

RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND SOMERSET, MASSACHUSETTS

(Adopted under the Subdivision Control Law
Sections 81-k to 81-GG inclusive, Chapter 41, G.L.)

ARTICLE 1 – GENERAL

1.1.1 PURPOSE

“The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provisions for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the planning 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 planning board pertaining to subdivision of land provided, however, that such board may, when appropriate, waive, as provided for in section eighty –one R, such portions of the rules and regulations as is deemed advisable.” (Section 81-M of Chapter 41, G.L.)

1.1.2 AUTHORITY

Under the authority vested in the Planning Board of the Town of Somerset by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts thee rules and regulations governing the subdivision of land in the Town of Somerset.

1.1.3 APPLICABILITY

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with site development or the sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided.

1.1.4 ONE DWELLING PER LOT

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on (a) any lot in a subdivision, or (b) elsewhere in the Town of Somerset, without the consent of the Planning Board, and such consent will be conditional upon the providing of adequate ways furnishing access to each building site in the same manner as otherwise required for lots in a subdivision.

1.1.5 ADMINISTRATION

The Board will hold meetings at the Town Hall on such dates as may be designated by notice filed with the Town Clerk. A plan shall be deemed to have been submitted to the Board when said plan, together with all required accompanying applications, forms, lists and other items, properly executed and fully completed in accordance with these Rules and Regulations, have been delivered, in person, to the Board at a meeting thereof; or sent by registered mail to the Board in care of the Town Clerk, by the owner of the land involved or his duly authorized agent, and, if so mailed, the date of mailing shall be the date of submission of the plan.

1.1.6 COMPLIANCE WITH ZONING

Strict compliance with the zoning by-law of the Town of Somerset is required in order for the Board to grant approval of a plan submitted for approval; or with the terms of any variance from such requirements which may have been specifically granted by the board of Appeals.

1.1.7 REVOCATION OF APPROVAL

Failure of the applicant or subdivider to comply with the procedural or any other requirements of these rules and regulations; or to abide by the provisions of an approved Definitive Plan; or receipt of notification from the Board of Health relating to conditions existing on any portion of an approved subdivision plan; or upon notification from the Superintendent of Streets of failure of any surfaced roadway, drain, hydrant, catch basin or other improvement within an approved subdivision Definitive Plan to perform in accordance with its designed standard, may be cause to revoke any approval granted hereunder by the board.

1.1.8 VARIANCE

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgement of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law, and the zoning by-law of the Town of Somerset.

1.9 REFERENCE

For matters not covered by these rules and regulations, reference is made to Section 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws.

ARTICLE 2 – DEFINITIONS

2.1 GENERAL

For the purpose of these Rules and Regulations the words and terms used shall have the meaning defined herein, unless the context clearly indicated otherwise, and references to By-Laws, Boards, Commissions, Departments, and officials shall mean those of the Town of Somerset unless otherwise indicated.

AASHTO

A policy on geometric design of highways and streets developed by AASHTO for highway materials and methods of sampling testing adopted by the American Association of State Highway and Transportation Officials.

ACI

Manual of Concrete Practice published by the American Concrete Institute.

APPLICANT

Owner of land shown on a plan submitted for Board action, acting personally or through a designated representative, or the owner's assigns. The authority of a representative or one of several owners to act must be in writing, unless such representative is an attorney-at-law.

AREAS OF SINGLE ACCESS

A permanent or temporary Dead-end street, or series of dead-end streets intersecting with each other in such a way as to provide sole access to and from an existing street, for not more than eight dwellings, total. This category is meant to include, but not be limited to cul-de-sac, loop, hammerhead turn-arounds, and other dead-end street types.

ASTM

Standard Specification published by the American Society for Testing and Materials

BOARD

The Planning Board of the Town of Somerset, Massachusetts, acting through a majority of members thereof.

DEAD-END

See Definitions of Areas of Single Access above.

DEFINITIVE PLAN

A complete final plan of a subdivision together with all special plans and supporting materials, such as calculations and list of abutters, as required by these Rules and Regulations.

DEPARTMENT SPECIFICATIONS

The Standard Specifications for Highways and Bridges of the Massachusetts Department of Public Works, dated 1973, including all revisions thereto.

DEPARTMENT STANDARDS

The Constitution Standards of 1977 of Massachusetts Department of Public Works, as most recently amended.

DETENTION FACILITY

A man-made basin, diked area, depression and/or related structures for the purpose of slowing the rate at which stormwater is discharge from the site, and which may involve temporary backup of water during and immediately following a storm event.

DEVELOPER

Same as Applicant.

DRIVEWAY

A private way utilized only for access to a single-family or multi-family dwelling.

EMERGENCY ACCESS

A secondary means of ingress to egress from a development, residential, commercial or industrial, which provides year-round, 24-hour per day accesses open to all residents, visitors, employees, patrons, and services of the development, and which provide standard construction quality as to materials, depths and thicknesses prescribed in these Regulations.

ENGINEER

A Registered Professional Civil Engineers in the Commonwealth of Massachusetts experienced in the phases of civil engineering related to subdivision planning and design.

FRONTAGE

For the purpose of these Regulations, physical access, or the demonstrated feasibility of safe physical access, to a property from a street designed from such purposes, i.e. Collector, Local and Minor Streets excluding wetlands, ledge, and areas of slope in excess of 10%.

GENERAL LAWS

The General Laws of the Commonwealth with all additions thereto and amendments thereof. In case of a rearrangement of the General Laws and citation of particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

HIGH WATER

In coastal areas subject to tidal action, high water shall be the level of the Spring High Tides; for inland waters, high water shall mean the elevation as shown on the U.S. Department of Housing and Urban Development, Flood Insurance Rate Map as most recently amended.

LAND SURVEYOR

A person who is a Registered Land Surveyor in the Commonwealth of Massachusetts.

LAYOUT

The full strip of land designated as a way or street as distinguished from the roadway. A way.

LOT

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

MUNICIPAL SERVICES

Sewers, pump stations, surface water drains, water pipes, gas pipes, streets, sidewalks, electric lines, telephone lines, fire alarm facilities, and their respective appurtenances.

RECORDED

Means recording in the Bristol County Registry of Deeds or filing in the Land Registration Office (Land Court).

RETENTION FACILITY

A man-made basin, depression, dike, and/or related structure for the purpose of detaining or impounding stormwater on a site, but which have no free flowing outlet, e.g. a pipe or weir, to allow stormwater from small storm events to be discharged to a natural water course or wetland. Leaching pits, or similar ground discharge structures, shall not constitute an outlet in the meaning of this definition.

ROADWAY OR TRAVELLED WAY

That portion of a street designed, intended or used for vehicular traffic, the pavement.

STREET OR WAY

A strip of land open, dedicated and approved for use as a public thoroughfare, including:

- a. Public way, laid out by the Town, County or the Commonwealth or a way certified by the Town Clerk to have been used and maintained by public authorities as a public way;
- b. Private way shown on a definitive plan approved by the Planning Board;
- c. A way in existence when the Subdivision Control Law became effective in the Town of Somerset and having, in the opinion of the Planning Board, adequate width, grades, and construction for the vehicular traffic and the installations of municipal services to serve the land abutting on such way and the building(s) erected or to be erected on such land.

A street shall not be deemed to provide access and frontage with respect to land physically or legally inaccessible from such street or way, such as a limited access state highway.

The street classification of Somerset for the purpose of subdivision control shall be as follows:

(ARTERIAL STREET)

A way carrying or expected to carry in the opinion of the Planning Board volumes in excess of 2,000 vehicles per day of primarily through traffic between communities, neighborhoods or major subdivisions.

(COLLECTOR STREET)

A way which collects or is expected to collect traffic from several local streets or subdivisions or can be expected to carry volumes in excess of 1,000 vehicles per day or more than 30 percent of through traffic or 12 percent of truck traffic.

(LOCAL STREET)

A way carrying and expected to carry primarily the traffic generated by or designed for the adjoining minor and local streets in the same subdivision.

(MINOR STREET)

A dead-end street or street which because of its location or other factors does not and is not expected to carry the traffic other than that generated by or destined for not more than twelve abutting residences.

SUBDIVISION

Shall mean the division of a tract of land into two or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided;

provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the Town of Somerset certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore, approved in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the Town of Somerset, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is required by zoning by-law.

SUBDIVIDER

Shall be the owner(s) or person(s) undertaking the required improvements under a written authority of the owner(s), to act for, and on behalf of, such owner(s).

SUBDIVISION CONTROL

The power to regulate the subdivision of land granted by the Subdivision Control Law, General Laws, Chapter 41, Section 81-K through 81-GG inclusive as amended from time to time, and including, when apt, the corresponding provisions of earlier laws.

UTILITIES

Same as MUNICIPAL SERVICE, may include water supply, sewerage, fire alarm conduits, shade trees, street signs, electricity, gas, cable, TV, and other facilities, conduits, and services customarily provided by communities for their inhabitants.

WATERSHED

The areas of contribution to a surface water body. It is defined by topographic high points.

ARTCILE 3- SUBMISSION OF PLANS

3.1 COMPLETENESS

Plans submitted for consideration by the Board shall be complete in all respects, that is show all required information and be accompanied by all required forms, documents, fees and supporting materials. In case of a plan believed not to require approval this means a completely filled application form, the original tracing showing all needed data for the Board's determination and the required number of copies. In the case of preliminary and definitive subdivision plans this means all required forms completely filled out, plans showing all required information, locus or vicinity and detailed drawings, ownership data, abutters names, plans copies, and for definitive plans also the required calculations. In all instances a copy of the application shall be submitted to the Town Clerk. Failure to submit to provide any required item shall be deemed to be failure to submit the plan, and any time limits for action on a plan shall not commence until the submission is complete in a respects.

3.2.1 PROCEDURE

A complete plan may be submitted by delivery at a planning Board meeting or by mailing it to the Planning Board c/o the Town Clerk by certified or registered mail. If mailed the date of the mailing shall be the date of the submittal. If the submission is complete in any respect, the Board shall promptly notify the applicant and the Town Clerk in writing that the plan shall not be deemed to have been submitted and that the time within which the Board must act shall not commerce until the missing items have been added, or delivered as specified in 3.1 above.

ARTICLE 4 – PLANS REQUIRING NO APPROVAL

4.1 SUBMITTAL

Any person who wishes to record, in the Registry of Deeds or to the file with the Land Court, a plan of land and who believes that such plan does not require approval under the Subdivision Control Law, may submit his plan and together with \$150 filing fee per lot, six (6) contact prints of said plan, and an application (Form A, see appendix), accompanied by the necessary evidence to show the plan does not require approval to the Planning Board.

Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application.

4.2 CONTENT

Said plan shall include the following: North Point, Locus Map scale 1=25,000 (U.S.G.S.), existing buildings and structures, existing septic systems, stone walls, easements, swamps, marshes, and other water bodies and wetlands as delineated under M.G.L., Ch. 131, together with applicable legend, title, date, and scale. Base flood elevation data, as shown on the Flood Insurance Rate Map, as most recently revised, published by the U.S. Department of Housing and Urban Development, shall be provided for subdivision proposals and other proposed developments. The scale of said plan shall be one (1) inch equals forty (40) feet or such other scale as shall be deemed appropriate by the Planning Board to show the property and the above required information conveniently. Plans shall be in accordance with Chapter 36, Section 13A of General Laws as amended. Applications which are found to be incomplete shall be returned to the applicant without the endorsement of the Board with the finding that insufficient information has been provided to determine whether or not the plan constitutes a subdivision in the meaning of M.G.L., Ch. 41, Sec. 81L.

4.3 BOARD ACTION

If the Board determines that the plan does not require approval under the Subdivision Control Law, it shall without a public hearing and within twenty-one (21) days of submission cause to be endorsed thereon the words: "Approval Under the Subdivision Control Law Not Required." Said plan shall be certified by the Board and returned. If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within twenty-one (21) days of submission of said plan give written notice to the Town Clerk and the person submitting the plan.

4.4 RECORDING

Any change shown on the plan becomes effective upon recording. If a plan is not recorded within six months of the original endorsement, the applicant will be required by the Registry or the Land Court to resubmit the plan for re-endorsement by the Board that its determination of the plan not showing a subdivision is valid.

Within thirty (30) days of the Board's endorsing the Form A Plan (Plan Requiring No Approval), the applicant shall record said plans at the Bristol Registry of Deeds. Within ten (10) days after the Form A Plan (Plan Requiring No Approval), as approved and endorsed, has been recorded at the Bristol Registry of Deeds, and in the case of registered land, with the recorder of the Land Court, the applicant shall notify the Board via certified letter of the recording and enclose two (2) copies of such recordings, one of the which will be forwarded to the Building Inspector.

If recording verification is not received, the Building Inspector will not issue a permit to build.

4.5 LAND IN ACTIVE SUBDIVISION

If a plan shows lots in a subdivision which are subject to conditions and restrictions of a Covenant or imposed by the Board at the time of definitive plan approval, the date of such approval and reference to the conditions should appear on the plan.

4.6 SCOPE OF ENDORSEMENT

Planning Board endorsement of its determination that a plan requires no approval as a subdivision does not mean that the lots shown may be built upon; this is a separate determination made by the Building Inspector or other official charged with enforcement of the Zoning By-Law and other applicable laws and regulations.

4.7 DELEGATION OF ENDORSEMENT

As provided in Section 81-L of the Subdivision Control Law, the Board may, by a vote duly recorded with the Town Clerk, the Registry of Deeds, and the Land Court authorize its chairman, clerk, or other persons to endorse on plans and other related documents the Board's action with respect thereto. Such authority may be limited as to time and scope, and such limitations shall be stated in the recorded vote.

4.8 ENFORCEMENT

If land is divided or lots established in violation of these Rules and Regulations, the Building Inspector must deny building permits for all such lots, including those lacking the required street frontage or other requirements as well as the remaining conforming lots. This enforcement

shall be in addition to other actions, as provided by Section 6.11 hereof and by other applicable laws and regulations.

ARTICLE 5 – PRELIMINARY PLAN

5.1 SUBMITTAL

A preliminary plan of a subdivision may be submitted by the applicant for discussion, approval, conditional approval, or disapproval by the Board. An applicant shall demonstrate ownership of the fee interest in the land in question or else document that she/he is acting as the duly authorized agent of said owner by means of a notarized letter so stating. The purpose of the submission of such a Preliminary Plan will be to identify and discuss potential problems of such a subdivision (Form B) before a Definitive Plan is prepared. Thirteen (13) copies of the plan and a base fee of \$500.00, plus \$50 per lot, shall be submitted to the Board through the Town Clerk. Submission of the plans to the Town Clerk may be by delivery or by registered or certified mail. If submitted by mail, postage shall be prepaid.

5.1.1 REVIEW FEE/BOND

Where specific conditions arising from the land or the nature of the proposal necessitate the assistance of a planning, engineering, traffic, soils, hydrologic, or other consultants, the Planning Board may engage such consultant services to assist the Board in its review at the applicant's expense. The Board shall notify the applicant in writing, within 21 days of the date of application, which studies the Board has determined to be necessary.

5.2 CONTENTS

The subdivider shall present thirteen (13) copies of the Preliminary Plan to the Board and one copy to the Board of Health which shall be drawn in pencil on tracing paper not larger than 24"X36", or a print thereof, at a scale of one inch equals forty feet or such other scale the Board designates to show clearly and adequately the required information, which shall include:

- a. Subdivision name, boundaries, north point or meridian, date, scale, legend and title "Preliminary Plan."
- b. Name(s) of the record owner(s) and the applicant and the name of the designer, engineer, and surveyor.
- c. Names of all abutters, as determined from the most recent local tax list, including owners of land separated from the subdivision only by a street.
- d. Existing and proposed lines of streets, ways, easements and any public areas within the subdivision.
- e. Proposed system of drainage, including adjacent existing natural waterways.
- f. Approximately boundary lines of proposed lots, with approximate areas and dimensions.

- g. Names, approximate location and widths of adjacent streets. Also the status of said streets and ways (private or public) should be noted.
- h. The proposed names of the proposed streets and lots sequentially numbered.
- i. Existing and proposed topography of the land in ten foot intervals based on USGS datum must be shown on separate sheets. The proposed amount of clearing and the finished surfaces of areas to be cleared should be provided on the proposed topography/grading sheet.
- j. A location plan inset of the subdivision at a scale of 400 feet to the inch, showing the exterior lines of all proposed streets in the subdivision and their location in relation to one or more existing streets, or portions thereof, shown and readily identifiable as to locus on the "Map of Town of Somerset, MA" prepared for the Somerset Planning Board, as most recently revised by the Town's Engineering Department.
- k. A sketch plan showing a prospective street layout for any adjacent un-subdivided land owned or controlled by the owner or subdivider of the subdivision.
- l. A preliminary plan shall show, all major ground features including existing structures, walls, rock outcrops, swamps, marshes and trees over 6 inches diameter. If road profiles or subdivision grading involve excavation or fill of two or more feet vertically, a plan showing proposed topography at a two foot contour interval shall be submitted to permit the evaluation of adequacy of drainage.
- m. A locus map scale 1"-25,000" (U.S.G.S.)
- n. Zoning classification and location of any Zoning District boundaries that may lie within the locus of the plan.
- o. Elevations and limits of base flood.
- p. Distance to nearest public water supply.

5.3 DISCUSSION

During discussion of the preliminary plan the complete information required for the definitive plan and the financial arrangements will be developed.

5.4 PLANNING BOARD ACTION

Within forty-five (45) days after submission of a preliminary plan, the Board shall notify the applicant and the Town Clerk either that the plan has been approved, approved with modifications, or the plan has been disapproved, and in the case of modification or disapproval, the Board shall state in detail its reasons therefore. The time period may be extended through mutual agreement.

Approval, if given, does not constitute approval of the Definitive Plan but does facilitate the procedure in securing final approval of the Definitive Plan.

Any plan submitted by the subdivider to the Planning Board in advance of the Definitive Plan which does not conform to the requirements hereof pertaining to a "Preliminary Plan" shall not be so designated, nor shall such plan be given any approval by the Board.

ARTICLE 6- DEFINITIVE PLAN

6.1 SUBMITTAL

A definitive plan of a subdivision may be submitted by the applicant for discussion, approval, condition approval, or disapproval by the board. An applicant shall demonstrate ownership of the fee interest on the land in question or else document that (s)he is acting as the duly authorized agent of said owner by the means of a notarized letter so stating. Thirteen (13) copies of the plan, supporting documents and a base fee of \$1,000, plus \$50 per lot, if a preliminary plan has been filed previously. Otherwise the base fee shall be \$1,800, plus \$100 per lot shall be submitted to the board through the Town Clerk. Submission of these plans to the Town Clerk may be by delivery or by registered or certified mail. If submitted by mail, postage shall be prepaid. In cases where no preliminary plan has been filed, it is recommended the applicant meet with the Planning Board staff prior to filing a definitive plan.

6.1.1 CONSULTANT REVIEW FEE:

Every definitive plan shall be required to file the following minimum review fee to establish an individual special account. If this minimum amount is not sufficient to cover the entire cost of the review, the Board shall adjust said special account as required.

	0-20 Acres	21-30 Acres	31+ Acres
Definitive Plan	\$2,000.	\$2,500.	\$3,000.

(a) Where specific conditions arising from the land or the nature of the proposal necessitate the assistance of a planning, engineering, traffic, soils, hydrologic or other consultants, the Planning Board may engage such consultant services to assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances, bylaws and regulations. The review fee shall be used by the Board for the employment of outside consultants engaged by the Board to assist in the review of the application.

(b) Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose pursuant to M.G.L., chapter 44, section 53G. Expenditures from this special account may be made at the direction of the board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the application or permit.

(c) Review fees may only be spent for services rendered in connection with the specific project from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor-in-interest. A final report of said account shall be made available to the applicant or the applicant's successor-in-interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor-in-interest shall provide the board with documentation establishing such succession in interest.

(d) Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen, providing that such appeal is taken within 14 days of notification of the Board's appointment of the consultant. 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 either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

All consultants shall provide monthly invoices to the Planning Board for approval of services and shall report directly to the Planning board as to his findings, investigations, scope of work, and actions. The Planning Office shall inform the applicant of the need to deposit additional funds if at any time the Town's obligation to its consultant shall exceed the funds held in the escrow for the review purposes. Pursuant to the Town's By-law regarding non-payment of local taxes, fees, or other charges, release of approval and building permits shall not be given until the Town has been compensated in full for review costs as outlined herein.

Upon final action (filing certificate with the Town Clerk) the Planning Board shall return the balance of funds in escrow to the applicant, but shall retain sufficient funds to cover the unpaid portion of any approved, outstanding invoice until such payment is made, and shall so notify the applicant in writing.

6.2 CONTENTS

A definitive subdivision plan shall comprise original tracings in black India ink on Mylar or tracing cloth and thirteen (13) copies of the complete set of plans. Contract prints shall be dark lines on white background, and shall be twenty-four (24) inches wide and thirty-six (36) inches long, shall conform to the rules adopted by the Registry of Deeds pursuant chapter 36, section 13A of the Massachusetts General Laws,

The scale of plans shall be 1"=40' and of profiles 1"=40' horizontal and 1"=40' vertical. If multiple sheets are required, they shall be numbered consecutively in the upper right hand corner and they shall be accompanied by an index sheet showing the entire subdivision. The index sheet shall contain a key plan at one (1) inch equals one hundred (100) feet or as otherwise approved by the Board, indicating the location of each sheet.

The plans shall bear the signature and stamp of a land surveyor registered in Massachusetts, or for engineering or structural drawings that of a professional engineer registered in Massachusetts, space for the Planning Board endorsement, a title block in approved form, a north arrow and a $\frac{3}{4}$ " border.

The definitive plan shall contain the following information:

- a. Locus map 1' = 25,000' scale; (U.S.G.S.).
- b. A completed and signed Application Form C (see Appendix)
- c. A list of abutters and their addresses based on the most recent tax list, including those separated from the subdivision by a street or a watercourse, and those in other towns but abutting the subdivision.
- d. The return receipts of the certified mailing of notice.
- e. All contiguous property owned by the applicant shall be included in the plan regardless of whether or not a substantial portion of the applicant's land remains undivided. Such remaining area shall be considered as a single lot, requiring approval as a re-subdivision before further division of the remaining area occurs. This information shall be provided on a scale that one inch equals to hundred feet.
- f. Within the standard title block, the name of the subdivision, town, owner's name or names, engineer's or surveyor's name and address, date, including revision dates if any, scales, graphic and numerical, and sheet identification.

- g. Any detail drawings, calculations, and test results required.
- h. A copy of the deed to the property and of any licenses, permits, or approvals needed to build the subdivision.
- i. The drawings shall include lot plans, street construction plans and profiles; and if appropriate, easement plans and profiles, including natural watercourses, and proposed topographic plans, and any detail drawings of non-standard design such as retaining walls, bridges, large culverts, detention ponds, identification of the appropriate zoning district(s) and the like. In any instance where the required side-sloping will extend beyond the right-of-way into an abutting lot, the above-required cross-section drawings shall show the grade and extent of such side-slope beyond the right-of-way, and the area affected by such side-slope shall be depicted as a slope easement within the lots.
- j. Lines, angles of intersection, and radii of curves of existing and proposed streets, ways, lots, easements, and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board. Proposed lots shall be numbered sequentially.
- k. Directly above or below the layout plan of each proposed street, a profile shall be drawn at a horizontal scale of forty (40) feet to an inch and a vertical scale of eight (8) feet to an inch, showing for such street existing centerline grades in fine solid lines, existing exterior line grades in fine dash lines, and proposed finished centerline grades in heavy solid lines. Proposed grade elevations shall be shown by figures at fifty (50) foot stations, except on vertical curves where they shall be shown at twenty-five (25) foot stations. Rates of gradient in percentage shall also be shown. All elevations shall refer to 1929 Mean Sea Level and the benchmarks shall be identified. Profiles shall also indicate the location of any intersecting public or private ways, and the location of existing and proposed storm drains, water mains, and sewers and their appurtenances. Invert elevations of drains and sewers are required for each manhole, catch basins, or change in grade, and the slope (in percent) between manholes.
- l. Existing watercourses shall be shown, including intermittent streams and ponds, and their proposed relocations, if any.

- m. 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.
- n. Locations of all permanent monuments properly identified as to whether existing or proposed. 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, and similar physical features. Provided, however, that where all cross-sections of the street will coincide with the appropriate cross-section shown on the Board's Typical Cross-Section Plan such agreements may be indicated by proper notation on the layout plan, and the cross-section drawings may be omitted therefrom.
- o. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- p. Location on the plan and draft language of easements for utilities, drainage or any necessary off-site uses, improvements or structures. In the case of any necessary off-street easements, such as for drainage, water mains, or other needs, copies of the fully executed easements must be provided to the Board prior to final plan approval.
- q. Existing and proposed topography of the land in two foot intervals based on USGS datum should be shown on separate sheets. The proposed amount of clearing and information on the finished surfaces of areas to be cleared should be provided on the proposed topography/grading sheet. Reference benchmarks must be identified.
- r. Proposed layout (including plans and profiles) of street construction, storm drainage, water supply and sewage disposal systems, including grades. Size of existing and proposed storm drains, water mains, utilities and their appurtenances, including hydrants, within and adjacent to the subdivision. (Refer to Design Standards Herein). The applicant shall submit calculations for the determination of all waterway openings to justify culvert and drain sizes as hereinafter set forth. Such calculations shall be prepared by a Massachusetts Registered Professional Engineer.

- s. Landscaping and planting plan, showing treatment of all planting strips, roadway islands and medians, and disturbed slope areas by species, location, size and quantity.
- t. Base flood elevation data shall be provided for the subdivision proposals and other proposed development.
- u. A sketch plan showing a feasible, prospective street layout for any adjacent un-subdivided land owned or controlled by the owner or applicant of the subdivision, unless such a plan has already been filed with the Board. In the case where the applicant does not own or control any contiguous land, a statement to this effect shall appear in the application.

Note: In case a tract is subdivided into parcels larger than normal building lots, the Board may decline to approve the plan unless such parcels are arranged so as to allow the opening of proper future ways and logical and proper subdivision.

- v. Names, approximate location and widths of adjacent streets. Also, the status of said streets and ways (private or public) should be noted.
- w. The zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.
- x. Elevations and limits of base flood zone.
- y. Distance to nearest public water supply.
- z. The identity and location of all covenants and/or restrictions applying to the land and their purposes, including any decisions of any variances made by the Zoning Board of Appeals applicable to the subdivision of the land or any building thereon.
- aa. Location of approved percolation test pits and deep observation pits, if any, in accordance with the Rules and Regulations of the Board of Health and Department of Environmental Protection Soil Evaluation Procedures Under Title V. Whether or not septic systems are proposed, general soil logs and groundwater profiles shall be shown based on on-site observation pits and/or wells and/or percolation tests. Soil logs shall be sufficient in detail to show the depth of organized matter sub-soil thickness, and depth to bedrock (up to 8'), as well as percent composition of soil and sub-soil types. Locations of test pits shall be adequately distributed throughout the land area to the satisfaction of the Planning Board,

providing at least 1 test hole per every two lots, and 1 test hole per each 500' of proposed roadway. Additional test holes and test pit locations shall be developed through consultation with the Board or Board's Consultant as may be required by the specific conditions on the site.

- bb. Location of proposed sewage disposal facilities with the elevation of the bottom of the leaching bed or trenches shown.
- cc. An erosion control and construction management plan showing the construction methods, scheduling (including any necessary or proposed phasing of work), winter stabilization measures, and location of necessary water pollution and erosion control measures.
- dd. Designation of stump burial or spoils material areas, in accordance with local and state regulations.
- ee. A street lighting plan, showing location, type and details of the proposed street lights. A copy of which shall be submitted to the Selectman for approval by the applicant.
- ff. Suitable space for the signatures of the board shall be located on the top right hand side of the first sheet. The following notations are to be provided on the first page of all Definitive Subdivision Plans:

Subject to a covenant duly executed dated _____ day of _____, 19____, running with the land, to be duly recorded by or for the owner of record.

This plan is subject to all conditions of the Somerset Planning Board Certificate of Action date _____ filed with the Somerset Town Clerk on _____ and herewith recorded as a part of this plan.

I hereby certify that there has been no appeal taken from this Planning Board action during the 20 day statutory appeal period.

Date: _____

Town Clerk, Town of Somerset

6.2.1 ENVIRONMENTAL IMPACT

The applicant shall also submit environmental impact data, the purpose of which is to enable the officials of the Town to determine what methods are used by the applicant to promote the environmental health of the community and to minimize adverse effects on the natural resources of the Town.

The aim of the environmental review process is to enable the Town Board to encourage sound environmental design to the fullest extent allowed by law, by considering the degree to which water is recycled back into ground; the maintenance and improvement of the flow and quality of surface and ground water; the preservation or promotion of wildlife refuges, historic sites, important geological, botanical and archeological features, existing or potential trails, and access to open space areas; and the health, safety, and convenience of the inhabitants of the town. It is understood, however, that this review process does not in itself enlarge the permissible scope of review under existing laws such as the Subdivision Control Act.

The Planning Board may waive any section, or sections, of which it deems inapplicable to proposed project. The developer should discuss the requirements with the Board prior of the report.

The data supplied should indicate the following:

a. Physical Environmental

1. Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, scenic, and historical features; trails and open space links; and indigenous wildlife.
2. Describe how project will affect these features.
3. Provide a complete physical description of the project, and relationship to surrounding area.

b. Surface Water and Soils

1. Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the project.
2. Describe the methods to be used during construction to control erosion and sediment basins and type of mulching, matting, or temporary vegetation; describe approximate size and location of land to be cleared at any given time, and length of time of exposure; covering of soil stockpiles; and other control methods used. Evaluate effectiveness of proposed methods on the site and on the surrounding areas.
3. Describe the permanent methods to be used to control erosion and sedimentation. Including description of:

- a. any areas subject to flooding or ponding;
 - b. proposed surface drainage system;
 - c. proposed land grading and permanent vegetative cover
 - d. methods to be used to protect existing vegetation;
 - e. the relationship of the development to the topography;
 - f. any proposed alterations of shorelines, marshes, or seasonal wet areas;
 - g. any existing or proposed flood control or wetland easements;
 - h. estimated increase of peak runoff caused by altered surface conditions, and methods to be used to return water to the soils.
4. Completely describe sewerage disposal methods. Evaluate impact of disposal methods on surface water, soils, and vegetation.

C. Sub-surface Conditions

1. Describe any limitations on proposed project caused by sub-surface soil and water conditions, and methods to be used to overcome them.
2. Describe procedures and findings of percolation tests conducted on the site.
3. Evaluate impact of sewage disposal methods on quality of sub-surface water.

D. Town Services

1. Describe estimated traffic flow at peak periods and proposed circulation pattern.
2. Describe the effect of project on police and fire protection services.
3. Describe the effect of project on public works department services.
4. Describe the effect of project on educational services.
5. Describe the effect of the project on the town water supply/distribution systems and the sewer collection system.

F. General Impact

1. Summarize briefly environmental impact on entire town with supporting reasons.

6.2.2 COPY BOARD OF HEALTH

A complete set of drawings constituting the definitive plan shall be transmitted to the Board of Health on the same day as the submittal to the Planning Board.

6.2.3 NOTICE

The applicant is responsible for preparing stamped/certified envelopes to abutters which shall be delivered to the Planning Board office for review and mailing. Return receipts should be addressed to the Planning Board for further verification. The prepared certified mailing shall be delivered to the Planning Board or its agent not less than fifteen (15) days before the date of the hearing. All other expenses including, without limitation, certified postage, recording fees and filing fees for documents, and costs for sampling and/or testing required by the Board or its agent shall be paid solely by the applicant.

6.2.4 PAYMENT OF FEES

All applications shall be accompanied by a check payable to the order of the Town of Somerset. All payments for any other costs incurred shall be made within thirty (30) days of the billing date.

6.3 DISPOSITION

Original tracings of the definitive plan shall be returned to the applicant upon disapproval, or upon and endorsement after the expiration of the appeals period, unless these is a court appeal. Copies of the plan and all supporting materials will be retained by the Town.

6.4 BOARD OF HEALTH REVIEW

Within 45 days of receipt of the definitive plan, the Board of Health shall report to the Planning Board approval or disapproval of the plan and in the event of disapproval, shall include in the report specific findings as to which areas cannot be used as building sites without injury to public health and, if appropriate, make recommendations for adjustment. Such report of the Board of Health shall not be deemed to be an approval of sewage disposal system on any lot or of the construction of a disposal system or of building on any lot.

6.5 PUBLIC HEARING

Before action on the definitive plan is taken, a public hearing shall be held by the planning board. Notice of the time and place of such hearing and of the subject matter thereof, sufficient for identification and including the location of the proposed subdivision, shall be given by the Board twice, the first time at least fourteen days prior therefore, by publication in a newspaper of general circulation in the Town of Somerset. A copy of said notice shall be mailed to the applicant and to all owners of land abutting

on the subdivision, as appearing on the most recent tax list (see Section 8.1.C hereof).

6.6 MINOR CHANGES, PLAN REVISIONS, INCOMPLETE SUBMISSIONS

Definitive plans submitted to the Planning Board for review under the Town Clerk's stamp may not be revised without the consent of the Board, and only as discussed in public session at the public hearing. Any such changes shall be prominently noted on the plan set cover sheet, and on any individual sheets affected to as to make clear the plan of record on which the action of the Board is being requested.

Minor changes may be allowed by the vote of the Board at any time after the public hearing, again with the required notation on cover sheet and affected plan sheets. A minor change is defined by the Board as a change which has no discernable impact outside the subdivision, does not increase rates or volumes of stormwater runoff, does not increase the amount of cut or fill required, or does not involve regarding of more than two lots nor more than 200 linear feet of roadway within the subdivision. The Planning Board shall determine, in its opinion, if plan revisions are minor changes, or constitute major changes requiring refiling and rehearing.

The Board reserves the right to disapprove incomplete submissions prior to posting of the public hearing, or at any time up to the closing of the public hearing unless, in its opinion, review of the plan is not hampered by the absence of required information. In the event of such disapproval, the plan shall be returned to that applicant as incomplete, and a copy of the certificate of disapproval filed with the Town Clerk noting the reason for the Board's action. The Board also reserves the right to retain any filing review fees, or to reimburse any portion of such fees to the applicant, based on the extent to which the review has provided and to cover administrative costs of filing, notification, distribution, etc.

6.7 PROHIBITED ACTIVITIES

Site preparation, tree cutting, filling and other work done in anticipation of the subdivision plan approval should not be performed prior to the submission and approval of a definitive plan.

6.8 PLANNING BOARD ACTION

In the case of residential subdivision where a preliminary plan has been acted upon by the planning board of where at least forty-five (45) days have elapsed since submission of the preliminary plan an applicant may file a definitive plan. The failure of a Planning Board either to take final action or to file with the town clerk a certificate of such action on the definitive plan within ninety (90) days after submission, or such further time as may be agreed upon at the written request of the applicant, shall

be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the planning board with the town clerk.

In the case of a residential subdivision where no preliminary plan has been submitted and a definitive plan has been submitted, the failure to the Board either to take final action or to file with the city or town clerk a certificate of such action regarding the definitive plan submitted within one hundred thirty –five (135) days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Board with the town clerk.

The planning Board shall act by approving said definitive plan subject to specific conditions and modifications, if any, or by disapproval said plan and listing in detail where the plan does not conform to these Rules and Regulations, to the Subdivision Control Law, or to the Zoning Bylaw. Such action shall be contained in a Certificate of Action, signed by the majority of the planning board and mailed by registered mail to the applicant and transmitted to the town clerk within said 60 days or the agree-upon extension period.

Approval in all cases is granted for a two-year period from the date of such approval and if a development is not completed in its entirety in that time, the applicant must again petition the Board for action on the undeveloped portion.

a. If the report and recommendations of the Board of Health so require, the approval shall be on condition that no building be placed on areas designated by the board of health without its consent, and this condition shall be listed in the Certificate of Action.

b. The Planning Board shall revoke its disapproval and approve the definitive plan, subject to appropriate conditions, if the applicant modifies the plan to conform to the Rules and Regulations and removes the reasons given for the original disapproval. Upon the submittal of the modified plan, the Board shall advertise and hold a new public hearing, mailing notice of the hearing, and otherwise proceed in the manner provided for in the revision or revocation of approval (see Section 8.11 below).

6.8.1 SUBDIVISION INSPECTION FEE:

Prior to endorsement of the approved definitive plan the applicant shall be required to file a minimum subdivision inspection fee of \$2,000 to establish an individual special account. If this minimum amount is not sufficient to cover the entire cost of the review, the

Board shall, prior to the release of all lots or security, adjust said special account as required.

(a) The Planning Board may engage such consultant services to assist the Board to ensure construction of an approved plan is in compliance with all relevant conditions of approval, laws, ordinances, bylaws and regulations. The inspection fee shall be used by the Board for the employment of outside consultants engaged by the Board to inspect staking, clearing, grading, erosion control, drainage, utilities and roadway construction.

(b) Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which an inspection fee has been or will be collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for revocation of the approved plan.

(c) Subdivision inspection fees may only be spent for services rendered in connection with the specific project from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the board with documentation establishing such succession in interest.

6.9 REVISION OF REVOCATION OF APPROVAL

The board may at any time on its own initiative or on petition of any interested person, revise or revoke the approval of a definitive plan or require a change therein as a condition of retaining the approved status, including plans approved by predecessors of the current Board.

- a. Such revocation or revision of approval may be due to determination by the board that the original approval was based on incomplete or incorrect information, or due to the developer's failure to begin work in the subdivision within a reasonable time or to complete the required improvements

to the specifications and within the time stipulated by the Board, or due to a change in zoning requirements (upon expiration of the statutory exemption period), or for other reasons.

- b. The procedure for the approval of definitive plans shall, so far as apt, be followed in revising or revoking approval, except that no submittal of plans or filing fee shall be required, unless the action is initiated by the applicant or his successors-in-title.
- c. The action of revoking or revising the approval of definitive plan shall not affect individual lots and rights appurtenant to them if sold or mortgaged in good faith and for a valuable consideration subsequent to the initial approval of the plan without written consent of the owner or mortgage holder thereof. Such action shall, however, apply to the balance of the subdivision sold to a single grantee or to all lots not released by the board.
- d. The revocation or revision of approval shall take effect after a new Certificate of Action has been recorded in the Registry of Deeds, indexed, and noted on the original recorded plan or, in the case of registered land, after the revocation or revision has been verified or ordered by the Land Court.
- e. Revision of lot lines, easements, utilities, and other changes which do not affect the names, grades, or exterior lines of streets may be acted upon by the Board without public notice or hearing, subject to the consent of the affected owners and, when applicable, in accordance with Article 4 of these regulations.

6.10 PERFORMANCE GUARANTEES

Before the Planning Board endorses its approval and reference of any conditions of the definitive plan and releases the plan to the developer for Town Clerk's certification of no appeal and for recording, the applicant must guarantee the construction of ways and installation of municipal services and other required improvements by one or some combination of the following methods, the choice of method being with the applicant, who may vary if from time to time.

For the performance guarantees other than a Covenant the required amount, penal sum or value shall be determined by the Board. The developer shall furnish the Board a reasonable itemized estimate of the cost of performing the required work as of the end of the specified time for performance, including a factor for inflation and contingencies, but the

Board may revise the figures based on other estimates to ensure that the Town is adequately protected in the event of developer's default. The time for performance shall be agreed to by the developer and the Board; to minimize costs due to inflation and to reduce unsightliness inherent in a construction site, it is recommend that the subdivision be released in portions which can be completed in two-three years each. In all instances a written instrument, signed by the developer and, where applicable by the mortgage holder or surety company, shall specify the lots released, the termini and scope of work to be performed, and the specified time for completion and shall refer to the Security posted (see Appendix for a model Agreement.)

- a. A surety company bond given to the Town and approved by the Town Treasurer or Town Counsel as to form.
- b. A certified check, bank shares certificates, bankbook (together with an assignment to the Town assented to by the bank and a signed withdrawal slip) or together readily realizable securities, deposited with the Town and approved by the Town Treasurer as to value and form.
- c. An agreement signed by the developer and the holder of the first mortgage (lender), wherein the lender agrees to withhold construction progress payments otherwise due the developer in accordance with an agreed-upon schedule of disbursement, subject to the Planning Board's approval of specified partial performance of the required work and to make such held-back money available to the Town to pay for the completion of work in the event of the developer's failure to complete it within the specified time.
- d. A covenant given to the Town and recorded, that is a promise signed by the developed not to sell or convey all the specified lots except by a mortgage deed, not to build on such lots, nor apply for building or septic system permits therefore until the construction of ways and installation of utilities to serve said lots have been satisfactorily completed and a release from the restrictions of the covenant shall run with the land and be finding on the developer's heirs, assigns, and successors-in-titles. All lots not previously released may be conveyed by a single deed, subject to the covenant. A mortgage holder who acquired title to land subject to the covenant, whether through a foreclosure or otherwise, may sell such land, subject to the prohibition of building thereon until released by the board.
- e. The developer may from time to time furnish a bond or other security as provided in "b" above, the request the release for sale and building of certain lots theretofore restricted by a Covenant. The section of the subdivision affected and the lots released shall be enumerated in a Surety Agreement, which shall be recorded.
- f. Upon partial performance in a satisfactory manner of the required construction and installation, the board will release specified lots from the restrictions of the Covenant or reduce the obligations of he developer

under a bond or other security and authorize the release or return of part of the amount held to the developer, retaining an amount sufficient to cover the cost of work till outstanding. Such release or reduction shall be described in a certificate suitable for recording.

- g. Upon written request of the developer, submitted by registered mail to the Board and the Town Clerk, to release all lots from the Covenant or to release and return the total amount of security held by the town, alleging that all required construction and installation have been satisfactorily completed, the board shall either release the lots or the security held or reject the request and advise the Town Clerk and the applicant by registered mail within 45 days of the request that the required construction and installation have not been completed and enumerated in detail the work not performed in accordance with these Rules and Regulations.

6.11 ENFORCEMENT

The building Inspector shall not issue a building permit for any lot without verifying that the lot is either not in a subdivision or, if in a subdivision, that the lot has not been released by enumeration in a Certificate or a Surety Agreement, and further that no restriction has been placed on such a lot by the Board of Health at the time of definitive plan approval. Other officials shall advise the Board for conveyances or other violations of a covenant or of conditions of definitive plan approval. The board may take such action as is provided by law to enforce these Rules and Regulations and to enjoin said court action initiated within one year of a violation.

6.12 ENDORSEMENT AND RECORDING

Upon furnishing by the applicant of a performance guarantee, the Board shall endorse the definitive plan and refer to conditions of approval; the Town Clerk shall certify, if such is the case, that the notice of the plan approval has been received and no notice of appeal has been filed within 20 days after the receipt of the approval notice; and the developer shall record the original tracing the plan, the Certificate of Board Action, and the Covenant or Surety Agreement or file them with the recorder of the Land Court, if the definitive plan comprises registered land.

ARTICLE 7 DESIGN STANDARDS

Subdivision for residence purpose shall be designed in accordance with the following specific standards:

7.1 STREETS

Rights-of-ways, traveled way and layout shall conform to the following standards;

7.1.1 LOCATION

- a. Streets in the subdivision shall be coordinated with each other and with the existing street system in a manner satisfactory to the Board, with due regard to providing safety and convenience of vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- c. The proposed streets shall conform, so far as practicable, to the Master or Study Plan as adopted in whole or in part by the Board.
- d. Provision satisfactory to the board shall be made for the proper projection of streets or for access to adjoining property, which is not yet subdivided.
- e. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.

7.1.2 ALIGNMENT

- a. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum of one hundred twenty-five (125) feet between their centerlines, unless a variance is specifically approved by the Board.
- b. Streets shall be laid out so as to intersect as nearly as possible at right angle. No street shall intersect any other street at less than sixty (60) degrees.
- c. Property lines at a street intersection shall be rounded or cut back to provide for a curb radius of not less than twenty (20) feet.

7.1.3 GRADE

Where the grade of any street at the approach to an intersection exceeds five percent (5%), a leveling area shall be provided having not greater

than three percent (3%) grades for a distance of twenty-five feet, measured from the nearest street line of the intersecting street.

7.1.4 DEAD – END STREETS

- a. The creation of dead-end streets is discouraged, and will be approved only when, in the opinion of the board, no possibility exists for eventual coordination with the existing or planned street system of the Town as determined by the Board.
- b. Dead-end streets shall not be longer than five hundred (500) feet, unless, in the opinion of the board, a greater length is necessitated by topography or other local conditions. On dead-end streets having a greater length than five hundred (500) feet, the board may require the separation of travel lanes by the median strip of suitable width.
- c. Dead-end streets shall be provided at the closed end with a turnaround having an outside right of way radius of 60 feet and roadway radius of 45 feet and no island, or a dead-end street shall be provided at the closed end with a turnaround having an outside right of way radius of 60 feet and roadway radius of 55 feet, and with a landscape island.

7.1.5 TABLE OF STREET DESIGN

	Street Classification		
	Collector	Local	Minor
Min. Radius –Centerline-	400'	250'	125'
Right of way width	60'	50'	40'
Pavement Width	32'	28'	24'
Pavement Thickness	2"top 2"base	1"top 2"base	1"top 2"base
Maximum	5%	7%	8 ½%
Minimum Grade	.7%	.7%	.7%
Curbing	Vertical Granite	Cape Cod Berm	Cape Cod Berm
Sidewalk	Two 4'	One 4'	One 4'
Sidewalk Thickness	1"top 1 ½"base	1"top 1 ½ base	1"top 1 ½ base

*Business and Industrial Road Requirements

7.1.6 GENERAL

- a. When an applicant is required to cut into existing pavement, the applicant shall repave the full width of the roadway pavement and for a distance of five feet (5') in each direction from the end of the cut. The

pavement shall provide for a smooth transition from the existing to new surface. Such repaving shall meet the subdivision street standards and recommendation of the superintendent of the Somerset Department of Public Works.

- b. The planning board may require space reserve for future streets (shown on said plan as paper streets) to provide for interconnecting ways and to avoid excessive dead-end streets. All portions of the tract being subdivided shall be taken up in lots, streets, public lands, or other proposed uses, so that remnants and land-locked areas shall not be created.
- c. Roadways, cul-de-sacs, detention facilities, sidewalks and other required infrastructure or improvements shall not be placed within easements but within the right-of-way or on parcels not buildable for residential, commercial or industrial structures. Sewer and water, utilities and drainage lines may be exempted from this provision by the express waive of the Board.
- d. All areas within street right of way not used for walks, driveways, pavement, or structures shall be loamed and seeded at a transverse slope not to exceed 1 ½ horizontal to 1 vertical, except that between sidewalk and roadway the transverse slope shall be 3/8" per foot unless the board allows otherwise.
- e. A period of no more than one year shall elapse between the rough and finish coats.
- f. Multiple intersections involving a junction of more than two streets shall be prohibited.
- g. Road foundations, all peat, mud, etc. will be cleaned out and replaced with gravel, at least one (1) foot in thickness, a dress coat of four (4) inches of crusher run grave, and finished with a minimum of three (3) inches of asphalt.

7.2 EASEMENT

Easement shall be at least 20 feet wide and shall be centered on lot lines, where feasible, and on natural watercourse. Easements in favor of the town shall be provided for water pipes, subsurface and surface drain lines, fire alarms conduits, streams and watercourses located outside the street right- of- way, other than house or building connections. Easements may also be required for the protection of particularly valuable or unique features, such as historic site or a vista and for off-street pedestrian, Licycle, or bridle paths.

7.3 OPEN SPACE

Before approval of a plan the board may also, in proper cases, for just consideration, require the plan to show a or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The board may, by appropriate endorsement on

the plan, require that no building be erected upon such park or parks without its approval for a period of up to three (3) years.

7.4 NATURAL FEATURES

Due regard shall be shown for the preservation and enhancement of natural features, such as large trees, wooded areas, water courses and bodies, scenic points, historic sites, and similar community assets which add value and attractiveness to the subdivision and the town. If, in the opinion of the board, excessive foliage growth is removed due to proposed grades a planting plan, for the areas affected by the regarding, shall be submitted for approval together with the Definitive Plan. In no case shall areas larger than 100' in width be clear cut to accommodate sitting of such structures. The applicant shall strive to maintain clear cutting within the planting strip.

7.4.1 TOPSOIL

Topsoil removed during the course of construction shall be redistributed so as to provide at least four (4) inches of cover to all areas of the subdivision and shall be stabilized by seeding and planting.

7.4.2 FLOOD PLAINS

Proposed subdivisions shall comply with the so-called Hatch Act, entitled AN ACT RELATING TO THE PROTECTION OF FLOOD PLAINS, Chapter 131 of the General Laws, Section 117-c (an any acts in amendment thereof in addition thereto or in substitution therefore). Written notice to the Somerset Conservation Commission will be given by the developer if any portion of the proposed subdivision involves Wetlands.

7.4.3 GRADING AND TOPOGRAPHY

Efforts shall be taken to maintain the continuity of the natural topography. Cut and fill shall be avoided in all instances possible. Except in areas where terracing is used, when excavation is necessary, grading shall be done in such a way that the resulting contours allow smooth natural curves that conform to the curves of surrounding landscape. Straight or angular slopes or cuts which interrupt natural topography shall not normally be allowed. Existing contours shall be preserved insofar as it is possible through optimal location of streets and dwelling to the satisfaction of the Planning Board. In any event, no change shall be made in existing contours which adversely affects any land abutting the proposed subdivision.

7.4.4 WETLANDS PROTECION

The proposed subdivision shall comply with the water resource protection district of the Town of Somerset, as most recently amended.

Streets and layouts shall generally follow (parallel) the existing contours or existing stream valley and natural swales, and should be designed with the objective of the preservation of natural features identified on the plan, as required above. All work on the ground hereinafter specified shall be performed by the applicant in accordance with these rules and regulations, in conformity with approved definitive plans and specification and other construction requirements of the Town Agencies concerned, and to the satisfaction of such Agencies. In particular, all design, material, and construction specifications of the Somerset Public Works Department relative to road and utility construction shall be adhered to unless otherwise provided for in these regulations. Where no detail is given under Somerset D.P.W. of the Department specifications, reference shall be made to construction details of the Massachusetts Municipal Engineers Association. All streets in the subdivision shall be designed so that, in opinion of the Board, they shall provide safe vehicular travel. There shall be a twenty-five foot (25') setback between side lot lines and parallel right of ways.

7.5 UNDERGROUND WIRING

Electric and telephone conduits shall be placed underground, unless the Planning Board waives this requirement due to soil conditions, high cost, or technical problems.

7.5.1 STREET LIGHTS

The location, style and number of street lights shall be proposed by the applicant, reviewed and approved by the Selectmen. The approved lighting plan shall be made a condition of the Planning Board's approval.

7.6 STREET NAME SIGNS

Prior to the application of Building Permits, the developer will notify the Board that temporary street signs with three inch (3') tall letters on contrasting background have been placed at intersections. Permanent street name signs of the type in use in the Town of Somerset shall be securely installed by the developer at all street intersections or junctions at least eight feet (8") above ground level.

7.7 MONUMENT

Granite bounds 3 feet long and 5 inches square with a ½ " drill hole in top shall be set by a registered land surveyor flush with the ground in the street right of way lines at all points of change in direction, beginning and end of curves and angle points. Where this is impossible, such as in rock, lead-filled drill holes or other acceptable means of permanent means of monumentation will be used.

7.8 FIRE ALARM SYSTEM

Whenever connection to the Town Fire alarm system is feasible in the opinion of the Board, the developer shall install to the specifications of the Fire Chief and connect a fire alarm system, including at least one fire alarm box for each 1,000

feet of street or portion thereof; alternately, the Town may have the fire alarm system installed in the subdivision at the developer's expense.

7.9 WATER SUPPLY

Water pipes and related equipment, such as hydrants and main shut-off valves, shall be constructed to serve all lots on each street in the subdivision in conformity with specifications of the Water Department.

7.10 SEWERAGE

Sewers shall be constructed in conformity with specifications of the Sewer Department.

7.11 DRAINAGE

The applicant shall demonstrate to the satisfaction of the Planning Board that the project is designed to have no measurable or significant impact as to existing vegetation, topography, wetlands, and other natural or man-made features, notwithstanding considerations of number or area of developable lots.

7.11.1 CRITERIA

The applicant shall review best available drainage systems for the appropriate application on the proposed development site. Natural features, such as soil types, slope, vegetative cover, water table, etc., shall be considered a major determinant of the development suitability of the site. Drainage plans shall be developed in consultation with the Planning Office and the Board's consultants with the following objectives and criteria in mind:

- a. protection of water quality;
- b. public safety;
- c. enhancement of an connection to natural drainage system, including streams floodplains, and associated wetlands;
- d. attractiveness of the plan, minimizing disruption of existing features, and successful limitation of natural systems;
- e. minimizing of long-term maintenance and/or reconstruction obligations to ensure the natural operation of the system and conserve manpower, energy, and fiscal resources.

7.11.2 DRAINAGE ANALYSIS

Drainage analysis shall include at least the following information:

Consideration of the watershed and the calculations used in designing the drainage system, including area calculations, intensity of rainfall, coefficient of run-off, time of concentration, discharge, pipe coefficients of roughness, and quantity and velocity of flow under design conditions at buildout capacity allowed under current zoning. Additionally, the following information shall be supplied:

- ≡ Soil test information and groundwater elevations;

- ≡ Soil map for the watershed including locations of soil tests;
- ≡ Topography map for the watershed;
- ≡ Land use map for the watershed;
- ≡ Pre-development drainage patterns on the site;
- ≡ Post development drainage patterns on the site.

For on-site system, the following information shall be required:

- a. Calculations of wetland areas on-site;
- b. Analysis of soil conditions throughout the site;
- c. Analysis of the square footage and % of impervious coverage in relation to the square footage and % of area devoted to drainage proposed;
- d. Consideration of density of development appropriate to the above conditions;
- e. Proposed use and assessment of effectiveness of water pollution and erosion control devices (e.g. absorption pillows, hay bales, swales, etc.);
- f. Conformance with DPW standards for maintenance and performance;
- g. Consideration of existing or potential “public water” supply on or near the site;
- h. Design calculations shall be based on the 100 year storm event;
- i. All TR-55 or model calculations and information shall be furnished to the Board;
- j. Demonstration of no “significant” increase in the rate of discharge, the definition of significant to include consideration of the degree of urbanization within the watershed.

7.11.3 PERFORMANCE STANDARDS

On-site drainage systems, including detention areas, must meet the following performance standards:

- a. A 30’ buffer zone of existing vegetation shall be retained between all detention or siltation structures and adjacent uses or structures for protection of scenic corridors, surface water and wetlands subject to Ch. 131, and Ch. 131, MGL and/or local wetland bylaws. However, the provisions of this section shall not prohibit the selective clearing of trees and shrubs, the establishment of new vegetation better suited to the proposed considerations, or the discharge of stormwater across such buffer areas as any if these actions may be permitted by the Conservation Commission under an Order of Conditions.

- b. Use of retention basins shall not be permitted except in combination with detention facilities and for the express purpose of containing the design storm for a 24-48 hour period. Detention facilities shall be permitted insofar as such systems are designed to function as natural wetlands, having characteristics of side slopes, gradients, vegetation and topographic location which follow naturally occurring wetland types. Use of such artificial storm drainage systems shall not substitute for proper erosion control measures including appropriate design for soil and slope conditions. Design of such facilities shall observe the following guidelines:
 - 1. Side slopes of wetland/detention areas should be no steeper than 4:1 horizontal to vertical relationship unless steeper slopes can be shown to be typical for conditions on the site.
 - 2. A maximum of 2% slope shall be permitted for the bottom of the wetland/basin.
 - 3. Where clearing and/or regrading of the site may be unavoidable for installation of the basin and necessary structures, vegetation shall be reestablished in conformance with the proposed landscape plan.
 - 4. The prohibition of undesirable or unnatural accumulation of water shall refer to stagnant, ponded waters, but not to wet systems, which are designed to have continuous stream flow through the basin.

- d. Drainage outfalls shall be designed in conformance with sub-section 7.11.5.f of this section, and shall further provide rip-rapped aprons in accordance with typical details shown in the Appendix of these regulations, and, in every case shall provide a minimum of 20 feet of vegetation swale before the property line and above the high water line of any stream, swamp, bank or wetlands by law. As with other drainage structures, detention areas shall have a positive outfall connection to an existing water body, including wetlands as defined above. Basins and swales shall be incorporated into separate land parcels for this exclusive purpose rather than be shown as easements over areas required for other uses, or required to service purposes of other bylaws or regulations of the Town of Somerset.

7.11.4 SUB-SURFACE DRAINS OR SUB-DRAINS

In areas where the finished grade of the roadway is less than four (4) feet above the watertable or in areas where less than four (4) feet of fill is placed above water in swampy places or any standing water, or in other areas, where in the opinion of the Board the sub-grade must be drained, a system of sub-drains shall be designed for such areas. A maximum pipe velocity of 10 feet/second shall be allowed, with a minimum 2½

feet/second velocity required. In addition, laterals may be required as directed by the Board in areas in which an undue amount of water could accumulate in the sub-grade. The system of sub-drains shall be discharged into the storm drainage system or otherwise disposed of in a manner satisfactory to the Board.

7.11.5 STORM DRAINS

The storm drainage design shall be on the basis of the 100year storm. A complete drain system shall be designed for each street in the subdivision and to the satisfaction of the Board shall be so laid out and of sufficient size to permit unimpeded flow of all natural waterways, to provide adequate drainage of all portions of the street system so that water does not accumulate thereon, to intercept storm water runoff from the adjacent lots of the subdivision, and to eliminate undesirable or unnatural accumulation of water on any portion of the subdivision or surrounding property. The storm drainage system shall include gutters, catch basins, manholes, culverts, drain-lines, headwalls and such other items as may be required to complete the system to the satisfaction of the Board.

- a. Catchbasins and manhole structures shall be preferably reinforced, pre-cast concrete. Structures are not to be backfilled until inspected by the subdivision inspector.
- b. Catchbasins shall be located in pairs, one on each side of the road, at all low points or sag curves in the roadway, at intervals of:
 - 400 feet for grades up to 4%
 - 300 feet for grades from 4% to 6%, and 250 feet for grades more than 6%, and at or near the corners of the way at intersecting streets. Catchbasins will be in conformance with the Somerset D.P.W. standards.
- c. In general, the design shall be such as to provide for a flow of water at speeds between 2 and 12 feet per second; the minimum grade shall not be less than 0.4 percent for pipes greater than 12 inches in diameter and less in diameter and 0.25 percent as absolute minimum; the minimum pipe diameter shall be 12 inches, except that a 10 inch pipe may be used to connect a single catchbasin across the street; catchbasins shall have a 2 ½ feet sump below invert; and all drop manholes or inlets with a drop of six feet or more shall be provided with a splash pad. All final out-falls within or serving the subdivision shall extend to a natural waterway, or to drainage easements or pipe systems leading to waterways, and such pipe shall have a capacity 25% greater than required by the calculations. Provisions shall be made for the disposal of surface water intercepted or collected by the system in such a manner that no flow is conducted over Town ways or over the Land of others unless a drainage easement is obtained or unless such flow, in essentially the same quantity, previously existed in the same location. Where adjacent property is not subdivided, provision shall

be made for extension of the system by continuing appropriate drainage to the boundary of the subdivision at such size and grade as will allow their proper projection.

- d. Culverts shall be designed on the basis of a one hundred (100) year storm and on the assumption that the entire drainage area is built up to the maximum density and in the manner, which the applicable section of the Zoning Bylaw allows. The calculations (or a copy thereof) necessary to determine the size of any culvert which carried a brook, stream, river or other natural waterway shall be submitted to the Board for review. Such calculations shall be based on the Rational Method to determine the size of waterway openings. All culverts shall have a headwall at each end and any culvert over thirty-six inches in diameter shall include at the upstream end additional protection, as approved by the board, for the roadway side slopes.
- e. A headwall with wing walls shall be provided at the outfall end of all drains. Use of pre-formed flared and section of this purpose are also acceptable.
- f. No drainage outfall shall discharge below the highwater line of a swamp, stream, or body of water as defined in MGL Chapter 131, Section 40.
- g. Pipe outfalls shall be located away from dwellings a distance downgrade equivalent to the required lot depth in the applicable zone.
- h. In the event that no specific requirement is given in these regulations, Massachusetts Department of Public Works standards shall apply.

7.11.6 CALCULATIONS

The calculations (or a certified copy thereof) to determine the size of all pipes and culverts in the drainage system shall be submitted to the Board for review. Such calculations should be based on the Rational Method and prepared by a registered professional engineer registered in Massachusetts. A drainage analysis map shall show the tributary watershed area and downstream area affected by runoff, and drainage computations shall consider the watershed area. Where excessive poor soil or disturbed cover exist, calculations shall give consideration to frozen ground conditions, soil types and cover for all affected areas including but not limited to lawns, base ground, gravel ways, etc.

7.11.7 EROSION CONTROL FACILITIES

a. Keep disturbed areas small

No more than 50' wide, 100' long, and 20% of a single lot, or 5 acres of the overall tract are recommended guidelines: Consideration of topographic, soil, and vegetative characteristics shall be demonstrated through identification of erodible soils, steep slopes, stream-banks and

drainage-ways, and measure designed to limit disturbance of these areas.

b. Stabilize and protect disturbed areas quickly

Exposed areas and stockpiles should be revegetated within 30-60 days. Two methods are available for stabilizing disturbed areas: mechanical (or structural) methods and vegetative methods. In some cases, both are combined in order to retard erosion. The selected measure should be identified in a Construction Management Plan submitted with the subdivision application

c. Keep storm-water runoff velocities low

Acceptable velocities are in the 2-10feet/second range. The removal of existing vegetative cover during development and the resulting increase in impermeable surface area after development will increase both the volume and velocity of runoff. These increases must be taken into account when providing for erosion control.

d. Protect disturbed areas from storm-water runoff

Conservation measures can be utilized to prevent water from entering and running over the disturbed area. Diversions and other control practices to intercept runoff from higher watershed areas, store or divert it away from vulnerable areas, and direct it toward stabilized outlets should be utilized. Selected measures should be identified in the proposed construction management plan.

e. Retain Sediment Within Site Area

Sediment can be retained by two methods: filtering runoff as it flows and detaining sediment; or detain runoff for a period of time so that the soil particles settle out. The best way to control sediment, however, is to prevent erosion.

7.11.8 GENERAL DRAINAGE CONCERNS

Streets and lots shall be graded to provide for expeditious runoff of water, except that settling basins or other means of removing pollutants shall be used in drainage large parking areas or streets subject to heavy traffic or other sources of pollutants. Roof drains may be connected to the drainage system, but no industrial or domestic waste shall be discharged to or allowed to enter storm drains.

7.12 SHADE TREE

Where land abutting a street lies within the subdivision, the applicant shall plant and guarantee trees at intervals of forty feet, more or less, within the grass planting border. The species size and type of trees, along with planting time shall be approved by the Tree Warden.

7.13 STANDARD DESIGNS

Typical Street Cross-Section and other typical or standard detail drawings contained in the Appendix are part of these Rules and Regulations and should be consulted as to location and designed of these subdivision construction features.

7.14 INSPECTION AND CONTROL

- a. The subdivider shall employ, at his own expense, a Registered Professional Engineer or Land Surveyor to set all lines and grades in a manner satisfactory to the Town Engineer.
- b. At the points indicated, the construction of required improvements shall be inspected by the Superintendent of Streets, and unless approval of the work completed, including approval of materials used, to each such point has been given in writing, no further work shall be done until work is subsequently completed to such point to the written satisfaction of said Superintendent. A copy of each written document of approval shall be forwarded to the board.
- c. Upon the written request, for stated cause from the Superintendent of Street or the Town Engineer the board may, at the expense of the subdivider, employ a Registered Professional Engineer or other qualified inspector for the purpose of ensuring that the improvements, set fourth in Section V and VI are in accordance with requirements therein.
- d. Inspections shall be requested by the subdivider at least forty-eight hours in advance by notice to the Superintendent of streets, or the board's duly authorized representative.

ARTICLE 8 CONSTRUCTION REQUIREMENTS

8.1 SITE PREPARATION AND EXCAVATION

The entire area within street lines and beyond as necessary for construction earthwork shall be cleared of all brush, tree roots, stumps, boulders, other objectionable matter and of all trees which will not be preserved due to their location or condition. Where good topsoil is found within work areas, it shall be removed and stockpile within the subdivision for future use. All brush, stumps roots, tree limbs and trunks other soft, spongy or unstable matter shall be removed and disposed of and not buried within the limits of street lines or used as fill. The entire area beneath the traveled way and sidewalks, and so far beyond as necessary for lateral support of the roadway (see typical cross-section in the Appendix) shall have loam, muck, peat and other unsuitable material removed to hard bottom or to the depth of 12 feet.

8.2 FILL

The excavated areas shall be inspected and then filled with approved material to within the required gravel foundation or topsoil. The developer shall notify the Superintendent of Streets upon completion of excavation and at least 48 hours (Saturday, Sundays, and Holidays excluded) before the start of the next phase of road construction. The fill shall be placed in layers not greater than 8 inches deep and thoroughly compacted with a roller weighing not less than 8 ton. All fill material placed in trenches for utilities and around underground structures shall be placed in 6 inch deep layers and shall be thoroughly compacted by means of pneumatics or vibratory tampers. The completed excavation and fill area shall be graded and then rolled with an 8ton roller so that the gravel foundation material may be placed. Any soft or unsuitable areas, which become evident during rolling shall be removed and replaced with a suitable material. Any depressions occurring during the rolling shall be filled with suitable materials and the area re-rolled until it has been brought to the proper grade.

8.3 GRAVEL FOUNDATION

The superintendent of street shall be called for inspection upon the completion of compaction of fill and at least 48 hours before the placement of gravel foundations.

- a. Road foundations all peat, mud, etc. will be cleaned out and replaced with gravel, at least one (1) foot in thickness, a dress coat of four (4) inches of crusher run gravel, and finished with a minimum of three (3) inches of asphalt.
- b. The driveway and sidewalk wearing surfaced shall be placed on gravel foundations. The gravel foundations for the driveways shall be at least twelve 12 inches thick and the gravel foundation for the sidewalk shall be at least eight 8 inches thick. The driveway gravel shall extend from the edge of the roadway gravel to the street line.
- c. The gravel used as foundation material shall be composed of hard, durable stone and coarse sand, practically free from loam and clay and when spread and compacted shall present a stable foundation. The gravel shall be uniformly graded and shall contain no stone having a dimension greater than four (4) inches.
- d. The gravel foundation material shall be spread on a well compacted and consolidated sub-base in layers no greater than six inches deep. Care shall be used when spreading the gravel to rake forward and distribute the larger stones so that they will be at the bottom of the gravel course and be evenly distributed. The gravel so placed shall be rolled true to lines and grades with power rollers. The roller used on the roadways and driveways shall weigh not less than five (5) tons. Any depressions that appear during or after the rolling shall be filled with gravel and re-rolled until the surface is true and even.

8.4 ROADWAY, SIDEWALKS AND DRIVEWAY ENTRANCE SURFACES

Upon completion of gravel foundation and not less than twenty-four (24) hours before the commencement of paving the Superintendent of Streets shall be called for an inspection. Bituminous concrete, Type I-1, Class 1, plant mixed, hot-laid, conforming to standard Specifications for Highway and Bridges of the Massachusetts Department of Public Works (hereinafter referred to as Standard Specifications) shall be used for paving according to the following schedule:

	Bottom of Base Course Thickness	Surface or Wearing Course Thickness	Total Thickness
All commercial Industrial Subdivisions			
All Arterial Streets	2"	2"	4"
Other Streets, Driveway Aprons	2"	1"	3"
Walks	1 ½"	1"	2 ½"

- a. Bituminous concrete shall be placed on a dry gravel foundation, when the air temperature in the shade is not less than 40 degrees Fahrenheit, and when weather conditions are satisfactory. Where the existing foundation material contains irregularities, such irregularities shall be eliminated by the use of extra bituminous material.
- b. The material shall be delivered to work site in a hot and easily workable condition, so that it can be properly placed on the desired sub-grade. All bituminous concrete shall be dumped into approved mechanical spreader and immediately spread thereby, and stuck off in a uniformly loose layer to the full width required and to such depth that each course when compacted shall have the required thickness and shall conform to the grade and cross section. Hand spreading of bituminous concrete mixture will be allowed only for special stretches or areas because of irregularities or other unavoidable obstacles which do not permit mechanical spreading and finishing. When hand spreading is permitted, the mixture shall be dumped on a steel dump sheet located outside of the area in which it is to be spread and then shall be shoveled into the area to be surfaced and hand raked.
- c. Each course of bituminous material shall be rolled with a self propelled, equally balanced, tandem roller weighing not less than 5 tons and not more than 10 tons. In places inaccessible to the power to roller, compaction shall be obtained by means of hand or vibratory tampers. The rollers shall be operated at a speed that will not cause displacement of the mixture. Any displacement occurring because of roller speed, reversing of roller direction or by any other cause shall be corrected at once by raking and adding fresh mixture when required. The roller surfaces shall be kept moistened to prevent adhesion of the mixture to the roller wheels.
- d. Manhole and catchbasin covers, gate boxes, gas drips, and other access to underground utilities shall be set flush with the road or ground surfaces.
- e. Transverse joints shall be formed by laying and rolling against a form of the thickness of the compacted mixture placed across the entire width of the pavement. When the laying of the mixture is resumed, the exposed edge of the joint shall be painted with a thin coat of hot asphalt or asphalt cement thinned naphtha. The fresh mixture shall be raked against the joint and thoroughly tamped with hot tampers and rolled.

- f. The final bituminous surface shall show no deviation greater than $\frac{1}{4}$ " of an inch when tested with a 16 foot straight edge, placed parallel to the center line of the surface course.
- g. Any soft or imperfect places or spots which develop in the surface prior to the acceptance of the streets shall be removed and replaced with new material and then rolled until the edges at which the new work cement becomes invisible. Finished roadway, driveway and sidewalk surfaces less than the thickness specified above shall be unacceptable and shall be repaved or replaced by the developer.

8.5 CURBING

Curbing shall be installed where required (see Table 6.5). Granite curbing shall conform to Standard Specifications, Type H.E. Fletcher Co. Type Vs 5X16. Radius curbing shall be used on curves of 100 feet or lesser radius, except that curb inlets shall be five (5) feet long and shall be cut to the curve required on curves of 160 feet radius or less. Reinforced cement concrete or sloping granite curbing, Type SB, may be permitted by the Board with advice of the Superintendent of Streets. Curb inlets in bituminous or sloping curbing shall be released six (6) to nine (9) inches from the gutter line.

8.6 STREET SIGNS

Permanent street name signs shall be on metal posts 2" or more in diameter or cross-section cut in buried concrete blocks 10" in diameter and 18" in vertical length.

8.7 WATER SUPPLY

Except where individual wells or permitted as an exception to Board of Health specifications due to non-availability of town or community water supply, the following specifications shall apply and the installation shall be inspected and approved by the Board of Water Commissioners or its agent.

- a. One set of definitive plans will be submitted to the Board of Water Commissioners.
- b. Water mains shall be a minimum of eight (8) inches in diameter except for hydrant branches which shall be six (6) inches in diameter. Mains shall be ductile iron, class 52, cement lined, tar coated. Acceptance of material to be used shall be determined by the board of Water Commissioners or its agent.

- c. Gate valves and hydrants shall be Dresser or approved equal. Service pipe shall be not less than $\frac{3}{4}$ inches in diameter type K copper or equivalent. Corporations shall be Red Hed brass or approved equal. Curb stops shall be Red Hed Brass open left.
- d. All gate boxes and service boxes shall be sliding type, to be specified by the Water Commissioners. Caulking material shall be Leadtite with Johns-Manville Rubberseal, or approved equal.
- e. All lots on street in which a water main is installed shall have service installed from the main to 2 feet into the lot with the location identified on "as built" plans.
- f. Hydrants with valves shall be spaced not more than 500 feet apart, locations of which shall be approved by the Board of Water Commissioners or its agent.
- g. Before connections to the Town system, the main and appurtenance shall be chlorinated, flushed, and tested in accordance with the Specifications of the Board of Water Commissioners.

8.8 LOAMING, FINE GRADING, FERTILIZING AND SEEDING

The side slopes, tree belt, and all areas within the limits of the street lines which are not paved shall be filled to within 6" of finish grade with random borrow or excavated material, and the surface graded parallel to finished surface. Loam shall be spread over the sub-grade in sufficient quantity to produce, without rolling and after natural settlement has taken place, a standard depth of 6". The surface of the loam shall be graded and raked clean of all roots, stones and other objectionable materials. The surface shall be maintained during period of setline and consolidation with loam borrow. After settling has taken place, fertilizer (8-6-4 mixture or organic or equivalent) shall be applied at the rate of twenty pounds per 100 square yards. The seed shall be thoroughly covered with a thin layer of loam by raking and then rolled with a hand roller weighing not more than 100 pounds per foot of width. The seeded areas shall be sprinkled with water from time to time and shall be protected from damage.. fail to show a uniform growth of grass shall be reseeded until the entire area is covered with the entire area is covered with a uniform growth of grass. Seeded areas shall be maintained and kept mowed until the street have been accepted.

- a. Loam shall be a fertile, friable, natural topsoil typical of the locality, without admixture of subsoil, refuse, or other foreign materials. It shall contain a normal amount of organic matter and shall be reasonably free from

stumps, roots, hard dirt, heavy or stiff clay, stones larger than one inch in diameter, coarse sand, lumps, noxious weeds, sticks, brush or other litter.

- b. Grass seed shall be fresh, clean, new crop seed, germinative to at least 85% and composed primarily of the following species: Kentucky bluegrass, fancy solid redtop, domestic ryegrass and chewing fescue.

8.9 DRAINS

Drain Pipes shall be concrete conforming to AASHO M86-49 with a crushing strength of $2,000d$, where d is inside diameter in feet or reinforced concrete conforming to AASHO M41-49 or equivalent with watertight joints, carefully bedded in firm gravel for one-third its diameter to prevent settlement, sagging or crushing. Manholes and catchbasins shall be of precast sections concrete block or equivalent 4 ft. inside diameter, with brick or concrete block shaped inverts and 6" minimum concrete base. Cast Iron or equivalent steps 12" apart shall be incorporated in the construction. Manhole covers and catch-basin grating shall be of cast iron, conforming respectively to patterns L-3460 and L-3210, as manufactured by the E.L. LeBaron Foundry, or equivalent, and shall be machined to fit in their frames securely and evenly. Culvert openings 2 ft. or larger in diameter shall be provided with bars for safety, and set in wingwalls if surrounding ground slopes more than 2' horizontally to 1' vertically. See also standard or typical details in the Appendix and the Standard Specifications for further information. Special design departing from these specifications shall be used with the approval of the Superintendent of Streets where the drain size, location, depth, or nature of surrounding material make this necessary.

8.10 SPECIAL DESIGN

Masonry, brick or reinforced concrete retaining walls, large culverts, bridges, guard rails, non-circular turnarounds, steps and other special designs not included or not conforming to these Rules and Regulations shall be submitted as detail drawings to appropriate scale, including materials, location, dimensions and method of construction is appropriate. The Standard Specifications of the Massachusetts Department of Public Works, good engineering practice, and recommendations of manufacturers shall be followed so far as practicable and shall be cited on detail drawings.

8.11 INSPECTIONS

Upon completion of each of the following construction phases and at least 48 hours (Saturdays, Sundays, and Holidays excluded) before the work is covered up, backfilled or the next phase commences, the appropriate Town official or Board shall be notified and given the opportunity to inspect work.

- a. Excavation

- b. Fill
- c. Gravel foundations
- d. Bottom or base bituminous concrete placement
- e. Utility trenching
- f. Water pipe and appurtenances installation
- g. Pipe laying –drains and culverts
- h. Catchbasins and manhole construction
- i. Loaming and seeding
- j. Shade tree planting
- k. Final bituminous surface
- l. Backfill and compaction

If work is covered without opportunity for inspection as specified above, it will not be accepted and the developer will be required to open or re-do the phases not inspected.

8.12 TIME LIMITATION

The construction of the roads and municipal services required under these rules and regulations shall be completed within 2 years from the date of endorsement of the plan. At the discretion of the Board an extension may be granted. Failure to so complete the construction of roads and the installation of municipal services within the specified two year period shall be deemed by the Board to be grounds for rescission of its approval of the plan, under the provision of section 81W, Chapter 41, Mass. General Laws.

8.13 STATUS REPORT

The applicant shall report the status of the construction, installation and completion of the subdivision to the board every six 6 months from the date the Definitive Plan is approved to the final completion of the subdivision. Such reports may be made at a regularly scheduled Planning Board meeting or may be made in writing.

8.14 BUILDING PERMITS

It is mandatory that a developer complete all roadwork before issuance of building permits. The only exception being the final bituminous concrete finish coat. If it is necessary the Board can allow station completion of the roadwork.

ARTICLE 9 ACCEPTANCE

9.1 AS BUILT PLANS

Upon completion of all work the developer shall furnish the Board five (5) prints of "as built" plans, showing the location of all monuments, driveway aprons, walk-offs, utilities and structures and the locating by "ties" of all important parts of buried utilities, such as water or valves, sewer ties, corporation cocks, house connection shut-offs, any other special details, identifying and departures from the approved plan as to the location, depth, dimensions, thickness, slope, grade or materials, and certified s to correctness by a registered professional engineer (civil). It is recommended that a special print of the approved plans be approximately marked as "as built" plans and be submitted with five (5) full size prints thereof. "As built" plans must be submitted before performance guarantees are released.

9.2 CLEANING UP

- a. Immediately prior to requesting acceptance of street layouts by the town, the entire area must be cleaned up so as to leave a neat and orderly appearance free from debris and other objectionable materials. All catch basins shall be properly cleaned out.
- b. Following the completion of this and all other items of work, a final inspection (fifth inspection) shall be made.

9.3 CONVEYANCE OF EASEMENTS AND UTILITIES

Before the Board will release all security or all lots from the operation of a Covenant, the developer shall execute an instrument (see Appendix) transferring

to the Town valid, unencumbered title to all fire alarm conduits, water mains, and all appurtenances thereto, drainage facilities forming a part of Town system, constructed and installed in the subdivision, and conveying to the Town, without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, replace, operate, and forever maintain storm water drain, fire alarm conduits, water mains and all appurtenances thereto, and do all acts incidental thereto, in, through and under the whole of the streets and easements in the subdivision as shown on the approved definitive plan. The above shall not be construed to relieve the developer and his successors- in- title to a portion of land or street in the subdivision of responsibility to complete all construction, as required by developers covenants and agreements with the Town and to thereafter maintain all streets and utilities in a satisfactory condition until they are formally accepted by the town.

9.4 RECORDING OF PLANS

Within 30 days of endorsing definitive plans on Form A's (Plans Requiring No Approval) the applicant shall record said plans at the Bristol Registry of Deeds. Within ten (10) days after the Definitive Plan or Form A, as approved and endorsed has been recorded at the Bristol Registry of Deeds, and in the case of registered land, with the recorder of the Land Court, the applicant shall notify the board via certified letter of the recording and enclose two (2) copies of such recordings, one of which will be forwarded to the Building Inspector. Until such time as the board receives the above certificate of recording, the Building Inspector shall not issue Building permits for a subdivision or Form A.

9.5 COMPLETION OF SUBDIVISION INSPECTION FORM

No subdivision shall be considered for acceptance until the subdivision inspection form has been completed by the appropriate agencies (See Appendix H).

ARTICLE 10 ADMINISTRATION

10.1 VARIATION

- a. The board may, when appropriate, waive such portions of these Rules and Regulations, when, in their judgement such action is in the public interest and not consistent with the purpose of the Subdivision Control Law.
- b. For matters not covered by the Rules and Regulations reference should be made to section 81-K through 81-GG inclusive of Chapter 41 of the General Laws, as amended.

10.2 SUPERVISION AND INSPECTION

All work required by these Rules and Regulations shall be under the supervision of and with the approval of the respective Town Departments involved hereunder. It shall be the responsibility of the applicant and / or contractor to give two business days (48 hours) notice to the pertinent agency in order that inspection may be scheduled. Costs of all inspectors shall be borne by the developer.

10.3 PRE-CONSTRUCTION MEETING

The applicant shall request a pre-construction meeting through the pertinent agency prior to commencement of any work within an approved subdivision.

10.4 RESPONSIBILITY

- a. All work performed under these Rules and Regulations shall be the responsibility of the owner.
- b. The purpose of the inspection is to ensure that good practices are followed in constructing the project in accordance with the designs and specifications, and not to establish these practices.
- c. Inspection does not relieve the Owner of his responsibility to do the work properly in accordance with the Rules and Regulations.
- d. The Owner should maintain his own quality control staff. Inspection by the Town of Somerset is only to ascertain that this quality control is being maintained.
- e. Inspection by the Town of Somerset will be on a sampling technique basis and does not guarantee freedom from failure. Only conscientious and capable effort by the Owner and / or Contractor produces desired end result.
- f. No new subdivision which will relocate or eliminate existing streets of record will be approved until the applicant have provided proof that said streets are clear in title and free of all encumbering rights of others.