerage, drainage _____
 - q. Drainage calculations _____
 - r. Street trees _____
 - s. Typical cross-sections _____
 - t. Street light, sidewalks and fire alarm system _____
 - u. Area tabulations complete _____
 - v. Final environmental statement _____
10. Date Form M-2 and set of definitive plans sent to following (S+10) (See Form Q)
- a. Board of Health _____
 - b. Conservation Commission _____
 - c. Town Engineer _____
 - d. Superintendent of Schools _____
 - e. Town Counsel _____
 - f. Building Inspector _____
 - g. Board of Water & Sewer Commissioners _____
 - h. Board of Selectmen _____
 - i. Police Department _____
 - j. Fire Department _____
 - k. Industrial Development Commission _____
11. Date Form M-2 and set of definitive plans returned from the following (S+45 days = Deadline)
- a. Board of Health _____
 - b. Conservation Commission _____
 - c. Town Engineer _____
 - d. Superintendent of Schools _____
 - e. Town Counsel _____

*Industrial Subdivision Only

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

**CONTROL FORM AND DEFINITIVE PLAN CHECKLIST
FORM M-2**

- f. Building Inspector _____
 - g. Board of Water and Sewer
Commissioners _____
 - h. Board of Selectmen _____
 - i. Police Department _____
 - j. Fire Department _____
 - k. Industrial Development
Commission* _____
12. Planning Board Action (A) _____ Date _____
13. Date of Bond Approval and
Name of Company _____
14. Date of Covenant Approval _____
15. Vote Filed (Form C-1 or C-2) with
Town Clerk (Date) _____
16. Applicant Notified of Vote
(Form C-1 or C-2) (Date) _____
17. Statutory Appeal Period Elapsed
(A+20) (Date) _____
18. Appeals Entered () Yes () No
19. Endorsement of Approval on the
Original Plan (Date) _____
20. Date Record Plans Endorsed _____
21. Date Plans and Restrictive Agreement Recorded
Book No. _____ Page No. _____
22. Release of Performance Guarantee Requested _____
23. Statements of Approval and Inspections completed
and initialed on a Form P received from:
- a. Town Engineer _____
 - b. Fire Department _____
 - c. Gas Company _____
 - d. Electric Company _____
 - e. Telephone Company _____
24. Compliance Certificate Signed _____

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

CONTROL FORM AND DEFINITIVE PLAN CHECKLIST

FORM M-2

- 25. Applicant and Town Clerk notified
 Planning Board of deficiencies
 (if necessary) _____
- 26. Applicant and Town Clerk notified by Planning Board
 on Form J of completed construction and
 installations (Date C) _____
- 27. Planning Board request Director of Public Works for
 final inspection report (C+16 mos.) _____
- 28. Planning Board publish notice of inspection (C+16 mos.) _____
- 29. Acceptance Plan Filed _____
- 30. Planning Board recommendation to Board of
 Selectmen (C+18 mos.) _____
- 31. Planning Board notify Town Treasurer to return
 remaining value of bond to developer (C+18 mos.) _____

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

**RECEIPT FOR SUBDIVISION PLAN
FORM O**

Received from _____ a copy of a () Preliminary () Definitive

Subdivision Plan entitled _____

Application for approval for which has been made to the Wilmington Planning Board

Destination	Received by (signature)	Title	Date
Planning Board (3)	_____	_____	_____
Board of Health (2)	_____	_____	_____
Conservation Commission (1)	_____	_____	_____
Town Engineer (2)	_____	_____	_____
Superintendent of Schools (1)	_____	_____	_____
Town Counsel (1)	_____	_____	_____
Building Inspector (1)	_____	_____	_____
Board of Water & Sewer Commissioners (1)	_____	_____	_____
Board of Selectmen (1)	_____	_____	_____
Police Department (1)	_____	_____	_____
Fire Department (1)	_____	_____	_____
Industrial Development Commission*	_____	_____	_____
*Industrial Subdivisions Only	_____	_____	_____

NOTE: Figure in Parenthesis indicates number of copies to be submitted

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN# _____

RECEIPT FOR SUBDIVISION PLAN
FORM O

- Instructions:**
- (a) Make original and one (1) carbon copy.
 - (b) Return original to Planning Board and retain the carbon copy for developer records.

Original received by Wilmington Planning Board

Clerk

Date of Filing _____

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

INSPECTION FORM*
FORM P

Name of Subdivision _____ From Sta. _____ to Sta. _____

Name of Applicant _____ Phone of Applicant _____

Subject	Responsible Agency	Initials of Agent	Inspection Date	Initials of Planning Board
1. Right-of-Way Clearance	Town Engineer	_____	_____	_____
2. Excavation	“	_____	_____	_____
3. Sub-grade Drain	“	_____	_____	_____
4. Sub-grade Prep.	“	_____	_____	_____
5. Sewer Installation and Testing	“	_____	_____	_____
6. Water Installation, Testing and Disinfecting	“	_____	_____	_____
7. Drainage Installation and Testing	“	_____	_____	_____
8. Gas Installation and Testing	“	_____	_____	_____
	Lowell Gas	_____	_____	_____
9. Embankment Grading	Town Engineer	_____	_____	_____
10. Filing and Compaction	“	_____	_____	_____
11. Gravel Base	“	_____	_____	_____
12. Curb, Curb Cut and Gutter Installation	“	_____	_____	_____
13. Binder Course(s)	“	_____	_____	_____
14. Electric Line Installation and Testing	Reading Electric	_____	_____	_____

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

INSPECTION FORM*

FORM P

15. Telephone Line Installation and Testing	Town Engineer N.E. Telephone	_____	_____	_____
16. Fire Alarm Installation and Testing	Fire Department	_____	_____	_____
17. Street Light Installation and Testing	Town Engineer Reading Electric	_____	_____	_____
18. Sidewalk, Bikeway, Walkway Construction	Town Engineer	_____	_____	_____
19. Grass Plots	“	_____	_____	_____
20. Binder Course Pavement	“	_____	_____	_____
21. Street Tress, Plantings, Environmental Protection	“	_____	_____	_____
22. Lot Clearance and Grading	“	_____	_____	_____
23. Monuments	“	_____	_____	_____
24. Street Signs	“	_____	_____	_____
25. Final Cleanup	“	_____	_____	_____
26. Maintenance	“	_____	_____	_____

* Responsible agency and Planning Board shall be notified in writing at least 48 hours before each required inspection as listed. No inspection may be waived except by joint approval of Planning Board and responsible agency.

PLANNING BOARD
TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

**DOCUMENT CONTROL SHEET
FORM Q**

DISTRIBUTION OF PLANS - Date _____

Agency	Approval under Subdivision Control Law not Required	SUBDIVISION PLANS		
		Date/Preliminary	Date/Definitive	Date/Approved
Applicant	Original returned	Original returned	Original returned	Original returned
Registry of Deeds	Applicant files	-----	-----	Applicant files
Planning Board	Original & 2 Prints	Original & 7 Prints	Original & 7 Prints	8 Prints
Town Clerk	Form A	Form B	Form C	-----
Board of Health	-----	1 print from Planning Board	2 prints from Planning Board	1 print from Planning Board
Conservation Commission	-----	1 print from Planning Board	1 print from Planning Board	1 print from Planning Board
Town Engineer (A)	-----	1 print from Planning Board	1 print from Planning Board	1 print from Planning Board
Town Counsel	-----	-----	C	-----
Building Department	-----	1 print from Planning Board	1 print from Planning Board	1 print from Planning Board
Assessors	1 print from Planning Board	-----	-----	1 print (D) from Planning Board
Police Department	-----	1 print from Planning Board	1 print from Planning Board	1 print (D) from Planning Board
Fire Department (A)	-----	1 print from Planning Board	1 print from Planning Board	1 print (D) from Planning Board
Telephone Company (B)	-----	-----	-----	1 print (E) from Planning Board
Electric Company (B)	-----	-----	-----	1 print (E) from Planning Board
Gas Company (B)	-----	-----	-----	1 print (E) from Planning Board

NOTE: Except for prints of Preliminary and Definitive Subdivision Plans, all tracings and prints shall have the signature of at least four members of the Planning Board.

(A) - Fire Dept., Town Engineer, and Developer agree on location of hydrants.

(B) - Developer to confer regarding the location of underground utilities.

(C) - Print and Easement Description from Planning Board.

(D) - That part of the approved plan showing streets and lots.

(E) - That part of the approved plan showing underground utilities.

PLANNING BOARD

TOWN OF WILMINGTON, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____ PLAN # _____

AREA WITHIN A SUBDIVISION

FORM R

SUBDIVISION NAME: _____

SHEET NO. _____ of _____

A. Total area of original tract shown on this sheet equals _____

(1) Area in lots - Nos. 1, 2, 3, etc., equals _____

(2) Area in streets - A-B-C equals _____

(3) Area reserved for parks, bikeways, etc., equals _____

B. Total area of subdivision (should equal A above) _____

(1) Street - Station _____ to Station _____ equals _____

(2) Street - Station _____ to Station _____ equals _____

(3) Street - Station _____ to Station _____ equals _____

C. Total area of streets (should equal A (2)) _____

D. All area not included in A (1) or A (2) _____

Sewer Easement Station _____ to Station _____ equals _____

Drainage Easement Station _____ to Station _____ equals _____

Utility Easement Station _____ to Station _____ equals _____

Other (specify) _____

Total (should equal A (3)) _____