

R U L E S   A N D   R E G U L A T I O N S  
G O V E R N I N G   T H E   S U B D I V I S I O N   O F   L A N D  
W E N H A M ,   M A S S A C H U S E T T S



1984

R U L E S   A N D   R E G U L A T I O N S  
GOVERNING THE SUBDIVISION OF LAND  
WENHAM PLANNING BOARD  
WENHAM, MASSACHUSETTS

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**GOVERNING THE SUBDIVISION OF LAND**  
**WENHAM PLANNING BOARD**  
**WENHAM, MASSACHUSETTS**

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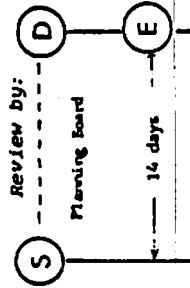
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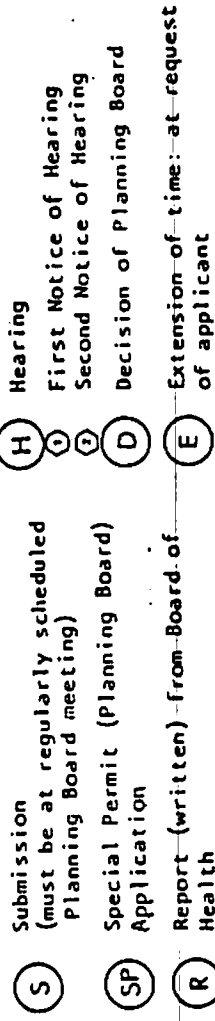
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# SUBDIVISION OF LAND: Schedules of Three Types of Planning Board Actions

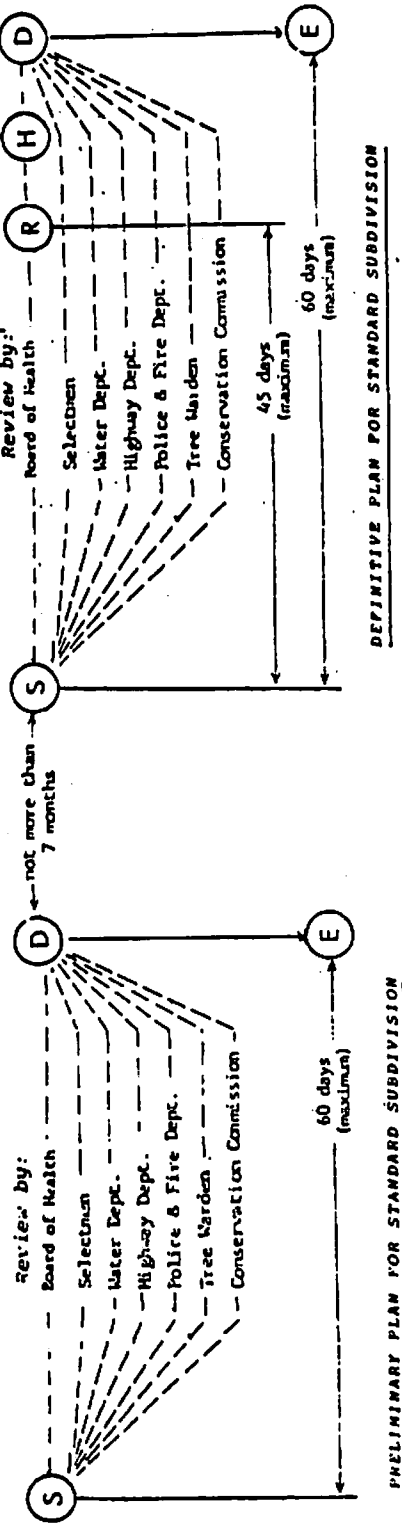
## I. APPROVAL NOT REQUIRED



### LEGEND



## II. STANDARD SUBDIVISION: AREA TO BE SUBDIVIDED IS LESS THAN 10 ACRES



PRELIMINARY PLAN FOR STANDARD SUBDIVISION

DEFINITIVE PLAN FOR STANDARD SUBDIVISION



RULES AND REGULATIONS  
GOVERNING THE SUBDIVISION OF LAND  
WENHAM, MASSACHUSETTS

adopted under the Subdivision Control Law  
Section 81-K to 81-GG inclusive, Chapter 41, G.L.)

SECTION 1.0.

EFFECT, PURPOSE AND AUTHORITY

1.1.

EFFECT

1.1.1.

The following rules and regulations shall from and after the effective date thereof govern the subdivision of land within the Town of Wenham and no person shall subdivide land in the Town of Wenham after such effective date without complying with these regulations and first obtaining from the Planning Board either approval of the plan for the proposed subdivision or the endorsement "Approval Under the Subdivision Control Law Not Required" upon such plan.

1.2.

PURPOSE

1.2.1.

These subdivision regulations are adopted under the provision of Chapter 41 of the General Law for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Wenham by " ... regulating the laying out and construction of way in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas.

The powers of the Planning Board and of the Board of Appeals under the subdivision control law shall be exercised with due regard for 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 of 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 zoning bylaws; for securing adequate provision for water sewerage, drainage, underground utility services, fire, police and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions".

1.2.2.

*In addition, it is the intent of these Rules and Regulations through the design and construction standards contained herein to preserve the rural character of the Town unless this intent conflicts with the purposes enumerated above.*

1.3.

AUTHORITY

1.3.1.

Under the authority vested in the Planning Board of the Town of Wenham by Section 81-Q of Chapter 41 of the General Laws, said Board has hereby adopted these Rules and Regulations Governing the Subdivision of Land in the Town of Wenham, on May 10, 1984.

SECTION 2.0. GENERAL

2.1. DEFINITIONS

2.1.1. For the purposes of these rules and regulations the following words or terms are defined as follows:

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

2.1.1.2. Bench Mark - A mark made in a durable object of known position and elevation and used as a reference point.

2.1.1.3. Bikeway - A way designed to be used principally or exclusively by a bicycle or similar unmotorized vehicle.

2.1.1.4. Board - The Planning Board of the Town of Wenham.

2.1.1.5. Bridle Path - A way designed to be used principally or exclusively for equestrian purposes.

2.1.1.6. Certified By - Certified by or endorsed by the Planning Board, as applied to a plan or other instrument required or authorized by the subdivision control law to be recorded, shall mean bearing a certification or endorsement signed by a majority of the members of the Planning Board.

2.1.1.7. Designer - A Professional Civil Engineer or a Land Surveyor registered to practice in Massachusetts or a person working under the direct supervision of a registered professional engineer or surveyor.

2.1.1.8. Develop - To construct a street, install utilities, erect a house or other structure, or in any way to improve a lot substantially.

2.1.1.9. Developer - A person (as hereinafter defined) who develops a subdivision under a plan of a subdivision approved pursuant to Section 3.0. of these Rules and Regulations.

2.1.1.10. Driveway, Common - A driveway which provides access to three (3) or less lots, but which does not qualify as a street for determining frontage under Chapter 40A and 41 of the General Laws.

2.1.1.11. Easement - A right acquired by public authority or other person to use or control property for a utility or other similar purpose.

2.1.1.12. Frontage - The continuous distance unencumbered by easements or otherwise, measured between the side lot lines at the street line on a way which qualifies for frontage under Chapter 41, Section 81-L, General Laws and which provides vehicular access to said lot.

2.1.1.13. General Laws - (Abbreviated G.L.) The General Laws of Massachusetts, Tercentennial Edition, and as the same may be amended.

2.1.1.14. Intensity Area - A neighborhood in which the majority of the structures are single family dwellings on lots containing less than forty-thousand (40,000) square feet, town houses, multi-family dwellings, or an area with structures designed for business, industrial use or any other non-residential use, or any combination thereof.

2.1.1.15. Lot - An area of land in one (1) ownership with definite boundaries used, or available for use, as the site of one (1) or more buildings (Section 81-L of Chapter 41 G.L.).

2.1.1.16. Low Density Area - An area where the lots are used for single family dwellings and where lots are predominantly forty-thousand (40,000) square feet or more in area and exclusive of land lying in flood plain or wetlands zones.



- 2.1.1.17. Monument - A permanent marker to indicate a boundary point or other point for measurement purposes.
- 2.1.1.18. Municipal Services - Water Drains, water pipes, gas pipes, electrical lines, telephone lines, fire alarm system, similar systems and their respective appurtenances.
- 2.1.1.19. Owner - As applies to real estate, the person holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the Land Registration Office, Registry of Deeds or Registry of Probate.
- 2.1.1.20. Parcel - An area of land in one ownership with definite boundaries not meeting requirements nor available for use for the site of principal use buildings.
- 2.1.1.21. Person - An individual, two or more individuals, or a group or association of individuals, a partnership, trust or corporation, having common or undivided interests in a tract of land.
- 2.1.1.22. Plan, Definitive - The plan of a subdivision as duly submitted to the Board for approval, to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board, and such plan when approved and recorded; all as distinguished from a Preliminary Plan.
- 2.1.1.23. Plan, Preliminary - A plan of a proposed subdivision or a re-subdivision of land prepared in accord with Section 3 to facilitate proper preparation of a Definitive Plan.
- 2.1.1.24. Planning Board Agent - Town employee or consultant authorized by the Planning Board to review subdivisions and administer the regulations.
- 2.1.1.25. Recorded - Recorded shall mean recorded in the Registry of Deeds in Essex County, except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court (Section 81-L of Chapter 41 G.L.).
- 2.1.1.26. Registry of Deeds - Registry of Deeds shall mean the Registry of Deeds of Essex County, and when appropriate, shall include the Land Court (Section 81-L of Chapter 41, G.L.).
- 2.1.1.27. Roadway - That portion of a way which is designed and constructed for vehicular travel.
- 2.1.1.28. Sidewalk - A way within the right-of-way of a street normally parallel to the street, designed for use by pedestrians.
- 2.1.1.29. Standard Specifications - "The Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges", 1973 edition as amended.
- 2.1.1.30. Street, Arterial - A street which, in the opinion of the Board, is being used or will be used as a thoroughfare within the Town of Wenham, which will connect communities or which will otherwise carry a heavy volume of traffic.
- 2.1.1.31. Street, Collector - A street intersecting one (1) or more arterial, local or minor streets and which, in the opinion of the Board, is used or will be used to carry a substantial volume of traffic from such minor or local street(s) to an arterial street or community facility, and normally including a principal entrance street to a shopping center, industrial park, cluster development, planned unit development, or a large subdivision, or group of subdivisions, and any principal circulation street within such developments, or a street which will connect subdivisions.
- 2.1.1.32. Street, Dead-End - A street, extension of a street, or system of streets connected to another street at one (1) point only. Any proposed street which intersects with a dead-end street shall be deemed to be an extension of the dead-end street.
- 2.1.1.32.1. Street, Local - 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 will not be used for through traffic.

- 2.1.1.32.2. Street, Local Modified - A private dead-end street, which provides access to no more than six (6) lots each of which has the frontage and at least twice the minimum area required by Section V E of the Wenham Protective Zoning Bylaw, and which street shall be maintained by the abutters as provided for in 4.1.1.2.
- 2.1.1.33. Street, Minor - Any private street serving as legal frontage for, or actual access to three (3) or less lots each of which has the frontage and at least twice the minimum area required by Section V E of the Wenham Zoning Bylaw, and which street, in the opinion of the Board, may be built to less exacting standards than those hereinafter prescribed for arterial, collector, local or local modified streets, and which street shall be maintained by the abutters as provided for in 4.1.1.2.
- 2.1.1.34. Subdivision - The division of a tract of land into two (2) or more lots and shall include resubdivision, and when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law, if at the time when it is made, every lot within the tract so divided has a frontage on (a) a public way, or a way which the Town Clerk of the Town of Wenham certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the Town having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning Bylaw.
- Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two (2) or more buildings were standing when the subdivision control law went into effect in the Town into separate lots on each of which one (1) of such buildings remains standing, shall not constitute a subdivision (Section 81-L of Chapter 41 G.L.).
- 2.1.1.35. Subdivision Control - The power of regulating the subdivision of land granted by the Subdivision Control Law, Chapter 41, Section 81-A through GG inclusive, as hereinafter amended.
- 2.1.1.36. Superintendent of Streets - The Superintendent of Streets or other official designated by the Board of Selectmen to be in charge of streets and roadways in Wenham.
- 2.1.1.37. Superintendent of Water Department - The Superintendent of Water Board or other official designated by the Board of Water Commissioners to be in charge of the public water system of Wenham.
- 2.1.1.38. Town - Town of Wenham, Massachusetts.
- 2.1.1.39. Trail - A path or track made by or reserved for the passage of persons and/or animals, usually through undeveloped land.
- 2.1.1.40. Utilities, Private - This term shall include telephones, cable television, electric light and power, and gas lines, wind and solar power systems, water and sewage systems not owned and operated by the Town, whether installed on, above or beneath the surface of the ground.
- 2.1.1.41. Utilities, Public - This term shall include electric light and power distribution systems, sewer pipes, surface water drains and water pipes and their appurtenances, which are owned and operated by the Town or which may become the property or responsibility of the Town.

- 2.1.1.42. Walkway - A passage designed for use by pedestrians, not necessarily parallel to a street.
- 2.1.1.43. Way - A way is synonymous with the terms, road, street, highway, and avenue and shall denote any such line or route for passage whether public or private or the width and length of the strip of land laid out, designated, acquired and/or dedicated for the use of such way. Such width includes the spaces for vehicular travel, sidewalks, edgestone and planting spaces where required.
- 2.2. APPROVED PLAN REQUIRED
- 2.2.1. No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement for sale of lots in a subdivision, or the construction of ways, or preparation therefor or the installation of utilities and municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Board as hereinafter provided or the endorsement "Approval Under The Subdivision Control Law Not Required" has been placed upon said plan.
- 2.2.2. Experience has shown that economies of time and materials can be realized if any person desiring to make a subdivision first familiarizes himself with the provisions of the Zoning Bylaw of the Town of Wenham and of these Rules and Regulations governing subdivisions.
- 2.3. SOURCE OF INFORMATION REQUIRED
- 2.3.1. In those cases in which the land shown on the plan is abutted by land of an owner not the owner of the land as shown, the Board shall require a statement from the person who prepared the plan as to the source or sources of the information about the location of boundaries. A separate form for such statement will be furnished by the Board, see Form D - Designer's Certificate.
- 2.4. MORE THAN ONE BUILDING FOR DWELLING PURPOSES ON A LOT
- 2.4.1. 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 shall be limited to one (1) unit per 40,000 square feet exclusive of land in flood plain or wetlands, except as provided under the OSRD amendment, and may be conditional upon the providing of adequate ways furnishing access to each site for such buildings in the same manner as otherwise required for lots within a subdivision.
- 2.5. FEES
- 2.5.1. The filing fee for a subdivision shall be five hundred dollars (\$500.00) or fifty dollars (\$50.00) per acre plus five dollars (\$5.00) per proposed dwelling unit shown on the plan plus ten dollars (\$10.00) per each hundred (100) linear feet of street or portion thereof shown on a Preliminary Plan, or a Definitive Plan if a Preliminary Plan is not submitted, whichever sum is greater.
- 2.5.2. The filing fee shall be paid upon submission of the respective plan.
- 2.5.3. For a Definitive Plan resulting directly from a filed Preliminary Plan, no additional minimum filing fee will be assessed, but all other costs shall be borne by the applicant as required in Section 2.5.4.

- 2.5.4. All expenses for advertising, publication of notices and mailings; for engineering, professional planning review, and plans, deemed necessary by the Board, for inspection of construction, and certification of compliance; for recording and filing of documents; and for all other expenses in connection with a subdivision, including sampling and testing required by the Planning Board or its Agent, shall be borne solely by the applicant and shall be in addition to the filing fee.

Prior to endorsement of the plan, the applicant shall place a sum in escrow with the Wenham Planning Board to be used for the payment of these costs. The amount will be determined by the Planning Board based on estimates made from similar subdivisions and shall be added to as needed, within thirty (30) days of a request by the Planning Board.

2.6. COMPLIANCE WITH THESE RULES AND REGULATIONS AND WAIVERS

- 2.6.1. All plans and all procedures relating to subdivisions and plans not requiring approval shall conform in all respects to the provisions of these Rules and Regulations unless otherwise authorized by the Planning Board in writing when in the judgement of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

2.7. COMPLIANCE WITH ZONING BYLAW

- 2.7.1. The Planning Board shall not approve or modify and approve any plan of a subdivision of land unless all buildings, structures and lots shown on said plan comply with the Zoning Bylaw of the Town of Wenham or unless a variance from the terms thereof has been granted by the Board of Appeals.

2.8. CRITERIA FOR BOARD ACTION

- 2.8.1. The Board, in considering any proposed subdivision plan, will be concerned with the requirements of the community and the best use of the land being subdivided.

*Particular attention will be given to width, arrangement and location of streets, sanitation, drainage, size and arrangement of lots, open areas, parks, retention of major site features and bridle trail systems and to land uses which preserve the rural character of the Town (cf. Section X I of the Zoning Bylaws).*

SECTION 3.0. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

3.1. PLAN BELIEVED NOT TO REQUIRE APPROVAL

3.1.1. Submission of Plan

- 3.1.1.1. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a Plan of Land, and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan and three (3) contact prints thereof and three (3) copies each of properly executed Forms A and D (See Appendix) accompanied by the necessary evidence to show that the plan does not require approval. Such submission shall be to the Planning Board at a regularly scheduled Planning Board Meeting.

Said person shall also file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission to the Board for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery the Town Clerk shall, if requested, give a written receipt therefore.

3.1.2. Contents

- 3.1.2.1. Said plan shall be accurately and legibly drawn in accordance with the Rules and Regulations of the Registry of Deeds as amended pertaining to plan size, material, lettering and related requirements, and shall contain all required seals and signatures required by the Registry of Deeds for the recording of said plan.
- 3.1.2.2. The plan shall be a minimum size of nine and one-half inches by fourteen inches (9½"x14") and shall not exceed a maximum size of thirty-four by forty-eight inches (34"x48"). The scale shall preferably be forty feet (40') to the inch or such other scale as the Board may accept. The plan shall contain the following:
- 3.1.2.2.1. Identification of the plan by name of the owner of record and location of the land in question including the Assessors' tax map number and lot number, area frontage in feet, the scale, north point, and date.
- 3.1.2.2.2. The statement, "Approval Under Subdivision Control Law Not Required" and sufficient space for the date and the signatures of all members of the Board.
- 3.1.2.2.3. A locus map at one-thousand feet (1,000') to the inch showing the boundaries of the abutting properties.
- 3.1.2.2.4. Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan, including the location of land lying in the Flood Plain or Wetlands Districts.
- 3.1.2.2.5. In the case of the creation of a new lot, all the remaining contiguous land area and frontage of the land in the ownership of the applicant shall be shown.
- 3.1.2.2.6. Notice of any decisions by the Zoning Board of Appeals including but not limited to variances and exceptions regarding the land or any buildings thereon.
- 3.1.2.2.7. Names of abutters from the most recent local tax list. If the applicant has knowledge of any changes subsequent to the latest available Assessor's records this information shall be indicated on the plan.
- 3.1.2.2.8. Names and status (e.g., private or public) of streets and ways shown on the plan, and covenants regarding common driveways, if any. (See 4.1.1.2, 4.1.4, 4.1.5 and 4.12.).

- 3.1.2.2.9. Bearings and distances of all lines of the lot or lots shown on the plan and the distance and bearing to the nearest permanent monument.
- 3.1.2.2.10. Location of all existing buildings and structures including all septic systems, surface and subsurface drainage, and building setback, side yard and rear yard dimensions.
- 3.1.2.2.11. Location of all bounds, brooks, fences, walls, easements and/or encumbrances, including boundaries of Flood Plain and Wetlands Districts, and location of existing bridle trails used by abutters and/or non-abutters.
- 3.1.2.2.12. Location of common driveways or other access when access will not be completely on the lot created.
- 3.1.3. Endorsement of Plan Not Requiring Approval
- 3.1.3.1. If the Board determines that the plan does not require approval under the Subdivision Control Law, it shall without a public hearing, and within fourteen (14) days of submission, endorse the plan with the words "Approval Under the Subdivision Control Law Not Required", or words of similar impact. Such endorsement shall not be withheld unless such plan shows a subdivision. If a common driveway is to be used for access or for the provision of utilities to any lots therein, the Board shall note on the plan that driveways are subject to the approval and conditions of the Planning Board for construction and maintenance of driveways and that building permits shall not be issued until said approval has been granted.
- 3.1.3.2. The Board may add to such endorsement a statement of the reason approval is not required or such other information as it deems appropriate, including but not limited to notation as to whether the new boundaries meet requirements for a building lot.
- 3.1.3.3. The Board shall notify the Town Clerk in writing of its action and shall return the original plan with endorsement to the applicant. A copy of the minutes of the Planning Board meeting at which approval was granted, if signed by the Clerk of the Board, and received by the Town Clerk, shall be considered proper notice.
- 3.1.4. Determination that Plan Requires Approval
- 3.1.4.1. If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within fourteen (14) days of the submission of the plan, inform both the applicant and the Town Clerk in writing of the determination and return the plan to the applicant.
- 3.1.4.2. If the Board determines that the plan shows a subdivision, the applicant may submit a plan for approval as provided by law and by these Rules and Regulations, or may appeal such determination in the manner provided by the provisions of the General Laws, Chapter 41, as amended.
- 3.1.5. Failure of Board to Act
- 3.1.5.1. If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the persons submitting the plan of its action within fourteen (14) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the Town Clerk shall issue a Certificate to the same effect.

3.2. PLAN REQUIRING SUBDIVISION APPROVAL

3.2.1. PRELIMINARY PLAN

3.2.1.1. Submission of a Preliminary Plan

Any person who wishes to create either a standard or cluster (OSRD) subdivision may submit a Preliminary Plan. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Conservation Commission, the Superintendent of Streets, the Police Department, the Fire Engineers, Water Board and other Town agencies and the owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case and is required for eligibility for Special Permit for Open Space Residential Development (OSRD), as described in Section 3.4 of these Regulations.

3.2.1.1.2 The Preliminary Plan and ten (10) copies together with the minimum filing fee and two (2) copies each of properly executed application Forms B and D (See Appendix) shall be filed with the Planning Board at a regularly scheduled meeting of the Board.

3.2.1.1.3. The applicant shall also file by delivery or registered mail a notice with the Town Clerk stating the date of submission of a Preliminary Plan to the Board for such approval accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefore.

3.2.1.1.4. For any plan showing ten (10) or more acres of land a preliminary plan for cluster (OSRD) must be filed in accord with Section 3.4.

3.2.1.2 Contents

3.2.1.2.1. The Preliminary Plan shall be drawn on tracing paper or other reproducible substance at a suitable scale, preferably forty feet (40') to the inch or such other scale as the Board may accept. The plan shall be designated as a "Preliminary Plan" and to form a clear basis for discussion of the details of the subdivision and for preparation of the Definitive Plan, the plan shall contain the following:

3.2.1.2.2. The subdivision name, if any, boundaries, north point, date, scale, legend and title "Preliminary Plan".

3.2.1.2.3. The names and addresses of the record owner of the land and the applicant and the name, seal, and address of the designer, and engineer and surveyor who made the plan, which shall appear in the lower right-hand corner of the plan.

3.2.1.2.4. Sheet sizes shall be twenty-four by thirty-six inches (24"x36") including a three-quarter inch (3/4") border, or any other dimension the Planning Board may accept.

3.2.1.2.5. If more than one page, each page must contain in the lower right-hand corner, the subdivision name, the page number, and, when applicable, provisions for recording any and all revision dates and space for Planning Board action. In addition, the first page shall contain an index of all pages supplied. Said index shall indicate what information is to be found on each page of the plan and shall be located in the upper left-hand corner of the page.

3.2.1.2.6. The names of all abutters, as determined from the most recent local tax list, unless the applicant shall have more recent knowledge of such abutters.

3.2.1.2.7 The locus of the land shown on the plan, preferably at a scale of 1000 feet (1000') to the inch, with sufficient information to accurately locate the plan including Assessors' tax map numbers and lot numbers.

3.2.1.2.8. The existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner.

- 3.2.1.2.9. Major features of the land such as existing walls, fences, trails, monuments, buildings, large trees or wooded areas, rock ridges and outcroppings, ditches, swamps, water bodies and water courses. Aerial photographs to the scale of the plan shall be required. Proposals for all site features to be retained, demolished or moved should be so noted.
- 3.2.1.2.10. A general description of the proposed and any known existing sewage disposal system, water installation and surface drainage in a general manner including adjacent existing natural waterways intended to receive drainage effluent.
- 3.2.1.2.11. The approximate boundary lines of proposed lots, with lot numbers, approximate areas and dimensions.
- 3.2.1.2.12. The names, approximate location and widths of adjacent streets, and of streets approaching or within reasonable proximity of the subdivision.
- 3.2.1.2.13. The topography of the land with no more than a five foot (5') contour interval based on the Town Datum (United States Coast and Geodetic Survey or National Geodetic Vertical Datum). Water bodies and their elevations shall be shown with the date of measurement.
- 3.2.1.2.14. Soil types based on the 1975 report of United States Department of Agriculture, Soil Conservation Service in Cooperation with the Essex Conservation District, "Soils and Their Interpretations for Various Land Uses", or successors of this report.
- 3.2.1.2.15. Letter designation of the proposed streets in lieu of names.
- 3.2.1.2.16. The profiles of existing grades and approximate proposed finished grades of the roadway and underground utilities, together with a cross section of any open channel streams.
- 3.2.1.2.17. Area(s) of contiguous land and water of the applicant not presently being subdivided, with a sketch plan showing a feasible future street layout for such contiguous land, if any.
- 3.2.1.2.18. Easements and rights-of-way applicable to the area shown on the plan.
- 3.2.1.2.19. The zoning classification of land shown on the plan and the location of any zoning district boundaries that may lie within the locus of the plan, including Flood Plain and Wetland Districts.
- 3.2.1.2.20. Areas of land within the Historic District, official scenic roads, and the location of historic monuments and buildings or distinctive geographic features recorded as worthy of preservation.
- 3.2.1.2.21. A document shall be filed containing information to provide a basis for general conclusions about the effect of the proposed plan on the environment and on the community when required elsewhere in these Rules and Regulations (See especially Sections 1.2.2., 2.8.1., 3.1.2.2.11., 3.2.1.2.8., 3.3.3.6., 4.0., 5.6.) or by any other Town Bylaw or Regulation. Further, if a standard development is proposed, the applicant shall justify why a permit for Open Space Residential Development ("cluster") is not requested as part of the Preliminary Plan. (See Section X J., Protective Zoning Bylaw).
- 3.2.1.3. Approval or Disapproval
- 3.2.1.3.1. Within sixty (60) days after submission of a Preliminary Plan to a regularly scheduled meeting, the Board either shall approve or disapprove such Preliminary Plan. The submission of the Preliminary Plan for examination by the Board shall not be deemed submission of a Definitive Plan of a subdivision of land for approval by the Board under Section 81-O of the General Laws and the action of the Board on such Preliminary Plan shall not limit its action on the Definitive Plan.



3.2.1.3.2. Approval of a Preliminary Plan

3.2.1.2.2.1. The Board may give such Preliminary Plan approval with or without modification or suggestion, after the Board's review, and at the Board's option, after review with the Board of Health, the Conservation Commission, the Superintendent of Streets, Police Department, Water Board, Fire Engineers and other Town agencies. Such approval does not constitute approval of the subdivision, but facilitates the preparation of the Definitive Plan and the securing of approval thereof, and is required before submission of a Definitive Plan for "cluster" development (OSRD: See Section 3.4.0.)

3.2.1.3.2.2. The original of the Preliminary Plan properly endorsed will be returned to the Applicant. Notice of the action taken shall be given the Applicant and Town Clerk in writing within sixty (60) days of the submission of the plan as provided in the General Laws unless an extension has been requested by the Applicant in the same manner as provided for a Definitive Plan. (See Section 3.3.6.4.2.). Approval shall be effective for seven (7) months or until a Definitive Plan evolving from the Preliminary Plan is filed, whichever comes first.

3.2.1.3.3. Disapproval of a Preliminary Plan

3.2.1.3.3.1. In the event of disapproval of a Preliminary Plan, the Board shall state the reasons for its disapproval in accordance with Section 81-U of Chapter 41, General Laws.

3.3. DEFINITIVE PLAN FOR STANDARD SUBDIVISIONS

3.3.1. Submission of a Definitive Plan

3.3.1.1. Any person who submits a Definitive Plan of a subdivision to the Board for approval shall file with the Board all items required in Section 3.3. of these regulations and the minimum filing fee (See Section 2.5) for a Definitive Plan to be duly submitted in accordance with these Rules and Regulations and the General Laws of Massachusetts. Such submission shall be made to the Planning Board at a regularly scheduled meeting of the Board. Notice of such filing shall be given the Town Clerk in accord with Section 3.3.2.9. Such submission must contain the following:

3.3.1.2. An original drawing of the Definitive Plan and twelve (12) contact prints thereof, dark line on white background for distribution to the Board of Health and Town officials for review. The original drawings will be returned to the Applicant after approval or disapproval, which in the case of approval are to be recorded in the Essex County Registry of Deeds.

3.3.1.3. Properly executed Form C - Application for Approval of a Definitive Plan; Form D1 - Engineer's Certificate; or D - Land Surveyor's Certificate; and Form E - Certified List of Abutters. (See Appendix)

3.3.2. Format

3.3.2.1. The Definitive Plan shall be prepared in the following manner:

3.3.2.2. The Definitive Plan shall be prepared by a professional engineer and a land surveyor registered in Massachusetts. All pages shall be clearly and legibly drawn in accordance with the Rules and Regulations of the Registry of Deeds, as amended, pertaining to plan size, material, lettering and related requirements. In addition, the plan shall be in accord with the following:

3.3.2.3. The classification and precision of surveys shall conform to Class A or better of the most recent Land Court Manual of Instruction, Commonwealth of Massachusetts. It is recommended that all other survey and Definitive Plan preparation, where not herein specified, be guided by the Manual of Instructions.

3.3.2.4. The plan shall be at a scale of one inch (1") equals forty feet (40') or such other scale as the Board may accept to show details clearly and adequately.

- 3.3.2.5. Sheet sizes shall be twenty-four by thirty-six inches (24"x36") including a three-quarter inch (3/4") border, or any other dimensions the Board may accept.
- 3.3.2.6. All plans shall be accompanied by a locus map at a scale of one-inch (1") equals one thousand feet (1,000'), showing the relationship of the subdivision to highways and streets in Town. The map shall show the entire subdivision layout, adjacent streets, if any, or streets within a reasonable distance, sufficient to identify the location and the access to the land and shall be imposed on the upper left of the title sheet and all pages in the subdivision submission shall be indexed or keyed on this plan.
- 3.3.2.7. All plans shall be accompanied by a Title Sheet and Key Map.
- 3.3.2.8. The title block and signature space shall be located in the lower right-hand corner of each page.
- 3.3.2.9. The Applicant shall also file by delivery or registered mail a notice with the Town Clerk stating the date of submission to the Board for such approval accompanied by a copy of the completed Form C - Application for Approval of a Definitive Plan.
- 3.3.2.10. Items required by Section 3.3.3.15, through 3.3.3.20, shall be submitted on separate sheets of the same size and material as the plan sheet. Each sheet shall bear title block and signature block as required in Sections 3.3.3.2 and 3.3.3.14.
- 3.3.3. Contents
- 3.3.3.1. The Definitive Plan shall contain the following information:
- 3.3.3.2. A title, appearing in the lower right-hand corner of each sheet showing the name of the subdivision if any, the date, scale, the names and seals of the designer, engineer and surveyor who made the plan, and provisions to show the dates of all revisions to the plan.
- 3.3.3.3. North point, whether true, magnetic, or grid benchmark and so indicated.
- 3.3.3.4. The boundaries of the subdivision indicated by shading.
- 3.3.3.5. Location and ownership of abutting property as it appears on Form E - Certified List of Abutters unless the applicant shall have more recent knowledge of such abutters, so indicated, including all abutting land owned by the Applicant not presently being subdivided, and all other land within five-hundred feet (500') of the boundaries of the land shown in the subdivision.
- 3.3.3.6. Major features of the land, such as existing waterways, swamps and water bodies, natural drainage courses, walls, fences, trails, buildings, large trees or wooded areas, rock ridges, outcroppings, and ditches which exist on or near the site at the time of survey. Aerial photographs to the scale of the plan shall be required. *All features to be retained, demolished or moved shall be so noted.*
- 3.3.3.7. Lines of existing and proposed streets, ways, lots, lot numbers of each lot designated in accordance with the Town House Numbering system, easements, and public or common areas within the subdivision. Letter designation of proposed streets shall be shown in pencil in lieu of street names, and a list of proposed street names together with a listing with the street letter designation shall be provided to the Planning Board for review and/or tentative approval. (See Section 4.1.8.)
- 3.3.3.8. Sufficient data to determine the location, direction and length of every street and way line, lot line, and boundary line, and to establish these lines on the ground, which shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines

including lot frontage on the street, of the radii, tangents and central angles of all curves in lot lines and street lines; all angle points, or intersections of tangents along the street lines; areas of lots with lot numbers and the area and frontage on public ways, as set forth in Section 81-L of Chapter 41, General Laws of Massachusetts.

The engineer or surveyor shall have the mathematical computations available to present to the Board and/or the Superintendent of Streets, for a matter of record. It is recommended that traverse computations be placed on a separate or subsequent sheet.

- 3.3.3.9. Location of all permanent monuments properly identified as to whether existing or proposed.
- 3.3.3.10. Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both pavement widths and right-of-way widths.
- 3.3.3.11. The zoning district classification of land shown on the plan and the location of any zoning district boundaries that lie within the locus of the plan and the applicable minimum front, side and rear yard depths for each lot as is required by the Zoning Bylaws. All lots shown shall comply with the applicable zoning district requirements for the proposed land utilization.
- 3.3.3.12. Indication of all existing and proposed easements and rights-of-way applying to the land and their purposes, whether or not within the subdivision, any decision on appeal or any variances or exceptions made by the Zoning Board of Appeals applicable to the subdivision or the land or any buildings thereon, and the location of common driveways, if any, together with the required covenants. See 4.12.
- 3.3.3.13. If the property that comprises the subdivision or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land of the applicant.
- 3.3.3.14. Suitable space to record the action of the Board and the signatures of all members of the Board and all members of the Board of Health, including where appropriate the words "Deeds of Easements to be recorded herewith", or the words "Covenants to be recorded herewith", at the same location on all pages of the subdivision submission.
- 3.3.3.15. Plan and Profile
- 3.3.3.15.1. Existing profiles of the exterior lines and center line drawn in fine black line, dot dash for left, dot dot dash for right side, and dash for center line, and proposed profile of the finished center line drawn in fine black solid line of proposed streets at a horizontal scale of one inch (1") equals forty-feet (40') and vertical scale of one inch (1") equals four feet (4'), or such other scale acceptable to the Board. At least two (2) benchmarks are to be shown on plan profile sheets and grade elevations at every fifty-foot (50') station except in vertical curves which shall be at every twenty-five foot (25') station.

*All existing and proposed intersections and sidewalks, bikeways and walkways shall be shown with all proposed grade elevations. Elevations are to be referred to the Town Datum. (United States Coast and Geodetic Survey). Gradients shall be shown by figures expressed in percent.*

3.3.3.16. Contour Plan

- 3.3.3.16.1. Existing and proposed topography at two feet (2') contour intervals and by symbols the highest known high water mark of the last one hundred (100) years. There shall also be indicated by differentiating symbols the contour line four feet (4') above said high water mark. All benchmarks will be noted, as well as items required in Section 3.3.3.9.

3.3.3.17. Utility Plan

- 3.3.3.17.1. Whenever possible, for the purpose of clarity, the utility plan should be on separate pages, and shall show:
- 3.3.3.17.2. Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewage disposal systems and their appurtenances, storm drains and their appurtenances, and easements pertinent thereto, and curbs and curb dimensions including data on borings and soil test pits, and method of carrying water to the nearest watercourse or easements for drainage as needed, whether or not within the subdivision.
- 3.3.3.17.3. A clear indication of what course the discharge will take accompanied by evidence from the Superintendent of Streets and the owners of adjacent property that if surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the applicant such discharge is satisfactory and permitted by public or private ownership of adjacent street or property.
- 3.3.3.17.4. All other utilities shall be shown on this plan (See Section 4.7.)

3.3.3.18. Drainage Calculations

- 3.3.3.18.1. Drainage calculations shall be submitted in a suitable form along with amplifying plans outlining drainage areas within and affecting the subdivision. A plan shall also be submitted showing the route followed by all drainage discharging from the subdivision to the primary receiving water course or other large body of water. Drainage design shall be based on the rational formula ( $Q=CIA$ ). The runoff coefficient "C" shall be determined from the proposed use of land within the watersheds with a minimum value of 0.30 to be used. The rainfall intensity shall be determined from the times of concentration and the Yarnell curves. A fifty (50) year frequency storm shall be used for street drainage and one-hundred (100) year frequency storm for cross culverts. The minimum time of concentration for street drainage shall be ten (10) minutes and for cross culverts shall be twenty (20) minutes.

3.3.3.19. Tree Plan

- 3.3.3.19.1. Location and species of all proposed street trees and location of all existing trees with trunks over twelve inches (12") in diameter measured four-feet (4') above the finished ground level within the minimum front setback distance as provided in Section 4.5.

3.3.3.20. Cross-Sections

- 3.3.3.20.1. Typical cross-sections of each street, roadway, drainage ditch and sidewalk to be constructed.

3.3.3.21. Environmental Assessment

- 3.3.3.21.1. Sufficient information shall be filed to provide a basis for general conclusions about the effect of the proposed plan on the environment and the community when required elsewhere in these Rules and Regulations or by any other Town Bylaw or regulation. If such a document has been filed with the Preliminary Plan, and accepted by the Board, it shall constitute a submission under this section.

3.3.3.21.2. In addition, a statement in writing shall be submitted concerning the status of the proposed project in relationship to the removal, fill or dredge of any bank, flat marsh, meadow or swamp bordering on any inland water (Wetlands Protection Act, Massachusetts General Law Chapter 131, Section 40).

3.3.3.22. Open Space

3.3.3.22.1. The location of all open spaces as required by Section 4.4.

3.3.4. Staking

3.3.4.1. To facilitate review of the Definitive Plan by the appropriate authorities, at the time of filing of the Definitive Plan the applicant shall stake the center line of all proposed streets at a minimum of every one-hundred feet (100') with the center line stations and the cut or fill dimensions to finish grade marked on the stakes, and also the lot frontage with numbers.

3.3.5. Soil Survey and Percolation Tests

3.3.5.1. General

3.3.5.1.1. The Board may require soil surveys and/or test pits or borings which are to be prepared at the expense of the Applicant to establish the suitability of the land for the proposed storm drainage system and proposed street construction.

3.3.5.2. Test Information

3.3.5.2.1. All information concerning the test pits, borings or soundings (location, depth, soil stratas, depth of water table) shall be submitted to the Board in a written report to be made, evaluated and stamped by a Registered Professional Engineer.

3.3.5.3. Roads

3.3.5.3.1. Test pits, borings or soundings shall be taken along the center line of each street shown on the plan at intervals of at least every two-hundred feet (200') and at locations such as cut sections and areas of questionable foundation material, where the subsurface conditions may be, in the opinion of the Board or its Agent, factors affecting the quality and service life of the street.

Test pits shall not be back filled until the applicant has been notified by the Board or its Agent that all necessary inspection and sampling has been completed. Where borings are used, samples shall be taken at five foot (5') intervals and at each change in strata. Soundings shall be taken in areas of unsuitable material for the purpose of determining the unsuitable material and for the purpose of determining the hard bottom contours. Test pits and boring; where required, shall extend to a minimum depth of five feet (5') below the street profile grade or to bedrock; whichever is less.

The applicant shall indicate on the plan a proposed layout of the subsurface exploration program complete with location, spacing, and type of exploration proposed.

3.3.5.4. Lots

3.3.5.4.1. Soil surveys when required by the Board or its Agent shall include a test excavation not less than seven feet (7') below finished grade at a frequency of one (1) per every four (4) lots, location of which must be shown on the contour plan, and a report thereon. Percolation tests shall be in accordance with Title 5 of the Commonwealth of Massachusetts State Environmental Code.

3.3.5.5. Location of Septic Tank or Drain Field

- 3.3.5.5.1. In no instance shall a septic tank or drain field be permitted on any lot or lots in areas designated on the map titled "Soil Limitations for Septic Tank Sewage Disposal, Town of Wenham, Essex County, Massachusetts", developed by the United States Department of Agriculture, Soil Conservation Service in cooperation with the Essex Conservation District, 1975 or its successors, and on file with the Wenham Planning Board unless evidence is submitted that is satisfactory to the Board of Health and the Planning Board that the Soil Map is in error.

3.3.6. Procedure

3.3.6.1. Review by Board of Health as to Suitability of Land

- 3.3.6.1.1. At the time of filing of the Definitive Plan, the Applicant shall also file with the Board of Health two (2) contact prints of the Definitive Plan, dark line on white background, together with such information in the nature of percolation tests and deep tests holes as the Board of Health may require. The Board of Health shall within forty-five (45) days after filing of the plan report to the Planning Board in writing its approval or disapproval of said plan. Failure of the Board of Health to report within forty-five (45) days shall be deemed approval.

If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and where possible, shall make recommendations for the adjustment thereof. The Board of Health shall send a copy of such report, if any, to the person who submitted said plan.

Every lot shall be provided with septic tank and drain field or an on-site sewage treatment facility satisfactory to the Board of Health and/or the Commonwealth of Massachusetts Sanitary Code minimum standards as the Board of Health shall determine. No lot shall be approved as a building lot unless said lot has, in the opinion of the Board of Health, a designable septic system based on an official soil examination and percolation test.

3.3.6.2. Review by Other Town Officials

- 3.3.6.2.1. The Planning Board will transmit copies of the Definitive Plan to Town Officials (and others) other than the Board of Health. (See Form K, Referral Form, Appendix).
- 3.3.6.2.2. The Board shall request written statements regarding the following respects of the proposed improvements:
- a) The Board of Selectmen as to the design of the street system and the provisions for the safety of the future inhabitants and the public.
  - b) Conservation Commission as to potential involvement with Chapter 131, Section 40, General Laws, the effects of the subdivision on streams, wildlife and similar considerations within the scope of the Conservation Commission and the proposals for demolishing, retaining or moving site features.
  - c) The Superintendent of Streets as to the design of the street system, location of easements, monuments, drainage system, water system, and if applicable, a sewage system, and their appurtenances, and relationship to existing water and drainage systems.
  - d) Fire Engineers as to location of hydrants, installation of the alarm system, if any, and emergency access.

- e) Police Department as to street safety, both vehicular and pedestrian, and access for emergency vehicles.
- f) Board of Water commissioners as to the arrangements for water supply, the design of the water system and its appurtenances and relationship to existing water systems.
- g) Inspector of Buildings for compliance with the Wenham Zoning Bylaw.
- h) Board of Assessors for information on any possible lot line conflicts, and for proper recording of known easements and/or encumbrances on the land.
- i) The Tree Warden as to the location of shade trees within the subdivision and as to the proper protection of such shade trees as in his judgement should be retained.
- j) The Town Counsel as to the form of all easements and covenants.
- k) The Historic District Commission as to the effect of proposed development on the District.

### 3.3.6.3. Public Hearing

- 3.3.6.3.1. Before taking any action to approve, modify and approve or disapprove a Definitive Plan, the Board shall hold a hearing at which parties in interest shall have an opportunity to be heard in person or by agent or attorney. Notice of the time and place of such hearing and of the subject matter sufficient for identification shall be published in a newspaper of general circulation in the Town of Wenham once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing, and by mailing a copy of such advertisement to the Applicant and to all owners of land within five-hundred (500') feet of the property line of the land shown on the plan, as shown on the most recent tax list at the expense of the Applicant. If for any reason such a newspaper is not being published, notice shall be by posting in a conspicuous place in the Town Hall and by mailing as described above.

### 3.3.6.4. Planning Board Procedure

- 3.3.6.4.1. The procedure that the Board will follow with regard to approval, disapproval, or modification of the Definitive Plan submitted by the applicant will be that as set forth in Chapter 41, Section 81-U of the General Laws, as amended. In summary, the Board, after receiving the Plan and all required supporting documents, will review the same to determine whether they are in compliance with its adopted Rules and Regulations.
- 3.3.6.4.2. *The Board shall approve or disapprove the Definitive Plan within sixty (60) days of its submission to a regularly scheduled meeting of the Board, unless an extension has been requested in writing by and granted to the Applicant as permitted by Statute.*
- 3.3.6.4.3. *Before approval of the Plan, the Board shall submit the Plan to such professional service as it deems appropriate for review at the applicant's expense. After this review, the Board shall establish that the purposes of the General Law are met.*

The Board may, as a condition of granting a building permit under Section 81-Y, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the Town. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such Plan and which shall for the purpose of the Subdivision Control Law be deemed to be part of the Plan.

3.3.7.

Performance Guarantee

3.3.7.1.

Before endorsement of the Board's approval or conditional approval of any Definitive Subdivision Plan, the Applicant shall agree both to meet the conditions and to complete the required improvements specified in Section 5.0. for all lots in the subdivision within two (2) years of the date of approval unless the subdivider stipulates, in writing, some other time constraint.

Construction and installation shall be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the Applicant with the written consent of the Board. Said security shall be posted and approved by the Planning Board prior to any construction, installation or sale of lots.

3.3.7.2.

Approval With Bonds or Surety

3.3.7.2.1.

The Applicant shall either file a duly executed surety company performance bond on Form F or on such other form as the Board requires or a duly executed performance bond secured by a deposit of money or negotiable securities on Form G or such other form as the Board requires, in an amount determined by the Board to be sufficient to cover the cost of all of the improvements specified in Section 5.0. not covered by a covenant under 3.3.7.3. hereof.

3.3.7.2.2.

Surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall be approved as to form, manner of execution and, in the case of a surety company performance bond, as to the surety, by the Town Counsel. (Forms F & G)

3.3.7.2.3.

In the case of a performance bond secured by negotiable securities, the negotiable securities shall be approved by the Town Treasurer.

3.3.7.3.

Approval With Covenant

3.3.7.3.1.

The Applicant shall file a duly executed covenant on Form H or on such other form of covenant as the Board requires, which provides that no lot may be built upon or sold until the ways and municipal services necessary to serve adequately such lot have been constructed and installed. Such covenant shall be approved as to form and manner of execution by Town Counsel and shall be recorded in the Registry of Deeds by the owner of record and shall run with the land. (Form H)

3.3.7.4.

Approval With Tri-Partite Agreement

3.3.7.4.1.

A tri-partite agreement satisfactory to the Planning Board shall be filed in the case of a surety held by a bank chartered by the Commonwealth of Massachusetts. Portions of the surety may be released by the Board upon satisfactory completion of portions of the work as specified in the Agreement which shall be in accordance with Section 3.3.14. of these Regulations.

Said agreement shall provide a schedule of disbursements which may be made to the Applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the Applicant, any funds remaining undisbursed shall be available to the Town for completion. (Form I)

3.3.8.

Approval or Disapproval

3.3.8.1.

The action of the Board in respect to such plan shall be by vote, copies of which shall be filed with the Town Clerk and sent to the Applicant. If the Board modifies or disapproves such a plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the Rules and Regulations of the Board, and to the recommendations of the Board of Health.



- 3.3.8.2. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory twenty (20) days appeal period has elapsed following the filing of the Board's Certificate of Approval on Form C-1 or Disapproval on Form C-2 (See Appendix), as the case may be, with the Town Clerk and said Clerk has notified the Board that no appeal has been filed.
- 3.3.8.2.1. If no appeal has been made, said endorsement shall be subject to the construction specifications contained herein and to the Rules and Regulations of the Board of Health and all other appropriate Town Boards. After the Definitive Plan has been approved and endorsed, the Board shall return the original to the Applicant.
- 3.3.9. Acceptance of Streets
- 3.3.9.1. Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets shown on the plan. See Section 3.3.16.
- 3.3.10. Time for Completion
- 3.3.10.1. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the Applicant, or so required by the Board, any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town. Ways or portions thereof not completed within the time required shall thereafter be completed in accordance with the design and construction standards of the Board in effect upon the expiration of such time, unless an extension of time is granted.
- 3.3.11. Expiration of Endorsement and Extensions
- 3.3.11.1. The endorsement of the plan approval by the Board shall be valid for a period of three (3) years from the date of said endorsement. Prior to the expiration of the three (3) years approval period, the developer and/or owner shall request in writing to the Board an extension of time, if necessary. Failure to request an extension of time prior to the expiration of the three (3) year approval period shall result in the Board's notifying the Inspector of Buildings that no additional building permits shall be issued in said development. The request for an extension shall state the reasons for the requested extension and also the length of time requested. The extension shall not exceed one (1) year. Additional extensions after the first may be applied for but not until at least ten (10) months have expired on the extension in effect.
- 3.3.12. Recording
- 3.3.12.1. The Applicant shall file all pages of the approved Definitive Plan and Covenant, if any, at the Registry of Deeds, and shall notify the Board in writing presenting evidence of the recording of the plan and the covenant.
- 3.3.12.2. Before any building permits in the subdivision may be issued, the Applicant shall deliver to the Board three (3) copies of the approved and recorded Definitive Plans, one (1) set of 105 mm negatives of the approved plans and a copy of a Certificate of Title duly searched and executed by an attorney or Title Company stating that the premises shown on said plan and appurtenances thereto are in the name of the Applicant and are free of any encumbrances or with encumbrances as set forth.

3.3.13.

Conveyance of Utilities and Easements to the Town

3.3.13.1.

Prior to the release by the Board of a surety bond or deposit, or, in the case of a covenant, the issuance of a Release Form, the Developer shall execute an instrument on a Form approved by the Board, (See Form K) transferring to the Town, without cost, valid unencumbered title to the electric power system and street lights, and to all storm drains and watermains, and appurtenances thereto, constructed and installed in the subdivision or portion thereto to be approved, and conveying to the Town without cost and free of all liens and encumbrances perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain the aforesaid above ground and underground utilities, with any poles, manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or portion thereof to be approved and if any such utilities have been constructed and installed in land not within such streets, then in, through, and under an easement as shown on the Definitive Plan.

3.3.14.

Reduction or Release of Performance Guarantee

3.3.14.1.

Reduction of Bond Surety

3.3.14.1.1.

The penal sum of any such bond or the amount of any deposit held under clause Section 3.3.7. may from time to time be reduced by the Board and the obligations of the parties thereto released by said 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 by the Board. (See Form J, Appendix)

3.3.14.2.

Final Release of Performance Guarantee

3.3.14.2.1.

The Board may withhold final release of the Developer's bond or performance guarantee, or a delivery of a certificate of performance on the Developer's covenant, until satisfied as to:

- a) Pavement integrity intact after eighteen (18) months from completion of all roads within the development.
- b) Permanent type grass on all seeded areas.
- c) Establishment of vegetation on sloped areas.
- d) Shoulders and embankments intact.
- e) Functional integrity of all parts of the drainage system.
- f) Satisfactory installation of utilities as required by the Board.
- g) Satisfactory completion of any other items, including conditions of covenants, which are the responsibility of the Developer.

3.3.14.3.

Upon completion of improvements required under Section 5.0. security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the Developer or owner at his expense will cause to be published in a newspaper of general circulation in the Town of Wenham at least seven (7) days prior to the releasing of the performance bond or surety, an announcement that such release is contemplated. In the event that the newspaper is not being published, the Developer or owner shall request the Town Clerk to post such a notice in a conspicuous place in the Town Hall. He shall also send by registered mail to the Town Clerk and the Planning Board a written statement that the said construction or installation in connection with which such bond, deposit or covenant has been secured, has been completed in accordance with the requirements contained under Section 5.0. such statement to contain:

- 3.3.14.3.1. Name and address of the Applicant.
- 3.3.14.3.2. A compliance certificate signed under oath by the Developer and his Engineer that the development has been completed according to the Rules and Regulations of the Planning Board and the Town of Wenham's Zoning Bylaws.
- 3.3.14.3.3. Copies of or reference to the requisite number of Inspection Forms and Reports.
- 3.3.14.3.4. Written evidence of compliance with the Definitive Plan from the following:
- a) Superintendent of Streets as to construction of all ways and sidewalks, and installation street signs, street lighting and appurtenances, pavement, gutters and curbs, monuments required grading and drainage, lot drainage, planting and seeding.
  - b) Board of Water Commissioners as to all water mains, hydrants and appurtenances.
  - c) The Board of Health as to the installation of sewage disposal facilities, if applicable.
  - d) The Fire Engineers as to the installation of the fire alarm system, if any.
- 3.3.14.4. Determination of Incompleteness
- 3.3.14.4.1. If the Board determines that said construction, installation, or filing of "as-built" plans has not been completed, it shall specify to the Town Clerk and to the Developer, in writing by registered mail, the details wherein said construction and installation shall have failed to comply with requirements contained under Section 5.0. Upon failure of the Board to act on such application within forty-five (45) days after the receipt of the application by the Town Clerk and the Board, all obligations under the bond shall cease and terminate by operation of law, and any such covenant shall become void.
- 3.3.14.4.2. In the event that said forty-five (45) day period expires without such specification, or without the release and return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.
- 3.3.15. As-Built Plans
- 3.3.15.1. Prior to the final release, the Developer shall file with the Board an as-built acceptance plan of completed street or streets. The plan, drawn on tracing cloth or other material suitable to the Planning Board, shall show all plans and profiles corrected and certified by the Developer's engineer to be actual as-built locations and profiles of all streets, ways, and utilities, including those installed by others, such as the Gas Company or New England Telephone, the location of all lines and the assigned house number for each dwelling.
- 3.3.16. Acceptance by the Town
- 3.3.16.1. In the case of public ways, the subdivider shall file with the Planning Board a final plan on tracing cloth of completed street or streets, utilities and easements together with proper legal descriptions for initiating an article in the Town Warrant pursuant to the acceptance of the ways by the Town Meeting (See Section 5.0.) and shall grant a deed to the Town of the streets, utilities and easements, as contained in the plan, said deed to be recorded by the Town upon acceptance of the streets by the Town Meeting.

- 3.4. PERMIT FOR OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD = "Cluster" Development)
- 3.4.1. PRELIMINARY PLANS
- 3.4.1.1. Submission
- 3.4.1.1.1. A person intending to apply for a Special Permit under the Open Space Residential Development (OSRD) provisions of the Wenham Protective Zoning By-Law (Section XJ) shall file with the Planning Board at a regularly scheduled meeting of the Board the following items:
- 3.4.1.1.2. (a) A Preliminary Plan for a Standard Subdivision of the land; original and three (3) copies;
- 3.4.1.1.3. (b) Evidence that all lots shown in the Standard Subdivision comply with the requirements of the Wenham Board of Health for on-site sewerage disposal;
- 3.4.1.1.4. (c) A Preliminary Plan for an Open Space Residential Development of the land; original and twelve (12) copies;
- 3.4.1.1.5. (d) Properly executed letter of application.
- 3.4.1.1.6. The applicant shall also notify the Town Clerk of the date of submission of these documents to the Planning Board as specified in Section 3.2.1.1.3. of these Regulations.
- 3.4.1.1.7. *In the event that the applicant wishes only a ruling on the potential number of building lots which might be allowed under a Special Permit, the applicant may submit only items (a) and (b) to the Planning Board at a regularly scheduled meeting of the Board. If the Board approves these submissions as provided under Section 3.2.1., said approval shall be valid for satisfying items (a) and (b) in any subsequent submission of Preliminary Plans for an OSRD in the process of determining eligibility to apply for a Special Permit for OSRD.*
- 3.4.1.2. Fees
- 3.4.1.2.1. Fees shall conform to Section 2.5 of these Regulations and shall be paid upon submission of Preliminary Plans.
- 3.4.1.2.2. In addition, all expenses for advertising, engineering, sampling and testing required by the Board, professional review of plans or construction, certificates of compliance, recording and filing of documents, and all other expenses in connection with subsequent application for a Special Permit shall also be borne by the applicant.
- 3.4.1.3. Contents
- 3.4.1.3.1. Preliminary Plan for Standard Subdivision Development
- 3.4.1.3.1.1. A plan to be designated "Preliminary Plan for Standard Subdivision" shall be based on lot-sizes specified in Section X.E. of the Protective Zoning By-Laws, and shall comply in all respects with Section 3.2. of these regulations.
- 3.4.1.3.1.2. This plan will form the basis for a determination by the Planning Board as to the maximum number of building lots, whether clustered or not, which may be located on the proposed tract.
- 3.4.1.3.2. Evidence of Compliance of Standard Lots with Board of Health Requirements
- 3.4.1.3.2.1. For each of the proposed lots shown on the "Preliminary Plan for Standard Subdivision", data shall be provided which establishes compliance with the Rules and Regulations of the Board of Health for on-site sewerage disposal, including but not limited to evidence from deep test pits and percolation tests or other soil or drainage data as may be deemed necessary to satisfy the Board of Health.

3.4.1.3.3. Preliminary Plan for Open Space Residential Development

- 3.4.1.3.3.1. A plan to be designated "Preliminary Plan for OSRD Subdivision" shall be based on reduced lot sizes and yard requirements as specified in Section X.J. of the Protective Zoning By-Laws. Said plan shall be of the same scale and format as the "Preliminary Plan for Standard Subdivision". In addition to meeting requirements specified in Section 3.2. of these Regulations, the site plan of the "Preliminary Plan for OSRD Subdivision" shall show:
- 3.4.1.3.3.2. (a) The number of building lots, the proposed size and location of each lot, and the boundaries of the front side and rear yards on each lot permitted under OSRD;
- 3.4.1.3.3.3. (b) The proposed location and size of the lot or lots to remain as permanent open space together with any existing or proposed accessory structures;
- 3.4.1.3.3.4. (c) The proposed location of any lot or lots and proposed or existing appurtenant structures to be held in common ownership by the lot owners but not included in the open space;
- 3.4.1.3.3.5. (d) The proposed location, size and type of streets, sidewalks and parking areas to serve the OSRD;
- 3.4.1.3.3.6. (e) Proposed circulation and provisions for the safety and convenience of vehicular and pedestrian activity.

Furthermore, the Preliminary Plan shall describe:

- 3.4.1.3.3.7 (f) The acreage, location, access, proposed use and disposition or manner of ownership of the proposed permanent open space;
- 3.4.1.3.3.8. (g) Proposed landscaping, exterior lighting, architectural exterior design and elevations, typical floor plans;
- 3.4.1.3.3.9. (h) Proposed provisions for privacy and security, if any;
- 3.4.1.3.3.10. (i) Proposed methods for disposal of refuse and other wastes;
- 3.4.1.3.3.11. (j) Projected phasing, timing of construction, type of ownership, and proposed covenants and/or agreements binding on the members of a homeowners association;
- 3.4.1.3.3.12. (k) Projected advantages to the Town of the proposed development compared to the alternative permitted uses at the same site.

3.4.1.4. Approval or Disapproval

- 3.4.1.4.1. Within sixty (60) days after submission of separate Preliminary Plans for Standard and for OSRD Subdivisions, the Board shall approve or disapprove the Preliminary Plan for the Standard Subdivision, subject to Section 3.2.1.3. of these Regulations.
- 3.4.1.4.2. Only if the Preliminary Plan for the Standard Subdivision is approved shall the Board approve or disapprove the Preliminary Plan for an OSRD Subdivision of the tract.
- 3.4.1.4.3. Any decision of the Preliminary Plan for the OSRD Subdivision shall be rendered within sixty (60) days after its submission, subject to exemptions for extensions requested by the Applicant as provided for in Section 3.3.6.4.2. of these Regulations.

3.4.1.4.4. Approval of Preliminary Plan for OSRD Subdivision

- 3.4.1.4.4.1. The Board may give such Preliminary Plan approval with or without modification or suggestion as described in Section 3.2.1.3.2.1. of these Regulations.

- 3.4.1.4.4.2. Approval is required for eligibility to apply for a Special Permit for exemption from Lot Size and Yard Requirements under the OSRD provision of the Protective Zoning By-Law (Section X.J.) in preparing a Definitive Plan for Subdivision of the site.
- 3.4.1.4.5. Disapproval of a Preliminary Plan for OSRD Subdivision
- 3.4.1.4.5.1. In the event of disapproval of a Preliminary Plan for OSRD Subdivision, based on standards described in Section X.J. of the Protective Zoning By-Laws, the Board shall state the reasons for its disapproval as specified in Section 3.2.1.3.3.1. of these Regulations.
- 3.4.1.4.5.2. Such disapproval will not invalidate the prior approval of the Preliminary Plan for Standard Subdivision.
- 3.4.2. DEFINITIVE PLAN AND APPLICATION FOR SPECIAL PERMIT
- 3.4.2.1. Submission of a Definitive Plan
- 3.4.2.1.1. Any person who is eligible (see Section 3.4) to apply for a Special Permit for OSRD must submit a Definitive Plan of the OSRD Subdivision to the Board for approval and shall file with the Board all items required in Section 3.3 and 3.4.1. of these Regulations together with the minimum filing fee (see Section 2.5) for a Definitive Plan to be duly submitted in accordance with these Rules and Regulations and the General Laws of Massachusetts.
- 3.4.2.1.2. Said person need not submit a Definitive Plan for a Standard Subdivision of the same site but is not prohibited from doing so. All submissions shall be made to the Planning Board at a *regularly scheduled meeting of the Board*. Notice of such filing shall be given the Town Clerk in accord with Section 3.3.2.9.
- 3.4.2.1.3. Such submission shall contain all drawings and forms specified in Section 3.3.1.2. and 3.3.1.3. of these Regulations and shall also contain a properly executed Letter of Application for a Special Permit for Exemption from Standard Lot and Yard Dimensions as permitted under the OSRD Provision of the Protective Zoning By-Laws (Section X.J.).
- 3.4.2.2. Format
- The Definitive Plan shall be prepared in the manner specified in Section 3.3.2 of these Regulations and shall be based on exemptions from standard lot and yard sizes as provided for in Section X.J. in the Protective Zoning By-Laws.
- 3.4.2.3. Contents
- 3.4.2.3.1. The Definitive Plan shall meet all dimensional and other standards prescribed in Section X.J.1. of the Protective Zoning By-Law and shall contain the following information:
- 3.4.2.3.2. (a) All requirements of Section 3.3.3. of these Regulations.
- 3.4.2.3.3. (b) The acreage, location, access, proposed use, and disposition or manner of ownership of the proposed permanent open space.
- 3.4.2.3.4. (c) Provisions for privacy and security, if any.
- 3.4.2.3.5. (d) Circulation and provisions for the safety and convenience of vehicular and pedestrian activity.
- 3.4.2.3.6. (e) Methods for disposal of refuse and other wastes.
- 3.4.2.3.7. (f) Landscaping, planting around structures, boundaries of tract and banks of waterways; exterior lighting, architectural exterior designs and elevations with typical floor plans and site perspective at elevation one-eighth (1/8) inch equals one (1) foot.

- 3.4.2.3.8. (g) Projected phasing, timing of construction, type of ownership, and proposed covenants and/or agreements binding on members of a homeowners association.
- 3.4.2.3.9. (h) Projected advantages to the Town of the proposed development compared to alternative permitted uses at the same site.
- 3.4.2.4. Staking; Soil Survey and Percolation Tests
- The applicant shall meet the requirements of Sections 3.3.4. and 3.3.5. herein.
- 3.4.2.5. Procedure
- 3.4.2.5.1. Review
- Before rendering a decision on the Application for a Special Permit, the Board will refer it to certain town officials. Each official or board will review the plan in relation to his area of responsibility and will respond in writing within forty-five (45) days of receipt as to the adequacy and compliance of the Plan. Failure to respond will be deemed to mean approval of the Plan without adverse comment.
- 3.4.2.5.1.1. Review by Board of Health as to Suitability of Land
- At the time of filing of the Definitive Plan, the Applicant shall also file with the Board of Health, who shall approve or disapprove said plan as provided for in Section 3.3.6.1. herein.
- 3.4.2.5.1.2. Review by Other Town Officials
- The Planning Board will transmit copies of the Definitive Plan to Town Officials (and others) other than the Board of Health for their review, comment and recommendations as provided for in Section 3.3.6.2. herein.
- 3.4.2.5.1.3. Review by Design Review Board
- The Planning Board shall appoint for the purposes of design review of this particular Definitive Plan a special Design Review Board consisting of a certified landscape architect, a building architect who is a member of the American Institute of Architects, a representative of abutters to the proposed subdivision, a member of the Wenham Historic District Commission, and such other citizens whose opinions on site planning and design review will be meritorious in framing recommendations by the Design Review Board to the Planning Board.
- 3.4.2.5.2. Requirements for Permit Issuance
- The Planning Board shall grant a Special Permit for OSRD Subdivision if it determines that:
- 3.4.2.5.2.1. (a) The building lots comply with the standards in Section X.J. of the Protective Zoning By-Law regarding the permissible number, size, shape and location of lots.
- 3.4.2.5.2.2. (b) The provision for open space is in compliance with the By-Law.
- 3.4.2.5.2.3. (c) The plan protects adjoining premises against serious detrimental uses by provision for surface water drainage, sound and sight barriers and preservation of views, light and air.
- 3.4.2.5.2.4. (d) The plan provides for convenience and safety of vehicular and pedestrian movement within the site and for appropriate location of driveway openings in relation to traffic and to adjacent streets.
- 3.4.2.5.2.5. (e) The plan promotes the more efficient use of land in harmony with its natural features, water courses, scenic areas, natural vistas, existing rural character, and similar community assets within the general intent of the Zoning By-Law and the long range plan of the Town than does conventional single family development.

- 3.4.2.5.2.6. (f) The plan provides for suitable architectural design and a favorable relation of structures and open space to the natural landscape, existing buildings and other community assets with the area.
- 3.4.2.5.2.7. (g) The applicant shall agree to performance guarantees specified in Section 3.3.7 of these Regulations.
- 3.4.2.5.3. Public Hearing
- Before taking any action to approve, modify and approve or disapprove a Definitive Plan, the Board shall hold a hearing as provided for in Section 3.3.6.3. herein.
- 3.4.2.5.4. Planning Board Procedure
- 3.4.2.4.4.1. The Planning Board, acting as Special Permit Granting Authority under the provision of Section X.J. of the Protective Zoning By-Law, shall give notice, conduct public hearing and render a decision in conformity with Massachusetts General Laws Chapter 40A, Section 9, and with Section XIIIC through G of the Protective Zoning By-Law.
- 3.4.2.5.4.2. Time Allowed for Action
- After receiving the Definitive Plan and all required supporting documents, together with reviews by other town boards, and by such professional services as it deems appropriate at the applicant's expense, and following the Public Hearing, the Board shall approve or disapprove the Definitive Plan for OSRD Subdivision and the Special Permit within sixty (60) days of submission of Application for a Special Permit to a regularly scheduled meeting of the Planning Board, unless an extension has been requested by and granted to the Applicant as provided in Section 3.3.6.4.2. herein.
- 3.4.2.6. Approval or Disapproval
- The action of the Board shall be by vote and with the stipulation described in Section 3.3.8. herein.
- 3.4.2.6.1. Compliance with the Subdivision Control Act
- Approval of a Special Permit and a Definitive Plan for an OSRD Subdivision shall not substitute for compliance with the Subdivision Control Act, not oblige the Planning Board to approve any related subdivision plan, nor reduce any time periods for Board consideration under the law.
- 3.4.2.6.2. Compliance with these Rules and Regulations Governing Standard Sub-Divisions
- Approval of a Special Permit and a Definitive Plan for an OSRD Subdivision shall exempt the Applicant only from minimum requirements for lot and yard size as permitted under Section X.J. of the Protective Zoning By-Law.
- 3.4.2.6.3. The Applicant shall otherwise comply with all provisions regarding execution of approved plans as specified in Sections 3.3., 4.0., 5.0., and 6.0. of these Rules and Regulations.



## SECTION 4.0. DESIGN REQUIREMENTS

### 4.1. STREETS

#### 4.1.1. Classification of Streets

4.1.1.1. Each subdivision street shall be classified as one of the five (5) types of streets defined in Section 2.0. for the purpose of establishing applicable design and construction standards. The Board shall determine the classification of all streets.

#### 4.1.1.2. Covenant Concerning a Minor Street, Private Street and/or Common Driveway

4.1.1.2.1. Before the Board shall approve any Definitive Plan of a subdivision whereon there is shown any street or way classified as a minor and/or private street, it shall have first obtained from the subdivider a covenant or agreement satisfactory to the Planning Board that such minor and/or private street shall remain a private way and be maintained by the abutters, unless it is both redesigned and improved in accordance with the minimum standards hereinafter prescribed for a local street and is accepted by the Town as provided by law.

4.1.1.2.2. In the event water lines are installed in a modified local street, a minor street or a common driveway, the covenant or agreement in regard to the street and/or driveway shall provide that the owner or owners of the street and/or driveway shall be solely responsible for the maintenance of the water installation for the first five years after which the water system may be conveyed to the Town together with at least a twenty (20) foot wide utility easement and the Water Department will accept responsibility for maintenance of the system.

4.1.1.2.3. Owners of land abutting on a modified local street, a minor street, a private street or a common driveway shall maintain and plow said street or driveway and shall provide all rubbish collection at their own expense.

#### 4.1.2. Location

##### 4.1.2.1. General

4.1.2.1.1. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular and pedestrian travel and an attractive street pattern through curvilinear street layout whenever possible, and they will obtain the maximum safety and amenity for future residents of a residential subdivision and of future employees or visitors to a non-residential subdivision, and they shall be in accord with the Rules and Regulations of the Planning Board.

4.1.2.1.2. The proposed streets and off-street footpaths shall conform in location, so far as practicable, to any existing and proposed plans of the Board, including the Comprehensive or Study Plan as adopted in whole or in part by the Planning Board, and, where required by the Board, to the existing and proposed street system.

4.1.2.1.3. Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property, whether or not subdivided.

##### 4.1.2.2. Reserve Strips

4.1.2.2.1. A parcel of land, portion of a lot, easements or restrictions which would restrict or prohibit connection of streets to adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.

##### 4.1.2.3. Access from Public Ways

All streets and/or common driveways in a subdivision wholly or partially within the Town of Wenham must be able to be reached directly (without leaving the Town of Wenham) from a public way or ways in the Town of Wenham.

4.1.3. Alignment

4.1.3.1. Street jogs with centerline offsets of less than one-hundred and twenty-five feet (125') shall be avoided.

4.1.3.2. The minimum centerline radii of curved streets shall be as follows:

Arterial Street	two hundred feet (200')
Collector Street	one hundred feet (100')

4.1.3.3. A tangent at least one-hundred and twenty-five feet (125') in length shall separate all reverse curves on arterial and collector streets except where at least one (1) radius is five-hundred feet (500') or more or where the radius of curvature of both the curves is in excess of two (2) times the minimum specified in Section 4.1.3.2.

4.1.3.4. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any arterial or collector street at less than ninety degrees (90°) or other street at less than seventy-five degrees (75°).

4.1.3.5. Property lines at street intersections shall be rounded or cut back to provide for a radius of not less than forty feet (40').

4.1.3.6. Streets shall be laid out so as to intersect with adjacent streets or adjacent unsubdivided land at intervals of from six hundred feet (600') to twelve-hundred feet (1200').

4.1.4. Width

4.1.4.1. The minimum width of right-of-way, pavement and shoulders shall be as follows:

	Arterial Street	Collector Street	Local Street	Modified Local Street**	Minor Street and Common Drive- way**
<u>With Curbing</u>					
Right-of-Way	70'	50'	50'	-	-
Width of Pavement	42'	32'	30'	-	-
<u>Without Curbing</u>					
Right-of-Way	80'	60'	50'	50'	40'
Width of Pavement	30'	24'	22'	20'	16'
Width of Shoulders(2)	8'(ea.)	8'(ea.)	8'(ea.)	4'(ea.)	

\*When required by the Planning Board

\*\*Private streets to be built to specifications but maintained by owners. For Common Driveways see also 4.12.

4.1.4.2. When a local street will provide the only access for lots fronting on a length in excess of five hundred feet (500') or where, on a collector or arterial street potential volume warrants, the Board may require a greater right-of-way than that specified above and may require construction of a divided roadway.

4.1.4.3. Sidewalks shall be provided on one or both sides of streets when, in the opinion of the Board, they are warranted. Sidewalks shall be a minimum of four and one half feet (4½') wide and shall be located outside the road shoulders or curb.

4.1.4.4. Under certain circumstances the Board may require an increase in the right-of-way widths by up to ten feet (10') to accommodate walkway construction and preserve natural features.

4.1.5. Grade

4.1.5.1. The centerline grade for any street shall not be less than five-tenths of one percent (0.5%). However, every effort should be made to provide a centerline grade of at least eight-tenths of one percent (0.8%).

4.1.5.2. The maximum centerline grade for streets shall be as follows:

	Low Density Area*	High Density & Non-Residential Areas
Arterial Street	Eight percent (8%) on straightaways and six percent (6%) on curves	Three percent (3%)
Collector Street	Ten percent (10%) on straightaways or eight percent (8%) on curves	Four percent (4%)
Local, Modified Local and Minor and Common Driveway	Ten percent (10%)	Five percent (5%)

\* As determined by the Planning Board

4.1.5.3. Where changes in grade exceed one-half of one percent (0.5%), vertical curves will be provided. the minimum length of vertical curves shall be designed in accordance with the following:

$$L = K (G_1 - G_2)$$

G = Grade in percent  
L = Length in feet

The values for K are as listed below:

	Crests	Sags
Arterial Streets and Collector Street in an Intensity Area, as determined by the Planning Board (40 miles per hour design speed)	55	55
Local, Modified Local and Minor Streets (30 miles per hour design speed)	28	35

4.1.5.4. Roadways shall have a cross slope at two percent (2%) or one-quarter inch ( $\frac{1}{4}$ " ) per foot.

4.1.5.5. Where curves and grades combine to create potentially dangerous driving conditions, the Board may require a suitable amount of super elevation of the curves or other protection.

4.1.5.6. Where a grade is four percent (4%) or greater within one-hundred and fifty feet (150') of the intersection of street right-of-way lines, there shall be provided in a residential subdivision containing only single family dwellings, a leveling area of at least seventy-five feet (75'), with a maximum grade of three percent (3%), and in all other subdivisions, a leveling area of at least two-hundred feet (200') , with a maximum grade of two percent (2%).

- 4.1.5.7. The grade of any street except in special instances shall be so designed that the surface runoff of water shall be from the building line to the street. Where one side of a street drops off so that surface water runoff cannot drain into the street, provision must be shown for drainage tiles and catch basins, with any easements needed to prevent overflow onto neighboring lots or erosion of banks.
- 4.1.6. Dead End Streets
- 4.1.6.1. Dead-end streets shall be discouraged by the Board, except where such streets create frontage for lots in excess of minimum area requirements of Section XE of the Protective Zoning Bylaw and which are served by modified local streets or minor streets as defined in Section 2.1.1.32.1. and 2.1.1.33. and designed and covenanted as discussed in Sections 4.1.1.2., 4.1.4. and 4.1.5. of these Regulations.
- 4.1.6.2. However, if they are necessary for subdivisions with local streets or modified local streets, dead-end streets and their extensions, if any, shall not be longer than five hundred feet (500') unless in the opinion of the Board a greater length is necessitated by topography or other local conditions.
- 4.1.6.3. Any dead-end streets in excess of five hundred feet (500') shall be in Low Density Areas and shall not serve more than six (6) dwelling units and unless there are suitable turning and passing areas for fire vehicles shall not extend further than five hundred feet (500') from the street from which it originates.
- 4.1.6.4. Depending upon proposed roadway use, the Planning Board may require the construction of a divided roadway with a center island separating traffic flow as a condition of approval for dead-end streets in excess of five hundred feet (500') long.
- 4.1.6.5. The Board may require a roadway easement from the end of the dead-end street to adjacent property. If a dead-end street is subsequently extended beyond the required turn-around, any easement other than land required for the extension of the roadway may be relinquished to the adjacent properties. Until such extension is constructed, no land lying in the easement may be used in determining the area of any lot to determine conformity with the minimum requirements under the Zoning Bylaw of the Town.
- 4.1.6.6. Collector and local dead-end streets shall be provided at the closed end with a turn-around having an outside right-of-way diameter of at least one hundred and forty feet (140') and an outside pavement diameter of not less than one hundred and ten feet (110') unless otherwise specified by the Board. Turn-arounds in minor dead-ends shall have a right-of-way diameter of not less than one hundred twenty feet (120'), and, when paving is required, an outside pavement diameter of not less than one hundred feet (100'). The turn-around or stub will be located at the property line unless the Board approves otherwise.
- 4.1.6.7. Where a turn-around is laid out as a permanent termination of a road, the entire area of the circle shall be a permanent part of the right-of-way, and the areas used for the circle may not be included in the areas of the adjacent lots for the purpose of determining their conformity to the minimum requirements under the Zoning Bylaw of the Town.
- 4.1.7. Fillets
- 4.1.7.1. The distance between curb line and property line at any intersection shall be the same as along the approach portions of the intersecting streets. Curb and street line radii shall be in accordance with 4.1.3.5.

4.1.8.

Street Names

4.1.8.1.

Proposed street names and walkway names shall be approved by the Board to provide names in keeping with the character of the Town. Proposed street names shall not duplicate nor bear phonetic resemblance to the name of existing public ways, paper streets, or any other way qualified to afford frontage under Section 81-L of Chapter 41 General Laws. A proposed street which is in alignment with an existing street shall bear the same name as the existing street. See 3.3.3.7.

4.1.9.

Subdivisions in More Than One Town

4.1.9.1.

Each lot in a subdivision must be served by an approved way lying within the Town bounds.

4.1.9.2.

If a subdivision is divided by a Town boundary, the Planning Board shall condition approval of the Definitive Plan on approval of the remaining portion of the plan by the Planning Board of the City or Town in which it is located.

4.2.

CURBS AND BERMS

4.2.1.

Unless otherwise specified by the Planning Board granite curbs of the dimensions given for Granite Curbs (Section M9.04.1) Type VA4 shall be provided according to Schedule F in the following locations:

4.2.1.1.

Arterial streets and all streets in a non-residential subdivision.

4.2.1.1.1.

Along each edge of the roadway for the full length of the street.

4.2.1.2.

Collector and Local and Local Modified Streets

4.2.1.2.1.

At intersections along the paving edge the distance of arcs of the curves plus a straight section of eight feet (8') at each end of said arcs.

4.2.1.2.2.

Along each edge of the roadway where the grade exceeds two percent (2%) unless, in the judgement of the Superintendent of Streets, the terrain is such that one (1) side is sufficient.

4.2.1.2.3.

Along each edge of the roadway on all curves with a radius of less than two hundred and fifty feet (250').

4.2.2.

Except where granite curbing has been required, the edges of all Collector and Local Streets shall be provided with a bituminous concrete berm along both edges of the roadway for the full length of the roadway.

4.3.

CURB CUTS

4.3.1.

Driveways in subdivisions containing one (1) and/or two (2) family dwellings only shall be at least ten feet (10') wide and shall have an opening of at least twenty feet (20') at the gutter line.

4.3.2.

Driveways for multiple dwellings and all non-residential uses shall be at least sixteen feet (16') wide and shall have an opening of at least twenty feet (20') at the gutter line.

4.3.3.

Where rolled curbs or no curbs exist, the driveway flare should have a three foot (3') radius. Driveway cuts shall not be within sixty-five feet (65') of the intersection of the centerlines of intersecting streets.

4.3.4.

At all driveways the grade at the back of the sidewalk, if any, shall be six inches (6") higher than the grade at the gutter line.

4.3.5.

When deemed necessary by the Planning Board, a ramp three feet (3') wide shall be provided at intersections.

4.4.

OPEN SPACE

4.4.1.

Before approval of a plan, the Board may also, in proper cases, 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

land being subdivided and to the prospective uses of such land, and shall be at least equal to one (1) acre of land for each twenty (20) dwelling units or fraction thereof shown on the plan or in the case of all non-residential subdivisions at least equal to ten percent (10%) of the land area. The Board may, by appropriate endorsement of the plan, require that no building be erected upon such park or parks without its approval for a period of three (3) years.

4.4.2. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purposes of a park and/or playground. The area or areas shall be so located as to serve adequately all parts of the subdivision as approved by the Board.

4.4.3. The Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with public and semi-public open spaces or with similar areas of adjoining subdivisions or of probable subdivisions. Any land so reserved shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the Board.

4.4.4. Land acquired in this manner shall be compensated as provided in Section 81-Q of Chapter 41 of the General Laws, except that open space created by the use of a Special Permit for Open Space Residential Development (OSRD) under Section X. J. of the Zoning Bylaw shall be deemed to be fully compensated by exempting the subdivision from lot size and yard requirements for a standard subdivision.

#### 4.5. PROTECTION OF NATURAL FEATURES

4.5.1. Due regard shall be shown for all natural features, such as trees, wooded areas, water courses, scenic points, historic spots, and similar community assets, which if preserved will add attractiveness and value to the subdivision. Any clearing, backfilling, cutting, thinning or other disturbance to trees twelve inches (12") or over in diameter measured four feet (4') above finished ground level located within the minimum front setback distance or other natural vegetation shall be prohibited unless deemed both proper by the Board and not in conflict or contradiction to the intent of Section 4.9.1. Any such proposed clearing shall be shown on the plan and written reasons therefor may be requested by the Board.

4.5.2. Tree wells or retaining walls should be installed when and as requested by the Superintendent of Streets for suitable grading around trees. Tree wells or retaining walls shall be of such design as to meet the standards as set forth in the Tree Experts Manual or some similar publication.

#### 4.6. LOT DRAINAGE

4.6.1. Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of a minimum width of twenty feet (20') and proper side slope shall be provided. Storm drainage shall be designed in accord with the specifications of the Board. Where required by the Planning Board or the Board of Health, the Applicant shall furnish evidence as to any lot or lots to either Board as necessary that adequate provision has been made for the proper drainage of surface and underground waters from such lot or lots.

#### 4.7. UTILITIES

4.7.1. All required utilities exclusive of transformers shall be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, electricity, gas, wiring for street lights, fire alarm systems, and cable TV unless otherwise specified by the Board.

4.7.2. Where adjacent property is not subdivided, or where all the property of the Applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision at such grade and size which will, in the opinion of the Board, permit their proper extension at a later date.

- 4.7.3. Connections for drain, water, gas, if any, electric and telephone service from the primary utility structure in the way to the exterior line of the way shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement, in whole, or in part, in the case of a lot to be used for a park, playground or for any other purpose for which, in the opinion of the Board, such connections shall not be required.
- 4.7.4. Sewerage
- 4.7.4.1. On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations and requirements of the Board of Health. On-site septic tanks and leaching fields may be located in either the front or rear yard of the building(s) served, with the front yard preferred. Due consideration should be given to surface and subsurface soil conditions, drainage and topography in the location of such on-site facilities.
- 4.7.4.2. Package plants or other type systems shall be subject to the standards of the Massachusetts Department of Environmental Quality Engineering and the Town of Wenham Board of Health.
- 4.7.5. Water
- 4.7.5.1. Every subdivision shall be connected to the public water system by the Developer unless otherwise approved by the Planning Board, the Board of Health and the Water Board.
- 4.7.5.2. Water pipes and related equipment such as hydrants and main shutoff valves shall be installed within the subdivision as necessary to provide all lots on each street with adequate water supply for domestic and fire protection use under the Board of Water Commissioners' Rules and with the approval of the Board of Fire Engineers. Where new mains are to be laid out in a public way and where such way has more than one existing or proposed entrance on public or private way or ways containing existing or proposed mains, the new mains shall be connected at both ends to form a closed loop.
- 4.7.5.3. All house connections shall be installed in accordance with the requirements of the Board of Water Commissioners. Each lot shall be provided with a service connection having a shutoff and brought to the edge of the right-of-way. Service connections shall be located for best accessibility to the house sites. A corporation cock shall be provided at the main. Service connections may not run through an easement.
- 4.7.5.4. The size of water mains on any street shall be not less than eight inches (8") inside diameter. Mains of larger diameter shall be provided when required by the Board of Water Commissioners.
- 4.7.5.5. Mains shall be centered in road shoulders insofar as practical. On curves, the lengths of straight runs shall be no greater than will permit the pipe to remain within a six foot (6') width lying outside the edge of the pavement. Mains must run through rights-of-way and may not run through an easement.
- 4.7.5.6. Gate valves shall be located at intervals not greater than seven hundred feet (700') in any new main, at the point of connection of any new main with an existing Town main, and in each main supplied at any junction of mains.
- 4.7.5.7. If the Planning Board and the Board of Health approve a private well or private water system, the requirements of the Board of Health shall govern the design of the well or system. Where private wells are used, water mains as described in Section 4.7.5.2. shall be installed.

4.7.6. Gas

4.7.6.1. Mains may be installed if gas connection is available.

4.7.7. Storm Drainage

4.7.7.1. Storm drains, culverts, ditches and related installations, including catch basins, gutters and manholes shall be installed as needed, in the opinion of the Board, to provide adequate disposal of surface and subsurface water, including control of erosion, flooding, and standing water from or in the subdivision and adjacent land. The drainage system shall be designed by the "Rational Formula" method for a storm frequency of ten (10) years. Upon engineering advice to do so, the Board may require a more intense design storm frequency to be used in any situation which in its judgment requires that a greater degree of protection should be afforded to public or private property.

4.7.7.2. Catch basins, curb inlets and manholes shall be located as required to maintain the drainage area free of temporarily ponded runoff and to avoid excessive accumulations of surface flow on or adjacent to public ways. In no instance shall catch basins be located along a driveway cut. Manholes shall be spaced not over three hundred feet (300') apart on straight runs and at all changes in alignment or grade. Where desirable in the opinion of the Board because of special features of the terrain, curved alignment of pipe between manholes may be allowed. It is not to be interpreted that provision for curved alignment constitutes general acceptance of such methods of construction and every effort must be made in the design to avoid such installations.

4.7.7.3. Where self-cleaning velocities are obtainable, drainage systems may be designed without sediment sumps in the catch basins, provided that the system into which the proposed drainage is to discharge is also self-cleaning, and also provided that the accumulation of sediment and drainage debris at the ultimate point of discharge does not create a nuisance either public or private and is readily accessible to periodic inspection and cleaning. The determination of the suitability of a self-cleaning drainage system shall rest with the Board.

4.7.7.4. Proper connections shall be made with any existing drains in adjacent streets or easements. Where property adjacent to the subdivision has not been subdivided, drains installed within the subdivision shall be of such design as to make feasible their connection with drains installed in such adjacent property when subdivided.

4.7.8. Electricity

4.7.8.1. The Board may permit transformers, switches, and other such equipment to be placed on the ground in approved locations, screened from view with evergreen shrubbery.

4.7.9. Lighting

4.7.9.1. Street lighting shall be supplied by the Developer to provide sufficient light for pedestrian safety and guidance, and guidance for vehicles traveling on the street, with due consideration given for costs of maintenance and electric power.



4.7.10. Fire Hydrants

- 4.7.10.1. Hydrants shall be provided every seven hundred running feet (700') or portion thereof on one (1) side of each street unless a greater distance is approved by the Fire Engineers in writing. A hydrant shall in all cases be installed at the terminal end of each water main. A hydrant shall be located on each new main within five hundred feet (500') of the nearest supply main or, if no hydrants exist, within two hundred feet (200') of the connecting point and, where practical, at all road intersections. Each hydrant connection shall be six inches (6") inside diameter. Hydrants shall be of a type approved by the Board of Water Commissioners and the American Waterworks Association.

4.8. MONUMENTS (BOUNDS)

- 4.8.1. Granite bounds shall be set to locate the sidelines of both sides of rights-of-way at all street intersections, at all points of change in direction of curvature of sideline and at other points, such as the location of projected streets and easements, where in the opinion of the Board, permanent monuments are necessary. Intermediate bounds shall be set on all tangents and curves of a length exceeding eight hundred feet (800').
- 4.8.2. Utility poles shall not be set on a right-of-way sideline. A clearance of at least three feet (3') from a bound point shall be provided to permit free use of the bound both laterally and along sidelines.

4.9. SIDEWALKS, GRASS PLOTS, TREES

- 4.9.1. Sidewalks, grass plots, and trees shall be provided on both sides of each street for the full length of the street except where, in the opinion of the Planning Board, the proposed housing density and/or expected traffic intensity is such that a sidewalk on one side is sufficient. ( See Section 5.9.)
- 4.9.2. Where appropriate, the Board may require that ramps and/or stairs be provided. (See Section 4.3.5.)
- 4.9.3. Trees and shrubs shall not be located so as to obstruct vision at intersection.

4.10. TRAILS, BIKEWAYS AND WALKWAYS

- 4.10.1. Trails, 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 provisions, but they shall not be a part of any lot in the subdivision.
- 4.10.2. The minimum right-of-way width shall be twenty five feet (25') unless sufficient planting, fencing, or other buffering between the way and adjacent property is provided so that, in the opinion of the Board, the right-of-way may be reduced to a minimum of fifteen feet (15').
- 4.10.3. The minimum width of the finished surface shall be six feet (6').
- 4.10.4. The maximum gradient shall be eight percent (8%) for segments less than one-hundred feet (100') in length; five percent (5%) elsewhere.
- 4.10.5. The minimum centerline radius shall be twenty-five feet (25').

4.11.

EASEMENTS

- 4.11.1. Where utilities cross lots or are centered on rear or side lot lines, easements shall be provided of a width of at least twenty feet (20').
- 4.11.2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board shall require a storm water easement or drainage right-of-way of adequate width and proper side slope as determined by the Superintendent of Streets to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for construction or other necessary purposes. In no case shall the width be less than twenty feet (20') or the side slope be steeper than two (2) horizontal to one (1) vertical.
- 4.11.3. Access easements to parcels or adjacent property shall be provided, if required by the Board, for use by emergency vehicles and for the benefit of the Town. They shall be a minimum width of twenty feet (20').
- 4.11.4. Bridle paths, footpath easements and access easements (e.g., to conservation areas) may be required by the Planning Board. They shall be twenty feet (20') in width.
- 4.11.5. Wherever possible easements along rear lot lines shall be continuous to the street at the end of the block to connect with the adjoining blocks in the shortest direct line.

4.12.

COMMON DRIVEWAYS

- 4.12.1. Common driveways shall meet the following standards:
- 4.12.1.1. Minimum Width: Sixteen feet (16') for residential use  
Twenty four feet (24') for all other uses
- 4.12.1.2. Maximum Grade: Ten percent (10%)
- 4.12.1.3. Maximum Length: Five hundred feet (500')
- 4.12.1.4. Curb Cut: Not nearer than sixty five feet (65') from the centerline intersections of any right-of-ways
- 4.12.1.5. In addition, the design shall in the opinion of the Planning Board assure adequate safety for emergency vehicles, water service and hydrants and shall provide for adequate drainage of surface waters.
- 4.12.2. An agreement between the owner or Developer and the Town of Wenham prohibiting the sale of lots, erection or occupancy of buildings until such time as the common driveways have been constructed and water service and hydrants, deemed necessary by the Planning Board and the Board of Fire Engineers, have been installed in accord with the approved plan.
- 4.12.3. A declaration of covenants, easements and restrictions for the use and maintenance of said common drives must be approved by the Planning Board, and shall include arrangements satisfactory to the Board for maintenance and snow plowing in accordance with Section 4.1.1.2. herein.

**SECTION 5.0.     CONSTRUCTION REQUIREMENTS**

**5.1.     GENERAL**

- 5.1.1.     It is the intent that no street or way through private property shall be accepted by the Town unless the same be previously constructed and completed in accordance with the Standard Cross Section ( See Appendix, Schedules A, B and C), Street Layout Plan, Profile and the following specifications.
- 5.1.2.     To insure high quality and uniformity of construction and unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the "Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges, 1973 Edition", as amended, hereinafter referred to as the "Standard Specifications", and the special provisions included hereinafter. Appropriate illustrations are found in "Commonwealth of Massachusetts, Department of Public Works, Construction Manual, Part 3, 1966" as amended. Amendments to the above are those in effect at the date of adoption of these Rules and Regulations.
- 5.1.3.     Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications, amendments or addenda. When the requirements of these Rules and Regulations are stricter than the provisions of the Standard Specifications, the Rules and Regulations shall govern.
- 5.1.3.1.     All references in the Standard Specifications, amendments or addenda to Commission, Department, Department of Public Works, Engineer, Party of the First Part, etc., shall be construed to mean the Planning Board of the Town of Wenham or its duly authorized representative.
- 5.1.4.     To facilitate reference where appropriate, each section in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications.
- 5.1.5.     The extent of work required shall be completed as shown upon approved plans, and shall be in compliance with the Standard Cross Section: Schedules A, B and C (Appendix).
- 5.1.5.1.     Offset stakes shall be set under the direction of a Registered Land Surveyor at fifty foot (50') intervals and at each sewerage and drainage structure and at each hydrant to indicate the location and the exact amount of cut, fill or grade.
- 5.1.5.2.     Improvements to minimize adverse environmental impact, if required, shall be installed in accordance with all details as shown on the approved Definitive Plan, and all possible measures shall be taken during construction to minimize dust erosion.
- 5.1.5.3.     No earth shall be removed from the area shown on a Definitive Plan except in accordance with the approved plan and Section VII of the Protective Zoning and Historic District Bylaw of the Town of Wenham.
- 5.1.6.     Construction Approval
- 5.1.6.1.     As each construction operation is completed, it shall be approved by the proper Town authority and/or utility company and the Planning Board or its agent prior to starting work on the succeeding operation.

5.2. STREETS AND ROADWAYS

5.2.1. Grading and Preparation for Pavement

5.2.1.1. Clearing and Grubbing (Section 101)

- 5.2.1.1.1. The entire area of each street or way shall be cleared and grubbed to remove all trees not intended for preservation, stumps, brush, roots, rocks or boulders and like material which may exist upon the surface.

5.2.1.2. Excavation (Section 120)

- 5.2.1.2.1. The entire area of the roadway shall be excavated to remove all materials encountered within the right-of-way down to the true surface of the subgrade, or to suitable material in the areas where unsuitable material exists, in preparation for foundation of roadway, sidewalks, driveways and berms. Approved materials obtained from the excavation may be used in fills as required if, in the opinion of the Planning Board or its agent, they are suitable.

5.2.1.3. Embankment (Section 150)

- 5.2.1.3.1. When, in the opinion of the Superintendent of Streets, suitable material is not available within the limits of the roadway location to form the subgrade or sub-base, the Developer shall obtain suitable additional material from other sources in accordance with Sections 5.2.1.4. and 5.2.1.5., and as may be approved by the Planning Board or its agent.

5.2.1.4. Grading (Section 170)

- 5.2.1.4.1. The subgrade surface thirteen inches (13") below the finished surface grade in minor, local, modified local and collector streets, and fifteen inches (15") below the finished surface grade in arterial streets shall be prepared true to the lines, grades, and cross sections given and properly rolled with not less than a ten (10) ton roller. All soft or spongy material below the subgrade surface shall be removed to a depth determined by the Planning Board or its agent, and the space thus made shall be filled with Special Gravel Borrow (Section M 1.02.0), containing no stones over six inches (6") in their largest diameter.

5.2.1.5. Gravel Sub-Base (Section 401)

- 5.2.1.5.1. Gravel sub-base or foundation shall be spread in two (2) layers on the surface of the subgrade. Gravel material shall be in conformity with the requirements for Gravel Borrow (Section M 1.03.0 Type a). The lower layer containing no stones greater than six inches (6") in greatest dimension shall be to a depth of eight inches (8") on arterial streets and six inches (6") on collector, local, modified local, and minor streets. The upper layer containing no stones greater than two and one-half inches (2½") in greatest dimension shall be to depth of four inches (4") on arterial, collector, local, modified local, and minor streets.

Each layer shall be thoroughly watered, rolled with not less than a ten (10) ton roller, and compacted true to line and grade. Any depressions that appear during and after rolling shall be filled with additional gravel and re-rolled until the surface is true.

- 5.2.1.5.2. If the Superintendent of Streets determines that sufficient time has elapsed to make it desirable, a tack coat meeting his specifications shall be applied prior to the application of the second layer of gravel.

5.2.1.5.3. Final grading, rolling, and finishing including the shaping, trimming, rolling, and finishing of the surface of the sub-base prior to application of gravel for surfacing of the roadway and base courses for walks and berms shall be in accordance with this section and as directed by the Planning Board or its agent and the Superintendent of Streets.

5.2.1.5.4. The street pavement foundation shall be sealed with a coat of road oil at a rate of one half ( $\frac{1}{2}$ ) gallon per square yard.

5.2.1.5.5. At the conclusion of this step, the roadway shall be staked in all locations where permanent monuments are to be installed as provided in Section 5.11. Monuments.

5.2.2. Pavement

5.2.2.1. Roadway pavement shall be constructed for the full length of all streets within the subdivision and shall have the radii required in Section 4.1.3. above. The centerline of all roadways shall coincide with the centerline of the street right-of-way unless a deviation is approved by the Planning Board. The minimum widths of the roadway and pavement shall be in accordance with the following table:

Table of Pavement Width Requirements in Feet

Street	Right-of-Way Width (See 4.1.4.)	Pavement Width
Arterial Street	80	30
	70	42
Collector Street	60	24
	50	32
Local Street	50	30
	50	22
Modified Local Street	50	20
Minor Street	40	16

5.2.2.2. Pavement Materials

5.2.2.2.1. Pavement materials for all roadways in a subdivision shall be Class I, Bituminous Concrete, Base Course Type I-1 (Section 420) and Surface Coarse Type I-1 (Section 460) Cape Cod berms, where applicable, shall be constructed of Surface Course material. The material and construction methods for laying pavement shall conform in every way to the Standard Specifications except that *no such construction* shall be undertaken when the pavement foundation is frozen or saturated and in no instance before March 30th of any year nor after November 1st of any year without written permission of the Planning Board and the Superintendent of Streets.

5.2.2.2.2. Pavement of arterial, collector, local, modified local, and minor streets shall be laid to a finished depth of four inches (4") laid in two (2) courses; base course shall be two and one-half inches ( $2\frac{1}{2}$ ") and top course shall be one and one-half inches ( $1\frac{1}{2}$ "). Each course shall be compacted with no less than a ten (10) ton roller.

*When in the opinion of the Board, the grades or other conditions allow, paving of minor streets may be waived.*

5.2.3.

Shoulders

5.2.3.1.

Shoulders shall be constructed of gravel brought to a finished grade flush with or slightly above that of the adjacent pavement. Gravel shoulder shall be constructed and compacted in conjunction with and to the same degree as the gravel base for the road.

5.2.4.

Embankments and Cuts

5.2.4.1.

A level area at least two feet (2') in width shall be provided from the shoulders to the beginnings of embankment slopes. Embankments within or adjoining the right-of-way shall be evenly graded and pitched in accordance with the following:

Where the difference in grade between the roadway shoulder and the existing ground is ten feet (10') or less, in either earth excavation or embankment, a four (4) horizontal to one (1) vertical or flatter slope shall be used; where the difference in grade exceeds ten feet (10'), two (2) horizontal to one (1) vertical is required. Where cuts are made in ledge, other slopes may be determined with the approval of the Planning Board. Where terrain necessitates greater slopes, retaining walls, terracing, fencing, or rip-rap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed and approved by the Planning Board.

5.2.4.2.

Guard rails shall be furnished whenever the slope is greater than four (4) horizontal to one (1) vertical downhill or two (2) to one (1) uphill.

5.2.4.3.

Whenever embankments are built in such a way as to require approval by the Planning Board, the Developer must furnish to the Town duly recorded access easements free of encumbrances for maintenance of the slopes, terraces, or retaining walls.

5.2.4.4.

All slopes shall be grassed using materials in accordance with roadside development materials (Section M6) and Section 5.9. of these Rules and Regulations.

5.2.5.

Areas Disturbed by Construction

5.2.5.1.

Loam and grass seed shall be placed on all shoulders, embankments, and other areas disturbed by construction in accordance with Section 5.9. unless other types of ground cover are approved for use or are determined by the Planning Board to be necessary for erosion.

5.2.5.2.

Erosion Control Program

5.2.5.2.1.

During all phases of construction, care shall be taken to minimize erosion.

5.2.5.2.2.

No larger area shall be developed than that on which construction can be completed rapidly so that large areas are not left bare and exposed for long periods.

5.2.5.2.3.

Grade changes shall be kept at a minimum. Where possible, only undesirable trees shall be removed.

5.2.5.2.4.

Runoff shall be controlled and conveyed into storm sewers or other outlets so it will not erode the land or cause off-site damage.

5.2.5.2.5.

Critical areas shall be protected during construction with mulch or temporary crop covers and with mechanical measures such as diversions and prepared outlets.

- 5.2.5.2.6. Sediment basins shall be constructed where necessary to detain runoff and to trap sediment during construction.
- 5.2.5.2.7. Safe off-site disposal of runoff shall be provided, including the increased runoff resulting from construction.
- 5.2.5.2.8. Permanent vegetation and erosion control structures, where necessary, shall be installed as soon as possible.
- 5.3. UTILITIES
- 5.3.1. Unless otherwise specified, all materials and installation methods used shall conform to the standards of the Town of Wenham. Insofar as possible the subdivider will see that underground services are installed and individual lot services carried to the lot front lines prior to completing pavement foundation.
- 5.3.1.1. Location and Placement
- 5.3.1.1.2. All underground utilities and other structures located within the right-of-way shall be installed in the right-of-way upon completion of the roadway subgrade and before placing of the sub-base, gravel base courses, sidewalk or pavement. If the pavement is removed, excavated or damaged, the trench shall be covered with a poured reinforced concrete slab to the lines, grades and dimensions approved by the Superintendent of Streets.
- 5.3.1.2. Excavation for Structures (Section 140)
- 5.3.1.2.1. Excavation for structures, including foundations for drains, sewers, gas and water pipes, walls and other structures shall be made to the depth indicated on the Definitive Plan or established by the Superintendent of Streets as appropriate. Rocks encountered in trench excavation determined to be Class B shall be removed as directed by the Superintendent of Streets.
- 5.3.1.3. Backfilling for Structures and Pipes
- 5.3.1.3.1. All backfilling shall consist of suitable materials uniformly distributed and thoroughly compacted. When suitable backfilling materials cannot be obtained from excavation, the material shall consist of satisfactory borrow.
- 5.3.1.3.2. Mechanical tampers shall be used in compacting backfill for trenches, and in hard to reach areas around masonry.
- 5.3.1.3.3. No backfill whatever shall be placed on or against structures, pipes, or other masonry, until permitted by the Clerk of Works or Planning Board Agent. Fill shall be installed in successive layers not more than six inches (6") in depth, uniformly distributed and each layer thoroughly compacted.
- 5.3.1.3.4. No load greater than eight tons (8) shall be moved over any pipe until a fully compacted backfill of at least two feet (2') has been placed over the top of the pipe. Compliance with this requirement is not to be construed as relieving the Contractor of any responsibility concerning damage to the pipe.
- 5.3.1.3.5. Sand or a similar fine material shall be used for the first twelve inches (12") of backfill over the pipe.
- 5.3.1.3.6. Backfill below the haunches shall be placed in six inch (6") layers and compacted simultaneously on both sides of the pipe with railroad tampers or approved mechanical rammers which shall not come in contact with the pipe. Backfill above the haunches shall be placed in six inch (6") layers and compacted as directed. Backfill material shall be moist prior to and during compaction.

- 5.3.1.3.7. If directed by the Planning Board Agent, backfill material shall consist of gravel borrow.
- 3.3.1.3.8. In all cases the filling material shall be thoroughly tamped. Puddling the backfill will not be permitted, except with written approval of the Superintendent of Streets.
- 5.3.2. Sewerage
- 5.3.2.1. On-site sewage disposal facilities shall be installed and constructed in conformity with the Rules, Regulations and Requirements of the Board of Health. Due consideration should be given to surface and subsurface soil conditions, drainage and topography in the location of such on-site facilities.
- 5.3.3. Water
- 5.3.3.3.1. The Rules and Regulations of the Board of Water Commissioners shall be consulted for detailed requirements (including pipe, fittings, hydrants, gate valves, service connections) and handling, storage, installation, inspection, testing and connection with existing installations.
- 5.3.3.2. The Developer shall make main and service connections, complete with all the required appurtenances thereto, and, prior to acceptance of the road by the Town, shall maintain the installation in accordance with the regulations of the Board of Water Commissioners of the Town.
- 5.3.4. Gas
- 5.3.4.1. If gas is to be installed within a subdivision, the Haverhill Gas Company shall be notified by the Developer upon approval of the Definitive Plan so that installation of gas mains may be completed without undue delay. If excavation is made after the subgrade is completed and inspected, the mains may be put in a trench covered with a poured concrete slab to the lines, grade and dimensions approved by the Superintendent of Streets.
- 5.3.5. Electric
- 5.3.5.1. Electric lines shall be installed underground as specified by the Planning Board. Service shall be supplied to each lot and each street light before the subgrade is prepared.
- 5.3.6. Other Utilities
- 5.3.6.1. Other utilities shall be installed in underground conduits in accordance with the methods outlined for Traffic Control Devices (Section 800) or as required by the utility company or department. Telephone, and, if any, cable television and the fire alarm system shall be installed underground and may be in the same trench with vertical and/or horizontal separation as approved by the Planning Board. Service shall be provided to each lot before the subgrade is prepared.
- 5.3.6.2. With the approval of the Planning Board, these other utilities may be located in the same trench with the electric power wiring.
- 5.4. DRAINAGE (Section 200)
- 5.4.1. Surface and Sub-Surface Water
- 5.4.1.1. Adequate disposal of surface and sub-surface water shall be provided. Where pipes, manholes and catch basins are required they shall be shown on the Definitive Plan and shall be in accordance with the following.



5.4.1.1.1.

Basins, Manholes and Inlets (Section 201)

- a) The standard depth of catch basins shall be two and one half feet (2½') below the invert of the lowest drain. Manholes shall be constructed to the required depth at each junction point and shall be as shown on the plan. Basin and inlet grates shall be of a type approved by the Superintendent of Streets.
- b) Catch basins, curb inlets and manholes shall be constructed of one of three (3) materials: precast reinforced concrete sections, eight inch (8") radial concrete blocks, or bricks set in a full mortar joint struck smooth with a trowel. The Board may direct that any or all catch basins within a given drainage area shall be of any one of these (3) types of construction. Where required by the Board, vertical joints between blocks shall be filled with mortar to form a keyed joint. Catch basins shall be constructed as shown in Schedules D and E.

5.4.1.1.2.

Culverts, Storm Drains and Sewer Pipes (Section 230)

- a) All pipes except sub-drains shall be reinforced concrete pipe and shall be installed in accordance with the size and location on the approved plan.
- b) Drain pipe shall be at least ten inches (10") inside diameter and shall be of good quality corrugated aluminum, galvanized steel or concrete pipe twelve inches (12") and larger in diameter, and all pipe located under roadways shall be reinforced. At least three feet (3') of cover will be required over drain pipes. Where special conditions of topography and/or hydrology require pipe to be laid with less than three feet (3') of cover, the Board may require other materials or methods of construction to meet such conditions.

5.4.1.1.3.

Sub-Drains (Section 260)

5.4.1.1.3.1.

Where sub-drains are required they shall be designed and constructed in conformance with Section 260 of the Standard Specifications.

5.5.

SIDEWALKS

5.5.1.

Sidewalks shall be constructed within the subdivision along the full length of each side of each street and around the outside of each turnaround, and at other locations within the subdivision as shown on the approved Definitive Plan, except as provided in Section 4.9. of these Rules and Regulations.

5.5.2.

All sidewalks shall be of a minimum width of four and one half feet (4½').

5.5.3.

Sidewalks Adjacent to Streets

5.5.3.1.

Within a subdivision sidewalks shall be separated from the road pavement by a seeded grass plot (See Section 5.9.) and may be made of either Portland cement concrete or bituminous concrete. A level area at least two feet (2') in width shall be provided between sidewalks and embankment edges.

5.5.4.

All sidewalk construction shall be in accordance with the requirements of Sidewalks and Bituminous Concrete Driveways (Section 701) of the Standard Specifications, except the cross slope shall be three-eighths of an inch (3/8") per foot of width to provide for proper drainage.

5.6.

TRAILS, BIKEWAYS AND WALKWAYS

5.6.1.

Where bikeways and walkways are required they shall be constructed in accordance with the specifications for sidewalks above, except for the design standard requirement of Section 4.10. above. Where bikeways and walkways intersect with sidewalks, leveling areas shall be provided. These leveling areas shall be shown in detail on the Definitive Plan for the subdivision.

5.6.2.

Existing trails shall be used, wherever possible. New trails or relocated trails shall be constructed with surface and drainage characteristics which in the opinion of the Board shall be satisfactory for horseback riding.

5.7.

CURBS AND BERMS

5.7.1.

Unless otherwise specified by the Planning Board, granite curbs as required in Section 4.2. shall be installed in accordance with the construction methods outlined under Curb, Curb Inlets, Curb Corners and Edging (Section 501).

5.7.2.

Unless otherwise approved by the Planning Board on the Definitive Plan, all bituminous concrete berm shall be Type I, Cape Cod Berm or Type II as shown on Schedule C as designated by the Planning Board and shall be installed in accordance with the requirements of Curb and Edging (Section 500) of the Standard Specifications and Figure 112.10 of the Construction Standards. (See Section 4.2.2.).

5.8.

HIGHWAY GUARD FENCES AND WALLS

5.8.1.

Guard fences, rails and walls shall be installed wherever determined necessary by the Planning Board and/or the Superintendent of Streets to provide needed protection to the public. (See Section 5.2.4.2.). When provided, they shall be constructed in accordance with the relevant portions of Highway Guard Fences and Walls (Section 600) of the Standard Specifications and Section Construction details of all fences, rails and walls will be shown on the Definitive Plan for the subdivision.

5.9.

GRASS PLOTS

5.9.1.

A grass plot shall be provided on each side of each roadway between the pavement and the sidewalk areas, and shall occupy all the remaining area not paved. Grass shall be used unless other ground cover is approved by the Planning Board. (See Section 4.9.)

5.9.2.

The areas to be seeded shall be covered with loam to a depth of four inches (4") in accordance with Loam Borrow Processed Planting Material or Topsoil, Rehandled and Spread (See Section 751).

5.9.2.1.

Grass seed conforming to Seed (Section M6.03.0) of the Standard Specifications shall be placed in accordance with Seeding (Section 765) at the rate of four (4) pounds per one-thousand (1,000') square feet over the area to be grassed.

5.9.3.

The scope of the grass plot shall be as shown on the profiles and standard cross sections, Schedules A, B and C (See Appendix)

5.9.4.

Street light stanchions and street lights shall be located in the grass plot or in the median, if there is one, but shall not be nearer than twenty-five feet (25') from the intersection of the tangents of the intersecting street curb lines. If street lights are located in the median, the Board may require pedestrian lighting placed in the grass plot. (Also see Section 5.13. Street Lights).

5.10.

TREES, SHRUBS AND GROUND COVER

5.10.1.

Street trees of nursery stock conforming to the standards of the American Association of Nurserymen of the species approved by the Wenham Tree Warden and/or the Planning Board, shall be planted on each side of each street in a subdivision, except where the Definitive Plan shows trees to be retained which are healthy and adequate.

5.10.2.

Street trees shall be located outside of the right-of-way or, at the discretion of the Board, within the unpaved portion of the right-of-way as shown in the profile and Standard Cross Sections Schedules A, B and C (See Appendix) approximately at forty foot (40') intervals. They shall be at least twelve feet (12') in height and two inches (2") in diameter measured four feet (4') above the approved grade, unless otherwise required by the Tree Warden and/or Planning Board; and be not closer than five feet (5') nor more than twenty feet (20') from said right-of-way line unless otherwise approved by the Board.

5.10.3.

Except as otherwise provided, all cut bankings shall be planted with low growing shrub or vine and wood chipped to a minimum depth of six inches (6") or seeded with a deep rooted perennial grass to prevent erosion (See Sections 5.2.4., 5.2.5., and 5.9.)

5.10.4.

Planting methods, including wrapping, staking, and guying shall be in accordance with Planting Trees, Shrubs and Ground cover (Section 771) of the Standard Specifications.

5.10.5.

All reasonable care shall be exercised to preserve the trees in the subdivision in accordance with Section 4.5.

5.10.6.

The Developer will be liable for all trees so planted as to their erectness and good health after planting and until the release of all guarantees.

5.11.

MONUMENTS

5.11.1.

Granite bounds shall be at least four feet and zero inches (4'0") long and dressed five inches (5") square at the top. The main body of the shaft shall be a minimum of five inches (5") square but not over seven inches (7") square. The bottom shall be approximately right angles to the axis. The top shall be dressed four (4) cut at right angles to the axis. A two and one-half inch (2½") high letter "W" shall be cut or blasted with a V groove allowing room for a one-half inch (½") drill hole three-quarter inch (¾") deep on the center of the top. Bounds shall be embedded three and one-half feet (3½') below and shall extend six inches (6") above finished grade.

5.11.2.

No permanent monuments shall be installed until all road construction which would destroy or disturb the monuments is completed.

5.11.3.

Before a street or a subdivision is accepted, a letter from a Registered Engineer or Surveyor shall be submitted certifying that granite bounds, to the Town of Wenham's Standards, have been accurately set at all locations as indicated on the Definitive Plan.

5.12.

STREET SIGNS

5.12.1.

From the time of rough grading until such time as each street is accepted by the Town as a public way, the sign posts at the intersection of such street with any other street shall have affixed thereto a sign designating such street as a private way.

- 5.12.2. Street signs, of a design approved by the Board, shall be installed at all intersections.
- 5.12.3. No street sign, temporary or permanent, shall be installed showing a name other than the one approved by the Wenham Planning Board. (Section 4.1.8.)
- 5.13. STREET LIGHTS
- 5.13.1. Street and pedestrian lighting shall be installed to conform to the type and style specified by the Planning Board and/or the Board of Selectmen.
- 5.13.2. Street and pedestrian light stanchions shall be of a type approved by the Board of Selectmen and/or the Planning Board and shall be located in the grass plot or median (Section 5.9.4.) unless otherwise specified by the Planning Board.
- 5.13.3. LUMINARES
- 5.13.3.1. All luminaires shall be of the indirect, shielded type.
- 5.14. COMMON DRIVEWAYS
- 5.14.1. The driveway shall be graded in accord with Section 5.2.1. and a wearing surface applied in accord with Section 5.2.2.2., unless a lesser thickness is approved by the Planning Board, to a width of at least sixteen feet (16').
- 5.15. CLEANUP
- 5.15.1. No lot shall be considered complete until all stumps, brush, roots, and like material and all trees, rocks, and boulders not intended for preservation by the Subdivider shall have been removed and disposed of in a manner and place satisfactory to the Planning Board. Any fire hazard shall be removed promptly to the satisfaction of the Fire Chief. This paragraph does not authorize violation of the Earth Removal Bylaw; that is, it does not authorize the removal, including severing and stripping of soil loam, sand, or gravel on such lot. No occupancy permit will be issued by the Building Inspector until he has received approval from the Planning Board that the slopes have been completed to the satisfaction of the Board.
- 5.16. MAINTENANCE OF IMPROVEMENTS
- 5.16.1. For the purpose of protecting the safety, convenience and welfare of the Town's inhabitants, for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel, for reducing the danger to life and limb in the operation of motor vehicles, for securing safety in the case of fire, flood, panic and other emergencies, under the authority of Chapter 41, Section 81-M as amended, the Applicant or his successor shall provide surety up to one hundred percent (100%) of the value of the total work within the Subdivision to be held by the Town, said value to be determined by the Planning Board, for the proper maintenance and repair of improvements during the period of construction, and for the period of eighteen (18) months after the completion of the construction of said improvements or until the Town votes to accept such improvements, whichever comes first.
- 5.16.2. Such maintenance shall include snow removal beginning from the time of occupancy of an individual owner or tenant other than the Developer until such time as the Town agrees to remove snow or accepts the way, whichever comes first.

5.16.3. The Applicant shall provide the Town an easement over the right-of-way of all streets which will run until the acceptance of streets as a public way, which easement shall be for the maintenance, repair and operation of public utilities. The easement shall be accompanied by a conveyance of a right of ownership to the Town of the entire water system within the boundaries of the easement.

5.17. PROVISION FOR COMPETENT SUPERVISION

5.17.1. The Developer shall provide competent full-time supervision during the development of his subdivision. If at any time it becomes apparent to the Superintendent of Streets that the supervision is not satisfactory, he may request of the Planning Board that they order the discontinuance of the development until competent supervision is provided.

5.17.2. Dependent on the work schedule and the scope of the work, the Planning Board may require that the Developer shall provide a full-time or part-time Clerk of the Works on site during the critical construction phases, such as laying pipe, compacting backfill, laying finish surfaces and other operations determined by the Planning Board. *The Clerk of the Works shall be hired by the Planning Board and paid for by the Developer in accord with Section 2.5.4.*

5.18. SCHEDULE OF PROJECTED WORK

The developer shall submit a schedule of the projected work by major categories of work to the Planning Board for review and approval four (4) weeks prior to the start of construction. The schedule shall be by calendar weeks and address each category in Section 5.0. Construction Requirements. The schedule shall be adjusted periodically to reflect the actual work progress and related modifications to the schedule.

**SECTION 6.0. ADMINISTRATION**

**6.1. VARIATION**

- 6.1.1. Strict compliance with the requirements of these Rules and Regulations may be waived when in the judgement of the Board such action is in the public interest and not inconsistent with the Subdivision Control Law.
- 6.1.2. Any such waiver must be made in writing by the Board as a part of its approval or amendment thereof, otherwise all requirements contained herein are deemed applicable.

**6.2. REFERENCE**

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

**6.3. BUILDING PERMIT**

- 6.3.1. No building shall be erected on any lot within a subdivision without separate written permission for each lot from the Board by Form J - Release Form. This permission is in addition to any other permits required for building, such as a permit from the Inspector of Buildings required by other Town Bylaws.
- 6.3.2. No permits for building will be issued by the Inspector of Buildings until all outstanding bills for public hearings, Board required tests and services are paid in full by the Developer.
- 6.3.2.1. The Inspector of Buildings shall not issue any permit for the erection of a building until he is first satisfied that:
- (a) the lot on which the building is to be erected is not within a subdivision;
  - (b) a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under Chapter 41, Section 81-X, as amended;
  - (c) any condition endorsed thereon limiting the right to erect or maintain buildings on such lot has been satisfied or waived by the Board;
  - (d) in the event that more than one (1) building for dwelling purposes be erected or placed or converted to use as such on any lot, that the Inspector of Buildings is satisfied that consent has been obtained from the Board in accord with Section 2.4. of these Rules and Regulations, Chapter 41, Section 81-Y and amendments thereto.

**6.4. OCCUPANCY PERMIT FOR BUILDINGS ON LOTS SERVED BY COMMON DRIVES**

The Inspector of Buildings shall not issue any permit for occupancy of any building erected on any lot within a subdivision not requiring approval under the Subdivision Control Act which is served by a common driveway until he is satisfied said driveway has been constructed to standards defined in Section 4.12. herein.

**6.5. INSPECTIONS**

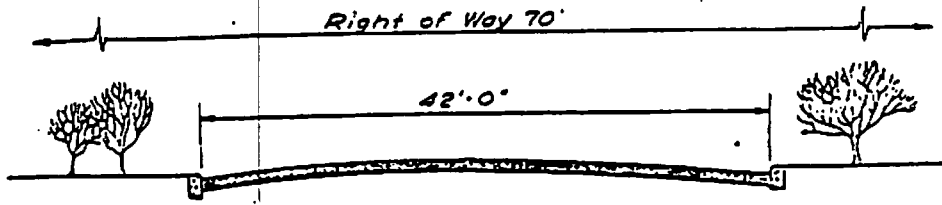
- 6.5.1. Inspections shall be arranged by the Developer with the Planning Board or its agent for that purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage (See Sections 5.17. and 5.18.)
- 6.5.2. Inspection shall be requested of the Board or its agent at least forty-eight (48) hours in advance of the inception of any stage of the construction.

- 6.5.3. The Board may establish the order of the required inspection and may require satisfactory completion of one (1) step before the Subdivider proceeds to the next. It may require tests to be done by the Subdivider at his expense as a condition for approval when in the opinion of the Board it is advisable.
- 6.5.4. It shall be the responsibility of the Developer to see that all the proper forms are properly filled out and properly signed, and returned to the Planning Board subsequent to each inspection.
- 6.5.5. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the Developer or rescission of the approval of the plan in accord with Chapter 41, Section 81-W, of the General Laws of Massachusetts.
- 6.6. VALIDITY
- 6.6.1. If, in any respect, any provision of these Rules and Regulations, in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be invalid and in all other respects these Rules and Regulations shall not be invalidated, impaired or affected thereby.
- 6.7. EFFECTIVE DATE
- 6.7.1. These regulations become effective after approval by the Board, certification by the Town Clerk, and filing with the Registry of Deeds and the Recorder of the Land Court.

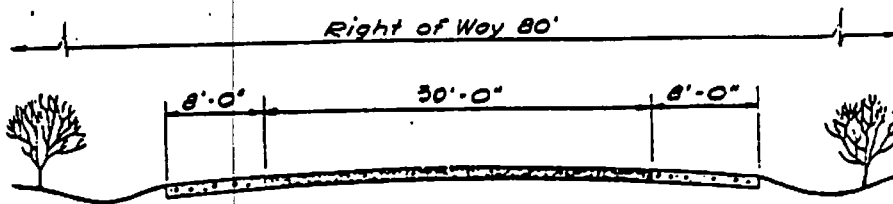
**APPENDIX**



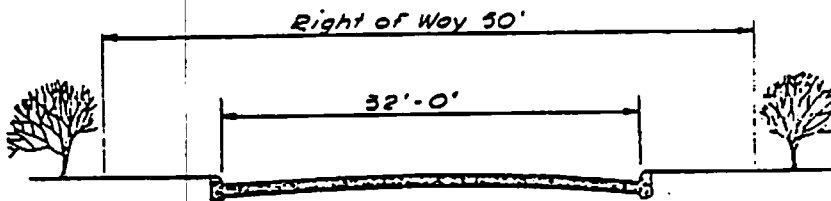
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LOCAL MODIFIED AND MINOR STREETS



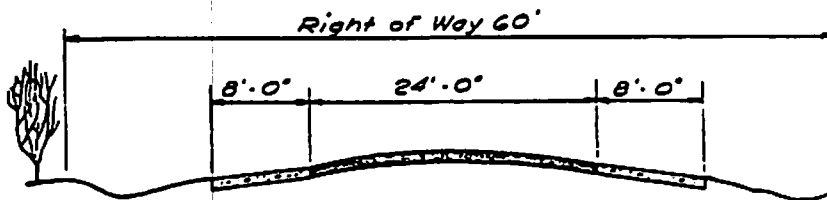
ARTERIAL STREET WITH CURBS



ARTERIAL STREET WITHOUT CURBS

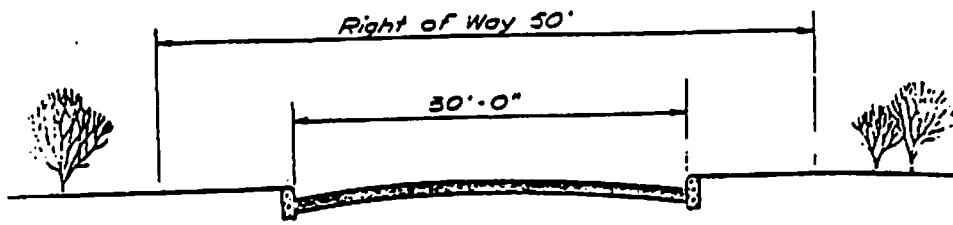


COLLECTOR STREET WITH CURBS

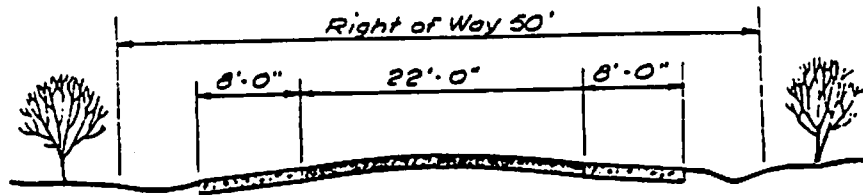


COLLECTOR STREET WITHOUT CURBS

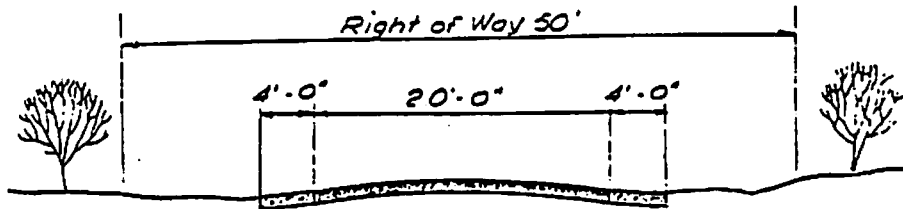
SCHEDULE A (Continued)



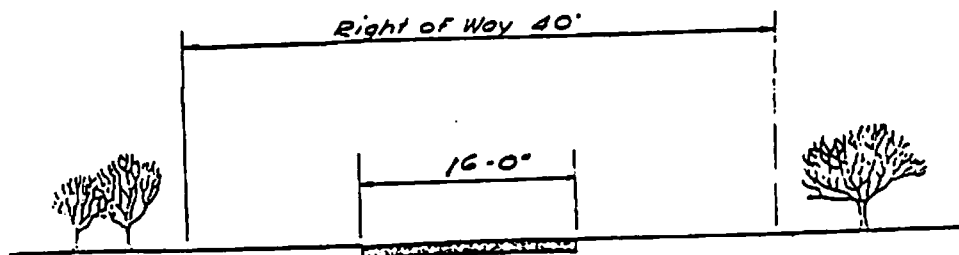
LOCAL STREET WITH CURBS



LOCAL STREET WITHOUT CURBS



MODIFIED LOCAL STREET

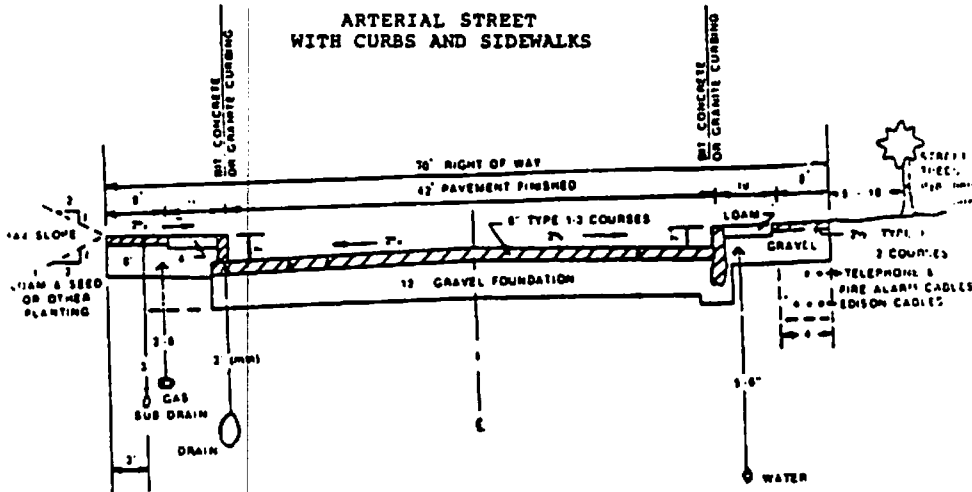


MINOR STREET

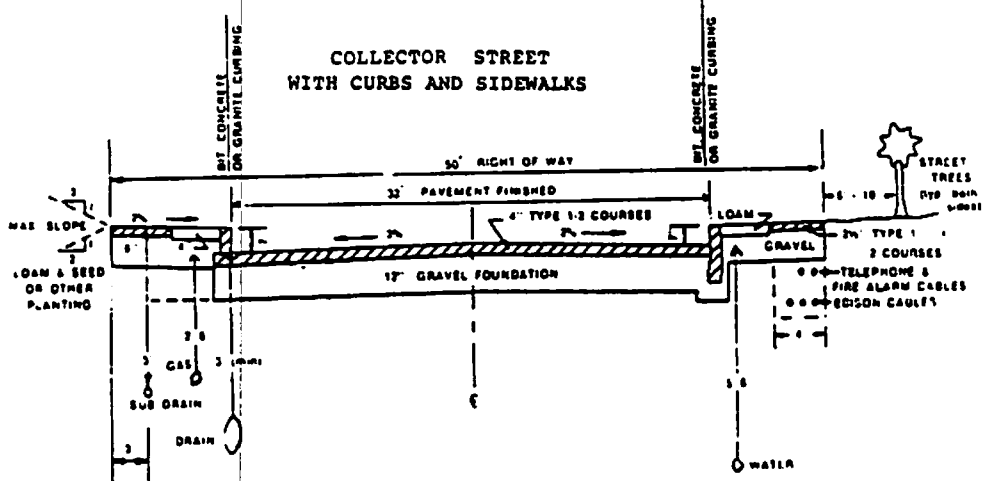
SCHEDULE B 5.2.

**TYPICAL STREET CROSS SECTION  
DESIGN STANDARDS**

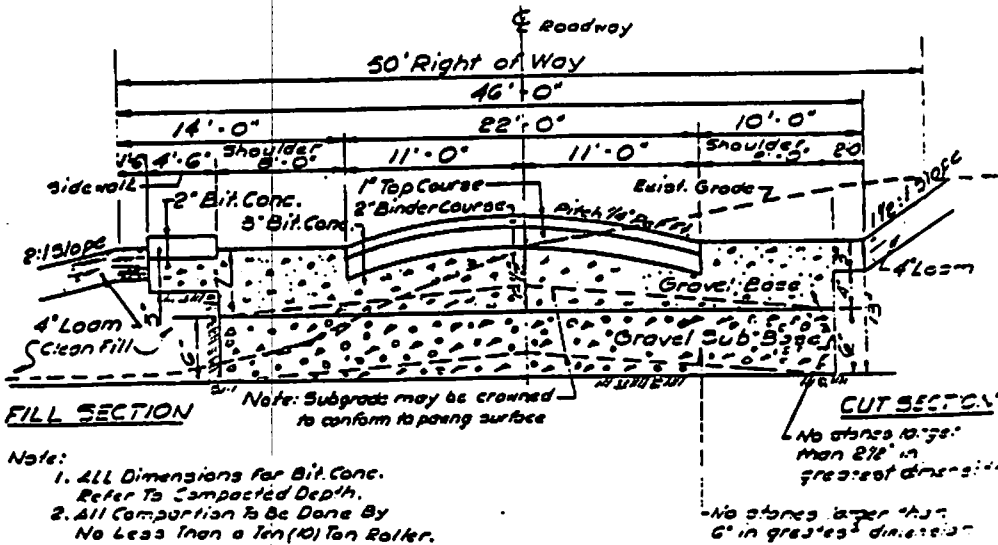
**ARTERIAL STREET  
WITH CURBS AND SIDEWALKS**



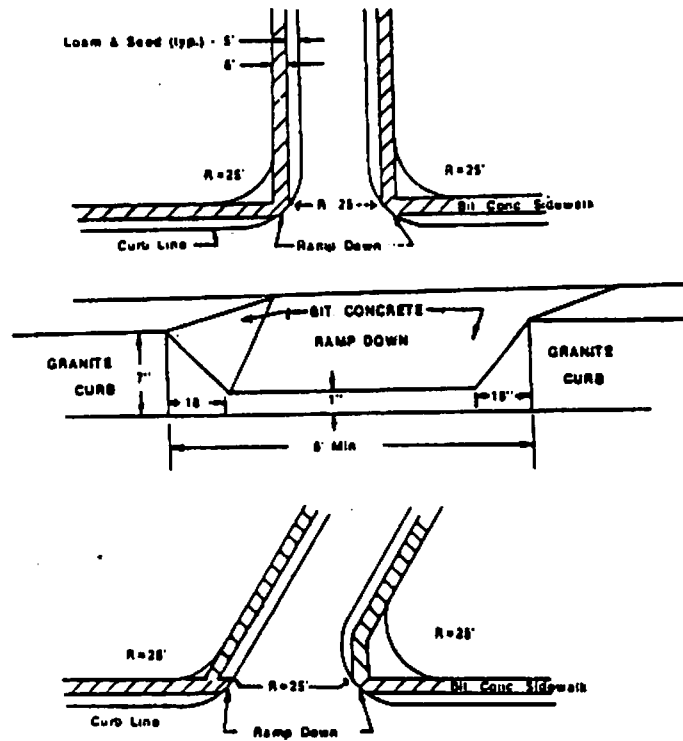
**COLLECTOR STREET  
WITH CURBS AND SIDEWALKS**



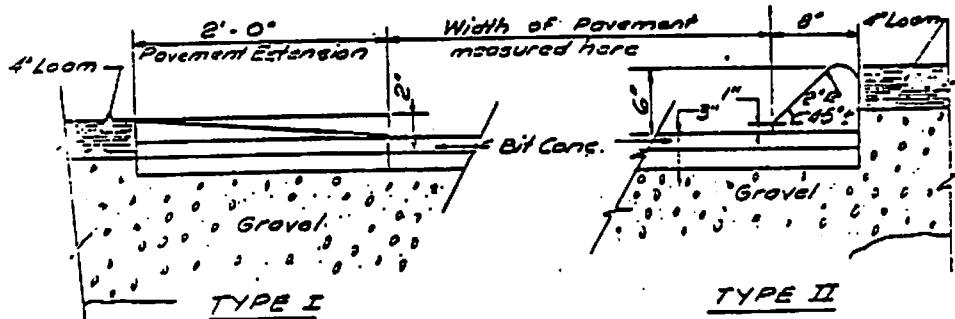
**TYPICAL LOCAL STREET  
CONSTRUCTION STANDARDS  
WITH AND WITHOUT SIDEWALKS**



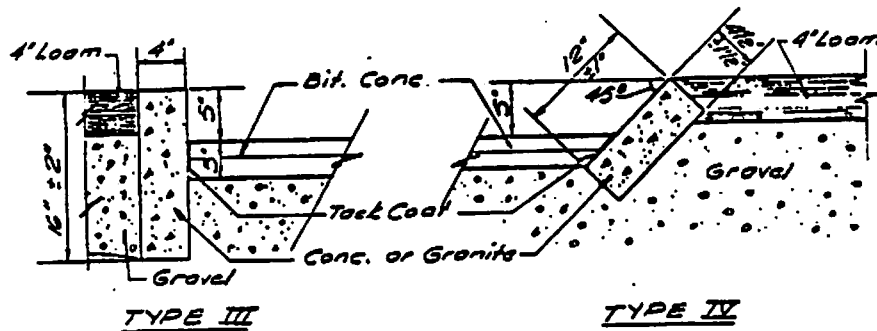
STREET LINE & CURB LINE DETAILS  
AT STREET INTERSECTIONS



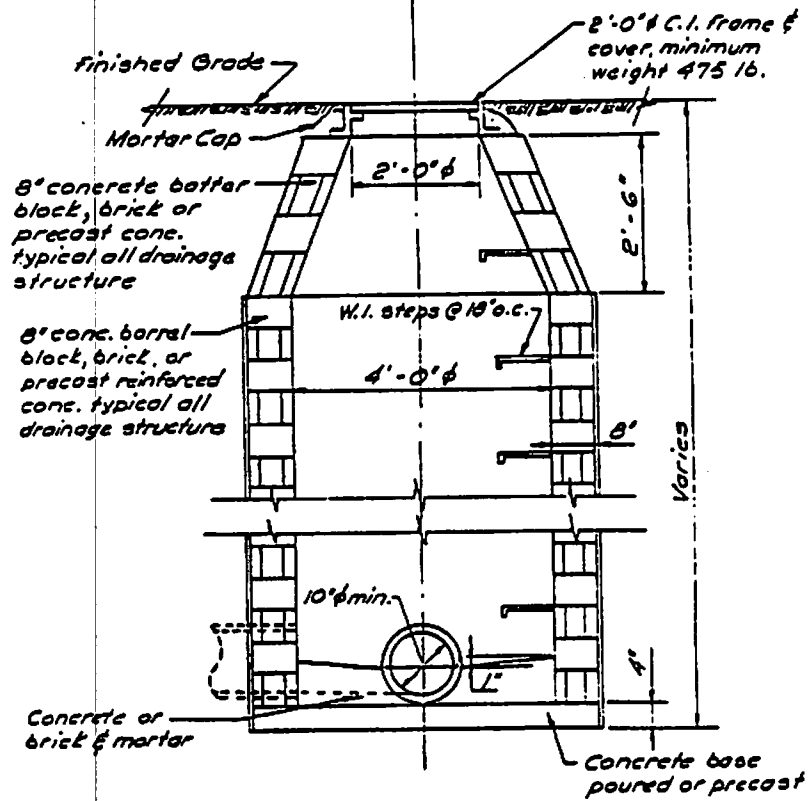
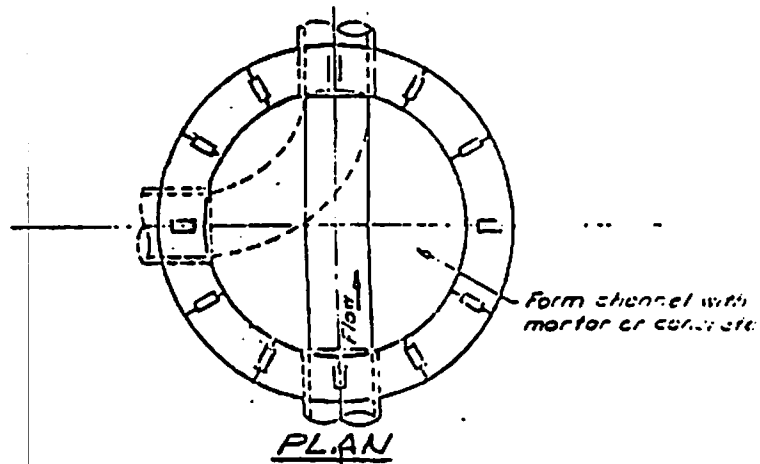
BITUMINOUS CONCRETE CURB DETAIL



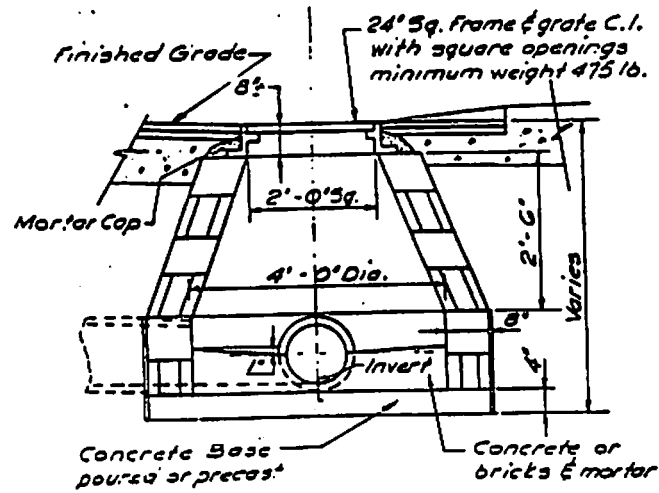
CONCRETE OR GRANITE CURB DETAIL



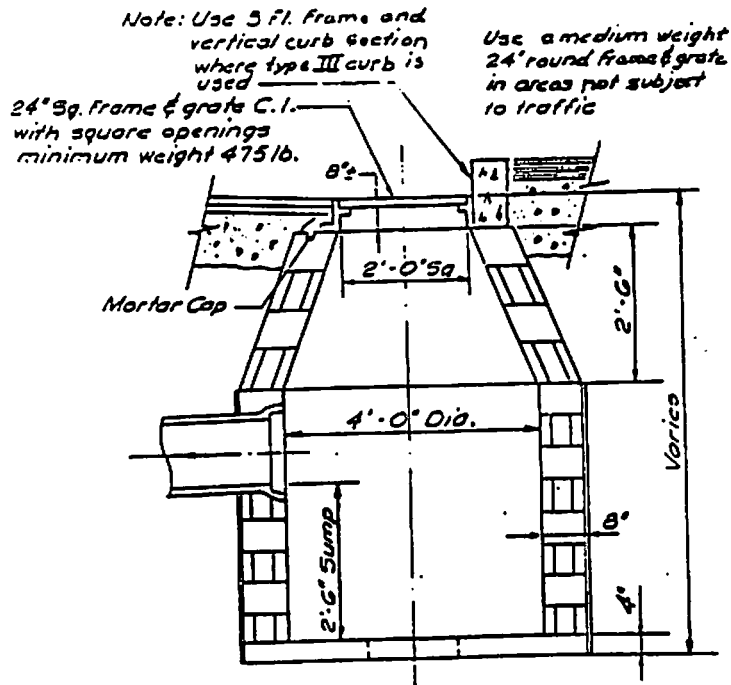
STORM MANHOLE DETAILS



CATCH BASIN DETAILS



FOR USE WHERE NO SUMP IS REQUIRED



FOR USE WHERE SUMPS ARE REQUIRED

SCHEDULE F

Section 4.2.

CURBS AND BERMS

Curbs and Berms (see also Section 4.2.) are required as follows:

	All Streets				Local		Minor Streets
	Full Length	Non-Residential Subdivisions	Arterial Streets	Collector Streets	Modified Streets	Streets	
At Intersections + 8' Straight	G	G	G	B	G	B	
At Grades > 2%	G	G	G	G	G	G	
At Curves R < 250'	G	G	G	G	G	G	

G = Granite  
B = Bituminous  
R = Radius

\* Both sides unless waived (Section 4.2.1.2.2.)

C

C

C



PLANNING BOARD - TOWN OF WENHAM, MASSACHUSETTS

DATE \_\_\_\_\_

SUBDIVISION NAME \_\_\_\_\_

PLAN # \_\_\_\_\_

APPLICATION FOR APPROVAL OF A PLAN BELIEVED NOT TO REQUIRE APPROVAL

To the Planning Board of the Town of Wenham:

The undersigned wishes to record the accompanying plan and requests a determination by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons:

1. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage, area and depth required by the Wenham Zoning Bylaw and is on a public way, namely, \_\_\_\_\_ or a private way, namely, \_\_\_\_\_ Assessors Maps dated \_\_\_\_\_, Sheet \_\_\_\_\_, Lot # \_\_\_\_\_.
2. The division of land shown on the accompanying plan is not a subdivision for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Location and description of property:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned's title to the land is derived under deed from \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_, and recorded in Essex County Registry of Deeds Certificate of Title No. \_\_\_\_\_. registered in \_\_\_\_\_ District Book \_\_\_\_\_ Page \_\_\_\_\_.

Received by Town Clerk

Date \_\_\_\_\_

Time \_\_\_\_\_

Signature \_\_\_\_\_

Applicant's Signature \_\_\_\_\_

Applicant's Address \_\_\_\_\_

Owner's Signature and Address  
if not the Applicant \_\_\_\_\_Signature of Engineer or  
Surveyor \_\_\_\_\_

Address \_\_\_\_\_

Instructions: Submit this form, the original and three (3) contact prints of the plan in question to the Planning Board. File notice (or copy of this form) with the Town Clerk, as required by Section 3.1.1.1. of the Rules and Regulations of the Planning Board of Wenham, Massachusetts Governing the Subdivision of Land.

FORM A-1

PLANNING BOARD  
CITY/TOWN OF \_\_\_\_\_, MASS.

DETERMINATION THAT SUBDIVISION  
APPROVAL IS NOT REQUIRED

\_\_\_\_\_, 19\_\_

City/Town Clerk  
City/Town of \_\_\_\_\_  
\_\_\_\_\_, Massachusetts

Re: Application for endorsement of plan believed not to require subdivision approval.

Applicant \_\_\_\_\_

Applicant's address \_\_\_\_\_

You are hereby notified that the plan entitled \_\_\_\_\_ submitted by the above applicant on \_\_\_\_\_, 19\_\_, accompanied by a Form A application for a determination by the Planning Board, dated \_\_\_\_\_, 19\_\_, has been endorsed by the Planning Board as follows: " \_\_\_\_\_ Planning Board Approval under Subdivision Control Law not Required."

\_\_\_\_\_ PLANNING BOARD

By \_\_\_\_\_, Chairman

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Members

Duplicate copy  
sent to applicant:  
\_\_\_\_\_

FORM A-2

PLANNING BOARD  
CITY/TOWN OF \_\_\_\_\_, MASS.

DETERMINATION THAT SUBDIVISION  
APPROVAL IS REQUIRED

\_\_\_\_\_  
Date

City/Town Clerk  
City/Town of \_\_\_\_\_  
\_\_\_\_\_, Massachusetts

Re: Application for endorsement of plan believed not to require subdivision approval.

Applicant \_\_\_\_\_

Applicant's address \_\_\_\_\_

You are hereby notified that the Planning Board has determined that the plan entitled \_\_\_\_\_ submitted by the above applicant on \_\_\_\_\_, 19\_\_, accompanied by Form A application for determination by the Planning Board dated \_\_\_\_\_, 19\_\_, requires approval under the Subdivision Control Law and it has been determined that that plan shows a subdivision for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ PLANNING BOARD

By \_\_\_\_\_, Chairman

\_\_\_\_\_

\_\_\_\_\_

Members

\_\_\_\_\_

\_\_\_\_\_

Duplicate copy sent to applicant  
\_\_\_\_\_

PLANNING BOARD - TOWN OF WENHAM, MASSACHUSETTS

DATE \_\_\_\_\_

SUBDIVISION NAME \_\_\_\_\_

PLAN # \_\_\_\_\_

APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

To the Planning Board of the Town of Wenham:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, requests approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

By, \_\_\_\_\_ dated \_\_\_\_\_ 19\_\_\_\_

being land bounded as follows:

\_\_\_\_\_

\_\_\_\_\_ Assessors Maps dated \_\_\_\_\_ Sheet \_\_\_\_\_ Lot # \_\_\_\_\_

hereby submits said plan as a Preliminary Subdivision Plan in accordance with the Rules and Regulations of the Wenham Planning Board for approval of said plan.

The undersigned's title to said land is derived from \_\_\_\_\_

By deed dated \_\_\_\_\_ and recorded in the Essex County Registry of Deeds Book \_\_\_\_\_, Page \_\_\_\_\_, registered in the \_\_\_\_\_ Registry District of the Land Court, Certificate of Title No. \_\_\_\_\_.

It is understood that the submission of this Preliminary Plan for examination by the Board shall not be deemed a submission of a Definitive Plan of a subdivision of land for approval of the Board under Section 81-O of Chapter 41 of the General Laws, and the action of the Board on this Preliminary Plan shall not prejudice its action on the Definitive Plan.

The following are submitted herewith:

1. The original tracing of the proposed subdivision and five contact prints thereof.
2. Statement of any existing or proposed easements, covenants or restrictions applying to the area proposed to be subdivided.

Items required in Section 3.1.2. of the Planning Board's Regulations Governing the Subdivision of Land have been included on the Preliminary Plan.

Received by Town Clerk

Date \_\_\_\_\_

Time \_\_\_\_\_

Signature \_\_\_\_\_

Applicant's Signature \_\_\_\_\_

Applicant's Address \_\_\_\_\_

Owner's Signature and Address  
if not the Applicant \_\_\_\_\_

Signature of Engineer or  
Surveyor \_\_\_\_\_

Address \_\_\_\_\_

FORM B-1

PLANNING BOARD

CITY/TOWN OF \_\_\_\_\_, MASSACHUSETTS

CERTIFICATE OF APPROVAL OF A PRELIMINARY PLAN

\_\_\_\_\_, 19 \_\_\_\_\_

City/Town Clerk

City/Town of \_\_\_\_\_

\_\_\_\_\_, Massachusetts

It is hereby certified by the Planning Board of the City/Town of \_\_\_\_\_, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on \_\_\_\_\_, 19 \_\_\_\_\_, it was voted to approve/approve with modification a preliminary subdivision plan entitled: \_\_\_\_\_

by: \_\_\_\_\_ dated: \_\_\_\_\_

submitted by: \_\_\_\_\_ address: \_\_\_\_\_

owned by: \_\_\_\_\_ address: \_\_\_\_\_

originally filed with the Planning Board on \_\_\_\_\_

concerning the property located \_\_\_\_\_

and showing \_\_\_\_\_ proposed lots with the following modifications.

A true copy, attest:

\_\_\_\_\_  
Clerk, \_\_\_\_\_  
Town of Wenham

Duplicate copy  
sent to applicant:  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Planning Board

FORM B-2

PLANNING BOARD  
CITY/TOWN OF \_\_\_\_\_, MASSACHUSETTS

CERTIFICATE OF DISAPPROVAL OF A PRELIMINARY PLAN

\_\_\_\_\_, 19 \_\_\_\_\_

City/Town Clerk

City/Town of \_\_\_\_\_  
\_\_\_\_\_, Massachusetts

It is hereby certified by the Planning Board of the City/Town of \_\_\_\_\_  
Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held  
on \_\_\_\_\_, 19 \_\_\_\_\_, it was voted to disapprove a preliminary subdivision  
plan entitled: \_\_\_\_\_  
by: \_\_\_\_\_ dated: \_\_\_\_\_  
submitted by: \_\_\_\_\_ address: \_\_\_\_\_  
owned by: \_\_\_\_\_ address: \_\_\_\_\_  
originally filed with the Planning Board on \_\_\_\_\_  
concerning property located \_\_\_\_\_  
and showing \_\_\_\_\_ proposed lots for the following reasons:

A true copy, attest:

\_\_\_\_\_  
Clerk, \_\_\_\_\_  
Town of Wenham

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Planning Board

Duplicate copy sent  
to applicant: \_\_\_\_\_

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

To the Planning Board of the Town of Wenham;  
The undersigned, being the Applicant as defined under Chapter 41, Section 81-L, requests approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

by \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_  
being land bounded as follows:

\_\_\_\_\_ Assessors Maps dated \_\_\_\_\_, Sheet \_\_\_\_\_, Lot # \_\_\_\_\_  
hereby submits said plan as a Definitive Plan in accordance with the Rules and Regulations Governing the Subdivision of Land of the Wenham Planning Board and makes application to the Board for approval of said plan.  
The undersigned's title to said land is derived from \_\_\_\_\_

By deed dated \_\_\_\_\_ and recorded in the Essex County Registry of Deeds Book \_\_\_\_\_, Page \_\_\_\_\_, registered in the \_\_\_\_\_ Registry District of the Land Court, Certificate of Title No. \_\_\_\_\_; and said land is free of encumbrances except for the following:

Said plan has ( ) has not ( ) evolved from a Preliminary Plan submitted to the Board on \_\_\_\_\_, 19\_\_\_\_ and approved (with modifications) ( ) (disapproved) ( ) on \_\_\_\_\_, 19\_\_\_\_.

All items required by Section 3.3 of the Board's Rules and Regulations Governing the Subdivision of Land are submitted herewith.

The undersigned hereby applies for the approval of said Definitive Plan by the Board, and in furtherance thereof hereby agrees to abide by the Board's Rules and Regulations Governing the Subdivision of Land. The undersigned hereby further covenants and agrees with the Town of Wenham upon the approval of said Definitive Plan by the Board:

1. to install utilities in accordance with the Rules and Regulations of the Planning Board, the Superintendent of Streets, the Board of Health, and all By-Laws of the Town of Wenham, as are applicable to the installation of utilities within the limits of ways and streets;
2. to complete and construct the streets or ways shown thereon in accordance with Section 5 of the Rules and Regulations of the Planning Board and the approved Definitive Plan, profiles and cross sections of the same. Said plan, profiles, cross sections and construction specifications are specifically, by reference, incorporated herein and made a part of this application. This application and the covenants and agreements herein shall be binding upon all heirs, executors, administrators, successors, grantees of the whole or part of said land, and assigns of the undersigned; and
3. (i) to complete (except in the case of any portion of the subdivision, for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to Section 3.3.7.) the required improvements for the subdivision, specified in Section 5.0. within \_\_\_\_\_ years of the date of such approval, (ii) to complete the required improvements for any portion of the subdivision, for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.3.7. within \_\_\_\_\_ years of the date of the performance bond or within \_\_\_\_\_ years of the date of the Board's approval of the Definitive Plan, whichever date shall occur the earlier, and (iii) that no structure will be occupied until at least the basic course of the bituminous concrete, as specified in Section 5.0. has been applied to the streets which serve those structures.

Received by Town Clerk

Date \_\_\_\_\_

Time \_\_\_\_\_

Signature \_\_\_\_\_

Applicant's Signature \_\_\_\_\_

Applicant's Address \_\_\_\_\_

Owner's Signature and Address  
if not the Applicant \_\_\_\_\_

Signature of Engineer or  
Surveyor \_\_\_\_\_

Address \_\_\_\_\_

PLANNING BOARD  
CITY/TOWN OF \_\_\_\_\_, MASSACHUSETTS  
CERTIFICATE OF APPROVAL OF A DEFINITIVE PLAN

\_\_\_\_\_, 19, \_\_\_\_\_

City/Town Clerk

City/Town of \_\_\_\_\_  
\_\_\_\_\_, Massachusetts

It is hereby certified by the Planning Board of the City/Town of \_\_\_\_\_, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on \_\_\_\_\_, 19 \_\_\_\_\_, it was voted to approve a definitive subdivision plan entitled: \_\_\_\_\_

by: \_\_\_\_\_ dated: \_\_\_\_\_

submitted by: \_\_\_\_\_ address: \_\_\_\_\_

\_\_\_\_\_ owned by: \_\_\_\_\_

address: \_\_\_\_\_

originally filed with the planning board on \_\_\_\_\_ (date)

concerning the property located \_\_\_\_\_

and showing \_\_\_\_\_ proposed lots, with the following condition(s):

Endorsement of the approval is conditional upon the provision of a performance guarantee, in the form of a (Covenant/Agreement) duly executed and approved, to be noted on the plan and recorded with the \_\_\_\_\_ County Registry of Deeds, said form of guarantee may be varied from time to time by the applicant subject to agreement on the adequacy and amount of said guarantee by the board.

NOTE TO PLANNING BOARD: Conditions should be written on the endorsed plan which is recorded or should be set forth in a separate instrument, which could be a copy of the approval vote, and which should be referenced on the endorsed and recorded plan.

NOTE TO CLERK: The Planning Board should be notified immediately of any appeal to the Superior Court on this subdivision approval made within the statutory twenty (20) day appeal period.

If no appeal is filed with your office the Planning Board should be notified at the end of the twenty (20) day appeal period in order that the plan(s) may be endorsed.

A true copy, attest:

\_\_\_\_\_  
Clerk, \_\_\_\_\_  
Town of Wenham

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Planning Board

Duplicate copy sent  
to applicant:

\_\_\_\_\_  
\_\_\_\_\_





**FORM C-3**  
**PLANNING BOARD**  
**CITY/TOWN OF \_\_\_\_\_, MASSACHUSETTS**  
**CERTIFICATE OF DISAPPROVAL OF A DEFINITIVE PLAN**

\_\_\_\_\_, 19 \_\_\_\_\_

It is hereby certified by the Planning Board of the City/Town of \_\_\_\_\_  
Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on  
\_\_\_\_\_ 19 \_\_\_\_\_, it was voted to disapprove a definitive subdivision  
plan entitled: \_\_\_\_\_  
by: \_\_\_\_\_ dated: \_\_\_\_\_  
submitted by: \_\_\_\_\_ address: \_\_\_\_\_  
\_\_\_\_\_ owned by: \_\_\_\_\_  
address: \_\_\_\_\_  
originally filed with the Planning Board on \_\_\_\_\_ (date) \_\_\_\_\_ concerning the  
property located \_\_\_\_\_  
and showing \_\_\_\_\_ (no.) \_\_\_\_\_ proposed lots because the plan fails to conform to the Planning  
Board's Rules and Regulations or the recommendations of the Board of Health in the following  
respects:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE TO CLERK:** The Planning Board should be notified immediately of any appeal to the  
Superior Court on this subdivision disapproval made within the statutory twenty (20) day appeal  
period.

A true copy, attest:

Clerk, \_\_\_\_\_  
Town of Wenham

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Planning Board

Duplicate copy sent  
to applicant:

\_\_\_\_\_  
\_\_\_\_\_

**FORM D**  
**DESIGNER'S CERTIFICATE**

\_\_\_\_\_, 19\_\_\_\_

To the Planning Board of the City/Town of \_\_\_\_\_

In preparing the plan entitled \_\_\_\_\_  
and dated \_\_\_\_\_ I hereby certify that the above named plan and accompanying data is  
true and correct to the accuracy required by the current Rules and Regulations Governing the  
Subdivision of Land in \_\_\_\_\_ (city/town) \_\_\_\_\_ Massachusetts and required by the rules of  
the Massachusetts Registries of Deeds and my source of information about the location of  
boundaries shown on said plan were one or more of the following:

1. Deed from \_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_ dated \_\_\_\_\_ and recorded in the \_\_\_\_\_  
\_\_\_\_\_ Registry in Book \_\_\_\_\_, page \_\_\_\_\_.
2. Other deeds and plans, as follows \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Oral information furnished by \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Actual measurement on the ground from a starting point established by \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Other sources \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Seal of Surveyor)

Signed \_\_\_\_\_  
(Registered Land Surveyor)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Address  
Registration No. \_\_\_\_\_

(Seal of Professional Engineer)

Signed \_\_\_\_\_  
(Registered Professional Engineer)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Address  
Registration No. \_\_\_\_\_

PLANNING BOARD - TOWN OF WENHAM, MASSACHUSETTS

DATE \_\_\_\_\_

SUBDIVISION NAME \_\_\_\_\_

PLAN# \_\_\_\_\_

ENGINEER'S CERTIFICATE

To the Planning Board of the Town of Wenham:

In preparing the plan entitled \_\_\_\_\_

I hereby certify that the above named plan and accompanying data is true and correct in accordance with the requirements of the current Rules and Regulations Governing the Subdivision of Land in Wenham, Massachusetts, and that the designs contained herein are in accordance with commonly accepted engineering practice and in compliance with applicable laws and regulations of the Commonwealth of Massachusetts and Bylaws of the Town.

1. Sources of data are listed as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Oral information furnished by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Actual measurements on the ground and other field determinations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Other sources: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Seal of Engineer)

Signed: \_\_\_\_\_  
(Registered Professional Engineer)\_\_\_\_\_  
\_\_\_\_\_  
Address \_\_\_\_\_

PLANNING BOARD - TOWN OF WENHAM, MASSACHUSETTS  
SUBDIVISION NAME \_\_\_\_\_

DATE \_\_\_\_\_  
PLAN # \_\_\_\_\_

CERTIFIED LIST OF ABUTTERS

To the Planning Board of the Town of Wenham:

The undersigned, being an applicant for approval of a Definitive Plan of a proposed subdivision entitled \_\_\_\_\_

submits the following sketch of the land in the subdivision listing the names of the adjoining owners and the abutters to the adjoining owners in their relative positions and indicating the address of each abutter on the sketch or in a separate list, including owners of land separated from the subdivision only a street.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Address

\_\_\_\_\_  
\_\_\_\_\_, Massachusetts  
\_\_\_\_\_, 19\_\_

To the Planning Board of the Town of Wenham:

This is to certify that at the time of the last assessment for taxation made by the Town of Wenham the names and addresses of the parties assessed as adjoining owners and as abutters to the adjoining owners to the parcel of land shown above were as above written, except as follows:

\_\_\_\_\_  
Assessor

PLANNING BOARD - TOWN OF WENHAM, MASSACHUSETTS

DATE \_\_\_\_\_

SUBDIVISION NAME \_\_\_\_\_

PLAN # \_\_\_\_\_

PERFORMANCE BOND - SURETY COMPANY

Know all men by these presents that \_\_\_\_\_  
as Principal, and \_\_\_\_\_  
a corporation duly organized and existing under the laws of the State of \_\_\_\_\_  
and having a usual place of business in \_\_\_\_\_,  
as Surety, hereby bind and obligate themselves and their respective heirs, executors,  
administrators, successors and assigns, jointly and severally, to the Town of Wenham, a  
Massachusetts municipal corporation, in the sum of \_\_\_\_\_  
Dollars, (\$\_\_\_\_\_).

The condition of this obligation is that if the Principal shall fully and satisfactorily  
observe and perform in the manner and in the time therein specified all of the covenants,  
conditions, agreement, terms and provisions contained in the application signed by the  
Principal and dated \_\_\_\_\_, 19\_\_ under which approval of a Definitive Plan  
of a certain subdivision, entitled \_\_\_\_\_  
and dated \_\_\_\_\_, 19\_\_, has been or is hereafter granted by the Wenham  
Planning Board, then this obligation shall be void, less the sum retained for the necessary  
period, otherwise it shall remain in full force and effect and the aforesaid sum, reduced  
as necessary, shall be paid to the Town of Wenham as liquidated damage.

The Surety hereby assents to any and all changes and modifications that may be made to the  
aforesaid covenants, conditions, terms and provisions to be observed and performed by the  
Principal, and waives notice thereof.

IN WITNESS THEREOF we have hereunto set our hands and seals this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_.

Principal

by \_\_\_\_\_  
(Title)

Surety

by \_\_\_\_\_  
Attorney-in-Fact

PLANNING BOARD - TOWN OF WENHAM, MASSACHUSETTS

DATE \_\_\_\_\_

SUBDIVISION NAME \_\_\_\_\_

PLAN # \_\_\_\_\_

PERFORMANCE BOND - SECURED BY DEPOSIT

Know all men by these presents that \_\_\_\_\_

\_\_\_\_\_ hereby binds and obligates himself/itself/his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Wenham, a Massachusetts municipal corporation, in the sum of \_\_\_\_\_ Dollars, (\$ \_\_\_\_\_), and has secured this obligation by deposit with the treasurer of said Town of Wenham of said sum in money or negotiable securities with proper stock powers.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns shall fully and satisfactorily observe and perform in the manner and in the time herein specified, all of the covenants, conditions, agreements, terms and provisions contained in the application signed by the Principal and dated \_\_\_\_\_, 19\_\_\_\_, under which approval of Definitive Plan of a certain subdivision, entitled \_\_\_\_\_

\_\_\_\_\_ and dated \_\_\_\_\_, 19\_\_\_\_ has been or is hereafter granted by the Wenham Planning Board, then this obligation shall be void; otherwise it shall remain in full force and effect and the aforesaid security for said sum shall become and remain in full force and effect and the aforesaid security for said sum shall become and be the sole property of said Town of Wenham as liquidated damage.

IN WITNESS WHEREOF the undersigned has hereunto set his hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Principal \_\_\_\_\_

by \_\_\_\_\_  
Title \_\_\_\_\_

**PLANNING BOARD - TOWN OF WENHAM, MASSACHUSETTS**

SUBDIVISION NAME \_\_\_\_\_

DATE \_\_\_\_\_

**PLAN**

Know all men by these presents that whereas the undersigned has submitted an application dated \_\_\_\_\_, 19\_\_\_\_, to the Wenham Planning Board for approval of a Definitive Plan of a certain subdivision entitled \_\_\_\_\_ and dated \_\_\_\_\_, 19\_\_\_\_ and has requested the Board to approve such plan without requiring a performance bond;

1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and municipal services necessary to serve adequately such lot has been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions thereof.

- It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

3. The undersigned represents and covenants that the undersigned is the owner\* in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

	OWNER(s)	
	if not	
	Applicant	Address

\*If there is more than one owner, all must sign



FORM H  
(Continued)

3.3.7.3.1.

PLANNING BOARD - TOWN OF WENHAM, MASSACHUSETTS

DATE \_\_\_\_\_

SUBDIVISION NAME \_\_\_\_\_

PLANS \_\_\_\_\_

COVENANT

Description of Mortgages: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Give complete names and Registry of Deeds reference)

Assents of Mortgagees:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss \_\_\_\_\_, 19\_\_

Then personally appeared the above named \_\_\_\_\_

and acknowledged the foregoing instrument to be \_\_\_\_\_  
free act and deed, before me.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

PLANNING BOARD - TOWN OF WENHAM, MASSACHUSETTS

DATE \_\_\_\_\_

SUBDIVISION NAME \_\_\_\_\_

PLAN # \_\_\_\_\_

PERFORMANCE BOND-SECURED BY LENDER'S AGREEMENT

Know all men by these presents that \_\_\_\_\_

\_\_\_\_\_ hereby

binds and obligates himself/itself/his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Wenham, a Massachusetts municipal corporation, in the sum of \_\_\_\_\_ Dollars, (\$ \_\_\_\_\_),

and has secured this obligation by an agreement with the undersigned lender to retain funds sufficient to secure the construction of ways and installation of municipal services until said ways and services are completed to the satisfaction of the Town in accord with Section 3.3.15. of the Rules and Regulation Governing the Subdivision of Land in the Town of Wenham. Funds can be released to the applicant upon completion of the work in a manner satisfactory to the Town in accord with Section 3.3.15. according to the following schedule:

<u>Item</u>	<u>Amount</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns shall fully and satisfactorily observe and perform in the manner and in the time herein specified, all of the covenants, conditions, agreements, terms and provisions contained in the application signed by the Principal and dated \_\_\_\_\_, 19\_\_\_\_, under which approval of Definitive Plan of a certain subdivision, entitled \_\_\_\_\_

and dated \_\_\_\_\_, 19\_\_\_\_ has been or is hereafter granted by the Wenham Planning Board, then this obligation shall be void; otherwise it shall remain in full force and effect and the aforesaid security for said sum shall become and remain in full force and effect and the aforesaid security for said sum shall become and be the sole property of said Town of Wenham as liquidated damage.

IN WITNESS WHEREOF the undersigned has hereunto set his hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Lender \_\_\_\_\_

by \_\_\_\_\_  
Title \_\_\_\_\_

Applicant \_\_\_\_\_

by \_\_\_\_\_  
Title \_\_\_\_\_

Owner(s) if other than Applicant \_\_\_\_\_

DATE \_\_\_\_\_

**PLAN #** \_\_\_\_\_

**RELEASE FORM**

The undersigned, being a majority of the Planning Board of the Town of Wenham hereby certify that:

- a. The requirements for the construction of ways and municipal services called for by the Performance Bond or Surety and dated \_\_\_\_\_, 19\_\_\_\_ (and/or) by the Covenant dated \_\_\_\_\_, 19\_\_\_\_, and recorded in District Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_ (or registered in \_\_\_\_\_ Land Registry District as Document No. \_\_\_\_\_ and noted on Certificate of Title No. \_\_\_\_\_ in Registration Book \_\_\_\_\_, PAGE \_\_\_\_\_,) has been (completed/partially completed), to the satisfaction of the Planning Board to adequately serve the enumerated lots shown on plan entitled \_\_\_\_\_ recorded by the \_\_\_\_\_ Registry of Deeds, Plan Book \_\_\_\_\_, Plan \_\_\_\_\_, (or registered in said Land Registry District, Plan Book \_\_\_\_\_, Plan \_\_\_\_\_) and said lots are hereby released from the restrictions as to sale and building specified thereon.
- Lots designated on said Plan as follows:

- b. The Town of Wenham, a municipal corporation situated in the County of Essex, Commonwealth of Massachusetts, acting by its duly organized Planning Board, holder of a Performance Bond or Surety, dated \_\_\_\_\_, 19\_\_\_\_, (and/or) a Covenant dated \_\_\_\_\_, 19\_\_\_\_, from \_\_\_\_\_ of the (City/Town) of \_\_\_\_\_, \_\_\_\_\_ County, Massachusetts recorded with the \_\_\_\_\_ District Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, (or registered in Land Registry District as Document NO. \_\_\_\_\_ and noted on Certificate of Title No. \_\_\_\_\_ in Registration Book \_\_\_\_\_, Page \_\_\_\_\_,) acknowledges satisfaction of the terms thereof and hereby releases its right, title and interest in the lots designated c. said plan as follows:

Executed as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**WENHAM PLANNING BOARD**

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss \_\_\_\_\_ 19 \_\_\_\_

Then personally appeared \_\_\_\_\_, one of the above named members of the Planning Board of the Town of Wenham, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

**Notary Public**

**My commission expires**

TOWN OF WENHAM, MASSACHUSETTS

FORM K

REFERRAL FORM  
PRELIMINARY/DEFINITIVE PLAN

Wenham, Massachusetts

\_\_\_\_\_, 19\_\_

Town Clerk

\_\_\_\_\_

Board of Health

\_\_\_\_\_

Board of Selectmen

\_\_\_\_\_

Water Board

\_\_\_\_\_

Highway Department

\_\_\_\_\_

Police Department

\_\_\_\_\_

Fire Department

\_\_\_\_\_

Tree Warden

\_\_\_\_\_

Conservation Commission

\_\_\_\_\_

Other

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The attached PRELIMINARY/DEFINITIVE plans were submitted to the Planning Board

\_\_\_\_\_. A public hearing has been scheduled for

\_\_\_\_\_ P.M. on \_\_\_\_\_ to discuss

these plans.

May we have your comments and recommendations concerning this subdivision by no  
later than \_\_\_\_\_. Please return this form with your comments

and recommendations.

Thank you

Clerk

Planning Board

\_\_\_\_\_

\_\_\_\_\_

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