

## Chapter 210

### SUBDIVISION OF LAND

**[HISTORY: Adopted by the Planning Board of the Town of Charlton 12-5-1989; amended 6-21-1992, 5-5-1999, 5-17-2001, 10-22-2003, 7-11-2007 and 10-2011. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Driveways — See Ch. 125.

Earth removal — See Ch. 130.

Sewer use — See Ch. 165.

Stormwater management — See Ch. 175.

Zoning — See Ch. 210.

#### Section 1

#### Purpose and Authority

##### § 210-1.1. Purpose.

These Subdivision Rules and Regulations are adopted under the provisions of MGL c. 41, §§ 81K through 81GG (the Subdivision Control Law) for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Charlton "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 a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and streetlighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public way in the city or town in which it is located and with the ways in neighboring subdivisions. "(MGL c. 41, § 81M) In addition, these Subdivision Rules and Regulations are adopted to protect aquifers and natural resources, and otherwise to safeguard the environment from nuisance and pollution of whatever nature. The powers of the Planning Board and of the Board of Appeals under the Subdivision Control Law may also be exercised with due regard for

the policy of the Commonwealth of Massachusetts to encourage the use of solar energy and to protect the access to direct sunlight of solar energy systems.

**§ 210-1.2. Authority.**

Under the authority vested in the Planning Board of the Town of Charlton by MGL c. 41, § 81Q, the Board hereby adopts these Rules and Regulations governing the Subdivision of Land in the Town of Charlton.

Section 2

**Definitions**

**§ 210-2.1. Terms defined.**

For the purpose of these Rules and Regulations, the terms and words in the following list shall have the stated meaning. In addition, unless a contrary intention clearly appears, the other terms and words set forth in these Rules and Regulations and defined in the Massachusetts Subdivision Control Law shall have the meaning given therein.

**APPLICANT** — The person or person who shall be an owner or owners of equitable or legal interest of all the land included in the proposed subdivision. If the applicant is represented by an agent, written evidence shall be submitted with the application accompanying the subdivision plan that the agent has the authority to submit such application for each owner involved. If the applicant is a corporation, it shall submit with the application a list of its officers, and a duly authenticated certificate of vote authorizing said officers to file the application and plan, and to represent the corporation in all further proceedings incident thereto.

**BOARD** — The Planning Board of the Town of Charlton.

**BOARD OF HEALTH** — The Board of Health of the Town of Charlton.

**CONSERVATION COMMISSION** — The Conservation Commission of the Town of Charlton.

**FINAL APPROVAL** — Approval by the Board of a definitive plan of a subdivision.

**LOT** — An area of land in one (1) ownership with definite boundaries ascertainable of record, and used, or set aside and available for use, as the site of one (1) or more buildings. The term "one (1) ownership" means an undivided ownership by one (1) person or by several persons whether the tenure be joint, in common, or by the entirety. No lot within the Town shall be divided so as to create an undersized lot under the terms of the Charlton Zoning Bylaw<sup>1</sup> and no property line shall be redrawn so as to create a lot not conforming with the Zoning Bylaw or with ordinances or bylaws adopted by the Town.

**OWNER** — As applied to real estate, the owner of record as shown by the records in the Worcester District Registry of Deeds, or Worcester Land Registry District.

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<sup>1</sup>. Editor's Note: See Ch. 200, Zoning.

**PERSON** — An individual, two (2) or more individuals, a group or association of persons having common or individual interest in a tract of land, a partnership, and a corporation.

**PRELIMINARY PLAN** — As defined in the MGL c. 41, § 81L, or any amendment thereof, addition thereto or substitution therefor. (See Appendix for plan requirement.)

**PROJECT WORKS OR SYSTEM** — This term, when used in reference to a particular utility, denotes a centralized utility system, designed to serve more than one (1) lot within a subdivision, but which is not connected with any existing public system; the term is used in contradistinction to an individual works or facility, designed to serve only the lot on which it is located.

**ROADWAY** — The portion of a street intended for vehicular use, i.e., the traveled way.

#### **STREETS AND WAYS**

- A. **MAJOR STREET** — A street which, in the opinion of the Board, is being used or will be used as a thoroughfare within the Town of Charlton or which otherwise carries or will carry a heavy volume of traffic.
- B. **MINOR STREET** — A street which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots, and which is designed to discourage its use by through traffic.
- C. **COLLECTOR STREET** — A street intercepting one (1) or more minor streets, which, in the opinion of the Board, is used or will be used to carry a substantial volume of traffic from such minor street(s) to a major street or community facility, and normally including the principal entrance street of subdivision and any principal circulation streets within such subdivision.
- D. **CUL-DE-SAC** — A minor road intersecting another road at one (1) end and terminated at the other by a permanent vehicular turnaround.
- E. **WAY, OTHER** — For purposes of determining whether a proposed division of lots constitutes a subdivision under the terms of the Massachusetts Subdivision Control Law, a way in existence as of March 3, 1957, shall not be deemed adequate by the Board as to its width, grades, construction, and ability 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, unless in the opinion of the Board it meets all standards set forth in § 210-3.1E.
- F. **WAY, PUBLIC** — Any road which appears on the Official Zoning Map adopted by the Town of Charlton on April 4, 1987, and has also been accepted as a public way:
  - (1) By public authority in the manner prescribed by MGL c. 82, §§ 1 through 32; or
  - (2) By dedication to its owner to public use, permanently and unequivocally, prior to 1846, coupled with an express or implied acceptance by the public; or
  - (3) By prescription.

**SUBDIVIDER** — The person undertaking the subdivision of land.

SUBDIVISION — As defined in the MGL c. 41, § 81L, or any amendment thereof, addition thereto or substitution therefor.

SUBDIVISION CONTROL LAW — MGL c. 41, §§ 81K to 81GG, inclusive, and acts in amendment thereof, in addition thereto or in substitution therefor.

**§ 210-2.2. Subdivision.**

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land in the Town of Charlton, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of public utilities therein, unless and until he/she has first submitted to the Board a definitive plan of such proposed subdivision, in accordance with the procedure set forth in Section 3 of these Rules and Regulations, and until the Board has approved such plan, or failed to take action thereon within the time period permitted the Board for such action under Section 81U of the Subdivision Control Law. Every subdivision shall be laid out in conformity with the design standards and regulations set forth in Section 4, and constructed by the subdivider in accordance with the regulations for required improvements set forth in Section 5.

**§ 210-2.3. Suitability of land.**

No land shall be subdivided for residential use if, upon adequate investigation, the Board determines that it cannot be used for building purposes without danger to health or safety of the public.

**§ 210-2.4. Expenses.**

- A. All expenses for advertising, publication of notices, engineering review, inspection of construction, recording, registering and filing of documents and all other expenses in connection with a subdivision, including the fees and disbursements of counsel for the Board regarding the subdivision, shall be borne solely by the applicant. The initial charge in this respect shall be estimated by the Board, and paid forthwith in this initial amount by the applicant by cash or by a check drawn on good funds on a bank located in Massachusetts and made payable to the Town of Charlton. The check shall be delivered to the Board, which in turn will submit it to the Town Treasurer. Additional payments may be required of the applicant if review expenses exceed the initial amount estimated and received, and any additional unexpended sum will be returned to the applicant. All overdue/unpaid applicant expenses shall automatically accrue an overdue charge of fifty dollar (\$50) per day.
- B. In addition, the applicant shall submit to the Board, with its application for Board approval hereunder, the following filing fee, as applicable:

Subdivision Approval Not Required Plan	\$100 plus \$50 per lot (or unit) set forth on the plan
Preliminary Plan	\$150 plus \$30 per lot (or unit) set forth on the plan

Definitive Plan	\$375 plus \$100 per lot (or unit) set forth on the plan
Definitive Plan without Preliminary Plan Submission	\$625 plus \$200 per lot (or unit) set forth on the plan
Release and Inspection (as to all plans)	Per Planning Board engineering charge

- C. Should any person appeal to the Superior Court any decision of the Board or of the Board of Health as to the plan, under MGL c. 41, § 81BB, or otherwise, and should the Board prevail as to the appeal, in whole or in part, the applicant shall reimburse the Board for all expenses incurred by it on account of the appeal, including its counsel fees and disbursements.

**§ 210-2.5. Review of access.**

The Board may review access to the Town way if it is deemed a threat to the public safety, taking into review topography, sight lines, accident record in the area or proposed area, the traffic count, condition of adjoining public road, access to public emergency, safety, and school vehicles and drainage. In no case shall access to an allowed use in a particular zoning district be established through an adjacent zoning district when the particular use thus furnished access is prohibited in said adjacent zoning district.

Section 3

**Procedure for Submission and Approval of Plans**

**§ 210-3.0. Subdivision requirements for digital ANR, subdivision and as-built plans.**

For ANR, subdivision and as-built plans, the applicant shall submit a CD-ROM or DVD containing geographic data in accordance with the *Standard for Digital Plan Submittals to Municipalities* (Version 1.0) issued by the Office of Geographic and Environmental Information (MassGIS) in 2006, or the most recent edition of this publication. This publication, or any succeeding edition of this publication, is hereby incorporated as part of these regulations. The publication may be accessed via the MassGIS website: <http://www.mass.gov/mgis/standards.htm> (rev. 1/22/07)

**§ 210-3.1. Plan believed not to require approval.**

- A. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land situated in Charlton and who believes that his/her plan does not require approval under the Subdivision Control Law, may submit his/her plan to the Board for a determination.

- B. Application for a determination by the Board shall be made in a form approved by the Board (Form A), accompanied by four (4) white prints of the plan and by a surveyor's certificate in a form approved by the Board (Form D). The applicant shall state in his/her application the particular provisions of law under which he/she believes that his/her plan does not require approval, and shall submit evidence satisfactory to the Board to show that the plan does not require approval.
- C. The plan shall not be deemed to have been submitted to the Board until said plan, prints, Form D, and the application, together with all the necessary evidence noted above, have been delivered to the Board at a regular or special meeting thereof, and all are fully completed in accordance with these Rules and Regulations. Thereafter, the person submitting the plan shall file, by delivery or by registered mail, a notice with the Town Clerk stating the date of submission for such determination accompanied by a copy of said application.
- D. The plan shall contain the following information:
- (1) North point, date of survey, scale and locus map indicating the relation of the parcel(s) to neighboring roads.
  - (2) The statement "Approval Under the Subdivision Control Law Not Required," together with sufficient space for the signatures of the required number of Board members and the date of endorsement.
  - (3) Name and address of owner, subdivider, designer and engineer or surveyor.
  - (4) Names of all owners of abutting land as they appear in the most recent Town tax list.
  - (5) Town of Charlton Assessors' Map Number, Block Number, and Lot Number.
  - (6) Boundary lines of all proposed lots or divisions of land, with their areas and dimensions in square feet or acres, and with all of the lots designated numerically in sequence.
  - (7) Names, widths, and status (public or private) of streets and ways shown on the plan.
  - (8) Zoning classification of the subject property and location of any zoning district boundaries running through or along the property.
  - (9) Notation clearly stating the purpose of the plan.
  - (10) Location of all existing buildings and significant structures, stone walls, easements, cemeteries, public or private burial grounds, rights-of-way, watercourses, wetlands, streets, ways, and such other references as are known to the applicant or Board and as shall sufficiently identify the land to which the plan relates.
  - (11) Notation stating that "No determination of compliance with zoning requirements has been made or intended."
  - (12) Deed reference of record owner by book and page number.
- E. Determination. In determining whether a way in existence when the Subdivision Control Law became effective in the Town of Charlton has "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," pursuant to Section 81L of the Subdivision Control Law, the Board shall consider the following factors, among others deemed appropriate by it consistent with the provisions of said Section 81L:

- (1) Is the right-of-way at least sixty (60) feet wide and of reasonable horizontal alignment?
- (2) Do the existing horizontal and vertical alignments of the roadway provide safe visibility, with adequate provisions for roadway drainage?
- (3) Is the existing roadway fully paved, and is it at least thirty-five (35) feet wide?
- (4) If the road could reasonably be expected to service more than five (5) dwelling units, is it surfaced with Class I bituminous concrete Type I-1, and otherwise constructed and graded according to the standards set forth in § 210-5.2A(1) through (7) hereof? If not, has the individual or entity submitting the plan made provision for such surfacing to take place without cost to the Town therefor?
- (5) Has provision been made for underground installation of electric, telephone, cable television and other utility service to the lots set forth on the plan without cost to the Town therefor?

- F. If the Board determines that the plan does not require approval, it shall without a public hearing and within the time permitted therefor by Section 81P of the Subdivision Control Law endorse on the plan, or cause to be endorsed thereon by such member or employee thereof as may be hereafter designated, the words "Charlton Planning Board approval under the Subdivision Control Law not required" or words of similar import. In all cases, the endorsement shall be followed by a notation that "No determination of compliance with all zoning requirements has been made," or words of similar import. The plan will then be delivered to the applicant by the Board, and written notice given to the Town Clerk of the date of the Board's determination.
- G. If the Board determines that the plan does require its approval, it shall, within the time permitted therefor by Section 81P of the Subdivision Control Law, so notify the Town Clerk and the applicant in writing, and said applicant may then submit his/her plan for approval as hereinafter provided by these Rules and Regulations.

### **§ 210-3.2. Preliminary plan.**

#### **A. General.**

- (1) A person, before submitting for approval as hereinafter prescribed a definitive plan setting forth residential use lots, may, at his/her own election, submit to the Board, the Conservation Commission and the Board of Health for approval a preliminary plan, showing his/her proposed subdivision in a general way. The submission of a preliminary plan, while not herein required, is strongly recommended except in the simplest case.

- (2) Such submission affords the applicant the opportunity to have the boards review his/her proposed subdivision before the expenditure of time and money for more detailed engineering. Also, the preliminary plan, as approved, will enable the applicant to ascertain more expeditiously the specifications and requirements of the various Town agencies with relation to his/her subdivision. A person, before submitting for approval a definitive plan setting forth industrial, industrial park, neighborhood business, community business or other nonresidential lots, in whole or in part, shall submit a preliminary plan to the Board.
- B. Application. Application for Planning Board approval, if such approval is desired, shall be made upon a form approved by the Board (Form B), and shall be signed by the owner or owners of all the land within the proposed subdivision, or by his/her or their authorized agent(s).
- C. Submission.
- (1) Any person who submits a preliminary plan of a subdivision to the Board for approval shall file with the Board the following:
    - (a) An original and twelve (12) copies of the proposed preliminary plan, prepared as hereinafter prescribed. A white print shall also be filed with the Board of Health.
    - (b) A filing fee of one hundred fifty dollars (\$150) plus thirty dollars (\$30) per lot or unit as set forth on the plan.
    - (c) A sketch plan showing a possible or prospective street layout for any adjacent unsubdivided land owned or controlled by the applicant.
  - (2) The plan shall not be deemed to have been submitted to the Board until the application, original plan and print, and filing fee have been delivered to the Board at a regular or special meeting thereof, and all are fully completed in accordance with these Rules and Regulations.
- D. Notice to Town Clerk. Thereafter, the applicant shall give written notice to the Town Clerk by delivery or by registered or certified mail, postage prepaid, that he/she has submitted the preliminary plan to the Board. Such notice shall be accompanied by a copy of the application (Form B), shall describe the land to which the plan relates, sufficiently for identification, and shall state the name and address of the owner and subdivider and the date when such plan was submitted.
- E. Form and contents.
- (1) The preliminary plan may be drawn on Mylar with pencil or computer plotted at a horizontal scale of one (1) inch to each forty (40) feet, and shall show:
    - (a) Proposed subdivision name, boundaries, North point, date, scale, legend, and the title "Preliminary Plan."
    - (b) Name and address of owner, subdivider, designer, and engineer or surveyor.

- (c) Names of all owners of abutting land as they appear in the most recent Town tax list.
  - (d) Names, widths and exterior lines of existing and proposed streets, boundaries of existing public areas and any proposed parks, and the location and character of existing and proposed easements, within and adjacent to the subdivision.
  - (e) Width and location of existing roadways and sidewalks within and adjacent to the subdivision.
  - (f) Size and location of existing storm drains, sewers and water mains and their appurtenances, and the location of existing buildings, within and adjacent to the subdivision.
  - (g) Boundary lines of all proposed lots or divisions of land, with their approximate areas and dimensions, and with all lots designated numerically and in sequence.
  - (h) The natural surface of the ground, with contours at five-foot intervals, and the location of major site features such as existing stone walls, wooded areas, rock ridges and outcroppings, and natural watercourses and marshes, within and adjacent to the subdivision. At its option, the Board may require that this plan set forth contours at two-foot intervals.
  - (i) Profiles of proposed streets, on a horizontal scale of forty (40) feet to an inch and on a vertical scale of four (4) feet to an inch, showing existing and proposed grades along the center lines.
  - (j) Zoning districts within, and adjacent to, the property to be subdivided.
  - (k) Locus plan.
  - (l) The purpose of the plan shall be clearly stated.
  - (m) Town of Charlton Assessors' Map Number, Block Number, and Lot Number.
- (2) Items (h) and (i) above may be submitted separately from the preliminary plan, but the preliminary plan will not be deemed to be before the Board until they are submitted.

F. Approval, modification, or disapproval.

- (1) The preliminary plan, if submitted, will be studied by the Planning Board to determine whether or not it is in compliance with the design standards of these Rules and Regulations. Within forty-five (45) days after submission, the Board shall approve, disapprove, or approve with modifications the preliminary plan, noting thereon its action and any changes which should be made. In case of disapproval, the Board shall state in detail its reasons therefor.
- (2) Thereafter, the Board shall notify the Town Clerk in writing of its action and send notice of said action, by certified mail, postage prepaid, to the applicant who submitted the plan for approval at the address stated on his/her application. The Board

shall record its action on the original of the preliminary plan and return the original to the applicant.

- (3) The Register of Deeds and the Land Court shall not record or register a preliminary plan.

**§ 210-3.3. Definitive plan.**

A. Application. Application for required approval of the definitive plan shall be made upon a form approved by the Board (Form C), and shall be signed by the owner or owners of all the land within the proposed subdivision, or by his/her or their authorized agent(s).

B. Submission.

- (1) Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:
  - (a) An original Mylar drawing of the proposed definitive plan, prepared as hereinafter prescribed, and twelve (12) copies thereof.
  - (b) A filing fee of three hundred seventy five dollars (\$375), plus one hundred dollars (\$100) for each lot (or unit) set forth on the plan (\$625 + \$200/lot without preliminary plan).
  - (c) A designer's certificate on a form approved by the Board (Form D).
  - (d) A sketch plan showing a possible or prospective street layout for any adjacent unsubdivided land owned or controlled by the owner or subdivider of the subdivision, where such plan has not already been submitted with a preliminary plan.
  - (e) A locus plan of the subdivision on a scale of eight hundred (800) feet to an inch, showing proposed roads and their relation to the surrounding area, and the location of the zoning district or districts applicable to the site.
  - (f) Street plans and profiles of every proposed street.
  - (g) Street cross sections for each class of street within the subdivision, showing the location of all utilities, cables, conduits, and other installations within the street right-of-way, and typical cross sections of any altered drainage courses or off-street paths.
  - (h) Drainage calculations certified by the engineer who prepared them.
  - (i) Evidence of ownership, and if required by the Board, traverse notes, language of any easements, covenants or deed restrictions applying or proposed to apply to the area being subdivided, rights and easements obtained for utilities or drainage outside of the subdivision, description of erosion control methods to be employed, and cross sections of proposed streets at critical locations showing existing and proposed grades for the width of the right-of-way plus twenty-five (25) feet on each side.

- (j) A vegetation and special features map showing all woodlands and significant individual trees or groups of tree masses, rock outcroppings, existing buildings, roads and trails, historic sites or features, streams and their direction of flow, drainage or other water ways, ponds, wetlands, and other significant natural features.
  - (k) A soils map based on data maintained by the Town of Charlton or the U.S. Natural Resources Conservation Service (NRCS).
  - (l) A landscape plan indicating location, size, and species of proposed plantings within the subdivision.
- (2) The definitive plan shall not be deemed to have been submitted to the Board until the application, filing fee, designer's certificate, and sketch plan, if applicable, together with the definitive plan and prints, have been delivered to the Board at a regular or special meeting thereof, and all are fully completed in accordance with these Rules and Regulations.
- C. Notice to Town Clerk. Thereafter, the applicant shall give written notice to the Town Clerk by delivery or by registered or certified mail, postage prepaid, that he/she has submitted the definitive plan to the Planning Board. Such notice shall be accompanied by a copy of the application (Form C), shall describe the land to which the plan relates, sufficiently for identification, and shall state the name and address of the owner and subdivider, and the date when such plan was submitted.
- D. Plan requirements and form:
- (1) The plan shall be clearly and legibly drawn by an engineer or surveyor registered or certified as such by the Commonwealth of Massachusetts in black waterproof ink upon Mylar. The size of sheets shall be twenty-four (24) inches by thirty-six (36) inches. Where necessary, the plan may be on several sheets, but in each case continuity and ease of reading shall be provided by match lines and consecutive numbering. If multiple sheets are used, they shall be accompanied by an index sheet setting forth the entire subdivision. All such sheets, taken together, including lot layout, street layout, profiles and cross sections, and construction, if any, shall be deemed to constitute the definitive plan of the subdivision.
  - (2) The horizontal scale shall be forty (40) feet to an inch, and vertical scale shall be four (4) feet to an inch.
  - (3) All surveying shall conform to the requirements of the Land Court as they pertain to the Town of Charlton.
  - (4) The plan shall show the coordinates of all angle points and intersections of tangents along the center lines of proposed streets, based on the coordinate system of the Town Engineer (or, if none, of the Board), unless in the opinion of the Town Engineer, (or if none, of the Board), the establishment of such coordinates is not feasible.
  - (5) All elevations shall be referred to the U.S.G.S. base, and the plan shall show or describe at least two (2) benchmarks used if within one thousand (1,000) feet of the proposed subdivision.

E. Contents. The plan shall contain the following information:

- (1) A title stating the name of the subdivision, date, scales, and names and addresses of owner, subdivider, designer or engineer, all arranged in a title block in the lower right hand corner of each sheet comprising the plan.
  - (a) The title of the subdivision is to be lettered in the upper portion of the title block. Where the development of land may possibly include more than one (1) section, the section number should be included in the title of the subdivision. Example: Charlton Acres, Section One.
  - (b) A subtitle, this being the name of the particular sheet, is to be lettered in the middle portion of the title block.
    - [1] Lot numbers should be included in the subtitle when the plan of lots cannot be included on one sheet. Example: Lot Layout Plan (Lots 1 to 28, inc.).
    - [2] Station numbers should be included in the subtitle when the road and profile plan cannot be included on one (1) sheet. Example: Plan and Profile of Sturbridge Road (Stations 0+00 to 12+58.78).

Subdivider and Owner of Record	Charlton Acres, Section One Charlton, Massachusetts
Smith Const. Co., Inc. Southbridge, MA	Lot Layout Plan (Lots 29 to 36, inc.) Scale: 1"=40'
	Jones & Smith, Civil Engr's and Surveyors Worcester, Massachusetts May 30, 2007 Sheet 2 of 7
Subdivider and Owner of Record	Charlton Acres, Section One Charlton, Massachusetts
Smith Const. Co., Inc. Southbridge, MA	Plan and Profile of Sturbridge Road (Stations 0+00 to 12+58.78) Scales Hor. 1"=40' Ver. 1"=4'
	Jones & Smith, Civil Engr's and Surveyors Worcester, Massachusetts May 30, 2007 Sheet 3 of 7

- (c) The scales of the plan are to be located in the middle portion of the title block directly below the subtitle of each sheet unless otherwise specified by the Planning Board (see Subsection D).
- (d) The sheet number and the total number of sheets is to be lettered in the lower right hand corner of the title block on each sheet. Example: Sheet 2 of 7.
- (e) The names and addresses of the subdivider and of the owner of record are to be lettered in a separate block on the left hand side and contiguous to the main portion of the title block.

(2) A space for the endorsement of the plan by a majority of the members of the Planning Board shall be located on the same place on each sheet, as follows:

Approved [date]	
_____	
_____	
_____	Being a majority of the Charlton Planning Board
_____	
_____	
Endorsed [date]	

- (a) Where the applicant elects to secure the construction of ways and the installation of municipal services by a covenant, there shall be a notation lettered on the lot layout plan, above the spaces for signatures, as follows:

	Approved [date] subject to the provisions set forth in a covenant, executed [date], to be recorded (registered) herewith.
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- (b) In the same space on the remainder of the sheets comprising the plan there shall be lettered the notation:

	Approved [date] subject to the provisions set forth in a covenant described on Sheet 1.
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- (3) The zoning district or districts in which the subdivision is located. When the subdivision is in more than one (1) district, the boundary line between districts is to be drawn on the lot layout plan(s).
- (4) The true North direction.
- (5) Names and mailing addresses of all owners of abutting land as they appear in the most recent Town tax list, and the location of such land.
- (6) Names, widths and exterior lines of existing and proposed streets and ways, the boundaries of existing or proposed public or common areas and any existing and proposed easements, within and adjacent to the subdivision. The names of proposed streets shall be set forth on the plan but may be subject to change, until approval of the names by the Board.
- (7) Data to determine readily the location, bearing and length of every street and way line, whether straight or curved, sufficient to reproduce the same on the ground, with all bearings referred to the true meridian.
- (8) Location of all permanent monuments within the subdivision, properly identified as to whether existing or proposed.
- (9) Lengths and bearings of boundary lines of the subdivision, including locations across proposed streets, with a table of closure, and boundary lines, computed lot areas in square feet, and dimensions and bearings of all lots or other divisions of land within the subdivision, with all lots designated numerically and in sequence.
- (10) Existing profiles on the exterior lines and proposed profile on the center line of proposed streets on a horizontal scale of forty (40) feet to an inch and on a vertical scale of four (4) feet to an inch, or such other scales as are acceptable to the Board. (All elevations shall refer to the Town datum.) These profiles shall set forth also any and all temporary turnaround and background areas, and sidewalks, within and adjacent to the subdivision.
- (11) Size and location of existing and proposed storm drains, sewers, water mains, hydrants, gas pipes, electric lines or ducts, telephone lines or ducts, fire alarm cables and boxes, and streetlights, and their appurtenances, all within and adjacent to the subdivision, including any and all service connections required to lots.
- (12) Size, location and other layout provisions of any required project sewer system, as hereinafter defined, and any special water supply facilities for fire protection.
- (13) Location of existing buildings within and adjacent to the subdivision.
- (14) Location and species of proposed street trees and/or individual trees or wooded areas to be retained within forty (40) feet of the sidelines of each street.
- (15) Existing and proposed topography with contours at two-foot intervals over the entire property. The plan shall show any proposed changes in topography and by dotted lines the area within the lots for the approximate placement of dwellings, accessory

structures and their accesses. The plan shall set forth also the location of existing and proposed major site features such as stone walls, wooded areas, rock ridges and outcroppings, and natural watercourses and marshes, within and adjacent to the subdivision.

- (16) Buildings, walls, fences and other man-made changes observable on the surface shall be noted on the plan. "Man-made changes" are intended to include, but not be limited to, all surface features evidencing easements or rights-of-way, such as utility poles, guy wires, anchors, overhead wires, valves, or manhole covers indicating underground pipes or utilities, and roads or paths whether paved or unpaved.
- (17) Observable cemeteries or family burial grounds or other historic sites, streams, brooks, springs, rivers, ponds, lakes, swamps or other watercourses or wetlands, located on, bordering on, or running through the subdivision.
- (18) Three corners of the subdivision boundary, tied to known fixed recorded points outside the surveyed premises.
- (19) The purpose of any easements set forth on the plan.
- (20) Layout plan and profile of each street. No sheet shall show the plan and profile of more than one (1) street.
  - (a) The layout plan on each separate sheet shall show side lines, center line, points of tangency, lengths of tangents, lengths of curves, intersection angles, radii of curves, and location of permanent monuments for each street in the subdivision, together with all lot lines, buildings, walks, drives and other fixtures within forty (40) feet of the side lines of such street.
  - (b) The layout plan shall also show the size, location and elevation of all storm drains, sewers, water mains and their appurtenances existing in or proposed for each street.
  - (c) Directly above or below the layout plan of each street, a profile showing existing and proposed grades along the center line and side lines of the street, together with figures of elevation at the top and bottom of all even grades and at fifty-foot stations on said grades, and at the beginning and end of all vertical curves and at twenty-five-foot stations along said curves. The horizontal scale of the profiles shall be forty (40) feet to one (1) inch; the vertical scale shall be four (4) feet to one (1) inch. Lines and figures indicating existing conditions shall be screened; lines and figures indicating proposed grades shall be in plain or bold type. In addition, existing center lines shall be shown in fine solid lines, existing exterior lines in fine dashed lines, and proposed finished center lines in heavy solid lines. Profiles shall also show the size and location of existing and proposed storm drains, sewers, water mains and appurtenances, and of any required project sewer system, and shall extend at least one hundred fifty (150) feet into adjacent land.
- (21) Cross sections of each proposed street, drawn on the corresponding layout plan sheet, with each cross section properly located and identified by station number, at such

intervals along the street as will adequately indicate any variations in its section, and 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 typical cross-section plans of the Board or other agency of the Town, such agreement may be indicated by proper notation on the layout plan, and the cross-section drawings may be omitted therefrom.

- (22) All drainage areas within the subdivision shall be identified, and the amount of area thereof in acres and the proportion of each as related to the total acreage of the subdivision shall be indicated on the map legend. All natural drainage swales, all drainage streams and their off-site watershed shall also be so identified, together with the maximum area expected to be covered by water resulting from a rainfall of two-, ten- and one-hundred-year storms. Post-development run-off must be less than or equal to pre-development run-off.
- (23) Where sanitary sewers are not available, the result of at least one (1) ten-foot-deep observation hole per lot performed by a Massachusetts licensed engineer, and observed by the Board of Health, a Board of Health agent or the Town of Charlton engineer [ref. State Environmental Code, Title 5, Section 3.3, 310 CMR 15.03(3)] showing the depth of the groundwater level during the period 15 March to 15 May shall be set forth upon the plan or submitted therewith. A description shall also be furnished regarding any limitations on the proposed project caused by subsurface soil and water conditions, and also regarding the methods to be used to overcome the limitations.
- (24) Location of base flood elevation if encountered within one hundred (100) feet of the subdivision as mapped from FEMA.
- (25) Any other unbuildable areas such as water bodies, wetlands, or rock outcrops.
- (26) A statement, affixed to the plan, that "the undersigned agree to comply with all Rules and Regulations for the subdivision of land in the Town of Charlton as adopted by the Town and the Planning Board and all further amendments or additions thereto."

F. Community impact study. The applicant shall [subject to Subsection Q(7)]:

- (1) Completely describe sewage disposal methods and evaluate impact of disposal methods on surface water, groundwater, soils and vegetation. This shall be based in part on an analysis of data obtained from coring from test borings to a depth of twenty (20) feet or ledge performed at two-hundred-foot intervals throughout the proposed site. The significant findings of the borings, i.e., ledge, gravel, clay, sand, water, hardpan, type of soil, etc., shall be set forth on a map of the proposed subdivision, drawn on a scale of fifty (50) feet to an inch, indicating and identifying also the boring sites to which the findings relate.
- (2) Describe estimated traffic flow at peak periods and proposed traffic circulation patterns.
- (3) Show vehicle parking areas and capacities thereof.

- (4) Describe the effect of the project on police and fire protection services for the Town such as additional equipment and/or personnel to be required by the Police and Fire Departments.
- (5) Describe the effect of the project on Public Works Department services for the Town such as additional equipment and/or personnel to be required by the Public Works Department.
- (6) Describe the effect of the project on educational services for the Town such as additional equipment and/or personnel to be required by the School Superintendent.
- (7) Describe the effect of the project on the Town water supply and distribution system such as additional equipment and/or personnel to be required by the Board of Health.

G. Mandatory review by the Board of Health and Conservation Commission.

- (1) When the definitive plan is submitted to the Planning Board, the applicant shall also file two (2) copies thereof with the Board of Health. The Planning Board shall forward one copy thereof to the Conservation Commission.
- (2) The Board of Health shall, within forty-five (45) days after the plan is so filed, report to the Board in writing approval or disapproval of said plan, and in the event of disapproval shall make specific findings as to which, if any, of the lots shown on the plan cannot be used for building sites without injury to the public health, and include in such report specific findings and the reasons therefor, and, where possible, shall make recommendations for the adjustments thereof. Every lot so located that it is not to be served with a connection to the municipal sewer system shall be provided with a septic tank and drain-field on the primary lot satisfactory to the Board of Health, or with an alternative sewage disposal system acceptable to both the Board of Health and the Planning Board, each in its sole discretion.
- (3) The Conservation Commission shall review the plan and determine the applicability of the Wetlands Protection Act, MGL c. 131, § 40. The Commission may also comment on the effects of the subdivision on streams, wildlife, marshlands, swamps, other wetlands, open spaces, and other natural resources. It may comment also on proposals set forth in or associated with the plan and similar considerations, including the proposals for demolishing, retaining or moving site features.

H. Approval of proposed facilities by Town agencies.

- (1) The applicant may, at his/her own election, before submission of his/her final application and definitive plan, obtain written approval of the sizes, locations and other pertinent layout provisions for proposed facilities shown on the definitive plan, and written verification of the sizes and locations of existing facilities shown on said plan, from the agency and for the facilities listed below:
  - (a) The Town Engineer (or, if none, the Board), for existing and proposed streets and street design, existing and proposed storm drain facilities and easements, grades of the same where appropriate, and grades of gravity utilities.

- (b) The Town Engineer (or, if none, the Board), for proposed and existing easements for any water and sewer mains, and any water and sewer facilities.
  - (c) The Chief of the Fire Department, for the location of any hydrants, or cisterns and, when the subdivider is to install telephone, electric and cable television lines underground, the location of an underground conduit for the fire alarm system.
  - (d) The Tree Warden, for sizes, locations and species of proposed street trees.
  - (e) The Town Highway Superintendent, for work within existing public ways.
- (2) The approval and verification required above from any agency may be indicated by appropriate signatures on the original copy of the definitive plan or by an appropriate statement from the agency addressed to the Board and referring to said plan by subdivision name, date, and name and address of owner and subdivider.

I. Determination of work specifications.

- (1) The applicant shall obtain written approval for any deviations from the design and work requirements herein authorized, together with detailed specifications for performing the required work, and special construction requirements, if any, applicable to the subdivision from the agency and for the facilities listed below:
- (a) The Town Engineer (or, if none, the Board), for approval of any deviations from the requirement that streets be graded to standard cross sections, and any deviations in the requirement that roadway enter lines coincide with rights-of-way center lines; specifications for grading, installation of monuments and storm drainage facilities, construction of roadway foundations and surfaces, and construction of sidewalks, grass plots and slopes; approval of cross sections where no standards are available.
  - (b) The Town Engineer (or, if none, the Board), for approval of any deviations in the requirement for service connections; specifications for installing required water and sewer facilities.
  - (c) The Chief of the Fire Department, for approval of relocation of any hydrants, cisterns and, when the subdivider is to install telephone, electric and cable television lines underground, the location of an underground conduit for the fire alarm system.
  - (d) The Tree Warden, for requirements as to size, species, location, and method of planting, of street trees.
  - (e) The Town Highway Superintendent for approval of work within existing public ways.
- (2) Written statements setting forth the specifications for special construction requirements and any granted approval of deviations will be furnished to the applicant and to the Board by the agency concerned. When standard specifications of a particular agency are available to the public in written form, they may be referred to

in said statements by name, date and designation of pertinent sections where written specifications are not available or are to be modified, the detailed requirements for work on the ground shall be set forth in the statements.

- J. Cost estimates for required work. If the applicant elects to file a performance bond rather than to secure the performance of the construction of ways and the installation of municipal services for lots shown on the subdivision plan, as hereinafter provided, he/she shall request in writing that the Board's engineering consultant prepare an estimate of the cost of performing the various items of required work, and submit the same to the Town agencies concerned for approval. These estimates, as approved, will then be submitted to the Board for use in determining the necessary penal sum of the performance bond.
- K. Requirement as to number of buildings for dwellings. Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the Town, without the consent of the Board. Such consent may be conditioned upon the providing of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision.
- L. Public hearing.
  - (1) Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be held by the Board, notice of the time and the place of which and of the subject matter, sufficient for identification, shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the City of Worcester or the Town of Southbridge, once in each of two (2) successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing or if there is no such newspaper in such city or Town, then by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list.
  - (2) The Board shall arrange for the publication of the notices of the hearing. The cost of the publication shall be borne by the applicant as part of the application fee.
- M. Final approval of definitive plan.
  - (1) After the public hearing, the definitive plan will be studied by the Board to determine its conformity with the preliminary plan, if any, and its compliance with the design standards and other requirements of these Rules and Regulations. After such hearing, and after the report of the Board of Health or lapse of forty-five (45) days without such report, the Board shall approve; or, if such plan does not comply with the Massachusetts Subdivision Control Law or the Rules and Regulations of the Board or the recommendations of the Board of Health, shall modify and approve or shall disapprove such plan. In the event of disapproval, the Board shall state in detail wherein the plan does not conform to the Massachusetts Subdivision Control Law, to the Rules and Regulations of the Board or to the recommendations of the Board of Health and shall revoke its disapproval and approve a plan which, as amended,

conforms to the Massachusetts Subdivision Control Law and to such Rules and Regulations or recommendations. The Board shall file a certificate of its action with the Town Clerk, a copy of which shall be recorded by him/her in a book kept for the purpose, and shall send notice of such action by registered or certified mail, postage prepaid, to the applicant at his/her address stated on the application. Approval, if granted, shall be subject to the filing of a bond or covenant or both, as herein provided. Approval of the plan shall not be deemed to be the laying out or acceptance by the Town of any street shown thereon.

- (2) When the Board of Health has notified the Planning Board that it has made specific findings as to which of the lots or land in the subdivision cannot be used for building sites without injury to the public health, the Board shall approve the definitive plan only on condition that no building or structure shall be built or placed upon the areas designated without consent by such Board of Health. Such condition shall be endorsed on the plan by the Planning Board, specifying the lots or land to which such condition applies. In the event approval by the Board of Health is by failure to make a report, the Board shall note on the plan that health approval is by failure to report.

N. Failure of the Board to act.

- (1) Nonresidential subdivisions. In the case of a nonresidential subdivision where a preliminary plan has been duly submitted and acted upon or where forty-five (45) days have elapsed since submission of said preliminary plan, and then a definitive plan is submitted, the failure of the Board either to take final action or to file with the Town Clerk a certificate of such action regarding the definitive plan submitted by an applicant within ninety (90) 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.
- (2) Residential subdivisions.
  - (a) Preliminary plan submitted. In the case of a subdivision showing lots in a residential zone, where a preliminary plan has been acted upon by the Board or where at least forty-five (45) days have elapsed since submission of the preliminary plan, an applicant may file a definitive plan. The failure of the 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 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.
  - (b) No preliminary plan submitted. In the case of a subdivision showing lots in a residential zone, where no preliminary plan has been submitted and acted upon or where forty-five (45) days have not elapsed since submission of such preliminary plan, and a definitive plan is submitted, the failure of the Board either to take final action or to file with the Town Clerk a certificate of such action regarding the definitive plan submitted by an applicant 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.

O. Performance guarantee.

- (1) Before endorsement of the approved definitive plan of a subdivision, the applicant shall file with the Board a performance guarantee, in a form satisfactory to the Board, for the completion of the required improvements specified in Section 5 of these Rules and Regulations for all lots in the subdivision, the construction of ways and the installation of municipal services to be secured by one (1), or in part by one (1) and in part by another, of the following methods, which method or combination of methods may be selected and from time to time varied by the applicant:
  - (a) By a surety company performance bond (Form E) or a performance bond (Form F) secured by a deposit of money or negotiable securities, and conditioned on the completion of all required improvements or any part of the improvements not covered by a covenant, referred to in the following Subsection O(1)(b) of these Rules and Regulations, within two (2) years of the date of the bond, or within such shorter time as is specified by the Board. This bond shall be in sufficient penal sum, in the opinion of the Board, to cover the cost of such improvements and so drawn as to insure their satisfactory completion. The bond shall be executed by the applicant as principal and a surety company authorized to do business in the Commonwealth and satisfactory to the Board as surety, or secured by the deposit with the Town Treasurer of cash or negotiable securities in an amount equal to the penal sum of the bond. It shall be approved as to form and manner of execution by the Town Counsel.
  - (b) By a covenant (Form G) running with the land, executed and duly recorded by the owner of record of all the land in the subdivision, whereby all improvements not covered by bond in Subsection A(1)(a) of this section of these Rules and Regulations shall be provided to serve adequately any lot in the subdivision before such lot may be built upon or conveyed other than by mortgage deed as provided by statute.
  - (c) By delivery to the Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the Board and otherwise due the applicant, to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available for completion.

- (2) Any covenant or agreement given hereunder and any condition required by the Board of Health as to the approval of the plan shall be either inscribed on the plan or contained in a separate document, referred to on the plan.
  - (3) If the applicant secures performance by a covenant, but wishes to postpone the completion of specified items of work on the ground until after lots have been sold and/or buildings erected, the Board may, in its discretion, exempt from the provisions of the covenant the items of work to be so deferred, provided a bond is filed in accordance with the procedure set forth in Subsection O(1)(a) of these Rules and Regulations sufficient in penal sum, in the opinion of the Board, to cover the cost of the deferred improvements.
- P. Reduction of bond or surety. The penal sum of any such bond, or the amount of any deposit held under Subsection O(1)(a) hereof, may from time to time be reduced by the Board and the obligations of the parties thereto released by the Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.
- Q. Endorsement and recording.
- (1) If the plan has been approved, and before endorsement of said plan, the applicant shall obtain and deliver to the Board, or a designated representative thereof, a Mylar of each of the sheets comprising the plan. In the case of registered land, when the required work to be performed in the subdivision is to be secured by a covenant, the applicant shall furnish in addition to the above prints one (1) extra Mylar of each of the sheets of the definitive plan comprising the lot layout plan. Also in the case of registered land when the required work to be performed in the subdivision is to be secured by a bond, the applicant need only furnish one (1) print Mylar of each of the sheets of the definitive plan comprising the lot layout plan.
  - (2) Approval of the plan, if granted, shall be attested on the original tracing and the transparent cloth prints of the definitive plan by the signatures of the majority of the members of the Board, but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. Before the definitive plan shall have been endorsed by the Board, the owner(s) of the subdivision shall be the owner(s) of record. After the definitive plan has been endorsed, the applicant shall furnish the Board with three (3) prints thereof.
  - (3) The definitive plan shall be stamped as follows:
  - (3) "It is agreed that this approval of the Charlton Planning Board is for [two (2) years only or for such shorter time, specified herein, as is determined by the Board]. In the event the ways and municipal services shown on this Plan are not constructed and installed, as applicable, within [two (2) years from this date, or such shorter time, specified herein, as is determined by the Board] approval of the Board is withdrawn, and this Plan is and shall be null and void."
  - (4) After endorsement by the Board and before the recording of the approved plan, the applicant shall obtain and deliver to the Board nine (9) paper prints, black line on

white ground, of said plan for the Board's files and for subsequent distribution to appropriate Town agencies.

- (5) If not otherwise taken care of, as provided for under Paragraph 7 of the application for approval of definitive plan (Form C), within thirty (30) days after the return of the approved definitive plan the applicant shall cause to be recorded in the Worcester District Registry of Deeds, and, in the case of registered land, with the recorder of the Land Court, a copy of said plan and the covenant, if any, and shall notify the Board or its Clerk of such recording, submitting evidence thereof satisfactory to the Board.
  - (6) Upon receipt of notification of recording, the Board shall file one (1) copy of the definitive plan with the Building Inspector.
  - (6) In accordance with the statute, if performance of the construction of ways and the installation of municipal services is secured by a covenant, the Inspector shall issue no permit for the construction of a building on any lot within the subdivision except upon receipt from the Board of a copy of the certificate of performance describing the lot in question, as provided in Subsection S hereof.
  - (6) If performance of the construction of ways and the installation of municipal services is secured by a bond, the bituminous concrete base satisfactory to the Town Engineer (or, if none, to the Board) shall be constructed from an existing street to a proposed structure, and a hydrant shall be in working condition satisfactory to the Fire Chief within five hundred (500) feet of a lot before a house number or building permit can be issued for a structure.
  - (7) Failure to comply with the procedural and other requirements of these Rules and Regulations may result in rescission of the approval given hereunder by the Board.
- R. Evidence of satisfactory performance. Before the Board will release the interest of the Town in a surety bond or deposit, or agreement, or, in the case of a covenant, issue a release of covenant, the applicant shall obtain and submit to the Board written evidence that the required work on the ground has been completed to the satisfaction of the agency and for the facilities listed below:
- (1) The Town Engineer (or, if none, the Board), for grading, grades of all gravity utilities, storm drainage facilities, roadways, street signs, sidewalks, grass plots, slopes, monuments, and cleaning up. Before the Town Engineer (or, if none, the Board) shall furnish written evidence, as noted above, the subdivider shall obtain and submit to said engineer (or, if none, to the Board):
    - (a) A registered professional engineer's certificate of (partial) completion (Form H); and
    - (b) A complete plan and profiles drawn on tracing cloth, prepared by a registered professional engineer, at the horizontal scale of forty (40) feet to an inch and at the vertical scale of four (4) feet to an inch, showing the location of monuments, the size, exact location, grades, and elevations of all storm drains, water and sewer facilities, including house connections with ties and elevations, installed in the rights-of-way and easements shown on the definitive subdivision plan and

file with the Town Engineer (or, if none, with the Board) a certificate signed by said registered professional engineer, that all said facilities are installed in place and at the grades and elevations shown on the definitive plan of the subdivision as approved by the Board.

- (2) The Town Engineer (or, if none, the Board), for water and sewer facilities.
- (3) The Chief of the Fire Department, for installation of hydrants, cisterns, and, when the subdivider is to install telephone, electric and cable television lines underground, for installation of an underground conduit for the fire alarm system.
- (4) The Tree Warden, for street trees.
- (5) The Town Highway Superintendent, for all work within an existing public way.

S. Release of performance guarantee.

- (1) Upon the completion of the construction of ways and the installation of municipal services and other improvements required under Section 5 hereof in accordance with these Rules and Regulations, security for the performance of which was given by bond, deposit, covenant or agreement, or upon the performance of any covenant with respect to any lot or groups of lots, the applicant shall send by registered or certified mail to the Town Clerk and the Board a written statement in duplicate that the construction of ways and the installation of municipal services and other improvements, in connection with which such bond, deposit, covenant or agreement has been given, has been completed in accordance with the requirements of these Rules and Regulations, such statement to contain the address of the applicant.
- (2) The Town Clerk shall forthwith furnish a copy of said statement to the Board. The request to the Board or statement to the Town Clerk, as the case may be, shall include and be accompanied by a properly executed certificate of completion (Form H).
- (3) If the Board determines that said construction, installation and improvements have been completed to its satisfaction, it shall release the interest of the Town in such bond and return the bond or the deposit to the person who furnished the same, or release the covenant by appropriate instrument (Form K or K-1), which may be recorded, or terminate its interest in the agreement by an instrument satisfactory in form to itself and to the lender. The Board shall file duplicate copies of said instrument with the Building Inspector and with the Town Engineer, if any. However, a sum in an amount to be established by the Board, but in no event less than twenty percent (20%) of the market value of the subdivided land shall be held by the Town for the maintenance and repair of streets, ways, municipal services and other improvements for a minimum of eighteen (18) months after completion of construction or until the streets and ways are accepted by the Town as public ways, whichever comes first, after which date the Town shall return the remainder of the sums thus retained to the person or persons who furnished same.
- (4) If the Board determines that said construction, installation or improvements have not been completed, it shall specify in a notice sent by registered or certified mail to the applicant and to the Town Clerk, the details wherein said construction or installation

fails to comply with the requirements of these Rules and Regulations. If the Board fails to prepare and mail this notice within forty-five (45) days after receipt of the statement by the Town Clerk all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five-day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

- T. Criteria for satisfactory partial completion.
- (1) When only a portion of the streets and other improvements shown on the definitive plan have been constructed or installed and a release of covenant is requested, the Board shall consider as satisfactorily completed only such lengths and parts thereof as will (in and of themselves) form convenient and adequate systems without the necessity of further extension or improvement, and shall consider as eligible for release only such lots as front on, are connected to, or are otherwise served by such streets, utilities and other improvements.
  - (2) Work on the ground adjacent to a particular lot will normally be considered by the Board as work necessary to serve adequately such lot, regardless of the degree to which the lot is dependent on said work for its access or utility service. In any case, the Board will not issue a release of covenant for the entire subdivision, or for the final lot or group of lots therein where progressive improvements are made, until all items of required work on the ground are completed, regardless of location.
- U. Conveyance of utilities and easements to the Town. Before the Board will release the interest of the Town in a performance bond or deposit or agreement or, in the case of approval with covenant, issue a release of covenant, the applicant shall, upon request of the Board therefor, convey to the Town, without cost, in a form satisfactory to the Board (Form I), valid unencumbered title to any water mains and appurtenances, and sewers, and prescribed easements therefor. (See Paragraph 8 of Application for Approval of Definitive Plan, Form C.) The applicant shall also remit to the Town Treasurer, promptly upon request therefor, a sum sufficient in the estimation of the Board to reimburse the Town for all deed recording, title search, attorney fees and related expenses incident to such conveyance.
- V. Failure of performance. Any bond hereunder may be enforced and any deposit hereunder may be applied by the Board for the benefit of the Town as provided in MGL c. 41, § 81Y, upon failure of the performance for which any such bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction of ways and installation of municipal services and other improvements.
- W. Streets and ways. Approval of the definitive plan does not constitute the laying out or acceptance by the Town of streets within a subdivision as public ways.

**§ 210-4.1. Streets.**

**A. General system and location.**

- (1) All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe travel for vehicles and pedestrians. Minor streets, particularly, shall be so located and designed that their use by through traffic will be discouraged. Due consideration shall also be given to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision. Proposed streets shall be designed to afford safe access to abutting lots and existing streets, including consideration of traffic factors, such as vision at corners, sight clearance, sight lines, existing obstructions, width of existing streets and similar considerations.
- (2) The proposed streets shall conform to any Master or Study Plan adopted in whole or in part by the Board.
- (3) Streets shall be continuous and in alignment with existing streets, as far as practicable, and shall comprise a convenient system with connections adequate to insure free circulation of vehicular traffic.
- (4) Streets in the subdivision shall connect to and be accessible from a public way or an existing private way open to the public and in which the applicant has rights for purposes for which ways are intended and commonly used.
- (5) There shall be provided at least two (2) recognized means of vehicular access, as noted above, for each subdivision except one (1) comprising only one (1) dead-end street. In the case of an approved definitive subdivision plan under development, the Board will not release a surety bond or deposit, or, in the case of a covenant, issue a release of covenant for a portion or section of the subdivision under development unless there is provided and constructed first, except for a dead-end street, two (2) means of vehicular access to said portion or section.
- (6) Proposed streets which are obviously in alignment with other streets already existing and named shall bear the names of existing streets. The names of all proposed streets shall be subject to the approval of the Board.
- (7) If adjoining property is not subdivided but is, in the opinion of the Board, suitable for ultimate development, provision shall be made for proper projection of streets into such property by continuing appropriate streets within the subdivision to the exterior boundary thereof.
- (8) Temporary dead-end streets, laid out to permit future projection, shall conform to the provisions of alignment, width, and grade that would be applicable to such streets if extended.
- (9) 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.
- (10) Adequate stopping sight distance shall be provided at all proposed internal subdivision and proposed/existing roadway intersections in accordance with the most

recent AASHTO standards. A minimum design speed of thirty (30) miles per hour shall be utilized for calculating stopping sight distance within the proposed subdivision roadways. At intersections of proposed and existing roadways, field measurements of existing stopping sight distance shall be made in the presence of the Planning Board or its designated agent.

B. Alignment. All reverse curves on major and collector streets shall be separated by a tangent at least one hundred (100) feet long.

C. Intersections.

- (1) Streets shall be located to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty (60) degrees.
- (2) Multiple intersections involving the junction of more than two (2) streets shall be avoided. Where this proves impossible, in the opinion of the Board, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
- (3) Streets entering opposite sides of another street shall be laid out either directly opposite each other, or with a minimum offset of one hundred twenty-five (125) feet between their center lines, unless, in the opinion of the Board, this requirement necessitates the division of land into substantially fewer lots than would otherwise be the case.
- (4) Street lines and property lines at all street intersections shall be rounded with a corner having a radius of not less than twenty (20) feet. However, when the intersection of two (2) ways varies more than ten (10) degrees from a right angle, the radius of the curve at the acute angle may be less and at the obtuse angle shall be greater than twenty (20) feet to the extent approved or required by the Board.

D. Width.

- (1) The Board will give due regard to the prospective character of different subdivisions, whether open residence, dense residence, business or industrial, nature of terrain and the prospective amount and type of travel upon various streets and footpaths therein. Subject to adjustment in light of such factors, streets shown on subdivision plans shall be classified as major, collector or minor streets.

**COLLECTOR STREET** — A street intercepting one (1) or more streets and which, in the opinion of the Board, is used to carry a substantial volume of traffic from such streets to a major or collector street or community facility, or which includes a principal entrance street to a large subdivision or group of subdivisions.

**FLEXIBLE DEVELOPMENT MINOR STREET** — A street, which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots in a flexible development in accordance with § 200-5.7 of the Zoning Bylaw, and which is not intended for use by through traffic.

**MAJOR STREET** — A street which, in the opinion of the Board, is being used or will be used as a thoroughfare within the Town of Charlton or which otherwise carries or will carry a heavy volume of traffic.

MINOR STREET — A street which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots, and which is not intended for use by through traffic.

- (2) The minimum width of street rights-of-way shall be as follows:
  - (a) Minor streets: sixty (60) feet.
  - (b) Collector streets: sixty (60) feet.
  - (c) Major streets: sixty-six (66) feet.
  - (d) Flexible development minor streets: forty (40) feet.
- (3) Alleys with a minimum width of thirty (30) feet may be required by the Board at the rear of any lots designated or zoned for commercial use.
- (4) All streets serving an industrial or commercial subdivision shall be a minimum sixty-six (66) feet width.
- (5) The Board may require greater minimum widths as to streets shown on subdivision plans, when in its opinion the additional width is essential to safe and orderly travel upon such streets, in light of projected short-term and long-term traffic conditions thereon.

E. Grade.

- (1) Grades of all streets shall be the reasonable minimum, but shall not be less than three-fourths percent (0.75%).
- (2) The maximum center-line grades shall be as follows:
  - (a) Minor streets: ten percent (10%).
  - (b) Collector streets: eight percent (8%).
  - (c) Major streets: six percent (6%).
- (3) All changes in grade exceeding three-fourths percent (0.75%) shall be connected by vertical curves of sufficient length to afford a minimum sight distance two hundred (200) feet or more if deemed appropriate in the opinion of the Board. The minimum design rate of vertical curvature (k) shall be 19 for crest curves and 37 for sag vertical curves.
- (4) On any street at the approach to an intersection, a leveling area shall be provided having not greater than three-fourths percent (0.75%) grade for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.

F. Dead-end streets.

- (1) Dead-end streets, designed as permanent culs-de-sac, shall not exceed five hundred (500) feet in length unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions. This requirement shall not apply to culs-de-sac located within flexible development, where the maximum length shall be determined by the Board. The Board may also allow dead-end streets to exceed five

hundred (500) feet in length, up to a length of one thousand five hundred (1,500) feet, for the purpose of allowing a dead-end street as roadway for a Business Enterprise Park (BEP) development.

- (2) Such culs-de-sac shall be provided at the closed end with a turnaround having an outside street line diameter of at least one hundred twenty (120) feet, and a property line diameter of at least one hundred forty-six (146) feet. However, in a flexible development in accordance with § 200-5.7 of the Zoning Bylaw, the turnaround may have an outside street line diameter of at least one hundred (100) feet, and a property line diameter of at least one hundred twenty (120) feet.
- (3) Such culs-de-sac shall not provide access to more than ten (10) lots, unless such cul-de-sac is located within a flexible development. Culs-de-sac within flexible development shall not provide access to more than fifteen (15) lots.

G. Street design standards. Minor and collector streets shall conform to the following design standards. Major streets shall conform to the standards of the Mass DOT, if applicable, and shall otherwise conform to the standards set forth below.

**Minor Street**

**Collector Street**

**Major Street**

**Flexible Development Minor Street**

Minimum right-of-way (1)

60'

60'

66'

40'

Pavement width (including parking lanes)

28'

35'

45'

24'

Minimum center line radius

100'

140'

150'

100'

Minimum tangent length between curves

50'

100'

150'

50'

Minimum grade

0.75%

0.75%

0.75%

0.75%

Maximum grade

10%

8%

6%

10%

Maximum grade within 50' of intersection

5%

5%

PBA

5%

Maximum grade within 100' of intersection

PBA

PBA

3%

PBA

Number of curbs

2

2

2

2

Minimum width of planting strips (including curbs, less on sidewalk side)

8½'

10½'

10½'

3'

Minimum width of sidewalk

4'

5'

5'

4'

Number of sidewalks

1

2

2

1

Minimum cul-de-sac grade

1%

1%

1%

1%

Maximum cul-de-sac grade

4%

4%

4%

4%

NOTE: The Board may, at its discretion, also require an increase in right-of-way widths by up to ten (10) feet to allow construction of ample walkways and to preserve natural features. Also, see Appendix A for cross-section details for the four (4) types of roadways (minor, major, flexible and collector).

**§ 210-4.2. Easements.**

- A. Where water and sewer mains, storm drains or other utility installations require, in the opinion of the Board, a location outside of any street line, there shall be reserved, and shown on the plan, easements to accommodate such utilities having a minimum width of twenty (20) feet.
- B. Where a subdivision is traversed by watercourses, drainageways, channels or streams, the Board may require that stormwater easements or drainage rights-of-way may be reserved conforming substantially with the lines of such watercourses, drainageways, channels or streams, and having such further width as it deems necessary.
- C. Where the side slopes hereinafter required will extend outside of the street right-of-way lines, suitable slope easements shall be provided of sufficient dimensions to accommodate all portions of the slope above or below the finished grade of abutting lots.

**§ 210-4.3. Lots.**

- A. The plan and each lot set forth thereon shall comply in all respects with the provisions of the Zoning Bylaw of the Town of Charlton, including, but not limited to, all such provisions relating to size, shape, width, and frontage of lots within a subdivision.
- B. Land subdivided into lots shall be of such general character that it can be used for building purposes without danger to health.

- C. Two-thirds (2/3) of the minimum lot area of every building lot must be free from wetlands as defined in the Massachusetts Wetland Protection Act as most recently revised and free also from other conditions which in the opinion of the Board make building or construction thereon impossible or hazardous.
- D. No lot within the Town shall be divided so as to create a lot which does not conform with the minimum area, frontage, width and depth requirements of the Charlton Zoning Bylaw,<sup>2</sup> and no property line shall be redrawn so as to create such a lot.
- E. Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision nor shall any parcel or lot of land contain more than one (1) unit designed for commercial, industrial, warehouse, communications, transportation, public utility, or other business uses in the Town without the consent of the Planning Board.

**§ 210-4.4. Open spaces.**

Before approval of a plan, the Board may also require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the area of the land being subdivided and to the prospective uses of such land. As to plans setting forth six (6) or more lots, however, any such park shall contain a minimum of one (1) full acre, plus additional land equal to one-tenth (1/10) of the land area, in aggregate, of all lots depicted on the plan. Should the Board require such park or parks, it shall by appropriate endorsement (See MGL c. 41, § 81U.) on the plan require that no building may be erected on such park or parks for a period of not more than three (3) years without its approval.

**§ 210-4.5. Protection of natural features.**

Due regard shall be shown for all natural features, such as large trees, watercourses, scenic points, historic spots, stone walls and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

**§ 210-4.6. Bikeways and walkways.**

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

**§ 210-4.7. EPA NPDES regulations.**

When applicable, all subdivisions shall comply with the current EPA NPDES Phase II regulations. If the proposed subdivision would disturb more than one (1) acre of land, a

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<sup>2</sup>. Editor's Note: See Ch. 200, Zoning.

stormwater pollution prevention plan (SWPPP) will be required to be submitted by the applicant to the EPA.

## Section 5

### **Required Improvements**

#### **§ 210-5.1. General.**

- A. All improvements hereinafter specified shall be constructed or installed by the applicant in accordance with these Rules and Regulations, in conformity with the approved definitive plan and the specifications and other requirements of the Town agencies concerned, and to the satisfaction of such agencies.
- B. The applicant shall also provide all necessary materials except for such materials, if any, as the Town agrees to furnish, which shall at all times remain the property of the Town. The Town will only furnish materials when the applicant is required to construct or install improvements which, in the opinion of the Town agencies concerned, have a capacity substantially greater than necessary to serve the subdivision alone, in which case the value of the materials furnished by the Town will not exceed the cost of providing the extra capacity.
- C. In addition to notifying, under § 210-3.3I of these Rules and Regulations, all Town agencies concerned of the commencement and completion of various items of work, the applicant or subdivider shall keep them informed at all times of the progress of the work, and shall provide continuously safe and convenient access to all parts of the work for inspection by the Town agencies concerned or by such persons as they may designate for that purpose. No work will be approved that has been covered before such inspection. In addition, the subdivider shall arrange for inspections of the work by the appropriate agencies hereunder at each significant construction stage as specified in Form L hereof. The subdivider shall request each inspection at least forty-eight (48) hours prior to the requested inspection date and time. The representative of each inspecting agency shall set forth on Form L the date of inspection and approval, and shall also file thereafter with the agency and with the Board a copy of Form L, together with any report or other documentation generated by the inspection.
- D. The subdivider shall provide for tests of materials by independent laboratories, at his/her own expense, when requested to do so by the Town agencies concerned, and shall provide copies of the test results to said Town agencies.

#### **§ 210-5.2. Streets.**

- A. Grading.
  - (1) The entire area within the exterior street lines shall be cleared, excavated or filled as necessary, and graded in accordance with the then-standard specifications of the Town Engineer (or, if none, of the Board).

- (2) All roadways, all areas between the roadway and sidewalk lines and curblines, and all slopes outside exterior street lines shall be constructed to finished transverse grades parallel to those shown on the then-current standard cross-section plans of the Town Engineer (or, if none, of the Board) as specified on the definitive subdivision plan. Any deviation necessitated by unusual topographic conditions must have the specific approval of the Town Engineer (or, if none, of the Board).
- (3) Subgrade. The subgrade surface, fifteen and one-half (15 1/2) inches below the finished surface grade in all streets, shall be prepared true to the location and grades and cross sections given and rolled with not less than a ten-ton roller. All soft or spongy material below the subgrade shall be removed and replaced with gravel borrow conforming to MassDOT spec. M 1.02.0 Type a containing no stones over six (6) inches in diameter.

<b>M 1.03.0</b>	<b>Sieve Designation</b>	<b>Percent Passing</b>
Type a	6 inches	100%
	1/2 inches	50% to 80%
	No. 4	40% to 75%
	No. 50	8% to 28%
	No. 200	0% to 10%

- (4) Gravel subbase.
  - (a) The gravel subbase shall be spread in one (1) layer. The layer shall be twelve (12) inches in depth compacted measurement and shall conform to MassDOT spec. M 1.03 Type b with no stone larger than three (3) inches. Gravel shall be compacted to not less than ninety-five percent (95%) of the maximum dry density of the material as determined by the Modified AASHTO Compaction Test Method at optimum moisture content.
  - (b) The subgrade and subbase shall contain no loam, soft yielding material, clay, organic or other unsuitable material. All unsuitable material shall be removed and replaced with compacted gravel conforming with the above specifications.
- (5) Over the top layer of the gravel subbase shall be laid in two (2) separate courses a base course of Class I bituminous concrete Type I-1 and a surface course of Class I Type I-1 both in accordance with Section 460 of the state standards specified above or of any successor publication. The finished surface must be level and even and is to form and close, even union around all curbs and projecting frames. It is the

subdivider's responsibility to see that all manhole frames, gate boxes and catch basin frames are at street grade and accessible for their intended use. The depth of each course shall be:

	<b>Base Course</b>	<b>Surface Course</b>
Minor streets	2"	1½"
Flexible development minor streets	2"	1½"
Collector streets	3"	1½"
Major streets	3"	1½"

- (6) The roadway area within the frontage of a lot shall have all utilities and the bituminous concrete base installed and approved by the appropriate agency before said lot can be released or built upon.
- (7) Before application of the finish coat, the bituminous concrete base shall have been in place for a minimum of twelve (12) months or for a lesser period as may be determined by the Board.
- (8) Immediately before application of the finish coat, the bituminous concrete base shall be swept clean and a tack coat applied mechanically (by truck or trailer with spreader bar), evenly, and at application rates in accordance with MassDOT.

**B. Underground structures and facilities.**

- (1) All storm drains, sewers, water mains, related installations, and service connections to be placed within the exterior lines of a street shall be installed, and approved as herein required, and all gas pipes and other underground utilities shall be installed prior to completion of the roadway foundation.
- (2) All electric, telephone, cable television, and other utility installations, including wiring, shall be placed underground in all subdivisions. All such utilities serving a subdivision must be installed underground, starting at the point where a subdivision road intersects with an existing public way or other subdivision road, and must be placed within the required right-of-way for the subdivision roadway.
- (3) Conduit (including wiring) fire alarm and terminal boxes with appurtenances as required shall be installed for the fire alarm system in accordance with the standard specifications of the Fire Department.
- (4) All installations shall be to the specifications of the utility company concerned and of the Town of Charlton.
- (5) The subdivider shall be responsible for all trenching, backfilling, and paving for the installation of the necessary appurtenances for streetlighting.

- (6) An as-built (supplementary) plan showing the locations of all underground wiring, transformers, poles and streetlighting (including type of fixture and lumens) shall be submitted to the Planning Board before the definitive plan of the subdivision has been recorded in the Registry of Deeds, or, as applicable, with the recorder of the Land Court.
- (7) Definitive plan approval shall be subject to said plans being approved by the concerned utility company and the Planning Board. No installation of any utilities shall commence until the Town has received and approved said plans.
- (8) New electric streetlighting and light standards approved by the Board shall be installed at each intersection of streets (including cul-de-sac) and/or ways.
- (9) Streetlighting will be consistent with the neighborhood and surroundings and the safety of the traveling public. The subdivider will be responsible for all trenching, backfilling and paving in connection with the installation of all necessary cables for streetlighting. The developer will be required to provide, at his/her expense, underground conduits for police and fire communications.

C. Roadways.

- (1) Roadways shall be constructed for the full length of all streets shown on the plan. The center lines of such roadways shall coincide with the center line of the street rights-of-way unless a minor variance is specifically authorized by the Town Engineer (or, if none, by the Board).
  - (a) The minimum width of roadways, between curblines, shall be as follows:
    - [1] Minor streets: twenty-eight (28) feet.
    - [2] Collector streets: thirty-five (35) feet.
    - [3] Major streets: forty-five (45) feet.
  - (b) The minimum outside diameter of roadways within permanent turnarounds shall be one hundred twenty (120) feet.
  - (c) Greater width, and/or greater outside diameter of roadways within permanent turnarounds, shall be required by the Board when deemed necessary for present and future vehicular travel.
- (2) Where a temporary dead-end street extends one hundred fifty (150) feet or more beyond an intersection, there shall be constructed as part of the roadway a temporary cul-de-sac extending across the full width of the street right-of-way, and having a minimum length of fifty (50) feet.
- (3) Sloping at roadway intersections shall conform to the Town Bylaw on Vision Clearance, if any.

D. Dwelling unit access. Dwelling units shall not be given direct driveway access to major streets, except: (a) where existing lots of record abut on major streets; (b) in subdivisions which front on an existing major street; and (c) in special instances where the configuration

of the tract prevents the construction of an access road or an interior roadway, after review and approval by the Board and by the Highway Department of the Town of Charlton.

- (1) Minor streets shall not connect two (2) or more major streets, or a major street and a collector street. Residential streets which connect higher-order streets often become shortcuts, thereby increasing the traffic load on purely residential streets and endangering the health and safety of pedestrians and residents thereon.
  - (2) Subdivisions containing ten (10) or more lots shall provide a minimum of two (2) means of vehicular access to and from the subdivision onto previously existing public ways.
  - (3) The Board may disapprove a plan where it determines that dangerous traffic conditions may result due to inadequacy of the proposed access or of the proposed ways within the subdivision or of any of the ways adjacent to or providing access to the subdivision.
  - (4) Alternatively, where the street system within a subdivision does not connect with or have, in the opinion of the Board, adequate access from a public way, the Board may require, as a condition of approval of a plan, that such adequate access be provided by the subdivider, and/or that the subdivider make physical improvements to and within such a way of access, in accordance with these Rules and Regulations and the recommendations of the Board, from the boundary of the subdivision to a public way. All costs of any such improvements or construction shall be done by the subdivider.
  - (5) Where the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the subdivider to dedicate a strip of land for the purpose of widening the abutting public way to a width at least commensurate with that required within the subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for the purpose of way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the subdivider.
- E. Curbs. In all subdivisions, curbing shall be installed along the gutter line of both sides in all streets. The curbing shall be standard granite, sloped granite, or precast reinforced concrete, or asphalt berm, as designated by the Board. On all curbs having a radius of eighty-five (85) feet or less at the street line, the gutter line shall be curbed with circular granite curbing, or, with Board approval, circular precast reinforced concrete curbing, cut to fit the curve. On all curbs having a radius of more than eighty-five (85) feet, up to and including a radius of one hundred fifty (150) feet, the gutter line shall be curbed with straight sections of granite curbing or, with Board approval, precast reinforced concrete curbing, not more than six (6) feet long. The ends of each curve shall be extended by a straight section of granite curbing, or, with Board approval, precast reinforced concrete curbing, not less than twelve (12) feet long.
- F. Sidewalks.

- (1) Sidewalks, having a width of not less than five (5) feet, shall be constructed within the subdivision on both sides of all major and collector streets. They shall be constructed on minor streets having a width of not less than four (4) feet on one (1) side of the street. The sidewalks shall be constructed of brick, or concrete cement, or, subject to approval of the Board, bituminous concrete pavement or any other acceptable material. Curb cuts, where applicable, shall be installed.
- (2) Sidewalks shall have a finished grade of two percent (2%) sloping towards the roadway. When unusual physical land characteristics or topographic conditions require, the Board may approve the placement of a sidewalk at a greater distance from the roadway or at a higher or lower level in relation thereto, provided such variation is indicated in the definitive plan.
- (3) In constructing all sidewalks, excavated material shall be removed for the full width of the sidewalk to a subgrade at least ten (10) inches below the approved finished grade, and also all soft spots and other undesirable material below such subgrade shall be replaced with a binding material reasonably acceptable to the Board and rolled with a two-ton roller or equivalent. If the Board permits the applicant to install a bituminous concrete pavement sidewalk, the excavated area shall first be filled with at least eight (8) inches of select gravel containing some binding material and compressed and rolled to a surface slope of two percent (2%). Sidewalks shall then be paved to a thickness of three (3) inches with bituminous concrete pavement, applied in two (2) one and one-half (1 1/2) inch courses. Said select gravel shall conform to MassDOT spec. M 1.03.0 Type b with no stone larger than three (3) inches.
- (4) Sidewalks shall be built and installed according to specifications of the MassDOT, insofar as consistent herewith.

G. Planting strips.

- (1) All areas between the exterior street lines and the curblines of the roadways thereon which are not occupied by approved sidewalks shall be loamed, rolled, and seeded in accordance with the specifications of the Town Engineer (or, if none, of the Board).
- (2) The finished grade of such planting strips shall be two percent (2%), sloping toward the roadway. Where unusual physical land characteristics or topographic conditions exist, the Board may approve the construction of a planting strip at a slope greater than two percent (2%), provided the finished slope will not project above or below a plane sloped two (2) horizontal units to one (1) vertical unit upward or downward from the edge of the pavement.
- (3) No trees or other obstructions shall be placed or retained within the planting strip so as to be closer than two (2) feet from the edge of the pavement unless so approved and authorized by the Board.
- (4) The top six (6) inches of planting strips shall consist of a sandy loam, or a fine sandy loam, per USDA-NRCS Soil Classification, with a minimum seventy percent (70%) sand content by weight, not to contain materials harmful to plant life, to be clean, fertile, friable, and well draining. All topsoil to be free of any subsoil earth clods, sod, stones over three-fourths (3/4) inch in any dimension, sticks, roots, weeds, litter, and

other deleterious material. Topsoil shall be uniform in quality and texture and contain organic matter and mineral elements necessary for sustaining healthy plant growth. Topsoil shall have an organic matter content between three percent (3%) to seven percent (7%) by weight and a pH of 5.5 to 7.4.

- (5) Grass seed shall be fresh, clean, new crop seed sown at the rate of five (5) pounds per one thousand (1,000) square feet of area and composed of the following varieties specified, mixed in the proportions by weight shown and testing the minimum percentages of purity and germination:

	<b>Proportion</b>	<b>Germination Minimum</b>	<b>Purity Minimum</b>
Creeping Red Fescue	50%	85%	95%
Kentucky Blue	25%	85%	90%
Domestic Rye	10%	90%	98%
Red Top	10%	85%	92%
Ladino Clover	5%	85%	96%

H. Street trees.

- (1) Trees, of a size and species approved by the Tree Warden and the Planning Board, shall be installed at an average spacing of fifty (50) feet on both sides of the proposed roadway. They shall be located within the planting strips and no less than two (2) feet from the traveled way. All trees must be a minimum two (2) inches in caliper as measured at six (6) inches above finish grade with a minimum height of twelve (12) feet, with straight trunks.
- (2) The planting cavity shall be of sufficient depth and width to accommodate the root system without cramping. A minimum of one (1) foot of loam and sufficient peat moss shall be placed at each planting, and a circle of wood chip mulch, at least three (3) feet in diameter and four (4) inches deep, shall surround each tree at the surface. The trees shall be well watered when planted.
- (3) Each tree shall be supported with two (2) two-inch by two-inch by eight-inch (2" x 2" x 8") stakes made of pressure-treated wood and shall be fastened at the top with a loop of rubber or suitable fabric hosing. The supports shall be removed after one full growing season.
- (4) All trees shall be subject to a one-year guarantee for one (1) year or, if less, for one (1) full growing season.

I. Street signs. Street signs, which, in the opinion of the Town Engineer (or, if none, of the Board) are of the type commonly used in the Town, and bearing the name of the street as

indicated on the definitive plan, shall be erected at all intersections of streets in the subdivision as to each and every street which forms the intersection. At least two (2) such street signs shall be erected diagonally opposite one another at each road cross intersection, each at the inside curb edge. At all points at which a private street within the subdivision intersects with an existing public way, there shall also be erected on the same standard and immediately below the street sign, a sign, of such size as the Town Engineer (or, if none, as the Board) may deem necessary, reading "Private Way-Dangerous Passing."

- J. Monuments. Granite monuments shall be installed on the exterior street lines at all angle points, at the beginning and end of all curves, at all intersections, and at other points where, in the opinion of the Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of county regulations and shall be set according to such specifications. If no such specifications exist, the monuments shall be set in bank gravel with their tops at the proposed finished surface grade, and they shall otherwise conform to the specifications of the Board. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed. Provisions for curbing, gutters, street signs, trees and cleaning-up operations will be included if necessitated by future local requirements or deemed advisable by the Board. All monuments must be installed prior to Town acceptance of the roadway.

**§ 210-5.3. Drainage system.**

- A. The drainage system within the subdivision shall be laid out to the satisfaction of the Board, acting on the recommendation of the Town Engineer (or, if none, of the Board), which will require provision of such facilities and arrangement thereof as, in its opinion, are necessary to:
- (1) Permit unimpeded flow of all natural watercourses;
  - (2) Insure adequate drainage of all low points along all streets;
  - (3) Intercept excessive groundwater in all the subsoil along all streets;
  - (4) Intercept stormwater runoff along all streets at intervals reasonably related to the extent and grade of the area drained;
  - (5) Assure that the post-development rate of runoff is less than or equal to the pre-development rate; and
  - (6) Create no adverse downstream effects.
  - (7) When applicable, all subdivisions shall comply with the current MassDEP Stormwater Management Policy, as amended.
- B. Generally, catch basins will be required on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet, at all low points in the grade, at all depressions or sags in the roadway, and near the corners of the roadway at intersecting streets. All catch basins shall be connected to a manhole. All catch basins must have a four-foot-deep sump and oil/gas hood. All drain manholes shall have an invert constructed of either poured concrete or red sewer brick and mortar.

- C. All drain pipes shall be in a straight line and grade. At every change in direction or grade, a manhole shall be provided. Drainage pipes shall be either reinforced concrete pipe (RCP) or smooth-interior high-density polyethylene (HDPE) pipe.
- D. Provision for the adequate disposal of surface water intercepted or collected by catch basins shall be made in such manner that no flow will be conducted over Town ways, or over the land of others unless an easement in proper form is obtained permitting such drainage.
- E. Proper connections shall be made with the existing public drainage system. Where adjacent property is not subdivided, provision shall be made for extension of the system by continuing appropriate drains to the exterior boundaries of the subdivision, at such size and grade as will allow for their proper projection.
- F. The Board, acting on the recommendation of the Town Engineer, if any, may also require provision for subsoil drains, along or near the edge of the traveled way (in addition to the trunk line system), wherever, in its opinion, groundwater conditions in the subsoil warrant such drains.
- G. The Planning Board or its agent(s) shall inspect and approve all drainage pipes prior to backfilling.
- H. Test pits shall be performed at all proposed stormwater management basins and/or best management practices (BMPs) as required by the MassDEP *Stormwater Handbook*, as amended. Such test pits shall be witnessed by the Planning Board or its designated agent.

**§ 210-5.4. Water and sewer facilities.**

- A. Water mains, with hydrants, valves and other fittings, and sanitary sewers, with manholes and other appurtenances, shall be installed within the subdivision as necessary to provide to all lots therein adequate water supply for domestic and fire protection use and adequate sewage disposal.
  - (1) Water mains shall be tested by the subdivider and approved by the Town Engineer (or, if none, by the Sewer Commissioner) before the bituminous concrete base is installed.
  - (2) A hydrant connected to any public water system shall be in satisfactory working order.
  - (3) Subdivisions containing more than six (6) lots or units must include a dry hydrant, installed with a cistern system of sufficient size and capacity to provide an adequate supply of water for fire-fighting purposes throughout the year. The type of hydrant, and/or design of the cistern shall conform to the Charlton Fire Department standards entitled *Cistern & Dry-Hydrants*, and shall be determined to be satisfactory to the Chief of the Fire Department of the Town and to the Board.
- B. Proper connections shall be made with any existing public water and sewer systems. Where adjacent property is not subdivided, provision shall be made for proper projection of the

systems by continuing appropriate water mains and sewers to the exterior boundaries of the subdivision, at such sizes and grades as will allow for the projections.

- C. Service connections for water and sewer from the main structures in the street to the exterior lines thereof shall be installed for each lot shown on the plan, whether or not there is a building thereon. Any deviation from this requirement necessitated by unusual topographical or technical difficulties must have the specific approval of the Town Engineer (or, if none, of the Sewer Commissioner). A plan showing all ties necessary to locate sewer and water stubs to each lot shall be submitted to the Town Engineer (or, if none, to the Sewer Commissioner) for approval before the bituminous concrete base is installed.
- D. The water and sewer systems shall be laid out to the satisfaction of the Board and of the Town Engineer (or, if none, of the Sewer Commissioner), which will require provision of such facilities and arrangement thereof as in the opinion of the Board and of the Town Engineer (or, if none, of the Sewer Commissioner) are necessary to carry out the intent of Subsections A through C hereof. The installation of the water and sewer systems, including the methods of construction and the quality of materials used, shall conform to any then-standard specifications of the Board and of the Town Engineer (or, if none, of the Sewer Commissioner). When the subdivider elects to install a project system for sewage disposal, such system shall also be subject to the requirements and approval of the Town Engineer (or, if none, of the Sewer Commissioner) insofar as, in the opinion of said Board, the system may subsequently be connected with a public sewer system.

**§ 210-5.5. Other municipal services.**

The Board will require that the plan show any and all other municipal services of the kinds then existing in the public ways nearest to the subdivision, or which in the opinion of the Board are likely to be laid in such public ways within the reasonably near future and which will be necessary for the health, safety, or convenience of the prospective occupants of the subdivision.

**§ 210-5.6. Operations.**

- A. During and upon completion of all work on the ground, the subdivider shall leave the work in a neat and orderly condition. Dust and erosion control shall be maintained in a manner satisfactory to the Board at all times during the construction period.
- B. The roadway area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.
- C. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.

Section 6

**Specifications for Required Materials and Work**

**§ 210-6.1. Incorporation of standards.**

Incorporated in these Rules and Regulations and made a part hereof are standard specifications for all required materials and work to construct ways and install the municipal improvements necessary to serve adequately all the lots shown on the definitive subdivision plans approved or to be approved by the Board. These specifications are set forth in the following documents: *Standard Specifications for Highways and Bridges*, current edition with subsequent amendments, published by the MassDOT, and in the applicable policies, rules, bylaws and guidelines of the Board, the Town Engineer (if any), the Sewer Commissioner, the Chief of the Fire Department, the Board of Health, the Conservation Commission, the Tree Warden, and the Highway Superintendent, all as then on file with the Town Clerk.

## Section 7

### **Inspections and Control**

#### **§ 210-7.1. Notifications.**

The agencies concerned, including the Board, shall require, in connection with the performance of particular work on the ground, notification by the subdivider when specific items of work are started and completed. Such agency requirements for notice and inspection shall be set forth, either directly or by reference, in the written statement of the agency called for in § 210-3.3I of these Rules and Regulations.

#### **§ 210-7.2. Engineer inspections.**

The Board shall require that the subdivider employ, at his/her own expense, a registered professional engineer to set grades for all appropriate work, to conduct field inspections of the work and to issue to the Board a certificate (Form H) indicating the items of work completed in accordance with the approved definitive plan, these Rules and Regulations, and the specifications of the Board and of other agencies of the Town applicable thereto.

## Section 8

### **Administration**

#### **§ 210-8.1. Variation.**

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

#### **§ 210-8.2. Reference.**

For matters not addressed by these Rules and Regulations, reference is made to MGL c. 41, §§ 81K to 81CC, inclusive, and to acts in amendment thereof, in addition thereto, or in substitution therefor.

#### **§ 210-8.3. One dwelling per lot.**

Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town without the consent of the Board. Such consent may be conditioned upon the installation, by the developer, of streets or ways adequate to provide equivalent access to each site for such building as for lots within a subdivision.

**§ 210-8.4. Protection of natural features.**

The subdivider shall take all steps feasible to protect the natural features of the subdivision, such as large trees, watercourses, scenic points, historic spots, archaeologically significant locations and similar community assets which, if preserved, will add attractiveness and value to the subdivision.

**§ 210-8.5. Numbering of lots.**

Lots shall be numbered consecutively, alternating even numbers on the right side, odd numbers on the left, the lowest digit beginning on the major entrance to the subdivision nearest the Charlton Town Hall.

**§ 210-8.6. Plan review and inspection.**

To assist the Board in its review of the plan and at its discretion to serve as its agent during the course of construction, the Board may hire, at the developer's expense, an engineer or other professional to act as consultant to the Board.

**§ 210-8.7. As-built plans.**

- A. Upon completion of construction, and before release of the performance guarantee, the subdivider shall have prepared and submitted to the Board as-built plans, drawn on the same scale as the definitive plan, which shall indicate the actual location of all of the following:
- (1) Right-of-way;
  - (2) Traveled way edges;
  - (3) Path locations;
  - (4) Permanent monuments;
  - (5) Location and inverts of the required utilities and drainage;
  - (6) Locations of any other underground utilities such as electricity, telephone lines, cable television, and streetlighting.
- B. The accuracy of such as-built plans shall be certified by a registered land surveyor or registered professional engineer retained by the subdivider and approved by the Board. As-built plans shall also be submitted on a recordable CD, pdf copy of the drawing or other such format as specified by the Planning Board.

**§ 210-8.8. Acceptance by Town.**

The subdivider shall file with the Board a final plan on tracing cloth or Mylar of the completed streets and ways, utilities and easements, together with proper legal descriptions for initiating an Article in the Town Warrant of the next Annual or Special Town Meeting for acceptance of the streets and ways by said Town Meeting. Upon request of the Board therefor, the subdivider shall convey to the Town, without cost, in a form satisfactory to the Board, valid unencumbered title to said streets and ways, together with any easements appurtenant or related thereto. The subdivider shall also remit to the Town Treasurer, promptly upon request therefor, a sum sufficient in the estimation of the Board to reimburse the Town for all deed recording, title search, attorney fees and related expenses incident to any acceptance of the streets and ways as public ways by the Town.

## SUBDIVISION OF LAND

### *210 Attachment 1*

#### **Town of Charlton**

#### **Site Plan Construction Inspection Schedule**

Graves Engineering, Inc. (GEI) shall be contacted at least 48 hours prior to schedule an inspection. E-mail or voicemail messages are not acceptable as notification of an inspection without verbal confirmation by GEI.

**Contact:** Michael Andrade, P.E.  
Graves Engineering, Inc.  
100 Grove Street  
Worcester, MA 01605  
Phone: (508) 856-0321 x103  
Fax: (508) 856-0357  
E-mail: mandrade@gravesengineering.com

#### **Required Minimum Milestone Inspections:** (not necessarily in chronological order)

1. **Subgrade Preparation** – Verify proof-rolling prior to gravel base placement, correct methods, materials, crown, grade, etc.
2. **Drainage Installation** – (Includes all drainage infrastructure; pipes, structures, basins, ponds, swales, etc.). Verify correct methods and materials, conformance with Town Regulations and Approved Design Plans; includes laying pipe, setting structures, backfilling and compaction methods. Note: No backfilling of pipes shall be done until the installation has been inspected and approved by the Planning Board or its Agent (Graves Engineering, Inc.).
3. **Gravel Base Placement and Compaction** – Compaction testing to be performed by an Independent Testing Agency to be coordinated by the Contractor/Developer, and said testing witnessed by the Planning Board or its Agent, Graves Engineering, Inc.  
**Note: A sieve analysis and proctor test of the proposed gravel must be submitted to the Planning Board's Agent (Graves Engineering, Inc.) for review and approval prior to placement.**
4. **Bituminous Binder Course Placement** – Notification to the Planning Board or its Agent, Graves Engineering, Inc. of binder course pavement is mandatory. Graves Engineering, Inc. shall perform an inspection of the binder course asphalt to verify conformance with Town Regulations and Approved Design Plans, etc.
5. **Sidewalks and Curbing** – Verify conformance with Town Regulations and Approved Design Plans, etc.
6. **Bituminous Top Course Placement** – Notification to the Planning Board or its Agent, Graves Engineering, Inc. of top course pavement is mandatory. Graves Engineering, Inc. shall perform an inspection of the top course asphalt to verify conformance with Town Regulations and Approved Design Plans, etc.
7. **Cleanup** – Performed after grass plots, signs, landscaping, etc. is complete; this includes sweeping, cleaning of drainage infrastructure (manholes, catch basins, ponds, etc.), cleaning of construction debris and materials, and miscellaneous loam and seeding.

Additional periodic inspections may be performed by the Planning Board or its Agent, Graves Engineering, Inc., at any time without prior notification to the Contractor and/or Developer.

## SUBDIVISION OF LAND

### 210 Attachment 2

#### Town of Charlton

#### Subdivision Construction Inspection Schedule

Graves Engineering, Inc. (GEI) shall be contacted at least 48 hours prior to schedule an inspection. E-mail or voicemail messages are not acceptable as notification of an inspection without verbal confirmation by GEI.

**Contact:** Michael Andrade, P.E.  
Graves Engineering, Inc.  
100 Grove Street  
Worcester, MA 01605  
Phone: (508)856-0321 x103  
Fax: (508)856-0357  
E-mail: mandrade@gravesengineering.com

#### Required Minimum Milestone Inspections: (not necessarily in chronological order)

1. **Subgrade Preparation** – Verify proof-rolling prior to gravel base placement, correct methods, materials, crown, grade, etc.
2. **Drainage Installation** – (Includes all drainage infrastructure; pipes, structures, basins, ponds, swales, etc.). Verify correct methods and materials, conformance with Town Subdivision Rules & Regulations and Approved Design Plans; includes laying pipe, setting structures, backfilling and compaction methods.  
**Note: No backfilling of pipes shall be done until the installation has been inspected and approved by the Planning Board or its Agent (Graves Engineering, Inc.).**
3. **Misc. Utilities Installation** – Includes water, sewer, electrical, cable & television, and any and all other utility construction. Verify correct methods and materials, conformance with Town Subdivision Rules & Regulations and Approved Design Plans.  
**Note: No backfilling of utilities shall be done until the installation has been inspected and approved by the Planning Board or its Agent (Graves Engineering, Inc.).**
4. **Gravel Base Placement and Compaction** – Compaction testing to be performed by an Independent Testing Agency to be coordinated by the Contractor/Developer, and said testing witnessed by the Planning Board or its Agent, Graves Engineering, Inc.  
**Note: A sieve analysis and proctor test of the proposed gravel must be submitted to the Planning Board's Agent (Graves Engineering, Inc.) for review and approval prior to placement.**
5. **Bituminous Binder Course Placement** – Full-time inspection by the Planning Board or its Agent, Graves Engineering, Inc. during the entire binder course asphalt placement to verify correct methods and materials, conformance with Town Construction Regulations and Approved Design Plans, etc.
6. **Sidewalks and Curbing** – Verify correct methods and materials, conformance with Town Subdivision Rules & Regulations and Approved Design Plans, etc.
7. **Bituminous Top Course Placement** – Full-time inspection by the Planning Board or its Agent, Graves Engineering, Inc. during the entire top course asphalt placement to verify correct methods and materials, conformance with Town Construction Regulations and Approved Design Plans, etc.
8. **Cleanup** – Performed after grass plots, street signs, monument installation, etc. is complete; this includes street sweeping, cleaning of drainage infrastructure (manholes, catch basins, ponds, etc.), and miscellaneous loam and seeding.

Additional periodic inspections may be performed by the Planning Board or its Agent, Graves Engineering, Inc., at any time without prior notification to the Contractor and/or Developer.