

# **SUBDIVISION OF LAND**

## **Chapter 244**

### **SUBDIVISION OF LAND**

#### **ARTICLE I**

##### **Authority**

- § 244-1. **Authority; when effective.**

#### **ARTICLE II**

##### **General Provisions**

- § 244-2. **Definitions.**  
§ 244-3. **Plan believed not to require approval.**  
§ 244-4. **Plan requiring approval.**  
§ 244-5. **Presentation of correct information.**  
§ 244-6. **Limit on dwellings on a lot.**  
§ 244-7. **Filing and processing fees.**  
§ 244-8. **Access agency.**

#### **ARTICLE III**

##### **Plan Submission and Approval Procedure**

- § 244-9. **Preliminary plan.**  
§ 244-10. **Definitive plan.**  
§ 244-11. **Action on definitive plan.**

#### **ARTICLE IV**

##### **Design Standards**

- § 244-12. **General requirements.**

## **SOUTHBOROUGH CODE**

- § 244-13. Streets.**
- § 244-14. Open space.**
- § 244-15. Easements.**
- § 244-16. Drainage.**
- § 244-17. Water supply and fire hydrants.**
- § 244-18. Wiring and fire alarm systems.**

### **ARTICLE V**

#### **Required Improvements; Construction Standards**

- § 244-19. General requirements.**
- § 244-20. Streets and roadways.**
- § 244-21. Sidewalks.**
- § 244-22. Curbs and berms.**
- § 244-23. Grass plots.**
- § 244-24. Shade trees.**
- § 244-25. Street signs.**
- § 244-26. Monuments.**
- § 244-27. Special construction details.**

### **ARTICLE VI**

#### **Administration**

- § 244-28. Variances and waivers.**
- § 244-29. Applicability of statute.**
- § 244-30. Appeals authority.**
- § 244-31. Building permits.**
- § 244-32. Inspections.**
- § 244-33. Maintenance of improvements.**

## SOUTHBOROUGH CODE

§ 244-34. **Compliance with National Flood Insurance Program.**

§ 244-35. **Severability.**

### Design Standards for Various Street Classifications

**[HISTORY: Adopted by the Planning Board of the Town of Southborough 8-18-86. Amendments noted where applicable.]**

## ARTICLE I

### Authority

§ 244-1. **Authority; when effective.**

Under the authority vested in the Planning Board of the Town of Southborough by MGL C. 41. § 81Q and other sections, said Board has on August 18, 1986, adopted these amended Rules and Regulations Governing the Subdivision of Land in the Town of Southborough, Massachusetts, originally adopted in January, 1960. These amended rules and regulations shall take effect upon recording in the registry of deeds and filing with the Recorder of the Land Court.

## ARTICLE II

### General Provisions

§ 244-2. **Definitions.**

Words and terms used herein shall have the meanings assigned to them in the Subdivision Control Law, MGL C. 41 and in the Southborough Zoning Bylaw. In addition, unless the context unequivocally indicates otherwise, the meaning of the following words and terms shall be as defined herein:

APPLICANT -A person (as hereinafter defined) who applies for the approval of a plan of a subdivision or a person who applies under § 244-3. "Applicant" shall include an owner or his agent or representative or his assigns.

BOARD -The Planning Board of the Town of Southborough.

## **SOUTHBOROUGH CODE**

**DEVELOPER-** A person (as hereinafter defined) to whom approval of a plan of a subdivision has been granted under Article III of these rules and regulations.

**GENERAL LAWS** (abbreviated MGL) -The General Laws of Massachusetts. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

**LOT-** An area of land in one (1) common ownership, with definite boundaries ascertainable of record and used, or set aside and available for use, as the site of one (1) or more buildings and buildings accessory thereto.

**MUNICIPAL SERVICES-** Sewers, water drains, water pipes, gas pipes, electrical lines, telephone lines, fire alarm system, guardrails, shade trees, street signs, boundary markers and their respective appurtenances.

**OWNER-** As applied to real estate, the person holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the appropriate land registration office, registry of deeds or registry of probate.

**PERSON** -An individual or two (2) or more individuals or a group of association of individuals, a partnership or a corporation having common or undivided interests in a tract of land.

**PRELIMINARY PLAN** -A plan of a proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof, showing the subdivision name, boundaries, North point, date, scale, legend and title "Preliminary Plan"; the names of the record owner and the applicant and the name of the designer, engineer or surveyor; the names, of all abutters, as determined from the most recent local tax list: the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; the proposed system of drainage, including adjacent existing natural waterways in a general manner; the approximate boundary lines of proposed lots, with approximate areas and dimensions; the names, approximate location and widths of adjacent

## SOUTHBOROUGH CODE

streets; the topography of the land in a general manner. A "preliminary plan" is not recordable.

PLAN or DEFINITIVE PLAN -The complete plans of a subdivision, as submitted with all required exhibits and the completed application and fees to the Board for approval and endorsement, to be recorded upon such endorsement in the registry of deeds or filed with the Land Court, as distinguished from a preliminary plan.

ROADWAY -That portion of a street or way which is designed and prepared or used for vehicular travel; may also be referred was the traveled way" or "pavement."

STREET or WAY -A strip of land dedicated to use as a public thoroughfare, including a public way laid out and accepted by a public authority or which the Town Clerk certifies is used and maintained as a public way, or a way laid out on a definitive subdivision plan theretofore approved and endorsed under the Subdivision Control Law, or a way in existence when the Subdivision Control Law became effective in Southborough and having in the opinion of the Planning Board adequate width, construction and grades for the needs of the existing and future buildings and uses abutting thereon or to be served thereby.

STREET, COLLECTOR -A street which carries or can be expected to carry vehicular traffic originating in another street or streets, or streets expected to carry at least two thousand (2,000) vehicles average daily traffic.

STREET, LOCAL RESIDENTIAL- A street expected to serve more than eight (8) but fewer than fifty (50) dwelling units, no non residentially zoned land, and to carry no significant through traffic.

STREET, MAJOR COMMERCIAL COLLECTOR OR ARTERIAL -A street expected to have an estimated average daily traffic volume in excess of five thousand (5,000) trips.

STREET, MAJOR RESIDENTIAL OR MINOR COMMERCIAL COLLECTOR -A street expected to serve more than two hundred (200) dwelling units and/or nonresidentially

## SOUTHBOROUGH CODE

zoned land and to have an estimated daily traffic volume of fewer than five thousand (5,000) trips.

**STREET, MINOR RESIDENTIAL-** A relatively short street expected to have no through traffic and to serve no more than eight (8) dwelling units and no non residentially zoned land.

**STREET, MINOR RESIDENTIAL COLLECTOR-** A street expected to serve more than fifty (50) but fewer than two hundred (200) dwelling units and no nonresidentially zoned land.

**SUBDIVISION** -The process of dividing or resubdividing a tract of land into two (2) or more lots, or the land being subdivided, provided that a division of land into two (2) or more lots shall not be deemed to constitute a "subdivision" if every lot created or altered thereby has the frontage required by the Southborough Zoning Bylaw on a street or way as defined therein and by these Rules and Regulations. Conveyances or other instruments adding to, taking away from or changing the size or shape of lots in such a manner as not to leave any lot so affected without the frontage set forth above, or the division of a tract of land on which two (2) or more nonaccessory buildings were lawfully standing when the Subdivision Control Law went into effect in Southborough into separate lots on each of which one of such buildings remains standing, shall not constitute a "subdivision."

**SUBMITTED-** Plans and applications shall be deemed "submitted" when delivered at a meeting of the Board or when sent by registered mail to the Planning Board, care of the Town Clerk; and if so mailed, the date of mailing shall be the date of submission (MGL C. 41. § 81-0).

**TOWN** -Unless otherwise stated, "town" shall mean the Town of Southborough. and references to town officials, boards and the like shall mean those of the Town of Southborough.

## SOUTHBOROUGH CODE

### § 244-3. Plan believed not to require approval.

#### A. Submission of plan.

- (1) Any person who wishes to cause to be recorded in the registry of deeds or to be filed with the Land Court a plan of land and who believes that such a plan does not require approval under the Subdivision Control Law may submit the original drawing and three (3) contact prints and a properly executed Form A (see Appendix A)<sup>1</sup> to the Planning Board, 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 describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.
- (2) The material, manner of execution, contents and dimensions of said plan shall conform to the requirements of the registry of deeds or the Land Court for plans to be recorded, provided that the plan shall be not smaller than eight and one-half by eleven (8 ½ x 11) inches nor larger than twenty-four by thirty-six (24 x 36) inches, and shall contain the following information:
  - (a) Identification of the plan by name of owner of record and location of the land in question.
  - (b) Plans shall be prepared by a professional land surveyor or registered civil engineer.
  - (c) The statement "Approval Under Subdivision Control Law Not Required," and sufficient space for the date and the signatures of all five (5) members of the Board and for an explanatory statement as to why approval is not required.

<sup>1</sup> Editor's Note: Appendix A is on file in the town offices.

## SOUTHBOROUGH CODE

- (d) Zoning classification and location of any zoning district boundaries within the locus of the plan, and including a North arrow.
- (e) The boundaries of all lots newly established, changed by the plan or to be recorded without change, including any remaining land, and the dimensions of the required street frontage for every lot. The frontage street shall be identified by name
- (f) Notice of any decisions by the Zoning Board of Appeals, including but not limited to variances and exceptions regarding the land or any buildings thereon.
- (g) Abutters from latest available Assessor's records, unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records.
- (h) All existing above and below ground structures and streams and wetlands.

### B. Endorsement of plan not requiring approval.

- (1) If the Planning Board determines that the plan does not require approval, it shall without a public hearing forthwith endorse on the plan the words "Approval Under the Subdivision Control Law Not Required."
- (2) The Planning Board may add to such endorsement a statement of the reason approval is not required. Within fourteen (14) days of the date of plan submission, the plan shall be returned to the applicant, and the Planning Board shall notify the Town Clerk in writing of its action.

### C. Determination that plan requires approval. If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it shall, within fourteen (14) days of the submission of the plan, so notify the Town Clerk and the applicant in writing and return the plan.

### D. Failure of Board to Act. If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the person submitting the plan of its action within fourteen (14) days after its submission, the Board shall

## SOUTHBOROUGH CODE

be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

### **§ 244-4. Plan requiring approval.**

No person shall make a subdivision within the meaning of the Subdivision Control Law or any land within the town, or proceed with the improvement for sale of lots in a subdivision, or the construction of ways, or preparation therefore, or the installation of utilities and municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.

### **§ 244-5. Presentation of correct information.**

- A. The Board assumes all information provided to be true and correct, unless evidence is offered or the Board has knowledge that this is not the case. A subsequent discovery or determination that the Board had acted on the basis of incorrect information will justify a rescission of plan approval in addition to other remedies and penalties provided by law. The responsibility for the presentation of complete and correct information lies with the applicant.
- B. If the land shown on the plan is abutted by land of another owner, the Board may require a statement from the person who prepared the plan as to the source or sources of the information about the location of boundaries. A separate form for such statement will be furnished by the Board, Form D, Designer's Certificate (Appendix D)<sup>2</sup>

<sup>2</sup> Editor's. Note: Appendix D is. on file in the town offices.

## SOUTHBOROUGH CODE

### **§ 244-6. Limit on dwellings on a lot.**

Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lots in a subdivision, or elsewhere in the town, without the consent of the Planning Board. Such consent may be conditional upon the provision of adequate ways furnishing access to each such building and adequate improvements in the same manner as otherwise required for lots within a subdivision.

### **§ 244- 7. Filing and processing fees.**

To reimburse the town for the cost of plan processing and review, legal advertising, inspection and other costs, filing and processing fees as specified in Appendix M<sup>3</sup> shall be tendered together with the application (Forms A, B or C)<sup>4</sup> and constitute a part thereof. If a definitive plan follows closely the layout shown on a preliminary plan and is submitted within seven (7) months of the preliminary plan submittal, the required definitive plan fee shall be reduced by the amount of the preliminary plan fee.

### **§ 244-8. Access agency,**

- A. General. Plans shall be endorsed as not requiring approval under the Subdivision Control Law and subdivision plans shall be approved only if each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, MGL C. 41. §§ 81-K through 81-GG.
- B. Standards of adequacy. Streets within a subdivision shall be considered to provide adequate access if and only if complying with the standards established in these regulations. Ways providing access to streets within a subdivision shall normally be considered to provide adequate access only if there is assurance that prior to construction on any lots, access to the subdivision will be in compliance with the right-of-way width, pavement width, maximum grade and sight distance require-

<sup>3</sup> Editor's Note: Appendix M is on file in the town offices.

<sup>4</sup> Editor's Note: Forms A, B and C are on file in the town offices.

## SOUTHBOROUGH CODE

ments of these regulations as applicable to ways within a subdivision.

- C. **Obligations.** The Board may require, as a condition of its approval of a subdivision plan, that the developer dedicate or acquire and dedicate a strip of land for the purpose of widening access ways to a width as required above, and that he either make physical improvements within such way or compensate the town for the cost of such improvements in order to meet the standards specified above.
- D. **Waivers.** The Board may waive strict compliance with these access requirements only upon its determination, following consultation with the Selectmen, Highway Superintendent, Police Chief and Fire Chief, that the way in fact will be sufficient to serve the needs for access to serve potential uses of land abutting on or served by the way in question, and that alteration to existing ways in order to meet these standards would not be in the public interest because of environmental damage or unwarranted expense.

### ARTICLE III

#### Plan Submission and Approval Procedure

##### § 244-9. Preliminary plan.

###### A. General.

- (1) A preliminary plan of a subdivision may be submitted by the applicant and ten (10) prints of it shall be filed with the Planning Board and one (1) print shall be filed with the Board of Health. The submission of such a preliminary plan will enable the subdivider, the Planning Board, the Board of Health, the Water Department, the Highway Department, the Police Department, the Fire Department, the Planning Board's engineer and other town agencies and owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in each case. A properly executed application

## SOUTHBOROUGH CODE

Form B (see Appendix B)<sup>5</sup> shall be filed with the preliminary plans submitted to the Planning Board.

- (2) The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission to the Planning Board for such approval of a preliminary plan and accompanied by a copy of a properly executed application Form B.<sup>6</sup>

### B. Contents.

- (1) The preliminary plan shall be drawn on tracing paper or suitable alternative at a scale of forty (40) feet to the inch unless the Board authorizes or specifies a different scale. The plan shall form a clear basis for discussion of the details of the subdivision and for preparation of the definitive plan. The plan shall contain the following:
  - (a) The subdivision name, if any, boundaries, North point, date, scale, legend and title "Preliminary Plan" (on each numbered sheet if the plan comprises several sheets).
  - (b) The names of the record owner of the land and the subdivider and the name of the designer, engineer or surveyor who made the plan, which shall appear in the lower right-hand corner.
  - (c) The names of all abutters, as determined from the most recent assessors records, unless the applicant shall have more recent knowledge of such abutters.
  - (d) The existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner.
  - (e) The proposed system of drainage, including adjacent existing natural waterways, in a general manner, (NOTE: runoff calculations, when requested by the Board, should be submitted with preliminary plan.)
  - (f) The approximate boundary lines of proposed lots, with approximate areas and dimensions.

<sup>5</sup> Editor's Note: Appendix B is on file in the town offices.

<sup>6</sup> Editor's Note: Form B is on file in the town offices.

## SOUTHBOROUGH CODE

- (g) The names, approximate location and widths of adjacent streets.
  - (h) The existing and proposed topography of the land with a two-foot contour interval based on the United States Coast and Geodetic Survey Datum.
- (2) In addition to the above required items, the Board requests that the following information essential to the evaluation of the proposed layout be shown on all preliminary plans:
- (a) The proposed names of the proposed streets and a number on each lot on each proposed street suitable for an address number consecutively arranged, odd numbers on the right-hand side, even numbers on the left-hand side, leading away from the existing way, or east to west, north to south if between two (2) ways. The Planning Board reserves the right to name or rename proposed public and private streets.
  - (b) Major existing features of the land, such as walls, fences, large trees, wooded areas, ledge outcrops, major ditches, wetlands and water bodies.
  - (c) All existing structures above and below ground (where known), such as buildings, water mains and other pipelines, polelines, wells and tanks. Water mains within one thousand (1,000) feet shall be indicated.
  - (d) The profiles or existing grades and approximate proposed finished grades of the roadway, and drain and sewer utilities.
  - (e) A locus plan in the scale of one (1) inch equals eight hundred (800) feet shall be shown on the first page.
- C. Board action on preliminary plan. The Planning Board may disapprove the preliminary plan and state the specific reasons therefor, or may approve the preliminary plan, with or without modifications, and may suggest changes to be incorporated on the definitive plan, after a review of the plan and consultation with the Board of Health, Engineer to the

## SOUTHBOROUGH CODE

Planning Board, and the Water, Highway, Fire and Police Departments of the town. The approval of the preliminary plan does not constitute approval of the subdivision and does not entitle the plan to be recorded, but facilitates the preparation of a definitive plan meeting the Board's requirements. The Board shall, within sixty (60) days of the submission, notify the applicant by certified mail and the town clerk in writing of its action relative to the preliminary plan. One (1) copy of the preliminary plan shall be returned to the applicant with a notation of the Board's action.

### § 244-10. Definitive plan.

#### A. General.

- (1) Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:
  - (a) A sepia and thirteen (13) prints of each drawing of the definitive plan, dark line on white background. The original drawing shall be furnished upon request by the Planning Board and will be returned when the Planning Board is ready to take action.
  - (b) A properly executed application Form C (see Appendix C),<sup>7</sup> including the time within which the applicant agrees to complete the ways and install the public utilities in the subdivision. Form D (see Appendix D),<sup>8</sup> a certified list of abutters (Form E),<sup>9</sup> and a filing and processing fee. (See § 244-7.) The approval of all plans shall be upon the condition that the ways and municipal services or utilities shown thereon shall be completed within the time so specified, or within such further time as may be allowed by the Board, subject to adjustments in the penal sum or amount of the security held and in the construction requirements.

<sup>7</sup> Editor's Note: Appendix C is on file in the town offices

<sup>8</sup> Editor's Note: Appendix D is on file in the town offices

<sup>9</sup> Editor's Note: Form E is on file in the town offices

## SOUTHBOROUGH CODE

- (2) The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission to the Planning Board of the definitive subdivision plan, accompanied by a copy of the completed application for approval (Form C).<sup>10</sup> It is strongly recommended that definitive plans be submitted by appointment, at a regularly scheduled Planning Board meeting.
- B. Contents. The definitive plan shall be prepared by a professional engineer and land surveyor registered in Massachusetts and shall be clearly and legibly produced on Mylar, polyester film or other media acceptable to the Board. The plan shall be at a scale of one (1) inch equals forty (40) feet or such other scale as the Planning Board may accept to show details clearly and adequately, and shall include plans and profiles of each individual street at a scale of one (1) inch equals forty (40) feet horizontal and one (1) inch equals forty (40) feet vertical. All elevation shall refer to the United States Coast and Geodetic Survey Datum. Sheet sizes shall be twenty-four by thirty-six (24 x 36) inches, including a one-inch border. They shall be accompanied by an index sheet at a scale of one (1) inch equals one hundred (100) feet showing the entire subdivision and adjacent streets and dimensions of the lots and streets and lot numbers. The definitive plan shall contain the following information:
- (1) A title, appearing in the lower right-hand corner of the plan, showing the name of the subdivision, if any; the date; scale; the names and address of the applicant; and the names, signatures and professional stamps of the designer, engineer and surveyor who made the plan.
  - (2) North point, boundaries of the subdivision and bench-marks at intervals of not more than one thousand (1,000) feet.
  - (3) A key or locus of the subdivision showing the adjacent existing streets in the scale of one (1) inch equals eight hundred (800) feet.

<sup>10</sup> Editor's Note: Form C is on file in the town offices

## SOUTHBOROUGH CODE

- (4) Location and ownership of abutting property as it appears on Form E, Certified List of Abutters,<sup>11</sup> unless the applicant shall have more recent knowledge of such abutters.
- (5) Major existing features of the land, such as existing waterways, swamps and water bodies, wetlands, designated or otherwise, natural drainage courses, walls, fences, buildings, large trees, wooded areas, outcroppings of rock, ditches and all existing structures above- or below ground.
- (6) Lines of existing and proposed ways or streets, easements, public or common areas, and lots, differentiating between the existing and the proposed lines and lots, showing sequential and street numbers for every lot within the subdivision, and ownership of every lot shown that is not a part of the subdivision, including all land owned by the applicant and contiguous to the subdivision. The names of proposed streets and street numbers of the proposed lots shall be shown in pencil and inked in upon approval by the Board. The Board reserves the right to name or rename proposed public and private streets.
- (7) 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 boundary lines of the subdivision perimeter and of all subdivision lot lines, including lot frontage on the streets, of the boundary lines of all streets and easements, and the lengths, radii, tangents and central angles of all curves in lot lines and street lines. Control points of street lines shall be coordinated with the Massachusetts Coordinate System. All angle points or intersections of tangents along the street lines shall be shown. Areas of lots with lot numbers and the street frontage of adjoining lands of the applicant not included in the subdivision will be shown.
- (8) Location of all permanent monuments, identified as to whether existing or proposed.

<sup>11</sup> Editor's Note: Form E is on file in the town offices

## SOUTHBOROUGH CODE

- (9) Location, names and widths of streets or private ways bounding, approaching or within two hundred fifty (250) feet of the subdivision, showing both roadway and right-of-way widths.
- (10) Indication of all easements, covenants or restrictions applying to the land and their purposes, whether or not within the subdivision, including any decision on appeal or any variances or special permit granted by the Zoning Board of Appeals applicable to the land in the subdivision or any buildings thereon.
- (11) If any land within or contiguous to the subdivision or any part or boundary thereof has been examined, approved and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references.
- (12) Suitable space to record the action of the Planning Board and the signatures of the five (5) members of the Planning Board, including space for reference to any conditions of approval.<sup>12</sup>
- (13) Existing and proposed profiles of proposed streets at a vertical scale of one (1) inch equals four (4) feet and horizontal scale of one (1) inch equals forty (40) feet or other scales acceptable to the Board. The existing profile shall be shown in fine black line, solid at the center line, dotted for the left and dashed for the right side line; the proposed center line shall be shown in heavy red or black line. Existing and proposed center-line elevations shall be shown at twenty-five (25) feet stations on vertical curves and at fifty (50) feet stations otherwise, also at intersections, and proposed street center-line grade shall be indicated in percent, except on vertical curves. All elevations shall be on national vertical datum, and benchmark elevations shall be identified at one thousand (1,000) feet maximum interval.
- (14) Existing and proposed topography at two-foot contour intervals, the boundaries of floodplains based on Flood

<sup>12</sup> Editor's Note: Items in Subsection B(13) through (20) may be submitted on the same sheet as the definitive plan of lots or on separate sheets.

## SOUTHBOROUGH CODE

Insurance Rate Maps and the highest high-water mark of the last five (5) years. There shall also be indicated by different symbols the contour line four (4) feet above said high-water mark.

- (15) Water mains and drains.
  - (a) Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewer pipes and their appurtenances and/or sewage disposal systems, storm drains and their appurtenances and easements pertinent thereto, 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. The location, depth and capacity of known existing underground tanks will be shown.
  - (b) If surface water drains will discharge onto adjacent existing streets or onto adjacent properties now owned by the applicant, the plan shall clearly indicate what course the discharge will take and the applicant shall present to the Board evidence from the Highway Superintendent, the Engineer to the Board or the owner of adjacent property that such discharge is satisfactory and permitted by public or private ownership of adjacent street or properly.
- (16) Calculations prepared by a registered engineer to substantiate proposed drain pipe sizes. See section on design standards for the criteria and assumptions to be used in drainage calculations.
- (17) A closed traverse for each street in the subdivision, including street lines at junctions with other existing or proposed streets.
- (18) Location and species of street trees identified as existing, or to be planted.
- (19) Cross sections typical of each street, roadway and sidewalk to be constructed.

## SOUTHBOROUGH CODE

- (20) On the plan of each proposed street the location and dimensions of all construction features and municipal services or utilities, such as sidewalks, grass plots, pavement, hydrants and valves, guardrails, culverts and street lights, where known.
  - (21) A tabulation of the total areas within the subdivision of all lots, of land within the streets, and of land to be set aside for parks, open space and other public uses, and of the total area of the subdivision with an explanation of any difference between it and the aggregate of the areas of lots, streets and common or public lands.
  - (22) Any nonstandard or special details of construction, such as the design of any retaining or wing walls, bridges or large culverts, special manholes, turnarounds, medians or safety islands and the like.
- C. Review by Board or 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 (2) contact prints of the definitive plan, dark line on white background, 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 within forty-five (45) days after filing of the plan report to the Planning Board in writing approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites 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. The approval of the definitive plan by the Board of Health shall not be construed to be the approval of any individual sewage disposal or septic system. The Board of Health shall transmit a copy of its report and findings to the applicant.
- D. Environmental assessment. A comparative environmental analysis shall be submitted for any subdivision creating frontage potentially allowing ten (10) or more dwelling units or serving ten (10) or more acres of nonresidentially zoned land,

## SOUTHBOROUGH CODE

and in other cases where the Board determines it appropriate in light of, special circumstances. The scope of such analysis, including development alternatives to be compared and consequences to be studied, shall be approved by the Planning Board prior to the preparation of the analysis and may be required to be necessary for plan evaluation. The analysis shall be prepared by an interdisciplinary team to include a civil engineer and an architect or landscape architect, unless otherwise agreed to by the Planning Board. The analysis shall indicate differences among the alternatives regarding:

- (1) Impact upon ground and surface water quality and level, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer and other activities within the development.
- (2) Material effects upon important wildlife habitats, outstanding botanical features and scenic or historic environs.
- (3) Capability of soils, vegetative cover and proposed erosion control efforts to support proposed development without danger of erosion, silting, or other instability.
- (4) Relationship to the requirements of MGL C. 131, §§ 40 and 40A (the Wetlands Protection Act).
- (5) Impact upon the existing water supply system and well capacity of the town.
- (6) Road layout, egresses from site, sight distances, traffic (vehicles per day and peak hours) expected to be generated by or attached to site, impacts on existing ways, possible mitigating actions.
- (7) Building siting and lot shape for solar energy potential.

E. Additional information may be required.

- (1) Upon receipt of the application and the definitive plan, the Clerk of the Planning Board will transmit copies of the plan or such parts thereof and of other information as may be appropriate to the following town officials and departments for review and recommendations relative to those aspects of the definitive plan relevant to each:

## SOUTHBOROUGH CODE

- (a) Town Counsel for the review and approval or for the drafting of agreements, conditions and grants of easements and areas for public use.
  - (b) Highway, Water, Fire and Police Departments, Tree Warden, Conservation Commission, Building Inspector and Boards of Selectmen and of Assessors.
- (2) The remaining copies of the definitive plan will be retained for the Board's files and for the consultant or engineer to the Board.
- F. Suitability of the land. The Board may require additional information, soil surveys and percolation test to establish the suitability of land for the proposed development.
- G. Public hearing requirements. Before taking any action to disapprove or approve the definitive plan, with or without modifications, the Board shall hold a public hearing at which parties in interest shall have an opportunity to be heard, in person or through an agent or attorney. Notice of the time and place of such hearing and of the subject matter, sufficient for the identification of the land to be subdivided, shall be published in a newspaper of general circulation in the town, such as the Middlesex News or the Marlborough Enterprise, once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing.

### **§ 244-11. Action on definitive plan.**

- A. Required conformance for approval. The Planning Board shall review the definitive plan and consider the recommendations of its consultants, and of the town officials and boards. The definitive plan may be approved if it conforms, or is modified to conform, to the requirements of Chapter 41 of General Laws, of the Zoning Bylaw of the Town of Southborough,<sup>13</sup> of these rules and regulations of the Planning Board, and to the applicable regulations and requirements of the Highway, Water, Fire and Police Departments and of the Boards of

<sup>13</sup> Editor's Note: See Ch. 174. Zoning.

## SOUTHBOROUGH CODE

Selectmen and of Health, especially as regards the specifications for septic systems. The definitive plan will be disapproved if it does not conform to the standards and requirements of these rules and regulations or to the applicable requirements of the Zoning Bylaw, or is inconsistent with the rules and requirements of the town and its officials and boards acting within their jurisdictional area. The definitive plan shall conform, or shall be modified to conform to the Master Plan for the town or for any part thereof adopted by the Planning Board, and the Board may disapprove any layout inconsistent with such plans adopted by it.

### B. Certificate of action.

- (1) Within sixty (60) days of the submission by the applicant of the definitive plan, unless said time has been extended by vote of the Planning Board at the written request of the applicant and the Town Clerk has been notified in writing of such extension to a date certain, the Board shall by vote approve with or without modifications or disapprove said plan and notify the applicant by registered mail, return receipt requested, and the Town Clerk in writing of its action. Such notification shall be in the form of a certificate of action, suitable for recording, bearing the signatures of the majority of Planning Board members or of a person duly authorized by a recorded vote of the Planning Board to certify Planning Board actions, and shall include all conditions of approval and, in the event of disapproval or approval with modifications, the specific reasons therefor.
  - (a) The applicant shall give the town security for the construction of ways and installation or municipal services or improvements in accordance with the approved plans and all applicable town specifications and requirements and within the time specified, as provided in Subsection C hereof; and
  - (b) The Town Clerk shall certify by inscription on the plan that no appeal of the Board's action was received at the Town Clerk's office within twenty (20) days following the recording at said office of the

## SOUTHBOROUGH CODE

Board's certificate of action with respect to such definitive plan.

- (2) Within ten (10) days of the release for recording of the approved definitive plan and covenant, if any, at the registry of deeds, the applicant shall notify the Board in writing, presenting evidence of the recording of the plan and the covenant; and six (6) copies of the approved and recorded definitive plan and a certified title report, 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 applicant and free of all encumbrances. Upon receipt of such notification the Planning Board shall file one (1) copy of the approved and recorded definitive plan each with the Building Inspector, the Assessors, the Board of Health, the Highway Superintendent and the Water Commissioners.
  - (3) Approval of the definitive plan does not constitute the laying out or acceptance by the town of streets, with a subdivision as public ways.
- C. Performance guaranty. Before the Board endorses its approval and signs the definitive plan and releases it to the applicant for recording, the applicant, that is the owners of all land shown on the definitive plan or other entity having the authority to assume legal obligations with respect to such land and the improvements thereon, must deliver to the Board adequate security for the required construction of ways and installation of utilities and other required improvements to serve all lots in the subdivision by one (1) or more of the methods described below. Such security shall be approved by the Town Counsel as to form and, where appropriate, shall be cosigned by the mortgage holder, and shall specify the time within which the required construction and installation shall be completed.
- (1) The security may be in the form of a proper surety company bond the penal sum of which shall in the opinion of the Planning Board be sufficient to pay for all required work, including an allowance for inflation by the end of the time specified for the completion of all required construction and installation.

## SOUTHBOROUGH CODE

- (2) The security may be in the form of a certified check or a savings bankbook or certificate, together with a signed withdrawal slip and assignment assented to by the bank or other negotiable securities acceptable to the Board as regards form, amount and the ability of the town to realize upon them in the event of a default.
- (3) The security may be in the form of an agreement executed by the applicant and the holder of the construction mortgage, in which the mortgage holder of lender agrees to withhold from the money otherwise due the applicant an amount sufficient in the Board's opinion to complete all remaining required work, including an allowance for inflation as under Subsection C(1) above, and to make such money available to the town for the completion of such work in the event of the applicant's failure to complete it within the time specified.
- (4) The security may be in the form of a covenant executed and delivered by the applicant (see Appendix Form I),<sup>14</sup> cosigned by the mortgagee, duly recorded and running with the land, wherein the applicant agrees to construct ways and install all required utilities and improvements to serve all the lots covered by the covenant before any lot may be built upon or conveyed, except by a mortgage deed, provided that a mortgagee acquiring title to a lot by foreclosure or otherwise and any succeeding owner thereof may sell such lot subject to the requirement of the covenant that no lot shall be built upon until it is released by the Planning Board upon construction of ways, utilities and other required improvements to serve such a lot; and further provided that the entire parcel of land covered by the covenant or all lots not previously released may be conveyed by a single deed and subject to the covenant. The release of lots for building and sale from the restrictions of the covenant shall be evidenced by a certificate of performance and release of lots (Appendix Form K)<sup>15</sup> which shall be recorded.

<sup>14</sup> Editor's Note: Appendix Form I is on file in the town offices

<sup>15</sup> Editor's Note: Appendix Form K is on file in the town offices

## SOUTHBOROUGH CODE

- (5) The applicant may select and may from time to time vary the form of security, provided that when the applicant wishes to replace performance security in the form of a bond or other surety by a covenant, a new plan of the entire subdivision or the part thereof to be subject to the covenant shall be submitted to the Planning Board for endorsement with an inscription referring to the terms and restrictions of the new covenant and shall be recorded with the covenant.
  - (6) It is a policy of the Planning Board that, except where performance security is in the form of a covenant, at least twenty-five percent (25%) of such security shall be in the form of a savings bankbook, certificate of deposit or certified check allowing immediate withdrawal of money in the event of a failure to perform.
  - (7) A surety agreement describing the limits and the items of work to be performed and enumerating the lots released shall be executed by the applicant and the Board if the security is as described under Subsections C(1), (2) and (3) above (see Appendix Form J).<sup>16</sup>
- D. Reduction of security. The penal sum of any such bond, or the amount of any deposit held under Subsection C(2) or (3) above and any interest accrued thereon, shall, from time to time, be reduced by vote of the Planning Board and the obligations of the parties thereto released by said Board in whole or in part, retaining at all times an amount sufficient in the opinion of the Planning Board to cover the cost of performing all remaining required work secured thereby.
- E. Release of performance guaranty.
- (1) Upon the performance of all required construction of ways, installation of utilities and other improvements in accordance with town specifications and with these rules and regulations, the applicant shall send a written statement to that effect to the Planning Board and the Town Clerk by certified mail and request the release of all security held or of all lots secured by a covenant.

<sup>16</sup> Editor's. Note: Appendix Form J is. on file in the town offices

## SOUTHBOROUGH CODE

- (2) If the Board determines that such construction and installation have been satisfactorily completed in accordance with the conditions of approval and with these rules and regulations, and have not been allowed to deteriorate while covered by such security, it shall by vote release all such security and any lots secured by a covenant, and return any bond, bankbook or deposit to the person who furnished the same, or execute Form K with respect to the lots restricted by the covenant.
- (3) If the Board determines that any required work has not been satisfactorily performed in accordance with the approved plans and with these rules and regulations and is not in a condition acceptable to the town, the Board shall so notify the applicant by certified mail and the Town Clerk and specify the details wherein said construction or installation fail to meet the requirements of these rules and regulations and the conditions of definitive plan approval. The failure to so notify the applicant and the Town Clerk within forty-five (45) days of the receipt by the Town Clerk of the applicant's request shall be deemed to be a release of the performance security or the covenant, and the Town Clerk shall issue a certificate to that effect, which may be recorded, and the security held by the town shall be returned to the applicant
- (4) Prior to or at the time of the request for the release of performance guaranties, the applicant shall submit to the Board three (3) copies of as-built plans, including profiles and construction details, bearing a certification by a registered land surveyor or registered civil engineer that the location, material, elevation and method of construction or installation of all streets, utilities, stone bounds or other monuments, street signs and any other required improvements conform exactly to the approved definitive plans, as they may have been modified by the Planning Board, and to these rules and regulations or indicating clearly any departures therefrom and the actual as-built locations, materials, grades and other particulars thereof. Work shall not be considered completed and performance

## **SOUTHBOROUGH CODE**

guaranties shall not be released until such certified as-built plans have been received and the Board determines that any departures from the approved plans and these rules and regulations are minor and nonsubstantive or necessary and require no alterations.

- (5) Upon the approval of the definitive plan but in any event prior to the release of security or covenant, the applicant or the applicant's successor-in-title to the land shown on the definitive plan shall convey to the town without cost the free and unencumbered right to enter and use all streets and easements shown thereon, including the right to install, repair, replace, operate and forever maintain the streets and the surface and subsurface utilities therein. Notwithstanding the above, it shall be the responsibility of the applicant and the applicant's successors-in-title to maintain all streets and utilities in a subdivision in a good operating condition until such time as they are formally accepted by the town, and not to allow any abuse or damage which could interfere with the use of streets and utilities.

### **ARTICLE IV**

#### **Design Standards**

##### **§ 244-12. General requirements.**

###### **A. Design criteria.**

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

## SOUTHBOROUGH CODE

- (2) All subdivisions shall be designed and improvements made by the developer shall accomplish the following:
  - (a) Reduce, to the extent reasonably possible:
    - [1] Volume of cut and fill.
    - [2] Area over which existing vegetation will be disturbed: especially if within two hundred (200) feet of a river, pond or stream or having a slope of more than fifteen percent (15%).
    - [3] Number of mature trees removed.
    - [4] Extent of waterways altered or relocated.
    - [5] Visual prominence of man-made elements not necessary for safety or orientation.
    - [6] Erosion and siltation.
    - [7] Flood damage.
    - [8] Number of driveways exiting onto existing streets.
    - [9] Disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic environs.
  - (b) Increase, to the extent reasonably possible:
    - [1] Vehicular use of collector streets to avoid traffic on streets providing house frontages.
    - [2] Visual prominence of natural features of the landscape.
    - [3] Legal and physical protection of views from public ways.
    - [4] Street layout facilitating south orientation of houses.
    - [5] Use of curvilinear street patterns.
- B. Adherence to plans. All subdivisions shall be laid out so as to conform to the Master or General Plan for the town or any part thereof adopted by the Planning Board, and to the

## SOUTHBOROUGH CODE

requirements or the Planning Board and the rules and specifications or other boards and officials or the town acting within their jurisdiction. Where such action is deemed by the Board to be in the public interest and in consideration or alternative improvements, the Planning Board may waive the specific requirements or these rules and regulations and or plans adopted by the Board.

- C. Subdivision costs. All expenses for advertising, engineering and design, plans, hearings, reviews, acquisition of necessary rights, construction and other improvements within the subdivision, recording and filing or plans and other documents, and all other expenses in connection with or for a subdivision shall be borne by the applicant.
- D. Preservation of town character. It is a policy of the town and a major objective of the Board to preserve to the maximum extent feasible the open, rural character of the town and its significant natural features and to minimize removal or healthy trees and stone walls, excessive grading and destruction or natural vegetated surfaces.

### § 244-13. Streets.

#### A. Layout, location and alignment.

- (1) All proposed and existing streets in a subdivision shall be designed and laid out so that they will provide, in the opinion of the Planning Board, for public safety and a convenient and attractive layout.
- (2) All proposed and existing streets in a subdivision shall be classified by the Planning Board according to their function and the traffic they will be expected to carry (see § 244-2, Definitions) and the design, alignment and construction of all subdivision streets shall be in accordance with these rules and regulations.
- (3) All streets shall be designed and constructed to the end or the layout or to the boundaries of the subdivision, so as to provide a continuous, connecting network with other existing and proposed streets. Where an existing street

## SOUTHBOROUGH CODE

ends within two hundred fifty (250) feet of the subdivision border, and a connection is necessary for the safety and convenience of traffic, the Board may require that a subdivision street be extended to connect to such existing street. Reserve strips preventing access to a street from the adjacent property shall not be permitted, except where, in the opinion of the Planning Board, such reserve strip is in the public interest.

- (4) Dead-end streets shall not exceed the lesser of one thousand (1,000) feet from the side line of the intersecting street to the street side line at the end of the turnaround, measured along the center line of the street extended, or the minimum length necessary to accommodate twelve (12) lots with the minimum permitted frontage along both sides of such street. This limitation shall apply to any subdivision with a single street exit, whether terminating in a turnaround or involving loops or branching side streets, except that only one-half (1/2) the length of any loop shall be included in calculating the length of a dead-end street. Dead-end and horseshoe-shaped streets are appropriate where a through street connection is not required.
- (5) Street jogs with center-line offsets of less than one hundred fifty (150) feet between two (2) streets joining the third street from the opposite sides shall be avoided.
- (6) Streets shall be laid out so as to intersect as nearly as possible at right angles, but in no instance at an angle of less than sixty degrees (60°) for a distance of at least one hundred (100) feet from the intersection of center lines.
- (7) Where the street grade exceeds four percent (4%) [four (4) feet vertically per one hundred (100) feet horizontally], a leveling area of not more than two-percent grade shall be provided for a distance of seventy-five (75) feet from the side line of the intersecting street right-of-way.
- (8) Changes in grade shall be by means of vertical curves such as to allow an adequate sight distance.

## SOUTHBOROUGH CODE

- (9) Residential streets defined as minor, local and minor collector shall conform to the topography or the land and avoid straight segments of more than four hundred (400) feet which encourage high speeds and detract from the appearance of residential areas.
- (10) With the exception or locations expected to have traffic lights installed, T-intersections shall be used in preference to four-way intersections. Intersections involving more than four (4) approach ways will only be approved when no reasonable alternative is possible.
- (11) Dead-end streets shall be designed with a circular turnaround with a pavement radius of at least fifty (50) feet. Other turnaround designs capable of accommodating a vehicle with a fifty-foot turning radius may be allowed by the Board.
- (12) Dead-end streets longer than otherwise permitted may be approved where access and egress are provided by means of two (2) parallel twenty-foot-wide pavements separated by a median at least ten (10) feet wide.

### B. Curb cuts.

- (1) Curb cuts for driveways shall be avoided and kept to a minimum along arterial and major collector streets. Curb cuts and utility connections in state highways require approval of the Massachusetts Department of Public Works; opening a town way requires the approval of the Superintendent of Highways and may require the posting of a bond to guarantee restoration.
- (2) Curb cuts for driveways shall be at least ten (10) feet wide and shall have three (3) feet radius flare at the pavement. Driveway roundings shall be provided with the same type of curbing as the pavement at that location.
- (3) No driveway openings shall be located within sixty-five (65) feet or the intersection of the center lines of intersecting streets.

<sup>17</sup> Editor's Note: Former Subsection 4.2.2, Design Standards for Various Street Classifications, which originally followed this subsection is included at the end of these rules and regulations.

## SOUTHBOROUGH CODE

- (4) Between the side line of the street right-of-way and the edge of the pavement or gutter line, driveway grades shall be not less than one percent (1%), nor more than eight percent (8%).

### § 244-14. Open space.

Before approval of a plan, the Planning Board may require either of the following:

- A. The plan to show a park or parks, suitably located in the Board's opinion for playground or recreation purposes or to provide light and air. The Planning Board may require by appropriate endorsement on the plan that no building be erected upon such park or parks without its approval for a period of three (3) years. Each area reserved for such purposes shall be of suitable size, dimension, topography and natural character. The Board may require that the areas so reserved shall be located so as to be used in conjunction with similar areas of adjoining or potential subdivisions and to serve adequately all parts of the subdivision, as approved by the Planning Board. Unless otherwise specified by the Board, the total area to be reserved for park and playground purposes shall be not less than ten percent (10%) of the gross area of the subdivision. The land so reserved shall not be a wetland and shall not be stripped or altered, except as may be approved by the Board to ensure suitability for the purposes intended.
- B. Certain portions of each lot, collectively equal to no less than ten percent (10%) of the gross area of the subdivision shall be set aside under covenant, not to be developed and to remain as open space in its natural state in perpetuity.

### § 244-15. Easements.

- A. Where utilities cross lots or are centered on rear or side lot lines, easements shall be provided of a width of at least thirty (30) feet.
- B. Where a subdivision is traversed by a watercourse, drainage-way, channel or stream, the Planning Board may require a

## SOUTHBOROUGH CODE

stormwater easement or drainage right-of-way of at least thirty (30) feet 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.

- C. Easements shall be provided if required by the Planning Board, and shall be at least thirty (30) feet wide.

### **§ 244-16. Drainage.**

- A. Lot drainage. Lots shall be prepared and graded in such a manner in accordance with the approved topographic plans that the development of one lot shall not interfere with the proper drainage of other lots and will not cause ponding or flooding. Earthwork and paving shall be kept to a minimum in order to preserve the natural precipitation retention capacity of the soil and reduce impervious areas. If provision is necessary to carry drainage to or across a lot, an easement of at least thirty (30) feet and proper side slope shall be provided. The applicant shall furnish evidence that adequate provision has been made for the proper drainage of surface and underground waters from such lot or lots.

- B. Drainage system.

- (1) The definitive plan shall show surface and subsurface storm drains, culverts, swales and related drainage structures sufficient to adequately drain snow melt, other precipitation and flooding runoff from lots and streets. Drainage capacity shall be designed for a fifty-year flood event, except that culverts for watercourses crossing streets shall be designed for a one-hundred-year flood event, and the Planning Board may require design for one-hundred-year frequency where the high damage potential or other circumstances warrant it. The rational formula or the SCS Modified Soil Complex Method shall be used, and the value of the coefficient of imperviousness shall vary according to terrain, but shall not be less than thirty-hundredths (0.30). Hydraulic design computations

## SOUTHBOROUGH CODE

shall be submitted to the Board at its request. No net increase in runoff from the site is allowed.

- (2) The main street drain and the manholes centered thereon shall be located five (5) feet from the center line of pavement; drain manholes and catch basins shall have inside diameter of four (4) feet, and the catch basins shall have a two-and-one-half-foot deep sump below the outlet pipe invert and shall be centered one (1) foot into the street from the curb or gutter line. The minimum pipe diameter shall be twelve (12) inches and the grade shall be such as to provide a minimum velocity of two (2) feet per second when flowing full and without surcharge. The distance between catch basins shall be no greater than four hundred (400) feet in order to provide proper drainage. Where water needs to be channeled or piped to or across land of others in a manner resulting in a change in intensity, subdivision approval will be predicated on the applicant first obtaining the necessary easement rights which later shall be recorded.

### **§ 244-17. Water supply and fire hydrants.**

Adequate water supply shall be assured for each lot in a subdivision. If any boundary of a subdivision is within one thousand (1,000) feet of a municipal public water system, then each lot in that subdivision shall be connected to that water system. If said distance is greater than one thousand (1,000) feet then a separate on-lot well of adequate yield and quality may be provided. The definitive plan shall indicate the location of any public water system and fire hydrants with two thousand (2,000) feet of the subdivision. Extensions of the town water system shall conform to the requirements of the Water Department. Water mains shall be located five (5) feet in from the side line of the street right-of-way and five (5) feet deep, and shall have a minimum inside diameter of eight (8) inches. Whenever possible the water mains shall form a loop. Fire hydrants shall be located at least eighteen (18) inches into the grass plot from the curb or gutter line and shall be spaced no more than five hundred (500) feet apart, unless the Fire Chief approves in writing a different spacing. Hydrants shall be of a style approved by the Fire Chief.

## SOUTHBOROUGH CODE

### § 244-18. Wiring and fire alarm systems.

Electric, telephone, cable television, fire alarm and other conduits and wiring shall be installed underground in accordance with the requirements of the source company or authority, unless the Board waives this requirement due to soil conditions or other reasons.

## ARTICLE V

### Required Improvements; Construction Standards

### § 244-19. General requirements.

- A. No street or way through private property shall be accepted by the town unless the same be previously constructed and completed in accordance with the standard cross section (See Appendix N)<sup>18</sup> and the approved street layout plan, profile and these specifications.
- B. Unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges, hereinafter referred to as the "standard specifications" as amended and the special provisions included below.
- C. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications. In case of conflict between these specifications or special provisions and the aforesaid standard specifications, amendments or addenda, these specifications and special provisions shall take precedence and shall govern.
- D. To facilitate reference, some paragraphs in these specifications show the paragraph numbers of the applicable sections of the standard specifications.
- E. 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:

<sup>18</sup>. Editor's Note: Appendix N is on file in the town offices.

## SOUTHBOROUGH CODE

COMMONWEALTH - The Town of Southborough.

DEPARTMENT - Highway Superintendent, Town of Southborough.

ENGINEER - The Highway Superintendent of the Town of Southborough, acting directly or through an authorized representative, such representative acting within the scope of the particular duties entrusted to him.

- F. The extent of work required shall be shown upon approved plans, and shall be in compliance with the standard cross section. Stakes shall be set which will indicate the exact amount of cut or fill.
- G. As each construction operation is completed, it shall be approved by the proper town authority prior to starting work on the succeeding operation.

### § 244-20. Streets and roadways.

- A. Clearing. The entire area to be paved in each street or sidewalk shall be cleared of all stumps, brush, roots, boulders, loam, peat, mulch, quicksand and other spongy or undesirable material to whatever depth it occurs. All spongy, organic or unstable material shall also be removed at the sides of the roadbed to the point where slopes of three (3) feet horizontal to two (2) feet vertical from the edges of pavement intersect hard bottom, so as to ensure lateral support of the roadway. No rocks over three (3) inches in diameter shall be retained or placed within eighteen (18) inches of the street surface. This work shall be inspected and approved as hereinafter described, before continuation of the project. (Standard Specifications 101)
- B. Rough grading. The entire length and width of the vehicular roadway shall be brought to a firm subgrade fifteen (15) inches below the finished grade, and the entire length and width of all required sidewalks shall be brought to a firm subgrade nine (9) inches below the finished grade. All fill or ordinary borrow for the subgrade shall consist of firm bearing material acceptable to the Superintendent of Highways and

## SOUTHBOROUGH CODE

shall contain no loam or organic matter. This work shall be inspected and approved, as hereinafter described, before continuation of the project. (Standard Specifications 170 and 101)

- C. Fill. When in the opinion of the Engineer suitable material is not available within the limits of the highway location to form the subgrade or subbase, the contractor shall obtain such additional material from other sources in accordance with this section and as may be approved by the Highway Superintendent. (Standard Specifications 150)
- D. Utilities.
- (1) All drain, sewer, gas and water pipes, underground utilities and other structures shall be installed upon the completion of roadway subgrade and before the placing of the subbase, gravel base course, sidewalks or pavement. (Standard Specifications 200)
  - (2) All subsurface utility piping shall be installed to true grade on firm bed free of rocks, soft or unstable material, and shall be backfilled, puddled and tamped only upon inspection and approval of installation in the open trench. Water pipes shall be flushed, chlorinated and tested prior to connection to town system. No connection will be permitted if evidence of leakage, excessive infiltration or contamination exists. All water main construction shall conform to all specifications of the Town of Southborough's Water Commissioners.
- E. Finish grading and paving. All subgrades of vehicular roadways shall be covered with well-compacted gravel to within three and one-half (3 1/2) inches below the finish grade shown on the approved profile with a transverse pitch from the center line down toward the edges of roadway of three-eighths (3/8) inches per foot. Bituminous concrete pavement shall be applied in two (2) courses [three (3) in arterial streets] as specified in Table 4.2.2. Bituminous concrete shall be Type I-1 or equivalent, as specified in the Standard Specifications for Highways, Bridges and Waterways of the of the Commonwealth of Massachusetts Department of Public Works. The concrete shall be installed to the approved finish grade and compacted

## SOUTHBOROUGH CODE

by means of a roller with a pressure of not less than two hundred forty (240) pounds per square inch. Where paved bituminous berms are required, paved surface shall extend twelve (12) inches beyond the edge of roadway with a three-eighths (3/8) inch minimum pitch toward the gutter, as shown on the standard street cross section.

- F. Roadside grading. Embankment outside the right-of-way shall be evenly graded and pitched at a slope of not greater than two (2) horizontal to one (1) vertical in fill. Where cuts are made in ledge, other slopes may be determined with the approval of the Board. Whenever embankments are built in such a way as 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. (Standard Specifications 685)

### § 244-21. Sidewalks.

- A. Sidewalks shall be constructed within the subdivision and, when the Board determines it is necessary, outside the subdivision to connect to the existing sidewalks. The sidewalks shall be constructed in accordance with the standard street cross section as shown on the approved plans for the full length of the street layout on one or both sides, as required by the Board, except that in turnarounds the sidewalk shall terminate at the last driveway entrance.
- B. The sidewalks shall be constructed of Type I-1 bituminous concrete in two (2) courses one and one-half (1 1/2) inches thick each on a base of six (6) inches of well-compacted gravel to the required grade. Where driveways cross paved sidewalks, the elevation of driveway shall conform to the elevation and grade of the paved sidewalk and slope down to meet the gutter grade at the roadway for unobstructed drainage.
- C. Bituminous wheelchair ramps between the sidewalk and the roadway shall be required at intersections next to the corner

## SOUTHBOROUGH CODE

rounding curb on major residential and all commercial collector streets. Under unusual circumstance the Board may specify a location for a pedestrian walk or path other than adjacent to the street right-of-way where necessary to preserve a valuable historical or environmental asset or to facilitate an easier and more direct pedestrian access. (Standard Specifications 700)

### § 244-22. Curbs and berms.

- A. Straight or radial granite curbing. Type VO or VB (see Standard Specifications) with a seven-inch initial reveal of exposed face above gutter shall be installed at street corner roundings and roadway curves as specified in the Table located at the end of these regulations, at all catch basin curb inlets, and where the roadway grade exceeds six percent (6%) as specified in said Table.
- B. Rolled bituminous curbing or Cape Cod berm shall be installed where required to minimize erosion and damage to grass plots; see the table located at the end of these regulations. Bituminous curbing shall extend twelve (12) inches beyond the roadway and shall slope down toward the gutter three (3) inches in twelve (12) inches. Other cross-sectional shapes may be authorized by the Board or the Superintendent of Highways.

### § 244-23. Grass plots.

The entire area between the gutter or curb and the side line of street right-of-way on each side not occupied by a sidewalk shall be graded to within six (6) inches of the finished grade, shall have six-inch depth of well-compacted loam installed, graded to slope down not less than three-eighths (3/8) inch per foot toward the gutter or curb, and shall be seeded with a high-quality grass seed. The area shall be maintained and reseeded if necessary. Utility and light poles shall be placed in the grass plot, centered three (3) feet away from the gutter or curb face, except that no poles shall be located less than thirty (30) feet from the intersection of tangents of street side lines at corner roundings.

## SOUTHBOROUGH CODE

### § 244-24. Shade trees.

- A. Unpaved areas within the right-of-way which have been stripped by construction shall be graded to meet the adjoining property with a slope of not more than one (1) foot vertical to two (2) feet horizontal. These areas shall be covered with at least six (6) inches of good quality topsoil and thickly seeded with perennial grasses or other planting materials approved by the Board.
- B. Suitable existing trees within the right-of-way approved by the Tree Warden, if larger than four (4) inches caliper and located outside the shoulders, shall be preserved. Trees to be retained shall not have grade changes over their root areas more than twelve (12) inches. Where suitable trees do not exist at intervals of less than forty (40) feet on each side of the street, they shall be provided by the developer.
- C. Trees to be planted shall be well-branched, nursery-grown stock at least two (2) inches trunk diameter at four (4) feet above ground, and shall be free of injury, harmful insects and diseases. Trees shall be planted in one-half (1/2) cubic yards of loam, guy wired and wrapped as necessary for protection. They shall be long-lived species adapted to the local environment and approved by the Tree Warden.
- D. If any tree dies or has to be removed due to construction, it shall be replaced, so that at least three (3) shade trees per lot are provided at the time of release of the performance guaranty or covenant.

### § 244-25. Street signs.

Coincident with the beginning of construction of any subdivision street, street name signs shall be erected at the entrances thereto from existing streets using dark letters four (4) inches tall on white background and with the bottom of the sign at least eight (8) feet above ground. Such signs shall be replaced by permanent street name signs of a type generally in use in Southborough before release of performance guaranty is requested.

## SOUTHBOROUGH CODE

### § 244-26. Monuments.

Granite bounds or reinforced concrete at least three (3) feet long and six (6) inches square in cross section shall be set under the supervision of a registered land surveyor with the top flush with the ground and with a drill hole or lead plug denoting the point at intersection of subdivision boundaries with the right-of-way lines of existing and new streets and at all angle points and points of curvature or tangency in subdivision street right-of-way lines. Reinforced concrete bounds shall be required by the Planning Board at the corner points of the boundaries of the subdivision and at corners and the changes in direction of the boundaries of each lot.

### § 244-27. Special construction details.

- A. Temporary turnarounds. If a subdivision street is constructed in stages and temporarily does not extend to another street or end in a permanent turnaround, a temporary turnaround of a design acceptable to the Board and capable of accommodating a vehicle of fifty (50) feet turning radius shall be installed at the end of the constructed portion of street. Parts of such temporary turnaround located outside the street right-of-way need not have bituminous pavement, but shall have well-compacted waterbound macadam suitable for all weather use. Public travel easements in such temporary turnarounds shall lapse when the street is constructed to another street or turnaround.
- B. Retaining walls. Field masonry retaining walls shall be constructed at street right-of-way line whenever the slope of land adjacent to the street would be too steep for the stability of soil [generally in excess of one (1) foot vertical to two (2) feet horizontal] or would require grading for more than thirty (30) feet back to meet the existing grade at a slope of one to two (1:2). Retaining walls shall be bound with cement concrete, be designed according to good engineering practice and provided with drainage weep holes as may be necessary.
- C. Guardrails. At the termination of street pavement at a subdivision boundary or at a lot line or where the land adjacent to street right-of-way falls off steeper than one (1) foot

## SOUTHBOROUGH CODE

vertical in three (3) feet horizontally four-foot-high wooden guardrails of a design acceptable to the Board and the Superintendent of Highways shall be required.

- D. Culverts. Culverts under streets may be of reinforced concrete, corrugated aluminum, or other suitable material and may be round, elliptical or rectangular in cross section. Culverts of eighteen (18) inches or greater inside diameter shall be provided with gratings at both ends for safety. Culverts of twenty-four (24) inches or greater inside diameter shall normally require wing-walls at exits to prevent erosion or weakening of embankments. If the top of a culvert is within thirty (30) inches of street surface, a concrete saddle may be required to reduce the danger of crushing. The design of culverts and of approaches and downstream channels shall adhere to good engineering practice and may include provisions to minimize damage from flooding.

### ARTICLE VI Administration

#### **§ 244-28. Variances and waivers.**

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

#### **§ 244-29. Applicability of statute.**

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

#### **§ 244-30. Appeals authority.**

As provided for by MGL C. 41, §§ 81-Z and 81-AA the Zoning Board of Appeals of the Town of Southborough shall act as Subdivision Board of Appeals and may authorize the issuance of building permits for lots where the denial of such permit under the

## SOUTHBOROUGH CODE

provisions of the Subdivision Control Law would entail unnecessary hardship or difficulty and where the building need not be related to an approved or constructed way.

### **§ 244-31. Building permits.**

No building shall be erected in a subdivision unless the lot on which it is to be located has been first released by a written vote of the Planning Board evidenced by Form K. Certificate of Performance - Covenant<sup>19</sup> or by a surety agreement secured by bond, savings passbook or other negotiable securities, or by withholding construction mortgage money and enumerating the lots released in consideration of such agreement. The Building Inspector shall issue no building permit for the erection or location of a building on a lot until he is first satisfied that the lot is not in a subdivision or that such lot has been released for building as specified above, and that any restrictions or conditions limiting the right to erect and maintain buildings on said lot have been satisfied or waived by the Planning Board. In the event that more than one (1) principal building is to be erected or placed on a lot, whether or not within a subdivision the Building Inspector shall first verify that consent has been obtained from the Planning Board, as provided by Article II of these rules and regulations and by MGL C, 41. § 81-4.

### **§ 244-32. Inspections.**

- A. Inspections and payment therefore shall be arranged by the developer with the proper town official for that purpose prior to the construction of street and the installation of utilities and during construction as specified herein at each significant construction stage.
- B. Inspection shall be requested in writing at least forty-eight (48) hours in advance of each inspection to the proper town official and a copy of each request shall be sent to the Planning Board.
- C. Inspection shall be for each of the following operations or construction phases:

<sup>19</sup> Editor's Note: Form K is on file in the town offices.

## SOUTHBOROUGH CODE

- (1) Excavation and removal of unsuitable material.
  - (2) Laying of water mains and appurtenances.
  - (3) Laying of gas mains and appurtenances.
  - (4) Installation of surface and subsurface drainage systems and related structures, appurtenances and channels.
  - (5) Fill with approved material.
  - (6) Compacting and rolling.
  - (7) Installation of electric and other lines or conduits and related equipment, including telephone, cable television and fire alarm conduits.
  - (8) Completion of the pavement in the required number of courses and true to grade.
  - (9) Placing of curbs.
  - (10) Construction of sidewalks.
  - (11) Installation and finish grading of loam and seeding of grass plots and roadside slopes.
  - (12) Satisfactory maintenance or planting of shade trees.
  - (13) Installation of monuments.
  - (14) Installation of hydrants.
- D. The Planning Board may establish the order of the required inspection and require satisfactory completion of one step before the subdivider proceeds to the next. The Board may require tests to be done by the subdivider as a condition for approval when in the opinion of the Planning Board it is advisable. Failure to have work inspected before it is covered up may necessitate excavation or opening of trenches or may lead to rejection of work.
- E. The proper town official shall indicate on Form L, Inspection Form (Appendix L),<sup>20</sup> provided by the Planning Board, the date of inspection and the approval and shall file such form with Planning Board.

<sup>20</sup> Editor's Note: Appendix L is on file in the town offices.

## **SOUTHBOROUGH CODE**

### **§ 244-33. Maintenance or improvements.**

For the purpose of protecting the safety, convenience and welfare of the town's inhabitant; for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for reducing the danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; under the authority of MGL C. 41. § 87-M, as amended, the applicant and his successors-in-title to the subdivision or lots therein shall provide for the proper maintenance and repair of the construction required by the definitive plan and the improvements under this Section or the rules and regulations during the construction and after the completion of the construction and improvements until the town votes to accept such construction and improvement. Such maintenance shall also include snow removal beginning from the time of occupancy of an individual or tenant other than the developer.

### **§ 244-34. Compliance with National Flood Insurance Program.**

All definitive plans must be consistent with the need to minimize flood damage, provide that all public utilities and facilities, such as sewer, gas, electric and water systems, shall be located, elevated and constructed to minimize or eliminate flood damage, provide adequate drainage so as to reduce exposure to flood hazards and comply with other requirements of the National Flood Insurance Act, as amended from time to time, to the extent in force and applicable.

### **§ 244-35. Severability.**

The provisions of these rules and regulations shall be severable, and if any provision or the application thereof is found to be invalid, this shall not affect the validity of any other application or provision thereof.