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RULES AND REGULATIONS OF  
THE PLANNING BOARD  
GOVERNING  
THE SUBDIVISION OF LAND

MATTAPoisETT PLANNING BOARD MEMBERS

William H. Matthews, Chairman  
Richard E. Chase  
Arthur W. McLean  
Barry J. Denham  
Lawrence J. O'Pezio, Clerk

1 August 1989

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RULES AND REGULATIONS  
GOVERNING THE SUBDIVISION OF LAND  
MATTAPoisETT, MASSACHUSETTS

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RULES AND REGULATIONS  
GOVERNING THE SUBDIVISION OF LAND  
MATTAPoisETT, MASSACHUSETTS

(Adopted under the provisions of the Subdivision Control Law  
Sections 81-K to 81-GG, Chapter 41, M. G. L.)

CHAPTER I - PURPOSE AND AUTHORITY

A. PURPOSE:

"The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases, parks and open areas. The powers of the Planning Board and of a Board of Appeals under the Subdivision Control Law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing 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; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the Subdivision Control Law that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendations of the Board of Health and to the reasonable Rules and Regulations of the Planning Board pertaining to subdivision of land; provided, however, that such Board may, when appropriate, waive, as provided for in Section 81-R, such portions of the Rules and Regulations as deemed advisable."

(Section 81-M, Chapter 41, M. G. L.)

B. AUTHORITY

Under the authority vested in the Planning Board of the Town of Mattapoisett by Section 81-Q, Chapter 41, M. G. L., said Board hereby adopts these Rules and Regulations governing the subdivision of land in the Town of Mattapoisett.





A. DEFINITIONS

APPLICANT	A person (as hereinafter defined) who applies for the approval of a plan of a subdivision or who applies under Chapter III. "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 equalled or exceeded in any given year, as designated on the Federal Insurance Rate Maps (FIRM) or, in the absence of such designation, to be determined by the Planning Board upon the best information available regarding flood hazards, including any available United States Geologic Survey, Soil Conservation Service and Corps of Engineer studies.
BENCH MARK	A mark made in a durable object of known elevation as a referenced point.
BIKEWAY	A way designed to be used principally or exclusively by a bicycle or similar human powered vehicle.
BOARD	The Planning Board of the Town of Mattapoisett.
BRIDLE PATH	A way designed to be used 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 the Planning Board to certify or endorse its approval or other action and named in a written statement to the Register of Deeds and Recorder of the Land Court, signed by a majority of the Board. (Section 81-L, Chapter 41, M. G. L.)
DESIGNER	A professional civil engineer or a land surveyor registered to practice in Massachusetts, or a person working under the direct supervision of a registered Professional Engineer or Professional Land Surveyor.

NOTE: Attention is directed to Sections 81-D through T, Chapter 112, M. G. L. regarding the duties and authorities of registered Professional Engineers and of Professional Land Surveyors.

DEVELOP	To construct a street, install utilities, erect a house or other structure, or in any way to substantially improve a lot.
DEVELOPER	A person (as hereinafter defined) who develops a subdivision under a plan of subdivision approved pursuant to Chapter III of these Rules and Regulations.
EASEMENT	A right acquired by public authority or other person to use or control property for a utility or other designated public or private purpose.
GENERAL LAWS	(Abbreviated "M. G. L.") The General Laws of the Commonwealth, 1986 Edition, as the same may be amended from time to time.
LOT	An area of land in one (1) ownership with definite boundaries used or available for use as the site of one (1) or more buildings. (Section 81-L, Chapter 41, M. G. L.)
LOT AREA	The horizontal area of a lot exclusive of any area in a street or recorded way open or proposed to be open to public use.
MONUMENT	A permanent marker to indicate a boundary.
MUNICIPAL SERVICES	Public utilities furnished by the city or town in which the subdivision is located, such as sewer, water drains, water pipes, gas pipes, overhead and underground electrical lines, fire alarm and similar systems, and their respective appurtenances.
OWNER	As applied to real estate, the person holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the Land Registration Office, Registry of Deeds or Registry of Probate.
PERSON	An individual, or two or more individuals, or a group or association of individuals, a partnership, trust or corporation having common or undivided interests in a tract of land.
PLAN, PRELIMINARY	A plan of a proposed subdivision or re-subdivision of land prepared in accordance with Chapter III of these Regulations, to facilitate proper preparation of a Definitive Plan.
PLAN, DEFINITIVE	The plan of a subdivision as duly submitted with 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; all as distinguished from a Preliminary Plan.

PLANNING BOARD AGENT	Town employee, Board member or consultant authorized by the Board to review subdivisions and administer the Regulations.
PRIVATE UTILITIES	This term shall include telephone lines and cable television lines, whether installed on, above or beneath the surface of the ground.
PUBLIC UTILITIES	This term shall include sanitary sewers, surface water drains, water pipes and their appurtenances, overhead and underground electrical lines, and fire alarm systems which may become the property or the responsibility of the Town.
RECORDED	This term 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, Chapter 41, M. G. L.)
REGISTERED MAIL	The term "registered mail" shall mean either Registered or Certified Mail.
ROADWAY	That portion of a way which is designed and constructed for vehicular traffic.
SIDEWALK	A way within the right-of-way of a street normally parallel to the street, designed for use by pedestrians.
STANDARD SPECIFICATIONS	"The Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges", 1973 edition as amended.
STREET	See definition of "SUBDIVISION", paragraphs (a), (b) and (c)
STREET, LOCAL	A street that, in the opinion of the Planning Board, primarily serves abutting residences, has no abutting property either used or zoned for business or industry, and is not intended to serve through traffic.
STREET, SECONDARY	A street that, in the opinion of the Planning Board, primarily serves as a collector street for "local streets" or as a minor through traffic way, and secondarily as access to abutting residences.
SUBDIVISION	The division of a tract of land into two (2) or more lots, and shall include re-subdivision and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on:

- (a) a public way, or a way which the Town Clerk of the Town of Mattapoisett certifies is maintained and used as a public way, or
- (b) a way shown on a plan theretofore approved and endorsed in accordance with Subdivision Control Law, or
- (c) a way in existence on or before February 12, 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 By-Law. Conveyances and 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 set forth above, or the division of a tract of land on which two (2) or more buildings were standing on February 12, 1954 into separate lots on each of which one (1) such buildings remains standing, shall not constitute a subdivision. (Section 81-L, Chapter 41, M. G. L.)

All new lots shown on a plan, whether "Form A", "Preliminary" or "Definitive", shall conform to the applicable Zoning By-Law as to lot size and frontage unless excepted by law or unless the Board grants a waiver.

#### SUBDIVISION CONTROL

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

#### SWAMP

See "WATERCOURSE", "WETLANDS"

#### TOWN

The Town of Mattapoisett.

#### WALKWAY

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

#### WAY

A "way" is synonymous with the terms "road", "street", "highway", "avenue", etc., 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, curbing and planting spaces where required.

## **WATERCOURSE**

Any natural or man-made stream, pond, lake, wetland, coastal wetland, swamp or other body of water, and shall include wet meadows, marshes, swamps, bogs and other areas where ground water, flowing or standing surface water or ice provide a significant part of the substrate for a plant community for at least five months of the year. Swamp shall mean areas where ground water is at or near the surface of the ground for a significant part of the growing season, or where runoff water from surface drainage frequently collects above soil surface.

## **WETLANDS**

Coastal lands, beaches, dunes, flats, marshes, meadows and swamps bordering on the ocean or on any estuary, creek, river, stream, pond or lake, and any land under said waters and any land subject to tidal action, coastal storm flowage or flooding, as these words and phrases are defined in Section 40, Chapter 131, M. G. L.

### **B. APPROVED PLAN REQUIRED**

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

### **C. AFFIDAVIT**

An affidavit shall be filed with the Board by the owner stating that the title to the premises shown on a Definitive Plan and appurtenances thereto are in the name of the applicant and free from all encumbrances or with encumbrances as set forth.

### **D. SOURCE OF INFORMATION REQUIRED**

In those cases in which the land shown on a Definitive Plan is abutted by land, the owner of which is not the owner as shown on the plan, the Board may require a statement from the person who prepared the plan as to the source or sources of the information about the location of boundaries. A separate form for such statement will be furnished by the Board. (See Form D.)

### **E. MORE THAN ONE BUILDING FOR DWELLING PURPOSES ON LOT**

Not more than one (1) building designated 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. (Section 81-Q, Chapter 41, M. G. L.)

F. FILING FEES

Filing Fees are assessed by the Planning Board on behalf of the Town of Mattapoisett, and are intended to offset those costs associated with submission and evaluation of proposed subdivisions.

The minimum filing fees required for each submission to the Planning Board shall be as follows:

Approval Not Required Plans (Form A)	\$ 50.00
Preliminary Plans (Form B)	\$ 10.00 per lot
Definitive Plans (Form C)	\$ 50.00 per lot
(LESS any "Preliminary Fees")	
Zoning Map or By-Law Changes	\$ 100.00

Fees are to be made payable to "Town of Mattapoisett", and must have been paid in full prior to the time of submission of the plan or plans in question. A signed, dated receipt shall be presented to the Board at the time of submission, indicating that requisite fees have been paid. A duly signed copy of the appropriate form, indicating payment has been made, is an acceptable substitute. Payment of the appropriate fee shall not be considered as the equivalent of submittal of a plan, as regards submission dates and scheduled dates of action by the Board. No fees shall be collected for any actions taken to donate land to the Land Bank or Open Space Commission.

G. CONSULTANT FEES

The fees of any professional consultants engaged by the Planning Board to evaluate and provide information on subdivisions shall be borne by the Applicant. All costs incurred by the Planning Board or its authorized Agent(s) to provide engineering review shall be borne by the Applicant. The minimum consulting fee shall be \$20.00 per acre or part thereof per subdivision.

H. OTHER COSTS AND EXPENSES

The Applicant is responsible for preparing a Form E, "Certified List of Abutters". This listing shall be certified by the Board of Assessors and delivered to the Planning Board at the time of submission of a Definitive Plan. All abutters shall be notified by Certified Mail-Return Receipt Requested. Return Receipts are to be addressed to the Planning Board. All other expenses including, without limitation, recording fees and filing fees for documents, and costs for sampling and/or testing required by the Board or its Agent shall be paid solely by the Applicant.

I. PAYMENT

All required payments shall be made by check or money order payable to "Town of Mattapoisett", and shall be presented to the Town Clerk who will acknowledge receipt thereof in the form of a signed dated receipt (or an acceptable substitute), a non-returnable copy of which shall be presented to the Board at the time of the

submission. Any additional payments required by the Board, the costs of which required to be borne by the Applicant, shall be made within thirty (30) days of the billing date.





A. PLAN NOT BELIEVED TO REQUIRE APPROVAL

1. Submission of Plan

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and seven (7) contact prints thereof and two (2) copies of a properly executed Form A, "Application for Endorsement of Plan Believed Not to Require Approval" 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 mail, a notice with the Town Clerk stating the date of submission to the Board for such determination, accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the Town Clerk shall, if requested, give written receipt therefor. Any plan determined to not completely satisfy the requirements of Section A-2 of this Chapter 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 Section A-2 of this Chapter, such plan may be re-submitted and will be considered without prejudice.

2. CONTENTS

Said plan shall be drawn legibly 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:

- a. Identification of the plan by name of owner of record and location of the land in question, the scale, a "North" arrow, and the date.
- b. The statement "Approval Under Subdivision Control Law Not Required" and sufficient space for the date and the signatures of all five members of the Board.
- c. Zoning classification and location of any zoning District Boundaries that may lie within the locus of the plan.
- d. The statement "The above endorsement is not a determination as to conformance with zoning regulations".
- e. In the case of creation of a new lot, the remaining land area and frontage of the land in the ownership of the Applicant shall be shown.

- f. Notice of any decisions by the Zoning Board of Appeals, including but not limited to variances and exceptions, regarding the land or any buildings thereon.
- g. 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.
- h. Names and status of streets (public or private) and ways shown on the plan, and if the streets or ways are private, then the plan shall be accompanied by an affidavit showing that the streets or ways were in existence prior to February 12, 1954.
- i. Bearings and distances where appropriate of all lines of the lot or lots shown on the plan.
- j. Location of all existing buildings, including front, side and rear setbacks.
- k. Location of all bounds, watercourses, fences and walls.
- l. Locus map at appropriate scale.
- m. Area of land satisfying lot area requirements.

3. ENDORSEMENT OF PLAN NOT REQUIRING APPROVAL

If the Board determines that the plan does not require approval, it shall, without public hearing and within twenty one (21) days of submission, endorse the plan. The Board may add to such an endorsement a statement of the reason approval is not required. The original plan shall be returned to the Applicant and the Board shall notify the Town Clerk in writing of its action. (See Form A-1). The Board's endorsement shall be conclusive on all persons.

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-2). The Board's endorsement shall be conclusive on all persons.

5. FAILURE OF THE BOARD TO ACT

If the Board fails to act upon a plan submitted under this Chapter or fails to notify the Town Clerk and the person submitting the plan of its action within twenty one (21) days after its submission, the Board 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 the Board's failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

B. PRELIMINARY PLAN

1. Submission Of A Preliminary Plan

- a. A Preliminary Plan of a subdivision may be submitted by the Applicant for any proposed subdivision, and shall be submitted in all cases when the proposed subdivision will create five (5) or more lots or when the proposed subdivision is nonresidential in nature.
- b. The Preliminary Plan, seven (7) contact prints of it and the minimum filing fee (See Section II-F of these Regulations) shall be filed with the Board. 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 Form B, "Application for Approval of Preliminary Plan".
- c. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Conservation Commission, and other Town agencies and owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. A properly executed Form B, "Application for Approval of A Preliminary Plan" and any other applicable forms shall be filed with the Preliminary Plans submitted to the Planning Board.
- d. Any plan determined to not completely satisfy the requirements of Section B-2, Chapter III 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 shall be sent to the Town Clerk. When brought into conformity with the requirements of Section B-2, Chapter III, such plan may be re-submitted and will be considered without prejudice.

2. Contents

The Preliminary Plan shall be drawn on tracing paper or other reproducible substance at a suitable scale, preferably forty feet (40') to the inch. The Applicant's engineer or surveyor must certify on Form D that the submission is complete. The plan shall be designated as a "Preliminary Plan" and to form a clear basis for discussion of the details for the subdivision and for preparation of the Definitive Plan, the plan shall contain the following:

- a. The subdivision name, if any, boundaries, a "North" arrow, date, scale, legend and the words "Preliminary Plan".
- b. The names of the record owner and the Applicant and the name of the designer, engineer or surveyor.
- c. The names of all abutters.

- d. The locus of the land shown on the plan with sufficient information to accurately locate the plan.
- e. The existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner.
- f. Major features of the land such as swamps, bodies of water and natural waterways.
- g. A general description of the type of surface drainage in a general manner including adjacent existing natural waterways.
- h. The approximate boundary lines of proposed lots, with lot numbers, approximate areas and dimensions.
- i. The names, approximate locations and pavement widths of adjacent streets, and of streets approaching or within reasonable proximity of the subdivision.
- j. The topography of the total project with a contour interval not to exceed five (5) feet.
- k. Letter designation of the proposed streets in lieu of names.
- l. The zoning classification of land shown on the plan and the location of any zoning District Boundaries including any overlay zoning districts, flood hazard risk zones and any "well" or "well development area".
- m. Easements or rights-of-way applicable to the area shown on the plan.

3. Action By The Planning Board

- a. Within forty five (45) days after the date of submittal the Board shall notify the Applicant by registered mail either that the plan has been approved, or that the plan has been approved with modifications, or that the plan has been disapproved.
- b. The Board may give such Preliminary Plan approval, with or without modification, after the Board's review and, at the Board's option, review with the Board of Health, the Conservation Commission, Highway Surveyor, Water/Sewer Department and other Town agencies. (See Form B-1). Such approval does not constitute approval of the subdivision but facilitates the preparation of the Definitive Plan and the securing of approval thereof. The original of the Preliminary Plan will be returned to the Applicant. Approval shall be effective for six (6) months from the date of plan submittal or until a Definitive Plan evolving from the Preliminary Plan is filed, whichever comes first.
- c. In the event of disapproval of the Preliminary Plan, the Board shall state the reasons for its disapproval in accord with Section 81-U, Chapter 41, M. G. L. (See Form B-2).

C. DEFINITIVE PLAN

1. Submission Of A Definitive Plan

Any person who submits a Definitive Plan of a subdivision to the Board for approval shall file with the Board all items required in Sections C-1 and C-2 of this Chapter and the filing fee. (See Chapter II for a Definitive Plan to be "duly submitted" in accord with these Rules and Regulations and the General Laws of the Commonwealth of Massachusetts.) Such submission shall be made to the Planning Board. If applicable, the Applicant shall also file by delivery or by Registered Mail a notice with the Town Clerk stating the date of submission to the Board for such approval of a Definitive Plan accompanied by a copy of a properly executed Form C.

- a. An original drawing of the Definitive Plan and seven (7) contact prints thereof, dark lines on white background. The original drawing(s) will be returned after approval or disapproval.
- b. Where wetlands are involved on a Definitive Plan, the Applicant must file the Definitive Plan with the Mattapoissett Conservation Commission simultaneously with the filing of the Definitive Plan with the Planning Board. The final decision by the Planning Board will be forthcoming only after the Applicant has obtained a report from the Conservation Commission stating that the basic location of the roadway layout can be built without being in violation of the Wetland Protection Act, Section 40, M. G. L. 131 or any other applicable law or regulation.
- c. A properly executed application, Form C, "Application for Approval of a Definitive Plan", Form D, "Designer's Certificate" and Form E, "Certified List of Abutters", must accompany the Definitive Plan. 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, unless otherwise waived.
- d. The Definitive Plan shall be prepared by a registered Professional (Civil) Engineer and/or a registered Professional Land Surveyor registered in Massachusetts. A Definitive Plan shall contain the following:
  - (1) The classification and precision of surveys shall conform to Class A or better of the most recent Land Court Manual of Instructions, Commonwealth of Massachusetts. It is recommended that all other surveys and Definitive Plan preparation, where not herein specified, be guided by this Manual of Instructions.
  - (2) The Plan shall be at a suitable scale, preferably forty feet (40') to the inch.

- (3) Sheet sizes shall not be greater than twenty-four inches by thirty-six inches (24" x 36") and shall include a three-quarter inch (3/4") border.
- (4) All plans involving multiple sheets shall be accompanied by a Title Sheet.
- (5) A note shall be added to all plans as follows:  
"Plans subject to Covenants, conditions and restrictions set forth in a Covenant (or Covenants) dated (blank) to be recorded herewith".
- (6) 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".

## 2. Contents

The Applicant's engineer or surveyor must certify on Form D that the submission is complete. The Definitive Plan shall contain the following information:

- a. A title, appearing in the lower right-hand corner of each sheet showing the name of the subdivision, if any; the name of the owner of record, the location of the land in question, the date, scale, a "North" arrow, and the name(s) and seal(s) of the designer(s), engineer and/or surveyor who made the plan.
- b. Location and ownership of abutting property as it appears on Form E, "Certified List of Abutters", including all abutting land owned by the Applicant not presently being subdivided. All abutters will be given notice by Certified Mail-Return Receipt Requested. Return receipts will be addressed to the Planning Board.
- c. Major features of the land, such as existing waterways, swamps and water bodies, natural drainage courses, walls, fences, buildings, wooded areas, outcroppings and ditches which exist on or near the site at the time of the survey. Where available, aerial photographs are encouraged, and may be required. The limits of any vegetated wetlands including any swamp, meadow, bog or marsh shall be established in the field by a qualified professional and shall be mapped through a field survey of the professional's markings and shown on the plan.
- d. Lines of existing and proposed streets, ways, lots, lot numbers of each lot designated numerically in sequence, existing and proposed easements, and public or common areas within the subdivision. The letter designation of proposed streets shall be shown in pencil.
- e. Sufficient data to determine the exact location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines.

including lot frontage on the streets, the radii, tangents, length of arcs and central angles of all curves in lot lines and street lines. All angle points, or changes in directions along 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-E, Chapter 41, M. G. L. of adjoining lands of the Applicant not included in the subdivision shall be shown.

- f. Location of all permanent monuments properly identified as to whether existing or proposed.
- g. 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.
- h. The zoning 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 front, side and rear setbacks required for each lot as is required by the Zoning By-Laws.
- i. The existing location of the Base Flood Elevation if encountered within, or within one hundred feet (100') of the subdivision.
- j. Indication of all existing or proposed easements and rights-of-way applying to the land and their purposes, whether or not within the subdivision, and any decision of appeal or any variances or exceptions made by the Zoning Board of Appeals applicable to the subdivision of the land or any buildings thereon.
- k. If the property that encompasses 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 adjoining parcels of land of the Applicant.
- l. Suitable space to record the action of the Board and the signatures of all members of the Board, including where appropriate, the words "Deeds of Easements to be recorded herewith" or the words "Covenants to be recorded herewith".

NOTE: Items C-3, "Plan and Profile", C-4, "Contour Plan", and C-5, "Utility Plan", shall be submitted on separate sheets of the same size as the Plan sheet. Each sheet shall bear a title block and signature block. Drainage calculations shall be submitted in text and tabular form.

### 3. Plan And Profile Of Proposed Streets

Existing profiles of the exterior lines and centerline drawn in fine black line, "dot-dash" for left, "dot-dot-dash" for right, and "dash" for centerline, and proposed profile on the finished centerline drawn in fine black solid line of

proposed streets at a horizontal scale of forty feet (40') to the inch and a vertical scale of four feet (4') to the inch or other such scales as acceptable to the Board. At 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 at every twenty-five foot (25') station. All existing and proposed intersections and sidewalks, wheelchair ramps, bikeways and walkways shall be shown with all proposed grade elevations calculated. Elevations are to be referred to the Town Datum (US C&GS 1929). Gradients shall be shown by figures expressed in percent.

4. Contour Plan

Existing and proposed topography shall be shown at two foot (2') contour intervals. All benchmarks will be noted.

5. Utility Plan

Size, location, current flow rate and pressure (if such information is available) of existing and proposed water supply mains and their appurtenances, hydrants, gas mains, electric distribution systems, street lighting and its appurtenances, fire alarm systems, storm drains and sewerage disposal systems and their appurtenances, and easements pertaining thereto, and curbs, berms and their dimensions, including data on borings and soil test pits, and the method for carrying water to the nearest watercourse or easements for drainage as needed, whether or not within the subdivision. If surface water drains will discharge onto existing adjacent 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 that such discharge is satisfactory and permitted by public or private ownership of the adjacent street or property.

6. Drainage Calculations

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.

7. Cross Sections

Typical cross-sections of each street, roadway, drainage ditch and sidewalk or other features required by the Planning Board to be constructed.



8. Sedimentation And Erosion Control Plan

A Comprehensive Sedimentation and Erosion Control Plan shall be submitted if required by the Board showing the staging of construction and the measures to limit waterborne and wind-induced erosion, which shall include quick-rooting vegetation, expeditious stabilization of disturbed areas, hay bales, diversions, siltation fences and sedimentation basins. The pre-development and construction stage sediment loadings in all watercourses shall be calculated using the Universal Soil Loss Equation.

9. 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 centerline of all proposed streets at intervals no greater than one hundred feet (100') with the centerline stations.

10. Soil Survey

The Board may require soil surveys and/or tests 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.

- a. Test pits, borings or soundings shall be taken along the centerline of each street shown on the plan at intervals of not more than 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, factors affecting the quality and service life of the street. Test pits shall be made under the supervision of the Planning Board or its authorized agent, and shall not be backfilled until the Applicant has been notified by the Board that all necessary inspection and sampling has been completed. Where borings are used, samples shall be taken at five foot (5') intervals and at each change in strata or as directed by the Board. Soundings shall be taken in areas of unsuitable material for the purpose of determining the hard bottom contours. Test pits and borings, 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.
- b. All information concerning the test pits, borings or soundings (location, depth, soil strata, depth of water table) shall be submitted to the Board in a written report to be prepared, evaluated and stamped by a Registered Professional Engineer.

D. PROCEDURE

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, together with the proposed location of each lot's septic system and 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 the 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 the plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report and where possible, shall make recommendations for the adjustment thereof, provided, however, if a municipal sewerage system will service the proposed subdivision, then failure of the Board of Health to make such a report within forty five (45) days after the plan is filed with their office shall be deemed approval by such Board. The Board of Health shall send a copy of such report, if any, to the person who submitted said plan. Every lot so located that it cannot be served by a connection to a municipal sewer system shall be provided with a septic tank and drain field satisfactory to the Board of Health and/or the Massachusetts Environmental Code minimum standards 310 CMR 15 as the Board of Health shall determine. A note shall be added to all plans as follows:

"No dwelling will be constructed on any lot without first securing from the Board of Health the Disposal Works Construction Permit required by Title V of the State Environmental Code."

The approval of a Definitive Plan by the Board does not absolve the developer of any other requirements of the Board of Health or other Town Boards.

2. Review By Other Town Officials

It is the developer's responsibility to distribute copies of the Preliminary and Definitive Plans to Town Officials and obtain a dated receipt of said delivery (See Form Q). Copies to the Conservation Commission, Board of Health, Highway Surveyor, Water/Sewer Department, Police Department, Fire Department, Building Inspector and any other department as may be designated by the Board. Before the Definitive Plan is approved, the Board will request written statements from the above departments and commissions with regards to the proposed improvements in the following respect:

- a. Conservation Commission as to potential involvement with Chapter 131, Section 40, M. G. L. and the effects of the subdivision on streams, wildlife and similar considerations within the scope of the Conservation Commission.
- b. The Highway Surveyor, Water/Sewer Department and Board of Health as to the design of the street system, location of easements, monuments and location of drainage system, water system and, if applicable, a sewage system and their appurtenances, and relationship to existing water and drainage systems and the feasibility of snow removal from sidewalks and roadways.
- c. The Fire Department and Fire Alarm Superintendent as to the location of hydrants, installation of the alarm system and emergency access.
- d. The Police Department as to street safety, both vehicular and pedestrian, and access for emergency vehicles.

### 3. Public Hearing

Before taking any action to approve, modify or disapprove a Definitive Plan, the Board shall hold a hearing at which parties of 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 Mattapoisett 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 notice to the Applicant and to all owners of land abutting the land and all owners of land within three hundred feet (300') of a property line of the land shown on the plan, as shown on the most recent tax list.

### 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 set forth in Section 81-U, Chapter 41, M. G. L. as amended. In summary, the Board, after receiving the Plan and profiles, will review same to determine whether they are in compliance with its 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 approval under Section 81-U, 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, for the purpose of the Subdivision Control Law, shall be deemed to be a part of the plan. (See Forms C-1 and C-2).

In cases where a Preliminary Plan has been submitted, the Board is required to take action within (90) days of the date of submittal of the Definitive Plan. In cases where a Preliminary Plan has not been submitted, the Board is required to take action within one hundred thirty five (135) days of the date of submittal of the Definitive Plan. Should additional time be required, the Board may, upon written application by the Applicant, extend the time required in each case. (See Form P, "Request For Extension of Time".)

5. Performance Guarantee

Before endorsement of its approval of a Definitive Plan of a subdivision by the Planning Board, the subdivider shall agree to complete the required improvements (construction of ways and the installation of municipal services) specified in Chapter IV for any lots in a subdivision, such construction and installation to be secured on one, or in part by one and in part by another, of the following methods which may, from time to time, be varied by the Applicant, with approval of the Planning Board. In addition, the subdivider shall agree that no structure will be occupied until at least the base course of the bituminous concrete as specified in Chapter IV has been installed and approved by the Board, and no more than fifty (50) percent of the lots in any subdivision will be released until the base course of bituminous concrete as specified in Chapter IV has been installed and approved by the Board.

6. Final Approval With Bonds Or Surety (See Forms G, H and I)

The subdivider shall either file a performance bond with surety, a deposit of money or an irrevocable letter of credit in an amount and form to be determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Chapter IV not covered by Covenant under Section 5. hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer and shall be contingent upon the completion of such improvements within eight (8) years of the date of the bond.

7. Final Approval With Covenant (See Form F)

The subdivider shall file a Covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services as specified in Chapter IV not covered by bond or deposit under Section 6. hereof, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

8. Extensions

The period for completion in Sections 5 through 7 above may be extended by the Planning Board at the written request of the subdivider accompanied by satisfactory proof that such extension is necessary and in the public interest. (See Form P).

E. APPROVAL OR DISAPPROVAL

1. Action By Planning Board

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 provided 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 six (6) months of approval with modification shall automatically rescind the plan. The Board shall rescind its disapproval if, within six (6) months 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 (See Form C-1), with the Town Clerk and the Town Clerk has notified the Board that no appeal has been filed. If appeal has been made, said endorsement shall be made after the entry of a final decree of the Court sustaining the approval of such a plan. Final approval shall be subject to the construction specifications contained herein and to the Rules and Regulations of the Planning Board. After the Definitive Plan has been approved and endorsed, the Board shall return the original to the Applicant.

The Board may extend the period permitted by state statute between submission of a Definitive Plan and action thereon upon written request of the Applicant. (See Section D.8 above).

Approval of the Definitive Plan does not constitute the acceptance by the Town of streets shown on the plan, and a note to this effect shall be included on the Definitive Plan.

2. 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 Planning 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 at the time or approval of the original subdivision.

### 3. Endorsement

If roads and improvements are not completed within the time agreed on, but in no event later than eight (8) years after endorsement of the plan by the Board, the Planning Board approval of said subdivision may be revoked. At least twenty (20) days prior to endorsement, all required Covenants shall be provided to the Board or its Agent along with a Designer Certification that title to the premises shown on said plan and appurtenances thereto including any off-site easements and rights-of-way are in the Applicant's name and are free from encumbrances or that the encumbrances set forth will not preclude any required subdivision improvements.

### F. RECORDING

The Applicant shall file all approved Definitive Plans and the 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 Covenant shall be referred to on the cover sheet of the plan. The Applicant shall deliver to the Board one (1) copy of the approved and recorded Definitive Plan.

### G. RELEASE OF PERFORMANCE GUARANTEE

Prior to the release by the Board of any 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 provided by the Board (see Form K) transferring to the Town, without cost, valid unencumbered title to all common sewers, storm drains and water mains, electrical and gas distribution systems and appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved, and conveying to the Town without cost and free from all liens and encumbrances, perpetual right and easements to construct, inspect, repair, renew, replace, operate and forever maintain the aforesaid underground facilities, 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, 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.

### H. REDUCTION OR RELEASE OF PERFORMANCE GUARANTEE

#### 1. Reduction Of Bond Surety

The penal sum of any such bond or the amount of any deposit held under the clause paragraph Chapter III, Section D-5 may, from time to time, be reduced by the Board and 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.

2. Final Release Of Performance Guarantee

Upon completion of improvements required under Chapter IV, "Design Standards", security for the performance of which was given by bond, or irrevocable letter of credit unlimited in time, deposit or Covenant, or upon 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 Mattapoisett at least seven (7) days prior to the releasing of performance bond or surety, an announcement that such release is contemplated. He shall also send by Registered Mail or delivery to the Town Clerk and the Board a written statement that 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 Chapter IV, "Design Standards". Such statement is to contain:

- a. Name and address of Applicant.
- b. A compliance certificate signed under oath by the developer and his Engineer stating that the development has been completed according to the Rules and Regulations of the Planning Board and the Town of Mattapoisett Zoning By-Laws.
- c. Copies of or reference to the requisite number of Inspection Forms and Reports.
- d. Written evidence from the appropriate Town Boards, Commissions or agencies as to construction of all ways, sidewalks, installation of monuments, street signs, pavement, gutters and curbs, lighting, required grading and drainage, water mains, hydrants and appurtenances, all sewer drains and appurtenances, if any, and adequate lot drainage, all in accordance with the Definitive Plan.
- e. Written evidence from the Board of Health as to the installation of sewage disposal facilities, if applicable, all in accordance with the Definitive Plan.
- f. Written evidence from the Fire Alarm Superintendent as to the installation of the fire alarm system, all in accordance with the Definitive Plan.

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

3. Determination Of Incompleteness

If the Board determines that said construction, installation or filing of the "as-built" plans has not been completed, it shall specify to the Town Clerk and to the developer, in writing, by Certified Mail or delivery, the details wherein said construction and installation have failed to comply with the requirements contained under Chapter IV.

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

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 a Covenant, it shall issue a written release of the Covenant on a properly executed Form J, "Release Form".

I. AS-BUILT PLANS

Prior to the final release, the developer shall file with the Board as-built acceptance plans of completed street or streets. The plans shall show all plans and profiles corrected to be actual as-built locations and profiles of all streets, ways and utilities, including those installed by others such as electric, telephone and gas and certified by the Applicant's engineer. Said plans shall be prepared in a manner suitable for records and the Registry of Deeds and recorded thereat, if required.

J. MODIFICATION, AMENDMENT OR RESCISSION

As set forth in Section 81-W, Chapter 41, M. G. L., the Planning Board, on its own motion or on the petition of any person interested, has the power to modify, amend or rescind its approval of a plan of subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan. All of the provisions of the subdivision control law relating to the submission and approval of a plan of a subdivision shall, so far as apt, be applicable to the approval of the modification, amendment or rescission of such approval and to a plan which has been changed under this section. Any action taken by the Board to amend, modify or rescind the approval of a Definitive Plan shall be noted on a properly-executed Form R.



## CHAPTER IV - DESIGN STANDARDS

### A. GENERAL GUIDELINES

#### 1. Construction Guidelines

- a. 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.
- b. To insure high quality and uniformity of construction and unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the Commonwealth of Massachusetts Department of Public Works, Standards and 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 the "Commonwealth of Massachusetts, Department of Public Works, Construction Manual Part 3, 1966", as amended.
- c. 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.
- d. The extent of work required shall be completed as shown on the approved plans, and shall be in compliance with the Standard Cross-Section, Schedule B and C of the "Standard Specifications".
- e. 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.
- f. No earth shall be removed from the area shown on a Definitive Plan except in accordance with the approved plan.
- g. As each construction operation is completed, the Planning Board or its Agent shall be notified at least forty-eight (48) hours in advance for necessary inspections by the proper Town authority prior to starting work on the succeeding operation.

#### 2. Flood Hazard Avoidance

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

- a. Subdivision design shall be consistent with the need to minimize flood damage within the flood-prone area, through the use of street profile design and drainage.
- b. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.
- c. Drainage systems shall be designed in consideration of possible impact of flooding at the Base Flooding Elevation.

B. STREETS AND ROADWAYS

1. All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the location of the street layout in order to obtain the maximum livability and attractiveness of the subdivision.
2. The proposed streets shall conform, so far as applicable, to the Master Plan as adopted in whole or in part by the Planning Board.
3. Provision satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
4. Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the opinion of the Planning Board, such strips shall be in the public interest.
5. Street names and walkways shall be approved by the Town Clerk in keeping with the character of the Town. Proposed street names shall not duplicate or bear phonetic resemblance to the name of existing public ways, paper streets, or any other way qualified to afford frontage under Section 81-L, Chapter 41, M. G. L.

C. CONSTRUCTION CRITERIA (See "Typical Cross Sections" in Appendix)

1. The following construction criteria shall apply to all "Local Streets" laid out in the Town of Mattapoisett:
  - a. All local streets shall be laid out with a right-of-way of forty feet (40'). The Board may require greater width when necessary to meet present or future traffic demands.
  - b. Each local street shall have two (2) twelve foot (12') traffic lanes.
  - c. Minimum parking and utility strips four feet (4') in width shall be provided on each side.
  - d. When sidewalks are required, two (2) sidewalks, each four feet (4') in width shall be provided.
  - e. The maximum gradient shall be seven (7) percent and the minimum horizontal centerline radius of curves shall be one hundred fifty feet (150').
2. The following construction criteria shall apply to all "Secondary Streets" laid out in the Town of Mattapoisett:

- a. All secondary streets shall be laid out with a right-of-way of sixty feet (60'). The Board may require greater width when necessary to meet present or future traffic demands.
- b. Each secondary street shall have two (2) twelve foot (12') traffic lanes.
- c. Each secondary road shall be fitted with two (2) six-foot (6') paved shoulders and two (2) five foot (5') parking strips.
- d. When sidewalks are required, two (2) sidewalks, each five feet (5') in width shall be provided.
- e. A two foot (2') utility strip shall be provided on each side of the street.
- f. The maximum gradient shall be five (5) percent and the minimum horizontal centerline radius of curves shall be four hundred feet (400').

D. DEAD-END STREETS

1. Permanent dead-end streets (a street, extension of a street or a system of streets connected to other streets at only a single point) shall not be the only frontage for more than twelve (12) potential lots under the zoning applicable at the time of submittal.
2. Dead-end streets shall not be longer than five hundred feet (500') unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions.
3. A paved walkway and/or bikeway which, in the opinion of the Board, provides an emergency access route for fire, police or snow plowing equipment, and contains water and sewer main connections or gas and electric underground systems to adjacent ways, will be considered by the Board as a sufficient cause for waiver of the requirements of section D.1 above.
4. All dead-end streets shall have at the closed end a paved turning circle of not less than eighty feet (80') in diameter and a property line diameter of not less than one hundred feet (100') with curves of radii not less than twenty feet (20') at the entrance to the turning circle.
5. The Board may require a roadway easement from the end of the dead-end street to adjacent property.

E. GENERAL CRITERIA, STREETS AND ROADWAYS

1. The minimum gradient of any street shall be six inches (6") per one hundred feet (100').
2. The maximum gradient may exceed the limits of Section C-1 or Section C-2 of this Chapter if, in the opinion of the Board, such action is necessary. However, the street gradient shall never exceed ten (10) percent in slope.
3. Sidewalks and curbs will be required only in areas of the Town where the Board determines them to be necessary, and this requirement shall in general be confined to heavily built-up neighborhoods (urban areas). Cut or fill side slopes shall not exceed a ratio of four to one (4:1).

4. All above-grade features, such as hydrants, utility poles, street trees, etc., shall be confined to the Parking/Utility Strip adjacent to the property line.
5. Street jogs with centerline offsets of less than one hundred twenty five feet (125') shall be avoided.
6. Curves at intersecting streets shall have a tangent distance of not less than twenty feet (20').
7. All reverse curves on secondary streets shall have a one hundred foot (100') minimum tangent between curves.
8. Streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees). No street shall intersect any other street at an angle of less than sixty (60) degrees.

F. EASEMENTS

1. Easements for utilities across lots or centered on rear or side lines shall be provided where necessary and shall be at least twenty feet (20') in width.
2. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel or stream.

G. OPEN SPACES

Before approval of a plan, the Board may also, in proper cases, require the subdivider to show a park or parks suitably located for recreation purposes. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of the land. The Board may, by appropriate endorsement on the plan, require that no building be erected on such lands for a period of three (3) years without the Board's prior approval.

H. PROTECTION OF NATURAL RESOURCES

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

I. ROADWAY CONSTRUCTION

The "Standard Specifications" should be referred to for more detailed descriptions of the work, materials and construction methods. Prior to any clearing or construction, the developer, contractor, Highway Surveyor and Water/Sewer Superintendent shall meet to discuss the construction sequence and any special requirements of the site. Results of this meeting shall be reported to the Planning Board.

1. Clearing

- a. Clearing and grubbing shall be performed to remove all stumps, brush, roots, boulders and like material from the area of the travelled way, berms, shoulders, sidewalks and utility trenches, but whenever feasible, existing vegetation shall be protected. Cleared materials shall be removed from the property unless otherwise approved by the Board.
- b. Earth excavation shall be the removal of all materials encountered within the area of the travelled way, berms, shoulders and sidewalks, including loam or soft, spongy or otherwise undesirable material such as peat, roots, muck or quicksand, said removals to be down to the true surface of the sub-grade or to suitable material in areas where unsuitable material exists, in preparation for foundation of the roadway, sidewalks, driveways and berms.
- c. When, in the opinion of the Planning Board, 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.
- d. This work shall be inspected and approved as hereinafter described before continuance of the project.

2. Rough Grading

- a. The entire length and width of the vehicular way shall be brought to a firm sub-grade of at least fifteen inches (15") below the finished grade shown on the profile.
- b. The entire length and width of all sidewalks, walkways and bikeways shall be brought to a firm sub-grade at least eight inches (8") below the finished grade level.
- c. All fill or ordinary borrow shall consist of any firm bearing material, except loam, sub-soil, organic matter or stones over six inches (6") in their largest dimension.
- d. This work shall be inspected and approved as hereinafter described before continuance of the project.

3. Utilities

- a. Water pipes and appurtenances, such as hydrants and main gate valves shall be constructed and installed to serve all lots in the subdivision in conformity with the standards of the Water/Sewer Department.
- b. Sewer pipes and appurtenances, including mains, services and manholes shall be constructed and installed in conformity with the standards of the Sewer Department.
- c. Gas and electric utility lines shall be constructed and installed so as to meet the standards of the respective utility companies.

- d. All utilities installed in a subdivision shall have a capacity judged by the Planning Board to meet future anticipated requirements.
- e. This work shall be inspected and approved as hereinafter described before continuance of the project.

4. Storm Water Management

- a. Subdivision design, grading and storm drainage facilities shall be designed to prevent 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 system itself.
- b. Increases in the rate of storm water runoff resulting from development shall be minimized and retained or detained within the development, and then released slowly to the existing surface waters.
- c. Storm drains and cross culverts shall be designed on the basis of a ten-year frequency storm, and retention basins shall be designed based on a twenty-five year frequency storm.
- d. Water shall not be allowed to run more than four hundred feet (400') on paved surfaces. Catch basins shall not serve as manholes. Catch basins shall be provided at all low points or sags along the vehicular way, within twenty feet (20') of the upgrade side of street intersections and at no more than four hundred foot (400') intervals along continuous grades. Catch basin design shall generally conform to the typical detail accompanying these Regulations.

5. 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 accordance with the specifications of the Board. Where required by the Planning Board or the Board of Health, the applicant shall furnish evidence that adequate provision has been made for the proper drainage of surface and underground waters from any lot or lots. Drainage conveyances and easements shall be provided to convey storm water to the nearest permanent stream of municipal drainage system.

6. Finish Grading And Paving

- a. If required by the Board, permanent stone or concrete curbing, matching that of adjacent streets, shall be installed at a nominal height of six inches (6") above gutter with bottom at least twelve inches (12") below the surface of the pavement.

- b. All sub-grades of vehicular ways shall be covered with at least twelve inches (12") of well-compacted gravel, spread in two (2) six-inch (6") layers. The first layer shall be gravel borrow type A, six inches (6") largest dimension, as set forth in the Standard Specification, and the second six inches (6") shall be gravel borrow type C, two inches (2") largest dimension, as set forth in the Standard Specification. Each layer shall be thoroughly watered, rolled and compacted to ninety five (95) percent of the maximum density for the gravel. Any depressions that appear during and after the rolling shall be filled with additional gravel and re-rolled until the surface is true. The surface shall be to a grade three inches (3") below the finish grade shown on the profile, with a transverse pitch from the centerline of the pavement edge of one-quarter inch (1/4") per foot.
- c. All vehicular ways shall then be paved with three inches (3") of compacted bituminous concrete, Type I-1, and laid in two (2) courses, the lower course to be one-and-three quarter inches (1 3/4") and the upper course to be one-and-one-quarter inches (1 1/4").
- d. No construction shall be undertaken before March 30 nor after December 1 of any year without the prior written permission of the Planning Board.
- e. If required, all sub-grades of sidewalks, walkways and bikeways shall be covered with at least six inches (6") of well-compacted gravel to a grade two inches (2") below the desired finish grade and pitched one-quarter inch (1/4") per foot toward the vehicular way. A two inch (2") course of compacted bituminous concrete, Type I-1, shall then be applied. Where driveways cross such paved areas of any sidewalk, walkway or bikeway, the elevation of such driveway shall conform to the elevation of the paved sidewalk, walkway or bikeway area.
- f. All planting strips shall be filled with at least six inches (6") of compacted loam, pitched laterally one quarter inch (1/4") per foot and planted with a high-quality grass seed.
- g. This work shall be inspected and approved as hereinafter described before continuance of the project.

7. Monuments

Permanent concrete bounds shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Board, permanent monuments are necessary. Such monuments shall conform to, and shall be set in accordance with the Standard Specification. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

8. Final Approval

The subdivider shall proceed with this work as previously specified and when completed, shall request inspection and final written approval of the street or way or portion that is under construction.

9. Inspection And Approval Procedures

- a. The Planning Board shall control the operations in the streets and ways of the subdivision by inspection and approval of the work by its designated Agent, who shall be the Highway Surveyor of the Town of Mattapoisett. The subdivider shall obtain approval of each operation by the Highway Surveyor in the aforementioned sequence of work.
- b. The Board may, in cases of minor construction or in cases of undue hardship upon the subdivider, waive any inspection except that for final approval by issuing provisional approval pending full approval after the next inspection.
- c. It shall be the responsibility of the subdivider to notify the Board in writing when an operation of the work is ready for inspection, and the Board shall cause such inspection to be made within seven (7) days of receipt of such notice, Saturdays, Sundays and legal holidays excluded. Failure to have the required inspection completed within the prescribed period of time shall be deemed to be an undue hardship on the subdivider, and the Board will then waive the requirement for that inspection.
- d. Approval of the work inspected shall be given the subdivider before the next operation of work is begun in the street or way, and such approval shall be forwarded to the Board by the Highway Surveyor. If corrections to the work are required by the Highway Surveyor, such corrections shall be made before approval is given for an operation and before any subsequent work is started, unless written authority is obtained from the Board to proceed into the next operation of work while making the required corrections.
- e. Failure to carry out the provisions of this Section shall be cause for the Planning Board to order such work done as may be necessary to make adequate inspection and correction of the work under construction. All expenses related to this ordered action shall be borne by the subdivider.



## CHAPTER V - ADMINISTRATION

### A. VARIATION

Strict compliance with the requirements of these Rules and Regulations may be waived when in the judgement 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. It is the policy of the Mattapoissett Planning Board that waivers will not be granted for any of these regulations unless the Applicant can first demonstrate that the entire subdivision cannot be constructed in full conformance with all the remaining requirements of the Rules and Regulations. The Board may then consider waiver of certain regulations if it deems their waiver to be in the public interest.

### B. REFERENCE

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

### C. BUILDING PERMIT

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

### D. INSPECTION

1. Inspections shall be arranged by the developer with the Planning Board or its 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.
2. Inspection shall be requested of the the Planning Board or its Agent at least forty-eight (48) hours in advance of the inception of any stage of the construction.
3. The Board may establish the order of required inspection and may require satisfactory completion of one (1) step before the developer proceeds to the next. It may require tests to be done by the subdivider as a condition for approval when in the opinion of the Board it is advisable.
4. The proper Agent of the Planning Board shall indicate on an Inspection Form, provided by the Board, the date of the inspection and the approval and shall file such form, and an inspection report, if any, with the Board subsequent to each inspection.
5. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the Applicant or rescision of the approval of the plan in accordance with Section 81-W, Chapter 41, M. G. L.

E. VALIDITY

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

F. EFFECTIVE DATE

The Regulations become effective after approval by the Board, certification by the Town Clerk and filing with the Registry of Deeds and the Recorder of the Land Court.