

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

As Adopted and Amended under the Subdivision Control Law
Section 81-K to 81-GG inclusive, Chapter 41, G.L.

SECTION 1.0 PURPOSE, AUTHORITY AND LEGAL BASIS

1.1. PURPOSE

These subdivision regulations are adopted under the provisions of Chapter 41 of the General Laws of the Commonwealth of Massachusetts for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of West Bridgewater 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.

1.2. EXERCISE OF POWER

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

- 1.2.1. The provision of adequate access to all of the lots in a subdivision by-ways that will be safe and convenient for travel;
- 1.2.2. For lessening congestion in such ways and in the adjacent public ways;
- 1.2.3. For reducing the dangers to public health and safety resulting from the operation of motor vehicles;
- 1.2.4. For securing safety in the case of fire, flood, panic and other emergencies;
- 1.2.5. For insuring compliance with the applicable zoning by-laws;
- 1.2.6. 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;
- 1.2.7. For coordinating the ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions.

1.3. AUTHORITY

Under the authority vested in the Planning Board of the Town of West Bridgewater by Section 81-Q of Chapter 41 of the General Laws, said Board has hereby adopted these Rules and Regulations governing the subdivision of land in the Town of West Bridgewater. Such Rules and Regulations shall supersede and replace any previously adopted Subdivision Control Law Rules and Regulations for the Town of West Bridgewater.

SECTION 2.0. GENERAL

2.1. Definitions

APPLICANT

A person (as hereinafter defined) who applies for the approval of a plan of subdivision or a person who applies under Section 3. "Applicant" shall include an owner, or his agent or representative, or his assigns.

BASE FLOOD ELEVATION

The "Base Flood Elevation" shall be the level of flooding having a one percent chance of being equaled or exceeded in any given year, as designated on Federal Insurance Administration (FIA) maps cited at Community Panel Number 250284 0010 and as adopted in the West Bridgewater Zoning bylaw Article XXXVII entitled "Flood Plain District By-law", or, in the absence of such designation, to be determined by the Planning Board based upon the best available information regarding flood hazards, including any available United States Geologic Survey, Soil Conservation Service, and Corps of Engineers studies.

BENCH MARK

A mark made in a durable object of known position and elevation as a reference point.

BIKEWAY

A way designed to be used principally or exclusively by a bicycle or similar unpowered vehicle.

BOARD

The Planning Board of the Town of West Bridgewater.

BRIDLE PATH

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

CERTIFIED BY

Certified by (or endorsed by) the Planning Board, as applied to a plan or other instrument required or authorized by the Subdivision Control Law to be recorded, shall mean bearing a certification or endorsement signed by a majority of the members of the Planning Board, or by its Chairman or Clerk or any other person authorized by it to certify or endorse its

approval or other action and named in a written statement to the Registrar of Deeds and Recorder of the Land Court, signed by a majority of the Board. (Section 81-L of Chapter 41, G.L.)

DESIGNER

A Professional Civil Engineer and/or a Professional Land Surveyor registered to practice in Massachusetts or a person working under the direct supervision of such a registered professional engineer or surveyor. Non-residents of Massachusetts, registered in their own state, must have at least a Temporary Permit from the Board of Registration of Professional Engineers and of Professional Land Surveyors of the Commonwealth of Massachusetts. Only civil engineers may design the construction of roads, watermains, drainage systems, public works, etc. Only land surveyors, not engineers of any kind, may prepare plans involving the determination of real property boundaries.

DEVELOP

To construct a street, install utilities, erect a house, building or other structure, or in any way to improve a lot substantially.

DEVELOPER

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

EASEMENT

A right acquired by public authority or other person to use or control property for a utility or other designated public or private purpose.

GENERAL LAWS

The General Laws of Massachusetts, Tercentennial Edition, and as the same may be amended. (Abbreviated herein as "G.L.")

LOT

An area of land in one (1) ownership with definite boundaries ascertainable of record and use, or set aside and available for use, as the site of one (1) or more buildings and buildings accessory thereto. (Section 81-L of Chapter 41, G.L.).

LOT AREA

The horizontal area of the lot exclusive of any area in a street or recorded way open or proposed to be open to public use. For lots created subsequent to April 9, 1979, at least 90% of the lot area required for zoning compliance shall be contiguous land other than that under any body of water, including watercourses, or any bog, swamp, wet meadow, or marsh, as defined in Section 40, Chapter 131, General Laws, to be determined by a qualified Botanist and confirmed by the Conservation Commission.

MONUMENT

A permanent marker to indicate a boundary.

MUNICIPAL SERVICES

Sewers, water drains, water pipes, gas pipes, electrical lines, telephone lines, fire alarm system, similar systems and their respective appurtenances.

OWNER

As applied to real estate, the person (as hereinafter defined) holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the Land Registration Office, Registry of Deeds or Registry of Probate.

PERSON

An individual, or two or more individuals or a group or association of individuals, a partnership, trust or corporation having common or undivided interests in a tract of land. Written evidence of authority to act may be required by the Board (see Section 5.7.3 below).

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.

PLAN: DEFINITIVE

The plan of a subdivision as duly submitted with appropriate application to the Board for approval, to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board, and such plan when approved and recorded; all as distinguished from a Preliminary Plan.

PLANNING BOARD AGENT

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

PRIVATE UTILITIES

This term shall include telephones, cable television, electric, light and power, and gas lines, etc., whether installed on, above or beneath the surface of the ground.

PUBLIC UTILITIES

This term shall include only sanitary sewers, surface water drains and water pipes and their appurtenances, which may become the property or responsibility of the Town.

RECORDED

Recorded shall mean recorded in the Registry of Deeds of Plymouth County, except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court (Section 81-L of Chapter 41, G.L.).

ROADWAY

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

SIDEWALK

That portion of a way (normally parallel to the street) which is designed for use by pedestrians.

STANDARD SPECIFICATIONS

"The Commonwealth of Massachusetts, Mass Highway, Standard Specifications for Highways and Bridges," 1973 edition as amended.

STREET: COLLECTOR

A street which carries traffic equivalent to that generated by fifty (50) dwelling units or more, or which serves property either used or zoned for commerce or industry.

STREET: LANE

A street which carries traffic equivalent to that generated by twelve (12) or fewer dwelling units, which has no abutting property either used or zoned for commerce or industry, and which is not capable of extensions.

STREET: MINOR

A street which carries traffic equivalent to that generated by more than twelve (12) but fewer than fifty (50) dwelling units, which has no abutting property either used or zoned for commerce or industry, and which is not capable of extension to serve more than fifty (50) dwelling units.

STREET: SPECIAL COLLECTOR

A street which serves commerce or industry and which terminates in a cul-de-sac.

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 of the land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law, if at the time when it is made, every lot within the tract so divided has a frontage on (a) a public way, or a way which the Town Clerk of the Town of West Bridgewater certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence on April 6, 1954, having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served

thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning bylaw and must provide safe and convenient access to the buildable portion of the lot. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two (2) or more buildings were standing on April 6, 1954, into separate lots on each of which one (1) of such buildings remains standing, shall not constitute a subdivision. (Section 81L of Chapter 41, G.L.)

SUBDIVISION CONTROL

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

TOWN Town of West Bridgewater

WALKWAY A way designed for use by pedestrians, not necessarily parallel to a street.

WAY A way is synonymous with the term's road, street, highway and avenue
 and shall denote any such line or route for passage whether public
or private. The width of a way shall be the width of the strip of land laid
out, designated, acquired and/or dedicated for the use of such way.
Such width includes the spaces for vehicular travel, sidewalks, edgestone,
median strips 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, municipal services, sanitary sewers, storm sewers, water or drainage facilities, buildings, or grade any land therein, unless and until a Definitive Plan of such subdivision has been submitted and approved by the Board, as hereinafter provided, except by two-thirds vote of Town Meeting as provided in Section 81-Y, Chapter 41, G.L.

2.3. Source of Information Required

In those cases in which the land shown on the plan is abutted by land of an owner, not the owner of the land as shown, the Board 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. A separate form for the Board will furnish such statement, see Form D-1 - Land Surveyor's Certificate.

2.4. More Than One Building for Dwelling Purposes on a Lot

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

2.5. Filing Fees

The minimum filing fee shall be as follows:

Plans Believed Not To Require Approval (Form A) - \$50.00 filing fee plus \$25.00 per buildable lot.

For Preliminary Plans - \$300.00 filing fee.

For Definitive Plans \$500.00 filing fee plus \$100.00 per lot plus \$5.00 per linear foot of street centerline created.

All other expenses including, without limitation, advertising costs, engineering professional planning review, recording fees and filing fees for documents, and cost for sampling and or testing required by the Board or its agent shall be paid solely by the applicant.

In addition to the expenses of the applicant described above and in connection with those cases where the Board considers it necessary or desirable to engage an outside consultant or consultants, such as engineers, planners, lawyers or other appropriate professionals, to advise the Board on those issues, the Board may, as a condition of permitting the applicant to proceed with his application before the Board, require the applicant to pay a "review fee" consisting of the reasonable costs for the employment of consultants engaged by the Board to assist it in the review of the application.

Upon the majority vote by the Board to engage an outside consultant and its determination of a reasonable fee to be paid the consultant, the applicant shall, within five (5) business days of the Board's request, deposit an amount equal to the reasonable review fee determined by the Board in a special separate account established by the Town Treasurer. The Board shall then have the right to direct the expenditure of funds, including any accrued interest, from such account in connection with the carrying out of its responsibilities under the law. Expenditures from this special account shall be made only in connection with the review of a specific project for which a review fee has been imposed. Any excess amount in the account attributable to a specific application to the Board, including any accrued interest, at the completion of the hearing on that application,

shall be repaid to the applicant and a final report of such account shall be made available to the applicant. The failure of the applicant to deposit with the Town Treasurer the full amount of the review fee within five (5) business days of the Board's request therefor shall constitute grounds for disapproval of the application.

An applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for acting upon an application by the Board shall be extended by the duration of the administrative appeal. In the event no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

SECTION 3.0 PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

3.1. Plan Believed Not to Require Approval

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 shall submit his plan and six (6) contact prints thereof, two (2) copies of a properly executed Form A, and the appropriate fee to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered or certified mail, a notice with the Town Clerk stating the date of submission to the Board for such determination accompanied by a copy of said application (Form A) 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. Any plan determined to not completely satisfy this section or 3.1.2. Contents shall be deemed not to have been submitted. Such plan shall be returned to the applicant, and a notice of the Planning Board's determination sent to the Town Clerk. When brought into conformity with the requirements of this section and 3.1.2. Contents, such plan will then be considered without prejudice.

3.1.2. Contents

Said plan shall be legibly drawn in accordance with the rules and regulations of the Registry of Deeds, Chapter 36, Section 13A as amended pertaining to plan size, material, lettering and related requirements. The plan scale shall preferably be forty feet (40') to the inch or such other scale as the Board may accept and contain the following:

- 3.1.2.1. Identification of the plan by name of owner of record and location of the land in question, the scale, north point and date;
- 3.1.2.2. The statement "Approval Under Subdivision Control Law Not required", and sufficient space for the date and the signatures of all members of the Board;
- 3.1.2.3. Zoning classification and location of any Zoning District Boundaries that may lie within the locus of the plan;
- 3.1.2.4. In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown;
- 3.1.2.5. Notice of any matters pending before or decisions by the Zoning Board of Appeal or the Conservation Commission of the Town of West Bridgewater, including but not limited to variances, orders of condition and exceptions (with recording citations where appropriate), regarding the land or any buildings thereon;
- 3.1.2.6. Names of abutters from the most recent local tax list unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records;
- 3.1.2.7. Names and status (private or public) of streets and ways shown on the plan;
- 3.1.2.8. Bearings and distances of all lines of the lot or lots shown on the plan and the distance to the nearest permanent monument or the intersection of the nearest ways;
- 3.1.2.9. Location of all existing buildings (including setback and side and rear yard designations), all bounds, brooks, rivers, existing bodies of water, wetlands, marshes, bogs, fences, and walls;
- 3.1.2.10. A locus map at one thousand (1,000') feet to the inch of sufficient area to reasonably orient the plan;

- 3.1.2.11. Location and area of dry land satisfying the lot area requirements; (See Definition)
- 3.1.2.12. Elevations and limits of the one hundred (100) year flood discharge as taken from the Flood Boundary and Floodway Map for the Town of West Bridgewater effective June 15, 1982 and the flood profile in the Flood Insurance study for the Town dated December 15, 1981.

3.1.3. Endorsement of Plan Not Requiring Approval

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

The Board may add to such endorsement a statement of the reason approval is not required. The original plan shall be returned to the applicant, and the Board shall also notify the Town Clerk in writing of its action. (See Form - A)

3.1.4. Determination That Plan Requires Approval

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, so inform the applicant in writing and return the plan. The Board shall also notify the Town Clerk in writing of its action. (See Form - A)

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

3.2. Preliminary Plan

3.2.1. Submission of a Preliminary Plan

The applicant may submit a Preliminary Plan of subdivision. The Preliminary Plan, twelve (12) prints of it, the minimum filing fee (see Section 2.5), a properly executed Form B - Application for Approval of a Preliminary Plan, a Form D - Engineer's Certificate, and a Form D-1 - Land Surveyor's Certificate shall be filed with the Board or its agent. The applicant shall also file by delivery or registered mail a notice with the Town Clerk stating

the date of submission to the Board for such approval of a Preliminary Plan accompanied by a copy of a properly executed application Form B.

The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Conservation Commission, the Police Department, the Fire Department, the Water Department, the Highway Department, and other Town agencies and owners of property abutting the proposed 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.

Any plan determined to not completely satisfy this section or 3.2.2. Contents shall be deemed not to have been submitted. Such plan shall be returned to the applicant, and a notice of the Planning Board's determination sent to the Town Clerk. When brought into conformity with the requirements of this section and 3.2.2. Contents, such plan will then be considered without prejudice.

3.2.2. Contents

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

- 3.2.2.1. The subdivision name, if any, boundaries, north point, date, scale, legend and title "Preliminary Plan Of;"
- 3.2.2.2. The names and addresses of the record owner of the land and the subdivider and the name, seal, and address of the designer, engineer and surveyor who made the plan, which shall appear in the lower right hand corner;
- 3.2.2.3. The names of all abutters, as determined from the most recent local tax list, unless the applicant shall have more recent knowledge of such abutters;
- 3.2.2.4. The locus of the land shown on the plan with sufficient information to accurately locate the plan;
- 3.2.2.5. The existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner;
- 3.2.2.6. Major features of the land such as existing walls, fences, monuments, buildings, wooded areas, outcroppings, ditches, swamps, water bodies and natural waterways. Where available, aerial photographs may be required. Location and area of non-wetland satisfying lot area requirements; (See Definition)

- 3.2.2.7. A general description of the type of systems of sewage disposal, water installation and surface drainage including adjacent existing natural waterways;
- 3.2.2.8. The approximate boundary lines of proposed lots showing the approximate dimensions and areas;
- 3.2.2.9. The names, approximate location and widths of adjacent streets, and of streets approaching or within reasonable proximity of the subdivision;
- 3.2.2.10. The topography of the land with a two-foot (2') contour interval based on the National Geodetic Vertical Datum (NGVD). Water bodies and their maximum annual elevations shall be shown with the date of measurement;
- 3.2.2.11. Soil type based on the most recent West Bridgewater report of the United States Department of Agriculture, Soil Conservation Service "Soils and Their Interpretations for Various Land Uses;"
- 3.2.2.12. The proposed names of the proposed streets and a number on each lot on each proposed street;
- 3.2.2.13. The profiles of existing grades and approximate proposed finished grades of the roadway, and drain and sewer utilities, together with a cross section of any open channel streams;
- 3.2.2.14. Area of contiguous land and water of the applicant not presently being subdivided, with a sketch plan showing a feasible future street layout for such contiguous land, if any;
- 3.2.2.15. The zoning classification of land shown on the plan and the location of any zoning district boundaries that may lie within the locus of the plan;
- 3.2.2.16. Easements and rights of way applicable to the area shown on the plan, and any decision on appeal or any variance or exceptions made by or pending before the Zoning Board of Appeals or order of conditions made by or pending before the Conservation Commission applicable to the subdivision of the land or any building thereon. Where appropriate the Registrar's recording citation for the same shall be shown on said plan;
- 3.2.2.17. Preliminary findings from the Environmental Assessment as required;
- 3.2.2.18. Shall be prepared and stamped by a Professional Land Surveyor and/or a Professional Civil Engineer.

3.2.3. Approval of a Preliminary Plan

The Board may give such Preliminary Plan approval, with or without modification or suggestion, after the Board's review, and at the Board's option, review with the Board of

Health, the Conservation Commission, the Board's Consultant, the Police Department, the Fire Department or other Town agencies. Such approval does not consist approval of the

subdivision but facilitates the preparation of the Definitive Plan and the securing of approval thereof. The original of the Preliminary Plan will be returned to the applicant. Approval shall be effective for seven (7) months from the date of plan submittal or until a Definitive Plan evolving directly from the Preliminary Plan is filed, whichever comes first.

3.2.4. Disapproval of a Preliminary Plan

In the event of disapproval of a Preliminary Plan, the Board shall state the reasons for its disapproval in accord with Section 81-U of Chapter 41, G.L.

3.3. Definitive Plan

3.3.1. Submission of a Definitive Plan

Any person who submits a Definitive Plan of subdivision to the Board for approval shall file with the Board all items required in subsections 3.3.1. And 3.3.2. of this Section and the minimum filing fee (see Section 2.5.) for a Definitive Plan to be "duly submitted" in accord with these Rules and Regulations. Any plan determined to not completely satisfy the requirements of subsections 3.3.1. and 3.3.2. shall be deemed not to have been submitted. Such plan shall be returned to the applicant and a notice of the Planning Board's determination sent to the Town Clerk. The filing fee shall either be returned or retained to be applied to a resubmission, at the applicant's option. When completely satisfying the requirements of 3.3.1. And 3.3.2., such plan may be resubmitted and will be considered without prejudice.

- 3.3.1.1. An original drawing on Mylar (3mil) or linen of the Definitive Plan and twelve (12) contact prints thereof (dark line on white background) shall be submitted. The original drawing will be returned after approval or disapproval.
- 3.3.1.2. A properly executed application Form C - Application for Approval of a Definitive Plan; Form D - Engineer's Certificate and Form D1 - Land Surveyor's Certificate; and Form E - Certified List of Abutters shall be submitted. 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 as specified or determined.
- 3.3.1.3. The Definitive Plan shall be prepared by a Professional Civil Engineer and a Professional Land Surveyor registered in Massachusetts and shall be clearly and legibly drawn in accordance with the Rules and Regulations of the Registry of Deeds, Chapter 36, Section 13A as amended pertaining to plan size, material, lettering and related requirements. In addition thereto, it shall contain the following:

- 3.3.1.3.1. The classification and precision of surveys shall conform to the Procedural and Technical Standards for the Practice of Land Surveying (250 CMR 6.00

Board of Registration of Professional Engineers and Land Surveyors) and the most recent Land Court Manual of Instructions, Commonwealth of Massachusetts;

- 3.3.1.3.2. The plan shall be at a scale of one-inch (1") equals forty feet (40') or such other scale as the Board may accept to show details clearly and adequately;
- 3.3.1.3.3. Unless otherwise required, sheet sizes shall not exceed twenty-four by thirty-six inches (24" X 36") including a three-quarter inch (3/4") border;
- 3.3.1.3.4. All plans shall be accompanied by a locus map at a scale of one inch (1") equals one thousand feet (1,000'), of sufficient coverage to show the relationship of the subdivision to highways and major streets in the Town. The locus map shall be shown on the Title Sheet;
- 3.3.1.3.5. All plans shall be accompanied by a Title Sheet and Map Key;
- 3.3.1.3.6. The title block and signature spaces shall be drawn as shown on Schedule A and A-I;
- 3.3.1.3.7. All plans shall contain a location plan at a scale of one inch (1") to one hundred feet (100'). The location plan shall show the entire subdivision layout, adjacent streets, if any, or streets within a reasonable distance, sufficient to identify the location and the access to the land, and shall be shown on the Title Sheet;
- 3.3.1.4. The applicant shall also file by delivery or registered mail a notice with the Town Clerk stating the date of submission to the Board for such approval accompanied by a copy of the completed Form C - Application for Approval of Definitive Plan.

3.3.2. Contents

The Definitive Plan shall also contain the following:

- 3.3.2.1. A title, appearing in the lower right-hand corner of each sheet showing the name of the subdivision, if any, the date, scale, north arrow, the names, seals and signatures of the designer, engineer and surveyor who prepared the plan shall be placed on all pages; (See Schedule A)

- 3.3.2.2. North points, whether true, magnetic or grid benchmark and so indicated, and the boundaries of the subdivision indicated by green shading;
- 3.3.2.3. Location and ownership of abutting property as it appears on Form E-Certified List of Abutters unless the applicant shall have more recent

knowledge of such abutters, so indicated, including all abutting land owned by the applicant not presently being subdivided;

- 3.3.2.4. Major features of the land, such as existing waterways, swamps and water bodies, natural drainage courses, walls, fences, buildings and wooded areas. Outcroppings and ditches which exist on/or near the site at the time of survey. Where appropriate, aerial photographs may be required. Location and area of non-wetland satisfying lot area requirements; (See 2.1. Definitions)
- 3.3.2.5. Lines of existing and proposed streets, ways, lots, lot numbers of each lot designated numerically in sequence, easements, and public or common areas within the subdivision. The letter designation of proposed streets should be shown in pencil until approved;
- 3.3.2.6. Sufficient data to determine the location, direction, width and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines including lot frontage on the streets, of the radii, tangents, and central angles of all curves in lot lines and street lines. All angle points, or intersections of tangents along the street lines, shall be shown, areas of lots with lot numbers and the area and frontage on public ways as set forth in Section 81-L of Chapter 41, G.L. of adjoining lands of the applicant not included in the subdivision shall be shown. The engineer and surveyor shall submit the mathematical computations to the Board (and/or the Board's Consultant). The surveyor's computations of traverses, lots, street lines and areas shall be submitted on separate sheets;
- 3.3.2.7. Location of all permanent monuments properly identified as to whether existing or proposed;
- 3.3.2.8. Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both pavement widths and right of way widths;
- 3.3.2.9. The zoning district classification of land shown on the plan and the location of any zoning district boundaries that lie within the locus of the plan and the applicable minimum front, side and rear yard depths for each lot as is required by the Zoning bylaws;

The existing and proposed location of the Base Flood Elevation (See 2.1 Definitions) if encountered within, or within 100 feet of the subdivision;

- 3.3.2.10. Indication of all existing and proposed easements, covenants, restrictions, or rights-of-way applying to the land and their purposes, whether or not within the subdivision, and including any order of condition or decision on appeal or

any variances or exceptions made by, or pending before the Town of West Bridgewater Zoning Board of Appeal or Conservation Commission applicable to the subdivision of the land or any building thereon. Where such action of the Zoning Board of Appeals has been recorded, then the Book and Page citation to, and the date of, the recording shall be shown;

- 3.3.2.11. If the property that comprises the subdivision or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land of the applicant;

- 3.3.2.11. Suitable space on the Title Sheet to record the action of the Board and the signatures of all members of the Board and all members of the Board of Health, including where appropriate the words "Deeds of easements to be recorded herewith" or the words "Covenants to be recorded herewith."
(See Schedule A- 1)

(Items 3.3.2.13. through 3.3.2.18. shall be submitted on separate sheets of the same size and material as the above plan sheets. Each sheet shall bear a title block and signature block as required in paragraphs 3.3.2.1. and 3.3.2.12. above. Item 3.3.2.19. shall be submitted in text and tabular form.)

- 3.3.2.13. **Plan and Profile**

Existing profiles of the exterior lines and center-line drawn in fine black line, dot dot for left, dash dash for right side, and dot dash for center-line, and proposed profile on the finished center-line drawn in fine black solid line of proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'), or such other scales acceptable to the Board. As least two (2) benchmarks are to be shown on plan profile sheets and grade elevations at every fifty-foot (50') station, except in vertical curves which shall be at every twenty-five foot (25') station. All existing and proposed intersections, sidewalks, handicap access ways, bikeways and walkways shall be shown with all proposed grade elevations calculated. Elevations are to be referred to the National Geodetic Vertical Datum. Gradients shall be shown by figures expressed in percent.

- 3.3.2.14. **Topographical Plan**

Existing and proposed topography at two feet (2') contour intervals or as accepted specified by the Board as the terrain dictates and by symbols the highest known high water mark to the last five (5) years. There shall also be indicated by differentiating symbols the contour line four feet (4') above said high water mark. All benchmarks will be noted, as well as items required in Section 3.3.4.

3.3.2.15. **Utility Plan**

Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewer pipes and their appurtenances, street lighting and its appurtenances, fire alarm systems, storm drains and their appurtenances, and easements pertinent thereto, and curbs and curb dimensions, including data on borings and soil test pits (with their locations), and method of carrying water to the nearest watercourses or easements for drainage as needed, whether or not within the subdivision.

If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the applicant, he shall clearly indicate what course the discharge will take, and shall present to the Board evidence from the Engineer to the Board, the Town Highway Superintendent, or the owner of adjacent property that such discharge is satisfactory and permitted by public or private ownership of adjacent street or property.

3.3.2.16. **Drainage Calculations**

Three (3) Copies of drainage calculations shall be submitted in a suitable form along with amplifying plans outlining drainage areas within and affecting the subdivision. A plan shall also be submitted showing the route followed by all drainage discharging from the subdivision to the primary receiving watercourse or other large body of water.

3.3.2.17. **Tree Plan**

For the area within the proposed street right-of-way and ten feet (10') beyond and parallel thereto, show existing trees superimposed on the contour plan if having a trunk in excess of twelve inches (12") in diameter measured four feet (4') above grade, or if of special importance because of species or distance from other trees, or if field-marked for location by the Tree Warden or its agent; in each case, indicating whether such tree is to be retained or removed.

3.3.2.18. **Cross-Sections**

Typical cross-sections of each street, roadway, drainage ditch and sidewalk to be constructed and typical construction detail drawings.

3.3.2.19. **Environmental Assessment**

A comparative Environmental Assessment shall be submitted for any subdivision-creating frontage potentially allowing twenty (20) or more dwelling units. The scope of such Assessment, including development alternatives to be compared and consequences to be studied, shall be as

agreed to by the Planning Board and may be required to include up to two (2) major alternatives to the plan proposed, with as much of the following information as determined by the Planning Board to be necessary for plan evaluation, and shall be prepared by an interdisciplinary team to include a Land Surveyor, Civil Engineer, and an Architect or Landscape Architect, unless otherwise agreed to by the Planning Board.

a) Graphic analysis, showing on drawings of uniform scale all information required under Section 4.2 of the regulations of the Massachusetts DEP adopted under Sec. 40, Ch. 131, G.L.

b) Narrative discussion of differences among alternatives regarding:

- (1) Impact upon surface water quality and level;
- (2) Impact upon ground water quality and level;
- (3) material effects upon important wildlife habitats, outstanding botanical features, and scenic or historic environs;
- (4) capability of soils, vegetative cover, and proposed erosion control efforts to support proposed development without danger of erosion, silting, or other instability;
- (5) relationship to the requirements of Sec. 40; and 40A, Ch. 131, G.L. (The Wetlands Protection Act);
- (6) access to Town Center, nearby public facilities and adjacent neighborhoods;
- (7) estimated phosphate and nitrate loading on ground water and surface water from septic tanks, lawn fertilizer, and other activities within the development;
- (8) impact upon the existing water supply system and well capacity of the Town;

- (9) Lot layout and house siting for potential solar energy capabilities.

3.3.3. Staking

To facilitate review of the Definitive Plan by the appropriate authorities, at the time of filing of the Definitive Plan, the applicant shall stake the center line of all proposed streets at a minimum of every one hundred feet (100') marked with the center line stations.

3.3.4. Soil Survey and Percolation Test

The Board or its agent may require soil surveys and/or test pits or borings, which are to be prepared at the expense of the applicant to establish the suitability of the land for the proposed storm drainage system and proposed street construction.

3.3.4.1. Test pits, borings or soundings shall be taken along the center line 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 be, in the opinion of the Board or its Agent, factors affecting the quality and service life of the street. Test pits shall be made under the supervision of an Agent of the Planning Board, and shall not be backfilled until the applicant has been notified that all necessary inspection and sampling has been complete. 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 the purpose of determining the hard bottom contours. Test pits and boring, where required, shall extend to a minimum depth of five feet (5') below the street profile grade or to bedrock, whichever is less. The applicant shall indicate on the plan a proposed layout of the subsurface exploration program complete with location, spacing, and type of exploration proposed.

3.3.4.2. Soil surveys shall be in accordance with Title V of the Commonwealth of Massachusetts State Environmental Code/D.E.P.

3.3.4.3. Three (3) copies of all information concerning the test pits, boring or soundings (location, depth, soil stratas, depth of water table) shall be submitted to the Board in a written report to be made, evaluated, certified and stamped by a Registered Professional Civil Engineer.

3.3.5. Procedure

3.3.5.1. Review by Board of Health as to Suitability of Land

At the time of filing of the Definitive Plan, the applicant shall also file with the Board of Health two (2) contact prints of the Definitive Plan, dark line on white background, together with such information in the nature of

percolation tests and deep test holes as the Board of Health may require. The Board of Health shall within forty-five (45) days after filing of the plan report to the Planning Board in writing its approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report, and where possible, shall make recommendations for the adjustment thereof provided, however, if a municipal sewerage system will service the proposed subdivision, then failure of the Board of Health to make such a

report within forty-five (45) days after the plan is filed with their office shall be deemed approval by such Board. The Board of Health shall send a copy of such report, if any, to the person who submitted said plan. Every lot so located that it cannot be served by a connection to a municipal sewer system shall be provided with septic tank and drain-field satisfactory to the Board of Health and/or the Commonwealth of Massachusetts Sanitary Code minimum standards as the Board of Health shall determine.

3.3.5.2. Review by Other Town Officials

The Applicant shall transmit copies of the Definitive Plan to Town Officials other than the Board of Health as follows and return receipt of each transmittal recorded on FORM-L.

One (1) copy each to the Conservation Commission, the Board's Engineer, the Highway Superintendent, the Board of Selectmen, the Water Department, the Police Department and the Fire Department, and also in the case of an industrial subdivision, to the Development and Industrial Commission.

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

- 3.3.5.2.1. Conservation Commission as to potential involvement with Chapter 131, Section 40, G.L. and the effects of the subdivision on streams, wildlife and similar considerations within the scope of the Conservation Commission;
- 3.3.5.2.2. The Board's Consultant as to the design of the street system, location of easements, monuments, drainage system, water system (in consultation with the Water Department) and, if applicable, a sewage system and their appurtenances, and relationship to existing water and drainage systems;
- 3.3.5.2.3. Fire Department as to location of hydrants, installation of the alarm system and emergency access;

- 3.3.5.2.4. Police Department as to street safety, both vehicular and pedestrian, and access for emergency vehicles;
- 3.3.5.2.5. Highway Superintendent as to the design of the street system, the feasibility of snow removal from sidewalks and roadways, and any special roadway construction deviations requested by the applicant.

3.3.5.3. **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 West Bridgewater once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing and by mailing a copy of such advertisement to the applicant and to all owners of land abutting the land shown on the plan as shown on the most recent tax list. List to be certified by Assessors Office.

3.3.5.4. **Planning Board Procedure**

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 Section 81-U, Chapter 41, G.L. In summary, the Board, after receiving the Plan and profiles, will review the same to determine whether they are in compliance with its adopted Rules and Regulations.

Before approval of the plan, the Board shall establish that the street pattern is safe and convenient, that proper provision is made for street extension and that all other purposes of the General Law are met. The Board may, as a condition of granting a building permit under Section 81-Y, Chapter 41, G.L. impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the Town. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such plan and which shall for the purpose of the Subdivision Control Law be deemed to be a part of the plan.

3.3.6. **Performance Guarantee**

Before endorsement of the Board's approval of any Definitive Plan, the applicant shall agree (i) to complete (except in the case of any portion of the subdivision for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.3.6.1.) the required improvements for the subdivision, specified in Section 5.0, within four (4) years of the date of such approval, (ii) to complete the required improvements for any portion of the subdivision, for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.3.6.1. Within two (2) years of the date of the performance bond or within four (4) years of the date of the Board's approval of the Definitive Plan whichever date shall occur the earlier, and (iii)

that no building permit be issued nor any structure occupied until at least the base course of the bituminous concrete, as specified in Section 5.0, has been applied to the streets (and temporary turnarounds) which serve those structures. Such construction and installation shall be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant with the written consent of the Board.

3.3.6.1. **Approval with Bonds or Surety**

The applicant shall either file a duly executed surety company performance bond on Form F or on such other form as the Board requires, or a duly executed performance bond secured by a deposit of money or negotiable securities on Form G or such other form as the Board requires, in an amount determined by the Board to be sufficient to cover the cost of all of the improvements specified in Section 5.0. not covered by a covenant under 3.3.6.2. hereof. Such surety company performance bond or performance bond secured by a deposit of money or negotiable securities shall be approved as to form, manner of execution and, in the case of a surety company performance bond, as to the surety by Town Counsel and, in the case of a performance bond secured by negotiable securities, as to the negotiable securities by the Town Treasurer and shall be conditioned on the completion of such improvements within two (2) years of the date of the performance bond.

3.3.6.2. **Approval with Covenant**

The applicant shall file a duly executed covenant on Form H or on such other form of covenant as the Board requires, 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.

3.3.7. Approval or Disapproval

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. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Failure of the applicant to submit revised plans and other required submittals within one hundred eighty days (180) of approval with modifications shall automatically rescind approval of the plan. The Board shall rescind its disapproval if, within one hundred eighty days (180) of such disapproval, the applicant submits revised plans and other required submittals fully conforming to the Rules and Regulations of the Board and resolving the specific reasons for disapproval.

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 or disapproval, as the case may be (see Form C-1 and C-2), with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal has been made said endorsement should be made after the entry of a final decree of the court sustaining the approval of such plan. Final approval shall be subject to the construction specifications contained herein and to the rules and requirements of the Board of Health. After the Definitive Plan has been approved and endorsed, the Board shall return the original to the applicant.

The Board may extend the ninety (90) day period permitted by statute between submission of a Definitive Plan and action thereon upon written request of the applicant.

Approval of the Definitive Plan does not constitute the lying out or acceptance by the Town of streets shown on the plan. (See Section 3.3.11.)

3.3.7.1. Time for Completion

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 bond may be enforced and any such deposit may be applied by the Board for the benefit of the Town. Ways or portions thereof not completed within the time required shall thereafter be completed in accordance with the design and construction standards of the Board in effect upon the expiration of such time, unless an extension of time is granted.

3.3.7.2. Endorsement

The endorsement of the plan approval by the Board shall be valid for a period of four (4) years from the date of said endorsement. Prior to the expiration of the four (4) year approval period, the developer and/or owner shall request in writing to the Board an extension of time, if necessary. Failure to request an extension of time prior to the expiration of the four (4)

year approval period shall result in the subdivision being rescinded. The request for an extension shall state the reasons for the requested extension and also the length of time requested. Any extension shall not exceed two (2) years. Additional extensions after the first may be applied for but not until at least ten (10) months have expired on the extension in effect.

3.3.8. Recording

The applicant shall file the approved Definitive Plan and covenant, if any, at the Registry of Deeds, and shall notify the Board in writing presenting evidence of the recording of the plan and the covenant. The applicant shall deliver to the Board one (1) copy of the approved and recorded Definitive Plan, and a copy of an affidavit filed by the owner

stating that the title to the premises shown on said plan and appurtenances thereto are in the applicants name and free of all encumbrances or with encumbrances as set forth.

3.3.9. Conveyance of Utilities and Easements to the Town

Prior to the release by the Board of a surety bond or deposit, or, in the case of a covenant, the issuance of a Release Form, the applicant shall execute an instrument, on a Form approved by the Board, (see Form K) transferring to the Town, without cost, valid unencumbered title to all common sewers, storm drains and water mains, and appurtenances thereto, constructed and installed in the subdivision or portion thereof 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 underground utilities, with any manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in through and under the whole of all streets in the subdivision or 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.

3.3.10. Reduction or Release of Performance Guarantee

3.3.10.1. Reduction of Bond Surety

The penal sum of any such bond or the amount of any deposit held under 3.3.6.1. may, from time to time, be reduced by the Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required by the Board.

3.3.10.2. Final Release of Performance Guarantee

Upon completion of improvements required under Section 5.0, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the developer or owner, at his expense, will cause to be published in a newspaper of general circulation in the Town of West Bridgewater at least fourteen (14) days prior to the releasing of the performance bond or surety, an announcement that such release is contemplated and is being applied for. He shall also send by registered mail to the Town Clerk and the Board a written statement that the said construction or installation in connection with which such bond, deposit or covenant has been secured, has been completed in accordance with the requirements contained under Section 5.0, such statement to contain:

- 3.3.10.2.1. Name and address of the applicant;
- 3.3.10.2.2. A compliance certificate signed under oath by the developer and his Engineer that the development has been completed according to the
Rule and Regulations of the Planning Board and the Town of West Bridgewater Zoning By-laws;
- 3.3.10.2.3. Copies of, or reference to, the requisite number of Inspection Forms and Reports;
- 3.3.10.2.4. Written evidence from the Board's Engineer as to construction of all ways and sidewalks, installation of monuments, street signs, pavement, lighting, gutters and curbs, required grading and drainage, water mains, hydrants and appurtenances, all sewer mains and appurtenances, if any, adequate lot drainage, planting and seeding, all in accordance with the Definitive Plan;
- 3.3.10.2.5. Written evidence from the Board of Health as to the installation of sewage disposal facilities, if applicable, all in accordance with the Definitive Plan and Title V of the Sanitary Code of the Commonwealth of Massachusetts;
- 3.3.10.2.6. Written evidence from the Chief of the Fire Department as to the installation of the fire alarm system, the hydrants and appurtenances, all in accordance with the Definitive Plan.

Prior to final release of the performance security, the Board shall hold a public meeting at which interested and involved parties may be heard.

3.3.10.3. **Determination of Incompleteness**

If the Board determines that said construction, installation, or filing of "as-built" plans has not been completed, it shall specify to the Town Clerk and to the developer, in writing, by registered mail, the details wherein said construction and installation shall have failed to comply with the requirements contained under Section 5.0. Upon failure of the Board to act on such application within forty-five (45) days after the 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 deposit shall cease and terminate by operation of law, and any deposit shall be returned and any such covenant shall become void. The event that said forty-five (45) day period expires without such specification, or without the release and return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

3.3.10.4. Determination of Completeness

If the Board determines that said construction, installation, or filing of "as-built" plans has been completed, it shall notify the Town Treasurer within forty-five (45) days on a properly executed Form J- Release Form, that it releases the interest of the Town in such bond or deposit and that it shall be returned to the person or persons who furnished same, or, in the case of covenant it shall issue a written release of the covenant on a properly executed Release Form.

3.3.11. As-Built Plans

Prior to the final release, the developer shall file with the Board an as-built acceptance plan of completed street or streets. The plan shall show all plans and profiles corrected and certified by the applicant's Engineer to be actual as-built locations and profiles of all streets, ways, and utilities, including those installed by others such as power, telephone, and gas. Said plan shall be prepared in a manner suitable for recording at the Registry of Deeds.

SECTION 4.0 REQUIREMENTS

4.1. General Guidelines

4.1.1. Design Objectives

Design, including consideration of the resulting locations of building sites, shall:

(a) Reduce, to the extent reasonably possible, the following:

- (1) volume of cut and fill;
- (2) area over which existing vegetation will be disturbed; especially

if within two hundred feet (200') of a river, pond, or stream, or having a slope of more than 15%;

- (3) number of mature trees removed;
- (4) extent of waterways altered or relocated;
- (5) visual prominence of man-made elements not necessary for safety or orientation;
- (6) increase in peak rates of storm water transport;
- (7) building site frontages or driveway egresses onto collector streets;
- (8) alteration in ground water or surface water levels or chemical constituents (including phosphates and nitrates);
- (9) disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic environs;
- (10) soil loss or instability during and after construction;

(b) Increase, to the extent reasonably possible, the following:

- (1) vehicular use of collector streets to avoid traffic on streets providing house frontages;
- (2) visual prominence of natural features of the landscape;
- (3) Legal and physical protection of views from public ways.

Designers should also refer to the West Bridgewater Zoning bylaws for descriptions of further desired qualities of developments.

4.1.2. Construction Guides

- 4.1.2.1. It is the intent that no street or way through private property shall be accepted by the Town unless the same be previously constructed and completed in accordance with the Standard Cross Section (See Schedules B and C), Street Layout Plan, Profile and the following specifications.
- 4.1.2.2. 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 "MASS Highway, Standard Specifications for Highways and Bridges 1973 Edition," as amended, hereinafter referred to as the "Standard Specifications" and the special provisions included hereinafter. Appropriate illustrations are found in "MASS Highway Construction Manual Part 3, 1986 as amended."

- 4.1.2.3.1. 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. These specifications and special provisions shall take precedence and shall govern when they are stricter.

To facilitate reference where appropriate, each paragraph in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications.

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

(a) Improvements to minimize adverse environmental impact if required 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 erosion.

(b) No earth shall be removed from the area shown on a Definitive Plan except in accordance with the approved plan. See also the Earth Removal Articles of the West Bridgewater Zoning By-laws.

- 4.1.2.3.3. As each construction operation is completed, the proper Town authority and/or utility company prior to starting work on the succeeding operation shall approve it.

4.2. Streets and Roadways

4.2.1. Location and Street Names

- 4.2.1.1. 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, they will obtain the maximum safety and amenity for future residents of a residential subdivision and of future employees or visitors to a non-residential subdivision, and they shall be in accord with the Rules and Regulations of the Planning Board.

- 4.2.1.2. The proposed streets shall conform in location, so far as practicable, to the official map, to any existing and proposed plans of the Board, to the Master Plan or parts thereof adopted by the Board and, where required by the Board, to the existing and proposed street system.

- 4.2.1.3. Provision satisfactory to the Board shall be made for the proper projection of streets or for access to adjoining property, whether or not subdivided.
- 4.2.1.4. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- 4.2.1.5. Street names and walkways shall be approved by the Board to provide names in keeping with the character of the Town. Proposed street names shall not duplicate nor bear phonetic resemblance to the name of existing public ways, paper streets, or any other way qualified to afford frontage under Sec. 81-I of Chapter 41, G.L. A proposed street, which is in alignment with an existing street, shall bear the same name as the existing street.

4.2.2. Alignment

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

Special Collector	600 ft.
Collector Street	300 ft.
Minor Street	150ft.
Lane	100 ft.
- 4.2.2.3. A tangent at least one hundred and fifty feet (150') in length shall separate all reverse curves on collector streets in the Residential District except where at least one (1) radius is five hundred feet (500') or more or where the radius of curvature of both the curves is in excess of two (2) times the minimum specified in Section 4.2.2.2.
- 4.2.2.4. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees.
- 4.2.2.5. Streets shall be laid out so as to intersect with adjacent streets or adjacent undivided land at intervals of from five hundred feet (500') to one thousand feet (1,000').
- 4.2.2.6. A paved walkway (see 4.2.) which, in the opinion of the Board, provides an emergency access route to an adjacent way for fire, police or snowplowing equipment and contains, where appropriate, water main connections, will be considered by the Board as sufficient cause for waiver of the requirements of 4.2.2.5.

- 4.2.2.7. The distance between curb line and property line at any intersection shall be the same as along the approach portions of the intersecting streets. Curb line radii shall be one half (1/2) of the width of the right of way of the streets (if there are two different street widths, then it shall be one half (1/2) of the wider street).

4.2.3. Width

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

Special Collector Street	70 ft.
Collector Street	60 f
Minor Street	50 ft.
Lane	40 ft.

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

4.2.4. Dead-end Streets

- 4.2.4.1. Permanent dead-end streets (a street, extension of a street, or system of streets connected to other streets only at a single point) shall not be the only frontage for more than ten potential lots under zoning applicable at the time of submittal (as determined by the minimum frontage then allowed) unless, in the opinion of the Board, such dead-end streets are necessitated by topography or other local conditions.
- 4.2.4.2. A paved walkway and/or bikeway (Sec. 4.3.) which, in the opinion of the Board, provides an emergency access route for fire, police or snowplowing equipment, and contains water main connections to adjacent ways, will be considered by the Board as a sufficient cause for waiver of the requirements of 4.2.4.1.
- 4.2.4.3. Dead-end streets shall be provided at the end with a turnaround having an outside roadway diameter of at least one hundred and twenty feet (120') unless otherwise specified by the Board. The turnaround or stub will be located at the property line unless the Board approves otherwise.
- 4.2.4.4. A parcel of land suitable for roadway construction from the end of the dead-end street to the adjacent property shall be provided unless the Board approves otherwise.
- 4.2.4.5. Temporary dead-ends shall similarly provide for a turnaround, which may be located in part on easements over lots so long as contractual assurance is

provided that upon extension of the street the termination turnaround will be removed and replaced with loam and planting.

4.2.5. Grade

4.2.5.1. The centerline grade for any street shall not be less than one percent (1%).

4.2.5.2. The maximum grade for streets shall be as follows:

Special Collector Street	5%
Collector Street	6%
Minor Street	8% *
Lane	9%

* May be increased by 2% for a distance of 300 feet or less.

4.2.5.3. Where changes in grade exceed one percent (1%), vertical curves at least fifty (50') feet in length shall be provided. Roadways shall have a cross slope at two per cent (2%) or one-quarter inch (1/4") per foot.

4.2.5.4. Where curves and grades combine to create potentially dangerous driving conditions, the Board may require a suitable amount of super elevation of the curves or other protection.

4.2.5.5. On a collector street in any district and on a minor street in a Residential District, where a grade is four per cent (4%) or greater within one hundred and fifty feet (150') of the intersection of street right-of-way lines, there shall be provided in a residential subdivision containing only single family dwellings, a leveling area of at least seventy-five feet (75'), with a maximum grade of three per cent (3%), and in all other subdivisions, a leveling area of at least two hundred feet (200'), with a maximum grade of two per cent (2%).

4.2.5.6. The grade of any street except in special instances shall be so designated that the surface runoff of water shall be from the building line to the street. Where one side of a street drops off so that surface water runoff cannot drain into the street, provision must be shown for drainage tiles and catch basins, with any easement needed, to prevent overflow onto neighboring lots or erosion of banks.

4.2.6. Construction

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

4.2.6.1. 101* Clearing and grubbing shall be performed to remove all stumps, brush, roots and like material from the area of the traveled way, berms, shoulders, sidewalks, and utility trenches, but wherever feasible, existing

vegetation shall be protected. Cleared materials shall be removed from the property unless otherwise approved by the Board or its Agent;

4.2.6.2. 120 Earth excavation shall be the removal of all materials encountered within the area of the traveled way, berms, shoulders, and sidewalks down to the true surface of the sub-grade or to suitable material in areas where unsuitable material exists, in preparation for foundation of roadway, sidewalks, driveways and berms. Approved materials obtained from the excavation may be used in fills as required if, in the opinion of the Board's Engineer or its Agent, they are suitable;

4.2.6.3. 150 When in the opinion of the Board's Engineer or Agent suitable material is not available within the limits of the roadway location to form the sub-grade or sub-base, the developer shall obtain suitable additional material from other sources in accordance with this section and as may be approved by the Board's Engineer or Agent;

4.2.6.4. 170 The surged surface, sixteen inches (16") below the finished surface grade in minor and secondary streets, and eighteen inches (18") below the finished surface grade in all streets in non-residential subdivisions, shall be prepared true to the lines, grades and cross sections given and properly rolled. All soft or spongy material below the surged surface shall be removed to a depth determined by the Board's Consultant and the space thus made shall be filled with special gravel borrow, containing no stones over six inches (6") in their largest dimension.

*** Numbers refer to specific sections in the MASS Highway Standard Specifications. The Standard Specifications should be referred to for more detailed descriptions of the work, materials and construction methods.**

4.2.6.5. 401 Gravel sub-base or foundation containing no stones having any dimensions greater than six inches (6") shall be spread in two (2) equal layers on the surface of the surged to a minimum depth of six inches (6") of bank gravel, covered by six inches (6") of processed material, in conformity with requirements of Section M1.02.0 of the Standard Specifications. Each layer shall be thoroughly watered, rolled and compacted true to line and grade. Any depressions that appear during and after the rolling shall be filled with additional gravel and re-rolled until the surface is true. The Board's Consultant prior to gravel placement may require Mirafi, Supac or other surged stability fabric;

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 Board's Consultant or Agent.

A Compaction Test shall be done by a Certified Testing Firm and results presented to the Board before permission is given for paving.

- 4.2.6.6. Roadway pavement shall be constructed for the full length of all streets within the subdivision and shall have the curb radii required in Section 4.2.2.7. above. The centerline of all roadways shall coincide with the centerline of the street right-of-way unless the Board's Consultant approves a deviation. The minimum widths of roadway pavement shall be as follows:

Special Collector Street	44 ft. *
Collector Street	38 ft.
Minor Street	30 ft.
Lane	24 ft.

* With a cul-de-sac, ten (10') feet median strip with twenty (20') feet twin pavement shall be provided.

- 4.2.6.7. Pavement for roadways in subdivisions shall be Class 1 Bituminous Concrete Pavement Type I-1. The material and construction methods for laying pavement shall conform in every way to the applicable sections of Section 400 and Section M of the MASS Highway Standard Specifications except that no such construction shall be undertaken before **March 30th** of any year nor after **December 1st** of any year without written permission of the Board's Consultant or Agent.

- 4.2.6.8. Pavement on minor and secondary residential subdivision streets shall be laid to a finished depth of five inches (5") and laid in two (2) courses. The base course shall be three inches (3") and the top course shall be two inches (2").

4.2.7. Curb and Berm

4.2.7.1. General Requirement

Granite sloped curbs of the same height and of type VA-4 (Subsection M9.04) shall be provided with concrete front and rear.

4.2.7.2. Curb Cuts

(a) Driveways in subdivisions containing one (1) and/or two (2) family dwellings only shall be at least ten feet (10') wide and shall have an opening of at least sixteen feet (16') at the gutter line.

(b) Driveways for multiple dwellings and all non-residential uses shall be at least sixteen feet (16') wide and shall have an opening of at least twenty feet (20') at the gutter line.

(c) Where rolled curbs are to be used, the driveway flare should have a three-foot (3') radius. Driveway cuts shall not be within sixty-five feet (65') of the intersection of the centerline of intersecting streets.

(d) At all driveways the grade at the back of the sidewalk shall be six inches (6") higher than the grade at the gutter line.

(e) At every curb step down there shall be a ramp three feet (3') wide adjacent to the granite curb section and meet ADA specifications.

4.2.8. Other Street Related Requirements

4.2.8.1. Embankments

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. Where cuts are made in ledge, other slopes may be determined

with the approval of the Board's Engineer. Where terrain necessitates greater slopes, retaining walls, terracing, fencing, or rip-rap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with and approved by the Planning Board. Retaining walls shall normally be constructed of stone, with wall thickness at any point not less than one third (1/3) the depth below retained grade. Whenever embankments are built in such a way as to require approval by the Board, the developer must furnish to the Town duly recorded access easements free of encumbrances for maintenance of the slopes, terraces or retaining walls. All such slopes shall be grassed or planted in accordance with Section 4.6.5.

4.2.8.2. Guard Rails

Guardrails shall be required whenever the slope is greater than four (4) horizontal to one (1) vertical downhill, and the length of the slope is determined by the Board or Board's Engineer to constitute a hazardous condition. Guardrails shall be in accordance with the Standard Specifications for steel beam guardrails.

4.3. Sidewalks, Bikeways and Walkways

4.3.1. Required Locations

Sidewalks within the street right-of-way shall be provided as follows:

Special Collector Street Each Side

Collector Street
Minor Street
Lane

Each Side
Each Side
One Side

Where sidewalks are required on each side of the street, they shall extend the full length of the street and completely around the turnarounds. Where sidewalks are required on one side only, the side shall be as determined by the Board. It shall extend the full length of the roadway and on streets terminating in a turnaround, the sidewalk shall terminate with a ramp out to the pavement at the furthest end of the granite curbing at the turnaround unless it is otherwise required to be extended to connect with an off-street walk-way shall meet ADA compliance.

In addition, public off street walkways or bikeways may be required by the Board to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space, or community facilities, or for such other reason as the Board may determine. Such ways may or may not be part of normal sidewalk provisions, but they shall not be a part of any lot in the subdivision. The Planning Board may authorize substitution of a bikeway for one sidewalk where two are required.

4.3.2. **Alignment**

Sidewalks shall be separated from the traveled way by a planting area of varying width but at no place (except intersections) to be less than two feet (2'). Sidewalks shall meander as necessary to accommodate and protect existing topography, trees, ledge, and other site features. Off-street walkways and bikeways shall have minimum centerline radius of twenty-five feet (25') and maximum gradient of five per cent (5%), except eight per cent (8%) for segments of less than one hundred feet (100'). Leveling areas at intersections with sidewalks shall be shown in details.

4.3.3. **Width**

Sidewalks and all off street walkways and bikeways shall have a pavement width of five feet (5'). Off-street walkways and bikeways shall be located in parcels with minimum width of twenty feet (20'). **Poles and hydrants shall not restrict this width at any point.**

4.3.4. **Construction**

4.3.4.1. All materials shall be removed for the full width of the sidewalk to surged ten inches (10") below the finished grade as shown on the Cross Section.

4.3.4.2. 701 Bituminous concrete shall be laid in two (2) courses, each at two inch (2"), shall have a minimum thickness of four inches (4") after compaction, and shall be constructed on a six inch (6") bank gravel and six inches (6") processed material foundation to the required lines and grades in

accordance with the MASS Highway Standard Specifications. A two percent (2%) cross-slope shall be maintained for drainage. In the driveway areas, the sidewalk and apron pavement shall be a total of four inches (4") in thickness after compaction.

- 4.3.4.3. 701 If the applicant desires to install cement concrete sidewalks, they shall be constructed as directed by the Board's Engineer in conformity with Section 701 of the Standard Specifications.

4.3.4.4. **All Sidewalks Must Be Constructed to Meet ADA Requirements**

4.4. Utilities

4.4.1. **General**

All required utilities exclusive of transformers shall be placed underground at the time of initial construction. Required utilities may include water storm

drainage, telephone, electricity, gas, street lighting, fire alarm systems and cable TV unless otherwise specified by the Board.

- 4.4.1.1. 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.

- 4.4.1.2. Connections for drain, water, gas, oil, electricity and telephone service from the main structure in the way to the exterior line of the way shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement, in whole or in part, in the case of a lot to be used for a park, playground or for any other purpose for which, in the opinion of the Board, such connections shall not be required.

- 4.4.1.3. Installation and materials unless otherwise specified shall conform to the standards of the Town of West Bridgewater.

- 4.4.1.4 140 Excavation for structures, including foundations for drains and water pipes, walls and other structures, shall be made to the depth's indicated on the Definitive Plan or established by the Board's Engineer as appropriate. Rock excavation designated as Class B encountered in trench excavation shall be removed as directed by the Board's Engineer.

- 4.4.1.5 200 All drain, gas and water pipes, underground utilities, and other structures shall be installed within the right-of-way upon the completion of roadway surfaced and before the placing of the sub-base, gravel base course,

sidewalks or pavement. If the pavement is removed, excavated or damaged, the trench shall be covered with a poured reinforced concrete slab to the lines, grades and dimensions approved by the Board's Engineer.

4.4.2. Water System

4.4.2.1. Every subdivision shall be connected to the public water system by the developer unless otherwise approved by the Planning Board and the Board of Health. Where connection to the public system is not feasible, a sub-division plan shall be approved only upon presentation of evidence satisfactory to the Board, upon advice of the Board of Health, that adequate and suitable supply of potable water is available, and upon evidence satisfactory to the Board, upon advice of the Fire Chief, that adequate provisions for fire fighting have been made.

4.4.2.2. Water pipes and related equipment, such as hydrants and main shutoff valves, corporation shutoff valves, service pipe to curb boxes, curb boxes

and blowoffs, shall be installed within every subdivision as necessary to provide all lots on each street with adequate water supply for domestic and fire protection use. Such system shall be installed regardless of whether it is to be connected to a public system or private on-site systems are to be initially relied upon.

4.4.2.3. Public water mains, house connections, and related facilities shall be installed to the standards of the West Bridgewater Water Department.

4.4.2.4. Where public water is provided, hydrants shall be provided every five hundred (500') running feet or part thereof on one side of each street unless the Chief of the Fire Department in writing approves a greater distance. In any case, there shall be a minimum of one (1) hydrant in each subdivision. They shall be of a style approved by the Water Department.

4.4.2.5. Each hydrant shall be served directly from the water main through a six-inch (6") lateral connection. It shall be gated with a six inch (6") bottom valve and shall have two (2), two and one half inch (2 1/2") hose outlets and one (1) five inch (5") pump outlet. Water main gate valves shall be located in such number and locations that lines by individual block maybe isolated for maintenance purposes. Hydrant gates shall be located within the paved roadway surface.

4.4.2.6. The entire system shall be pressure tested and disinfected in accord with American Waterworks Association Standards and approved by the Water Department prior to acceptance. A letter of compliance shall be presented to the Planning Board before approval of subdivision.

- 4.4.2.7. If the Planning Board and the Board of Health approve a private well or private water system the requirements of the Board of Health shall govern the design of the well or system.

4.4.3. Electricity and Other Cables

Wiring for the fire alarm system, telephone, electricity, street lighting system and cable television shall be installed underground in the same trench with vertical and/or horizontal separation as per construction codes and approved by the Board's Engineer or Agent. Service shall be provided to each lot and each street light before the surged is prepared. The Board may permit transformers, switches and other such equipment to be placed on the ground in approved locations, screened from view with evergreen shrubbery.

4.4.4. Street Lighting System

- 4.4.4.1. Street Lighting System shall be supplied and installed by the developer at intervals indicated by Town's Street Light Committee.

4.4.5. Gas

- 4.4.5.1. Gas mains shall be installed if gas connection is available.
- 4.4.5.2. The local major gas company shall be notified by the developer upon approval of the Definitive Plan so that installation of gas mains may be completed without undue delay. If excavation is made after the surged is completed and inspected, the mains shall be put in a trench covered with a poured reinforced concrete slab to the lines, grades and dimensions approved by the Town Engineer.

4.4.6. Fire Alarm System

- 4.4.6.1. One (1) fire alarm box shall be provided for each one thousand (1,000) linear feet or fraction thereof of street within the subdivision. Exact location of boxes shall be specified by the Chief of the Fire Department or his agent and indicated on the plan. The circuit shall be installed to connect with the nearest Town circuit at the Developers expense. All work to be done as specified by the Fire Chief or his agent.
- 4.4.6.2. All fire alarm equipment and installation procedures shall be in accordance with the specifications of and be approved by the West Bridgewater Fire Department.

4.5. Storm Water Management

4.5.1. General

Subdivision design, grading, and storm drainage facilities shall be designed to prevent significant loss of life and property due to runoff from any foreseeable rainfall event, to provide an acceptable degree of convenient access to property during and following frequent storms, and to avoid environmental damage from either storms or the management system itself.

4.5.2. Design Guides

4.5.2.1. To the maximum extent feasible, increases in storm water runoff resulting from development shall be minimized and retained within the development, rather than being piped to surface water. Existing natural systems shall be preserved and utilized to the degree possible. Peak storm flows and runoff at the boundaries of the sub-division in a ten-year (10) frequency storm shall be no higher following development than prior to development.

4.5.2.2. Storm drains and retention basins shall be designed based on a ten-year (10) frequency storm, and cross culverts shall be based on a twenty-five (25)

year frequency storm, with consideration given to damage avoidance for a Hundred (100) year storm.

4.5.2.3. Drainage design shall be based on the Rational formula ($Q=CiA$). The runoff coefficient "C" shall be determined from the presumptive eventual use of land within the entire tributary area.

4.5.2.4. The rainfall intensity shall be determined from the times of concentration and the Yarnell curves. The minimum time of concentration for street drainage shall be ten (10) minutes and for cross culverts shall be twenty (20) minutes. Water velocities in pipes and gutters shall be between two feet (2') and ten feet (10') per second, and not more than five feet (5') per second on unpaved surfaces.

4.5.2.5. Water shall not be allowed to run for more than three hundred and fifty (350') feet on paved surfaces. Catch basins shall not serve as manholes. Leaching basins, if permitted, shall be cross connected in pairs. Storm drains shall be at least twelve inches (12") inside diameter, with at least thirty-six inches (36") of cover.

4.5.3. Lot Drainage

Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of a minimum width of twenty feet (20') and proper side slope shall be provided. Storm drainage shall be designed in accord with the specifications of the Board. Where required by the Planning Board or the Board of Health, the applicant shall furnish evidence as to any lot or lots to

either Board as necessary that adequate provision has been made for the proper drainage of surface and underground waters from such lot or lots.

4.5.4. Construction

200, 220, 230 Drainage facilities shall be provided as indicated on the plan and in conformity with the requirements of Sections 200, 220, 230 of the Standard Specifications.

4.5.4.1. The standard depth of catch basins shall be two and one-half feet (21/2') below the invert of the outlet. Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in conformity with the requirements of Section 230 for installation of pipes.

4.5.4.2. All drainpipes except sub-drains shall be reinforced concrete pipe and shall be installed according to the size as shown on the plans. No back filling of pipes shall be done until the Board's Engineer has inspected the installation.

All drainage trenches shall be filled with clean gravel borrow in accordance with Section 150.

4.5.4.3. 260 Where sub-drains are required they shall be constructed in conformance with Section 260 of the Standard Specifications. The Board following clearing and grubbing operations may require such sub-drains.

4.5.4.4. No drainage pipes from roof drains, driveway drains, or other on-lot sources shall be connected to the street drainage system without the explicit approval of the Planning Board.

4.5.4.5. Cast iron manhole covers and catch basins grates shall be as manufactured by or equivalent to E. L. LeBaron Foundry model No.'s LK-110 for manholes, L.F. 248-2 for catch basins, or for catch basins at the end of or on five percent (5%) gradient roads no. LK-120A (Cascade Grate).

4.6. Natural Features

4.6.1. Open Space

Before approval of a plan, the Board may also, in proper cases, require the plan to show a park or parks, suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land and shall be at least equal to one (1) acre of land for each twenty (20) single family dwelling units or a fraction thereof shown on the plan. It shall be equal to three (3) times the floor area of all other dwelling units, and ten per cent (10%) of the land area for all non-residential subdivisions. The Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks

without its approval for a period of three (3) years. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purposes of a park and/or playground. The area or areas shall be so located as to serve adequately all parts of the subdivision as approved by the Board. The Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions. Any land so reserved shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the Board. Compensation shall be made for land acquired in this manner as provided in Section 81-Q of Chapter 41 of the G.L.

4.6.2. Protection of Natural Features

Every effort shall be made in both design and construction to preserve and protect 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 or shall preserve historically significant aspects of the Town. Any clearance, back-filling, cutting, thinning or other disturbance to trees in excess of twelve inches (12") in diameter measured four feet (4') above grade located within the street layout or in areas marked on the plan to remain natural and within an area ten feet (10') from and parallel to the street line, shall be prohibited unless deemed both proper by the Board and not in conflict with the intent of Section 4.6. Any such proposed clearance shall be shown on the plan and the Board therefore may request written reasons.

4.6.3. Retained Trees

Existing trees to be retained within the right-of-way plus the ten-foot (10') strip parallel thereto shall be marked in the field to avoid accidental damage. Grade within the drip line of such trees shall not be changed more than twelve inches (12") and generally not less than twenty per cent (20%) of that area shall be retained within four inches (4") of present grade. Tree wells or retaining walls shall be used where necessary to accomplish this, and shall be of fieldstone with a thickness at any point of not less than one-third (1/3) the depth below retained grade, unless an alternative is detailed in the plan submittals and approved by the Planning Board.

Dead or diseased limbs shall be removed after notifying Tree Warden. Retained trees within the street right-of-way shall normally have branches removed to provide six feet (6') clear height above finished grade.

4.6.4. Planted Trees

Trees are to be planted where necessary, as determined by the Town's Forestry Department, to assure amenity for the subdivision. Trees shall be the equivalent of well-rooted nursery-grown stock, free of injury, harmful insects and diseases. They shall be well branched, and the branching structure shall be sound.

4.6.5. Other Plantings

4.8.5.1. All areas within the right-of-way which are not paved shall either be loamed and seeded for grass, or, where some or all natural vegetation is retained or, is to be restored, shall be mulched and planted, with designation of type of treatment to be made by the Planning Board, taking into consideration the treatment of adjacent lots and the feasibility of successfully retaining existing vegetation.

4.6.5.2. Areas to be planted in grass shall have loam placed to a compacted depth of six inches (6"). The grass seed shall be Creeping Red Fescue and perennial rye grass and shall otherwise conform to Section M6.03.0. of the Standard Specifications. It shall be placed at the rate of four (4) pounds per one thousand (1,000) square feet and shall be properly fertilized and watered regularly to minimum depth of two inches (2") until the performance guarantee is released..

4.6.5.3. Areas to have natural vegetation shall have supplemental plantings as directed by the Planning Board or its agent and shall be covered with clean pine bark mulch to a depth of two inches (2"), and watered if necessary until the performance guarantee is released.

4.7. Easements

4.7.1. Where utilities cross lots or are centered on rear or side lot lines, easements shall be provided of a width of at least twenty feet (20').

4.7.2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board shall require a storm water easement or drainage right-of-way of adequate width and proper side slope as determined by the Board's Engineer to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for construction or other necessary purposes. In no cases shall the width be less than twenty feet (20') or the side slope is steeper than two (2) horizontal on one (1) vertical.

4.7.3. Access easements or parcels to adjacent property shall be provided, if required by the Board, for use by emergency vehicles and for the benefit of the Town. They shall be a minimum width of twenty feet (20').

- 4.7.4. Wherever possible easements along rear lot lines shall be continuous to the street at the end of the block to connect with the adjoining blocks in the shortest direct line.

4.8. Other Requirements

4.8.1. Monuments

- 4.8.1.1. Monuments shall be installed on street lines at all points of intersections of streets with each other and at all points of curvature and at all points of change in direction.

- 4.8.1.2. 710 Monuments shall be a standard permanent granite of not less than three foot six inches (3'6") in length and not less than six inches (6") in width and breadth and shall have a one-half inch (1/2 ") diameter hole one and one-half inches (1 1/2 ") deep, drilled in the center of the top surface. Said

monuments shall be installed at the time of final grading with the top flush with the top final graded surface.

- 4.8.1.3. The placement and accurate location of these monuments shall be certified by a registered land surveyor and properly located on the As-Built Plans. (See Section 3.3.11.)

4.8.2. Street Signs

- 4.8.2.1. From the time of rough grading until such time as the Town as a public way accepts each street, the signposts at the intersection of such street with any other street shall have affixed thereto a sign designating such street as a private way.

- 4.8.2.2. Street signs for each intersecting street shall be installed at each intersection to conform to those used by the West Bridgewater Highway Department and installed at locations approved by the Highway Superintendent.

4.8.3. Cleanup

Any area disturbed by the construction and all rights-of-way shall be cleaned up so as to leave the area shown on the Plan in a neat and orderly appearance free from debris, tree stumps, loose rocks, mounds of dirt or other objectionable material. Said material shall be removed from the site and properly disposed of.

4.8.4. Maintenance of Improvements

For the purpose of protecting the safety, convenience and welfare of the Town's inhabitants, for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel, for reducing the danger to life and limb in the operation of motor vehicles, for securing safety in the case of fire, flood, panic and other emergencies, under the authority of Chapter 41, Section 81-M as amended, the applicant or his successor shall provide for the proper maintenance and repair of improvements during the period of construction.

4.8.5. Flood Hazard Avoidance

4.8.5.1. Any subdivision located in any part within the Flood Hazard District established under the Zoning By-law shall comply with the following:

4.8.5.2. Subdivision design shall be consistent with the need to minimize flood damage within the flood prone area, through use of clustering, open space reservation, street profile design, and drainage;

4.8.5.3. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage;

4.8.5.4. Drainage systems shall be designed in consideration of possible flooding to the Base Flood Elevation.

SECTION 5.0 ADMINISTRATION

5.1. Variation and Waiver

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. 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.

5.2. Reference

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

5.3. Building Permit

5.3.1. No building shall be erected within a subdivision without written permission from the Board by Form J-Release Form.

- 5.3.2. The Building Inspector shall not issue any permit for the erection of a building until he is first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the address to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under Chapter 41, Section 81-X, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board, and in the event that more than one (1) building for dwelling purposes be erected or placed or converted to use as such on any lot, that the Building Inspector is satisfied that consent has been obtained from the Board in accord with Section 2.4. of these Rules and Regulations, Chapter 41, Section 81-Y, and amendments thereto.
- 5.3.3. No structure shall be occupied until at least the base course of bituminous concrete as specified in Section 4.2.6. has been applied to streets, which serve the structure.

5.4. Inspection

- 5.4.1. Inspections shall be arranged by the developer with the Board's Engineer or Agent for that purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.
- 5.4.2. Inspection shall be requested of the Board's Consultant at least **seventy-two (72) hours** in advance of the inception of any stage of the construction.
- 5.4.3. The Board may establish the order of the required inspection and may require satisfactory completion of one (1) step or stage before the subdivider proceeds to the next. It may require tests to be done by the sub-divider as a condition for approval when in the opinion of the Board it is advisable.
- 5.4.4. The proper Town Official shall indicate on Form P - Inspection Form, provided by the Board, the date of inspection and the approval and shall file such form, and an inspection report, if any, with the Board subsequent to each inspection.
- 5.4.5. The purpose of inspection by the Town is to assure that good practices are followed in constructing the project in accordance with the designs and specifications, and not to establish these practices. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the applicant or rescission of the approval of the plan in accord with Chapter 41, Section 81-W, G.L.

5.5. Validity

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

5.6. Modification, Amendment or Rescission

5.6.1. The Planning Board, acting on its own motion or on the petition of any interested person, shall have the power to modify, amend or rescind its approval of a subdivision plan, or to require a change in a plan as a condition of its retaining the status of an approved plan. All the provisions relating to the submission or approval of a subdivision plan shall apply, so far as apt, to the approval of the modification, amendment or rescission of such approval and to a plan which has been changed under this paragraph.

5.6.2. No modification, amendment or rescission or change in an approved plan shall take effect until the applicable provisions of Section 81-W of the Subdivision Control Law are complied with.

5.7. Meeting Procedures

5.7.1. Regular meetings of the Planning Board are held on the dates and times as posted with the Town Clerk. Except for executive sessions as provided for in Section 23A of Chapter 39 of the General Laws, meetings of the Board shall be open to the public to attend. Anyone desiring to meet with the Board shall do so by appointment. To request an appointment, all applicants shall notify the Board in writing by at least the Thursday before a regularly scheduled meeting. Such notice shall include the applicant's name, address, telephone number and a brief outline of the nature of the business to be discussed. Such request may be denied at the pleasure of the Board and rescheduled to a more appropriate date and time. Applicants are strongly requested to use this procedure for the submission of plans in accordance with these rules and regulations. Any person attending an advertised public hearing may address the Board at the pleasure of the Chairman without prior notice and in so doing shall state their name, address and the person or party represented, if any.

5.7.2. All meetings of the Board shall be conducted formally under the direction of the Chairman of the Board. In the absence of the Chairman, the Vice-Chairman shall act as Chairman. A majority of the members of the Board shall constitute a quorum but less than a majority may vote to adjourn, subject to the meeting rescheduled as hereinafter provided, all

other action of the Board shall require a majority vote of all the members. In the event of their being less than a quorum present at any scheduled meeting, the Chairman shall reschedule a meeting as soon as practicable thereafter.

- 5.7.3. The Planning Board may require anyone who comes before it to produce evidence of ownership, power of attorney or authority of an agent.

5.8. Appeals

Appeals may be taken from the determination of the Board in accordance with the provisions of Section 81-SB or 81-Y, Chapter 41, of the General Laws.

5.9. Effective Date

- 5.9.1. These Rules and Regulations shall become effective after approval by the Board, certification by the Town Clerk and filing with the Plymouth County Registry of Deeds and the Recorder of the Land Court in accordance with Section S1-Q, Chapter 41, G.L.

5.9.2. Date filed: _____

- 5.9.3. **The Town of West Bridgewater first accepted the Subdivision Control Law on April 6, 1954.**

6.0. SPECIAL PERMIT GRANTING AUTHORITY

- 6.1. The Special Permit Granting Authority will issue permits in accordance with the procedure and provisions of Section 9 of Chapter 40A, and appropriate section of Zoning Bylaws.

- 6.2. Unless otherwise specified, the Special Permit Granting Authority is the Planning Board.

6.2.0. SPECIAL PERMIT

- 6.2.1. Construction or operations under a building or special permit shall conform to any subsequent amendment of the Bylaw unless the use of construction is commenced within a period of not more than six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

6.3.0. PROCEDURE

- 6.3.1. A Special Permit shall be required for all uses, which are designated in the Town of West Bridgewater Zoning By-laws before the Inspector of Buildings may issue a building or occupancy permit.

- 6.3.2. Each Application for a Special Permit shall be on forms supplied by the Inspector of Buildings and shall be filed in quadruplicate with the Town Clerk who shall transmit copies thereof to the appropriate Boards, Inspector of Buildings and the Planning Board, if it is not the Special Permit Granting Authority. The Planning Board and the Inspector of Buildings shall at any time up to fourteen (14) days after the date of the public hearing held as provided below, transmit to the appropriate Boards, a report accompanied by such materials, maps or plans as will aid the Boards in judging the application and in determining special conditions and safeguards.
- 6.3.3. The Special Permit Granting Authority shall, at the expense of the applicant, give public notice of the appeal in the manner provided in Chapter 40A, Section 9 and 11 of the General Laws. Applicant shall be responsible for notifying abutters. List of abutters to a Certified list obtained from the Board of Assessors. Abutters shall be notified by Certified Mail and receipt cards presented to SPGA.
- a. The decision of the Special Permit Granting Authority must be made within ninety (90) days following the date of public hearing, and failure of the said Board to take final action within said ninety (90) days shall be deemed to be a granting of the Special Permit.
- 6.3.4. Any approval which has been granted by the Special Permit Granting Authority under the provisions of paragraph 2.0. shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.
- 6.3.5. No application for a Special Permit which has been acted upon unfavorably to the applicant shall be considered on its merit by the Special Permit Granting authority within two (2) years after the date of such unfavorable action except with the consent of all but one (1) member of the Special Permit granting Authority.
- 6.3.6. The Special Permit Granting Authority shall not render any decision on an application for a Special Permit before one of the following has taken place:
- a. Said report has been received within fourteen (14) days of the date of the public hearing;
- b. Fourteen (14) days have expired since the public hearing without receipt of said report.

6.4.0. CONSIDERATIONS FOR APPROVAL OF SPECIAL PERMIT

- 6.4.1. Special Permit Granting Authority shall not approve any such application for a Special Permit - unless it finds that, in its judgment, use of the site is in harmony with the general purpose and intent of the West Bridgewater Zoning By-Laws and subject to and consistent with the conditions, safeguards and limitations herein set forth and subject to all the following conditions:
- a. The specific site is an appropriate location for such A use, structure, or condition;
 - b. The use as developed and operated will not adversely affect the Neighborhood;
 - c. There will be no nuisance or hazard to vehicles or pedestrians or volume greater than the capacity of the streets affected;
 - d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use;
 - e. Access to the site over streets is appropriate for the type of vehicle involved.

- 6.4.2. In addition to the items listed in Section 4.1, any such application for a use in the Water Resource Protection District shall be subject to the following conditions:
- a. The use is appropriate to the hydrogeology, natural topography, soils and other characteristics of the site to be developed;
- b. The use will not, during construction or thereafter, have any adverse environmental impact on any of the zones of the Water Resource Protection District: and
- c. The use will not adversely affect existing or designated future public well.

6.5.0 CONDITIONS OF SPECIAL PERMIT

- 6.5.1. In approving a Special Permit Granting Authority may attach such conditions, limitations and safeguards as deemed necessary to protect the district and the Town, No such limited or conditional Special Permit shall take effect until such notice is recorded in the Registry of Deeds. They may include but are not limited to the following:
- a. Requirement of street sides or rear setbacks greater than the minimum required by this ordinance;
- b. Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices, as specified by the Special Permit Granting Authority;
- c. Modification of the exterior features or appearances of the structure;
- d. Limitation of size, number of occupants, method or time of operation, or extent of facilities;
- e. Regulation of number, design and location of access drives or other traffic features;
- f. Requirement of off-street parking or other special features beyond the minimum required by this or other applicable ordinances.

6.6.0 FEES

- 6.6.1. The Board of Selectmen shall establish a schedule of fees and expenses for building permits, appeals, applications and other matters pertaining to this bylaw. The schedule of fees shall be posted in the office of the Inspector of Buildings and may be altered or amended only by the Board of Selectmen.
- 6.6.2. A development fee shall be paid for all uses requiring a Special Permit in accordance with a schedule adopted by the Board of Selectmen.

- 6.6.3. Until all applicable fees, charges and expenses have been paid in full; no action shall be taken on any application or appeal.

LIST OF FORMS

Form A	Application for Endorsements of Plan Believed Not to Require Approval
Form B	Application for Approval of Preliminary Plan
Form C*	Application for Approval of a Definitive Plan
Form C1	Certificate of Approval of a Definitive Plan
Form C2	Certificate of Disapproval of a Definitive Plan
Form D*	Engineer's Certificate
Form D1	Land Surveyor's Certificate
Form E*	Certified List of Abutters
Form F	Performance Bond - Surety Company
Form G	Performance Bond - Secured by Deposit
Form H	Covenant
Form I	Agreement by Applicant as to Public Improvements
Form J	Release Form
Form K	Conveyance of Easements and Utilities
Form L	Referral Form
Form M1	Control Form and Preliminary Plan Checklist
Form M2	Control Form and Definitive Plan Checklist
Form N	Legal Notice of Public Hearing
Form O	Inspection Form

Note: Forms A through E and Form I are part of these Rules and Regulations. All other forms are for ease of administration and may be changed from time to time by the Planning Board or its Agent.

- must accompany the submission of a Definitive Plan

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

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