



Subdivision Rules and Regulations

Town of Bolton
Subdivision Rules and Regulations
amended July 24, 1996

- 2100 amend section (a) to read:
(a) the plan (an original and two full-size paper prints)
- 5221 Location add a new section (g)
(g) The proposed subdivision road's centerline intercept on the same side of an approved or accepted public road must be at least two hundred (200) feet from the centerline intercept of any other approved or accepted common driveway. This centerline separation can be reduced at the Board's sole discretion to not less than one hundred (100) feet if the applicant demonstrates to the Board's satisfaction that public safety will not be compromised by a lesser separation. The Board will also consider as part of its approval of the location of a proposed common driveway such issues as public safety, the location of existing residential dwellings, the site's topography, the location of wetlands, natural resources and any other significant factors of value to the Town of Bolton.
- 5226 Setback (add this new section)
At no point shall the centerline of a proposed subdivision road be less than seventy five (75) feet from any lot line not part of the proposed subdivision.

The centerline of a proposed subdivision road must be at least the greater of (a) one hundred (100) feet from any existing residential building or (b) fifty (50) feet from any lot line not served by the proposed subdivision road or part of the proposed subdivision. The Board will consider in approving the location of a proposed subdivision road public safety, the location of existing residential dwellings, the sites topography, the location of wetlands, natural resources and any other significant factors of value to the Town of Bolton.
- 5233 Storm Drainage Systems replace existing (j) with the following:
(j) Stormwater shall be directed to enter the most environmentally suitable area. Stormwater generated from a subdivision driveway and stormwater flowing onto a proposed subdivision street shall be controlled such that no flow causes adverse impacts to neighboring properties. No flow from a subdivision is allowed to flow onto an approved or accepted public road, abutting property, wetlands or waterbody unless it can be demonstrated by engineering calculations that the flow being discharged is less than that of pre-development conditions at the same point(s) of discharge for at least the ten (10) year storm event. Calculations for roadways are to be based upon a Bituminous Concrete Pavement surface (C=0.95)
- 6264 Bituminous Concrete Pavement (amend first paragraph to read as follows)
The paving shall consist of a binder course (a minimum four (4) inches compacted thickness for a major or secondary streets and a minimum three (3) inches compacted thickness for minor streets and lanes) followed by a wearing course (a minimum one and one-half (1.5) inches compacted thickness per MDPW specifications section 460 class I bituminous concrete pavement, type I-1. The bituminous binder shall not be applied between November 15 and April 1 without written approval from the Board.

**TOWN OF BOLTON
MASSACHUSETTS**

SUBDIVISION RULES AND REGULATIONS

**REVISED AND ADOPTED BY
THE BOLTON PLANNING BOARD**

December 11, 1991

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SECTION 1000

GENERAL

The following rules and regulations shall be effective on and after December 11, 1991 and so remain until modified or amended by the Bolton Planning Board. No person shall subdivide land in the Town of Bolton after such effective date without first obtaining the Planning Board's approval of the definitive plan for the proposed land subdivisions or an endorsement entitled "Approval Under Subdivision Control Law Not Required" upon a plan.

1100. PURPOSE

These subdivision rules and regulations are adopted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Bolton by regulating the laying out and construction of ways which provide access to several lots within a subdivision but which have not become public ways, and by ensuring sanitary conditions in subdivisions and, in some cases, open space areas. The powers of the Planning Board and of the Board of Appeals under the Subdivision Control Law shall be exercised with due regard:

- (a) for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel;
- (b) for lessening congestion in such ways and in the adjacent public ways;
- (c) for reducing danger to life and limb in the operation of motor vehicles;
- (d) for securing safety in the case of fire, flood, panic and other emergencies;
- (e) for ensuring compliance with the applicable zoning by-laws;
- (f) 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 for a subdivision;
- (g) for coordinating the ways and utilities to and in neighboring subdivisions for future street extensions; and
- (h) for providing access and drainage tie-ins to adjoining property which is not yet subdivided.

It is the intent of the Subdivision Control Law, under which these regulations are adopted, that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendation of the Town boards 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 in General Laws Section 81-R, such portions of the rules and regulations as are deemed advisable and necessary. (Reference: Section 81-M of G.L. Chapter 41)

1200. AUTHORITY

These rules and regulations have been adopted under the authority vested in the Bolton Planning Board by Section 81-Q of G.L. Chapter 41, as amended. The Bolton Planning Board shall be the agency responsible for administering these rules and regulations and shall have all the powers assigned to it by Sections 81-K to 81-GG of G.L. Chapter 41.

1300. DEFINITIONS

Abutters: Those land owners directly abutting the land being subdivided, and those land owners across the street from the land being subdivided, and those land owners within 500 feet of any property line of land being subdivided.

Agent: An agent appointed by the Board, serving as the Board's representative to advise the Board on matters relating to these rules and regulations and construction of ways.

Applicant: A person, including an owner or his representative, who applies for the approval of a plan of a land subdivision.

Board: The Planning Board of the Town of Bolton, meaning a majority of such.

Board of Health: The Board of Health of the Town of Bolton, or its appointees.

Building Inspector: The Board of Selectmen of the Town of Bolton, or its appointees.

General Laws (abbreviated G.L.): The General Laws of Massachusetts. In case of rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections of the new codification.

Highway Superintendent: The Superintendent of Streets and/or an agent of the Planning Board.

Lot: An area of land in one ownership, with definite boundaries, used or set aside and available for use as the site of one or more buildings.

MDPW Standards: Those standards of design and construction written in the latest editions of the Massachusetts Department of Public Works' Standards and Specifications for Highways and Bridges and Construction Standards.

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 appropriate Land Registration Office, Registry of Deeds or Registry of Probate.

Parcel: Land that is not buildable and/or land that is not and does not qualify as a building lot.

Registered Civil Engineer/Land Surveyor: An individual holding a valid (unexpired, unrevoked) registration from the Commonwealth of Massachusetts Board of Registration of Professional Engineers and Land Surveyors.

Recorded Plans: Definitive plans and/or "Approval Not Required" plans which require endorsement as specified under Subdivision Control Law Section 81-X. The original plans are then recorded at the Worcester County Registry of Deeds or registered at the Massachusetts Land Court.

Roadway: That portion of a way which is designed and prepared for safe vehicular travel, also referred to as "street".

Subdivision: The division of a tract of land into two or more lots, including re-subdivision and, when appropriate to the context, the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two 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 certifies is maintained and used as a public way, or
- (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or
- (c) a way in existence when the Subdivision Control Law became effective in the town in which the land lies, having (in the opinion of the 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 Town Zoning By-Laws for erection of a building on such lot.

Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as to leave any lot without the frontage set forth above, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the Town of Bolton into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision. (Reference: Section 81-L of G.L. Chapter 41)

Subdivider: The applicant and/or owner and/or developer who intends to subdivide and develop the property and construct all improvements included on the approved definitive plan in accordance with the subdivision rules and regulations and Planning Board conditions of approval.

Subdivision Control Law: G.L. Chapter 41, Section 81-K to 81-GG inclusive, and any amendments thereof, additions thereto or substitutions thereof.

Town: The Town of Bolton.

Way or Right-of-Way: The full strip of land designated as a way, consisting of the roadway, utilities, planting strips and sidewalks. A way so designated shall be available only for such uses as are customary for ways in the town, and shall not be available for any private uses, such as the construction of buildings, fuel tanks, septic tanks, fences or walls.

1400. GENERAL PROCEDURES

1401. No person shall proceed with the improvement of land for the sale of lots in a subdivision, or the construction of ways, or preparation thereof, or the installation of utility and municipal services therein, unless and until a definitive plan of such subdivision has been submitted, approved and endorsed by the Planning Board as hereinafter provided.
1402. The Planning Board will not approve any plan of a subdivision of land unless all buildings, structures, lots and other proposals shown on said plan comply with the zoning by-laws in existence at the time of application, unless a variance from the terms thereof has been properly granted.
1403. The Board may assign as its agents appropriate town agencies or officials and may from time to time have professional assistance, at the cost of the applicant, to review any subdivision plans and inspect improvements during and after construction of said improvements. These costs incurred for plan review shall be paid in full by the applicant prior to endorsement of the plan. Costs incurred for construction inspection shall be paid in full by the subdivider prior to release of the performance guarantee.
1404. The Board may adopt and from time to time amend reasonable fees and fee regulations for the administration of these rules and regulations.
1405. These rules and regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board after a public hearing, on its own motion or by petition.

1406. Plans intended for review at a regular meeting of the Board shall be filed with the Town Clerk during regular office hours and forwarded to the Board prior to such meeting. The day of filing with the Town Clerk shall be deemed the date of submission for all plans except that the date of mailing shall be deemed the date of submission for definitive plans sent by registered mail to the Board in care of the Town Clerk. Plans shall not be considered "submitted" until all required documentation has been received. If any notice of plan submission is given by delivery to the Town Clerk, the Town Clerk shall give written receipt thereof to the applicant, if requested.
1407. The official in the Town of Bolton authorized to issue building permits shall not issue any permit for the erection of a building until first satisfied (a) that the subject lot is not within a subdivision, or (b) that the subject lot is on a way which furnishes access to the subject lot as required by Subdivision Control Law and as shown on a plan or entitled to be recorded under Section 81-X G.L. Chapter 41, 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, in the event that the Board has by rule or regulation required that not more than one building for dwelling purposes be erected or placed or converted to use as such on any lot without its consent, until satisfied that such consent has been obtained. No building permit within a subdivision shall be issued without the written permission from the Board releasing the lot for the erection of a building.
1408. All plans so submitted (except preliminary plans) shall be accurate representations of actual field surveys that conform to Technical Standards for Property Surveys as adopted by the American Congress on Mapping and Surveying and endorsed by the Commonwealth of Massachusetts Board of Registration of Professional Engineers and of Land Surveyors.
1409. Strict compliance with the requirements of these subdivision rules and regulations may be waived when, in the judgement of the Board, such action is in the public interest and not consistent with subdivision control law. All plans and all procedures shall in all respects comply with the provisions of these rules and regulations, unless the Board authorizes a variation therefrom in specified instances.
1410. When the applicant is seeking waivers to these rules and regulations, the applicant shall present a separate letter requesting such waivers to the Board at the time of application. The list of waivers shall also be printed on the plan next to the Board's signature block.

1411. Any part of these rules and regulations subsequently invalidated by a new federal or state law or modification of an existing federal or state law shall automatically be brought into conformity with the new or amended law, and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulations.
1412. If any section, paragraph, clause, sentence or provision of these rules and regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these rules and regulations shall be deemed to remain valid and effective.
1413. For matters not covered by these rules and regulations, reference is made to Sections 81-K to 81-GG, inclusive, of G.L. Chapter 41, as amended.
1414. Within 30 days after the return of an approved plan, the applicant shall cause to be recorded in Worcester County Registry of Deeds, and in the case of registered land with the recorder of Land Court, a copy of the approved definitive plan and accompanying conditions of approval, covenants and agreements, if any. Following plan approval, endorsement, and recording, the applicant shall provide the Board with a set of reproducible plans (mylars or sepias), and one set of prints of all plans, and one copy of final covenants and restrictions, (noting book, page number and date of recording of each or in the case of registered documents, Land Court certificate numbers), proving that recording (registration) was accomplished.
- Applicant shall follow those procedures for recording specified under Section 81-X G.L. Chapter 41.
1415. Failure to comply with the procedural and other requirements of these rules and regulations may result in the rescission of the approval given hereunder by the Board.

SECTION 2000

PLANS BELIEVED NOT TO REQUIRE APPROVAL

2100. SUBMISSION PROCEDURES

Any person who wishes a plan of land to be recorded and who believes that said plan does not require approval under the Subdivision Control Law shall submit to the Bolton Planning Board the following:

- (a) the plan (an original and one full-size paper print);
- (b) a filing fee (refer to Appendix);
- (c) Form A application, properly executed (refer to Appendix);
- (d) A sketch of the existing and proposed lot lines at a scale of 1 inch equals 200 feet for use by the Assessor's Office.

The applicant shall give written notice to the Town Clerk (by delivery or by registered mail, postage paid) that said plan has been submitted.

2200. PLAN CONTENTS

The plan shall be prepared and certified by a registered land surveyor and shall be a legible drawing suitable for recording at a scale of 1 inch equals 40 feet, or such other scale as the Board may accept to show details clearly and adequately. The plan sheet shall not be smaller than 10 inches by 14 inches and not larger than 24 inches by 36 inches and shall contain the following:

- (a) the names of the record owner and the applicant, the name and seal of the land surveyor who prepared the plan, and the names of all abutters as shown on the plan (NOTE: abutters here shall mean those directly abutting and across the street from the land being subdivided);
- (b) the statement "Approval under Subdivision Control Law Not Required," and sufficient space for the date and the signatures of all members of the Planning Board;
- (c) existing boundary with reference to at least two permanent boundary monuments on or off the land to which the plan relates;
- (d) the boundary lines of proposed lots, with accurate areas and dimensions; bearings and distances to permanent monuments.
- (e) existing and proposed easement dimensions and purpose;
- (f) the names, locations and identification of ways as public or private;

- (g) existing structures, bounds, and walls;
- (h) north arrow, date of survey and scale;
- (i) deed reference of record owner by book and page number and Land Court certificate number if applicable;
- (j) zoning classification
- (k) location of any zoning district boundary lines adjacent to the site;
- (l) notice of any decisions or variances issued by the Zoning Board of Appeals, including but not limited to variances and special permits regarding the land and any buildings thereon.
- (m) sufficient dimensional information to prove that each lot conforms with the most recent zoning by-law.

2300. PLANNING BOARD ACTION

2310. Determination that "Approval Not Required"

If the Board determines that the plan does not require approval, the Board or its agent shall without a public hearing and within 21 days of submission endorse on the plan the words "Approval Under Subdivision Control Law Not Required". The original plan shall be returned to the applicant for recording. Such endorsement shall not be deemed to constitute a determination of total compliance with the requirements set forth in the Town's zoning by-laws.

2320. Determination that Plan Requires Approval

If the Board determines that the plan does require approval under the Subdivision Control Law, it will so inform the applicant, return the original plan, and notify the Town Clerk accordingly. The applicant may then submit the plan for approval under the Subdivision Control Law and these rules and regulations, or the applicant may appeal the Board's determination to the Superior Court in accordance with the provisions of Section 81-B of G.L. Chapter 41.

2330. 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 applicant of its action within 21 days after the submission, the plan shall be deemed "Approval Under Subdivision Control Law Not Required", and the Board shall make such endorsement on said plan. On the Board's failure to do so, the Town Clerk shall issue a certificate to the same effect.

SECTION 3000

PLANS REQUIRING APPROVAL UNDER SUBDIVISION CONTROL LAW:

PRELIMINARY PLAN

3100. SUBMISSION PROCEDURES

A preliminary plan showing the subdivision of land may be submitted by the applicant to the Planning Board for discussion, approval, modification or disapproval by the Board. The submission of such a preliminary plan, which is not a binding commitment, will enable the applicant, Planning Board, Board of Health, other town boards, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in each case.

The applicant seeking approval of a preliminary plan shall submit to the Planning Board the following:

- (a) four full-size paper prints of the plan;
- (b) a filing fee (refer to Appendix);
- (c) Form B application, properly executed (refer to Appendix);
- (d) list of waivers being requested.

The applicant shall submit one copy of the plan to the Board of Health and one copy of the plan to the Conservation Commission. The applicant shall give written notice to the Town Clerk by delivery or registered mail, postage paid, that such plan has been submitted.

Additional information or plan modifications submitted after the date of submission will be considered at the discretion of the Planning Board.

During the meeting with the Planning Board on the preliminary plan, the information required for the definitive plans and the financial guarantees for performance will be discussed.

3200. PLAN CONTENTS

The preliminary plan shall be drawn at a suitable scale, preferably 1 inch equals 40 feet, on sheets 24 inches by 36 inches, (larger sheets are acceptable up to 30 inches x 42 inches) and shall contain the following:

- (a) the subdivision name, boundaries, north arrow, date, scale, legend, zoning classification of parcel, location of any zoning district boundary lines and the title "Preliminary Subdivision of Land in Bolton";

- (b) the names of the land owner (for the land being subdivided), applicant, designer, engineer and/or land surveyor; (Note that the preliminary plan does not necessarily require preparation and certification by an engineer and/or a land surveyor.)
- (c) the names of all abutters, as determined from the most recent local tax list, placed on the plan at the appropriate locations;
- (d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision, in a general manner. The names, approximate locations and widths of adjacent streets must also be provided.
- (e) the existing and proposed drainage system, in a general manner;
- (f) the approximate boundary lines of existing and proposed lots, with approximate areas and dimensions;
- (g) F.E.M.A. 100-year floodplain and any zoning overlay districts (if applicable);
- (h) major site features of the land such as existing stone walls, buildings, structures, bounds, large trees (over 18 inches diameter) or wooded areas, rock outcrops, water bodies, wetlands, streams and stream obstructions within 500 feet upstream and downstream from the subdivision property lines, existing trails, cart paths and historic artifacts;
- (i) existing and proposed contours at intervals of 2 feet or smaller for the entire site;
- (j) a preliminary profile of all proposed streets, ways, roads and drains, together with a cross-section of the way and of any open channels;
- (k) title reference, date of deed, the book and page number, and Land Court Certificate Number (when applicable) for the subject parcel being subdivided;
- (l) locus map at a scale of 1 inch equals 1,000 feet showing the subject site relative to surrounding area and indicating major roads. A blowup of the USGS plan is acceptable.

- (m) a description of existing soil conditions, based on a U.S.D.A. Soil Conservation Service study of recent date, describing:
 - o the relationship of soil types and topography to surface runoff;
 - o the relationship of soil and elevation contours to seasonal high-water table;
 - o soil suitability for roads;
 - o soil suitability for home sites, drainage and on-site sewage disposal systems.
- (n) A statement of any easements, covenants or restrictions applying to the parcel being subdivided, and notice of any decision by the Zoning Board of Appeals.
- (o) wetlands, in a general manner

Where the owner and/or applicant also controls un-subdivided land adjacent to that shown on the preliminary plan, the applicant shall submit a separate large-scale sketch plan showing a feasible future street layout for such adjacent land to be used by the Planning Board for long-range planning purposes only.

3300. FIELD TRIP WITH THE BOARD

The Planning Board, accompanied by the applicant and/or the applicant's representative, may take field trip(s) to the site of the proposed subdivision. In order to facilitate field inspection and review of the site of the proposed subdivision, temporary staking of the centerline of all proposed roads in the subdivision may be required prior to such field trip(s).

3400. PLANNING BOARD ACTION

The Board shall, within 45 days after submission, approve such preliminary plan with or without modifications, or disapprove such plan with its reasons therefore. Approval of a preliminary plan does not constitute approval of a subdivision, but does facilitate the procedures for preparing and securing final approval of the definitive plan. The Planning Board shall notify the Town Clerk of its decision within said 45 day period.

Any preliminary plan submitted by the applicant to the Planning Board which does not conform with the above requirements shall not be so designated, nor shall such a plan be given approval by the Board.

The submission of the preliminary plan for examination by the Board shall not be deemed a submission of a definitive plan. Action by the Board on such preliminary plan shall not prejudice its action on the definitive plan.

SECTION 4000

PLANS REQUIRING APPROVAL UNDER SUBDIVISION CONTROL LAW:

DEFINITIVE PLAN

4100. SUBMISSION PROCEDURES

Persons seeking the subdivision of land to be recorded shall submit a definitive plan showing the subdivision of land to the Planning Board and to the Board of Health for final approval, approval with modifications, or disapproval by each board in accordance with the following rules and regulations.

The submission should be based on the preliminary review process and should contain all changes and modifications suggested by the various boards and Town consultants under the auspices of the Planning Board.

The applicant seeking approval of the definitive plan shall submit the following:

- (a) four full-size paper prints of the plans and calculations as specified below;
- (b) a filing fee per the fee schedule in the appendix. The fee shall be made payable to the Town of Bolton at the time of the filing of the definitive plan for the purposes of partially covering the estimated expenses incurred for consulting engineering for plan review, advertising, notices, etc., in connection with the approval of the plan;
- (c) any other information required and previously requested by the Planning Board and other boards during the preliminary plan review process, if applicable;
- (d) a certified list of all abutters (see definition) per the most recent tax list (refer to Appendix for form);
- (e) form C application, properly executed (refer to Appendix);
- (f) performance guarantee per section 4340 (refer to Appendix).

The applicant shall also file a notice with the Town Clerk stating the date of submission of the definitive plan. The notice to the Town Clerk shall be accompanied by a copy of the completed Form C application, including the time in which the applicant agrees to complete the ways and utilities.

The applicant shall also submit one set of full-size paper prints to each of the following town boards: Board of Health, Conservation Commission, Police/Fire, Highway Superintendent, Town Counsel.

4200. CONTENTS OF PLANS AND CALCULATIONS

The definitive plan shall consist of a title sheet, lot layout plan(s), street plan and profile sheet(s), topography plan(s) and a soil survey. Required certifications are listed below. All plans shall be drawn with ink at the scale of 1 inch equals 40 feet on sheets not larger than 24 inches by 36 inches on mylar or linen.

Each sheet shall have a north arrow, graphic bar scale, proposed and existing street names, sheet number (i.e., Sheet 3 of 7), and a title block entitled "Definitive Subdivision of Land in Bolton." The title block shall include the name of the subdivision, name and address of land owner (and applicant, if different), name and address of surveyor, name and address of engineer, and date of preparation. Each sheet shall have a signature block for Planning Board members and the Town Clerk.

4210. Title Sheet

The Title Sheet shall include the following:

- (a) index of drawings, general legend (if applicable) and general notes (if applicable).
- (b) in the event that the lot layout plan requires more than one sheet, a key plan of the subdivision shall be prepared to a scale that will fit on one sheet indicating the area covered by each sheet of the lot layout plan. The key plan shall show all boundary lines and the names of all abutters, as determined from the most recent tax list, in their proper relative locations. The key plan shall show the existing and proposed lines of streets, ways, easements, public or common areas and building lots, zoning classification (with zoning boundaries if two districts exist), zoning overlay districts (if applicable), deed references, and proposed names of new streets.
- (c) locus map at a scale of 1 inch equals 1,000 feet showing subject site relative to surrounding area and indicating major roads. A blowup of a USGS plan is acceptable.
- (d) certification by a registered civil engineer and/or land surveyor.

4220. Lot Layout Plan

The Lot Layout Plan shall include the following:

- (a) dimension and direction of all boundary lines;
- (b) areas of all proposed lots, with said lots designated numerically and in sequence;
- (c) dimension and direction of existing and proposed easements and their purposes;
- (d) covenants or restrictions applying to the land and their purposes, whether they are in the subdivision, public or common area, or outside the subdivision;
- (e) existing and proposed permanent monuments;
- (f) location of ways, name and present width of streets bounding, approaching or within 500 feet of the subdivision.

- (g) a statement that each lot complies with the Town's zoning.
- (h) certification by a registered land surveyor.

4230. Street Plan and Profile.

There shall be a street plan and profile of each street in the subdivision drawn to a horizontal scale of 1 inch equals 40 feet and a vertical scale of 1 inch equals 4 feet. Benchmark elevations are to be based upon NGVD of 1929. Plan and profile sheets include the following:

- (a) sufficient dimensional information to readily determine the location, direction, length and width of each street, way and easement so that they can be established on the ground;
- (b) all existing and proposed overhead and underground utilities shown on plan. Drainage lines will be shown on both plan and profile. A table shall list structure inverts, rim elevations, station numbers, sizes and slopes of pipes.
- (c) all curbing in plan, identifying type of curbing;
- (d) the existing ground profile along the proposed centerline and both sidelines of the right of way. (Different dashed line symbols will designate one from another.)
- (e) the proposed centerline profile showing gradients and vertical curves, including labels indicating length, K value and design safe sight stopping distance;
- (f) existing and proposed centerline grades on 50 foot stations (25 foot stations on vertical curves); centerline grades of low points for sag curves and high points for crest curves;
- (g) road stations shown on both plan and profile;
- (h) lot corners and sideline extensions in plan;
- (i) all buildings, walks, drives and other existing site features within 100 feet (either side) of the street centerline;
- (j) certification by a registered civil engineer.

4240. Topography and Grading Plan.

The grading plan(s) shall show within the road right of way the existing and proposed topography at a one foot contour interval. Existing topography will be based on recent actual field surveys and/or controlled aerial survey. The same vertical datum as specified above shall be used. This plan shall show (within 150 feet, either side, of the proposed road centerline) the major site features as required in section 3200 (h). This plan will show any proposed or existing roads, ways, or paths traversing the site indicating the condition and status of same. Property line dimensions are not required on this plan. This plan shall show proposed planting of street trees with legend of size and type of planting, unless the applicant chooses to produce a separate landscaping plan. Street lighting and sidewalks shall be shown. The wetland resource areas as determined by the Conservation Commission shall be graphically shown on this plan. This plan shall be certified by a registered civil engineer.

4250. Soil Survey Plan.

The soil survey shall include the information as required for the preliminary plan (see section 3200 m). In addition, the soil survey plan shall show locations of enough deep hole tests and percolation tests to prove each lot is suitable for individual on-site sewage disposal systems as proposed. A soils report prepared by a registered civil engineer or soil scientist or sanitarian will be submitted as part of these requirements.

4260. Impact Analysis.

The Board may request environmental and/or financial impact studies which demonstrate that available alternatives have been explored and provide evidence that the plans submitted represent the best environmental and/or financial interests of the town. For projects over 10 house lots and for all non-residential subdivisions, an impact analysis is required. The impact analysis shall be prepared by a bona fide land planner and/or registered civil engineer. Refer to Appendix for the outline of impact analysis.

4270. Drainage Calculations. As specified under Section 5233.

4300. PLANNING BOARD ACTION

4310. Review of the Board of Health

The Board of Health shall, within 45 days after submission, report to the Planning Board in writing its approval or disapproval of said plan. Approval from the Board of Health of the definitive plan shall not be treated as, nor deemed to be, approval of a permit for the construction and use of any individual sewage disposal system on any lot contained therein.

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, or are unsuitable because of drainage conditions, and where possible, shall make recommendations for the adjustment thereof.

4320. Review of other Town Officials

The Planning Board will (at its discretion) obtain the appropriate recommendations from the following town officials prior to making its final determination:

- (a) Highway Superintendent and/or Board's agent for review of the design of the street system and other infrastructure, location of easements and the relationship to existing ways and drainage systems, and sight distances to and from the site at subdivision entrances;

- (b) Fire Department for recommendations as to locations and adequacy of water for fire extinguishing purposes and emergency access;
- (c) Police Department for recommendations as to vehicular and pedestrian traffic, access for emergency vehicles, and street names;
- (d) Conservation Commission for review of the environmental impacts of the subdivision infrastructure on existing wetlands, streams, wildlife and other natural resources, and open space considerations;
- (e) Town Counsel for review of easements, agreements, and performance guarantee.

The Board may require the applicant to obtain written statements from the above town officials prior to the approval of the definitive plan.

4330. Public Hearing

Before approval, modification and approval, or disapproval of the definitive plan, a public hearing shall be held by the Board. Notice of such hearing shall be given by the Board (at the expense of the applicant) in a newspaper of general circulation in the town, once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing and/or by posting such notice in a conspicuous place in Town Hall for a period of not less than 14 days before the day of such hearing in accordance with Section 81-T of G.L. Chapter 41.

A copy of said notice shall be mailed by the Board to the applicant and all abutters (see definition), as listed on the Certified List of Abutters prepared by the applicant for Board of Assessor's certification.

4340. Performance Guarantee

Before endorsement of approval of a definitive plan, the Board will require provisions for the completion of construction of ways and the installation of Town services in accordance with the rules and regulations of the Board. The construction of ways and the installation of municipal services (within the time period specified by the Board) shall be secured by one, or in part by one and in part by the other, of the following methods (which may vary from time to time with the approval of the Board).

Failure to complete construction within the specified time, or failure to begin construction within 12 months following the date of approval, will be considered as adequate reason for the Board to rescind, modify, or disapprove any subdivision (for which a bond and/or covenant has been filed) as specified under Section 81-W of G.L. Chapter 41 and/or to authorize enforcement of the bond.

4341. By a Proper Bond or By a Deposit of Money or Negotiable Securities, sufficient in the opinion of the Board to secure performance of the construction of ways and the installation of services (including drainage) required for lots in the subdivision shown on the definitive plan. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel. (Refer to Appendix for form)

As part of the performance bond or security, the owner agrees to:

- (a) complete all improvements in accordance with the Board's rules and regulations;
- (b) remove all building materials and rubbish from the subdivision and leave the subdivision free from hazardous and/or unattractive slopes, excavations and piles of material within six months of the date of occupancy of any structure within that area;
- (c) complete all improvements described above within 12 months of the start of construction.

The owner further agrees that no structure will be occupied until at least the base course of bituminous concrete (as specified in these rules and regulations) has been applied to the streets which serve those structures. No extensions of these limitations shall be granted without approval of the Board.

- (d) prepare estimates of cost of performing the various items of required work and improvements proposed based on the current Mean's Catalog with 15 percent for contingencies and an additional adjustment factor for two years' inflation incorporated in the bond estimate. The applicant shall submit the same to the Board for review, modification and approval to be used in determining the necessary total sum of the performance bond.

4342. By a Covenant: The owner shall file a covenant acceptable to the Planning Board, executed by the owner of record and duly recorded, running with the land, whereby conditions specified on the Certificate of Approval are met, and whereby such ways and services (including drainage) shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance of a single deed,

subject to such covenant, of either the entire parcel of land shown on the definitive plan or of all lots not previously released by the Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed. (Refer to Appendix for form.)

4343. By an Agreement Whereby Lender Retains Funds: The applicant shall deliver to the Board an agreement executed after recording of a first mortgage covering the premises shown on the definitive plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the Board and otherwise due the applicant, to secure the construction of ways and the installation of municipal services (including drainage). Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, agreed to by the Board, any funds remaining undisbursed shall be available to the Board for completion of the project according to the definitive plans.

4350. Inspection Fees

Prior to endorsement of the definitive plan, the applicant shall be required to submit to the Board an amount, as specified in the appendix, to pay for reasonable construction inspection services by an agent to assist the Board in its determination as to the adequacy of the subdivision construction.

4360. Certificate of Approval

The action of the Board in respect to such plan shall be by vote per the time limits specified in Section 81-U of G.L. Chapter 41. Extensions of time between the submission of the definitive plan and Board action thereon shall be permitted upon written request of the applicant. Copies of the Board's vote shall be certified and filed with the Town Clerk, and sent by delivery or registered mail to the applicant.

If the Board votes to modify or disapprove such plan, then the Board shall state in its vote the reasons for its action. The Board shall revoke its disapproval when the plan has been amended to conform to the rules and regulations of the Planning Board or recommendations of the Board of Health or the other boards.

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 (or by the signature of the person officially authorized by the Planning Board) but not until the statutory 20 day appeal period has elapsed following the filing of the

certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. After the definitive plan has been approved and endorsed, the Planning Board shall return the original to the applicant.

Approval of the definitive plan does not constitute the laying out or Town acceptance of ways within a subdivision.

SECTION 5000

DESIGN STANDARDS

5100. GENERAL

All subdivisions shall adhere to the principles of compatible land use, sound planning, and good engineering, and shall meet the requirements of public safety, including reasonable precautions against possible natural disasters, traffic safety and convenience, adequate water supply, stormwater drainage and protection against flooding, and sanitary sewage disposal, and shall be designed with due regard to the rights, health and welfare of the residents of the Town, including the future residents of such subdivisions.

It is a policy of the Town and a major objective of the Board that all subdivisions designed and improvements made by the subdivider shall accomplish the following:

Reduce, to the extent reasonably possible:

- (a) volumes of cut and fill and excessive grading;
- (b) area over which existing vegetation will be disturbed (especially within 100 feet of wetlands);
- (c) the number of healthy, mature trees removed;
- (d) the extent of waterways altered or relocated;
- (e) visual prominence of man-made elements which are not necessary for safety or orientation;
- (f) erosion and siltation; soil loss or instability;
- (g) flood damage;
- (h) the number of driveways exiting onto existing streets;
- (i) disturbance of important wildlife habitats, outstanding botanical features, geologic features, scenic or historic places;
- (j) visibility of building sites from existing streets;
- (k) blockage of vistas through new development;
- (l) removal of stone walls;
- (m) alteration and obstruction in groundwater or surface water or naturally occurring chemical constituents.

Increase, to the extent reasonably possible:

- (a) vehicular use of collector streets to avoid traffic on streets providing house frontages;
- (b) visual prominence of natural features of the landscape;
- (c) legal and physical protection of views from public ways;
- (d) street layout facilitating solar orientation of houses;
- (e) use of curvilinear street patterns;
- (f) attractiveness of the street layout in order to obtain maximum livability and amenities of the subdivision;
- (g) the ability to safely pass through the way during construction;
- (h) the preservation of the open rural character of the Town;
- (i) water quality, both groundwater and surface water.

5110. Compliance with Other Requirements

All subdivisions shall be laid out so as to conform to these rules and regulations and to the requirements of other boards and officials of the Town acting within their jurisdiction.

5111. Wetlands Protection. The Board may condition its approval of a definitive plan upon the issuance of an "Order of Conditions" from the Bolton Conservation Commission or the Massachusetts Department of Environmental Protection.

5112. Compliance with Bolton Zoning By-Laws. All proposed streets and ways shall comply with the Town's Zoning By-Laws in effect at the time of plan application. All proposed lots shall comply with those dimensional requirements set forth in the same Zoning By-Laws.

5120. Earth Removal

The approval of a definitive plan by the Board shall not be construed as authorizing the removal of earth material from the premises, even though the approval is in connection with the construction of streets shown on the definitive plan. All earth removal within subdivisions shall be in accordance with the Town's zoning by-law for earth removal.

5130. Access Through Another Town

Any access to a proposed subdivision through another town shall require the certification of that town that the street is in accordance with the rules and regulations of that town's planning board, and that the bond posted is adequate, and that the access is adequate for the expected traffic. The entire street shall be designed in accordance with the most restrictive specifications.

5140. Street Connection

Subdivisions containing 16 or more lots shall have at least two noncontiguous connections with a street or streets, either existing or shown on an approved subdivision plan, for which a performance guarantee has been filed with the Board. These two noncontiguous connections shall be separated by a distance of at least 600 feet.

5150. Board's Prerogative

Where the design standards and/or construction specifications as described in these rules and regulations are not specific enough, it shall be the Board's prerogative to impose design and/or construction requirements as deemed necessary and proper. If in the opinion of the Board, the proposed design is inadequate given the specific site conditions, the Board shall specify the appropriate requirement(s) for design and/or construction.

5200. STREETS

All streets in the subdivision shall comply with policies and standards per the American Association of State Highway and Transportation Officials (AASHTO) publication, "A Policy on Geometric Design of Highways and Streets" (latest edition).

Major streets should, as far as practicable, provide for the continuation or projection of existing principal streets.

5210. Classification of Streets

5211. Major Street: A street which, in the opinion of the Board, is being used or will be used as a thoroughfare between different portions of the Town of Bolton, or which will otherwise carry a heavy volume of traffic (generally 1,500 vehicle trips per day). The design speed shall be 50 MPH.

5212. Secondary Street: A street intercepting one or more minor streets and which, in the opinion of the Board, is used or will be used to carry a substantial volume of traffic (generally 400 vehicle trips per day) from such minor street(s) to a major street or community facility, and normally including the principal entrance street of a large subdivision or group of subdivisions, and any principal circulation street within such subdivision. The design speed shall be 40 MPH.

5213. Minor Street: A street which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots, carrying less than 400 vehicle trips per day (but greater than 150 vehicle trips per day) and/or less than 3,000 feet in length, and which will not be used for through traffic. The design speed shall be 30 MPH.

5214. Lane: A street which, in the opinion of the Board, is being used or will be used primarily to provide access to a small number of abutting lots, carrying 150 (or less) vehicle trips per day. Lanes are typically used, but not limited to, dead-end streets. The design speed shall be 20 MPH.

5220. Street Design

5221. Location

- (a) 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.
- (b) Proper provision, suitable to the Board, shall be made by means of easements for the projection of streets and ways, or for access to adjoining property which is not yet subdivided.

- (c) Street jogs with centerline offsets of less than 150 feet shall be avoided.
- (d) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60 degrees.
- (e) Proposed subdivision streets intersecting major (or secondary streets) shall have a minimum sight distance of 300 feet measured from the driver's seat stopped at the intersection looking in either direction to oncoming traffic.
- (f) Streets shall be laid out so as to intersect at intervals which permit the block size to be in the range of 600-1200 feet in length. In lieu of actual construction of cross street, the Board may approve an easement for a future street.

5222. Horizontal Alignment

- (a) The centerline of the pavement shall coincide with the centerline of the way.
- (b) The minimum centerline radii for horizontal curves shall be as follows:

Major Streets: 530 feet
 Secondary Streets: 290 feet
 Minor Streets: 125 feet
 Lane: 100 feet

- (c) Reverse horizontal and vertical curves are allowed for minor streets and lanes and do not require separation by tangents between the curves. Major and secondary streets require a 100 foot tangent be placed between the reverse curves, except where the radius of curvature for both curves is greater than 1060 feet for major streets and greater than 580 feet for secondary streets.
- (d) Wherever possible, centerline horizontal curve (beginning and end of curve) points shall coincide with centerline vertical curve (beginning and end of curve) points.
- (e) The distance between curb line and property line at any intersection shall be the same as along the approach portions of the intersecting streets. Property lines at street intersections shall be rounded (or cut back) accordingly to comply with this regulation.

The curb radius at all intersections shall not be less than 25 feet, with the exception that the intersection of two major streets shall have a curb radius not less than 50 feet.

5223. Width

- (a) The minimum width of pavements and rights-of-way shall be as follows:

Major Street: 70 feet right-of-way and 34 feet pavement
 Secondary Street: 60 feet right-of-way and 28 feet pavement
 Minor Street: 50 feet right-of-way and 24 feet pavement
 Lane: 40 feet right-of-way and 24 feet pavement

5224. Grade

- (a) The maximum and minimum longitudinal centerline grades shall be as follows:

Major Streets: 5 percent maximum, 0.5 percent minimum
 Secondary Streets: 6 percent maximum, 0.5 percent minimum
 Minor Streets: 8 percent maximum, 0.5 percent minimum
 Lane: 10 percent maximum*, 0.5 percent minimum

* Except that on north facing slopes the maximum shall be 8 percent.

- (b) Where curves and grades combine to create potentially dangerous driving conditions, the Board will require a suitable amount of superelevation of the curves or other protection mechanisms.
- (c) The minimum length of a vertical curve shall not be less than 100 feet.
- (d) On any street intersection, a leveling area with a centerline slope of not greater than 2 percent shall be provided for a distance of at least 100 feet from the nearest edge of intersecting road pavement.
- (e) All changes in grade exceeding 0.5 percent shall be connected by vertical curves. The minimum length of a vertical curve shall be designed in accordance with the following AASHTO standards:

	Safe Sight Stopping Distance (feet)	K value for crest vertical curves (feet)	K value for sag vertical curves (feet)
Major Streets:	400-475	110-160	90-110
Secondary Streets:	275-325	60-80	60-70
Minor Streets:	200	30	40
Lanes:	125	10	20

Note: Length of vertical curve (L) = K (g1 % - g2 %)
 For measuring safe sight stopping distance, the height of the eye is 3.5 feet and the height of the object is 0.5 feet.

5225. Dead end streets (cul-de-sac)

- (a) Dead end streets (or streets connected to a throughway at only a single point, whether temporary or permanent) shall not be longer than 500 feet and not shorter than 250 feet measured from the centerline of the intersecting street, along the actual centerline of the cul-de-sac, to the center point of the cul-de-sac. Refer to cul-de-sac schematic in the appendix. A greater length requires a variance from the Bolton zoning by-law.
- (b) Dead end streets shall provide (at the closed end) a turnaround having an outside roadway diameter of at least 100 feet and a property line diameter of at least 130 feet.
- (c) The unpaved portion of a cul-de-sac shall have a minimum radius of 50 feet and shall be landscaped except where trees or shrubs exist, or where desirable natural features exist to be preserved. This cul-de-sac island shall be curbed as per section 6267(a).

5230. Utility Design

5231. General

- (a) All storm drains, electric and telephone facilities (exclusive of transformers) within the limits of a way shall be placed underground per utility company specifications in locations shown on typical street cross-section (Appendix) and shall be installed after the way has been excavated to subgrade.
- (b) Connections for electric 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 where the lot shall be a designated open space or playground or used for any other purpose for which such connections shall not be required.
- (c) Where adjacent property is not yet subdivided or where the applicant's property is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing mains the full length of the streets to the exterior limits of the subdivision at such pipe slope and size as will permit their proper extension at a later date.

5232. Lighting

The subdivision shall supply street lighting which will be located on a suitable post which may be of concrete, wood or aluminum and at a height of 15 feet or more as approved

by the Board. The street lighting shall be designed in accordance with the current edition of the I.E.S. Lighting Handbook, or designed to standards acceptable to the Board. Luminaires shall be of the indirect, shielded type. Street lights shall be located at each intersection and at the closed end of each cul-de-sac.

5233. Storm Drainage System

- (a) A complete and adequate storm drainage system shall be so laid out and of sufficient size as to permit unimpeded flow of all natural waterways, provide adequate drainage of all surface and subsurface water of the street system so that water does not accumulate thereon, intercept storm water runoff from the adjoining land and eliminate unnatural accumulation of water on any portion of the subdivision or surrounding property.
- (b) A watershed analysis shall be performed by a registered civil engineer (and submitted with the definitive plan) for pre- and post-development conditions to show flooding impacts for the 1-, 10-, and 100-year storm events using SCS TR-55 and/or TR-20 stormwater modeling methods. The design of the stormwater management system for the subdivision shall not increase the volumes or rates of discharge off-site. Note that if the stormwater discharge point is within 100 feet of wetlands, the Conservation Commission must also approve the design per the Massachusetts Wetlands Protection Act.
- (c) Detention/retention ponds shall be designed by a registered civil engineer and based on the latest edition of Urban Hydrology for Small Watersheds, Technical Release No. 55 by the Engineering Division, Soil Conservation Service, U.S. Department of Agriculture. The SCS TR-55 method (or SCS TR-20 where applicable) shall be used to generate hydrographs used in the design of detention and/or retention ponds or similar water storage facilities and/or structures.
- (d) The storm drainage system shall include catch basins, manholes, culverts, drain lines, leaching systems, headwalls, flared ends and such other structures as may be required to complete the system. Grassed swales are considered as part of the storm drainage system.

Calculations for determining the size of street drains (pipes between CBs and MHs) shall be designed using the Rational Method for the 10-year design storm. Calculations for culverts shall be designed using Hydraulic Design Series No.5 for the 25-year storm when the contributing watershed area is less than 50 acres and the 50-year storm when the watershed area is 50 acres or more.

- (e) Catch basins shall be located, one on each side of the crowned roadway, and at all low points, and at intervals of not more than 400 feet and at or near the corners of the roadway at intersecting streets. Each catch basin shall connect directly to a manhole and shall be per MDPW standards. Catch basins shall not be located at a driveway entrance.
- (f) Manholes shall be located at all drain line changes in direction, either horizontally or vertically, and at the intersection of two or more drain lines, or located so that no drain line of a length greater than 400 feet would exist without either a catch basin or manhole. Each manhole shall be per MDPW standards.
- (g) All culverts shall have a field stone headwall at each end per MDPW standards. All outfall pipes shall have a field stone headwall (for pipes exceeding 15 inch diameter) or a flared end section (for 12 and 15 inch diameter pipes) per MDPW standards. Scour protection (in the form of stone for pipe ends per MDPW standards) shall be provided as required to reduce velocity of discharge to below 2 feet per second and to minimize erosion.
- (h) In areas where the finished grade of the roadway is less than 4 feet above the water table or in other areas where, in the opinion of the Board, the subgrade must be drained, a system of subdrains may be required. The subdrain system shall have a positive outfall and be designed per MDPW standards.
- (i) All drain lines shall be reinforced concrete Class III or better and a minimum of 12 inches in diameter and shall be laid on a slope of not less than 0.5 percent. The minimum design velocity shall be 2 feet per second (self-cleaning velocity) and the maximum design velocity shall be 10 feet per second. Provision shall be made for the disposal of surface water intercepted or collected by the system in such manner that no flow is conducted over Town ways, or over land of others, except that flow rate and flow quantity which previously existed in that location.
- (j) Stormwater shall be directed to enter the most environmentally suitable area.
- (k) The minimum earth cover on top of drain lines and culvert pipes is 3 feet. Ductile iron drain pipe or concrete encasement may be substituted for a reduction in cover.
- (l) Where applicable, backwater effects shall be taken into account in the design of the storm drainage system.

- (m) Culverts or drains proposed to have bar grates to prevent debris from entering at their inlets shall be designed with their inlet capacity reduced 25 percent. Bar grates shall be provided on the inlet and outlet ends of all pipes over 15 inches in diameter.
- (n) Culvert and drain design shall be based on a Manning roughness coefficient "n" = 0.013.
- (o) Individual lot grading and drainage shall be designed and constructed in such a manner that development of one lot will not be detrimental (nor cause flooding or erosion of soils) to another lot or any abutting property.
- (p) The Board may require the subdivider to eliminate or remove any other stormwater flowing to and from the proposed subdivision which is otherwise not taken care of.
- (q) Street drainage shall be designed such that pipes flow without surcharge.
- (r) Grassed swales within the road right of way may be designed. The swales shall be able to carry the ten year storm without spillage on abutting property. The minimum longitudinal slope shall be 0.5% and the maximum shall be designed so that velocities do not exceed 3 feet per second. The use of grassed swales should be designed to retain the "first flush" where possible, thus reducing the size of the required detention and retention basins.
- (s) Design criteria for stormwater leaching basins shall be the same as that criteria established in Title V.

5234. Fire Protection. Provision shall be made for fire protection for the proposed buildings within a subdivision per the requirements and specifications of the Town Fire Department.

5235. Easements

The following easements shall be referred to on the plan (by bearings and distances) and in run with the title of land.

- (a) Utility Easements. Easements for utilities carrying underground wires (where required) running across lots or on rear or side lot lines shall be provided where necessary and shall be at least 20 feet wide.
- (b) Drainage Easements. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require a stormwater easement or drainage right-of-way of adequate width (20 feet minimum) and proper side slope and surface to facilitate maintenance.

- (c) Access Easements. Access easements and rights-of-way to a park, open space and/or conservation land or for use by emergency vehicles shall be secured for the benefit of the Town and shall be a minimum of 25 feet wide.
- (d) Footpath Easements. Footpath easements shall be secured where applicable for the benefit of the Town and shall be at least 10 feet wide.
- (e) Location of Footpaths. When streets in excess of 750 feet in length are incorporated in the subdivision, (or in other cases per the discretion of the Board or Conservation Commission), footpaths shall be laid out and constructed to connect the subdivision street with an adjacent street, public land, or park at a point approximately midway between streets, intersections or turn-arounds.
- (f) Sight Distance Easements. Where there is the possibility of a sight obstruction at an intersection or curve, an easement shall be secured for the Town which will insure proper safety of pedestrian and vehicular traffic.
- (g) Slope Easements. Where terrain outside the right-of-way warrants additional grading to meet the intent of these rules and regulations, a temporary slope easement shall be established for the construction of the slope and any retaining structures. Following its construction, the slope easement shall be disbanded and the owner of such slope shall maintain the slope and structures to insure no trespass of eroded material onto the way or abutting property.

5300. OPEN SPACE

Before approval of a plan, the Board may require the plan to show open space for preservation an/or recreation purposes.

5310. Criteria for Open Space

Open space is considered to be land set aside and reserved for the public. Open space may or may not include a park area for playground and/or ball field purposes.

The Board may require any or all of the following criteria for open space and/or park area within a subdivision:

- (a) Any open space shall contain a minimum of one (1) acre or 10 percent of the gross land area of the subdivision, whichever is greater.
- (b) Any open space shall not be unreasonably small in area in relation to the land being subdivided, and to the prospective uses of such land.

- (c) Any open space shall connect to the street system and have a minimum continuous frontage along the street of 50 feet.
- (d) Any open space shall be so located as to serve adequately all parts of the subdivision.
- (e) Any open space shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or probable subdivisions.
- (f) Any open space shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended.
- (g) Any open space land so reserved may contain the subdivision stormwater detention and/or retention pond(s). However the area of the basin (including its sides) shall not be considered to qualify as open space.
- (h) Any open space so reserved may contain land considered wetlands such as "Land Under Water Bodies and Waterways" or "Bordering Vegetated Wetlands" as defined under 310 CMR 10.00 Massachusetts Wetlands Protection Act. However, this wet area shall not be considered to qualify as open space.

The Board may by appropriate endorsement on the plan require that no building be erected upon such open space without its approval. Such open space may be required to have maintenance provided for by covenants and agreements acceptable to the Board, until public acquisition is accomplished by the Town.

SECTION 6000

CONSTRUCTION SPECIFICATIONS

Standards of construction not otherwise specified hereunder shall be according to the Standard Specifications for Highways, Bridges and Waterways and the Construction Standards of the Massachusetts Department of Public Works (current editions).

6100. GENERAL

- (a) All improvements specified or implied on the definitive plan shall be constructed in accordance with the approved plans. The owner shall insure that the Board has a set of reproducible plans (mylars or sepias) prior to construction.
- (b) A copy of the approved plans, conditions of approval and these rules and regulations shall be maintained on site.
- (c) As each construction operation is completed, it shall be inspected and approved by the Planning Board or its agent prior to starting work on the succeeding operation according to the construction inspection schedule in Appendix.
- (d) All improvements shall be installed at no cost to the Town unless specifically authorized by the Selectmen.
- (e) The terms applicant, contractor, and subdivider used throughout this section shall all refer to the owner at the time of the construction. It shall be the owner's responsibility to insure that the construction standards are followed and that all of his representatives uphold those standards while maintaining the safety of others.
- (f) The contractor shall provide fences, barriers, erosion control, warning lights, police officers, signs and other safety features as may be necessary for the protection of the public when working within a public way or area, or when deemed necessary by the Board, or other Town safety official, at no cost to the Town.
- (g) All pavement, drain lines and underground municipal services shall be laid out as to line and grade by a registered civil engineer or registered land surveyor. All right-of-way lines shall be laid out as to line by a registered land surveyor.
- (h) The contractor shall facilitate inspection of work and provide for the requested tests of materials by independent laboratories for quality control at no cost to the town. Typically, upon the completion of the final wearing course of bituminous concrete in the street, the subdivider orders core borings every 200 feet in alternate lanes to be

performed by an independent laboratory. The core borings are 2 feet in depth. A full report shall be submitted to the Board for review.

6200. STANDARDS OF CONSTRUCTION

6210. Survey

Prior to and during construction, all lines and grades necessary for the construction and inspection of the subdivisions shall be field staked.

6220. Clearing and Grubbing

6221. Prior to clearing and grubbing, all erosion control measures shall be in place per the plans and the Conservation Commission Order of Conditions.

6222. The entire area of each street or way within its exterior lines and its adjoining sloped areas shall be cleared of all stumps, brush, roots, boulders, like material, and all trees not intended for preservation. If any large boulders or trees remain within the street lines which may, in the opinion of the Planning Board, constitute a future hazard, the Board may require that they be removed to a depth of not less than 12 inches below the bottom of the street foundation.

6223. Remaining trees shall be protected from mechanical injury during construction and from adverse changes and/or excavations as recommended in U.S. Department of Agriculture Bulletin 104 (April 1965). Trees existing within right-of-way or easements shall be so protected in such other ways as required by the Planning Board. Where individual trees in fill areas are to be saved, the contractor shall provide adequate tree wells or other suitable protection so that the original ground for a distance around the tree trunk is not covered over.

6230. Excavation and Backfill

6231. The full length and width of the proposed roadway pavement area shall be excavated or filled, as necessary, to a depth of at least 15 inches below the finished surface as shown on the profile. However, if the soil is soft and spongy, or contains undesirable material such as clay, peat, or any other material detrimental to the subgrade, such material shall be removed and replaced with a sand, gravel, crushed stone, or other suitable material per MDPW standards and thoroughly compacted per section 6232 on top of filter fabric.

6232. All fills shall be placed in 8" minimum lifts below the road sub-base, shall be of an approved material containing not more than 10% material by weight passing the 200 sieve and

each lift shall be compacted to not less than 95 percent maximum dry density of the material by determining by the standard AASHTO test designation T99 compaction test method at optimum moisture content.

6233. Ledge occurring anywhere in the full cross-section of the roadway must be cleared to a minimum of 18 inches below finished grade.

6240. Side Slopes and Embankments

6241. Embankments outside the right-of-way shall be evenly graded and pitched at a slope of not greater than 4:1 (H:V) horizontal to vertical. Where cuts are made in ledge, other slopes may be approved by the Board. Where terrain necessitates greater slopes, retaining walls, terracing, fencing, or rip-rap may be used to provide safety and freedom from maintenance, but must be done in accordance with plans filed with (and approved by) the Board. Slopes and embankments with 3:1 (H:V) or flatter slopes shall be loamed and seeded per section 6251.

6242. The area in back of the sidewalk within the right-of-way shall be sloped at the maximum slope of 3:1 (H:V) and shall be loamed and seeded per section 6251, or kept in a natural, neat and maintained condition in areas where cuts and fills did not obliterate existing trees and foliage, or sloped with a greater ratio H:V with proper embankment stabilization as described in the above section 6241.

6243. Guardrails are required where embankments of fill are greater than 2:1 (H:V). Refer to Appendix.

6250. Landscaping: Loam, Seed, and Trees

6251. The top 6 inches of grassed areas shall consist of good quality loam, screened, raked and rolled with a suitable roller to grade. The required depth of loam shall be measured after rolling. Fertilizer shall be applied and mixed with the upper 2 inches of loam at the rate of 30 pounds per 1000 square feet. Fertilizer shall be a complete commercial fertilizer grade suitable for the topsoil to which it will be applied. Suitable permanent grass seed shall be spread to provide a thick solid lawn cover. The contractor shall maintain the grassed area for a period of one year minimum to insure its stability and lack of weeds.

6252. A grass plot (or shoulder) 5 feet wide (minimum) shall be provided between the curbing and sidewalk areas for streets which require sidewalks or along each side of the road. The grass plot shall have a slope 3/8" per foot draining towards the road (unless topographic conditions warrant otherwise).

6253. Utility poles and street lights shall be located in the grass plot, but shall not be nearer than 25 feet from the intersection of two streets, measured from the intersection of the tangents of the intersecting streets.

6254. Street trees of a species approved by the Planning Board shall be planted on each side of each street in a subdivision, except where the definitive plan shows existing trees to be retained and preserved. Such trees shall be located on the grass plot, approximately at 75 foot intervals, and shall be at least 12 feet in height when planted.

6255. The owner of the subdivision shall plant other trees as needed to provide at least one area of shade on each lot.

6256. All trees shall be planted in a minimum of 0.5 cubic yard of loam. Trees shall be properly wrapped and guyed in a manner to insure their survival. The contractor shall maintain the trees for a one year period minimum to insure their survival and to enhance their aesthetic value, by pruning and fertilizing as needed. If any trees die within one year minimum, they shall be immediately replaced by the contractor.

6260. Street Construction Specifications

6261. Cross Sections. Street construction shall conform to the Typical Cross Section as shown in the Appendix. All roadways shall be brought to finish grade as shown on the profiles of the definitive plan.

6262. Gravel Sub-base. The gravel sub-base shall be spread in two layers per MDPW specifications section 401.60. Before the gravel is spread, the roadbed shall be shaped to a true surface conforming to the proposed cross-section of the road. The bottom 8 inch layer shall be spread and rolled with gravel meeting MDPW size M1.03.0 type A (no stones over 6 inches). The top 4 inches shall be spread and rolled with a gravel meeting MDPW specifications M1.03.0 Type B (no stones over 3 inches diameter).

All layers shall be compacted to not less than 98 percent of the maximum dry density of the material as determined by the standard AASHTO test designation T99 compaction test method at optimum moisture content. The gravel shall be fine graded to a tolerance of 1/2 inch plus or minus within the finished subgrade for a distance of not more than 50 feet (as long as the required crown is maintained). The specified sub-base shall not be prepared after a large rainstorm (when the ground is unstable due to excessive moisture) or during freezing weather, or when ground is frozen.

6263. Setting Drainage Structures. Prior to installation of binder course, all catch basins shall be set to binder grade. To facilitate fine grading, all manholes shall not have the castings set (the remaining bottom part of the manhole shall be covered with a suitable steel plate). Prior to installation of the top course all manhole frames and covers shall be set to finished grade and set in concrete. All catch basins shall be raised to finished grade and set in concrete. The concrete shall be flush with the binder course to allow the top course to be flush with the cover or rim grade.

The contact surface of manholes, catch basins, other appurtenant structures in the pavement, and the abutting pavement of existing roads shall be painted thoroughly with a thin uniform coat of bitumen just before any bituminous concrete mixture is placed against them.

6264. Bituminous Concrete Pavement. The paving shall consist of a binder course (3 inch compacted thickness for major and secondary streets and 2 inch compacted thickness for minor streets and lanes) followed by a wearing course (1 inch compacted thickness) per MDPW specifications section 460 class I bituminous concrete pavement, type I-1. The bituminous binder shall not be applied between November 15 and April 1 without written approval from the Board.

Equipment having crawler tracks or other treads that mar or damage pavement shall not move or operate on newly constructed pavement unless precautions are taken to prevent damage to pavements.

6265. Street Signs and Names

(a) Street Signs. The subdivider shall furnish and erect necessary street signs to designate the name of each street in the development, after recommendation of the Board, said signs to conform with those used by the Town. Until such time as each street is accepted by the Town as a public way, the sign posts at the intersection of such street with any other street shall have fixed thereto a sign designating such street as a private way.

(b) Street Names. Street names shall be approved by the Planning Board to prevent duplication and to provide names in keeping with the character of the Town.

6266. Street Lights

(a) At the discretion of the Planning Board, street lights may be required on all streets.

(b) Street lights shall be installed to conform to type and style in general use in the Town.

- (c) Street lights shall be located at intervals as required by the Board.

6267. Curbing. Curbing is required on both sides of major, secondary and minor streets and shall be as follows:

- (a) Bituminous concrete curb (type 2) or sloped granite edge per MDPW standards.
- (b) All curves having a radius of 60 feet or less at the street line shall have the gutter line curbed with vertical granite curbing cut to fit the curve.
- (c) Rolled bituminous berm, to be used only at driveway entrances.
- (d) Granite curb inlets shall be provided at all catch basins.
- (e) Curb transitions for handicap ramps are required at street intersections.
- (f) Lanes do not require curbs, however the gravel sub-base on lanes shall extend a minimum of 12 inches beyond the edge of the pavement for a firm road shoulder.

6268. Sidewalks.

- (a) Widths and Locations. There shall be a sidewalk having a width of 4 feet on each side of each street for major and secondary streets. Minor streets shall have a sidewalk on one side of the street and lanes do not require sidewalks. Where applicable, the sidewalk may end at the beginning of the cul-de-sac, and does not have to go all the way around the cul-de-sac. Handicap ramps and extensions of sidewalks shall be provided at all street intersections per MDPW standards.

- (b) Sidewalk Gravel Sub-base. All materials shall be removed for the full width of the sidewalk to subgrade 8 inches below the finished grade as shown on cross-section in the appendix; all soft spots and other undesirable material below such subgrade shall be replaced with a good binding material and rolled.

This excavated area shall then be filled with 6 inches of sidewalk gravel per MDPW standards and rolled with a pitch toward the curb of not less than 1/4 inch nor greater than 3/8 inch to the foot.

- (c) Bituminous Sidewalk. Surfacing forms shall be set to grade, filled with 2 inches of compacted bituminous concrete to be applied in two courses (binder and finish courses).

6270. Utility Specifications

6271. Drainage Construction Specifications

- (a) All detention and/or retention basins shall be excavated, loamed and seeded prior to the closed drainage system installation. This will allow the drainage system to function throughout the various construction phases.
- (b) The drainage lines shall be laid with the bell ends upstream, beginning at the lower end of the drainage system.
- (c) Trench Excavation: Those specifications in section 6231 shall also apply for trench excavation in unsuitable or spongy soil material. For ledge occurring in pipe trenches, the ledge must be cleared (blasted if necessary) a minimum of 6 inches below and on both sides of the pipe. Excavation in earth shall be to a depth of 9 inches lower than the bottom of the pipe. Trenches shall be shaped to give the pipe a continuous and even bearing. The minimum width of trench shall be 3 feet or two feet plus pipe diameter, whichever is greater.
- (d) Pipe Bedding: Gravel borrow per MDPW standard M1.03.0 Type C or Crushed stone MDPW standard M2.01.2 to the pipe's spring line, compacted to 95 percent in 6 inch lifts.
- (e) Pipe Laying: The pipe line shall be laid to the grades and alignment indicated on the approved definitive plans. While laying the pipe, the contractor shall remove, by pumping or other suitable means, any water accumulated in the trench, keeping the trench dry until the joints are properly connected and inspected. Joints per MDPW standard.
- (f) Backfilling: First Layer (from the pipe's spring line to 12 inches over the top of the pipe) is Sand Borrow MDPW standard M1.014.0 Type A, compacted to 95 percent in 6 inch lifts.
Second Layer Backfill (above the first layer) shall be: Select backfill, no stones over 3 inches per MDPW standard M1.02.0, compacted to 95 percent in one foot lifts.
- (g) The drainage system shall be cleaned and maintained by the owner throughout construction and until the road has been accepted by the Town. Erosion control measures and other necessary precautions shall be taken to prevent silt and debris from accumulating.

6272. Other Public Utilities. Installation of telephone and electric lines and service connections shall be underground.

6273. Utility Extension. Where adjacent property is not subdivided or where all the property of the applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision, at such grade and size which will, in the opinion of the Planning Board, permit their proper extension.

6274. Laterals. All utility service stubs (laterals) shall be installed and capped off at the edge of the right-of-way for every lot with appropriate ties (and/or location markers) to enable the quick recovery of such laterals without excavation within the right-of-way.

6280. Monuments

Monuments shall be installed on both sides at all intersections of streets with each other, at all points of change in direction or curvature of streets, and at all such other points as in the opinion of the Board may be necessary to show the location of projected streets or easements. Monuments shall be 5 inches by 5 inches granite or concrete, embedded 3.75 feet below finished grade (except in cases of ledge where the Board may choose an alternative or reduce the required depth). Monuments shall be 3" above the finished ground surface. Drill holes shall be placed in the top of each bound. No permanent monuments shall be installed until all road construction which would destroy or disturb the monuments is completed. A letter from the surveyor shall be submitted certifying that the monuments have been installed as indicated on the definitive plan.

6290. Cleaning Up

The entire area must be cleaned up to leave a neat and orderly appearance free from debris and other objectionable materials.

SECTION 7000

ADMINISTRATION OF SUBDIVISION FOLLOWING BOARD APPROVAL OF THE DEFINITIVE PLANS

7100. EVIDENCE OF SATISFACTORY PERFORMANCE

Before the Board will release in whole or in part the interest of the Town in a performance bond, deposit or securities (or, in the case of approval with covenant: release of covenant), the applicant shall complete to the satisfaction of the Board the following:

7110. Street Acceptance and As-Built Plans

Two copies of each shall be filed with the Board of Selectmen:

7111. Street Acceptance Plan. The applicant shall file with the Board of Selectmen a certified "Street Acceptance Plan" (or, in the case of approval with covenant, a plan of the street ways serving the lots for which a release is desired), prepared by a registered land surveyor, showing the dimensions and directions of the way, and showing monuments installed. The surveyor shall certify on the plan that the monuments have been accurately installed in accordance with these rules and regulations. This plan shall be suitable for recording or registration.

7112. As-Built Plan. The applicant shall file an "As-Built Plan," prepared by a registered civil engineer or land surveyor, and shall bear a statement certifying that streets, storm drains, and other infrastructure have been constructed in accordance with these rules and regulations and any conditions approved by the Board.

7120. Inspection Records

The applicant shall be responsible for obtaining and submitting to the Board written evidence that the construction of the subdivision road and infrastructure was inspected and approved by the Board or its agent and that all improvements have been fully completed in accordance with these rules and regulations.

The owner shall schedule a pre-construction conference to discuss the construction schedule and review the conditions of the definitive plans and all other permits with the contractor.

The owner shall request to the Board or its agent inspections at least 48 hours in advance. The minimum inspections required are specified in the Appendix. If in the opinion of the Board, the developer/contractor abuses inspectional services or additional inspectional services are required, the developer shall pay for them.

7130. Conveying Title to Utilities

The applicant shall execute an instrument transferring to the Town, without cost, valid unencumbered title to all utilities and appurtenances thereto, constructed and installed in the subdivision or approved portion thereof, 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 such utilities, and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision or approved portion thereof, and if any such utilities have been constructed and installed in land not within such streets, then in, through and under a strip of land extending 10 feet in width on each side of the centerline of all such utilities.

7140. Conveying Title to Easements

The applicant shall execute an instrument transferring to the Town, without cost, valid unencumbered title to all easements established in connection with the subdivision or required by the Board in the definitive plan. Legal description of the easement shall appear in the deed.

7150. Additional Testing

If additional testing is required to confirm or verify the suitability of as-built conditions, such shall be the responsibility of the applicant under the direction of the Board or its agent.

7160. Release of Performance Guarantee

Upon the completion of improvements, 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 applicant may send by registered mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with such bond, deposit or covenant given has been completed in accordance with these rules and regulations. The statement shall contain the name and address of the applicant, and the Town Clerk shall present a copy of said statement to the Planning Board.

If the Board determines that said construction or installation has been completed, it shall notify the Town Treasurer in writing that it releases the interest of the Town in such bond or deposit, and that such bond or deposit shall be returned to the person or persons who furnished same. In the case of a covenant, the Board shall issue a written release of the covenant suitable for recording. However, 10 percent of the value of the bond shall be held by the Town for one year after completion of construction or until the streets are accepted by the Town, whichever comes first.

Prior to releasing the Town's interest in a performance bond or deposit or covenant, the Board shall receive from the applicant written statements of approval from the Highway Superintendent and the Board of Health, or 15 days shall elapse after the applicant's request for said approval without action from such.

If the Planning Board determines that said construction or installation has not been completed, it shall specify to the applicant in writing the details wherein said construction and installation fail to comply with these rules and regulations. Upon failure to so specify within 45 days after the Town Clerk has received the applicant's statement of completion, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said 45-day period expires without such specification, or without the release and return of the bond or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

The Board may release from such covenants only those lots for which installation of ways and services has been completed in accordance with these rules and regulations. Refer to Appendix for the proper form to be submitted for release of a lot from a covenant.

APPENDIX

FEE SCHEDULE

August 8, 2006

Refer to Section 1404 of these Subdivision Rules and Regulations.

FILING FEES

- ~ Approval Not Required (ANR) plans: \$75 Application Fee + \$100 each lot/
parcel created including original
- ~ Preliminary Subdivision/FOSPRD: \$2,000 Application Fee + \$100 each lot
- ~ Definitive Subdivision/FOSPRD: \$4,000 Application Fee + \$200 each lot
- ~ Modification of Approved Subdivision/Special Permit: \$500
- ~ Road Acceptance: \$1,500 or \$3 per LF whichever is greater
- ~ Surety Release Request: \$100 + site inspection if necessary

This schedule does not include fees which may be required to cover project review costs or which may be required to be posted as surety.

CHECKLIST FOR:
PLANS BELIEVED NOT TO REQUIRE APPROVAL

(Page 1 of 1)

- o Filing fee
- o Form A application
- o Written notice of submission to Town Clerk
- o Tax assessor's sketch of proposed lots @ 1"=200'
- o Original plan and two paper prints

plan criteria:

- ___ scale 1"=40' (or other appropriate scale)
- ___ ink on mylar or linen
- ___ size 24" x 36" (max.), 10" x 14" (min.)
- ___ certified by a registered land surveyor

plan contents:

- ___ record owner's name(s)
- ___ applicant's name
- ___ registered land surveyor name, seal
- ___ abutters' names (direct abutters only)
- ___ north arrow
- ___ date of survey
- ___ scale
- ___ identification of zoning district
- ___ zoning district boundaries
- ___ signature block "Approval Under Subdivision Control Law Not Required"
- ___ existing land boundary lines and dimensions
- ___ reference to two permanent boundary monuments
- ___ proposed lot boundary lines and dimensions
- ___ lot areas
- ___ other lot dimensions to show compliance with zoning
- ___ existing easement dimensions
- ___ proposed easement dimensions
- ___ purpose of easements
- ___ existing structures
- ___ stone walls
- ___ found bounds
- ___ names of adjacent ways
- ___ location and width of adjacent ways
- ___ identification of ways as public or private
- ___ deed reference (book and page) of land being subdivided
- ___ Land Court certificate number (if applicable)
- ___ notice of action by Zoning Board of Appeals

**CHECKLIST FOR:
PRELIMINARY PLANS**

(Page 1 of 2)

- o Filing fee
- o Form B application
- o Written notice of submission to Town Clerk
- o List of waivers
- o Brief outline of performance guarantees to be implemented upon submission of the definitive plans
- o Four prints of the plan to the Planning Board
- o One copy of the plan to the Board of Health
- o One copy of the plan to the Conservation Commission

plan criteria:

- ___ scale: 1"=40'
- ___ size 30" x 42" (max.), 10" x 14" (min.)

plan contents:

- ___ subdivision name
- ___ record owner's name(s)
- ___ applicant's name
- ___ designer's name
- ___ engineer's name (if applicable)
- ___ land surveyor's name (if applicable)
- ___ abutters' names (see definition)
- ___ north arrow
- ___ date
- ___ scale
- ___ legend
- ___ zoning district
- ___ Title: "Preliminary Subdivision of Land in Bolton"
- ___ existing boundary lines
- ___ proposed lot boundary lines
- ___ lot areas
- ___ other lot dimensions to show compliance with zoning
- ___ existing adjacent streets and ways
- ___ proposed streets and ways
- ___ easements (existing, proposed)
- ___ public areas within the subdivision
- ___ covenants and restrictions
- ___ existing drainage pattern
- ___ proposed drainage system
- ___ floodplain and zoning overlay districts
- ___ major site features

CHECKLIST FOR PRELIMINARY PLAN (CONTINUED)

(page 2 of 2)

- existing elevational contours @ 2 foot intervals
- proposed grading @ 2 foot intervals
- preliminary profile of proposed roadway and drains
- cross section of way
- cross section of any proposed open channels
- deed reference (book and page) of land being subdivided
- Land Court certificate number (if applicable)
- locus map @ 1"=1000'
- existing soil conditions per SCS study
- wetlands
- notice of action by Zoning Board of Appeals

CHECKLIST FOR: DEFINITIVE PLANS

(page 1 of 3)

- o Filing fee (paid at time of submission)
- o Inspection fee (paid in full prior to endorsement)
- o Form C application
- o Written notice of submission to the Town Clerk
- o List of waivers letter
- o Four prints of the plans and calculations (see below)
- o One copy of the plans by applicant to each: Board of Health, Conservation Commission, Police/Fire, Highway superintendent
- o One copy of the lot layout plans to Town Counsel
- o Any other information requested by the Town during the preliminary plan review process
- o Certified list of abutters (see definition) per most recent tax list

plan criteria:

- ___ scale: 1"=40'
- ___ size 24" x 36"
- ___ ink on mylar or linen

plan contents for all plans:

- ___ subdivision name
- ___ record owner's name
- ___ applicant's name
- ___ north arrow
- ___ date
- ___ graphic bar scale
- ___ legend (a general legend on the Title sheet may substitute)
- ___ street names (proposed and existing)
- ___ sheet number
- ___ title block
- ___ signature block for Planning Board and Town Clerk

o Title Sheet

- ___ certified by registered civil engineer and/or land surveyor
- ___ index of drawings
- ___ general legend
- ___ general notes
- ___ key plan
- ___ locus map @ 1"=1000'
- ___ identification of zoning district

CHECKLIST FOR DEFINITIVE PLANS (CONTINUED)

(page 2 of 3)

- ___ zoning district boundaries
- ___ floodplain per F.E.M.A.
- ___ zoning overlay districts
- ___ notice of action by Zoning Board of Appeals
- ___ list of waivers printed on the sheet

- o Lot Layout Plan
 - ___ certified by registered land surveyor
 - ___ existing land boundary lines and dimensions
 - ___ reference to two permanent boundary monuments
 - ___ proposed lot boundary lines and dimensions, lot areas
 - ___ lot enumeration in a logical sequence
 - ___ other lot dimensions to show compliance with zoning
 - ___ a statement that each lot complies with zoning
 - ___ existing easement dimensions
 - ___ proposed easement dimensions
 - ___ purpose of easements
 - ___ existing structures
 - ___ stone walls
 - ___ existing and proposed bounds
 - ___ names of adjacent ways
 - ___ location and width of adjacent ways
 - ___ identification of ways as public or private
 - ___ width of adjacent streets (not roadway location)
 - ___ deed reference (book and page) of land being subdivided
 - ___ Land Court certificate number (if applicable)
 - ___ covenants or restrictions
 - ___ open space

- o Street Plan and Profile
 - ___ certified by a registered civil engineer
 - ___ vertical datum N.G.V.D. of 1929
 - ___ street profile horiz. scale: 1"=40', vertical scale: 1"=4'
 - ___ dimensional information for streets, ways, easements
 - ___ existing dry utilities (telephone, cable, electric, etc.)
 - ___ proposed dry utilities in plan
 - ___ drainage structures and pipes locations in plan and profile
 - ___ drainage pipes' slope, size, length
 - ___ drainage structures' rims, inverts, station location in a table on the plan
 - ___ curbing in plan, type of curbing
 - ___ existing ground profile along the centerline
 - ___ proposed centerline profile of the roadway
 - ___ centerline elevations (existing, proposed) in profile
 - ___ road stations in plan and profile
 - ___ roadway vertical curve geometry in profile
 - ___ K values for vertical curves
 - ___ design safe sight stopping distance for each vertical curve
 - ___ roadway slope gradients
 - ___ lot corners, sideline extensions in plan

CHECKLIST FOR DEFINITIVE PLANS (CONTINUED)

(page 3 of 3)

- o Topography and Grading Plan
 - ___ certified by a registered civil engineer
 - ___ existing elevational contours @ one foot intervals
 - ___ existing topography based on recent survey
 - ___ proposed grading @ one foot interval
 - ___ vertical datum N.G.V.D. of 1929
 - ___ major site features within 150' foot of centerline
 - ___ location of all roads, curbs, sidewalks, ways, drainage basins (existing and proposed)
 - ___ property line dimensions are not required to be shown
 - ___ proposed street light
 - ___ street trees and legend, type and size
 - ___ wetland resource areas as determined by the Cons. Comm.

- o Soil Survey Plan
 - ___ certified by a registered civil engineer
 - ___ existing soil conditions per SCS study
 - ___ enough deep hole and percolation tests to show the lot is suitable for individual on-site sewage disposal

- o Impact Analysis
 - ___ prepared by a land planner or by a registered civil engineer
 - ___ refer to appendix for format

- o Drainage Calculations
 - ___ certified by a registered civil engineer

- o Performance Guarantee satisfactory to the Board
 - ___ copy sent to Town Counsel

- o Review comments from other Town Officials
 - ___ Board of Health
 - ___ Fire Department
 - ___ Police Department
 - ___ Conservation Commission
 - ___ Town Counsel

CHECKLIST FOR:

ADMINISTRATION OF SUBDIVISION

FOLLOWING BOARD APPROVAL OF DEFINITIVE PLANS

(page 1 of 1)

- o inspection records
- o as-built plan (2 copies filed with the Board of Selectmen)
- o street acceptance plan (2 copies filed with the Board of Selectmen); original filed at the Registry of Deeds (or Land Court) following street acceptance.
- o conveyance of title to utilities
- o conveyance of title to easements
- o additional testing results to confirm or verify the suitability of the as-built conditions
- o written statement by the owner that the construction in connection with the performance guarantee has been completed according to the rules and regulations
 - ___ copy of statement filed with the Planning Board
 - ___ original to the Town Clerk
- o costs for consultants (if required) paid in full
- o partial or full release of the performance guarantee
 - ___ Planning Board shall notify Town treasurer of its decision to release performance guarantee
 - ___ 10 percent retained for one year or streets accepted by Town meeting

IMPACT ANALYSIS OUTLINE

PHYSICAL ENVIRONMENT

1. Describe the general physical conditions of the existing site, including amounts and varieties of vegetation, general topography, slopes, ledge outcroppings, unusual geologic, scenic and historical features, stone walls, agricultural remains, tree rows, trees over 24" (diameter), trails, open space links and indigenous wildlife.
2. Describe how the proposed project will impact these features.
3. Provide a complete physical description of the project and its relationship to surrounding area.
4. Describe the source and quantity of water available for fire protection of the area.

SURFACE WATER AND SOILS

5. Describe location, extent and type of existing water and wetlands, including existing drainage characteristics, both within and adjacent to the project. What is the relationship of the site to the regional watershed?
6. Describe the methods to be used during construction to control erosion and sedimentation, i.e., use of temporary sedimentation basins, type of mulching, matting or netting. Describe the approximate size, slope and relative location of the land to be cleared and length of time of exposure. Describe other soil erosion measures deemed necessary for this site.
7. Describe permanent measures to control erosion and sedimentation on-site to prove that there will be no damage to abutting properties.
8. Are there any areas of flooding or ponding on-site and/or adjacent to the site?
9. Describe the proposed drainage system and how it impacts the existing drainage patterns.
10. Describe the proposed permanent vegetative cover.
11. Describe completely the proposed sewage disposal methods and evaluate the summation of all systems relative to the surface water, soils, groundwater and vegetation. Are there any groundwater divides and where does the groundwater flow to? What is the site's proximity to private wells? Will the wells be effected by the cumulative impact of the proposed sewage systems?
12. Will blasting be required?

TRAFFIC ANALYSIS

13. Determine the vehicle trips per day to be generated by the subdivision.

14. Determine the average daily traffic on the street which the subdivision accesses and adjacent streets which will be impacted. Determine the morning, mid-day and peak flows for those streets.

15. Determine the adequacy of those impacted streets to accept the proposed traffic. What percentage of increase will the existing roads experience? If deficiencies are detected on the existing streets, what improvements should be made to remedy the problem? What are the costs for such improvements?

LAND USE ANALYSIS

16. Describe how the project accomplishes the objectives of the Board listed under Section 5100.

17. Describe the site's proximity to transportation, shopping, educational facilities, recreational facilities, etc.

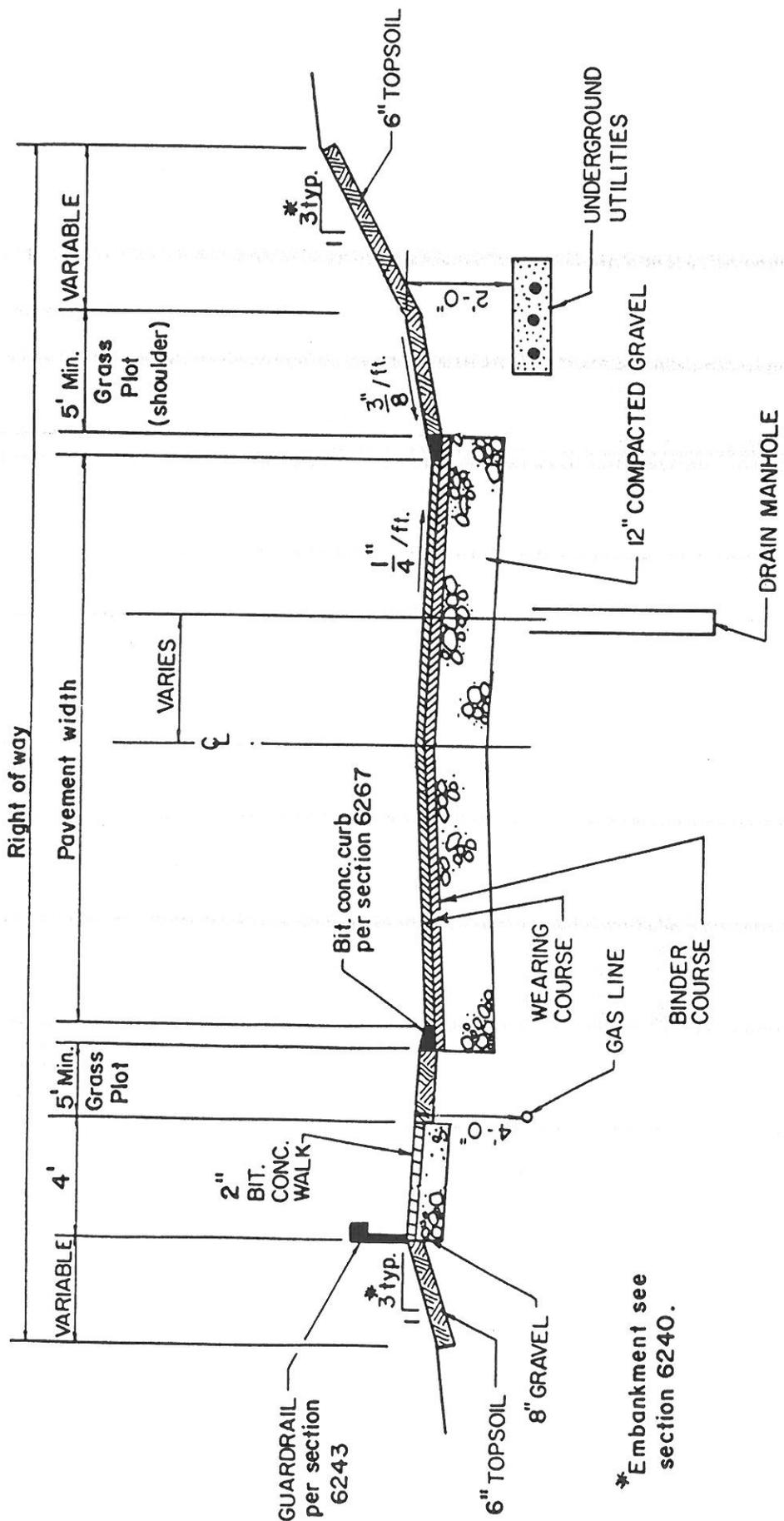
18. What types of architecture are proposed?

THE FOLLOWING ITEMS SHALL BE ADDRESSED BY PROPONENTS OF SECONDARY AND MAJOR STREETS:

19. Discuss the effect of the subdivision on existing schools, including the number and ages of children generated by the subdivision.

20. Describe existing and proposed recreational facilities, including active and passive types, age groups participating. Indicate location of footpaths, bikeways and bridle trails.

21. If the development will be phased over more than one year, show how it will be constructed, with a schedule for completion. Show the anticipated time table for each phase in terms of clearing, construction of road, construction of buildings, and landscaping.

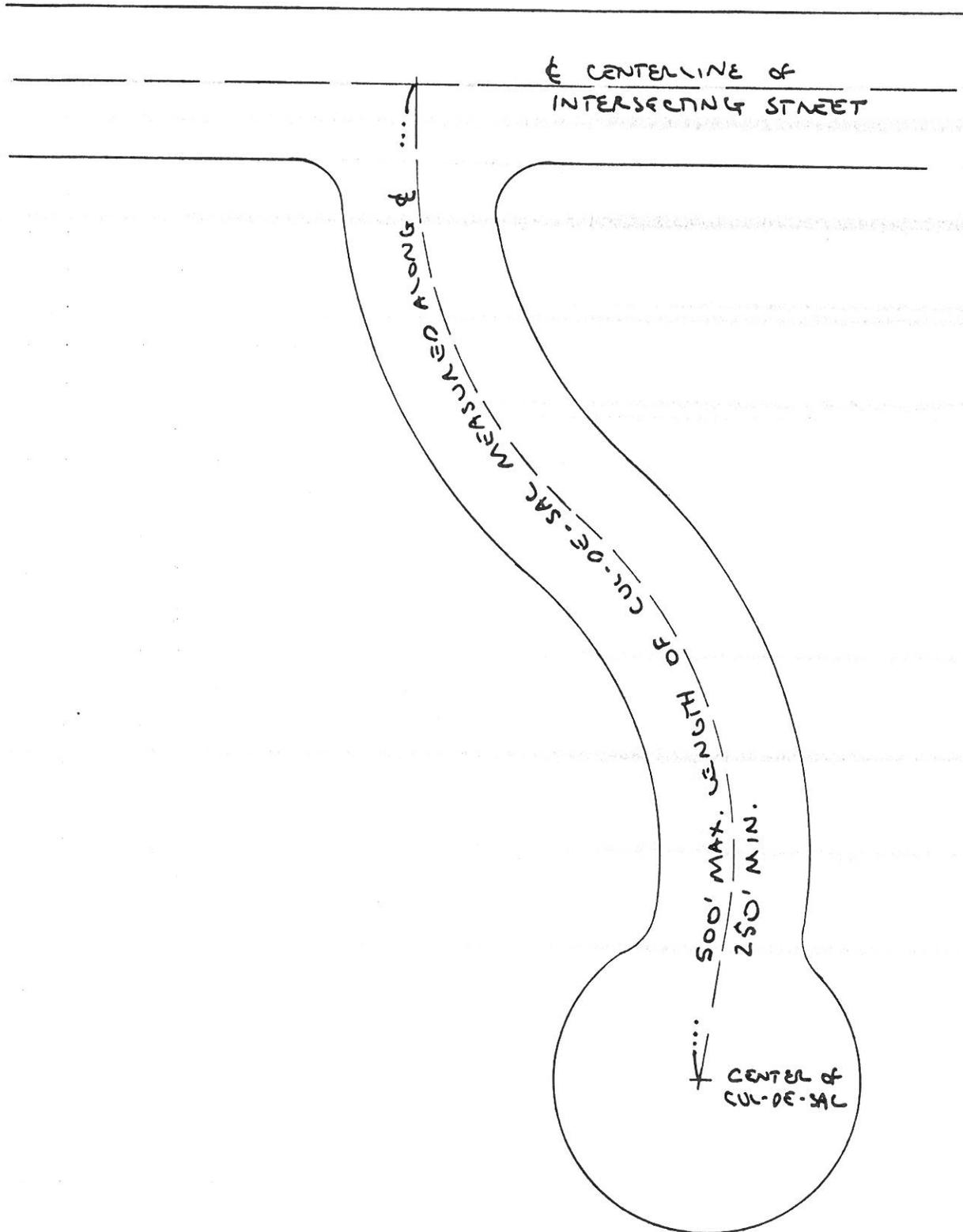


* Embankment see section 6240.

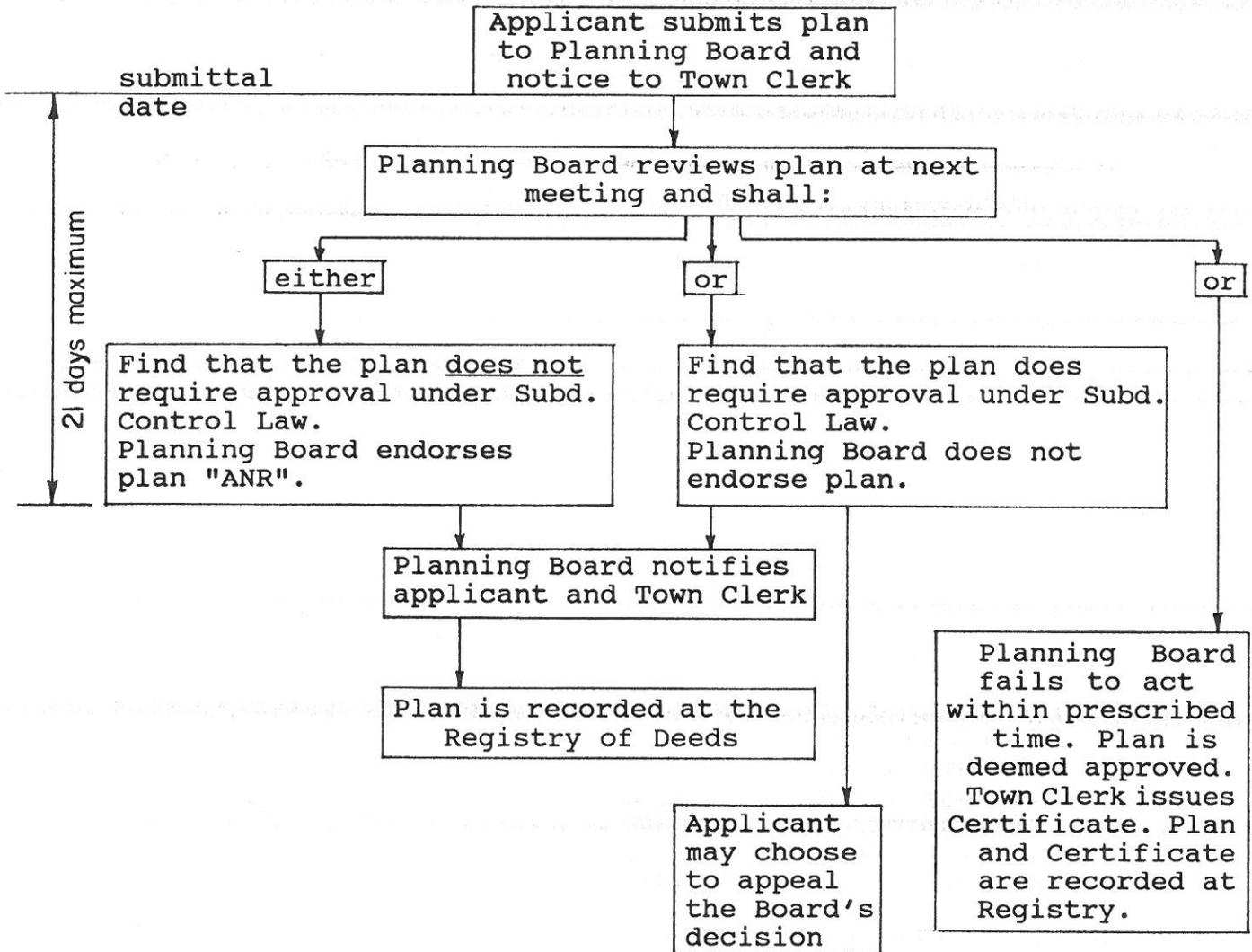
TYPICAL ROAD CROSS SECTION

Not To Scale

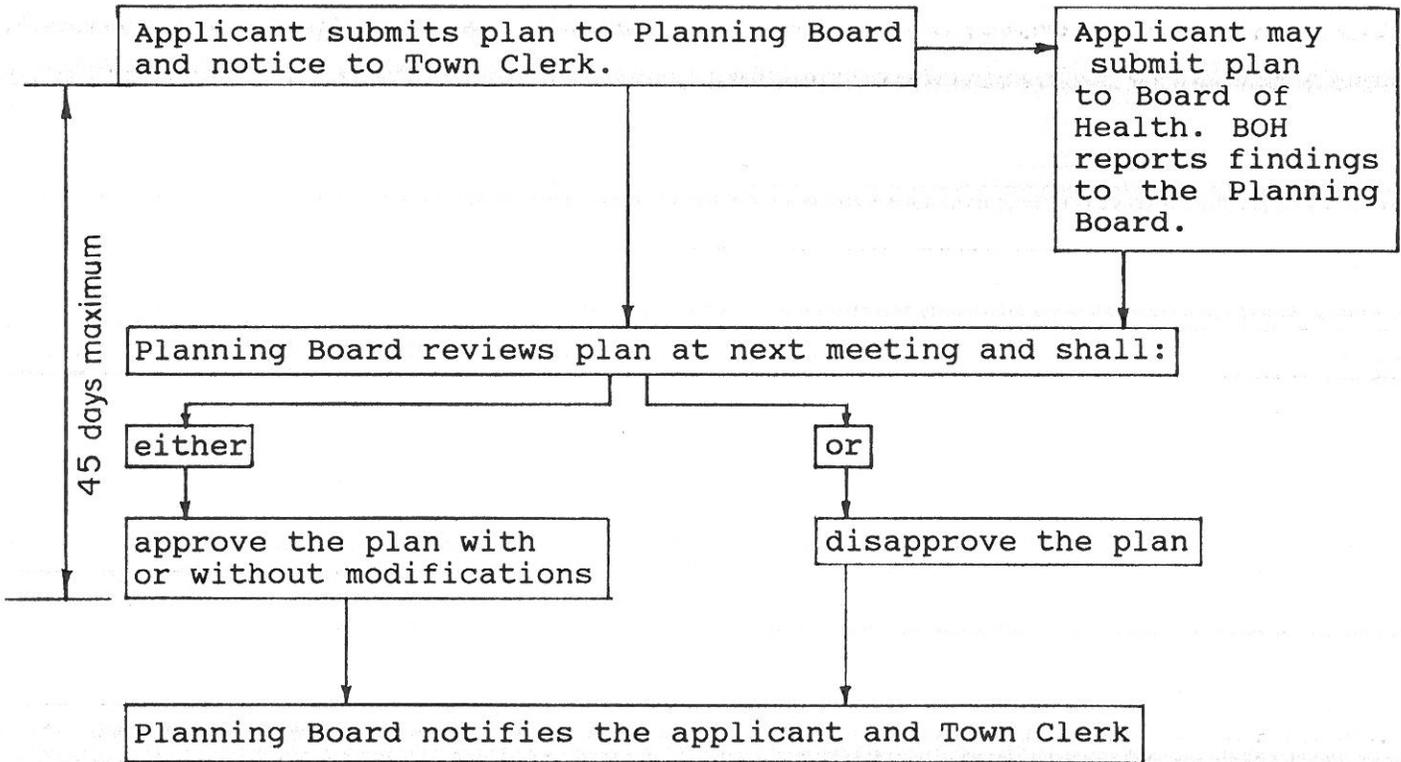
CUL - DE - SAC SCHEMATIC



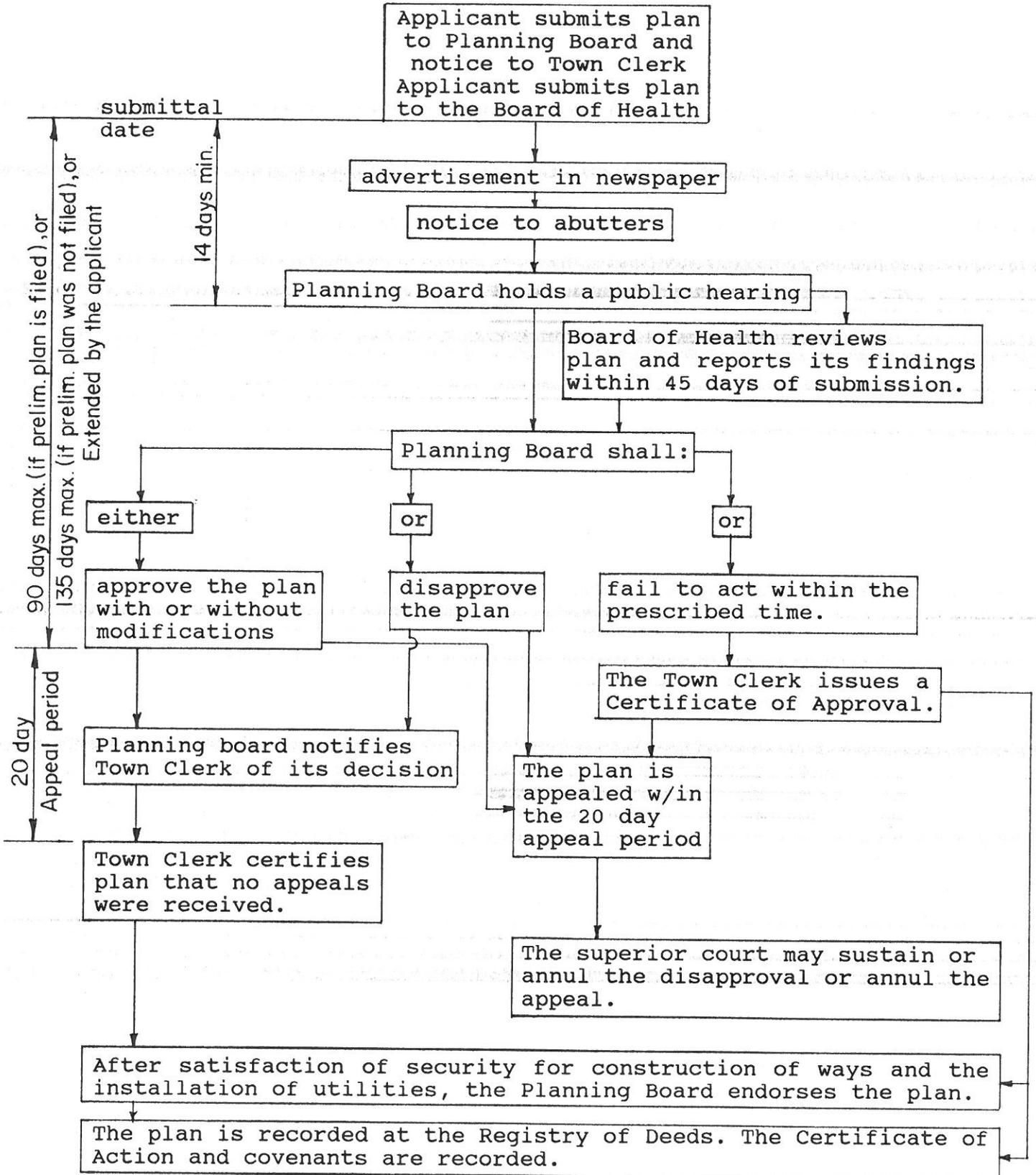
PROCESS FOR PLANS BELIEVED NOT TO REQUIRE APPROVAL



PROCESS FOR PRELIMINARY PLANS



PROCESS FOR DEFINITIVE PLANS



APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL

_____, 19____

To The Bolton Planning Board:

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

1. The accompanying plan is not a subdivision because the plan does not show a division of land.
2. The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Town of Bolton Zoning By-Law under Section _____ which requires _____ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
 - a. a public way or way which the Town Clerk certifies is maintained and used as a public way, namely _____, or
 - b. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely _____ on _____, and subject to the following conditions _____; or
 - c. a private way in existence on _____, the date when the Subdivision Control Law became effective in the Bolton 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, namely _____.
3. The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/ other instrument, namely _____ which adds to/ takes away from/changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the Bolton Zoning By-Law under Section _____, which requires _____ frontage feet.

4. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically _____ buildings were standing on the plan prior to _____, the date when the subdivision control law went into effect in Bolton and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows:

APPLICANT'S NAME - PLEASE PRINT

5. Other reasons or comment: (See M.G.L., Chapter 41, Section 81-L) _____

The owner's title to the land is derived under deed from _____, dated _____, 19____, and recorded in the Worcester County Registry of Deeds, Book _____, Page _____ or registered in Land Court as Document No. _____ and noted on Certificate of Title No. _____, registered in Book _____, Page _____; and Bolton Tax Assessors' Map No. _____, Parcel/Lot No. _____.

Received by Bolton Town Clerk:

Applicant's signature _____

Date _____

Applicant's address _____

Time _____

Signature _____

Applicant's phone # _____
Owner's signature and address if not the applicant or applicant's authorization if not the owner

APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

_____, 19__

To The Bolton Planning Board:

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

By _____ dated _____, 19__ and described as follows: _____ located _____

lots proposed (#) _____ total acreage of tract _____, said applicant hereby submits said plan as a Preliminary subdivision plan in accordance with the Rules and Regulations of the Bolton Planning Board and makes application to the Board for approval of said plan.

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

Received by Bolton Town Clerk:

Applicant's Signature _____

Date _____
Time _____
Signature _____

Applicant's address _____

Applicant's phone # _____

Received by Board of Health:

Owner's signature and address if not the applicant or applicant's authorization if not the owner

Date _____
Time _____
Signature _____

CERTIFIED LIST OF ABUTTERS

Attach a sketch of land described in this petition and write against boundary lines the names of adjoining owners in their relative positions. Also, indicate the address of each abutter on the sketch or in a separate list.

_____ 19_____

Bolton Planning Board
P.O. Box 278
BOLTON, Massachusetts

Dear Board Members:

This is to certify that at the time of the last assessment for taxation made by the Town of BOLTON, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown above were as above written, except as follows:

(Bolton Tax Assessor)

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

_____, 19 ____

To the Bolton Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Bolton for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board of the Town of Bolton.

1. Name of Owner _____

Address _____

2. Name of Subdivider/Applicant (if different) _____

3. Name of Engineer and Surveyor _____

Address _____

4. Deed of property recorded in Worcester County Registry Book _____ Page _____, or registered in Land Court as Document No. _____ and noted on Title of Certificate No. _____, registered in Book _____, page _____.

5. Said parcel of land is described as follows:

A. Location and Description of Property _____

B. The proposed ways run from _____

to _____

all as more particularly described and bounded on the plot filed herewith and made part of this application and agreement. The following are mortgages and other liens or encumbrances on the whole or any part of the above described property. (List mortgages, etc., here.) _____

6. The undersigned hereby applies for approval of said plot by the Board. The undersigned hereby covenants and agrees with the Town of Bolton upon approval of the plot.

A. To install the utilities and complete the ways as finally approved by the Board within ____ months from the date thereof;

- B. To install utilities and complete the construction of ways in accordance with the Bolton Subdivision Rules and Regulations and approved Definitive plans/documents incorporated herein and made part of this agreement.
- C. This agreement shall be binding upon the heirs, executors, administrators, and assigns -- successors and assigns -- of the undersigned.
- D. To file with the Board of Selectmen of the Town of Bolton, two (2) copies of final as-built plans of the utilities and the ways upon completion, along with proper instruments for the conveyance of all easements to the Town of Bolton.

Signature of owner

Address of owner

ADVERTISEMENT

TOWN OF BOLTON

MASSACHUSETTS

THE BOLTON PLANNING BOARD

"There will be a public hearing at the Town Hall, BOLTON,
Massachusetts, on the (day, month, year) ____ day of
____ 19 __, at ____ P.M. on the petition of
____ (name of applicant)
to subdivide a parcel or parcels of land situated
____ (give approximate
location of
subdivision)
BOLTON, Massachusetts."

CERTIFICATE OF ACTION

This is to certify that the Planning Board of the Town of Bolton,
Massachusetts has this day disapproved a definitive subdivision
plan entitled _____

by _____

dated _____, 19 ____.

This subdivision plan is disapproved for the following reasons:

The Bolton Planning Board

By: _____

A copy of this certificate is to be filed with the Bolton Town
Clerk.

CERTIFICATE OF AMENDMENT, MODIFICATION OR RESCISSION OF APPROVAL OF DEFINITIVE SUBDIVISION PLAN

_____, 19 ____

To The Bolton Town Clerk:

On the motion/petition of _____, dated _____ and in accordance with Massachusetts General Laws, Chapter 41, Section 81-W, it is hereby certified by the Planning Board of the Town of Bolton, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, it was voted to amend/modify/rescind the approval of the definitive subdivision plan of land entitled: _____ owned by _____ of _____ plan(s) dated _____ (and revised [date] _____), by (designer) _____, and recorded at the Worcester County Registry of Deeds, Plan Book _____, Page _____, (performance guarantee being _____ and recorded Book _____, Page _____), and located _____ and showing (No.) _____ proposed lots, by making the following amendments/modification(s)/by rescinding the approval for the following reasons:

All prior conditions of approval shall remain in full force and effect until such time as they are met; pursuant to Massachusetts General Laws, Chapter 41, Section 81-W, this Amendment/Modification/Rescission shall take effect when duly recorded by the Planning board at the Worcester County Registry of Deeds with any other plan/document referred to in this vote. Said recording to be at the expense of the applicant.

The Amendment/Modification/Rescission of the approval of this plan shall not affect the lots in the subdivision which have been sold or mortgaged in good faith and for a valuable consideration or any rights appurtenant thereto, without the consent of the owner of such lots, and of the holder of the mortgage or mortgages, if any, thereon. Written consent from said owners and mortgages, if any, is attached hereto.

NOTE TO CLERK: The Planning Board should be notified immediately of any appeal to the Superior Court on this subdivision Amendment/Modification/Rescission of the approval made within the statutory 20-day appeal period.

If no appeal is filed with your office, the Planning Board should be notified at the end of the 20-day appeal period in order that the originally approved plan may receive an appropriate endorsement and be recorded along with a registered copy of the certified vote Amending/Modifying/Rescinding the approval.

A true copy, attest:

Clerk, Bolton Planning Board

Duplicate copy sent to applicant:

Bolton Planning Board

COVENANT

_____, 19 ____

KNOW ALL MEN AND WOMEN by these presents that the undersigned has submitted an application dated _____ to the Bolton Planning Board for approval of a definitive plan of a subdivision of land entitled: _____, plan by: (designer) _____, dated: _____ and owned by: _____, and showing (No.) _____ proposed lots. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

IN CONSIDERATION of the Bolton Planning Board approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of the Town of Bolton as follows:

1. That the undersigned is the owner* in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

*If there is more than one owner, all must sign. "Applicant" may be an owner or his agent or representative, or his assigns, but the owner of record must sign the covenant.

2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:
 - a. The Application for Approval of Definitive Plan (Form C).
 - b. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision.
 - c. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated _____.
 - d. The definitive plan as approved and as qualified by the certificate of approval.
 - e. Other documents(s) specifying construction to be completed, namely:

However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and utilities have been provided to serve such lot.

3. That this covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
4. That particular lots within the subdivision shall be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released.
5. That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, or either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
6. That the undersigned agrees to record this covenant with the Worcester County Registry of Deeds, forthwith, or to pay the necessary recording fee to the said Planning Board in the event the Planning Board shall record this agreement forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed, as provided in M.G.L. Chapt. 41, Sect. 81-U.
8. That this covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.
9. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before (date when construction and installation is to be completed) _____, the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, shall result in automatic rescission of the approval of the plan.

10. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.

11. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.

For title to the property, see deed from _____, dated _____ recorded in Worcester County Registry of Deeds, Book _____, Page _____, or registered in Land Court as Document No. _____ and noted on Certificate of Title No. _____, registered in Book _____, Page _____.

The present holder of a mortgage upon the property is (name) _____ of (address) _____.

The mortgage is dated _____ and recorded in Worcester County Registry of Deeds, Book _____, Page _____, or registered in Land Court as Document No. _____, and noted on Certificate of Title No. _____, registered in Book _____, Page _____. The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same status, force and effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

_____, spouse of the undersigned applicant, hereby agrees that such interest as I, we, may have in the premises shall be subject to the provisions of this covenant and insofar as is necessary releases all rights of tenancy by the dower or homestead and other interests therein.

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

Acceptance by a majority of the Bolton Planning Board

Signature of Owner or
Owners

COMMONWEALTH OF MASSACHUSETTS

Worcester County, ss _____, 19__

Then personally appeared the above named _____,
and acknowledged the foregoing instrument to be _____
(his/her/its) free act and deed.

Notary of Public

My commission expires _____, 19__

Signature of the
Mortgagee or authorized
representative

COMMONWEALTH OF MASSACHUSETTS

Worcester County, ss _____, 19__

Then personally appeared the above named _____,
and acknowledged the foregoing instrument to be _____
(his/her/its) free act and deed.

Notary of Public

My commission expires _____, 19__

PERFORMANCE SECURED BY DEPOSIT OF MONEY

_____, 19 ____

AGREEMENT made this date between the Town of Bolton and (name of applicant) _____, hereinafter referred to as "the applicant" of (address) _____ to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled: (name of subdivision) _____, by: (name) _____ address (of owner): _____, land located: _____ and showing (No.) _____ proposed lots.

KNOW ALL MEN AND WOMEN by these presents that the applicant hereby binds and obligates himself, his or its executors, administrators, devisees, heirs, successors and assigns to the Town of Bolton, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of _____ dollars, and has secured this obligation by depositing with the Treasurer of said Town of Bolton a deposit of money in the above sum to be deposited in a subdivision escrow account in the name of the Town of Bolton. The deposit of money is to be used to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval Definitive Plan (Form C), dated: _____;
2. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision and dated _____;
3. Conditions included in the Certificate of Approval issued by the Planning Board and dated (date of vote to approve) _____;
4. The definitive plan as qualified by the Certificate of Approval; and
5. Other document(s) specifying construction or installation to be completed, namely: (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a deposit of money) _____

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations or has elected to provide another method of securing performance as provided in M.G.L., Chapter 41, Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before (date when construction and installation is to be completed) _____, or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, the deposit of money including all interest accrued thereon shall be returned to the applicant by said town and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the deposit of money may be applied in whole, or in part, by the Planning Board for the benefit of the Town of Bolton to the extent of the reasonable cost to the town of completing such construction or installation as specified in this agreement. Any unused money and the interest accrued on the deposit of money will be returned to the applicant upon completion of the work by said town.

The Town of Bolton acting by and through its Planning Board hereby agrees to accept the aforesaid deposit of money in the amount specified in this agreement as security for the performance of the project as aforesaid.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

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

IN WITNESS WHEREOF we have hereunto set our hands and seals this (date) _____ of (month) _____, 19 ____.

Signatures of a majority of the Bolton Planning Board

Signature of Applicant

COMMONWEALTH OF MASSACHUSETTS

Worcester County, ss _____, 19__

Then personally appeared _____, one of the above-named members of the Bolton Planning Board and the applicant and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

Notary of Public

My commission expires _____, 19__

PERFORMANCE SECURED BY
A SURETY COMPANY

_____, 19__

AGREEMENT made this date between the Town of Bolton and (name of applicant) _____, hereinafter referred to as "the applicant" of (address) _____; and (name of surety company) _____, a corporation duly organized and existing under the laws of the state of (state where incorporated) _____ and having a usual place of business at (address of surety company) _____, hereinafter referred to as "the surety," to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled: _____, by: _____, dated: _____, owned by: _____, address: _____, land located: _____, and showing (no.) _____ proposed lots.

KNOW ALL MEN AND WOMEN by these presents that the applicant and the surety hereby bind and obligate themselves, their, or its executors, administrators, devisees, heirs, successors and assigns, jointly and severally to the Town of Bolton, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of _____ dollars, and have secured this obligation by depositing with the Treasures of said Town of Bolton a surety bond to secure the above sum of money, said surety bond to be used to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval Definitive Plan (Form C), dated: _____;
2. The subdivision control law and the Planning Board's Rules and regulations governing this subdivision and dated _____;
3. Conditions included in the Certificate of Approval issued by the Planning Board and dated _____;
4. The definitive plan as qualified by the certificate of Approval; and
5. Other document(s) specifying construction or installation to be completed, namely: (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a surety company) _____

This agreement shall remain in full force and effect until the applicant has fully satisfactorily performed all obligations, or has elected to provide another method of securing performance as provided in M.G.L., Chapter 41, Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before _____, or such later date as may be specified by vote of the Planning Board with the written concurrence of the applicant and the surety, the interest of the Town in such surety bond shall be released, the surety bond shall be returned to the surety, and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the surety bond may be enforced, in whole, or in extent of the reasonable cost to the Town of completing such construction or installation as specified in this agreement. Any unused portion of the surety bond will be released and the unused portion of the surety bond will be returned to the surety upon completion of the work by said Town.

The Town of Bolton, action by and through its Planning Board, hereby agrees to accept the aforesaid surety bond in the amount specified in this agreement as security for the performance of the project as aforesaid.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

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

Signatures of a majority of the Bolton Planning Board

Signature of Applicant

Signature of Authorized Representative of the Surety.

COMMONWEALTH OF MASSACHUSETTS

Worcester County, ss _____, 19 ____

Then personally appeared _____, one of the above-named members of the Planning Board of Bolton, Massachusetts, the applicant, and the authorized representative of the surety, and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

Notary Public

My Commission expires _____

PERFORMANCE SECURED BY BANK PASSBOOK

_____, 19 ____

AGREEMENT made this date between the Town of Bolton and _____, hereinafter referred to as "the applicant" of (address) _____, to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled: _____, by (designer) _____, dated: _____, owned by: _____, address: _____ land located: _____ and showing (No.) _____ proposed lots.

KNOW ALL MEN AND WOMEN by these presents that the applicant hereby binds and obligates himself, his, or its executors, administrators, devisees, heirs, successors and assigns to the Town of Bolton, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of _____ dollars, and has secured this obligation by deposit with the Treasurer of said Town of Bolton, a deposit of money for the above sum represented by Bank Passbook No. _____ with an order drawn on the _____ Bank of (address) _____, payable to the order of the Planning Board of the Town of Bolton, said sum to be used to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval Definitive Plan (Form C), dated: _____;
2. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision and dated: _____;
3. Conditions included in the Certificate of Approval issued by the Planning Board and dated (date of vote to approve) _____;
4. The definitive plan as qualified by the Certificate of Approval; and
5. Other document(s) specifying construction or installation to be completed, namely: (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a bank passbook) _____

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations, or has elected to provide another method of securing performance as provided in M.G.L., Chapter 41, Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before _____, or such later date as may be specified by vote of the Planning Board with the written concurrence of the applicant and the bank, the bank passbook shall be returned to the applicant by the town and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the funds on deposit in the account represented by the aforesaid bank passbook and order drawn thereon may be applied in whole, or in part, by the Planning Board for the benefit of the Town of Bolton to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this agreement. Any unused funds and the bank passbook will be returned to the applicant upon completion of the work by said Town.

The Town of Bolton, acting by and through its Planning Board, hereby agrees to accept the aforesaid bank passbook and order drawn thereon as security for the performance of this project.

The _____ Bank of (address) _____ hereby agrees not to release any funds from the account represented by the aforesaid bank passbook or otherwise amend or make a change to the aforesaid bank passbook or to the order drawn thereon without written agreement by the Planning Board.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF we have hereunto set our hands and seals this (date) _____ of (month) _____, 19 ____.

Signatures of a majority of the Bolton Planning Board

Signature of Applicant

Signature of Authorized Representative of the _____ bank.

COMMONWEALTH OF MASSACHUSETTS

Worcester County, ss _____, 19____

Then personally appeared _____, one of the above-named members of the Bolton Planning Board, the applicant and the authorized representative of the _____ Bank, and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

Notary of Public

My commission expires _____, 19____

II. COMPLETION OF ROADWAY (CONT'D) INSPECTED BY DATE

- 5. Inspection of sidewalk gravel base for material, thickness, grade, width, and compaction. _____
- 6. Inspection of sidewalk pavement for material, thickness, grade, width, and compaction. _____
- 7. Inspection of required side slopes for grade, compaction, and loam cover. _____

III. COMPLETION OF PROJECT INSPECTED BY DATE

- 1. Inspection of area for required loam cover and authorized removal of loam and gravel. _____
- 2. Inspection of street sign installations. _____
- 3. Inspection of road monument installations.
 - 3a. Inspection of grass plots and trees _____
- 4. Filing of legal descriptions of all public utility easements with Town Clerk _____
- 5. Filing of final as-built plans with Board of Selectmen. _____
- 6. Clean-up inspection _____

Inspections may be carried out only by members of the Planning Board, or agents of the Planning Board.

All inspections must be satisfactorily carried out before final release of performance bond will be authorized.

CONVEYANCE OF EASEMENTS AND UTILITIES

_____ (name of owner) of _____
 _____ (address of owner) Worcester County,
 Massachusetts, for the consideration of _____ hereby
 grants, transfers and delivers unto the Town of Bolton, a municipal
 corporation in Worcester County, the following:

- A. The perpetual rights and easements to construct, inspect, repair, remove, replace, operate and forever maintain (1) a sanitary sewer or sewers with any manholes, pipes, conduits and other appurtenances, (2) pipes, conduits and their appurtenances for the conveyance of water, and (3) a covered surface and ground water drain or drains with any manholes, pipes, conduits and their appurtenances, and to do all other acts incidental to the foregoing, including the right to pass along and over the land for the aforesaid purposes, in, through, and under the whole of _____, dated _____, said plan is made and said plan is incorporated herein for a complete and detailed description of said roads.
- B. The perpetual rights and easement to use for (describe use) _____ the following parcel of land situated on (street) _____ in said Town of Bolton and bounded and described as follows (description):

The grantor warrants that the aforesaid easements are free and clear of all liens or encumbrances, that he (it) has good title to transfer the same, and that he will defend the same against claims of all persons.

For grantor's title see deed from _____ dated _____, 19 ____, and recorded in Worcester County Registry of Deeds, Book _____, Page _____, or registered in Land Court as Document No. _____ and noted on Certificate of Title No. _____, registered on Book _____, Page _____.

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

the present holder of a mortgage on the above described land, which mortgage is dated _____, 19 ____, and recorded in said Deeds, Book _____, Page _____ for consideration paid, hereby releases unto the Town of Bolton forever from the operation of said mortgage, the rights and easements hereinabove granted and assents thereto.

Authorized Signature of Mortgagee

Owner

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

COMMONWEALTH OF MASSACHUSETTS

Worcester County, ss

_____, 19__

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

Notary of Public

My commission expires _____, 19__

NOTE: This conveyance is not effective until accepted by town meeting or town counsel.

FORM O

RELEASE OF RETAINER

To The Bolton Town Treasurer:

This is to certify that at a regular meeting of the Bolton Planning Board held on _____, 19 ____, at which a quorum was present and acted throughout, it was unanimously

SECURED BY DEPOSIT

VOTED: to release, to subdivider, _____, the performance bond, dated _____, 19 ____, and the _____ dollars in cash that was deposited with the Town as security for the performance by the subdivider of its agreement in the form of an application for approval of a definitive plan, Form C, dated _____, 19 ____, said work having been completed for at least eighteen months from the date of this release.

SECURED BY SURETY

VOTED: to release the performance bond, dated _____, 19 ____, filed _____, as Principal, and _____, as Surety, in the sum of _____ dollars to secure the performance by the subdivider of his agreement in the form of an application for approval of a definitive plan, Form C, dated _____, 19 ____, to insure adequate construction and installation of the streets and municipal services as shown on the subdivision plan entitled _____, and dated _____, 19 ____, said work having been completed for at least eighteen months from the date of this release.

BOLTON PLANNING BOARD

Signatures of a majority of the Bolton Planning Board

cc: Subdivider
Surety

RELEASE OF COVENANT

The undersigned, being a majority of the Planning Board of the Town of Bolton, Massachusetts, hereby certify that the requirements for construction improvements called for by the Covenant dated _____, 19 ____, given by (record owner) _____ and recorded in the Worcester County Registry of Deeds, Book _____, Page _____, or registered in the Worcester County Land Court as Document No. _____ and noted on Certificate of Title No. _____ registered in Book _____, Page _____, have been completed or have been secured by the posting of a bond or other acceptable security to the satisfaction of the Bolton Planning Board as to the lots enumerated or designated as follows:

Lots _____ on _____ Street shown on the definitive subdivision plan of _____, dated _____, 19 ____, and recorded in said Deeds Book _____, Page _____, or registered in said Land Court, Plan Book _____, Page _____, and said lots are hereby released from the restrictions as to sale and building specified in said Covenant.

Executed as a sealed instrument this _____ day of _____, 19 ____.

BOLTON PLANNING BOARD

Signatures of a majority of the Bolton Planning Board

COMMONWEALTH OF MASSACHUSETTS

_____, 19 ____

Then personally appeared _____ one of the above members of the Bolton Planning Board, and acknowledged the foregoing instrument to be (his/her) free act and deed before me.

Notary of Public

My commission expires _____, 19 ____

And _____, a banking corporation in _____ County, Massachusetts, the present holder of a mortgage on the above described land, which mortgage is dated _____, 19____, and recorded in said Deed, Book_____, Page_____, for consideration paid, hereby releases unto the Town of Bolton of said mortgage, the rights and easements hereinabove granted and assents thereto.

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

COMMONWEALTH OF MASSACHUSETTS

Worcester County, ss _____, 19____

Then personally appeared the above named _____ and acknowledges the foregoing to be _____ free act and deed, before me.

Notary of Public

My commission expires _____, 19____

FORM Q

RELEASE OF PERFORMANCE BOND

To The Bolton Town Treasurer:

This is to certify that at a regular meeting of the Bolton Planning Board held on _____, 19 ____, at which a quorum was present and acted throughout, it was unanimously

SECURED BY DEPOSIT

VOTED: to release, to subdivider, _____, the performance bond, dated _____, 19 ____, and the _____ dollars in cash that was deposited with the town as security for the performance by the subdivider of its agreement in the form of an application for approval of a definitive plan, Form C, dated _____, 19 ____, to complete the work to be performed by the subdivider as shown on the subdivision plan entitled _____, and dated _____, 19 ____.

SECURED BY SURETY

VOTED: to release the performance bond, dated _____, 19 ____, filed _____, as Principal, and _____, as Surety, in the sum of _____ dollars to secure the performance by the subdivider of his agreement in the form of an application for approval of a definitive plan, Form C, dated _____, 19 ____, to complete the work to be performed by the subdivider as shown on the subdivision plan entitled _____, and dated _____, 19 ____.

BOLTON PLANNING BOARD

Signatures of a majority of the Bolton Planning Board

cc: Subdivider
Surety

CERTIFICATE OF RELEASE OF LOTS

_____, 19 ____

TO: _____

WHEREAS the Planning Board of the Town of Bolton has heretofore given its approval to the subdivision plan entitled _____, dated _____, by _____ and recorded in Worcester County Registry of Deeds as Plan No. _____ of _____ in Plan Book _____, Page _____; AND WHEREAS the covenant dated _____ is recorded in Worcester Country Registry of Deeds in Book _____, Page _____; AND WHEREAS _____ has posted surety for the completion of _____ from Station _____ to Station _____, including _____, as shown on said plans;

NOW THEREFORE lots numbered _____ are hereby released from the covenant and may be sold, mortgaged, or otherwise hypothecated.

BOLTON PLANNING BOARD

Signatures of a majority of the
Bolton Planning Board

Copy to: Building Inspector