

TOWN OF
WEST NEWBURY
PLANNING BOARD
WEST NEWBURY, MASSACHUSETTS



RULES AND REGULATIONS GOVERNING
THE SUBDIVISION OF LAND
ADOPTED OCTOBER 3, 2006

As amended April 21, 2009
As amended December 21, 2010
As amended September 3, 2019

Adopted under the Subdivision Control Law Section 81-K through 81-G inclusive, M.G.L. Ch. 41. On and after November 7, 2006 (certification of these Rules and Regulations by Town Clerk) all previous Rules and Regulations are no longer in force with respect to applications for the approval of subdivisions thereafter filed.

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1.0. PURPOSE, AUTHORITY, EFFECT AND VALIDITY

1.1. Purpose

- 1.1.1. The purpose of these regulations in addition to those stated in Chapter 41 of the General Laws of Massachusetts is to maintain the rural character of the Town, to conserve the natural resources of the Town, to accommodate growth with minimum disruption to the natural environment and the quality of life, and to assure orderly development.

1.2. Authority

- 1.2.1. Under the authority vested in the Planning Board of the Town of West Newbury by Section 81-Q of Chapter 41 of the General Laws of Massachusetts, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of West Newbury. These regulations shall be effective after approved by the Board and certified by the Register of Deeds and the Recorder of the Land Court.

1.3. Effect

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

1.4. Validity

- 1.4.1. 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 stand as if such invalid provision had not been made, and they shall fail to the extent, and only to the extent, of such invalid provision, and no other provision of these Rules and Regulations shall be invalidated, impaired, or affected thereby.

2.0. GENERAL

2.1. Definitions

- 2.1.1. Where the terms below are defined also in Chapter 41, Section 81-L, the definition in said Chapter shall govern.

- 2.1.2. As used in the regulations, the following words or terms shall have the following meanings:

APPLICANT. (See Chapter 41, Section 81-L).

BENCH MARK. A mark made in a durable object of known position and elevation as a reference point.

BIKEWAY. A way designed for travel on a bicycle or similar un-powered vehicle.

BOARD. The Planning Board of the Town of West Newbury.

CERTIFIED BY. (See Chapter 41, Section 81-L).

COMMON DRIVEWAY. Any drive, right-of-way or private way which provides access to two or more lots but which does not qualify as a street for determining frontage under Chapter 40A and 41 of the General Laws of Massachusetts.

DESIGNER. Professional Civil Engineer or Land Surveyor registered to practice in Massachusetts. All work defined as professional engineering or surveying shall be done by or under the direct supervision of a registered professional engineer or surveyor.

DEVELOPER. A person (as hereinafter defined) who develops land under a plan of a subdivision approved under Section 3.0. of these Rules and Regulations.

EASEMENT. A right acquired by public authority or other person to use or control property for a utility or other designated purpose.

FRONTAGE. The linear extent of a lot measured along the street right-of-way from the intersection of said right-of-way with one side lot line contiguously along the right-of-way to the intersection with the other side lot line of the same lot, but not including any portion thereof devoted to a right-of-way or a driveway serving more than one lot.

GENERAL LAWS. (Abbreviated 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.

LOT. (See Chapter 41, Section 81-L).

MONUMENT. A permanent marker to indicate a boundary.

MUNICIPAL SERVICE. (See Chapter 41, Section 81-L).

OWNER. As applied 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 appropriate Land Registration Office, Registry of Deeds or Registry of Probate.

PERSON. An individual, or two or more individuals, or a group or association of individuals, a partnership or a corporation having common or undivided interests in a tract of land.

PLANNING BOARD AGENT. Town employee or consultant appointed or engaged by the Planning Board to review subdivisions and administer the regulations.

PLAN: APPROVAL NOT REQUIRED. A plan of a proposed subdivision or resubdivision of land prepared and submitted in accordance with Section 3.0. with the

appropriate application to the Planning Board meeting all of the requirements for Approval Not Required.

PLAN: PRELIMINARY. A plan of a proposed subdivision or resubdivision of land prepared and submitted together with the appropriate application to the Board in accordance with Section 3.2. to facilitate proper preparation of a Definitive Plan.

PLAN: DEFINITIVE. The plan of a subdivision as submitted (with appropriate application) to the Board in accordance with Section 3.3., to be recorded in the Registry of Deeds or filed with the Land Court, if approved by the Board.

RECORDED. (See Chapter 41, Section 81-L).

REGISTER OF DEEDS. (See Chapter 41, Section 81-L).

REGISTERED MAIL. (See Chapter 41, Section 81-L).

REGISTRY OF DEEDS. (See Chapter 41, Section 81-L).

ROADWAY. That portion of a way which is designed and constructed for vehicular travel.

SIDEWALK. A way within the street right-of-way, generally parallel to the street, designed for use by pedestrians.

STREET/ROAD: A way either shown on a Definitive Plan submitted, approved and recorded in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law.

MINOR LOCAL ACCESS ROAD: A street/road which is being used or proposed to be used primarily to provide access to abutting lots, which will not be used for through traffic and which is expected to carry 100 vehicles per day or less.

MAJOR LOCAL ACCESS ROAD: A street/road which is being used or proposed to be used primarily to provide access to abutting lots, which minor local access roads connect to, which will not be used for through traffic and which is expected to carry 100 to 250 vehicles per day.

MINOR LOCAL COLLECTOR ROAD: A street/road which is being used or proposed to be used to provide access to abutting properties, which provides through or connecting service between local access roads and which is expected to carry 250 to 400 vehicles per day.

MAJOR LOCAL COLLECTOR ROAD: A street/road which is being used or proposed to be used to provide access to abutting properties, which provides through or connecting service between local access roads and which is expected to carry over 400 but less than 1500 vehicles per day.

SUBDIVISION. (See Chapter 41, Section 81-L).

SUBDIVISION CONTROL. (See Chapter 41, Section 81-L).

SUPER ELEVATION. Super elevation is the decimal fraction of a foot of rise per foot of horizontal cross section.

TOWN. Town of West Newbury, unless otherwise specified.

TRAIL. A path or track made by or reserved for the passage of persons and/or animals.

TREES, LARGE. Trees ten (10) inches or more in caliper four (4) feet above the ground.

WALKWAY. A way designed for pedestrian use, not necessarily parallel to a traveled way, as contrasted to a sidewalk

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.

WAY (ACCEPTED): An accepted way is a way which has been accepted as a public way by a vote of the Town.

WAY WIDTH. The width of a way shall be the width 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, utilities 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 therefore or the installation of utilities and municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted and approved by the Board as hereinafter provided.

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 may require a statement from the person who prepared the plan as to the source or sources of the information about the location of boundaries.

2.4. More Than One Building for Dwelling Purposes on a Lot

- 2.4.1. Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the Town, without the consent of the Board. Such consent may be conditional upon the providing of adequate improvements in the same manner as otherwise required for lots within a subdivision.

2.5. Fee and Costs.

- 2.5.1. There shall be a filing fee for each plan application submitted to the Board for consideration, which fee shall be paid upon submission of the plan.
- 2.5.1.1. The filing fee for a pre-application meeting to review a Concept Plan submitted under Section 2.9. shall be \$200 for the first meeting and \$100 per meeting for follow-up meetings beyond the first meeting. *(Amended September 3, 2019)*
- 2.5.1.2. The filing fee for an Approval Not Required Plan submitted under Section 3.1. shall be a base filing fee of \$200 and a Per Lot Fee of \$200 for each additional lot or parcel created. Further, there shall be a filing fee of \$200 for an Approval Not Required Plan submitted under Section 3.1 showing a lot line adjustment without creating a new lot. *(Amended September 3, 2019)*
- 2.5.1.3. The filing fee for a Preliminary Subdivision Plan submitted under Section 3.2. shall be a base filing fee of \$1000 plus \$100 per lot. Any modification of a Preliminary Subdivision Plan, at the request of the Applicant, shall be a base filing fee of \$100 plus \$50 per lot affected by the modification. Either or both of the above referenced lot fees may be waived by the Board for affordable lots. *(Amended September 3, 2019)*
- 2.5.1.4. The filing fee for a Definitive Subdivision Plan submitted under Section 3.3. shall be a base filing fee of \$2,000 plus \$250 per lot if a Preliminary Subdivision Plan and fee was submitted or a base filing fee of \$2,500 plus \$500 per lot if a Preliminary Subdivision Plan and fee was not submitted. Any modification of a Definitive Subdivision Plan, at the request of the Applicant, shall be a base filing fee of \$1000 plus \$250 per lot affected by the modification. Any of the above referenced lot fees may be waived by the Board for affordable lots. *(Amended September 3, 2019)*
- 2.5.2. All expenses for advertising, mailings, plans, recording and filing of documents, legal notices, technical review and construction inspection as deemed necessary by the Board, and all other expenses in connection with a subdivision shall be borne by the Applicant and shall be in addition to the above referenced filing fee. Estimates and procedures regarding these additional fees shall be in accordance with M.G.L. Chapter 44, Section 53A-G.

2.6. Compliance With These Rules and Regulations and Waivers

- 2.6.1. All plans and all procedures relating to subdivisions and to Approval Not Required Plans shall conform in all respects to the provisions of these Rules and Regulations unless otherwise authorized by the Board in writing, when in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.
- 2.6.2. Any requests for waivers from these Rules and Regulations must be submitted by the Applicant to the Board in writing and shall become a part of the Application.
- 2.6.3. All requirements of these regulations for a Definitive Subdivision Plan shall be met except as may be otherwise provided for Open Space Preservation Development in Section 6.B. of the Zoning By-Law.

2.7. Compliance with Zoning By-Law

- 2.7.1. The 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 By-law of the Town of West Newbury 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.

- 2.8.1.1. 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 to land uses which preserve the rural character of the Town.

2.9. Concept Plan

- 2.9.1. The Applicant is encouraged to request a concept meeting with the Board to discuss his plans prior to preparing a Preliminary or Definitive Plan.

2.10. Recording of Plans

- 2.10.1. All approved Definitive and Approval Not Required Plans shall be recorded with the Registry of Deeds by the Applicant, or, if preferred, by the Board at the expense of the Applicant, and the receipt for recording delivered to the Applicant within thirty (30) days of the signing of the plans by the Board.

2.11. Change of Ownership

- 2.11.1. In the event there is a change of ownership of land or in the designated developer of land shown on a subdivision plan being reviewed by the Board, prior to action by the Board relative to the plans, a new application, Form B or Form C, is required.
- 2.11.2. In the event of a change of ownership or the developer of land shown on a subdivision plan, approved but still governed by a performance guarantee, except for the sale of individual lots to separate owners, the owner and/or developer shall notify the Board within fifteen (15) days of such change and the new owner and/or developer shall request a meeting with the Board within thirty (30) days of the transfer to review requirements and procedures and, if necessary, to renegotiate the performance guarantee.

3.0. PROCEDURES FOR THE SUBMISSION OF PLANS

3.1. APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED PLAN

3.1.1. Application Procedure

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 the plan does not require approval under the Subdivision Control Law shall:

- 3.1.1.1. Submit to the Board the plan accompanied by an Application for Approval Not Required Plan (Form A);
- 3.1.1.2. File, by delivery or registered mail, postage prepaid, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application and plan and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the Town shall, if requested, give a written receipt thereof;
- 3.1.1.3. Submit three (3) copies of the Application with an original and three (3) prints of the plan, prepared in a form described Section 3.1.2. One copy of the Application and print shall be retained in the files of the Board, one copy of the Application and print each shall be submitted by the Board to the Town Assessor and Building Inspector.
- 3.1.1.4. Submit the appropriate filing fee. See Section 2.5.

3.1.2. Contents of Plan and Submission

The plan shall be legibly drawn in accordance with the Rules and Regulations of the Register of Deeds or Land Court Manual of Instructions, as amended, and shall bear the original seal and signature of the Professional Land Surveyor preparing the plan and shall contain the following information:

- 3.1.2.1. A title block, preferably in the lower right corner, identifying the location of the land shown including Assessor's Map and Lot Number, the name of the owner of record and address, date and scale of the plan, and the name and address of the firm or individual preparing the plan;
- 3.1.2.2. The statement, "Approval under the Subdivision Control Law Not Required", and sufficient space for the date and signatures of all five (5) members of the Board together with a notation, below the signature block that "The Planning Board's endorsement of the plan as not requiring approval under the Subdivision Control Law does not give lots or parcels any standing under the Zoning By-law of the Town of West Newbury";
- 3.1.2.3. Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan;
- 3.1.2.4. In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the Applicant;
- 3.1.2.5. Reference to any decisions by the Zoning Board of Appeals, Board of Selectmen and/or Planning Board including, but not limited to, variances, special permits, or exceptions regarding the land or any structures thereon;
- 3.1.2.6. A locus map drawn at a scale of 1" = 1,200' or such other scale acceptable to the Board, and located in the upper left corner of the plan.

- 3.1.2.7. Location and names of all abutters as they appear on the latest available Assessor's record(s), including those in adjoining communities shall be shown on the plan, unless the Applicant has knowledge of any change subsequent to the latest available Assessor's records. (See Form E, Certified List of Abutters);
- 3.1.2.8. Location, names, status (private or public), and right-of-way of all streets and ways shown on the plan;
- 3.1.2.9. The distance to the nearest road or to other permanent monuments, easements and lot lines shall be shown on the plan and location of all permanent bounds identified as existing or proposed:
- 3.1.2.10. The lot number and area of each lot and easements in square feet and in acres;
- 3.1.2.11. The total frontage of each lot and the total lot width, measured at the front setback line, for each lot;
- 3.1.2.12. The entire land area in which the division takes places shall be shown including all parcels affected by an increase or decrease in frontage, lot width, and area which also includes the remaining land, if any, owned by the Applicant;
- 3.1.2.13. Any lot(s) or parcel(s) not meeting the minimum frontage, lot width or lot area in accordance with the requirements for the zoning district in which the lot(s) or parcel(s) is situated, shall be designated as "Not a Building Lot";
- 3.1.2.14. Location of all known existing structures, both above and below ground shown on the plan or within fifty (50) feet of its boundaries, including but not limited to buildings, wells, septic systems, cisterns, and cesspools on the lot(s) or parcel(s) including all setback and side and rear yard designations;
- 3.1.2.15. Location of all stone walls, fences, cart paths, drives, trails, streams, brooks, and water bodies bounding or crossing any of the parcels or lots shown on the plan;
- 3.1.2.16. Location of all trees over ten (10) inches in caliper within or along the right-of-way of a Scenic Road, and in those areas subject to disturbance, such as for driveways, within or along the right-of-way shall be shown;
- 3.1.2.17. The location of any topographic features which interfere with the use of the frontage for access;
- 3.1.2.18. References to all deeds and plans of record used to establish the property lines of the lot(s) or parcel(s) and of the streets, ways and easements shown on the plan, including deed references to abutting lots;
- 3.1.2.19. The North arrow shall be clearly marked and identified as to whether it is magnetic North, true North, or referenced to a recorded plan and so stated;
- 3.1.2.20. Evidence that each lot on the plans, and/or any lot altered by the plan:

- has frontage on a way which in the reasonable judgment of the Board has sufficient width, suitable grades and adequate construction to provide for needs of the vehicular traffic created by or resulting from the proposed use(s) of the land abutting thereon or served thereby and for the installation of municipal services to such lot(s) and the buildings located on or to be constructed on such lot(s); and
- complies with one of the following four criteria:
 1. has all the frontage required under the Zoning By-law on:
 - (1) a public way; or
 - (2) a way which the Town Clerk certifies is maintained and used as a public way; or
 - (3) a way shown on a plan already approved and endorsed by the Board; or
 - (4) a way existing before the date on which subdivision control was adopted in the Town; or
 - (5) a way shown on a plan of a subdivision recorded at the Registry of Deeds or the Land Court prior to the date on which subdivision control was adopted in the Town; or
 2. has been clearly marked on the plan to be either:
 - (1) joined to and made part of an adjacent existing lot; or
 - (2) “Not a Building Lot”; or
 3. contains a building which existed prior to the date on which subdivision control was adopted in the Town; or
 4. constitutes an existing parcel with no new lot division. If the lot is not being subdivided and does not contain frontage on a way, as specified above, the lot shall be clearly marked on the plans that it is “Not a Building Lot”.

In determining whether each and every lot shown on the plan has adequate frontage, the Planning Board will determine first, whether the lot directly abuts a public or private way and second, whether the lot has direct, practical access from the abutting way.

3.1.3. Board Action

3.1.3.1. Endorsement of Plan Not Requiring Approval

If the Board finds that the plan does not require approval, it shall, without a public hearing, and within twenty-one (21) days of submission, endorse the plan under the

words “Approval Under Subdivision Control Law Not Required”. The Board may add to such endorsement a statement of the reason approval is not required. The original plan shall be returned to the Applicant, who shall file it with the Registry of Deeds within ten (10) days, and return a receipt of filing to the Board within fourteen (14) days. The Board shall also notify the Town Clerk in writing of its action within twenty-one (21) days of the submission.

3.1.3.2. Determination that Plan Requires Approval

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty-one (21) days of the submission of the plan, so inform the Applicant in writing and return the plan. The Board shall also notify the Town Clerk in writing of its action.

3.1.3.3. Failure of the Board to Act

If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the person submitting the plan of its action within twenty-one (21) 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. PRELIMINARY SUBDIVISION PLAN

3.2.1. Purpose

Any person who wishes to create either a conventional or Open Space Preservation Development subdivision may submit a Preliminary Subdivision Plan to the Board. The submission of such a Preliminary Subdivision Plan enables the Applicant, the Board, other municipal agencies and officials and the owners of property abutting the subdivision to discuss and clarify any problems the proposed subdivision may present before a Definitive Subdivision Plan is prepared.

3.2.2. Application Procedure

Any person who desires approval of a Preliminary Subdivision Plan for the subdivision of land shall:

3.2.2.1. File by delivery or registered or certified mail, a written notice to the Planning Board and Town Clerk, stating the date of submission of the Preliminary Subdivision Plan accompanied by a copy of the properly executed application, Form B.

3.2.2.2. Submit to the Board with the application, an original of the Preliminary Subdivision Plan, prepared in a form described in Section 3.2.3., and fourteen (14) prints of the plan, to be further distributed.

3.2.2.3. Submit the appropriate filing fee. See Section 2.5.

3.2.3. Contents of Plan and Submission

The Preliminary Subdivision Plan shall contain the following information:

- 3.2.3.1. Subdivision name, boundaries, north arrow, date, scale, legend, assessor's map(s) and parcel/lot number(s), and title "Preliminary Subdivision Plan";
- 3.2.3.2. Name(s) and address(es) of record owner(s) of the land, Applicant(s), engineer and land surveyor, which shall appear in the lower right hand corner;
- 3.2.3.3. Names of all abutters within three hundred feet (300') of the lot which is the subject of the application, as they appear on the most recent tax list, and if the Applicant has knowledge of changes in the list, new abutters. (See Form E, Certified List of Abutters);
- 3.2.3.4. The locus map drawn at a scale of 1" = 1,200' or such other scale acceptable to the Board, located in the upper left corner of the plan;
- 3.2.3.5. Location and names of existing and proposed streets, ways, driveways, easements, and any public or common areas within the subdivision;
- 3.2.3.6. Identification of all existing utilities within the plan and immediate vicinity;
- 3.2.3.7. Major features of the land such as existing walls, fences, trails, monuments, buildings, large trees, wooded areas, outcroppings, ditches, swamps, water bodies and natural waterways;
- 3.2.3.8. Location of all trees over ten (10) inches in caliper within or along the right-of-way of a Scenic Road, and in those areas subject to disturbance, such as for driveways, within or along the right-of-way shall be shown;
- 3.2.3.9. The proposed system of sewage disposal, water installation and of drainage in a general manner, including adjacent existing natural waterways intended to receive drainage;
- 3.2.3.10. Lot lines with approximate dimensions and areas. Each lot shall be numbered;
- 3.2.3.11. The proposed names of the proposed streets;
- 3.2.3.12. The names, approximate location and widths of adjacent streets, or streets approaching or within reasonable proximity of the Subdivision;
- 3.2.3.13. The topography of the land with a two (2') foot contour interval based on the U.S. Coast and Geodetic Datum. Water bodies and other elevations shall be shown;
- 3.2.3.14. The North arrow shall be clearly marked and identified as to whether it is magnetic North, true North, or referenced to a recorded plan and so stated;
- 3.2.3.15. The profiles of existing grades and approximate proposed finished grades of the roadway, and drain and sewer utilities;
- 3.2.3.16. Area of adjoining land and water of the record Owner(s)/Applicant(s) not presently being subdivided;

- 3.2.3.17. The zoning classification of land shown on the plan together with any zoning boundary line within or near the subdivision;
- 3.2.3.18. Notice of any decisions by the Zoning Board of Appeals, Board of Selectmen and/or Planning Board including but not limited to variances, special permits or exceptions, regarding the land or any buildings thereon;
- 3.2.3.19. Areas of the plan designated as wetlands, as defined by the 310 Commonwealth of Massachusetts Regulations (C.M.R.) 10.00 and Floodplains identified by F.E.M.A./F.I.R.M. mapping;
- 3.2.3.20. If the Preliminary Subdivision Plan application contains more than one (1) sheet or drawing, each sheet or drawing must be titled and numbered and an index showing the contents of each sheet or drawing inserted on the upper left hand corner of the Preliminary Subdivision Plan, or as a separate sheet;
- 3.2.3.21. A written document requesting Board approval of any waivers required or desired;
- 3.2.3.22. A Project Information Summary prepared in accordance with Schedule D.
- 3.2.4. Board Action
 - 3.2.4.1. One print each of the Preliminary Subdivision Plan shall be forwarded by the Board forthwith to the Town Clerk, Board of Selectmen, Building Inspector, Board of Health, Highway Department, Water Department, Conservation Commission, Police Department, Fire Department, Open Space Committee, and any other applicable Town Board and/or Commission for their information and review. Within twenty (20) days of forwarding the Preliminary Subdivision Plan, each Town agency will report its findings and recommendations to the Board.
 - 3.2.5.2. The Board may give such Preliminary Subdivision Plan approval, with or without modification or suggestion, after the Board's review with the agencies listed in Section 3.2.4.a. The approval of a Preliminary Subdivision Plan shall not constitute approval of a subdivision but does facilitate the preparation of a Definitive Subdivision Plan.
 - 3.2.5.3. The Board may disapprove the Preliminary Subdivision Plan and in such case shall state the reasons for disapproval in accordance with MGL Chapter 41, Section 81-U.
 - 3.2.5.4. Within forty-five (45) days after submission of a Preliminary Subdivision Plan, the Board shall notify the Applicant (by certified mail) and the Town Clerk that the plan has been approved, or that the plan has been approved with conditions or modifications, or that the plan has been disapproved and so state the reasons for same as referenced above.
 - 3.2.5.5. If the Planning 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 forty-five (45) days after its submission, it shall be deemed to have approval under the Subdivisions Control Law, and the Planning Board 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.

- 3.2.5.6. Board action shall be effective for seven (7) months or until such time as a Definitive Subdivision Plan evolving from the Preliminary Subdivision Plan is filed, whichever comes first.

3.3. DEFINITIVE SUBDIVISION PLAN

3.3.1. Purpose

Any person who wishes to create either a conventional or Open Space Preservation Development subdivision must submit a Definitive Subdivision Plan to the Board.

3.3.2. Application Procedure

Any person who describes approval of a Definitive Subdivision Plan for the subdivision of land shall:

- 3.3.2.1. File by delivery or registered or certified mail, a written notice to the Planning Board and Town Clerk, stating the date of submission of the Definitive Subdivision Plan. Two (2) copies of the properly executed application, Form C, and two (2) sets of prints of the Definitive Subdivision Plan prepared in the form described in Section 3.3.3. shall be submitted to and date stamped by the Town Clerk. One (1) copy of the application and set of prints shall be kept in the Town Clerk's office, the other copy of the application and set of prints delivered to the Planning Board's office;
- 3.3.2.2. Submit to the Board with the date stamped application and set of prints, the original of the Definitive Subdivision Plan, and fourteen (14) additional sets of prints of the plan to be further distributed;
- 3.3.2.3. Submit to the Board, a Form E, Certified List of Abutters, a Form I or J in reference to the intended form of surety and a Schedule E, Environmental Impact Statement;
- 3.3.2.4. Written notice shall be given to the Board of Health together with one (1) copy of the application and two (2) sets of prints of the Definitive Subdivision Plan.
- 3.3.2.5. Submit the appropriate filing fee. See Section 2.5.

3.3.3. Contents of Plan and Submission

The plan shall be legibly drawn in accordance with the Rules and Regulations of the Register of Deeds or Land Court Manual of Instructions, as amended, and shall bear the original seal and signature of the Registered Land Surveyor and/or Registered Engineer preparing the plan and shall contain the following information:

3.3.3.1. General

- 3.3.3.1.1. A Definitive Subdivision Plan shall include the following sheets generally 24" x 36" with 1" borders unless otherwise approved by the Board and acceptable to the Register of Deeds:
- Cover Sheet with Index to Sheets
 - Existing Conditions Plan
 - Lotting Plan

- Grading, Drainage and Utilities Plan
 - Street Plan and Profile
 - Typical Sections, Details and Notes
 - Pre- and Post- Development Watershed Plans
- 3.3.3.1.2. A title block, preferably in the lower right corner, identifying the name of the subdivision, the address/location of the land shown including the Assessors Map/Lot number, the name and address of the record land owner and the Applicant if other than the owner, the date of the plan and the name and address of the firm or individual preparing the plan, and an index to all sheets in the plan set;
- 3.3.3.1.3. A signature space for the endorsement of the plan by the (5 member) Board including a date space, signature space for the signature/certification by the Town Clerk and a 3 ½" x 3 ½" block reserved for use by the Register of Deeds on each sheet;
- 3.3.3.1.4. A scale on each sheet of 1" = 40' horizontally and 1" = 4' vertically, or such other scale as the Board may accept to clearly and adequately depict the plan intent and details;
- 3.3.3.1.5. All elevations shall be shown as based on NGVD-1929 MSL vertical datum unless otherwise approved by the Board;
- 3.3.3.1.6. Horizontal orientation shall be based on magnetic North, true North or shall be referenced to a record plan and said orientation shall be clearly noted. The North arrow so oriented shall be shown on each plan sheet;
- 3.3.3.1.7. A locus map drawn at a scale of 1" = 1,200' or such other scale acceptable to the Board, with sufficient information to accurately locate the property;
- 3.3.3.1.8. Base flood elevation data as shown on the latest revised FEMA/West Newbury Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Maps on file at the Town offices;
- 3.3.3.1.9. Location and ownership of abutting properties as they appear on the Form E, including the Assessors Map and Lot numbers, deed and plan references;
- 3.3.3.1.10. Zoning district(s) classification and zoning district boundaries and all the applicable minimum dimensional requirements according to the Zoning By-Law;
- 3.3.3.1.11. Location of all trees over ten (10) inches in caliper within or along the right-of-way of a Scenic Road, and in those areas subject to disturbance, such as for driveways, within or along the right-of-way shall be shown;
- 3.3.3.1.12. Location, description and purpose of all recorded easements, covenants or restrictions applying to the land or lands not part of the subdivision, and any decision or appeal or any variances, permits or exceptions made by the Zoning Board of Appeals, Planning Board or Board of Selectmen applicable to the subdivision of the land or any building thereon.
- 3.3.3.2. Existing Conditions Plan

In addition to the information required elsewhere in Section 3.3.3., the Existing Conditions Plan shall also include the following:

- 3.3.3.2.1. Major existing features of the land such as waterways, wetlands in and within 100' of the subdivision, water bodies, natural drainage courses, walls, fences, buildings, isolated large, wooded areas, trails, ledge and isolated outcroppings, ditches, wells and septic systems in and within 100' of the subdivision, water service lines, utility poles and overhead lines, water mains, fire hydrants, drainage pipes, catch basins and manholes, walks, driveways, roads and the like;
- 3.3.3.2.2. Existing contours of the land at 2-foot intervals, extending to a minimum of 50' beyond the boundaries of same except in restricted wetland resource areas unless otherwise waived by the Board;
- 3.3.3.2.3. Boundaries (metes and bounds) of the perimeter of the land including all monumentation whether found or set and as applicable all monumentation with ties thereto that were used to establish the perimeter boundary of the land;
- 3.3.3.2.4. Location, names and present widths (right-of-way/layout and improved widths) of existing ways, public and/or private, bounding, approaching or within reasonable proximity of the subdivision. Where available, the average daily traffic counts of these roads should be provided. Where not available, same may be required by the Board;
- 3.3.3.2.5. Existing structures in and within 50' of the perimeter of the subdivision.
- 3.3.3.3. Lotting Plan
In addition to the information required elsewhere in Section 3.3.3., the Lotting Plan shall also include the following:
 - 3.3.3.3.1. Sufficient data to determine the location, direction (bearing) and distance (length) of every boundary, lot, street, common driveway, way and easement line in the subdivision. This shall include necessary data (radii, arc and tangent lengths and central angle) of all curved boundaries. A calculations package shall be included to document this information as shown on the plans;
 - 3.3.3.3.2. Areas of each lot and easement in square feet and acres to the nearest three (3) decimal places;
 - 3.3.3.3.3. Proposed subdivision lot numbers shown enclosed in a circle. Prior to plan endorsement by the Board indicate Assessors lot numbers enclosed in a square as assigned by the Assessor's office and indicate street address numbers enclosed in a triangle as assigned by the Building Inspector's office.
 - 3.3.3.3.4. Frontage and widths (measured at the minimum front setback line) of each proposed lot;
 - 3.3.3.3.5. Proposed street right-of-way widths, areas and names;
 - 3.3.3.3.6. Any open space, easements, covenants or restrictions on the subdivision requested, proposed or approved;

- 3.3.3.3.7. Names of all abutters including those across streets from the subdivision with references to abutter's Assessors Map/Lot Numbers, deed and plan references.
- 3.3.3.3.8. Street bounds shown at all angle points, points of curvature or tangency, or as otherwise needed to depict the boundaries of all proposed streets, common driveways, and ways of the subdivision.
- 3.3.3.4. Grading, Drainage and Utilities Plan
In addition to the information required elsewhere in Section 3.3.3., the Grading, Drainage, Utilities Plan shall also include the following:
 - 3.3.3.4.1. Proposed contours at 2-foot intervals indicating the finished grades of all proposed construction in the subdivision including streets and building sites. Spot elevations shall also be shown in areas where the finished grades are less than 1%;
 - 3.3.3.4.2. A general note indicating deposition of topsoil on the site, which note shall include how topsoil will be handled in areas of cut and fill; how and where topsoil will be stockpiled, if applicable; the minimum amount of topsoil to be redistributed on or to the site; and that no topsoil will leave the site except in accordance with the West Newbury Soil Removal By-law;
 - 3.3.3.4.3. A general note indicating handling of all earthen materials, which note shall include and plans shall show, stockpiling areas for surplus and imported materials. Plans and documents shall include estimated quantities of required imported materials and, if applicable, materials to be removed from the site in accordance with the West Newbury Soil Removal By-Law;
 - 3.3.3.4.4. Location, size, slope, material type, invert elevations, top of grate/cover elevations of all proposed drainage pipe and structures;
 - 3.3.3.4.5. Location, size, shape, material type, invert elevations, bottom elevations, top berm elevations, side slopes, and finished character of all proposed surface drainage ways, swales, bioretention facilities, detention basins, infiltration trenches/basins and the like. The 2, 10 and 100-year storm event elevation levels should be indicated in these facilities as appropriate;
 - 3.3.3.4.6. Location, size and type of all other proposed above and below ground utilities (e.g. Town water (including valves, hydrants, etc.), gas, electric (including transformers, risers, etc.), telephone, cable, other);
 - 3.3.3.4.7. Location, size and type of all proposed street trees;
 - 3.3.3.4.8. Location and methods of all proposed erosion/sedimentation control;
 - 3.3.3.4.9. Location of all proposed individual wells and subsurface sewage disposal (septic) systems including required setback dimension between same and to lot lines, structures and wetland resource areas;

- 3.3.3.4.10. Location, identification and test results of all soils testing including establishment of ledge, estimated seasonal high groundwater table and percolation/infiltration rates in support of both proposed stormwater and sanitary (septic) facilities;
- 3.3.3.4.11. Location, size and type of proposed sidewalks, trails, lighting, curbing and driveways;
- 3.3.3.4.12. Drainage calculations in support of the drainage plan as required by Section 4.4.
- 3.3.3.5. Street Plan and Profile
In addition to the information required elsewhere in Section 3.3.3., the Street Plan shall also include the following:
 - 3.3.3.5.1. Bearings and distances of all tangents along the center line;
 - 3.3.3.5.2. Radii, arc length and central angle of all curves along the center line;
 - 3.3.3.5.3. Points of intersection of all tangents (pi's), with tangent lengths, of all center line curves;
 - 3.3.3.5.4. Stations clearly marked at 50' intervals along the street center line and at points of curvature and tangency (pc's and pt's) of all curves. Where the center line intersects itself or other proposed streets, the point of intersection shall be clearly marked with a station equation;
 - 3.3.3.5.5. Proposed lot lines intersecting the right-of-way with the lot numbers shown;
 - 3.3.3.5.6. Bearings and distances of all lines of proposed easements along the right-of-way/street line;
 - 3.3.3.5.7. Proposed pavements, including dimensions of all streets, sidewalks, handicapped ramps, driveways and parking areas; and distance of centerline from abutting property lines; (*Amended April 21, 2009*)
 - 3.3.3.5.8. Proposed curbs and berms and identification of the materials;
 - 3.3.3.5.9. Proposed drainage facilities with pipe sizes and materials including catch basins, manholes, culverts, headwalls, detention and/or retention basins, and outlet pipes/structures with rim and invert elevations, as applicable;
 - 3.3.3.5.10. Proposed water mains with sizes and materials including hydrants, gates and appurtenances;
 - 3.3.3.5.11. Proposed gas mains;
 - 3.3.3.5.12. All other proposed above and below ground, utilities including electric, telephone, cable T.V., poles, conduits, transformers and appurtenances;
 - 3.3.3.5.13. Proposed street trees including size and type;

- 3.3.3.5.14. Two (2) permanent bench marks for each 1,000 feet of street length. Bench marks shall be identified with sufficient data to readily determine their location and elevation in the field.

In addition to the information required elsewhere in Section 3.3.3., the Street Profile shall also include the following:

- 3.3.3.5.15. Existing center line profile drawn with a fine dashed line and the existing elevations labeled at 50' intervals;
- 3.3.3.5.16. Existing left and right, right-of-way profiles drawn in fine lines – dotted for left and dashed for right;
- 3.3.3.5.17. Proposed center line profile drawn in solid line with proposed stations and elevations labeled at 50' intervals (except in vertical curves which shall be labeled at 25' intervals) and at points of vertical curvature, gradient intersection, and tangency (pvc, pvi, and pvt). Where the center line intersects itself or other proposed streets, the point of intersection shall be clearly marked with the existing and proposed elevation and station equation;
- 3.3.3.5.18. Gradient lines labeled with the rate of grade expressed as a percent;
- 3.3.3.5.19. Lengths of all vertical curves labeled including applicable sight distances as prescribed in the Design Standards, Section 4.2.7.;
- 3.3.3.5.20. Existing and proposed drainage facilities including drainage lines, catch basins, manholes, culverts, headwalls, outlet pipes/structures drawn in solid lines showing pipe sizes, pipe slopes, rim and invert elevations. Stations and offsets shall be indicated for all catch basins, manholes, culverts, headwalls and outlet pipes/structures;
- 3.3.3.5.21. Existing and proposed water mains drawn in solid lines showing pipe sizes, depths of cover, laterals to hydrants and station and offset(s) to hydrants;
- 3.3.3.5.22. Vertical clearances labeled between all crossing utilities;

3.3.3.6. Typical Sections, Details and Notes

In addition to the information required elsewhere in Section 3.3.3., the Typical Sections, Details and Notes shall include the following:

- 3.3.3.6.1. Typical cross-section of each street (if more than one type) showing width of the right-of-way, width of pavement, curbs, cross slope, sidewalk(s), grass plots, utility locations and depths of cover, thicknesses and types of pavements for the street and sidewalk, thicknesses of street and sidewalk base courses, thicknesses of loam, location of guardrail, existing and proposed grades, and the maximum grade of return to existing grade. One side of the section shall indicate a typical “fill” and the other a typical “cut”;
- 3.3.3.6.2. Typical cross-section(s) and details of all proposed retention and/or detention basins showing existing and proposed grades, details of inlet pipes with inverts and full flow capacity, outlet control structures and pipes with inverts and full flow

capacity, two (2), ten (10) and one hundred (100) year storm water elevations, details and elevations of emergency spillway structure(s), embankment construction and slope treatment, top of embankment elevation, and volume of storage capacity;

- 3.3.3.6.3. Profiles of all cross-country drain lines, swales or ditches with typical cross sections of each;
- 3.3.3.6.4. Details of drainage structures including catch basins, manholes, headwalls, flared-end sections, outlet and velocity control structures, rip-rap slopes and channels;
- 3.3.3.6.5. Details of hydrants, blow-off valves and thrust blocks;
- 3.3.3.6.6. Detail/typical section of curb;
- 3.3.3.6.7. Detail of handicap ramp;
- 3.3.3.6.8. Detail of guardrail(s);
- 3.3.3.6.9. Detail(s) of erosion/sedimentation control devices;
- 3.3.3.6.10. Plans, details, sections, and profiles of any other utility, structure or facility proposed in the subdivision;
- 3.3.3.6.11. General and specific notes identifying the standards for materials and construction methods of all the elements in the subdivision. Accepted standards and specifications include the following:
 - 1. American Society for Testing and Materials (ASTM)
 - 2. American Water Works Association (AWWA)
 - 3. Commonwealth of Massachusetts Department of Public Works
Standard Specifications for Highway and Bridges
 - 4. State Environmental Code – Title 5
 - 5. Specifications by Town of West Newbury as set forth in
these Rules and Regulations.
- 3.3.3.7. Pre- and Post-Development Watershed Plan
In addition to the information required elsewhere in Sections 3.3.3. and 4.4., the Pre- and Post- Development Watershed Plan shall include the following:
 - 3.3.3.7.1. The Pre-Development Watershed Plan shall depict, at a minimum;
 - 1. The entire drainage area(s), both on-site and off-site, tributary to the Design Point(s) evaluated in the drainage calculations,
 - 2. the existing surface contours at a minimum contour interval of 2 feet,

3. the limits of the subject property boundaries,
4. the boundaries of the different soils types as taken from the latest USDA Soil Conservation Service Soil Survey with a legend indicating the Hydrologic Soil Group (HSG) designation of the soils type(s) shown on the plan,
5. to the extent practicable, the areas within the tributary drainage Watersheds which are impervious (roofs and pavement),
6. a depiction of the flow path for each Watershed used in the calculations to determine travel time or time of concentration,
7. a north arrow and appropriate scale.

3.3.3.7.2. The Post-Development Watershed Plan shall depict, at a minimum;

1. The entire drainage area(s), both on-site and off-site, tributary to the Design Point(s) evaluated in the drainage calculations,
2. the existing and proposed surface contours at a minimum contour interval of 2 feet,
3. the limits of the subject property boundaries,
4. the boundaries of the different soils types as taken from the latest USDA Soil Conservation Service Soil Survey with a legend indicating the Hydrologic Soil Group (HSG) designation of the soils type(s) shown on the plan,
5. to the extent practicable, the areas within the tributary drainage Watersheds which are impervious (roofs and pavement) as well as proposed impervious surfaces,
6. a depiction of the flow path for each Watershed used in the calculations to determine travel time or time of concentration,
7. a north arrow and appropriate scale.

3.3.4. Board Action

3.3.4.1. Review Procedure and Public Hearing

3.3.4.1.1. The Planning Board Administrator will transmit one (1) copy of the Definitive Subdivision Plan to Town officials other than the Board of Health as follows:

- Town Counsel
- Highway Department
- Fire Department
- Police Department
- Building Inspector

- Conservation Commission
- Open Space Committee
- Board's Consulting Engineer

The Planning Board Administrator will request written statements from the above officials with regard to the proposed subdivision.

- 3.3.4.1.2. The Board of Health shall within forty-five (45) days after filing of the plan report to the Planning Board in writing, approving or disapproving of said plan. 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 therefore in such report, and, where possible, shall make recommendations for the adjustment thereof. Every lot shall be provided with a sewerage system or sewer connection satisfactory to the Board of Health and the Board's Consulting Engineer.

- 3.3.4.1.3. If the Definitive Subdivision Plan and application includes a Common Driveway, the Board must review for approval the following:

1. An agreement between the owner or developer and the Town of West Newbury prohibiting the sale of lots and erection of buildings until such time as the Common Driveway(s) have been constructed in accordance with the approved plan.
2. A declaration of covenants, easements and restrictions for the use and maintenance of said Common Driveway(s).

- 3.3.4.1.4. Before taking any action to approve, modify and approve, or disapprove a Definitive Subdivision Plan, the Planning 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 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 in The Daily News (Newburyport) and/or The Haverhill Gazette. The Applicant is responsible for mailing by certified mail return receipt requested a copy of such advertisement to all owners of land abutting the land shown on the plans and on the most recent tax list. Certified mailing cards and return receipt shall be submitted to the Planning Board at the public hearing.

- 3.3.4.2. Decision

- 3.3.4.2.1. The procedure that the Planning Board will follow with regards to approval, disapproval or modification of the final 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 Definitive Subdivision Plan will review the same to determine whether they are in compliance with its adopted Rules and Regulations and the Zoning By-Law.

- 3.3.4.2.2. The plan shall comply with all regulations and rules of the Highway Department, Water Department and Board of Health not otherwise covered by these Rules and Regulations.
- 3.3.4.2.3. Before approval of the plan, the Applicant shall establish that the lots in the Definitive Subdivision Plan are in conformity with the West Newbury Zoning By-Law, and that failure of the lots to so comply will be adequate grounds for disapproval of the Definitive Subdivision Plan. See Chapter 41, Section 81-Q of the General Laws, and amendments thereto. The Board may, as a condition of granting a 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 a part of the plan. Before approval all necessary permits under Chapter 131 of the General Law and from the Massachusetts Department of Public Works shall be obtained, and the Applicant shall notify the Planning Board of any changes in the plans required by said permit or permits.
- 3.3.4.2.4. The Planning Board may extend the ninety (90) day period or the one hundred and thirty-five (135) day period, whichever is applicable, permitted by statute between submission of a Definitive Subdivision Plan and action thereon upon written request of the Applicant.
- 3.3.4.2.5. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered, return receipt requested, mail to the Applicant. If the Planning Board modifies or disapproves such plan, it shall state in this vote the reasons for its action and shall rescind such disapproval if the plan is amended to conform to the rules, regulations and recommendations of the Planning Board within six (6) months and filed with the Board. Failure to file such corrected plan within six (6) months shall necessitate the submission of a new plan. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Subdivision Plan by the signatures of majority of the Planning Board but not until the statutory twenty (20) day appeal period has elapsed following the filing of the Board's Certificate of Approval on Form C-1, or Disapproval on Form C-2, as the case may be, with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If the Definitive Subdivision Plan has been approved and endorsed, the Planning Board shall return the original to the Applicant.
- 3.3.4.2.6. If the Board fails to act upon a Definitive Subdivision Plan for which a Preliminary Plan has been submitted and acted upon by the Board, or the statutory forty-five (45) days have lapsed without Board action, or if the Board fails to notify the Town Clerk and the persons submitting the plan of its action within ninety (90) days after its submission, the plan shall be deemed to have approval under the Subdivision Control Law, and the Planning Board 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. If the Board fails to act upon a Definitive Subdivision Plan for which no Preliminary Plan has been submitted and acted upon

or if the Board fails to notify the Town Clerk and the persons submitting the plan of its action within one hundred and thirty-five (135) days, the plan shall be deemed to have approval under the Subdivision Control Law, and the Planning Board shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to be the same effect.

- 3.3.4.2.7. Approval of the Definitive Subdivision Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.
- 3.3.4.2.8. The endorsement of plan approval by the Planning Board shall be valid for a period of two (2) years from the date of said approval or such other period of time as is specified herein. Prior to the expiration of the said approval period, the developer and/or owner may request in writing to the Planning Board an extension of time, if necessary. Failure to request an extension of time prior to the expiration of the said approval period shall result in the Planning Board notifying the Building Inspector that no additional Building Permits should be issued in said development. The request for extension shall state the reasons for said extension and also the length of time requested. Extension of time shall not in any case exceed one (1) year. Additional one-year extensions after the first may be applied for but not until at least ten (10) months have expired on the extension in effect.
- 3.3.5. Performance Guarantee
 - 3.3.5.1. Before endorsement of the Board's approval of a subdivision, the Board shall require that:
 - 3.3.5.1.1. The Applicant shall specify in writing the time within which the construction of ways and installation of municipal services required in Section 5.0. shall be completed, which time shall be two (2) years unless the subdivider stipulates otherwise.
 - 3.3.5.1.2. The Applicant shall secure the construction of ways and installation of municipal services by one, or in part by one and in part by another, of the following methods:
 - 1. By a proper bond, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required in Section 5.0. for lots in the subdivision shown on the plan. See Form J.
 - 2. By a deposit of money or negotiable securities, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required in Section 5.0. for lots in the subdivision shown on the plan. See Form J.
 - 3. By a covenant, executed and duly recorded by the owner of record, running with the land, whereby the ways and services required in Section 5.0. shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises for part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon

until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a

conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board. See Form I.

4. By delivering to the Planning Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the Applicant by the lender, which agreement shall be executed by the Applicant and the lender and shall provide for the retention by the lender of funds (otherwise due the Applicant) sufficient in the opinion of the Planning Board to secure the construction of ways and the installation of municipal services. Said 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 complete within the time set forth by the Applicant, any funds remaining undisbursed shall be available to the Town for completion. See Form J.

- 3.3.5.1.3. The Applicant shall submit an agreement, suitable for recording, executed by the Planning Board and the Applicant setting forth the form of the guarantee and the stipulated time for completion of improvements as required in 3.3.5.1.a. and b. which shall be recorded in the Registry of Deeds by the subdivider and a receipt therefore be delivered to the Planning Board.

3.3.5.2. Reduction of Performance Guarantee

- 3.3.5.2.1. The penal sum of any such bond held or any deposit held or any amount of funds retained pursuant to an agreement under 3.3.5.1.b. shall bear a direct and reasonable relationship to the expected cost, including the effects of inflation, necessary to complete the subject work. Such amount or amounts may from time to time be reduced so that the amount bonded, deposited or retained continues to reflect the actual expected cost of work remaining to be completed.

3.3.5.3. Release of Performance Guarantee

- 3.3.5.3.1. Upon completion of improvements required under Section 5.0., security for the performance of which was given by bond, deposit, covenant or agreement or upon the performance of any covenant with respect to any lot, the developer or owner, at his expense, shall cause to be published in the The Haverhill Gazette and The Daily News (Newburyport) at least fourteen (14) days prior to the final release of the performance bond or surety, an announcement that such release is contemplated and shall deliver to the Planning Board a copy of the page containing a copy of the announcement. He shall also send by registered mail to the Town Clerk and the Planning Board a written statement that said construction or installation in connection with which such bond, deposit, covenant, or agreement has been secured, has been completed in accordance with the requirements contained under Section 5.0., such statement to contain:

1. Name and address of Applicant.

2. A Compliance Certificate signed by the Planning Board that the development has been completed according to the Rules and Regulations of the Planning Board and the Town of West Newbury Zoning By-Laws shall be recorded in the Registry of Deeds by the Applicant and a receipt therefore be delivered to the Planning Board.
 3. Copies of or reference to the requisite number of Inspection and Reports.
 4. An As-Built Plan. See Section 5.16.
 5. Written evidence from the Planning Board Agent as to construction of all ways and sidewalks, installation of monuments, street signs, traffic signs, pavement, lighting, gutters and curbs, required grading and drainage, water mains hydrants and appurtenances, adequate lot drainage, planting and seeding, all in accordance with Definitive Subdivision Plan.
 6. Written evidence from the Board of Health as to the installation of sewage disposal facilities, if applicable, all in accordance with the Definitive Subdivision Plan.
 7. Written evidence from the Chief of the Fire Department as to the installation of the fire alarm system, all in accordance with Definitive Subdivision Plan.
 8. Written evidence from the Office of the Building Inspector as to conformance to the Town of West Newbury Zoning By-Law.
- 3.3.5.3.2. If the Planning Board determines that said construction or installation has not been completed, it shall specify to the Applicant and to the parties to the performance guarantee 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 Planning Board to act on such application within forty-five (45) days after the receipt of the application by the Town Clerk and the Planning Board, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void.
- 3.3.5.3.3. 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.

3.3.6. Acceptance by the Town

The Applicant shall file with the Planning Board a Street Acceptance Plan and As-Built Plan and Profile on mylar or similar substance 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.

4.0. DESIGN STANDARDS

4.1 Applicability

- 4.1.1. All Definitive Subdivision Plans shall conform to the standards and requirements listed herein. Failure to comply with these standards without the benefit of a waiver granted by the Board shall be considered reason for denial of the Definitive Plan. Design standards not specifically addressed herein shall conform to the requirements of the applicable Sections of The Commonwealth of Massachusetts, Department of Public Works Standard Specifications for Highways and Bridges, 1988 Edition, including any and all amendments or addenda thereto, herein after referred to as the State Specifications.

4.2. Streets

- 4.2.1. All streets shall be designed so as to provide safe travel for vehicles and pedestrians. Streets shall also be designed to be aesthetically pleasing and to blend with the surrounding landscape and the character and topography of the area as prescribed in the Town Roadway Design Guidelines. The Board will give due regard to the prospective character of different subdivisions, nature of terrain and the prospective amount of travel upon the various streets and sidewalks therein. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed access or of the proposed ways within the subdivision or any of the ways adjacent to or providing access to the subdivision.
- 4.2.2. In general, streets shall be designed to the latest edition of the Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT less than or equal to 400) as published by the American Association of State Highway and Transportation Officials (AASHTO).
- 4.2.3. In addition, the street system in a residential subdivision shall be designed to:
- (1) Discourage the use of streets in residential neighborhoods by through traffic which originates or has a destination:
 - a) outside of West Newbury,
 - b) in a commercial area,
 - c) other, more distant, residential neighborhoods in West Newbury such as those that are a mile or more away;
 - (2) Promote safe travel by bicycles and pedestrians and, where possible, provide facilities for them separated from vehicular traffic.
- 4.2.4. Location and Alignment
- 4.2.4.1. Provisions satisfactory to the Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided, consistent with good planning and in the public interest.
- 4.2.4.2. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.

- 4.2.4.3. Street jogs at intersections with centerline offsets of less than 125 feet shall be prohibited. Streets shall be continuous and in alignment with existing streets as far as possible.
- 4.2.4.4. The minimum centerline radii of curved streets shall be 200 feet. All horizontal curves shall be so designed as to provide 250 feet of clear sight distance within the roadway to drivers.
- 4.2.4.5. At intersections between proposed subdivision streets and existing streets external to the subdivision, sufficient sight distance shall be provided to ensure the safe egress of vehicles from the subdivision. In determining adequacy of sight distance, consideration shall be given to the traffic characteristics, including speed, volume and composition, of the traffic on all streets involved. In no case shall the sight distance available to drivers egressing a subdivision be less than 250 feet.
- 4.2.4.6. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60 degrees.
- 4.2.4.7. Property lines at street intersections shall be rounded or cut back to provide for a curb line radius of not less than 15 feet. Greater radii shall be required by the Board where deemed necessary for present and future vehicular travel.
- 4.2.4.8. All driveways shall be sloped to not less than +2% nor more than +6% from the edge of pavement to the front of sidewalk or edge of the right-of-way line.
- 4.2.4.9. The minimum frontage on the existing street of the parcel to be subdivided shall be at least the frontage required for the zoning district in order to provide for the right-of-way and buffers to abutting properties.
- 4.2.4.10. The road shall be located so that optimal distance is provided from abutting lots, while other factors such as topography, sight distance, natural features, etc. are considered in the design process.
- 4.2.4.11. Unless there are compelling reasons to do otherwise, the centerline of the road shall be located from the sidelines of the existing abutting lots a distance of at least one half the frontage required for the zoning district. *(4.2.4.9-11. added April 21, 2009)*
- 4.2.5. Curbing
- 4.2.5.1. Modified Cape Cod berm shall be required along all edges of pavement unless an alternative design is approved by the Board.
- 4.2.6. Width
- 4.2.6.1. The minimum width of street rights-of-way shall be 50 feet.
- 4.2.6.2. The Board may require street rights-of-way, which in its judgment, may become major local collector or more heavily traveled roads to be more than 50 feet in width.
- 4.2.6.3. The minimum width of the traveled way of the subdivision roadway shall be

determined by the Board with regard to the nature of the subdivision and expected traffic volume as follows:

Road Type	Traveled Width	Shoulder Width	Shoulder Type
Minor Local Access Road	20 feet ¹⁾	N/A	None
Major Local Access Road	20 feet	2 feet ²⁾	Gravel ²⁾
Minor Local Collector Road	22 feet	2 feet	Paved
Major Local Collector Road	24 feet	4 feet	Paved

- 1) Traveled width may be reduced to 18 feet on roadways at the discretion of the Planning Board, Public Safety and the Highway Superintendent on minor local access roads based on grade and drainage requirements.
- 2) Gravel shoulder not applicable if bituminous berm required.

4.2.7. Grades

- 4.2.7.1. The centerline grade of streets shall not be less than 2% nor more than 6% for local collector roads and not more than 10% for local access roads.
- 4.2.7.2. All vertical curves shall be so graded as to provide 200 feet of sight distance to drivers. Minimum length of a sag or crest vertical curve shall be 100 feet.
- 4.2.7.3. Any local access road at the approach to an intersection shall be provided with a leveling area having no greater than +3% for a distance of 100 feet measured from the lowest edge of traveled way of the intersected road. Negative grades greater than -1% shall not be allowed within a distance of 100 feet measured from the highest edge of traveled way of the intersected road.

Greater/longer leveling areas may be required for minor and major collector roads, if in the opinion of the Board, same is warranted for traffic safety reasons.

- 4.2.7.4. Grades of cul de sac circles shall not be less than 2% or more than 4% as measured through the center of the circle.

4.2.8. Dead Ends

- 4.2.8.1. A dead end street shall be defined as a street having one common means of ingress and egress from a connecting street. No more than one dead end street shall serve as access to another dead end street. The length of a dead end street or combination of two dead end streets shall be measured from its intersection with the nearest edge of pavement of the connecting street along the road centerline to the beginning of the throat of the turnaround.

4.2.8.2. Dead end streets or combination of two dead end streets shall not exceed 800 feet in length unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions. Dead end streets shall be provided at the closed end with a turnaround having an outside pavement diameter of 100 feet and a property line diameter of 120 feet.

4.2.8.3. Circular turnarounds shall provide a landscaped island in the center. The applicant shall submit a landscape plan for the central portion of turnaround.

4.2.9. Sideslopes

4.2.9.1. Sideslopes, outside the limits of the roadway right-of-way and necessitated to transition from proposed roadway grades to existing ground elevations, shall not exceed a ratio of three horizontal to one vertical (3:1) in fill sections or two horizontal to one vertical (2:1) in cut sections providing slope stability can be reasonably predicted.

4.2.10. Disturbance to Natural Topography

4.2.10.1. No road construction requiring the cut or fill of an area in excess of 8 feet in depth shall be allowed without an analysis justifying a need for additional cutting or filling. The cut or fill depth shall be measured from the pre-construction natural grade to the elevation of the proposed road at centerline.

4.2.10.2. Construction shall not be proposed of roads, stormwater management systems, driveways, pipes, or other infrastructure construction shown on a subdivision plan on a land area which slopes at a pre-construction grade of 25% or more.

4.2.11. Extension of Utilities

4.2.11.1. Where streets or provisions for streets do not extend to the outer limits of the property being subdivided, easements shall be provided for the extension of utilities into said abutting property if in the opinion of the Board and utility company/department, same is warranted.

4.3. Sidewalks, Driveways, Pedestrian and Bicycle Trails

4.3.1.1. A sidewalk shall be located within, and adjacent to, the exterior line of the right-of-way. In a typical layout, the sidewalk shall be located at a uniform distance parallel to the paved section of the street and separated from it by a landscaped strip. The Board may approve a “meandering” location in which the sidewalk follows existing terrain, with consideration to stone walls, large, mature trees, rock outcroppings and other natural or historically significant features, enabling the construction of the sidewalk to minimize disturbance to such features. All or portions of a meandering sidewalk may be located outside the right-of-way provided that a proper easement is granted to the Town.

4.3.1.2. A sidewalk shall be provided as prescribed in the following table:

Road Type	Sidewalks	Grass Plot Width	Sidewalk Width
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Minor Local Access Road	None	N/A	N/A
Major Local Access Road	None	N/A	N/A
Minor Local Collector Road	One Side	6 feet	4 feet
Major Local Collector Road	Both Sides	6 feet	4 feet

Sidewalks shall be constructed in two courses; 1 ½ inch course of bituminous concrete binder with a 1 1/2 inch top course on an eight (8) inch gravel subbase foundation (M1.03.1) and shall pitch down towards the gutter 1/4" vertical for each horizontal foot. At its discretion, the Planning Board may require that a sidewalk be constructed of concrete rather than bituminous concrete.

4.3.1.3. Sidewalk designs and handicapped ramps shall conform to the Federal Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (AAB) requirements, including minimum clear path, curb openings at intersections, catch basin locations, and tree clearance over sidewalks.

4.3.1.4. Driveway locations shall be shown on the plan. All driveways shall be designed and constructed starting from the gutter line. The slope of the driveway from the gutter shall be upwards toward the sidewalk to be constructed, or to a point allowing for a sidewalk to be constructed in the future. A detail and cross section of the proposed

driveway shall be indicated on the plans. Changes in driveway location prior to road acceptance shall require the approval of the Board. Driveways shall be paved in accordance with Section 5.2.3. from the edge of the traveled way to the street right-of-way line.

4.3.1.5. Applicants are encouraged to provide for footpaths and trails within the subdivision or connecting to abutting permanent open space, town property, or other subdivisions. Footpaths and trails should be individually tailored, in width and material, to take full advantage of the area's unique natural surroundings with attention to the following objectives and standards:

- (1) Build for durability by:
 - a) finding the most stable, well-drained soils that can bear the weight of pedestrian traffic;
 - b) build boardwalks where the soil is wet or unstable; and
 - c) use a switchback plan on slopes to inhibit erosion.
 - d) Any work done within wetlands, or within 100 feet of wetlands, shall conform to the Massachusetts Wetlands Protection Act as administered by the West Newbury Conservation Commission.
- (2) Minimize environmental impact by:
 - a) disturbing the environment surrounding the trail as little as possible;

- b) leaving trees that will provide a natural check on the amount of undergrowth that will require maintenance;
 - c) designing for proper drainage;
 - d) harmonizing the trail with its environment; and
 - e) using natural construction materials, such as dirt, cobblestones or wood, where appropriate.
- (3) Provide privacy for adjacent landowners by one or more of the following:
- a) constructing a berm and/or fence;
 - b) planting trees and shrubs; and
 - c) allowing the natural vegetation to reclaim the area if it will provide sufficient protection.

4.3.1.5.1. Paving of Footpath or Trail

If the footpath or trail is to be paved, its width will be determined by its location and proposed use. Construction specifications will be provided at the time the trail is approved by the Conservation Commission.

4.3.1.5.2. Signs, Identification

- (1) A sign and/or identification for a footpath or trail shall:
- a) be placed at the entrance and junctions of trails;
 - b) coordinated with the color of the existing signage used in the conservation areas in West Newbury;
 - c) be indicated, where a trail meets a roadway, by painting green on the curb; and
 - d) be indicated, where the trail path crosses a roadway, by painting a green crosswalk.

4.3.1.6. Bicycle Path/Recreational Path

The Planning Board may request the construction of a bicycle path/recreational path in order to: (a) provide a connection to a Town bicycle path/recreational path located on adjoining land; or (b) where the path would be part of an existing or proposed future Town bicycle path/recreational path system, or bicycle path/recreational paths leading to a public school.

4.3.1.6.1. Construction

A bicycle path/recreational path shall be at least four feet wide and shall be constructed of one course of one and one half (1 1/2) inch bituminous concrete binder and one course of one and one half (1 1/2) inch bituminous concrete top on an eight (8) inch gravel foundation and shall pitch down towards its side at 1/4" vertical for each horizontal foot. Where a new bicycle path/recreational path is to be constructed in a short section to connect to an existing bicycle path/recreational path, the Planning Board may allow the connecting section to be constructed to the same standards as the existing bicycle path/recreational path.

4.4. Stormwater Management

4.4.1. Stormwater management for each subdivision shall accomplish the following:

- (1) Reproduce, as nearly as possible, the hydrological conditions in the ground and surface waters prior to the development;
- (2) Reduce stormwater pollution to the maximum extent possible using Best Management Practices (BMP's);
- (3) Have an acceptable future maintenance plan covering method and execution;
- (4) Have a beneficial effect on the natural and human environment;
- (5) Be appropriate for the site, given the site's specific physical constraints;
- (6) Provide a sufficient level of health and environmental protection during the construction phase; and
- (7) Provide proper management prior to the discharge of such runoff onto adjacent property owned by others, into the existing storm drainage system, or wetland resources listed in the Wetland Protection Act Regulations, 310 CMR 10.00.

4.4.2. Stormwater management systems located outside the right of way shall be owned, maintained by the residents of the subdivision under maintained by the residents of the subdivision, under a homeowners association established in a form satisfactory to the Board. Prior to the Planning Board's endorsement of the subdivision plan, developers shall provide the Town with appropriate easements to such stormwater systems so that the Town may inspect and/or carry out emergency maintenance or repairs when necessary to protect the health, safety and welfare of the public. Notation to this effect shall be made on the plan and recorded at the Registry of Deeds.

4.4.3. Stormwater management systems shall be designed in accordance with the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy Handbook and Technical Handbook as most recently amended, whether or not the subdivision falls within the jurisdiction of the Wetlands Protection Act. In addition, all stormwater management systems must comply with the EPA/DEP Stormwater Phase II requirements.

To the extent practicable all stormwater management systems shall be designed to incorporate the Massachusetts Executive Office of Environment Affairs Low Impact Development (LID) strategies for stormwater storage, filtration and infiltration through small scale landscaping techniques. Where a LID stormwater management system is approved by the Board, requirements of this regulation otherwise applicable to a conventional stormwater management system may be omitted without a specific waiver by the Board.

4.4.4. Storm drains, culverts, ditches, and related installations, including manholes and catch basins, shall be designed and installed to provide adequate disposal of surface water including control of erosion, flooding and standing water from, or in, the subdivision and adjacent lands. Connections to existing drainage systems must also be approved by the appropriate Town authorities prior to endorsement. All stormwater features shall be pedestrian and bicycle friendly.

4.4.5. A Comprehensive Sedimentation and Erosion Control Plan shall be submitted to the Board and/or other Town agencies showing the staging of construction and the measures to limit water borne and wind induced erosion, which shall include quick rooting vegetation, expeditious stabilization of disturbed area, hay bales, diversions, siltation fences, and sedimentation basins.

- 4.4.6. Catch Basins - Catch basins conforming to the Standard Catch Basin Detail attached hereto shall be installed when required on both sides of the roadway at intervals of not more than 300 feet, and at all low points and sags in the roadway and at points 6 feet from points of curvature and points of tangency of the edge of pavement at all intersections where necessary. In no instances shall catch basins be located along a driveway cut.
- 4.4.6.1. Catch basins shall be provided with an oil and grease hood and a minimum sump depth of 48 inches.
- 4.4.6.2. Catch basins shall connect directly into manholes. The use of "Y" connections from catch basins into main storm sewers is strictly prohibited.
- 4.4.6.3. Catch basins shall not be interconnected except in those instances where physical conditions in the field so dictate, and except with the express approval of the Board.
- 4.4.7. Manholes conforming to the Standard Manhole Detail attached hereto shall be provided at all changes of drain alignment or grade and at intervals not to exceed 300 feet.
- 4.4.8. Frames, Grates and Covers - Ductile iron, ASTM A536: Manhole frames and covers shall be LeBaron Foundry Co., Catalog No. LK 110 with the word "DRAIN" on the cover, or a Board approved equal. Catch basin frames and grates shall be LeBaron Foundry Co., Catalog No. LF 246 or LF 248-2, or a Board approved equal. Cement concrete collars shall be placed around the castings after the final setting. Bricks for adjusting frames shall conform to ASTM C32. Said bricks shall mean "Boston Bricks" (Red Tops).
- 4.4.9. The size of storm sewer pipe shall be in accordance with the drainage computations but in no case less than 12" diameter and shall be shown on the Definitive Plan. Cellar drains shall not be connected into catch basins, manholes, pipes or any part of the street storm drain system and in no case shall discharge into the right-of-way or street. Foundation, perimeter or roof drains may be connected into the street drainage system if approved by the Town DPW.
- 4.4.9.1. All storm sewer pipe within roadway areas shall be Class 5 reinforced concrete pipe. There shall be a minimum cover of 36 inches over all pipes.
- 4.4.9.2. The discharge end of pipes shall be fitted with a protective barrier, suitable in the opinion of the Board to prevent access by children. Said barriers shall be removable for maintenance purposes. Masonry headwalls, flared ends, and riprap material shall be installed, as approved by the Board, to prevent erosion.
- 4.4.10. Estimated seasonal high ground water testing is required for all stormwater basins.
- 4.4.11. The nearest edge of the top of the embankment of stormwater basins shall be located a minimum of 25-feet from any roadway and property lines, and shall be screened from adjacent lots and streets by a greenbelt of appropriate plantings.

- 4.4.12. Emergency spillways will be sized and designed to cause detention of and passage of the design inflow without causing the water level to rise above a pre-selected elevation. A freeboard of one (1) foot will be required between the detained water level and the top of the embankment during peak design conditions.
- 4.4.13. Embankments shall have a 3:1 or flatter slope. The applicant shall submit to the Board, for approval, his method and materials of constructing the embankments and basin, along with the necessary cross sections. Toe or top of slopes should end/begin a minimum of 5' from street right-of-way or property lines.
- 4.4.14. Fencing or other effective measures shall be provided to exclude people and vehicles from potentially hazardous areas. Alternative measures can include site grading, planting of thorny shrubs, or grading to assure "safety ledges" along the basin perimeter.
- 4.4.15. The plans shall include a design detail and cross section of the proposed stormwater basin which shall include details of the invert construction at both the inlet and discharge.
- 4.4.16. The basin(s) shall be designed for aesthetics, as well as function.
- 4.5. Water Distribution Systems
- 4.5.1. Water mains and appurtenances shall be sized and constructed to serve lots within a subdivision in strict compliance with the specifications of the West Newbury Water Department and/or state regulations.
- 4.5.2. The Board may require water mains to be installed in roadways if the local Water Department projects that municipal service will be available at that location within 10 years. The mains shall be constructed in accordance with the specifications of the Water Department and/or state regulations, and no domestic service shall be provided unless approved by the Water Department.
- 4.5.3. Where a public water system is located within one thousand (1000) feet of the subdivision, the Applicant shall be required to connect to the public water system. Where the public water system is not located within one thousand (1000) feet of the subdivision, the Applicant may install a private water system.
- 4.6. Fire Prevention and Protection Measures
- 4.6.1. Fire prevention and protection measures shall be provided in the form of a water source for use by the Fire Department to fight fires. When the municipal water system does not serve a subdivision, alternative water sources must be provided.
- 4.6.2. Minimum Water Supplies

The minimum water supply required for each subdivision shall be as follows:

Minimum Water Supply

Subdivision Size	Minimum Water Supply
10 or fewer building lots	15,000 gallons
11 to 29 building lots	30,000 gallons
30 or more building lots	2,000 gallons per building lot

4.6.2.1. The number of lots used in the calculation may be reduced by subtracting any building lots located within 2,000 feet by roadway (constructed or covered by a performance guarantee) of a municipal water supply hydrant or located within another subdivision covered by other fire protection or prevention measures.

4.6.2.2. When calculating the minimum water supply required, adjacent building lots not contained within the subdivision but located within 2,000 feet by roadway (constructed or covered by a performance guarantee) of a building lot in the new subdivision shall be included within the calculation if no fire protection or prevention measures exist or are planned that will be within 2,000 feet by roadway of that lot.

4.6.3. Cisterns

4.6.3.1. Cisterns shall have a minimum usable volume as determined by Section 4.6.2, above and attached Fire Cistern Detail. A cistern shall be accessible to the fire truck or other pumping device but located far enough from the hazard that personnel or equipment is not endangered when in use.

4.6.3.2. The water level of a cistern can be maintained by water pumped from a well, water hauled by a tanker, or by the seasonal high water of a stream or river. The cistern can present a freezing problem in that its surface is often relatively inaccessible and the water is stagnant. One method to minimize freezing is to use a dry hydrant protruding into the water at a point below the frost line.

4.6.3.3. Cisterns shall be capped for safety, but they must have openings to permit inspections and use of suction hose when needed.

4.6.3.4. Protections from Freezing

If a dry hydrant is not installed in a cistern, then a heavy pipe or a pike hole may be adequate to break an ice formation. There are several methods of providing an ice-free surface area in a cistern, including a) floating a log, bale of hay, etc. on the surface of the water; b) placing a barrel filled with nonflammable, non-toxic antifreeze on the surface of the water.

4.6.3.5. Cistern Design

Construction of cisterns is governed by local soil conditions and material availability. Some engineering considerations to be used in designing cisterns include:

- 1) Base, walls and roof shall be designed for the prevailing soil conditions and for the loads encountered when heavy vehicles are parked adjacent.
- 2) If groundwater conditions are high, it shall not float when empty.
- 3) Suction piping shall be designed to minimize whirlpooling.

- 4) Vent piping shall be of sufficient size.

Maintenance factors to be considered by the Town include the danger of silting, evaporation or other low water conditions, and freezing problems.

4.6.3.6. Cistern Specifications

- 1) Cisterns shall be located no more than 2,200 ft. truck travel distance from the house on the furthestmost lot within a subdivision.
- 2) The design of a cistern shall be trouble-free and last a lifetime.
- 3) The cistern volume shall be as indicated in Section 1, available through the suction piping system, unless determined otherwise by the Board.
- 4) The suction piping system shall be capable of delivering 1,000 gpm for three-quarters of the cistern capacity.
- 5) Each cistern shall be sited to the particular location, designed and stamped by a registered professional engineer.
- 6) The entire cistern shall be completed and inspected before any backfilling is done.
- 7) All backfill material shall be screened gravel with no stones larger than 2 inch and shall be compacted to 95 percent ASTM 1557.
- 8) Bedding for the cistern shall be a minimum 12 inch of crushed, washed stone, compacted. No fill shall be used under the stone.
- 9) Filler pipe siamese shall be 36 inches above final backfill grade.
- 10) Suction pipe connections shall be 20 to 24 inches above the level of the gravel where vehicle wheels will be located when cistern is in use.
- 11) Suction pipe shall be supported either on top of tank or to a level below frost.
- 12) After backfilling, the tank shall be protected by fencing, stones or by other appropriate methods.
- 13) Backfill over the tank shall be: a) 4 ft. of fill, or b) The top and highest 2 ft. of sides of cistern insulated with vermin-resistant foam insulation, and 2 ft. of fill; c) All backfill shall extend 10 ft. beyond the edge of the cistern, then maximum 3:1 slope, loamed and seeded.
- 14) The bottom of the suction pipe to pumper connections shall not exceed 14 ft. vertical distance.
- 15) The pitch of shoulder and vehicle pads from the edge of pavement to pumper suction connection shall be 1 to 6 percent downgrade.
- 16) Shoulder and vehicle pads shall be of sufficient length to permit convenient access to a suction connection when pumper is set at 45 degrees to the road.
- 17) All construction, backfill and grading material shall be in accordance with proper construction practices.
- 18) The owner/developer is responsible for completely filling the cistern until accepted by the Fire Department.

4.6.4. Dry Hydrants

- 4.6.4.1. Dry hydrant connection to a natural or man-made water source provides a ready means of suction supply without the longer time often involved in direct drafting. Hydrant locations shall be determined by the Fire Department.

4.6.4.2. Dry Hydrant Construction

- 1) Depending on the desired flow, the distance to the water, and the difference in elevation between the hydrant and water source, a 6 in. or larger pipe is required. The pipe and material shall be suitable for the use and installed to the manufacturer's standard. Pipe and material used shall be based on local conditions and common usage.
- 2) The following table shall be used to determine pipe size of a given hydrant line basing the flow upon 10 psi or 20 ft. of head.

Gallons per Minute Flow at 20 Feet of Head on Typical 6 Inch Pipe

Length	Bituminous Fiber or Steel (C=120)	Ductile Iron (C=110)	Asbestos Cement (C=130)
25 ft.	3,400	3,060	3,650
50 ft.	2,300	2,100	2,500
100 ft.	1,600	1,475	1,700
500 ft.	660	615	720
1,000 ft.	460	425	495

- 3) A strainer or well screen is needed for the suction end of the pipeline to keep foreign materials out of the pipe and the pumper using the dry hydrant. Total area of strainer holes must exceed four times the area of the diameter of the pipe. The end of the pipe shall be plugged, placed in the deepest portion of the pond or other water source, and raised off the bottom about 2 ft. so it will be above any silt that may accumulate. The strainer shall be covered with crushed rock to exclude marine growth and to prevent mechanical damage.
- 4) For a dry hydrant, the pipe should be laid at a minimum slope (2 or 3 in. per 100 ft.) up to the hydrant riser. The riser on a dry hydrant should be exposed above ground approximately 24 in.

4.6.4.3. Pressurized Dry Hydrant Sources

For a pressure hydrant, the pipe shall be sloped downhill to the hydrant riser and be fitted with a gate valve. Where the supply line passes through the dike of a pond, anti-seep collars shall be attached to the pipe to prevent water from seeping and channeling beside the pipe.

4.6.4.4. Design Features for a Dry Hydrant

- 1) It is recommended that dry hydrants be constructed of 6 inch or larger piping and fittings; however, for very short lengths of pipe, 5 inch may be considered.
- 2) All piping and fittings exposed to sunlight shall be primed and painted.
- 3) All connections shall be cleaned and properly cemented (if applicable) so as to have all connections airtight.

4.6.4.5. Additional Information

For additional information and guidance with regard to design and materials, NFPA 1231, Suburban and Rural Fire Fighting, Appendix B, Water Supply, shall be consulted and referenced.

4.7. Public/Private Utilities

- 4.7.1. All private/public utility systems including electric supply lines and telephone lines shall be installed in accordance with Section 5.3.4.1 below the finished grade of proposed streets. Applicant shall be required to submit their location and/or design drawings to the Planning Board prior to construction of roadway.
- 4.7.2. The number and the location of proposed street lights shall be shown on the Definitive Plan. It is the developer's responsibility to arrange for the installation of all street lights.
- 4.7.3. No components of any private irrigation system shall be installed within the street right-of-way.
- 4.7.4. Electrical transformers shall be located outside the Town's right-of-way and on the property line with appropriate easements provided to the electric utility.

4.8. Erosion Control

The erosion and sedimentation control plan shall show all proposed measures to control erosion and sedimentation during construction, including but not limited to the Sedimentation Detail attached.

4.9. Shade Trees, Vegetation and Natural Features

The developer shall make every effort to retain natural vegetation, shade trees and natural features on the site. No shade trees or natural features shall be removed from a site unless necessary for construction.

Right-of-ways shall not be clear-cut. Trees shall only be removed to accommodate the proposed roadway and underground utilities. A deciduous tree canopy shall be maintained, whenever possible, over the roadway to restrict the visual width of the roadway and calm traffic. A planting plan for the right-of way, including shade trees, shall be required in any area not having adequate native growth. Any tree greater than 18 inches in diameter in the right-of-way of the proposed roadway shall be identified on plan and consideration shall be given to the road alignment to preserve the tree at the discretion of the Planning Board with consultation of the Tree Warden.

4.10. Open Space and Links Between Open Spaces

The developer shall make every effort to create open spaces and links between open spaces on the subdivision plan and to other subdivisions or abutting open spaces.

4.11. Public Improvements

The Planning Board may determine that the developer shall be responsible for the construction or funding of public improvements which are directly related to the impact of the subdivision on the community and in the surrounding area. Such public improvements may include, but are not limited to, intersection improvements, sidewalks, drainage improvements, and replacement of street trees.

5.0. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

5.1. General

- 5.1.1. 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 Cross Section Detail, Street Layout Plan, Profile and the following specifications.
- 5.1.2. 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 Bridges and Waterways, Latest Edition” as amended, hereinafter referred to as the Standard Specifications, as amended and the Special Provisions included hereinafter.
- 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. These specifications and special provisions shall take precedence and shall govern when they are stricter.
- 5.1.4. To facilitate reference, each paragraph in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications.
- 5.1.5. Wherever in the Standard Specifications the following terms or pronouns in place of them, are used, the intent and meaning shall be interpreted by substitution as follows:

“Commonwealth”	Town of West Newbury
“Department”	Highway Department and Board of Selectmen of West Newbury
“Engineer”	The Planning Board of the Town of West Newbury acting directly or through an authorized representative; such representative acting within the scope of the particular duties entrusted to him.
- 5.1.6. The extent of work required shall be as shown upon approved plans, and in compliance with the Standard Details. Stakes shall be set which will indicate the exact amount of cut or fill.
 - 5.1.6.1. Work as shown on an approved plan shall be laid out by a Registered Land Surveyor and/or Registered Engineer to ensure the location and exact amount of cut, fill or grade and the location of each sewerage, drainage structure and hydrant.

- 5.1.6.2. 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 and erosion.
- 5.1.6.3. No earth shall be removed from the area shown on the Definitive Plan except in accordance with the approved plan and applicable Town Bylaw.
- 5.1.7. As each construction operation is completed, it shall be inspected and approved by the proper Town authority prior to starting working on the succeeding operation.
- 5.2. Street and Roadway
- 5.2.1. The roadway shall be constructed in accordance with the attached details and graded and prepared for pavement as follows:
 - 5.2.1.1. Clearing and grubbing of the entire area of such street or way shall be performed to remove all trees not intended for preservation, stumps, brush, roots, rocks and boulders and like material which may exist upon the surface.
 - 5.2.1.2. Roadway earth excavation shall remove all materials encountered down to the true surface of the subgrade, or to suitable material in areas where unsuitable material exists, in preparation for foundation of roadway, sidewalks, driveways and berms. Approved material obtained from the excavation may be used in fills as required if, in the opinion of the Planning Board Agent and Highway Superintendent they are suitable.
 - 5.2.1.3. When, in the opinion of the Planning Board Agent, suitable material is not available within the limits of the highway location to form the subgrade or sub-base, the contractor shall obtain such additional material from other sources in accordance with this section and as may be approved by the Planning Board Agent.
 - 5.2.1.4. The subgrade surface eighteen (18) inches below the finished surface grade shall be prepared true to the lines grades and cross sections given and properly rolled. All unsuitable material below the subgrade surface shall be removed to a depth determined by the Planning Board Agent and the space thus made shall be filled with special gravel borrow, containing no stones over six (6) inches in their largest diameter.
 - 5.2.1.5. Gravel sub-base or foundation containing no stones having any dimensions greater than three (3) inches shall be spread on the surface of the sub-grade to a minimum depth of twelve (12) inches in conformity with requirements of Section M1.03.0 Type b of the Standard Specifications for furnishing gravel borrow.
 - 5.2.1.6. 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 or loam for berms shall be in accordance with this section as directed by the Planning Board Agent and Highway Superintendent.
 - 5.2.1.7. 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 5.8. of these Rules and Regulations.

- 5.2.2. Roadways shall be constructed for the full length of all streets within the subdivision and shall have the same curb radius required in Section 4.2.4.7. above. The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Planning Board.
- 5.2.3. Roadways shall be constructed of Class I Bituminous Concrete Pavement, Type I-1. This type of pavement shall be composed of mineral aggregate, mineral filler and bituminous material, plant mixed and laid hot. The pavement shall be constructed in three (3) courses being a 2 ½" binder course, a 2" binder course and 1 ½" top course for a final compacted pavement depth after rolling of six (6) inches upon the prepared surface and in conformity with lines, grades and typical cross-section shown on plans.

It is preferred that the second binder course and top course not be applied until the majority of the heavy lot/home construction is complete. Material and construction methods shall conform to all other requirements of Section 460 of the "Massachusetts Commonwealth Standards Specifications for Highways and Bridges" except that no such construction shall be undertaken before March 30th of any year nor after November 1st of any year without written permission of the Planning Board Agent. Greater pavement thickness may be required by the Board on roadways subject to heavy traffic such as in non-residential subdivision or in selected major streets of residential subdivisions if deemed necessary by subsoil conditions.

- 5.2.4 Embankments outside the right-of-way shall be evenly graded and pitched at a slope of not greater than two (2) horizontal to one (1) vertical in cuts and three (3) horizontal to one (1) vertical in fill. Steeper slopes may be utilized in sensitive areas if engineered with approval by the Planning Board. 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 with and approved by the Planning Board. 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. All such slopes shall be grassed in accordance with the specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.

5.3. Utilities

5.3.1. Installation

- 5.3.1.1. Excavation for structures, including foundations for drains, sewers and water pipes according to the attached Trench Detail. Walls and other structures shall be made to the depth as indicated on the Definitive Plan or established by the Planning Board Agent or Water Superintendent as appropriate. Rock excavation designated as Class B, encountered in trench excavation, shall be removed as directed by the said Superintendent.
- 5.3.1.2. All drain, sewer, gas and water pipes, underground utilities, and other structures shall be installed upon the completion of roadway subgrade and before the placing of the sub-base, gravel base course, sidewalks or pavement.

5.3.1.3. 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 and the appropriate Town Utility Department, permit their proper extension at a later date.

5.3.2. Water

5.3.2.1. For water mains and service materials, appurtenances, installation and other specifications see the latest West Newbury Water Department Installation Specifications located in the Water Department office.

5.3.3. Gas

5.3.3.1. Gas mains shall be installed if gas connection is available unless said installation is specifically waived by the Planning Board. See Section 5.3

5.3.4. Telephone and Electricity

5.3.4.1. Telephone lines shall be installed in underground conduits in conformity with Section 390 of the Standard Specification. Electric lines shall be installed underground in accord with the regulations of the Massachusetts Electric Company. The Planning Board may permit transformers, switches and other such equipment to be placed on the ground in approved locations.

5.3.5. Drainage

5.3.5.1. Adequate disposal of surface and sub-surface water shall be provided and pipes, manholes and catch basins shall be provided according to the sizes and depths as indicated on the plans and in conformity with the requirements of Sections 200, 220, 230 of the "Massachusetts Commonwealth Standards Specifications for Highways and Bridges".

5.3.5.2. A minimum Class 5 reinforced concrete pipe (used on all cross drains under pavements) shall be installed according to the size as shown on the plans. No backfilling of pipes shall be done until the installation has been inspected by the Planning Board Agent. All drainage trenches except cross drains shall be filled with clean gravel borrow in accordance with "Massachusetts Commonwealth Standards Specifications for Highways and Bridges" section 760. All cross drain trenches shall be backfilled with selected material satisfactory to the Planning Board Agent.

5.3.6. On-Site Sewage Disposal

5.3.6.1. On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations and requirements of the Board of Health and Massachusetts State Title V.

5.4. Sidewalks

5.4.1. Sidewalks shall be constructed within the subdivision, separated from the pavement area by a seeded strip, as provided in Section 5.6.

- 5.4.2. The sidewalk shall extend the full length of the street unless otherwise approved by the Board.
- 5.4.3. Bituminous concrete sidewalks having a minimum compacted thickness of three inches shall be constructed on a eight (8) inch processed gravel foundation to the required lines and grades in accordance with these specifications.
- 5.5. Curbs and Berms
- 5.5.1. Bituminous concrete berms and curbs shall be provided along each side of the roadway.
- 5.5.2. The berm/curb section shall be MHD Type A or MHD Type 2 or as otherwise approved by the Board.
- 5.5.3. In the event that the Planning Board waives curbs and berms, paved gutters may be required along each edge of the roadway where the grade exceeds three (3) percent.
- 5.6. Grass Plots
- 5.6.1. A grass plot shall be provided on each side of each roadway between the pavement and sidewalk areas as prescribed in Table 4.3.1.2., and shall occupy all the remaining area between the pavement and sidewalk areas.
- 5.6.2. The slope of the grass plot shall be as shown on the Typical (Roadway) Sections.
- 5.6.3. Utility poles and street lights shall, and street shade trees may, be located in the grass plot, but shall not be nearer than twenty-five (25) feet from the intersection of two (2) streets, measured from the intersection of the tangents of the intersecting street curb lines.
- 5.7. Trees
- 5.7.1. Street trees of a species approved by the Tree Warden 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. Such trees shall be located as directed by the Planning Board, approximately at forty (40) foot intervals, and shall be at least two (2) inches in caliper measured four (4) feet above the approved grade. They shall be planted each in at least one-half (1/2) cubic yard of topsoil, unless otherwise required by the Tree Warden, according to the Tree Planting detail.
- 5.7.2. The developer shall plant other trees as needed to provide at least one (1) area of shade to each lot.
- 5.7.3. All mature deciduous street trees shall be clear of any branches from the approved grade level to a point seven (7) feet above ground level.
- 5.7.4. The developer will be liable for all trees so planted as to their erectness and good health for one (1) year after planting.
- 5.7.5. No evergreen trees such as pine, fir, spruce or hemlock are to be planted without the approval of the Tree Warden or Planning Board.
- 5.7.6. All cut banking that may wash or erode must be planted with a low growing evergreen shrub such as laurel, pine or juniper, and seeded with a deep rooted perennial grass to prevent erosion.

5.8. Monuments

- 5.8.1. Monuments shall be installed on street lines at all points of curvature, at all points of change in direction and at all other points where, in the opinion of the Planning Board, permanent monuments are necessary.
- 5.8.2. Monuments shall be a standard permanent granite of not less than four (4) feet in length and not less than five (5) inches in width and breadth and shall have a three-eighth (3/8) inch drill hole in the center of the top surface with a magnetic plug inserted therein. Said monuments shall be installed at the time of final grading with the top flush with the top final graded surface.
- 5.8.3. The placement and accurate location of these markers shall be certified by a Registered Land Surveyor and shall be shown on the Street Acceptance Plan.

5.9. Street Signs and Names

- 5.9.1. Street signs shall be installed at each intersection to conform to the standards established by the Board of Selectmen.
- 5.9.2. Street names shall be approved by the Planning Board to prevent duplication and to provide names in keeping with the character of the Town.
- 5.9.3. 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 with the street name and as a private way.

5.10 Street Lights

- 5.10.1. Street lights shall be installed to conform to the type and style in general use in the Town of West Newbury unless otherwise specified by the Planning Board.
- 5.10.2. Street lights shall be located at such intervals as required by the Planning Board in the grass plot, as provided in Section 5.6.3. and shall be installed in accord with the procedure required by the Board of Selectmen and Massachusetts Electric Company.

5.11. Fire Alarm System

- 5.11.1. The fire alarm system shall be installed in accordance with the Specifications of the West Newbury Fire Department.

5.12. Common Driveways

- 5.12.1. Common Driveways will be graded in accordance with otherwise Section 5.2. and paved in accordance with Section 5.2.3 to a width of at least fifteen (15) feet, unless otherwise approved by the Planning Board.

5.13. Maintenance of Improvements

- 5.13.1. For the purpose of protecting the safety, convenience and welfare of the Town's inhabitants; for the provision for adequate access to all of the lots in a subdivision by ways 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 81M as amended, the Applicant and his successor shall provide for the proper maintenance and repair of improvements under this Section of the Rules and Regulations during the construction and until the Town votes to accept such improvements. Such maintenance shall

include snow removal beginning at the time of occupancy of an individual owner or tenant other than the developer.

5.14. Provision for Competent Supervision

5.14.1. The developer shall designate competent supervision to be available during the development of his subdivision and prior to construction shall notify the Planning Board and the Planning Board Agent of the name, business address and telephone number of the person so designated. If at any time it becomes apparent to the Planning Board that the supervision is not satisfactory, they may order discontinuance of the development until competent supervision is provided.

5.14.2. This shall include necessary supervision to make sure that all temporary drainage controls, erosion and sedimentation controls and other such measures as contained in the approved Definitive Plan are adequately and properly provided and maintained.

5.15. Cleanup

5.15.1. Any area disturbed by the construction and all rights-of-way shall be cleaned up so as to leave the area in a neat and orderly appearance free from debris, tree stumps, loose rocks, or mounds of dirt or other objectionable material. Stabilization of all disturbed areas is required.

5.15.2. All construction material shall be removed from the site.

5.15.3. All lots shall be re-graded as required and, if required by the Board, replanted.

5.15.4. No on-site burial of stumps or other debris is permitted.

5.16. As-Built Plans (Amended December 21, 2010)

5.16.1. A Street Acceptance Plan and As-Built Plan and Profile shall be submitted to the Planning Board prior to street acceptance.

5.16.2. The Planning Board may require an Interim As-Built Plan prior to partial release of security for a project, or as phases of the project are completed. The Interim As-Built Plan shall include those items for a final As-Built Plan (Section 5.16.3.1.-19 below) that have been constructed to date.

5.16.3. Prior to a final bond release, a final As-Built Plan and Profile prepared at the same scale as the approved Subdivision Plan, drawn to the requirements of the Register of Deeds, shall be submitted to the Planning Board for approval. The As-Built Plan and Profile shall bear the certification from both a Registered Professional Civil Engineer and Registered Land Surveyor that all utilities shown thereon are as-built as to location and grade, that all stone bound monuments have been properly and accurately set in accordance with Professional Land Surveying standards, and that the roadway is within the right-of-way lines as shown, and that the subdivision is entirely as constructed in accordance with the proposed grading plan, and that the drainage patterns conform to the drainage analysis as submitted to and approved by the Planning Board. Final As-Built Plans and Profiles shall include at a minimum the following information:

5.16.3.1.1. Location, size, type, and inverts of all drainage pipes, drainage structures, and manholes associated with the drainage plan

- 5.16.3.2. Location and type and elevation of all underground electrical, telephone, fire alarm and cable lines, including services to lots, transformers, utilities, and junction boxes
- 5.16.3.3. Location, size, type of all water mains, hydrants, and booster stations
- 5.16.3.4. Water service shut-off boxes to each lot with linear ties to a permanent structure or monument
- 5.16.3.5. Location of all gas lines including services and shut-offs with ties to permanent structures
- 5.16.3.6. Curbing including size and type
- 5.16.3.7. Sidewalks and grass plots including type and width and handicap ramps
- 5.16.3.8. Driveway curb cuts from edge of pavement to right-of-way lines
- 5.16.3.9. Centerline stationing with monument stationing
- 5.16.3.10. Top and bottom of fill and cut slopes adjacent to the roadway
- 5.16.3.10.1.1. Centerline profile elevations at every 50' station and at high points and low points
- 5.16.3.11. Width of roadway pavement
- 5.16.3.12. Utility and light poles with guys
- 5.16.3.13. Street signs
- 5.16.3.14. Permanent benchmarks on each sheet
- 5.16.3.15. Landscaping and tree plantings within the right-of-ways
- 5.16.3.16. All off-roadway drainage facilities including easements, swales, appurtenances and final landscaping. If a detention/retention basin is part of the subdivision, provide enough spot elevations on the bottom and top of side slopes to indicate that the basin will have proper staging as approved.
- 5.16.3.17. Any additional construction existing within the right of way or any easement(s) at the time of plan preparation and survey
- 5.16.3.18. Notation of any changes that deviate from the endorsed and recorded plans and the authority that allowed such changes to be made
- 5.16.3.19. A statement shall be provided on the As-Built Plans that the information provided conforms to these Regulations.

5.17. Street Acceptance Plans (Amended December 21, 2011)

- 5.17.1. A Street Acceptance Plan and As-Built Plan and Profile shall be submitted to the Planning Board prior to street acceptance.
- 5.17.2. At the time the street or way or portion thereof is ready for acceptance and to facilitate acceptance by the Town of West Newbury, the developer shall have prepared and certified by a Registered Land Surveyor a Street Acceptance Plan drawn on mylar or similar substance (size 24" x 36"), as well as electronic files showing names of streets, widths, lengths, bearings of all boundary lines of streets and easements and radii, tangents and central angles of all curves in street lines. It shall show that all stone bounds have been set.
- 5.17.3. A blank space (4" x 8") shall be provided on the lower right hand corner of the plan for a title block to be filled in by the developer. The Surveyor shall place a certification to the Town of West Newbury on the plan stating "The street (or way or portion thereof) is laid out and the bounds have been set as shown on this plan" and shall be dated, signed and the surveyor's stamp affixed thereon. One (1) copy of the plan shall be submitted to the Board of Selectmen and two (2) copies to the Planning Board.

- 5.17.4. A metes and bounds legal description of all right-of-ways and easements to be conveyed shall be submitted with the Street Acceptance plan.

6.0. ADMINISTRATION

6.1. Waivers

- 6.1.1. Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Planning Board such action is in the public interest and not inconsistent with the Subdivision Control Law. Any such waivers granted must be requested by the Applicant in writing and approved by vote and in writing by the Planning Board. All waivers granted by the Planning Board must be shown on the Definitive Subdivision Plan and referenced in the Planning Board's Certificate of Vote.

6.2. Reference

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

6.3. Building Permit

- 6.3.1. No lots shall be released for sale, nor shall the Building Inspector issue any permits, nor shall any building be erected without written permission from the Planning Board by Form I or J.
- 6.3.2. The Building Inspector shall not issue any permit for the erection of a building until he is first satisfied that the lot on which the building is to be erected is not within a subdivision or that 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 and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board, and in the event that more than one building for dwelling purposes be erected or placed or converted to use as such on any lot, that the Building Inspector is satisfied that consent has been obtained from the Planning Board in accord with Section 2.4. of these Rules and Regulations, Chapter 41 Section 81-Y, and amendments thereto.
- 6.3.3. In the case of a bond, surety or tripartite agreement, no structure shall be occupied until at least the base course of bituminous concrete as specified in Section 5.0. has been applied and all utilities on/in the streets which serve the structure are in place. Street and stop signs shall also be installed. In the case of a covenant in lieu of a bond or surety no occupancy permit shall be issued until all improvements are completed.

6.4. Pre-Construction Conference

- 6.4.1. Prior to beginning construction, the Developer shall arrange with the Planning Board or their agent for a conference to review construction requirements and procedures.

6.5. Inspections

- 6.5.1 Inspections and payment therefore shall be arranged by the developer with the Planning Board 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.

- 6.5.2. Inspection shall be requested in writing at least forty eight (48) hours in advance of each inspection to the Planning Board Agent.
- 6.5.3. Inspection shall be by the Planning Board Agent except where otherwise noted, to ensure the following are satisfactory:
- Excavating
 - Laying of water and sewer mains, hydrants and related equipment by the Water Department
 - Laying of gas mains and related equipment
 - Installation of surface and sub-surface drainage system and related equipment
 - Filling
 - Compacting
 - Installation of electric lines and related equipment
 - Installation of telephone lines and related equipment
 - Completion of the pavement
 - Placing of curbs and gutters
 - Construction of sidewalks
 - Finish grading of grass plots
 - Installation of monuments
 - Grading of lots
 - Installation of fire alarm by the West Newbury Fire Department
 - Installation of cable television lines
 - Planting of street trees
 - Final clean-up
- 6.5.4 The Planning Board may establish the order of the required inspections and may require satisfactory completion of one step before the subdivider proceeds to the next. It may require tests to be done by the subdivider as a condition for approval when in the opinion of the Planning Board it is advisable.
- 6.5.5. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the applicants or rescission of the approval of the plan in accord with Chapter 41, Section 81-W of the Massachusetts General Laws.

6.6. Employment of Outside Technical Consultants (Adopted December 21, 2010)

In accordance with M.G.L. Chapter 44, §53G, as amended, the Planning Board may impose project review fees for those applications which require the services of outside consultants for the review process due to the size, complexity, or scale of a proposed project; the need for additional expertise in the review; inspection services, or because of the potential impacts of a project. The Board may engage engineers, planners, landscape architects, architects or other appropriate professionals.

- 6.6.1. Fee Payment. The Planning Board shall determine the amount of the initial

deposit to be made and the amount of any additional funds that may be required during the review process. The applicant shall pay such fees to the Town of West Newbury and such fees shall be deposited in a special account with the Town.

- 6.6.2. Notification to Applicant. The Planning Board shall notify the Applicant of the consultant selected. See 6.6.5. below.
- 6.6.3. Expenditure of Fees. Outside consultants retained by the Planning Board shall be paid from this special account. The expenditure of said fees shall be at the direction of the Planning Board, without further appropriation. Said fees are to be expended only in connection with services rendered for the specific project for which the fees were collected.
- 6.6.4. Excess Fees. After completion of the Planning Board's review of a project, any excess fee amount, including interest, shall be refunded to the applicant or the applicant's successor in interest and a final report of said account shall be made available to the applicant or applicant's successor in interest.
- 6.6.5. Failure to Pay Fee. Failure to pay a Review Fee by the applicant shall be grounds for disapproval of the subject Application.
- 6.6.6. Administrative Appeals. The choice of a consultant selected by the Planning Board for the review of an application may be appealed in writing to the Board of Selectmen by the applicant, provided such appeal is initiated within two weeks of the selection. The ground for such appeal shall be limited to claims that the selected consultant:
 - 6.6.6.1. Has a conflict of interest.
 - 6.6.6.2. Does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in or related to the field at issue or three years of practice in the field at issue or a related field.
 - 6.6.6.3. The required time limits for action upon an application by the Planning Board shall be extended by the duration of the administrative appeal.
 - 6.6.6.4. In the event that no decision is made by the Board of Selectmen within one month following the filing of an Administrative Appeal, the selection made by the Planning Board shall stand.
- 6.6.7. W-9 Form. The Applicant shall be responsible for filing a completed W-9 Form with the Planning Board in order to facilitate opening of the account.

CONSTRUCTION DETAILS INDEX
Rules and Regulations Governing the Subdivision of Land
West Newbury, Massachusetts

Minor Local Access Road – Typical Section

Major Local Access Road – Typical Section

Minor Local Collector Road – Typical Section

Major Local Collector Road – Typical Section

Cul-De-Sac Geometrics

Bituminous Berm Detail

Tree Planting Detail

Catch Basin Detail

Drain Manhole Detail

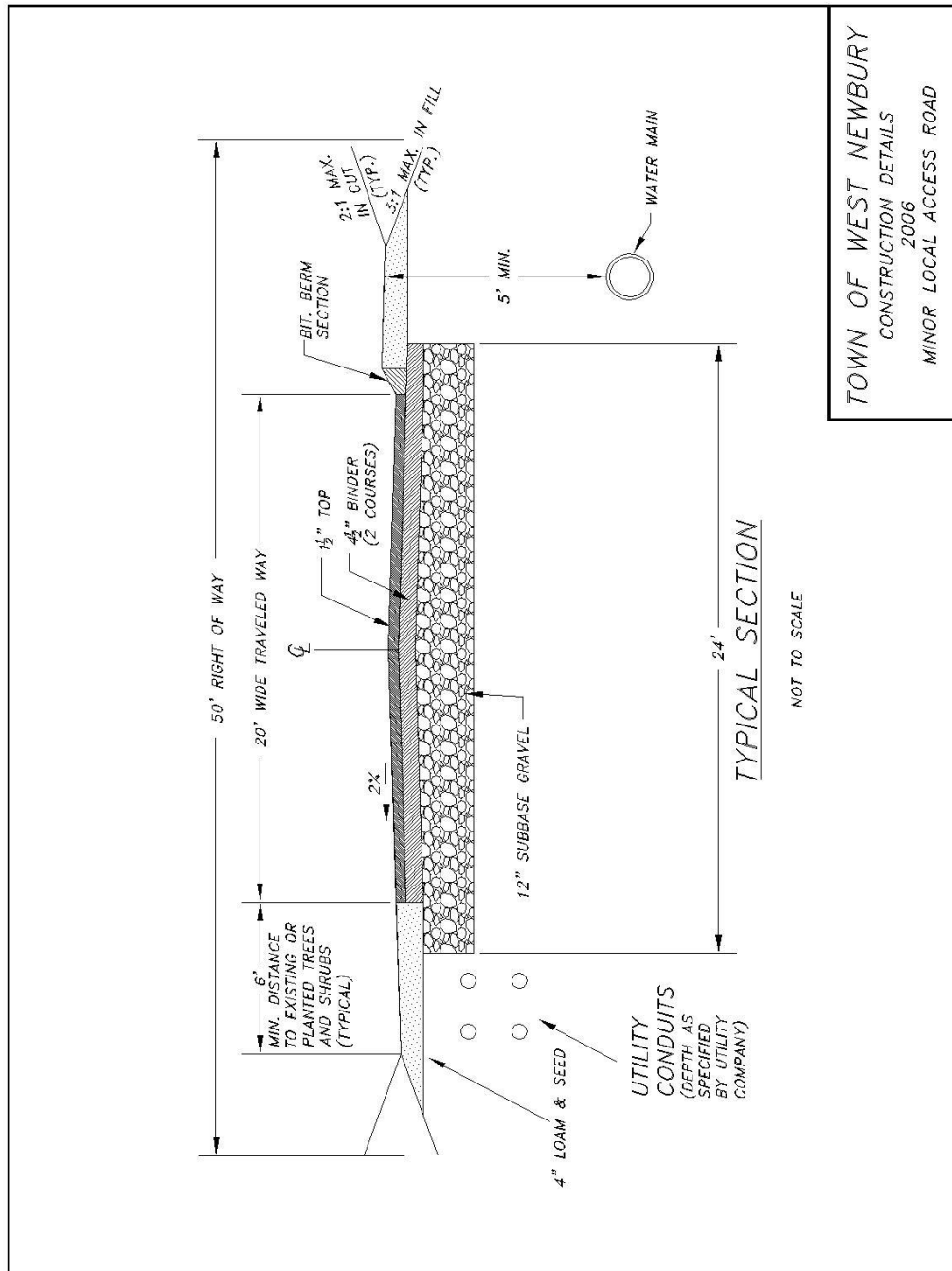
Trench Detail

Fire Hydrant Detail

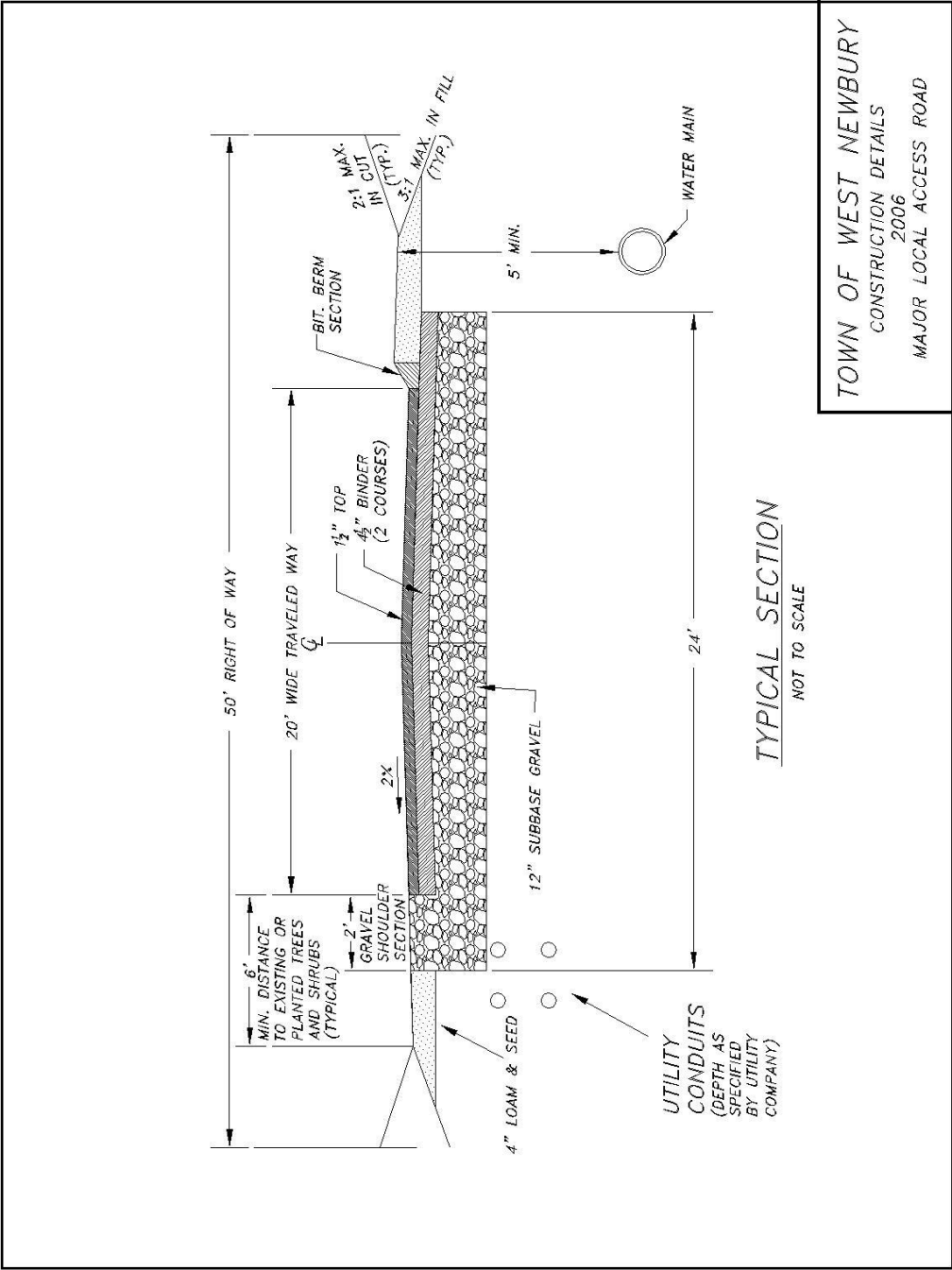
Fire Cistern Detail

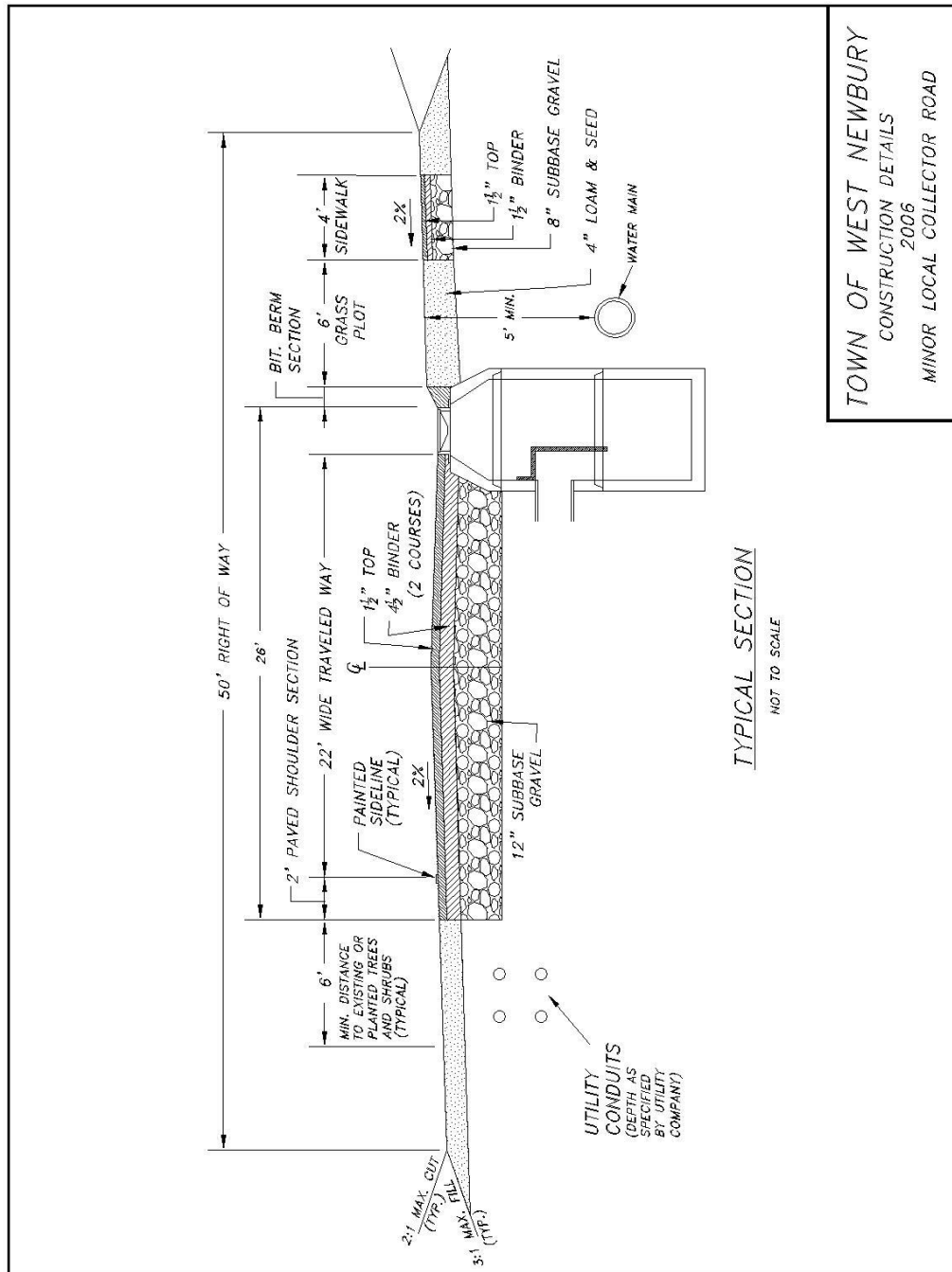
Thrust Block Details

Sedimentation Control Detail

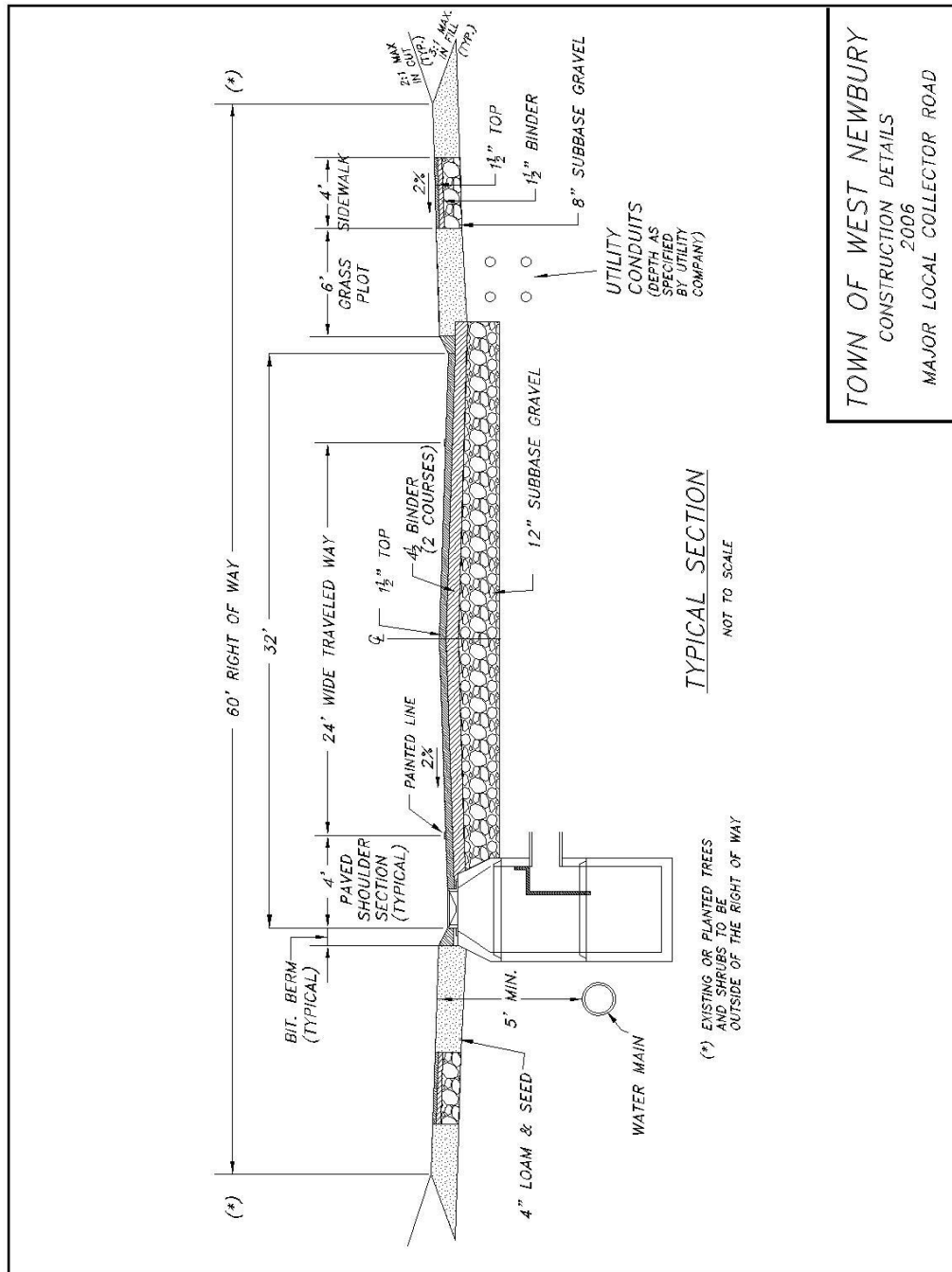


TOWN OF WEST NEWBURY
CONSTRUCTION DETAILS
2006
MINOR LOCAL ACCESS ROAD

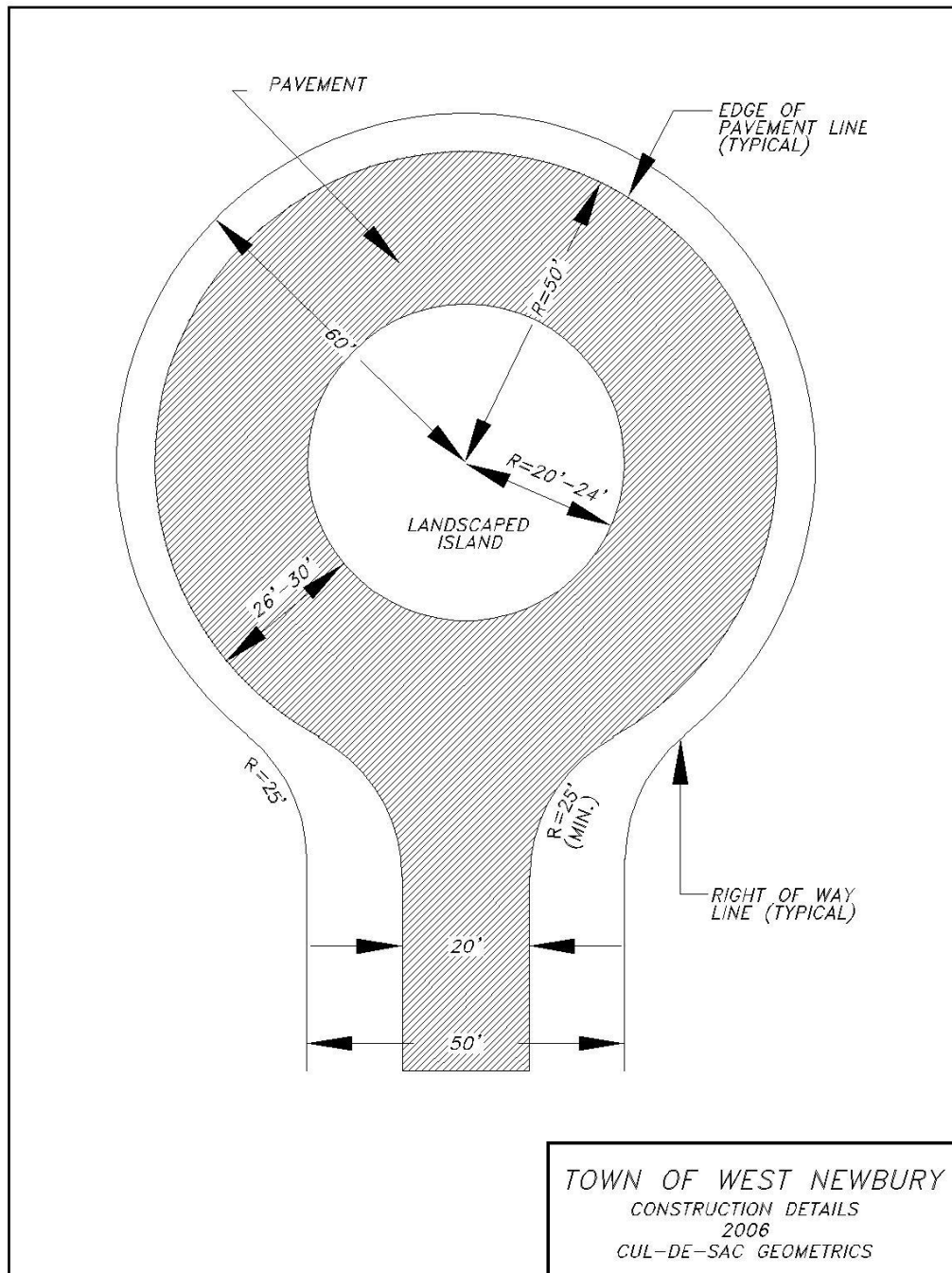


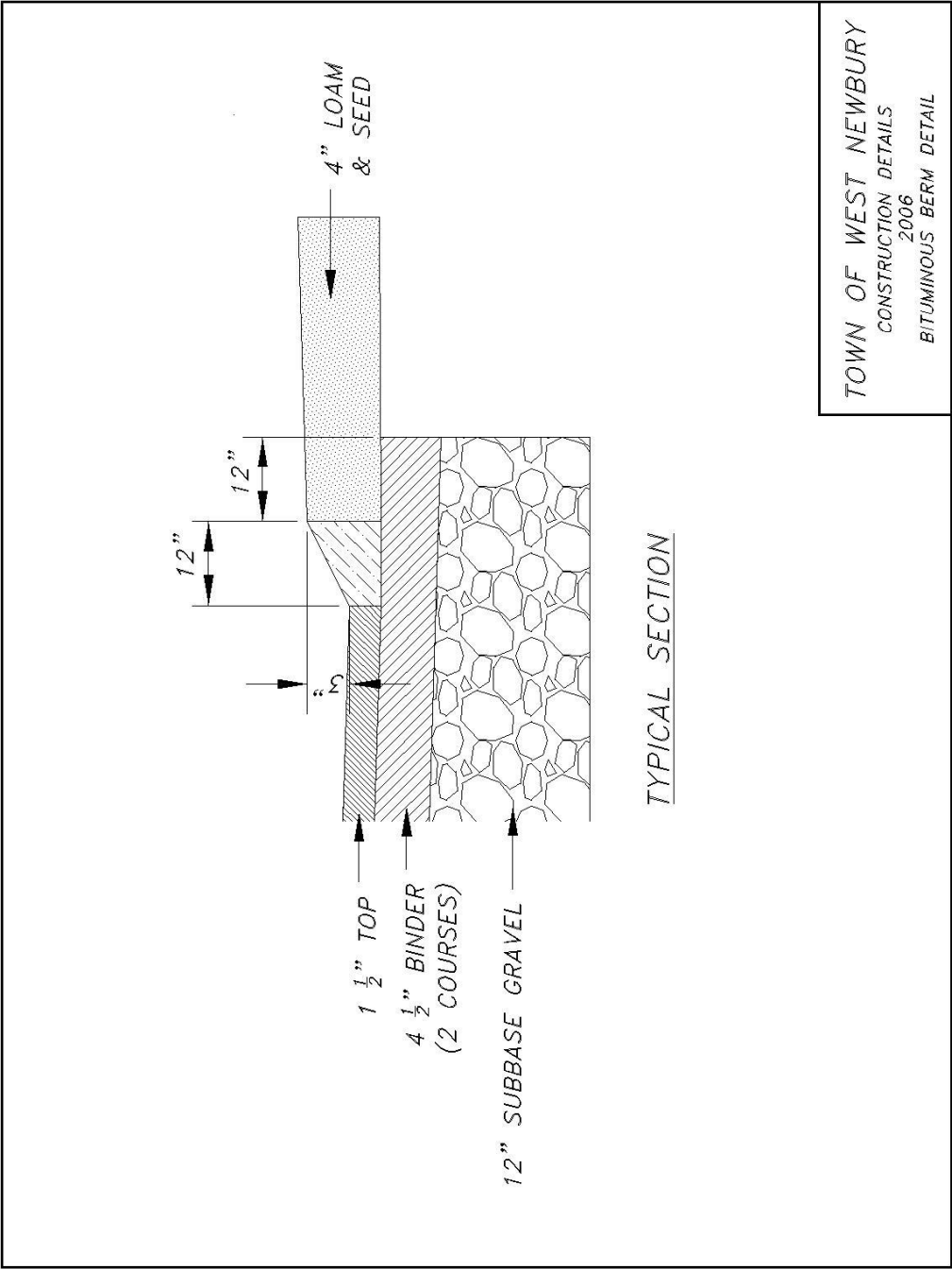


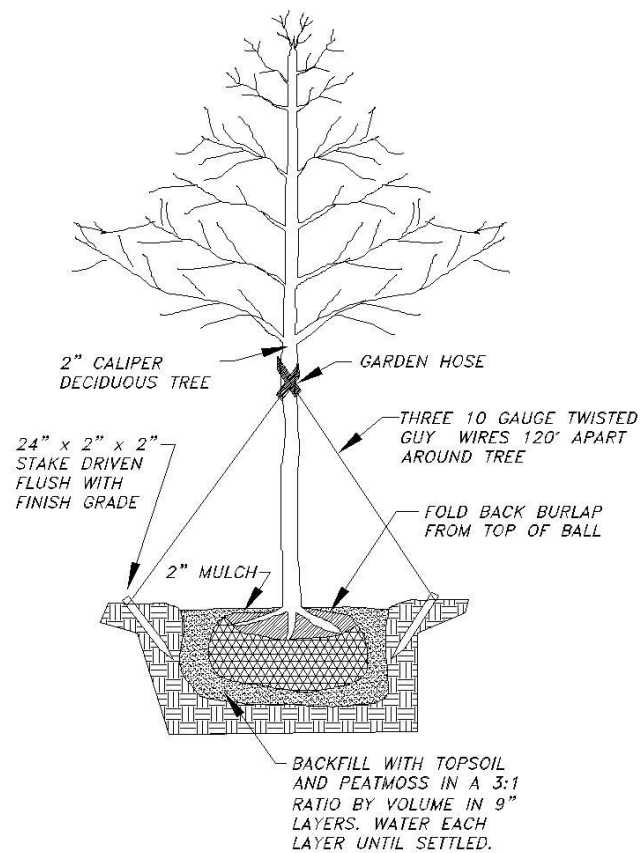
TOWN OF WEST NEWBURY
CONSTRUCTION DETAILS
2006
MINOR LOCAL COLLECTOR ROAD



TOWN OF WEST NEWBURY
CONSTRUCTION DETAILS
2006
MAJOR LOCAL COLLECTOR ROAD

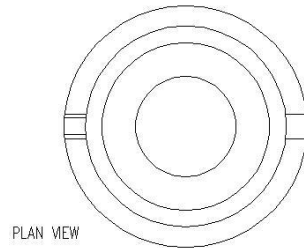






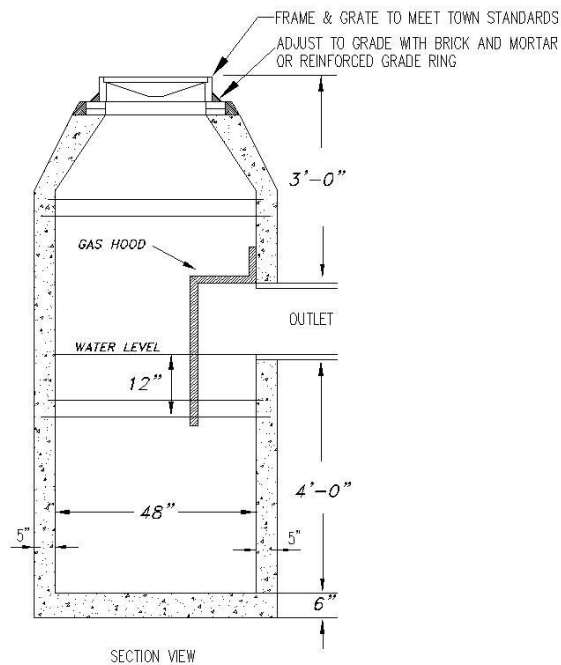
TREE PLANTING DETAIL

TOWN OF WEST NEWBURY
CONSTRUCTION DETAILS
2006
TREE PLANTING DETAIL



NOTES:

1. CONCRETE: 4,000 PSI AFTER 28 DAYS.
2. REINFORCING: H-20 LOADING, 4 X 4/4 X 4 W.W.M.
3. SHIPLAP JOINTS SEALED WITH 1 STRIP OF 1" BUTYL RUBBER SEALANT.
4. EACH CASTING TO HAVE LIFTING HOLES CAST IN.

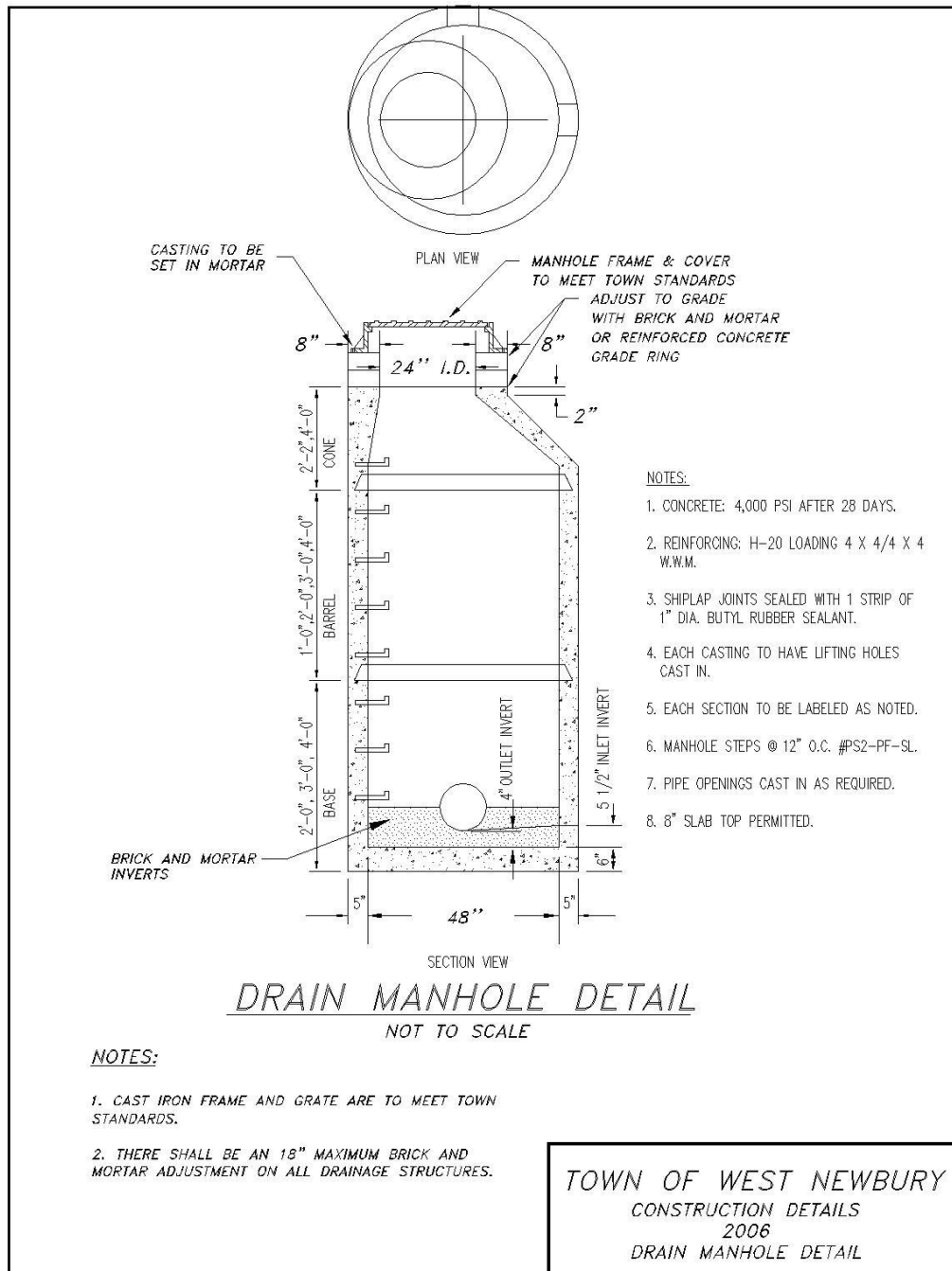


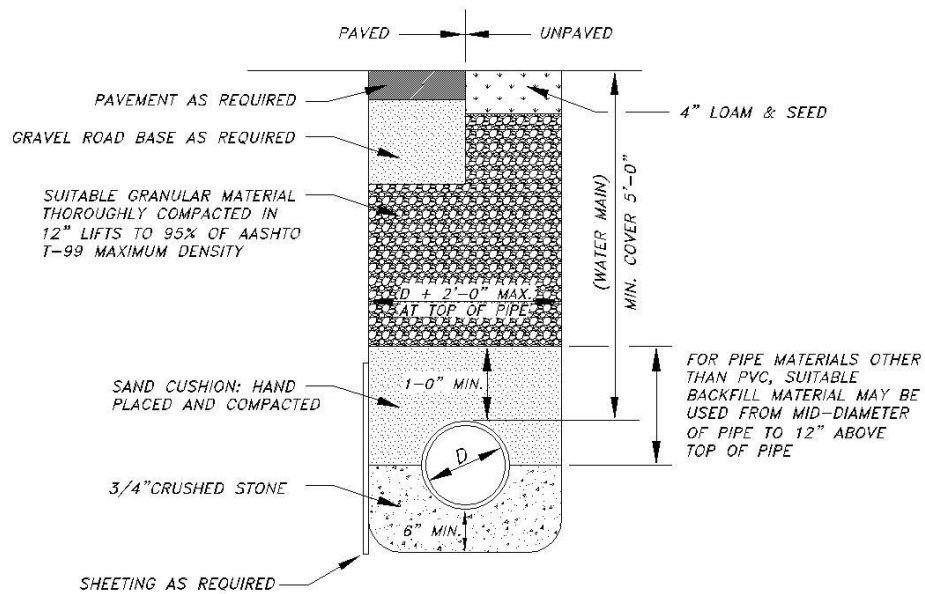
CATCH BASIN DETAIL
NOT TO SCALE

NOTES:

1. CAST IRON FRAME AND GRATE ARE TO MEET TOWN STANDARDS.
2. THERE SHALL BE AN 18" MAXIMUM BRICK AND MORTAR ADJUSTMENT ON ALL DRAINAGE STRUCTURES.

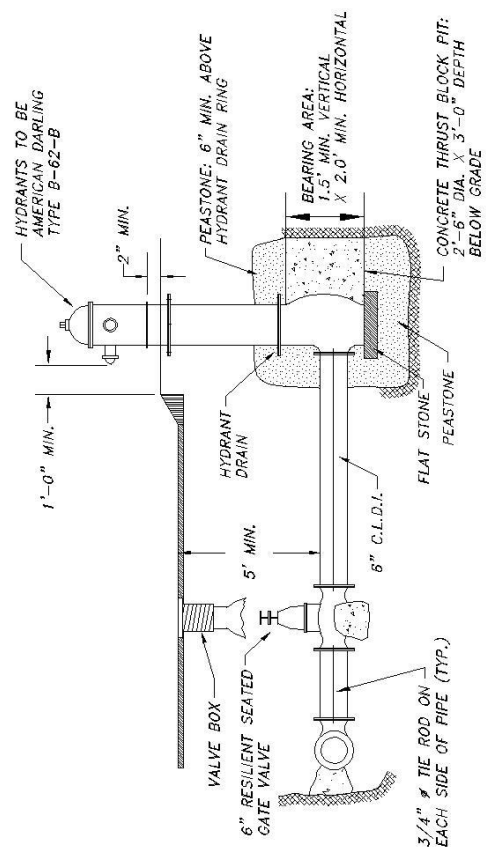
TOWN OF WEST NEWBURY
CONSTRUCTION DETAILS
2006
CATCH BASIN DETAIL





TRENCH DETAIL
NOT TO SCALE

TOWN OF WEST NEWBURY
CONSTRUCTION DETAILS
2006
TRENCH DETAIL

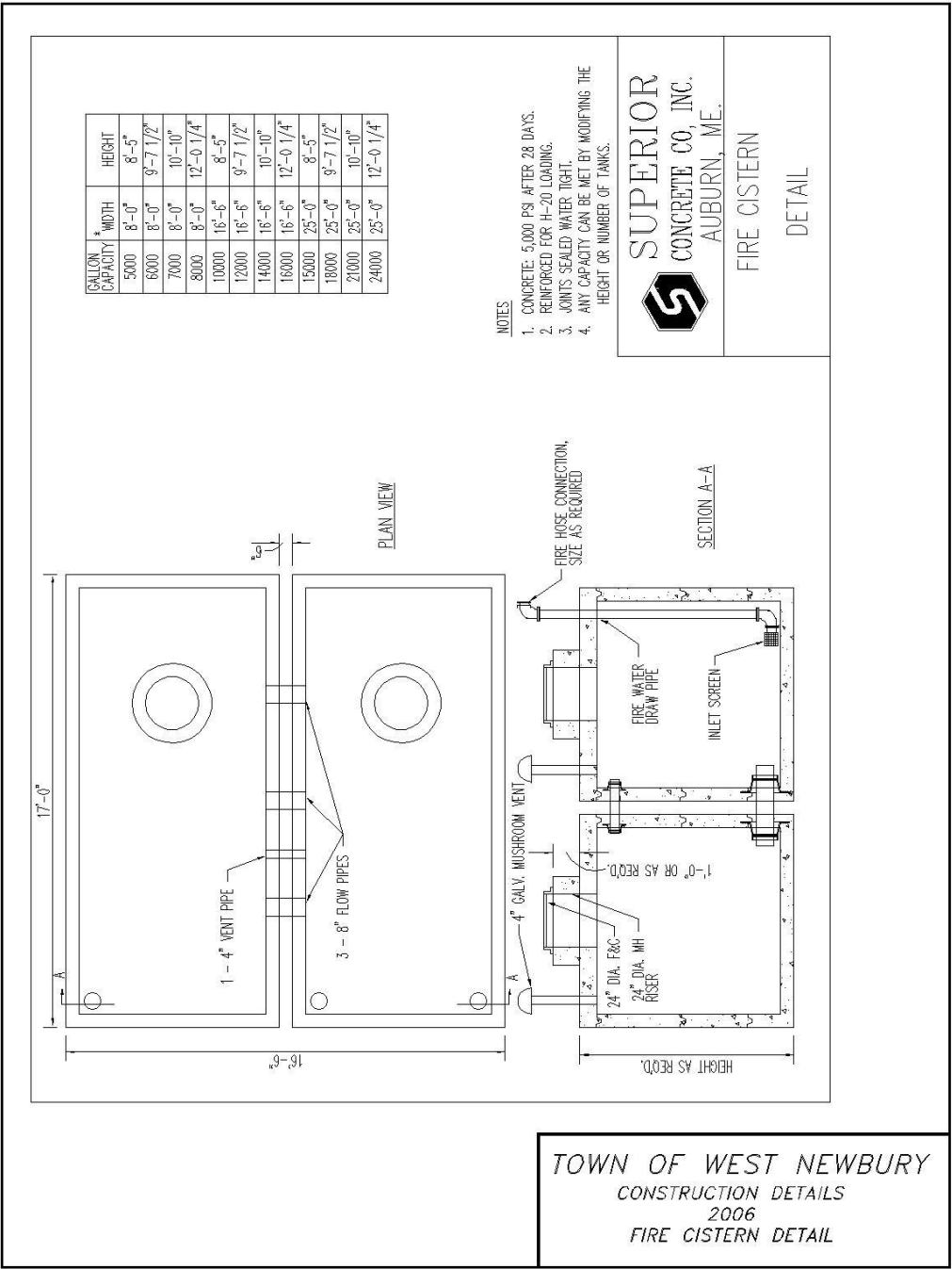


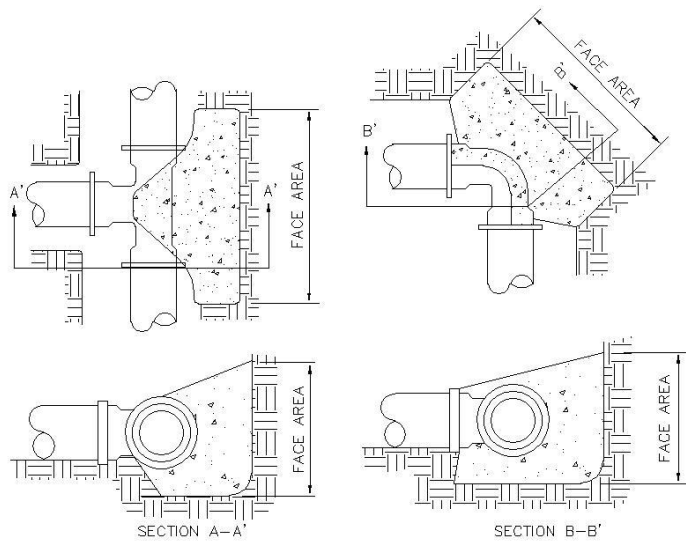
NOTE: ALL MATERIALS MUST BE PRE-APPROVED BY THE WEST NEWBURY WATER DIVISION.

FIRE HYDRANT DETAIL

NOT TO SCALE

TOWN OF WEST NEWBURY
CONSTRUCTION DETAILS
2006
FIRE HYDRANT DETAIL





PIPE DIA.	MIN. FACE AREA OF BLOCK IN SQ. FT.				
	TEES & PLUGS	90° BENDS	45° BENDS	22 1/2° BENDS	11 1/4° BENDS
6"	4'-0"	6'-0"	3'-0"	3'-0"	3'-0"
8"	4'-0"	6'-0"	3'-0"	3'-0"	3'-0"
12"	9'-0"	12'-0"	7'-0"	7'-0"	7'-0"

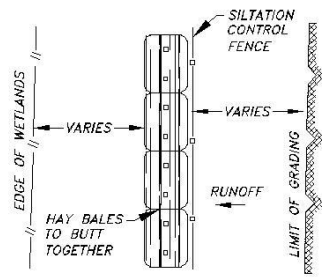
NOTE: ALL TEES, PLUGS AND BENDS SHALL BE BLOCKED AGAINST FIRM EARTH
WITH CLASS C CONCRETE

THRUST BLOCK DETAILS

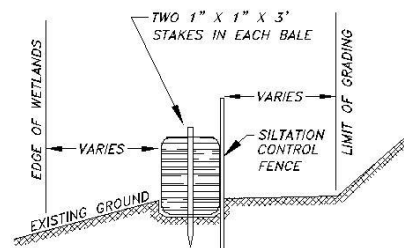
NOT TO SCALE

THRUST BLOCKS ARE TO BE INSTALLED AT
ALL BENDS, TEES, PLUGS, AND HYDRANTS.

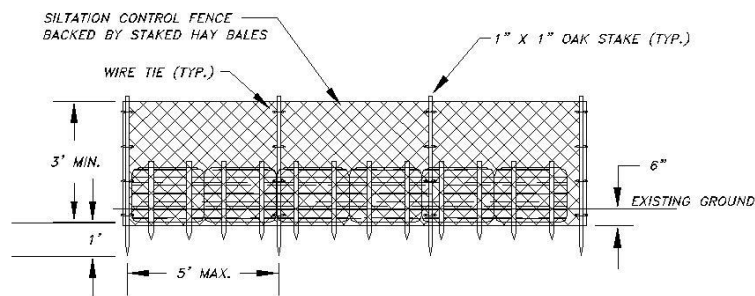
TOWN OF WEST NEWBURY
CONSTRUCTION DETAILS
2006
THRUST BLOCK DETAIL



PLAN



SECTION



PROFILE

SEDIMENTATION CONTROL DETAIL

NOT TO SCALE

NOTE:

SILT FENCE OR STAKED HAY BALES
MAY BE USED IF APPROVED BY THE PLANNING BOARD.

TOWN OF WEST NEWBURY
CONSTRUCTION DETAILS
2006
SEDIMENTATION CONTROL DETAIL

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

SCHEDULE D
PROJECT INFORMATION SUMMARY (PIS)

Instructions

This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please fill out this form as accurately as possible. Answers to these questions will be considered as part of the application for approval of a subdivision and may be subject to further verification and public review.

Please submit any additional information to document how any known impacts, whatever the magnitude, will be dealt with in the design process. This additional information will help in the review of the PIS, and will reduce time delays by addressing potential impacts early on in the process.

Applicants need not fill out every part of the PIS. Complete only those parts applicable to the type of project proposed.

The Planning Board will, in its review of the application, determine what elements of the ENVIRONMENTAL IMPACT STATEMENT must be included in the application for approval of a Definitive Subdivision Plan.

Project: _____

- c. Tax Account Number: _____
3. Present Zoning: _____
4. Dominant zoning within 1/4 mile of site: _____
5. Present land use: _____
6. Dominant land use within 1/4 mile of site: _____
7. Project Extent
- a. Total number of acres in parcel: _____ acres
 - b. Number of acres already developed: _____ acres
 - c. Number of acres to be developed under this application: _____ acres
 - d. Anticipated construction dates - From: _____ To: _____
 - e. Anticipated capital expenditure: \$ _____
 - f. If expansion of existing project: _____ % expansion (total)
8. Total height of tallest proposed structure _____ feet

B. NATURAL FEATURES OF SITE

1. Approximate acreage of site by use (NOTE: land should not be classified in more than one category. Total current acreage = total after completion):

	<u>Current</u>	<u>After Completion</u>
Meadow or Brushland	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Active Agriculture	_____ acres	_____ acres
Idle Agriculture	_____ acres	_____ acres
Wetlands and Aquifers	_____ acres	_____ acres
Water Surface Area (ponds, lakes, streams)	_____ acres	_____ acres
Unvegetated (rock, gravel)	_____ acres	_____ acres
Roads, Buildings, Pavement	_____ acres	_____ acres
Active Recreation Facility	_____ acres	_____ acres
Other (specify: _____)	_____ acres	_____ acres
Total	_____ acres	_____ acres

2. Will disturbed area be in or within 100' of any of the following? (If YES, please specify):

YES	NO	SPECIFY
_____	_____	Stream _____ Classification: _____
_____	_____	Waterbody _____
_____	_____	Wetland _____
_____	_____	Woodlands _____

SCHEDULE D

Page 3 of 10

Project: _____

_____ Steep Slopes _____
_____ Agricultural Land _____
_____ Unique Ecological Feature _____
_____ Unique Geological Feature _____
_____ Designated Open Space _____
_____ Designated Sensitive Environmental Area _____
_____ Parkland _____
_____ Recreational Facilities _____
_____ Historic Site _____
_____ Known Archeological Site _____
_____ Unique Architectural Site _____
_____ Plant or animal species identified as threatened or
endangered(specify) _____

3. Are there any known drainage ways, drainage ditches or seasonal flows of water on or through the site? NO _____ YES _____ (specify on separate sheet)

PLANNING CONSIDERATIONS

1. Is the site served by:
- | | | | |
|----|---------------------------------|----------------------|-------------|
| a. | Sanitary sewer _____ | Septic systems _____ | Other _____ |
| b. | Storm sewer _____ | Open Drainage _____ | Other _____ |
| c. | Public water _____ | Wells _____ | Other _____ |
| d. | Other utilities (specify) _____ | | |

2. Is the site contiguous to any of the following?

_____ Interstate Highway	_____ Private Drive
_____ State Road	
_____ County Road	
_____ Town Street	
_____ Undesignated Road	

3. Is there a property line boundary within 100' of the proposed disturbed area?
NO _____ YES _____
4. Is the site served by public transportation? NO _____ YES _____
5. Are any of the following within 1000' of the site?

_____ School	_____ Sewage Treatment Facility
_____ Hospital	_____ Firehouse
_____ Library	_____ Ambulance Station
_____ Church	_____ Government or Public Building
_____ Cultural Center (Museum, etc)	_____ Electrical Generating Facility
_____ Cemetery	_____ High Voltage Electrical Transmission Line

SCHEDULE D

Page 4 of 10

Project: _____

6. Will the action result in the preservation of any open space? NO _____ YES _____
Is the site presently used by the community as open space or recreation area?
NO _____ YES _____
7. Will the project result in any major visual impacts? NO _____ YES _____
8. Will the project affect any important views or vistas? NO _____ YES _____
9. Special Planning Considerations: is the site within any of the following?
____ Agricultural District
____ Historic Preservation District
____ 500 feet of a State or County road, parkland, or municipal boundary
____ 100 year floodplain as defined by FEMA Flood Insurance Rate Maps
10. Has any provision been made for solar or other alternative sources of energy for this project?
NO _____ YES _____ (specify: _____)
11. Has provision been made for siting the project to make use of natural solar heating or shading? NO _____ YES _____
12. Will this project require the relocation of any other project or facility?
NO _____ YES _____ (specify: _____)

PART II - GEOLOGY & HYDROLOGY

- A. What is the predominant soil type(s) on the project site? _____

- B. What is the depth to bedrock? _____ feet (Info. source: _____)
- C. Are there any bedrock outcroppings on the site? NO _____ YES _____
- D. What is the general slope of the land?
0-10% _____ % 10-15% _____ % 15 or greater _____ %
- E. What is the depth to the water table _____ feet (Info. source: _____)
- F. Will surface area of any existing lakes, ponds, streams, bays or other surface water areas be increased or decreased by project? NO _____ YES _____ (specify on separate sheet)
- G. Will any stream channels be modified? NO _____ YES _____

SCHEDULE D

Page 5 of 10

Project_____

- H. What additional percentage of the site will be covered by impervious materials as a result of the project? _____% more than existing
- I. Are any mitigation measures being designed into the project to minimize the effects of impervious surfaces on drainage and runoff? NO_____ YES _____ (if YES, please attach a narrative explanation on separate sheet)
- J. Are there any existing drainage problems on the site, upstream, or downstream?
NO_____ YES _____ (if YES, please attached a narrative explanation on separate sheet)
- K. How much on-site storage or runoff will be provided? _____ acre-feet
- L. Are Sedimentation ponds to be provided? NO_____ YES _____
- M. 1. Are retention or detention ponds to be provided? NO_____ YES _____
2. Which? Temporary_____ Permanent_____

PART III - GRADING AND SITE DEVELOPMENT

- A. How much natural material will be removed from the site of the project?
Rock_____cubic yards Topsoil_____cubic yards Subsoil_____cubic yards
- B. How much natural material will be brought onto the site of the project?
Rock_____cubic yards Topsoil_____cubic yards Subsoil_____cubic yards
- C. How much natural material will be redistributed on the site of the project?
Rock_____cubic yards Topsoil_____cubic yards Subsoil_____cubic yards
- D. How many square feet of vegetation (trees, shrubs, ground cover) will be disturbed on this project site? _____ square feet
- E. Are there any plans for revegetation? NO_____ YES _____
- F. Will blasting occur during construction? NO_____ YES _____
- G. How will demolition debris (if any), vegetation waste, and similar materials be disposed of?

- H. Will existing contours be altered by more than 3 feet of:
Cut: NO_____ YES
Fill: NO_____ YES

SCHEDULE D

Page 6 of 10

Project _____

- I. 1. What will be the maximum gradient of roadways within the project? _____
2. What will be the maximum gradient of driveways within the project? _____

PART IV - RESIDENTIAL

- A. Is the project to be single phased _____, or multi-phased _____?
- B. If multi-phased project:
- a. total number of phases anticipated: _____
 - b. anticipated date of phase 1 commencement (including any necessary demolition):
month _____ year _____
 - c. approximate date of completion of final phase:
month _____ year _____
 - d. is phase 1 financially dependent upon subsequent phases? NO _____ YES _____
- C. Number and type of housing units to be constructed:
- | | One Family | Two Family | Multi-Family | Condominium |
|----------|------------|------------|--------------|-------------|
| Initial | _____ | _____ | _____ | _____ |
| Ultimate | _____ | _____ | _____ | _____ |
- D. If project is not on public sanitary sewer system:
- 1. Type of on-site sewerage system(s) to be installed:
_____ standard leach field(s)
_____ raised systems
_____ package plant
_____ other (specify: _____)
 - 2. If any surface outflow, name of stream into which effluent will be discharging:

- E. If project involves storm sewers:
- 1. Where do storm events discharge? _____
 - 2. What volume of storm water runoff is planned for? _____ cfs at point of discharge
- F. Solid Wastes:
- 1. Where will solid wastes be disposed of?
Name of facility _____ location _____
 - 2. Will any waste not go to a sanitary landfill? NO _____ YES _____
- G. 1. If water supply is from existing wells, indicate pumping capacity: _____ gal/min
2. If water supply is to be from new wells, what impact can be expected on local water table? _____

SCHEDULE D

Page 7 of 10

Project_____

3. If water supply is from source other than public water supply, what is the quality of the water to be provided? _____

H. Total anticipated water usage per day: _____gal/day

I. Number of off-street parking spaces: _____ existing _____ proposed

PART V - BUSINESS

A. Orientation of development: _____ Neighborhood _____ City or Town
Regional

B. Estimated employment generated: during construction: _____
during operation: _____

C. Total gross floor area proposed: _____square feet

D. Number of off-street parking spaces: _____ existing _____ proposed

E. 1. Is surface or subsurface liquid waste disposal involved? NO _____ YES _____
2. If YES to #1, type of waste: _____
3. If surface outflow, name of stream into which the effluent will be discharged:

F. If not on public sanitary sewers, how will liquid wastes be treated?

G. If project is on public sanitary sewers, name of sewage treatment facility to which effluent will be directed: _____ location _____

H. If project involves storm sewers:
1. Where do storm sewers discharge? _____
2. What volume of storm water runoff is planned for? _____cfs at point of discharge

I. Maximum vehicular trips generated upon completion of project: _____VTD _____VTH
(max.)

J. If multi-phased project: a. total number of phases anticipated: _____
b. anticipated date of phase 1 commencement
(including any necessary demolition):
month _____ year _____
c. approximate date of completion of final phase:
month _____ year _____
d. is phase 1 financially dependent upon subsequent
phases? NO _____ YES _____

SCHEDULE D

Page 8 of 10

Project_____

- K. Solid Wastes:
1. Where will solid wastes be disposed of?
Name of facility _____ location_____
 2. Will any wastes not go to a sanitary landfill?
NO_____ YES _____
 3. Will compactors be utilized for on-site waste?
NO_____ YES _____
 4. Have provisions been made for on-site storage?
NO_____ YES _____
 5. If project involves a take-out food facility, have any provisions been made to restrict carry-out litter?
NO_____ YES _____ (specify)
- L. Will project routinely produce odors (more than 1 hr/day)? NO_____ YES_____
- M. Will project produce noise exceeding the local ambient noise levels:
*during construction? NO_____ YES_____
- *after construction? NO_____ YES_____
- N. Will dust control techniques be employed during or after construction of this project?
NO_____ YES_____ (specify on separate sheet)
- O. Will the project result in any potential contraventions of any State or Federal air quality standards? NO_____ YES_____ (specify:_____)
- P. Will project use herbicides? NO_____ YES_____ (specify:_____)
- Q. Will project use pesticides? NO_____ YES_____ (specify:_____)
- R. Will project be landscaped to provide visual and sound screening? NO_____ YES_____
- S. Has project been designed for energy efficiency? NO_____ YES_____
- If YES, please specify: _____

PART VI - INDUSTRIAL

Please complete Part V - Business, and continue below:

- A. Are any liquid (or solid) substances produced as wastes that cannot be adequately treated (or safely disposed of) at a standard municipal sewage treatment plant (or sanitary landfill)? NO_____ YES_____ (if YES, please explain on separate sheet)
- B. Are any hazardous toxic materials produced (NO_____ YES_____) or utilized (NO_____ YES_____)
- C. Have any provisions been made to utilize any waste heat produced for productive purposes? NO_____ YES_____ (specify: _____)

SCHEDULE D

Page 9 of 10

Project_____

PART VII - PERMITS AND/OR APPROVALS REQUIRED

A. Does the project involve any State or Federal funding or financing?
NO_____ YES_____ (specify: _____)

B. Status of Permits and/or Approvals:

AGENCY	APPROVAL REQUIRED (TYPE)	SUBMITTED (DATE)	APPROVED (DATE)
Board of Selectmen	_____	_____	_____
Planning Board	_____	_____	_____
Zoning Board of Appeals	_____	_____	_____
Other Municipal Agency	_____	_____	_____
Regional Agency	_____	_____	_____
Health Department	_____	_____	_____
Highway Department	_____	_____	_____
Massachusetts Dept. of Public Health	_____	_____	_____
Massachusetts Highway Department	_____	_____	_____
Other State Agency	_____	_____	_____
US Army Corps of Engineers	_____	_____	_____
US Department of Transportation	_____	_____	_____
US Environmental Protection Agency	_____	_____	_____
Other Federal Agency	_____	_____	_____

Attach any additional information as may be required to clarify your project. If there are or may be any adverse impacts associated with the proposal, please discuss such impacts and the measures which can be taken to mitigate or avoid them.

I hereby certify that the information given above is true and accurate to the best of my ability to provide such information.

Preparer's Signature: _____
Title: _____
Representing: _____
Date: _____

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

SCHEDULE E

ENVIRONMENTAL IMPACT STATEMENT

1. The Environmental Impact Statement shall clearly and methodically assess the relationship of the implementation of a proposed development to the natural and man-made environment of the Town. The statement shall utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in the planning and designing of the proposed project. The elements of the statement shall be prepared by professionals registered in Massachusetts to practice in their fields where so specified or by authorities recognized in their field having reached a professional status or its recognized equal.
2. To insure the adequate preparation and consideration of the statement, it is strongly recommended that a draft statement be prepared and submitted together with the submission of the Preliminary Plan of the proposed development.
3. It is intended that the statement be a guide to the Planning Board in its judgment and deliberation on the proposed development and its compatibility with existing conditions and planning efforts of the Town. Failure of the plans or of the impact statement of the proposed development to indicate such compatibility may be grounds for reexamination and/or the resubmission thereof at the determination of the Planning Board.
4. An Environmental Impact Statement shall be prepared when required by the Planning Board, other Town By-Laws, State or Federal Laws or Regulations.
 - (a) The Planning Board may require any private person, firm or corporation to prepare the Environmental Impact Statement for any and all work, project or activity which may cause damage to the environment, and for which no funds of the Commonwealth are to be expended.
 - (b) This Statement shall be limited in scope to the purposes of the Subdivision Control Law, Sections 81-K through 81GG.

Further, the Environmental Impact Statement concerning each character of the subdivision shall contain at least the elements required as noted except as modified or required by the Planning Board.

5. For each of the components of the Environmental Impact Statement listed at Paragraph 6 below, each of the following concerns must be separately addressed:
- (a) the environmental impact of the proposed development (see Paragraph 6 below for required elements of the impact disclosure).
 - (b) any adverse environmental impacts which cannot be avoided should the proposed development be implemented.
 - (c) alternatives to the proposed development which are expressly allowed or allowed by permit by the Zoning By-Law.
 - (d) all measures available, and those measures to be used to minimize adverse environmental impacts (or maximize beneficial impacts).
6. The Environmental Impact Statement shall evaluate all of the following topics:
- (a) a Physical Element to consist of the following sub-elements.
 - (i) Air Pollution - Changes in local air quality caused by the proposed development shall be predicted. Sources shall be identified, and consideration shall be given to changes in air quality both during construction and after completion of the project. Except in large residential developments (one hundred (100) dwelling units or more) or in high density multi-family developments and in non-residential subdivisions, air pollution impacts may be identified and expressed in relative terms. For these large and/or high density residential developments and for non-residential developments, the Planning Board may require a detailed, technical report to be prepared. This sub-element shall consider not only impacts caused by the proposed development and its alternatives, but also impacts on it by adjacent existing or proposed developments.
 - (ii) Noise pollution -The same requirements for air pollution sub-element shall govern.
 - (iii) Surface and Sub-surface Water Pollution - Impact of storm water run-off on adjacent and downstream surface water bodies and sub-surface ground water and the water table shall be detailed. Coordination with State and Town water quality agencies including the Board of Health and Conservation Commission is recommended so that necessary agreements and responsibilities can be included in the study of the proposed development and its alternatives. The relationship of the proposed development to navigable streams and flood plains and municipal water supply impoundments and reservations shall be shown.

SCHEDULE E
Page 2 of 6

- (iv) Soils- The potential dangers of erosion and sedimentation caused by both the construction, operation and maintenance of the proposed development and its alternatives shall be detailed and may also be related to sub-element (iii) above. It shall also deal with the compatibility or existing soils with the proposed development.
- (v) General Ecology- The relation of the proposed development to the major botanical, zoological, geological and hydrological resources of the site shall be examined.

Consideration of these resources adjacent to the site shall also be made where deemed appropriate by the Planning Board. Consideration shall also be given to rare or endangered species of plant and wildlife found on the site.

- (b) a Transportation Element to consist of the following sub-elements:
 - (i) Traffic Generation- Existing traffic volume, composition, peak hour levels and street capacities shall be shown. Overall average daily traffic generation, composition, peak hour levels, and directional flows shall be estimated. The methodology used to derive these predictions shall be included.
 - (ii) Street maintenance- Methods, responsibility, and projected cost to Town shall be detailed. Coordination with the Highway Department is recommended.
 - (iii) Mass Transit- Consideration shall be given to the relation of the proposed development to existing mass transit (bus, rail or other modes) and how the proposed development may be served.
- (c) a Public Utility Element prepared by a professional engineer registered in Massachusetts, to consist of the following sub-elements:
 - (i) Water Supply and Distribution- The average daily and peak demand; method to supply the buildings on the site including sizes of mains, existing and proposed; and the cost and the proposed responsibility for bearing or sharing the cost shall be detailed. Coordination with the Water Department is strongly recommended so that necessary agreements and responsibilities can be included in the study of the proposed development and its alternatives.
 - (ii) Sewage Treatment- The average daily and peak demand; and any unusual composition or concentration of component flows into the public system, the method to serve the buildings on the site including size of pipe, existing and proposed, the cost and proposed

SCHEDULE E
Page 3 of 6

responsibility for bearing or sharing the cost shall be detailed. Coordination with the Board of Health, and if deemed advisable, appropriate State agencies, is strongly recommended for the reasons in (i) above.

- (iii) Storm Drainage- The same requirements for the water supply and distribution sub-element shall govern
- (iv) Solid Waste- The average weekly demand; expected contents; recycling potential; on-site incineration, reduction or compaction; and method of delivery to the Town facilities shall be detailed. Coordination with the Board of Health is strongly recommended, for the reasons in (i) above.
- (d) a Neighborhood and Community Element to consist of the following sub-elements.
 - (i) Schools- The expected impact on the school system pre-primary, primary and secondary levels, by type of housing (single-family, garden apartment, town-house, high rise, etc.). The number of students; school bus routing changes if found necessary; and impact if any on parochial systems. Coordination with the Superintendent of Schools is recommended, particularly for large residential developments.
 - (ii) Police- The expected impact on police service, time and manpower needed to protect the proposed development; provision for special alarm or other warning devices or agents and other needs shall be presented. Coordination with the Police Department is recommended.
 - (iii) Fire- Expected fire protection needs; on-site fire fighting capabilities; on-site alarm or other warning devices; fire-flow water needs, source and delivery system and other needs shall be presented. Coordination with the Fire Department is recommended.
 - (iv) Recreation- On-site recreation provisions shall be detailed and off-site recreation demands shall be estimated. Provision for public open space, either dedicated to the Town or available to its residents shall be described. Open space available primarily or exclusively for residents or employees shall also be described. Coordination with the open space and parks and recreation committees is recommended.
 - (v) Existing Neighborhood Land Use- Compatibility with adjacent or nearby existing land uses, or approved private development plans, if known, for adjacent or nearby land use changes to occur during the life of the proposed development. If not compatible, reasons therefore shall be detailed. Consultation with the Planning Board is strongly recommended.

SCHEDULE E

Page 4 of 6

- (e) a Social- Economic Element to consist of the following sub-elements:
- (i) Population- In residential development, the overall population; ranges in expected family size by housing type and bedroom count; ranges in expected income and other relevant social data shall be estimated.
 - (ii) Low/Moderate Income Housing- In residential developments, provisions for low and/or moderate income housing shall be identified as to type of housing and bedroom count; state or federal subsidies proposed to be applied; and indication, if any, from the appropriate agencies including the Housing Authority as to its desirability and feasibility for its location, financing, and operating subsidy.
 - (iii) Employment - In all non-residential developments and in large residential developments the number and types of job skills to be employed shall be detailed. This shall include both construction labor and full-time work force when the development is in operation; employment by shift; estimates as to the amount of local labor which is intended to be used; and minority-group labor opportunities. Coordination with the Development and Industrial and commercial development.
- (f) an Aesthetics Element to consist of the following sub-elements:
- (i) Architecture- The type of style of architecture of the buildings shall be described; its relation to prevailing types of architecture for similar buildings; and its compatibility with the function of the buildings; and to the architecture of adjacent buildings. Sketches, photos, elevations and renderings are encouraged to illustrate architectural appropriateness as well as innovation. Consultation with the Building Inspector and Planning Board is recommended.
 - (ii) Lighting- The type, design, location, function and intensity of all exterior lighting facilities shall be described. Attention given to safety, privacy, security, and daytime and nighttime appearance shall be detailed. Consultation with the Highway Department and with the Massachusetts Electric Company is recommended.
 - (iii) Landscaping- Provisions for landscaping shall be described including type, location, and function. Consultation with the Highway Department is recommended.
 - (iv) Visual- Attention given to views into the site and from the site shall be described. Included shall be long-distance views as well as to and from adjacent properties. Visual impact may be related to the preceding sub-elements concerning the overall aesthetics of the proposed development.

SCHEDULE E

Page 5 of 6

- (g) a Master Plans Element to detail the compatibility of the proposed development and its alternatives to established plans of record of the Planning Board, Conservation Commission, Highway Department, and other Town and State agencies as applicable. If not compatible, the reasons therefore shall be detailed.
 - (h) a Municipal Benefit/Cost Element- A primary part of this element shall be an analysis of the net benefit or cost to the Town in dollars, as complete as is practicable. This municipal benefit/cost analysis should follow standard and usual procedures and parameters for measuring both the benefits to be derived and costs to be incurred by the Town as a result of the implementation of the proposed development. It will be helpful to provide one or more benefit/cost analyses for alternative uses to provide for a basis for comparison. Except in unusual cases, or when the construction of a proposed development is scheduled to take place in distinct and separate phases and each phase may be functional and operable without any or all of the others, the municipal benefit/cost analysis may assume full and complete development and occupancy. In phased development or in other unusual cases, the Planning Board may require more than one analysis (an analysis for each phase and/or more than one Environmental Impact Statement. This element may also estimate net benefits or costs of non-qualifiable environmental impacts.
7. The remaining three (3) sections (paragraph 5 (b) - (d) above) of the Environmental Impact Statement shall be in sufficient detail to enable the Planning Board to determine whether unavoidable impacts have been fully explored; and whether all reasonable measures to minimize adverse or unavoidable impacts (or maximize beneficial impacts) have been taken.

SCHEDULE E

Page 6 of 6

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

FORM A
APPLICATION FOR APPROVAL NOT REQUIRED PLAN

Date of Filing

Submit three (3) copies of the Application with an original and four (4) copies of the plan. (Request the Town Clerk stamp two (2) Application forms and two (2) prints of the plan, keeping one set at the Town Clerk's office and filing the remainder sets with the Planning Board. See Sect. 3.1.1. for additional application procedures.)

To the Planning Board:

The undersigned, believing that the accompanying plan of property in the Town of West Newbury, Massachusetts does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that the Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant(s): _____

Address: _____

Telephone # _____

2. Name of Owner(s) (if other than Applicant(s)): _____

Address: _____

Telephone # _____

3. Location and Description of Property (include Assessor's Map & Lot and Zoning

District(s)): _____

4. Deed Reference: Book _____, Page _____ or Certificate of Title _____

5. Name of Surveyor: _____

Address: _____

Telephone: _____

Signature(s) of Applicant(s): _____

Signature(s) of Owner(s): _____
(if other than Applicant(s))

Please indicate the grounds (either 1., 2., 3. or 4., not a combination of) on which the plan should not be considered a subdivision.

1. has all the frontage required under the Zoning By-law on:
 - (1) a public way; or
 - (2) a way which the Town Clerk certifies is maintained and used as a public way; or
 - (3) a way shown on a plan already approved and endorsed by the Board under the Subdivision Control Law; or
 - (4) a way existing before the date on which subdivision control was adopted in the Town, having, in the opinion of the 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.
2. has been clearly marked on the plan to be either:
 - (1) joined to and made part of an adjacent existing lot; or
 - (2) "Not a Building Lot"; or
3. contains a building which existed prior to the date on which subdivision control was adopted in the Town; or
4. constitutes an existing parcel with no new lot division. If the lot is not being subdivided and does not contain frontage on a way, as specified above, the lot shall be clearly marked on the plans that it is "Not a Building Lot".
5. other _____

Received: Town of West Newbury, Town Clerk (date stamp):

Signature of Town Official Receiving this Application

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

FORM B
APPLICATION FOR APPROVAL OF A PRELIMINARY SUBDIVISION PLAN

Date of Filing

(Request the Town Clerk stamp two (2) Application forms and two (2) prints of the plan, keeping one set at the Town Clerk's office and filing one set with the Planning Board. See Sect. 3.2.2. for additional application procedures.)

To the Planning Board:

The undersigned, being an Applicant under Chapter 41, S81S, MGL, for approval of a proposed subdivision plan, hereby submits a Preliminary Subdivision Plan and makes application for approval to the West Newbury Planning Board:

1. Name of Applicant(s): _____
Address: _____
Telephone: _____
2. Name of Owner(s) (if other than Applicant(s)): _____
Address: _____
Telephone: _____
3. Name of Subdivision: _____
4. Location and Description of Property (include Assessor's Map & Lot and Zoning District(s)): _____

5. Deed Reference: Book _____, Page _____ or Certificate of Title _____

6. Name of Engineer/Surveyor: _____

Address: _____

Telephone: _____

Signature of Applicant(s): _____

Signature of Owner(s): _____
(if other than Applicant(s))

Received: Town of West Newbury, Town Clerk (date stamp):

Signature of Town Official Receiving this Application

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

FORM C
APPLICATION FOR APPROVAL OF A DEFINITIVE SUBDIVISION PLAN

Date of Filing

(Request the Town Clerk stamp two (2) Application forms and two (2) prints of the plan, keeping one set at the Town Clerk's office and filing one set with the Planning Board. See Sect. 3.3.2. for additional application procedures.)

To the Planning Board:

The undersigned, being an Applicant under Chapter 41, S81O, MGL, for approval of a proposed subdivision plan, hereby submits a Definitive Subdivision Plan and makes application for approval to the West Newbury Planning Board:

1. Name of Applicant(s): _____
Address: _____
Telephone: _____
2. Name of Owner(s) (if other than Applicant(s)): _____
Address: _____
Telephone: _____
3. Name of Subdivision: _____
4. Location and Description of Property (include Assessor's Map & Lot and Zoning District(s)): _____

5. Deed Reference: Book _____, Page _____ or Certificate of Title _____

6. Name of Engineer/Surveyor: _____

Address: _____

Telephone: _____

7. Easements & Restrictions of Record (Describe & Include Deed References): _____

8. Preliminary Plan Submitted: _____; Plan Approved _____; Date: _____

Plan Disapproved _____; Date: _____

Signature of Applicant(s): _____

Signature of Owner(s): _____

(if other than Applicant(s))

Received: Town of West Newbury, Town Clerk (date stamp):

Signature of Town Official Receiving this Application

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

FORM C-1
CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN

Date

It is hereby certified by the Town of West Newbury Planning Board, that after having held a duly called and properly posted public hearing on _____, 20____, it was voted to approve a Definitive Subdivision Plan entitled: _____
submitted by: _____;
originally filed with the Planning Board on _____,
concerning the property located at _____
with/for the following conditions/reasons: _____

A copy of this Certificate of Approval is to be filed with the West Newbury Town Clerk and a copy sent to the Applicant.

A true copy, attest:

Clerk,
West Newbury Planning Board

West Newbury Planning
Board

The 20-day appeal period on the foregoing subdivision has expired with no notice of legal appeal having been filed in this office. This appeal period began on _____, 20____, and expired on _____, 20_____.

Date _____

Signed _____
Town Clerk

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

FORM C-2
CERTIFICATE OF DISAPPROVAL OF A DEFINITIVE SUBDIVISION PLAN

Date

It is hereby certified by the Town of West Newbury Planning Board, that after having held a duly called and properly posted public hearing on _____, 20____, and a duly called and properly posted meeting of said Planning Board, held on _____, 20____, it was voted to disapprove a Definitive Subdivision Plan entitled: _____

submitted by: _____;
originally filed with the Planning Board on _____,
concerning the property located at _____
with/for the following conditions/reasons: _____

A copy of this Certificate of Approval is to be filed with the West Newbury Town Clerk and a copy sent to the Applicant.

A true copy, attest:

Clerk,
West Newbury Planning Board

West Newbury Planning
Board

The 20-day appeal period on the foregoing subdivision has expired with no notice of legal appeal having been filed in this office. This appeal period began on _____, 20____, and expired on _____, 20_____.

Date _____

Signed _____
Town Clerk

FORM E
CERTIFIED LIST OF ABUTTERS

THE FOLLOWING REPRESENTS THE LIST OF ABUTTERS FOR
(LOCATION/ADDRESS) _____
MAP _____ LOT _____ AS SUPPLIED BY _____

MAILING ADDRESS

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

FORM E
Page 1 of 1

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

FORM I
APPROVAL WITH COVENANT CONTRACT

Date

Know all men by these presents that whereas the undersigned has submitted an application dated _____, 20____, to the Town of West Newbury Planning Board for approval of a Definitive Subdivision Plan of a certain subdivision entitled _____ and dated _____, 20____, and has requested the Board to approve such plan without requiring a performance bond.

NOW THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the West Newbury Planning Board approving said plan without requiring a performance bond, and in consideration of one dollar in hand paid, receipt whereof is hereby acknowledged, the undersigned covenants and agrees with the Town of West Newbury as follows:

1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the ways and other improvements necessary to serve adequately such lot have been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions thereof.
2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned.

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.

It is understood and agreed that lots within the subdivision may, respectively, be released from the foregoing conditions upon the recording of a Certificate of Performance executed by a majority of said Planning Board and enumerating the specific lots to be so released.

3. The undersigned represents and covenants that 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.

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

IN WITNESS WHEREOF the undersigned, Applicant as aforesaid, does hereunto set his hand and seal this _____ day of _____, 20 ____.

Applicant

Address

Owner (if other than Applicant)

Address

Description of Mortgages: _____

(Give complete names and Registry of Deeds reference)

Assents of Mortgagees:

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

Date: _____, 20____

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My Commission expires: _____

FORM I
Page 2 of 2

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

FORM J
CERTIFICATE OF PERFORMANCE
(Bond, Passbook, Tripartite Agreement, Other)

Date

The undersigned, being a majority of the Town of West Newbury Planning Board, hereby certify that sufficient surety, in the opinion of the said Planning Board, has been provided for the cost of the completion of the ways to provide access, frontage and services to certain lots, hereinafter designated, in accordance with provisions of the Approval with Covenant Contract - Form I dated _____, 20____ and recorded in the Registry of Deeds Book _____, Page _____ (or registered in Registry of Deeds, _____ as document No. _____ and noted on Certificate of Title No. _____, Registration Book _____, Page _____) said lots being shown on a plan entitled _____

recorded with said Registry of Deeds in Plan Book _____, Plan _____. (or registered in said Land Registry District in Plan Book _____, Plan _____) and said lots are hereby released from the restrictions as to sale and building specified in said Approval with Covenant Contract - Form I.

Planning Board of the Town of West
Newbury, Massachusetts

By _____

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

Date: _____, 20____

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My Commission expires: _____

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

Checklist for Approval Not Required Plans (Form A)
(Ch. 41, S81P)

(This checklist is for Planning Board use; however, the Applicant may find it useful for plan preparation.)

Date Plan Filed: _____ (+21 Days) = Final Decision Due on: _____

Refer to Planning Board Subdivision Rules and Regulations Section 3.1.

(Checked-Off Items are Complete, Circled Items are Incomplete, or N/A - Item Not Applicable)

- _____ One (1) Reproducible Plan
- _____ 3 Prints of Plan
- _____ Completed Form A Application with Town Clerk's Date Stamp
- _____ Copy of Application & Plan Filed with Town Clerk
- _____ Title Block
- _____ "Approval under the Subdivision Control Law Not Required", Signature Area & Notation
- _____ Zoning District(s) Identified & Boundaries Shown
- _____ Reference to Special Permits/Variations, etc.
- _____ Locus Map (Scale: 1"=1,200' or other acceptable scale)
- _____ Location & Names of Abutters
- _____ Street & Ways (Location, Status, R.O.W. & Pavement Width, Scenic Roads Noted)
- _____ Bearings, Distances & Curve Data of Streets, Easements, Lot Lines; Exist. Bounds
- _____ Lot Numbers, Area of Lots & Easements; Areas in Square Feet & Acres
- _____ Lot Frontage & Lot Width for Each Lot
- _____ All Land Area Affected by Division Including Remaining Land(s) of Applicant(s)/Owner(s)
- _____ Each Lot Not Complying with Zoning Designated as "Not a Building Lot"
- _____ Existing Structures, Wells, Septic System & Setbacks
- _____ Stonewalls, Fences, Cart Paths, Drives, Trails, Streams, Brooks, Water Bodies
- _____ Trees (Over 10" in Caliper) Along a "Scenic Road"
- _____ Location of any topographic features which interfere with the use of the frontage for access.
- _____ Deed References of Locus & Abutting Lots
- _____ North Point & Reference of Origin
- _____ Lot(s) Shown on Plan Meet Criteria of Section 3.1.2.20.

FILING FEE: See Section 2.5. of Subdivision Regulations for Filing Fees.

CHECKLIST – ANR PLAN
Page 1 of 2

_____ Application and Plan Complete & Accepted

_____ Application and Plan Incomplete (see Items Circle Above)

Comments: _____

_____ Plan Endorsed by Planning Board

_____ Plan Not Endorsed by
Planning Board
(see attached reasons)

Planning Board Action Filed with Town Clerk on: _____

The original of the plan shall be returned to the Applicant, who shall record it at the Registry of Deeds within ten (10) days, and return a receipt of recording to the Planning Board within fourteen (14) days. The Planning Board shall also notify the Town Clerk in writing of its action within 21 days of the date of submission.

CHECKLIST – ANR PLAN

Page 2 of 2

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

Checklist for Preliminary Subdivision Plans (Form B)
(Ch. 41, S81S)

(This checklist is for Planning Board use; however, the Applicant may find it useful for plan preparation.)

Date Plan Filed: _____ (+45 Days) = Final Decision Due on: _____

Refer to Planning Board Subdivision Rules and Regulations Section 3.2.

(Checked-Off Items are Complete, Circled Items are Incomplete, or N/A - Item Not Applicable)

- _____ One (1) Set of Reproducible Plan(s) & 14 Prints
- _____ 2 Prints of Plan(s) to the Board of Health with Copy of Form B
- _____ Completed Form B Application and Set of Plan(s) with Town Clerk's Date Stamp
- _____ Written Notice, Copy of Application & Plan(s) Filed with Town Clerk
- _____ Subdivision Name, Boundaries, North Arrow, Scale, Date
- _____ Names and Addresses of Record Owner(s), Applicant(s), and Engineer & Surveyor
- _____ Deed References of Locus & Abutting Lots
- _____ North Point & Reference of Origin
- _____ Zoning District(s) Identified & Boundaries Shown
- _____ Reference to Special Permits/Variations, etc.
- _____ Locus Map (Scale: 1"=1,200' or other acceptable scale)
- _____ Names of All Abutters (within 300') as They Appear on the Most Recent Tax List
- _____ Street & Ways (Location, Status, R.O.W. & Pavement Width, Scenic Roads Noted)
- _____ Location & Identification of All Existing Utilities
- _____ Lot Lines with Approximate Dimensions and Lot Areas; Lot Numbers
- _____ Area of Adjoining Land and Water of the Record Owner(s)/Applicant(s) Not Presently Being Subdivided
- _____ Public Areas Abutting or within Subdivision
- _____ Existing and Proposed Topography showing Drainage Patterns and Water Bodies
- _____ Major Land Features: Existing Structures, Wells, Septic Systems, Monuments
- _____ Stonewalls, Fences, Cart Paths, Drives, Trails, Streams, Brooks, Water Bodies
- _____ Trees (Over 10" in Caliper) Along a Scenic Road
- _____ Wetlands and Flood Plain Areas
- _____ Existing and Proposed Center Line Profile(s) of All Proposed Streets and Ways
- _____ Proposed Drainage Systems with Easements
- _____ All Proposed Utilities: Sewer, Water, Electric, Telephone, Gas, etc.
- _____ Existing and Proposed Easements and/or Right-Of-Ways Affecting Subdivision
- _____ Lots Shown on Plan Comply with the Applicable Provisions of the Zoning By-Law
- _____ A List of Requested Waiver for Consideration
- _____ A Project Information Summary, Schedule D

CHECKLIST – PRELIMINARY SUBDIVISION PLAN

Page 1 of 2

FILING FEE: See Section 2.5. of Subdivision Regulations for Filing Fees.

_____ Application and Plan Complete & Accepted

_____ Hearing Date Set For _____

_____ Application and Plan Incomplete (see Items Circle Above)

Comments: _____

_____ Plan Approved by Planning Board _____ Plan Disapproved by
Planning Board
(see attached reasons)

Planning Board Decision Filed with Town Clerk on: _____

CHECKLIST – PRELIMINARY SUBDIVISION PLAN

Page 2 of 2

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

Checklist for Definitive Subdivision Plans (Form C)
(Ch. 41, S81O and S81U)

(This checklist is for Planning Board use; however, the Applicant may find it useful for plan preparation.)

Date Plan Filed: _____ (+90 Days) = Final Decision Due on: _____

Refer to Planning Board Subdivision Rules and Regulations Section 3.3.

(Checked-Off Items are Complete, Circled Items are Incomplete, or N/A - Item Not Applicable)

- _____ One (1) Set of Reproducible Plan(s) & 14 Prints
- _____ 2 Prints of Plan(s) to the Board of Health with Copy of Form C
- _____ Completed Form C Application with Town Clerk's Date Stamp
- _____ Written Notice, Copy of Application & Plan(s) Filed with Town Clerk
- _____ Environmental Impact Statement (Schedule E)
- _____ Stormwater Management Report
- _____ Certified Copy of Recorded Deed
- _____ Certified List of Abutters as They Appear on the Most Recent Tax List (Form E)
- _____ List of Requested Waivers and Reasons for Request(s)
- _____ Estimated Construction Schedule for Completion of Subdivision Improvements
- _____ Statement Identifying Type of Proposed Performance Guarantee for Completion (Form I or J)
- _____ Quitclaim Deed(s) (Metes & Bounds) for Streets, Ways, Public Areas, Open Spaces

Required Filing Fee: See Section 2.5. of Subdivision Regulations for Filing Fees.

Form and Contents of Plans:

- _____ Definitive Plan Set Includes All Required Sheets per Section 3.3.3.1.1.
- _____ Plan Sheets Measure 24" x 36" with One (1) Inch Borders
- _____ Plans Prepared in Accordance with Register of Deeds or Land Court Requirements
- _____ Signature Blocks for Planning Board and Town Clerk Provided on Each Sheet
- _____ Space for Listing and Dating Revisions Provided on Each Sheet
- _____ Title Block Provided on Each Sheet after Cover Sheet
- _____ Each Sheet (including copies) Contains Original Seal and Signature of Preparer(s)

Checklist for Definitive Subdivision Plans (Form C) - Continued

Cover Sheet

- _____ Subdivision Name and Locus Plan (at a Scale of 1"=1,200')
- _____ Names and Addresses of Record Owner(s) and Applicant(s)
- _____ Names and Addresses of Engineer, Land Surveyor, and All Other Professionals
- _____ Zoning District(s) Identified and Boundaries Shown
- _____ Index to All Plan Sheets and Legend
- _____ Project Bench Mark Data and Reference to Starting Bench Mark; NGVD-1929 MSL

Existing Conditions Plan

- _____ Major Existing Land Features
- _____ Existing Contours at 2-Foot Intervals Extending 50' Beyond Boundaries of Subdivision
- _____ Perimeter Boundaries (Metes/Bounds) of Locus and All Monumentation With Ties
- _____ Locations, Names, Widths of All Streets/Ways Whether Public or Private Abutting/Near Subdivision
- _____ Existing Structures on Locus or Within 50' of Boundary

Lotting Plan

- _____ Plan Prepared at a Scale of 1"=40' or other Scale as Required by the Board
- _____ Bearings, Distances & Curve Data Shown on All Streets, Easements, & Lot Lines
- _____ Names and Locations of All Abutters as They Appear on the Most Recent Tax List
- _____ Existing and Proposed Permanent Monuments and Ties to Two Existing Monuments
- _____ Areas in Sq. Feet and Acres (nearest 3 decimals) Shown for Each Lot & Easement
- _____ Total Frontage and Lot Width (at the front setback line) Shown for Each Lot
- _____ Lots Not Meeting Min. Zoning Requirements Designated as "Not A Building Lot"
- _____ Lot Numbers and House Numbers Shown for Each Lot
- _____ Location, Name, Status, Right-of-Way & Pavement Widths Shown for Exist. Streets
- _____ Streets Designated as Scenic Roads Noted
- _____ Zoning District(s) Identified and Boundaries Shown
- _____ References to Exist. or Proposed Covenants, Restrictions, Variances, Special Permits
- _____ Plan & Deed References of Parcel, Streets, Ways, Easements, and Abutting Lots
- _____ North Arrow Identified and Reference to Origin

Grading Drainage and Utilities Plan

- _____ Plan Prepared at a Scale of 1"=40' or other Scale as Required by the Board
- _____ Contours Shown at a Two Foot Interval or Other Interval as Required by the Board
- _____ Exist. and Proposed Boundaries of All Lots, Streets, Ways, & Easements Shown
- _____ Exist. Contours in and within 50' of the Subdivision Shown
- _____ Proposed Contours Indicating Finished Grades Shown
- _____ Spot Elevations Shown in Areas where Exist. or Proposed Grades are 1% or Less

CHECKLIST – DEFINITIVE SUBDIVISION PLAN

Page 2 of 5

Checklist for Definitive Subdivision Plans (Form C) - Continued

- _____ Extent of All Exist. & Proposed Streets, Drives, Walks, Ramps, Parking, etc. Shown
- _____ Stationed Center Line(s) of Proposed Streets(s) Shown
- _____ Stone Walls, Fences, & Cart Paths Within, Bounding, or Crossing Subdivision Shown
- _____ Existing Structures in the Subdivision and within 50' of Subdivision Shown
- _____ All Exist. Wells and Septic Systems in and within 100' of the Subdivision Shown
- _____ Location & Identification of All Groundwater Observation and Percolation Test Pits
- _____ Logs of Observed Data from Test Pits Shown on Plan or Separate Sheet
- _____ Exist. & Proposed Water Courses, Drainage Ditches, Streams, Brooks, Water Bodies and Retention or Detention Basins Shown
- _____ The Annual & 100 Year High Water Elevation Shown for All of the Above
- _____ Location & Identification of All Wetlands in & within 200' of the Subdivision
- _____ Location of the 100 Year Flood Boundary in and within 100' of the Subdivision
- _____ Location & Identification of All Exist. & proposed Above & Below Ground Utilities
- _____ Location & Identification of All Permanent Project Bench Marks
- _____ Two (2) Bench Marks Shown for Each Proposed Street
- _____ Location, Size, & Type of Proposed Street Trees Shown
- _____ Location and Method of Proposed Erosion/Sedimentation Control(s) Shown
- _____ Location of Proposed Stocking Area(s) of "Earth" Materials Shown
- _____ Location of Area(s) for Disposal of Surplus "Earth" Materials & Finished Grades
- _____ The Volume of "Fill" in the Above Disposal Area(s) is Indicated
- _____ Location of Area(s) to be Utilized for Borrow Materials and Finished Grades
- _____ The Volume of "Cut" in the above Borrow Area(s) is Indicated
- _____ Statement with Respect to the Volume of "Earth" Materials to be Removed Off Site
- _____ Statement with Respect to the Volume of "Fill" Materials to be Obtained Off Site
- _____ Statement with Respect to the Volume of Removed Off Site (If materials are to exported from or imported to the site, an additional permit may be required from the Board of Selectmen. See the West Newbury Soils Removal By-Law.)
- _____ Statement with Respect to the Volume of Obtained Off Site (If materials are to exported from or imported to the site, an additional permit may be required from the Board of Selectmen. See the West Newbury Soil Removal By-Law.)

Street Plan and Profile

- _____ Plan Prepared at a Horizontal Scale of 1"=40' or Other Scale as Required by the Board
- _____ Bearings & Distances of All Tangents along Center Line and Right-of-Way
- _____ Radii, Arc Length and Central Angle of All Curves along Centerline and Right-of-Way
- _____ Points of Intersection of All Tangents & Tangent Lengths of All Center Line Curves
- _____ Center Line Stations at 50' Intervals & at PC's and PT's of All Curves
- _____ Station Equation(s) at Center Line Intersections
- _____ Exist. & Proposed Lot Lines Intersecting Street Right-of-Way; Lot Nos.
- _____ Bearings & Distances of All Exist. & Proposed Easements
- _____ Exist. & Proposed Pavements & Dimensions for All Streets, Sidewalks, Drives, etc.
- _____ Exist. & Proposed Curbs and Berms; Materials Identified

CHECKLIST – DEFINITIVE SUBDIVISION PLAN

Page 3 of 5

Checklist for Definitive Subdivision Plans (Form C) - Continued

- _____ Exist. & Proposed Drainage Facilities with Pipe Sizes & Materials including Catch Basins, Manholes, Culverts, Headwalls, Detention/Retention Basins & Outlet Pipes or Structures with Rim and Invert Elevations
- _____ Exist. & Proposed Water Mains with Sizes & Materials, Hydrants, Gates, etc.
- _____ Exist. & Proposed Gas Mains
- _____ All Other Exist. & Proposed Above & Below Ground Utilities; Electric, Telephone, Cable TV, Poles, Conduits, Transformers, & Appurtenances
- _____ Exist. & Proposed Street Trees
- _____ Two (2) Permanent Bench Marks for Each Proposed Street; Location Identified
- _____ Profile Prepared at a Vertical Scale of 1"=4' or Other Scale as Required by the Board
- _____ Exist. Center Line Profile Drawn with a Fine Dashed Line
- _____ Exist. Elev's Labeled at 50' Intervals, at Stations of Vertical Curves & Intersections
- _____ Exist. Left Right-of-Way Profile Drawn in a Fine Dotted Line
- _____ Existing Right Right-of-Way Profile Drawn in a Fine Dashed Line
- _____ Proposed Center Line Profile Drawn in a Solid Line
- _____ Proposed Stations and Elevations Labeled at 50' Intervals and at PVC's, PVI's and PVT's
- _____ Center Line Intersection Points Shown Exist. & Proposed Elev. & Station Equation
- _____ Gradient Lines Labeled with the Percent Rate of Grade
- _____ Length of Vertical Curves Labeled; Sight Distances Shown (see Section 4.2.7.)
- _____ Exist. & Proposed Drainage Facilities; Drain Lines, Catch Basins, Manholes, Culverts, Headwalls, Outlet Pipes/Structures with Pipe Sizes, Slopes, & Elev's.
- _____ Station & Offsets Indicated for All Drainage Structures
- _____ Exist. & Proposed Water Mains; Pipe Sizes, Depths of Cover, & Laterals to Hydrants
- _____ Stations and Offsets Indicated for All Hydrants
- _____ Vertical Clearances Labeled for All Crossing Utilities

Typical Sections, Details and Notes

- _____ Plan(s) & Profile(s) Details & Sections Drawn at Appropriate Scales
- _____ Typical Cross Section of Each Proposed Street
- _____ Location and Depths of Cover of All Utilities Shown on Typical Cross Section
- _____ Cross Section(s) and Details of All Proposed Retention/Detention Basins; Exist. & Proposed Grades; Inlet Pipes with Inverts & Full Flow Capacities; Outlet Control Structures & Pipes with Inverts & Full Flow Capacities, 10 & 100 Year Storm Water Elev's; Details & Elev's of Emergency Spillway Structure(s); Embankment Construction & Slope Treatment; Top of Dam Elev. & Volume of Storage Capacity
- _____ Profiles & Cross Sections of All Cross Country Drain Lines, Swales or Ditches
- _____ Details of All Drainage Structures; Catch Basins, Manholes, Headwalls, Flared-End Sections, Outlet & Velocity Control Structures, & Rip-Rap Slopes & Channels
- _____ Details of Hydrants, Blow-Off Valves, and Thrust Blocks
- _____ Detail(s) of Curb Installation(s)
- _____ Detail of Handicap Ramp
- _____ Detail of Guardrail(s)
- _____ Detail(s) of Erosion/Sedimentation Control Devices
- _____ Plans, Details, Sections & Profiles of All Other Proposed Utilities, Structures or Facilities

CHECKLIST – DEFINITIVE SUBDIVISION PLAN

Page 4 of 5

Checklist for Definitive Subdivision Plans (Form C) - Continued

_____ Specific & General Notes Identifying the Standards of Materials and Construction
Methods of All the Proposed Elements in the Subdivision

_____ Application and Plan Complete & Accepted

_____ Hearing Date Set for _____

_____ Application and Plan Incomplete (see Items Circled Above)

Comments: _____

_____ Plan Approved by Planning Board

_____ Plan Disapproved by Planning
Board (see Attached Reasons)

Planning Board Decision Filed with Town Clerk on: _____

CHECKLIST – DEFINITIVE SUBDIVISION PLAN

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