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RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND



PLANNING BOARD

PAXTON, MASSACHUSETTS

ADOPTED MARCH 12, 2001

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**RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
PAXTON, MASSACHUSETTS**

Adopted under the Subdivision Control Law
MGL c. 41, Sections 81-K to 81-GG Inclusive

SECTION 1 - EFFECTIVE DATE, PURPOSE AND AUTHORITY

1.1 Effective Date

The following Rules and Regulation shall from and after March 12, 2001 thereof govern the subdivision of land within the Town of Paxton and no person shall subdivide land in the Town of Paxton after such effective date without complying with these Regulations and first obtaining from the Planning Board either approval of the plan for the proposed subdivision or the endorsement “Approval Under the Subdivision Control Law Not Required” upon such plan.

1.2 Purpose

These Subdivision Regulations are adopted under the provisions of Chapter 41 of the Massachusetts General Law for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the Town of Paxton by

“...regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Planning Board and of the Board of Appeals under the Subdivision Control Law shall be exercised with due regard for provisions of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger of life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the zoning bylaws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision and for coordinating ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions”. (MGL c. 41 §81-M)

1.3 Authority

Under the authority vested in the Planning Board of the Town of Paxton by MGL c. 41 §81-Q, said Board has adopted these Rules and Regulations Governing the Subdivision of Land in the Town of Paxton, on March 12, 2001.

SECTION 2- GENERAL

2.1 Definitions

For the purposes of these Rules and Regulations the following words or terms are defined as follows. Where a term is not herein defined, applicable definitions from the Paxton Zoning Bylaw or the General Laws of Massachusetts shall apply. In all other cases, the Planning Board shall determine the appropriate definitions and interpretations:

Applicant: A person (as hereinafter defined) who applies for the approval of a plan for a subdivision or a person who applies under Section 3. "Applicant" shall include an owner, or his agent or representative, or his assigns. If the applicant is represented by an agent, written evidence shall be submitted with the application accompanying the subdivision plan that the agent has authority to submit said application for each owner.

Bikeway: A way designed to be used principally or exclusively by a bicycle or similar non-motorized vehicle.

Board: The Planning Board of the Town of Paxton established pursuant to Massachusetts General Laws.

Bridle Path: A way designed to be used principally or exclusively for equestrian purposes.

Cul-de-sac: A street intersecting another street at one end and terminated at the other end by a permanent vehicular turnaround.

Develop: To construct a street, install utilities, erect a house or other structure, or in any way to prepare the lot for such improvements.

Developer: A person, as hereinafter defined, who develops a subdivision under a plan of a subdivision approved pursuant to Section 3 of these Rules and Regulations.

Driveway, Common: A driveway which provides access to more than one lot, each of which has at least the minimum frontage on a Town street as required by the Zoning Bylaw. Common driveways are not permitted in Paxton.

Easement: A right acquired by public authority or other person to use or control property for a utility or other similar 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 (MGL c.41, §81-L).

Massachusetts General Law (Abbreviated MGL): The General Laws of Massachusetts, and as the same may be amended. In case of re-arrangement of the General Laws, any

citation of a particular section of the General Laws shall be applicable to the corresponding section(s) in the new codification.

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

Municipal Services: Water drains, water and sewer pipes, cable TV, electrical lines, telephone lines, and similar systems and their respective appurtenances.

Owner: As applies to real estate, the person holding the fee simple title to a parcel, tract or lot of land, or control of such, as shown by the record in the Land Registration Office, Worcester County Registry of Deeds or Registry of Probate.

Parcel: An area of land in one ownership with definite boundaries not meeting zoning requirements nor available for use for the site of principal use buildings.

Person: An individual, two or more individuals, or a group or association of individuals, a partnership, trust or corporation, having common or undivided interests in a tract of land.

Plan, Definitive: The plan of a subdivision as duly submitted to the Board for approval, to be recorded in the Registry of Deeds and such plan when approved and recorded; all as distinguished from a Preliminary or other Plan.

Plan, Preliminary: A plan of a proposed subdivision or a re-subdivision of land prepared in accord with Section 3 to facilitate proper preparation of a Definitive Plan (ref. MGL c. 41, §81-L).

Planning Board Agent: Town employee or consultant authorized by the Planning Board to review subdivisions and/or administer the Regulations.

Recorded: Recorded in the Registry of Deeds of Worcester County, except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court (MGL c. 41, §81-L).

Registry of Deeds: The Registry of Deeds of Worcester County, and when appropriate, shall include the Land Court (MGL c. 41, §81-L).

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

Sidewalk: A way within the right-of-way of a street normally parallel to the street, designed for use by pedestrians.

Standard Specification: The Commonwealth of Massachusetts, Department of Highways, "Standard Specifications for Highways and Bridges", 1988 Edition, as amended by the "Supplemental Specifications", 1998 Edition.

Street, Dead-End: A street, extension of a street, or system of streets connected to another street at one (1) point only. Any proposed street, which intersects, with a dead-end street shall be deemed to be an extension of the dead-end street.

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 (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 divided has frontage on (a) a public way, or way which the Town Clerk of the Town of Paxton certifies is maintained and used as a public way, or (b) a way shown on a plan heretofore 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 required frontage, 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 (1) of such buildings remains standing, shall not constitute a subdivision (§81-L of c. 41, MGL as amended).

Subdivision Control: The power of regulating the subdivision of land granted by the Subdivision Control Law, MGL c. 41, §§ 81-K through 81-GG inclusive as hereinafter amended.

Superintendent, Highway: The person designated by the Selectmen of the Town of Paxton with responsibility for streets and roadways in Town.

Town: Town of Paxton, Massachusetts.

Trail: A path or track made by or reserved for the passage of persons and/or animals, usually through undeveloped land.

Utilities, Private: This term shall include telephone, cable television, fiber-optic cable, electric light and power, and gas lines, wind and solar power systems, water and sewage systems not owned or operated by the Town, whether installed on, above or beneath the surface of the ground, located entirely within the lot being serviced and neither within nor appurtenant to utilities within a public right-of-way.

Utilities, Public: This term shall include electric light and power distribution systems, including streetlights, surface/storm water drainage, drinking water, and other utilities and their appurtenances, which are owned and operated by the Town or which may

become the property or responsibility of the Town, or which are located within or appurtenant to public rights-of-way.

Walkway: A passage designed for use by pedestrians, not necessarily parallel to a street.

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

2.2 Approved Plan Required

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement for sale of lots in a subdivision, or the construction of ways, or preparation therefore or the installation of utilities and municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Board as hereinafter provided, or “Approval under the Subdivision Control Law Not Required” has been endorsed upon said plan.

2.3 Source of Information Required

The Board shall require a statement from the person who prepared the plan as to the source or sources of the information about the location of boundaries.

2.4 More Than One Building for Dwelling Purposes on a Lot

No 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, without the consent of the Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such buildings in the same manner as otherwise required for lots within a subdivision.

2.5 Fees

2.5.1 General Application

All application fees, and all expenses such as advertising; publication of notices; all engineering, including but not limited to, review of preliminary and/or definitive plans, inspection and associated office work during construction which is part of the subdivision or appurtenant thereto; recording and filing of documents; and all other expenses in connection with review and approval of subdivisions or their construction, including without limitation, sampling and testing all as required by the Planning Board or its agents, shall be borne solely by the Applicant. All fees shall be paid by check only, payable to the Town of Paxton. No review of any application will take place until all appropriate application/filing and review fees have been submitted

as required. All fees must be satisfied in order for the Board to take affirmative action on any question before it.

2.5.1.1 Application/Filing Fee

A minimum fee is due with the filing of any plan.

- a) Approval Not Required Plans: two hundred dollars (\$200) plus seventy-five dollars (\$75) for each new building lot created
- b) Preliminary Plans: three hundred dollars (\$300) plus fifty dollars (\$50) per lot, with a minimum fee of five hundred dollars (\$500).
- c) Definitive Plans

If a Preliminary Plan is filed with the proper filing fee as required above, the fee shall be eight hundred dollars (\$800) plus one hundred fifty dollars (\$150) per lot, but shall not be less than one thousand three hundred dollars (\$1,300).

If no Preliminary Plan is filed, the fee shall be two thousand dollars (\$2,000) plus two hundred fifty dollars (\$250) per lot.

2.5.1.2 Review Fees

- a) Waivers

For each waiver requested at the time of application, or at any time during review of the application, a fee of fifty dollars (\$50) per lot shown on the entire plan shall apply, up to a maximum of five hundred dollars (\$500) per waiver requested. Such fee shall be paid at the time such waiver is requested.

On requests for waivers made during a Preliminary Plan review where the Board declines to act, the waiver request(s) may be resubmitted during the Definitive Plan review stage, if such plan is filed prior to the expiration of the Preliminary Plan approval, at no additional cost.

This waiver request fee will be used to support the processing and review of each request. Staff and department reviews will be carefully considered by the Board in making its determination whether to grant or deny any request.

- b) Engineering Review

At the time of application, a deposit for engineering review fees shall be paid by the Applicant to the Town in such amount as is required by the Planning Board. Generally such initial deposit will be one thousand five hundred dollars (\$1,500), but may be different depending on the size and/or nature of the proposal. Said

deposit shall be replenished by the Applicant as required by the Planning Board before the amount of expenses equals in value the amount of the deposit. Any portion of the deposit that is not used will be returned to the Applicant.

2.5.1.3 Plan Revisions

Any increase in the number of proposed lots, or a significant change to the proposed roadway or infrastructure design, as determined by the Board, shall constitute a Plan Revision. The fee shall be three hundred dollars (\$300) plus one hundred fifty dollars (\$150) per lot for review of plan revisions.

2.5.1.4 Inspection Fee Deposit

A minimum deposit in an amount equal to two hundred dollars (\$200) per lot, or two thousand dollars (\$2,000), whichever is greater, shall be submitted to the Planning Board prior to any construction activity on the site. Such deposit shall be used by the Board to cover expenses incurred by the Town relating to the inspection of construction work, and other related activities within an approved subdivision. If during the course of construction of such subdivision the Board finds that the deposit as prescribed above will not be adequate to cover expenses, the Board shall reserve the right to require such additional amount as the Board may deem necessary to cover such expenses. The Board shall notify the Developer or other authorized representative in writing that such additional amount is required. Said notice to be sent by certified mail. Any unexpended funds shall be returned to the Developer upon Planning Board determination that the project is complete.

2.5.1.5 Lot Releases

A fee of two hundred fifty dollars (\$250) per lot requested for release from Planning Board restrictions regarding building and/or sale, up to a maximum of one thousand dollars (\$1,000) per request.

2.5.2 Failure to Pay

2.5.2.1 Application Fees

In the event the application fees submitted are deemed to be insufficient as described by these Regulations, the application will be deemed incomplete and will not be scheduled for review by the Board.

2.5.2.2 Review Fees

In the event any review fees are deemed to be insufficient, either with regard to waivers requested or engineering reviews, the Applicant shall satisfy such within

seven (7) days. In the event the Applicant fails to do so, the Board may cease all review and shall deny the application as presented.

2.5.2.3 Inspection Fees

In the event that inspection fees are not paid by the Developer as described in the Regulations, the Board shall cease all progress inspections at the site. The Board will continue, however, to monitor the project for safety and environmental protection issues, and the Applicant shall reimburse the Board for such costs incurred prior to any construction/progress inspections taking place. In the event that the Developer continues construction activity without inspections as required by the Board, the Developer shall provide evidence, to the satisfaction of the Board, of full compliance with these Regulations. Lacking such, the Board shall take every administrative and legal means to ensure that the site remains within the responsibility of the Developer and that the Town does not accept the project or any aspect of it.

2.6 Compliance with These Rules and Regulations and Waivers

All plans and all procedures relating to subdivisions and plans not requiring approval shall conform in all respects to the provisions of these Rules and Regulations unless otherwise authorized by the Planning Board in writing when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

2.7 Compliance with Zoning Bylaw

The Planning Board shall not approve or modify and approve any plan of a subdivision of land unless all lots shown on said plan comply with the Zoning Bylaw of the Town of Paxton or unless a variance from the terms thereof has been granted by the Board of Appeals, recorded in the Worcester District Registry of Deeds, and is noted on the plan.

2.8 Issuance of Building Permits

The Building Commissioner shall not issue any permit until first satisfied that, a) the lot on which the building is to be erected is not within a subdivision, or b) a way furnishing the access to the lot within a subdivision as required by the Subdivision Control Law is shown on a recorded plan and that any conditions endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied.

SECTION 3 - PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

3.1 Plan Believed Not To Require Approval (ANR, MGL c. 41, §81-P)

3.1.1 Submission of Plan

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a Plan of Land, and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan and ten (10) contact prints thereof and two (2) copies of a properly executed application form accompanied by the required fee and evidence to show that the plan does not require approval. Each application shall be submitted at a regular or special Planning Board meeting, with a letter of transmittal to the Board, with a copy of same to the Town Clerk. The date of the letter, which shall correspond to the date of the meeting, fixes the start of the period of time during which the Board must act.

3.1.2 Plan Sheets

Said plan shall be accurately and legibly drawn in accordance with the rules and regulations of the Registry of Deeds, as amended, pertaining to plan size, material, lettering and related requirements, and shall contain all required seals and signatures required by the Registry of Deeds for the recording of said plan. The plan shall be a minimum size of nine and one-half inches by fourteen inches (9½" x 14") and shall not exceed a maximum size of twenty-four by thirty-six inches (24" x 36"). The scale shall be forty feet to the inch (1"=40'). The plan shall be prepared by a professional engineer or land surveyor registered in Massachusetts.

In addition, the applicant shall submit a reduction of the ANR Plan and fifteen (15) copies thereof. The reductions shall not exceed eleven by seventeen inches (11" x 17") in outside dimensions.

3.1.3 Contents

The plan shall contain the following:

- 3.1.3.1 Identification of the plan by name of the owner of record and location of the land in question including deed, book and page reference, the Assessors' tax map and lot number, area, frontage in feet, the scale, north point, and date.
- 3.1.3.2 The statement, "Approval Under Subdivision Control Law Not Required" and sufficient space for the date and the signatures of all the members of the Board.
- 3.1.3.3 A locus map at one thousand feet to the inch (1"=1,000') showing the boundaries of the abutting properties.

- 3.1.3.4 Zoning classification and location of any zoning district boundaries that lie within the locus of the plan, including any zoning overlay districts, which include, but are not limited to, the Flood Plain District and Watershed Protection District.
- 3.1.3.5 Site information showing all flood plains and zones, waterways and wetland resource areas pursuant to the Massachusetts Wetlands Protection Act and Rivers Protection Act (on site and with within one hundred (100) feet of the property), locations of wells (on site and within one hundred (100) feet of the property), and front/side/rear building setback lines. In the event this information is not accessible by virtue of being denied access to such, the plan shall reflect what information was accessible, and shall describe any limitation encountered.
- 3.1.3.6 In the case of the creation of a new lot, all the remaining contiguous land area and frontage of the land in the ownership of the Applicant shall be shown.
- 3.1.3.7 Notice of any and all decisions including but not limited to variances, special permits, etc. regarding the land or any buildings thereon, including the deed book and page numbers where such documents are recorded in the Worcester District Registry of Deeds.
- 3.1.3.8 Names of abutters from the most recent local tax list. If the Applicant has knowledge of any changes subsequent to the latest available Assessors' records, this information shall be indicated on the plan.
- 3.1.3.9 Names and status (e.g., private or public, how developed and maintained, etc.) of streets and ways shown on the plan, and covenants regarding common driveways, if any.
- 3.1.3.10 The names and addresses of the record owner of the land and Applicant and the name, seal, and address of the engineer or surveyor who made the plan. This information shall appear in the lower right-hand corner of the plan.
- 3.1.3.11 Bearings and distances of all lines of the lot or lots shown on the plan and the distance bearing to the nearest permanent monument.
- 3.1.3.12 Location and description of all existing buildings and structures including all septic systems and surface and sub-surface drainage.
- 3.1.3.13 Location and description of all bounds, fences, walls, easements and/or encumbrances, including location of existing trails and other pertinent information.
- 3.1.3.14 The following statement: "The endorsement of this plan is not a certification that the lot or lots shown hereon comply with the terms of the Town of Paxton Zoning Bylaw."

- 3.1.3.15 The following statement, if the plan shows any parcel or parcels which are not intended as a building lot: “Not a building lot; no further building may occur without further approval by the Planning Board pursuant to the Subdivision Control Law.”

3.1.4 Additional Requirements

The applicant shall provide a basis for the ANR endorsement, which shall be clearly noted both on the application form and on the plan (i.e. required frontage on a Town accepted road, separation of lots with buildings which preexist subdivision control (including evidence), etc.).

3.1.5 Standards for a “Way in Existence”

- 3.1.5.1 In determining whether a way in existence when the Subdivision Control Law became effective in the Town is adequate to qualify a plan as not constituting a subdivision, the Board shall take into consideration the following factors, among others:
- a) whether the right-of-way is at least thirty three (33) feet wide and of reasonable horizontal alignment;
 - b) whether the existing horizontal and vertical alignment of the roadway provides safe visibility; and
 - c) whether the roadway is at least eighteen (18) feet wide, with at least eight (8) inches of gravel, and with adequate provisions for drainage.
- 3.1.5.2 The Planning Board may require the roadway to be paved at no cost to the Town if it is determined that the road could ever serve more than six (6) dwelling units.

3.1.6 Standard for Town Clerk Certification of a Public Way

When an Applicant requests the Town Clerk to certify a way as maintained and used as a public way, the Town Clerk shall submit to the Board written evidence of public maintenance under vote of the Town.

3.1.7 Planning Board Action

- 3.1.7.1 Endorsement of Plan Not Requiring Approval
- a) 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 of a complete submission, endorse the plan with the words “Approval Under the Subdivision Control Law Not Required”, or words of

similar import. Such endorsement shall not be withheld unless such plan shows a subdivision.

- b) The Board may add to such plan a statement of the reason approval is not required or such other information as it deems appropriate, including, but not limited to, notation as to whether the new boundaries meet requirements for a building lot.
- c) In the event the Planning Board denies the request for ANR endorsement, the Board shall notify the Town Clerk in writing of its action and shall return the original plan to the Applicant.
- d) Following the endorsement by the Planning Board, the Board shall return the original to the Applicant.

3.1.7.2 Determination that Plan Requires Approval

- a) If the 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, inform both the Applicant and the Town Clerk in writing of the determination and return the plan to the Applicant.
- b) If the Board determines that the plan shows a subdivision, the Applicant may submit a plan for approval as provided by law and by these Rules and Regulations, or may appeal such determination in the manner provided by the provisions of the Subdivision Control Law.

3.1.7.3 Failure of the Board to Act

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

3.2 Preliminary Plan

3.2.1 Submission of a Preliminary Plan

Any person who wishes to create a residential subdivision may, and any person who wishes to submit a non-residential subdivision must, submit a Preliminary Plan. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Selectmen, the Town Clerk, the Light Department, the Highway Superintendent, the Building Commissioner, the Board of Health, the Conservation Commission, the Police, Fire, and Water Departments, Building Commissioner, other Town Agencies, and the owners of property abutting the subdivision to discuss and

clarify the details of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case.

- 3.2.1.1 The Preliminary Plan and fifteen (15) copies thereof, together with the minimum filing and review fees, and two (2) copies of a properly executed application, and one (1) set of reproducible reductions of the Preliminary Plan, said reductions not to exceed eleven by seventeen inches (11" x 17") in outside dimensions, shall be filed with the Planning Board.
- 3.2.1.2 After such submission, the Applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission of a Preliminary Plan to the Board for such approval accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefore.

3.2.2 Plan Sheets

The Preliminary Plan shall be drawn on tracing paper or other reproducible substance at a scale of forty feet to the inch (1"=40'). If the subdivision plan requires more than two (2) sheets, a plan that is at a scale of one inch (1") equals one hundred feet (100') or as otherwise appropriate to show the subdivision on one sheet, shall also be provided to show the subdivision on one (1) sheet. Sheet sizes shall be twenty-four by thirty-six inches (24" x 36") including a ¾ inch border. The plan shall be designated as a "Preliminary Plan" and shall be used to form a clear basis for discussion of the details of the subdivision and for preparation of the Definitive Plan.

3.2.3 Contents

The Plan shall contain the following:

- 3.2.3.1 The subdivision name, if any, boundaries, north point, date, scale, legend and title "Preliminary Plan".
- 3.2.3.2 The name of the record owner of the land and the Applicant, and the name, seal, and address of the designer, engineer or surveyor who made the plan. This information shall appear in the lower right-hand corner of the plan.
- 3.2.3.3 The names of all abutters, as determined from the most recent Assessors' records.
- 3.2.3.4 The existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner.
- 3.2.3.5 A description of the proposed and any known existing surface drainage in a general manner within and outside of the area shown on the plan.

- 3.2.3.6 The approximate boundary lines of proposed lots, with approximate areas and dimensions.
- 3.2.3.7 The names, approximate location and widths of adjacent streets.
- 3.2.3.8 The topography of the land in a general manner.

3.2.4 Additional Submittal Requirements

3.2.4.1 Additional Plan information, including the following:

- a) If more than one page, each page must contain in the lower right-hand corner, the subdivision name, the page number, the date of plan preparation, and, when applicable, provisions for recording any and all revision dates, and space for Planning Board action. In addition, the first page shall contain an index of all pages supplied. Said index shall indicate what information is to be found on each page of the plan.
- b) The locus of the land shown on the plan, at a scale of one thousand feet to the inch (1"=1,000').
- c) Major features of the land including existing walls, fences, trails, monuments, buildings, large trees or wooded areas, rock ridges and outcroppings, and ditches. Indication of all site features to be retained, demolished or moved shall be so noted.
- d) Site information showing all flood plains and zones, waterways and wetland resources areas pursuant to the Massachusetts Wetlands Protection Act and Rivers Protection Act (on site and within one hundred (100) feet of the property), locations of wells (on site and within one hundred (100) feet of the property) and front/side/rear building setback lines.
- e) Location and description of all bounds, fences, walls, easements and/or encumbrances, including location of existing trails and other pertinent information.
- f) A general description of the proposed and any known existing sewage disposal system, water installation and surface drainage in a general manner within and outside of the area shown on the plan as required by the Planning Board, including adjacent existing natural waterways intended to receive drainage discharge. If connection to public water is proposed, then a general description of the connection from the point of the existing public water system to the property line of the proposed subdivision, including water lines, pump stations, force mains, etc. shall be provided.

- g) The names, approximate location and widths of adjacent streets, and of streets within reasonable proximity of the subdivision, shown within one thousand feet (1000') of the locus, and as possible on the plan sheets.
 - h) The topography of the land with no more than a five foot (5') contour interval based on the Town Datum (United States Coast and Geodetic Survey). Water bodies and their elevations shall be shown with date of measurement.
 - i) Soil types based on the latest applicable report of the United States Department of Agriculture, Natural Resources Conservation Service.
 - j) Letter designation of the proposed streets in lieu of names.
 - k) The profiles of existing grades and approximate proposed finished grades of the roadway and underground utilities.
 - l) A cross section of any open channel streams.
 - m) Area(s) of contiguous land and water of the Applicant not presently being subdivided, with a sketch plan showing a feasible future street layout for such.
 - n) Easements and rights-of-way applicable to the area shown on the plan, including widths, lengths and purposes of same.
 - o) Notice of any and all decisions including, but not limited to, variances, special permits, etc., regarding the land or buildings thereon, including the deed book and page numbers where such documents are recorded in the Worcester District Registry of Deeds.
 - p) Zoning classification and location of any zoning district boundaries that lie within the locus of the plan, including any overlay zoning districts, which include the Flood Plain District and Watershed Protection District.
 - q) Deed, book and page references, and Assessors' map and lot numbers.
- 3.2.4.2 Any waivers from the requirements of these Rules and Regulations which are sought by the Applicant, including the citation from the Regulations and a description of the requirements, a justification for each requested waiver, and a thorough description of the harm to be suffered by compliance with these Regulations, and of the benefit(s) to be realized by allowing such waiver(s).
- 3.2.4.3 Information shall be submitted to demonstrate the soil limitations for on-site septic systems for each soil type as determined by the U.S.D.A. Natural Resources Conservation Service for the entire project.

3.2.5 Acceptance of Application

- 3.2.5.1 Upon the original submittal of an application to the Town Clerk and the Planning Board, the application shall be considered to be conditionally accepted pending review of its contents. Within fourteen (14) days of the original submittal of the application, the Planning Board shall determine whether the application is complete. An application which does not contain any of the material described in Section 3.2, shall be considered incomplete, shall not be considered to have been filed and shall not be accepted for processing. If an application is determined to be incomplete, the Planning Board shall notify the Town Clerk and the Applicant in writing that the application has been determined to be incomplete setting forth the reasons for that determination and that the application is not considered to have been filed.
- 3.2.5.2 If the application is considered to be complete, or if the Applicant and the Town Clerk are not notified that the application is incomplete within fourteen (14) days, the application shall be considered to be complete as of the date originally submitted.
- 3.2.5.3 If a revised application is submitted, it shall be considered to be a new application and shall be subject to the same procedures and determinations as to completeness as are set forth above.
- 3.2.5.4 The time periods set forth in these Rules and Regulations and the Subdivision Control Law, during which the Planning Board shall issue a decision will not start until the application is complete.

3.2.6 Planning Board Action

- 3.2.6.1 Approval of a Preliminary Plan
- a) The Board may give Preliminary Plan approval with or without modification or suggestion, after the Board's review, and at the Board's option, after review with other Town Boards and Departments. Such approval does not constitute approval of the subdivision, but facilitates the preparation of the Definitive Plan by possibly identifying major deficiencies or problems.
 - b) The original of the Preliminary Plan, properly endorsed, will be returned to the Applicant. Notice of the action taken shall be given the Applicant and Town Clerk in writing within forty-five (45) days of the submission of the plan, unless an extension has been requested by the Applicant in the same manner as provided for a Definitive Plan. Any Definitive Plan evolved from such Preliminary Plan shall be governed by the Rules and Regulations relative to subdivision control in effect at the time of the submission of the Preliminary Plan, provided that the Definitive Plan is duly submitted within seven (7) months from the date on which the Preliminary Plan was properly submitted.

3.2.6.2 Disapproval of a Preliminary Plan

In the event of disapproval of a Preliminary Plan, the Board shall state the reasons for its disapproval in accordance MGL c. 41, §81-S.

3.2.6.3 Failure of the Board to Act

If the Board fails to act upon a plan submitted under this Section or fails to notify the Town Clerk and the persons submitting the plan of its action within forty-five (45) days (or such other mutually agreed upon time) after its submission, the plan shall be deemed to have Preliminary Plan approval under the Subdivision Control Law.

3.3 Definitive Plan

3.3.1 Submission of a Definitive Plan

3.3.1.1 Any person who submits a Definitive Plan of a subdivision to the Board for approval shall file with the Board all items required in Section 3.3 of these Regulations and the minimum filing and review fees for a Definitive Plan to be duly submitted in accordance with these Rules and Regulations. Such submission shall be made with the Planning Board by hand delivery, registered or certified mail. Such submission must contain the following:

- a) A reproducible drawing of the Definitive Plan and fifteen (15) contact prints thereof, dark line on white background, for distribution to the Board of Selectmen, the Town Clerk, the Light Department, the Highway Superintendent, the Building Commissioner, the Board of Health, the Conservation Commission, the Police, Fire, and Water Departments, Building Commissioner, Board of Appeals, and Board of Assessors for review, together with one (1) set of reproducible reductions of said plans, the reductions not to exceed eleven by seventeen inches (11" x 17") in outside dimensions. The reproducible drawings will be returned to the Applicant after approval or disapproval, which in the case of approval and following endorsement are to be recorded in the Worcester Registry of Deeds.
- b) Properly executed forms including Application for Approval of a Definitive Plan; Engineer's Certificate, or Land Surveyor's Certificate; Certified List of Abutters; Verification of Proposed Street Names, and Area Within a Subdivision and properly addressed envelopes to each abutter affixed with the required postage for certified mailing of same.

3.3.1.2 After such submission, the Applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission of a Definitive Plan to the Board for such approval accompanied by a copy of said application and

describing the land to which the plan relates sufficient for identification. If the notice is given by delivery, The Town Clerk shall, if requested, give a written receipt therefore.

3.3.2 Plan Sheets

- 3.3.2.1 The plan shall be at a scale of one inch equals forty feet (1"=40'). If the plan requires more than two (2) sheets, a plan that is at a scale of one inch equals one hundred feet (1"=100') or as appropriate, shall also be provided to show the subdivision on one (1) sheet. Sheets sizes shall be twenty four by thirty-six inches (24" x 36") including a three-quarter inch (¾") border.
- 3.3.2.2 The Definitive Plan shall be prepared by a professional engineer or a land surveyor registered in Massachusetts. All pages shall be clearly and legibly drawn in accordance with the Rules and Regulations of the Registry of Deeds, as amended, pertaining to plan size, material, lettering and related requirements and shall be designated as "Definitive Plan".
- 3.3.2.3 The classification and precision of surveys shall conform to Class A or better of the most recent Land Court Manual of Instruction, Commonwealth of Massachusetts (Manual). It is recommended that all other survey and Definitive Plan preparation, where not herein specified, be guided by the Manual.

3.3.3 Contents

The Definitive Plan shall contain the following:

- 3.3.3.1 The boundaries of the subdivision.
- 3.3.3.2 Deed, book and page references, and Assessors' map and lot numbers.
- 3.3.3.3 If more than one page, each page must contain in the lower right-hand corner, the subdivision name, the page number, the date of plan preparation, and, when applicable, provisions for recording any and all revision dates, and space for Planning Board action. In addition, the first page shall contain an index of all pages supplied. Said index shall indicate what information is to be found on each page of the plan and shall be located in the upper left-hand corner of the page.
- 3.3.3.4 Location and ownership of abutting property as it appears on the Certified List of Abutters unless the Applicant shall have more recent knowledge of such abutters, including all abutting land owned by the Applicant not presently being subdivided, and all other land within five hundred feet (500') of the boundaries of the land shown in the subdivision.
- 3.3.3.5 All plans shall be accompanied by a locus map at a scale of one inch equals one thousand feet (1"=1000') showing the relationship of the subdivision to highways

and streets in the Town. The map shall show the entire subdivision layout, remaining land of the Applicant which is not presently being subdivided, adjacent streets, if any, or streets within one thousand feet (1000'), sufficient to identify the location and the access to the land. All pages in the subdivision submission shall be indexed or keyed on this plan.

- 3.3.3.6 North point, and whether true, magnetic, or grid, or reference to appropriate plan book and plan bearing system, on each sheet.
- 3.3.3.7 Major features of the land, such as existing waterways, wetlands, water bodies, and natural drainage courses, all as pursuant to the Wetlands Protection Act; walls, fences, and trails; buildings, and; large trees or wooded areas, rock, outcroppings, and ditches, which exist on or near the site at the time of survey. All features to be retained, demolished or moved shall be so noted.
- 3.3.3.8 Lines of existing and proposed streets, ways, lots, lot numbers of each lot designated in accordance with the street numbering system, or other designation of proposed streets shall be shown in pencil in lieu of street names, and a list of proposed street names together with a listing with the street letter designation shall be provided to the Planning Board for review and/or tentative approval.
- 3.3.3.9 Sufficient data to determine the location, direction and length of every street and way line, and boundary line, and to establish these lines on the ground, which shall include the subdivision lot lines including lot frontage on the street, the boundary lines of all streets and easements and the length, the radii, tangents and central angles of all curves in lot lines and street lines; all angle points or intersections of tangents along the street lines; areas of lots with lot numbers; and the area and frontage on public ways, of adjoining lands of the Applicant not included in the subdivision. The mathematical computations shall be submitted for a matter of record. Traverse computations shall be placed on a separate or subsequent sheet.
- 3.3.3.10 Location of all permanent monuments properly identified as to whether existing or proposed.
- 3.3.3.11 Location, names and present widths of streets or private ways bounding, approaching or within six hundred feet (600') of the subdivision, showing both pavement widths and right-of-way widths.
- 3.3.3.12 The zoning classification and location of any zoning district boundaries that lie within the locus of the plan, including the Flood Plain District and the Watershed Protection District.
- 3.3.3.13 Notice of any and all decisions including but not limited to variances, special permits, etc. regarding the land or any buildings thereon, including the deed book

and page numbers where such documents are recorded in the Worcester District Registry of Deeds.

- 3.3.3.14 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 parcels of land of the Applicant.
- 3.3.3.15 Suitable space to record the action of the Board and the signatures of all members of the Board including, where appropriate, the words, "Deeds of Easements to be recorded herewith", at the same location on all pages of the subdivision submission.
- 3.3.3.16 Plan and Profile, on sheet(s) dedicated to such
- a) Existing profiles of the exterior lines and profile of existing grades at the proposed roadway centerline, left sideline and right sideline, and profile of the finished centerline drawn in fine black solid line of proposed streets at a horizontal scale of one inch equals forty feet (1"=40').
 - b) Profile centerline of existing and proposed grade elevations, shown at every fifty foot (50') station except in vertical curves, which shall be at every twenty-five foot (25') station.
 - c) All existing and proposed intersections and sidewalks, trails, bikeways and walkways shall be shown with all proposed grade elevations calculated.
 - d) A suitable number of benchmarks shall be set on the property. Elevations shall be based on the National Geodetic Vertical Datum of 1929 (i.e. USGS).
 - e) Gradients, shown by figures expressed in percent.
- 3.3.3.17 Contour Plan, on sheet(s) dedicated to such
- a) Existing and proposed topography at two foot (2') contour intervals and by symbols the highest known high water mark of the last one hundred (100) years. All benchmarks will be noted, as well as all existing and proposed monuments.
 - b) Where zone boundaries shown on the most recent approved Federal Emergency Management Agency Flood Insurance Rate Maps lie within the locus of the plan, they shall be indicated as well.
- 3.3.3.18 Utility Plan and Profile, on sheet(s) dedicated to such

Whenever possible, for the purpose of clarity, the utility plan and profile should be on separate pages, and shall show:

- a) Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewage disposal systems, storm drains and their appurtenances and easements pertinent thereto, the one hundred (100) year high surface water mark, curbs and curb dimensions, data on borings and soil test pits or percolation tests made, and method of carrying water to the nearest watercourse or easements for drainage as needed, whether or not within the subdivision.
- b) A clear indication of what course the discharge will take accompanied by evidence from the Highway Superintendent and the owners of adjacent property that if surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the Applicant such discharge is satisfactory and permitted by public or private ownership of adjacent street or property.
- c) All other utilities. (See Section 4)

3.3.3.19 Stormwater Management

- a) A stormwater management hydrological study, including all calculations, shall be submitted by the Applicant which satisfies the Design requirements of Section 4 of these Regulations, as well as the Regulations of the Paxton Conservation Commission.
- b) The analysis and design of stormwater management systems shall be based, at a minimum, on the methods contained in the United States Natural Resources Conservation Service Urban Hydrology for Small Watersheds, Technical Release Number 55. The design shall describe the impacts of the 2 year, 10 year, and 100 year 24-hour rainfalls. The maximum length which is to be used for sheet flow shall be 75 feet, unless otherwise justified.
- c) Drainage calculations and design shall be prepared by a registered professional engineer.

3.3.3.20 Tree Plan

Location and species of all proposed street trees, and location of all existing trees with trunks over twelve inches (12") in diameter measured four feet (4') above the finished ground level within the minimum front setback distance.

3.3.3.21 Cross Sections and Details, on sheet(s) dedicated to such

- a) Typical roadway cross-sections of each street. (See Schedules showing standard cross sections in these Regulations.)

- b) All details necessary to facilitate construction including, but not limited to, manholes, catch basins, headwalls, pipe trench, rip rap, retaining walls, hydrants, drainage swales, curbing, etc.

3.3.3.22 Open Space

The location and proposed design of all open spaces as required by Section 4 of these Regulations.

3.3.3.23 Erosion Control Plan

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

3.3.3.24 All easements in draft form.

3.3.4 Additional Submittal Requirements

3.3.4.1 Environmental and Community Impact Analysis (ECIA)

- a) Any submission of a residential subdivision of twelve (12) lots or more, or creating street/roadway frontage sufficient to create twelve (12) lots or more, and all non-residential subdivisions, and as otherwise required by the Board, shall be accompanied by four (4) copies of an Environmental and Community Impact Analysis. The ECIA shall clearly and methodically assess the relationship of the proposed development to the natural and man-made environment of Paxton. This report shall be prepared by an interdisciplinary team of professionals qualified, experienced, and, where applicable, licensed, in their fields. Such team shall typically consist of Registered Professional Engineers, Traffic Engineers, Architects, Landscape Architects, Land-Use Planners, Hydrogeologists, Hydrologists, Biologists and other environmental professionals.
- b) If a Preliminary Plan is filed, the Planning Board shall, at the Applicant's request, specify which of the following topics shall be evaluated, and the level of detail required for each topic to be submitted, in the ECIA and filed with the Definitive Plan application. If no Preliminary Plan is submitted, the ECIA shall evaluate all of the following topics:

(1) Natural Environment

- i. Storm Water - The impact of storm water run-off on adjacent and down-gradient/downstream land, surface water bodies and sub-surface ground

water; dangers of flooding as a result of increased downstream runoff, specially peak runoff; and the impact of the proposed project on water table levels.

- ii. Land - Compatibility of the proposed development with existing soils; the impact of any soils or other materials to be removed from the site; the potential dangers and impacts of erosion and sedimentation caused by the proposed development.
- iii. Plants & Wildlife - The impact that the proposed project may have on wildlife habitat and on any rare or endangered plant or animal species known to exist in the area.
- iv. Water Supply - The average and peak daily demand and the impact of such demand on ground water aquifers and the public water distribution system.
- v. Sewage Disposal - The average and peak daily disposal and the impact of such disposal on ground water aquifers and surface water.

(2) Public Services

- i. Schools - The expected impact on the school system both elementary and secondary levels; the expected number of students; projected school bus routing changes; projections of future school building needs resulting from the proposed project.
- ii. Police - The expected impact on police services, time and manpower needed to protect the proposed development and service improvements necessitated by the proposed development.
- iii. Fire - Expected fire protection needs; on-site fire fighting capabilities; on-site alarm or other warning devices; fire-flow water needs, source and delivery system and other needs. Fire department service improvements necessitated as a result of the proposed project shall also be discussed.
- iv. Recreation - On-site recreation provisions shall be detailed and off-site recreation demands shall be estimated. Provision for public open space, either dedicated to the Town or available to its residents, shall be described. Open space available primarily or exclusively for residents or employees shall also be described.
- v. Solid Waste Disposal - Analysis of the projected volume and type of solid waste to be generated by the proposed development, and methods of removal.
- vi. Traffic Analysis - The traffic that will be generated by the development, the impact on adjacent streets, and proposed traffic control signs.

- vii. Highway - Projected need, responsibility and costs to the Town of roadway maintenance and stormwater management facility maintenance. Impacts of construction equipment on area roadways. Service improvements necessary as a result of the proposed project.

(3) Aesthetics

- i. Lighting - The type, design, location, function and intensity of all street lighting facilities. Attention given to safety, privacy, security, glare, and daytime and nighttime appearance shall be detailed.
- ii. Landscaping - Provisions for landscaping including type, location and function of all plantings and materials.
- iii. Visual - attention given to views into the site and from the site. Included shall be long-distance views as well as views to and from adjacent properties.

(4) Planning

Analyze the compatibility of the proposed development and its alternatives with the goals and objectives of the most recent Paxton Comprehensive/ Master Plan and the most recent Open Space Plan and any components of either Plan.

3.3.4.2 Waivers

Any waivers from the requirements of these Rules and Regulations which are sought by the Applicant, including the citation from the Regulations and a description of the requirements, a justification for each requested waiver, and a thorough description of the harm to be suffered by compliance with these Regulations, and of the benefit(s) to be realized by allowing such waiver(s).

3.3.4.3 Staking

At the time of filing of the Definitive Plan the Applicant shall stake the centerline of all proposed streets at a minimum of every one hundred feet (100') with the centerline stations and the cut or fill dimensions to finish grade marked on the stakes, and also the lot corners, with lot numbers. Such staking shall be maintained by the Applicant throughout the Definitive Plan review process.

3.3.4.4 Soil Tests and Borings

a) General

Soil surveys and/or test pits and/or borings shall be submitted, at the expense of the Applicant, to establish the suitability of the land for the proposed sewage

system, drainage system and proposed street construction. All tests shall be witnessed by the designated agent of the Planning Board. All information concerning the test pits, borings or soundings (location, depth, soil strata, depth of water table) shall be submitted to the Board in a written report made, evaluated and stamped by a registered professional engineer, at the time of the Definitive Plan application is filed. The Applicant shall file with the Conservation Commission as appropriate for any testing within areas protected under the Wetlands Protection Act prior to such testing.

b) Roads

- (1) Test pits, borings or soundings shall be taken along the centerline of each street shown on the plan at intervals of at least every two hundred feet (200') and at locations such as cut sections and areas of questionable foundation material, where the subsurface conditions may, in the opinion of the Board, be factors affecting the quality, integrity and service life of the street.
- (2) Test pits shall not be back-filled until the Applicant has been notified by the Planning Board that all necessary inspection and sampling has been completed. Where borings are used, samples shall be taken at five-foot (5') intervals and at each change in strata. Soundings shall be taken in areas of unsuitable material for purpose of determining the unsuitable material and for the purpose of determining the hard bottom contours. Test pits and borings shall extend to a minimum depth of ten feet (10') below the street profile grade, five feet (5') below the invert of the proposed sewer and/or drain, whichever is greatest, or to bedrock if encountered.
- (3) The Applicant shall indicate on the plan a proposed layout of the subsurface exploration program including location, spacing, and type of exploration proposed.
- (4) Failure to inspect within fourteen (14) days of the Applicant's written request for inspection shall be deemed approval.

c) Lots

Soil surveys shall include a test excavation not less than seven feet (7') below finished grade at a frequency of one (1) per every four (4) lots, the locations of which shall be shown on the contour plan, and a report thereon. Percolation tests shall be in accordance with Title 5 of the Commonwealth of Massachusetts State Environmental Code.

- 3.3.4.5 The Definitive Plan shall indicate the soil limitations for on-site septic systems for each soil type as determined by the USDA Natural Resources Conservation Service (NRCS) for the entire project.

- 3.3.4.6 Written consent of the Paxton Police Department, Fire Department, and Board of Assessors with regard to each proposed street name, to ensure there is no conflict or confusion with existing approved names, particularly in terms of the Town's Enhanced Emergency 911 System.

3.3.5 Acceptance of Application

3.3.5.1 Determination of Completeness

- a) Upon the original submittal of an application to the Town Clerk and the Planning Board, the application shall be considered conditionally accepted pending review of its contents. The applicant shall submit a statement indicating which items, if any, are not being submitted. Within thirty (30) days of the original submittal of the application, the Planning Board shall determine whether the application is complete. An application determined to be incomplete shall be considered not to have been filed and shall not be accepted for processing. If an application is determined to be incomplete, the Planning Board shall notify the Town Clerk and the Applicant in writing setting forth the reasons for that determination and that the application is considered not to have been filed.
- b) If the application is considered to be complete, or if the Applicant and the Town Clerk are not notified that the application is incomplete within thirty (30) days, the application shall be considered to be complete as of the date originally submitted.
- c) If a revised application is submitted, it shall be considered to be a new application and shall be subject to the same procedures and determinations as to completeness as are set forth above.

- 3.3.5.2 The time periods set forth in Section 3.3.6, during which the Planning Board shall notify parties in interest, hold a public hearing, and issue a decision, will not start until all material required by these Regulations has been submitted.

3.3.5.3 Review by Town Officials

- a) Review by Board of Health as to Suitability of Land
 - (1) At the time of filing of the Definitive Plan, the Applicant shall also file with the Board of Health two (2) contact prints of the Definitive Plan, dark line on white background, together with such information on percolation tests and deep test holes as the Board of Health may require. The Board of Health shall, within thirty (30) days after filing of the plan, report to the Planning Board in writing its approval or disapproval of said plan.
 - (2) 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 therefore in such report, and where possible, shall make recommendations for the adjustment thereof. The Board of Health shall send a copy of such report, if any, to the person who submitted said plan.

- b) The Planning Board will transmit copies of the Definitive Plan to Town Officials (and others) other than the Board of Health requesting their written statements regarding the following aspects of the proposed improvements at a minimum, as well as any pertinent information they may provide.
 - (1) The Board of Selectmen as to the design of the street system and, the provisions for the safety of the future inhabitants and the public.
 - (2) Conservation Commission as to potential involvement with MGL c. 131, §40, the effects of the subdivision on rivers, streams, wildlife and similar considerations within the scope of the Conservation Commission, and the proposals for demolishing, retaining or moving site features.
 - (3) The Highway Superintendent as to the design of the street system, location of easements, monuments, drainage system, water system, and their appurtenances, and relationship to existing water and drainage systems.
 - (4) The Fire Department as to location of hydrants, installation of the alarm system, if any, emergency access, and the naming of the streets.
 - (5) Police Department as to street safety, both vehicular and pedestrian, access for emergency vehicles, and naming of streets.
 - (6) The Water Department as to the arrangements for water supply, the design of the water system and its appurtenances and relationship to the Town's existing water system.
 - (7) Building Commissioner and Board of Appeals for compliance with the Paxton Zoning Bylaw.
 - (8) Board of Assessors for information on any lot line conflicts, street names, and for recording of known easements and/or encumbrances on the land.
 - (9) The Tree Warden as to the location of shade trees within the subdivision and as to the proper protection of such shade trees as in his judgment should be retained.
 - (10) The Paxton Municipal Light Department as to the number and placement of street lights and electrical systems.
 - (11) The Planning Board Engineer, for compliance with these Regulations, review of technical components, review and comment on plan, data and requested waivers.
- c) Except as otherwise noted, the Planning Board may assume that the respective officials have no comment if no report is received within thirty (30) days.

- d) Before approval of the Plan, the Board shall submit the Plan to such professional service(s) as it deems appropriate for review at the Applicant's expenses. After this review, the Board shall establish whether the purposes of the Subdivision Control Law are met.

3.3.6 Public Hearing

Before taking any action to approve, modify and approve or disapprove a Definitive Plan, the Board shall hold a hearing at which parties in interest shall have an opportunity to be heard in person or by agent or attorney. Notice of the time and place of such hearing and of the subject matter sufficient for identification shall be published in a newspaper of general circulation in the Town of Paxton once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days, the second publication to be not less than seven (7) days, before the date of the hearing, and by mailing a copy of such advertisement to the Applicant and all owners of land abutting upon the land included in such plan, as shown on the most recent tax list, at the expense of the Applicant. If for any reason such a newspaper is not being published, notice shall be by posting in a conspicuous place in the Town Hall and by mailing as described above.

If site plan or other Planning Board approval is required under the Zoning Bylaw, the Board may consolidate the required hearings with the Definitive Plan.

3.3.7 Planning Board Action

- 3.3.7.1 The procedure that the Board will follow with regard to approval, disapproval, or modification of the Definitive Plan submitted by the Applicant will be that as set forth in MGL c. 41, §81-U, as amended. In summary, the Board, after receiving the Plan and all required supporting documents, will review the same to determine whether they are in compliance with its adopted Rules and Regulations.
- 3.3.7.2 Before approval of the plan, the Applicant shall establish that the lots on the Definitive Plan are in conformity with the Paxton Zoning Bylaw and failure of the lots to so comply will be adequate grounds for disapproval of the Definitive Plan.
- 3.3.7.3 The time periods for action on a Definitive Plan may be extended upon written request of the persons submitting the plan and approval of the request by the Board. In such case, the statutory time period within which action by the Board is required shall be similarly extended.
 - a) The Board shall approve or disapprove a Definitive Plan based upon a properly submitted Preliminary Plan upon which the Board has acted or forty-five (45) days have elapsed without action by the Board upon said Preliminary Plan, within (90) days of the submission of said Definitive Plan to a regularly scheduled meeting of the Board or a mutually agreed upon time.

- b) The Board shall approve or disapprove a Definitive Plan for which no Preliminary Plan has been filed and acted upon, or if filed, forty-five (45) days have not elapsed between the submission of the Preliminary Plan and the submission of the Definitive Plan, within one hundred and thirty-five (135) days of its submission to a regularly scheduled meeting of the Board, or a mutually agreed upon time.
 - c) The action of the Board in respect to such plan shall be by vote, copies of which shall be filed with the Town Clerk and sent to the Applicant return receipt requested, by delivery or registered mail. If the Board modifies or disapproves such a plan, it shall state in its vote the reasons for its action and shall revoke such disapproval when the plan has been amended to conform to the Rules and Regulations of the Board, and to the recommendations of the Board of Health.
- 3.3.7.4 In the event of disapproval of a Definitive Plan, the Board shall state the reasons for its disapproval.
- 3.3.7.5 If the Board fails to act upon a Definitive Plan of a subdivision submitted under this section within the time constraints as provided by statute, or the Board fails to notify the Town Clerk and the Applicant of its action on the Definitive Plan, it shall be deemed to have approval under the Subdivision Control Law, and the Planning Board shall forthwith make such endorsement on said plan, and on its failure to do so, the Town Clerk shall issue a certificate to the same effect.

3.3.8 Plan Endorsement

After the expiration of twenty (20) days without notice of appeal of a Certificate of Approval to the Superior Court, or if appeal has been taken after the entry of a final decree of the Court sustaining approval of the Plan, the Board shall give its final approval by endorsing the plan.

3.3.8.1 Other Town Regulations

- a) Before endorsement of the Plan the Applicant shall comply with all reasonable regulations and rules of the Town Officials and agencies referred to in Section 3.3.5.3 above not otherwise covered by these Rules and Regulations.
- b) All anticipated/proposed stormwater management systems shall be approved by the Conservation Commission prior to endorsement of the plan.

3.3.8.2 Before endorsement, all necessary permits from the Massachusetts Highway Department under MGL c. 85, §2 shall be obtained. Final approval may be conditioned on approval under MGL c. 131, §40.

3.3.8.3 Before endorsement, the Applicant shall submit acceptable construction and maintenance schedule documents. In the case where the Developer desires phasing, he shall submit detailed phasing plans and schedule, which at no time

results in a dead end street more than five hundred feet (500') in length except as otherwise approved by the Board, for the Board's consideration. The Board may require modifications to any and all of said proposals. Endorsement may be withheld at the Board's discretion until such proposals are deemed by the Board to be acceptable.

3.3.8.4 Prior to endorsement, each lot shown on a Definitive Plan shall show the Assessors' map and lot number, as well as the street number, as provided by the Board of Assessors on the corresponding Definitive Plan.

3.3.8.5 Final Approval

- a) Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory twenty (20) day appeal period has elapsed following the filing of the Board's Certificate of Approval, as the case may be, with the Town Clerk and said Clerk has notified the Board that no appeal has been filed.
- b) After the Definitive Plan has been approved and endorsed, and the appeal period has elapsed, with no appeal being made, the Planning Board shall return the original to the Applicant.
- c) Said endorsement shall be subject to the construction specifications contained herein, and to the Rules and Regulations of the Board of Health, and all other appropriate Town Boards.
- d) Approval of all plans shall be upon the condition that all ways shown thereon, and public utilities required by the Board, shall be completed and installed within the time so specified in Section 3.3.14.
- e) The Applicant shall submit the approved plan for endorsement no later than six (6) months following the Board's Certificate of Approval if no appeal has been filed. If an appeal has been filed the plan shall be submitted within six (6) months from the resolution of the appeal.

3.3.9 Performance Guarantee

Before endorsement of the Board's approval or conditional approval of any Definitive Subdivision Plan, the Applicant shall agree both to meet the conditions and to complete the required improvements specified in Section 5 for all lots in the subdivision. Construction and installation within the site property shall be secured by one, or in part by one and part by another, of the following methods which may from time to time be varied by the Applicant. Said security shall be posted and approved by the Planning Board prior to any construction, installation or sale of lots. Construction and installation within existing street right-of-ways shall be secured by surety as required under the Street Opening and/or other Permit(s).

3.3.9.1 Approval with Bonds or Surety

- a) The Applicant shall file a duly executed surety company performance bond in an amount determined by the Board to be sufficient to cover the cost of all the improvements specified in Section 5 not covered by a covenant under 3.3.9.2 hereof.
- b) Surety company performance bond shall also be approved as to form and manner of execution, by the Town Counsel.
- c) Such bond or security, if filed or deposited, shall be accompanied by an appropriate and properly executed agreement, and shall be contingent on the completion of such improvements before the date so specified.

3.3.9.2 Approval with Covenant

The Applicant shall file a duly executed Covenant, which provides that no lot may be built upon or sold until the ways and municipal services necessary to serve adequately such lot have been constructed and installed. Such covenant shall be approved as to form and manner of execution by Town Counsel and shall be recorded in the Registry of Deeds by the owner of record and shall run with the land, whereby such ways and services as specified in Section 5 not covered by bond or deposit hereof, or a tri-partite agreement, shall be provided to any lot before such lot may be built upon or conveyed. (MGL c. 41, §81-U)

3.3.9.3 Approval with Tri-Partite Agreement

- a) A tri-partite agreement satisfactory to the Planning Board shall be filed in the case of a surety, which shall be held by a bank chartered by the Commonwealth of Massachusetts. Portions of this surety may be released by the Board upon satisfactory completion if portions of the work as specified in the Agreement and in accordance with these Regulations.
- b) Said agreement shall provide a schedule of disbursements which may be made to the Applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the Applicant, any funds remaining undisbursed shall be available to the Town for completion.

3.3.9.4 Approval with Cash or Negotiable Securities

- a) In the case of performance secured by cash or negotiable securities, such security shall be of an amount determined by the Board to be sufficient to cover the cost of all the improvements specified in Section 5 not covered by other surety.

- b) Such negotiable securities shall also be approved by the Town Treasurer.

3.3.10 Recording

- 3.3.10.1 Within ten (10) days of the recording of all pages of the approved Definitive Plan and Covenant, if any, at the Registry of Deeds, the Applicant shall notify the Board in writing, presenting evidence of the recording of the plan and the covenant. If such evidence is not submitted within ten (10) days, the Board may issue a cease and desist order or cause the Plan to be rescinded.
- 3.3.10.2 Before any building permits in the subdivision may be issued, the Applicant shall deliver to the Board twelve (12) copies of the approved and recorded Definitive Plans, one (1) set of reproducible reductions of the plans not to exceed eleven by seventeen inches (11" x 17") in outside dimensions and a copy of a Certificate of Title duly searched and executed by an attorney or Title Company stating that the premises shown on said plan and appurtenances thereto are in the name of the Applicant and are free of any encumbrances or with encumbrances as set forth. Upon receipt of such notification, the Planning Board shall file one (1) copy of the approved and recorded Definitive Plan each with the Board of Selectmen, Board of Health, Conservation Commission, Town Engineer, Highway Superintendent, Building Commissioner, Assessors' Office, Light Department, Fire Department, Police Department, and Recreation Commission.

3.3.11 Conveyance of Utilities and Easements to the Town

Prior to acceptance by the Town, the Developer shall execute an instrument on a Form approved by the Board transferring to the Town, without cost, valid unencumbered title to the electric power system and to all storm drains and water mains, and appurtenances thereto, constructed and installed in the subdivision or portion thereto to be approved, and conveying to the Town without cost and free of all liens and encumbrances perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain the aforesaid above ground and underground utilities, with any poles, manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision or portion thereof to be approved and if any such utilities have been constructed and installed in land not within such streets, then in, through, and under an easement as shown on the Definitive Plan.

3.3.12 Completion

- 3.3.12.1 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, any such surety may be enforced and applied by the Planning Board for the benefit of the Town.

3.3.12.2 Upon completion of improvements required under Section 5, the Developer or owner at his expense shall, within fourteen (14) days of submitting a Request for Determination of Completeness, cause to be published in a newspaper of general circulation in the Town of Paxton announcement that such Determination of Completeness has been requested. Such Request for Determination of Completeness shall be sent by registered mail to the Town Clerk and the Planning Board and shall include a written statement and documentation that the said construction or installation in connection with which such surety or covenant has been secured, has been completed in accordance with the requirements contained under Section 5. Such material shall include, at a minimum:

- a) Name and address of Applicant.
- b) A compliance certificate signed under oath by the Developer and his Engineer that the development has been completed according to the Rules and Regulations of the Planning Board and Paxton's Zoning Bylaw.
- c) Copies of or reference to the requisite Inspection Forms and Reports.
- d) Written evidence of compliance with the Definitive Plan from the following:
 - (1) Planning Board and Highway Superintendent as to construction of all ways and sidewalks, and installation of street signs, traffic signs, street lighting and appurtenances, pavement, gutters and curbs, monuments, required grading and drainage, lot drainage, planting and seeding.
 - (2) The Water Department as to all water mains, hydrants and appurtenances.
 - (3) The Light Department as to the installation of street lights and electrical systems.
 - (4) The Fire Department as to the installation of the fire alarm system, if any.
- e) As-built plan of completed street or streets, drawn on tracing cloth or other material suitable to the Planning Board, and showing all plans and profiles corrected and certified by the Developer's engineer to be actual as-built locations and profiles of all streets, ways and utilities, including those installed by others, such as gas, electric, telephone, cable TV, and other companies, the location of all lines and the assigned house number for each dwelling, together with one (1) set of reproducible drawings of said as-built plan.
- f) Written request for final inspections by the Planning Board; and
- g) Written request for a Determination of Completeness.

3.3.12.3 Determination of Completeness

The Planning Board shall review the request, including all material submitted, inspection reports, etc. If the Board determines the subdivision to be complete, and the request properly made, the Board shall send notice of such Determination of Completeness to the Developer by certified mail, and to the Town Clerk within forth-five (45) days of receipt of all items required.

3.3.12.4 Determination of Incompleteness

- a) If the Board determines that said construction, installation, or filing of “as-built” plans has not been completed in accordance with the requirements of these regulations, it shall specify to the Town Clerk and to the Developer, in writing by registered mail, the details wherein said construction and installation shall have failed to comply with requirements contained under Section 5. Upon failure of the Board to act on such application within forty-five (45) days after receipt of the application by the Town Clerk and the Board, all obligations under the bond shall cease and terminate by operation of law, and any such covenant shall become void.
- b) In the event that said forty-five (45) day period expires without such Determination, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

3.3.13 Reduction or Release of Performance Guarantee

3.3.13.1 Release of Covenant, Release of Lots

- a) Individual lots under covenant may, from time to time, be released by the Board. Notwithstanding any releases or other action authorized by the Planning Board, the Applicant is not thereby released from their own responsibility to ensure buildability of the lot(s); other permits or approvals may be required, including but not limited to those required through the Conservation Commission.
- b) Notwithstanding any other issues regarding surety for completion or maintenance of the site, no lot shall be released unless and until an amount equal to not less than twenty percent (20%) of the anticipated cost to construct the entire project, for maintenance of streets and municipal services, is deposited with the Board. The Board may, if it believes it necessary, and for specified purposes, require a greater amount.

3.3.13.2 Reduction of Surety

- a) The sum of any such surety or the amount of any deposit held under Section 3.3.8 may from time to time be reduced by the Board in whole or in part. If release is

by reason of covenant, a new plan of the portion to be subject to the covenant may be required by the Board.

- b) If the Planning Board determines that said construction has been completed, the Planning Board shall notify the Town Treasurer within forty-five (45) days that the Planning Board releases the interest of the Town in such bond or deposit and that it shall be returned to the person or persons who furnished same, or in the case of covenant, the Planning Board shall issue a written release of the covenant.
- c) Notwithstanding the above, however, a minimum of twenty percent (20%) of the cost to construct the entire project shall be held by the Town, for the maintenance of streets and municipal services until the streets are accepted by the Town, after which date the Town shall return the remainder of the amount to the person or persons who furnished same. The Board may, if it believes it necessary and for specified purposes, require a greater amount.
- d) Notwithstanding any reduction in surety, however, the Planning Board reserves the right to require corrective work at any time, until the roadways and municipal services have been accepted or similarly approved by the Town.

3.3.13.3 Final Release of Performance Guarantee/Acceptance

- a) The Board may withhold final release of the surety or covenant until satisfied as to the integrity and suitability of all aspects of the subdivision for a period of at least eighteen (18) months following the Board's Determination of Completeness of the subdivision. Items to be evaluated include, but are not limited to, the following:
 - (1) Pavement integrity, including sidewalks, curbing/berm, etc.
 - (2) Permanent type grass on all seeded areas.
 - (3) Establishment of vegetation on sloped areas.
 - (4) Replacement of any trees planted by the Developer which are unhealthy or have died.
 - (5) Shoulders and embankments.
 - (6) Functional integrity of all parts of the drainage system.
 - (7) Installation of utilities.
 - (8) Satisfactory completion of any other items, including conditions of covenants, which are the responsibility of the Developer.

- b) At the written request of the Developer, approximately sixty (60) days before the expiration of the minimum eighteen (18) month period from the Board's Determination that the project is complete, or other such time period as specified by the Planning Board, the Planning Board shall request the Highway Superintendent and its Engineer to make an inspection of said street or way or portion thereof and all other improvements to determine whether or not defects have developed therein, determine whether or not they are functioning adequately and appropriately, and determine whether or not it should recommend to the Board of Selectmen the laying out of said street or way or portion thereof as a public way. The Planning Board shall at the same time cause to be published in a newspaper of general circulation in the Town of Paxton an announcement that such inspection will be made and that the release of the Town's interest in the surety is contemplated. If the recommendation is in the affirmative, the Board shall so advise the Board of Selectmen forthwith.
- c) Prior to considering any request for final release, the Developer shall file with the Planning Board a final Acceptance Plan on tracing cloth of completed street or streets, utilities and easements together with proper legal descriptions for initiating an article in the Town Warrant pursuant to the acceptance of the ways by the Town Meeting and shall grant a deed to the Town of the streets, utilities and easements, as contained in the plan. Such plan and easements and deeds shall be suitable for recording by the Town upon acceptance of the streets by Town Meeting vote. If the recommendation made in paragraph b) above is in the affirmative, the Board shall so advise the Board of Selectmen forthwith and the Developer shall properly prepare and submit a petition or petitions sufficient to effect Town Meeting acceptance of the road and utilities. Such determination and recommendation shall be issued by the Board within forty-five (45) days of a properly made request.
- d) Upon acceptance of the road and utilities by Town Meeting vote, any monies held by the Board for the maintenance of said way(s) shall be returned forthwith to the Developer.

3.3.14 Expiration of Endorsement and Extensions

- a) Every petitioner shall state in his petition the time within which he agrees to complete the ways in the subdivision, and approval of all plans shall be on condition that all ways shall be completed within two (2) years from the date of approval by the Board. If the ways in any subdivision are not completed within the two (2) years from the date of approval by the Board, no street shall be thereafter laid out or constructed, completed, or opened for public use unless a new petition is filed with, and approved by the Board. Completion of ways or streets shall include the completion of the installation of utilities.
- b) Prior to the expiration of the approval period, the Developer and/or owner may request in writing to the Board an extension of time, if necessary. Expiration of the

approval period without an extension or modified approval being approved by the Board and recorded at the Registry of Deeds and which extends such time period, shall result in automatic rescission of all Planning Board approvals; no additional lot releases or building permits will be authorized. The request for an extension shall state the reasons for the requested extension and also the length of time requested. The extension shall not exceed one (1) year.

- c) Additional extensions after the first may be granted from time to time for up to one hundred twenty (120) days before the expiration of the extension in effect.

SECTION 4 - DESIGN REQUIREMENTS

4.1 General Subdivision Design

4.1.1 All subdivisions shall be designed and constructed to reduce, to the extent possible:

- a) the net volume of cut and/or fill entering or leaving the site;
- b) area over which existing vegetation will be disturbed, especially if within one hundred feet (100') of a river, pond, or stream, or having a slope of more than fifteen percent (15%);
- c) number of mature trees removed, especially isolated trees over twelve inches (12") in diameter;
- d) extent of waterways altered, relocated or negatively impacted;
- e) visual prominence of man-made structures or uses not necessary for safety or orientation;
- f) soil erosion and stream siltation;
- g) flood damage;
- h) number of driveways exiting onto existing streets;
- i) disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic environs;
- j) removal of existing stone walls.

4.1.2 All subdivisions shall be designed and constructed to increase, to the extent possible:

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

4.2 Streets

4.2.1 Dwelling Unit Access.

4.2.1.1 Whenever possible, new lots should have driveways providing access to streets that will carry less traffic.

4.2.1.2 Access Through Another Municipality: In case access to a subdivision crosses land in another municipality, the Board may require that the applicant provide certification from appropriate officials of the abutting municipality that the way in question is in accordance with the subdivision rules and regulations of that municipality, that the security for construction in that municipality is adequate, and that the way provides adequate access for police, fire, and emergency vehicles as well as the expected traffic generated by the subdivision.

4.2.2 Location

4.2.2.1 General

- a) All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular and pedestrian travel and an attractive street pattern through curvilinear street layout whenever possible, and they will obtain the maximum safety and amenity for the subdivision of the land proposed for development.
- b) The proposed streets in the subdivision shall be so designed as to minimize cut and fill. Cuts or fills greater than four feet (4') are considered significant. Additional design and/or construction provisions may be required by the Board for significant cuts or fills.
- c) The proposed streets and sidewalks shall conform in location to any existing approved plans, proposed plans under review by the Board, and the Master Plan as adopted in whole or in part by the Planning Board, and, where required by the Board, to the existing, proposed and anticipated street system improvements.
- d) Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property, whether or not subdivided. Such provision shall not be used to provide minimum area for any lot being subdivided.
- e) Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where specifically directed by the Board. Such strips shall be in the public interest.
- f) Table 1 lists the minimum standards for various design elements to which all subdivision streets must conform.

TABLE 1
STREET DESIGN STANDARDS

| | | |
|-----|---|--------------|
| 1. | Design Speed (mph) | 30 |
| 2. | Minimum Right-of-Way (1) | 60' |
| 3. | Paved Width | 28' |
| 4. | Sidewalks, if required (3) | Two-Sides-4' |
| 5. | Turf Area (with curbs) | Two 4½' |
| 6. | Shoulder Area | Two 4½' |
| 7. | Minimum Centerline Grade | 1% |
| 8. | Maximum Grade (2) | 10% |
| 9. | Maximum Grade Within 100' of Intersection | 3% |
| 10. | Minimum Centerline Radius | 150' |
| 11. | Curb Radius at Intersection | 25' |
| 12. | Stopping Sight Distance | 200' |
| 13. | Clear Sight Distance at Intersections (4) | 200' |

Footnotes

- (1) Under certain circumstances, the Board may require an increase in right-of-way width by up to ten (10) feet to accommodate walkway construction and preserve natural features, or where further subdivision may change the street classification to a higher order street.
- (2) The Board may grant a waiver to allow steeper grades where due to severe topography, such grades are necessary to minimize cuts and fills. Waivers may not allow the grades shown above to be exceeded by more than two (2) percent.
- (3) Sidewalks shall be required to be constructed on both sides of the street at the discretion of the Board. Curb ramps for handicapped accessibility shall be installed where curbs are provided to allow for the continuous movement of persons in wheelchairs throughout the subdivision and to sidewalks on adjacent streets.
- (4) At street intersections, a clear sight triangle should be designed to provide the driver of the entering vehicle with an unobstructed view to all points 4.5' above the roadway centerline in either direction.

4.2.3 Access from Public Ways

- 4.2.3.1 Where the street system within the proposed subdivision does not intersect with or have, in the opinion of the Planning Board, adequate access from an existing public way that has sufficient width, suitable grades and adequate construction, the Board shall require, as a condition of approval, that such adequate access be provided by the Applicant, and/or that the Applicant make physical improvements to and within such existing or proposed way of access in accord with the design and construction requirements of these Rules and Regulations, from an appropriate street within a subdivision to the nearest public way most suitable in terms of width, grade and construction.
- 4.2.3.2 Where the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the subdivider to dedicate a strip of land along its frontage for the purpose of widening the abutting public way to a width at least commensurate with that required within the subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Such strip shall not be used in the calculation of lot area and yard setbacks. Any such dedication of land for purpose of way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the subdivider.

4.2.4 Alignment

- 4.2.4.1 Intersections shall not be disjointed or separated.
- 4.2.4.2 The minimum centerline radii of curved streets shall be one hundred fifty feet (150'). Greater radii may be required at the discretion of the Planning Board.
- 4.2.4.3 Angle of Intersecting Streets
- a) Intersections shall be laid out as nearly as possible at right angles, but in no case shall streets intersect at less than 60 degrees from the tangent. Intersection angles less than 75 degrees are approvable on a case by case basis.
 - b) When the intersection of two (2) streets varies more than ten (10) degrees from a right angle, the radius of the curbline curve at the obtuse angle may be less than thirty feet (30') and of the acute angle may be greater than thirty feet (30') to the extent approved or required by the Planning Board.

- 4.2.4.4 Property lines at street intersections shall be rounded or cut back to provide for the edge of pavement curb radius of not less than twenty-five feet (25'), the shoulder and sidewalk all within the right-of-way.
- 4.2.4.5 Streets shall be laid out so as to intersect with adjacent streets or adjacent undivided land at intervals of from six hundred feet (600') to twelve hundred feet (1200'). In special instances the Planning Board may approve a right-of-way for a future street to remain in fee ownership of the applicant, in lieu of actual construction of a cross street.
- 4.2.4.6 Roadway centerlines shall be parallel with the sidelines of the roadway right-of-way. The distance between edge of pavement and edge of right-of-way shall remain constant.

4.2.5 Width

4.2.5.1 Right-of-Way Width

- a) The minimum width of right-of-way shall be sixty feet (60').
- b) Where the only access is to lots fronting on a dead-end street with a length in excess of five hundred feet (500'), or where in the opinion of the Board it is appropriate, the Board may require a greater right-of-way than that specified above and/or may require a divided roadway.

4.2.5.2 The minimum pavement width shall be twenty-eight feet (28')

4.2.5.3 The edge of right-of-way, between the pavement and the right-of-way lines, shall be graded such that surface runoff entering and exiting the right-of-way is minimized.

4.2.6 Grade

4.2.6.1 The minimum centerline grade for any street shall be not less than one percent (1.0%).

4.2.6.2 The maximum centerline grade for streets shall be ten percent (10%).

4.2.6.3 Vertical Curves. Where changes in grade exceed one-half of one percent (0.5%), vertical curves will be provided. The minimum length (k value) of vertical curves shall be designed in accordance with the following:

| | | |
|-------------------|-------------------------------|-----------------------------|
| $L = K (G1 - G2)$ | $G = \text{Grade in percent}$ | $L = \text{Length in feet}$ |
| | Crests | Sags |
| The values for K: | 50 | 50 |

Vertical curves will not be included within any required leveling area.

- 4.2.6.4 Cross Pitch. Roadways shall have a cross slope of two percent (2%) or one-quarter inch (1/4) per foot.
- 4.2.6.5 Superelevation. Where curves and grades combine to create potentially dangerous driving conditions, the Board may require a suitable amount of superelevation of the curves or other protection.
- 4.2.6.6 Leveling Areas. Subdivision streets shall have a leveling area that extends at least one hundred feet (100') from the intersection of street right-of-way sidelines, with a maximum road grade of three percent (3%).

4.2.7 Dead End Streets

- 4.2.7.1 The length of dead end streets shall be measured from the right-of-way line of the intersecting street to the center of the turnaround.
- 4.2.7.2 A dead-end street shall not serve nor provide access to more than ten (10) lots nor have a length greater than one thousand feet (1000').
- 4.2.7.3 The plans shall show a roadway easement from the end of the dead end street to adjacent property. If the adjacent property is divided, the easement should align and connect to its corresponding easement. Such easement shall be demonstrated to be reasonably developable in accordance with these regulations through the provision of a plan and profile for the easement corridor.
- 4.2.7.4 If a dead end street is subsequently extended beyond the required turn-around, any easement other than land required for the extension of the roadway shall be relinquished to the adjacent properties. Until such extension is constructed, no land lying in the easement may be used in determining the area or frontage of any lot to determine conformity with the minimum requirements under the Zoning Bylaw of the Town. In addition, no land lying in the easement may contain permanent structures that would prevent use of such land in the future for right-of-way purposes. Upon such extension, all excess pavement in the turn-around shall be removed and the land brought into conformance with these regulations.
- 4.2.7.5 Dead end streets shall be provided at the closed end with a paved turnaround having an outside diameter of one hundred feet (100') unless a greater diameter is

required by the Board. The turn-around or stub shall be located at the property line.

4.2.8 Street Names

The applicant shall submit three proposed street names in order of preference for each street in the subdivision. The Board of Assessors, Police Department, and Fire Department shall approve street names and walkway names.

4.2.9 Streets in More Than One Town

If a subdivision is divided by a Town boundary, the Planning Board shall condition approval of the Definitive Plan on approval of the remaining portion of the plan by the Planning Board of the City or Town in which it is located.

4.3 Curbs and Berms

4.3.1 Granite Curb Inlet

A granite curb inlet of the dimensions given for granite curb inlet (Section M.9.04.5) shall be placed at each catch basin. Each such granite curb shall be six feet (6') in length, from seventeen to nineteen inches (17"-19") in depth and six inches (6") wide at the top and bottom. The granite curb inlet shall be transitioned at each end where necessary to the adjoining bituminous curb by the use of a granite vertical to sloped transition piece.

4.3.2 Bituminous Curb

Except where granite curbing has been required, the edges of a street shall be provided with a bituminous concrete low profile "Cape Cod" berm along both edges of the roadway for the full length of the street.

4.4 Curb Cuts And Driveway Openings

4.4.1 Driveways in subdivisions containing one (1) family dwellings shall be at least twelve feet (12') wide, have a curb return at the roadway of two feet (2') in radius, and shall have an opening of at least sixteen feet (16') at the gutter line.

4.4.2 Driveways for all non-residential uses shall be at least sixteen feet (16') wide, have a curb return at the roadway of two feet (2') in radius, and shall have an opening of at least twenty feet (20') at the gutter line.

4.4.3 There shall be at least fifty feet (50') between the side right-of-way lines of intersecting ways (as measured from the outer edge of the radius) and a driveway as measured along the frontage.

4.4.4 Driveway openings shall not be located at catch basins, granite curb inlets, or granite transition pieces.

4.4.5 Driveways and other curb cut openings shall be designed so that surface runoff can neither enter nor leave the road right-of-way.

4.5 Open Space (MGL c. 41 § 81-U)

4.5.1 Before approval of a plan, the Board may also require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air, pursuant to MGL c. 41 §81-U. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The total amount of the park area shall be approximately eight percent (8%) of the gross area of the subdivision. The Board may, by appropriate endorsement of the plan, require that no building be erected upon such park or parks without its approval for a period of three (3) years.

4.5.2 Each area reserved for such purpose shall be of suitable area, dimensions and topography for use as a natural playground. The area or areas shall be so located as to serve adequately all parts of the subdivision as approved by the Board.

4.5.3 The Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with public and semi-public open spaces or with similar areas of adjoining subdivisions or of probable subdivisions. Any land so reserved shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the Board.

4.5.4 The Town shall have the right to acquire ownership of same as provided in MGL c.41 §81-Q.

4.5.4.1 Any applicant with a Definitive Plan on which open space areas are to be transferred to the Town shall provide the Town with clear title to such land, in the form of a quitclaim deed and a title certificate. The deed and title to such land shall be given to the Town upon approval of the Definitive Plan by the Planning Board.

4.5.4.2 In areas designated as open space on a Definitive Plan, if such areas have been environmentally damaged prior to the completion of the development as a result of soil removal, harvesting of trees or other natural features, refuse disposal or any other activity deemed inappropriate with proposed uses of the open space, the Developer shall restore or improve the condition and appearance of the open space area. The Planning Board shall require the posting of a bond or other appropriate form of performance guarantee to ensure such restoration or improvement.

4.6 Protection of Natural Features

- 4.6.1 Due regard shall be shown for all natural features, such as trees, wooded areas, water courses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. Any clearing, backfilling, cutting, thinning or other disturbance to trees twelve inches (12") or over in diameter measured three feet (3') above finished ground level located within the street right-of-way and the minimum front setback distance or other natural vegetation shall be prohibited unless deemed both proper by the Board and not in conflict or contradiction to the intent of Section 4.9.1. Any such proposed clearing shall be shown on the plan and written reasons therefor may be requested by the Board.
- 4.6.2 Tree wells or retaining walls should be installed when and as requested by the Highway Superintendent for suitable grading around trees. Tree wells or retaining walls shall be of such design as to meet the standards as set forth in the Urban Trees: A Guide for Selection, Maintenance and Master Planning by Leonard E. Phillips, Jr. (McGraw-Hill) or some similar publication acceptable to the Board.

4.7 Lot Drainage

Lots shall be prepared and graded in such a manner that development of one lot shall not cause detrimental drainage on another lot (either within or outside the subdivision) or onto streets either during construction or upon completion. Any necessary drainage easements shall be a minimum width of twenty five feet (25').

4.8 Utilities

4.8.1 General

- 4.8.1.1 All required utilities exclusive of transformers shall be placed underground at the time of initial construction in accordance with Schedule A. Required utilities include water, storm drainage, telephone, electricity, wiring for street lights, fire alarm systems and cable TV unless otherwise specified by the Board.
- 4.8.1.2 Where adjacent property is not subdivided, or where all the property of the Applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision at such grade and size which will, in the opinion of the Board, permit their proper extension at a later date in conformance with all regulations governing the design and installation of such utility.
- 4.8.1.3 Location and Placement (MHD Section 201, 220, 230). All drain, water pipes, telephone, electricity, fire alarm systems, cable TV and other underground utilities and other structures shall be installed to the property line of each lot in

such a manner that future connection will not disturb the sidewalk, grass plot, or street trees. The locations and depths of the proposed utility lines shall be based on the respective requirements of utility companies or Town departments and shall be installed as shown on the plans and profiles approved by the Board.

- 4.8.1.4 Connections for drain, water, electric, cable TV, telephone and other underground utility service from the primary utility structure in the way to the exterior line of the way shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement, in whole, or in part, in the case of a lot to be permanently used for a park, playground or for any other purpose for which, in the opinion of the Board, such connections will not be required.

4.8.2 Water

- 4.8.2.1 If a public water system is located within three thousand feet (3,000') of the subdivision, as measured along public ways from the end of an existing water line to the proposed subdivision entrance, or other cases where the Board deems it appropriate, all lots shall be connected to the public water system by the Developer unless the Water Department specifies otherwise. Design and installation of water systems shall be in conformance with the rules and regulations of the Water Department and paid for by the Developer.
- 4.8.2.2 If not within three thousand feet (3,000'), every structure shall be connected to a source approved by the Board of Health and the Fire Department.
- 4.8.2.3 Where private wells are used, water mains as described in this Section shall also be installed (a dry system).

4.8.3 Electricity

Electric utility conduits, wires, transformers, and other such equipment shall be located and installed in accordance with the requirements of the Paxton Municipal Light Department. The Board may permit transformers, switches, and other such equipment to be placed on the ground in approved locations.

4.8.4 Lighting

Street lighting shall be located in accordance with all requirements of the Paxton Municipal Light Department and as required by the Planning Board.

4.8.5 Fire Hydrants

- 4.8.5.1 Hydrants shall be provided every five hundred running feet (500') or portion thereof on one (1) side of each street.
- a) A hydrant shall in all cases be installed at the terminal end of each water main.

- b) A hydrant shall be located on each new main within five hundred feet (500') of the nearest supply main or, if no hydrants exist, within two hundred feet (200') of the connecting point and, where practical, at all road intersections.
- 4.8.5.2 Each hydrant shall be served directly from the water main by a lateral connection with not less than a six inch (6") inside diameter.
- 4.8.5.3 Hydrant type, size and make, direction and pitch of threads shall be approved by the Fire Department.
- 4.8.5.4 When hydrants are connected to a dry system, they shall be painted black and suitably identified as not in use.

4.8.6 Stormwater Management

- 4.8.6.1 Stormwater drainage systems shall be designed using best management practices (BMPs) as found in the most recent version of DEP's Non-Point Source Management Manual ("the Mega-Manual"). Stormwater BMPs shall be designed in a manner to contain soil erosion on site, to prevent non-point source pollutants from entering streams, lakes and ponds, and to minimize the need for maintenance. The development shall conform to the Stormwater Management Standards of the Department of Environmental Protection (DEP).
- 4.8.6.2 Storm drains, culverts, ditches and related installations, including catch basins, gutters and manholes shall be installed as needed, in the opinion of the Board, to provide adequate routing of surface and subsurface water, including control of erosion, subsurface water, flooding, and standing water from or in the subdivision and adjacent land. The drainage system shall be designed by methods based on the report of the United States Natural Resources Conservation Service, Urban Hydrology For Small Watersheds, Technical Release Number 55. The designer shall review the Northeast Regional Climate Center Atlas of Precipitation Extremes for the Northeastern United States and Southeastern Canada, Publication RR 93-5 and use its data where TR 55 is exceeded. The Board may require a more intense design storm frequency to be used in any situation which in its judgment requires that a greater degree of protection should be afforded to public or private property.
- 4.8.6.3 Systems for infiltration, detention or attenuation of storms shall be analyzed for the one hundred (100) year frequency storm. Drainage outfalls shall not cause water to be discharged within ten feet (10') of the perimeter of the subdivision. Catch basins, manholes, and piping shall be designed for a twenty-five (25) year frequency storm at a minimum. Roadway culverts shall be designed for a fifty (50) year frequency storm at a minimum. The use of retention basins shall be discouraged.
- 4.8.6.4 A system of catch basins, curb inlets and manholes shall be designed to maintain the drainage area free of temporarily ponded runoff and to avoid excessive

accumulations of surface flow on or adjacent to public ways or off existing ways onto the proposed way. Catch basins shall not flow into other catch basins. In no instance shall catch basins be located within a driveway cut. Catch basins and manholes shall be spaced not over three hundred feet (300') apart. Manholes shall be provided at all changes in alignment or grade.

- 4.8.6.5 Proper connections shall be made with any existing drains in adjacent streets or easements. Where property adjacent to the subdivision has not been subdivided, drains installed within the subdivision shall be of such design as to make feasible their connection with drains installed in such adjacent property when subdivided.
- 4.8.6.6 Drainage Layer. Any road constructed in an area known to be wet, or where groundwater is or has been within two feet (2') of finish grade, or in an area with four feet (4') or greater cut depth, or any area where the Planning Board determines it to be appropriate, shall have a drainage layer below the gravel subbase in accordance with Section 5 of these Regulations.
- 4.8.6.7 Subdrains. Where a drainage layer is required, or at any location where a groundwater condition may exist, subdrains shall be installed in accordance with Section 5 of these Regulations.
- 4.8.6.8 Groundwater shall be located by the determination of a soil profile in accordance with the criteria set forth in 310 CMR 15.103 at locations not to exceed two hundred feet (200') apart along the proposed roadway and at each drainage basin.

4.9 Detention and Retention Basins

4.9.1 Detention/retention basins should be designed and constructed so as to:

- a) Obtain maximum storage benefit from the terrain with a minimum of earthwork;
- b) Provide ease of access by the Town;
- c) Provide ease of maintenance by the Town; and
- d) Minimize visual impact to existing and future abutters.

4.9.2 Design Standards

- 4.9.2.1 Construction of a detention/retention basin in a subdivision shall precede all other construction activities except for the clearing activities which are necessary for access to the basin site.
- 4.9.2.2 Where the detention/retention basin has been used to control sedimentation and erosion from the site during construction of the subdivision, the subdivider shall completely remove any temporary erosion control fabrics or hay, clean the outlet pipe and spillway, and remove all sediment and debris within the basin. The subdivider shall re-vegetate the basin upon the completion of the subdivision.
- 4.9.2.3 Maximum side slopes shall be 3:1 outside of the basin and 2:1 inside the basin.

- 4.9.2.4 Detention/retention facilities shall be designed and constructed so that there is not a permanent pool of water.
- 4.9.2.5 A four-foot (4') high fence with gate is required around the detention/retention basin. The fence may be chain link or wooden with metal posts. For maintenance purposes, there shall be reasonable access to the basin from a public way. Proper drainage easements shall be provided.
- 4.9.2.6 Definitive plans shall provide for easements in the Town's behalf to allow access for maintenance of the facilities. See section 4.12.
- 4.9.3 Bonding. The construction of the detention/retention basin shall be included in calculating the amount of any performance bond for the subdivision. The amount of the basin maintenance fee described in the following section shall be included in the performance bond until such time as the fee has been paid.
- 4.9.4 Fees
- 4.9.4.1 Where detention/retention basins are proposed as part of the drainage system for a subdivision exceeding four (4) lots, the subdivider shall provide a one-time deposit of funds to be placed in escrow with the Town of Paxton. The amount shall be sufficient to cover the estimated cost of maintenance of the basins(s) over a twenty- (20) year period once the subdivision roads have been accepted as public ways.
- 4.9.4.2 The amount of these funds will be determined on a case-specific basis based on the volume of the pond at the rate of \$15.00 per cubic yard of volume of the pond, as required for a 100-year frequency storm. These funds are to be expended by the Town of Paxton for maintenance of the detention/retention basins.
- 4.9.4.3 The subdivider will pay the required fee upon the approval of the plan.
- 4.9.5 Ownership. The subdivider will retain ownership of the detention/retention basins and drainage easements, and will be responsible for the maintenance until the subdivision road is accepted as a public way.
- 4.9.6 Maintenance. Until accepted by the Town, the subdivider shall inspect the detention/retention basins at least once per year and submit a written report to the Board. Inspection should be conducted during a storm to ensure that the basin is operating as intended. At least twice during the growing season the base and side slopes shall be mowed and all accumulated debris and sediment removed.

4.10 Monuments (Bounds)

- 4.10.1 Granite bounds shall be set to locate both sidelines of rights-of-way, at all street intersections; at all changes in direction and points of curvature of sidelines; at the

roadway lot corners of designated open space areas and municipal easements (such as access, drainage, future street or utility, etc.); the boundary of reserved rights-of-way; and any other points as determined by the Planning Board. Intermittent bounds shall be set on all tangents and curves of a length exceeding eight hundred feet (800').

4.10.2 Sight lines between bounds shall not be obscured; utility poles shall not be set on a right-of-way sideline. A clearance of at least three feet (3') from a bound point shall be provided to permit free use of the bound both laterally and along sidelines.

4.10.3 Monuments shall be installed according to the requirements of section 5.11.

4.11 Sidewalks, Grass Plots, Trees

4.11.1 Sidewalks, grass plots and trees shall be provided for the full length of each street. Sidewalks shall be provided on both sides of the street, shall be at least four feet (4') wide, shall conform to all handicap access codes, and shall be located and shown on the plans and profiles required by these Regulations.

4.11.2 Trees, shrubs, fences and other items shall not be located so as to obstruct vision at intersections.

4.11.3 In areas where ledge is encountered in road cuts, the ledge shall be cut back to provide a strip at least five feet (5') wide with a slope of one-quarter inch (1/4") per foot towards the road for the length of the ledge. Such strip shall be located outside, and immediately adjacent to, the road right-of-way. The purpose of this strip is to prevent falling pieces of ledge from injuring anyone or anything within the street right-of-way.

4.11.4 Street trees shall be planted along both sides of the street approximately at intervals of forty feet (40'). Trees shall be located either in the grass plot or along the back of the sidewalk but not more than twelve feet (12') from the edge of pavement or the curb. Trees shall be at least twelve feet (12') in height and two inches (2") in diameter measured four feet (4') above the approved grade, unless otherwise required by the Tree Warden and/or Planning Board.

4.11.5 The following types of trees are recommended for subdivision streets. Other types of trees may be approved by the Board if so recommended by the Tree Warden. A minimum of two (2) species of trees shall be provided for each one thousand feet (1000') of roadway proposed.

| | | | |
|----------------------|--------------------|---------------|----------------------|
| Norway Maple | Sugar Maple | Red Maple | Silver Linden |
| Littleleaf Linden | American Sweet Gum | Flowering Ash | Green Ash |
| Zelkova | Japanese Hornbeam | Sentry Gingko | Anise Magnolia |
| American Hophornbeam | Ruby Horsechestnut | Callery Pear | Manchurian Crabapple |
| Chinese Elm | American Sweet Gum | White Ash | Yellowwood |

- 4.11.6 A continuous healthy growth for all planted trees, shrubs, plants and seeded areas shall be maintained by the developer until the street is accepted by the Town. Prior to acceptance, all dead or diseased trees shall be replaced with healthy stock.
- 4.11.7 Where a sidewalk is located within a street right-of-way, a grass plot four and one-half feet (4½') wide shall be planted between the back edge of the pavement or curb and the edge of the sidewalk. Where there is no sidewalk within the street right-of-way, grass shall be seeded in the area between the back edge of the pavement or curb and the right-of-way line.

4.12 Trails, Bikeways and Walkways

Trails, public bikeways or pedestrian walkways are a desired amenity to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space and/or community facilities. These may or may not be part of normal sidewalk provisions, but they shall not be included as part of any lot in the subdivision. The Board may also allow a trail, bikeway or walkway in lieu of a required sidewalk where such a facility will connect to an existing trail network or provide public access to natural resource areas or recreational, cultural, or public facilities.

4.13 Easements

- 4.13.1 Where utilities cross lots or are parallel to rear or side lot lines, easements shall be provided at a width of at least twenty-five feet (25').
- 4.13.2 Where a subdivision is traversed by a water course, drainage way, channel or stream, the applicant shall provide a storm water easement or drainage right-of-way of adequate width as determined by the Planning Board to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for construction or other necessary purposes. In no case shall the width be less than twenty feet (20').
- 4.13.3 Access easements shall be provided, if required by the Board, for use by emergency vehicles and for the benefit of the Town. They shall have a minimum width of twenty five feet (25').
- 4.13.4 Bridle paths, footpath easements and access easements (e.g., to conservation areas) may be required by the Planning Board. They shall be at least twenty-five feet (25') in width.
- 4.13.5 Wherever possible easements along rear lot lines shall be continuous to the street at the end of the block to connect with the adjoining blocks in the shortest direct line.

SECTION 5 - CONSTRUCTION REQUIREMENTS

5.1 General

- 5.1.1 It is the intent of these Regulations that no street or way through private property shall be accepted by the Town unless the same has been previously constructed and completed in accordance with the Standard Cross Section (See Appendix, Schedule A), Street Layout Plan, Profile and the following specifications.
- 5.1.2 To insure high quality and uniformity of construction and unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the Commonwealth of Massachusetts, Highway Department, "Standard Specifications for Highways and Bridges, 1988 Edition", as amended by the December 1998 "Supplemental Specifications", together referred to as the "Standard Specifications", and the special provisions included hereinafter. Appropriate illustrations are found in Commonwealth of Massachusetts, Highway Department, "Construction Manual, Part 3, 1995" as from time to time amended.
- 5.1.3 Supplemental Specifications
- 5.1.3.1 Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications, amendments or addenda. When the requirements of these Rules and Regulations are stricter than the provisions of the Standard Specifications, the Rules and Regulations shall govern.
- 5.1.3.2 All references in the Standard Specifications, amendments or addenda to Commission, Department, Department of Public Works, Engineer, party of the First Part, etc., shall be construed to mean the Planning Board of the Town of Paxton or its duly authorized representative.
- 5.1.3.3 To facilitate reference where appropriate, each section in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications. Where appropriate, references are also made to the Construction Manual. No departure from these regulations will be permitted without the approval of the Planning Board, working in conjunction with the Department Head involved.
- 5.1.3.4 Wherever in the documents referred to in 5.1.2 above, the following terms, or pronouns in place of them are used, the intent and meaning shall be interpreted by substitution as follows:

| | |
|--------------|------------------------------------|
| "Town" | Town of Paxton |
| "Department" | Highway Department; Town of Paxton |
| "Engineer" | The Planning Board's Engineer |

5.1.4 Work Based on Approved Plans

The extent of work required shall be completed as shown upon approved plans, and shall be in compliance with the Standard Cross Section.

5.1.5 Environmental Controls

5.1.5.1 Construction stakes shall be set under the direction of either a Registered Land Surveyor or Professional Civil Engineer. Edge of pavement offset stakes shall be placed at twenty-five foot (25') intervals and at each point of curvature, point of tangency, and point of compound or reverse curvature. Each drainage structure and hydrant shall also be staked to indicate the location and the exact amount of cut, fill or grade. The use of laser equipment for line and grade is recommended.

5.1.5.2 Improvements to minimize adverse environmental impact shall be installed in accordance with all details as shown on the approved Definitive Plan, and all possible measures shall be taken during construction to minimize dust and/or erosion.

5.1.5.3 No earth shall be removed from the area shown on a Definitive Plan except in accordance with the approved plan.

5.1.6 Construction Approval

5.1.6.1 As each construction operation is completed, it shall be certified by the applicant's engineer for conformance to the approved plans, with variances and discrepancies noted. Such certification shall be submitted in writing for approval by the proper Town authority and/or utility company and to the Planning Board or its Engineer prior to starting work on the succeeding operation.

5.1.6.2 The operations to be certified and reports submitted shall be not less than the following phases of construction:

- a) environmental controls;
- b) tree clearing and grubbing;
- c) rough grading and sub-base;
- d) drainage, water and utility system;
- e) fine grading and pavement base course;
- f) sidewalks and curbing; and
- g) landscaping

5.1.6.3 Inspections shall take place in accordance with Section 6.4 of these Regulations. Form M provides a list of stages at which inspections are to occur.

5.1.7 As-Built Plans

The Developer shall have the approved plans and profiles that are on file in the Planning Board office corrected and certified by his engineer to show the actual as-built locations and profiles of all streets, ways, utilities, and storm water facilities, and any changes authorized by the Planning Board or its Engineer. A minimum of three (3) swing ties from permanent structures shall be used to locate ends of unconnected building connections and other appurtenances that may be buried or covered.

- 5.1.8 Prior to the commencement of any construction, the Developer shall obtain all applicable permits including but not limited to: Conservation Commission Order of Conditions, Road Opening Permit, Special Permit, etc.

5.2 Streets and Roadways

5.2.1 Grading and Preparation for Pavement

5.2.1.1 Clearing and Grubbing (MHD Section 101)

The entire area of each street or way shall be cleared and grubbed to remove all trees not intended for preservation, stumps, brush, roots, peat, organic matter, rocks or boulders and like material which may exist upon the surface.

5.2.1.2 Excavation (MHD Section 120)

The entire area of the roadway shall be excavated to remove all materials encountered within the right-of-way down to the true surface of the subgrade, or to suitable material in the 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 Engineer, they are suitable.

5.2.1.3 Embankment (MHD Section 150)

- a) When, in the opinion of the 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 and as may be approved by the Engineer.
- b) Embankments within or adjoining the right-of-way shall be evenly graded and pitched at a slope of not greater than two (2) horizontal to one (1) vertical in fill. All such slopes shall be stabilized in accordance with the Specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way. Where cuts are made in ledge, other slopes may be determined with the approval of the Highway Superintendent and the Engineer. Where terrain necessitates greater slopes, retaining walls, terracing, fencing or rip-rap may be

used either alone or in combination to provide safety and freedom from Town maintenance, but must be done in accordance with plans filed with and approved by the Engineer. The Town shall be responsible for maintenance (after Town Meeting acceptance) of only those slopes, retaining walls, terracing, fencing, rip-rap, etc., which lie within the respective layout lines.

5.2.1.4 Grading (MHD Section 170)

- a) The subgrade surface twenty-four inches (24") below the finished surface grade in major streets shall be prepared true to the lines, grades and cross-sections given and properly rolled with not less than a ten (10) ton roller. All soft or spongy material below the subgrade surface shall be removed to depth determined by the Engineer, and the space thus made shall be filled with special Gravel Borrow (Section M 1.03.0 Type a), containing no stones over six inches (6") in their largest diameter.
- b) The subgrade surface shall be transversely sloped to produce a crown of ¼ inch per foot.

5.2.1.5 Drainage Layer.

Any drainage layer shall be a six inch (6") layer of crushed stone, ¾ inch gradation, placed under the gravel sub-base, which extends from edge to edge of pavement on both sides of the road. At each side, the drainage layer shall terminate at a subdrain. The drainage layer shall include, above it and below it, a synthetic, non-woven geotextile fabric with geotextile opening size of 0.21 mm, or as appropriate for that soil.

5.2.1.6 Gravel Sub-Base (MHD Section 401)

- a) Prior to placing gravel, results of gradation testing shall be submitted to the Engineer for review and approval. Maximum dry density shall be as determined by the Modified Proctor method (AASHTO test method T99).
- b) Gravel sub-base or foundation shall be spread in two (2) layers on the surface of the sub-grade in conformity with the requirements of Section M. 1.03.0 Type a of the Standard Specifications for furnishing gravel borrow. The lower layer containing no stones greater than six inches (6") in greatest dimension shall be to a depth of twelve inches (12"). The upper layer containing no stones greater than two and one-half inches (2 ½") in greatest dimension shall be to a depth of six inches (6").
- c) A single layer containing no stones greater than four inches (4") in greatest dimension shall be to a minimum depth of twelve inches (12") on minor streets in a residential subdivision.

- d) Each layer shall be rolled with not less than a ten (10) ton roller, and compacted true to line and grade, to ninety-five percent (95%) of maximum dry density. Any depressions that appear during and after rolling shall be filled with additional gravel and re-rolled until the surface is true.
- e) At the time of paving, gravel shall be at optimum moisture content, and shall be at least ninety-five percent (95%) of maximum dry density.
- f) 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 Engineer and the Highway Superintendent.
- g) Gravel sub-base surface shall be transversely sloped to produce a crown of ¼ inch per foot.
- h) 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 5.11 Monuments.

5.2.2 Pavement

5.2.2.1 Pavement Materials.

Pavement materials for all roadways in a subdivision shall be Class I, Bituminous Concrete, Base Course Type I-1 (Section 460). Cape Cod (low profile) berms, where applicable, shall be constructed of Surface Course material. The material and construction methods for laying pavement shall conform to the Standard Specifications.

5.2.2.2 Placing Pavement

- a) Pavement shall be plant mixed and laid hot to a finished depth of four inches (4") laid in two (2) courses consisting of two and one-half inches (2½") of binder mix, then one-and-one-half inches (1½") of finish mix. Each course shall be compacted with no less than a ten (10) ton roller.
- c) Sediment basins shall be constructed where necessary to detain runoff and to trap sediment during construction.
- d) Safe off-site disposal of runoff shall be provided, including the increased runoff resulting from construction.
- e) Permanent vegetation and erosion control structures, where necessary, shall be installed as soon as possible.

- f) The construction of the wearing or top surface of any street shall not proceed until the structural foundations for buildings on each lot to be served by that street have been completed.
- g) Paving shall occur between March 30 and November 15 of any year. The Board may extend the November deadline, weather permitting, if necessary to prepare the roads for winter conditions. Bond reductions for the binder course shall be given only after the binder has weathered one winter season. Finish pavement shall be placed on a binder that has weathered one winter season. Any pavement placed between November 15 and March 30 shall be inspected during the month of May and certified by the applicant's Construction Engineer.
- h) Asphalt shall not be placed on material which the Town determines to be frozen, frosted, saturated, or otherwise unsuitable.
- i) Paving shall occur only under suitable conditions. Air temperature shall be at least 34° F. Paving shall not take place while rain, snow, sleet or any other precipitation is falling, or immediately following any such precipitation.
- j) Any pavement surface exposed for more than nine (9) months, except for finish course deemed acceptable by the Town, shall require a tack coat of asphalt emulsion prior to placing any additional asphalt layer(s). Tack coat shall be bituminous asphalt emulsion formulated in accordance with M3.03.0, at a rate of 0.2 gallons per square yard.
- k) Any exposed asphalt surface subject to placement of a further course of asphalt, except for finish course deemed acceptable by the Town, shall receive a coating of liquid bituminous sand seal coat, no less than annually, until finish course pavement acceptable to the Town has been placed. Such coating shall consist of liquid bituminous asphalt applied at a rate of 0.25 to 0.3 gallons per square yard, with a sand cover of fine granular material composed of hard, durable particles, clean of organic matter, applied at a rate of 20 to 25 pounds per square yard. Such coating shall be applied only when air temperature is at least 40° F.
- l) If the binder or finish pavement is removed, excavated or damaged, the trench shall be covered with a poured reinforced concrete slab to the lines, grades and dimensions approved by the Highway Superintendent. Pavement repair shall be by sealing all patch areas with an asphaltic sealer; application of a non-woven adhesive polymer asphalt membrane over joints in the "binder", placed with wearing side up; the pavement shall then be treated with asphalt emulsion prior to placing asphalt on it.

5.3 Utilities

5.3.1 General

5.3.1.1 All materials and installation methods used shall conform to the standards of the appropriate utility company or to these Regulations, whichever is stricter. All underground services shall be installed, and individual lot services carried to the front lot lines/edge of right-of-way prior to completing pavement foundation/gravel sub-base work.

5.3.1.2 Excavation for Structures (MHD Section 140)

Excavation for structures, including foundations for drains and water pipes, walls and other structures shall be made to the depth indicated on the Definitive Plan or established by the appropriate utility. Rocks encountered in trench excavation (to a point five feet (5') beyond the edge of the pipe at the property lines) determined to be Class B shall be removed as directed by the Highway Superintendent.

5.3.1.3 Backfilling for Structures and Pipes

- a) All backfilling shall consist of granular mineral soil material (excluding organic matter, building rubble, solid waste, boulders larger than eighteen inches (18") in any dimension, or any other deleterious material) uniformly distributed and thoroughly compacted. When suitable backfilling materials cannot be obtained from excavation, the material shall consist of satisfactory borrow.
- b) Mechanical tampers shall be used in compacting backfill for trenches, and in hard to reach areas around masonry.
- c) No backfill whatever shall be placed on or against structures, pipes, or other masonry, until permitted by the Engineer. Fill shall be formed of successive layers not more than six inches (6") in depth, uniformly distributed and thoroughly compacted.
- d) No load greater than eight (8) tons shall be moved over any pipe until a fully compacted backfill of at least two feet (2') has been placed over the top of the pipe. Compliance with this requirement is not to be construed as relieving the Contractor of any responsibility concerning damage to the pipe.
- e) Material used for backfilling to a point two feet (2') over the pipe shall contain no stones larger than three inches (3') in greatest dimension.
- f) Backfill below the haunches shall be placed in six inch (6") layers and compacted simultaneously on both sides of the pipe with railroad tampers or approved mechanical rammers which shall not come in contact with the pipe. Backfill

above the haunches shall be placed in six inch (6") layers and compacted as directed. Backfill material shall be moist prior to and during compaction.

- g) Backfill material for the pipe bedding shall consist of gravel borrow, screened gravel, or crushed stone no greater than one- and-one-half-inch (1 ½") gradation to twelve inches (12") over the crown of the pipe. The material excavated from the trench may be used for the pipe bedding if it is of acceptable grade gravel and approved by the Engineer. If directed by the Engineer, backfill material above the pipe bedding shall consist of gravel borrow.
- h) In all cases the filling material shall be thoroughly compacted.

5.3.2 Sewerage

On site sewage disposal facilities shall be installed and constructed in conformity with the Rules, Regulations, and Requirements of the Board of Health. Due consideration should be given to surface and subsurface soil conditions, drainage and topography in the location of such on-site facilities.

5.3.3 Water

- 5.3.3.1 The rules and regulations of the Paxton Water Department shall be consulted for detailed requirements (including pipe, fittings, hydrants, gas valves, service connections) and handling, storage, installation, inspection, testing and connection with existing installations.
- 5.3.3.2 The Developer shall make main and service connections, complete with all the required appurtenances thereto, and, prior to acceptance of the road by the Town, shall maintain the installation in accordance with the regulations of the Water Department.

5.3.4 Electric

Electric lines shall be installed underground as specified by the Planning Board in accord with regulations of the Paxton Municipal Light Department. Service shall be supplied to each lot and each street light before the subgrade is prepared.

5.3.5 Telephone

Telephone lines shall be installed in underground conduits in conformity with MHD Sections 801 and 813.

5.3.6 Other Utilities

- 5.3.6.1 Other utilities shall be installed in underground conduits in accordance with MHD Sections 801 and 813 or as required by the utility company or department.

Telephone, cable television, and the fire alarm system shall be installed underground, and may be in the same trench with vertical and/or horizontal separation as approved by the Planning Board. Service shall be provided to each lot before the subgrade is prepared.

- 5.3.6.2 With the approval of the Planning Board, these other utilities may be located in the same trench with the electric power wiring.

5.4 Drainage (MHD Section 200)/Stormwater Management

5.4.1 Basins, Manholes and Inlets (MHD Section 201)

- 5.4.1.1 The standard depth of catch basins shall be four feet (4') below the invert of the lowest drain. Manholes shall be constructed to the required depth at each junction point and shall be as shown on the plan. Basin and inlet grates shall be of a type approved by the Highway Superintendent.
- 5.4.1.2 Catch basins and manhole structures shall be constructed of precast reinforced concrete. The top section of any such structure shall be eccentric, with eccentricity perpendicular to the direction of flow.
- 5.4.1.3 Manhole covers shall have the word "Drain" in three inch (3") letters cast across the center and, at no time shall any such cover be raised above the pavement level.
- 5.4.1.4 A leveling course of sewer brick shall be installed under the frame on precast manholes and catch basins. The leveling course shall consist of a minimum of two (2) layers of brick and a maximum of twelve inches (12"). The frame shall be sloped to match the slope of the finished road surface.
- 5.4.1.5 Steps shall be installed in manholes and be spaced twelve inches (12") on center or sixteen inches (16") on center if radial concrete blocks are used. Steps shall be steel reinforced copolymer polypropylene plastic. Copolymer polypropylene shall be Type II, grade 16906 meeting ASTM designation D2146-78. Steel reinforcing shall be three eighths of an inch (3/8") diameter, grade 60 conforming to ASTM Specification A-615-79 and shall be continuous throughout the rung. The portion of the legs to be imbedded in the precast section shall have fins and be tapered to insure a secure bond.
- 5.4.1.6 A concrete or brick masonry invert shelf with channel shall be installed to a height of eight-tenths (0.8) the diameter of the largest pipe.
- 5.4.1.7 Modifications to precast structures shall be made by coring.
- 5.4.1.8 Corbels of manholes shall be eccentric, not concentric.

5.4.1.9 Size of manhole opening shall be a minimum of twenty-four inches (24").

5.4.2 Culverts, and Storm Drains (MHD Section 230)

5.4.2.1 All drain and culvert pipes shall be reinforced concrete pipe, HDPE, or equivalent if approved by the Board, at least twelve inches (12") inside diameter.

5.4.2.2 At least four feet (4') of cover (two feet (2') of granular cover) will be required over drain pipes. Where special conditions of topography and/or hydrology are deemed to justify the Board's approval of pipe with less than four feet (4') of cover, the Board may require other materials or methods of construction to meet such conditions.

5.4.3 Sub-Drains (MHD Section 260)

5.4.3.1 Subdrains shall be six inch (6") perforated SDR 35 PVC or SCH 40 PVC pipe, bedded in crushed stone, of ¾ inch gradation, in a two (2) foot wide drain trench filled with such crushed stone. Crushed stone shall extend horizontally and vertically to meet either the drainage layer or the gravel sub-base of the road. Crushed stone shall be wrapped in a synthetic, non-woven geotextile fabric, with geotextile opening size of 0.21 mm or as appropriate for the soil type. Subdrains shall be forty-eight inches (48") below finish grade as measured at the invert of the pipe, and shall be located outside the edge of pavement (but within the road right-of-way) on both sides of the road.

5.4.3.2 Cleanouts shall be located not more than one hundred fifty feet (150') from each receiving structure, and shall have cast iron covers set to finish grade.

5.5 Sidewalks

Sidewalks shall be constructed of Class I Bituminous Concrete conforming to MHD specification M3.11.00, and in accordance with the requirements of Sidewalks, Wheelchair Ramps and Driveways (MHD Section 701). The cross slope shall be one-fourth of an inch (1/4") per foot of width to provide for proper drainage.

5.6 Trails, Bikeways and Walkways

5.6.1 Where bikeways and walkways are provided they shall be constructed in accordance with the specifications for sidewalks above, (MHD Section 701). Where bikeways and walkways intersect with sidewalks, leveling areas shall be shown in detail on the Definitive Plan for the subdivision.

5.6.2 For the full length of each bikeway and walkway there shall be a side slope or crown equivalent to one-quarter inch (1/4") per foot of width to provide for proper drainage. Leveling areas at intersections with sidewalks shall be shown in details.

- 5.6.3 Existing trails shall be used, wherever possible. New trails or relocated trails shall be constructed with surface and drainage characteristics which, in the opinion of the Board, shall be satisfactory for horseback riding.

5.7 Curbs and Berms

- 5.7.1 Bituminous concrete berm shall be Type I, low profile “Cape Cod” berm or Type II, as designated by the Planning Board and shall be installed in accordance with the requirements of Curb and Edging (MHD Section 500) and Figure 112.10 of the Construction Standards.

5.8 Highway Guard Fences and Walls

Guard fences, rails and walls shall be installed wherever determined necessary by the Planning Board and/or the Highway Superintendent to provide needed protection to the public. When provided, they shall be constructed in accordance with the relevant portions of Highway Guard Fences and Walls (MHD Section 600) of the Standard Specifications. Construction details of all fences, rails and walls will be shown on the Definitive Plan for the subdivision.

5.9 Grass Plots

- 5.9.1 Grass shall be used unless other ground cover is approved by the Planning Board.

5.9.2 Seeding

- 5.9.2.1 The areas to be seeded shall be covered with loam to a depth of six inches (6”) in accordance with Loam Borrow, Plantable Soil Borrow, Processed Planting Material or Topsoil, Rehandled and Spread (MHD Section 751).
- 5.9.2.2 Grass seed conforming to Seed (MHD Section M6.03.0) shall be placed in accordance with Seeding (MHD Section 765) at the rate of four (4) pounds per one thousand (1000) square feet over the area to be grassed.
- 5.9.3 The slope of the grass plot shall be as shown on the profiles and standard cross-sections, Schedules A and B.

5.10 Trees, Shrubs and Ground Cover

- 5.10.1 The Developer shall plant street trees of nursery stock conforming to the standards of the American Association of Nurserymen of the species approved by the Paxton Tree Warden for each street in a subdivision, except where the Definitive Plan shows trees to be retained which are healthy and adequate.

- 5.10.2 Except as otherwise provided, all cut bankings shall be planted with low growing shrubs or vine and wood chipped to a minimum depth of six inches (6") or seeded with a deep rooted perennial grass to prevent erosion.
- 5.10.3 Planting methods, including wrapping, staking and guying shall be in accordance with Planting Trees, Shrubs and Ground Cover (MHD Section 771).
- 5.10.4 Tree wells, if necessary, shall be designed and constructed in accordance with Plate 502.1.0 of the Construction Manual.
- 5.10.5 All deciduous street trees shall be clear of any branches from the approved grade level to a point seven feet (7') above ground level.
- 5.10.6 All reasonable care shall be exercised to preserve the trees in the subdivision.
- 5.10.7 The Developer will be liable for all trees so planted as to their erectness and good health after planting and until the release of all guarantees.

5.11 Monuments

- 5.11.1 Monuments shall be a standard permanent granite of not less than four feet (4') in length and not less than six inches (6") in width and breadth and a one-half inch (1/2") diameter hole one and one-half inches (1 1/2") deep shall be drilled in the center of the top surface and filled securely with a lead plug. (MHD Section 710).
- 5.11.2 Said monuments shall be installed at the time of final grading with the top flush with the top final graded surface. (Plates 506.1.0 and 506.2.0 of the Construction Manual).
- 5.11.3 No permanent monuments shall be installed until all road construction which would destroy or disturb the monuments is completed.

5.12 Street Signs

- 5.12.1 Street name signs shall be placed by the subdivider at all street intersections prior to the occupancy of any house on the street. Signs and posts shall be designed and installed in accordance with specifications of the Highway Superintendent. The subdivider shall provide the posts and erect them at each street intersection near the inside curb edge, at locations to be approved by the Highway Superintendent. The total cost of fabrication and installation shall be borne by the subdivider.
- 5.12.2 The Board of Assessors' shall approve street names. (See Section 4.2.8 of these Regulations.) Street signs, of a design approved by the Board, shall be installed at all intersections.
- 5.12.3 No street sign, temporary or permanent, shall be installed showing a name or in a manner other than as approved by the Board of Assessors or Planning Board.

5.13 Street Lights

- 5.13.1 Street and pedestrian lights shall be installed to conform to the type and style specified by the Paxton Municipal Light Department.
- 5.13.2 Street and pedestrian light stanchions shall be of a type specified by the Paxton Municipal Light Department and shall be located in the grass plot or median.

5.14 Cleanup

- 5.14.1 No later than October 31 of each calendar year, the Developer shall stabilize all exposed soils and other vulnerable or sensitive areas in a manner acceptable to the Conservation Commission and the Planning Board. No additional disruption may occur except in accordance with the approved construction plan.
- 5.14.2 No lot shall be considered complete until all stumps, brush, roots and like material and all trees, rocks, and boulders not intended for preservation by the subdivider shall have been removed and disposed of in a manner and place satisfactory to the Planning Board. Any fire hazard shall be removed promptly to the satisfaction of the Fire Chief. This paragraph does not authorize the removal, including severing and stripping, of soil loam, sand, or gravel on such lot.

5.15 Maintenance of Improvements

- 5.15.1 For the purpose of protecting the safety, convenience and welfare of the Town's inhabitants, for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel, for reducing the danger to life and limb in the operation of motor vehicles, for securing safety in the case of fire, flood, panic and other emergencies, under the authority of M.G.L. c. 41, §81-M as amended, the Applicant or his successor shall provide for the proper maintenance and repair of improvements during the period of construction, and until the Town votes to accept such improvements.
- 5.15.2 Such maintenance shall include snow removal beginning from the time of occupancy of an individual owner or tenant other than the Developer until such time as the Town agrees to remove snow or accepts the way.
- 5.15.3 The Applicant shall provide the Town an easement over the right-of-way of all streets, which will run until the acceptance of streets as a public way, which easement shall be for the maintenance, repair and operation of public utilities. The easement shall be accompanied by a conveyance of a right of ownership to the Town of all appropriate utilities within the boundaries of the easement.

5.16 Provision for Competent Supervision

- 5.16.1 The Developer shall provide competent full-time supervision during the development of the subdivision. If at any time it becomes apparent to the Planning Board that the supervision is not satisfactory, the Board may order work to cease until competent supervision is provided.
- 5.16.2 Dependent on the work schedule and the scope of the work, the Planning Board may require that the Developer provide a construction Engineer on site during the critical construction phases, such as laying pipe, compacting, backfilling, laying finish surfaces and other operations determined by the Planning Board. The construction Engineer shall be hired by the Planning Board and paid for by the Developer in accordance with Section 2.5.

5.17 Schedule of Projected Work

The Developer shall submit a schedule of the projected work, by major categories of work, to the Planning Board for review and approval four (4) weeks prior to the start of construction. The schedule shall be by calendar weeks and address each category in Section 5. The Schedule shall be adjusted periodically to reflect the actual work progress and related modifications to the schedule.

5.18 Traffic Signs (MHD Section 828)

The Developer shall install and maintain traffic signs of the type and in locations as approved by the Highway Superintendent and Board of Selectmen until acceptance of the road by the Town. Such signs shall conform to the current edition of the Massachusetts Highway Department's Manual on Uniform Traffic Control Devices (MUTCD). The subdivider shall be responsible for preparation of traffic engineering studies in order to document compliance with the MUTCD. No such traffic sign shall be placed in a location restricted by M.G.L. c. 85§2.

SECTION 6 - ADMINISTRATION

6.1 Waivers and Other Variations

6.1.1 Waivers

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

6.1.1.2 Any such waiver must be made in writing by the Board as a part of its approval or amendment thereof; otherwise, all requirements contained herein are deemed applicable.

6.1.2 Other Variations

Additional design, construction or other measures may be required when, in the opinion of the Board, site, design or other conditions so warrant them. When additional measures are required by the Board, such measures shall be clearly set forth in the Approval, on the plan, or by some other appropriate form or instrument.

6.2 Reference

For matters not covered by these Rules and Regulations, reference is made to M.G.L. c. 41 §§81-K to 81-GG, inclusive, and the Paxton Zoning Bylaw.

6.3 Coordination

The Developer shall be responsible for coordinating all reviews, permits, construction inspections, etc. In the event any permit or approval contains any requirement which conflicts with the requirement of any other permit or approval, the Developer shall be responsible for resolving such conflicts pursuant to the regulations of all agencies/boards/departments, etc. which could be affected.

6.4 Inspections

6.4.1 Inspection Requirements

Inspection fees specified by Section 2.5.1.4 shall be submitted to the Planning Board prior to any construction activity on the site. Inspections shall be arranged by the Developer with the Highway Superintendent and Engineer as appropriate prior to the construction of streets and the installation of utilities, during construction at each significant construction stage, and as otherwise required by the Board. Form M of these Regulations provides a list of stages at which inspections are to occur.

6.4.2 Requests for Inspections

Inspection shall be requested by the Developer at least two (2) business days in advance of the inspection of any stage of the construction.

6.4.3 Progression

The Board may establish the order of the required inspections and may require satisfactory completion of one (1) step before the Developer proceeds to the next. The Board may require tests to be done by the Developer at his expense as a condition for approval when, in the opinion of the Board, it is advisable.

6.4.4 Inspection Reports

6.4.4.1 It shall be the responsibility of the Developer to ensure that all required forms are properly filled out, properly signed, and returned to the Planning Board following each inspection.

6.4.4.2 The proper Town Official shall indicate the date of inspection and the approval and shall file such form, and an inspection report, if any, with the Planning Board following each inspection.

6.4.5 Failure to Comply

Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the Developer or rescission of the approval of the plan in accord with M.G.L. c 41, §81-W.

6.5 Stop Work Order

The Highway Superintendent may issue a Stop Work Order during or immediately after an inspection or upon the recommendation of the Board's engineer if an inspection reveals significant deviation from the approved plans, or if there is use of materials not approved by these Regulations or the Board. Upon issuance of such an order, the subdivider shall immediately stop work on the project. The Board will hold an emergency session at the earliest opportunity, but within four (4) days. If the Board is unable to meet within this period, the Chairman shall have the authority to allow a temporary resumption of work until such time as the Board shall meet to render a decision. The subdivider shall submit information regarding his intentions to correct the work or replace unapproved materials before work may begin again. If satisfied that the cause for the Stop Work Order will be corrected, the Board may lift the Order and allow immediate resumption of work. Town agents shall monitor the corrective action of the subdivider and may issue additional Stop Work Orders if the subdivider fails to comply with the decision of the Board.

6.6 Building Permit

6.5.1 Lot Release Required

No building shall be erected on any lot within a subdivision without separate written permission for each lot. This permission is in addition to any other permits required for building, such as a permit from the Building Commissioner required by other Town Bylaws.

- 6.5.1.1 The Developer shall submit a written request for lot releases to the Board. Such request(s) shall include the Definitive Plan Book and Plan number(s), the Deed Book and Page number(s) of the Approval, subdivision lot number(s) requested for release, and the Assessors' Map and Lot number(s) of the lot(s) requested for release.
- 6.5.1.2 Upon receipt of such properly submitted request(s) for release, the Board shall schedule such request(s) for the next available regular Board meeting.
- 6.5.1.3 The Board shall review the request in terms of progress of the Developer (generally, and in terms of the construction schedule), condition of the site, compliance with applicable regulations and requirements, and surety posted with the Board.

6.5.2 Additional Requirements

The Building Commissioner shall not issue any permit for the erection of a building until he is first satisfied that:

- 6.5.2.1 All fees and expenses are paid in full by the Developer;
- 6.5.2.2 Any condition endorsed on the plan has been satisfied or waived by the Board; and that
- 6.5.2.3 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, the Building Commissioner is satisfied that consent has been obtained from the Board in accord with Section 2.4 of these Rules and Regulations, M.G.L. c. 41, §81-Y and amendments thereto.

6.7 Validity

If, in any respect, any provision of these Rules and Regulations, in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the provision that was declared invalid. No other provision of these Rules and Regulations shall be invalidated, impaired or affected thereby.

6.8 Effective Date

These regulations become effective after approval by the Board, certification by the Town Clerk, and filing with the Registry of Deeds and the Recorder of the Land Court, on which date they supersede the present “Rules and Regulations Governing the Subdivision of Land”, which became effective in October, 1987.