1. **PROCEDURE FOR SUBMISSION AND**

**REVIEW OF PLANS**

**Coordination of Plan Reviews with Other Required Approvals and Permits**

It is strongly advised, where projects require additional approvals from other permitting authorities, that such approvals be obtained either prior to submitting applications to the Planning Board or are submitted to the other permitting authorities at the same time that applications are submitted to the Planning Board. It is important to note that other permitting authority’s processes may have time lines that are not coterminous with the Planning Board’s Subdivision Approval process.

**4.1 Pre-Submission Review**

Prior to investing in extensive professional design efforts for subdivision plans, it may be beneficial for the prospective applicant to discuss his/her ideas with the Planning and other technical municipal staff. It may be useful in avoiding problems at a later stage of the subdivision review process.

Any person engaged in the process of pre-submission review is strongly recommended, but not required, to prepare a Voluntary Sketch Plan that will include the following:

4.1.1 Existing Resources / Site Analysis Map: A map which identifies, locates, and describes noteworthy features to be designed around through sensitive subdivision layouts, such as vegetation, wetlands, steep slopes, agricultural soils, historic or cultural features, threatened or endangered species, unusual geological formations, and scenic views or viewsheds.

4.1.2 Voluntary Sketch Plan: A simple and inexpensive drawing prepared by a professional landscape architect, architect, planner, site designer or engineer, which illustrates conceptual layouts of house lots, streets, stormwater management, conservation areas and other improvements. Ideally, this is based on the Existing Resources/Site Analysis Map and reflects comments received from [Town/City] officials.

Contact between the applicant and Planning Board outside of the formal plan submission process should be limited. Any meetings between applicants and Planning Board members must be conducted at a posted public meeting. It should be noted that any comments or suggestions made by the Board are purely advisory and they are not bound by them in their review and decisions on any subsequently submitted Preliminary or Definitive Plans.

**4.2 Preliminary Plan**

4.2.1 General

A Preliminary Plan of a Type I subdivision may be submitted by the applicant for discussion and action by the Board.

A preliminary plan must be submitted for Type II and Type III subdivisions. The submission of such a Preliminary Plan will enable the applicant, the Planning Board, or other municipal agencies, and owners of property abutting the subdivision to discuss and clarify any problems of such a subdivision before a Definitive Plan is prepared. It is strongly recommended that a Preliminary Plan be filed in all cases, except those cases where pre-submission review has adequately clarified all issues.

To the fullest extent reasonable and practicable, all subdivisions shall be designed and constructed to incorporate the most recent design standards, best practices, policies and design elements of:

* Complete Streets (see Appendix C.)
* Healthy Communities (see Appendix D.)
* Stormwater Management (see Appendix E.).

At the time of submission the center line of the proposed roadway shall be adequately and accurately staked or flagged on the site, and the individual proposed lots shall be identified in some manner, sufficient for identification by the Planning Board members and [Town/City] officials when site visits are made

4.2.2 Filing Procedure

The procedure for filing a Preliminary Plan is as follows:

4.2.2.1 Any person who submits a Preliminary Plan shall do so by delivery at a properly posted and convened meeting of the Planning Board and Board of Health, or by certified or registered mail to the Planning Board and Board of Health, postage prepaid, and a notice filed with the [Town/City] Clerk by delivery or by registered mail, postage prepaid, that such a plan has been submitted to the Planning Board. Receipt of such plan by the Planning Board at a properly posted and convened meeting shall constitute the date of submission. If mailed, the date of receipt (as shown on the returned registered mail receipt) shall be the date of submission of the plan. Such plan shall be accompanied by the completed Form C and a filing fee (See Planning Board Policies and Procedures for Fees).

4.2.2.2 The applicant shall file the original drawing (s) or suitable reproducible (s) and eight (8) copies with the Board and two (2) copies with the Board of Health. Said plan shall be prepared by a currently Registered Massachusetts Engineer and currently Registered Massachusetts Land Surveyor. Five (5) additional reduced scale copies on 11”x17” paper shall also be filed with the Planning Board.

4.2.2.3 A list of anticipated requested waivers from the Subdivision Rules and Regulations.

4.2.2.4 In order to make application information available on the [Town/City]’s web site, and for presentation purposes at public meetings/hearings, all applications (Form C., Preliminary Development Impact Statement (see Appendix F.), Waiver Requests, Preliminary Engineering Plans, supportive information) shall also be submitted in a digital format on a single disk or drive and include:

* text information shall be submitted in a format suitable for reading as an MSWord document or PDF (portable document format) Adobe Acrobat file.
* engineering plans shall be submitted in a PDF format.
* other plans, drawings and photographs must be submitted in a format approved by the Planning Board.

4.2.2.5 Any additional expenses for outside consultants for professional review of the plans, survey, or inspections shall also be paid by applicant in accordance with the PLANNING BOARD POLICIES AND PROCEDURES – TECHNICAL ASSISTANCE and M.G.L. CHPT 44 SEC. 53G (see Appendix G.)

4.2.3 Contents

The Preliminary Plan shall be drawn at a scale of one inch to forty feet (1"=40') or such other scale as the Board may accept to show details clearly and adequately on a sheet of paper twenty-four by thirty-six inches (24" x 36"). The Plan shall include the following:

* + - 1. The Subdivision name, boundaries, North arrow, date, scale, legend and title "Preliminary Plan".
      2. The names and addresses of the owners of record, the applicant and the engineer or surveyor.
      3. A locus plan overlaid on the most recent MassGIS orthophotos or other best available high-quality low-elevation air photos.
      4. Existing and proposed lines of streets, ways, sidewalks, trails, shared use paths, and easements and any public or common areas within the subdivision, in a general manner.
      5. The proposed system of drainage, including adjacent existing natural waterways, in a general manner.
      6. The proposed method of sanitary sewage disposal and system and water distribution system (including general soils information), in a general manner.
      7. The approximate boundary lines of proposed lots with approximate areas and dimensions.
      8. The names, approximate locations and widths of adjacent streets.
      9. The topography of the land, in a general manner.
      10. Land subject to protection/permitting under the Wetlands Protection Act (CMR 140)
      11. An index plan at a scaled of one inch equals two hundred feet (1"=200'), when multiple sheets are used.
      12. A key plan at a scale of one inch equals one thousand feet (1"=1000').
      13. In the case of a subdivision covering less than all of the land owned by the subdivider, a plan showing in a general manner the proposed overall development of all said land.

4.2.4 Action by the Board

Within forty-five (45) days of submission of the Preliminary Plan, the Board shall take one of the following actions:

* + - 1. Approve the plan as presented;
      2. Approve the plan with modifications;
      3. Disapprove the plan.

and shall file its decision with the [Town/City] Clerk and notify the applicant (certified mail). Failure of the Board to file its decision on a Preliminary Plan within 45 days after submission shall be deemed to constitute approval of such a plan. In the case of disapproval, the reasons why shall be stated. Approval of the plan does not constitute the approval of a subdivision and no Register of Deeds shall record a Preliminary Plan.

Approval of the Preliminary Plan by the Board does not constitute approval of a subdivision but does facilitate the procedure in securing approval of the Definitive Plan. In addition, such approval does not in any way authorize the owner to proceed with construction of roadways and/or other work in the subdivision.

**4.3 Definitive Plan**

4.3.1 General

A Definitive Plan shall be governed by the subdivision regulation in effect at the time of submission of such plan, or in effect at the time of submission of a Preliminary Plan provide that a definitive plan evolved therefrom shall have been submitted to the Board within seven (7) months from the date of submission of the Preliminary Plan (if submitted).

To the fullest extent reasonable and practicable, all subdivisions shall be designed and constructed to incorporate the most recent design standards, best practices, policies and design elements of:

* Complete Streets (see Appendix C.)
* Healthy Communities (see Appendix D.)
* Stormwater Management (See Appendix E.).

A Definitive Plan shall also be governed by the zoning in effect at the time of submission of such plan or a Preliminary Plan from which a Definitive Plan is evolved in accordance with the provisions of Section 6 of Chapter 40A of the General Laws as amended.

4.3.2 Filing Procedure

Any person submitting a Definitive Plan of a subdivision to the Board for approval shall give written notice to the [Town/City] Clerk by delivery, or by registered or certified mail, postage prepaid. A plan is deemed submitted when delivered to the planning board at a meeting of the board or when sent by registered mail to the planning board. If so mailed, the date of receipt (as shown on the returned registered mail receipt) shall be the date of submission of such plan.

The applicant shall file with the Board the following:

4.3.2.1 An original reproducible drawing of the Definitive Plan, and eight (8) 24”x36” contact prints thereof with the Board, plus two (2) contact prints with the Board of Health and one (1) contact print for the Board of Assessors. The original drawing will be returned to the applicant after a decision on the Plan by the Board. Five (5) additional reduced scale copies on 11”x17” paper shall also be filed with the Planning Board.

At least one of the 24”x36” prints shall have the significant features illustrated according to the following color scheme, and shall be used for presentation purposes:

|  |  |
| --- | --- |
| **Feature** | **Identifying Color** |
| Roads | Dark gray |
| Streams and water bodies | Blue |
| Wetlands | Solid Red |
| 100 year floodplains | Orange |
| Dedicated open space and recreation areas | Green |
| Pedestrian and bicycle paths | Brown |
| Subdivision and lot boundaries | Black |

4.3.2.2 In order to make application information available on the [Town/City]’s web site, and for presentation purposes at public meetings/hearings, all applications (Form D, Waiver Requests, Engineering Plans, supportive information) shall also be submitted in a digital format via email or on a single thumb drive or other digital format acceptable to the town/city and include:

* text information shall be submitted in a format suitable for reading as an MSWord document or PDF (portable document format) Adobe Acrobat file.
* engineering plans and a colored print shall be submitted in a PDF format.
* other plans, drawings and photographs must be submitted in a JPEG, TIFF or PDF format

4.3.2.3 Two (2) properly executed application Form D, one to the Board and one to the Board of Health.

4.3.2.4 A filing fee (see Attachment \_\_)

Any additional expenses for professional review of the plans, survey, or inspections shall also be paid by applicant in accordance with the hiring of outside consultants (MGL Chpt. 44 Sec. 53G, See Appendix G.).

4.3.2.5 A certified list of abutters (Form F) and two sets of abutter addresses on mailing labels.

4.3.2.6 A list of requested waivers from the Subdivision Rules and Regulations.

4.3.2.7 A more detailed Development Impact Statement (see Appendix F.)

4.3.2.8 For the mailing of Public Hearing Notices, 1 complete set of legal sized envelopes with Planning Board’s return address, one addressed for each applicant, owner, engineer and abutters, and all with sufficient postage to assure delivery via the U.S. Postal Service.

4.3.2.9 For the mailing of decision, 1 legal sized envelope with the Planning Board’s return address, addressed to the applicant, and with sufficient postage for delivery by registered mail via the U.S. Postal Service.

4.3.3 Contents

The Definitive Plan shall be prepared by a current Registered Civil Engineer and current Registered Land Surveyor. The Plan shall be at a scale of one inch to forty feet (1"=40'), unless otherwise specified by the Planning Board. Sheet size shall not exceed 24" x 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The data required below may be on separate sheets as is necessary.

The Definitive Plan shall have the following information:

4.3.3.1 The subdivision name, boundaries, North arrow, date, scale, legend, and bench mark(s). All elevations shall be to the U.S.G.S. bench marks.

4.3.3.2 The names and addresses of the owners of record, the applicant, the engineer and surveyor and their official seals.

4.3.3.3 The names of all abutters as determined from the most recent tax list.

4.3.3.4 Existing and proposed lines of streets, sidewalks, shared use paths, rights of way, easements, and public or common areas within the subdivision. Proposed names of new streets shall be shown.

4.3.3.5 Location, names and present widths of street(s) bounding, approaching, or within reasonable proximity of the subdivision.

4.3.3.6 Zoning districts of all the areas shown on the plan.

4.3.3.7 Key plan showing location of the subdivision at a scale of one inch equals one thousand feet (1"=1000'), and an index plan at a scale of one inch equals two hundred feet (1"=200'), or at a scale matching that used on the Assessors maps.

4.3.3.8 Existing (solid line) and proposed (broken line) topography at two (2) foot contour intervals including the finished grade of all lots.

4.3.3.9 Street frontage, lot numbers and areas of lots.

4.3.3.10 Location of all natural waterways and water bodies within and adjacent to the subdivision.

4.3.3.11 Location of significant site features located within the proposed right-of-way such as existing stone walls, fences, buildings, large trees (with a minimum diameter of 18” measured at 4’ DBH (Diameter at Breast Height)), flood plains, and rock outcroppings.

4.3.3.12 Boundaries of lands subject to the Massachusetts Wetlands Law CMR-140.

4.3.3.13 Location and limits of soil types, particularly Agricultural Soils, consistent with the soils classification maps prepared by the Natural Resources Conservation Service.

4.3.3.14 Areas where the depth of natural soil to bedrock is four (4) feet or less.

4.3.3.15 The extent of any Interim Wellhead Protection Areas and Recharge Areas.

4.3.3.16 Delineation of slopes of twenty-five percent (25%) or greater.

4.3.3.17 Areas delineated as “BioMap Core Habitat” or “Supporting Natural Landscape” on the Massachusetts BioMap Project developed by the Massachusetts Natural Heritage & Endangered Species Program.

4.3.3.18 Location of all permanent monuments, properly identified as to whether proposed or existing.

4.3.3.19 If requested by the Board of Health, the location and results of all percolation tests to evaluate subsurface conditions for each lot in the prospective subdivision. These tests will be done if individual sewer systems are proposed. The tests will be done in accordance with the State Sanitary Code and the regulations of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Board of Health.

4.3.3.20 Location of all existing wells and areas of potential well locations for each proposed lot.

4.3.3.21 If utilizing public water, the size, pressure and location of existing and proposed water supply facilities.

4.3.3.22 If utilizing public water, the size, pressure and location of all fire hydrants, pump, water lines between hydrants and pump, and source(s) of water for fire fighting.

4.3.3.22 If utilizing public sanitary sewer, the size, capacity and location of existing and proposed components of all sanitary sewer facilities.

4.3.3.23 Location of all the following improvements unless specifically waived in writing by the Board: street paving, bike lanes, sidewalks, shared use paths, street lighting standards, all utilities above and below ground (i.e., electricity, phone, cable TV, gas), curbs, gutters, storm drainage, and all easements (with statement of the purpose of each such easement) including any required utility easements outside of the right-of-way.

4.3.3.24 The location of core borings taken along the center line of the proposed road every 100’ to a depth of 6’. The logs of such core borings shall be included.

4.3.3.25 An Application for a Stormwater Management and Erosion and Sediment Control Permit, in accordance with Section \_\_\_ of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ General/Zoning [Bylaw/Ordinance], along with all required plans and supportive information and documentation, must be submitted as part of the Definitive Subdivision Plan submission approval. No work shall commence on the construction of an approved Definitive Subdivision Plan until a Stormwater Management Permit has been approved and issued. Wherever possible the proposed drainage system shall be designed to utilize, and be compatible with, the existing drainage patterns and existing natural features of the site.

The storm water management plan shall be designed to incorporate and address the stormwater management for the entire proposed development, including anticipated buildout of individual lots.

Detention ponds shall be utilized wherever possible, although other methods will be entertained where detention ponds are determined, by the Board, not to be feasible. The systems shall also be designed such that the volumes and velocities of storm water leaving the site after construction shall not exceed that of the pre-construction state of the site.

Detention ponds, retention ponds and other storm water drainage structures, not located within the proposed existing street right-of-way, must be located on their own individual parcel, and may not be included as a part of any intended building lot. Such individual parcel shall be placed under the ownership, control and responsibility of a homeowner’s association, or other approved equal by the Planning Board, created for such purpose. An easement shall be granted to the entity owning the street (including its successors and assigns) authorizing the discharge of storm water into said drainage structure. Said association shall be responsible for:

* the maintenance, repair, and improvement of the storm water drainage structure ensuring its continued functioning capability as designed and constructed
* maintaining a bank account at all times, with a balance of no less than an amount determined by the Highway Superintendent as being sufficient, for the purpose of paying for said maintenance and improvement
* maintaining an insurance policy in the amount of at least one million dollars ($1,000,000.00)
* having said structure inspected, and maintained, repaired and improved as needed, at least once a year by a qualified person/firm (i.e. engineer, landscaper as appropriate)
* having said qualified person firm forward a written report, at least once each calendar year, certifying said inspection and any maintenance, repairs, and improvements that were required and undertaken to the Planning Board and Highway Superintendent/Director/stormwater permitting authority.

The developer shall provide an easement on the parcel to the [Town/City], and similar wording shall also be included in any Homeowner’s Association Bylaw/ordinances, where, should said association fail in any of its aforementioned responsibilities as listed above, give the [Town/City] the right to intercede and conduct any of the maintenance, repairs and improvements that it feels are necessary to ensure the proper functioning of the structure, and assess the association the cost of said maintenance, repairs and improvements, plus a 20% administrative fee.

4.3.3.26 Sufficient data including the length, bearings, radii, and central angle to determine the exact location, direction, and length of every street, and way, lot line and boundary line, and to establish these lines on the ground.

4.3.3.27 Profiles shall be prepared as follows:

* A horizontal scale of 1" = 40'.
* A vertical scale of 1" = 4'.
* Existing grade of road center line drawn in fine black solid line.
* Existing right sideline drawn in fine black dotted line.
* Existing left sideline drawn in fine black dash line.
* All elevations shall refer to the U.S. Coast and Geodetic Survey bench marks.
* Proposed roadway center line grades drawn in heavy red line with precise elevations at point of vertical tangency, point of vertical contact, high point and low point.
* Rates of roadway gradient shown in percentage.
* Size, location and rates of gradient of proposed stormwater management facilities, drains, sewer lines, catch basins, man holes, as well as required new waterways, and sizes of all pipes.
* Invert and rim elevations of each man hole or catch basin shall be shown.
* As long as the work is related to the proposed subdivision, profiles shall be shown even if the new work is outside said subdivision.
* Water mains will be shown in profile to demonstrate sufficient clearance of other structures.
* Size and location of all other utilities to be placed in the right of way. These shall be placed so as to minimize flood damage.
* Location of any intersected public or private way.

4.3.3.28 Cross sections details shall comply with the Typical Section contained in Appendix B and shall include: Street section showing paving, crown, berm, shoulder and distance to the right of way line, sidewalks, bikelanes and cross sections for any stormwater management facilities. drainage trench.

4.3.3.29 Suitable space to record the action of the Board and signatures of Board members.

4.3.3.30 The following Statements shall appear on all plans:

4.3.3.30.1 Planning Board approval of any subdivision shall be deemed revoked in all cases where the construction of ways and installation of municipal services has not been completed or where the applicant (his agents or assigns) has failed to meet any conditions of said approval by the completion deadline date stated in the Subdivision Approval, unless such time is extended in writing between the applicant (his agents or assigns) and the Planning Board in accordance with the provisions of Section 4.3.9 Completion Time Schedule, of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Rules and Regulations Governing the Subdivisions of land.

4.3.3.30.2 Compliance with the requirements of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Subdivision Rules and Regulations, unless they have specifically been waived by the Planning Board, are required as part of the approval of this plan.

4.3.3.30.3 Approval of this plan shall be automatically revoked if recorded more than six (6) months following the date of endorsement unless specifically waived prior to such expiration by the Planning Board.

4.3.3.31 Location of all special flood hazard areas as determined from Flood Insurance Rate Maps, designated as Zones A and A1-A30, for the [Town/City] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as well as a note on the plan stating the Community Panel Number(s) and whether or not the subject property is in a Special Flood Hazard Area.

4.3.3.32 Landscaping Plan showing the location of all existing and proposed landscaping, including the center of any proposed cul-de-sacs. Tree species must be approved by the Tree Warden. Indicate which large trees (with a minimum diameter of 18” measured at 4’ DBH (Diameter at Breast Height)) are proposed to be removed within the proposed right-of-way.

4.3.3.33 Traffic Analysis. The developer shall be required to provide a traffic analysis prepared by a registered traffic engineer. This report must bear the traffic engineer’s stamp and detail the number of vehicle trips generated per day, and how traffic will affect the surrounding road network. This analysis must conform to the standards contained in the most recent version of the

*Massachusetts Department of Transportation* *Highway Division* Traffic and Safety Engineering 25% Design Submission Guidelines. This plan should explain traffic impacts, types of streets, opportunities for public transit access, impacts on vehicle, pedestrian and bicycle circulation and include the following:

a. Estimated daily and peak hour vehicle trips generated by the proposed use, traffic patterns for vehicles and pedestrians showing adequate access to and from the site, and adequate vehicular and pedestrian circulation within the site. Previous generated data may be used but may not be more than two years old.

b. Traffic flow patterns at the site, including entrances and egresses and curb cuts on site and within 200 feet of the site

c. An interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.

d. Adequate pedestrian access, including provisions for sidewalks to provide access to adjacent properties and between individual businesses within a development.

e. Safe provision for school bus stops and public transit stops when appropriate.

4.3.3.34 Construction Quantities. The applicant shall submit a detailed estimate for all construction within the proposed roadway layout and/or public utility easements, certified by the project's Registered Professional Engineer. Said estimate shall be based on the latest approved edition of "Standard Specifications for Highways and Bridges" of the Commonwealth of Massachusetts, and shall include:

a. Schedule of Values for Subdivision Construction, (see Form H: Definitive Subdivision Construction Cost Estimate)

b. Total amount for cost of completion of project.

c. Costs adjusted to account for municipal prevailing wages rates

d. Costs shall be revisited and adjusted every five (5) years for an inflation/safety factor

4.3.3.35 The applicant shall include a maintenance plan for the subdivision right-of-ways, easements and roads for the time prior to acceptance by the [Town/City]. The maintenance plan should include provision for the maintenance of road pavement, sidewalks, water and sanitary sewer, stormwater management, soil settling problems, street sweeping, snowplowing and clearing of snow from sidewalks and shared use paths, maintaining vegetative stabilization of all right-of-ways and easements, erosion controls, fall leaf clean up, catch basin and drainage system cleaning, and other provisions as determined to be necessary by the Planning Board.

4.3.3.36 Road Acceptance. All requirements as listed under Section 4.3.14 in the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Subdivision Regulations.

4.3.3.37 Any other information that the Board may deem necessary.

4.3.4 Review by the Board of Health

At the time of the filing of the Definitive Plan with the Board, two (2) copies shall also be filed with the Board of Health. The Board of Health shall report in writing its approval or disapproval of said Plan. In the event of disapproval it shall make specific findings as to which if any of the lots shown on said Plan cannot be used as building sites without injury to the public health. The Board of Health shall include specific findings and the reasons therefore in such report, and where possible it shall make recommendations for adjustments necessary for the Plan's approval. Any approval by the Board shall be on the condition that lots deemed injurious to the public health shall not be built upon without prior consent of the Board of Health. The Board shall endorse on the plan such conditions, specifying the lots to which said conditions apply. Failure by the Board of Health to report on the proposed subdivision within forty-five (45) days after the filing of the Plan shall be deemed approval of the Plan by the Board of Health.

All subdivisions shall apply to connect to the [Town/City] sanitary sewerage system where this system is available and where it is feasible to do so. Every lot not served by the [Town/City] sewerage system shall have an adequate approved sewage disposal system satisfactory to the Board of Health.

4.3.5 Review by Other [Town/City] Departments

The Board shall, upon submission of a Definitive Plan, transmit one copy each to the Board of Selectmen, Fire Department, Highway Department, Water Department, Police Department, Conservation Commission and any consultants that may be selected by the Board for their review. Comments and recommendations shall be made to the Board within forty-five days following receipt of a copy of the plan.

4.3.6 Public Hearing

Before approval, modification, and approval or disapproval of the Definitive Plan is given, a public hearing shall be held by the Board. Said Public Hearing shall be held after the Board of Health makes its report or after the 45 day period to report expires. Notice of the specific time and place shall be given by the Board at the expense of the Applicant by advertisement in a newspaper of general circulation in the [Town/City] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ once in each of two successive weeks, the first publication being not less than fourteen days before the date of such hearing. A copy of the Definitive Plan shall be available to the Public through the [Town/City] Clerk's office, not less than fourteen (14) days before the date of the Public Hearing.

A copy of said notice of public hearing shall be mailed by the Planning Board to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list in accordance with the M.G.L. Chapter 41, Section 81T. The Planning Board shall also send notice of a public hearing to the following: the Board of Selectmen, the Board of Health, the Conservation Commission, the Fire Department, the Police Department, the Superintendent of Schools, the Building Inspector, the Water Department and the Highway Department.

4.3.7 Approval, Modification or Disapproval

After the required public hearing but within ninety (90) days from submission, in the case for Type II and Type III subdivision, or Type I subdivision that has submitted a preliminary plan, or within one-hundred and thirty-five (135) for Type I subdivision which no preliminary plan was submitted, the Board shall take final action upon the Definitive Plan. It shall approve the Plan as submitted, modify and approve the Plan or disapprove the Plan. If the Board modifies or disapproves the Plan, it shall state with its vote the reasons for its action.

The failure of the Board either to take final action or to file with the [Town/City] Clerk a certificate of such action regarding the definitive plan submitted by an Applicant within one hundred thirty-five (135) days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Board with the [Town/City] Clerk.

Approvals of Definitive Subdivision Plans are transferable only upon the prior approval of the Planning Board.

4.3.8 Performance Guarantee & Requirements Prior to Endorsement of Definitive Plan

An approved, or approved with modifications, Definitive Plan shall not be endorsed until after the mandatory twenty-day appeal period has elapsed as certified by the [Town/City] Clerk, or after issuance of a final decree of the court sustaining the approval of such plan, if appealed, and not until the applicant has complied with all of the following.

4.3.8.1 Required Documents to be Submitted:

4.3.8.1.1 A revised Definitive Subdivision Plan with the necessary corrections if conditional approval was given or modification required

4.3.8.1.2 Delivered one set of the Mylar originals of the plan (for recording at the \_\_\_\_\_\_\_\_\_ Registry of Deeds), one copy in a digital format approved by the Planning Board, and three copies of the definitive plan if no corrections were necessary; (Note: If corrections were required by the Planning Board, seven prints shall be delivered.) Said mylars must bear the certification of the [Town/City] Clerk that twenty days have elapsed after the decision has been filed in the office of the [Town/City] Clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied.

4.3.8.1.3 Submitted the approved plan in the required digital format per Section 4.3.2.5 of these Regulations.

4.3.8.1.4 Submitted a municipal lien certificate, indicating that all taxes, assessments and charges have been paid in full.

4.3.8.1.5 Caused to be executed, in a form accepted to the [Town/City] Counsel, all deeds of easements, as shown on the plan and/or required by the Planning Board, and submission of such deeds and documents to the Planning Board, and signed an agreement to pay for [Town/City] engineering or legal review service, and public hearing advertisement.

4.3.8.1.6 The applicant shall submit all documents including, but not limited to, master deeds, restrictive covenants, deed restrictions, shared land, detention pond, open space, and recreation areas. A homeowners' association must be established to maintain the streets and infrastructure until and unless the streets are accepted by the [Town/City]. Covenants must include the requirement that the homeowner’s/landowner’s association or other entity accept all responsibility under [Town/City] [Bylaw/Ordinances] to keep all sidewalks in front of open space associated with the project free of snow. This requirement shall apply even if omitted from a covenant

4.3.8.1.7 Submitted a proforma or sample of the individual property deeds to the individual homeowners to be used showing that the developer has retained his rights and ownership of the right-if-way. When selling lots, the developer shall retain his rights and ownership of the right-of-way, and such shall be stated and included in all deeds to lots in the development.

4.3.8.1.8 Posted the necessary performance guarantee. The monetary value of said guarantee, using any method other than a covenant, shall be based on a Construction Quantity Estimate (see below) if conditional approval of the subdivision was given and if said approval changed the original quantities. In addition, the monetary value of the performance guarantee shall be adequate to cover all costs the [Town/City] would incur to complete the project at the end of the expiration of said guarantee, including but not limited to construction costs at state (or, if required, federal) prevailing wages, record plans, street acceptance plans, and legal costs.

4.3.8.1.8.1 Construction Cost Estimate

With all performance guarantees the applicant shall also submit a detailed Construction Cost Estimate for all construction within the proposed roadway layout and/or public utility easements, certified by the project's registered professional engineer. Said estimate shall be based on the "Standard Specifications for Highways and Bridges," 1988 Edition, as amended, of the Commonwealth of Massachusetts, and shall include:

4.3.8.1.8.1.1 Schedule of Values for Subdivision Construction (see Form H: Definitive Subdivision Construction Cost Estimate)

4.3.8.1.8.1.2 Total amount for cost of completion of project.

4.3.8.1.8.1.3 Costs adjusted to account for municipal prevailing wage rates.

4.3.8.1.8.1.4 Costs adjusted to add an inflation/safety factor of 20%.

4.3.8.1.9 Delivered an irrevocable offer of dedication of all facilities to be dedicated to the public. Said offer must be accompanied by a lawyer's title opinion that the offer is free of any liens and encumbrances, and all mortgages must be subordinated to the offer. The offer shall be irrevocable, except the offer can be withdrawn if the project proponent does not proceed with the project and requests that the subdivision approval be rescinded or otherwise amended such that the dedication is no longer necessary.

4.3.8.1.10 If determined to be required by the Planning Board, received from the applicant an executed instrument, in a form approved by the Planning Board, transferring to the [Town/City] or to an approved public utility company, without cost to the [Town/City], valid unencumbered title to all sanitary sewers, water mains, and appurtenances thereto, and other utilities constructed and installed in the subdivision or approved portion thereof, and conveying to the [Town/City] or to an approved public utility company without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers, water mains and other utilities, with any manholes, conduits, and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or approved portion thereof, and if any such sewers or water mains have been constructed and installed in land not within such streets, then in, through, and under a strip of land extending 10 feet in width on each side of the center line of all such sewers and water mains. The Planning Board may require greater than 10 feet in width on each side of the center line where it deems necessary.

4.3.8.1.11 A formal petition, accompanied by said plans, requesting that the street be accepted by the [Town/City] as a [Town/City] Street (except as in 4.3.8.1.12 below).

4.3.8.1.12 A document, the form and content of which must be approved by the [Town/City] Counsel, suitable for recording, deeding the proposed public roadway to the [Town/City].

4.3.8.1.12.1 In cases where the developer has requested, and the Planning Board has approved, that the road not be accepted as a [Town/City] Road but be kept as a Private Way, not under the ownership and/or responsibility of the [Town/City] but under the ownership and responsibility of a homeowner’s association as established in accordance with state law, the developer shall submit to the Planning Board for its approval an irrevocable declaration that shall be included in the deed to the roadway, the homeowner’s association Master Deed and Bylaw/ordinances, and the deeds to all of the lots in the subdivision.

Said irrevocable declaration shall state that said way is a Private Way and not a [Town/City] road, that it is not under the ownership and/or responsibility of the [Town/City] but under the ownership and responsibility of the homeowner’s association, that it shall remain a Private Way in perpetuity and, if at such time it is ever petitioned to become a [Town/City] Road that it first must be brought into compliance with the design and construction standards for a definitive subdivision road required at the time that the petition is submitted.

Private Ways shall be designated by blue street identification signs

4.3.8.1.13 Failure of the applicant to meet the above requirements shall be full and sufficient reason to withhold endorsement. If the applicant fails to submit the required performance guarantees, easements and other documentation and the endorsement of the plan by the Planning Board is delayed more than six months after the expiration of the twenty-day appeal period, the Planning Board, on its own motion, shall exercise its power to modify, amend, or rescind its approval of the subdivision plan or to require a change in the plan as a condition of said plan retaining the status of an approved plan.

4.3.8.2 Performance Guarantee

Before endorsement of the Planning Board's approval of a Definitive Plan of a subdivision, the applicant shall agree to complete the required improvements specified in the approved Definitive Subdivision Plan for all lots in the subdivision, such construction and installation to be secured in accordance with Chapter 41, Section 81-U, M.G.L., as amended, by one, or in part by the other, of the following methods which may from time to time be varied with the applicant. While the applicant chooses the initial form of the Performance Guarantee, the Planning Board shall determine/approve the actual dollar amount (where applicable). The Planning Board may require a change in the form/method and amount of the Performance Guarantee when a partial release

is requested by the applicant.

4.3.8.2.1 Financial performance guarantees (surety bonds, money or three-party lender agreement).

The applicant shall either file a surety company performance bond or provide a deposit of money or negotiable securities in an amount determined by the Planning Board in consultation with the appropriate [Town/City] departments, to be sufficient to cover the cost of all or any part of the improvements specified in these regulations at state (or, if applicable, federal) prevailing wage rates not covered by a covenant below, and to cover the costs of inspections, record plans, street acceptance plans, and legal work, and a contingency/inflation factor. Warranty principal shall be not less than 15% of the estimated cost of those components of the entire project which shall be dedicated for public use and shall cover workmanship and materials.

4.3.8.2.1.1 If financial performance guarantees are used, at least two lots in a subdivision which can be built on must be covered by a covenant to ensure that all work, including legal work, is completed.

4.3.8.2.1.2 Three-party agreement for lender retention of funds, surety bonds and other financial performance guarantees must be drafted so that the only requirement that must be met for the Planning Board to draw on the letter is to notify the financial institution (grantor) that:

“We have incurred liability by reason of the failure of the applicant/ developer/owner, within ninety days of the expiration of this letter, to complete the construction of their project (insert name of subdivision and plans) in accordance with the definitive subdivision plans and submittal, the subdivision approval, the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Zoning [Bylaw/Ordinance], and the Rules and Regulations Governing the Subdivision of Land in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is otherwise let and the work paid for. Any excess over the cost of completing the work will be returned to the grantor.”

4.3.8.2.1.3 Such bond, deposit of money or negotiable securities, shall be approved as to form, the surety or financial institution, and manner of execution by the Planning Board.

4.3.8.2.1.4 Approval with Money

By a deposit of money sufficient in the opinion of the Planning Board to secure performance of the construction of ways and installation of municipal services required for lots in the subdivision shown on the plan, and the Planning Board may require that the applicant specify the time within such construction shall be completed. Deposits of money shall take the form of one or a combination of the following:

4.3.8.2.1.4.1 Savings passbook (with three signed withdrawal slips) account made out to the [Town/City] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and controlled by the [Town/City] Treasurer, with agreement from the bank that no withdrawal from the account be made without approval of the Planning Board.

4.3.8.2.1.4.2 Certified cashier’s check or bank check.

4.3.8.2.1.5 For any surety bond:

4.3.8.2.1.5.1 The surety must agree that any litigation

stemming out of the bond will take place in Massachusetts

4.3.8.2.1.5.2 The bond must include the name and address of the person to be served for any legal action.

4.3.8.2.1.5.3 The bond must specifically include the terms above.

4.3.8.2.1.5.4 No expiration date may be allowed in the bond (The bond must be valid until the work is complete.), and the warranty performance period has been completed.

4.3.8.2.2 Approval with covenant

Instead of filing a bond or depositing money, the applicant may fulfill a covenant, executed and duly recorded concurrent with recording the subdivision approval by the owner of record, running with the land, that no lot in the subdivision shall be sold and no building erected thereon until such ways, services and, whenever

applicable, temporary turnarounds are constructed and installed, and until record plans, street acceptance plans, and other required work are accepted by the Planning Board in accordance with these rules and regulations so as to adequately serve the lots.

4.3.8.2.2.1 Such covenant shall be inscribed on the definitive plan or on a separate document referred to on the plan and delivered to the Planning Board. The Planning Board shall turn over the covenant agreement to the [Town/City] Counsel, who shall review its contents and forward his comments in writing to the Planning Board. Upon approval of the covenant by the Planning Board, the applicant shall note the Planning Board's action on the definitive plan and the Planning Board shall record the covenant, endorsed definitive plan, and other appropriate documents at the \_\_\_\_\_\_\_\_\_ County Registry of Deeds.

4.3.9 Completion Time Schedule

All required improvements and legal documents shall be completed within a maximum period of three years from the date of endorsement of the Definitive Plan by the Planning Board. There shall be at least a three-month period between the completion date of all improvements and one-year warranty period and the expiration date of any bond, deposit of money, letter of credit or covenant. Said three-month period shall give the [Town/City] the opportunity to collect the financial performance guarantee so that it will be able to complete the necessary improvements in case the developer is unable to do so and/or the Planning Board denies any requests for an extension of time. "Warranty" shall include all workmanship and materials.

4.3.9.1 Upon written request from the applicant filed with the Planning Board prior to the expiration date, the Planning Board at its discretion, grant an extension of time, and such agreement shall be executed and affixed to the financial performance guarantee or covenant.

4.3.9.2 In the case of a surety company bond, such an agreement for an extension shall not be effective until the surety delivers to the Planning Board a written statement that the surety agrees to the proposed alteration of the completion schedule and that such alteration shall not relieve or affect the liability of the surety company.

4.3.9.3 In the case of a covenant, the Board may grant final approval of the Definitive Plan conditional upon the completion of the construction of all ways and installation of utilities within specified time period from date of said covenant. Failure to complete such improvements shall automatically rescind approval of the plan.

4.3.9.4 Failure to complete all improvements as required by these rules and regulations within the time allotted shall cause the Planning Board to draw upon the performance guarantee (surety bond, deposit of money, letter of credit) in order to complete said improvements and/or schedule a public hearing in order to rescind approval of the subdivision in accordance with appropriate sections of MGL c. 41, § 81.

4.3.9.5 If the specified subdivision improvements in accordance with the Rules and Regulations are not completed within two (2) years of the date of the bond, deposit of money, lender’s agreement or covenant, the Planning Board may require an estimate of the costs of the remaining work, increase the amount of the performance guarantee proportionately, and establish a new date for completion of said required improvements. Failure of the developer to complete the improvements within said two (2) year period, or any extension thereof, shall not relieve the developer from his/her obligation to pay for increased costs for completing the improvements in excess of his/her performance guarantee and shall be grounds for rescission of the approval of the plan pursuant to G.1., Ch.41, Sec. 81 W.

4.3.10 Evidence of Performance and Release/Partial Release of Performance Guarantee

4.3.10.1 Procedures for partial release

The developer may, upon partial completion and installation of required improvements in a subdivision, the security for the performance of which was given by bond, deposit of money, letter of credit, or covenant, make formal application, in writing either by hand delivery or certified mail, to the Planning Board for partial release of his/her/their performance guarantee, in accordance with the procedures set forth herein. It is up to the discretion of the Planning Board whether to approve such request. The Planning Board may deny, approve or partially approve such request. The Planning Board shall determine/approve the actual dollar amount (where applicable). The Planning Board may require a change in the form/method and amount of the Performance Guarantee when a partial release is requested by the applicant.

4.3.10.1.1 Financial performance guarantee

The amount of such a bond, or deposit of money, or letter of credit or three-party agreement for lender fund retention held may, from time to time, be reduced by the Planning Board. The applicant shall present to the Planning Board a list of all construction items performed and/or completed, said list to be based on the subdivision approval, and the subdivision regulations in their entirety. The amount to be reduced by the Planning Board, after consultation with the Highway Superintendent, shall be based upon federal or state prevailing wage construction costs at the time the application for reduction is made. The Planning Board shall withhold adequate funds to complete the project, but shall withhold no less than 20% of the original approved cost estimate. At the completion of the project (based on a written acceptance from the Planning Board that the project has been completed) and a one-year warranty period, the amount withheld shall be released under 4.3.10.2.

4.3.10.1.2 Covenant

The developer may request a release of conditions for lots where the required improvements have been completed for that section of roadway beginning at any intersection with a [Town/City] road and abutting lots up through the last lot to be released. Lots may only be released if they abut the functionally (in the opinion of the Planning Board) completed portion of the road. No partial release from the covenants will be approved if the total length of roadway, including a temporary turnaround, abutting said designated lots, exceeds the [Town/City]'s maximum allowable length for dead-end streets unless the Planning Board has already approved within the limits of the development a dead-end street exceeding said limits. In the absence of financial performance guarantees, adequate covenants will be held to ensure completion of the project, including record plans, street acceptance plans, site inspections, and legal work. In addition, a covenant on one lot which can be built on will be held until either a) the [Town/City] has acceptance all of the Definitive Plan’s roadways a [Town/City] streets, or b) said covenant has been exchanged in lieu of the cash value (as determined by the Planning Board) of the lot. Covenant shall be inscribed on the Definitive Plan or in a separate document referred to on the Plan, and delivered to the Planning Board.

4.3.10.1.2.1 The subdivider may request a Release of lots from covenant, in exchange for a bond, deposit of money or surety provided that:

4.3.10.1.2.1.1 A revised Construction Cost Estimate (see Section 4.3.8.1.8.1) for all of the work remaining to be completed in accordance with the approved plans has been submitted.

4.3.10.1.2.1.2 Lots will be released in area of the subdivision where all the required improvements have been completed.

4.3.10.1.2.1.3 The lots run consecutively and are released on both sides of the road simultaneously, beginning with the lots nearest any intersection of the subdivision road and a [Town/City] road.

4.3.10.1.2.1.4 The amount of the surety of Bond shall be determined by the Planning Board, based on the submitted revised Construction Cost Estimate and their estimates for constructing the road within existing approval. The amount of the

Surety or Bond shall be determined on a request by request basis, and each request shall be judged on its own merits.

4.3.10.1.2.1.5 The amount of the Surety or bond on existing lots for which prior Surety or Bond has been given may be increased by the Planning Board should the specified Subdivision improvements in accordance with these Rules and Regulations not be completed within the allotted time period as specified and such increase would take into consideration increased construction costs.

4.3.10.1.2.1.6 Such a covenant shall be inscribed on the Definitive Plan or in a separate document referred to on the Plan, and delivered to the Planning Board. The Planning Board shall turn over the covenant to the [Town/City] Counsel who shall review its contents.

4.3.10.1.3 All requests for a partial release of the performance guarantee must be accompanied by:

4.3.10.1.3.1 A revised Construction Cost Estimate (see Section 4.3.8.1.8.1) for all of the work remaining to be completed in accordance with the approved plans.

4.3.10.1.3.2 A certification from the project’s engineer that all work and systems have been completed in accordance with the approved plans and are functioning as designed and intended.

4.3.10.1.3.3 Proof that all fees to cover inspections for the release of the performance guarantee have been paid in full by the applicant.

4.3.10.1.3.4 “As-Built” plans for that portion of the roadway for which a partial release is being requested.

4.3.10.2 Procedures for full/final release.

The developer may, upon completion and installation of required improvements in a subdivision, the completion of record plans and street acceptance plans, as specified in these rules and regulations, and the completion of a one-year labor and materials warranty period make formal application, in writing either by hand delivery or certified mail, to the Planning Board for full release of any outstanding performance guarantee.

4.3.10.2.1 Before the Planning Board releases the full interest of the [Town/City] in said performance guarantee, the Planning Board shall:

4.3.10.2.1.1 Receive a certification from the project’s engineer that all work and systems have been completed in accordance with the approved plans and are functioning as designed and intended.

The sanitary sewer and public water systems must be pressure tested and video taped and comply with the municipality’s standards. Documentation of such testing and video taping must be submitted.

In no instance shall bonding or covenants be released for the final road course and sidewalks until said work has withstood one full winter season. Partial or final release for this work may be requested of the Planning Board no sooner than April 1st of the calendar year subsequent to completion of way and walks.

4.3.10.2.1.2 That the streets and drainage system have functioned as designed and intended and been in use for through one full winter.

4.3.10.2.1.3 Obtain in writing from the Highway Superintendent, or from a registered professional engineer chosen by the Planning Board (and paid for by the applicant), a certificate of statement that all work and systems required by these rules and regulations has been constructed in conformance with the approved construction plans. In the case where roadways will remain under private ownership, the above-mentioned certificate or statement shall be supplied by the project's registered professional engineer.

4.3.10.2.1.4 Receive from the applicant written evidence from the electric, telephone, gas and cable TV companies and all other public and private utilities stating that their respective underground systems have been installed and are functioning to their satisfaction.

4.3.10.2.1.5 Receive from the applicant written evidence from a Registered Land Surveyor that all permanent bounds and monuments on all street lines and on the lot or lots within the subdivision are in place and are accurately located in accordance with the approved Definitive Plan.

4.3.10.2.1.6 Find that all fees to cover inspections for the release of the performance guarantee have been paid in full by the

applicant.

4.3.10.2.1.7 Obtain from the applicant a set of record “as-built” construction plans. Approval of said plans by the Planning Board shall take place after review of the former by the Highway Superintendent.

4.3.10.2.1.8 Receive from the applicant street acceptance plan or plans and necessary documents. Said plans and documents, after approval by the Planning Board and the Highway Superintendent, shall be presented by the Planning Board to the [Town/City] Meeting for a formal street acceptance.

4.3.10.2.1.9 Copies of all of the recorded lot deeds showing that the applicant has retained his/her/their rights to the subdivision road(s) right-of-way, or Certification from developer’s lawyer that all deeds to lots contained phrasing which retained his rights to the right-of-way(s).

4.3.10.2.1.10 All “as-built” Definitive Subdivision Plan information pertaining to the creation of the lots (including annotation of frontage, dimensions, acreage, etc.) shall also be submitted in a digital format acceptable to the [Town/City] using drawing interchange files (AutoCAD compatible DWG or DXF files). Horizontal and vertical control shall have at least two (2) points tied (in feet) into the most recent Massachusetts State Plane Coordinate System using municipal GIS monuments stationed throughout the [Town/City]. Horizontal control shall have a closure of 1:12,000 or better. Vertical control must be of second order D Class 2 accuracy or better and be tied to USGS datum. All records of control shall be delivered to and reviewed by the [Town/City].

4.3.10.2.1.11 All “as-built” Definitive Subdivision Plan, Record and Street Acceptance Plan information shall also be submitted in pdf and AutoCAD compatible format such as dwg or dxf or in another digital format acceptable to the [Town/City].

4.3.10.2.2 If the Planning Board determines that all improvements as shown on the endorsed definitive plan and all required plans and legal documents have been completed satisfactorily, it shall release all the interest of the [Town/City] in such performance guarantee and return the bond to the person who furnished the same, or release the covenant, by appropriate instrument, duly acknowledged, which may be recorded.

4.3.10.2.3 If the Planning Board determines after inspection that said construction or installation has not been completed, or wherein said construction or installation fails to comply with these rules and regulations, the Planning Board shall send by registered mail to the applicant and to the [Town/City] Clerk the details wherein said construction or installation fails to comply with its rules.

4.3.10.2.4 The applicant shall have 30 days after receipt of such notice to correct all problems mentioned in the above. Failure of the applicant to finish all the necessary work within said 30 days shall cause the Planning Board to draw upon the bond or deposit of money as mentioned below.

4.3.10.2.5 Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the [Town/City] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as provided in MGL c. 41, § 81, upon failure of the performance for which any bond or deposit was given to the extent of the reasonable cost to the [Town/City] of completing such construction and installation.

4.3.11 Recording of plan

The developer shall, within 10 days after the definitive plan has been endorsed, record said plan, required forms and, whenever applicable, the Planning Board's order of conditions, public easements (plans and documents), restrictive covenants, master deeds, etc., at the \_\_\_\_\_\_\_\_\_ County Registry of Deeds, and in the case of registered land with the Recorder of the Land Court. Within seven (7) days of said recording the applicant shall provide the Board with a copy of the Registry’s receipt of said recording including the book, page number, and date of recording. The cost of said recording shall be borne by the developer.

4.3.12 Rescinding Approval of the Plan

Failure of the applicant to record the Definitive Plan at the \_\_\_\_\_\_\_\_\_ Country Registry of Deeds within six (6) months of its endorsement or to comply with the construction schedule of the performance agreement shall constitute sufficient cause for the Board to rescind such approval, in accordance with the requirements of section 81-W of Chapter 41 of the General Laws as amended.

4.3.13 Preconstruction Conference

Prior to commencement of construction, the developer and the contractor must meet with the DPW Director and other relevant [Town/City] officials (preferably at a single meeting) to review the subdivision permit and conditions. The applicant must provide evidence that all required documents have been recorded and all required fees paid. Subsequent to said recording and prior to any building permit being issued, the project applicant shall file within seven calendar days one print of the definitive plan with the Building Inspector. Further, in accordance with the statute, where approval with covenant is noted thereon, the Inspector shall issue no permit for the construction of a building on any lot within the subdivision, except upon receipt from the Planning Board of a copy of

the certificate of performance releasing the lot in question.

4.3.14 Road Acceptance

When a road or way in a subdivision has been completed in a manner fulfilling the requirements of the Planning Board, the Applicant may request the Planning Board or their designee to inspect the road or way in order to give a recommendation to [Town/City] Meeting, on whether the road or way should be accepted.

The Planning Board shall require the following information before making a recommendation to the [Town/City] Meeting:

4.3.14.1 Two (2) copies of a plan of the road or way "as built," at a scale of one inch equals forty (1”= 40’) feet to the inch at size 24" x 36". Said plan to show a center line profile (4 feet per inch on the vertical scale and 40 feet per inch on a horizontal scale) taken at fifty (50) foot intervals along the road or way as it has been completed. All utilities, public and private, above and below grade shall be shown on the plan as they exist. Said plan shall also be submitted in an electronic format acceptable to the Planning Board.

4.3.14.2 Two (2) copies of the description by metes and bounds of each road and easement considered for acceptance by the [Town/City]. After acceptance by the [Town/City] Meeting of a road or way in an approved subdivision, the "as built" plan referred to above, the vote of the [Town/City] Meeting and the description of the road or way shall be recorded with the \_\_\_\_\_\_\_\_\_ Registry of Deeds by the [Town/City] Clerk.

4.3.14.3 A release of liens under oath from all contractors and subcontractors approved for work on the road or way, attesting to the fact that all payments due them for labor and materials have been received, and that payments for all materials have been rendered.

4.3.14.4 A plan for maintenance of the subdivision right-of-ways, easements, roads, and sidewalks for the time after acceptance by the [Town/City] and continuing for 20 years. The maintenance plan should include provision for the maintenance of road pavement, sidewalks, soil settling problems, street sweeping, snowplowing, maintaining vegetative stabilization of all rights-of way and easements, erosion controls, Fall leaf cleanup, catch basin and drainage system cleaning and maintenance, all stormwater management systems (to comply Section \_\_, Operation and Maintenance Plan, provided under the [City/Town] of \_\_\_\_\_\_\_\_ Stormwater Management [Bylaw/Ordinance]), and other provisions as determined to be necessary by the Board.

4.3.14.5 A Roadway Conveyance Plan showing the overall boundary of the proposed roadway to be conveyed to the [Town/City].. This plan must include the bearing and distance descriptions of the roadway right-of-way.

4.3.14.6 A Roadway Conveyance Instrument prepared by an attorney and in a form suitable for execution by the Board of Selectmen after acceptance of the roadway at [Town/City] Meeting. This instrument must include a legal description of the right-of-way and include reference to any easement documents.

4.3.14.7 An Easement Conveyance Plan showing overall boundary of any proposed easements to be conveyed to the [Town/City]. This plan must include the bearing and distance description of the easement tied to the roadway right-of-way.

4.3.14.8 An Easement Conveyance Instrument prepared by an attorney and in a form suitable for execution by the Board of Selectmen after acceptance of the easement at [Town/City] Meeting. This instrument must include a legal description of the easement as well as a description of the [Town/City]’s rights within the easement.

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