# DEFINITIONS

For the purpose of these Rules and Regulations, unless a contrary intention clearly appears, the terms and words defined in Section 81-L of Chapter 41 of the General Laws shall have the meaning given therein. The following other terms and words shall have the following meaning:

**ABUTTING OWNER:** The owner(s) of property which is contiguous to the property being subdivided and the owner(s) of property with frontage immediately across a public way from the property being subdivide. This will be identified from the assessors' records at the time of application.

**ACRE:** A unit of land equal to 43,560 square feet.

**AGRICULTURAL SOILS**: Agricultural land with soils designated as prime or of statewide or local significance by the Natural Resources Conservation Service (NRCS) soil surveys.

**APPLICANT:** Either the owner of the land stated in the application for subdivision or all the owners where title is held jointly, in common, or in tenancy by the entirety, including corporations. An agent, representative, or his assigns may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of their officers and designated authority to sign legal documents shall be required for a corporation.

**APPLICATION:** The application for the approval of a proposed subdivision or resubdivision of land, preliminary or definitive, or for an endorsement of an "approval not required", or "ANR" plan" (Form A).

**APPROVAL NOT REQUIRED (ANR):** Subdivisions that result in new parcels with frontage along existing roadways. This type of subdivision does not require approval from the Planning Board

**APPROVED AND ENDORSED BY 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 a planning board, or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in a written statement to the register of deeds and recorder of the land court, signed by a majority of the board.

**BOARD:** The Planning Board of the [Town/City] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**CMR:** The Code of Massachusetts Regulations.

**COMPLETE STREETS:** Roads that are designed for all modes of transit, including vehicles, public transportation, biking and walking, for people of all abilities. Design considerations include bike or bus lanes, road narrowing, sidewalks, crosswalks, and facilities such as covered bus stops or bicycle parking. Please reference the City/Town of \_\_\_\_\_\_\_’s Complete Streets Policy [and Complete Streets Design Guidelines, if applicable]. See Appendix C.

**CONSULTANTS or CONSULTING SERVICES:** Includes, but is not limited to, architects, biologists and other environmental experts, chemists, engineers, geologists, landscape architects, planners, lawyers, sanitarians, and surveyors.

**DEAD END STREET (CUL-DE-SAC):** A street which joins another street at only one end with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**DETENTION BASIN:** An excavated basin for the short-term detention of stormwater runoff that allows a controlled release, typically through a combination of pipes and weirs sized to provide a certain discharge rate.

**DEVELOPER:** Not necessarily the owner of the land, but the person, persons, or corporation responsible for the subdivision application and development. This is interchangeable with APPLICANT and SUBDIVIDER. The developer may or may not be the original applicant, and may be a subsequent owner of the subdivision.

**DEVELOPMENT:** Any construction or grading activities conducted on real estate.

**EASEMENT:** A right to use or control real property owned by another for a specified purpose, and must be recorded at the Registry of Deeds.

**ENGINEER:** Any person who is currently registered by the Commonwealth of Massachusetts to perform professional civil engineering services.

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

**HEALTHY COMMUNITIES:** A Healthy Community is where people come together to make their community better for themselves, their family, their friends, their neighbors, and others. A Healthy Community creates ongoing dialogue, generates leadership opportunities for all, embraces diversity, connects people and resources, fosters a sense of community, and shapes its future. (MA DPH Office of Healthy Communities – 2013) See Appendix D.

**IMPROVEMENT:** Any change to the existing conditions of a subdivision site for the purpose of complying with these regulations or rendering the site suitable for development and habitation. As used in these regulations, improvements include, but are not limited to, construction and installation of roadways, paved streets, berms, gutters, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, fire ponds, sewage and water systems, buildings, earth filling or removal, seeding, and grading.

**LANDSCAPING:** Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce a desired aesthetic effect appropriate to the site.

**LOT:** An area of land in one ownership, with definitive boundaries, used, or available for use, as the site of one or more buildings.

**MAXIMUM EXTENT PRACTICABLE (MEP):** Refers to the extent of efforts to comply with local post-construction stormwater management requirements. Elements of MEP indicate serious intent to comply and include selecting and implementing design elements to address site restrictions. MEP is defined as the following:

* Proponents of development/redevelopment projects have made all reasonable efforts to meet the applicable Massachusetts Stormwater Standards;
* They have made a complete evaluation of possible stormwater management measures stormwater BMPs, and environmentally sensitive site design that minimizes land disturbance and impervious surfaces; and,
* If not in full compliance with the applicable Standards, they are implementing the highest practicable level of stormwater management.

**MUNICIPAL SERVICE:** Public utilities furnished by the [Town/City] in which a subdivision is located, such as water, sewerage, gas, and electricity.

**NEW DEVELOPMENT:** Any construction activities or land alteration resulting in total earth disturbances equal to or greater than [1 acre/local threshold for triggering stormwater review] (or activities that are part of a larger common plan of development disturbing equal to or greater than [1 acre/local threshold for triggering stormwater review]) on an area that has not been developed previously to include impervious cover.

**OPEN SPACE:** Property within a subdivision designated to be deeded by the developer to the [Town/City], homeowner’s association or other approved agency, or to be maintained by the developer or owner in an undeveloped state in a manner approved by the Planning Board. Such open space is to be used for passive or active recreation, agriculture, forestry, rare and endangered species habitat, natural or scenic vistas, unique natural or cultural features, or greenways. Such open space shall be retained in substantially a natural, wild or open condition, or in a landscaped condition in such a manner as to allow to a significant extent the preservation of wildlife or other natural resources. Open space shall be contiguous areas containing a high ratio of interior area to edge area. Open space shall contain to the greatest extent possible soils uniquely suited to agricultural use and that further create greenway corridors to establish linkages in landscape. Such areas shall be of adequate size and configuration to accommodate the intended use, and shall not include narrow or irregular pieces of land which are remnants from the layout of lots, streets, or drainage structures. Open space does not include areas designated for sediment control, erosion control, or storm water control, nor does it include wetland resource areas. Such areas are considered part of the subdivision structure, and are not intended to be for recreation.

**OWNER:** The owner of record as shown at the \_\_\_\_\_\_\_\_\_ County Registry of Deeds, Land Court, or Probate Court.

**PERFORMANCE GUARANTEE:** A guarantee, in the form of a surety bond, cash, savings passbook, covenant, negotiable securities or lender's agreement, by the developer to be used to complete subdivision improvements if the developer does not complete the improvements as promised, as required by MGL c. 41, Section 81U.

**PLAN, DEFINITIVE:** A proposed plan of a subdivision submitted by the applicant to be recorded in the \_\_\_\_\_\_\_\_\_ County Registry of Deeds or Land Court when approved by the Planning Board.

**PLAN, FINAL:** A proposed plan showing all buildings (not more than one building to be used for dwelling purposes) per building lot, to be approved by the Planning Board as a prerequisite to obtaining building permits.

**PLAN, PRELIMINARY:** A plan of a subdivision submitted by the applicant showing sufficient information to form a clear basis for discussion and clarification of its general contents and for the preparation of a Definitive Plan.

**POST CONSTRUCTION IMPERVIOUS SURFACE AREA:** The final impervious cover on the SITE.

**RECORDED:** Recorded in the Registry of Deeds of \_\_\_\_\_\_\_\_\_ County except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court.

**REDEVELOPMENT:** Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than [1 acre/local threshold for triggering stormwater review] (or activities that are part of a larger common plan of development disturbing equal to or greater than [1 acre/local threshold for triggering stormwater review]) that does not meet the definition of NEW DEVELOPMENT.

**REGISTER OF DEEDS:** The Register of Deeds of \_\_\_\_\_\_\_\_\_ County and, when appropriate, shall include the Recorder of the Land Court.

**REGISTERED MAIL:** Registered or certified mail.

**REGISTRY OF DEEDS:** The Registry of Deeds of \_\_\_\_\_\_\_\_\_ County and, when appropriate, the Land Court.

**RETENTION BASIN:** An excavated basin for the retention of stormwater runoff that is designed for infiltration or ponding and evaporation.

**RIGHT-OF-WAY:** That portion of land which is or is intended to be made available for the construction of roadways, ditches, drainage structures and utility lines and is to be conveyed to the [Town/City] in the case of a proposed [Town/City] road, or conveyed to an association charged with maintenance of such right-of-way in the case of a private road, including but not limited to the traveled portion and all adjacent land encumbered or intended to be encumbered by all necessary easements. The form and content of the instrument of conveyance shall be subject to the approval of the [Town/City] Counsel, at the option of the Planning Board.

**ROADWAY:** That portion of a way which is designed and constructed or intended to be constructed for vehicular travel, also known as the traveled portion of the way. See also STREET.

**SITE:** The area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover, excluding redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways as described under REDEVELOPMENT above.

**SPECIAL FLOOD HAZARD AREA:** The land in the floodplain subject to a one-percent or greater chance of flooding in a given year. The special flood hazard area contains all Zones A and A1-A30 as determined from the most recently prepared Flood Insurance Rate Maps, and subsequent revisions, and contains all land within the Flood Plain Overlay District on the Official Zoning Map of the [Town/City] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**STABILIZATION:** Structural or vegetative treatment applied to an area in order to prevent soil erosion.

**STANDARD SPECIFICATIONS:** Standard Specifications for Highways and Bridges, Massachusetts
Department of Transportation, most current as amended/supplemented standard edition.

**STORMWATER POLLUTION:** Occurs when rain that falls on streets, parking lots and other land carries pollution into lakes, rivers, streams or other water bodies. Pollutants can include oil and fuel from vehicles, fertilizers and pesticides from yards or agricultural lands, pet waste, and soil picked p by erosion.

**STREET:** A public or private way either shown on a plan approved in accordance with these rules and regulations or otherwise qualifying a lot for access and frontage under MGL c. 41, Section 81L.

**STREET, COLLECTOR**: A street designed to receive and distribute traffic from and to various sub-areas and neighborhoods, and which will carry a substantial volume of traffic generally, over 400 vehicles per day.

**STREET, MINOR:** A street which primarily provides access to adjacent land uses. It may be either a through-street or a cul-de-sac.

**STREET, MAJOR:** a street having the primary purpose of carrying through traffic and the

secondary purpose of providing access to abutting property.

**STREET, PRIMARY:** A street which receives and distributes traffic from and to various subareas within a given region, and receives traffic from a given residential neighborhood or industrial area and carries it to an arterial highway. These roads run through developed areas or connect concentrations of development, and carry significant volumes of traffic.

**STREET, SECONDARY:** A street which primarily provides access to adjacent land uses and which serves to connect minor streets with major streets.

**SUBDIVISION:** Subdivision shall mean the division of a tract of land into two 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 in two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it was made, every lot within the tract so divided has frontage on:

* A public way or a way which the Clerk of the [Town/City] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ certifies is maintained and used as a public way; or
* A way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law; or
* A way in existence when the Subdivision Control Law became effective in the [Town/City] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, having, in the opinion of the Planning Board, sufficient 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.
* All of which have adequate Access From Public way

**SUBDIVISION CONTROL LAW:** Refers to Sections 81-K to 81 GG, inclusive of Chapter 41, of the General Laws of the Commonwealth of Massachusetts, entitled "Subdivision Control" as last amended.

**SUBDIVISION TYPE I:** a subdivision for residential uses.

**SUBDIVISION TYPE II:** A subdivision for commercial uses.

**SUBDIVISION TYPE III:** a subdivision for industrial uses

**SURVEYOR:** Currently Registered Land Surveyor in the Commonwealth of Massachusetts.

**[TOWN/CITY]:** The [Town/City] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Commonwealth of Massachusetts.

**UTILITIES:** Public utilities furnished by off-site providers, such as water, sewer, gas, electricity, telephone, television, or other media.

**WAY:** A right-of-way or means of access to a lot. A public way is a way which has been accepted by, and the land owned by, the [Town/City] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, or by other means created as a public street. Any other way (private way) is a way over land which is owned by a private party but which is set forth by deed covenant, deed description or by other means as a private way.

**ZONING:** No subdivision rule may affect the size, shape, width, frontage, or use of lots. All subdivisions will fully comply with the [Town/City] Zoning By-Law.