**RULES AND REGULATIONS GOVERNING**

**THE SUBDIVISION OF LAND**

**RAYNHAM, MASSACHUSETTS**

**April 7, 2022**

SECTION 1.0

PURPOSE AND AUTHORITY

**1.1 PURPOSE**

These Rules and Regulations Governing the Subdivision of Land in the Town of Raynham have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town by regulating the layout and construction of ways in subdivisions which provide access to the several lots therein, but which have not become public ways; and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Planning Board and the Zoning Board of Appeals shall be exercised with due regard for:

* The provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel;
* Lessening congestion in subdivision ways and in the adjacent public ways;
* Reducing danger to life and limb in the operation of motor vehicles;
* Securing safety in the case of fire, flood, panic and other emergencies;
* Ensuring compliance with the applicable zoning by-laws and regulations of the Town of Raynham and all environmental regulations of the town*;*
* Securing adequate provision for water, sewage, drainage, underground utility services, fire, police and other municipal equipment, street lighting and other requirements where necessary in a subdivision;
* Coordinating the ways in a subdivision with each other, with the public ways in the Town of Raynham, and the ways in neighboring subdivisions;
* Ensuring conformance to the recommendations of the Board of Health and Conservation Commission;
* Ensuring the proper construction of infrastructure that will support the quality of life within the community and meet the standards for acceptance and ownership by the Town of Raynham;
* Ensuring that infrastructure will be constructed in such a manner that will minimize maintenance and costs to the Town;
* The Planning Board may regulate for all of the purposes set forth in the Subdivision Control Law, particularly G.L. c. 41, ss. 81M and 81Q, without limitation, and the following additional purposes:
* To implement the Planning Board’s development objectives, policy decisions, and design standards.
* To provide the Planning Board with information reasonably necessary to perform its duties pursuant to statute.
* To regulate the submittal, review and certification of plans believed not to require subdivision approval.
* To develop the Town consistent with the Master Plan and Open Space and Recreation Plan.

**1.2 AUTHORITY**

These Rules and Regulations Governing the Subdivision of Land have been adopted by the Planning Board of the Town of Raynham, pursuant to authority vested in said Board by G.L. c. 41, s. 81Q.

**1.3 AMENDMENT**

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, all pursuant to M.G.L. c. 41, s. 81Q.

**1.4 SEVERABILITY**

The invalidity of any section, subsection or provision of these Rules and Regulations shall not invalidate any other section, subsection or provision thereof. If any provision of these Regulations is held by any court of competent jurisdiction to be invalidly applied to any particular case, all other applications of such provisions to other cases shall not be affected thereby.

SECTION 2.0

DEFINITIONS

For the purposes of these Rules and Regulations, the following words and terms used herein are hereby defined or the meaning thereof explained, extended, or limited as stated in G.L. c. 41, as amended. Where a term is defined in the Subdivision Control Law or the Raynham Zoning By-Law and not herein, such definition shall be incorporated by reference herein. Other terms or words or phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such other terms or phrases as may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

**Abutters:** Owners of any land adjacent to any boundary of a parcel being subdivided and under consideration, as appearing on the most recent tax list.

**Agent:** The person or persons authorized and designated by the Planning Board to carry out specific functions on behalf of the Board with respect to the review of plans, investigations of conditions and inspection or verification of the required improvements being designed, constructed or installed in a satisfactory manner. It shall be the responsibility of the developer, his or her representative and the contractors to provide the required data to the Board's agent and to notify them when each phase of work is ready for inspection.

**Anchored Mulch:** Mulch consisting of straw, woodchips, emulsifier and other appropriate materials bound together by anchored pegs and twine or screen or fabric.

**Applicant:** All owners of the land referred to in an application filed with the Planning Board, or the owner's duly authorized representative. Such representatives shall submit a letter of authorization from the record owner(s) of the land.

**Basin:** A temporary or permanent barrier constructed within a drainage system designed to intercept, treat, recharge, and store and delay storm water runoff.

**Board:** The Planning Board of the Town of Raynham.

**Building (detached):** A building surrounded by open space on the same lot. The word building shall be taken to mean any dwelling, structure used for commercial purposes, structure used for industrial purposes, or any other structure ordinarily bearing a number for identification purposes.

**Commencing Work:**  For the purposes of Section 6 herein, commencing work is defined as any clearing or excavation of land within the Subdivision or subject to site plan approval.

**Cross Section:**The depiction in plan drawing of vertical sections to a specified scale which are perpendicular to centerlines of roads and main utility lines of town infrastructure to include but not limited to; streets, storm drainage, sanitary sewer facilities and utilities.

**Clear:** The act of removing vegetative cover in a way that does not disturb the root mat or the existing soil surface.

**Construction Inspector:** A person or persons designated by the Planning Board to conduct inspections of the construction and installation of infrastructure associated with a subdivision. The inspector may stop a job when conditions warrant.

**Construction Inspection:**  The process of providing, but not limited to the following activities: evaluate conditions and performance, make recommendations, provide verification and approval testimony as expert witness of all activities for the approved subdivision.

**Consulting Engineer:** A licensed professional engineer appointed by the Planning Board to assist the Planning Board in the review of any application filed under these Rules and Regulations and/or to inspect the construction and installation of infrastructure associated with a subdivision.

**Cut:** The excavation, trenching, or digging of soil, sand, gravel, stones, or other earth material from the land.

**Dead End Street:** Any street or series of streets which must be entered and exited from the same point, said point being the junction with the nearest through street.

**Department:** The Highway Department of the Town of Raynham or its successor entity.

**Easement:** A right acquired by a public authority or other person or entity for use or control of property for utilities, travel, or other designated public or private purpose.

**Engineer:** A Registered Professional Engineer qualified and licensed by the Commonwealth of Massachusetts.

**Erosion:** The process of wearing away the soil by either natural and/or manmade forces to other locations for desirable or undesirable reasons by means of wind, water, ice, gravity, and glaciers or by artificial means. Conditions usually but do not always create un-vegetated and/or unstable soil conditions.

**Fill:** Any soil, earth, sand, gravel, rock or any similar material deposited, placed, pushed or pulled onto a site.

**Frontage:** A lot boundary line, which abuts a public or private way and across which line there is legal and physical access.

**General Laws or G.L.:** The General Laws of the Commonwealth of Massachusetts, as amended.

**Groundwater:** All the water found beneath the surface of the ground. The term refers to the slowly moving subsurface water present in aquifers and recharge areas.

**Infrastructure:** A system of public works which includes but is not limited to: structures, devices, conduits, piping, manholes, catch basins, vaults for drainage, sewer, water, electric, and communication systems, guard rails, curbing, sidewalks and walking paths, roadways, systems for all utilities public and/or privately owned.

**Improvements:** Those physical additions, such as but not limited to: water lines, hydrants, sanitary sewers, storm drains, cable, electric, telephone, fire alarm conduits, street signs, streetlights, sidewalks, curbs, grass plots/strips, guard rails, shade trees, roadways, boundary monuments, and other items customarily provided by towns, public entities and utility companies, which include those items which are referred to in the Subdivision Control Law as " municipal services" and are required to be installed by the developers of subdivisions at no cost to the Town.

**Land-disturbing Activity:** Any action that causes the alteration of earth, sand, rock, gravel, vegetation or similar material on land.

**Locus Plan or Locus Map:** A map, which shows the location of the proposed subdivision in the community and its relationship to the existing community facilities, which serve or influence it.

**Lot:** An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings complying with the area, frontage and other requirements of the Zoning By-laws of the Town of Raynham.

**Mail Certified or Registered:** Mail recorded in the post office as defined by the United States Postal Service.

**MassDOT Standards:** The latest edition and revisions *to* the Standard Specifications and Construction Standards of the Massachusetts Department of Transportation. All unit measurement shall be in English.

**Municipal Utility Services:** Sewers, water pipes, storm drains, gas pipes, electrical lines, cable or telephone lines, fire alarm systems *and the like* and their respective appurtenances.

**Open Space:** An area that is intended to provide light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space may include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

**Owner:** The owner of record as shown by the records in the County Registry of Deeds or Land Court Registry or the most recent Assessors’ records.

**Parcel:** A continuous quantity of land in the possession of or owned by, recorded as the property of, the same person or persons.

**Peak Hour:** The hour(s) when the highest traffic volume occurs.

**Person:** An individual, two or more individuals, a partnership, limited partnership, trust, limited dividend organization, association, corporation limited liability company, limited liability partnership or the like having a common interest in a tract of land.

**Plan, Definitive:** A plan of a proposed subdivision or re-subdivision submitted in accordance with these Rules and Regulations and with G.L. c. 41, s. 81T.

**Plan, Preliminary:** A plan of a proposed subdivision or re-subdivision submitted in accordance with these Rules and Regulations and with G.L. c. 41, s. 81S.

**Profile*:*** The depiction of sectional elevation identifying a vertical cross-section of town infrastructure to include but not limited to; streets, storm drainage and sanitary sewer facilities. Profile will depict images of infrastructure parallel to the direction said infrastructure is running. Example: Along the centerline of street and direction of flow for pipes.

**Recharge Area:** That area composed of permeable stratified sand and gravel, and associated wetlands that collect surface water and carry it to aquifers. Primary recharge area lies directly over ground water and flows directly into the aquifer. Secondary recharge area lies adjacent to the primary area, and from which ground water moves down gradient into the aquifer. Tertiary recharge area is the upstream drainage area of streams that traverse the primary and secondary recharge areas.

**Reserve Strip:**  A piece of land between the boundary of the subdivision street or way that would be used to prohibit the extension of the street to an adjacent street or subdivision.

**Registry of Deeds:**  A legal and permanent place of registration for documents and plans, such as but not limited to; deeds, easements, subdivision plans, special permits, variance, notice of intents, restrictive covenants, covenants, restrictions and allowances.

**Roadway or Traveled Way:** That portion of a street intended for vehicular use.

**Right-of-Way:** Land to be either public or private on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

**Rules and Regulations:**  The Rules and Regulations Governing the Subdivision of Land in Raynham, Massachusetts, as most recently adopted by the Raynham Planning Board pursuant to G.L. c. 41, 81O.

**Sediment:**  Soil material, such as but not limited to,organic matter, rock, sand, silt, gravel and transported or deposited by erosion, the movement of wind, water, ice, gravity, glaciers or by artificial means.

**Sediment Trap:** A temporary or permanent device by which sediment may be collected, measured, and separated from its hydraulic movement of storm water.

**Soil:** Any earth, sand, rock, gravel, or similar material.

**Strip:** Any activity that removes the vegetative surface cover, including, but not limited to, grass, trees, weeds, clearing and grubbing and storage or removal of topsoil.

**Street:** The paved portion of any way, street or road, that is open and dedicated to public use, but including a public way or a way certified by the Town Clerk to have been used and maintained by public authorities as a public way, a way approved and constructed under the provisions of the Subdivision Control Law, having become effective in Raynham, and a way, in the opinion of the Board, having adequate width, grade, and construction for the needs of vehicular traffic and the installation of public utilities to serve the land abutting thereon or served thereby and the buildings erected or to be erected on such land.

* **Major collector street:** - shall mean a way so designated by a Master Plan carrying or expected to carry primarily through traffic to and/or from other municipalities; or to carry traffic in excess of 1,000 vehicle average daily trips in both directions during the peak hour, which shall include numbered state highways.
* **Minor collector street:** A way carrying or expected to carry an average daily trip count of 251-1,000 vehicles.
* **Minor Street:** A dead end street or other way expected to carry an average daily trip count of 0-250 vehicles.

**Structure:** A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, deck or the like. Fences and retaining walls are deemed not to be structures.

**Subdivision:** The division of a tract of land into two or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that a 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 clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

**Subdivision Control Law:** Sections 81K through 81GG, inclusive, of Chapter 41, Massachusetts General Laws, as amended.

**Superintendent:** The Superintendent of the Highway Department of the Town of Raynham, or his or her designee. The term "Superintendent" shall include all persons now or in the future performing the duties of the chief administrator of the Highway Department.

**Town:** The Town of Raynham, Massachusetts.

**Tract:**  An area of land with ascertainable recorded boundaries capable of being subdivided into two (2) or more lots with or without provision of new access ways.

**Utilities:** Municipal services including, but not limited to, water supply, piping, sanitary sewers, storm water drainage, fire alarm conduits, electric and telephone wiring gas supply piping, and any other services or installations generally provided by the Town of Raynham for the benefit of the inhabitants.

**Underground Utilities:** Any utilities placed below the ground surface.

**Wetlands:**  As defined in M. G.L. c. 131, s. 40, as may be amended.

**Wetland Resource Area:** Those resource areas subject to the Wetlands Protection Act, M.G.L. c.131, section enumerated in 310 CMR 10.02(1) (a-f), as may be amended, and those resource areas subject to any Town Wetland By-law, if any, as may be amended.

**Zoning By-Law:** The Zoning By-law of the Town of Raynham.

SECTION 3.0

GENERAL REGULATIONS

The following regulations shall apply in all circumstances governed by the Subdivision Control Law.

**3.1 APPLICABILITY**

Any person desiring to divide or subdivide land shall, before proceeding with the improvement or sale of lots in the division or subdivision, or the construction of ways, or the installation of municipal services therein, submit to the Board a plan of such division or subdivision pursuant to the Subdivision Control Law and secure approval by the Board as hereinafter provided.

**3.2 APPLICATIONS AND OTHER REQUIRED SUBMITTALS**

The applicant is responsible for the acquisition of the necessary rights and presentation of complete and correct information to the board. Failure to do so including the failure or inability to obtain all necessary permits, licenses, releases or rights, may be a reason for disapproval, rescission of an approved subdivision, and or modification of subdivision, in addition to any other actions provided by law.

All applications for approval or endorsement, required plans, required submittals, and required fees shall comply in all respects with the provisions of these Rules and Regulations. No application or plan shall be acted upon by the Board until said plan together with all required accompanying applications, forms, fees, lists and other items have been delivered by the applicant, and are properly executed and fully completed in accordance with these Rules and Regulations. Where the applicant fails to comply with these Rules and Regulations, the Planning Board may reject the application.

**3.3 COMPLIANCE WITH THE BOARD'S RULES AND REGULATIONS**

A proposed division and/or subdivision of land shall comply in all respects with these Rules and Regulations, as most recently amended, unless the Planning Board authorizes a waiver from specified sections of these regulations.

**3.4 WAIVERS**

Strict compliance with these Rules and Regulations Governing the Subdivision of Land may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law, and promotes public health and safety. The applicant shall request in writing the requirements they are seeking a waiver from upon submittal of a preliminary and/or definitive plan. Waivers shall be placed on the Cover of the recorded Plan Set presented to the Planning Board.

**3.5 ISSUANCE OF BUILDING PERMITS**

The Building Inspector shall not issue any permit for erection of a building until first satisfied (a) that the lot on which the building is to be erected is not within a subdivision, or (b) that a way furnishing the access to the lot within a subdivision as required by the subdivision control law is shown on a recorded plan and that any conditions endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied, and (c) that all other applicable requirements have been met.

**3.6 PROFESSIONAL AND TECHNICAL ASSISTANCE** **AND REVIEW**

The Board may assign as its agents appropriate Town officials and may hire professional assistance to review plans, conduct material testing, conduct property surveys of land and infrastructure and inspect improvements at the cost of the applicant.

**3.7 FEES**

The fees indicated in Appendix A - Planning Board Fee Schedule, as most recently amended, shall accompany the submittal of application materials and of the various plans specified in the Rules and Regulations to cover costs of processing, technical review, and inspection, as most recently amended.

**3.8 DWELLING LIMITATION**

Not more than one building designed or available for use for dwelling purposes shall be erected, or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town without the prior written consent of the Planning Board.

**3.9 ACCESS ADEQUACY REGULATIONS**

**3.9.1 General.** Plans shall be endorsed as not requiring approval under the Subdivision Control Law and subdivision plans shall be approved only if each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, G.L. c. 41, ss. 81K - 81GG.

**3.9.2 Standards of Adequacy.**

1. *To an ANR Site.* Ways providing access to lots developed pursuant to G.L. c. 41, s. 81P shall be considered adequate for access if said way provides access for fire, police and emergency vehicles at all times.

2. *Within a Subdivision*. Streets within a subdivision shall be considered to provide adequate access if complying with the standards established in these Rules and Regulations.

3. *To a Subdivision.* Existing ways providing access to streets within a subdivision shall be considered to provide adequate access if such existing way meets the standards set forth herein for width of right of way, pavement width, sight distance, and maximum grade.

**3.9.3 Obligations.** The Board may require as a condition of its approval of a subdivision plan that the applicant dedicate a strip of land for the purpose of widening access ways to a width as required in these regulations, above, and that applicant make physical improvements within such way or compensate the Town for the cost of such improvements in order to meet the standards specified above.

**3.9.4 Waiver of Access Rules.** The Board may waive strict compliance with these access regulations only upon its determination, following consultation with the, Highway Superintendent, Police Chief, and Fire Chief, that the way in fact will be otherwise sufficient to serve the needs for access to serve potential uses of land abutting on or served by the way in question.

**3.10 PLACEMENT ON AGENDA**

Anyone who wishes to be heard by the Planning Board must be placed on the agenda. The Planning Board Agenda closes at 3:00 P.M. on the Tuesday before the regularly scheduled meeting on Thursday of that week. (amended 10-01-15)

SECTION 4.0

PLAN BELIEVED NOT TO REQUIRE APPROVAL

**4.1 SUBMISSION**

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that said plan does not require approval under the Subdivision Control Law may submit such plan to the Planning Board seeking an endorsement to the effect that such approval is not required.

**4.1.1 Application.** Said person shall file with the Planning Board an approved application form with an original and three (3) prints of the plan together with a fee in accordance with the most recent schedule of fees adopted by the Planning Board. Such application shall be accompanied by evidence intended to show that said plan does not require approval under the Subdivision Control Law pursuant to G.L. c. 41, s. 81P.

**4.1.2 Notice.** Said person, in accordance with General Laws, Chapter 41, Section 81T, shall give written notice by delivery or registered mail to the Town Clerk stating the date of the submission of the plan to the Planning Board. If such notice is given by delivery, the Town Clerk shall, if requested, give written receipt thereof to the person who delivered such notice.

**4.1.3 Referral.** The Planning Board will refer any plans so submitted to the Highway Department and/or its consulting engineering firm for review. A period of ten (10) days may be anticipated for such review.

**4.1.4 Electronic File.** For plans prepared in AutoCAD, the applicant shall submit a e-mail, CD or thumbdrive with the CAD and Portable Document Format (PDF) containing the as-built Form A plan, as-built subdivision plan roduced by an AutoCAD or similar computerized drafting system, in either AutoCAD Drawing Format (.dwg), Data Exchange Format (.dxf) or ESRI Interchange Format (.e00), registered to Massachusetts State Plane (Mainland) Coordinates, North American Datum of 1988, as part of the application for endorsement of the plan. Orthophotos available from Mass GIS may be used in registering data. If the applicant is unable to provide the above, a fee determined by the Board will be charged to cover the cost of registering and digitizing the plan.

**4.2 CONTENTS**

**4.2.1 Size of Plan.** All plans submitted under this Section shall be submitted on bond paper and of minimum dimensions of 18inches by 24-inches (24-inches by 36-inches) unless another size is approved by the Planning Board or required by the Land Court.

**4.2.2 Required Information.** Plans shall bear the following:

1. Title Block, as shown in the Appendix, containing the following information:

 a. Name of owner of record;

 b. Title, date and scale of plan and a bar scale;

 c. Name and address of Registered Land Surveyor or Registered Professional Engineer;

 d. The statement "Approval Not Required Under the Subdivision Control Law" and “No Determination as to compliance with Zoning Requirements has been made or intended” and sufficient space thereunder for the date and the signatures of all members of the Board;

 e. Date of Survey and/or source of information.

2. A block, 3 ½-inches x 3 ½-inches located adjacent to the title block, reserved for use by the Registry of Deeds.

3. The following statement together with a location suitable for the preparer's signature: "This plan has been prepared in conformance with the rules and regulations of the Registry of Deeds."

4. North arrow depicting whether it is magnetic or true.

5. Existing and proposed boundary lines, including dimensions and areas of all lots shown. Lot lines shall be drawn so new lines are distinguished from old lot (dashed or grayed) lines. All boundary lines shall be shown with bearings and distances depicting mathematical closure of the boundary lines of each lot, roadway layout, easement and subdivision.

7. Location of all existing buildings, structures, concrete bounds, and iron rods at property and easement corners on the property. In instances where a new lot line is being created, the Planning Board may require field verification of building setbacks from existing or new property lines.

8. Illustration, by light broken line, for all setback lines established by the Zoning Bylaw.

9. Location(s) of any easements or rights of way traversing or adjacent to the locus.

10. Wetland resource areas and the 25-foot and 100-foot buffer zones located on the subject plan that are subject to M.G.L. c. 131, s. 40 shall be approved by the Conservation Commission through an Abbreviated Notice of Resource Delineation or Notice of Intent. If there are no wetlands within the parcel, the plan must include a note stating that there are no wetlands or buffers zones within the parcel.

11. Lot and house numbers.

12. Names of all abutters as they appear on the most recent tax list.

13. Zoning classification(s) and location(s) of any zoning district boundaries, including the boundaries, if any, of the Flood Plain, Water Resource Protection Overlay and Watershed Protection and/or Flood Insurance District(s) that may lie within the locus of the plan.

14. Notice of any decisions of the Zoning Board of Appeals including, but not limited to, variances and exceptions regarding the land or any building thereon.

15.Notice of intent: explanations, purpose of plan and change to/from.

16. Sufficient topographic delineation, including existing streams and bodies of water shall be shown on the plan to allow the Board to determine if the lot(s) have adequate physical access to each lot.

17. Copy of deed to verify current owners.

18. Whenever applicable, a statement that lots shown on the plan are part of a subdivision and are subject to terms

 and conditions of its approval plus a reference to the subdivision name, approval date, and the recorded book

 and page numbers.

~~19.~~Contour map depicting existing and proposed land contours (not less than 2 foot contours), land features, infrastructure, water courses, vegetation, large trees (more then 18” three feet up from the trunk) and any pertinent feature that would be used to evaluate change of existing drainage systems.

20. Provide topographic map of existing water shed on and off the footprint of the proposed subdivision in the event it has and effect on the proposed subdivision.

21. A locus map that shows the street layout and lots at a scale that indicates the nearest cross street with the streets labeled and legible. USGS or map images are not acceptable.

22. Reference to Assessors’ Plan/Map/Lot, to all previously recorded plans if any, pertaining to subdivisions, locus or abutting lots.

23. Current Municipal Lien Certificate required at time of submittal.

24. Any other information necessary for the Board's determination.

25 Permanent boundary markers at locations abutting town property and right of way. Proposed ANR lots require granite bounds (or approved substitute) at lot corners as part of the approval process and must be included on the as-built plan prior to certificate of occupancy.

26 NO obstructions are allowed in the proposed right of way including but not limited to sprinklers, fences, walls, and landscaping,unless approved by the Planning Board.

**4.3 ENDORSEMENT**

1. **General.** If the Board determines that the plan does not require approval under Subdivision Control Law, it shall forthwith, without a public hearing, endorse on the plan under the words "Approval not required under the Subdivision Control Law", or words of similar import.
2. **Statement of Reasons.** The Board may add to such endorsement a statement as to the reason approval is not required or the Board may deem such other statement as appropriate. The Board may include, at its discretion, the following statement: "No Determination As To Compliance with Zoning Requirements Has Been Made or Intended". The Board may require the notation "Not a Building Lot Without Further Zoning Relief” or similar wording, in appropriate circumstances.
3. **Effect.** Such endorsement shall not be deemed to constitute any determination of compliance with the requirements of the Zoning Bylaw. Following endorsement, said plan shall be returned to the applicant and the Board shall notify the Town Clerk in writing of its action.
4. **Denial.** If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within twenty-one (21) days of the submission of the plan give written notice of its determination to the Town Clerk and the applicant and return the plan without endorsement. The applicant may submit the plan for approval as provided by law and by these Rules and Regulations, or may appeal from the determination of the Board in the manner provided in G.L. c. 41, s. 81BB.
5. **Constructive Approval.** If the Board fails to act upon a plan submitted under this Section or fails to notify the Town Clerk and the person submitting the plan of its action within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and the Board shall forthwith make such endorsement on said plan, or, on the failure of the Board to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

 f) **Bylaws.** Applicants should familiarize themselves with the general bylaws of the Town because the Town has general bylaws that will apply to a Form A lot(s).

**4.4 RECORDING**

If a definitive plan is not recorded within six (6) months of the original endorsement the applicant will be required by the Board to resubmit the plan for re-endorsement by the Board that its determination of the plan not showing a subdivision is valid. If a plan not requiring approval under the Subdivision Control Law is not recorded within three (3) months of the Board original endorsement, the applicant will be required by the Board to resubmit the plan for re-endorsement by

the Board that its determination of the plan not show a change. Within ten days of the plans being recorded with the Registry of Deeds or in the case of Registered Land, with the recorder of the Land Court, the applicant shall notify the Board and Building Commissioner by delivery or registered mail of the recording. The integrity of the plan is the responsibility of the registered surveyor/engineer until time of recording.

SECTION 5.0

PRELIMINARY PLANS

**5.1 PREAPPLICATION CONFERENCE**

Prior to investing in extensive professional design costs for preparation of subdivision plans, the applicant is invited to review the proposed development of the parcel of land with the Board *or its agent* in order to explore general conditions involving the site and to discuss potential problems. Pencil sketches, which need not be professionally prepared, will assist in this discussion, and should show the critical features of a Preliminary Plan. In some cases, this pre-submission review may eliminate the need for the formal submission of a Preliminary Plan.

**5.2 SUBMISSION**

1. **General.** An applicant may submit for approval a Preliminary Plan of a subdivision. The submission of such a Preliminary Plan will enable the developer, the Board, the Board of Health, other municipal agencies 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 in every instance that a Preliminary Plan be filed. Pursuant to G.L. c. 41, s. 81S, a Preliminary Plan shall be submitted. Preliminary studies shall be made to determine if the standard cross section for roadways and sidewalks can be utilized in this project. The Highway Superintendent reserves the right to change the standard cross section to address issues of unsuitable soils and drainage conditions at any time in the process before the project is accepted by the Town.
2. **Application.** An application for approval of said Preliminary Plan shall be filed with the Board on the approved Application Form (3 copies), which shall be submitted together with one original full size plan set, five (5) 11x17 and a PDF of the application form, entire plan set and calculations on a flash drive and e-mail to the Planning Administrator.and a fee as specified on the most recent Fee Schedule adopted by the Board. The applicant shall give written notice, in accordance with G.L. c. 41, ss. 81S and 81T, to the Town Clerk by delivery or by Registered or Certified Mail, stating the date of such submission to the Board. The applicant shall send to the Board’s consulting engineer a complete application packet with all associated material at their expense.

**5.3 PREPARATION OF PLAN (Conventional Subdivision)**

**5.3.1 Preparation.**

All subdivisions shall be drawn on mylar in ink such that the copies provided the Town agencies shall be of the highest quality and easy to read. The scale for said plan shall be forty feet (40) to the inch, unless otherwise approved by the Board. Plan sheets shall be 24-inch by 36-inch unless another size is approved by the Board or required by the Land Court.

**5.3.2 Contents.** The Preliminary Plan for a conventional subdivision shall show the following information. Should the plan be submitted on more than one sheet, each sheet shall be of the same size, each containing the required title block indicating the sheet number of each sheet.

1. Title block as shown in the Appendix, containing the following information:

 a. Title (subdivision name), date of survey and scale.

1. Name and address of owner of record and of applicant if other than owner of record*.*

Plans must be updated to reflect current information.

 c. Name and address of Registered Land Surveyor or Registered Professional Engineer.

2. North arrow depicting whether it is magnetic or true.

3. Existing and proposed infrastructure such as, but not limited to, streets, ways, curbs, drainage systems, utilities, lines of streets, ways, easements, proposed street names, and any public or common areas within the subdivision.

4.All boundary lines shall be shown with bearings and distances depicting mathematical closure of the boundary lines of each lot, with approximate areas and dimensions roadway layout, easement and subdivision. All infrastructure included in the subdivision shall be geometrically tied to boundaries with associated bearings and distances.

5. Where the applicant also owns or controls unsubdivided land adjacent to the land shown on the Preliminary Plan, a possible or prospective street layout for such adjacent land shall be included.

6. Location, names, present widths and status as accepted or unaccepted, of adjacent streets and those streets approaching or within reasonable (reasonable to be defined as 200 feet from the nearest property of the subdivision) proximity of the proposed subdivision. All existing street layouts must be established by survey and shown on the plans with bearings and distances, which tie to the land to be subdivided. All information must be conveyed to the Town for its use, as it deems necessary.

7. Names of all current abutters as they appear on the most recent local tax list.

8. A locus plan that shows street layout and lots at a scale that indicates the nearest cross street with the streets labeled and legible and provides the relationship of the subdivision to adjoining property within a radius of a quarter of a mile of the proposed subdivision. (USGS Maps or map images are **not** acceptable for a locus plan).

9. The zoning classification of the land shown on the plan and the location of any zoning district boundaries that may lie within the locus of the plan.

10. Existing (broken line) and proposed (solid line) topography of the land at one-foot (1') contour intervals for gentle slopes and two-foot (2') intervals for steep slopes. Elevations shown shall be developed on North American Vertical Datum (NAVD) 88. Such datum shall be stated on the plan.

11. Location(s) of any easements or rights of way traversing or adjacent to the locus.

12. Illustration, by broken line, of all setback lines established by the Zoning By-law.

13. Wetland resource areas located on the subject plan that are subject to M.G.L. c. 131, s. 40 shall be approved by the Conservation Commission through an Abbreviated Notice of Resource Area Delineation or Notice of Intent.

14. For roadway profiles that will be lower than four (4) feet below existing grade, a report must be submitted identifying quantities of earth to be removed from the subdivision site. A plan sheet shall be submitted along

with the report-identifying cut and fill locations at an appropriate scale to show the subdivision on one (1) plan sheet. If the Board determines the amount of material to be removed appears to be excessive, the developer will be required to obtain an earth removal permit from the Board of Selectmen.

15. Existing, under construction and proposed drainage systems within or near the proposed subdivision, including all public and private flowage rights, accompanied by drainage calculations prepared, stamped and signed by registered professional engineer, which shall include design criteria, drainage area and other information sufficient for the Planning Board to verify the adequacy of any proposed drain, drain field, culvert, catch basin, detention or retention basin, other storm water management facility, or bridge, and to verify compliance with Department of Environmental Protection Storm water Guidelines.

**5.4 PREPARATION OF PLAN (Other than Conventional Subdivision)**

**a) Preparation.**

As a minimum, the Preliminary Plan for an open space preservation subdivision and Transfer of Development Rights yield plan, which includes a conventional plan shall be drawn on bond paper such that the copies provided the Town agencies shall be of the highest quality and easy to read. The scale for said plan shall be forty feet (40) to the inch in plan and 1 inch in 8 feet in profile sections, unless otherwise approved by the Board. The Board in advance of submittal shall have approved a submission at an alternate scale. Plan sheets shall be 24-inch by 36-inch unless another size is approved by the Board or required by the Land Court.

**b) Contents.** The Preliminary Plan shall show the following information. Should the plan be submitted on more than one sheet, each sheet shall be of the same size, each containing the required title block indicating the sheet number of each sheet.

1. Title block as shown in the Appendix, containing the following information:

 a. Title (subdivision name), date of survey and scale.

1. Name and address of owner of record and of applicant if other than owners of record*.*

Plans must be updated to reflect current information.

 c. Name and address of Registered Land Surveyor or Registered Professional Engineer.

2. North Arrow depicting whether magnetic or true.

3. Existing and proposed infrastructure such as, but not limited to, streets, ways, curbs, drainage systems, utilities, lines of streets, ways, easements, proposed street names, and any public or common areas within the subdivision

4*.* All boundary lines shall be shown with bearings and distances depicting mathematical closure of the boundary lines of each lot, roadway layout, easement and subdivision. All infrastructure included in the subdivision shall be geometrically tied to boundaries with associated bearings and distances.

5. Where the applicant also owns or controls unsubdivided land adjacent to the land shown on the Preliminary Plan, a possible or prospective street layout for such adjacent land shall be included.

6. Location, names, present widths and status as accepted or unaccepted, of adjacent streets and those streets approaching or within reasonable (reasonable to be defined as 200 feet from the nearest property of the subdivision) proximity of the proposed subdivision. All existing street layouts must be established by survey and shown on the plans with bearings and distances, which tie to the land to be subdivided. All information must be conveyed to the Town for its use, as it deems necessary.

7. Names of all current abutters as they appear on the most recent local tax list.

8. A scaled locus plan showing the relationship of the subdivision to adjoining property within a radius of a quarter of a mile of the proposed subdivision. (USGS Maps are **not** acceptable for a locus plan)

9. The zoning classification of the land shown on the plan and the location of any zoning district boundaries that may lie within the locus of the plan.

10. The location of all major features of the land such as but not limited to existing walls, fences, monuments, buildings, large trees (18” or larger diameter tree measured 3 feet up from stump) or wooded areas, large boulders, rock edges or ledge outcroppings, wetlands, water bodies, and natural and man made water courses, including drainage ditches.

12. Existing (broken line) and proposed (solid line) topography of the land at one-foot (1') contour intervals for gentle slopes and two-feet (2') intervals for steep slopes. Elevations shown shall be developed on Town of base datum or North American Vertical Datum (NAVD) 1988 datum. Such datum shall be stated on the plan.

13. Approximate boundary lines of proposed lots, with approximate areas and dimensions.

14. Proposed systems of storm drainage, water and sewage disposal including adjacent existing natural waterways.

15. Profiles of existing grades and approximate finished grades of proposed roadways, and drain and sewer systems at a scale of 1" = 40' horizontally and 1' = 8vertically or 1”=20’ horizontally and 1”=4’ vertically.

16. Limits (perimeter) of all contiguous land under the ownership or control of the applicant.

17. Location(s) of any easements or rights of way traversing or adjacent to the locus.

18. Illustration, by broken line, of all setback lines established by the Zoning By-law.

19. Wetland resource areas located on the subject plan that are subject to M.G.L. c. 131, s. 40 shall be approved by the Conservation Commission through an Abbreviated Notice of Resource Delineation or Notice of Intent.

20. The location of all permanent existing or proposed monuments and property features, including natural objects and surfaces, including stone walls, buildings, structures, wetland resources areas, one-hundred (100) year floodplain boundaries and flood elevations, natural drainage courses, waterways and bodies of water. Said contours shall be shown in one (1) foot intervals using dashed lines for existing and solid lines for proposed contours. The contours must correspond to the existing and proposed grades of street shown on the drawings.

21. The location and boundaries of any land subject to the protections of the Wetlands Protection Act, c.131, section 40, as amended by the Rivers Protection Act, St. 1996, c.258, or the Watershed Protection Act, St. 1992, c.36, codified at M.G.L. c.92, section 104,107A, 108, 113 and 113A.

24. Existing, under construction and proposed drainage systems within or near the proposed subdivision, including all public and private flowage rights, accompanied by drainage calculations prepared, stamped and signed by registered professional engineer, which shall include design criteria, drainage area and other information sufficient for the Planning Board to verify the adequacy of any proposed drain, drain field, culvert, catch basin, detention or retention basin, other storm water management facility, or bridge, and to verify compliance with Department of Environmental Protection Stormwater Hand Book, latest edition..

**5.5 PROCEDURES**

1. **Review of Plan**. The Preliminary Plan will be transmitted to the Board of Health, Building Department, Highway Department, Sewer Department, applicable Water District, Town Planner, Fire Chief, Police Chief, Conservation Commission, and such other boards, committees or agencies as the Board may deem appropriate.
2. **Public Discussion** **Notice.** The Board will hold a Preliminary Plan public discussion. A public discussion shall be held by the board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the board at the expense of the applicant by advertisement in a newspaper or general circulation in the town once, the first publication being not less than seven days before the day of such public discussion and then posting such public discussion notice in a conspicuous place in the town hall for a period of not less than seven days before the day of public discussion, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list. During discussion of the Preliminary Plan, the parties will review Definitive Plan requirements and the financial arrangements necessary to secure performance and maintenance of the project. Also, at this time a determination will be made as to whether an evaluation of the potential for erosion and sedimentation, runoff, and/or environmental impacts will be necessary.

 **d) Planning Board Action.** Within forty-five (45) days after submission of a Preliminary Plan the Planning Board shall approve such Preliminary Plan with or without modifications, or the Board shall disapprove such Preliminary Plan, and, in the case of disapproval shall state the reasons therefore. The forty-five (45) day period shall be adhered to unless the Applicant agrees upon an extension by the Board and in writing. The Applicant shall also comply with Massachusetts General Laws, Chapter 41, Section 81S. see Form B, Form B-1, Form B-2

 **e) Effect.**  Such approval does not constitute final approval of a subdivision but does facilitate the procedure in securing final approval of the Definitive Plan.

**SECTION 6.0**

ENVIRONMENTAL IMPACT STATEMENT

**6.1 Purpose:**

The developer is required to submit an environmental impact statement. The purpose of this statement is two-fold. First, the information gathered in this statement is intended to alert the developer to the possible adverse effects the subdivision may create on the environmental resources near the development site. Second, the purpose is to provide town officials with sufficient information on the impact the development will have on town services and resources in order that the town can plan to meet these needs. In reviewing the statement, it is the intent of the Board to use the information concerning the impact of the development on town resources for the purposes of accepting or rejecting the Definitive Plan.

The Planning Board may require an EIS which shall include the following quantities on solid waste generation, water use, sewer flows, traffic, fiscal and environmental impacts, etc. as outlined in this section. The Board will determine whether an EIS is required when the project is presented before the Board at a hearing.

The Board may waive the requirement for the submission of any section or sections of the statement, which it deems inappropriate to the proposed development. It is suggested that the developer discuss the requirements with the Board at the time of the submission of a Preliminary Plan. The statement should be to the greatest extent possible a technical rather than a subjective document. References and calculations shall be submitted with the plan and the statement itself shall include the following elements unless waived by the Board.

* 1. **Soils**

Provide a general description of soils on the site. Provide information on erosion and the suitability of the soils. Provide information on the suitability of soils for flooding infiltration at such location(s) as the Board, Board of Health, or Conservation Commission may require. The Board may utilize the service(s) of the Soil Conservation Service or its consulting engineer to determine the same, and may apply to some or all of the cost of such services to the Applicant.

1. **Sub-Surface Conditions**
2. Indicate the depth to bedrock and the location of bedrock outcropping.
3. Indicate whether the site is located on an aquifer and note its approximate yield and/or saturated thickness. Also note the location of any recharge areas.
4. Describe any potential limitations to the proposed project that might be imposed by sub-surface soil and water conditions.
5. Evaluate the possible impact of sewage disposal methods on the quality of sub-surface water in areas of a project that are in a watershed or zone of contribution of a public water supply well(s), either existing or proposed.

**6.3 Water Supply**

Describe the source(s) of water supply that will be used to service the subdivision. Estimate what the daily average and the summer peak daily average demand will be for the proposed subdivision when completed. Perform fire flow tests on the water system to ensure adequate fire protection. Proposed mitigation: A mitigation plan shall be submitted to the Board, Fire Chief, and water supplying district, outlining improvements to the water system in order to provide adequate fire protection.

* 1. **Solid Waste**

Estimate the amount and type of solid waste that will be generated by the subdivision per year. Indicate the most likely means of disposal and the probable disposal site(s).

6.5 Transportation

List and indicate on a locus map of a scale of one-inch equals four hundred feet (1”= 400’) any regional and local highway arteries that will provide service to the subdivision. Where information is available, indicate the theoretical capacity (vehicles per hour) and the present usage (average vehicle per hour and average rush hour vehicles per hour) for these arteries. Describe and locate any mass transit facilities that will service the subdivision. Estimate the traffic generation rate from the subdivision. (Average vehicles per hour and average rush hour vehicles per hour).

**a. Traffic Impact**

A detailed traffic impact analysis shall be submitted for any application for subdivision approval.

1. In determining traffic generation under this provision, the data contained in the most recent edition of “The Institute of Transportation Engineers” publication “Trip Generation,” latest edition, shall be used.

2. A registered professional engineer experienced and qualified in traffic engineering shall prepare the traffic impact analysis.

**b. Scope of Traffic Impact Study:**

1. Existing traffic conditions: Average daily and peak hour volumes, average and peak speeds, sight distances, accident data for the previous three years, and levels of service (LOS) of intersections and streets affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1000 feet of the project boundaries, and shall be no more than 12 months old at the date of the application, unless the Board specifically approves other data.

2. Projected traffic conditions for completion of the subdivision: year 100 percent occupancy, average annual background traffic growth, impacts of proposed developments which have already been approved or are pending before the Board.

3. Projected impact of proposed development: Projected peak hour and daily traffic generated by the development on roads and ways in the vicinity of the development; sight lines at the intersections of the proposed streets; sight lines of existing intersections; condition of existing streets, and projected post development traffic volumes and levels of service of intersections and streets likely to be affected by the proposed development (as defined in above).

4. Proposed mitigation: A plan to minimize traffic and safety impacts through such means as physical design and layout concepts, roadway and intersection improvements, drainage improvements, pedestrian and bicycle facility improvements. Measures shall be proposed to achieve the following post-development standards: All streets and intersections impacted shall be brought into compliance with the Board Rules and Regulations as most practicable.

* 1. **Air Pollution**

If the proposed development contains large air pollution generators such as incinerators, power plants, industrial or commercial heating units, industrial processing units, large parking areas or traffic generation, the developer may be required to submit the following:

1. Where available, describe the daily average, eight (8) hour average and maximum one (1) hour concentration of air pollutants in the development site area. Include the following pollutants: sulfur dioxide, particulate, carbon monoxide, photochemical oxidants and hydrocarbons.
2. Where information is available, note the standards that have been violated for the parameters listed above.
3. Estimate for the appropriate parameters the generation rates from those components of the development identified as large pollution generators.
	1. **Noise Pollution**

For developments judged to have the potential for a large noise pollution impact the following information may be required:

1. Provide information on the ambient noise level at the site.
2. Estimate the potential increment caused by the development on the ambient noise level.
	1. **Social Environment**

1. Schools: Estimate the probable number of pupils by type of school that will be generated by the subdivision.

2. Health Services: Comment on the overall age structure of the inhabitants of the subdivision and whether any particular services may be demanded.

3. Recreational Facilities: Indicate whether the subdivision will include any recreational facilities. Note the type of facility and intended usage group.

**6.9 Impacts and Conflicts**

* For the elements above which been addressed, indicate where significant impacts may be imposed on the environment at the development site. Specify the source, severity and duration of each of the possible impacts. Discuss any action or alternatives that will be undertaken or investigated to ameliorate the environmental damage. Indicate further whether any significant conflicts or impacts with the Town’s infrastructure, social structure or environment have been identified.
* Indicate whether any modifications may be undertaken in the subdivision plan to lessen these potential town wide conflicts. This town wide information is requested for community planning purposes in order to better anticipate and provide for demands created on Town services. This information may be used as a basis for accepting or rejecting the Definitive Plan.

SECTION 7.0

DEFINITIVE PLAN

**7.1 PRE-APPLICATION CONFERENCE**

Prior to investing in extensive professional design costs for preparation of subdivision plans, the applicant is invited to review the proposed development of the parcel of land with the Town Planner/Planning Coordinator. To explore general conditions involving the site and to discuss potential problems. Pre-submission department head meeting scheduled throught he Town Planner / Planning Coordinator, must be scheduled prior to formal submittal to the Planning Board.

**7.2 SUBMISSION**

**a) Application.** Any person who submits a Definitive Plan of a Subdivision to the Board for approval shall file with the Board a properly executed application form together with the original drawings and ten (10) print sets thereof, dark line on white background, for each sheet in the set. In addition, a current Municipal Lien Certificate shall be submitted with the application. (amended 10-01-15)

**b) Notice.** The applicant, in accordance with G.L. c. 41, s. 81T, shall file by delivery or registered or certified mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the executed application form.

**c) Fee.** A fee determined in accordance with the most recent Fee Schedule adopted by the Board shall accompany every application for approval. Costs of advertising and notices shall be charged to the applicant, unless otherwise ordered by the Board.

**d) Additional Costs.** Should the Board incur additional costs in the review of the Definitive Plan, such costs shall be borne by the applicant unless otherwise ordered by the Board.

**e) Consultation with Other Boards.** Prior to submission of the Definitive Plan, the applicant shall review with the applicable Town departments, the proposed design, location and installation of all infrastructure,including, but not limited to*,* water, sanitary sewer, storm drain and fire alarm systems.

**f) Incomplete Submissions.** The Board reserves the right to disapprove incomplete submissions at any time if, in its opinion, review of the plan is hampered by the absence of required information. In the event that incomplete plans are submitted to the Board, after opening a public hearing, the Board may vote to disapprove the plan and return plans to the applicant as incomplete. The Board shall cite those specific regulations with which the plan is not in compliance in a letter noting the reason for the Board’s action, which shall be filed with the Town Clerk. In the event of such disapproval, the Board reserves the right to retain any filing or review fees.

**7.3 PROCEDURES**

**a) Review by the Board of Health.**

When a Definitive Plan of a subdivision is submitted to the Board, as provided in G.L. c. 41, s. 81O, a copy thereof shall also be filed with the Board of Health. The Board of Health shall report, in writing, to the Board, its approval or disapproval of said plan.

**b) Review by Other Town Officials.** (amended 10-01-15)

The Board will transmit copies of the Definitive Plan to the following: Highway Department, Fire Chief, Police Chief, Conservation Commission, Building Commissioner/Zoning Enforcement Officer, Water District, Sewer Department, the Board’s consulting engineer and to such other Boards or committees as the Board deems advisable. The Planning Board will request of each official, board and commission written statements with regard to the plan within forty-five (45) days of each submission. Such statements should encompass the layout and design of the proposed subdivision and of the proposed municipal services therein, compliance with the Zoning Bylaw, and the applicability thereto of state and local regulations. The failure of these other boards or officials to respond within said forty-five days shall be deemed a lack of opposition to the proposed development. Before approval of a Definitive Plan is granted, the Planning Board will obtain appropriate checks on the engineering and survey information shown on said plan, and written statements that the proposed improvements shown are laid out to the satisfaction of the municipal agency, as follows:

1. As to the design of the street system, location of easements, and design of sewerage, water, and drainage systems, including appurtenances: the planning consultant or engineer designated by the Board;

 2. As to location, size, and species of street trees: the Tree Warden.

 3. As to the form of easements, covenants, and performance guarantees: Planning Board designee.

 4. As to location of hydrants, fire ponds and cisterns, and with regard to fire safety: the Fire Chief.

 5. As to street safety: the Police Chief.

**c)** **Public Hearing.**

Upon receipt of a properly executed application (Form C) together with the Definitive Plan, the Board will set a date for the required public hearing. Notice of the public hearing shall be given in accordance with the requirements of G.L. c. 41, s. 81T. Before approval of the Definitive Plan is given, a public hearing shall be held by the Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Board by advertisement in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than fourteen days before the day of the hearing. The Board shall mail a copy of said notice to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list.

**d)** **Revisions.**

Any revision to the originally filed definitive plan must be submitted 7 days prior to any continuation of the hearing.

**e) Time Extension**

If the need for additional time is indicated, the Applicant may request in writing an extension of time to a given date. The Planning Board may deny such requests at its sole discretion.

**7.4 PREPARATION OF PLAN**

**7.4.1 Preparation*.***

The Definitive Plan shall be prepared by a Registered Professional Engineer or a Registered Land Surveyor and shall be clearly and legibly drawn with waterproof ink upon linen, mylar or other media acceptable to Land Court and / or Registry of Deeds, such that the copies provided the Town agencies shall be of the highest quality and easy to read. The plan shall be at a scale of one-inch (1") equals forty feet (40') in plan and one inch (1”) in 4 feet in profile sections unless the Board approves another scale. Sheet sizes shall be twenty-four inches (24") by thirty-six (36”) or a scale acceptable to the Board and comply with the Registry of Deeds standards. A margin of two and one-half inches (2.5") clear shall be allowed on the left hand side for binding and one inch (1") margin on the remaining three sides. Multiple sheets shall be accompanied by an index sheet at a scale of 1"=100', showing the entire subdivision and all sheets shall be appropriately numbered and referenced thereto.

**7.4.2 Contents.**

Definitive Plan shall show the following information. Should the plan be submitted on more than one sheet, each sheet shall be of the same size, each containing the required title block indicating the sheet number of each sheet.

1. Title block as shown in the Appendix, containing the following information:

 a. Title (subdivision name), date of survey and scale, and a bar scale, as required by the Registry of Deeds.

 b. Name and address of owner of record and of applicant if other than owners of record. Plans must be updated to reflect current information.

 c. Name and address of Registered Land Surveyor or Registered Professional Engineer.

 d. The plan sheets adjacent to the title block shall be a block, measuring three and one-half inches (3.5”) by three and one-half inches (3.5”), which shall be reserved for use by the Registry of Deeds.

 e. Each plan and cover sheet shall also have the following statements, together with a location suitable for the preparer’s signature, placed upon it: “This plan has been prepared in conformance with the rules and regulations of the Registry of Deeds.”

 f. Name of Subdivision. The main road shall have the same name as the subdivision.

2. North Arrow depicting whether magnetic or true.

3. Existing and proposed infrastructure such as but not limited to; streets, ways, curbs, drainage systems, utilities, lines of streets, ways, easements, and any public or common areas within the subdivision.

4. All boundary lines shall be shown with bearings and distances depicting mathematical closure of the boundary lines of each lot, roadway layout, easement and subdivision. All boundaries included in the subdivision shall be geometrically tied to field monumentation boundaries with associated bearings and distances. The error of the closure on the perimeter shall be 1:15,000 or better. Closure calculations shall be submitted on a separate sheet.

5. Where the applicant also owns or controls un-subdivided land adjacent to the land shown on the Definitive Plan, a possible or prospective street layout for such adjacent land shall be included.

6. Location, names, present widths and status as accepted or unaccepted, of adjacent streets and those streets approaching or within reasonable (reasonable to be defined as 200 feet from the nearest property of the subdivision) proximity of the proposed subdivision. All existing street layouts must be established by survey and shown on the plans with bearings and distances, which tie to the land to be subdivided. All plan information including subdivision data, must be conveyed to the Town for its use, as it deems necessary.

7. Names of all current abutters as they appear on the most recent local tax list.

8. A locus plan at a scale acceptable to the Board showing the relationship of the subdivision to adjoining property within a radius of a quarter of a mile of the proposed subdivision.

9. Zoning classification of the land shown on the Plan and the location of any zoning district boundaries, and including the boundaries, if any, of the Flood Plain and Flood Insurance Rate Map Floodplain Hazard Zones and Water Resource Protection Overlay District that may lie within the locus or within 300’ of the locus. If there are no wetlands or resource areas regulated under the Wetlands Protection Act within the site, the plans shall indicate with a note that there are no wetlands or resource areas on the site.

10. The location of the General Soils Classifications identified by the Soil Conservation Service, United States Department of Agriculture as depicted on maps available at the Board Office. Plans must show not only soil classification but also sieve analysis demonstrating gradation, drain ability of material and load bearing characteristics at sub grade elevation and two feet below sub grade of the road. These test areas shall be of sufficient quantity and quality that a determination may be made by the Highway Superintendent that the standard cross section can be utilized. In the event that unsuitable materials are encountered outside the test site but within the roadway, more stringent standards will be imposed at the direction of the Board or its agent.

11. Existing (broken line) and proposed (solid line) topography of the land at one-foot (1') contour intervals for gentle slopes and two-foot (2') intervals for steep slopes. Elevations shown shall Massachusetts State Plane (Mainland) Coordinates, North American Datum of 1983, NAVD88. Such datum shall be stated on the plan.

12. Proposed systems of storm drainage, water and sewage disposal including adjacent existing natural waterways.

13. Profiles of existing grades and approximate finished grades of proposed roadways centerlines, and drain, sewer water systems at a scale of 1" = 40' horizontally and 1' = 8' vertically.

14. Limits (perimeter) of all contiguous land under the ownership or control of the applicant.

15. Location(s) of any easements or rights of way traversing or adjacent to the locus.

16. Boundary lines, dimensions and areas of all proposed lots, including all bearings and distances of the property lines, with all lots designated numerically and in sequence. The applicable dimensional requirements, front, side and rear, geometric square at the front yard setback. Illustration, by broken line, of all setback lines established by the Zoning By-law.

17. Sufficient permanent physical control points on the perimeter shall be set in the field and identified on the Plan to facilitate the reproduction of the subdivision survey.

18. In order to assess the effect of clearing and changes in elevation on existing drainage patterns, the topographic

 plan shall include proposed maximum areas of clearing associated with construction of roads, utilities,

 drainage systems and new homes.

19. During construction and until the final monumentation is set, the developer must keep the roadway layouts

 staked and adequately marked in the field so that the corners, points of curvature and layout line of a

 minimum of three-hundred (300) feet long can be identified by Town officials at any time.

20. During construction the developer shall keep the back of sidewalk located and adequately labeled for each lot

 that is under development.

21. Any proposed retaining walls, including the location, height and length of the wall with detail showing the proposed treatment of the exposed surface.

22. The location of all permanent existing or proposed monuments and property features such as but not limited to existing walls, fences, monuments, buildings, large trees (18” or larger diameter tree measured 3 feet up from stump) or wooded areas, large boulders, rock edges or ledge outcroppings, wetlands, water bodies, and natural and man made water courses, including drainage ditches, subsurface sewage disposal systems, wetland resources areas, one-hundred (100) year floodplain boundaries and flood elevations, natural drainage courses, waterways and bodies of water. Groundwater elevation and the bottom elevation of all streams and water bodies within the subdivision shall be given and ground surfaces identified as to type and spot elevations of high and low points shall be shown and identified. Said contours shall be shown in one (1) foot intervals using dashed lines for existing and solid lines for proposed contours, except that one foot contours and spot elevations shall be shown on slopes of 2% or less. Spot grades shall be provided at high points and low points. The contours must correspond to the existing and proposed grades of street shown on profile drawings.

1. The location and boundaries of any land subject to the protections of the Wetlands Protection Act, c.131, Section 40, as amended by the Rivers Protection Act, St. 1996, c.258, or the Watershed Protection Act, St. 1992, c.36, codified at M.G.L. c.92, section 104,107A, 108, 113 and 113A.

24. The volume of earth to be removed shall be provided.

25. Existing, under construction and proposed drainage systems within or near the proposed subdivision, including all public and private flowage rights, accompanied by drainage calculations prepared, stamped and signed by registered professional engineer, which shall include design criteria, drainage area and other information sufficient for the Planning Board to verify the adequacy of any proposed drain, drain field, culvert, catch basin, detention or retention basin, other storm water management facility, or bridge, and to verify compliance with Department of Environmental Protection Storm water Guidelines.

**7.5 Layout Plan and Profile:**

1. The Layout Plan shall be drawn at a scale of 1”=40’ horizontally and 1”=8’ vertically, and shall contain the following:

2. Length, widths, sidelines, centerlines, points of tangency, lengths of tangents, lengths of curves, radii, and intersection angles of all curves for all streets, ways and/or easements. (amended 10-01-15)

3. The proposed layout of the storm drainage, sanitary sewer, water supply, and underground utility systems, showing the sizes thereof, together with their appurtenances extended to the sideline of each street and showing all easements necessary therefore.

4. The Typical Cross Section (see Appendix) and any proposed deviations there from, and typical cross sections of all catch basins, manholes, and other utility installations.

5. Location of hydrants, walks, trees, curbing and similar detail for all proposed streets and for all existing streets for two hundred feet (200’) to each side of each intersection with a proposed street.

6. Immediately above or below the layout of each street, a profile showing the following:

1. Existing centerline and proposed centerline grades.
2. Ground elevations, on the NAVD88 datum, at the centerline at fifty foot (50) intervals along all vertical grades.
3. The size, location and grade of storm drain, sanitary sewer and water supply systems, whether within a roadway or an easement.
4. Invert elevations at all manholes, pipe ends, catch basins, and change in slope.
5. Street gradients shown by figures expressed in percent.

7. Landscape Plan, if necessary: A professionally prepared landscape plan shall be submitted with all applications for a Definitive Plan. The Board may vote at its discretion whether a plan stamped by a Registered Landscape Architect is required after reviewing the definitive subdivision plan.

 a. All landscaping proposed by the developer including plantings at the entrance, planted cul-de-sac islands, screening for detention/retention devices, and other landscaped areas.

 b. Buffer areas and areas proposed to be maintained in an undisturbed natural state.

 c. Existing stonewalls, existing and proposed fencing, trees with diameters greater than 18”, wooded areas and other significant vegetation.

 d. The number, size, species and cultivated variety of proposed plantings shall be shown on the Landscape

 Plan. Plant names shall include both botanical and common names.

 e. Detail of the proposed method for planting trees shall be shown.

1. Construction details of proposed retaining wall(s), including location, length, height, and detail of stone facing or other surface treatment.

**7.6 Erosion and Sedimentation Control Plan**

a) Proposed method of construction for roads and amenities and, where known, for new homes showing the extent of all areas that will be disturbed.

b) Scheduling (including any necessary or proposed phasing of work.)

c) Stabilization measures such as revegetation of exposed areas or structural stabilization, and method of protection of disturbed areas from erosion by storm water runoff.

d) Temporary staging areas.

e) Location of temporary storage for stumps or spoil materials. Such storage shall be in accordance with state and local regulations.

f) Location of any additional erosion control and/or water pollution control devices or methods.

g) Proof that at no time during construction shall storm water flows off site exceed those that existed prior to development.

**7.7 PLANNING BOARD ACTION**

* + 1. **Powers.**

After the public hearing, the Board, by a vote of the majority of its members, shall approve, modify and approve, or disapprove the Definitive Plan submitted. Criteria for action by the Board shall be the following:

a) Completeness and technical adequacy of all submissions;

b) Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others;

c) Conformity with the requirements of Sections 6.0 and 7.0 herein, and the Zoning By-Law;

d) Determination that the subdivision as designed will not cause substantial or detrimental damage to the environment, which could be avoided or ameliorated through an alternative development plan.

* + 1. **Decision**.

The action of the Board with respect to any Definitive Plan shall be by vote, copies of which shall be filed with the Town Clerk and sent by mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to these Rules and Regulations and to the recommendations of the Board of Health.

* Any vote of approval shall incorporate the recommendations of the Board of Health and, unless the Planning Board shall specifically vote otherwise, shall be subject to compliance with all provisions of the Rules and Regulations.
	1. **Endorsement.**

Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of approval or disapproval of the Board with the Town Clerk and said Town Clerk has notified the Board that no appeal has been filed. Endorsement shall be subject to compliance with the construction specifications contained herein and the decision, compliance with the Rules and Regulations and the Zoning By-law, and compliance with the recommendations of the Board of Health.

* Prior to endorsement of the Definitive Plan, the applicant shall submit a CD or diskette containing the contents of the layout plan, subdivision plan and topographic plan sheets of the final version of Definitive Plans, produced by an AutoCAD or similar computerized drafting system, in either AutoCAD Drawing Format (.dwg), Data Exchange Format (.dxf) or ESRI Interchange Format (.e00), registered to Massachusetts State Plane (Mainland) Coordinates, North American Datum 1983. Orthophotos available from Mass GIS may be used in registering data.

**7.9 Recording.** Following endorsement, the Developer shall, within six (6) months of such approval, file such plan with the Bristol County Registry of Deeds, and shall transmit prints of the endorsed plan to the Board of Health, Conservation Commission, Highway Department, Building Department, Assessors’ Department, Planning Board and the Board’s consulting engineer. (amended 10-01-15)

**7.10 MANDATORY CONDITIONS**

**7.10.1 Failure to Obtain Endorsement.** The applicant shall obtain the endorsement of the Planning Board upon the Definitive Plan within 180 days of the date of approval; provided, however, that if the Definitive Plan is the subject of an appeal, then the applicant shall obtain the endorsement of the Board upon the Definitive Plan within 60 days of the date on which judgement enters from which no appeal is taken. Failure to obtain such endorsement shall result in the automatic rescission of the approval of such plan.

**7.11 Failure to Complete Construction.** The sub divider shall complete the construction of all ways and municipal services within three years of the date of endorsement of the Definitive Plan. Failure to so complete shall result in the automatic rescission of the approval of such plan, unless the Board extends said period, for good cause shown, after the written request of the applicant prior to the expiration of said period.

**7.11.1 Timely Completion.** A schedule of completion shall be submitted to the Board for approval before beginning construction. The developer shall adhere to the schedule provided. Development projects shall not extend over three winter seasons without complete infrastructure unless otherwise approved by the Board. Any development exceeding this limit without the installation and functioning of all infrastructure must provide additional bonding. In the alternative, the Board may restrict the sale of remaining uncommitted lots and/or the issuance of building permits on those lots without foundations in place.

* 1. **Grant Perpetual Rights and Easements.** As a condition of approval of a subdivision, the applicant shall grant to the Town, a right and easement to construct, repair, replace, extended, operate, use and forever maintain all streets, water mains, sewer mains, and all surface and subsurface storm water drains in, through or under the streets and easements as indicated on the Definitive Plan. The above shall not be construed to relieve the applicant, and his successors in title, to the ownership of a portion of the land or any street within the subdivision, nor diminish in any way, his responsibility to complete all construction as required by the applicant's agreements with the Town and to thereafter maintain all streets and utilities in satisfactory condition until they are accepted by the Town.
	2. **Right of Entry and Cooperation By and With Town Officials.** As a condition of approval of a subdivision, the applicant shall consent to allow members and employees of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. As a condition of subdivision approval by the Planning Board, an applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in their subdivision are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
	3. **Maintenance of Streets and Utilities.** As a condition of approval of a subdivision, the applicant shall maintain all infrastructure, including, but not limited to, streets and utilities within a subdivision until such time, if ever, that the Town accepts the infrastructure*.* The Town may assess betterments for any work needed to make such streets conform to Town standards prior to acceptance thereof as Town ways.
	4. **Inscription.** If the Planning Board approves the plan subject to certain conditions, those conditions shall be inscribed upon the approved definitive plan and the plan, with such conditions, shall be recorded.
	5. **Streets.**  Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets shown on the Plan. Acceptance of roadways and infrastructure as Town streets requires a vote of Town Meeting.

**7. 17 SECURITY**

* + 1. **Bond or Surety.**  Prior to the endorsement of the Definitive Plan, the subdivider may elect to file a performance bond, or deposit money or negotiable securities in an amount determined by the Board as set forth below. Letters of credit are not acceptable. A form assigning it to the Town of Raynham shall accompany passbooks. The Town Treasurer shall deposit said bond or security and Town Counsel shall approve such bond or security form. Such bond or security shall be contingent on the completion of such improvements not later than three years from the date of the endorsement of the definitive plan. Failure to so complete shall result in the automatic rescission of the approval of the Definitive Plan by the Board, unless the Board extends said period, for good cause shown, after the written request of the applicant prior to the expiration of said period.
	1. Amount. In determining the amount of the bond or surety, the Board shall be guided by the following formula in setting the sum of the security:

 a. the Board's estimate of the cost to complete the work; plus

 b. a twenty percent margin of error; plus

 c. an appropriate rate of inflation over a five-year period.

 2. Required Terms. All performance bonds shall contain the following provision:

If the Principal shall fully and satisfactorily observe and perform in accordance with the qualifications and time schedule set forth herein specified all the covenants, agreements, terms and provisions set forth in the following:

* + 1. The application for definitive plan approval (Form C);
		2. The subdivision control law and the rules and regulations of the Raynham Planning Board,

 which govern this subdivision;

c. The Decision of the Planning Board dated \_\_\_\_\_\_\_ and attached hereto as Exhibit A; and

 d. The definitive plan, as approved by the Planning Board in the Decision;

then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid security sum shall be paid to the Town of Raynham as liquidated damages.

**7.17.2 Statutory Covenant.**  Prior to the endorsement of the Definitive Plan, the sub divider may elect to submit a covenant for review by the Planning Board stating that no lot in the subdivision shall be sold and no building shall be erected thereon until the improvements specified in the decision and on the Definitive Plan are constructed and installed so as to adequately serve said lot or lots. Such covenant shall be approved as to form by Town Counsel or the Planning Board’s designee. Such covenant shall be executed and duly recorded by the owner(s) of record, and shall run with the land. Such covenant shall state that the improvements shown on the definitive plan shall be completed not later than three years from the date of the endorsement of the Definitive Plan. Failure to so complete the improvements shall result in the automatic rescission of the approval of the Definitive Plan by the Board, unless the Board extends said period, for good cause shown, after the written request of the applicant prior to the expiration of said period. The covenant shall be referenced on the Definitive Plan prior to recordation in the Registry of Deeds. The developer shall promptly, after recording, send a copy of the covenant, showing book and page number, to the Board.

**7.17.3 Supplemental Covenant.**  The Planning Board may require, prior to the endorsement of the Definitive Plan, supplemental covenant containing those conditions of approval that are intended to survive the release of the Statutory Covenant. Such covenant shall be approved as to form by the Planning Board’s designee. Such covenant shall be executed and duly recorded by the owner(s) of record, and shall run with the land. The covenant shall be referenced on the Definitive Plan prior to recordation in the Registry of Deeds. The sub divider shall promptly, after recording, send a copy of the covenant, showing book and page number, to the Board.

**7.17.4 Converting Covenant to Another Performance Guarantee.** If the applicant desires that lots be released from a covenant and that the improvements remaining to be constructed or installed be secured by another form of performance guarantee, a formal written request shall be sent to the Planning Board by registered mail which sets forth and includes:

 a) Extent. The extent and scope of remaining work to be completed to satisfy the requirements for the construction or installation of all required ways and municipal services.

 b) Estimate. An estimate, pursuant to these Rules and Regulations, which reflects all remaining costs related to the construction of all required ways and installation of all required municipal services. The amount of the surety shall be guided by the following formula in setting the sum of the surety:

 1. The Board’s estimate of the cost to complete the work; plus,

 2. A 30% inflation factor. (amended 4/17/14)

 c) Form and Type. The form and type of guarantee being given to the Planning Board to secure all remaining improvements.

 d) Planning Board Action. The Planning Board or its agent will make a determination as to the sufficiency of the submitted estimate, and, if such estimate is accepted, a new performance guarantee will be given to the

 Planning Board. Upon acceptance by the Planning Board of the new performance guarantee, all applicable lots shall be released from the covenant.

**7.17.5 Converting Bond, Deposit, or Agreement to Covenant**. If the applicant desires to secure by means of a covenant the construction of ways and the installation of municipal services in a portion of a subdivision for which no building permits have been granted nor any lots have been sold, and to have the Board release the bond, deposit of money or negotiable security, or agreement and mortgage previously furnished to secure such construction and installation, the applicant shall submit to the Planning Board a reproducible tracing and three (3) contact prints of the reproducible tracing of the Definitive Plan, limited to that part of the plan which is to be subject to such covenant. Upon approval of the covenant by the Planning Board, reference thereto shall be inscribed on such section of the plan the recording information, and it shall be endorsed by the Planning Board and recorded with the covenant at the expense of the applicant. The new covenant should also be the subject of a margin reference or original subdivision plan, which was recorded. Certified copies of all documents, which the applicant records at the Registry of Deeds shall be provided to the Board as set forth in these Regulations.

**7.17.6 Maintenance Guarantee**. A maintenance guarantee providing surety equal to (10%) of the total value of work within the subdivision, which has been subject to either a bond and/or covenant, to be held in same manner as the performance guarantee required herein. Such maintenance guarantee shall be held by the Town for the maintenance of streets and municipal services for eighteen (18) months after completion of construction and installation or until the streets are accepted by the Town, whichever comes first, after which date the Town shall return the remainder of the maintenance guarantee to the person or persons who furnished same. Approximately sixty (60) days before the expiration of the eighteen (18) month period specified above, the Board shall request its engineer to make an inspection of said street or ways or portion thereof to determine whether or not it should recommend to the Board of Selectmen the laying out of said streets or ways or portion thereof as public ways. If the recommendation is in the affirmative, the Planning Board shall so advise the Board of Selectmen forthwith, including in such recommendation notification that the eighteen (18) months for which the applicant is responsible for maintenance of said ways or portion thereof will expire on a certain date and said way may be laid out as public ways.

Upon the expiration of the period for which the applicant is responsible for maintenance of said ways, if said applicant has complied with all the requirements of the Board then surety held by said Board for the maintenance of said way shall be returned forthwith to the applicant.

**7.17.7 Failure to Perform**. Upon failure of the developer to satisfactorily complete all required work secured by a bond or other security within the time specified and in accordance with these Rules and Regulations, the Planning Board shall have the right to enforce the bond or realize upon the security to the extent of the reasonable cost to the Town of completing the required construction and installation including any portion of such security necessary to cover the expenses incurred in conjunction therewith and return any amounts left after such completion to the developer. The Board shall have the right to rescind any and all releases from covenant as well as any other statutory or equitable rights.

An individual, two or more individuals, a partnership, limited partnership, trust, limited dividend organization, association, corporation limited liability company, limited liability partnership or the like having a common interest in a tract of land who failed to perform under paragraph 7.17.7 shall not be allowed to participate in another development within the Town of Raynham until they have reimbursed the Town for any cost that the Town has absorbed to complete their previous project and make it ready for acceptance.

7**.17.8 Phasing of Bond Requirements**. When setting bond or other security requirements or executing covenants, it shall be the policy of the Planning Board to consider the feasibility of developing the subdivision in a phased manner. If, because the number of planned lots the Board deems that the development could be done in phases, the Board shall consider the option in the setting, reduction and timing of bond or other security requirements and/or the drawing up of covenants to cover the construction of ways, utilities and other required improvements.

7**.17.9 Construction Certification** For special construction situations or where extraordinary construction practices are proposed, the Planning Board may require as one of its conditions to approve that a registered professional engineer certify the construction.

**7.18 AMENDMENT, MODIFICATION OR RESCISSION OF APPROVAL** The Planning Board may, upon its own motion, the request of the applicant or the petition of any interested person, amend, modify or rescind the approval of a Definitive Plan, after due notice and opportunity to the owner to be heard in accordance with G.L. c. 41, s. 81W, as amended. Failure to comply with these Rules and Regulations and with the specifications and conditions set forth in the approval of the Definitive Plan shall constitute a basis for such action by the Planning Board. Such action may include the realization upon any security posted by the applicant, the rescission of subdivision approval and all other measures provided by law. No changes or alterations shall be made to any aspect of an approved Definitive Plan without resubmission for approval of the Planning Board in accordance with General Laws, Chapter 41, Sections 810 and 81W.

* + 1. **Procedure.**  The procedure for the modification of a Definitive Plan, pursuant to G.L. c. 41, s. 81W, shall conform to the requirements for approval of an original Definitive Plan as set forth herein.
		2. **Change of Lot Lines**. Pursuant to G.L. c. 41, s. 81O, the Planning Board without a public hearing may approve certain changes of lot lines.
		3. **Effect.** The modification of a Definitive Plan shall not affect lots sold or mortgaged by the applicant in accordance with G. L. c. 41, s. 81W.

**7.19 RELEASE OF PERFORMANCE GUARANTEE**

**7.19.1 General.** Upon completion of required improvements, security for the performance of which was given by the bond, deposit, lender agreement or covenant, or upon the performance of any covenant with respect to any lot, the applicant, at his expense, shall send by Registered or Certified Mail to the Town Clerk and the Planning Board a written statement that the said construction or installation which has been secured in connection with such bond, deposit, covenant or agreement, has been completed in accordance with the requirements contained within these Rules and Regulations. Such statement shall contain:

 a) Name and address of applicant.

 b) A Compliance Certificate signed by the applicant and signed and sealed by his Engineer stating that the development has been completed according to the Rules and Regulations of the Planning Board, the approved Definitive Plan, Board of Health requirements, Conservation Commission requirements, and the By-laws of the Town of Raynham.

 c) Copies of or reference to the requisite number of Inspection Forms and Reports.

 d) An As-built Plan (see below).

 e) A written certification by the Planning Board's engineer that construction of all ways and sidewalks, installation of monuments, street signs, pavement, lighting, gutters and curbs, required grading and drainage, water mains, hydrants and appurtenances, all sewer mains and appurtenances and planting and seeding has been completed in accordance with the Definitive Plan.

 f) Copies of or reference to the necessary instruments, executed by the applicant, transferring to the Town and appropriate Water District all utilities and easements as shown on the Definitive Plan (see below).

**7.19.2 Failure to Perform.** If the Planning Board determines that said construction or installation has not been completed, it shall specify to the Town Clerk and to the applicant, in writing by certified mail, return receipt requested, the details wherein said construction and installation shall have failed to comply with the requirements contained within these Rules and Regulations and the approved Definitive Plan. The Planning Board shall have the right to enforce the bond or execute upon the security to the extent of the reasonable cost to the Town of completing the required construction and installation including any portion of such security necessary to cover the expenses incurred in conjunction therewith and return any amounts left after such completion to the developer. The Board shall have the right to rescind any and all releases from covenant (Form J) as well as any other statutory or equitable rights.

**7.19.3 Constructive Release.**  Upon failure of the Planning Board to act on such application within forty-five (45) days after receipt thereof by the Town Clerk and the Planning Board, all obligations under the bond shall cease and terminate by operation of law, and any deposit shall be returned and any covenant shall become void. In the event that said forty-five (45) day period expires without such specification, or without the return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded. The Board shall provide the developer a written description why said work is not satisfactorily completed.

**7.19.4 Conveyance of Utilities and Easements to the Town.** Prior to the release by the Planning Board of a surety bond or deposit, or, in the case of a covenant, the issuance of a Release Form, the applicant shall execute an instrument, on a Form approved by the Planning Board, transferring to the Town, without cost, valid unencumbered title to all common sewers, storm drains and water mains, and appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved, and conveying to the Town without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain the aforesaid underground utilities, with any manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision or portion thereof to be approved, and if any such utilities have been constructed and installed in land not within such streets, then in, through and under an easement as shown on the Definitive Plan. Further, prior to the release by the Planning Board of any lot, the developer shall grant the town an easement to repair, and/or complete the roads in accordance with the Definitive Plan. All easements shall be free of any encumbrances

**7.20 As-Built Plans.**  Prior to any lot release, the following as-built plans and profiles, prepared by a Registered Professional Engineer or Registered Land Surveyor, shall be submitted to the Planning Board following the completion of construction and, in addition, at any time during the course of construction as may required by the Highway Department. Prior to preparation, the following aspects of the subdivision shall be completed:

 a) Infrastructure (water, sewer, storm drain, gas main crossing, electrical/telephone/cable television conduit crossing) shall be constructed;

 b) Sanitary sewer, water main, and storm drain must be fully functional;

 c) Roadway shall be constructed to binder course with a dribble berm;

 d) Drainage basins must be completed, stabilized, and functional;

 e) Construction of the catch basins and drain manholes must be completed, including inverts and oil traps. The catch basin frame and grates shall be set to binder course. The manholes frame and covers shall be adjusted to top course grade no sooner than seven days before installation of the top course.

 f) At a minimum, the interim as-built drawing shall provide the following information:

 g) Certification from a Massachusetts Registered Land Surveyor or Professional Engineer stating that the infrastructure improvements are completed in substantial conformance with the endorsed Definitive Subdivision Plan.

 h) The Plan shall indicate the layout and grades of the drainage system, the sewer system, and the water main and services. The edge of the pavement shall also be indicated.

 i) The utilities shall also be indicated on a profile drawing. This drawing shall indicate the centerline grade (at fifty foot stations), the water main, the sewer line, and the drainage.

 j) The constructed storm water basins shall be indicated at two-foot contours or less. Spot grades shall be provided on the basin floor and along the top of berm.

 k) The plan shall indicate the storage volume of the basins.

 l) Easement corners shall be staked with iron rods or concrete bounds until permanent markings are put in. The easement metes and bounds layout and monuments shall be indicated on the drawings.

**SECTION 8**

**DESIGN STANDARDS**

**8.0 General**

All subdivisions shall be designed and laid out so that, in the opinion of the Board, they meet the requirements of public safety including safe vehicular travel, adequate storm drainage, sewage disposal and water supply, utilities, as well as precautions against possible natural disasters. All streets in the subdivision shall be designed to provide for safe vehicular travel, livability and amenity of the subdivision. Subdivisions design shall conform to the rules and accepted principles of correct land use, sound planning and good engineering as defined and set out in the latest edition of the following publications: (1) Massachusetts Department of Public Works Standard Specifications for Highways, Bridges, and Waterways; (2) MassDOT; and (3) AASHTO. All plans shall be prepared in English units rather than metric.

**8.1 Storm Water Management.**

General Provisions.

* Massachusetts Department of Environmental Protection Stormwater Handbook, latest edition*.* All Subdivision Applications, regardless of whether the project is subject to the Wetlands Protection Act or not, shall design the storm water management system in compliance with the goals and objectives of the DEP Stormwater Handbook to the greatest extent possible given the specific site constraints of each site. The Applicant shall submit a completed and endorsed Stormwater Checklist that indicates compliance to the greatest extent possible with the Stormwater Handbook’s Ten (10) Stormwater Standards, as most recently amended. These apply to industrial, commercial, institution and residential subdivision and roadway projects, including site preparation, construction, redevelopment, and on-going operation. The applicant shall also provide calculations indicating compliance with each standard. Refer to the DEP Stormwater Handbook and its referenced sources for specific application of these storm water management categories. (Amended November 2019).
* The Applicant shall follow the Stormwater Permit By-law issued by the Raynham Conservation Commission in compliance with the Municipal Separate Storm Sewer System (MS4) requirements under the United States Environmental Protection Agency (US EPA).
* The Applicant shall use the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 storm events (24-hour, Type C Distribution Curve) when designing stormwater systems in the Town of Raynham.
* The design shall include the size, quality, and type of pipe; inlets, manholes, storm water treatment and detention areas; and the percent of grade. The applicable design criterion shall be a zero (0) percent increase in the peak rate and volume for the two (2) year storm event and a reduction to only the peak rate in the ten (10) and one hundred (100) year storm events.
* All basins and access roads shall be located on a parcel(s) of land to be conveyed and without any liens or encumbrances to the town at no cost.
* The drainage parcel shall be fenced in with an access gate at the discretion of the Planning Board. See appendix for standard fencing detail.
* Access roads shall be twenty (20) feet width.
	+ 1. **Runoff Control**

The objective of this regulation is to maintain the integrity of the natural drainage pattern in order to provide adequate storm water drainage, prevent flooding and to avoid alteration of existing stream channels.

A stormwater report is required. One (1) original stamped and signed and an electronic copy of the stormwater report shall be filed with the Definitive Plans. A Massachusetts Registered Professional Civil Engineer shall stamp this assessment.

1. Procedure (May be modified by the Board to suit the problems and needs of a particular subdivision).
2. An estimate of the present rate and volume of runoff, as well as an estimate of the rate and volume of runoff that would occur from the proposed subdivision, shall be submitted.
3. The Board shall review the data and may require that the Definitive Plan contain provisions to maintain the rate and volume of runoff from the entire subdivision at natural or existing levels. If only a Definitive Plan is submitted, the required runoff estimates shall be included, and the Board may require modifications to the Definitive Plan in order to insure that no off-site increase in the rate and volume of runoff will result from the development.
4. It is also required to provide a drainage analysis on adjacent watersheds, which may affect the drainage on the subject site.
5. Provide provisions for handling any surface water that drains onto streets next to the proposed subdivision or onto any property not owned by the Applicant.
6. Where appropriate, the Form M submitted by the Conservation Commission shall include comments advising the Board regarding the approvals that the Conservation Commission will require in connection with the subdivision.
7. Storm drains, culverts, and related installations, both surface and sub-surface, shall be designed to provide for safe unimpeded flow of natural water courses, drainage of low areas along streets and to intercept water runoff along streets at intervals reasonably related to the extent, surface type and grade of the area drained. Proper connection shall be provided to the existing drainage system and drains shall be extended to adjacent lands to provide for their future continuation. Drainage depending on flow over street or land outside subdivision shall not be approved unless appropriate easements are first obtained. The minimum drainpipe size shall be twelve (12) inch and the design velocity of flow shall be no lower than two point five (2.5) per feet per second and shall be three (3) feet per second where obtainable. Maximum design velocity of flow shall be fifteen (15) feet per second for the 25-year storm event.

**8.2 Closed Drainage System**

1. Surface water shall be disposed of at intervals of three hundred (300) feet or less, if directed by the Highway Superintendent. Where ground water conditions require, such as trench excavation in areas with a high water table or highly permeable surface soils over impervious layers, open sub-drains of drains of not less than 6” diameter shall be installed and connected to a subsurface or surface storm drain, culvert or outlet.
2. Storm drains, culverts, and related installations, both surface and sub-surface, shall be designed to provide for safe unimpeded flow of natural water courses, drainage of low area along streets and to intercept water runoff along streets at intervals reasonably related to the extent, surface type and grade of the area drained. Drainage systems shall be extended and sized to accommodate inadequate existing drainage systems at no cost to the town in the opinion of the Highway Department. Drainage depending on flow over streets or land outside subdivision shall not be approved unless appropriate easements are first obtained. The minimum drainpipe size shall be twelve (12) inches and the design velocity of flow shall be no lower than two point five (2.5) feet per second and shall be three (3) feet per second where obtainable. Maximum design velocity of flow shall be fifteen (15) feet per second.
3. Catch basins shall be located at both sides of the roadway and a minimum of two catch basins within the cul-de-sac opposite each other. Catch basin to catch basin connections are prohibited. Catch basins shall be constructed in accordance with construction details in the appendix. Catch basins shall not be located at driveway openings. Catch basins shall be at a minimum of three-hundred (300) foot intervals or less, if so directed by the Highway Superintendent.
4. Safety grate racks are required for all outlet pipes twelve (12) inch diameter or greater.
5. Culverts shall be designed to accommodate a one hundred (100) year frequency storm. Underground storm drains; catch basins and related installations shall be designed to accommodate a twenty-five (25) year frequency storm. The one hundred (100) year storm shall also be assessed for its impacts on the proposed subdivision, adjacent and downstream properties.
6. The design of storm drainage, culverts, ditches, and related installations shall be based on the calculations and requirements developed as per Section 5.4 of these Rules and Regulations, or, if the Planning Board waives that section, shall be based upon the “rational method” as follows: one hundred (100) year design storm for culverts, bridges and storage/retention facilities, and twenty-five (25) year design storm for storm sewers, catch basins, manholes and other related drainage facilities. A Comprehensive Management Plan may be required for proper storm management.
7. All storm drainpipes shall be laid on a slope so that the minimum design velocity shall be three (3) feet per second. Consideration will be given to flatter slopes if adequate provisions are made for cleaning the pipes. All plans having drains with slopes which will produce pipe velocities less than two point five (2.5) feet per second, flowing full, shall be accompanied by a letter stating the reason for the flat slope. The letter shall have a space for approval by the Planning Board or its Agent or Consultant Engineer, and the drain shall not be constructed until the letter has been approved. The maximum allowable velocity with the pipe flowing full shall be fifteen (15) feet per second.
8. Drainpipes shall extend through manholes to the point of discharge, with a manhole being required at every change in direction, slope or diameter in the drainpipe, and at every intersection of drainpipes. All catch basins shall discharge into the drain through a manhole.
9. All storm drains shall be reinforced concrete of adequate strength Class IV minimum with thirty-six (36) inches of cover. Concrete pipe shall be in conformance with MassDOT Standards as most recently amended.
10. Driveway or access ways shall be located on the definitive plans. Deviations from locations as shown on the approved plans will require the written approval of the Highway Superintendent. Placement of said driveways/access ways shall be a minimum of 10 feet from any aboveground utility and at least 40 feet from the intersections of curb lines at any corner where streets intersect.

**8.3 Detention Basins**

Runoff analysis shall be based on NRCS (SCS) methodology presented in TR-55 or Tr-20. Pre- and post-development runoff for two (2), ten (10), twenty-five (25) and one hundred (100) year twenty-four (24) hour, NOAA Atlas 14 Type C Distribution curve storm events shall be compared.

a) Detention basins shall be designed in accordance with the standard detail. At a minimum they shall include cross sections, soil types, depth to maximum ground water, final slopes and elevations. A planting and maintenance schedule is required for the side slopes, including but not limited to grasses and shrubs indigenous to the area, and approved by Conservation Commission.

b) The bottom elevation of detention basins shall be at least two feet above the maximum groundwater level. A licensed soil evaluator must conduct an evaluation in each detention basin as required in the Mass DEP Stormwater Handbook. A minimum of one test per 5,000 square feet of overall detention basin area is required. The Planning Board may require monitoring wells. The Board of Health or its agent or the Board’s Agent shall witness the test holes at the bottom of the basins. The detention basins shall have one (1) foot of freeboard for every three (3) feet of depth between the one hundred (100) year storm elevation and the emergency spillway.

c) The Plan shall indicate the watercourse of the detention basin discharge to a natural watercourse or wetland area.

 d) No drainage outfall shall be discharged at an elevation below the high water line of a wetland, stream or water body.

e) The drainage basin material shall be the same as shown on the construction detail sheet.

1. A French drain system shall be installed around the bottom of the basin to adjust seasonal storm water volume. Inlet structures shall be installed above the floor and connected to the French drain system to allow percolation into frost-free sub-layers during frost, ice and heavy snow conditions.
2. A chain link fence coated in black vinyl and four (4) feet high shall be installed around all stormwater basins with gates that can accommodate Town of Raynham maintenance vehicles. The installation and requirement of a fence at the stormwater basins is as the discretion of the Planning Board.

**8.4 Retention Basin**

1. Retention basin(s) must have a infiltration rate greater than or equal to 2.41 inches per hour as determined by a falling head test or textural analysis as indicated in the Stormwater Handbook. A retention basin(s) is not allowed unless this standard is met.
2. Retention basins shall provide one hundred and fifty (150) percent of the required storage volume for the one hundred (100) -year storm events. At least two (2) permeability tests shall be conducted within each retention basin to estimate the infiltration rate. (one test per 5,000 square feet of overall retention basin area is required).
3. Test holes shall be conducted by a licensed soil evaluator in each retention basin to determine the percolation rate and the seasonal high groundwater level in accordance with the Stormwater methods witnessed by a representative of the Planning Board, at the Board’s discretion. the Board’s Agent. A minimum of one test per 5,000 square feet of overall detention/retention basin area is required. The Board may require monitoring wells.
4. The bottom elevation of retention basins shall be at least two feet above the estimated seasonal high groundwater level
5. There shall be two wicks installed in the basin. One wick shall be installed is twelve (12) inches above the bottom of the basin. One wick shall be installed twelve (12) inches below the one hundred (100) -storm water elevations.
6. The drainage basin material shall be the same as shown on the construction detail sheet.
7. A French drain system shall be installed around the bottom of the basin to adjust seasonal storm water volume. Inlet structures shall be installed above the floor and connected to the French drain system to allow percolation into frost-free sub-layers during frost, ice and heavy snow conditions.
8. A chain link fence coated in black vinyl and four (4) feet high shall be installed around all stormwater basins with gates that can accommodate Town of Raynham maintenance vehicles. The installation of the fence at the stormwater basins is as the discretion of the Planning Board.

**8.4.1 Constructed Stormwater Wetlands (Wet Basin)**

Where site constraints preclude the use of the standard stormwater basin detail, a CSW may be used.

* 1. Constructed stormwater wetlands are designed stormwater management systems constructed in the water table that include native plants, engineered soils and structures to attract and retain birds, bats for nuisance insect control and provide plants for pollinators.
	2. The bottom of the CSW shall be designed to be in the water table.
	3. The CSW shall retain the one- (1-) inch storm and mitigate the rate for the 2-,10- and 25-, 100-year storm events.
	4. There shall be at least two (2) test pits for the CSW by the Applicant’s licensed soil evaluator to determine the water table and estimated season high ground water (ESHGW) elevations within the proposed CSW. Additional test pits may be requested at the Board’s discretion.
	5. The Applicant shall provide a memo to the Board indicating how, if any, changes are required to the CSW based on the soil test pits.
	6. The Applicant shall provide a plan for temporary dewatering during construction of the CSW where appropriate erosion control is used to prevent sedimentation of any resource areas. The Applicant shall follow dewatering guidelines under the EPA’s Construction General Permit for Dewatering.
	7. The CSW shall have a particle separator sized for the water quality flow rate installed prior to discharge into the forebay. The particle separator shall be located for ease of access by the DPW without the use of specialized or tracked equipment.
	8. The CSW shall have a forebay with an overflow weir to the constructed stormwater wetland.
	9. The constructed stormwater wetland shall contain a permanent pool of water no deeper than three (3) feet.
	10. The constructed stormwater wetland shall also contain a variety of smaller cells where plunge pools and micro-pools with a meandering flow path are provided to settle out suspended solids.
	11. The Applicant shall use different zones for stormwater control and habitat. The use of high and low marshes is recommended.
	12. CSW shall be designed by both a Wetland Scientist for the engineered soils and Landscape Architect. A stamped planting plan of the CSW will be provided by the Landscape Architect.
	13. The Wetland Scientist and/or Landscape Architect shall provide construction oversight and shall provide field reports to the Board at 25%, 50%, 75% and a final report upon completion of the CSW, indicating that the design meets the intent of the approved plans.
	14. During construction, the Applicant shall provide yearly reports by the Landscape Architect and/or Wetland Scientist to the Board indicating the CSW has established vegetation, habitat establishment (bats, birds and pollinators), stormwater control and water levels are maintained for at least 10 months per year. The report shall also indicate any sediment accumulation in the forebay or main cells. The Applicant shall be responsible for providing yearly reports on the CSW vegetation growth, water retention and depth of sedimentation in the particle separator and CSW forebay. The Applicant shall be responsible to maintain the CSW vegetation growth at 90 percent of the planting design and remove any sediment accumulation until the development is accepted by the Town of Raynham.
	15. The applicant shall provide any correction measures to the Board as needed to maintain the CSW if water levels are not maintained for 10 months or 90 percent of the vegetation within the CSW has not been established.
	16. The Applicant shall use the Constructed Stormwater Wetland (CSW) section in the Stormwater Handbook found in Volume 2, Chapter 2, Page 36, as a reference guide.

(Section 8.4.1 added November 2019)

**8.5 Standards of Access Adequacy**

Streets within a subdivision shall be considered to provide adequate access if, and only if, they comply with the standards established in the Board’s Subdivision Rules and Regulations. Ways providing access to streets within a subdivision shall be considered to provide adequate access where, prior to construction on any lots, the applicant (developer/builder) ensures that such access will be in compliance with the Subdivision Regulations for right of way width, pavement width, maximum grade, and sight distance requirements applicable to ways within a subdivision.

* 1. **Obligations**

The Board shall require, as a condition of its approval of a subdivision plan, that the developer construct access ways to a width as required in these regulations, and that applicant make physical improvements within such way or compensate the Town for the cost of such improvements in order to meet the standards specified above.

* 1. **Waivers**

The Board may waive strict compliance with these access regulations. The Board may consult with the other town departments, including but not limited to, Highway Superintendent, Police Chief, Fire Chief, and any other Boards or entities to determine, that the way in fact will be otherwise sufficient to serve the needs of potential users of land abutting on or served by the ways in question.

* 1. **Principles**

All developers in the design, layout, engineering and construction of the proposed subdivision shall observe the following principles in the design, layout, engineering and construction of the proposed subdivision:

1. The subdivision shall be designed, laid out and constructed to blend into the landscape to obviate the need for fencing and screening in order to minimize the change in the natural drainage pattern and the existing vegetative cover, groundwater or surface contours present and not create excessive slopes or walls.
2. Only that area upon which construction is actively being undertaken shall be exposed during development.
3. Land exposed during development shall be left in such a condition only as long as construction is being undertaken on that portion of the subdivision.
4. Permanent final vegetation shall be installed as soon as construction is completed and growing conditions permit.
5. If construction is delayed or halted for longer than two months, all cleared areas shall be provided with temporary vegetation. If weather conditions prevent the establishment of such vegetation, then hay or straw mulch may be used.
6. As required in Section 1.5, topsoil moved during the course of construction shall be regraded throughout the subdivision upon completion of construction or if construction is halted for more than one (1) year. No topsoil shall be removed from the subdivision site.
7. Natural features, ledge outcrops, large trees, water courses, scenic points, historic resources and similar community assets that add value and attractiveness to the subdivision and the town shall be protected and preserved.
8. The proposed storm water management plan shall be prepared in compliance with DEP Stormwater Management Policy and Town of Raynham Stormwater Management Bylaw each, as most recently amended
	1. **Streets**

*Location and Horizontal Alignment*

a) All streets shall conform to topography, and where possible, straight segments of over three hundred (300) feet, which discourage speeding, shall be avoided in minor streets. Collector and arterial streets shall facilitate safe movements of traffic by providing ample sight distances by avoiding steep horizontal and vertical curves particularly at approaches to intersections.

b) Proposed streets shall conform as far as practical to the recommendations of the Town’s Master Plan or study plans, if any, as most recently adopted in whole or part by the Board.

c) The Board may require projection of streets or provision for access to adjoining property, which is not yet subdivided.

d) Reserve strips prohibiting access to streets or adjoining property shall not ordinarily be permitted.

e) The minimum centerline radii of curved streets shall be not less than the following:

|  |  |
| --- | --- |
| Major Collector Streets | 300 feet |
| Minor Collector Streets | 250 feet |
| Minor Street | 175 feet |

f) Streets shall be laid so as to intersect as nearly as possible at right angles. No street shall intersect any other street as less than sixty (60) degrees, although in some cases the Planning Board may accept a lesser angle in the direction of travel.

g) Street jogs with centerline offsets of less than two hundred fifty (250) feet shall be prohibited.

h) Property lines at street intersections shall be rounded or cut back to provide for a right of way radius less than twenty (20) feet at intersections of minor streets with other minor streets, and twenty-five (25) feet or greater at all other intersections.

i) Median islands may be required.

*Width*

j) The minimum width of street rights-of-way shall be not less than the following:

|  |  |
| --- | --- |
| Street Classification | Right of Way width |
| Major Collector Street | 60 feet |
| Non-Residential Collector Streets | 100 feet |
| Minor Collector Street  | 40 feet |
| Minor Street | 40 feet |

k) The Board may also accept other rights of way in the design of boulevards, parkways, or double roadways.

l) The minimum width for the roadway (pavement) shall be not less than the following:

|  |  |  |  |
| --- | --- | --- | --- |
| Street Type | Travel Lanes | Shoulder & Parking | Minimum pavement width |
| Non-Residential Collector | 12 foot- two laneminimum  | 8 foot- two parking lane minimum  | 40 feet |
| Major Collector | 13 foot- two lane minimum | No on-street parking | 26 feet |
| Minor Collector Street | 12 foot- two lane minimum | No on-street parking | 24 feet |
| Minor Street | 11foot- two lane minimum | No on-street parking | 22 feet |

m) The minimum width of pavement for driveway entrances within the rights-of-way to industrial lots shall be thirty (30) feet, flaring to forty (40) feet at the curb line.

n) The minimum width of pavement for driveway entrances within the rights-of-way to residential lots shall be twelve (12) feet, flaring to sixteen (16) feet at the curb line. Driveway aprons shall be constructed in accordance with driveway detail in the appendix.

o) The minimum width of pavement for sidewalks, where required, shall be five (5) feet or shall conform to ADA requirements, whichever is greater.

p) In all instances the design of streets and the location and construction of pavement, sidewalks, curbs and utilities shall conform to the applicable cross-section (see Appendix).

q) All proposed streets shall have adequate site distance in accordance with ASHTO standards.

* 1. **Grade**
1. Grades of streets shall be not less than 1% or greater than 8% for minor and minor collector street, not less than 1% nor greater than 6% for major collector streets unless otherwise approved by the Planning Board.
2. On any street where the grade exceeds six (6) percent on the approach to an intersection, a leveling area with a slope of less than three (3) percent shall be provided for a distance of not less than fifty (50) feet measured from the nearest exterior line of the intersecting street.
3. Vertical curves are required whenever the algebraic difference in grade between centerline tangents is one (1) or more. For minor and collector streets the minimum length of vertical curve shall be twenty-five (25) feet per 1% change of grade. Vertical curves for arterial streets shall be in accordance with the most current design standards outlined by AASHTO in A Policy on Design of Urban Highways and Arterials Streets.
4. All roadway pavements on minor or collector streets shall be crowned from the centerline of the roadway of no less than 3/8 inch per foot.
5. All side slopes resulting from grading of streets and sidewalks shall not exceed one (1) foot vertical to three (3) feet horizontal in fill, one (1) foot to two (2) feet in cut, or one (1) foot to one (1) foot in ledge.
6. For all streets where side slopes are less than or equal to one (1) foot vertical to three (3) feet horizontal for a distance of fifteen (15) feet and/or where hazardous features or appurtenances are present and cannot be removed or redesigned. The developer shall be required to install a guard-rail (See Appendix).
7. Houses shall be set a minimum of 20-feet apart on adjacent lots and grading on each lot shall not create a low point between the houses so that stormwater should not trapped between the houses or that stormwater creates erosion issues between the houses. The bottom of the lowest floor slab shall be at least two (2) feet above estimated seasonal high groundwater.

**8.11 Dead-end Streets**

* 1. The length of permanent dead-end streets shall not exceed thirteen hundred and fifty (1350) feet. In non-residential subdivisions the Board may require a special double roadway or parkway street.
	2. Dead-end streets shall be provided at the closed end with a turnaround having a property line diameter of at least one hundred and twenty-five (125) feet.
	3. If a dead-end street is of a temporary nature, a temporary turnaround shall be provided if the street is greater than one hundred fifty (150) feet in length from the nearest street intersection. Temporary turnaround easements shall be provided, and they shall conform to the dimension requirements of permanent turnarounds. Temporary turnarounds must meet specifications of permanent turnarounds, including bonding. Temporary turnarounds shall be removed after the turnarounds no longer needed. The temporary turnaround easement shall revert back to the fifty (50) foot layout and the land be combined with the adjacent lots to in order to create a uniform right of way.
	4. **Driveway Opening/Curb-cuts**

Driveway openings shall be located on definitive plans. All aboveground utilities including street trees shall be minimum of ten (10) feet from the driveway. Before or after acceptance, any change including but not limited to the width, location, profile, for the driveway openings from the definitive plan shall require a curb-cut permit from the Highway Superintendent. Driveway openings shall be shown on the house and roadway as-built plan. Driveways shall not exceed a slope of 10 percent.

* 1. **Easements**
1. Where utilities cross lots or are centered on rear or side lot lines, easements shall be a minimum of twenty (20) feet. Additional easements may be required for transformer locations. When a subdivision roadway traverses by a water course, drainage way, channel or stream, the Board shall require a storm water easement, the easement shall include: grading for the drainage right-of-way of adequate width and proper side slope as determined by the Board to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for construction or other necessary purposes. In no case shall the width be less than twenty (20) feet or the side slope steeper than two (2) feet horizontal to one (1) foot vertical. Easements for completion of the roadway and all associated infrastructure prior to the road being accepted shall be granted to the town and the appropriate water district prior to endorsement.
2. No easement shall be encroached upon with any structure or infrastructure, such as but not limited to the following: irrigation systems, sheds, buildings, stairs, children’s play equipment, pavement, fences, and driveways. The Highway Superintendent shall approve landscaping schemes other than grass.
3. Access easements or parcels to acquire adjacent property shall be provided, if required, by the Board, for use by emergency vehicles and for the benefit of the Town. They shall be a minimum of twenty (20) feet and constructed to H 20 load factor.
4. Wherever possible, easements along rear lot lines shall be continuous to the street at the end of the lots to connect with the adjoining lots in the shortest direct line. (All easements are required to have a declaration of Easements with rights running to the Town of Raynham [see Form L]).
5. All easement corners shall be delineated with iron pipes prior to lot release and then permanently delineated with concrete bounds prior to street acceptance.
6. All easements shall be submitted to the Board and shall be reviewed and approved prior to endorsement of the definitive plan. Any change to any easement prior to town acceptance shall be reviewed and approved by the Planning Board and such cost shall be borne by the developer/applicant.
7. Easement acceptance is described in town acceptance process section.
8. All easements shall be shown on proposed house lots, lot layouts, lot grading plans and house-as-built plans.
	1. **Water Supply**
9. The Board shall not approve a Definitive Plan unless provision is made for adequate supply of water to each of the lots in the subdivision.
10. Where feasible, water mains shall connect to the existing water supplying agency or district system; and extension to adjacent undeveloped land shall be required to be drawn on the Definitive Plan. Water mains shall be laid out to form a continuous loop with the existing or proposed system to avoid dead-ended pipes.
11. The minimum water main diameter shall be in accordance with water supplying agency district requirements. Adequate water flow and pressure tests shall be required for purposes of proper fire protection, etc., documentation of flow and pressure tests shall be required. Written confirmation prior to approval, from the water-supplying agency or district that or adequate water supply for domestic purposes and fire protection is available, is required.
	1. **Open Spaces**
12. Before approval of a 10-lot or larger definitive plan the Board may require the plan to show a park or parks suitably located for playground or recreation purposes or providing light and air. In calculating the amount of land that shall be set aside as park land or open space, the following rates shall be applied: in Residential A and Residential B Districts 0.06 acre per dwelling unit. In no case shall the amount of land be more than ten (10) percent of the total area of the subdivision. The Board may by appropriate endorsement on the plan require that no building be erected upon such land for a period of up to three (3) years. Within this time period the Town may, if it desires, purchase such land for just compensation to the owner thereof.
13. If the Board requires the developer to set aside land for parks or open space, it shall determine that such land is suitable for the intended purpose with respect to soils, topography, drainage or other characteristics which could restrict the use of the site.
	1. **Erosion Control**

The purpose of this section of these Rules and Regulations is to eliminate or reduce the harmful impacts of soil erosion and sedimentation on the public health, safety and welfare and the environment by prohibiting increases in sediment-laden runoff from land disturbing activities and by prohibiting stream bank erosion along bodies of water. This section sets forth activities with potential for such impacts and requiring review and approval as part of the Subdivision Control process for activities above thresholds of jurisdiction under this section. By implementing the controls in this section such erosion and sediment will be controlled to protect water quality, flood storage, stream flow, wildlife habitat, aquatic resources and public safety.

a. No person shall clear, cut, or do any land-disturbing activity on an area of land shown on a Definitive Plan subject to approval pursuant to these Rules and Regulations unless such land disturbance has been specifically approved by the Board in accordance with this Section. In order to obtain such appeal, the Applicant shall submit, together with the Definitive Plan:

* 1. A description, phasing and sequencing of construction activities, which specifies the expected date of soil stabilization and completion.

 2. Temporary and permanent soil erosion and sediment control measures.

 3. Temporary and permanent seeding and other vegetative controls.

b. The applicant shall have an engineer prepare detailed erosion and sediment control plans for approval by the Board, which may include:

 c. Detailed location, elevation, and cross-section of any dam or basin with drainage calculations to justify basin sizing.

1. Plan view of any dam or basin.
2. Spillway and outlet control designs showing calculations and profiles.
3. Emergency spillway and outlet control designs showing calculations, profiles, and cross-sections.
4. Runoff calculations for peak runoff during a one hundred (100) year storm.
5. Notes and construction specifications.
6. Type of device.
7. Drainage area to any device.
8. Volume of storage required.
9. Outlet length or pipes sizes.
10. Storage depth below an outlet or clean-out elevation.
11. Embankment height, slope, cross-sections, and elevations.

d. If required by the Board, a portable safety fence may be required surrounding any basin or trap, not less than forty-two (42) inches in height with openings not more than three (3) inches in diameter, firmly anchored at spacing no greater than eight (8) feet. Detailed plans should be submitted where appropriate.

1. Vegetative stabilization measures shall be employed. All perimeter dikes and slopes, basin or trap embankments will be stabilized with sod, hydro seed, and straw mulch anchored on disturbed slopes greater than fifteen (15) percent, within seven (7) calendar days of disturbance. All other disturbed areas will be stabilized with sod, hydro seed, and straw mulch, anchored on slopes greater than fifteen (15) percent, within fourteen (14) calendar days after disturbing activities have ceased.
2. The applicant shall submit a plan depicting where topsoil will be stripped from areas to be disturbed and stockpiled in an approved area and stabilized with temporary vegetative cover if left more than twenty-one (21) calendar days. Perimeter sediment controls will be installed around stockpiled topsoil.
3. During the months of October through March, when seeding and sodding may be impractical, anchored mulch shall be applied as approved by the Board.

# **SECTION 9**

**CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES**

1. **General**
2. The developer shall meet with the Highway, Water District and Sewer Departments, and the Board’s consulting engineer and Town Planner prior to commencement of any road construction to discuss the sequence of road construction and the Town’s expectation of how the work will be performed.
3. No water main, drain, catch basins, utility, road sub grade or surface or any other improvements shall be backfilled, paved over or otherwise permanently covered until inspected by the Highway Superintendent and/or the Board’s Agent who shall confer with the Superintendent of the Sewer Department and the Water District in the field at the site, and found to be in conformance with these Rules and Regulations and applicable Town of Raynham specifications.
4. The subdivider shall notify in writing the designated inspector at least forty-eight (48) hours prior to the time of each required inspection. The sub divider shall provide safe and convenient access to all parts of work to be inspected.
5. The contractor is required to perform all work in compliance with the approved definitive plan and Massachusetts Department of Transportation standards. If non-compliant work and/or unfavorable work conditions are observed, the inspector may then recommend to the Highway Superintendent that all work cease for good cause. The Highway Superintendent may then issue a work stoppage order. Failure to comply with work stoppage will forfeit the opportunity for the developer to seek street acceptance as a public way. No additional obligation to the town or liability for that stoppage shall be incurred.
6. No work shall be approved unless it has been inspected, and any work covered before being inspected shall be uncovered and inspected at the owner’s expense.
7. No paving activities shall take place from November 15th to April 15th, except for maintenance. The Highway Superintendent may approve waivers from this restriction.
	1. **Water Facilities**

The Board shall require that water mains and appurtenances, such as hydrants, valves and all service connections, be installed to conform to specifications of the respective water supplying agency or district. Water facilities shall be inspected by the respective water-supplying agency or district.

**9.2 Sanitary Sewer**

The Board shall require all sewer mains and appurtenances, such as manholes, pump stations and all service connections, be installed to conform to specifications of the Sewer Commission. The Sewer Commission shall inspect sanitary sewer installation.

* 1. **Other Utilities**
1. All lots within the subdivision shall be provided with other necessary utilities such as but not limited to, gas, electricity, telephone and Cable TV. Service connections shall be installed from the main utility to the exterior street line of each individual lot as shown in the approved Definitive Plan.
2. Electrical, telephone conduits, cable TV and related equipment in streets shall be placed underground, unless the Board determines that such placement is not feasible or in the best interest of the Town.
3. Each utility system shall be laid out in conformance with the requirements of the respective utilities and the Raynham Highway Superintendent and/or Board’s Agent.
4. Backfilling of utilities see details in the Appendix.
5. All traffic signs, street signs, utility poles, etc. shall be located not more than eighteen (18) inches from the gutter line or face of curb.
6. Where feasible, all gas main service connections shall be located adjacent to water service connections. Where feasible, electric and telephone service shall be located at side lot lines alternating with water and gas service.
7. Coordinate with the post office on the location of mail kiosks shall be designed by the Applicant and installed on the sidewalk side of the subdivision by the Applicant and must be maintained by the Home Owner’s Association. Kiosks must be in an easement if not placed within the roadway layout. Kiosks shall be maintained by the Home Owners Association (HOA) whether placed in an easement or within the roadway layout. The HOA agreement must indicate that the kiosk will be maintained by the HOA.
	1. **Sewerage:**

Where public sewer is available or has been approved by Town meeting or is proposed to be within 2,000 feet of the subdivision, then at the sole discretion of the Board, sewer and sewer lines shall be designed and installed by the developer to connect to public sewer to serve the subdivision. The minimum diameter of sewers shall be in accordance with the requirements of the sewer commission.

**9.5 Fire Alarm** (To be deleted if approved by the Fire Chief)

**9.6 Reserve for future use.**

**9.7 Drainage:**

1. Pipe, pipe sizes, manhole and catch basin locations and elevations shall be in accordance with the Definitive Plan.
2. Installation of catch basins, manholes, head walls retaining walls and pipe shall be in accordance with Massachusetts Department of Transportation and Details approved by the Highway Superintendent.
3. Backfilling shall consist of suitable materials uniformly distributed and compacted. (See Appendix) When suitable backfilling cannot be obtained from the excavation, the filling shall consist of satisfactory borrow. Both sides should be thoroughly tamped. The contractor shall place no backfilling on masonry or other structure without the specific prior approval by the Highway Superintendent or the Board’s Agent. It shall be formed of successive layers not more than twelve (12) inches in depth, each layer being thoroughly compacted before the successive layer is placed.
4. All street drain grates shall be of the checkered type and approved by the Highway Superintendent (See Appendix)
5. The pipe trench shall be excavated to the required line and grade shown on the approved plan including earth, boulders and ledge. This trench width shall apply from the top of the pipe to the bottom of the trench. Above the top of the pipe the trench may be as wide as necessary to properly install the pipe. Trenches with side slopes steeper than the natural angle of repose of the soil shall sheeted as necessary to avoid cave-ins and sloughing. All trenching shall be performed in accordance with Occupational Safety and Health Administration (OSHA) as most recently amended.
6. All excavation shall be properly barricaded and lighted at night where they are close to pedestrian or vehicular traffic.
7. The roadways shall be graded and compacted to sub-grade before any utility activity begins. If any obstructions prohibit adequate fill compaction then flowable fill shall be used to obtain desirable results.
8. Soil, which is considered to be unstable by the Board or its Agent or Consulting Engineer, shall be removed to a depth of not less than two (2) feet below the bottom of the pipe and replaced with compacted sand and gravel to the bottom of the pipe. Unstable soil or other excavated material shall be disposed of off-site. When PVC pipe is used the bedding shall be backfilled to the spring-line of the pipe.
9. Pipe shall be laid starting with the downstream end. Grade boards or other approved devices shall be provided to insure that the pipe is laid true to line and grade. Reference benchmarks shall be clearly marked to enable the Inspector to quickly check the grade and invert elevations. The joints of all pipes shall be filled with mortar composed of one part Portland Cement to three (3) parts clean sharp sand. O-ring pipe is acceptable. Lime may be added up to twenty-five (25) percent of the cement and enough water to make a workable mix. The downstream pipe shall be laid with groove or bell end facing upstream in the proper position, and a dab of mortar shall be placed in the bell or groove. The spigot or tongue end shall be placed in the bell or groove, such that inverts match, and the peripheral space shall be filled with stiff mortar. All mortar squeezed out in the inside of the pipe shall be removed before it sets.
10. No work shall be approved unless it has been inspected, and any work covered before being inspected shall be uncovered and inspected at the owner’s expense.
11. After the pipe has been laid and inspected, the trench shall be backfilled. The space under the pipe haunches shall be carefully filled with selected material, free from stones or frozen earth, and compacted carefully to prevent the pipe from moving. The layer of backfill up to twelve (12) inches over the top of the pipe shall also be of selected material free from stones and frozen earth, well compacted. The remainder of the trench shall be backfilled in twelve (12) inch layers except as noted below, and each layer shall be fully compacted in an approved manner. Under roads or other traffic areas the trench shall be backfilled in six (6) inch layers with each layer compacted to the density of the surrounding soil. Pavement and base course shall match those removed. No old pavement shall be backfilled into trenches. When, in the opinion of the Board or its Agent or Consultant Engineer, the excavation is deep enough to warrant it, temporary pavement shall be provided as directed. The contractor as directed by the Board or its Agent or Consultant Engineer shall leave Trenches not in pavement in mounded condition.
12. Concrete or Field Stone masonry headwalls (See Appendix) shall be provided at both ends of culverts and the discharge ends of storm drains.
13. After the drainage system (pipe, manholes, catch basins and other drainage structures) is installed, but before it is covered, the inspector shall enter each catch basin to sight drainage pipe runs to adjacent basins. Any defective runs shall be corrected before approval is given. The purpose of this inspection is to ensure that the lines have been installed correctly.
	1. **Street and Roadway**
14. The entire layout plus three (3) feet on each side shall be cleared of all stumps, brush, roots, boulders, or like material and all trees not intended for preservation. Upon completion of clearing and grubbing activities the right-of-way line, points of tangency and all lot corners shall be staked and maintained until binder installation.
15. All unsuitable materials such as but not limited to: clay, loam and silt shall be removed from the roadway areas of each street to a suitable depth for roadway construction to one (1) foot beyond gutter line. The contractor, after as determination by the Highway Superintendent or Designated Agent shall then replace the removed material with suitable material. (See Typical Roadway Cross-Section Appendix III).
16. All roadways shall be brought to a grade of nineteen (19) inches below finished roadway and inspected before road construction continues. Test holes and sieve analysis shall be conducted every two-hundred (200) feet or as directed by the Highway Superintendent or Designated Agent. The Highway Superintendent may require a thicker base after inspecting and testing the sub-base material. If the sub-base material is not sufficient to support the roadway, the Highway Superintendent or Designated Agent, will require increased cross-section to meet the loading requirements.
17. Sieve analysis shall be performed on the roadway gravel and the dense graded crushed stone before delivery to the site. Final approval will be based on sieve analysis and compaction test conducted on the material in place. Sieve analysis and compaction test shall be conducted on in place material every two-hundred (200) foot or as directed by the Highway Superintendent or Designated Agent. See typical roadway cross-section. Completion of this work shall be done within one (1) year from filing of the performance guarantee, or once work has been started, whichever event occurs first. The use of approved recycled materials will be allowed subject to Highway Superintendent approval. The developer shall notify the Highway Superintendent or Designated Agent before each phase of work is started.
18. The completed gravel surface shall be compacted until a firm even surface true to lines and grades is obtained. Unsuitable sub-base material that does not meet sieve and compaction requirements shall be removed and replaced with suitable material at the required density. To make the determination the Highway Superintendent and/or the Board’s Agent may require compaction test(s), soil tests and/or material analysis to verify density all testing cost, etc. to be paid by the Developer.
19. After the gravel course has been approved by the Highway Superintendent or Designated Agent then the paving operations may proceed. Paving shall permitted when the ambient temperature is forty-five (45) degrees Fahrenheit and rising. (See Appendix III for Typical Roadway Cross Section).
20. Grades and Stakes - The subdivider shall provide an original survey showing the base line or centerline of construction as well as the location of stakes at fifty (50) foot intervals for the line and grade of streets, utilities and culverts and for other major structures. Grade stakes shall be maintained until binder course is in place and inspected by the Highway Superintendent or his agent. Grades shall be set such that a tying line may be strung from stake to stake at the same station with the string representing a level line from which grades may be checked. The subdivider shall furnish and set all stakes for the construction and grade of roadways utilities, culverts and other structures.
	1. **Curbing**
21. Vertical granite curbing on the sidewalk side and cape cod berm on the opposite side of the street shall be installed on all streets; see detail for installation. (See Appendix). Granite curb shall be installed at all roadway entrances and curb radii.
22. Granite inlets shall be installed at all catch basins with curb throat inlets meeting Mass Spec M9.04.5 (or successor) with six (6) foot long transition stones on each end of inlet.
23. The ends of curbing are to be flared down where the proposed curbing does not abut an existing curbing. The curbing for wheelchair ramps shall be constructed at all intersections in accordance with the wheel chair ramp detail design standards of MDOT and American with Disabilities Act (ADA) requirements at the time of installation.
	1. **Sidewalks**
24. Bituminous concrete sidewalks of not less than five (5) feet in width shall be constructed on one side of the street where vertical granite curb is installed. (See Appendix) Sidewalk shall be flush to the back edge of the vertical granite curb.
25. Sidewalks shall stop at the entrance of the cul-de-sac with one (1) pedestrian ramp. The Applicant shall provide an area for snow storage on the cul-de-sac as an easement.
26. Bituminous Concrete Sidewalk shall be constructed in accordance with the sidewalk detail. It shall have a pitch of ¼ of an inch per foot to provide for proper drainage. Bituminous concrete shall be laid in two courses, two (2) inch binder and one and a half (1.5) inch finish course.
27. All sidewalks shall have concrete wheelchair ramps and tactile surface (color: yellow) at the time of construction in accordance with ADA standards as most recently amended. The owners shall be responsible for all costs associated with changes that are necessary to meet the current laws before the Town has fully accepted ownership of the property or ways.

**9.11 Driveway Opening/Curb-cuts**

Driveway aprons shall be located on definitive plans. All above ground utilities including street trees shall be a minimum of ten (10) feet from the driveway. All changes in width and location of the driveway openings shall require a curb-cut permit from the Highway Superintendent. Prior to and after acceptance, all approved changes shall be shown on the house as-built plan and the roadway as-built plan.

9.11a Roadway Moratorium

Applicants that propose new driveway and sub-division road curb cuts that connect to existing Town streets must be reviewed against the roadway moratorium list held at the Raynham Highway Department or at the Town of Raynham Website. The Applicant must review this moratorium list in relation to the proposed driveway / roadway curb cut with the Highway Director and discuss any applicable requirements related to the moratorium and new driveway / roadway connections with the Highway Director and the Raynham Selectman. Refer to the Town of Raynham Highway Department for additional information or contact the Highway Department on existing and proposed moratoriums.

* 1. **Bikeways**

Where the subdivision location is such that it may become part of a Town bikeway system or where the size of the subdivision, expected traffic flow, or expected bicycle use within the subdivision, makes bikeway provisions necessary, the Board may require the developer to make provisions in the design, layout and construction of the subdivision to provide for the safe and convenient use of bicycles. These provisions may include, but may not be limited to, the following: warning or information signs along the bike route, bikeway pavement stencils, a special line on a roadway marked off by a painted line. In certain cases, the Board may permit sidewalks to be used as bikeways. Under these circumstances, one of the two required sidewalks may be used as a bikeway. The sidewalk may be designed as a bikeway if additional pavement is provided as required by the Board. Where sidewalks are used as bikeways, curb cuts and ramps shall be required. Property adjacent to an existing public way that is part of the town’s bikeway system shall reserve an easement for the bikeway.

* 1. **Monuments (Street Bounds)**
1. Monuments shall be required at all street intersections, at all points of change in direction or curvature of streets, and at a maximum intermediate distance of five hundred (500) feet, and at other points where, in the opinion of the Board, permanent monuments are necessary. Such monuments shall conform to the standards and specifications of the Massachusetts Department of Transportation. and shall be set according to such specifications. Iron pins shall be installed to mark bounds until permanent monuments are installed. No permanent monuments shall be installed until all construction, which would destroy or disturb the monuments is completed.
2. The As-built plan(s) shall contain certification by a Massachusetts Registered Land Surveyor that permanent monuments have been set as shown on said plan (s).
	1. **Street Signs and Street Names**

Streets, which join and are in alignment with streets of abutting or neighboring properties, shall bear the same name. Names of new streets shall not duplicate or sound like the names of existing streets within the municipality and shall be subject to the approval of the Board and the Raynham Fire Chief. Street name signs shall be furnished and installed by the developer. The type, size, and location shall be subject to the approval of the Highway Superintendent. Temporary street name signs with letters 4 inches tall shall be erected at the time work is started in that portion of the subdivision and shall be replaced with permanent signs within 30 days of the application of finished roadway pavement.

* 1. **Loam and Seed**

Topsoil shall not be removed from the site until the Highway Superintendent approves such removal. Topsoil moved during construction shall be regarded and additional loam added where necessary in order to provide a permanent cover of not less than six (6) inches on all grass or planting strips, embankments, and all other areas cleared or otherwise disturbed by construction. The loam cover shall be shaped, and a permanent grass cover established on all disturbed areas. Washouts and sunken areas shall be redone. The Board shall approve all grass seed to conform to the ‘Standard Specifications for Highways, Bridges, and Waterways of the Comm. of Mass., Dept. of Transportation.

**9.16 Shade Trees**

All subdivisions shall have shade trees planted every 150-feet on each side of the street unless existing trees are to be preserved or one (1) tree per lot. The exact location of all shade trees, both existing and proposed shall be shown on the plan. The trees shall be staggered from one side of the street to the other. Trees shall be located a min. of 10 feet beyond the proposed right-of-way line. Each tree shall be a min. of 2- to 2.5-inch caliper and of nursery stock quality. The Developer shall be responsible for maintaining the health of trees until one growing seasons after plantings, the as-built plans of the street are approved by the Board, or until the intended public ways are accepted at Town Meeting. The Board may require that surety be posted to replace shade trees that do not survive one (1) growing season. Trees must be planted when the lot is sold or the developer provides a signed release from the homeowner giving the homeowner permission to plant the tree outside the street layout, weather dependent.

**9.18 Lot grading**

Lot grading shall be shown on the definitive plan. Deviation from the lot grading shown on the definitive plan at the time of construction shall require approval from the Planning Board through the Highway Superintendent or his designated agent. The lot owner or signatory of the building permit shall pay the cost of this review.

##### SECTION 10

#####  AS-BUILT PLAN

**10.0** There shall be no departure from an approved Definitive Plan without prior approval of the Planning Board. Unauthorized changes may be subject to reconstruction. Upon completion of the subdivision and prior to the release of bonds, funds, lender agreements or covenants, the developer shall submit to the Board a plan, certified by a Massachusetts Registered Land Surveyor, showing the subdivision as constructed and indicating any departure(s) in the location, line grade, construction or materials of streets and utilities from the original approved Definitive Plan or a certification that all construction and installation conforms to the approved plan and these Rules and Regulations. As-built plans are to be reviewed by the Town engineer or its agents at the expense of the applicant. The developer must submit as-built plans and legal description, easements, etc. in order to have the subdivision roadways accepted by the Town. The Board reserves the right to use any remaining performance guarantee to complete the as-built plans. A Massachusetts Registered engineer must certify that the retention/detention basins were built as shown/designed and approved by the Board. Plans to be provided on bond paper and in PDF format for the Board in addition the GIS requirements. (GIS) Plans and profiles sheets shall provide all dimensions for all infrastructure in feet and inches. as-built subdivision plan produced by an AutoCAD or similar computerized drafting system, in either AutoCAD Drawing Format (.dwg), Data Exchange Format (.dxf) or ESRI Interchange Format (.e00), registered to Massachusetts State Plane (Mainland) Coordinates, North American Datum of 1988, as part of the application for endorsement of the plan.

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| As-Built Plan Requirements |
| Plan | Profile |
| Property lines with all bearings and distances of lots, right-of-ways, easements, and permanent perimeter of the subdivision | Infrastructure to include but not limited to roadways, curbs, sidewalks, manholes, catch basins, sewer mains and storm drain lines, gas lines, water, electric, electric and phone cable, junction boxes, communication lines, water valves, hydrants,  |
| Existing contours | Existing contours |
| Infrastructure to include, but not limited to, roadways, curbs, sidewalks, manholes, catch basins, sewer mains and storm drain lines, gas lines, water, electric, electric and phone cable, junction boxes, communication lines, water valves, hydrants,  | Roadway stationing |
| Drainage systems to include, but not limited to, swales, water courses, basins, bmp devices and contours |  |
| All Easements |  |
| Lot numbers |  |
| Driveway openings, curb-cuts |  |
| Mailboxes |  |
| Street trees |  |
| Utility poles |  |
| Roadway stationing |  |
| Street signs |  |
| Public landscaping |  |

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| Lot Release As-Built Plan Requirements |
| The plan can be a “redline” drawing over a copy of the endorsed Definitive Plan. An “As-built Plan” that does not indicate the proposed improvements is also acceptable. |
| Plan | Profile |
| Property lines with all bearings and distances of lots, right-of-ways, easements, and permanent perimeter of the subdivision | Infrastructure to include but not limited to roadways, curbs, sidewalks, manholes, catch basins, sewer mains and storm drain lines, gas lines, water, electric, electric and phone cable, junction boxes, communication lines, water valves, hydrants,  |
| Layout and grades of the drainage system, the sewer system, and the water main and services. The edge of pavement shall also be indicated. | The utilities shall also be indicated on a profile drawing.  |
| Infrastructure to include but not limited to roadways, curbs, sidewalks, manholes, catch basins, sewer mains and storm drain lines, gas lines, water, electric, electric and phone cable, junction boxes, communication lines, water valves, hydrants,  | Roadway stationing |
| Drainage systems to include but not limited to swales, water courses, basins, bmp devices and contours |  |
| All Easements |  |
| Lot numbers |  |
| Driveway openings, curb-cuts |  |
| Mailboxes |  |
| Street trees |  |
| Utility poles |  |
| Roadway stationing |  |
| Street signs |  |
| Public landscaping |  |
| Performance Standards |
| Certification from a Massachusetts Registered Land Surveyor or Massachusetts Professional Engineer stating that the infrastructure improvements are completed in substantial conformance with the endorsed Definitive Plan |
| The constructed storm water basins shall be indicated at two-foot contours or less. Spot grades shall be provided on the basin floor and along the top of berm. |
| The storage volume of the basins shall be provided. |
| Easement corners shall be staked with iron rods or concrete bounds. The easement layout and monuments shall be indicated on the drawings. |

###### SECTION 11.0

###### ADMINISTRATION

**11.1 WORK NOTIFICATION TO TOWN DEPARTMENTS**

 **a) Pre-construction Conference**. Prior to the initiation of any work within the subdivision, there shall be a pre-construction conference to be attended by the applicant and the Board's engineer, Highway Superintendent, Town Planner and by such other persons as the Board shall require, at which time a work schedule, outlining all steps within the development process, shall be submitted by the applicant. Following approval of the work schedule by the Board or its designee, the applicant shall be required to notify the Board, in writing, of any deviations from the proposed work schedule.

 **b) Notification**. The Planning Board and its designee shall be separately notified at least forty-eight (48) hours prior to the commencement of any of the following works:

 1. Cutting of trees for roadway construction.

 2. Clearing and grubbing of roadway.

 3. Installation of storm drainage facilities.

 4. Installation of water and sanitary sewer facilities.

 5. Placing of material for sub-base.

 6. Excavation for electric underground distribution system.

 7. Application of gravel in or above sub-base.

 8. Laying of Bituminous Concrete Binder Course.

 9. Laying of Bituminous Concrete Top Course.

 10. Installation of curbing and curb inlets.

 11. Spreading of gravel in sidewalks.

 12. Laying Bituminous Concrete for sidewalks and aprons.

 13. Spreading of loam for grass plots.

 14. Grading of slopes.

 15. Construction of retaining walls.

 16. Setting of bounds.

 Date of inspection for each phase shall be recorded and on file in the Board’s records.

 **c) ALLOCATION OF RISK**. If any of the above-designated work is commenced without proper notification being given as specified, such work shall be performed at the risk of the applicant or owner; and t*he Board may reasonably* order the removal thereof at the expense of the applicant or owner.

**11.2 INSPECTION**

Prior to the start of construction in a subdivision, the Board will designate either the Superintendent of the Highway Department or his designee or another authorized Engineer selected by the Board to be responsible for periodic inspection of construction. The inspector will utilize the standard inspection form (Form O) and will sign the form after the satisfactory completion of each work item described thereon.

**11.3 COSTS**

All inspections performed by the Board or its designee shall be at the expense of the applicant. Subdivision bonds and other forms of security will not be released until all such expenses have been paid to the Board.

**11.4 WATER AND SEWER LINE TESTING**

Prior to acceptance by the appropriate governmental agency, all water and sanitary sewer lines shall be tested to the satisfaction of the Department responsible for their operation and maintenance. The results of each testing shall be conveyed, in writing, to the Board and the Superintendent of the Highway Department.

**11.5 PROGRESS REPORTS**

At the request of the Board, the developer shall provide a progress report on construction at the site.

**SECTION 12**

#### STREET ACCEPTANCE PROCESS

**12.0 ACCEPTANCE REQUIREMENTS**

Applicant/Developer is responsible for all costs for inspections, public notices, etc.

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| 1 | Developer petitions Board of Selectmen in order to have the road accepted as town way. For clusters a plan and deed to the open space shall accompany the road petition | Three Plans submitted with request |
| 2 | Board of Selectmen delivers one set of roadway plans to Town Clerk |  |
| 3 | Board of Selectmen write Planning Board asking whether or not the roadway is ready for acceptance | Planning Board must respond within 45 days |
| 4 | Planning Board’s designated agent and Highway Department will review the plans for compliance with the Definitive Plan, conduct a field visit and issue a report to the Planning Board | Planning Board’s designated agent and/or Highway Department will contact developer regarding outstanding issues or that  |
| 5 | Developer/Applicant notify the abutting lot owners if the fee was not reserved |  |
| 6 | Board of Selectmen hold a hearing laying out the way | Road conveyed at no cost to the town |
| 7 | Town Meeting votes to accept or not |  |
| 8 | Prior to acceptance, the developer/applicant shall have the deed(s) for the road(s) proposed for acceptance prepared and reviewed by Town Counsel. Upon approval by Town Counsel, the developer/applicant shall have the deed(s) recorded with the Bristol County Registry of Deeds and provide proof of said recording to the Planning Board. (adopted 04/17/14; amended 10-01-15) |  |
| 9 | Developer requests, in writing, return of the snow plow money from the Planning Board |  |
| 10 | A maintenance bond may be required for a period of time to ensure long-term functioning of the roadway infrastructure |  |

**SECTION 13**

**WAIVER OF FRONTAGE**

**13.0 REQUIREMENTS**

a) When requesting to subdivide land into lots that do not each meet all pertinent zoning requirements, and the subdivision does not involve the creation of a new road, a petitioner must submit an application known as Form “W”, to the Planning Board. This application is also for a Waiver of the Rules and Regulations Governing the Subdivision of Land and was developed pursuant to Section 81-L, 81-R and 81-Y of Chapter 41, M.G.L.

b) Prior to submitting an application for a subdivision of land through the Form “W” process, the petitioner shall have obtained a variance from the Zoning Board of Appeals. The Form “W” application may not be submitted to the Planning Board office until the 20 day appeal period for the variance has expired, and evidence has been submitted that no appeal has been filed.

c) The following items must be filed with the Board office and submitted in the following manner:

1. Fill out the Form “W” application form, which is available upon request, from the Board. Any person who submits a Waiver of Frontage Plan to the Board for approval shall file with the Board a properly executed application form together with the original drawings and twelve (12) print sets thereof, dark line on white background.

2. Furnish a certified copy of the Zoning Board of Appeals decision on said case.

3. Every application for approval shall be accompanied by a fee, determined in accordance with the most recent Fee Schedule adopted by the Planning Board. Costs of advertising and notices shall be charged to the applicant, unless otherwise ordered by the Board.

4. Upon receipt of a properly executed application Form W together with the Waiver of Frontage Plan, the Board will set a date for the required public hearing. Notice of the public hearing shall be given in accordance with the requirements of G.L. c. 41, s. 81T. Before approval of the Waiver of Frontage Plan is given, a public hearing shall be held by the Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board by advertisement in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than fourteen days before the day of the hearing. A copy of said notice shall be mailed by the Board to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list certified by the Board of Assessors.

5. The applicant, in accordance with G.L. c. 41, s. 81T, shall file by delivery or registered or certified mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the executed application form.

6. The Board will transmit copies of the Definitive Plan to the following: Highway Department, Fire Chief, Police Chief, Conservation Commission, Building Commissioner/Zoning Enforcement Officer, Water District, Sewer Department, the Board’s consulting engineer and to such other Boards or committees as the Board deems advisable. The Board shall request of each official, board and commission written statements with regard to the plan within forty-five (45) days of each submission. Such statements should encompass the layout, design and access to the buildable portion of the lot. The failure of these other boards or officials to respond within said forty-five days shall be deemed a lack of opposition to the proposed development. (amended 10-01-15)

7. The Board reserves the right to disapprove incomplete submissions at any time if, in its opinion, review of the plan is hampered by the absence of required information. In the event that incomplete plans are submitted to the Board, after opening a public hearing, the Board may vote to disapprove the plan and return plans to the applicant as incomplete. The Board shall cite those specific regulations with which the plan is not in compliance in a letter noting the reason for the Board’s action, which shall be filed with the Town Clerk. In the event of such disapproval, the Board reserves the right to retain any filing or review fees.

 d) If the need for additional time is indicated, the Applicant may request in writing an extension of time to a given date. The Board may deny such requests at its sole discretion.

 e) Should the Board incur additional costs in the review of the Waiver of Frontage Plan, such costs shall be borne by the applicant unless otherwise ordered by the Board.