

REGULATIONS GOVERNING THE SUBDIVISION OF LAND

**PLANNING BOARD
PHILLIPSTON, MASSACHUSETTS**

Voted August 16, 2006

*Received
9/06/06 7:00 pm
Town Clerk
Karin J. Foley*

Voted 8/16/06

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SECTION I. AUTHORITY AND PURPOSE

I.A. Authority

These Regulations shall be effective on and after August 16, 2006, and so remain until modified or amended by the Phillipston Planning Board. They are enacted by the Phillipston Planning Board under authority granted by Section 81-Q of Chapter 41 of the General Laws. For matters not covered by these Regulations, reference is made to the Subdivision Control Law, Sections 81-K to 81-GG of Chapter 41 of the General Laws, as most recently amended. Subdivision control is an exercise of the police power under which the various levels of government are responsible for protection of the public health, safety, and welfare.

I.B. Purpose

These Regulations for subdivision control have been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the Town by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Planning Board and the board of appeal under the Subdivision Control Law and under these Regulations shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, underground utility service, fire, police and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other, with the public ways in the Town and with the ways in neighboring subdivisions.

END OF SECTION I

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SECTION II. GENERAL

II.A. Definitions

In construing these Regulations, the definitions in Section 81-L of Chapter 41 of the General Laws shall apply (unless a contrary intention clearly appears). In addition, the following words shall have the following meanings:

1. Applicant, Developer, Applicant

The person who applies for the approval of a Plan of a proposed subdivision. The applicant or applicants must be the owner or owners of all the land included in the proposed subdivision. An agent, representative or his/her assigns may act for an owner, provided a properly executed power of attorney (or other written evidence acceptable to the Board) is submitted. In the case of a general or limited partnership, all general partners must join in the application and must submit documentation of the legal existence of the partnership and its authority to do business in Massachusetts. In the case of a trust, all trustees must join in the application and submit documentation of the legal existence of the trust and its authority to do business in Massachusetts. In the case of a corporation, the application shall be made by the President, shall have the corporate seal affixed, and shall be accompanied by a list of all officers and directors, plus documentation of the legal existence of the corporation and its authority to do business in Massachusetts. An attorney acting on behalf of any applicant shall be licensed to practice law in Massachusetts and shall submit a written statement of representation.

2. Board or Planning Board

The Planning Board of the Town of Phillipston, Massachusetts.

3. Building

A dwelling, shed, garage or other structure.

4. Consultants or Consulting Services

Includes, but is not limited to, architects, biologists and other environmental experts, chemists, engineers, geologists, landscape architects, planners, lawyers, sanitarians, and surveyors.

5. Definitive Plan

A map of a proposed subdivision, a Mylar, a Development Impact Statement, together with all other forms, documents, drawings, information, filing fees, and reimbursement payments required by these Regulations, submitted to the Planning Board for its approval.

6. Development Impact Statement (DIS)

A documented, written analysis of a proposed subdivision which contains all information provided by Section VIII of these Regulations, and which provides the Planning Board and its agents or consultants with information necessary for plan review. The DIS is prepared by the applicant.

7. Owner

The owner of record as shown by the records in the Worcester County Registry of Deeds or Land Court.

8. Streets

- a. Major Street - a street which, in the opinion of the Board, is likely to carry substantial volumes of through traffic.
- b. Secondary Street - a street other than a major street which, in the opinion of the Board, is likely to carry traffic other than just to or from lots on that street.
- c. Minor Street - a street which, in the opinion of the Board, is likely to be used only by vehicles traveling to or from lots on that street.
- d. Dead End Street/Cul-de-Sac - a public or private vehicular right-of-way which affords the principal means of access to abutting property and which joins another thoroughfare at only one end. Any such thoroughfare, which joins or intersects a dead end street/cul-de-sac, shall have adequate access at both ends from a Town, County, or State public way adjacent to the subdivision. (See Section V.G.1.E. of these Regulations concerning dead end streets, and Section V.H. concerning adequate access from a public way.)

10. State Construction Standards, Massachusetts Highway Department Construction Standards

These specifications are published by the Massachusetts Department of Public Works. They are entitled Standard Specifications for Highways and Bridges, and include all supplements, updates, revisions or future editions covering substantially the same subject matter. All matters left open or undetermined by these specifications shall be specified by the Board on a case by case basis.

II.B. Plan Believed not to Require Approval

1. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court, a plan of land, and who believes that his/her plan does not require approval under the Subdivision Control Law, may submit to the Planning Board the following:
 - a. a reproducible Mylar and five (5) copies of his/her plan;
 - b. filing fee in the amount of \$100.00 per lot, e.g. one hundred dollars times the number of lots shown on the plan; the filing fee shall be in the form of a certified check or money order, made payable to "Town of Phillipston, Massachusetts"; or written evidence that said filing fee has been paid to an appropriate Town official. Lots marked "This is not a building lot" will not be included in calculating the filing fee;
 - c. application Form A, appended hereto, signed by the applicant and providing all information requested;
 - d. all supporting evidence necessary to show that the plan does not require approval.

In addition, the applicant shall provide written notice to the Town Clerk by personal delivery in hand or by registered mail, with return receipt requested. Said notice shall state the date of submission to the Planning Board of the items specified in Sections II.B.1.a through II.B.1.d above, and shall be accompanied by one copy each of the plan and application Form A. If the notice is given by delivery, the Clerk shall, if requested, give a written receipt therefore to the person who delivered such notice.

For the purposes of this section, the date of submission to the Planning Board shall mean the date of the first regular or special Planning Board meeting following delivery of all copies of the items specified in Sections II.B.1.a through II.B.1.d above to the Town Clerk. In order for a plan to be deemed so submitted, delivery to the Town Clerk must occur no later than seven (7) days prior to said Planning Board meeting. The date of said Planning Board meeting fixes the start of the period of time during which the Planning Board must act and report.

2. If the Board determines that the plan does not require approval, it shall within twenty-one (21) days and without a public hearing endorse on the plan the words "Planning Board Approval under the Subdivision Control Law Not Required." Said endorsement shall be signed by a majority of the Planning Board. If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within twenty-one (21) days of submission of said plan so inform the applicant and return the reproducible original of the plan. The Board shall give written notice of its determination to the Town Clerk. Before the Board makes its determination, it shall review or have a consultant review the correctness of all street information and compliance with the Phillipston Zoning By-Laws. If, in the judgment of the Board, consulting services are necessary or appropriate, the applicant shall reimburse the Town for the full cost of such services prior to the endorsement of the plan. Where the physical condition or width of a public way, from which the lots shown on the plan have their access, is considered by the Board to be inadequate either to provide for emergency services or to carry the traffic which is expected, in the opinion of the Board, to be generated by such lots, the Board shall determine that the plan does require approval under the Subdivision Control Law. Where the Board determines that in its opinion adequate access (as contemplated by section 81M of the Subdivision Control Law and Section I.B. of these regulations) does not exist, then the Board shall determine that the plan does require approval under the Subdivision Control Law.
3. If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the applicant of its action within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the subdivision control law is not required.

II.C. Basic Requirements

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of utilities and municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Board as hereinafter provided, and subsequently recorded at the Worcester County Registry of Deeds and, in the case of registered land, with the recorder of the Land Court.

II.D. Zoning

Subdivisions shall meet the requirements pertaining to lot size, frontage, and all other requirements under existing zoning laws. No subdivision rules can dictate the size, shape, width, frontage or use of lots except that they shall be in compliance with all applicable zoning requirements.

II.E. One Dwelling Per Lot

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 consent of the Planning Board. Such consent shall be conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision.

II.F. Engineering

The Definitive Plan shall be prepared by a Registered Land Surveyor. Construction details shall be designed by a Registered Professional Engineer.

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SECTION III. PRELIMINARY PLAN

III.A. General

Prior to the submission of a Preliminary Plan, a developer is encouraged to discuss his/her intentions with the Board. A Preliminary Plan of a subdivision may be submitted by the applicant for discussion and approval by the Board. The submission of such a Preliminary Plan will enable the applicant, the Board, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such a subdivision before a Definitive Plan is prepared. Such plan must be filed to allow the Board forty-five (45) days in which to study and make recommendations toward the preparation of the Definitive Plan. It is strongly recommended that a Preliminary Plan be filed in every case, especially where the developer intends to submit a series of Definitive Plans for approval over a period of time, or where the developer intends to develop only part of the total contiguous parcel. In this case, the Preliminary Plan shall show the future intended use or alternate uses for that part of the parcel not to be developed at the present time. In both cases, the Preliminary Plan will show proposed divisions, uses, and other improvements of the entire contiguous parcel. Prior to submission of the Preliminary Plan to the Planning Board and the Board of Health for approval, the applicant should discuss the Plan with the Board of Selectmen, Conservation Commission, School Committee, Fire Department, Police Department, Zoning Board of Appeals and Highway Department to obtain their recommendations. These recommendations may be incorporated in the Preliminary Plan with any changes and additions suggested by the Board.

III.B. Filing Procedure

Any person submitting a Preliminary Plan of a subdivision to the Planning Board for approval shall file with the Board, in both electronic and hard copy formats, the following:

1. a reproducible original and twelve (12) copies of his/her Preliminary Plan, which shall be on one or more sheets not larger than twenty-four inches by 36 inches (24" X 36") in size. at least three (3) of these copies shall have the significant features illustrated according to the following color scheme:

- Roads - dark gray;
- Streams and waterbodies - blue;
- Wetlands - solid red;
- Wetlands 100' buffer zone - dotted red;
- One hundred year flood plains - orange;
- Open space and recreation areas - green;
- Pedestrian and bicycle paths - brown;
- Subdivision boundaries - black;

2. The filing fee shall be \$250.00 per preliminary plan. The fee shall be in the form of a certified check or money order to the Town of Phillipston.
3. application Form B, appended hereto, signed by the applicant and providing all information requested;
4. twelve (12) copies of a draft Development Impact Statement.

The applicant shall also file one copy each of the plan, application Form B, and the draft Development Impact Statement with the Board of Health and obtain a receipt there for, using Form K appended hereto.

In addition, the applicant shall provide written notice to the Town Clerk by personal delivery in hand or by registered mail, with return receipt requested. Said notice shall state the date of submission to the Planning Board of items III.B.1 through III.B.4 above, and shall be accompanied by one copy each of the Preliminary Plan, application Form B, and the draft development Impact Statement. If notice is given by delivery the Clerk shall, if requested, give a written receipt there for to the person who delivered such notice.

If, in the judgment of the board, consulting services are necessary or appropriate, the applicant shall, prior to a determination on the Preliminary Plan by the Board, reimburse the Town for the full cost of such services. All such consultants shall be selected by the Board. Reimbursement shall be by certified check or money order made payable to "Town of Phillipston, Massachusetts."

III.C. Contents

The Preliminary Plan shall be at a scale of one inch equals forty feet (1" = 40') for subdivisions of less than fifty (50) lots, and one inch equals eighty feet (1" = 80') for subdivisions of more than fifty lots. The Preliminary Plan shall show the following:

1. the subdivision name, boundaries, north point, date, scale, legend, and title "Preliminary Plan;"
2. the names, addresses, and telephone numbers of the record owner, applicant, engineer, and surveyor;
3. the full names and mailing addresses of all abutters, as determined from the most recent local tax list;
4. the existing and proposed lines of streets, ways, easements, and any public areas within the subdivision in a general manner;
5. the proposed system of drainage, including adjacent existing natural waterways, in a general manner;

6. the approximate boundary lines of proposed lots, with approximate areas and dimensions;
7. the names, approximate location, and widths of adjacent streets;
8. the topography of the land in a general manner, with contour intervals of five (5) feet or less.
9. other major site features, such as swamps, bodies of water, wetlands, flood plains, stone walls, fences, buildings, and rock outcroppings;
10. an index plan at a scale of one inch equals two hundred feet (1" = 200') whenever multiple sheets are used;
11. a key plan at a scale of one inch equals one thousand feet (1" = 1000') on all preliminary plans.

III.D. Approval

The Preliminary Plan, when submitted, will be studied to determine if it is in compliance with these Regulations. Within forty-five (45) days after submission, the Board shall approve, disapprove, or approve with modification the Preliminary Plan, noting thereon any changes that should be made. In the case of disapproval, the Board shall state in detail its reasons therefore. The Board shall notify the applicant of its action by registered mail, with return receipt requested, and shall also notify the Town Clerk in writing. One copy of the Plan shall be returned to the applicant and the others retained by the Board. Approval of the Preliminary Plan does not constitute approval of the subdivision but does facilitate the procedure in securing approval of the Definitive Plan.

END OF SECTION III

SECTION IV. DEFINITIVE PLAN

IV.A. General

A Definitive Plan shall be governed by the Subdivision Regulations in effect at the time of submission of such plan, or in effect at the time of the submission of a Preliminary Plan provided that a Definitive Plan evolved there from shall have been submitted to the Planning Board within seven (7) months from the date of submission of the Preliminary Plan.

A Definitive Plan shall be governed by the zoning in effect at the time of submission of such plan or a Preliminary Plan from which a Definitive Plan has evolved in accordance with the provisions of Section 6 of Chapter 40A of the General Laws of the Commonwealth.

IV.B. Filing Procedure

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board at a regularly scheduled meeting, in both electronic and hard copy formats, the following:

1. one original drawing of the Definitive Plan Map; the original drawing and the original of the Development Impact Statement shall be reserved for signatures to be returned to the applicant after approval or disapproval by the Planning Board;
2. twelve (12) contact prints (dark line on white background) made from the original drawing; at least three (3) of these prints shall have the significant features clearly labeled according to the following color scheme:

Roads - dark gray;
Streams and waterbodies - blue;
Wetlands - solid red;
Wetlands 100' buffer zone - dotted red;
One hundred year flood plains - orange;
Aquifer recharge areas - cross-hatched
Open space and recreation areas - green;
Pedestrian and bicycle paths - brown;
Subdivision boundaries - black;

3. filing fee in the amount of \$200 per lot if a Preliminary Plan was filed or \$500 per lot if no Preliminary Plan was filed (e.g. two hundred dollars or five hundred dollars) times the number of lots shown on the Definitive Plan; lots marked "This is not a building lot" will not be included in calculating the filing fee). The filing fee shall be in the form of a certified check or money order made payable to "Town of Phillipston, Massachusetts;" or written evidence that said filing fee has been paid to an appropriate Town official;
4. application Form C, appended hereto, signed by the applicant and providing all information requested;

5. an original and twelve (12) copies of a Development Impact Statement, prepared by the developer in accordance with the requirements of Section VIII.
6. Designer's Certificate Form D, appended hereto, signed by a registered engineer and registered land surveyor and providing all information requested.
7. Certified List of Abutters Form F, appended hereto, signed by the applicant and providing all information requested. The aforesaid information shall also be provided on mailing labels.

The applicant shall also file one copy each of the Definitive Plan Map, application Form C, and the Development Impact Statement with the Board of Health and obtain a receipt therefore, using Form K appended hereto.

In addition, the applicant shall provide written notice to the Town Clerk by personal delivery in hand or by registered mail, with return receipt requested. Said notice shall state the date of submission to the Planning Board of items IV.B.1 through IV.B.7 above, and shall be accompanied by one copy each of the Definitive Plan Map, application Form C, and the Development Impact Statement. If the notice is given by delivery the Clerk shall, if requested, give a written receipt therefore to the person who delivered such notice.

If, in the judgment of the Board, consulting services are necessary or appropriate, the applicant shall, prior to a determination on the Definitive Plan by the Board, reimburse the Town for the full cost of such services. All such consultants shall be selected by the Board. Reimbursement shall be by certified check or money order, made payable to "Town of Phillipston, Massachusetts."

IV.C. Contents

The Definitive Plan Map shall be clearly and legibly drawn in black India ink upon Mylar. The plan shall be at a scale of one inch equals forty feet (1" = 40') or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes may not exceed thirty-six by forty-two inches (36" x 42") for construction plans and shall be no larger than twenty-four by thirty-six inches (24" x 36") for those sheets of the Definitive Plan that are to be recorded in the Worcester County Registry of Deeds. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. Suitable space shall be provided on the plan to record the action of the Board and the signatures of the members of the Board. The data required below may be on separate sheets as clarity and sound practice dictate. The Definitive Plan shall contain the following information:

1. Subdivision name including the way or ways on which it is situated, boundaries, north point, date scale, bench mark, and datum. All elevations shall refer to U.S. Coast and Geodetic Survey benchmarks if within five hundred (500) feet of the subdivision, or, in their absence, to other appropriate datum acceptable to the Board.

2. Legend denoting any signs and symbols used on the plan and not otherwise explained.
2. Name, address, and telephone number of record owner, applicant, and surveyor. The seal and certificate number of the surveyor shall appear on the Definitive Plan.
3. Names of all abutters as they appear in the most recent tax list or a subsequent deed.
4. Key plan, showing location of the subdivision at a scale of one inch equals one thousand feet (1" = 1000') and an accurate index plan at a scale of one inch equals one hundred feet (1" = 100').
5. All information required on the Preliminary Plan.
6. Existing and proposed topography at a two foot contour interval
7. Street frontage, land area, and identification number for each proposed lot.
8. Water courses, one hundred year flood plains, wetlands, ponds, marshes, rock outcrop, stone walls, and other significant natural features.
9. Subsurface conditions on the tract, location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water, and on a separate sheet, location and results of soil percolation tests if individual sewage disposal systems are proposed. These percolation tests shall be: (a) made on each lot within the subdivision; (b) made by and at the expense of the applicant; and (c) shall be in accordance with the Board of Health regulations and the State Sanitary Code as applicable.
10. Size and location of existing and proposed water supply facilities.
11. Size and location of all fire hydrants, pump, water lines between hydrants and pump, and source(s) of water for fire fighting.
12. Location of all the following improvements unless specifically waived in writing by the Board: street paving, sidewalks, street lighting standards, all utilities above and below ground (i.e., electricity, phone, cable TV, gas), curbs, gutters, storm drainage, and all easements (with statement of the purpose of each such easement).
13. A storm drainage system shown including invert and rim elevations of all catch basins and manholes together with surface elevations of all waterways within the subdivision at one hundred (100) foot intervals and approximate depth of water at these points. Surface elevation and approximate depth of water at the annual high water line shown at each point where the drainage pipe ends at a waterway. Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage area and other information sufficient for the Board to check the size of any proposed drain, culvert or bridge. Existing storm sewerage should be shown.

14. Existing and proposed lines of streets ways, easements, and public or common areas within the subdivision. (The proposed names of the proposed streets shall be shown in pencil until they have been approved by the Board.)
15. Data concerning the length, radii, and central angles of all horizontal curves; the location, bearing, and length of every street and way line, all lot and boundary lines, sufficient to permit reproduction of the same on the ground. The total length of each street shall be stated. All bearings are to be referred to a magnetic meridian, an established deed, or some appropriate meridian. Wherever a boundary line of the subdivision is within five hundred feet (500') of a Massachusetts Coordinate Survey Monument, the survey of the subdivision shall be tied to said monument or monuments.
- 15a. All plans shall be the result of an actual on the ground survey pursuant to CMR 250 Rules and Regulations Governing Standards for the Practice of Land Surveying.
16. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest town, county or state monument on an accepted way, and monuments at all points of curvature and changes in direction of street side lines, or where designated by the Board.
17. Location, names, and present widths of streets bounding, approaching or within reasonable proximity of the subdivision and street lines to the access road leading from the subdivision to the nearest public road.
18. A sketch plan, acceptable to the Board, showing a possible or prospective street layout for any adjacent land owned or controlled by the owner or the applicant of the subdivision.
19. Profiles of proposed streets shall be drawn with:
 - a. A horizontal scale of one inch to forty feet (1" = 40') and a vertical scale of one inch to four feet (1" = 4').
 - b. Existing grade of road center line in fine black solid line.
 - c. All elevations based on the U.S. Coast and Geodetic Survey bench marks, or, in their absence, an appropriate datum.
 - d. Proposed center line grades with precise elevations at PVC, PVT, high point, and low point with precise stationing.
 - e. Rates of gradient shown in percentages.
 - f. All existing intersection walks, driveways, and basements shown on both sides.

- g. All center lines, street lines, and curb lines of streets for two hundred feet (200') either side of each intersection on a connecting street.
 - h. Profiles showing vertical location of existing and proposed drainage lines and other utility crossings as well as required new waterways. Sizes of all pipes, slopes of all storm and sanitary lines, invert and rim elevation of each manhole or catch basin shall be shown. Profiles shall include proposed lines even if the new work is outside the subdivision. Water mains (for fire protection) will be shown in profile to demonstrate sufficient cover and clearance of their structures.
21. Cross sections and construction details shall include:
- a. Roadway section showing paving, crown, berm, shoulder, tie to R/W line, width, walk and all other components or features.
 - b. Details for catch basins, manholes, end-walls and all other components or features, with specific references to the appropriate sections of the State Construction Standards.
 - c. Drainage trench or waterway relocation section.

IV.D. Performance Guarantee

1. Amount of Guarantee

Before endorsement of approval of a Definitive Plan for a subdivision, the applicant shall provide a performance guarantee in accordance with this Section IV.D. in an amount which, in the judgment of the Board, is sufficient to cover all of the following:

- a. the cost of improvements;
 - b. reimbursement to the Town for the full cost of all supervision, inspection, and consulting services provided by the Town or the Board;
 - c. a fifteen (15) percent contingency fund. The contingency fund shall be calculated by first totaling the amounts estimated by the Board to cover the costs in Sections IV.D.1.a and IV.D.1.b above and multiplying that total times 1.15. The formula shall be as follows: (cost of improvements + reimbursement to the Town) x 1.15 = amount of performance guarantee.
2. Approval with Bond, Money, or Negotiable Securities (Use Forms G or H appended hereto).

The applicant may file a performance bond secured by surety, or deposit money or negotiable securities. Such bond or money or negotiable securities must be approved as to form and manner of execution by the Town counsel or counsel to the Board, and as to sureties by the Board of Selectmen, and shall be contingent on the completion of

such improvements within two (2) years of the date of the bond or the date of deposit of money or negotiable securities.

If the Board shall decide at any time during said two-year term that:

- a. improvements have been installed in a manner satisfactory to the Board in sufficient amount to warrant reductions in the face amount of such bond or the amount of money or negotiable securities; or,
- b. the character and extent of the subdivision requires additional improvements, including but not limited to any improvements previously waived; or
- c. the Board revises its estimates of the costs for Sections IV.D.1. or IV.D.2 above;

then the Board may modify its requirements for any or all such improvements and the face value of such performance bond or amount of money or negotiable securities shall thereupon be reduced or increased respectively by an amount determined by the Board.

3. Approval with a Covenant (Use Forms I and J appended hereto.)

Instead of filing a bond or depositing money or negotiable securities, applicant may request approval of his/her Definitive Plan on condition that a covenant running with the land will be duly executed and recorded and inscribed on the Plan, or on a separate document referred to on the Plan. Such covenant shall provide in part that no lot may be built upon or sold until all of the improvements required by the Board have been completed and approved as provided hereafter.

In this case, before endorsement of approval of a Definitive Plan, there shall be filed by the applicant a properly executed Approval with Covenant Contract (use Form I appended hereto) in accordance with Section IV.B.

Prior to delivering to the applicant a Certificate of Performance (use Form J) whereby the restrictions relating to the lot or lots listed therein shall be terminated, the Board shall determine to its satisfaction that such improvements have been completed so as to adequately serve such lot or lots, in part by requiring that the applicant submit to the Board the following:

- a. Written evidence from a registered engineer appointed by the Board that the streets conform to the Planning Board requirements in accordance with the approved Definitive Plan.
- b. Written evidence from the Chief of the Fire Department and from a registered engineer appointed by the Board that the fire hydrants, well or other water source, pipes, pump, and pump house conform to the Planning Board requirements in accordance with the approved Definitive Plan.

- c. A certificate from a registered surveyor, appointed by the Board, that all permanent bounds and monuments as specified in Section IV.C.18. on all street lines and on the lot or lots to be released are in place and are accurately located in accordance with the approved Definitive Plan. As provided in these regulations, the developer shall reimburse the Town for the cost of the registered surveyor's services.
 - d. Written evidence from one or more consultants appointed by the Board that all other improvements serving the lot or lots to be released conform to Planning Board requirements in accordance with the approved Definitive Plan.
 - e. A performance bond secured by surety or by money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of surfacing and any remaining or uncompleted work (if not already completed as allowed in Sections IV.D.3.a through IV.D.3.d) and approved as to form and securities by the Town Administrator, conditioned on the completion of the remaining improvements within one year of the date of the bond or the date of deposit of money or negotiable securities. Release of the bond, money or negotiable securities shall be subject to the written approval of a registered engineer that the work has been completed in accordance with requirements.
 - f. A completed Certificate of Performance (use Form J) for signature by a majority of the Board, if approved.
 - g. Upon completion of such required improvements the applicant shall so notify the Board and the Town Clerk, by personal delivery in hand or by registered mail, with return receipt requested, requesting release from such covenant. The Board shall act on such request within forty-five days.
4. Approval with a Mortgage Agreement

Following the recording of a first mortgage covering the premises shown on the Definitive Plan or a portion thereof given as security for advances to be made to the applicant by the lender, the Board may, at its option, release lots from the operation of the covenant given pursuant to Section IV.D.3. without receipt of a bond or deposit of money or negotiable securities, upon delivery to the Board of an agreement with said Board, which shall be executed by the applicant and the lender and shall provide for retention by the lender of sufficient funds otherwise due the applicant to secure the construction of all improvements required by the Board in accordance with the approved Definitive Plan. Said agreement shall also provide for a schedule of disbursement which may be made to the applicant upon completion of various steps of the work (based upon written evidence in accordance with Sections IV.D.3.a. through IV.D.3.d. above), and work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available to the Town of Phillipston for completion of the unfinished work and correction of deficiencies.

5. Final Release of Performance Guarantee

Full security, in whatever form provided, shall not be released by the Selectmen until they receive written certification from the Planning Board of the following: the integrity of road pavement, drainage and other improvements have been verified by one full calendar year of use or existence; provisions for the continued maintenance of improvements have been accepted by the Board; the recorded plans have been received; and the Town has been reimbursed for the full cost of consulting services.

IV.E. Suitability of the Land

1. Board of Health Review

a. Report to Planning Board

When a Definitive Plan of a subdivision is submitted to the Board, a copy thereof shall also be filed with the Board of Health as provided in Section IV.B. The Board of Health shall, within forty-five (45) days after the plan is so filed, report in writing to the Planning Board its approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown in such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in its report to the Planning Board, and where possible, shall make recommendations for the adjustment thereof. The Board of Health shall send to the applicant by registered mail, with return receipt requested, a copy of its report to the Planning Board. Failure to so report shall be deemed approval by the Board of Health. In the event approval by the Board of Health is by failure to make a report, the Planning Board shall note on the plan that health approval is by failure to report.

b. Conditions to be Endorsed on Definitive Plan

Any approval of the Definitive Plan by the Planning Board shall only be given on condition that the lots or land as to which such findings were made shall not be built upon without prior written consent of the Board of Health to the Planning Board. The Planning Board shall endorse on the plan such conditions, specifying the lots or land to which said conditions apply.

A Definitive Plan shall be approved by the Planning Board only upon condition that each lot shall be provided with a well, septic tank, and leaching system satisfactory to the Board of Health, and that no dwelling shall be built on any lot without first securing both a well permit and a disposal works construction permit from the Board of Health. Approval of a Definitive Plan for a subdivision by the

Board of Health shall not be treated as, nor deemed to be approval of, a permit for the construction and use on any lot of a well or an individual sewage system; and, such approval of a Definitive Plan shall not be treated as, nor deemed to be, an application for a permit to construct or use a well or an individual sewage system on any lot contained therein.

2. Wetlands Protection Act

No activity of any kind subject to regulation under the Massachusetts Wetlands Protection Act or any local wetlands by-law may be carried out unless approved in accordance with that act and by-law.

In order to determine if the proposed subdivisions, or parts thereof, are subject to the provisions of the Wetlands Protection Act or a local wetlands by-law, the Applicant shall submit a copy of the Definitive Plan to the Conservation Commission, together with a request of determination. The Conservation Commission report should state that the area within the proposed subdivision is (a) not subject to the provisions of the Wetlands Protection Act or a local wetlands by-law, or (b) the Wetlands Protection or a local wetlands by-law applies to certain indicated areas. In the event that in the opinion of the Conservation Commission the Act or by-law does apply, the Planning Board shall include in its decision for approval a condition that the applicant shall obtain approval from the Conservation Commission prior to any activity within the affected areas. If the Conservation Commission does not make a report to the Board, said condition shall provide that no activity of any kind subject to regulation under the Massachusetts Wetlands Protection Act or a local wetlands by-law may be carried out unless approved in accordance with that act and by-law.

The making of a report by the Conservation Commission to the Planning Board concerning a proposed Definitive Plan shall not be treated as, nor deemed to be approval of, an Order of Conditions or any other approval provided by the Wetlands Protection Act or regulations issued there-under, or by any local wetlands by-law; and, a request by the Planning Board for such a report shall not be treated as, nor deemed to be, a Notice of Intent or any other application provided by the Wetlands Protection Act or regulations issued there-under, or by any local wetlands by-law.

3. Review by Other Town Agencies

The Planning Board shall, upon submission of a Definitive Plan, transmit one copy each to the Board of Selectmen, Fire Department, Highway Department, Police Department, and consultants selected by the Board for their review. Comments and recommendations shall be made to the Planning Board within forty-five days following receipt of a copy of the plan.

IV.F. Public Hearing

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Board. Notice (Form E appended hereto) of the time and place, 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 of general circulation in the Town of Phillipston once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list (use Form E appended hereto).

IV.G. Approval, Modification and Approval, or Disapproval

1. After the hearing provided in Section IV.F. above, and after the report of the Board of Health (or lapse of forty-five days without such report) the Planning Board shall approve, modify and approve, or disapprove such plan. A Definitive Plan disapproved by the Board of Health shall not be approved by the Planning Board until the deficiencies noted by the Board of Health have been corrected. In the event of disapproval, the Board shall state in detail wherein the plan does not conform to these Regulations or the recommendations of the Board of Health. In determining whether or not the plan conforms to these regulations, the following criteria shall be considered:
 - a. Completeness and technical adequacy of all submissions;
 - b. Determination that development at this location, as proposed in the Definitive Plan, does not entail unwarranted hazard to the health, safety or welfare of future residents of the subdivision or to others because of possible natural disasters, traffic hazard, or environmental degradation;
 - c. Conformity with the Design Standards included in or cited by these Regulations;
2. The Planning Board shall file a certificate of its action with the Town Clerk, and shall send notice of such action to the applicant by registered mail, with return receipt requested.
3. Time limits for action by Planning Board
 - a. Where a preliminary plan has been submitted and acted upon or where at least forty-five (45) days have elapsed since submission of the preliminary plan, an applicant may file a definitive plan. The failure of the Planning Board either to take final action or to file with the Town Clerk a certificate of such action regarding a definitive plan submitted by an applicant within ninety (90) days after such submission, or ninety (90) days after the postmarked date if the Plan is submitted by mail, or such further time as may be agreed upon at the written request of the applicant shall be deemed to be an approval thereof. Notice of such extension of time shall be filed immediately by the Planning Board with the Town Clerk.

- b. Where no preliminary plan has been submitted and acted upon or where forty-five (45) days have not elapsed since submission of such preliminary plan, and a definitive plan is submitted, the failure of the Planning Board either to take final action or to file with the Town Clerk a certificate of such action regarding a plan submitted by an applicant within one hundred thirty-five (135) days after such submission, or one hundred thirty-five (135) days after the postmarked date if the Plan is submitted by mail, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed immediately by the Planning Board with the Town Clerk.

IV.H. Approval is Not Acceptance

Approval of the Definitive Plan, or subsequent release of security upon completion of construction, does not constitute the laying out or acceptance by the Town of streets and easements within a subdivision. Compliance with the existing Laws of the Commonwealth and by-laws and procedures of the Town of Phillipston are all required before acceptance of any street or easement. Such acceptance is at the discretion of the Town.

IV.I. Endorsement of Plan

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 all of the following events have occurred:

1. the expiration of twenty days without notice of appeal to the superior court, or, if appeal has been taken, the expiration of twenty days after the entry of a final decree of the court sustaining the approval of such plan.
2. the Town shall be reimbursed the full cost of all consulting services rendered up to the time of approval of the plan;
3. a performance guarantee shall be submitted and approved as provided in Section IV.E. of these Regulations; the developer is to provide the Town with a satisfactory performance guarantee within thirty (30) days after the twenty (20) day appeal period has expired, and upon acceptance of the guarantee, the plan will be endorsed within thirty (30) days by the Planning Board.

The plan bearing such endorsement shall be delivered by the Planning Board to the person who submitted such plan. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with twelve (12) prints thereof, and with a reproducible permanent original.

IV.J. Recording of Plan and Notification of the Board

1. Within ten (10) days after the Definitive Plan, as approved and endorsed, has been recorded at the Worcester County Registry of Deeds and in the case of registered land, with the recorder of the Land Court, the applicant shall notify the Board in writing of the date of such recording and provide written evidence of such recording.
2. Upon receipt of notification of recording, the Board shall file one print of the Definitive Plan with the Building Inspector. In accordance with the statute, where approval with covenant is noted thereon, the Building Inspector shall not issue any permit for the construction of a building on any lot within the subdivision without receipt from the Board of a copy of the Certificate of Performance (use Form J appended hereto).

IV.K. Modification, Amendment or Rescission of Plan Approval

The Planning Board, on its own motion or on the petition of any person interested, shall have power to modify, amend or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan. All of the provisions of these regulations relating to the submission and approval of a Definitive Plan shall, so far as apt, be applicable to the approval of the modification, amendment or rescission of such approval. Any such action shall be in accordance with the provisions of section 81-W (and the recording requirements of section 81-X) of Chapter 41 of the General Laws.

END OF SECTION IV

SECTION V. DESIGN STANDARDS

V.A. Basic Requirements

The applicant shall observe all design standards for land division as hereinafter provided. These standards shall be considered minimum standards and shall be varied from or waived only as provided in Section VII. State Construction Standards shall be followed, and all matters left open or undefined in those Standards shall be specified by the Board on a case by case basis. Specification of matters not covered by the State Construction Standards shall be made by the Board or its engineering consultant on a case by case basis, based wherever possible on the publications of the American Association of State Highway and Transportation Officials (AASHTO) or other publications cited in section VII.H. of these regulations.

V.B. Relationship to Town Plans

The design and layout of a proposed subdivision should be guided by the goals and objectives of any existing master plans, village plans, or statements of goals and objectives for the Town of Phillipston.

V.C. Lot Size and Frontage

All lots shall be of such size and dimensions as to meet at least the minimum requirements of the Zoning by-law.

V.D. Protection of Natural Features

All natural features such as trees of over sixteen (16) inch diameter, water courses, one hundred year flood plains, wetlands, ponds and other waterbodies, marshes, stone walls, scenic points, and historic sites shall be preserved.

V.E. Access Through Another Municipality

In case access to a subdivision crosses land in another municipality, the board may require certification, from appropriate authorities, that such access is in accordance with the Master Plan and subdivision requirements of such municipality and that a legally adequate performance bond has been duly posted or that such access is adequately improved to handle prospective traffic.

V.F. Measurements

All measurements shall be expressed in English units.

V.G. Streets

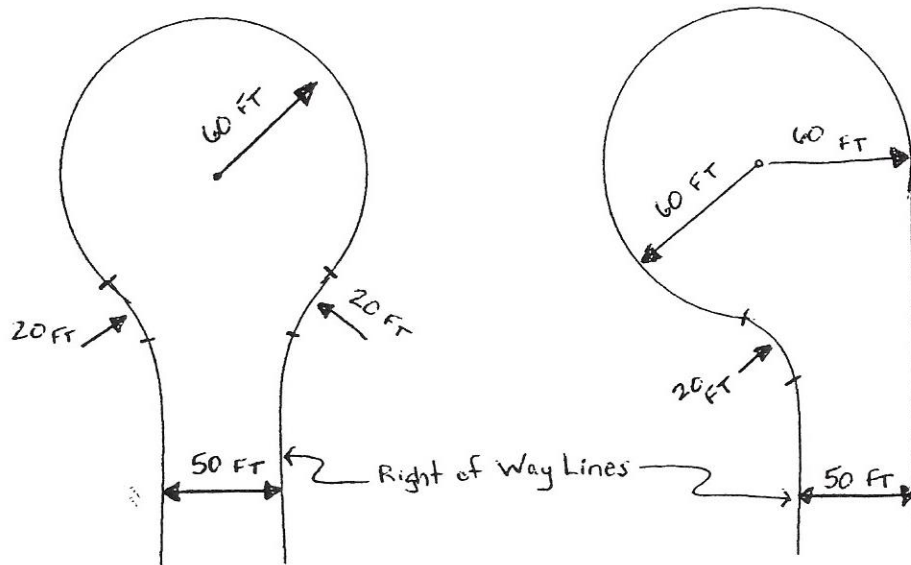
1. Location and Alignment

- a. All streets in the proposed areas to be developed shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel at a design speed of thirty (30) miles per hour. Where minimum standards are not herein specified, AASHTO (American Association of State Highway and Transportation Officials) shall apply.
- b. Streets shall be continuous and in alignment with existing streets so far as practicable and shall comprise a convenient system with connections to insure free circulation of vehicular traffic. This section is intended to enable the Board to ensure both adequate access to the subdivision from adjacent streets and continuity of travel within the subdivision itself. (See Section V.H. of these Regulations concerning adequate access from a public way.)
- c. Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted.
- e. Dead-end streets must meet the following requirements:
 - (1) Any dead-end street shall be provided with a circular turn-around at the end having an outside radius not less than sixty (60) feet. (See Section V.G.1.g.);
 - (2) A dead-end street shall be no longer than five hundred (500) feet, including the turnaround;
 - (3) A dead-end street shall not provide access to more than six (6) lots;
 - (4) Any thoroughfare which joins or intersects a dead-end street shall have adequate access at both ends from a Town, County, or State public way adjacent to the subdivision. (See Section V.H. concerning adequate access from public way); and
 - (5) The Board must be satisfied that there is adequate access to all lots on the dead-end street for fire engines, ambulances and other emergency equipment, even if the street is blocked (such as by events including but not limited to a fallen tree or automobile accident).

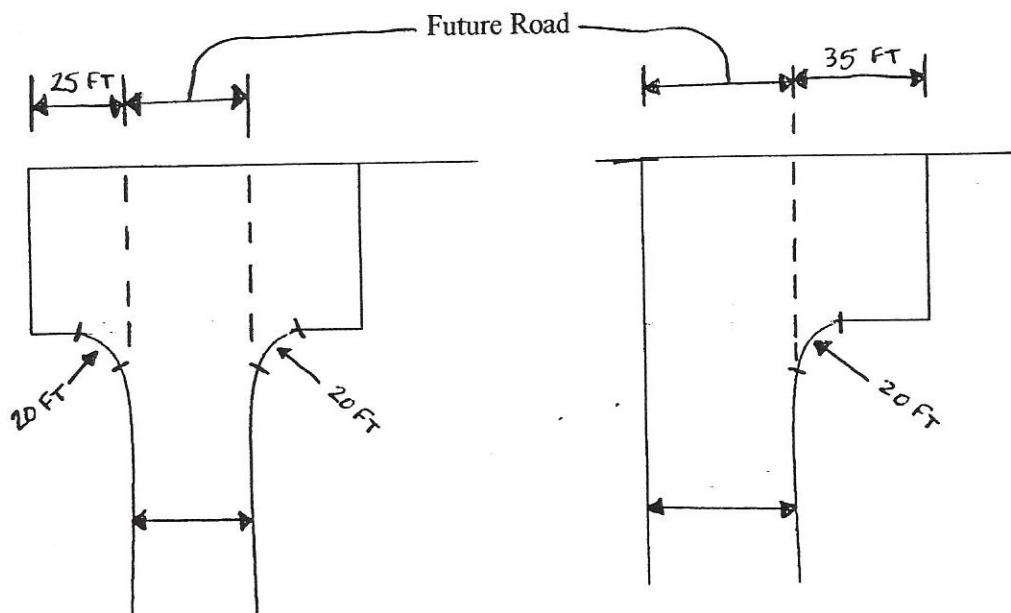
- (6) A dead-end street shall not have a grade of greater than two (2) percent for the last one hundred and fifteen (115) feet at the closed end.
 - f. Property lines at intersections of Major and Secondary Streets shall be cut back to provide for curb radii of not less than thirty (30) feet. For Minor Streets a radius of not less than twenty (20) feet is required.
 - g. This section consists of a chart, entitled "Typical Acceptable Turn-Arounds," which is included in these Regulations, and incorporated herein by reference.
 - h. The road rights-of-way shown on a subdivision plan shall be located on land which slopes at a grade of less than 20 percent as of the date of adoption of this section August 16, 2006.
 - i. In addition to the applicable provisions of the Town of Phillipston's Earth Removal Bylaw, all construction within a road right-of-way shall be located so as to limit the cutting or filling of soil or subsoil to depths of less than 12 feet. The cut or fill depths shall be measured from the pre-construction natural grade to the proposed grades within the right-of-way.
2. This section consists of a table entitled "Right-of-Way and Street Design Standards," which is included in these Regulations and incorporated herein by reference. The Board may, in its discretion, minimum design speeds and maximum grades on a case by case basis. For other design aspects the Board may, in its discretion, require compliance with publications of the American Association of State Highway and Transportation Officials (AASHTO), including but not limited to A Policy on Geometric Design of Highways and Streets
3. Street Jogs
 - a. Streets entering opposite sides of another street shall be laid out either directly opposite each other or with a minimum offset of three hundred (300) feet between their centerlines. This minimum offset shall be observed whenever one or more streets entering opposite sides of another street are existing, whether located within or outside the boundary of the proposed subdivision.
 - b. Streets entering the same side of another street shall be laid out with a minimum distance of one thousand (1,000) feet between their centerlines. This minimum distance shall be observed whenever one or more streets entering the same side of another street are existing, whether located within or outside the boundary of the proposed subdivision.

V. G. 1. g

Typical Acceptable Turn-Arounds



Permanent Cul-de-sacs



Temporary Turn-Around

Right-of-Way and Street Design Standards

Street Classification	Minor	Secondary	Major
-1 Minimum Right-of-Way Width (feet)	40 feet or 50 feet (See note 1)	50 feet	60 feet
-2 Minimum Width (Traveled Way) in feet	20,22,24,26 (See note 1)	24,26,28,30 (See note 1)	40 Paveme (See note
-3 Minimum Radius of Curves (at Center line of Traveled Way) in feet	250 feet	250 feet	600 feet
-4 Minimum Road Crown (in inches)	4	5	6
-5 Minimum Vertical and Horizontal Sight Distance in feet (See note 3)	150	250	450
-6 Minimum Percent Grade	1	1	1
- 7 Maximum Percent Grade	8 (See note 4)	8	5
-8 Roadway Shoulder from Edge of Pave- ment to Bottom of Slope in Substantial Cut (feet)	4	8 (See note 6)	3 (See note
I -9 Roadway Shoulder from Edge of Pave- ment to Top of Slope in a Substantial Fill (feet); with Guard Rail	5	9	4 (See note

Notes:

1. To be determined by Board at the review of the Preliminary Plan.
2. This includes two 12' travel lanes and two 8' paved shoulders.
3. Clear site distance in travel lane at 3.5 feet above pavement.
4. Ten percent may be allowed for short distances.
5. From outside edge of paved shoulder.
6. Actual width to be determined by Board.

4. Intersections

- a. Rights-of-way shall be laid out so as to intersect as nearly as possible at right angles. No right-of-way shall intersect any other right-of-way at less than sixty (60) degrees. The vertical grade of the road shall not exceed a slope of four (4) percent for a minimum distance of one hundred (100) feet from the intersection.
- b. Where the angle of intersection varies more than ten (10) degrees from a right angle, the provisions of Section V.G.4.a. may be modified by the Board to meet site-specific conditions. Horizontal curves on the street centerline shall not begin or end within one hundred (100) feet of the centerline of the intersecting street.

5. Construction Standards

- a. The Applicant shall arrange, perform or contract and pay for all services and material needed for the installation of municipal services, including storm drains, water supply, and fire alarm and their appurtenances and for the construction of streets, including roadbed preparation, pavement, driveway aprons, sidewalks, grass plots, curbing, non-regulating street signs, bounds, fences and guard rails, retaining walls, and erosion and sedimentation control devices and roadside improvement such as slopes and trees. All of these required improvements shall be installed or constructed in accordance with applicable provisions of these Rules and Regulations and as shown on approved definitive plans or as specified in the certificate of Planning Board's approval or in any covenants and agreements executed by the applicant and accepted or approved by the Board.
- b. Streets and Roadways
 1. The entire area of each street or way shall first be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation. Stumps and trees not intended for preservation shall be cleared and shall not be buried. All loam and other yielding material shall be removed from the roadway area to the depth encountered and for the full width of the traveled way. Rock and boulders shall be taken away or broken off to a depth of not less than 12" below the bottom of the subgrade. All drains, public utilities and water mains including individual service laterals shall be installed prior to any further construction of the roadway.
 2. All roadways shall be brought to a finished grade as shown on the profiles of the Definitive Plan and in accordance with the cross-section (see Plate 2) adopted by the Planning Board, and constructed in accordance with Massachusetts Highway Department Standards. At least 18 inches of good, clean bank gravel with no stones larger than 6 inches in diameter shall be placed and compacted, followed by a layer of select gravel of at least 6 inches in thickness, free of all stone over 1-1/2 inches in diameter and free from loam or other foreign material and compacted. All gravel material used

for roadway and sidewalk base shall meet the requirements of MDPW M1.03.0 Type B.

Prior to the construction of gravel base course, the developer shall employ the services of a certified materials testing laboratory for gradation testing and dry density testing (Standard AASHTO Test Designation T99 compaction test method) of gravel material to be used as roadway and sidewalk base for the purpose of evaluating the materials conformance with M1.03.0 and for determining its maximum dry density. Said testing shall be performed at the source of the gravel material and test results shall be forwarded directly to the Planning Board and engineer for review and approval (or disapproval) prior to material delivery to the site. Thereafter, the contractor shall employ the services of a certified materials testing laboratory to obtain in-place samples of the constructed gravel material and perform gradation testing of said samples.

One material gradation analyses of the gravel base material shall be performed for each 500 feet of roadway and sidewalk measured along the centerline of the roadway. A minimum of one test shall be required for all roadways of length 500 feet or less. Nuclear density testing of the constructed gravel base shall be performed at a frequency of one test per 100 feet of roadway. The Board or its agent may require additional testing as it deems necessary. All material test results shall include as a minimum: name, address, phone number of the testing agency; date of sampling; date of testing; laboratory certification number; location from which sample was taken (list the sample source if from the source; list roadway and Station if in-place); summary of results; and test plots. Test results must be found acceptable by the Board and its agent prior to construction of the binder course of pavement. The table below summarizes gravel course testing requirements as described herein.

Material Testing Requirements for Roadway and Sidewalk Gravel

Test	Massachusetts Highway Department (MHD) Reference	Test Frequency
Gradation	Section 405; M1.03.0 Type b; AASHTO T 11 and T 27	Initial sample taken from gravel source Every 500 feet of roadway and sidewalk construction (measured along centerline of roadway) A minimum of one test shall be required for all roadways of length 500 feet or less
Dry Density testing of source material	Standard AASHTO Test Designation T99 compaction test method C	Initial sample taken from gravel source to determine maximum dry density
Nuclear gage density testing of in place material	Section 401.60	In place every 100 feet of roadway and sidewalk construction (measured along centerline of roadway)

3. After the roadway has been finished with the top gravel coat (6" select gravel) and inspected it shall receive the following surface treatment: The roadway shall be paved to a thickness of 4 inches measured after compaction with 2 courses of Class One Bituminous concrete pavement, Type I-1 consisting of a 1.5 inch wearing course and 2.5 inch binder course. (See Detail Plate 2) The aggregate shall be composed, mixed and laid hot in two courses as specified in the "Massachusetts Public Works Specifications, Section 460 for Class I Bituminous Concrete Pavement" as specifically set forth in Section 460.20 to 460.82 or as amended.
4. After road acceptance there shall be no street cuts for five years except in the case of, in the opinion of the Planning Board, an emergency.

C. Municipal and Utility Services

1. Drains, sewer pipes and related equipment, such as manholes and catch basins, shall be constructed in conformity with specifications of the "Standards Specifications for Highways, Bridges, and Waterways," Department of Public Works, Commonwealth of Massachusetts, 1967, as amended.
2. Adequate disposal of surface water shall be provided in the following manner:

- a. Each drainage plan submitted for approval shall be accompanied by a design analysis prepared by a qualified Registered Professional Engineer. The analysis shall clearly indicate all the computations for the drain including determination of pipe size and strength, and a statement concerning the disposition of flow. If the flow is discharged to the ground surface on land not belonging to the applicant then a drainage easement over the ground subject to flow shall be obtained by the applicant, and a statement to that effect shall be included with the design analysis.
- b. A rainfall event having a reoccurrence of 25 years has been selected for design computations for drain lines. Intensities for small areas correspond to the time of concentration for the area. A rainfall event having a frequency of once in 100 years shall be used for roadway culvert design.
- c. Runoff analysis shall be based on NRCS(SCS) methodology presented in TR-55 or TR-20. Pre- and post-development runoff for 2, 10 and 100 year, 24-hour, Type III storm events shall be compared.
- d. Drain pipe size may be calculated by using "Manning's Formula" with a "Kutter's" "n" value of .013 for concrete pipe, and .024 for corrugated metal pipe. For culverts, the minimum size of pipe shall be 12 inches in diameter. The culverts and drains shall be large enough to pass the design storm without surcharge.
- e. All storm drains shall be high density polyethylene of adequate strength, except that, if approved by the Planning Board, other material may be used in off-street locations. Concrete pipe shall be in conformance to the State of Massachusetts Standard Specifications for Highways and Bridges, as amended.
- f. All pipes shall be laid on a slope so that the minimum design velocity with the pipe design shall be 3.0 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 2.0 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 the 12 to 15 feet per second.
- g. All manhole and catch basins are to have interlocking sections and be Standard Precast with either cast iron, aluminum or approved plastic steps spaced 18 inches apart. A water tight seal must be placed

between precast manhole sections. Inverts must be built in both sanitary and storm manholes. Precast sewer manholes shall have rubber "O" ring gaskets. All manholes will be precast and require a water preventing tar coated exterior.

All manhole used on Town streets will be of heavy duty construction with the frame and cover height of at least 8". Covers shall have the words "Drain and Sewer" integrally cast as appropriate.

All brick used in sanitary sewer manholes, including brick used for inverts and raising covers shall conform to A.S.T.M. Standard Specifications for Sewer Brick. Barrel block and cement brick are acceptable in drain manholes only. In case the Town rejects any brick it shall be immediately removed and substituted with an acceptable brick.

All sewer pump stations will be Smith & Loveless, or equal, flooded suction type lift station. Electrical power will be 3 phase.

Mortar used in manholes shall be composed of one part Portland Cement, hydrated lime, and two parts sand, in which the volume of sand shall not exceed three times the sum of the volume of cement and lime. Lime and sand shall conform to A.S.T.M. Standards.

When installing manholes and catch basins, the trench shall be excavated so that there is two feet clear on either side of the structure. Four to six inches of crushed stone shall be placed under the manhole or catch basin and gravel shall be compacted in six inch layers around the structure to secure it firmly. Catch basins will maintain a 4 foot minimum sump. Basin to basin connections will not be allowed and drain manholes must be utilized. Precast catch basin top sections will be 24" x 24".

- h. Catch basins shall be installed on both sides of the roadway on continuous grades at intervals not to exceed 250 feet, at low points and sags in the roadway, near the corners of the roadway at intersecting streets. Such catch basins shall have a five foot inside diameter with a four foot sump (See Detail Plate S 12). Drain pipes shall extend through manholes to the point of discharge, with a manhole being required at every change in direction, slope or diameter in the drain pipe, and at every intersection of drain pipes. All catch basins shall discharge into the drain through a manhole.
- i. The pipe trench shall be excavated to the required line and grade shown on the approved plan including earth, boulders and ledge. Trenches for storm drains shall be no wider than the outside diameter

of the pipe plus 16 inches for pipes through 18 inches nominal diameter, and the outside diameter plus 24 inches for pipe larger than 18 inches. 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 be sheeted as necessary to avoid cave-ins and sloughing.

- j. All excavations shall be properly barricaded and lighted at night where they are close to pedestrian or vehicular traffic. Before any pipe is placed in a newly constructed fill, the Contractor shall, as directed, place the fill 2 feet above the top of the pipe after which the pipe trench may be excavated. If any cross pipes, conduits, drains or other unforeseen obstacles are encountered in the excavation which cannot be relocated, the drain shall be redesigned to avoid the obstruction in a manner suitable to the Planning Board or its Agent or Consultant Engineer. Possible obstructions to the line shall be investigated prior to the construction of the drain in its immediate vicinity.
- k. Trenches may be excavated with a flat bottom, but the full length of the pipe, except the bell, must rest upon undisturbed soil except as hereinafter specified. Where trenches have been over-excavated, a selected earth or gravel foundation, thoroughly compacted, shall be provided for proper pipe bedding. Soil, which is considered to be unstable by the Planning Board or its Agent or Consultant Engineer, shall be removed to a depth of not less than 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.
- l. Pipe shall be laid starting with the downstream end. Laser, transit, or other approved devices shall be provided to insure that the pipe is laid true to line and grade. Reference bench marks 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 parts clean sharp sand. Jute shall be required on joints of all pipes 15 inches or larger. Lime may be added up to 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 the inverts match, and the peripheral space shall be filled with stiff mortar. All mortar squeezed out on the inside of the pipe shall be removed before it sets.

- m. 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 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 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 6 inch layers with each layer compacted to the density of the surrounding soil. Pavement and base course materials removed during the excavation process shall be replaced with pavement and base course to match those removed. No old pavement shall be backfilled into trenches. When, in the opinion of the Planning Board or its Agent or Consultant Engineer, the excavation is deep enough to warrant it, temporary pavement shall be provided as directed. Trenches not in pavement shall be left in mounded condition as directed by the Planning Board or its Agent or Consultant Engineer.
- n. Security bars shall be provided at the entrance and outface of all culverts or open pipe drains. Bars shall be constructed according to a design approved by the Planning Board or its Agent or Consultant Engineer, and the grate shall be installed in a manner approved by the Planning Board or its Agent or Consultant Engineer. A suitable drawing of the grate and method of installation shall be submitted for approval with the plans for the drains and appurtenances.
- o. Concrete or Field Stone masonry headwalls shall be provided at both ends of culverts and the discharge ends of storm drains.
- p. The discharge ends of all drains with flowing full velocities of 4 feet per second or more shall be protected with bank/apron protection of a width not less than 10 times the nominal pipe diameter from the end of the discharge pipe. The bank/apron protection for exit velocities of 10 feet per second or less shall be composed of a layer of stones 12 inches in thickness or more, placed upon a bed of sand and gravel 6 inches in thickness. The stones shall be sized so that not less than 60 percent shall have a dimension of 12 inches or more. The stones after being laid shall be carefully chinked by hand to make a reasonably smooth and shaped surface. Where exit velocities are greater than 10 feet per second, the thickness of stones and the dimensions of the individual pieces shall be sized to prevent displacement by the flow. In this case, details shall be submitted to the Planning Board or its Agent or Consultant Engineer for approval. In addition, bank/apron protection will be required for all drainage channels having design flow velocities

greater than five (5) feet per second and for any change in direction or intersection of drainage channels.

D. Sidewalks and Bikeways

1. All sidewalks shall be designed in conformance with conditions specified by the Architectural Access Board and the Americans with Disabilities Act of 1990, 42 U.S.C. §1201 *et seq.* All sidewalks shall have a 5 foot minimum width.
2. Sidewalks and bikeways shall be separated from the roadway by a strip of land loamed and seeded and may be included within or outside the road right-of-way (ROW) in accordance with Section VI. C. If located within the street ROW, sidewalks and/or bikeways shall be located as close as possible to the outside line of the right-of-way.
3. Sidewalks and bikeways shall be in accordance with either specification below:
 - a. Cement Concrete Sidewalks shall be 4" thick, 2,500-pound cement concrete, reinforced with No. 10, 6" x 6" mesh, and wood float finished, laid on a base of at least 8" of well compacted bank gravel. An expansion joint (3/4" open) shall be provided at least every 20'. Dividing joints shall be scored into walk every 4'. Base gravel material shall be in accordance with the specifications outlined above for street construction, provided that no stone shall have a dimension in excess of 2". It shall be thoroughly compacted, using a sidewalk roller weighing at least two tons.
 - b. Bituminous Concrete Sidewalk foundation shall be 8" of bank gravel as specified in (a) above (material and compaction). The wearing surface shall be laid in two courses, a 2" binder course and a 1" top course, the thickness to be measured after compaction. The material and application shall conform to the specifications for roadway surfacing. All edges of the walks shall be formed with wood screens, which are securely anchored and left in place.
4. The following design guidelines shall be observed during the construction of bikeways:
 - a. Minimum pavement width: 8 feet.
 - b. Maximum grade: 8%.
 - c. Minimum center line radius: 25 feet.
 - d. Vertical curbs shall be required for changes in grade that exceed 2%. Curb cuts shall be provided at the intersection of bikeways and streets.

- e. Signs of a design approved by the Board shall clearly mark each "Bikeway."

E. Curbs

1. Curbing is required on both sides of all roadways and shall be one of the types specified by the Planning Board.
2. Approved types of Curbing.
 - a. Bituminous concrete berm "Modified Cape Cod Berm".
3. The area in back of the sidewalk shall be sloped at the rate of three to one (maximum) to a point where it precisely coincides with the finished grade of abutting lots.
4. On all areas within roadway, walkway, and bikeway right-of-ways except areas not receiving surface treatment or areas requested by the Board to be left in a "natural condition" the ground shall be cleared and grubbed and at least 6 inches of an approved loam topsoil shall be applied. These areas shall be protected from erosion and seeded with an acceptable uniform, and healthy growth and until building construction has been completed.

No removal of loam from the development shall be made until a 6-inch thickness of loam shall be provided throughout the entire area of all lots and on the planting strips along the roadway. Only such areas as roadways, driveways, building sites and areas requiring filling may be stripped of topsoil. Areas on a lot where cut or fill is not required for construction of the buildings on that lot shall not be stripped of topsoil. Only after the above requirements have been met may surplus loam be removed from the site.

F. Clean Up

1. Upon completion of all work in the subdivision, or when directed by the Planning Board, the Applicant shall remove from the streets and adjoining property, all temporary structures and all surplus material and such rubbish which may have accumulated during construction, and shall leave the work in a neat and orderly condition.

The stormwater system shall be cleaned by the Applicant to the satisfaction of the Planning Board prior to final release of any security or to final release from any terms of the covenant.

V.H. Adequate Access from Public Way

1. Where the street system within a subdivision does not connect with or have, in the opinion of the Board, adequate access from a Town, County or State public way, the Board may require, as a condition of approval of a plan, that such adequate access be provided by the applicant, and/or that the applicant make physical improvement of access to and within such a way, in accord with the provisions of these Regulations, either from the boundary of the subdivision to a Town, County or State public way, or along such public way for a distance which, in the opinion of the Board, is sufficient to provide adequate access to the subdivision.
2. Where the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to either provide for emergency services or carry the traffic which is expected, in the opinion of the Board, to be generated by such subdivision, the Board may require the applicant to dedicate a strip of land for the purpose of widening the abutting public way to a width at least commensurate with that required within the subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for purpose of way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the applicant.

V.I. Easements and Restrictions

1. Layout of Easements
 - a. Easements shall be continuous from lot to lot and from street to street unless, in the opinion of the Board, topography or other special conditions make such continuity impossible. Such easements shall be along rear or side lot lines; and shall create as few irregularities as possible.
 - b. Utility and drain easements (Use Form N appended hereto) shall follow lot lines, and shall be not less than twenty (20) feet in width.
 - c. Easements for different purposes (such as utility or drainage easements) may be adjacent, but shall not overlap or occupy the same area.
2. Conservation Restrictions
 - a. Watercourses, drainage ways, channels or streams shall be located within easements conforming substantially with the lines of their courses, whose width shall be not less than twenty (20) feet and whose boundaries shall not be closer than six (6) feet horizontally from the one hundred year flood plain. Wetlands shall be located within easements whose boundaries shall be not closer than 100 feet from the boundaries of the wetlands. No building shall be constructed and no

paving or other activity shall be permitted within such easement except as permitted under the Zoning by-law, the Massachusetts Wetlands Protection Act, and any local wetlands bylaw.

- b. In any subdivision, the developer may grant to the Town a conservation restriction over any portion of the subdivision providing the area subject to the restriction has the approval of the Conservation Commission and the Board of Selectmen (Use Form M appended hereto).

3. Open Space

- a. Before approval of a plan, the Board shall also require the plan to show a park or parks suitably located for playground or recreation purposes. The park or parks shall be of reasonable size, but not less than five (5) percent of the area of the land to be subdivided. The Board shall by appropriate endorsement on the plan require that no building may be erected on such park or parks without its approval.
- b. Land designated for open space or park purposes shall not include wetlands, ledge, or other land unsuitable for playground or recreation use.
- c. Any open space, park, or playground shall be provided with a minimum of one hundred (100) feet continuous frontage on a street. Pedestrian ways will be required to provide access from each of the surrounding streets, if any, on which the open space, park, or playground has no frontage. Further, such parks and playgrounds may be required to have maintenance provided for by covenants and agreements acceptable to the Board, until such time (if any) as public acquisition may be accomplished by the community, but in no case longer than three (3) years.

V.J. Sewerage

1. Septic Disposal Systems

No lot shall be built upon without the provision of on-lot sewage disposal facilities specifically approved by the Board of Health.

2. Storm Sewers

- a. Design storm intensity for surface runoff shall be calculated according to the methodology set forth in Technical Release Number 55, entitled "Urban Hydrology for Small Watersheds," by the Soil Conservation Service of the U.S. Department of Agriculture, or such other methodology as the Board may, in its discretion, approve. All tributary areas shall be assumed to be fully developed in accordance with the Zoning By-Law unless publicly owned or deed restricted. Water velocities in pipes and paved gutters shall be between two (2) and ten (10) feet per second, and not more than five (5) feet per second on unpaved surfaces.

Facility design shall be as follows:

Street surface drainage (storm sewers, swales) -- 25 year storm

Detention basins -- 50 year storm

Watercourses, drainage ways, channels or streams -- 100 year storm

Culverts, bridges, other water crossings -- 100 year storm

- b. Minimum size of pipe for surface runoff shall be twelve (12) inches ID. Footing drain and subdrain connection pipe size shall be a minimum of six (6) inches ID.
- c. Connection of footing drain, roof drains, or storm drains to a septic disposal system is prohibited.
- d. Maximum distance between manholes shall be 300 feet. Maximum distance for street runoff to travel along a berm or gutter to a catch basin shall be 300 feet. Maximum distance between a catch basin and manhole shall be 300 feet.
- e. Catch basins will be placed at street intersections to intercept surface runoff, and will be placed to prevent water from crossing the streets. Catch basins shall not be designed in series (e.g. no catch basin shall drain to another catch basin).
- f. Proper drainage design includes appropriate storm lines and channels to accommodate properties "upstream" and appropriate structures to preclude "downstream" damage to adjacent properties.
- g. Where a portion of a subdivision lies within an aquifer recharge area, storm drainage shall be directed, when appropriate in the opinion of the Board, to retention basins in order to artificially recharge the ground system.
- h. Peak stream flows and run-off at the boundaries of the subdivision development in a twenty-five (25) year storm shall be no higher following development than prior to development. This provision may, in the discretion of the Board, be waived by the Board following consultation with the Conservation Commission and consideration of the ability of receiving wetlands or water bodies to absorb the increase and the consequences of providing detention capacity.

V.K. Water Supply

1. Water Wells

No lot shall be built upon without the provision of on-lot water facilities specifically approved by the Board of Health.

2. Fire Hydrants (See Section IV.C.12 for Contents of Definitive Plan)

- a. Minimum distance from the buildings (except for the pump house as provided in this Section V.J.2) shall be forty (40) feet.

- b. Maximum distance between hydrants shall be eight hundred (800) feet measured along the access route, provided however, that at least one hydrant shall be located on each street.
- c. Minimum size of hydrant branch is six (6) inches ID (inside diameter).
- d. Hydrants shall be supplied with water by a well or other water source (such as a pond within the subdivision with an all-weather way for access) provided by the applicant, with pipes between hydrants and a pump capable of supplying to the hydrants one thousand six hundred (1600) gallons per minute for a period of at least twenty-four (24) hours. The pump and associated equipment shall be housed in a pump house with insulation and heating sufficient to protect the pump from freezing at temperatures down to -25 degrees Fahrenheit (-31.6 degrees Centigrade). One hydrant shall be located at the pump house.
- e. Maximum distance from any structure to a hydrant shall be 500 feet measured along the street.

END OF SECTION V

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SECTION VI. REQUIRED IMPROVEMENTS

VI.A. Basic Requirements

The applicant shall provide all of the improvements required herein and installed at his/her own expense. All work done under this section shall be done under the direction of the Board, including registered engineer(s) and any other consultants appointed by the Board. The applicant shall promptly reimburse the Town for the full amount of the cost of such engineer(s) and other consultants. All such costs shall be paid within thirty (30) days of the mailing date to the applicant. The Planning Board reserves the right to issue a cease and desist order in the event full payment is not made.

No performance guarantee under Section IV.D. shall be released until 1) all streets and all other improvements shall have been in place over at least one winter (December 1 through April 15); 2) full approval in writing of all work done under this section is received from the Board's engineer(s) and any other consultants; and 3) a cashier's check or money order, payable to "Town of Phillipston, Massachusetts," has been received to provide reimbursement for the full amount of the cost of such engineer(s) and other consultants.

In addition to the Mass. DPW Construction Standards, the following minimum specifications shall govern the installation of all roadways, utilities, and other improvements in all subdivisions.

VI.B. Clearing and Grubbing Right-of-Way

Trees over eight (8) inches diameter located at least five (5) feet from the proposed edge of pavement shall require permission of the Board if removal is desired by the developer. All other trees, shrubs, stumps, brush, roots, boulders, and like material shall be removed within the right-of-way as dictated by sound design and landscaping.

VI.C. Responsibility

The responsibility for adequate drainage shall rest with the developer. This shall include the risk involved in connecting with existing drainage facilities (if any) provided by the Town.

Where property adjacent to the subdivision, but within the same watershed, is not subdivided, provision shall be made for proper projection of the drainage systems by continuing appropriate drains and easements to the exterior boundaries of the subdivision at such size and grade as will allow for such projection. Drainage rights which are appropriate, sufficient, and necessary to handle drainage from the subdivision and adjacent areas shall be secured for the Town.

VI.D. Sewage Disposal Facilities

A Definitive Plan may be approved without provision of sanitary sewers, provided that no lot shall be built upon without the provision of on-lot sewage disposal facilities specifically

approved by the Board of Health in conformity with the regulations of said board as promulgated and amended from time to time.

VI.E. Water for Other than Fire Fighting Purposes

A Definitive Plan may be approved without provision of water lines (except required lines to fire hydrants) provided that no lot shall be built upon without the provision of on-lot water facilities specifically approved by the Board of Health in conformity with regulations of said Board as promulgated and amended from time to time.

VI.F. Utilities

All gas, telephone, electricity, cable antenna, television, and other utility lines installed underground, if located within a one hundred year flood plain, transformers, switching equipment, and all other components, shall be flood proofed and approved by a registered engineer appointed by the Board. The applicant shall promptly reimburse the Town for the full amount of the cost of such engineer.

VI.G. Road, Berm, and Curb Cuts

Wherever a sidewalk or bicycle path intersects a roadway, curb cuts shall be provided. Roadways, berms, curbs, curb cuts, and shoulders will be constructed in accordance with State Construction Standards.

VI.H. Sidewalks and Bicycle Paths

Unless the Board determines that pedestrian movement is otherwise provided for, sidewalks having a width of not less than five (5) feet shall be constructed between the roadway and the right-of-way line, as close to said line as practicable, and generally parallel with the roadway. All streets shall be provided with sidewalks on both sides. Pedestrian access other than by routes parallel with roadways may be permitted, provided easements are established.

The Planning Board may require bicycle paths from four (4) to eight (8) feet in width within a subdivision. In certain cases, at the discretion of the Planning Board, all or part of the sidewalk requirement may be waived where bicycle paths are provided.

VI.I. Groundwater Drainage

As construction progresses, unforeseen groundwater conditions may be encountered which require additional subdrains or curtain drains. These conditions include potential problems if construction is in progress at a time of low water table or other dry conditions. The Board reserves the right to require appropriate systems to accommodate the problem.

VI.J. Retaining Walls

Retaining walls shall be installed where deemed necessary by the Board and they shall be designed by a registered engineer.

VI.K. Fire Hydrants

Fire hydrants and associated equipment shall be installed in accordance with the provisions of Sections IV.C.12 and V.J.2.

VI.L. Trees and Plantings

1. Existing Trees

Trees on the site, especially those over twelve (12) inches in diameter should be preserved. Following is a list of recommended measures for the protection of trees:

- a. There should be no operation of heavy equipment or storage of any materials under said tree within its natural drip line.
- b. Wherever possible no grading or filling should be done within the drip line.
- c. Supplemental irrigation should be provided to all trees as needed during the summer months to insure healthy maintenance.
- d. No black top paving or vehicle parking should be located under evergreen trees. No more than twenty (20) percent of the area under any deciduous tree's natural drip line may be so paved.
- e. All drainage from paved areas should be directed away from root zones.

2. Street Trees

- a. The applicant is required to plant suitable broadleaved deciduous shade trees along roads, or ways, unless specifically exempted by the Board. All trees shall be the equivalent of well-rooted nursery-grown stock free of injury, harmful insects, and diseases. They shall be well-branched, and the branching structure should be sound.
- b. Acceptable types of street trees may be selected from a list appended to these regulations, which includes large-growing, medium growing, and small-growing deciduous trees.
- c. Large growing trees shall be spaced at intervals of 45 to 55 feet, medium-growing trees at intervals of 30 to 40 feet, and small-growing trees at intervals of 20 to 30 feet. Trees on one side of the street may be set either opposite or diagonally to

trees on the opposite side. If overhead wires are present, large- or medium-growing trees to be planted along the same side as such wires should be planted within the set-back area of the property rather than adjacent to the paved way. Small-growing trees with low-branching characteristics should be planted within the front yard set-back area in all cases.

- d. Minimum acceptable sizes of trees to be planted shall be as follows:

Large-growing--2 1/2" trunk diameter, caliper at 1' above ground

Medium-growing--2 1/2" trunk diameter, caliper at 1' above ground

Small-growing--9' crown height, 5' spread

- e. Planting operations shall be as specified in Section 8, Subsections A, C, E, and F of the Recommended Standard Specifications for Planting Trees, Shrubs, and Vines--Associated Landscape Contractors of Massachusetts.
- f. Requirements for support stakes, guy wire and cable, ground anchors, hose, and wrapping material shall be those contained in Section 6 of the Recommended Standard Specifications for Planting trees, Shrubs, and Vines, compiled and issued by the Associated Landscape Contractors of Massachusetts, Inc.
- g. The applicant shall be responsible for maintenance of planted trees and replacement of those which have died or become diseased from the time of planting through one full growing season.

3. Bank Plantings

- a. All cut or fill bankings that tend to wash or erode shall be planted with suitable, well-rooted, and low-growing plantings. All plants shall be the equivalent of nursery grown stock in good health, free from injury, harmful insects, and diseases.
- b. Acceptable planting types may be selected from a list in the Planning Board office in the Town Hall, which includes very low-growing (4" to 12"), low growing (12" to 30"), and herbaceous plantings. Perennial grass turf installed as sod is an acceptable alternative for the planting of banks.
- c. If bank plantings are of a type which are properly spaced at close intervals, eight (8) to twelve (12) inches of loam shall be spread over the entire bank. If the plantings are to be widely spaced they may be planted in loam pits.
- d. Mulch (wood chips or equal) shall be spread heavily among plantings for weed and erosion control.

- e. The applicant shall be responsible for maintenance of bank plantings and replacement of those which have died or become diseased from the time of planting through one full growing season.

4. Corner Plantings

Requirements for plantings adjacent to street intersections shall be the same as those for Bank Plantings with the following exceptions:

- a. Turf may be provided by seeding as well as by planting sod.
- b. Bushy shrubs and herbaceous plantings that would tend to obscure visibility are not permitted within one hundred (100) feet of the intersection of the curbs adjacent to the corner lot.

5. Grass Strips

All cleared areas of a right-of-way, not to be planted with groundcover plantings, including all disturbed areas over all culverts in drainage easements, shall be loamed with not less than six (6) inches compacted depth of good quality loam and seeded with lawn grass seed. Seeding shall be done at appropriate times of the year and in a manner to insure growth of grass. No utility poles, transformers, signs, or similar items shall be placed within the grass plot within three (3) feet of the edge of the pavement.

VI.M. Street Signs

Street name signs of a design conforming to the type in general use in the Town shall be furnished, set in concrete and erected at all street intersections.

VI.N. Street Lights

Installation of street lights shall be governed by current Town practice.

VI.O. Guard Rails

Guard rails shall be installed as required by the Board or its engineering consultant, based on State Construction Standards or the publications of the American Association of State Highway and Transportation Officials (AASHTO).

VI.P. Bounds and Lot Corners

Bounds shall be set on both sides of each proposed street at all angle points, at the beginning and end of all curves thereof, and at all intersections of streets and ways with each other or with Plan boundary lines. The bounds shall be of granite, shall be not less than four (4) feet in length and not less than six (6) inches in width and breadth and shall have a drill hole in

the center. All bounds shall be set flush with the surface of the adjoining ground. Wrought iron rods may be used where the points fall on exposed ledge. The placement and accurate location of these bounds shall be certified to by the Registered Land Surveyor of the developer by a letter which shall be submitted with the As-Built Plan. Entrances to subdivisions shall not be marked by elaborate monuments. Lot corners in the subdivision shall be set in a manner similar to the setting of the bounds. These corners or points of deflection will be marked with iron pins (or equal) as permanent markers. The same certification is required as in the case of the bounds. Use of the Massachusetts Coordinate System is encouraged.

VI.Q. As-Built Plan

After construction of all improvements is completed, and before release of the Performance Guarantee, the applicant shall prepare and submit to the Board three copies of the Definitive Plan, revised in an As-Built Record Plan at a scale of one inch equals forty feet (1" = 40') which shall indicate the location of the following as built:

1. Street lines, showing centerline elevations at fifty (50) foot intervals;
2. Edge of traveled way, locations of paths and sidewalks;
3. All permanent monuments and all bounds;
4. Location and inverts of drainage system and any utilities required to be installed by the developer;
5. Location of all other underground utilities (such as electricity and telephone); and
6. All other improvements required by these Regulations or agreed upon as a condition to plan approval.

The accuracy of such record plan shall be certified by a registered professional land surveyor.

As part of the As-Built Plan, the developer shall submit to the Board a certification, by a registered engineer appointed or approved by the Board, in which said engineer certifies that all construction was executed strictly in accordance with these Regulations and with all requirements agreed upon as a condition to plan approval.

The minimum review period for As-Built Record Plan shall be forty five (45) days from their submission to the Board.

VI.R. Final Cleaning

Upon completion of the work, the applicant shall remove from the highway and adjoining property all temporary structures, surplus material, and rubbish which may have accumulated

during the execution of the work, and shall leave the subdivision area in a neat and orderly condition. Burning or burying of the rubbish and waste material is prohibited.

VI.S. Inspections of Improvements

Inspections during the work shall be arranged with a registered engineer appointed by the Board prior to starting construction, who will provide the applicant with a checklist covering these inspections. The Board's engineer will sign this checklist after satisfactory completion of each step by the developer. Inspections shall be requested at least 48 hours in advance of each inspection by notice to the Board's engineer. Inspections shall be made after each step indicated above. All weight slips for bituminous material shall be furnished to the Board's engineer on request (See Form L appended hereto).

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END OF SECTION VI

SECTION VII. ADMINISTRATION

VII.A. Authority

1. The Board shall be the administrative agency of these regulations and shall have all the powers assigned them by Sections 81A through 81GG of Chapter 41 of the General Laws.
2. The Board may assign as their agents appropriate Town agencies or officials, and may hire consultants with the full cost of consulting services to be reimbursed to the Town by the applicant.
3. The Board on its own motion or on the petition of any interested person shall have the power to modify, amend or rescind its approval of a Plan of a subdivision, or to require a change in a Plan as a condition of its retaining the status of an approved Plan (see Section IV.K. of these Regulations).

VII.B. Waiver of Compliance

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the intent of the Subdivision Control Law. In waiving strict compliance, the Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived.

VII.C. Inspection and Reimbursement for Consulting Services

1. Inspection shall be carried out at appropriate times during the development of the subdivision as described in Section VI.S. and in the Subdivision Inspection Checklist (Form L appended hereto). The applicant shall notify the Board, or an engineer appointed by the Board, at least 48 hours before carrying out each operation to be inspected.
2. The Board may make arrangements with consultants to carry out such inspection on behalf of the Town.
3. In accordance with section 53G of chapter 44 of the General Laws, the costs of inspection shall be borne by the applicant and shall be reimbursed to the Town by certified check or money order payable to the "Town of Phillipston, Massachusetts." Inspection costs shall include but not be limited to: on-site inspections, "portal-to-portal" travel, off-site analysis of plans, water testing, and soil testing. Said reimbursement shall be paid prior to endorsement of the As-Built Plan.
4. Failure to pay any reimbursement provided in these Regulations at the stated time, or within thirty (30) days following mailing of an invoice, whichever is earlier, shall be sufficient grounds for the Board to disapprove or rescind its approval of a Preliminary

Plan or Definitive Plan of a subdivision. In addition, no performance guarantee shall be released by the Town until the Board of Selectmen determine that all reimbursements have been paid in full by certified check or money order, payable to "Town of Phillipston."

5. The developer has the responsibility to insure that the approved construction plans are implemented. Use of qualified persons to furnish adequate and timely engineering supervision during construction is required. Surveillance and field revisions by Town officials or consultants appointed by the Board cannot be construed as fulfilling this responsibility.

VII.D. Severability

If any section, paragraph, sentence, clause, provision, phrase or word of these Regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these Regulations shall be deemed to remain valid and effective.

VII.E. Amendments

These Regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board after a public hearing, with notice as provided by law, on its own motion or by petition.

VII.F. Invalidation by State Law

Any part of these Regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law, and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulations.

VII.G. Forms and other information

Appended to the Regulations hereto are sample forms for the administration of these Regulations. The administrative content of these forms may be revised from time to time by administrative action of the Board apart from Section VII.E. The Table of Contents also may be amended by administrative action apart from Section VII.E. As an administrative matter at the discretion of the Board, other information, including but not limited to other local bylaws and regulations, may be included with copies of these regulations.

VII.H. Additional References

State Environmental Code, particularly Title 5
Massachusetts Department of Environmental Protection

Rules and Regulations
Board of Health, Phillipston, Massachusetts

Standard Specifications for Highways and Bridges
Massachusetts Department of Public Works

Test Designation T99 (Method C)
American Association of State Highway Officials (AASHO)

A Policy on Geometric Design of Highways and Streets
American Association of State Highway and Transportation Officials
(AASHTO)

Land Court Manual of Instructions for Land Surveys
Massachusetts Engineering Department

Recommended Standard Specifications for Planting Trees, Shrubs, and Vines, and Fine
Grading and Seeding Lawns
The Associated Landscape Contractors of Massachusetts, Inc.

Standards of the American Nurserymen Association

The Hatch Act, General Laws, Chapter 131, Section 40 and current amendments

Luna B. Leopold and others, A Procedure for Evaluating Environmental Impact, U. S.
Department of the Interior, Geological Survey (Washington, DC: 1971)

END OF SECTION VII

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SECTION VIII. DEVELOPMENT IMPACT STATEMENT

A Development Impact Statement (DIS) is a documented, written analysis of a proposed development which provides the Planning Board and Town officials with information necessary for plan review.

It is a developer's responsibility to prepare and document the DIS in sufficient detail to permit an adequate evaluation by the Planning Board; however, additional data may be requested in writing by the Board. This is one reason why it is to the advantage of the developer to prepare and submit to the Board a preliminary plan including a draft DIS. It is necessary to respond to all sections of the DIS form, except when a written exemption is granted by the Planning Board.

NAME OF PROJECT:	ACREAGE:
TYPE OF PROJECT:	OWNER(S):
LOCATION:	PLANNER:
PARCEL NUMBER(S):	ENGINEER:
ZONING DISTRICT(S):	ARCHITECT:

I. PROJECT DESCRIPTION

- a. Number of Units/Bedrooms:
Total ___ / ___ Low Income ___ / ___ Single Family ___ / ___
Two Family ___ / ___ Row House ___ / ___ Apartment ___ / ___
Other ___ / ___
- b. Type of Ownership (list number of units for each):
Condominium _____ Rental _____ Private _____
- c. Approximate Price per Lot/Unit:
Private _____ Condominium _____ Rental _____

II. CIRCULATION SYSTEMS

- a. Street Design - Explain reasons for location of streets, stubs, and intersections.
- b. Street Classification and Traffic - Classify the streets and stubs within the development according to the street classification set forth in Section II.A.9 of these Regulations. Project the number of motor vehicles to enter or depart the site per average day and peak hour. Also state the number of motor vehicles to actually pass by streets adjacent to the proposed subdivision per average day or peak hour. Data shall be sufficient to enable to Board to evaluate (1) existing traffic on streets adjacent to the proposed project, (2) traffic generated or resulting from the proposed project, and (3) the impact of such additional traffic on all ways within and adjacent to the proposed project. Attach to this DIS the results of all studies conducted to develop these data, plus a

description of the study methodology, and the name, address and telephone number of the person(s) responsible for carrying out the study.

- c. Parking and Bus Stops - Discuss the number, opportunities for multiple use, and screening of parking spaces. With respect to bus stops (if any), explain the location, shelter design, and orientation to path systems.
- d. Pedestrian and Bicycle Circulation - Discuss the orientation of the pedestrian and bicycle system to activity centers, location of bike racks (if any) and any bike path plans.

III. SUPPORT SYSTEMS

- a. Water Distribution - Discuss the types of wells proposed for the project, means for providing fire supply, and any special problems which might arise.
- b. Sewage Disposal - Discuss the type of system, level of treatment, suitability of soils and results of percolation tests, deep observation holes and test borings. Identify groundwater flow fields in the area of the proposed subdivision, establish the capability of the soil to renovate sewage effluent, and determine the dilution effects on the effluent through recharge (mainly precipitation) and dispersion. A computer simulation shall be provided.
- c. Storm Drainage - Discuss the storm drainage system including the projected flow from a 50 year storm, name of the receptor stream, and any flow constrictions between the site and the receptor stream.
- d. Refuse Disposal - Discuss the location and type of facilities, hazardous materials requiring special precautions, and screening.
- e. Lighting - Discuss the location and size of lights, and methods used to screen adjoining properties from glare.
- f. Fire Protection - Discuss the type and capacity of fuel storage facilities, location of storage areas for hazardous substances, special requirements, and distance to fire station.
- g. Recreation - Indicate the distance to, and type of, any public facilities. Discuss the type of private recreation facilities to be provided with the development.
- h. Schools - Project the student population of the project for the nursery, elementary, Junior High School and Senior High School levels and indicate the distance, capacity, and present enrollment of the nearest elementary and secondary schools. Describe the basis or methodology for all projections of student population.

IV. NATURAL CONDITIONS - Describe the following elements of natural conditions, identifying short-term (those occurring primarily during project construction) and long-term (those remaining after the completion of project construction) impacts on each:

- a. Topography - Indicate datum, source, date, slopes greater than 15%; provide contours at two-foot intervals, with graphic drainage analysis showing annual high-water mark; show location of existing structures, including fences and walls.
- b. Soils - Indicate soils and land types, utilizing all government soil surveys covering the project area, including but not limited to prime agricultural land, depth to bedrock, and extent of land which has been filled.
- c. Mineral resources - Indicate extent and economic importance of mineral resources, extent and means of proposed extraction, and rehabilitation measures.
- d. Surface geology
- e. Depth to water table (groundwater level) - Show location and provide test results of soil percolation or other subsurface tests for each lot in a proposed subdivision.
- f. Aquifer recharge areas
- g. Wetlands
- h. Watercourses
- i. One hundred year flood plains
- j. Wildlife - Describe species present and estimate numbers of each; identify endangered species.
- k. Vegetative cover - Provide an analysis of vegetative cover, including identification of general cover type (including but not limited to wooded, open areas, cropland, wetlands, etc.); show location of all tree groupings and identify such groupings by major or dominant species; show location of and describe wildlife habitats; identify endangered species; identify unusual habitats, meaning those not commonly found in the North Quabbin Region in Worcester County, Massachusetts.

V. DESIGN FACTORS - Describe briefly the following features. Photographs are helpful.

- a. Present visual quality of the area
- b. Location of significant viewpoints
- c. Historic structures

- d. Architecturally significant structures
- e. Type of architecture for development

VI. ENVIRONMENTAL IMPACT - This section shall deal separately with both short term and long term impacts. A narrative statement shall be submitted, documenting all mitigation measures taken to:

- a. Prevent surface water contamination, changes in surface water level, or both.
- b. Prevent ground water contamination, changes in ground water level, or both.

NOTE: As part of items a. and b. above, estimate phosphate and nitrate loading on ground water and surface water from septic tanks, lawn fertilizer, household gardens, landscaping, and other activities within the development.

- c. Maximize ground water recharge
- d. Prevent air pollution
- e. Prevent erosion, sedimentation, or other instability in soils or vegetative cover.
- f. Maintain slope stability
- g. Reduce noise levels
- h. Preserve significant views
- i. Design project to conserve energy
- j. Preserve wildlife habitats, botanical features, scenic or historic features
- k. Ensure compatibility with surrounding land uses
- l. Protect wetlands and floodplains, and ensure compliance with the Wetlands Protection Act and any local wetlands bylaw.
- m. Promote lot layout and house siting for potential solar energy capabilities
- n. Minimize or avoid all short-term and long-term impacts identified in Section IV. of the DIS ("Natural Conditions") and not otherwise covered in this section.

VII. PLANS - Describe how the project relates to the following:

- a. Village concept and any village plans

- b. Any conservation or Town master plan
- c. Any regional plans prepared by county or regional planning agencies

VIII. PHASING

If the development of the site will take place over more than one year, supply a schedule showing how the development will be phased. A flow chart is helpful. This time table shall include the following elements:

- a. Stripping or clearing of site, or both
- b. Rough grading and construction
- c. Construction of grade stabilization and sedimentation control structures
- d. Final grading and vegetative establishment
- e. Landscaping
- f. The construction of any public improvements shall be specified explaining how these improvements are to be integrated with the development.
- g. The number of housing units and the square footage of nonresidential uses to be constructed each year and their estimated value shall be specified.

END OF SECTION VIII

IX. PROHIBITING BUILDING ON SUBSTANDARD WAYS

No residential, commercial, industrial or any other construction shall take place in the Town of Phillipston except on land having the minimum frontage required in the Town's Bylaws on a way meeting the following standards, to permit access by vehicular traffic and for the provision of municipal services to serve such land and the buildings erected thereon:

Finished road width: As determined by the Planning Board

Grade: Less than 10%

Surface: The road surface shall be capable, in the opinion of the Planning Board, of withstanding normal year-round vehicular travel likely to be associated with existing and proposed construction, and passable by service and emergency vehicles.

If said way does not conform to the aforementioned standards, an individual may, at the discretion of the Planning Board, upgrade said road to meet said standards. Under no circumstances shall building commence along a substandard way until it has been upgraded to the satisfaction of the Planning Board. The individual may be required to post a bond with the Town before the road work commences, to be repaid only when the road work has been completed and approved by the Planning Board.

Violation of this regulation shall constitute an offense punishable by a fine of not more than \$100.00, with each day constituting a separate offense, the fine to be set and enforced by the Building Inspector.

END OF SECTION IX

APPENDIX

APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL

Instructions: See Part II.B. of the Rules and Regulations
Governing the Subdivision of Land in Phillipston

Date _____

To the Planning Board:

The undersigned, believing that the accompanying plan of his/her property in the Town of Phillipston does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that the Planning Board approval under the Subdivision Control Law is not required.

1. Name of
Applicant(s) _____
Address _____
Telephone _____

2. Deed(s) of property recorded in the Worcester County Registry of Deeds:

Deed Book _____ Page _____

Deed Book _____ Page _____

Deed Book _____ Page _____

3. Location of property by reference to the Town Atlas/Tax Map:

Map _____ Parcel _____

Signature of Applicant

See next page for Planning Board Action

File Reference _____

FOR PLANNING BOARD USE ONLY

1. Date _____ Time _____
Application, five (5) prints, and reproducible received _____
2. Total number of parcels shown on plan _____
Proposed building lots _____ Other parcels _____
Filing Fee - check or cash (circle one), amount _____
3. Street information is correct or incorrect (circle one)

Remarks _____

4. Plan reviewed by Consultant _____ (Date)

Remarks _____

5. Plan reviewed by Zoning Board _____ (Date)

Remarks _____

6. Endorsed or Rejected (circle one) _____ (Date)

Remarks _____

7. Town Clerk notified in writing _____ (Date)
8. Reproducible returned to applicant _____ (Date)

APPLICATION FOR APPROVAL OF
PRELIMINARY SUBDIVISION PLAN

Instructions: See Part III.B. of the Rules and Regulations
Governing the Subdivision of Land in Phillipston

Date _____

To the Planning Board and the Board of Health:

The undersigned herewith submits the accompanying Preliminary Plan of a subdivision of property located in the Town of Phillipston for study, discussion, and approval under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in Phillipston.

1. Name of Subdivider _____
Address _____
Telephone _____

2. Name of Owner of Land _____
(if not subdivider)
Address _____
Telephone _____

3. Name of Surveyor _____
Address _____
Telephone _____

4. Deed(s) of property recorded in the Worcester County Registry of Deeds:

Deed Book _____ Page _____

Deed Book _____ Page _____

Deed Book _____ Page _____

File Reference _____

5. Location and description of property by reference to the
Town Atlas/Tax Map:

Map _____ Parcel _____; Map _____ Parcel _____

Map _____ Parcel _____; Map _____ Parcel _____

Signature of Owner

See next page for Planning Board Action

FOR PLANNING BOARD USE ONLY

1. Application, twelve (12) prints (three colored), filing fee, twelve (12) copies of draft DIS, and reproducible received _____ (Date)
2. Acknowledgment of receipt by Town Clerk _____ (Date)
3. Reviews made by Town officers or consultants: (comments attached)
Board of Health _____ (Date)
Highway Department _____ (Date)
Fire Department _____ (Date)
Conservation Commission _____ (Date)
Engineering Consultant _____ (Date)
Other _____ (Date)
Other _____ (Date)
4. Planning Board action (see meeting minutes) _____ (Date)
Approved _____ Modified and approved _____ Disapproved _____
5. Reproducible returned to applicant _____ (Date)

FOR BOARD OF HEALTH USE ONLY

1. Application and one print received _____ (Date)
Form K issued _____ (Date)
2. Board of Health action (see meeting minutes) _____ (Date)
Approved _____ Modified and approved _____ Disapproved _____
3. Action and comments relayed to Planning Board _____ (Date)

APPLICATION FOR APPROVAL OF
DEFINITIVE SUBDIVISION PLAN

Instructions: See Part IV.B. of the Rules and Regulations
Governing the Subdivision of Land in Phillipston

Date _____

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of a subdivision of property located in the Town of Phillipston for approval under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in Phillipston, as amended.

1. Name of Subdivider _____
Address _____
Telephone _____
2. Name of Owner of Land _____
(if not subdivider)
Address _____
Telephone _____
3. Name of Surveyor _____
Address _____
Telephone _____
4. Deed(s) of property recorded in the Worcester County Registry of Deeds:
Deed Book _____ Page _____
Deed Book _____ Page _____
Deed Book _____ Page _____

File Reference

5. Location and description of property by reference to the
Town Atlas/Tax Map:

Map _____ Parcel _____; Map _____ Parcel _____
Map _____ Parcel _____; Map _____ Parcel _____

The applicant agrees, if the Definitive Plan is approved, to perform and complete all work on the ground within the proposed subdivision required by the Rules and Regulations Governing the Subdivision of Land in Phillipston as in force on the date of this application (or if applicable, on the date of an application of a Preliminary Plan) and as modified and supplemented by other requirements of the Board.

The applicant further agrees to complete all said required work on the ground in accordance with the requirements of the Definitive Plan and within the time period of seven years.

The applicant further agrees, if the Definitive Plan is approved, to cause said plan to be recorded or registered in the Worcester County Registry of Deeds within thirty (30) days after the return of said plan to the applicant by the Board, and agrees not to sell, or offer to sell, any of the lots within the subdivision until said plan is so recorded or registered.

The applicant further agrees, before final approval of the Definitive Plan, to cause to be filed with the Board a bond or other satisfactory security conditioned on the completion of all required work.

This application is accompanied by an original drawing of the proposed Definitive Plan in accordance with the requirements of the Rules and Regulations of the Board, a designer's certificate, and approved cost estimates for all work to be covered by bond or other security.

Attached is any information which is now different from the Form B previously submitted.

Signature of Owner

See next page for Planning Board Action

FOR PLANNING BOARD USE ONLY

1. Application, twelve (12) prints (three colored), original, one set of acetate overlays, filing fee, and twelve (12) copies of a Development Impact Statement (DIS) received _____ (Date)
2. Reviews made by Town officers; comments attached.
Board of Health _____ (Date)
Highway Department _____ (Date)
Fire Department _____ (Date)
Conservation Commission _____ (Date)
Engineering Consultant _____ (Date)
Other _____ (Date)
Other _____ (Date)
3. Form E executed by Planning Board _____ (Date)
4. Public Hearing held _____ (Date)
5. Form D received _____ (Date)
6. Form F received _____ (Date)
Approved by Town Assessor _____ (Date)
Abutters notified _____ (Date)
7. Performance guarantee supplied
Form G submitted, or
Form H submitted, or
Form I submitted _____ (Date)
8. Planning Board action (see meeting minutes) _____ (Date)
Approved _____ Modified and approved _____ Disapproved _____
9. Original returned to applicant _____ (Date)

DESIGNER'S CERTIFICATE

Date _____

To the Planning Board:

We hereby certify that the accompanying plan, entitled

and dated _____ (latest revision) is true and correct
to the accuracy required by the Rules and Regulations Governing
the Subdivision of Land in Phillipston, and is of sound design.

Registered Land Surveyor

Registered Professional Engineer

Address

Address

Phone number

Phone Number

Signature of Owner

File Reference _____

Town of Phillipston, Massachusetts

NOTICE OF PUBLIC HEARING

_____, having submitted a definitive plan
(owner)
of a subdivision of land in Phillipston located _____
_____ as shown on a plan by
_____ dated _____,
(surveyor)
a public hearing will be held thereon at the Phillipston
Community Center on _____ at _____ pm, in
accordance with the provisions of the Massachusetts General Laws,
Chapter 41, Section 81-T, as amended.

Chairman
Phillipston Planning Board

File Reference _____

CERTIFIED LIST OF ABUTTERS

Date _____

To the Planning Board:

The undersigned, being an applicant for approval of a
definitive plan of a proposed subdivision entitled _____

submits the following sketch of the land in the subdivision listing the
names of the adjoining owners in their relative positions and
indicating the address of each abutter on the sketch or in a separate
list, including owners of land separated from the subdivision only by a
street or way.

Signature of Owner

To the Planning Board:

This is to certify that the names and addresses of the parties
listed as adjoining owners to the parcel of land shown above are the
latest owners of record.

Town Assessor

File Reference _____

PERFORMANCE BOND - SURETY COMPANY

Know all men/women by these presents that
as Principal, and _____ a corporation
duly organized and existing under the laws of the State of
_____, and having a usual place of business in
_____, as Surety, hereby bind and obligate
themselves and their respective heirs, executors, administrators,
successors and assigns, jointly and severally, to the Town of
Phillipston, a Massachusetts municipal corporation, in the sum of
_____ dollars.

The condition of this obligation is that the Principal shall
fully and satisfactorily observe and perform in the manner, and in the
time therein specified, all of the covenants, conditions, agreements,
terms and provisions contained in the application (Form C) signed by
the Principal and dated _____, under which approval
of a definitive plan of a certain subdivision, entitled _____
and dated _____, has been or is
hereafter granted by the Phillipston Planning Board, then this
obligation shall be void; otherwise it shall remain in full force and
effect and the aforesaid sum shall be paid to the Town of Phillipston
as liquidated damage.

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

In witness whereof we have hereunto set our hands and seals
this _____ day of _____, 20____.

Principal

Surety

by _____
(title)

by _____
Attorney-in Fact

File Reference _____

Phillipston Planning Board
Form G Revised

PERFORMANCE BOND - SECURED BY DEPOSIT

Know all men/women by these presents that _____
of _____ hereby binds and obligates
himself/herself and his/her executors, administrators, devisees, heirs,
successors and assigns to the Town of Phillipston, a Massachusetts
municipal corporation, in the sum of _____ dollars,
and has secured this obligation by the deposit with the Treasurer of
said Town of Phillipston of said sum in money or negotiable securities.

The condition of this obligation is that if the undersigned or
his/its executors administrators, devisees, heirs, successors and
assigns shall fully and satisfactorily observe and perform in the
manner and in the time therein specified, all of the covenants,
conditions, agreements, terms and provisions contained in the
application (Form C) signed by the undersigned and dated _____
, under which approval of a definitive plan of a certain
subdivision, entitled _____ and
dated _____, has been or is hereafter granted
by the Phillipston Planning Board, then this obligation shall be void;
otherwise it shall remain in full force and effect and the aforesaid
security for said sum shall become and be the sole property of said
Town of Phillipston as liquidated damage.

In witness whereof the undersigned has hereunto set his hand and
seal this _____ day of _____, 20____.

File Reference _____

Phillipston Planning Board
Form H Revised

APPROVAL WITH COVENANT CONTRACT

Know all men/women by these presents that whereas the undersigned has submitted an application dated _____, to the Phillipston Planning Board for approval of a definitive plan of a certain subdivision entitled _____ and dated _____, and has requested the Board to approve such plan without requiring a performance bond.

Now therefore, This Agreement Witnesseth that in consideration of the Phillipston Planning Board approving said plan without requiring a performance bond, the undersigned covenants and agrees with the Town of Phillipston as follows:

1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the work on the ground necessary to serve adequately such lot has been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions thereof.
2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a Certificate of Performance executed by a majority of said Planning Board and enumerating the specific lots to be so released.

3. The undersigned represents and covenants that undersigned is the owner* in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

* If there is more than one owner, all must sign.

File Reference _____

In witness whereof the undersigned, applicant as aforesaid, does
hereunto set his hand and seal this _____ day of
_____, 20_____.

Applicant

Address

Description of Mortgages: _____

(Give complete names and Registry of Deeds reference.)

Assents of mortgagees:

COMMONWEALTH OF MASSACHUSETTS

_____, SS _____, 20_____

Then personally appeared the above and acknowledged the foregoing
instrument to be his/her free act and deed, before me.

Notary Public

My commission expires:

Phillipston Planning Board
Form I Revised

CERTIFICATE OF PERFORMANCE

Phillipston, Massachusetts
_____, 20__

The undersigned, being a majority of the Planning Board of the Town of Phillipston, Massachusetts, hereby certify that the requirements for work on the ground called for by an Approval with covenant contract dated _____ and recorded in the Worcester County Registry of Deeds, Book _____ Page _____, have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled _____ recorded with said Registry Plan Book _____ Page _____, and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said Plan as follows:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Majority of the Planning
Board of the Town of
Phillipston

File Reference _____

COMMONWEALTH OF MASSACHUSETTS

_____, SS _____, 20____

Then personally appeared _____, one
of the above named members of the Planning Board of the Town of
Phillipston, Massachusetts, and acknowledged the foregoing instrument
to be the free act and deed of said Planning Board, before me.

Notary Public

My commission expires:

RECEIPT FOR SUBDIVISION PLAN

Board of Health
Phillipston, Massachusetts

RECEIVED FROM _____

- _____ One Print of a Preliminary Subdivision Plan Map
- _____ One Copy of a draft Development Impact Statement (DIS)
- _____ One Print of a Definitive Subdivision Plan Map
- _____ One Copy of a Development Impact Statement (DIS)

FOR A SUBDIVISION ENTITLED

application for approval for which has been made to the Phillipston Planning Board, and for which prior approval is required of the Phillipston Board of Health.

For Phillipston Board of
Health

Date

File Reference _____

Phillipston Planning Board
Form K Revised

SUBDIVISION INSPECTION CHECKLIST

Name of Subdivision _____

Name of Applicant _____

SUBJECT OF INSPECTION	INITIALS OF AGENT	DATE OF INSPECTION
1. Clearing of Right-of-Way	_____	_____
2. Sub-grade Preparation	_____	_____
3. Below-grade Drainage	_____	_____
4. Sanitary Sewer Installation	_____	_____
5. Water Installation	_____	_____
6. Fire Alarm Installation	_____	_____
7. Gravel Base	_____	_____
8. Curb Installation	_____	_____
9. Binder Course	_____	_____
10. Surface Drainage	_____	_____
11. Berm Installation	_____	_____
12. Sidewalk Construction	_____	_____
13. Bicycle Path Construction	_____	_____
14. Street Trees and Planting	_____	_____
15. Grass Strips	_____	_____
16. Street Lights	_____	_____
17. Street Signs and Monuments	_____	_____
18. Final Clean-up	_____	_____
19. Wearing Course	_____	_____
20. Final Inspection at End of 2 Years	_____	_____

File Reference _____

CONSERVATION RESTRICTION

The undersigned, being the owner of the parcel of land located in Phillipston, Massachusetts shown on a plan entitled _____, recorded or to be recorded with the Worcester County Registry of Deeds, hereby give(s), grant(s) and dedicate(s) to the Town of Phillipston, a Massachusetts municipal corporation, with quitclaim covenants, the rights, interests and easements hereinafter described in said land.

The rights and interests hereby conveyed and dedicated, and the covenant hereby made, are for the benefit of said Town of Phillipston and for the promotion and development of the natural resources and for the protection of the watershed resources of said town under Massachusetts General Laws Chapter 40, Section 8C, as it may hereafter be amended, to be managed and controlled by the Conservation commission of Said Town in accordance therewith.

In the area shown and designated on said plan as "Conservation Restriction", the rights and interests hereby granted and dedicated are a perpetual easement and restrictive right that no buildings or other structures will be erected, placed or permitted to remain on said area, and no filling of or dumping upon said area, and no removal of soil from any portion of said area will be done or permitted; and the undersigned hereby covenant(s) with said Town that said area will forever be held subject to this easement and restriction.

Said easements, restrictive rights and covenants shall run with the land of the undersigned and shall be binding upon the undersigned and their heirs, successors and assigns.

Except as expressly provided above within said portion, no rights of access to or over said land are hereby granted, and all rights not expressly given hereby are reserved to the undersigned, their heirs, successors and assigns.

No revenue stamps are affixed hereto, none being required by law, there being no consideration for this instrument.

Witness the signature(s) and seal(s) of the undersigned, this _____ day of _____, 20____.

File Reference _____

COMMONWEALTH OF MASSACHUSETTS

_____, SS _____, 20____

Then personally appeared the above
and acknowledged the foregoing instrument to be his/her free act and
deed, before me.

Notary Public

My commission expires:

The undersigned Conservation Commission of the Town of
Phillipston hereby acknowledges receipt and acceptance of the foregoing
instrument.

Dated: _____

We, the undersigned Board of Selectmen of the Town of Phillipston
hereby approve the receipt of the foregoing instrument under
Massachusetts General Laws, Chapter 40, Section 8C.

Dated: _____

GRANT OF UTILITY AND DRAIN EASEMENT

WHEREAS, I, the undersigned
of _____, am the owner of the
parcel(s) of land located in Phillipston, Massachusetts, shown as on a
plan entitled recorded or to be recorded with the Worcester County
Registry of deeds:

NOW, THEREFORE, for consideration paid, receipt of which is
hereby acknowledged, I, said hereby grant to the Town of Phillipston, a
municipal corporation of Massachusetts, with quitclaim covenants, the
right and easement to discharge upon the portion of said land shown as
"drain easement" or "utility easement" on said plan (hereinafter called
the "easement area") any surface drainage water from time to time
collected in pipes and ditches on roads adjoining said land and any
extensions of such pipes and ditches; and to construct, maintain,
repair, replace, and relocate within the easement area ditches, drain-
pipes, and other facilities deemed necessary by the Grantee for the
purpose of conducting and/or disposing of said water; and to convey
through appropriate pipes and manholes sanitary sewage; and to
construct appropriate pipes and valves to convey potable water for
municipal and domestic use; and the right to enter upon the easement
area at any time and from time to time in connection with any of the
foregoing purposes; provided, however, that upon completion of any work
at any time done by said Town pursuant to the rights hereby granted the
premises shall be left in neat and orderly condition. Construction of
pipes and other structures by the Owner is prohibited except as shown
on the aforementioned plan, or as may be approved by the Planning
Board.

I, _____, spouse of said Grantor,
release to said Grantee all rights of dower and homestead and other
interests therein to the extent necessary to give effect to the
foregoing.

The consideration of this grant being less than one hundred
dollars, no United States revenue stamps are affixed hereto.

WITNESS our signature and seals this _____ day
of _____, 20_____.

File Reference _____

COMMONWEALTH OF MASSACHUSETTS

_____, SS _____, 20_____

Then personally appeared the above
and acknowledged the foregoing instrument to be his/her free act and
deed, before me.

Notary Public

My commission expires:

MAINTENANCE BOND - SURETY COMPANY

Know all men/women by these presents that _____
as Principal, and _____ a corporation
duly organized and existing under the laws of the State
of _____, and having a usual place of business
in _____, as Surety, hereby bind and obligate
themselves and their respective heirs, executors, administrators,
successors and assigns, jointly and severally, to the Town of
Phillipston, a Massachusetts municipal corporation, in the sum of
_____ dollars.

The conditions of this obligation are that if the Principal shall
fully and satisfactorily repair, replace, and reconstruct the
improvements in the subdivision plan entitled _____,
said improvements having a Certificate of Performance executed by the
Planning Board of the Town of Phillipston dated _____,
as said improvements may be found to be defective in material or
workmanship during a period of two years following the date of said
Certificate of Performance, and failing to satisfactorily repair,
replace and reconstruct the said improvements within a period of two
years and six months from the date of the said Certificate, the
Principal and Surety herein agree that the part of the aforesaid sum of
money necessary to perform, complete, replace, and rebuild the said
improvements shall be paid to the Town of Phillipston as liquidated
damage.

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

In witness whereof we have hereunto set our hands and seals
this _____ day of _____, 20____.

Principal

Surety

by _____

(title)

by _____

Attorney-in Fact

File Reference _____

Phillipston Planning Board

Form P Revised

MAINTENANCE BOND - SECURED BY DEPOSIT

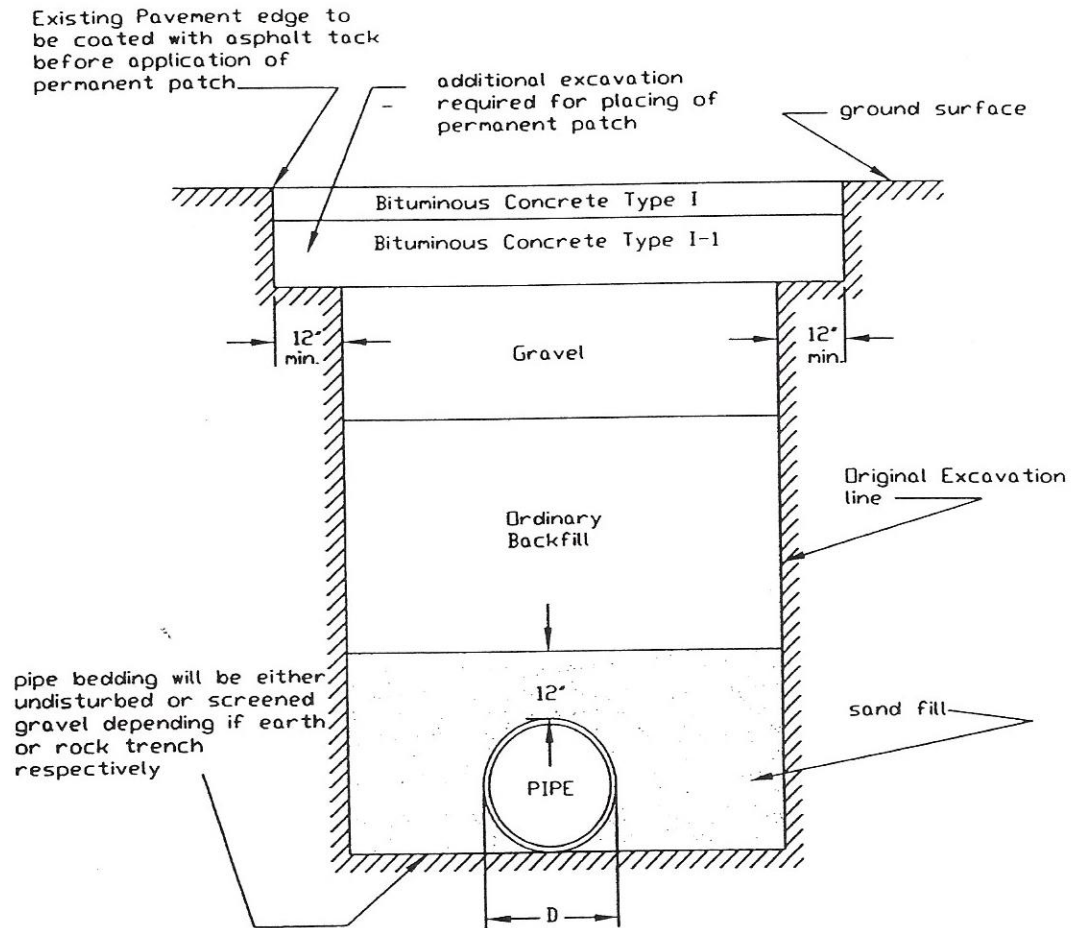
Know all men/women by these presents that _____ of _____ hereby binds and obligates himself/herself and his/her executors, administrators, devisees, heirs, successors and assigns to the Town of Phillipston, a Massachusetts municipal corporation, in the sum of _____ dollars, and has secured this obligation by the deposit with the Treasurer of said Town of Phillipston of said sum in money or negotiable securities.

The conditions of this obligation are that if the undersigned or his/her executors, administrators, devisees, heirs, successors and assigns shall fully and satisfactorily repair, replace, and reconstruct the improvements in the subdivision plan entitled _____, said improvements having a Certificate of Performance executed by the Planning Board of the Town of Phillipston dated _____, as said improvements may be found to be defective in material or workmanship during a period of two years following the date of said Certificate of Performance, and failing to satisfactorily repair, replace and reconstruct the said improvements within a period of two years and six months from the date of the said Certificate, the undersigned or his/her executors, administrators, devisees, heirs, successors and assigns herein agree that the part of the aforesaid sum of money necessary to perform, complete, replace, and rebuild the said improvements shall be paid to the Town of Phillipston as liquidated damage.

In witness whereof the undersigned has hereunto set his hand and seal this _____ day of _____, 20____.

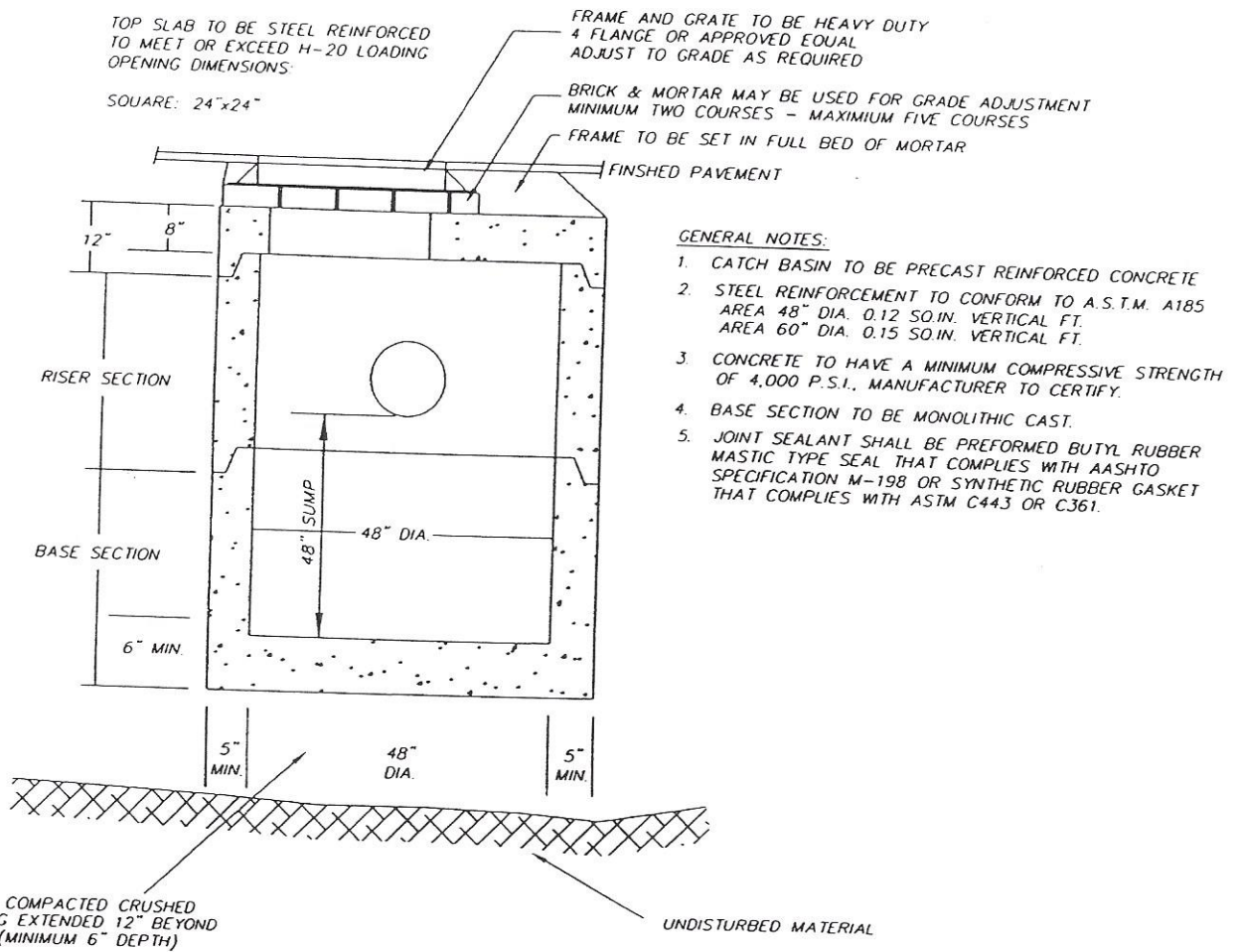
File Reference

Phillipston Planning Board
Form Q Revised



TYPICAL DRAIN TRENCH

NO SCALE

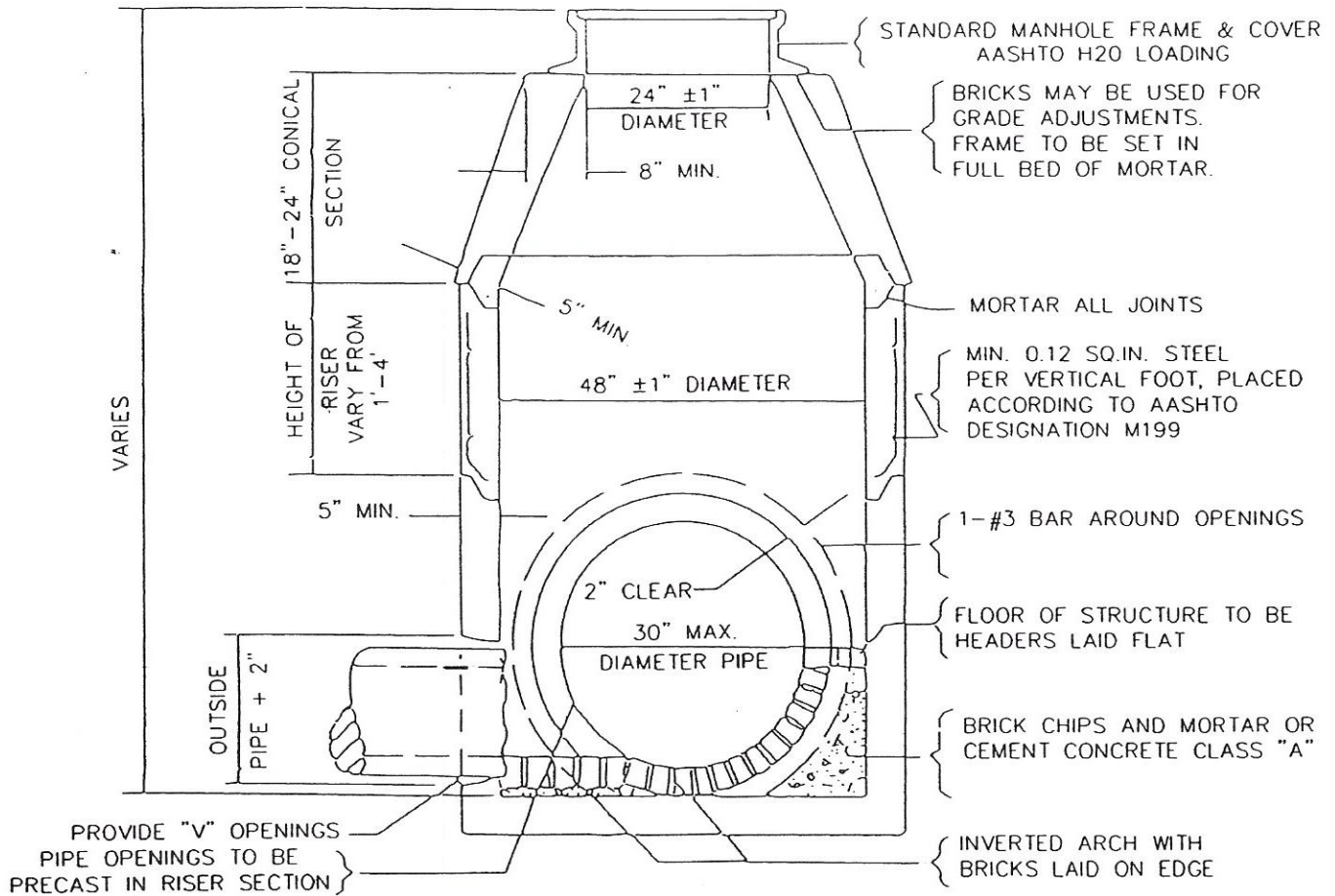


TYPICAL PRECAST CATCH BASIN

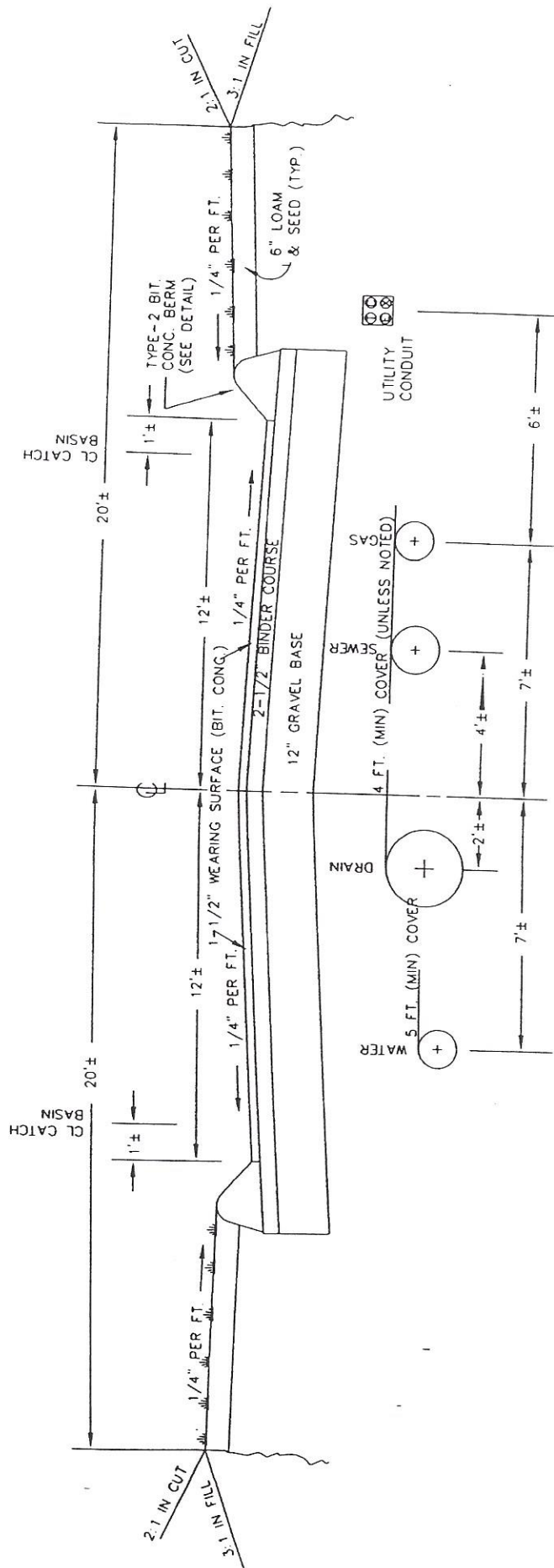
NO SCALE

TYPICAL PRECAST MANHOLE

NO SCALE

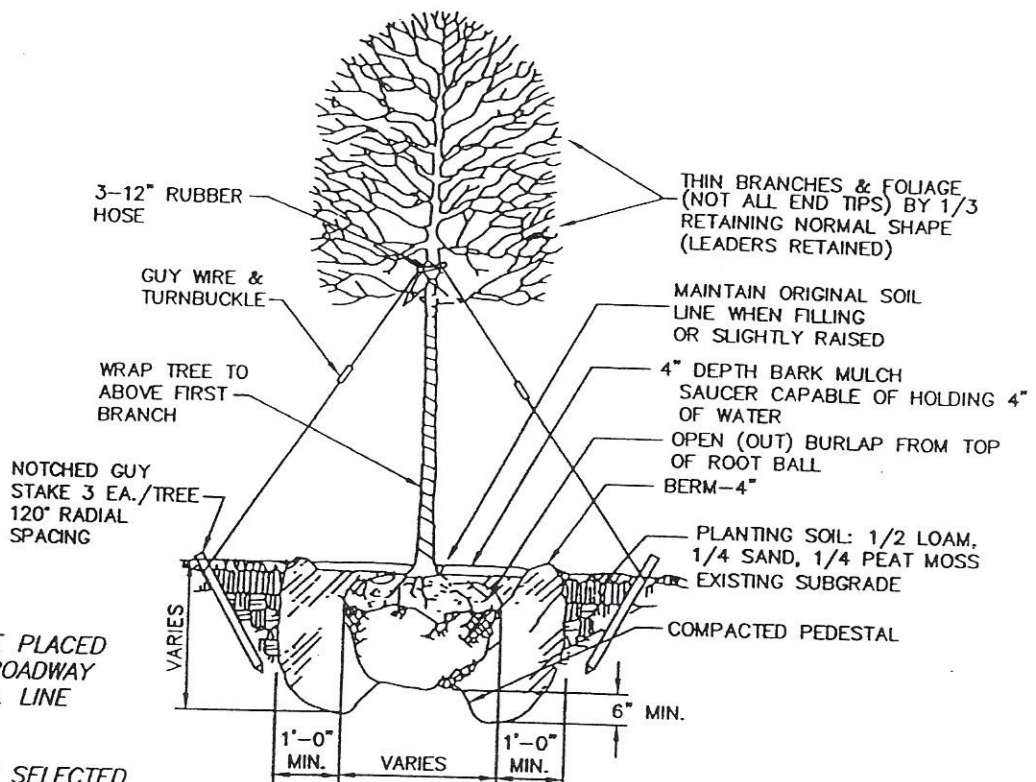


NOTE: MANHOLE TO BE WATER TIGHT



ON-SITE STREET CROSS SECTION

NO SCALE



NOTE:
STREET TREES SHALL BE PLACED
ALONG ALL PROPOSED ROADWAY
4-FT OUTSIDE OF R.O.W. LINE
AS SHOWN ON PLANS.

TREE SPECIES SHALL BE SELECTED
FROM DECIDUOUS VARIETIES WHICH
ARE NATIVE TO NEW ENGLAND.

STREET TREE PLANTING DETAIL

NO SCALE

