

Chapter 222

SUBDIVISION RULES AND REGULATIONS

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[HISTORY: Adopted by the Planning Board of the Town of Northbridge 5-11-1998. Amendments noted where applicable.]

GENERAL REFERENCES

Numbering of buildings — See Ch. 7, Section 7-100.
Earth removal — See Ch. 7, Section 7-200.

Wetlands protection — See Ch. 7, Section 7-700.
Sewers — See Ch. 10.

ARTICLE I
Title, Purpose and Authority

§ 222-1. Title.

These rules and regulations of the Northbridge Planning Board shall be known and may be cited as the "Rules and Regulations Governing the Subdivision of Land, Northbridge, Massachusetts," which herein are called these "rules and regulations."

§ 222-2. Purpose.

The Rules and Regulations Governing the Subdivision of Land, Town of Northbridge, Massachusetts, have been enacted as provided in MGL C. 41 "for the purpose of protecting the safety, convenience and welfare of the inhabitants" of Northbridge "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 subdivision and, in proper cases, parks and open areas. The powers of the Planning Board and of the Board of Appeals under the Subdivision Control Law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be save 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 case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provision for water, sewerage, drainage and underground utility services, fire, police and other similar municipal

equipment and streetlighting 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." It is the intent of these rules and regulations that any subdivision plan filed with the Board shall receive the approval of such Board if said plan conforms to the recommendation of the Board of Health and to the reasonable rules and regulations of the Board pertaining to subdivision of land; provided, however, that such Board may, when appropriate, waive, as provided for in MGL C. 41, § 81-R, such portions of these rules and regulations as are deemed advisable.

§ 222-3. Statutory authority.

Under the authority vested in the Planning Board of the Town of Northbridge by MGL C. 41, § 81-Q, said Board hereby amends those rules and regulations governing the subdivision of land in the Town of Northbridge which took effect on the 13th day of November 1956. Such amended rules and regulations shall be effective on and after the 13th day of May 1998.

ARTICLE II General Provisions

§ 222-4. Definitions.

For the purpose of these rules and regulations, unless a contrary intention clearly appears, the terms and words defined in the Subdivision Control Law (MGL C. 41, §§ 81-K through 81-GG) shall have the meanings given therein. The following other terms and words shall have the following meanings:

APPLICANT — Includes an owner or his agent or representative or his assigns.

ARTERIAL STREETS — Highways which connect Northbridge and other towns and form part of the state highway system.

BOARD — The Planning Board of the Town of Northbridge.

MGL — Massachusetts General Law.

STREETS: —

- A. **ARTERIAL STREETS** — Highways which connect Northbridge and other towns and form part of the state highway system.
- B. **MAJOR STREETS** — Those streets which carry traffic from developed areas to an arterial street.
- C. **SECONDARY STREETS** — Streets that collect traffic from neighborhoods.
- D. **MINOR STREETS** — Streets which provide primary access to abutting properties.
- E. **DEAD-END STREETS/CULS-DE-SAC** — Streets or portions of streets which join another street at only one point.

SUBDIVISION — The division of a tract of land into one 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 public way or a way which the Town Clerk certifies is maintained and used as public way or a ways shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law or a way in existence when the Subdivision Control Law became effective in the Town of Northbridge, having, in the opinion of the Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the buildings erected or to be erected thereon. Such frontage shall be at least of such distance as is then required by zoning or other ordinances or bylaws for the erection of a building on such lot. Conveyances or other instruments adding to, taking away from or changing the size and shape of lots in such a manner as not to leave any lot so affected without 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 Town of Northbridge into separate lots onto of which one of such buildings remains standing shall not constitute a "subdivision."

SUBDIVISION CONTROL LAW — Refer to MGL C. 41, §§ 81-K to 81GG, inclusive, entitled "Subdivision Control."

SUBDIVISION, TYPE I — A subdivision for residential purposes in which the minimum lot size in the applicable zoning district is 20,000 square feet or more.

SUBDIVISION, TYPE II — A subdivision for residential purposes in which the minimum lot size in the applicable zoning district is less than 20,000 square feet.

SUBDIVISION, TYPE III — A subdivision for business or industrial purposes.

§ 222-5. Limitation on number of dwellings per lot.

No 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 of Northbridge without the consent of the Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision.

§ 222-6. Plan approval not required.

A. Submission requirements.

- (1) Any person who wishes to have a plan of land recorded in the Registry of Deeds or to be filed with the Land Court and believes that his plan does not require approval under the Subdivision Control Law shall submit his plan, the required filing fee, four contact prints and a properly executed Form A to the Planning Board at a regularly scheduled meeting, 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, accompanied by a copy of said application and a description of the land to which the plan relates.

- (2) If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.
- B. Form and contents of plan. Said plan shall be of the dimensions 8 1/2 by 11 inches, up to a maximum of 24 by 36 inches, shall be prepared in such a manner as to meet the Registry of Deeds and/or Land Court requirements for recording and shall contain the following information:
- (1) Identification of the plan by name and signature of the owner of record and the location of the land in question, including Deed, Book and Page reference, the Assessor's Map and lot number, area and the frontage in feet, the scale, North point and date.
 - (2) The statement "Approval Under Subdivision Control Law Not Required" and sufficient space in the lower right hand corner for the date and signatures of all five members of the Board.
 - (3) All ANR plans shall contain the statement "Endorsement of this plan does not imply the plan complies with the Zoning Bylaws of the Town of Northbridge."
 - (4) The Zoning Classification and any zoning district boundaries that may lie within the locus of the plan.
 - (5) In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
 - (6) Notice of any and all decisions of the Zoning Board of Appeals, including but not limited to variances and special permits, regarding the land or any building thereon.
 - (7) The names and status of private and public ways shown on the plan. The Planning Board may require the applicant to obtain written verification by the Town Clerk that there is sufficient frontage on an established public way or a way maintained and used as a public way.
 - (8) Names of abutters from the most recent tax list. If the applicant has knowledge of any changes subsequent to the latest available Assessor's records, this information shall be indicated on the plan.
 - (9) The bearings and distance of all lines of the lot or lots shown on the plan and the distance to the nearest permanent monument.
 - (10) The location of existing buildings on the land shown on the plan or within 50 feet of its boundaries, including setback and side and rear yard designations as determined by the Official Map of the Town Assessors, the Registry of Deeds and other means.
 - (11) Existing contours at five foot intervals and the location of any topographic features which interfere with the use of the frontage for access.

- (12) The location of all bounds, fences, walls and bodies of water, including but not limited to streams, brooks, watercourses, ponds, lakes, floodplains and other standing bodies of water. Said plan shall reflect the average annual high-water level with respect to any such bodies of water.
 - (13) A locus map at a scale of one inch to 1,000 feet.
 - (14) The following statement, if the plan shows any parcel or parcels which are not intended as a building lot: "Not a building lot; no further building may occur without further approval by a Planning Board pursuant to the Subdivision Control Law."
 - (15) The names and addresses of the record owner of the land and applicant, and the name, seal and signature of the registered land surveyor or engineer who prepared the plan.
- C. Additional requirements. Justification/description of basis for claim to ANR endorsement, clearly noted both on the application form and on the plan (i.e. required frontage on a town accepted road, separation of lots with buildings which preexist subdivision control (including evidence), etc.).
- D. Review and decision process.
- (1) The Planning Board, in considering an application for a determination that approval is not required, shall first determine whether the application is a proper submittal. If the Board determines that the application is not a proper submittal, the applicant shall be denied endorsement without prejudice. If the application is determined to be a proper submittal, the Board shall consider the application.
 - (2) If the Planning Board determines that the plan does not require approval under the Subdivision Control Law, the Board shall, without a public hearing and within 21 days of submission of the plan to the Planning Board, endorse on the plan the certification that "Planning Board approval under the Subdivision Control Law is not required." Such endorsement shall not be withheld unless the plan shows a subdivision or the applicant has submitted insufficient evidence to substantiate the basis for claiming that the plan does not show a subdivision as provided in MGL C. 41, § 81-L.
 - (3) If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it shall send written notice by certified mail to the applicant of this determination and shall also give written notice to the Town Clerk within 21 days of the plan submission.
 - (4) One print of the plan shall be retained in the files of the Planning Board with a notation of the Board's action, and copies of the plan and action shall be sent to the Building Inspector, Town Clerk and Town Assessor.
- E. Approval criteria.

- (1) The Planning Board shall determine that approval is not required if and only if each of the lots shown on the plan or altered by the plan meets one or all of the following criteria:
 - (a) The lot has frontage on a public way or way which is maintained and used as a public way. In determining whether a way has been used and maintained as a public way, the Board shall require written evidence from the Town Clerk be submitted by the applicant to substantiate that the way is under public maintenance under vote of the town and has been in continuous and substantial use by the general public without permission of the landowners for at least 20 years. Sporadic use, use by a few persons or use by agreement of the abutters shall not suffice.
 - (b) The lot has frontage on a way shown on a definitive plan previously approved and endorsed and registered with the Land Court or Registry of Deeds in accordance with the Subdivision Control Law.
 - (c) The lot has frontage on a way in existence when the Subdivision Control Law became effective in Northbridge which the Planning Board finds has significant 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 and for the installation of municipal services to serve such land and the existing and future buildings on such land.
 - (d) The frontage shall be at least the minimum frontage required by the Northbridge Zoning Bylaws.¹ Further, such frontage shall provide adequate access to each lot and to uses allowed on each lot under zoning.
- (2) In determining the adequacy of a way, the Board may use the following guidelines:
 - (a) Is the right-of-way at least 40 feet wide and of reasonable horizontal alignment?
 - (b) Does the existing horizontal and vertical alignment of the roadway provide safe visibility?
 - (c) Is the roadway constructed to a minimum pavement width of 18 feet and have adequate provisions for drainage?
 - (d) Is the roadway surface adequate to accommodate the vehicular traffic to be generated by the division of land?
 - (e) Have provisions been made for adequate public utilities to each lot shown on the submitted plan?

1. Editor's Note: See Ch. 173, Zoning.

§ 222-7. Plan approval required.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the town or proceed with the improvement or sale of lots in a subdivision or the construction of ways or the installation of municipal services therein unless and until a definitive plan has been submitted to and approved by the Board and only then in accordance with the conditions of approval and the procedures set out in these rules and regulations.

ARTICLE III**Procedures for Submission and Approval of Plans****§ 222-8. Preliminary plan.****A. General submission requirements.**

- (1) Submittal of a preliminary plan is recommended prior to the submittal of a definitive plan for a residential subdivision. The preliminary plan is required prior to the submittal of a definitive plan for a nonresidential subdivision. The preliminary plan shall be submitted to the Planning Board and the Board of Health. The information included in the submittal shall include the following:
 - (a) The preliminary plan on reproducible material and 11 prints thereof.
 - (b) A properly executed application Form B.
 - (c) One set of reproducible reductions of the preliminary plan, said reductions not to exceed 11 inches by 17 inches in outside dimensions, shall be filed with the Planning Board.
 - (d) The required filing fee.
 - (e) Written consent of the property owner to the filing and of the plan if the applicant is not the property owner.
- (2) The applicant shall also file, by delivery or registered mail or certified mail, a notice with the Town Clerk stating the date of submission of the plan to the Board, accompanied by a properly executed Form B. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.

B. Plan preparation and contents. The preliminary plan shall be prepared by a registered professional engineer and a registered land surveyor and shall bear the professional seal and signature. The plan shall be drawn on tracing paper at a suitable scale, preferably 40 feet to the inch. The plan shall be designed as a preliminary subdivision plan, which will provide a clear basis for discussion of the subdivision and for preparation of the definitive plan. The plan shall contain the following:

- (1) The subdivision name, boundaries, North point, date, scale, legend and the title "Preliminary Subdivision Plan."

- (2) The names and addresses and signatures of the owner of record of the land, the names and addresses of the subdivider, designer, engineer and/or surveyor who prepared the plan. This information shall appear in the lower right hand corner.
- (3) A completed certified list of abutters, as determined from the most recent tax list and, if the applicant has knowledge of changes subsequent to the latest available Assessor's Records, this information shall be included. The certified list of abutters shall include all property owners of land within 500 feet of a property line of the subdivision.
- (4) The locus of the land, drawn at a scale of 1,000 feet to the inch, shown on the plan with sufficient information to accurately locate the plan.
- (5) Easements, rights-of-way, covenants or restrictions applicable to the area shown on the plan.
- (6) The location, names and widths of adjacent streets or streets providing access to, approaching or within reasonable proximity of the subdivision. The existing streets shall be marked as to whether they are or are not accepted ways.
- (7) The location, names and proposed widths and exterior lines of the streets within the subdivision; a statement as to whether the proposed streets will be maintained as private streets or offered to the town for acceptance; the location of easements and public or common areas within the subdivision.
- (8) Major features of the land, such as existing walls, fences, monuments, buildings, wooded areas, outcroppings, ditches, swamps, water bodies and natural waterways. Where available, aerial photographs may be required.
- (9) Layout of the proposed systems of drainage, sewage disposal and water installation in a general manner, including adjacent natural waterways intended to receive drainage effluent.
- (10) The approximate boundary lines of proposed lots, with approximate areas and dimensions.
- (11) The topography of the land, with two-foot contour intervals, based on the United States Coast and Geodetic Datum. Water bodies and other elevations shall be shown.
- (12) Documentation of adjoining land and water owned by the applicant or in the same ownership as any of the land being subdivided, accompanied by a sketch plan showing a feasible future street layout for such contiguous land.
- (13) The zoning classification of the land shown on the plan, together with any zoning boundary lines that may lie within or near the subdivision.
- (14) 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.

- (15) If the preliminary plan application contains more than one sheet or drawing, each sheet or drawing titled and numbered including an index sheet showing the contents of each sheet.
- (16) A written document listing waivers to these regulations, which may be requested by the applicant.

C. Acceptance of the plan.

- (1) Upon the submittal of a preliminary plan application to the Planning Board and to the Town Clerk, the application will be considered to be conditionally accepted pending review of its contents. Within 21 days, the Board shall determine whether the application is complete. An application which does not contain all of the material described in § 222-8 shall be considered incomplete, shall not be considered to have been filed and shall not be accepted for processing. In such case, the Board shall notify the Town Clerk and the applicant, in writing, stating the reasons for that determination.
- (2) If the application is considered to be complete or if applicant and the Town Clerk are not notified that the application is incomplete within 21 days, the application shall be considered complete as of the date originally submitted.
- (3) If a revised application is submitted, it shall be considered to be a new application and shall be subject to the same procedures and determinations as to completeness as are set forth above.
- (4) The time periods set forth in these Subdivision Rules and MGL C. 41, during which the Planning Board shall issue a decision will not start until the application is complete.

D. Review and decision process.

- (1) Approval of a preliminary plan.
 - (a) The Planning Board may give such preliminary plan approval, with or without conditions, after the Board's review of reports of the Board of Health, Board of Selectmen, Conservation Commission, Director of Public Works, Police Department, Fire Department, Safety Committee and the Planning Board's consultants. Such approval does not constitute a waiver of the Board's right to require further changes in the plan nor does it constitute approval of the subdivision but facilitates the preparation of the definitive plan by possibly identifying major deficiencies or problems.
 - (b) The original of the preliminary plan, properly endorsed, will be returned to the applicant. Within 45 days, the Board shall notify the applicant by certified mail that the plan has been approved, with or without conditions, or that the plan has been disapproved, unless an extension has been requested by the applicant in the same manner as provided for in the definitive plan.
 - (c) Any definitive plan evolved from such preliminary plan shall be governed by the rules and regulations relative to Subdivision Control Law in effect at the

time of the submission of the preliminary plan, provided that the definitive plan is duly submitted within seven months from the date on which the preliminary plan was properly submitted.

- (2) Disapproval of a preliminary plan. In the event of disapproval, the Planning Board shall state the reasons for its disapproval in accord with MGL C. 41, § 81-S. The Board shall notify the Town Clerk of its disapproval.
- (3) Failure of the Board to act. If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the persons submitting the plan of its action within 45 days (or such mutually agreed upon time) after its submission, the plan shall be deemed to have preliminary plan approval under the Subdivision Control Law.

§ 222-9. Definitive plan.

A. Submission requirements.

- (1) For a definitive plan to be accepted as duly submitted in accordance with these rules and regulations and the General Laws of Massachusetts, any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Planning Board all items required in § 222-9. Such submission shall be filed at a regularly scheduled meeting of the Planning Board. The applicant shall file by delivery or registered certified mail a notice with the Town Clerk stating that the date of submission for such approval, accompanied by a copy of the completed application for approval and a copy of the definitive plan. The submission shall include, as a minimum, the following:
 - (a) An original drawing of the definitive plan and 12 contact prints thereof, dark line on white background.
 - (b) One set of reproducible reduction of said plans, the reductions not to exceed 11 inches by 17 inches in outside dimensions.
 - (c) The required filing fee.
 - (d) If the applicant is not the property owner, consent of the property owner to the filing of the subdivision application.
 - (e) Proof that the applicant has submitted two copies of the application materials to the Board of Health.
 - (f) A properly executed application for approval of a definitive plan, Form C.
 - (g) A certified list of abutters as determined from the most recent tax list and, if the applicant has knowledge of changes in the list subsequent to the latest available Assessor's records, this information shall be included. The certified list of abutters shall include all property owners of land within 500 feet of a property line of the subdivision.

- (2) The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two years of the date of this approval of the definitive plan or such other time as agreed to by the Board. If the ways in any subdivision are not completed and utilities aforesaid are not installed within the time so agreed to by the applicant, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until a new application is filed with and approved by the Board. Ways or portions thereof not completed within the agreed-upon time shall thereafter be completed in accordance with the then-in-force requirements and construction standards of the Planning Board and with applicable general laws.
- B. Plan preparation. The definitive plan shall be prepared by a professional engineer and a land surveyor registered in Massachusetts and shall be clearly and legibly drawn in black India ink upon tracing cloth, Mylar or similar substance to the following standards:
- (1) Sheet sizes shall be 24 inches by 36 inches, including a three-fourths-inch border. An index sheet shall accompany all plans.
 - (2) The classification and precision of surveys shall conform to Class A or better of the most recent Land Court Manual of Instructions, Commonwealth of Massachusetts. It is required that all other survey and definitive plan preparation, where not herein specified, be guided by the Manual of Instructions.
 - (3) The plan shall be at a scale of one inch equals 40 feet or such other scale as the Board may accept to show details clearly and adequately.
 - (4) Plans and profiles of each individual street shall be at a scale of one inch equals 40 feet horizontal and one inch equals four feet vertical.
 - (5) All elevations shall refer to the United States Coast and Geodetic Datum and shall be referenced to the town vertical control system.
 - (6) The attention of the applicant should be directed to the provisions of MGL C. 41, § 131-40, Protection of Wetlands. The applicant should consult the Conservation Commission concerning the possible impact of any violations of said law.
- C. Plan form and contents. The definitive plan drawings shall contain the following information:
- (1) The name of the subdivision, boundaries, North arrow (indicate whether true, magnetic, grid), date, scale, legend and the title "Definitive Subdivision Plan." It shall also include the names and addresses of the record owner, the designer, the engineer and the land surveyor.
 - (2) A locus plan showing the boundaries of the subdivision and its relationship to adjacent lots and existing ways. The scale of the locus shall be one inch equals 1,000 feet.
 - (3) The location and ownership of abutting property according to the most recent tax list and, if the applicant has knowledge of changes in the list, to the new abutters, including all abutting land owned by the applicant not presently being subdivided.

- (4) Major features of the land, such as existing wetlands, waterways, swamps and water bodies, natural drainage courses, walls, fences, buildings, large trees, trails, wooded areas, outcroppings and ditches which exist on the site at the time of the survey.
- (5) Base flood elevation data as shown in the A Zone on the most recent Northbridge Flood Insurance Map (FIRM), and Flood Boundary and Floodway Maps, on file with the Town Clerk.
- (6) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines, including lot frontage on the streets, of the boundary lines on all streets and easements and the length, radii, tangents and central angles of all curves in lot lines and street lines. All angles points or intersections of tangents along the street lines shall be shown. Areas of lots with lot numbers and the frontage on public ways shall be shown.
- (7) The location of all permanent monuments properly identified as to whether existing or proposed.
- (8) The zoning district classification of land shown on the plan and the location of any zoning district boundaries that lie within the locus of the plan and the applicable minimum front, side and rear yard setbacks for each lot as required by the Zoning Bylaws.
- (9) The locations, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both roadway widths and rights-of-way widths and any possible access to abutting properties.
- (10) Copies of all existing easements, covenants and restrictions applying to the area that is proposed to be subdivided and applying to areas outside the proposed subdivision where those easements will be used to provide services to the land proposed to be subdivided. Information shall include any decision on appeal or any variances or special permits granted by the Zoning Board of Appeals applicable to the subdivision of the land and any buildings thereon.
- (11) If the property that comprises the subdivision or any part of boundary thereof has been examined, approved and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with the case numbers and other pertinent references to Land Court procedure, then the same requirement shall apply to any adjoining parcels of land of the applicant.
- (12) Plat and parcel numbers from the Assessor's maps.
- (13) Suitable space to record the action of the Planning Board and the signatures of all members of the Board, including, where appropriate, the words "deeds of easements to be recorded herewith" or the words "approved, subject to covenant

conditions set forth in a covenant executed by _____, dated _____ and to be recorded herewith."

(14) Profiles, shown on a separate sheet, as follows:

- (a) Existing profiles on the exterior lines drawn in fine black line, dotted for left- and dashed for right-side, and proposed profile on the finished center line drawn in fine black solid line of proposed streets at a horizontal scale of one inch equals 40 feet and a vertical scale of one inch equals four feet or such other scales acceptable to the Planning Board. At least two benchmarks are to be shown on plans and profiles and grade elevations at every fifty-foot station, except in vertical curves which shall be at every twenty-five-foot section.
- (b) All existing and proposed intersections and sidewalks, bikeways and walkways and utilities (storm drains, water mains and sewer mains, if any) shall be shown with all proposed grad elevations calculated. Elevations are to be referred to the town datum (United States Coast and Geodetic Survey). Gradients shall be shown by figures represented in percent.

(15) A contour plan as follows.

- (a) Existing and proposed topography at two-foot contour intervals and by symbols, the highest known high-water mark of the last five years. There will also be, indicated by differentiating symbols, the contour line four feet above said high-water mark.
- (b) Grading details shall indicate proposed street grades and elevations, building street grades and elevations and drainage patterns throughout the subdivision sufficient to determine the approximate balance between cut and fill. There shall be a general note indicating the disposition of topsoil on the site, including how the topsoil will be stockpiled, the minimum amount of topsoil to be redistributed to the site; and that no material will leave the site except in accord with the Northbridge Earth Removal Regulations.²

(16) A utility plan as follows:

- (a) Size and location of existing and proposed water supply mains and their appurtenances; hydrants; sewer pipe and their appurtenances and/or sewage disposal systems; storm drains and their appurtenances and easements pertinent thereto; and dimensions of gutters, including data on borings and percolation tests made and method of carrying water to the nearest watercourse or easements for drainage as needed, whether or not within the subdivision.
- (b) No additional surface water will be allowed to discharge onto adjacent existing streets or onto adjacent property not owned by the applicant. The plan shall clearly indicate what course the discharge will take and shall

2. Editor's Note: See Ch. 7, Regulations Governing the Use of Private Property, Section 7-200.

present evidence that such discharge is satisfactory and permitted by the public or private owners of an affected street or property.

- (c) Location of proposed streetlights and sidewalks and pedestrian lighting (if required), transformer pads and fire alarm systems.

D. Additional materials and plan requirements.

- (1) Review by the Board of Health as to suitability of the land. At the time of filing of the definitive plan the applicant shall also file with the Board of health two copies of the plan, together with such information in the nature of percolation tests and deep test holes as the Board of Health may require. The Board of Health shall then, within 45 days after the filing of the plan, report to the Planning Board, in writing, approval or disapproval of said plan. If the Board disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building purposes without injury to the public health and include such specific findings and the reasons therefor in such report and, where possible, shall make recommendations for the adjustment thereof. Every lot shall be provided with a sewerage system or sewer connection satisfactory to the Board of Health.
- (2) Drainage calculations prepared by a registered professional engineer shall be submitted in a suitable form to substantiate proposed drain pipe sizes, along with amplifying plans outlining drainage areas within and affecting the subdivision. A plan shall also be submitted showing the route followed by all drainage discharging from the subdivision to the primary receiving watercourse or other large bodies of water. Drainage design shall be based on the methods contained in the United States Soil Conservation Service Urban Hydrology for Small Watersheds, Technical Release No. 55, which may be obtained from the Soil Conservation Service or referred to in the office of the Planning Board.
- (3) A tree plan shall be prepared showing the location and species of proposed street trees and the locations of trees to be retained with trunks over six inches in diameter, measured four feet above the finished ground level.
- (4) On the same sheet as the plan and profile there shall be drawn cross sections of the proposed street, properly located and identified by station number, at such intervals along the street as will adequately indicate any variations in its section, supplemented, where necessary, by lines on the layout plan showing the width and location of proposed roadways, grass plots, gutters, sidewalks, utilities (storm drains, water mains and sewer mains, if any) and similar physical features.
- (5) A tabular summary shall be prepared for the total area in square feet and acreage of the subdivision plan as submitted. It should indicate:
 - (a) The total area which is being subdivided.
 - (b) The total area of each individual lot.
 - (c) The total of areas dedicated for street purposes, drainage, sewer or utility easements.

- (d) The total of areas reserved for park, schools and other public uses.
- (6) Environmental and community impact statement (ECIS).
- (a) An environmental and community impact statement shall be required for residential developments of 20 lots or more and all nonresidential subdivisions and as otherwise required by the Board. The EICS shall clearly and methodically assess the relationship of the proposed development to the natural and man-made environment of Northbridge. Four copies of said ECIS shall be filed with the Town Clerk with the definitive plan.
 - (b) The purpose of which is to enable the officials of the town to determine what methods used by the applicant to promote the environmental health of the community and to minimize adverse effects on the natural and man made resources of the town. This report shall be prepared by an interdisciplinary team of professionals qualified, experienced and, where applicable, licensed in their fields. Such team shall typically consist of registered professional engineers, traffic engineers, architects, landscape architects, land use planners, hydrogeologists, hydrologists, biologists and other environmental professionals. It is intended that the report be a guide to the Planning Board in its deliberations and will build into the board's decision making process an appropriate and careful consideration of the environmental and community impacts of the proposed project. The Board may waive any section or sections of the statement which it deems inapplicable to the proposed project. The developer should discuss the requirements with the Board prior to preparation of the statement, preferably during the review of a preliminary plan. If no preliminary plan is filed then all elements of the EICS shall be met.
 - (c) The ECIS shall include the following:
 - [1] Natural environment.
 - [i] Air and noise pollution. Opinion and evaluation of the impact on local air quality (including traffic generated from the development) and noise from the proposed development (including traffic generated from the development), both during and after construction, shall be evaluated. For developments over 100 dwelling units, the Planning Board shall require detailed technical reports of such impacts.
 - [ii] Stormwater. Opinion and evaluation of the impact of stormwater runoff on adjacent and downgradient or downstream land, surface water bodies and subsurface ground water; dangers of flooding as a result of increased downstream runoff, especially peak runoff. The impact of the proposed project on water table levels.
 - [iii] Land. Opinion and evaluation of compatibility of the proposed development with existing soils; the impact of any soils or other materials to be removed from the site. The potential dangers and

impacts of erosion and sedimentation caused by the proposed development.

- [iv] Plants and wildlife. Opinion and evaluation of the impact that the proposed project may have on wildlife habitat and on any rare or endangered plant or animal species known to exist in the area.
 - [v] Water supply. Opinion and evaluation of the average and peak daily demand and the impact of such demand on ground water aquifers and the public water distribution system.
 - [vi] Sewage disposal. Opinion and evaluation of the average and peak daily disposal and the impact of such disposal on ground water aquifers, surface water and the municipal storage system.
- [2] Man-made environment.
- [i] Existing neighborhood land use. Opinion and evaluation of the compatibility with adjacent or nearby existing land uses, or approved private development plans, if known, for adjacent or nearby land use changes to occur during the anticipated construction period, to completion, of the proposed development. If not compatible, reasons therefor shall be detailed. Consultation with the Planning Board is strongly recommended.
 - [ii] Zoning. Opinion and evaluation of the compatibility of the proposed development with the purpose of the Zoning Bylaw and the zoning district and with surrounding properties.
 - [iii] Architecture. Opinion and evaluation of the anticipated style of architecture of the buildings; its relation to prevailing types of architecture for similar buildings; and its compatibility with the function of the building and to the architecture of adjacent buildings. Sketches, photos, elevations and renderings are encouraged to illustrate architectural appropriateness as well as innovation.
- [3] Public services.
- [i] Schools. Opinion and evaluation of the expected impact on the school system both elementary and secondary levels; the expected number of students; projected school bus routing changes; projections of future school building needs resulting from the project.
 - [ii] Police. Opinion and evaluation of the expected impact on police services, time and manpower needed to protect the proposed development and service improvements necessitated by the proposed development.

- [iii] Fire. Opinion and evaluation of the expected fire protection needs; on-site fire-fighting capabilities, on-site alarm or other warning devices; fire-flow water needs, source and delivery system and other needs. Fire Department service improvements necessitated as a result of the proposed project shall also be discussed.
 - [iv] Recreation. On-site recreation provisions shall be detailed and off-site recreation demands shall be estimated. Provision for public open space, either dedicated to the town or available to its residents, shall be described. Open space available primarily or exclusively for residents and employees shall also be described.
 - [v] Traffic. Analysis as required by § 222-9D(10), Traffic impact report, of these Subdivision Rules and Regulations.
 - [vi] Solid waste disposal. Analysis of the projected volume and type of solid waste to be generated by the proposed development; methods of removal.
 - [vii] Public Works. Opinion and evaluation of the projected need, responsibility and costs to the town for roadway maintenance and stormwater management facility maintenance. Impacts of construction on area roadways. Service improvements necessary as a result of the proposed project.
- [4] Aesthetics.
- [i] Lighting. The type, design, location, function and intensity of all streetlighting facilities. Attention given to safety, privacy, security, glare and daytime and nighttime appearance shall be detailed.
 - [ii] Landscaping. Provisions for landscaping, including type, location and function of all plantings and materials.
 - [iii] Visual. Attention given to views into the site and from the site. Included shall be long distance views as well as views to and from adjacent properties.
- [5] Planning. Analyze the compatibility of the proposed development and its alternatives with the goals and objectives of the most recent Northbridge Comprehensive/Master Plan and the most recent Open Space Plan and any components of either plan.
- [6] Cost benefit analysis. Conduct a municipal benefit/cost analysis, following standard and usual procedures for measuring both the benefits to be derived and costs to be incurred by the Town of Northbridge as a result of the proposed development. The element should also estimate and discuss net benefits and costs of nonquantifiable environmental impacts.
- (7) An erosion/sedimentation control plan shall be prepared, including the following:

- (a) A clear outline of the areas and type of control proposed.
 - (b) A general note stating the developer's responsibility to maintain erosion/sedimentation controls during construction and until sale of the lots involved.
 - (c) Appropriate details of erosion/sedimentation control devices.
 - (d) The outline of any areas, including drainage ways, steep slopes and proposed stockpiles of topsoil that shall be restored and/or seeded immediately.
 - (e) A general note stating that temporary ground cover erosion/siltation control shall be established on any unbuilt lots where required by the Planning Board.
- (8) Staking. At the time of filing of the definitive plan, the applicant shall stake the center line of all proposed streets at a minimum of every 100 feet with the center line stations and the cut or fill dimensions to finish grade marked on the stakes.
- (9) Soil surveys and percolation tests.
- (a) The Board may require, at the expense of the applicant, soil surveys and percolation tests to establish the suitability of the land for the proposed street construction. Such soil surveys and tests must be filed with all plans for nonresidential subdivisions or multifamily residences.
 - (b) Test pits, borings or soundings shall be taken along the center line of each street shown on the plan, at intervals of at least every 200 feet and at location such as cut sections and areas of questionable foundation material where the subsurface conditions may affect the quality and service line of the street. Test pits shall not be backfilled until the applicant has been notified by the Board that all necessary inspection and sampling has been completed. Where borings are used, samples shall be taken at five-foot intervals at each change in strata. Soundings shall be taken in areas of unsuitable material for the purpose of determining the hard bottom contours. Test pits and boring, where required, shall extend to a minimum depth of five feet below the street profile grade or to bedrock, whichever is less. The applicant shall indicate, in the plan, a proposed layout of the subsurface exploration program, complete with location, spacing and type of exploration proposed.
- (10) Traffic impact report. A traffic impact report shall be required for proposed developments with the potential of greater than or equal to 20 units.
- (11) Written consent of the Northbridge Police Department and Northbridge Fire Department with regard to each proposed street name, to ensure there is no conflict or confusion with existing approved names, particularly in terms of the town's Enhanced Emergency 911 System.
- (12) A completed designer's certificate (Form D).
- E. Acceptance of a definitive plan application.

- (1) Upon the original submittal of a definitive plan application to the Planning Board, the application will be considered to be conditionally accepted pending review of its contents. Within 14 days, the Board shall determine whether the application is complete. An application which does not contain all of the material described in § 222-9 shall be considered incomplete, shall not be considered to have been filed and shall not be accepted for processing. In such case, the Board shall notify the Town Clerk and the applicant, in writing, stating the reasons for that determination.
- (2) If the application is considered to be complete or if applicant and the Town Clerk are not notified that the application is incomplete within 14 days, the application shall be considered complete as of the date originally submitted.
- (3) If a revised application is submitted, it shall be considered to be a new application and shall be subject to the same procedures and determinations as to completeness as are set forth above.
- (4) The time periods set forth in these Subdivision Rules and MGL C. 41, during which the Planning Board shall issue a decision will not start until the application is complete.

F. Review and decision process.

- (1) The Board will transmit copies of the definitive plan to the following for review and recommendations: one copy of the entire submittal to the Town Counsel (when deemed necessary by the Board), the Board of Selectmen, the Director of Public Works, the Conservation Commission, the Police Department, the Fire Department, the Safety Committee and the professional consultants hired by the Board.
- (2) The applicant shall submit two copies of the plan directly to the Board of Health.
- (3) Before the definitive plan is approved, the Board will request written statements from the officials listed with regard to the proposed improvements in the following respects:
 - (a) Town Counsel as to the form of easements, covenants and performance guaranties.
 - (b) The Director of Public Works, the Sewer Superintendent, the Board of Selectmen and/or Planning Board agent as to the design of the street system and the location of easements, monuments, number and placement of streetlights, drainage system, water system and if applicable, the sewage system.
 - (c) The Fire Department as to the location of hydrants, installation of the fire alarm system, if any, emergency access, and naming of the streets.
 - (d) The Police Department as to street safety, both vehicular and pedestrian, access for emergency access and naming of streets.

- (e) The Conservation Commission as to potential involvement with the MGL C. 131, § 40, and the Northbridge Wetlands Protection Bylaw,³ the effects of the subdivision on rivers, streams, wildlife and similar considerations within the scope of the Conservation Commission, and the proposals for demolishing, retaining or moving site features.
 - (f) The Sewer Superintendent as to the design of the sewage system.
 - (g) The Planning Board Engineer for compliance with these regulations, review of technical components, review and comment on the plan, data and requested waivers.
- G. Legal notice and public hearing. Before taking any action to approve, modify or disapprove a definitive plan, the Board shall hold a public hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and of subject matter, sufficient for identification, shall be published once in each of two successive weeks, the first publication to be not less than 14 days before the date of the hearing in a newspaper of general circulation in the Town of Northbridge and by mailing a copy of such advertisement to the applicant and to all owners of land abutting the land shown on the plans and on the most recent tax list and to all property owners of land within 500 feet of a property line of the subdivision.
- H. Planning Board action and written decision.
- (1) The procedure that the Planning Board will follow with regard to approval, disapproval or modification of the final plan submitted by the applicant will be that as set forth in MGL C. 41, § 81-U, as amended. In summary, the Board, after receiving the definitive plan and profiles, will review the same to determine whether they are in compliance with its adopted rules and regulations and the Zoning Bylaws.⁴
 - (2) The plan shall comply with all reasonable regulations and rules of the Director of Public Works, Board of Selectmen and the Board of Health not otherwise covered by these rules and regulations. Specific reference is made to the specifications for septic systems, which shall conform to the rules and regulations of the Board of Health.
 - (3) Before final approval of the plan, the applicant shall establish that the lots in the definitive plan are in conformity with the Northbridge Zoning Bylaw and that failure of these lots to so comply will be adequate grounds for disapproval of the definitive plan. See MGL C. 41, § 81-Q, and amendments thereto. The Board may, as a condition of granting approval, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community to benefit the town. In such event the Board shall endorse such conditions on the plan to which they relate or set forth a separate instrument attached thereto, to which

3. Editor's Note: See Ch. 7, Regulations Governing the Use of Private Property, Section 7-700.

4. Editor's Note: See Ch. 173, Zoning.

reference is made on such plan and which shall, for the purpose of the Subdivision Control Law, be deemed to be a part of the plan.

- (4) The Planning Board may extend the review period permitted by statute between submission of a definitive plan and action thereon upon written request of the applicant.
- (5) The applicant shall agree to complete the subdivision roadways and install the public utilities in the subdivision within two years after the approval of the plan unless otherwise agreed upon by the applicant and the Planning Board.
- (6) The action of the Planning Board shall be a majority vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered, return receipt mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action and shall rescind such modification and/or disapproval if the plan is amended to conform to the reasons for said Board action and resubmitted to the Board. Any further action on a plan involving the area or any part thereof shall require a new application in accord with the rules and regulations in force at the time of the new application.
- (7) Approval of the definitive plan does not constitute the laying out or acceptance by the town of streets within a subdivision.
- (8) If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the persons submitting the plan of its action within the required time period (in cases where a preliminary plan was filed, the Board has 90 days to review the plan; in cases where no preliminary plan was filed, the Board has 135 days to review the plan), it shall be deemed to have approval under the Subdivision Control Law, and the Board shall forthwith make such endorsement on said plan, and, in its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

I. Plan endorsement.

- (1) After the expiration of 20 days without notice of appeal of a Certificate of Approval to the Superior Court, or if appeal has been taken after the entry of a final decree of the Court sustaining approval of the Plan, the Board shall give its final approval by endorsing the plan.
- (2) Before endorsement of the Plan, the Board shall require that:
 - (a) Applicant shall comply with all reasonable regulations and rules of the town officials and agencies, referred to in § 222-9G above, not otherwise covered by these rules and regulations.
 - (b) All necessary permits from the Massachusetts Department of Public Works under MGL C. 85, § 2, shall be obtained. Final approval may be conditioned on approval under MGL C. 131 § 40.
 - (c) Applicant shall submit acceptable construction and maintenance schedule documents. In the case where the developer desires phasing, he shall submit

detailed phasing plans and schedule, which at no time results in a dead end street more than 500 feet in length except as otherwise approved by the Board, for the Board's consideration. The Board may require modifications to any and all of said proposals. Endorsement may be withheld at the Board's discretion until such proposals are deemed by the Board to be acceptable.

- (d) Final approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Planning Board but not until the statutory 20 day appeal period has elapsed following the Board's Certificate of Approval, as the case may be, with the Town Clerk and said Clerk has notified the Board that no appeal has been filed.
- (e) After the definitive plan has been approved and endorsed, and the appeal period has elapsed, with no appeal being made, the Planning Board shall return the original to the applicant.
- (f) Said endorsement shall be subject to the construction specifications contained herein, and to the rules and regulations of the Board of Health, and all other appropriate Town Boards.
- (g) The applicant shall agree to complete the subdivision roadways and install the public utilities in the subdivision within two years after the approval of the plan unless otherwise agreed upon by the applicant and the Planning Board.
- (h) The applicant shall submit the approved plan for endorsement no later than six months following the Board's Certificate of Approval if no appeal has been filed. If an appeal has been filed the plan shall be submitted within six months from the resolution of the appeal.
- (i) The endorsement by the Planning Board shall be valid for a period of two years from the date of approval or such other period of time agreed to by the Board. Prior to the expiration of said approval period, the developer and/or owner shall request, in writing, to the Board an extension of time, if necessary. Failure to request extension of time prior to the expiration of said approval period shall result in the Board's notifying the Building Inspector that no additional building permits should be issued in said development. The request for extension shall state the reasons for said extension and also the length of time requested. Extension of time shall not in any case exceed one year. Additional extensions after the first may be applied for but not until at least 10 months have expired on the extension in effect.

J. Provision of performance guaranty.

- (1) Before endorsement of the Board's approval of a subdivision, the Board shall require that:
 - (a) The subdivider shall specify, in writing, the time within which construction of ways and installation of municipal services shall be completed, which time

shall be two years unless the Board and the applicant agree to another time frame.

- (b) The subdivider shall secure the construction of ways and installation of municipal services by one, or in part by one and in part another, of the following methods:
- [1] By a proper bond, from a company included in the United States Treasury Department's list of approved bonding companies. The applicant shall supply proof of this to the Board. The amount of the bond shall be sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of principal services for lots in the subdivision shown on the plan. See Form H.
 - [2] By deposit of money or negotiable securities sufficient in the opinion of the Board to secure performance of the construction of ways and the installation of municipal services for lots in the subdivision shown on the plan. See Form G.
 - [3] By covenant, executed and duly recorded by the owner of record, running with the land, whereby the ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed, provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to all applicable portions of the covenant which, provided that no lot shall be built upon until such ways and services have been provided to serve such lot, and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board. See Form F.
 - [4] By delivery to the Planning Board of an agreement (tri-partite) executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant and the lender and shall provide for the retention by the lender of funds (otherwise due the applicant) sufficient in the opinion of the Board to secure the construction of ways and installation of municipal services. Said agreement shall also provide a schedule of disbursements which may be made to the applicant upon completion of various stages of the work and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available to the town for completion. See Form K.
- (c) The amount of the performance guaranty shall be set by the Planning Board's duly authorized agent.
- (d) The subdivider shall submit an agreement, suitable for recording, executed by the Planning Board and the applicant, setting forth the form of the guaranty

and the stipulated time for completion of improvements which shall be recorded in the Registry of Deeds by the subdivider, and a receipt therefor shall be delivered to the Planning Board.

- (2) In cases where the applicant is a development partnership, any performance guaranty will be signed by a representative of the development partnership. As a limited partnership, the development company is required to have filed with the Secretary of State. The Board shall receive a copy of this filing which will indicate who is authorized to execute the documents on the partnership's behalf. A statement that such authorization has not been amended shall also be provided to the Board.
- K. Recording of the Plan. The applicant shall file the approved and endorsed definitive plan and covenant, if any, at the Registry of Deeds and shall notify the Planning Board, in writing, presenting evidence of the recording of the plan and all covenants within 21 days of said filing. Before any building permits are issued or release of covenant in the subdivision is issued, the applicant shall deliver to the Board two copies of the recorded plan, one set of reproducible reductions of the plans not exceed 11 by 17 inches in outside dimensions, a copy of recorded approval and covenant and one copy of a certificate of title duly searched and executed by an attorney or title company stating that the title to the premises shown on said plan and appurtenances thereto is in the name of the applicant and free of all encumbrances. In addition, the applicant shall file one copy of the recorded plan each with the Board of Health, Conservation Commission, Assessor's Office, Police Department, Fire Department and the Director of Public Works.
- L. Reduction of performance guaranty. The penal sum of any such bond or any deposit or any other amount of funds retained pursuant to an agreement shall bear a direct and reasonable relationship to the expected cost, including the effects of inflation, necessary to complete the subject work. Such amount or amounts shall from time to time be reduced so that the amount bonded, deposited or retained continues to reflect the actual expected cost of work remaining to be completed.
- M. Release of performance guaranty.
 - (1) Upon completion of improvements, required security for the performance of which was give by bond, deposit, covenant or agreement or upon the performance of any covenant with respect to any lot, the developer or owner, at his expense, shall cause to be published in a newspaper of general circulation in the Town of Northbridge, at least 14 days prior to the final release of such performance bond or surety, an announcement that such release is contemplated and shall deliver to the Planning Board a copy of such announcement. He shall also send by registered mail to the Town Clerk and the Planning Board a written statement that said construction or installation in connection with which such bond, deposit, covenant or agreement has been secured, has been completed in accordance with the requirements. Such statement is to contain the following:
 - (a) The name and address of the applicant.
 - (b) A compliance certificate signed by the Planning Board stating that the development has been completed according to the rule and regulations of the

Planning Board and the Northbridge Zoning Bylaws⁵ shall be recorded in the Registry of Deeds by the applicant and a receipt therefor be delivered to the Planning Board.

- (c) Copies of or reference to the requisite number of inspection forms and reports.
 - (d) An as-built plan.
 - (e) Written evidence as to the construction of all ways and sidewalks, installation of monuments, street signs, traffic signs, pavement, lighting, gutters and curbs, required grading and drainage, water mains, hydrants and appurtenances, adequate lot drainage, planting and seeding, all in accordance with the definitive plan.
 - (f) Written evidence from the Board of Health as to the installation of sewage disposal facilities, if applicable, all in accordance with the definitive plan approval.
 - (g) Written evidence from the Fire Chief as to the installation of the fire alarm system, all in accordance with the definitive plan.
 - (h) Written evidence from the Building Inspector as to conformance to the Northbridge Zoning Bylaw.
- (2) If the Board determines that said construction has been completed, the Planning Board shall send a completed Form O to the Town Treasurer within 45 days stating that the Board releases the interest of the town in such bond or deposit and that it shall be returned to the person or persons who furnished the same, or in the case of a covenant, the Board shall issue a written release of the covenant.
- (3) If the Board determines that said construction or installation has not been completed, it shall specify to the developer, in writing, by registered mail, the details wherein said construction and installation shall have failed to comply with the requirements. Upon failure of the Board to act upon such application within 45 days after the receipt of application by the Town Clerk and the Board, all obligations under the bond shall cease and terminate by operation of the law, any deposit shall be returned and any covenant shall become void.
- (4) In the event that said forty-five-day period expires without such specification or without the release and return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

N. Acceptance by the town.

- (1) When a road or street in a subdivision has been completed in a manner fulfilling the requirements of the Board and there are no outstanding performance guaranties remaining in effect that were required as security to ensure completion of

5. Editor's Note: See Ch. 173, Zoning.

improvements within the subdivision, the subdivider may request the Board to inspect the road in order to give a recommendation to the Board of Selectmen who will consider the question of laying out said street or road as a town way. Street acceptances within subdivision are the financial and legal responsibility of the subdivider.

- (2) The Board shall require the submission of the following information at least 90 days prior to the Town Meeting before making a recommendation to the Board of Selectmen.
 - (a) Two copies plus the original Mylar of the plan of the road or street as built, at a scale of one inch equals 40 feet at a size of 24 by 36 inches. Said plan to show a center-line profile (four feet per inch on the vertical scale and 40 feet per inch on the horizontal scale) taken at fifty-foot intervals along the street (twenty-five-foot intervals at vertical curves) as it has been completed.
 - (b) All utilities public and private, above and below grade, shall be shown on the plan as they exist.
 - (c) The as-built plan shall show the monuments (road bounds) with the dates they were set and the traverse and fixed points on the subdivision perimeter used to establish the bound locations, all with bearings, distances or coordinate values sufficient to reestablish these points.
 - (d) All elevations shall refer to the National Geodetic Vertical Datum (NGVD) of 1929.
- (3) The plan shall be accompanied by a letter from the registered engineer certifying that all work, as required by the rules and regulations and the approved subdivision plan, has been completed.
- (4) A certificate by a registered land surveyor indicating that all permanent monuments are in place and are accurately located, including evidence that the bound traverse had an error of closure of 1:15,000 or better.
- (5) Two typewritten copies of legal descriptions by metes and bounds of each road and easement considered for acceptance by the town.
- (6) Two copies of the proposed deed conveying the fee in the street, plus the associated easements to the town, and legal evidence that the fee in the street has not been inadvertently conveyed to abutting lot owners.
- (7) Two typewritten copies of the proposed article for Town Meeting generally describing the location and length of the road or street to be considered for acceptance by the town.
- (8) Written certification by the DPW that the water supply system has been approved as installed.
- (9) Written certification by the Northbridge Fire Department that the fire hydrants have been approved by the Fire Department.

- (10) Written certification by a registered professional engineer that the binder course was exposed to one winter season (November 15 to April 30) prior to the application of the finish coat, and that all subdivision improvements have been exposed to one winter season (November 15 to April 30) without substantial damage, or that damage, if incurred, has been repaired.
- (11) Certificate of compliance with conditions imposed on the parcel(s) contained within the subdivision by the Conservation Commission under MGL C. 151, § 40, and the Northbridge Wetlands Protection Bylaw, as applicable.⁶
- (12) Copy of recorded deed(s) and other instruments for any common land or public open space, park or other such parcels contained within the subdivision.
- (13) Written evidence from the Town Treasurer that all property taxes owed to the town for land contained within the subdivision owned by the applicant or by the original developer, or his/her successors in interest, have been paid to the town.
- (14) If the as-built definitive plan is prepared using a computer aided drafting program an electronic copy of the as-built definitive plan shall be filed with the Northbridge Planning and Economic Development Department.

ARTICLE IV Design Standards

§ 222-10. Streets.

- A. Classification of streets. Each subdivision way shall be classified as a major, secondary or minor street as defined in § 222-4 for the purpose of establishing applicable design and construction standards. The Board shall determine the classification of all ways.
- B. Location.
 - (1) All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular traffic and an attractive street layout in order to obtain the maximum safety and amenity for future residents of the subdivision, and they shall be in accord with the rules and regulations of the Board of Selectmen and the Director of Public Works.
 - (2) The proposed streets shall conform in location, so far as practical, to any existing plans of the Planning Board, to the Master Plan or parts thereof adopted by the Planning Board and, where required by the Planning Board, to the existing street system.
 - (3) Provision satisfactory to the Board shall be made for the proper projection of streets or for the access to adjoining property, whether or not subdivided.

6. Editor's Note: See Ch. 7, Regulations Governing the Use of Private Property, Section 7-700.

- (4) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- (5) Any subdivision consisting of more than 18 units shall have two points of access and egress.

C. Adequate access from public way.

- (1) All streets in a subdivision wholly or partially in the Town of Northbridge must be accessible directly (without leaving Northbridge) from a public way or ways in the Town of Northbridge.
- (2) Where the street system within a subdivision does not connect with or have, in the opinion of the Board, adequate access from an existing public way, the Board may require as a condition of approval of a plan that such adequate access be provided by the subdivider and/or that the subdivider make physical improvements to and within such a way of access, in accord with these regulations, from a street within the subdivision to an existing public way.
- (3) Where the physical condition of pavement width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require that the subdivider 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 the subdivision. Any such dedication of land for the public 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 such widening or construction shall be borne by the subdivider.

D. Street design tables.

- (1) Table 1, Street Design Standards, and Table 11, Standards for Culs-de-Sac, are included at the end of this chapter.
- (2) Dead-ends and culs-de-sac.
 - (a) For the purposes of this subsection, any proposed street, which intersects, solely with a dead-end street shall be deemed to be an extension of the dead-end street. Dead-end streets shall be measured from the right-of-way line of the intersecting street. A dead end street in a nonresidential subdivision that is longer than 1,000 feet shall be a divided roadway.
 - (b) When a future street is projected beyond the circle, the circle shall be designed in relation to such extension. The turnaround or stub shall be located on the property line of the subdivision, unless the Planning Board approves otherwise.
 - (c) The Board may require a roadway easement from the end of the dead-end street to the adjacent property. If the dead-end street is subsequently extended

beyond the required turnaround, an easement appurtenant to a lot not abutting the turnaround, except that portion of the turnaround included in said extension, shall terminate upon the approval and recording of a certificate by the Planning Board of the construction of said extension, at which time additional land used for the circle may be relinquished to the adjacent property.

E. Street names.

- (1) To provide names in keeping with the character of the town, street names shall be subject to the approval of the Planning Board. Proposed street names shall not duplicate nor bear phonetic resemblance to the name of the existing public ways, paper streets or any other way qualified to afford frontage under MGL C. 41, § 81-L. A proposed street, which is in alignment with an existing street, shall bear the same name as the existing street.
- (2) Street names must be approved by the Police Chief and Fire Chief.
- (3) Streets in more than one town.
 - (a) Each lot in a subdivision must be served by an approved way lying within the town bounds.
 - (b) If a subdivision is divided by a town boundary, the Planning Board shall condition approval of the definitive plan on approval of the remaining portion of the plan by the Planning Board of the town in which it is located.

F. Street trees. Street trees shall be planted at regular intervals within the right-of-way, preferably within the grass strips. A minimum of two trees per lot frontage shall be planted. Each street shall be planted with a single species of trees. The tree species shall be selected from the Planning Board's list of approved street trees on the basis of site conditions.

G. Driveways and curb cuts.

- (1) Driveways in subdivisions containing one and/or two-family dwellings only shall be at least 10 feet wide and have a curb return at the roadway of two feet in radius and shall have an opening of at least 14 feet at the gutter line.
- (2) Driveways for nonresidential uses shall be at least 16 feet wide and have a curb return at the roadway of two feet in radius and shall have an opening of at least 20 feet at the gutter line.
- (3) Where rolled curbs or no curbs exist, the driveway flare should have a three foot radius. Driveway cuts shall not be within 65 feet of the intersection of the center line of intersecting streets.
- (4) If driveways slope from the edge of the street right-of-way to the edge of the pavement, there shall be a grade of not less than 1% but more than 8%, but the grade between the sidewalk and the right-of-way shall be only as shown on the cross sections.

- (5) At every intersection, ramps three feet wide shall be provided, adjacent to the curb sections required in § 222-27, to allow for accessibility by the handicapped.

§ 222-11. Storm drainage.

- A. The drainage system shall include facilities arranged to:
 - (1) Permit unimpeded flow of all natural watercourses.
 - (2) Ensure adequate drainage of all low points along streets.
 - (3) Intercept excessive groundwater in the subsoil along the streets.
 - (4) Intercept stormwater runoff along streets at intervals reasonable related to the extent and grade of the area drained.
- B. Catch basins will be required on both sides of the roadway on continuous grades at intervals of not more than 300 feet, at all low points in the grade and near the corners of the roadway at intersecting streets. Not more than two catch basins shall be connected together before entering a manhole.
- C. Cascade grates shall be provided in areas where the grades exceed 7%.
- D. All drain pipes shall be laid in a straight line and grade. At every change in direction or grade, a manhole will be provided.
- E. Proper connections shall be made with the existing public drainage system. Where adjacent property is not subdivided, provision shall be made for extension of the system by continuing appropriate drains to the exterior boundaries of the subdivision, at such size and grade will allow for their proper projection.
- F. The Board may also require provision of subsoil drains, along or near the edge of the traveled way, in addition to the trunk line system, wherever, in its opinion, groundwater conditions in the subsoil warrant such drains.
- G. Catch basins shall not be located at driveway entrances under any circumstances.
- H. Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of adequate width and proper side slope shall be provided. The Board may require that the applicant provide evidence as to any lot or lots that adequate provision has been made for the proper drainage of surface and underground waters from such lot or lots.

§ 222-12. Utilities.

- A. Required utilities include water, sewer, storm drainage system, telephone, electricity, gas, streetlights, fire alarm systems and cable television, unless otherwise specified by the Planning Board. The applicant shall submit evidence of complete financial arrangements with private utility companies prior to approval.

- B. All utilities shall be placed underground at the time of initial construction. The Planning Board may permit transformers, switches and other such equipment to be placed on the ground in approved locations, screened from view with evergreen shrubbery.
- C. Where adjacent property is not subdivided or where all the property of the applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of the streets and to the exterior limits of the subdivision, at such grade and size as will permit their proper extension at the later date.

§ 222-12.1. Sewerage. [Amended 3-10-2009]

- A. If a public sewerage system is located within 2,000 feet down slope from a nonresidential subdivision or a subdivision of multifamily units or within 1,000 feet of a subdivision of single- or two-family units, and it has been determined by engineering analysis that there is sufficient excess capacity in the existing downstream collection system, including receiving pumping stations, to accept the additional flow, all lots in the subdivision shall be connected to the public sewerage system by the developer.
- B. If a public sewerage system is planned to be installed within 1,000 feet down slope of any subdivision within three years of the date of submission of the definitive plan as indicated by prior Town Meeting action, the sewer system shall be installed by the developer in the street and to every lot in the subdivision which can be connected later to the public sewerage system.
- C. If the public sewerage connections are not required according to the above or if the planned public sewerage system has not yet been installed to within the required distance of the proposed subdivision, private on-lot or communal sewerage systems, as approved by the Board of Health, shall be installed.
- D. Manholes shall be located at every exchange in grade or horizontal alignment but not more than 300 feet apart.
- E. If a sewer line is installed on an existing town road, laterals will be provided to each existing house lot along its route.
- F.
 - (1) Subdivision developments requiring the installation of a sewer pump station(s) shall be required to provide a one-time monetary contribution of \$1.50 per gallon of average daily design flow. Monetary contribution for expanded pump station shall be based upon the net increase in average daily flow. Such contribution shall be deposited into a maintenance account and shall be drawn upon from time to time by the Department of Public Works, after acceptance by the town and Planning Board release of municipal interest. Maintenance contribution shall be satisfied prior to initial lot release within the subdivision development.
 - (2) Operation and maintenance of sewer pump stations, including utilities and other associated costs, shall remain the responsibility of the owner/developer until such time as all subdivision roadways and infrastructure improvements are completed,

formally accepted by the Town and recorded with the Registry of Deeds. Pump stations wholly serving private developments shall remain the property of the developer and/or homeowners' association which shall be responsible for all costs associated with the operation maintenance and repairs of the station.

- (3) When existing pump stations are proposed to accept additional flows from new or expanded developments, developer shall be responsible for all required upgrades to the station to accept the additional flows and shall additionally be responsible for operations, maintenance and repairs to the modified pump station until such time as the new/expanded development has been completed and all improvements have been accepted by the town.
- (4) Sewer pump stations, ownership of which will be conveyed to the Town, shall be sited on a separate lot of a minimum of 20,000 square-feet with a minimum of 50-feet of frontage on an existing public way or proposed subdivision roadway. The design and construction of the sewer pump station(s) shall be approved by the Department of Public Works and built in accordance to town specifications.

§ 222-12.2. Water. [Amended 3-10-2009]

- A. Every subdivision shall be connected to the public water supply of the Whitinsville Water Company or the Northbridge water system unless otherwise approved by the Planning Board and the Board of Health.
- B. Where water systems are required, pipes and related equipment such as hydrants and main shutoff valves shall be installed within the subdivision as necessary to provide all lots on each street with adequate water supply and pressure for domestic use and adequate fire protection.
- C. A separate metered service connection is required for each housing unit. Service connections shall be installed in accordance with the requirements of the Whitinsville Water Company and/or the Northbridge Water System.
- D.
 - (1) Subdivision developments requiring the installation of a water booster pump station(s) shall be required to provide the town with a one-time monetary contribution of \$1.50 per gallon of average daily design flow. Such contribution shall be deposited into a maintenance account and shall be drawn upon from time to time by the Department of Public Works, after acceptance by the town and Planning Board release of municipal interest. Maintenance contribution shall be satisfied prior to initial lot release within the subdivision development.
 - (2) Operation and maintenance of water booster pump stations, including utilities and other associated costs shall remain the responsibility of the owner/developer until such time as all subdivision roadways and infrastructure improvements are completed, formally accepted by the Town and recorded with the Registry of Deeds. Booster pump stations wholly serving private developments shall remain the property of the developer and/or homeowners' association, which shall be

responsible for all costs associated with the operation maintenance and repairs of the station.

- (3) Water pump stations, ownership of which will be conveyed to the Town, shall be sited on a separate lot of a minimum of 20,000 square-feet with a minimum of 50-feet of frontage on an existing public way or proposed subdivision roadway. The design and construction of the water booster pump station(s) shall be approved by the Department of Public Works and built in accordance to town specifications.

§ 222-13. Fire alarm systems.

- A. Fire alarm boxes, hydrants and other equipment shall be provided by the applicant after it has been approved by the Northbridge Fire Chief.
- B. One fire alarm box shall be provided for each 1,000 linear feet or fraction thereof of street within the subdivision. Exact locations of boxes shall be specified by the Fire Chief and indicated on the plan. The circuit shall be installed so that it may be connected with a circuit on a town way adjoining the subdivision.
- C. Fire hydrants shall be provided in accordance with the recommendation of the Northbridge Fire Chief.

§ 222-13.1. Streetlighting.

The developer will be required to purchase and install street poles and lights where designated. The old system of amortization will no longer be allowed. Activation of the lights will be determined by the Board of Selectmen.

§ 222-14. Easements.

- A. Where utilities cross lots or are centered on rear or side lot lines, easements shall be provided of a minimum width of 20 feet.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Board may require a stormwater easement or drainage right-of-way of adequate width and proper side slope to conform substantially to the lines of such watercourse, drainageway, channel or stream and to provide for construction or other necessary purposes. In no case shall the width be less than 30 feet or the side slope be steeper than two horizontal to one vertical [two to one (2:1) slope].
- C. Access easements to park and conservation land shall be provided and shall be at least 20 feet wide.
- D. Wherever possible, easements along rear lot lines shall be continuous to the street at the end of the block to connect with the adjoining blocks in the shortest direct line.
- E. Where the applicant provides trails or where trails traverse the land shown on the plan, an easement at least 15 feet wide shall be shown, which may be limited to passage on foot or horseback. Where the present location of the trails interferes with logical

development of the land, adjustments shall be made to relocate the trail or to connect the trail to a street right-of-way, another trail or suitable open space.

§ 222-15. Open space.

- A. Before approval of a plan, the Planning Board may require the plan to show a park or parks, suitably located for active and/or passive recreation purposes. The park or parks shall not be unreasonable in area relation to the land being subdivided and to the prospective uses of the land. The Board may, by appropriate endorsement on the plan, require that no building be erected on such park or parks without its approval for a period of three years. Each area reserved for such purpose shall be suitable area, dimensions, topography and natural character for the recreational purposes. The area or areas shall be so located as to serve adequately all parts of the subdivision. The Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions. The total amount of area to be reserved for park and/or playground purposes shall be no less than 10% of the gross area of the subdivision. Any land so reserved shall be graded to dispose properly of surface water and shall be left for the purpose intended, as required by the Planning Board.
- B. The town shall have the right to acquire ownership of the same by gift or as provided in MGL C. 41, § 81-Q.
- C. Any applicant with a definitive plan on which open space areas appear are to be transferred to the town shall provide the town with evidence of clear title held by owner or applicant, in the form of a quitclaim deed and a title certificate upon approval of such definitive plan by the Planning Board.

§ 222-16. Protection of natural features.

Due regard shall be shown for all natural features, such as large trees, wooded areas, watercourses, scenic points, historic spots and similar community assets, which, if preserved will add attractiveness and value to the subdivision. Outside of street rights-of-way, no trees over 15 feet inches in caliper, measured at four feet above the existing grade, shall be removed or have the grade level surrounding the trunk altered by more than six inches without the approval of the Planning Board after its consultation with the Conservation Commission.

§ 222-17. Bikeways, walkways and trails.

Public bikeways, pedestrian walkways or bridal paths may be required by the Planning Board to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space and/or community facilities or for such other reason as the Board may determine. These may or may not be part of the normal sidewalk provisions, but they shall not be part of any lot in the subdivision. Bikeways and walkways shall conform to the following standards:

- A. Minimum right-of-way width: 15 feet.
- B. Minimum pavement width for bikeways and walkways: 10 feet.
- C. Maximum grade: 5% for segments less than 100 feet in length, 3% elsewhere.
- D. Minimum center line radius: 25 feet.

§ 222-18. through § 222-19 (Reserved)

ARTICLE V

Required Improvements for Approved Subdivisions

§ 222-20. General requirements.

- A. The design of the subdivision shall be such that it preserves the scenic and environmental character of the town. Due regard shall be made to enhance views and preserve wetlands, as well as protect large trees, stone walls, historic spots and similar community assets, which, if preserved, will add attractiveness and value to the subdivision and town.
- B. All subdivisions shall be designed to blend harmoniously into and alongside existing neighborhoods. No change shall be made in existing topography, as a result of the proposed subdivision, which adversely affects any land abutting the proposed subdivision. Pervious areas disturbed by construction of the subdivision will be loamed, hydroseeded and revegetated to prevent erosion upon completion of subdivision improvements.
- C. Construction review.
 - (1) The ways shall be constructed and municipal services installed in the subdivision in accordance with the following specific requirements and shall be subject to construction review. The Planning Board may select one of the following methods of construction review:
 - (a) Inspections shall be made by appropriate local officials and/or a professional engineer hired by the Board. An inspection is required after the completion of each stage of construction. Written approval by said individuals must be submitted to the Board prior to beginning the next construction phase.
 - (b) If the town has the available personnel, the Board may require that a town employee be provided to act as an on-site inspection to secure the construction of the infrastructure.
 - (c) In detailing with large-scale projects, the Board may require that an independent clerk-of-the-works be hired.
 - (2) Regardless of which of the above-mentioned methods of review is selected by the Planning Board, the cost shall be borne by the developer. An agreement specifying the method chosen and the responsibility of both parties involved shall be in place prior to the commencement of any construction on the site.

D. In each subdivision the ways shall be constructed and municipal services installed in accordance with the following specific requirements:

- (1) No street or way through private property shall be accepted by the town unless the same was previously constructed and completed in accordance with the approved plan. Prior to the commencement of the construction phase of development, a preconstruction conference between the Planning Board and/or their agent and the developer and/or his agent shall be held to be sure that all requirements herein are understood and will be met.
- (2) Unless otherwise specified, all of the work and all of the materials used in the work to be done shall conform to the requirements of the Commonwealth of Massachusetts Highway Department, Standard Specifications for Highways, Bridges and Waterways, 1995 Edition, as amended, hereinafter referred to as the "standard specifications," as amended, and the special provision included herein.
- (3) Wherever in the standard specifications or other contractual documents the following terms or pronouns in place of them are used, the intent and meaning shall be interpreted by substitution as follows:

COMMONWEALTH — The Town of Northbridge.

DEPARTMENT — The Department of Public Works and Board of Selectmen of Northbridge.

ENGINEER — The Planning Board of the Town of Northbridge acting directly or through an authorized representative; such representative acting within the scope of the particular duties entrusted to him/her.

- (4) The extent of work required shall be shown upon the approved plans and in compliance with the standard cross section plans. Stakes shall be set which will indicate the exact amount of cut and fill.
- (5) Offset stakes shall be set under the direction of a registered land surveyor at fifty-foot intervals and at each sewerage and drainage structure and at each hydrant to indicate the location and the exact amount of cut, fill or grade.
- (6) Improvements to minimize adverse environmental impact, if required, shall be installed in accordance with all details as shown on the approved definitive plan, and all possible measures shall be taken during construction to minimize dust and erosion.
- (7) No earth shall be removed from the area shown on a definitive plan except in accordance with the approved plan.
- (8) As each construction operation is completed, it shall be inspected. (See § 222-20A.)

§ 222-21. Drainage system.

The construction of the drainage system, including methods of construction and quality of materials used, shall be in conformity with the definitive plan, and the details shall conform to the details of the Massachusetts Highway Department specifications. In particular, all catch basins shall be constructed of brick (either clay or concrete) or of cement concrete or of cement concrete blocks laid in mortar and plastered on the outside, with standard D-frames and grates, unless cascade grates are called for. Granite or concrete headwalls should be installed where required by the Director of Public Works. A granite-mouth curb is to be furnished and set as directed by the Director of Public Works. All catch basins shall have an inside diameter of at least four feet and shall be constructed to a minimum depth of two feet below the invert of the outflow pipe. Joints of all drains pipes shall be sealed unless open joints are specifically approved by the Director of Public Works. Where the pipes are of reinforced concrete, there shall be a minimum cover of two feet and, where not reinforced, a minimum cover of 3 1/2 feet to finished grade.

§ 222-22. Water system.

The water system shall be installed in accordance with the definitive plan with the approval of the Director of Public Works.

§ 222-23. Sewerage system.

The sewerage system shall be installed in accordance with the approved definitive plan and shall be in conformance with the rules and regulations of the Director of Public Works and the Sewer Superintendent.

§ 222-24. Underground services.

- A. All water mains and laterals within the exterior lines of the street shall be installed at least five feet below the finished grade.
- B. In rock, clay or peat excavation, trenches shall be excavated to a depth of six inches or below the bottom of any water pipe, storm drain or sewer line and filled with suitable base materials (select gravel or 2 1/2 inch traprock, as is found to be necessary).
- C. All water pipes, storm drains and/or sewers and any gas mains or underground light and power conduits shall be installed in the street prior to completion of the roadway foundation. This includes the installation of service pipes and conduits to the front lot line of each residential lot shown in the subdivision.
- D. All storm drains, sewers, culverts, manholes, water mains and laterals, shut-off valves and hydrants shall be inspected prior to any backfilling of trenches or other covering of structures.
- E. Following such inspection, the fill material shall be carefully placed around the structures and rammed and compacted to a depth of one foot before completing the filling.

§ 222-25. Roadways.

A. The roadway shall be graded and prepared for pavement as follows:

- (1) No building permits shall be issued for any lot in a subdivision until the roadway serving said lot has a base coat which has been completed to the satisfaction of the Planning Board and the Director of Public Works and the drainage system is operating at the base coat level.
- (2) A construction schedule shall be presented to the Director of Public Works, Planning Board and the Town Planner prior to the commencement of any work, and adequate notification must be given prior to each work phase.
- (3) Clearing and grubbing of the entire area of such street or way shall be performed to remove all trees not intended for preservation, stumps, brush, rocks, boulders and the like material which may exist on the surface.
- (4) Roadway earth excavation shall remove all materials encountered down to the true surface of the subgrade [see Subsection A(6) below] or to suitable material in the areas where unsuitable materials exists in preparation for the foundation of roadway, sidewalks, driveways and berms. Material obtained from the excavation of the site may be used in fills as required if, in the opinion of the Board in conjunction with the Director of Public Works, it is deemed suitable.
- (5) When, in the opinion of the Board and the Director of Public Works, suitable materials is not available within the limits of the roadway location to form the subgrade or subbase, the contractor shall obtain such additional material from other sources in accordance with this section as may be approved by the Board and the Director of Public Works.
- (6) The subgrade surface, 16 inches below the finished surface grades in minor and secondary streets and 18 inches below the finished surface grade in major streets in residential subdivisions and in all streets in nonresidential subdivisions, shall be prepared true to the lines, grades and cross sections given. All soft and spongy materials below the subgrade surface shall be removed to a depth determined by the Board and the Director of Public Works, and the space thus made shall be filled with special gravel containing no stones over three inches in diameter.
- (7) Gravel subbase or foundation containing no stones having diameters greater than three inches shall be spread in two equal layers on the surface of the subgrade to a minimum depth of 15 inches. Gravel borrow shall be Type A as specified in the standard specifications. Each layer shall be thoroughly watered, rolled with a ten-ton roller and compacted true to line and grade. Any depressions that appear during and after the rolling shall be filled until the surface is true.
- (8) Final grading, rolling, finishing, including the shaping and trimming of the roadways, sidewalks and berms shall be in accordance with this section as directed by the Board and the Director of Public Works.
- (9) The wearing surface of roadways shall be Type I bituminous concrete pavement. The Type I-1 pavement shall be composed of mineral, aggregate, mineral filler and

bituminous material, plant-mixed and laid hot. Materials and construction methods shall comply with the requirements of Section 460 of the Standard Specifications, except that no construction shall be undertaken after November 15 of any year without permission of the Director of Public Works.

- (10) The bituminous concrete shall be installed in two lifts: a two-inch binder coat and a two-inch finish coat.
 - (11) Greater pavement thickness shall be required by the Board on roadways subject to heavy traffic, such as in a nonresidential subdivision or in selected major streets or subdivisions.
- B. Roadways shall be constructed for the full length of all streets within the subdivision and shall have the same curb radius required. The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Planning Board.
- C. The roadway shall be paved to the full width specified above, except for any portion of such width to be occupied by shoulders, as hereinafter provided.
- D. Shoulders.
- (1) In certain areas where it is desirable to maintain a rural character of an area, the Board may allow stabilized grassed shoulders of having a width not in excess of that specified below, to be constructed within the roadway at its outer edges, and the width of the pavement may be reduced accordingly (except near certain intersections, as hereinafter provided). In no case, however, shall the total width of pavement plus the two shoulders be less than the roadway width hereinbefore specified for the type of street involved. The maximum width of shoulders shall be as follows:
 - (a) Minor streets: three feet each.
 - (b) Secondary streets: four feet each.
 - (c) Major streets: prohibited.
 - (2) Such shoulders shall consist of a layer of select gravel mixed with good quality loam in the ration of two parts gravel to one part loam, placed on each side of the pavement surface (on top of the first layer of roadway foundation), rolled and compacted to a transverse grade meeting that of the finished pavement, as shown on the applicable cross-section plan and seeded with grass seed applied in sufficient quantity to assure adequate coverage. The seeding shall be done according to accepted horticultural methods.

§ 222-26. Embankments.

Embankments outside, within or adjoining the right-of-way shall be evenly graded and pitched at a slope of not greater than two horizontal to one vertical infill. Where cuts are made in the ledge, other slopes may be determined with the approval of the Planning Board. Where terrain

necessitates greater slopes, retaining walls, terracing, fencing or riprap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with and approved by the Planning Board. Whenever embankments are built in such a way to require approval by the Planning Board, the developer must furnish to the town duly recorded access easements free of encumbrances for maintenance of the slopes, terraces or retaining walls. All such slopes shall be grassed in accordance with the specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.

§ 222-27. Curbing.

- A. Vertical granite curbing shall be provided along each side of the roadway throughout the subdivision and along the full perimeter of all islands as shown on the definitive plan. Granite curbing shall also be used around all median islands, around all turnaround islands, and as headers for all catch basins. Granite curbing shall be Type VA4 and conform MHD specification M9.04.0 and 9.04.1 and in accordance with the requirements of Curb, Curb Inlets, Curb Corners, and Edging (MHD Section 501). Curbing design is subject to approval from the Department of Public Works.
- B. Granite curbing shall be installed at intersections of subdivision streets and existing public ways as follows: the curbing shall extend along the full length of the curb radius and then extend beyond that point for a minimum of six feet.
- C. When curbed intersections involve one or more streets having grassed shoulders, the curbing shall be placed at the edge of the roadway, and the pavement on the street or streets with such shoulders shall be widened to the full width of the roadway (thus meeting the curb) within 50 feet of the intersection, tapering down to normal width within 75 feet thereof.

§ 222-28. Street signs.

Street signs which, in the opinion of the Board, are of the type commonly used on public ways in the town and bearing the names of the streets as indicated on the definitive plan, shall be erected at all intersections of streets in the subdivision when the binder course is laid down.

§ 222-29. Sidewalks.

Sidewalks shall be constructed on concrete (such as Portland Cement) conforming to MHD specification M4.02.00, and in accordance with the requirements of Sidewalks, Wheelchair Ramps and Driveways (MHD Section 701). The cross slope shall be 1/4 of an inch per foot of width to provide for proper drainage. Sidewalks shall also conform to the requirements of the Massachusetts Architectural Access Board.

§ 222-30. Planting strips.

- A. Planting strips of at least four feet wide shall be provided on each side of the roadway.

- B. The finished grade of such planting strips in relation to the finished grade of the roadway shall be shown on the applicable cross section plan. Where unusual physical land features or topographic conditions require, the Board may approve the construction of a planting strip, irregular or sloped in cross section, provided that such variation is indicated on the definitive plan and that no portion of the planting strip will project above a plane sloped two horizontal to one vertical upward from the edge of the roadway or be below a plane sloped two horizontal to one vertical downward.
- C. No utility poles or trees shall be placed or retained within the planting strip so as to be closer than two feet to the edge of the roadway.

§ 222-31. Side slopes.

The area in back of the sidewalk or, where no sidewalk is constructed, in back of the required planting strip, shall be graded so that it coincides with the finished grade of abutting lots in such a manner that no portion thereof within the exterior lines of the street project above a plane sloped two horizontal to one vertical from the edge of the sidewalk or grass lot or be lower than a plane sloped two horizontal to one vertical downward.

§ 222-32. Loam.

The top four inches of the soil in the planting strips and side slopes shall consist of good quality loam, screened, raked and rolled with a hand roller to grade. The loam shall be hydroseeded with lawn grass seed.

§ 222-33. Monuments.

- A. Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets, and at other points as shown on the definitive plan and where, in the opinion of the Board, permanent monuments are necessary.
- B. Granite or concrete monuments shall be 31/2 feet in length dressed to six inches square at the top, with a three eighths inch drill hole in the center and not less than six inches square at the bottom. They shall be set to finish grade as shown on plan.
- C. No permanent monuments shall be installed until all construction, which could destroy or disturb the monuments is completed.

§ 222-34. Cleanup; final inspection; maintenance.

- A. Cleanup and final inspection. All stumps, brush, roots, boulders, rocks, surplus construction materials and trash not intended for future use by the developer shall have been removed and disposed of in a manner satisfactory to the Board and the Director of Public Works. Any fire hazard shall be removed promptly to the satisfaction of the Fire Chief. This subsection does not authorize the removal, including severing and stripping of soil, loam, sand or gravel on such land.
- B. Maintenance of improvements.

- (1) The applicant and/his successor shall provide for the proper maintenance and repair of improvements for a period of 24 months after the Planning Board has deemed that the roadway has been completed and the services installed and the Board has released the performance guaranty or until the town votes to accept the road, whichever comes first. If the town has to do maintenance work on said roadways, the applicant and/or his successor shall reimburse the town for the expense.
- (2) Such maintenance shall include snow removal, sanding, repairs to drainage systems, etc.

ARTICLE VI
Administration

§ 222-35. Waivers.

- A. 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 consistent with the Subdivision Control Law.
- B. Any such waiver must be made in writing by the Board as part of its approval or amendment thereof; other wise all requirements contained herein are deemed applicable.

§ 222-36. Inspections.

- A. Required. Inspections shall be arranged by the developer with the Planning Board, Town Planner and the DPW Director as appropriate to the construction of the streets and the installation of utilities and during construction and as specified herein at each significant construction stage and as otherwise required by the Board.
- B. Requests for inspections. Inspections shall be requested of the Town Planner by the developer at least two business days in advance of the inspection of any stage of construction.

§ 222-37. Lot release.

No building shall be erected on any lot within a subdivision without separate written permission for each lot. This permission is in addition to any other permits required for building, such as a permit from the Building Inspector required by other town bylaws.

- A. The developer shall submit a written request for lot releases to the Board. Such request(s) shall include the Definitive Plan Book and plan number(s), the Deed Book and page number(s) of the approval, the Deed Book and page number(s) of the covenant, subdivision lot number(s), requested for lot release and the Assessor's Map and parcel number(s) of the lot(s) requested for release. B. Upon receipt of such properly submitted request(s) for release, the Board shall schedule such request(s) for the next available regular Board meeting.

- B. The Board shall review the request in terms of progress of the developer (generally, and in terms of the construction schedule), condition of the site, compliance with applicable regulations and requirements, and surety posted with the Board.

§ 222-38. Building permits.

- A. No building shall be erected within a subdivision without written permission from the Planning Board by Release Form P, and no building permit shall be issued for any building within a subdivision until the subdivision roadway from which the proposed building derives its frontage has been constructed and inspected up to and including the binder course of pavement.
- B. The Building Inspector shall not issue any permits for the erection of a building until he first satisfies that the lot on which the building is to be erected is not within a subdivision, or that a way furnishing the access to such a lot, as required by the Subdivision Control Law, is shown on a plan recorded, or entitled to be recorded, under MGL C. 41, § 81-X, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot has been satisfied or waived by the Board, and in the event that more than one building for dwelling purposes be erected or planned or converted to use as such on any lot, that the Building Inspector is satisfied that consent has been obtained from the Planning Board in accord with § 222-36A of these rules and regulations, MGL C. 41, § 81-Y and amendments, thereto.

§ 222-39. Statutory provisions.

For matters not covered by these rules and regulations, reference is made to MGL C. 41, §§ 81-K to 81-GG, inclusive.

ARTICLE VII
Fees

§ 222-40. Fees.

- A. All application fees, and all expenses, such as advertising, publication of notices; all engineering, including but not limited to review of preliminary and/or definitive plans, and inspections during construction which is part of the subdivision or appurtenant thereto; recording and filing of documents; and all other expenses in connection with review and approval of subdivisions or their construction, including without limitation sampling and testing as required by the Planning Board or its agents, shall be borne solely by the applicant and are not covered in the administrative fees. All fees shall be paid by check only, payable to the Town of Northbridge and are nonrefundable. No review of any application will take place until all appropriate application/filing and review fees have been submitted as required. All fees must be satisfied in order for the Board to take affirmative action on any question before it.

- B. In the event that the application fees submitted are deemed to be insufficient as described by these regulations, the application will be deemed incomplete and will not be scheduled for review by the Board.
- C. Submission fees. **[Amended 2-25-2003]**
- (1) Approval-not-required plans (ANRs). All plans not requiring subdivision approval by the Planning Board shall be required to pay a filing fee of \$200 plus \$50 for every new lot created.
 - (2) Preliminary subdivision plans. The minimum administrative fee shall be \$1,000 plus \$50 for every lot above five. Administrative fees are nonrefundable.
 - (3) Definitive subdivision plans with preliminary plan. The minimum administrative fee shall be \$2,000 plus \$200 per lot.
 - (4) Definitive subdivision plan without preliminary plan. The minimum administrative fee shall be \$2,000 plus \$300 per lot.
 - (5) Definitive subdivision modification. The minimum administrative fee shall be \$1,000.
 - (6) Lot releases. An administrative fee of \$100 per lot.
 - (7) Street acceptance. An administrative fee of \$500 per street and/or portion thereof.
 - (8) Bond reduction/release. An administrative fee of \$300 is required.

§ 222-41. Review and inspection account.

- A. In accordance with the MGL C. 44, § 53G, as added to by Chapter 593 of the Acts of 1989, a separate account known as the "Planning Board's Review and Inspection Account" shall be established to be used to offset costs of hiring outside consultants to assist in the review of the application and to pay for professional inspections of construction work. The Planning Board may request that additional funds be deposited into this special account by the applicant according to §§ 222-39 and 222-40 of these regulations. Moneys may be expended from this account by the Planning Board without Town Meeting appropriation. Any excess amount attributable to a particular project, including accrued interest, will be repaid to the applicant at the conclusion of the project.
- B. The Town Accountant must submit an annual report on the special account to the Board of Selectmen and the chief administrative official for their review, and the report must be published in the annual report and provided to the Director of the Bureau of Accounts.
- C. The applicant has the right to administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and may be made only within 20 days from the date of the Planning Board has mailed or hand delivered notice to the applicant of selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in or related to the field at issue or three or more years of practice

in the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by a municipal permit granting board shall be extended by the duration of the administrative appeal, the selection made by the Planning Board shall stand. Such an administrative appeal shall not preclude further judicial review.

§ 222-42. Review and inspection fees.

- A. At the time of application, a deposit for engineering review and inspection fees shall be paid by the applicant to the town in such amount as is required by the Planning Board. Such initial deposit will be \$750 for a subdivision of five lots or less and \$250 per lot for a subdivision of six or more lots. Said deposit shall be replenished by the applicant as required by the Planning Board before the amount of expenses equals in value the amount of deposit. Any portion of the deposit, which is not used, will be returned to the applicant.
- B. In the event any review or inspection fees are deemed to be insufficient the applicant shall satisfy such within seven days. In the event the applicant fails to do so, the Board may cease all review and shall deny the application as presented.

§ 222-43. Lot releases. [Amended 2-25-2003]

An administrative fee of \$100 will be charged for lot releases from Planning Board restrictions regarding building and/or sale.

§ 222-44. Modifying, amending or rescinding a definitive plan. [Amended 2-25-2003]

Any increase in the number of proposed lots, or a significant change to the proposed roadway or infrastructure design, as determined by the Board, shall constitute a plan revision. The administrative fee shall be \$1,000 and an engineering and inspection deposit of \$300 per lot.

**ARTICLE VIII
Processing Forms**

§ 222-45. Enumeration.

The following forms shall be used to process plans submitted to the Planning Board:

1. Form A: Application for Approval-Not-Required Plan.
2. Form A-1: Approval is not required.
3. Form A-2: Approval is required.
4. Form B: Application for Approval of a Preliminary Plan.
5. Form B-1: Approval of a Preliminary Plan.
6. Form B-2: Disapproval of a Preliminary Plan.

7. Form C: Application for Approval of a Definitive Plan.
8. Form C-1: Approval of a Definitive Plan.
9. Form C-2: Approval with Modifications of a Definitive Plan.
10. Form C-3: Disapproval of a Definitive Plan.
11. Form C-4: Certified List of Abutters.
12. Form C-5: Time Extension Request for a Definitive Plan.
13. Form D: Designers Certificate.
14. Form E: Amendment, Modification or Rescission of Approval of a Definitive Plan.
15. Form F: Covenant.
16. Form G: Performance Secured by Deposit of Money.
17. Form H: Performance Secured by a Surety Company.
18. Form I: Performance Secured by Other Security.
19. Form J: Performance Secured by Bank Passbook.
20. Form K: Performance Secured by Lender's Agreement.
21. Form L: Conveyance of Easements and Utilities.
22. Form M: Plan Review Referral Form.
23. Form M-1: Plan Review Report Form.
24. Form N: Control Form for Processing Subdivision Plan and Construction.
25. Form O: Certificate of Completion - Release of Municipal Interest.
26. Form P: Release of Lots.
27. Form Q: Release of Surety.

ARTICLE IX
Severability

§ 222-46. Severability.

If any provision of these rules and regulations or the administration thereof shall be held unconstitutional, invalid or void, it shall not affect any other provision of these rules and regulations or the administration thereof.

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