

RULES AND REGULATIONS
GOVERNING THE
SUBDIVISION OF LAND

LEVERETT, MASSACHUSETTS

Revised: 2005

**LEVERETT PLANNING BOARD
SUBDIVISION RULES AND REGULATIONS**

TABLE OF CONTENTS

SECTION 1000: PURPOSE AND AUTHORITY	
1100: Purpose	1
1200: Authority	1
SECTION 2000: GENERAL REGULATIONS	
2100: Definitions	1
2200: Procedures	4
2300: Alternative Procedures Plan (APP)	6
2400: Plan Believed Not to Require Approval	9
2500: Access Adequacy Regulations	10
SECTION 3000: SUBMISSION AND ACTION	
3100: Pre-Submission Review	11
3200: Preliminary Plan	11
3300: Definitive Plan	13
3400: Review	19
3500: Performance Guarantee	20
3600: Endorsement and Recording	21
3700: Evidence of Satisfactory Performance	21
3800: Release of Performance Guarantee	22
SECTION 4000: REQUIRED IMPROVEMENTS	
4100: General	23
4200: Streets	25
4300: Stormwater Management	29
4400: Municipal Services	30
4500: Other Improvements	31
4600: Easements	32
SECTION 5000: ADMINISTRATION	
5100: Inspection	33
5200: Variations	34
5300: Reference	34
5400: Separability	34
5500: Amendments	34

SECTION 1000. PURPOSE AND AUTHORITY.

1100. Purpose.

These subdivision rules and regulations are hereby enacted, in accordance with the provisions of M.G.L.A. ch. 41, s. 81M, for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the Town of Leverett, by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Planning Board and of the Board of Appeals under these regulations and the Subdivision Control Law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for securing safety in the case of fire, flood, panic, and other emergencies; for insuring compliance with the applicable zoning by-laws, for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the town, and with the ways in neighboring subdivisions.

1200. Authority.

These Rules and Regulations have been adopted under the authority vested in the Planning Board of the Town of Leverett by M.G.L.A. ch. 41, s. 81Q, as amended. The Planning Board shall be the agency responsible for the administration of the Rules and Regulations and shall have all of the powers assigned to it by M.G.L.A. ch. 41, sections 81K to 81GG, inclusive.

SECTION 2000. GENERAL REGULATIONS.

2100. Definitions.

For the purposes of these Rules and Regulations the following words and terms used herein are hereby defined or the meaning thereof explained, extended, or limited as stated in M.G.L.A. ch. 41, as amended. Other terms or words or phrases not defined herein or in the Subdivision Control Law shall be construed according to the common and approved usage of the language, but technical words and phrases and such other terms or phrases as may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

Abutter shall mean an owner of land sharing a common property line with the owner of land referred to in a subdivision application and the owner of land which is directly across a way from the frontage of said subdivision land.

Applicant shall mean the owner of the land referred to in an application filed with the Planning Board, or the owner's duly authorized representative.

Board shall mean the Planning Board of the Town of Leverett.

Easement shall mean a right acquired by a public authority or other person for use or control of property for utility or other designated public purpose.

Frontage shall mean the length of common boundary between a lot and a street legally qualifying to provide frontage for the division of land (see Town Zoning By-Law, Section III, and M.G.L.A. ch. 41, s.81L). Frontage is to be measured continuously along one street line between side lot lines and their intersection with the street line, or, in the case of a corner lot, between one side lot line and the mid-point of the corner radius. Lots with interrupted or discontinuous frontage must demonstrate that the required length along the street may be obtained from one (1) continuous boundary, without any totalling of discontinuous frontage sections.

Frontage, corner lot shall mean frontage calculated between one side lot line and the mid-point of the corner radius.

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

Lot, corner shall mean a lot which has legal frontage on both a public way and on a proposed subdivision way, and which shall be shown on a subdivision application and shall be considered a part of that plan.

Massachusetts General Laws, Annotated or M.G.L.A. shall mean the General Laws of the Commonwealth of Massachusetts, Ter. Ed., with all additions thereto and amendments thereof. In the case of a rearrangement of the General Laws, any citation of particular sections herein set forth shall be applicable to the corresponding sections in the new codification.

Municipal Services shall mean sewers, surface water drains, and other private or public utilities including water pipes, gas pipes, electric lines, telephone lines, fire alarm lines, and their respective appurtenances.

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

Permanent Benchmark shall mean a permanent reference point with the elevation accurately established by stone bounds and referenced to the United States Coast and Geodetic Survey datum.

Person shall mean an individual, partnership, corporation, or two or more individuals or a group or association of individuals, having common or undivided interests in a tract of land.

Roadway shall mean that portion of the way, right-of-way, or street layout which has been prepared and constructed for vehicular traffic.

Street Categories:

Collector shall mean a street with anticipated traffic equivalent to that generated by 50 homes or more, or which serves abutting land zoned for business or industry.

Minor shall mean a street which cannot qualify as a lane but which can be expected to handle less traffic than a collector street and which serves no abutting land zoned for business or industry.

Lane shall mean a dead-end or loop street or set of streets which cannot serve as access to more than six dwellings and cannot be extended.

Paper shall mean any way or right-of-way shown on a plan or sketch but which has not been constructed or otherwise prepared for vehicular traffic.

Dead-End shall mean a street or street system which has only one means of ingress from or egress to a collector or minor street.

Subdivision shall mean "(t)he division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the city or town in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be at least twenty feet.

Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision." M.G.L.A. ch. 41, s. 81L.

Subdivision Control Law shall mean M.G.L.A. ch. 41, s. 81K to 81GG, inclusive, and any amendments thereof, additions thereto, or substitutions therefor.

Town shall mean the Town of Leverett.

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

Yard, front shall mean land extending across the required width of the lot and lying between the street line of the lot and the nearest line of the building. The depth of the front yard shall be the minimum distance between the building and the front lot line.

2200. Procedures.

2210. General.

2211. All plans, and all procedures relating thereto, shall comply in all respects with the provisions of these Rules and Regulations, unless the Board authorizes a variation therefrom in specified instances.

2212. Any person desiring to make a subdivision within the meaning of the subdivision control law of any land within the Town shall, before proceeding with the improvement or sale of lots in the subdivision, or the construction of ways, or the installation of municipal services therein, submit to the Board a plan of such subdivision and secure approval by the Board of a Definitive Plan as hereinafter provided.

2213. The Board shall not approve or modify and approve any plan of a subdivision of land, unless all lots and other aspects of such plan conform with the zoning by-laws of the Town or a variance from the terms thereof has been granted by the Board of Appeals.

2220. Issuance of Building Permits. The official in the

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

2230. Professional and Technical Assistance. The Board may assign as its agents appropriate Town officials, and may from time to time hire professional assistance to review plans and inspect improvements. The choice and qualifications of such professionals shall be at the discretion of the Board.

2240. Modification, Amendment, or Rescission. 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, after due notice and opportunity to the owner to be heard in accordance with M.G.L.A. ch. 41, s. 81W, as amended.

2250. Submission of Plans. Plans shall not be considered "submitted" until all required documentation has been received by the Board. A plan shall be officially submitted to the Board as of the date said plan and any forms necessary under these Rules and Regulations are duly filed with the Board at a regularly scheduled business meeting of the Board, and the fact of such submission is duly entered in the minutes of such meeting. Plans and forms may also be submitted by registered mail to the Board, care of the Town Clerk. If so mailed, the date of mailing shall be the date of the submission of the plan provided all required documentation has been received by the Board.

2260. Fees. The following fees shall accompany the submittal of application materials of the various plans specified in the Rules and Regulations, to cover usual costs of processing and engineering and planning checks. In the event that the Board determines that expert technical opinion is necessary for unusual or special circumstances relating to a subdivision or its impact, the cost of that expertise shall be paid by the subdivider.

- | | |
|--|-----------------------------------|
| (a) Approval Not Required Plans | \$50.00 plus
\$100.00 per lot |
| Note \$50.00 fee if boundary line
change only and no additional | |
| (b) Preliminary Plans | \$100.00 plus
\$50.00 per lot |
| (c) Definitive Plans | \$500.00 plus
\$200.00 per lot |

2300. Alternative Procedures Plan. (APP)

2310. Purpose. The purpose of this Section 2300 is to provide qualified subdividers an option to develop a parcel of land under less stringent requirements, where, and only where, the Board determines that such alternative procedures will promote development of the parcel in the best interests of the Town, considering the factors specified in Section 2330, below. The approval of an APP is wholly within the informed discretion of the Board. Denial by the Board of a request to submit an application for an APP, or denial of an APP, shall not be construed as denial of the right to subdivide the property, and the applicant shall retain all rights to submit a plan under Sections 2400, or 3200, or 3300, herein.

2320. Applicability. Applicants may request that their proposal be handled under an APP, which is less stringent than requirements for a project under Section 2400, 3200, or 3300, herein. Prior to investing in extensive professional design costs for preparation of APP subdivision plans, the applicant is invited to review the proposed development of the parcel of land with the Board, in order to explore general conditions involving the site and to discuss potential problems. Pencil sketches, which need not be professionally prepared, will assist in this discussion, and should show the critical features of Section 2340, below.

To qualify for consideration under APP, the subdivision must satisfy all of the following conditions; however, satisfaction of all of the following conditions shall only result in rendering the plan eligible for further consideration by the Board pursuant to Section 2330, below, and does not guarantee approval.

a. The APP subdivision must create at least three but not more than six lots, be located entirely in a residential use district, and have a minimum - frontage on a pre-existing public way, in Leverett of 500 feet plus 100 feet for each lot in the proposed APP. In excess of three lots, provided, however, the minimum frontage shall be 200 feet for any APP the preliminary plan for which was submitted prior to October 11, 1995.

b. The minimum lot size is equal to the minimum acreage required in the underlying zoning district (increased by any applicable overlay district) and the minimum parcel size is equal to twice the total minimum acreage required for the proposed lots in the APP subdivision. The APP subdivision must preserve in perpetuity a portion of the parcel of land for open space with public value. The minimum preserved public value open space is one-third of the parcel of land but not less than one-half of the minimum parcel size

required for the proposed lots. The APP subdivision must have public value in the opinion of the Planning Board to justify approval. "Public value" as used in this Section 2300 shall include, but not be limited to nor require in each instance, the preservation of important open space, public access and contiguity to existing preserved open spaces.

The minimum parcel size may be reduced to one and one-half the total minimum acreage required for the proposed lots in the APP subdivision and the minimum preserved public open space to one-third of the parcel of land, provided that the subdivider preserves in perpetuity a separate parcel of land with public value of a size not less than the minimum parcel size normally required in the APP subdivision.

c. All lots so created shall have ingress and egress to a Common Private Way.

d. Each lot shall have at least 200 feet of frontage on the Common Private Way.

e. The Common Private Way shall extend from a Town of Leverett approved or accepted public way, and shall end in a turnaround or cul-de-sac, as described below.

f. Not more than one (1) APP subdivision may be created from a property, or a set of contiguous properties, in common ownership as of March 28, 1988.

2330. Design Criteria and Eligibility. In order to utilize an APP, the subdivision must be determined by the Planning Board to better serve the Town if developed under the APP than if developed under standard subdivision procedures, considering whether use of an APP is likely to

- a. reduce the number of lots having egress onto existing streets;
- b. reduce the number of lots having frontage on existing public ways;
- c. reduce cut and fill in road construction and subdivision development;
- d. promote public safety and welfare, particularly with regard to traffic and pedestrian safety;
- e. be constructed in a manner which will have the least visual impact on the parcel of land in question as viewed from the public way providing access to the APP subdivision, or from adjacent residentially zoned properties;
- f. produce less irregularly shaped or contorted lot configurations;
- g. adequately provide (i) a buffer zone not less than 100 feet in width of indigenous vegetation separating the structures in the development from any pre-existing residential lot line or adjacent public way, and (ii) a buffer zone of not less than 50 feet in width of indigenous vegetation separating the Common Private Way from any pre-existing and any newly created residential lot line and (iii) a buffer zone of not less than 30 feet in width of indigenous vegetation separating the structures in the development from any newly created residential lot line.
- h. promote housing affordable to persons or families of low or moderate income, as defined by the standards and criteria of the Massachusetts Executive Office of Communities & Development.
- i. preserve public value open space, in accordance with Section 2320 b.
- j. encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use; preserve historical and archeological resources; and protect the natural environment.

2340. Application. The Planning Board may require the submission of a Preliminary and Definitive Plan for any project under this Section 2300. The Planning Board, however, may waive such requirement for submission of Preliminary or Definitive Plans, after considering the factors specified in Sections 2320 and 2330, above. In that event, any plan acceptable to the Registry of Deeds may be submitted, provided that on that plan or on separate documents, the following information has been made specific:

- a. centerline profile of proposed Common Private Way;
- b. location of any wetlands;
- c. proposed drainage;
- d. proposed utilities and road construction design.

- e. proposed lot lines and building sites;
- f. scale and area of vegetative screening separating the Common Private Way and APP lots from adjacent residentially zoned property.
- g. names of abutters from the latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available records.

Such plan shall be prepared by Registered Professional Engineer, Land Surveyor, Architect, or Landscape Architect, unless this requirement is waived by the Planning Board.

2350. Filing Fee. A filing fee of the amount required for ~~Definitive Plans~~ under Section 2260(c) will be submitted by the applicant with the application form as a part of this application process under APP, to cover costs of processing and engineering review. In the event that the Board determines that unusual or exceptional circumstances necessitate expert technical review to exceed the cost of the filing fee, the cost of that expertise shall be paid by the subdivider.

2360. Conditions. Any plan approved under APP must contain or refer to recorded covenants and notices regarding each of the following:

- a. The Common Private Way shall remain permanently a private way, which shall not be extended;
- b. The Common Private Way shall not be connected to any other way except where it originates on a public way;
- c. The lots shall obtain access from the Common Private Way if, and only if, ownership of the lot provides membership in an automatic membership homeowner association responsible for all maintenance and snow removal of or from the Common Private Way. The homeowners association shall retain all rights in the Common Private Way.
- d. The Common Private Way does not meet the standards of the Town for acceptance for new ways.
- e. Owners of lots in the plan are subject to betterments for Common Private Way repairs and improvements, even though the Common Private Way shall not be accepted by the Town.
- f. The homeowners association shall indemnify, hold harmless and release the Town from liability for any damages resulting from an action brought by a third party or the association in any court due to the repair, use, or maintenance of the Common Private Way.

2370. Common Private Ways. Common Private Ways shall have:

- a. a staging area of at least 40 feet in length from the

streetline, with a minimum width of 20 feet pavement in accordance with the Subdivision Regulations, and sloped not more than 4% grade for the 40 feet it extends from the streetline;

b. a centerline intersection with the street centerline of not less than 60%;

c. a roadway surface, on that portion of the Common Private Way extending beyond the staging area, of a minimum of 6 inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown;

d. proper drainage appurtenances, where required, to prevent washout and excessive erosion, with particular attention to the staging area, so that water draining onto the street surface from the staging area is eliminated to the maximum extent feasible;

e. a roadway surface, on that portion of the Common Private Way extending beyond the staging area, with a minimum width of 16 feet for its entire length, and a minimum right-of-way width of 22 feet for its entire length.

f. a turnaround or cul-de-sac of not less than 30 feet in depth and 40 feet in width provided at the end of the terminus. An area of indigenous vegetation in the middle of the turnaround is preferred.

g. a buffer zone of not less than 30 feet in width of indigenous vegetation separating the Common Private Way from any existing residential lot line.

2380. Decision. The Planning Board shall render a decision regarding an APP only after a public hearing, in accordance with the provisions of Section 3440, herein.

2400. Plan Believed Not to Require Approval.

2410. Any person who wishes to cause to be recored in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that said plan does not require approval under the Subdivision Control Law, may submit to the Board said plan, five prints thereof, the filing fee in Section 2260, herein, and two (2) copies of a properly executed Form A - Application for Endorsement of a Plan Believed Not to Require Approval, accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination. The Board will review the plan to determine whether it is a subdivision.

2420. Said plan shall be of a minimum dimension of nine and one-half inches by fourteen inches (9 1/2" x 14") but not to exceed a dimension of twenty four inches by thirty six inches (24" x 36"), and shall contain the following information:

- a. Identification of the plan by the name of the owner of record and the location of the land in question;
- b. The statement "Approval Under the Subdivision Control Law Not Required", and sufficient space for the date, and all signatures of the members of the Board;
- c. Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan;
- d. In the case of creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant, if any;
- e. Notice of any decisions by the Zoning Board of Appeals, including but not limited to variances and special permits regarding the land or any buildings thereon;
- f. Names of abutters from the latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available records.
- g. Distance to the nearest permanent monument;
- h. Location of all existing buildings, including setback and side and rear yard designations.

2500. Access Adequacy Regulations.

2510. General. Plans shall be endorsed as not requiring approval under the Subdivision Control Law and subdivision plans shall be approved only if each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, M.G.L.A. ch 41, s. 81K - 81GG.

2520. Standards of Adequacy. Streets within a subdivision shall be considered to provide adequate access if, and only if, complying with the standards established in the Planning Board's Subdivision Rules and Regulations. Ways providing access to streets within a subdivision shall be considered to provide adequate access where, prior to construction on any lots, applicant for subdivision approval assures that such access will be in compliance with the Subdivision Regulations for right of way width, pavement width, maximum grade, and sight distance requirements applicable to ways within a subdivision.

2530. Obligations. The Board may require, as a condition of its approval of a subdivision plan, that the developer dedicate or acquire and dedicate a strip of land for the purpose of widening access ways to a width as required in these regulations, above, and that applicant make physical improvements within such way or compensate the town for the cost of such improvements in order to meet the standards specified above.

2540. Waivers. The Board may waive strict compliance with

these access regulations only upon its determination, following consultation with the Selectmen, Road Superintendent, Police Chief, Fire Chief, or professional consultants that the way in fact will be otherwise sufficient to serve the needs for access to serve potential uses of land abutting on or served by the way in question.

SECTION 3000. SUBMISSION AND ACTION.

3100. Pre-Submission Review. Prior to investing in extensive professional design costs for preparation of subdivision plans, the applicant is invited to review the proposed development of the parcel of land with the Board, in order to explore general conditions involving the site and to discuss potential problems. Pencil sketches, which need not be professionally prepared, will assist in this discussion, and should show the critical features of a Preliminary Plan. In some cases, this pre-submission review may eliminate the need for the formal submission of a Preliminary Plan.

3200. Preliminary Plan.

3210. Submission. A Preliminary Plan of a subdivision may be submitted by the subdivider to the Board and through the Board to the Board of Health for discussion and approval, modification, or disapproval by the Board. The submission of such a Preliminary Plan shall be made on Form B - Application for Approval of a Preliminary Plan - and will enable the subdivider, the Board, the Board of Health, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify any aspects of or problems with such subdivision before a Definitive Plan is prepared. For this reason, the Board strongly encourages the submission of such Preliminary Plans in every case. Two (2) copies of Form B, seven (7) copies of the Preliminary Plan, and the reproducible original plan shall be submitted to the Board at a regularly scheduled meeting, together with the fee specified in Section 2260, above. This fee shall be credited towards the fee required for submission of a Definitive Plan. The applicant shall subsequently give written notice to the Town Clerk by delivery or by registered mail that such Preliminary Plan has been submitted, stating the date of such submission. The copies of the plan may be examined by the public during regular business hours of the Town Hall.

3211. Any plan submitted by a subdivider to the Board which does not conform with the requirements herein pertaining to a "Preliminary Plan" shall not be so designated, shall be returned to applicant with a statement as to its deficiency, and shall not be reviewed or approved by the Board until said deficiency is corrected.

3212. The applicant shall also submit one (1) copy of Form B, and three (3) copies of the Preliminary Plan

to the Board of Health, within seven days after submittal to the Planning Board.

3220. Contents. The Preliminary Plan may be drawn on tracing paper with pencil, preferably at a scale of one (1) inch equals forty (40) feet, or other suitable scale acceptable to the Board, shall be clearly designated as "Preliminary Plan", and shall show:

- a. subdivision name, boundaries, north point, date, and scale;
- b. name and address of record owner, applicant, and designer, engineer, and surveyor;
- c. names of all abutters as determined from the most recent Town tax list;
- d. existing and proposed lines of streets, ways, easements, and public areas within the subdivision;
- e. location, direction, names, and present widths of streets and public or private ways bounding, approaching, or within reasonable proximity of the subdivision;
- f. topography of the land in a general manner, including contours at a 2 foot interval;
- g. proposed system of drainage, including existing natural waterways, in a general manner, but including drainage both within and adjacent to the subdivision;
- h. approximate boundary lines of proposed lots, with approximate areas and dimensions;
- i. estimates of the grades of proposed streets or profiles, where required by the Board;
- j. major site features such as existing stone walls, fences, buildings, large trees and wooded areas, rock ridges and outcroppings, wetlands pursuant to G.L. c. 131, s.40, swamps, and other water bodies.

3221. The Preliminary Plan shall be accompanied by a statement of existing zoning and any easements, covenants, and restrictions applying to the area proposed to be subdivided.

3222. During discussion of the requirements set forth in Section 3220, the complete information required for the Definitive Plan (Section 3320) and the financial obligations of the applicant (Section 3500) will be developed.

3223. The Preliminary Plan shall be accompanied by a statement of any waivers requested pursuant to Section

5200, herein.

3230. Field Trip. After the regular Board meeting at which Preliminary Plan is first discussed, or a Definitive Plan submitted without prior Preliminary Plan, the Board may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant and his/her agents or representatives. In order to facilitate field inspection and review of the site of the proposed subdivision, temporary staking will be required along the center line of all proposed roads in the subdivision before said field trip, or if impractical, the Board may permit a suitable alternative procedure.

3240. Approval. The Board shall, in conformance with G.L. c.41, s. 81S, approve such Preliminary Plan with or without modifications, or disapprove such Preliminary Plan with reasons therefor. One copy of the Preliminary Plan, with reasons for disapproval or modifications will be returned by the Board to the subdivider within seven (7) days of written notification of the Town Clerk required below.

3241. Approval of a Preliminary Plan, with or without modifications, does not constitute approval of a subdivision. Such approval does facilitate the final approval of a subdivision through submittal of a Definitive Plan.

3242. The Board shall notify the Town Clerk in writing of its decision on a Preliminary Plan in accordance with G.L. c.41, s.81S, as amended.

3243. The submission of a Preliminary Plan for examination by the Board shall not be deemed the submission of a Definitive Plan of a subdivision of land for approval by the Board under G.L. c.41, s.81L, and the action or decision of the Board as to such Preliminary Plan shall not prejudice its action or decision as to the Definitive Plan.

3300. Definitive Plan.

3310. Submission. Any person submitting a Definitive Plan of a subdivision of land to the Board for approval shall file therewith the following:

- a. the original reproducible plan, and eleven (11) prints of the Definitive Plan, dark line on white background. Prints will be referred to other town officials for review;
- b. accompanying statements as required in Sections 3330 and 3340, below;
- c. two (2) properly executed copies of the following forms: Application Form C, Certified Abutters List Form D, and Designer's Certificate Form E, in accordance with forms on file with the Board

(see Appendix);

d. the fee required in Section 2260, above, after subtracting any fees submitted for a Preliminary Plan for the same subdivision. In the event that the Board determines that expert technical opinion is appropriate to review circumstances regarding a subdivision or its impact, the cost of the expertise shall be paid by the subdivider, as provided in Section 2230..

3311. Any plan submitted by a subdivider to the Board which does not conform with the requirements herein pertaining to a "Definitive Plan" shall not be so designated, shall be returned to applicant with a statement as to its deficiency, and shall not be reviewed or approved by the Board until said deficiency is corrected.

3312. The applicant shall file by delivery or by registered mail written notice with the Town Clerk stating that a Definitive Plan has been submitted in accordance with G.L. c.41, s.81T, as amended, with the date of submission of the Definitive Plan, accompanied by a copy of the Application Form.

3313. The applicant shall file two (2) copies of the Definitive Plan and one (1) copy of the Application Form with the Board of Health.

3320. Contents. The Definitive Plan shall be prepared by a Registered Professional Engineer and/or Land Surveyor, and shall be clearly and legibly drawn in black India ink upon tracing cloth or mylar, and shall be 24" x 36" in overall dimensions, with a one inch margin left on one 24" edge of each sheet for filing purposes. The prints shall be at a scale of not less than one (1) inch equals forty (40) feet, or such other scale as the Board may prescribe as adequate to show details clearly. Profiles of proposed streets shall be drawn to the same horizontal scale as the Plan, and with vertical scale ten (10) times larger unless otherwise permitted by the Board, on separate tracing cloth or mylar of the same dimensions as the Plan sheets. If multiple sheets are used to show the subdivision, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall show the following information:

- a. subdivision name, boundaries, north point, date, and scale;
- b. a locus map at a scale of one (1) inch equals one thousand (1000) feet showing the proposed streets in relation to existing streets in the immediate vicinity;
- c. name and address of record owner, applicant, and engineer or surveyor, with seal;

- d. where the owner or subdivider also owns or controls unsubdivided land adjacent to or directly across the street from the land shown on the Definitive Plan, the applicant shall submit a sketch plan showing possible or prospective street layout in the event that such unsubdivided land is developed, and shall also show the present drainage for such unsubdivided land, natural and constructed;
- e. boundary lines of bordering adjacent land or of land across the street from property being subdivided and names of abutters thereon as determined from the most recent local tax list;
- f. existing and proposed lines of streets, ways, easements, and any public or common areas within the subdivision;
- g. location, direction, names, and present widths and grades of streets and public or private ways bounding, approaching, or within reasonable proximity of the subdivision;
- h. sufficient data to determine the location, direction, and length of every street and way line, lot line, and boundary line so as to establish these lines on the ground;
- i. location and outline of all existing buildings and site features such as existing stonewalls, fences, large trees and wooded areas, rock ridges and outcroppings, wetlands pursuant to G.L. c. 131, s.40, swamps, flood plain areas, water bodies and water courses, including depth of water and direction of flow within or adjacent to the proposed subdivision;
- j. existing and proposed topography with two (2) foot contours based on mean sea level datum, or at a suitable interval as required by the Board;
- k. acreage of each lot, lot lines, bearings and length thereof in conformity with the Zoning By-Law in each case;
- l. location of existing and proposed monuments, hydrants, public utility facilities, water pipes, fire ponds, and common wells within the subdivision;
- m. park or open areas suitably located for conservation, playground, or recreation purposes within the subdivision, if any;
- n. proposed storm drainage of land, including existing natural waterways and the proposed disposition of water from the proposed subdivision to either adequate natural drainage channels or artificial means of disposal thereof, and including the proposed layout of any storm drainage system;

- o. location and purpose of all existing and proposed easements;
- p. location and species of proposed street trees, and/or individual trees or wooded areas to be retained within forty (40) feet of the sidelines of each street;
- q. street plans and profiles must show the percent of grade, radii and length of curves, the point of curvature, and the point of tangency of curves;
- r. street plans and profiles must show, in addition to the proposed grade, present elevations of the center line and both sides of proposed streets at fifty (50) foot stations;
- s. approximate proposed location of principal building on each lot to comply with the provisions of the Zoning By-Law, whenever uncertainty exists or upon the request of the Board, the Board of Health, or the Conservation Commission;
- t. location of a minimum of two (2) benchmarks;
- u. suitable space to record the action and signatures of the Board members on each sheet of the Definitive Plan;
- v. location of existing utilities, underground or overhead, indicating size, type, and location of easement;
- w. location of subsurface test pits as required by the Board. The Board will not normally require more than one pit per three proposed lots, locations to be selected after consultation with the Board of Health and the Conservation Commission;
- x. detail of typical cross-section of roadway showing all features; detail of catch basin, manhole, headwall, sidewalk, and subdrain.

3330. Accompanying Statements and Data. The Definitive Plan shall be accompanied by four (4) copies of the following written statements:

- a. Existing zoning and any easements, covenants, and restrictions applying to the area proposed to be subdivided.
- b. List of waivers requested pursuant to Section 5200, herein.
- c. Logs of results of all test pits made.
- d. Data and proposed arrangements for water supply, sewerage, and sewage disposal, including all appurtenances, as required by the Board of Health.

- e. Drainage calculations prepared by the applicant's engineer, including design criteria, drainage area and other information sufficient for the Board to verify the size of any proposed drain, swale, drainfield, culvert, bridge, or catch basin. Said calculations are to be made separately for each drainage facility showing its location, the total upstream drainage area, the percentage of impervious surfaces in the drainage area, the runoff per acre, the design runoff, facility size, slope and capacity, and the velocity of water through it. An accompanying statement shall describe any areas subject to seasonal ponding or flooding, existing or proposed flood control or wetland easements, estimated increase of peak runoff caused by altered surface conditions, and methods to be used to return water to the soils.

3340. Development Impact Statement (DIS). The impact of the proposed subdivision is to be described according to the following criteria, except that in the case of subdivisions containing 10 or fewer units, the Board will normally waive some or all of these requirements. Unless this requirement is waived by the Board, the DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional or Civil Engineer, and a Registered Surveyor. Four (4) copies of the DIS shall be submitted to the Board.

a. Physical Environment.

(1) Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, scenic and historical features or structures, location of significant viewpoints, stone walls, trees over 16 inches in diameter, trails and open space links, and indigenous wildlife.

(2) Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.

b. Surface Water and Subsurface Conditions.

(1) Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the project.

(2) Describe any proposed alterations of shore lines, marshes, or seasonal wet areas.

(3) Describe any limitations imposed on the project by soil and water conditions and methods to be used to overcome them.

(4) Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the development. For subdivisions located in whole or in part within the Town's Aquifer Protection District, as established in the Zoning By-Law, this shall include an analysis of open and closed drainage system alternatives, examining the concentration and speed of the transport of contaminants.

c. Circulation Systems.

(1) Explain the reasons for location of streets and intersections as shown on the Definitive Plan, with specific reference to criteria set forth in Section 4100, below.

(2) 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 use streets adjacent to the proposed subdivision per average day and peak hour. Such data shall be sufficient to enable the Board to evaluate (a) existing traffic on streets adjacent to or approaching the proposed subdivision, (b) traffic generated or resulting from the proposed subdivision, and (c) the impact of such additional traffic on all ways within and providing access to the proposed subdivision. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the DIS.

d. Support Systems.

(1) Water Distribution: Discuss the types of wells proposed for the site, means of providing water for fire-fighting, and problems unique to the site.

(2) Sewage Disposal: Discuss the type of system to be used, suitability of soils, procedures and results of percolation tests, and evaluate impact of disposal methods on surface and groundwater.

(3) Refuse Disposal: Discuss the location and type of facilities, the impact on existing Town refuse disposal capacity, hazardous materials requiring special precautions.

(4) Fire Protection: Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing fire fighting equipment to confront potential fires on the proposed site.

(5) Recreation: Discuss the distance to and type of public facilities to be used by residents of the proposed site, and the type of private recreation facilities to be provided on the site.

(6) Schools: Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the nearest public schools serving these categories of students

e. Phasing. Where development of the subdivision will require more than one (1) year, indicate the following:

(1) Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.

(2) Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into subdivision development.

3400. Review.

3410. Board of Health as to Suitability of the Land. The applicant shall file with the Board of Health three prints of the Definitive Plan, one executed copy of Forms C, D, and E, as provided herein, and one copy of each of the documents described in Sections 3330 and 3340, as may be determined applicable by the Planning Board. The Board of Health shall, within forty-five (45) days after filing of the plan, report to the Board in writing and shall make specific findings as to which, if any, of the proposed lots shown on such plan cannot be used for building sites without injury to the public health, or is unsuitable because of drainage conditions. The Board of Health shall make specific findings and state reasons therefor in such report, and, where possible, shall make recommendations for the adjustment thereof. The Board of Health shall determine the extent of soil evaluation, which may include deep test holes, percolation tests, and test borings, and shall determine the number of tests to be required. At the time of the filing of the Definitive Plan, the applicant shall stake all proposed lots and mark proposed lot numbers on said lots for identification to facilitate review by the Board of Health.

3420. On-site Wastewater Disposal. Notwithstanding Section 3410, a permit to construct an individual sewage disposal system for sanitary wastewater disposal shall be obtained from the Board of Health for each individual lot prior to the issuance of a building permit. A condition shall be recorded on the Definitive Plan as follows: "No building or structure shall be built or placed

upon any lot without a wastewater disposal permit from the Board of Health."

3430. Other Town Officials. Before approval of a Definitive Plan is given, the Board will obtain appropriate checks on the engineering and survey information shown on said plan, and written statements that the proposed improvements shown are laid out to the satisfaction of the official, as follows:

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

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

c. As to the form of easements, covenants, and performance guarantees: the Town Counsel or Special Town Counsel.

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

e. As to street safety: the Police Chief.

3440. Public Hearing. Before approval, modification, or disapproval of a Definitive Plan is given, a public hearing shall be held by the Board. Notice of such hearing shall be given in accordance with the provisions of G.L. c.41, s.81T, as amended. A copy of said notice shall be mailed to the applicant and to all owners of land submitted on Form D - Certified List of Abutters.

3500. Performance Guarantee.

3510. Before endorsement or approval of a Definitive Plan, the Board will require provision for the completion of construction of ways and the installation of municipal services in accordance with the Rules and Regulations of the Board. The construction of ways and installation of municipal services within the period required by the Board shall be secured by one, or in part by one and in part by another, of the following methods, which may from time to time be varied by the applicant.

3511. Final Approval with Bonds or Surety. The subdivider shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified in Section 4000 not covered by a covenant below. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer, and shall be contingent on the completion of such improvements within two years of the date of the bond.

3512. Final Approval with Covenant. The subdivider shall file a covenant acceptable to the Board, executed and duly recorded by the owner of record, running with the land, whereby conditions specified in the certificate of approval are met, and such ways and services as specified in Section 4000 shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed.

3600. Endorsement and Recording.

3610. Certificate of Approval. The action of the Board with respect to any Definitive Plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for such modification or disapproval. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board, but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the Board's action with the Town Clerk and said clerk has notified the Board that no appeal has been filed, and, in the case of approval with conditions, the applicant has satisfied all pertinent conditions to the satisfaction of the Board.

3620. Recording of Plan. Within thirty (30) days after the return of an approved plan, the applicant shall cause to be recorded in the Franklin County Registry of Deeds, and in the case of registered land with the recorder of the Land Court, a copy of the approved Definitive Plan and accompanying covenants and agreements, if any. Following plan approval, endorsement, and recording, the applicant shall provide the Board with five (5) prints of the Definitive Plan, one of which shall be certified by the Registry of Deeds as having been recorded, and one (1) copy of final covenants and restrictions, noting book, page number, and date of recording for each. One copy of the Definitive Plan shall be forwarded to the Building Inspector by the Board.

3700. Evidence of Satisfactory Performance.

3710. Release of Bond or Covenant. Before the Board shall release the interest of the Town in a performance bond or a deposit, or in the case of approval with covenants, issue a release of a covenant, all held pursuant to Section 3500, above, the applicant shall:

3711. File with the Board a certified copy of the layout plan of each street in the subdivision marked "As Built". In the case of approval with covenants, the applicant may show only the street or streets serving the lots for which a release is desired on the layout plan. Certification shall be by a Registered Professional Engineer or Land Surveyor, and shall

indicate that streets, storm drains, sewers, water mains, and their appurtenances have been constructed in accordance with said plan and are accurately located as shown thereon.

3712. Obtain and submit to the Board written evidence that the required improvements, as set forth herein, have been completed to the satisfaction of the official listed below:

- a. for the planting of any required street trees:
Tree Warden;
- b. for the placing of monuments and construction of all other required improvements and the performance of all other required work:
Planning Board and/or its designated agent;
- c. for streets and drainage, as in conformance with the approved Definitive Plan: Planning Board and/or its designated agent;
- d. for underground wiring, water mains, sanitary sewers, storm sewers, hydrants, fire ponds, and fire alarms, as in conformance with the approved Definitive Plan: Planning Board and/or its designated agent.

3713. The applicant shall submit written evidence that all of the required improvements stated in Section 3712 have been exposed to one complete winter environment (December 1 - March 31) without damage, or, if damage has occurred, that such damaged improvements have been repaired to the satisfaction of the Board.

3800. Release of Performance Guarantee.

Upon completion of the improvements required under Section 4000, or the performance of any covenant with respect to any lot, the applicant shall send by registered mail to the Town Clerk a statement, in duplicate, that said construction or installation in connection with any bond, deposit, or covenant has been completed in accordance with the requirements of Section 4000. Such statement shall contain the name and address of the applicant, and the date of filing with the Town Clerk. The Town Clerk shall forthwith furnish a copy of the statement to the Board. If the Board determines that said construction or installation has been completed, in accordance with Section 3700, above, it shall release the interest of the Town in such bond or deposit and return the bond or deposit to the person who furnished same, or issue a release of covenant in a form acceptable for recording. If the Board determines that said construction or installation has not been completed, it shall specify to the applicant in writing the details wherein said construction or installation fails to comply with the provisions of Section 4000. Upon failure of the Board to so notify the applicant within forty-five (45)

days after the receipt by the clerk of said statement, all obligations under the bond shall cease and terminate by operation of law, and deposit shall be returned, and any covenant shall become void. In the event that such forty-five (45) day period expires without notification by the Board, or without the release and return of the bond, or the return of the deposit, or the release of the covenant, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which shall be recorded by the applicant.

3810. The Board shall release from covenants only those lots for which installation and construction of ways and services has been completed, in accordance with these Rules and Regulations. The applicant may submit Form J - Release of Covenant - when applying for the release of a lot from a covenant.

SECTION 4000. REQUIRED IMPROVEMENTS.

4100. General.

4110. Design Guidelines. All subdivisions shall be designed, and improvements made by the developer, consistent with the requirements of Section 4000, Required Improvements, and shall be designed to do the following:

4111. Reduce, to the extent possible:

- a) the volume of cut and fill;
- b) area over which existing vegetation will be disturbed, particularly in those areas within 200 feet of a water-body, having a slope of more than 15%, or overlying easily eroded soils;
- c) number of mature trees removed;
- d) extent of waterways altered or relocated;
- e) visual prominence of man-made structures or uses not necessary for safety or orientation;
- f) erosion and siltation;
- g) flood damage;
- h) number of driveways exiting onto existing streets;
- i) disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic environs.

4112. Increase, to the extent possible:

- a) vehicular use of collector streets to avoid traffic on streets providing house frontages;
- b) visual prominence of the landscape;
- c) legal and physical protection of views from public ways;
- d) street layout facilitating south orientation of houses;
- e) use of curvilinear street patterns.

4120. Conformance with Zoning By-Law. All lots shown on the plan shall conform with the requirements for area,

dimensions, frontage, buildable area, and all other requirements of the Zoning By-Law of the Town.

4125. Frontage Existing Ways. A subdivision shall have a frontage of at least 300 feet on an existing way in the Town of Leverett. This provision shall not apply to any subdivision the preliminary plan for which were submitted prior to October 25, 1996.

4130. Access to Residential Subdivisions.

4131. A way providing access to any residential subdivision must be within the Town limits. Any access to a subdivision through another town requires certification by that town that the way in question is in accordance with the subdivision rules and regulations of that town, that any bond posted for construction in that town is adequate, and that the way provides adequate access for police, fire, and emergency vehicles as well as the expected traffic generated by the subdivision.

4132. No subdivision plan shall be approved unless the street system shown assures physical access to each lot without reliance on common driveways.

4140. Open Spaces.

4141. Before approval of a plan, the Board may require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall be of reasonable size, but generally not less than five (5%) percent of the area of the land to be subdivided, after considering the location and quality of the land to be set aside. The minimum area acceptable for later public acquisition shall be three (3) acres. The Board may by appropriate endorsement on the plan require that no building be erected on such park or parks without the approval of the Board for a period of three (3) years.

4142. Land designated for park or playground use shall not include wetlands, ledge, or other land unsuitable for recreation purposes.

4143. Any open space, park, or playground shall provide at least fifty (50) feet of continuous frontage on a street. Pedestrian ways may be required by the Board to provide access from nearby streets on which the open space, park, or playground has no frontage. Such parks or playgrounds may be required to have maintenance provided by covenants and agreements acceptable to the Board, until public acquisition is completed, but in no case longer than three (3) years.

4150. Wetlands Protection. The Board may condition its approval of a Definitive Plan upon the issuance of an "Order of Conditions" by the Conservation Commission of the Town, pursuant to the Wetlands Protection Act, G.L. c. 131, s. 40.

4160. General Construction Standards.

4161. All streets, street drains, catch basins, and appurtenances thereto shall be installed without expense to the Town.

4162. All right of way lines, drain lines, and underground municipal services shall be laid out as to line and grade by a Registered Professional Engineer or a Registered Land Surveyor.

4163. All construction details, materials, methods, and specifications shall conform to the current requirements of the "Commonwealth of Massachusetts, Standard Specifications for Highways and Bridges, Boston, Massachusetts" as supplemented, and shall be under the supervision of the Board, official, or agent designated by the Board.

4200. Streets.

4210. Location.

4211. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel and natural drainage with no drainage pockets, and that they are adjusted to the topography and provide the minimum number of intersections with existing and collector streets. Due consideration shall also be given by the applicant to the attractiveness of the street layout to promote the maximum liveability and amenities in the subdivision.

4212. Provision shall be made by the applicant, satisfactory to the Board, for the proper projection of streets, or for access to adjoining property, if any, which has not yet been subdivided.

4213. Subdivisions containing ten (10) or more lots shall have at least two (2) noncontiguous street connections with a street or streets, such streets to be either existing public ways or ways shown on an approved subdivision plan for which a performance guarantee has been filed.

4214. Streets will ordinarily be required adjacent to parks, playgrounds, and schools, to provide proper access and policing of such areas.

4220. Alignment.

4221. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at an angle less than sixty (60) degrees.

4222. Intersections shall be separated by not less than eight hundred (800) feet on collector streets, and five hundred (500) feet elsewhere.

4223. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided. The minimum centerline radii of curved streets shall conform to the following:

Collector streets:	300 feet
Minor streets:	150 feet
Lanes:	125 feet

4224. All reverse curves on collector streets shall be separated by a tangent at least one hundred (100) feet in length.

4225. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than twenty-five (25) feet, except that a curb radius of not less than fifteen (15) feet may be required at intersections of lanes with minor streets.

4230. Widths. The minimum width of streets, including shoulders, shall conform to the following:

Collector streets:	Sixty (60) feet right of way Thirty (30) feet pavement
Minor streets:	Fifty (50) feet right of way Twenty-four (24) feet pavement
Lane:	Forty (40) feet right of way Twenty (20) feet of pavement

4240. Grades.

4241. Centerline grade for any street shall not be less than fifty hundredths (.50) of one percent.

4242. Maximum grades shall not exceed the standards set forth below on any section of the required way:

Collector streets:	eight (8) percent
Minor streets:	ten (10) percent
Lanes:	twelve (12) percent

4243. All changes of grade exceeding one (1) percent shall be connected by vertical curves of sufficient length to provide the following safe stopping distance for motor vehicle traffic:

Collector streets:	275 feet
Minor streets:	150 feet
Lanes:	125 feet

4244. On any street where the grade exceeds 6% on the approach to an intersection, a staging area with a slope of not more than 4% shall be provided for a distance of at least forty (40) feet from the

nearest edge of the travelled intersecting way.

4245. Proposed centerline grade shall not be more than ten (10) percent above or below existing centerline grade unless the Board specifically waives this provision due to unusual topographic circumstances.

4246. To the extent feasible, street grades shall be designed in relation to existing grades so as to approximately balance the volume of cut and fill made within the rights of way, except to offset peat, boulders, or other unusable material required to be removed.

4250. Dead-end Streets.

4251. A dead-end street, whether temporary or permanent, shall not serve more than ten (10) lots, nor have a centerline length in excess of 500 feet from the travelled edge of the intersecting street to the furthest travelled edge of the dead-end street, unless the Board specifically waives this provision due to unusual topography or other conditions.

4252. A dead-end street shall not have a grade in excess of three (3) percent for the last one hundred (100) feet of its closed end.

4253. A dead-end street shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet, and a property line diameter of at least one hundred twenty-five (125) feet.

4254. Temporary dead-end streets shall also provide the turn-around set forth in Section 4253, which may be located in part on easements over lots, so long as contractual assurance is provided that upon extension of the street in question, the turn-around shall be removed and replaced with proper plantings and landscaping.

4260. Construction of Roadways.

4261. Each street shall be constructed on the centerline of the right of way.

4262. The roadway shall be cleared of all obstructions of any kind, including brush, stumps, and other surface material, for a distance equal to the sum of the specified width of the pavement, plus the required shoulder, sidewalk or swale on each side of the pavement. A greater width may be required at corners and on the inside of curves for visibility.

4263. Preparation of the Roadway.

a. All materials shall be removed for the full length and width of the roadway, to a depth of at least fifteen (15) inches below the finished surface as shown on the profile plan; however, if the Board determines that the soil is soft or spongy, or the soil contains undesirable material, such as clay, sand, tree stumps, stones over six (6) inches in diameter, or any other material detrimental to the subgrade, a deeper excavation below the subgrade shall be made per the directions of the Board or its designated agent.

b. After removal of materials from the roadway, pipes shall be laid.

c. The excavated area below the subgrade shall be filled to subgrade with clean bank gravel or other well-compacted material satisfactory to the Board or its designated agent.

d. The entire roadway shall then be rolled, forming the subgrade with a 3/8" per foot crown.

e. An inspection of the subgrade shall be made by the Board or its designated agent before any foundation gravel is spread. All underground utilities, including telephone and electricity shall be installed prior to the placing of the roadway surface.

f. The gravel base shall be spread in two layers per the Standard Specifications for Highways and Bridges (SSH&B) Section 401.60 - Gravel Subbase. The bottom layer of eight inches shall be spread and rolled with a gravel meeting SSH&B standard M.1.03.0 type A (no stones over 6 inches in diameter); the top layer of four inches shall be spread and rolled with a gravel meeting SSH&B standard M.1.03.0 type B (no stones over 3 inches in diameter).

g. The roadway shall have a crown of 3/8 inches per foot and be paved with bituminous pavement to the standards of SSH&B Section 460 - Class I Bituminous Pavement. The paving shall consist of a binder course of 2 1/2 inches compacted measure on collector streets, or 1 1/2 inches on other streets, followed by a finish course of 1 1/2 inches compacted measure. All compacting shall be done by a minimum 10-ton roller.

4270. Shoulders. Roadways shall have gravel shoulders in conformance with the following widths:

Collector streets:	5 feet
Minor Streets:	5 feet
Lanes:	3 feet

4300. Stormwater Management.

4310. General. Storm drains, culverts, swales, detention basins, and related facilities shall be designed to permit the unimpeded flow of all natural water courses, to ensure adequate drainage at all low points along streets, to control erosion, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area being drained. Where determined to be appropriate to the Board, stormwater may be carried on the surface of the ground and recharged (herein, "open system") rather than piped to surface water (herein, "closed system"). Peak stream flows and runoff at the boundaries of the subdivision in a twenty-five (25) year frequency storm shall be no higher following development than prior to development, unless authorized by the Board after consultation with the Conservation Commission, and determination that the receiving wetlands or water bodies may absorb the increase, or that the provision of detention capacity is sufficient.

4320. Standards. Facility design shall accommodate, as a minimum, the following standards; stricter standards may be required by the Board in high-risk areas:

Storm sewers and swales:	10 year storm
Detention basins:	25 year storm
Culverts, other stream crossings:	50 year storm

All tributary areas shall be assumed to be fully developed in accordance with the Zoning By-Law unless publicly owned or deed restricted. Calculations shall be based on the Soil Conservation Service Modified Soil Cover Complex Method, unless the Board waives this requirement for unusually simple circumstances. Water velocities in pipes and paved gutters shall be between two and ten feet per second, and shall not exceed five feet per second on paved surfaces.

4330. Storm Sewers. All drain pipes shall be at least twelve (12) inches inside diameter, and made of reinforced concrete conforming to Massachusetts Department of Public Works (DPW) specifications for Class III pipe, or such higher class as may be required by depth of cover. Depth of cover shall not be less than thirty-six (36) inches.

4340. Structures. Except where drainage swales are used, catch basins shall be required on both sides on the roadway on continuous grade at intervals of not more than 300 feet. Any catch basins and manholes used shall be at least six (6) feet deep and four (4) feet in diameter, using inside measurements. No catch basins shall serve as manholes. Construction shall be of concrete blocks or precast concrete units, plastered on the outside. Manhole covers and grates shall be in conformance with SSH&B Specification 201, designed and placed so as to cause no hazard to bicycles.

4350. Swales. Drainage swales shall have cross-sectional area adequate to carry a 10-year storm, and constructed as follows:

0.75% - 4% Slope:	6 inches of loam, seeded
4% - 10% Slope:	6 inches minimum size angular stones to a water depth of one foot, with a twelve (12) inch gravel subbase per SSH&B standard M.1.03.0 Type A

4360. Waterways. Applicant may be required to construct safety fencing around open brooks and tributary ditches where slope, bank instability, stream depth, or flow rate cause, in the opinion of the Board, safety hazards.

4370. Connections. Proper connections shall be made with any existing drains in adjacent streets or easements which are found to be adequate to accommodate the drainage flow from the subdivision. In the absence of such facilities, or the inadequacy of such facilities, the subdivider shall be required to properly extend drains from the subdivision to dispose of all drainage from the subdivision in a manner approved by the Board, and to secure for the Town any necessary drainage rights.

4380. Excavations. No excavations for storm sewers, catch basins, manholes, or other related facilities shall be backfilled until inspected by the Board or its designated agent.

4390. Flood Hazard District. All subdivision proposals shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of the proposed subdivision is located within the Flood Hazard District established in the Zoning By-Law, currently Section V.E., the proposal shall be reviewed in conformance with the following:

4391. The proposal shall be in conformance with Section V.E. of the Zoning By-Law.

4392. The proposal is designed consistent with the need to minimize potential flood damage, including the location and construction of all public utilities and facilities, such as gas, electrical, and water systems.

4393. Adequate drainage systems have been provided to reduce exposure to flood hazards, and base flood elevation (level of the 100-year flood) data shall be provided for proposals where the land to be subdivided exceeds five (5) acres, for that portion within the Flood Hazard District.

4400. Municipal Services.

4410. Evidence shall be submitted to satisfy the Board of

Health that adequate and potable water supply is available for each lot in the subdivision.

4420. Electricity and telephone service shall be provided to each lot. All electrical, telephone, and other utility wires shall be placed below ground in a subdivision, unless the Board determines that such placement is not feasible or is not in the best interests of the Town.

4430. Provision shall be made for fire protection in the subdivision. The applicant shall review plans for fire protection with the Chief of the Leverett Fire Department and reach an agreement as to the method of providing adequate fire protection. A subdivision plan shall be approved only upon presentation of evidence to the Board, subject to the approval of the Fire Chief, that adequate provisions for fire protection have been made.

4500. Other Improvements.

4510. Sidewalks.

4511. Required Locations. Sidewalks within street right-of-ways shall be provided as follows:

Collector streets:	Both sides
Minor streets:	One side
Lanes:	One side

4512. Width and Alignment. Sidewalk pavement shall be five (5) feet wide on collector streets, and four (4) feet wide elsewhere. Except at intersections, sidewalks shall be separated from the travelled way by not less than the required shoulder width. Pavement width may vary to reflect or protect existing topography, trees, ledge, and other site features.

4513. Other Walkways. Public off-street walkways, bikeways, or bridle paths may be required by the Board to provide grounds, parks, shopping, transportation, open space, or community facilities, or to break up long blocks, or for any other reason that the Board may determine. No such walkway, bikeway, or bridle path shall be a part of any lot in the subdivision.

4514. Construction. Sidewalks shall have a foundation of eight (8) inches or more of compacted gravel. The pavement shall be Class I Bituminous concrete rolled to 1 1/2 inches thickness, with a proper cross-slope.

4520. Grass Plots and Slopes. Embankments outside the shoulders and swales shall be evenly graded and pitched at a rate not steeper than two to one (2:1) in cut and three to one (3:1) in fill. The Board may require such banks and all other disturbed areas adjacent to the traveled way to be loamed and seeded to grass, or, after consideration of the surrounding vegetation and terrain, to be blended with such

woods or natural surroundings as exist, with plantings chosen accordingly.

4530. Street Trees. Street trees, not less than twelve (12) feet in height, and of a species approved by the Board or the Tree Warden, shall be planted on each side of every street in the subdivision, wherever, in the opinion of the Board or the Tree Warden, existing woodlands or suitable individual trees are not retained. Trees shall be located outside exterior street lines, and at such distance therefrom, and at such spacing as the Board or the Tree Warden shall specify.

4540. Curbing and Berms. Both sides of all streets shall have a bituminous Cape Cod berm, 12 inches wide with three inches exposed rise, except that where necessitated for traffic control or drainage, the Board may require sloped granite edging of type SB instead. Where open swale drainage is employed, the Board may waive these requirements.

4550. Driveway Entrances. In order to keep surface water from roadways from draining onto individual lots, driveway entrances shall be constructed so that they slope towards the roadway for a minimum distance of four (4) feet, at not less than 1 inch per foot.

4560. Monuments.

4561. Street lines shall have bounds placed at all angle points, at the beginning and end of all curves, and every 1,000 feet on straight sections. Such bounds shall be of solid granite, not less than three feet long and not less than five inches square.

4562. Four major corners of each lot shall be marked with bounds to be of the same quality as specified in Section 4561.

4563. Monuments shall be installed only after all construction which would disturb them has been completed, and shall have their tops a minimum of three inches above final grade surface.

4564. Placement and accurate location of all monuments shall be certified by a Registered Land Surveyor, and indicated on the plan required in Section 3712.

4570. Street Signs. Street signs shall be provided and installed as directed by the Board.

4580. Clean-up. The entire area of the subdivision must be cleaned up so as to leave a neat and orderly appearance free from debris and other objectionable materials, leaving no unfilled holes, and leaving no other artificially created hazards.

4600. Easements.

4610. Easements for fire ponds and utilities across lots or centered on rear or side lines shall be provided, and shall be at least twenty (20) feet wide.

4620. Where a subdivision is traversed by a water course, drainage way, stream, or channel, the Board may require that a storm water easement or drainage right-of-way be provided of adequate width to provide for free flow of water in its natural course, for construction, or for other necessary purposes.

SECTION 5000. ADMINISTRATION.

5100. Inspection.

For the protection of the town and future residents of the subdivision, a series of inspections during the course of construction are required to ensure compliance with the approved Definitive Plan and the Board's Rules and Regulations.

5110. Inspection Requests. Inspections shall be requested by the subdivider at least seven (7) full working days in advance by written notice to the Board and its duly authorized representative.

5120. Inspections Required. The subdivider shall contact the Planning Board and its duly authorized representative for inspections regarding the following aspects of the subdivision, at the specified times:

5121. Roadbeds: following excavation of the roadbed, but prior to any backfilling.

5122. Drainage system: following installation of drain pipe, culverts, catch basins, and all related construction, but prior to any backfilling.

5123. Underground utilities: following laying of electric, telephone, and fire alarm cable in roadway and to individual dwellings, but prior to any backfilling.

5124. Finished gravel foundation: following application, grading, and compaction of gravel foundation.

5125. Pavement: notice shall be given so that inspection may be conducted during and upon completion of paving.

5126. Final inspection: following completion of roadways, permanent bench marks, curbing, berming, walkways, grading, seeding, and cleanup.

5130. Backfilling. No water main, storm drain, catch basin, utility installation, road sub-grade or foundation,

or any other item of work designated for inspection, shall be backfilled or paved over until inspected and approved by the Board or its duly authorized representative.

5200. Variations.

Strict compliance with these Rules and Regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

5300. Reference.

For matters not covered by these Rules and Regulations, reference is made to G.L. c.41, ss. 81K - 81GG, inclusive, as amended.

5400. Separability.

If any section, paragraph, sentence, clause, or provision of these Rules and Regulations shall be adjudged invalid, the adjudication shall apply only to the material so adjudged, and the remainder of these Rules and Regulations shall be deemed to remain valid and effective.

5500. Amendments.

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