

# TOWN OF WILMINGTON



## RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND

OCTOBER 1, 2019

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

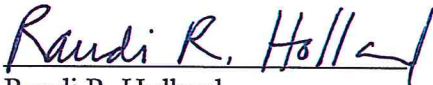
Effective October 1, 2019

Adopted April 29, 1975  
Last Amended October 1, 2019  
pursuant to  
Massachusetts General Laws Chapter 41, Section 81Q

by the  
Town of Wilmington Planning Board



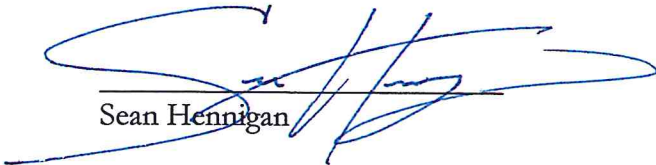
Michael Sorrentino, Chair



Randi R. Holland



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Sean Hennigan

*TOWN OF WILMINGTON*  
*OCTOBER 1, 2019*

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

**SECTION I: PURPOSE AND AUTHORITY**

**A. Purpose**

These Rules and Regulations Governing the Subdivision of Land in the Town of Wilmington (“Subdivision Rules and Regulations”, “Subdivision Regulations” or “these Regulations”) are adopted under the provisions of Chapter 41, Sections 81K-GG of Massachusetts General Law (“the Subdivision Control Law”) for the purpose of protecting the health, safety, welfare, and convenience of the inhabitants of the Town of Wilmington and of adjoining communities that may be impacted by the construction of a subdivision in the Town of Wilmington. These Regulations govern 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.

These Regulations are comprehensive, reasonably definite, and carefully drafted so that owners and developers may know in advance what is or may be required of them and what standards and procedures will be applied to them. While these Regulations establish standards to be specifically applied by the Wilmington Planning Board in terms of providing guidance as to what is to be required of owners and applicants, these Regulations are also intended to provide the Planning Board with adequate flexibility to tailor decisions to specific facts and circumstances.

The powers of the Wilmington Planning Board under the Subdivision Control Law shall be exercised with due regard for the provision of the following:

1. Adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel;
2. For lessening congestion in such ways and in the adjacent public ways;
3. For reducing danger to life and limb in the operation of motor vehicles;
4. For securing safety in the case of fire, flood, panic, and other emergencies;
5. For ensuring compliance with the Town of Wilmington Zoning Bylaw;
6. For securing adequate provision for water, sewage, drainage, underground utility services, fire, police, and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision;
7. 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;
8. For ensuring that public facilities and services are available concurrent with any development. These facilities and services shall have sufficient capacity to serve the

proposed subdivision. In accomplishing this purpose, the Town of Wilmington will be required to bear no cost for the provision of necessary on-site or off-site facilities, services, and improvements by requiring the developer to pay fees, furnish land, undertake construction, or establish mitigation measures to ensure that the development provides adequately for the capital facility needs generated by the development. As it relates to the provision of adequate public facilities including roadways, water, sewer, and other facilities for a proposed subdivision, the Wilmington Planning Board shall consider off-site conditions and may require such improvements to be provided at no cost to the Town.

It is the intent of the Subdivision Control Law that any Subdivision Plan filed with the Planning Board shall receive the approval of the Board if said plan conforms to the Subdivision Control Law, the recommendations of the various Town Departments and to the Rules and Regulations Governing the Subdivision of Land in the Town of Wilmington, provided, however, that the Board may but is not required to waive, as provided for in Section II(E) herein and M.G.L. Chapter 41, Section 81R, strict compliance with some or all of the Subdivision Rules and Regulations when such action is in the public interest and not inconsistent with the intent and purpose of the subdivision control law.

#### **B. Authority**

Under the authority vested in the Planning Board of the Town of Wilmington by Subdivision Control Law, M.G.L. Chapter 41, Section 81Q, said Board hereby adopts these Rules and Regulations Governing the Subdivision of Land in the Town of Wilmington. Under the above authority, the Wilmington Planning Board shall insist on strict conformance with the standards established in these Regulations in all cases, except where a waiver of conditions pursuant to these Regulations is granted.

#### **C. Compliance with Rules and Regulations**

##### *a. Unapproved Subdivision Prohibited*

No person may make a subdivision, as defined in the Subdivision Control Law, of any land within the Town of Wilmington, proceed with the improvement or sale of lots in an unapproved subdivision or the construction of a street or the installation of municipal services within them, or undertake preliminary steps, such as the clearing of land, excavation, site preparation, or other preparatory steps, leading to the construction of a street or the installation of municipal services or facilities, for which requirements or standards are in these Regulations, unless and until a Definitive Subdivision Plan has been submitted, approved, and endorsed by the Planning Board and recorded in the Registry of Deeds or the Land Court, and only then according to the conditions of approval and the procedures as set out in these Regulations.

##### *b. Issuance of Building Permits*

The Building Inspector shall not issue any permit for the erection of a building until he or she is first satisfied that the lot on which the building is to be erected is not within a subdivision or if it is within a subdivision, 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 M.G.L. Chapter 41, Section 81X, 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 accordance with Section II(C) of these Rules and Regulations and M.G.L. Chapter 41, Section 81Y and amendments thereto. No building shall be erected on any lot within a subdivision that is subject to a covenant that has not been released.

#### **D. Consistency with State Law**

In case of conflict between these Regulations and State Law, and for matters not covered by these Regulations, then Subdivision Control Law, as it may from time to time be amended, shall apply.

##### *a. Severability*

The provisions of these Regulations are severable. If any provision of these Regulations, or any decision or determination in the administration of them, is adjudged by a court of competent jurisdiction to be unconstitutional, invalid, or void, the court's decision does not affect any other provision of these Regulations or the administration of them or any prior approval issued pursuant to the Regulations in effect at the time of that approval.

##### *b. Invalidation by Changes to State Law*

Any part of these Regulations that may later be deemed invalid by a new State Law, or by amendment of an existing State Law, shall to the extent possible be construed and applied so as to conform to the new or amended State Law, and such construction will be deemed effective immediately, without requirement for a public hearing and the required procedures for amendment and repeal of these Regulations.

#### **E. Forms**

The Planning Board may create forms for the convenient administration of these Regulations. These forms are not part of these Regulations. Forms may be added or deleted and the content of the forms may be revised from time to time by administrative action of the Planning Board.

### **SECTION II: GENERAL REGULATIONS**

#### **A. Definitions**

APPLICANT	The owner of the land proposed to be subdivided or his/her representative(s) who shall have express written authority to act on behalf of the owner. "Applicant" shall include an owner, or agent or representative, or assigns.
APPROVAL NOT REQUIRED (ANR) PLAN	A plan of land believed not to require approval under the Subdivision Control Law, duly submitted to the Board for endorsement, to be recorded in the Registry of Deeds or filed with the Land Court when endorsed by the Board as per M.G.L. Chapter 41, Section 81P.
BENCHMARK	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.
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.
DEVELOPER	A person (as hereinafter defined) who develops a subdivision under a plan of a subdivision approved pursuant to 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 purpose.
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
MASSACHUSETTS GENERAL LAWS	(Abbreviated M.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.
MONUMENT	A permanent marker to indicate a boundary.
MUNICIPAL UTILITY SERVICES	Public utilities furnished by the town in which a subdivision is located, such as but not limited to water, sewerage, and drainage.
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 (2) 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	A Town employee or consultant authorized by the Planning Board to review subdivisions and/or administer the Regulations.
PLANNING BOARD ENDORSEMENT	Endorsed (or certified) 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



PRELIMINARY PLAN	A plan of a proposed subdivision or a re-subdivision of land prepared in accordance with these Regulations to facilitate proper preparation of a Definitive Plan.
PRIVATE UTILITIES	This term shall include but is not limited to telephones, cable television, electric light and power, and gas lines whether installed on, above, or beneath the surface of the ground.
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
REGISTER OF DEEDS	Register of Deeds shall mean the Register of Deeds of the county or district in which the land in question, or the city or town in question, is situated, and, when appropriate, shall include the recorder of the Land Court.
REGISTRY OF DEEDS	Registry of Deeds shall mean the Northern Middlesex Registry of Deeds and, when appropriate, shall include the Land Court
ROADWAY	That portion of a way which is designed and constructed for vehicular travel.
STANDARD SPECIFICATIONS	Massachusetts Highway Department Standard Specifications for Highways and Bridges.
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 Bylaw. 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 constitute a subdivision.

SUBDIVISION  
CONTROL LAW

M.G.L. Chapter 41, Sections 81K through GG inclusive, as hereinafter amended. Subdivision Control Law grants the power of regulating the subdivision of land.

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, curbing, and planting strips where required.

ZONING BYLAW

The Town of Wilmington Zoning Bylaw, as it may from time to time be amended.

**B. Subdivision Plan Types**

There are three (3) plan types covered in these Rules and Regulations and they are as follows:

Approval Not Required Plan (Form A)

Preliminary Subdivision Plan (Form B)

Definitive Subdivision Plan (Form C)

The above plan types are defined in Section II(A): Definitions.

**C. Limitation of One Dwelling on Any 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.

**D. Zoning Bylaw**

The Board will not approve or modify and approve any plan of a subdivision of land unless all buildings, structures, and lots shown on said plan comply with the Zoning Bylaw or a variance and/or Special Permit from the terms thereof has been granted.

**E. Waivers**

*a. Waiver of Specific Rules and Regulations*

In accordance with M.G.L. Chapter 41, Section 81R, the Board may in any particular case, where such action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law, waive strict compliance with these Regulations, and with the frontage or access requirements specified in these Regulations. An applicant is not entitled to a waiver and the Board, in its discretion, may decline to approve a request for a waiver.

*b. Application for a Waiver*

Any person requesting a waiver must submit the following with the application for approval of the Subdivision Plan:

1. A written request that identifies the specific provision of these Regulations for which the waiver is requested;
2. A narrative statement that explains how granting the waiver would be in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law and of these Regulations; and
3. At the discretion of the Director of Planning & Conservation, a plan showing how the site would be developed if the plan complied with that provision of these Regulations and no waiver were granted.

*c. Effect of Not Requesting or Granting a Waiver*

If a request for a waiver is not submitted, or the Board does not grant a requested waiver, and one (1) or more features of a proposed plan do not follow these Regulations, the noncompliance may be the basis of disapproval of the application.

*d. Decision on a Request for a Waiver*

If the Board waives any provision or standard of these Regulations, it must determine that its action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law and of these Regulations.

The Board may make its approval of a waiver dependent on such conditions as will achieve the objectives of the provision or standard waived.

The approved waivers shall be listed on the subdivision plan for endorsement, and the decision approving the plan shall reference all requested waivers and whether each is approved or disapproved.

## **F. Fees**

### *a. Application Fees*

Applications for subdivision approval (Preliminary or Definitive Plans) 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.

All expenses for advertising, publication and mailing of notices, recording and filing of documents, and all other expenses in connection with a Subdivision or Approval Not Required Plan shall be borne by the applicant.

All administrative fees are due at the time of submittal of an application.

### *b. Project Review Fees*

#### 1. Authority

In addition to administrative fees, the Board may impose a project review fee on those applications which require, in the judgement of the Board, review by outside consultants due to the size, scale, or complexity of a proposed project; the project's potential impacts; or because the Town lacks the necessary resources to perform the review work related to the subdivision. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, bylaws, and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or Regulations, or inspecting a project during construction or implementation.

#### 2. Submittal of Project Review Fee

Should the Board require outside review, a project review fee must be submitted to the Department of Planning & Conservation for deposit in an account established pursuant to M.G.L. Chapter 44, Section 53G. Failure to make this payment is grounds for denial of the application.

#### 3. Project Review Fee Account

Expenditures from this account may be made at the direction of the Board without further appropriation. Expenditures from this account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be used for this purpose. The Board must provide the following information in a timely fashion on request of the applicant:

- A statement of principal and interest based on information from the Town Accountant;
- A report of all checks authorized for issuance;
- An estimate of bills pending from consultants for work completed or in progress but not invoiced.

At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

4. Inspection Review Fee

After the approval of a Definitive Subdivision Plan, the Board may require a fee during construction of said project. Failure to make this payment is grounds for rescission of approval.

5. Administrative Appeal

Any applicant may make an administrative appeal of the selection of the outside consultant to the Town Board of Selectmen. Such appeal must be made in writing and may be taken only within twenty (20) days after the Planning Board has mailed or hand delivered notice to the applicant of the selection of the outside consultant. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three (3) or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectman within one (1) month following the filing of the appeal, the selection made by the Board shall stand.

6. Delinquent Accounts

The following rules apply to fees owed to the Board:

- |                          |   |
|--------------------------|---|
| Due Date:                | Project review fees and supplemental project review fees are due within fourteen (14) days from the date that the Board determines that they are required.        |
| Monthly Interest Charge: | All fees past due by one (1) month from the date of invoice are subject to a monthly interest charge based upon an annual interest rate of fourteen (14) percent. |
| Costs of Collection:     | All costs of collection associated with past due accounts must be borne by the applicant.   |

Failure to Pay:	Failure to pay delinquent fees, interest, or costs of collection after thirty (30) days' notice is grounds for denial of an application or rescission of an approved application.
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### **SECTION III: APPROVAL NOT REQUIRED PLANS (FORM A)**

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 or her plan does not require approval under the Subdivision Control Law shall submit pursuant to M.G.L. Chapter 41, Section 81T, an Approval Not Required (ANR) Plan to the Board.

#### **A. Submission Procedure**

The ANR Plan submission shall include:

1. One (1) Mylar and four (4) paper copies.
2. Two (2) copies of a properly executed Form A - Application for Approval Not Required, submitted to the Planning Board between ten (10) and nineteen (19) days in advance of a regularly scheduled meeting.
3. The required fee in accordance with the most recent Planning Board Fee Schedule.

The Director of Planning & Conservation will review the application for completeness and if deemed incomplete for non-compliance with these Regulations, the timeframe for action will not begin until a complete application is received. The applicant 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, provide a written receipt.

#### **B. Submission Requirements**

The plan shall be legibly drawn in accordance with the Rules and Regulations of the Register of Deeds or Land Court Manual of Instructions, as amended. Said plan shall be twenty-four inches by thirty-six inches (24" X 36") and shall contain the following information:

1. A title block located in the lower right corner of the plan which shall include the identification of the location of the land including the name and address of the owner of record, the Assessor Map and lot number, the date and scale of the plan, and name and address of the firm or individual preparing the plan.
2. The statement "Planning Board approval under Subdivision Control Law not required," and the statement "No determination of compliance with zoning requirements has been made or intended." A signature block for the Planning Board members' signatures shall be included below these statements.
3. Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.

4. A zoning compliance table.
5. 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.
6. Reference to any decisions by the Zoning Board of Appeals, including but not limited to variances and exceptions regarding the land or any buildings thereon.
7. Names of abutters from the latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records.
8. Distance to the nearest permanent monument.
9. Location of all existing buildings, including setback and side and rear yard designations.
10. A locus map at a scale of one inch equals one thousand feet (1"=1,000').
11. Name, stamp, signature, and address of Registered Land Surveyor.
12. A note describing the intent of the plan.
13. Location, name, width, and status (private, public, paved, unimproved) of all streets and ways shown on the plan. It shall be indicated if said streets or ways are located on the Town of Wilmington Official Street Map as amended.
14. Topographic features relevant to the adequacy of access across the frontage claimed, from the street to the buildable portion of the lot (for example: slopes in excess of fifteen (15) percent, ledge outcrops, retaining walls, wetland resources, guardrails, or other features which limit access).
15. Location and nature of all existing or proposed easements, or encumbrances upon the land in question, including area of easements in square feet and in acres.
16. The lot number, frontage, width, and area of each lot.
17. The location of the required circle with a diameter of at least the minimum lot width, applied in accordance with the Zoning Bylaw, Section 5.2.3.
18. Any lot(s) or parcel(s) not meeting the minimum frontage, lot width, or lot area in accordance with the requirements for the zoning district in which the lot(s) or parcel(s) is/are situated shall be clearly designated as "Not a Building Lot."
19. Location of all known existing structures, both above and below the ground, shown on the plan, including but not limited to buildings and accessory buildings, including all setbacks to property lines.

20. Location of all stone walls, fences, cart paths, drives, trails, streams, brooks, and water bodies bounding or crossing any of the lots or parcels shown on the plan.
21. References to all deeds and plans of record used to establish the property lines of the lot(s) or parcel(s) and of the streets, ways, and easements shown on the plan, including reference deeds to abutting lots.
22. North arrow and bearing reference, whether true or magnetic and so indicated.

### **C. Review Procedure**

The Planning Board shall follow the procedures as outlined in M.G.L. Chapter 41, Section 81P. Specifically, the following procedure will be followed:

1. Submission of a plan and application form which meets the requirements of these Regulations.
2. The Board will review the plans during a public meeting.
3. The Board shall take action on the plan within twenty-one (21) days. The Board may take the following actions: endorse the plan or determine that the plan requires approval under the Subdivision Control Law.
4. The Board shall issue a written decision of their action and file it with the Town Clerk.

#### *a. Standard of Review*

The Planning Board shall utilize the following standards in determining that Approval Not Required (ANR) Plans have been properly filed:

1. The ANR Plan must meet the informational and procedural requirements of the Rules and Regulations as specified above.
2. The ANR application form shall be completely filled out with the signatures of all of the property owners involved in the plan.

Upon a positive determination of the above criteria, properly filed plans shall be given ANR endorsement by the Planning Board as specified in M.G.L. Chapter 41, Section 81P, only after a determination is made by the Board that the plan does not depict a subdivision.

The division of a tract of land into two (2) or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on:

- (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or
- (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or



- (c) a way in existence when the Subdivision Control Law became effective in the city or town in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Such frontage shall be of at least such distance as is then required by zoning or other ordinance or bylaw, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty (20) feet.

Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

If determined that the plan shows a subdivision of land as specified in the Subdivision Control Law and Section II of these Regulations, the Board shall indicate that the plan shows a subdivision and file said finding with the Town Clerk.

Failure of the ANR Plan to meet any of the above listed standards shall be cause for the Board to refuse to sign the ANR Plan.

#### **D. Decision**

- a. Endorsement of Plan Not Requiring Approval*

If the Board determines that the plan does not require approval under the Subdivision Control Law, it shall, without a public hearing and within twenty-one (21) days, endorse the plan, inform the applicant of its determination, and return the plan. The Board shall also notify the Town Clerk of its determination.

- b. 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.

- c. Failure of the 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 submission of the plan, it shall be deemed that approval under the Subdivision Control Law is not required, and the Planning Board shall make such endorsement on said plan, and on its failure to make a determination within twenty-one (21) days, the Town Clerk shall issue a certificate to the same effect.

#### **E. Confirmation of Recording with the Registry of Deeds**

Within seven (7) days of recording the ANR Plan with the Registry of Deeds, the applicant shall provide proof of recording.

### **SECTION IV: PRELIMINARY SUBDIVISION PLANS (FORM B)**

Any person who wishes to create a subdivision may submit a Preliminary Subdivision Plan to the Board. The submission of 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 prior to the filing of a Definitive Subdivision Plan.

#### **A. Submission Procedure**

A Preliminary Plan submission shall include:

1. Twelve (12) prints and one (1) electronic copy of the Preliminary Plan. The Department of Planning & Conservation may request additional copies if necessary.
2. One (1) original, eleven (11) copies, and one (1) electronic copy of a properly executed application Form B - Application for Approval of a Preliminary Plan.
3. Certified List of Abutters.
4. Abutters labels, submitted in the format required by the Department of Planning & Conservation.
5. The required fee in accordance with the most recent Planning Board Fee Schedule.

The Director of Planning & Conservation will review the application for completeness and if deemed incomplete for non-compliance with these Regulations, the timeframe for action will not begin until a complete application is received. The applicant 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 approval of a Preliminary Plan. If the notice is given by delivery, the Town Clerk shall, if requested, provide a written receipt.

#### **B. Submission Requirements**

The Preliminary Plan shall be drawn at a suitable scale, preferably one inch equals forty feet (1"=40'), and shall be twenty-four inches by thirty-six inches (24" X 36"). 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:

1. The subdivision name, if any, boundaries, location, date, scale, legend, and title "Preliminary Plan" or "Preliminary Subdivision Plan."

2. The names and addresses of the record owner of the land and the subdivider, and the name, seal, and address of the engineer or surveyor who made the plan, which shall appear in the lower right-hand corner.
3. North arrow and bearing reference, whether true or magnetic and so indicated.
4. The names of all abutters, as determined from the last assessment, unless the applicant shall have more recent knowledge of such abutters. The list must be certified by the Town Assessor.
5. The locus of the land shown on the upper left-hand corner of the plan drawn at a scale of one inch equals one thousand feet (1"=1,000') with sufficient information to accurately locate the parcel(s).
6. A signature block in the upper right-hand corner of each sheet with suitable space for the signatures of all members of the Planning Board.
7. The existing and proposed lines of streets, ways, easements, and any public or common areas within the subdivision, in a general manner.
8. Major features of the land such as existing walls, fences, monuments, buildings, trees of a twelve (12)-inch or greater diameter, wooded areas, outcroppings, ditches, wetlands, water bodies, and natural waterways.
9. Location of proposed sidewalks, crosswalks, and trails and other amenities.
10. The proposed systems of sewage disposal for each lot, domestic water and fire protection main location, and drainage in a general manner including any adjacent existing surface waters intended to receive stormwater point source discharge.
11. The land boundary lines of proposed lots, with lot numbers, approximate areas, frontage, and dimensions.
12. The names, locations, statuses, and widths of adjacent streets, or streets approaching or within reasonable proximity of the subdivision.
13. The proposed name(s) of the proposed street(s).
14. The centerline roadway profiles of existing grades and approximate proposed finished grades of the roadway. The profile shall include any drain, water, and sewer utilities proposed for the development.
15. The topography of the land with a two (2)-foot contour interval based on the Geodetic Survey, North American Vertical Datum 1988 (NAVD 88). All surface water bodies and their elevations shall be shown with the date of measurement.
16. Area of adjoining land owned by the applicant not presently being subdivided.

17. 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, including Groundwater Protection District and Floodplain District.
18. A zoning compliance table.
19. Assessor's Map and parcel numbers.
20. Wetland boundaries and their associated buffers.
21. Any existing or pending decisions of the Zoning Board of Appeals concerning the parcel(s).

### **C. Review Procedure**

The Planning Board shall follow the procedures as outlined in M.G.L. Chapter 41, Section 81S. Specifically, the following procedure will be followed:

1. Submission of a plan and application form which meets the requirements of these Regulations.
2. The Department of Planning & Conservation shall provide written notice of the public meeting to the abutters prior to the Planning Board meeting.
3. Upon acceptance of the plans and the time stamp placed upon the application, the Department of Planning & Conservation shall distribute copies to Town Departments and, if deemed necessary peer review, for review. Those Town Departments will be required to submit comments to the Board within twenty (20) days.
4. The Board will review the plans during a public meeting.
5. The Board will take action on the plan within the statutory time period allowed for in the Subdivision Control Law. The Board may take the following actions as described in Section IV(D): approve the plan, approve the plan with modifications and/or conditions, or disapprove the plan.

The Board shall issue a written decision of their action and file it with the Town Clerk.

#### *a. Standards of Review*

The Planning Board shall utilize the following standards in reviewing Preliminary Subdivision Plans:

1. The Preliminary Plan shall include all of the information indicated in Section IV(B) of these Regulations.
2. The Preliminary Plan shall adhere to all of the design standards indicated in Section VI of these Regulations.

3. The Preliminary Plan shall comply with all of the review comments submitted by various Town Departments in order to comply with the Law of the Commonwealth; comply with Town Bylaws; and/or protect the public health, safety, and welfare of the Town.

#### **D. Decision**

Based on the review standards, the Planning Board shall do one of the following within the statutory time frame allowed by Subdivision Control Law:

*a. Approve the Plan*

Such approval shall be furnished in writing from the Department of Planning & Conservation and shall be filed with the Town Clerk; however, it does not constitute approval of the subdivision but facilitates the preparation of the Definitive Plan.

*b. Approve the Plan with Modification/ Conditions*

Such approval shall be furnished in writing from the Department Planning & Conservation and shall be filed with the Town Clerk; however, it does not constitute approval of the subdivision but facilitates the preparation of the Definitive Plan.

*c. Deny the Plan*

Decision of such disapproval shall be filed with the Town Clerk in conformance with the requirements of Subdivision Control Law. In the event of disapproval, the Planning Board shall state the reasons for its disapproval in accordance with M.G.L. Chapter 41, Section 81U.

*d. Failure of the 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 the statutory time period allowed for in the Subdivision Control Law, it shall be deemed to have approval under the Subdivision Control Law.

Except as is otherwise provided, the provisions of the Subdivision Control Law relating to a plan shall not be applicable to a Preliminary Subdivision Plan and no Register of Deeds shall record a Preliminary Plan.

### **SECTION V: DEFINITIVE SUBDIVISION PLANS (FORM C)**

All of the procedures and information contained in these Regulations shall be met by the applicant. Failure to follow procedures and information standards listed shall cause the Planning Board to deny the plan. Incomplete applications can be denied.

#### **A. Submission Procedure**

Any questions regarding the information called for in a Definitive Plan submittal should be directed to the Department of Planning & Conservation for clarification. The submission shall include:

1. Twelve (12) prints and one (1) electronic copy of the Definitive Plan set, including all studies. The Department of Planning & Conservation may request additional copies if necessary.
2. One (1) original, eleven (11) copies, and one (1) electronic copy of a properly executed application Form C - Application for Approval of a Definitive Plan.
3. An Engineer's Certificate or Land Surveyor's Certificate.
4. Certified List of Abutters.
5. Abutters labels, submitted in the format required by the Department of Planning & Conservation.
6. The minimum filing fee in accordance with the most recent Planning Board Fee Schedule.

The Director of Planning & Conservation will review the application for completeness and if deemed incomplete for non-compliance with these Regulations, the timeframe for action will not begin until a complete application is received. The applicant shall file by delivery or registered or certified mail a notice as required by M.G.L. Chapter 41, Section 81T, with the Town Clerk stating the date of submission to the Board for such approval of a Definitive Plan. If the notice is given by delivery, the Town Clerk shall, if requested, provide a written receipt.

The applicant shall also file the Definitive Plan with the Board of Health.

## **B. Submission Requirements**

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 a form acceptable to the Registry of Deeds for recording. Plans shall meet the following standards:

1. The classification and precision of surveys shall conform to 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 no smaller than one inch equals forty feet (1"=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 no smaller than one inch equals forty feet (1"=40') horizontal and one inch equals four feet (1"=4') vertical.
4. All elevations shall refer to the National Geodetic Survey NAVD 88.
5. Sheet sizes shall be twenty-four inches by thirty-six inches (24" X 36") including a one (1)-inch border and shall comply with the Registry of Deeds requirements for recording purposes.

6. All plans shall be accompanied by a locus map in the upper left-hand corner of the plan cover sheet at a scale of one inch equals two thousand feet (1"=2,000') 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 equals one hundred feet (1"=100') centered on the plan cover sheet. The location plan shall show the entire subdivision layout, adjacent streets, if any, or streets within a reasonable distance, sufficient to identify the location and the access to the land.

*a. Definitive Plan Contents*

The Definitive Plan shall contain the following information:

1. The subdivision name, if any, boundaries, location, date, scale, legend, and title including "Definitive Plan" or "Definitive Subdivision Plan."
2. The names and addresses of the record owner and the subdivider, and the name, seal, and address of the engineer and surveyor who made the plan, which shall appear in the lower right-hand corner. If the owner(s) of the land to be subdivided is not the applicant, the submission shall include the signature(s) of such owner(s) consenting to the proposed subdivision.
3. North arrow and bearing reference, whether true or magnetic and so indicated.
4. Location and ownership of abutting property as it appears on a Certified List of Abutters unless the applicant shall have more recent knowledge of such abutters. The plan shall also include all abutting land owned by the applicant not presently being subdivided.
5. Major features of the land, such as existing surface water bodies, waterways, wetlands and their buffers, existing drainage courses and ditches, walls, fences, buildings, wooded areas, and rock outcroppings which exist on or near the site at the time of survey.
6. 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.
7. 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 arc length, radii, 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 M.G.L. Chapter 41, Section 81L 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. Traverse computations may be required.

8. Location of all existing and proposed permanent monuments.
9. 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. Street status shall be included.
10. The zoning district classification of land shown on the plan, including any overlay district such as the Groundwater Protection District and Flood Plain District, 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 setbacks, dimensional requirements, and lot width circles for each lot as is required by the Zoning Bylaw.
11. A zoning compliance table.
12. 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.
13. 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 owned by the applicant.
14. Assessor's Map and parcel numbers.
15. A signature block in the upper right-hand corner of each sheet with 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."
16. Existing roadway profiles of the exterior lines and center-line shall be shown, and proposed profile on the finished center-line shall be shown at a horizontal scale no smaller than one inch equals forty feet (1"=40') and vertical scale no smaller than one inch equals four feet (1"=4').
17. At least two (2) bench marks are to be shown on plan profile sheets and grade elevations at every fifty (50)-foot station except in vertical curves which shall be at every twenty-five (25)-foot station. All existing and proposed intersections and sidewalks, bikeways, and walkways shall be shown with all proposed grade elevations calculated.
18. Existing and proposed topography at two (2)-foot contour intervals. One (1)-foot contour intervals may be required in locations determined necessary by the Planning Board and/or Town Engineer.



19. Size, type, and location of existing and proposed water supply mains and their appurtenances, main gate valves, hydrants, water services, and service shut off valve locations.
20. Size, location, type, and inverts of existing and proposed sewer pipes and their appurtenances, sewer manholes, and/or on-site sewage disposal systems.
21. Size, location, type, and inverts of storm drains, drain manholes, drain inlets, and easements pertinent thereto.
22. All curbing clearly marked and labeled, including radii, transition pieces, and curb returns.
23. Data on all borings and/or test pits performed for the project.
24. Stormwater Management Study demonstrating compliance with Section VI Design Standards, the Town of Wilmington Stormwater Bylaws and Regulations, and the Massachusetts Stormwater Policy.
25. Location and species of all proposed street trees and location of all existing trees with trunks over twelve (12) inches in diameter, measured four (4) feet above the finished ground level (diameter breast height (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 (5) feet of street right-of-way lines. See Section VI(J) Trees and Landscaping).
26. Location, size, ownership, and intended use of any proposed open space.
27. A typical cross section of each roadway right-of-way, including travel lanes, curbing, grass strip, sidewalk, street lights, hydrant, and slope embankment and/or retaining wall. The typical cross section shall also include all proposed utility locations and depth of cover.
28. Location of proposed street lights and photometric plan (if required), pedestrian lighting (if required), underground electric, and transformer pads.
29. Locations of proposed sidewalks, crosswalks, and trails and other amenities.
30. An environmental impact statement when required by the Planning Board, other Town Bylaws, or State or Federal Laws or Regulations. The Planning Board may require any private person, firm, or corporation to prepare an Environmental Impact Assessment 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.
31. Geometric analysis of any proposed intersection, and Traffic Impact Assessment when required by the Planning Board.

32. Phasing plan, if applicable.

33. Sediment and erosion control plan.

### **C. Review Procedure**

The Planning Board shall follow the procedures outlined in M.G.L. Chapter 41, Sections 81T, 81U, and 81V inclusive. Specifically, the following procedures shall be utilized for Definitive Plan review:

1. Submission of a plan and application form which meet the requirements of these Regulations.
2. The Department of Planning & Conservation shall make a notice at the applicant's expense by mail of the public hearing to the abutters not less than fourteen (14) days prior to the Planning Board meeting.
3. The Department of Planning & Conservation shall place an advertisement at the applicant's expense in a newspaper of general circulation in the Town sufficient for time, place, and subject matter involved with the plan, once in each of two (2) successive weeks, with the first publication being not less than fourteen (14) days prior to the day of the public hearing and post that notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing.
4. The Department of Planning & Conservation will transmit copies of the Definitive Plan to Town Officials as follows: one (1) copy each to the members of the Community Development Technical Review Team. Specifically, the following Officials shall provide any comments they may have in writing pertaining to, but not limited to, the information below:
  - Conservation Commission as to potential involvement with M.G.L. Chapter 131, Section 40.
  - Town Counsel as to the form of easements, covenants, and performance guarantees.
  - Town Engineer as to the design of the street system, location of easements, monuments, drainage system, water system, and if applicable, the sewerage system. Specific studies may be required as part of this review at the applicant's expense as per Section II(F)(b) Project Review Fees.
  - Building Inspector as to compliance with the Zoning Bylaw.
  - Fire Department as to location of hydrants and the alarm system.
  - Police Department as to street safety.

The Department of Planning & Conservation will request written statements from the above Officials with regard to the Definitive Plan submission. In each of the above

cases the Department of Planning & Conservation will assume that the respective Officials have no comment if no report is received within forty-five (45) days.

5. 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.
6. The public hearing shall be opened during the Planning Board meeting. The Board shall review the plans in public, taking additional input from the applicant, Town Officials, and citizens pertaining to the plan before them.
7. Revisions made to Definitive Plans are required to be submitted to the Department of Planning & Conservation at least two (2) weeks prior to the hearing date.
8. The Planning Board shall vote to do one of the following:

- a. *Continue the Public Hearing*

The Board may vote to take this action upon reviewing the plans and finding that additional information is needed in order to obtain a complete record upon which to formulate and base its decision, or requires additional time to fully explore the existing record and allow for additional input from various parties of interest.

The Board will consider the time period of the continuance and determine if the applicant is acting in good faith regarding providing information to the Board in a timely manner.

The Board may take this action in enough time as is available to continue the hearing and make and file its decision within the statutory time frame allowed by Subdivision Control Law.

The Board will specify the day and time the hearing will be continued and cite the information and reasons for the continuance of the hearing.

- b. *Close the Public Hearing*

Upon making a finding that the record before the Board is complete and sufficient in order to render a decision, the Board shall vote to close the public hearing and take the matter under advisement. The Board may state a time upon which a decision will be considered by the Board for the application before them.

c. *Accept a Request for an Extension or Withdrawal of the Application*

The Board may at any time accept a request from the applicant to either extend the statutory time period upon which the Board must act or withdraw the application from the Board's consideration.

The applicant shall submit an extension request form to the Board granting an extension to a specific day by which the Board must render and file its decision or agreeing to an indefinite extension of the time within which the Board must render and file its decision.

The Board may consider a withdrawal without prejudice of the application once the public hearing is opened. The Board may at that time vote to accept or deny the request.

If the Board receives a written request to withdraw without prejudice, which is time stamped by the Town Clerk prior to the advertisement of the hearing, the Board shall accept the withdrawal request as required by State Law.

10. The Board will take action on the plan within the statutory time period allowed for in the Subdivision Control Law, as may have been extended by agreement of the applicant. The Board may take the following actions as described in Section V(D): approve the plan, approve the plan with modifications/conditions, or disapprove the plan.

11. The Board shall file the decision with the Town Clerk within fourteen (14) days after voting on the decision. The Board shall mail a notice of the decision to the applicant by registered mail, at the address stated on the application.

12. Approved plans shall be endorsed pursuant to the requirements of M.G.L. Chapter 81, Section 41V.

a. *Standards of Review*

The Planning Board shall utilize the following standards in reviewing Definitive Subdivision Plans:

1. The Definitive Plan shall include all of the information indicated in Section V(B)(a) of these Rules and Regulations.
2. The Definitive Plan shall be in conformance with the purpose and intent of Subdivision Control Law.
3. The Definitive Plan shall adhere to all of the design standards as indicated in Section VI of these Rules and Regulations.
4. The Definitive Plan shall address all the review comments submitted by various Town Departments in order to comply with State Law; comply with Town Bylaws; and/or to ensure the public health, safety, and welfare of the Town.

5. The Definitive Plan shall comply with all standards and requirements of the Wilmington Inhabitants Bylaw, Zoning Bylaw, Wilmington Board of Health Regulations, and the Massachusetts Wetlands Protection Act (310 CMR 10.00).

#### **D. Decision**

Based on the review standards, the Planning Board shall do one of the following within the statutory time frame allowed by Subdivision Control Law:

*a. Approve the Plan*

Such approval shall be furnished in writing from the Department of Planning & Conservation and shall be filed with the Town Clerk.

*b. Approve the Plan with Conditions/Modifications*

Such approval shall be furnished in writing from the Department of Planning & Conservation and shall be filed with the Town Clerk.

*c. Deny the Plan*

Decision of such disapproval shall be filed with the Town Clerk in conformance with the requirements of Subdivision Control Law. In the event of disapproval, the Planning Board shall state the reasons for its disapproval in accordance with M.G.L. Chapter 41, Section 81U.

*d. Failure of the 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 the statutory time frame allowed by Subdivision Control Law, the plan shall be deemed to have been approved under the Subdivision Control Law.

#### **E. Surety Procedure**

Before Planning Board endorsement of the Definitive Plan, the applicant shall provide a performance guarantee to the Planning Board in order to ensure that the subdivision shall be constructed in conformance with these Rules and Regulations, the approved plans and the Board's decision.

*a. Methods of Surety*

Such construction of ways and installation of municipal services shall be secured by one, or in part by one and in part by the other, of the following methods with the written consent of the Planning Board:

1. Pursuant to M.G.L. Chapter 41, Section 81U, the applicant shall provide financial surety in the form of a performance bond, issued by an agency licensed to do business in the Commonwealth of Massachusetts, a lender's agreement that provides for the retention of sufficient funds otherwise due the applicant, or a deposit of money or negotiable securities, any of which shall be in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements shown on the plan necessary to serve any lots not covered by a covenant. Such security, if filed or deposited, shall be accompanied by an appropriate and properly executed agreement, and approved as to form and manner of execution by the Town Counsel and as to sureties

by the Town Treasurer and shall require the completion of such improvements within two (2) years of the date of the approval of the Planning Board, unless extended by the Planning Board in its discretion; or

2. The applicant shall file a form of covenant as the Planning Board requires and as 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 on the plan and not covered by bond or deposit, shall be provided to any lot before such lot may be built upon or conveyed, other than by mortgage deed, and that no building shall be erected thereon until the improvements specified are constructed and installed so as to serve the lots in conformance with the approved plans and the Planning Board's decision. If an applicant chooses to secure performance by executing a covenant pursuant to M.G.L. Chapter 41, Section 81U, the following provision shall be included in such covenant:

"The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable Rules and Regulations of the Planning Board within two (2) years from the date that the decision of the Planning Board is filed with the Town Clerk. Failure to so complete shall automatically rescind approval of the plan."

Such conditions shall be secured by a covenant running with the land, referred to on the plan, and recorded in the Registry of Deeds. When the applicant has completed the required improvements specified for any lots in a subdivision, the applicant may request a release of the covenant for said lots. If the Board determines that the improvements have been completed, the Board will release the covenant by appropriate instrument, which shall be in proper form for recording in the Registry of Deeds. Thereafter, the covenant relating to such lots, so released, shall terminate.

*b. Surety Reduction*

The penal sum of any such bond, or the amount of any deposit held under these Rules and Regulations 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.

*c. Final Release of Surety*

Upon final completion of the provisions of the Performance Guarantee or covenant with respect to any lot, the applicant shall submit to the Planning Board an As-Built Plan and a written statement that the construction or installation secured by such surety has been completed in accordance with said Rules & Regulations and with the approved plans. If the Planning Board determines that said construction or installation has been satisfactorily completed, it shall release the interest of the Town in such surety, except for ten percent (10%) of the original net cost of all improvements which shall be held until eighteen (18) months following completion or the acceptance of the street, whichever first occurs, to ensure adequate maintenance of and repair of defects in such improvements ("Maintenance Surety"), after which such Maintenance Surety shall be released to the person who furnished the same. The Board shall have the authority to access and utilize the Maintenance Surety

prior to its release if the applicant fails to satisfactorily maintain the improvements secured thereby or to repair any defects therein that arise or are discovered prior to its release. If the Board determines that said construction or installation has not been fully completed, it shall specify in a notice to the applicant the details where said construction or installation fails to comply with its Rules & Regulations.

#### **F. Endorsement of Plan**

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 and work has not yet commenced. 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 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.

#### **G. Time for Completion**

The applicant shall complete the ways shown thereon and install the public utilities aforesaid within two (2) years 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 two (2) years 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.

#### **H. Confirmation of Recording with the Registry of Deeds**

Upon endorsement, the applicant shall record the plan with the Registry of Deeds. Three (3) complete copies of the plans and two (2) copies of the documents which contain the Registry of Deeds stamp shall be submitted to the Department of Planning & Conservation as proof of recording. Work on said subdivision shall not commence prior to the applicant submitting to the Department of Planning & Conservation proof that the plans and required documents have been recorded.

### **SECTION VI: DESIGN STANDARDS**

A Standard Cross Section for Minor, Secondary, and Major Streets is provided in Appendix A.

#### **A. Streets and Sidewalks**

##### *a. Width*

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

Major Street	60 feet
Secondary Street	50 feet
Minor Street	50 feet

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

*b. Location*

1. 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 accordance with the Rules and Regulations of the Planning Board.
2. 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.
3. 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.
4. 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.

*c. Alignment*

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

Major Street	1,000 feet
Secondary Street	400 feet
Minor Street	100 feet

3. A tangent at least one hundred and fifty (150) feet in length shall separate all reverse curves on major and secondary streets except where at least one (1) radius is five hundred (500) feet or more.
4. Streets shall be laid out so as to intersect at right angles (ninety (90) degrees).
5. Property lines at street intersections shall be rounded or cut back to provide for a radius of not less than thirty (30) feet.



*d. Grade*

1. The centerline grade for any street shall not be less than one (1) percent.
2. The maximum centerline grade for streets shall be as follows:

	Single-Family Residential	Multifamily & Non-Residential
Major Street	4%	3%
Secondary Street	5%	4%
Minor Street	6%	5%

3. Where changes in grade exceed one (1) percent, vertical curves shall be provided.
4. Where a grade is four (4) percent or greater within one hundred and fifty (150) feet of the intersection of street right-of-way lines, there shall be provided, in a residential subdivision containing only single-family dwellings, a leveling area of at least seventy-five (75) feet, with a maximum grade of three (3) percent, and in all other subdivisions, a leveling area of at least two hundred (200) feet, with a maximum grade of two (2) percent.
5. The grade of any street except in special instances shall be so designed that the surface runoff 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, the grading and drainage design shall demonstrate that roadway runoff will collect in the street drain system and not overflow onto any neighboring lots.

*e. Dead-End Streets*

1. 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 (500) feet unless in the opinion of the Board, a greater length is necessitated by topography or other local conditions and a waiver is granted. Dead-end streets shall be measured from the right-of-way line of the intersection street. If a dead-end street is longer than one thousand (1,000) feet, the Board may require a divided roadway.
2. Dead-end streets shall be provided at the closed end with a turn-around having an outside pavement diameter of at least one hundred (100) feet, and a right-of-way diameter of at least one hundred and twenty (120) feet unless otherwise specified by the Planning Board. The Planning Board may at its option require a minimum outside roadway diameter of one hundred and forty (140) feet, a property line diameter of one hundred and sixty (160) feet, and the placement of a circular landscaped island with minimum radius of twenty (20) feet 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.
3. The Board may require a roadway easement from the end of the dead-end street to adjacent property.

*f. Curbing*

1. All curbing shall be Type VA vertical granite curb in accordance with Subsection M9.04.1 of the Standard Specifications. In the case of minor streets serving single-family residences, Type VB vertical granite curb is allowed.

*g. Driveways and Curb Cuts*

1. Driveways in subdivisions containing one (1)- and/or two (2)-family dwellings only shall be at least ten (10) feet wide on private property and have a granite curb return at the roadway of two (2) feet in radius, and shall have an opening of least sixteen (16) feet and no greater than twenty-four (24) feet at the gutter line.
2. Driveways for multiple dwellings and all non-residential uses shall be at least twenty-four (24) feet wide and have a granite curb return at the roadway of two (2) feet in radius, and shall have an opening of at least thirty (30) feet at the gutter line.
3. Driveway cuts shall not be within sixty-five (65) feet of the intersection of the centerline 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 (1) percent but not more than eight (8) percent, but the grade between the sidewalk and the right-of-way shall be only as shown on the applicable Standard Cross Section. Where a sidewalk crosses a driveway apron, the cross pitch shall conform to Americans with Disabilities Act (ADA) standards (less than two (2) percent).
5. Driveway cuts shall be situated to avoid any catch basin or manhole structure (drainage or sewer).

*h. Slopes and Guard Rails*

1. Embankments adjoining the right-of-way shall be evenly graded and pitched at a slope of not greater than three (3) horizontal to one (1) vertical in cut sections nor shall they be greater than four (4) horizontal to one (1) vertical down or in fill sections. Where cuts made in ledge or armoring are proposed, 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 alone or in combination to provide safety and freedom from maintenance. Any retaining wall exceeding four (4) feet must be designed by a structural engineer licensed in the Commonwealth. The Town Engineer may require a slope stability analysis performed by a geotechnical engineer licensed in the Commonwealth.
2. Guard rails shall be installed for safety at curves or filled areas as required by the Planning Board and/or Town Engineer in accordance with the Standard Specifications for steel beam guard rails. Wood guard rails with wood posts may be substituted, provided the location is reviewed and approved by the Planning Board and Town

Engineer. Rail and post lumber must be pressure-treated wood and the rail and post dimensions and steel backing must be designed in conformance with the current American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide Manual requirements.

3. Guard rails shall be furnished whenever the slope is greater than four (4) horizontal to one (1) vertical downhill and shall be installed within the two (2)-foot leveling area behind the sidewalk. Adequate pedestrian fall protection (i.e., fencing or railing) may be required in locations determined by the Planning Board and/or Town Engineer.
4. 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 Standard Specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.

*i. Sidewalks*

1. Sidewalks shall be constructed within the subdivision, separated from the pavement area by a seeded grass plot.
2. The sidewalk shall extend the full length of each side of the street, shall have a minimum width of five (5) feet, and shall comply with the current edition of ADA.
3. Bituminous concrete sidewalks shall be laid in two (2) courses, with both courses having a minimum thickness of one and one-quarter (1 ¼) inches, making a final pavement depth of two and one-half (2 ½) inches after compression. The first course of pavement shall be a binder course of one-half (½)-inch aggregate, and the second course shall be a wearing course. Pavement shall be constructed on an eight (8)-inch gravel foundation to the required lines and grades in accordance with the Standard Specifications.
4. The cross pitch shall be less than two (2) percent and comply with the current edition of ADA.
5. If cement concrete sidewalks are desired, they shall be constructed as directed by the Town Engineer in conformity with the Standard Specifications.
6. Crosswalks shall be compliant with ADA. Accessible ramps shall be poured-in-place concrete and include detectable panels designed in accordance with ADA.
7. Sidewalks shall have a two (2)-foot level area behind them.

*j. Grass Strips/Planting Strips*

1. 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 M6.03.0 of the Standard Specifications.

2. The slope of the grass plot shall be shown on the Standard Cross Section.
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 (25) feet 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.

*k. Roadways*

1. 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 VI(A)(c). The centerline of all roadways shall coincide with the centerline of the street right-of-way unless a deviation is approved by the Town Engineer. The minimum widths of roadway pavement shall be as follows:

Street Classification	Pavement Width
Major Street	42 feet
Secondary Street	32 feet
Minor Street	28 feet

2. The roadway pavement section shall conform to the Standard Cross Section and meet the following specifications:

Street Classification	Subgrade Depth	Gravel Sub-base Thickness		Pavement Thickness	
		First course <sup>(1)</sup>	Second course <sup>(2)</sup>	Binder Course <sup>(3)</sup>	Wearing Course <sup>(4)</sup>
Major Street	20 inches	12 inches	4 inches	2 ½ inches	1 ½ inches <sup>(5)</sup>
Secondary Street	16 inches	12 inches	n/a	2 ½ inches	1 ½ inches
Minor Street	16 inches	12 inches	n/a	2 ½ inches	1 ½ inches

(1) Shall be laid in two (2) six (6)-inch lifts conforming to Standard Specifications M1.03.0 Type B

(2) Shall conform to M2.01.7 or M1.03.1

(3) Shall conform to M3.11.03 Table "A" Binder Course

(4) Shall conform to M3.11.03 Table "A" Top Course

(5) Shall conform to M3.11.03 Table "A" Modified Top Course

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 and one-half (2 ½) inches and the second of one and one-half (1 ½) inches, making a final pavement depth after rolling of four (4) inches upon the prepared surface and constructed in conformity with lines, grades, and applicable Standard Cross Section. Material and construction methods shall conform to all other requirements of Section 460 of the Standard Specifications.

*l. 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 a separate sign 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 current edition of the Manual on Uniform Traffic Control Devices (MUTCD).

*m. 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.
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 Section VI(A)(j), and shall be installed in accordance with the procedure required by the electric utility company or department.

*n. Street Names*

1. 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 an existing way.

**B. Easements & Drainage**

1. Utility and drainage easements, where necessary, must be at least thirty (30) feet wide.

**C. Utilities**

1. Installation and materials unless otherwise specified shall conform to the Standard Specifications and the standards of the Town of Wilmington. Utility trench cross section detail and specifications shall be provided in the design plan set for all proposed utilities.

**D. Domestic Water and Fire Protection**

1. Every subdivision shall be connected to the public water system by the developer.
2. Public water mains shall be installed to the Town Water & Sewer Commission Regulations and standards. Water mains shall be minimum thickness Class 52 cement-lined ductile iron pipe and shall not be less than eight (8) inches in diameter. Pipe joints shall be push-on type.
3. Each hydrant shall be served directly from the water main through a six (6)-inch lateral connection. It shall be gated with a six (6)-inch bottom valve and shall have two (2) two

and one-half (2 ½)-inch hose outlets and one (1) five (5)-inch 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.

4. Hydrants shall be provided every five hundred (500) running feet or part thereof on one (1) 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. Hydrants shall be of a style approved both by the Fire Chief and the Town Water & Sewer Commission. A hydrant shall also be placed at the end of each main. The breakaway flange shall be set above finish grade.

#### **E. Sanitary Sewer**

1. If public sewerage connections are not permitted according to the Town Water & Sewer Commission Regulations and standards, or if a 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.
2. Manholes shall be located at every change in grade or horizontal alignment but not more than three hundred (300) feet apart. Sewage pumping may be permitted at the discretion of the Town Engineer.
3. Public sewers shall be designed according to professional engineering practices in accordance with the requirements of the current editions of Technical Release (TR)-16 Guides for the Design of Wastewater Treatment Works and the Town Water & Sewer Commission Regulations and standards.
4. Gravity sewer mains shall not be less than eight (8) inches in diameter, and house services shall not be less than six (6) inches in diameter.
5. On-site sewage disposal facilities, where installed, shall be constructed in conformity with the Rules, Regulations, and Requirements of the Board of Health and Massachusetts Department of Environmental Protection (DEP) Title V (310 CMR 15.00) of the State Environmental Code. Due consideration should be given to surface and subsurface soil conditions, drainage, and topography in the location of such on-site facilities.

#### **F. Gas**

1. Gas mains should be installed, if gas connection is available, per the gas company specifications.

#### **G. Electricity**

1. Three (3) underground conduits (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 accordance with the regulations of the electric company or department.
3. Other utilities shall be installed in underground conduits in accordance with Section 800 of the Standard Specifications or as required by the utility company.

## **H. Stormwater Management**

1. All projects shall be designed in accordance with the current edition of the Town's Comprehensive Stormwater Management Bylaw and Regulations and the Massachusetts DEP Stormwater Management Policy.
2. Hydrologic computations for estimating runoff volume and peak rate of runoff must be prepared utilizing the National Resource Conservation Service (NRCS) method published in TR-20 and TR-55. Computations shall be submitted in a suitable form, acceptable to the Town Engineer, along with predevelopment and post-development watershed maps.

The design plans and corresponding hydrological computations must demonstrate that the development will not increase runoff volume or peak rate of runoff to any adjoining property, resource area, or point of analysis for the two (2)-year, ten (10)-year, and one hundred (100)-year storm events.

3. Predevelopment and post-development watershed maps shall clearly label all design points, watershed boundaries, topography (existing and proposed), reference to the vertical datum and source of said topography, and illustrate the flow path used for time of concentration (T<sub>c</sub>) calculations. The watershed plan(s) shall clearly label all drainage outfalls discharging from the development to the primary receiving waterbody.
4. The minimum time of concentration shall be six (6) minutes.
5. A hydraulic analysis shall be submitted for all proposed storm drains. The proposed storm drain system shall be designed for the twenty-five (25)-year storm event.
6. All proposed culverts must be designed in accordance with the current Massachusetts DEP Stream Crossing Standards. A hydraulic analysis must be submitted that demonstrates the culvert will safely convey flow from the twenty-five (25)-year storm event. The Town Engineer may increase this requirement to the one hundred (100)-year storm event at his/her discretion.
7. Catch basins shall be provided on both sides of the roadway at intervals not to exceed three hundred (300) feet, unless otherwise approved by the Town Engineer and at such other places as deemed necessary by the Town Engineer to ensure adequate drainage of all low points and provide proper runoff of stormwater. In no instances shall catch basins be located along a driveway opening.

8. All catch basins must be designed as off-line devices. The minimum catch basin structure inside diameter shall be four (4) feet.
9. Drain manholes are required at any change in horizontal or vertical alignment of drain pipe. The minimum manhole inside diameter shall be four (4) feet.
10. The minimum size for a drain pipe shall be twelve (12) inches.

## **I. Monumentation**

1. Monuments shall be shown on street lines at all points of curvature, and at all points of change in direction.
2. Property and easement monuments (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. Roadway right-of-way monuments shall be a standard permanent granite of not less than four (4) feet in length and not less than six (6) inches in width and breadth and shall have a one-half ( $\frac{1}{2}$ )-inch diameter hole, three-quarter ( $\frac{3}{4}$ )-inch 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. Driveways shall not be installed over any monument set as prescribed above.
5. The placement and accurate location of these markers shall be certified by a Registered Land Surveyor and properly located on the As-Built and Street Acceptance Plans.

## **J. Trees and Landscaping**

1. Street trees of a species approved by the Tree Warden and/or Town Engineer shall be planted on each side of each street in a subdivision.
2. Street trees shall be located outside of the right-of-way at approximately forty (40)-foot intervals; shall be at least twelve (12) feet in height and two (2) inches in caliper measured four (4) feet 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 shall not be closer than five (5) feet nor more than ten (10) feet from said right-of-way line. A signed Private Property Street Tree Planting Form shall be submitted for each parcel where such trees are proposed.



## **SECTION VII: CONSTRUCTION**

### **A. Roadway Construction**

All road materials and construction methods shall meet the current Standard Specifications. A Standard Cross Section for Minor, Secondary, and Major Streets is provided in Appendix A.

The roadway shall be graded and prepared for pavement as follows:

1. 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.
2. Earth excavation shall be the removal of all materials encountered within the right-of-way 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.
3. 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.
4. The subgrade surface, sixteen (16) inches below the finished surface grade in minor and secondary streets, and twenty (20) inches 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 (Standard Specifications, M1.03.0 Type b), containing no stones over three (3) inches in their largest diameter. The Standard Specifications should be referred to for descriptions, materials, and construction methods.
5. Gravel sub-base for minor and secondary roads shall be a minimum depth of twelve (12) inches spread over the surface of the subgrade. The sub-base material shall consist of suitable gravel borrow (Standard Specifications, M1.03.0 Type b). Gravel sub-base shall contain no stones having any dimensions greater than three (3) inches. Gravel sub-base shall be spread and compacted in lifts not exceeding six (6) inches compacted measurement. All layers shall be compacted to not less than ninety-five (95) percent of the maximum dry density of the material as determined by the Standard AASHTO Test Designation T99.
6. Gravel sub-base for major roads shall be a minimum depth of sixteen (16) inches spread over the surface of the subgrade. The sub-base material shall consist of twelve (12) inches of suitable gravel borrow (Standard Specifications, M1.03.0 Type b), and four (4) inches of processed gravel (M1.03.1) or dense graded crushed stone for sub-base (M2.01.7). Gravel sub-base shall contain no stones having any dimensions greater than three (3) inches. Gravel sub-base shall be spread and compacted in lifts not exceeding six (6) inches, compacted

measurement, except the last layer of gravel sub-base course (conforming to M1.03.1 or M2.01.7) will be four (4) inches in depth, compacted measurement. All layers shall be compacted to not less than ninety-five (95) percent of the maximum dry density of the material as determined by the Standard AASHTO Test Designation T99.

7. 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 Section VI(I) Monuments.
8. The binder course and wearing surface course 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. 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 April 15th of any year nor after November 15th of any year without written permission of the Town Engineer.

## **B. Trees and Landscaping**

1. The developer shall be liable for all street trees so planted as to their erectness and good health for two (2) years following release of surety or until the roadway is accepted as a public way, whichever time is shorter.
2. Except as otherwise provided all cut embankments shall be planted with a low growing shrub or vine and wood chipped to a minimum depth of six (6) inches or seeded with a deep rooted perennial grass to prevent erosion.

## **C. Work Notification**

### *a. Preconstruction Conference*

Before the initiation of any work within the subdivision, there must be a preconstruction conference to be attended by the applicant, a representative from the Department of Planning & Conservation, and the Town Engineer, at which time a work schedule outlining all steps within the development process must be submitted by the applicant. Following approval of the work schedule by the Department of Planning & Conservation, the applicant will be required to notify the Board, in writing, of any deviations from the proposed work schedule.

### *b. Notification*

The Department of Planning & Conservation and Town Engineer must be separately notified, at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before beginning any of the following work:

1. Installation of all erosion controls, including the construction entrance;
2. Cutting of trees for street construction;

3. Clearing and grubbing of a right-of-way;
4. Installation of storm drainage facilities;
5. Installation of water and sanitary sewer facilities;
6. Placing of material for sub-base;
7. Excavation for electric underground distribution system;
8. Application of gravel in or above sub-base;
9. Laying of bituminous concrete bottom course;
10. Installation of curbing;
11. Spreading of gravel in sidewalks;
12. Laying bituminous concrete for sidewalks and aprons;
13. Grading of slopes;
14. Spreading of loam for grass plots;
15. Construction of retaining walls;
16. Laying of bituminous concrete wearing surface; and/or
17. Setting of monuments.

*c. Allocation of Risk*

If any of the above designated work is commenced without proper notification being given as specified, such work is performed at the risk of the applicant or owner and the Town Engineer may order the removal of any item on the list or a return of the property to its previous state at the expense of the applicant or owner.

## **D. Inspection**

*a. Access*

To verify that the required improvements are constructed or installed in accordance with these Rules and Regulations, the approved plans and the Planning Board's decision, the Board, its agents, and employees of the Town must be allowed access to the subdivision during normal working hours while it is under construction, subject to notice and compliance with safety standards.

*b. Notice*

Prior to covering work, the applicant shall notify the Department of Planning & Conservation and the Town Engineer for inspection upon the completion of each task enumerated below. Any work covered within three (3) working days of said notification that

hasn't been inspected may be required to be uncovered or dug up or may be considered to have not been done per these Rules and Regulations.

*c. Required Inspections*

Prior to the commencement of any earth moving activity, all erosion controls, including the construction entrance, must be installed and inspected by the Department of Planning & Conservation and the Town Engineer.

Before the start of construction in a subdivision, the Board will designate either the Town Engineer, his or her designee, or another authorized engineer to be responsible for periodic inspection of construction. The developer may not proceed with construction of any of the following stages of development until the Town Engineer has given his or her written approval of the satisfactory completion of the earlier stage:

1. Clearing, grubbing, and excavation to firm sub-grade;
2. Filling and grading to rough grade, which may include utility trenching;
3. Bedding and installation of water, sewer, and drain pipes;
4. Installing manholes and catch basins, valves, and appurtenances (no backfilling trenches);
5. Backfilling trenches, rolling, and compacting sub-base or surface;
6. Installing select gravel or crushed stone base in six (6)-inch layers, rolling and compacting to grade;
7. Setting curbing; catch basin inlets; and gratings, headwalls, retaining walls, or other structural details;
8. Laying each course of bituminous pavement;
9. Loaming and seeding grass plots;
10. Planting street trees;
11. Adjusting manhole and catch basin covers or valve covers, or removing debris or leftover materials, or correcting uneven spots, or clean-up;
12. Completing all improvements and installing monuments; and/or
13. Traffic control, if applicable.

The Town Engineer may require inspection at such other intervals as he or she may deem necessary to ensure proper construction of the improvements. In addition, the Town Engineer may require periodic inspection reports from the developer's engineer.

The site contractor and owner are responsible for compliance with the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP). A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be provided to the Department of Planning & Conservation along with the contact information of the qualified SWPPP monitor for the construction site. The SWPPP, all inspection reports, and corrective action logs must be kept on-site and made readily available for review by Town staff.

*d. Re-inspection of Incorrect Construction*

If the Town Engineer does not give written approval of the satisfactory completion of the earlier stage, or at any other time, and the Director of Planning & Conservation gives written notice to the developer that any of the facilities are not constructed per the approved Subdivision Plan, or do not follow the Standard Specifications, or are not constructed following good construction practice as determined by the Town Engineer, the developer may not go ahead to a later stage of construction until the incorrect construction has been corrected and the Town Engineer issues a written statement that the construction complies. A site visit by the Town Engineer may be required, for which a fee is required.

*e. Cost*

As stated in Section II(F)(b)(4): Inspection Review Fee, the Town may require the developer and those legally succeeding the developer in title to the subdivision or any portion of them to pay for inspections. The determination as to whether the developer is required to pay for an inspection shall be based on the size, scope, and/or complexity of the project. If it is determined that the developer is required to pay for an inspection, he or she will be billed for the cost of inspections, including repeated inspections when necessary. Security for the construction of streets and utilities may not be released until all money owed the Town in connection with a subdivision has been paid.

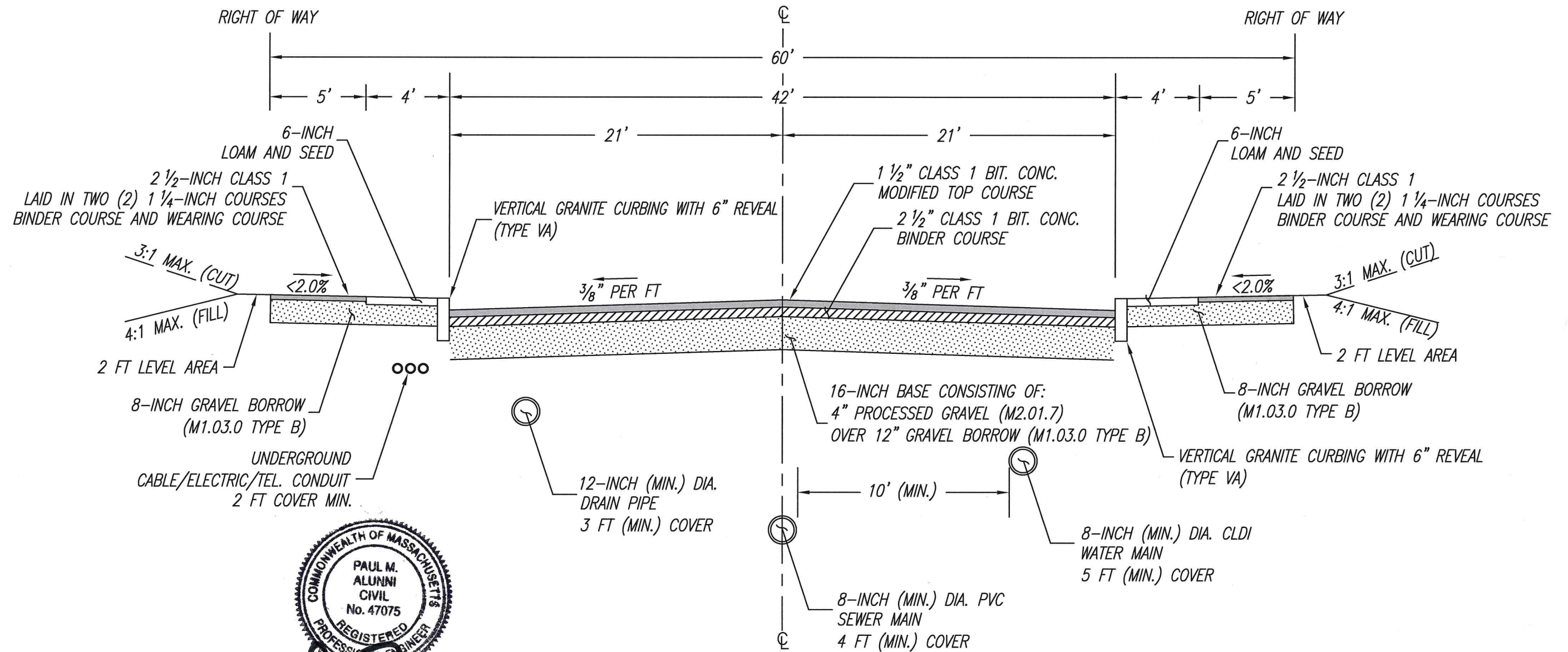
*f. Completion*

Notwithstanding the inspections and verifications by the Board and its agents, the developer, the surety company, if any, and those succeeding the developer in title are responsible for the subdivision being completed per the approved plans and these Rules and Regulations in a satisfactory condition, and without defects, when requesting release of performance guarantees.

## APPENDIX A: STANDARD CROSS SECTIONS

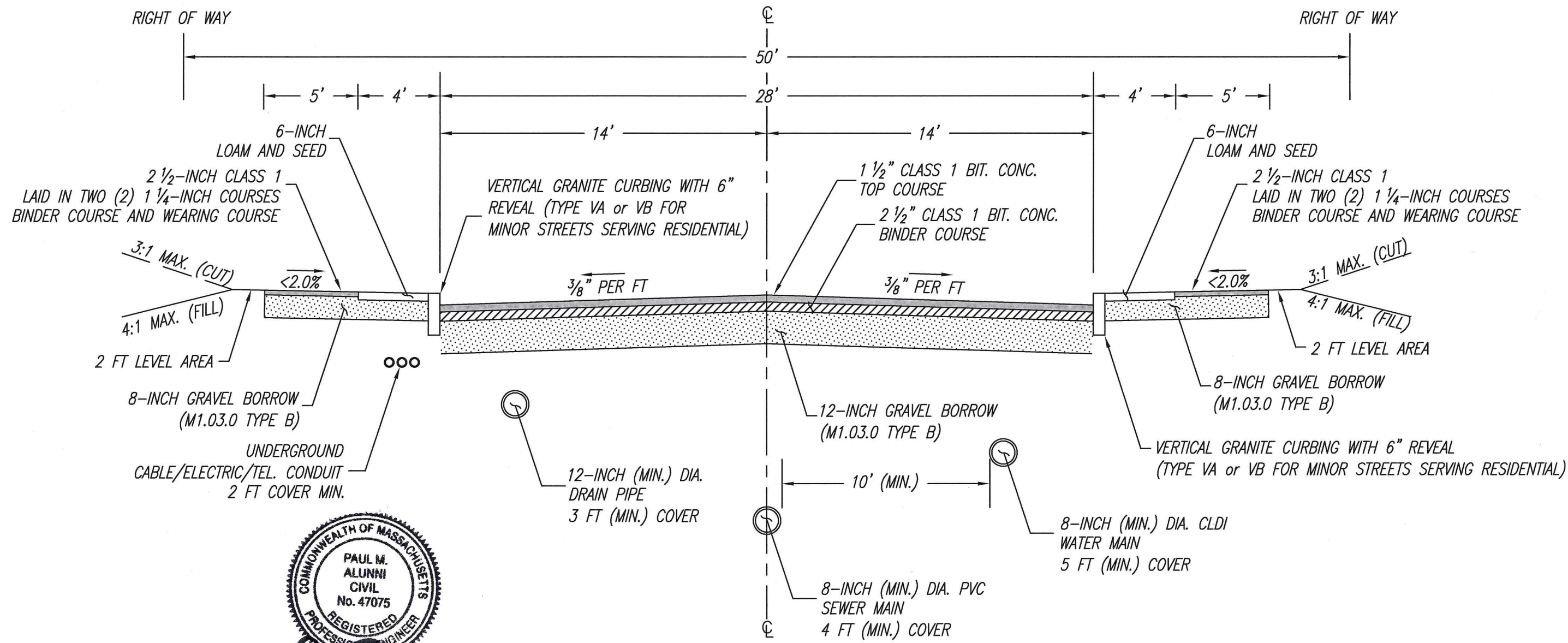
# MAJOR STREET STANDARD CROSS SECTION

N.T.S.



PAUL M. ALUNNI, P.E.  
TOWN ENGINEER

MINOR STREET STANDARD CROSS SECTION  
N.T.S.

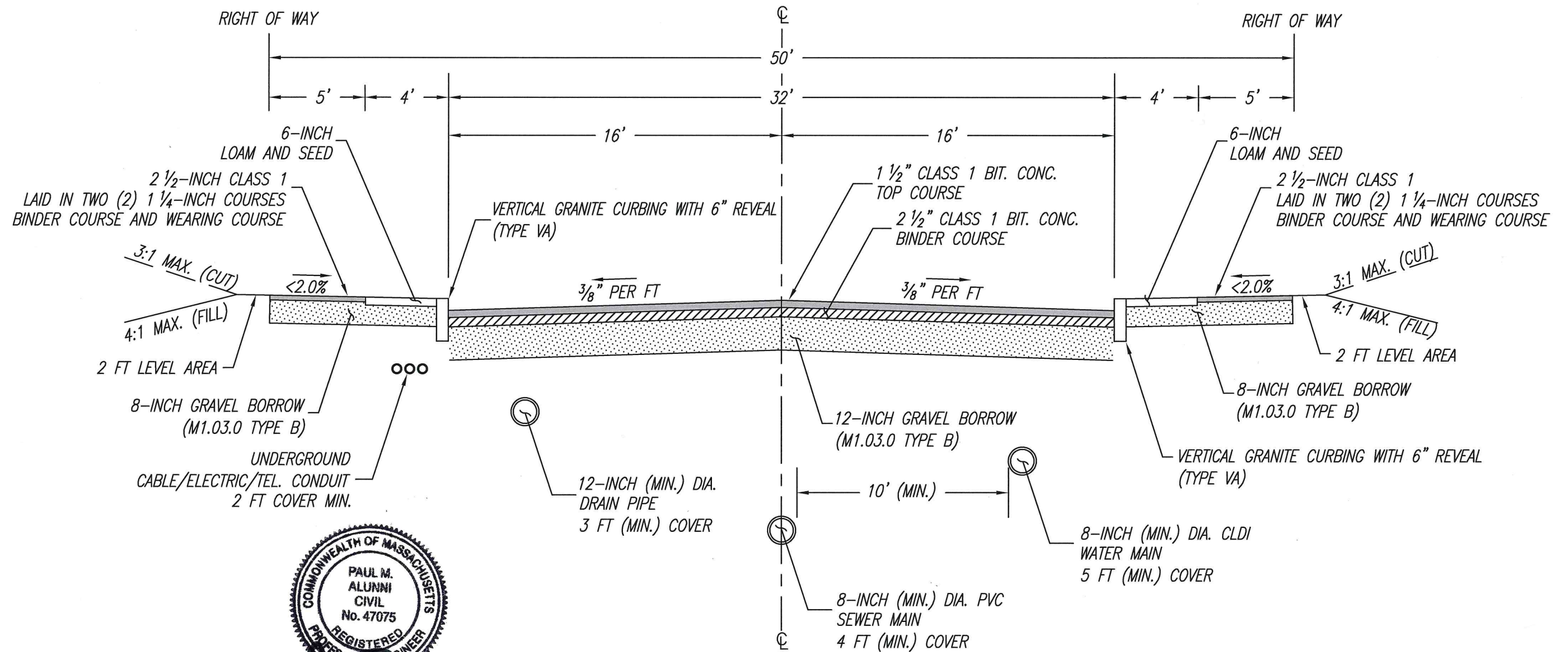


*Paul M. Alunni*  
PAUL M. ALUNNI, P.E.  
TOWN ENGINEER



# SECONDARY STREET STANDARD CROSS SECTION

N.T.S.



PAUL M. ALUNNI, P.E.  
TOWN ENGINEER