

# **RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN NORTH ATTLEBOROUGH, MASSACHUSETTS**

(Adopted under the Subdivision Control Law  
Sections 81-K to 81-GG inclusive, Chapter 41, M.G.L.)

## **SECTION 1**

### **PURPOSE AND AUTHORITY**

#### **1.1 Purpose**

The Rules and Regulations Governing the Subdivision of Land in North Attleborough, Massachusetts, have been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of North Attleborough by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Planning Board and the Board of Appeals under these Rules and Regulations shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; for ensuring compliance with the North Attleborough Zoning By-Laws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, street lighting, and other similar municipal equipment, and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions. It is the intent of these Rules and Regulations that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendation of the Board of Health and to these Rules and Regulations; provided, however, that the Planning Board may, when appropriate, waive, as provided for in Section 7.2 such portions of these Rules and Regulations as is deemed advisable.

#### **1.2 Authority**

Under the authority vested in the Planning Board of the Town of North Attleborough 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 North Attleborough.

## SECTION 2

### DEFINITIONS

For the purpose of These Rules and Regulations, unless a contrary intention clearly appears, the terms and words defined in the Subdivision Control Law shall have the meaning given therein. The following other terms and words shall have the following meanings:

- 2.1 Applicant:** Either the owner of the land stated in the application for subdivision or all the owners where title is held jointly, in common, or in tenancy by the entirety, including corporations. An agent, representative, or his assigns may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of their officers and designated authority to sign legal documents shall be required for a corporation.
- 2.2 Board:** The Planning Board of the Town of North Attleborough.
- 2.3 Engineer:** Any person who is registered by the Commonwealth of Massachusetts to perform professional civil engineering services.
- 2.4 Principal Street:** Street which receives and distributes traffic from and to various subareas within a given region, and receives traffic from a given area, and carries it to an arterial highway. These roads run through developed areas or connect concentrations of development, and carry significant volumes of traffic.
- 2.5 Minor Street:** Street which primarily provides access to adjacent land uses.
- 2.6 Subdivision:** The division of a tract of land into two or more lots including resubdivision, and, when appropriate to the context, relating to the process of subdivision of the land or territory subdivided; provided, however, that a division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law, if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way, or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan previously approved and endorsed in accordance with the Subdivision Control Law, or its predecessors, or (c) a way in existence when the Subdivision Control Law became effective in the Town of North Attleborough 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. Such frontage shall be of at least such distance as is then required by zoning or other by-law for the erection of a building on such lot. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control went into effect in the Town of North Attleborough into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

- 2.7 **Subdivision Control Law:** Refers to Sections 81-K to 81-GG, inclusive, of Chapter 41, of the General Laws of the Commonwealth of Massachusetts, entitled "Subdivision Control" including all subsequent amendments thereto.
- 2.8 **Subdivision, Type I:** A subdivision for residential purposes other than multi-family dwellings.
- 2.9 **Subdivision, Type II:** A subdivision for multi-family dwellings, business or industrial purposes.
- 2.10 **Surveyor:** Any person who is registered by the Commonwealth of Massachusetts to perform land surveying services.
- 2.11 **Zoning By-Laws:** The Zoning By-Laws of the Town of North Attleborough, Massachusetts, in effect as of July, 1974, As Amended.

## SECTION 3

### GENERAL

#### 3.1 **Limitation of One Dwelling on Any Lot**

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 of North Attleborough without the consent of the Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision. Plans for developments subject to this paragraph shall be submitted along with a properly executed Form O.

#### 3.2 **Plan Believed Not to Require Approval**

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan and application Form A (see Forms) with an initial fee of \$75.00 to the Board, accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or by registered or certified 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. If notice is given by delivery, the clerk shall, if requested, give a written receipt to the person who delivered such notice.

A plan believed not to require approval shall contain, as a minimum, the following information:

- (a) Stamp of Massachusetts registered professional land surveyor who prepared the plan.
- (b) Locus at 1 = 1000' or 1" = 2000', sufficient to determine the exact location of the site.
- (c) Exterior boundaries of the site.
- (d) True north point.
- (e) Scales.
- (f) Name(s) and address(es) of record owner(s) and applicant(s).
- (g) Registry book and page where property is recorded.
- (h) Assessor's plat and lot.
- (i) Existing and proposed lot lines within the site.
- (j) Name and plan location of all abutters indicating limits of contiguous boundaries and those owners of land separated from the site only by a street.
- (k) Location, names, and present widths of streets bounding, approaching, or within reasonable proximity of the site.
- (l) Zoning district and proposed use.
- (m) Location of existing structures, including setbacks from existing and/or proposed lot lines.
- (n) Boundary lines, areas in square feet, and dimensions of all proposed lots within the site with all lots designated numerically and in sequence.
- (o) Suitable space to record the action of the Planning Board and signatures of the members of the Board on each sheet.

The information required in this Section 3.2 shall also be submitted on a Windows compatible 3.5" floppy disk or CD in DXF (drawing exchange file) format. All digital data shall conform to the following guidelines:

The coordinate system shall be Massachusetts State Plane coordinates using the new North American Datum of 1983 (NAD83) and the newer North American Vertical Datum of 1988 (NAVD). Plan submittals shall be "tied into" real world State Plane coordinates using the datums specified above. To demonstrate this tie down, all features shall be stored in Massachusetts State Plane Coordinate System and the plan location and

coordinate values of at least two known points in the established North Attleborough grid system shall be included in the submitted DXF files. A list and description of the data layers contained in the DXF files shall be submitted on the disk or CD containing the DXF files in an accepted spreadsheet or database format.

If a plan submitted under this section shows lots in a subdivision which are subject to conditions and restrictions of a covenant or to conditions imposed by the Board at the time of Definitive Plan approval, the date of such approval and reference to the conditions shall appear on the plan.

The Planning Board's endorsement of its determination that a plan does not require approval as a subdivision does not mean that the lots shown may be built upon; this is a separate determination made by the Building Inspector or other official charged with enforcement of the Zoning By-Laws. If land is divided or if lots are established in violation of these Rules and Regulations, the Building Inspector may deny building permits for all such lots, including those lacking the required street frontage or other requirements, as well as the remaining conforming lots. This enforcement shall be in addition to other actions, as provided by these Rules and Regulations and by other laws and regulations.

If the Board determines that the plan does not require approval, it shall forthwith, without a public hearing and within 21 days of submission, endorse on the plan the words "Planning Board approval under the Subdivision Control Law not required." Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within 21 days of submission of said plan, give written notice to the applicant and return the plan. The Board shall also give such written notice to the Town Clerk of its determination.

If the Board fails to act upon the plan within the prescribed 21 days, it shall be deemed to have been determined that approval under the Subdivision Control Law is not required.

### **3.3 Subdivisions**

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvements or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Board as hereinafter provided.

### **3.4 Effect of Prior Recording of Subdivision Land**

The recording of a plan of land within the Town in the Registry of Deeds of Bristol County prior to the effective date of the Subdivision Control Law in the Town of North Attleborough, showing the division thereof into existing or proposed lots, sites or other divisions and ways furnishing access thereto, shall not exempt such land from the application and operation of these Rules and Regulations except as specifically exempt by Section 81-FF of the Subdivision Control Law.

## SECTION 4

### PROCEDURES FOR THE SUBMISSION AND APPROVAL OF PLANS

#### 4.1 Preliminary Plan

- 4.1.1 General.** To prevent costly changes in final detailed engineering drawings and to expedite the Board's review of the proposed subdivision, it is considered indispensable by the Board that a Preliminary Plan be submitted by the applicant to the Board of Health and to the Board for discussion and approval by the Board. The submission of such a Preliminary Plan will enable the subdivider, the Board, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is **strongly** recommended that a Preliminary Plan be filed in every case.

The Planning Board may in its discretion require a public hearing on the application for a preliminary plan at the expense of the applicant. Said hearing shall be held by the Planning Board within 30 days of filing the plan with the Board in accordance with the fee schedule and filing procedures elsewhere specified in this Section. Notice of the time and place of the hearing, and of the subject matter, sufficient for identification, shall be given by the Board at the expense of the applicant by advertisement in an official publication or newspaper of general circulation in the Town of North Attleborough once, the publication being not less than 10 days before the day of such hearing. A copy of said notice shall be sent by registered or certified mail to the applicant and to all owners of land abutting upon the subdivision or separated from such land only by a street as appearing in the most recent tax list.

A properly executed application Form B (see Forms), five copies of the Preliminary Plan, and an initial fee of \$100.00 shall be filed with the Preliminary Plan submitted to the Board and a fee to cover the cost of mailing notices, which shall consist of the rate, at the time of filing of mailing a certified letter, return receipt requested, multiplied by the number of names listed on the certified abutters list plus the name(s) of the applicant(s) plus the cost of six additional first class letters, to be paid at the time of plan submission, with additional cost billed as incurred to cover the cost of advertising and notices which shall be paid at the time of the public hearing by the applicant directly to the newspaper in which the hearing notice was published. The applicant shall submit with the Preliminary Plan a List of Abutters. Name and mailing address of all the abutters as they appear on the most recent tax list, including owners of land separated from the subdivision only by a street. The applicant shall obtain a certificate of the Board of Assessors that all abutters are listed.

In the case of a subdivision showing lots in a residential zoning district, any person, before submitting his Definitive Plan for approval, may submit to the Planning Board and to the Board of Health, a preliminary plan, and shall give written notice to the Town Clerk by delivery or by registered mail, postage prepaid, that he has submitted such plan.

In the case of a nonresidential subdivision, any person before submitting his definitive plan for approval shall submit to the Planning Board and the Board of Health, a preliminary plan, and shall give notice to the Town Clerk by delivery or by registered mail, postage prepaid, that he has submitted such plan.

In either case, if the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.

Within forty-five days after submission of a Preliminary Plan, both the Planning Board and the Board of Health shall notify the applicant and the Town Clerk by certified mail, either that the plan has been approved, or that the plan has been approved with modifications suggested by the Board or agreed upon by the person submitting the plan, or that the plan has been disapproved and in the case of disapproval, the Board shall state in detail its reasons therefor. The Planning Board shall notify the Town Clerk of its approval or disapproval, as the case may be. Except as is otherwise provided, the provisions of the Subdivision Control Law relating to a plan shall not be applicable to a Preliminary Plan, and the Register of Deeds shall not record a Preliminary Plan. The action of the Board, conveyed in writing to the applicant and the Town Clerk, shall include a statement that the action relates to a concept shown in a Preliminary Plan and is not a subdivision approval or disapproval.

**4.1.2 Contents.** The Preliminary Plan shall be drawn on tracing paper 24 inches by 36 inches with pencil at a scale of 1" = 40'.

An inset shall be included in the lower left corner of the Preliminary Plan at a scale of 1" = 2,000' showing the location of the subdivision within the Town. Five prints, dark line on white background, shall be filed with the Board and one print with the Board of Health by the applicant.

Said preliminary Plan shall show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan. Such information shall include the material required by items "a" to "g", inclusive of the Contents of the Definitive Plan (Section 4.2.2), plus the legend and title "Preliminary Plan," name of the designer, engineer, or surveyor responsible for the plan, (proposed system of drainage), approximate boundary lines of proposed lots, with approximate areas and dimensions, and (topography of land at ten foot contour intervals.) During the discussion of the Preliminary Plan, the complete information required by the Definitive Plan, Section 4.2 and the financial arrangements, Section 4.9.1 will be developed.

## **4.2 Definitive Plan**

**4.2.1 General.** Any person who submits a Definitive Plan of a subdivision to the Board for approval shall file with the Board the following:

- a. An original drawing of the Definitive Plan and five contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.

- b. A properly executed application (Form B-1).
- c. A Definitive Plan or a Plan for Abandonment of Unaccepted Ways, or other pertinent Planning Board business as determined by the Board shall require an initial fee of \$150.00 plus \$2.00 per linear foot of roadway and a fee to cover the cost of mailing notices, which shall consist of the rate, at the time of filing of mailing a certified letter, return receipt requested, multiplied by the number of names listed on the certified abutters list plus the name(s) of the applicant(s) plus the cost of six additional first class letters, to be paid at the time of plan submission, with additional cost billed as incurred to cover the cost of advertising and notices which shall be paid at the time of the public hearing by the applicant directly to the newspaper in which the hearing notice was published. The applicant shall file by delivery, or registered or certified mail a notice with the Town Clerk stating the date of submission for such approval.

If the hiring of any consultant is deemed necessary by the Planning Board to analyze any submitted plan or to perform inspection services on any approved plan, the cost shall be agreed to, and levied on the applicant. Said applicant shall pay for those costs, as determined by the Planning Board, in full, at the time of plan submittal, via certified check. Any excess charges NOT used shall be refunded. If additional monies are necessary, they shall be forwarded to the Planning Board as required, prior to plan approval, or, in the case of inspection services, prior to the final release of any bond or other security held on the subdivision.

1. When reviewing an application for Subdivision Approval under Section 81Q of Chapter 41 of the General Laws, or for the inspection of construction within an approved subdivision, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed subdivision or because of a subdivision's potential impacts. The Planning Board can require that the Applicant pay a "review fee" consisting of the reasonable costs initially estimated to be incurred by the Planning Board and actually incurred over the initial estimate for the employment of outside consultants engaged by the Planning Board to assist in the review of an application. In all cases of the inspection of construction within an approved subdivision, the Planning Board shall require that the applicant pay an "inspection fee" consisting of the reasonable costs initially estimated to be incurred by the Planning Board and actually incurred over the initial estimate for the employment of outside consultants engaged by the Planning Board to perform said inspection services.

2. In hiring outside consultants, the Planning Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Planning Board in analyzing a subdivision to ensure compliance with the Subdivision Control Law, the Planning Board's rules and regulations, and other applicable laws or by-laws.

3. Funds received by the Planning Board pursuant to this section shall be deposited

with the Town Treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation. Expenditures from this special account shall be made only in connection with the review or inspection of a specific subdivision(s) for which a review fee has been collected from the Applicant. Failure of an Applicant to pay in full the total review fee shall be grounds for denial of the Subdivision Plan or denial of the release of the bond held on the subdivision in the case of inspection services.

4. Review fees and/or inspection fees may only be spent for services rendered in connection with the specific subdivision from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Planning Board's review of a subdivision and the expiration of any applicable appeal period after its decision is filed with the Town Clerk, any excess amount in the account particular to review fees, including interest, attributable to a specific subdivision, shall be repaid to the Applicant or the Applicant's successor in interest, if approved in writing by the Applicant. A final report of said account shall be made available to the Applicant or the Applicant's successor in interest within 30 days after the expiration of the applicable appeal period from the filed decision. For the purpose of this regulation, any person or entity claiming to be an Applicant's successor in interest shall provide the Board with documentation establishing such succession in interest if there is no writing from the Applicant. In the case of fees for inspection services, this paragraph shall apply to activities prior to the final release of any bond or other security held on the subdivision.

5. Any Applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen within thirty (30) days of the consultant's hiring by the Planning Board. The grounds for such a written appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application or inspection service by the Planning Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following its receipt of the written appeal, the selection made by the Planning Board shall stand.

- d. A location plan of the subdivision at a scale of 1" = 1,000 ft. showing the right-of-way lines of all proposed streets in the subdivision and their location in relation to two or more existing streets, or portions thereof, shown and readily identifiable as to locus on the Town Map and to such accuracy that the Town Map may be placed over the location plan for purposes of actual transfer to the Town Map.

- e. Evidence that the Definitive Plan conforms to the approved Preliminary Plan or that the Definitive Plan includes the modifications required by the Board's action on the Preliminary Plan.
- f. List of Abutters. Name and mailing address of all the abutters as they appear in the most recent tax list, including owners of land separated from the subdivision only by a street. The applicant shall obtain a certificate of the Board of Assessors that all abutters are listed.
- g. A sketch plan showing a possible or prospective street layout for any adjacent unsubdivided land owned or controlled by the owner or applicant of the subdivision and also showing topography, unless such a plan has already been submitted to the Board.
- h. The applicant shall also by delivery or registered or certified mail, postage prepaid, file written notice to the Town Clerk stating the date of submission of the Definitive Plan, accompanied by a copy of the completed application (Form B-1). If notice is given by delivery, the Town Clerk shall give, if requested, a written receipt to the person who delivered such notice.

**4.2.2 Contents.** The Definitive Plan shall be prepared by a registered professional engineer or land surveyor licensed by the Commonwealth of Massachusetts and shall be clearly and legibly drawn in black India ink upon mylar or a similar stable base material. The plan shall be at a scale of 1" = 40' or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes shall be 24 inches by 36 inches with a 1-inch border on all sides. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The information required in this Section **4.2.2** shall also be submitted on a Windows compatible 3.5" floppy disk or CD in DXF (drawing exchange file) format. All digital data shall conform to the following guidelines:

The coordinate system shall be Massachusetts State Plane coordinates using the new North American Datum of 1983 (NAD83) and the newer North American Vertical Datum of 1988 (NAVD). Plan submittals shall be "tied into" real world State Plane coordinates using the datums specified above. To demonstrate this tie down, all features shall be stored in Massachusetts State Plane Coordinate System and the plan location and coordinate values of at least two known points in the established North Attleborough grid system shall be included in the submitted DXF files. A list and description of the data layers contained in the DXF files shall be submitted on the disk or CD containing the DXF files in an accepted spreadsheet or database format.

The Definitive Plan shall contain the following information:

- a. Subdivision name, boundaries, true north point, date of submission and scales.
- b. Names and address of record owner and applicant.

- c. Existing and proposed lines of streets, lots, rights-of-way, easements, and any public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board. Proper names for streets shall be avoided.) The use of names of deceased North Attleborough war veterans is encouraged for street names within subdivisions. The applicant shall consult with the Veteran's Agent for a list of potential veterans' names available for street names. The official name of a street may consist of the veteran's last name only, at the Planning Board's discretion, subject to the condition that the North Attleborough Veterans Memorial referred to in Section 5.7 Street Name Signs of these Rules and Regulations is provided and installed. Purpose of easements shall be indicated.
- d. Names and plan location of all abutters indicating limits of contiguous boundaries and those owners of land separated from the subdivision only by a street. This must agree with the Certified Abutters List.
- e. Location, names, and present widths of streets bounding, approaching, or within reasonable proximity of the subdivision.
- f. Location of natural waterways, indicating direction of flow, and all waterbodies or areas classified as wetlands.
- g. Major site features, such as existing stone walls, fences, buildings, large trees, rock ridges, and out-croppings, swamps, historic features, and wooded areas.
- h. Sufficient data including lengths, bearings, radii, tangent distances, and central angles to determine the exact location, direction, and length of every street and way line, lot line, and boundary line, and to establish these lines on the ground.
- i. Location of all permanent monuments and bench marks identified as to whether existing or proposed. All bench marks shall be on U.S. Geodetic.
- j. Boundary lines, areas in square feet, and dimensions of all proposed lots, with all lots designated numerically and in sequence.
- k. A plan illustrating the general grading for off lot drainage for each lot is required with a supplementary hydrology report prepared by a P.E. illustrating the drainage patterns of the land.
- l. Name of the engineer and/or surveyor who prepared the plan with respective certificates and seals.
- m. Suitable space to record the action of the Board and the signatures of the members of the Planning Board on each sheet of the Definitive Plan. Also, a reference to the conditions of approval shall be located on the Definitive Plan to be signed by the Planning Board and registered by the Registry of Deeds in Bristol County. A receipted copy must be filed with the Town Clerk and the Planning Board upon

completion. If the plan does not require any Orders of Condition from the Conservation Commission, a line indicating such shall be located on the Definitive plan as well. Where the applicant elects to secure completion of required improvements by covenant (rather than bonds or surety), there shall be a notation above such space as follows:

Approved....., subject to covenant conditions set forth in a covenant executed by....., dated ....., and recorded - Bristol County N.D. Registry of Deeds, Book No. ...., Page No. .... .

Items n, o, p, q, and r shall be submitted on separate sheets for each at a scale of 1" = 40' or such other scale as the Board may accept to show details clearly and adequately. Sheet size shall be 24-inches by 36-inches with a 1-inch border on all sides.

- n. Existing and proposed topography of all street layouts, drainage areas, and proposed finished grading of lots, with 2-foot contour intervals, unless the Board agrees that the natural surface of the ground may be adequately represented by contours with larger intervals or by figures of elevation. (The existing and proposed topographical information presented shall be sufficient to define the grading of each proposed lot, driveway, and street.)
- o. Existing and proposed profiles of the centerline of proposed streets of a horizontal scale 1" = 40' and a vertical scale of 1" = 4' on datums specified above. Profiles shall also indicate the location of any intersecting public or private ways, and the location and size of existing and proposed storm drains, water mains, and sewers and their appurtenances, and other underground utilities to be placed in the right-of-way. The stationed centerline corresponding to the profile upon which above profiles were taken shall be shown in plan view
- p. Proposed layout of storm drainage, water supply and sewage disposal systems. The design computations for determining the required sizes of the storm drainage and sewer system shall be submitted with the said proposed utility layout.
- q. Location of, and finished elevation of, all driveways at the edge of the roadway layout.
- r. Any other pertinent information which the Planning Board may request.

**4.3 Review by Board of Health as to Suitability of the Land**

At the time of filing of the Definitive Plan, the applicant shall also file with the Board of Health two contact prints of the Definitive Plan, dark line on white background, including all items of the Contents of Definitive Plan described above.

Any lot so located that it cannot be served by a connection to the municipal sewer system shall be provided with a septic tank with a proper sanitary disposal system approved by the Board of Health.

The Board of Health shall, within 45 days after filing of the plan, report to the Board in writing its approval or disapproval of said plan. A copy of such report shall be sent to the applicant. 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.

Any approval of the plan by the Planning Board shall then only be given on condition that the designated lots or land shall not be built upon or served with any utilities (including septic tanks and a sanitary disposal system and drainage) without prior consent of the Board of Health. The Planning Board shall endorse on the plan such condition, specifying the lots or land to which such condition applies. Failure of the Board of Health to report shall be deemed approval by the Board of Health.

#### **4.4 Approval Under Massachusetts General Law, Chapter 131.**

Any persons submitting a subdivision for approval by the Board, said subdivision to be built upon any bank, flat, marsh, meadow, or swamp bordering on any inland waterways, if approved by the Planning Board, shall then be subject to Chapter 131 Section 40 of the General Laws of the Commonwealth.

#### **4.5 Approval by Other Town Boards.**

The applicant shall, before the public hearing, provide a copy of the application, plan and complete the signature sheet attached to the application providing evidence that the following departments have received a copy of the plan and application: Department of Public Works, Sewer, Water, Electric Department, Conservation Commission, the Board of Health and the Historic Commission. If the original plan is altered or modified in any way, the applicant must prove that the applicable departments have received the modified plans.

#### **4.6 Public Hearing.**

Before approval, modification and approval, or disapproval of a Definitive Plan is given, a public hearing shall be held by the Board. Notice of the time and place of the hearing, and of the subject matter, sufficient for identification, shall be given by the Board at the expense of the applicant by advertisement in an official publication or newspaper of general circulation in the Town of North Attleborough once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing. A copy of said notice shall be sent by registered or certified mail to the applicant and to all owners of land abutting upon the subdivision or separated from such land only by a street as appearing in the most recent tax list.

#### **4.7. Approval, Modification and Approval, or Disapproval.**

The Board shall take action on the Definitive Plan after the required hearing, but within the time period specified in the Subdivision Control Law from the date of submission of the Definitive Plan. The Board may approve, modify and approve or disapprove said plan as

provided by statute. The action of the 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, registered or certified mail, postage prepaid to the applicant at his address stated on the application. Favorable action shall require a majority of the Board members.

In the case of a nonresidential subdivision where a Preliminary Plan has been duly submitted and acted upon or where forty-five days has elapsed since submission of the said Preliminary Plan, and then a Definitive Plan is submitted, the failure of the Board either to take final action or to file with the Town Clerk a certificate of such action regarding the Definitive Plan submitted by an applicant within ninety days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Board with the Town Clerk.

In the case of a subdivision showing lots in a residential zoning district, where a Preliminary Plan has been acted upon by the Board or where at least forty-five days has elapsed since submission of the Preliminary Plan, an applicant may file a Definitive Plan. The failure of the Board either to take final action or to file with the Town Clerk a certificate of such action on the Definitive Plan within ninety days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Board with the Town Clerk.

In the case of a subdivision showing lots in a residential zoning district, where no Preliminary Plan has been submitted and acted upon or where forty-five days has not elapsed since submission of such Preliminary Plan, and a Definitive Plan is submitted, the failure of the Board either to take final action or to file with the Town Clerk a certificate of such action regarding the Definitive Plan submitted by an applicant within one hundred thirty-five days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Board with the Town Clerk.

If the Board modifies or disapproves such plan, it shall state with its vote the reasons for its action. Final approval, if granted, shall be endorsed on the reproducible drawings of the Definitive Plan by the signatures of the majority of the Board but not until the statutory 20-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed, or if appeal has been filed not until the entry of a final decree of the court sustaining the approval of such plan.

After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board, the Highway Department, Building Inspector and the Assessors with one print each.

Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision which action is reserved by statute to the Town Meeting.

#### **4.8 Recording of Plan.**

Within 10 days after the Definitive Plan, as approved and endorsed, has been recorded at the Bristol County Northern District Registry of Deeds and, in the case of registered land with the Recorder of the Land Court, the applicant shall notify the Board in writing of such recording.

At the time of recording, all public easements shall be duly documented and copies thereof sent to the Board.

Upon receipt of notification of recording, the Board shall file one print of the Definitive Plan with the Building Inspector. Unless the Building Inspector has received such print, he shall issue no permit for a building on any lot within the subdivision. Further, in accordance with the statute, where approval with covenant is noted thereon, he shall issue no permit for the construction of a building on any lot within the subdivision except upon receipt from the Board of a copy of the Certificate of Performance, releasing the lot in question.

#### **4.9 Performance**

**4.9.1 Performance Guarantee.** Before endorsement of the Board's approval of a Definitive Plan of a subdivision, the applicant shall agree to complete the required improvements specified in Section 6.0 for all lots in the subdivision, such construction and installation to be secured in accordance with Section 81 U of the Subdivision Control Law by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant.

- a. Approval with Bonds or Surety.** Before approval of the Definitive Plan of a subdivision, the applicant shall either file a surety company performance bond or provide a deposit of money or negotiable securities (formats for agreements are to be supplied by the Planning Board) in an amount determined by the Board, which may consult with the appropriate Town departments to be sufficient to cover the costs of all or any part of the improvements specified in Section 6.0 not covered by a covenant under "b" below. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Board and as acceptability of the sureties by the Board and shall be contingent on the completion of such improvements. The Board may require that the time be specified within which such construction and installation shall be **completed** as a condition for approval. At the discretion of the Board a time extension may be granted.
- b. Approval with Covenant (Form I).** Instead of filing a bond or depositing surety, the applicant may request approval of his Definitive Plan on condition that no lot in the subdivision shall be sold and no buildings shall be erected thereon until the improvements specified in Section 6.0 are constructed and installed so as to serve the lots adequately. The Board may give approval with the condition that the applicant will **complete all** roads and services within the time period the Board specifies or else the applicant's approval will be automatically rescinded.

Such conditions shall be contained in a separate agreement (Form I) and shall be referred to on the plan and recorded in the Registry of Deeds. When the subdivider has completed the required improvements specified in Section 6.0 for any lots in a subdivision, he may request a Release of Conditions for said lots. If the improvements have been completed to the satisfaction of the Highway Department, Board of Health, Sewer Department, Water Department and Electric Department, and approval received in writing by the Planning Board after inspection by the respective department, the Board will then execute and deliver to the subdivider such Release, which shall be in the form for recording in the Registry of Deeds. Thereafter the Conditions relating to such lots and so released shall terminate.

**4.9.2 Reduction of Bond or Surety.** The penal sum of any such bond, or the amount of any deposit held under clause "a" of Section 4.9.1 above, may, from time to time, be reduced by the Board and the obligations of the parties thereto released by said Board in whole or part.

If release is by reason of covenant, a new plan of the portion to be subject to the covenant shall be required. Before the Board will grant a reduction under this section of any penal sum or amount of any deposit, the applicant shall submit to the Board partial as-built plans of water, sewer, or drainage structures for which said reduction is being requested, which will certify that said water, sewer or drainage structures have been installed as approved by the Board.

**4.9.3 Alternate Method of Guaranteeing Performance.** Following the recording of a mortgage or mortgages on a lot or lots in the subdivision given as security for advances to the subdivider by a lender, the Board may, at its option, release lots from the operation of a performance guarantee without receipt of a bond or deposit of money upon delivery to the board of an agreement with the Board, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of sufficient funds otherwise due the applicant to secure the construction of ways and the installation of utilities. Said agreement shall provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available for completion, by the Planning Board.

**4.9.4 Release of Performance Guarantee.** Upon the completion of improvements required under Section 6.0, security for the performance of which was given by bond, deposit, or covenant, or upon the performance of any covenant with respect to any lot, the applicant shall send by registered or certified mail to the Town Clerk and to the Board a written statement in duplicate that the said construction or installation in connection with which such bond, deposit, or covenant has been given has been completed in accordance with the requirements contained under Section 6.0, such statement to contain the address of the applicant. If the Board determines that said construction or installation has not been completed, it shall specify in writing to the applicant and to the Town Clerk in a notice sent by registered or certified mail the details wherein said construction and installation fails to comply with the requirements contained under Section 6.0 Upon failure of the Board to act on such application within 45 days after the receipt of the application by the Town Clerk, all obligations under the bond shall cease and terminate by operation of law, and any deposit shall be returned and any such covenant shall become void. In the event that said 45-day period expires without such specification, or without the release and return of the bond or

return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded. The Board may, in its discretion, hold up to 10 percent of the total construction cost of the subdivision for a one-year period following said final approval of construction or installation.

**4.9.5 Evidence of Satisfactory Performance.** Before the Board will release the interest of the Town in a performance bond or deposit or, in the case of approval with covenant, issue a release of covenant:

- a. The applicant shall file with the Board a certified copy of the layout plan with accompanying profiles for each street in the subdivision. Certification shall be by the engineer and surveyor employed by the applicant at his own expense, and shall indicate that all streets, sidewalks, sewers, storm drains, and water mains, and their appurtenances have been constructed in accordance with the lines and grades of said plan and are accurately located as shown thereon. The applicant shall also file a street acceptance plan or plans, as the case may be, suitable for recording in a form acceptable to the Board and showing such data and boundaries as is necessary for the Town to properly accept the street or streets shown thereon (see Section 5.17, As-Built Plans).

The applicant shall file a properly executed petition in duplicate petitioning the Board of Selectmen to insert an application for acceptance of the streets within his subdivision in the Warrant for Annual Town Meeting along with a properly executed deed to convey the streets to the Town.

- b. The applicant shall submit to the Planning Board's consultant/inspector a Request for Inspection of Construction (form to be supplied by the Planning Board) and shall notify the Board of his completion of improvements required under Section 6.0.

The Board shall then notify the various involved Town agencies and shall obtain in writing from these agencies a statement that all work required by These Rules and Regulations has been inspected by them and completed in the subdivision and that they have approved the methods of construction and materials used in the performance of such work.

- c. The Board shall obtain in writing, from the Board of Health a statement that each already installed on-lot sewerage system was installed in accordance with the North Attleborough Board of Health rules and regulations for septic tanks, vault privies, and public sewers, and Title V of the State Sanitary Code of the Commonwealth of Massachusetts and each on-lot water system was installed in accordance with the Manual of Individual Water Supply Systems and tested for the Board of Health approval.

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

#### **4.10. Plans for Abandonment of Unaccepted Ways**

This section shall be applicable to plans for Abandonment of Unaccepted Ways, which shall for the purposes of these Rules and Regulations be considered a modification to a subdivision, and the provisions of Section 4.2.1.c of these Rules and Regulations so far as they may be applicable shall be in effect for such a plan submission. A plan submission under this section shall include the original mylar or linen, five copies of the plan, two Form U application forms, a fee schedule according to the first paragraph of Section 4.2.1.c of these Rules and Regulations, and a certified list of abutters from the North Attleborough Board of Assessors updated to the latest tax roll, and one copy of the plan shall be filed with the Board of Health. The applicant shall file, by delivery or by registered or certified mail, postage prepaid, a notice with the Town Clerk stating the date of submission of such plan accompanied by a copy of said application. If notice is given by delivery, the Clerk shall, if requested, give a written receipt to the person who delivered such notice.

A plan for abandonment of unaccepted ways shall contain, as a minimum, the following information:

- (a) Stamp of Massachusetts registered professional land surveyor who prepared the plan.
- (b) Locus at 1" = 1000' or 1" = 2000', sufficient to determine the exact location of the site.
- (c) Exterior boundaries of the site.
- (d) True north point.
- (e) Scales.
- (f) Names(s) and address(es) of record owner(s) and applicant(s).

- (g) Registry book and page where property is recorded.
- (h) Assessor's plan and lot(s) which abut the portion(s) of the way(s) proposed to be abandoned.
- (i) Existing and proposed lines of private ways, lots, rights-of-way and easements within the site.
- (j) Purpose of easements indicated.
- (k) Name and plan location of all abutters indicating limits of contiguous boundaries of the way(s) to be abandoned and those owners of land separated from the site only by a street.
- (l) Location, names, and present widths of streets bounding, approaching, or within reasonable proximity of the site.
- (m) Location of natural waterways or waterbodies.
- (n) Zoning district.
- (o) Location of existing structures, including setbacks from existing and/or proposed lot lines.
- (p) Suitable space to record the action of the Planning Board and signatures of the members of the Board and the Town Clerk on each sheet.

The information required in this Section 4.10. shall also be submitted on a Windows compatible 3.5" floppy disk or CD in DXF (drawing exchange file) format. All digital data shall conform to the following guidelines:

The coordinate system shall be Massachusetts State Plane coordinates using the new North American Datum of 1983 (NAD83) and the newer North American Vertical Datum of 1988 (NAVD). Plan submittals shall be "tied into" real world State Plane coordinates using the datums specified above. To demonstrate this tie down, all features shall be stored in Massachusetts State Plane Coordinate System and the plan location and coordinate values of at least two known points in the established North Attleborough grid system shall be included in the submitted DXF files. A list and description of the data layers contained in the DXF files shall be submitted on the disk or CD containing the DXF files in an accepted spreadsheet or database format.

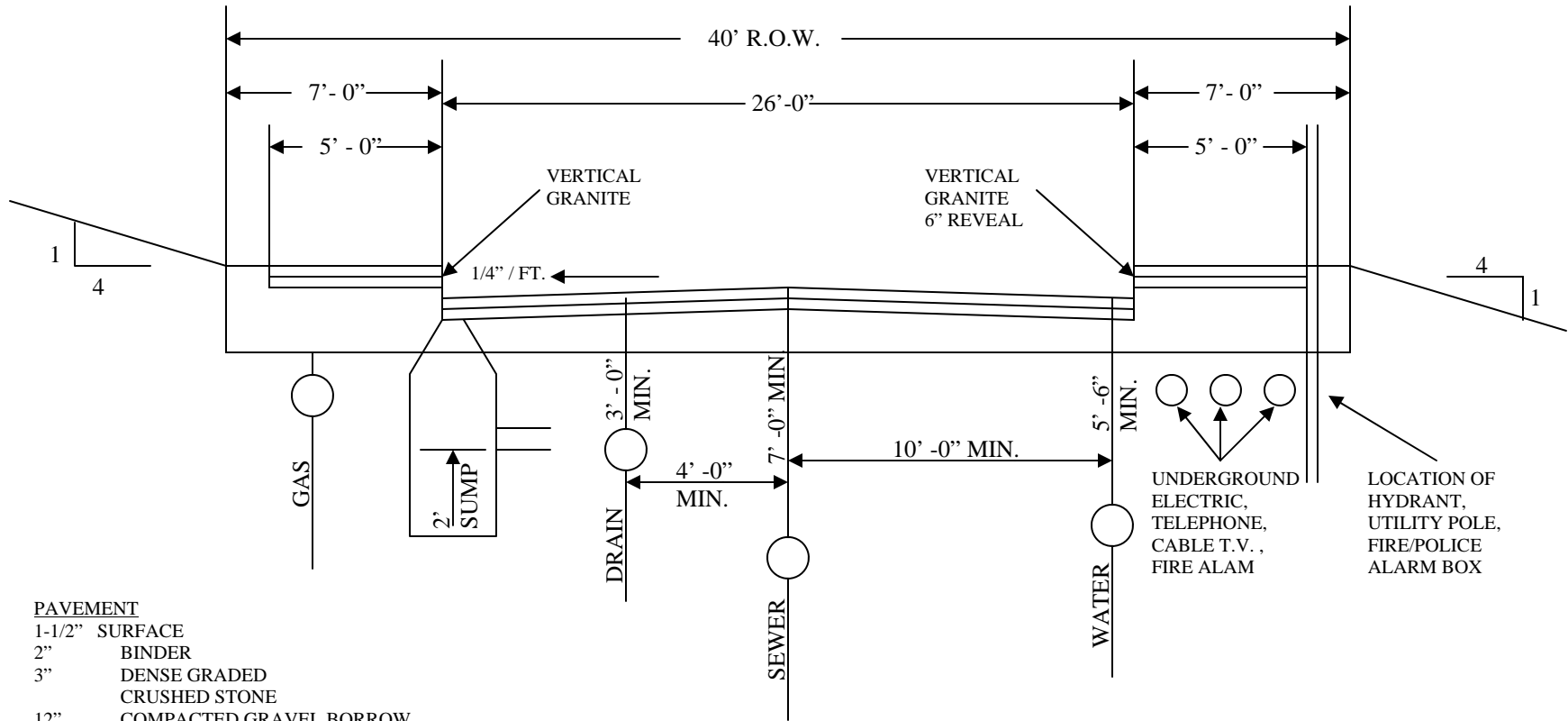
Within 135 days of receipt of the plan submission, the Planning Board shall hold a public hearing on the proposed abandonment and shall notify the applicant of its decision by registered or certified mail, and shall file a copy of its decision with the Town Clerk. Any opposition to the proposed abandonment expressed at the public hearing by a party in interest, whether verbally or in writing, shall be cause for disapproval of the proposed

abandonment by the Planning Board. The Planning Board shall approve an abandonment of an unaccepted way under this section only if there is no opposition by any party of interest in the abandonment. The Planning Board shall not approve a Plan for Abandonment of an Unaccepted Way which causes any parcel of land to become landlocked by such action.

The provisions of the Subdivision Control Law relative to appeals and recording procedures shall be in effect for a Plan for Abandonment of Unaccepted Ways.

If the Board modifies or disapproves such plan, it shall state with its vote the reasons for its action. Final approval, if granted, shall be endorsed on the reproducible drawings of the Definitive Plan by the signatures of the majority of the Board but not until the statutory 20-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed, or if appeal has been filed not until the entry of a final decree of the court sustaining the approval of such plan.

**FIGURE 1**  
**TYPE I SUBDIVISION**  
**MINOR STREET**

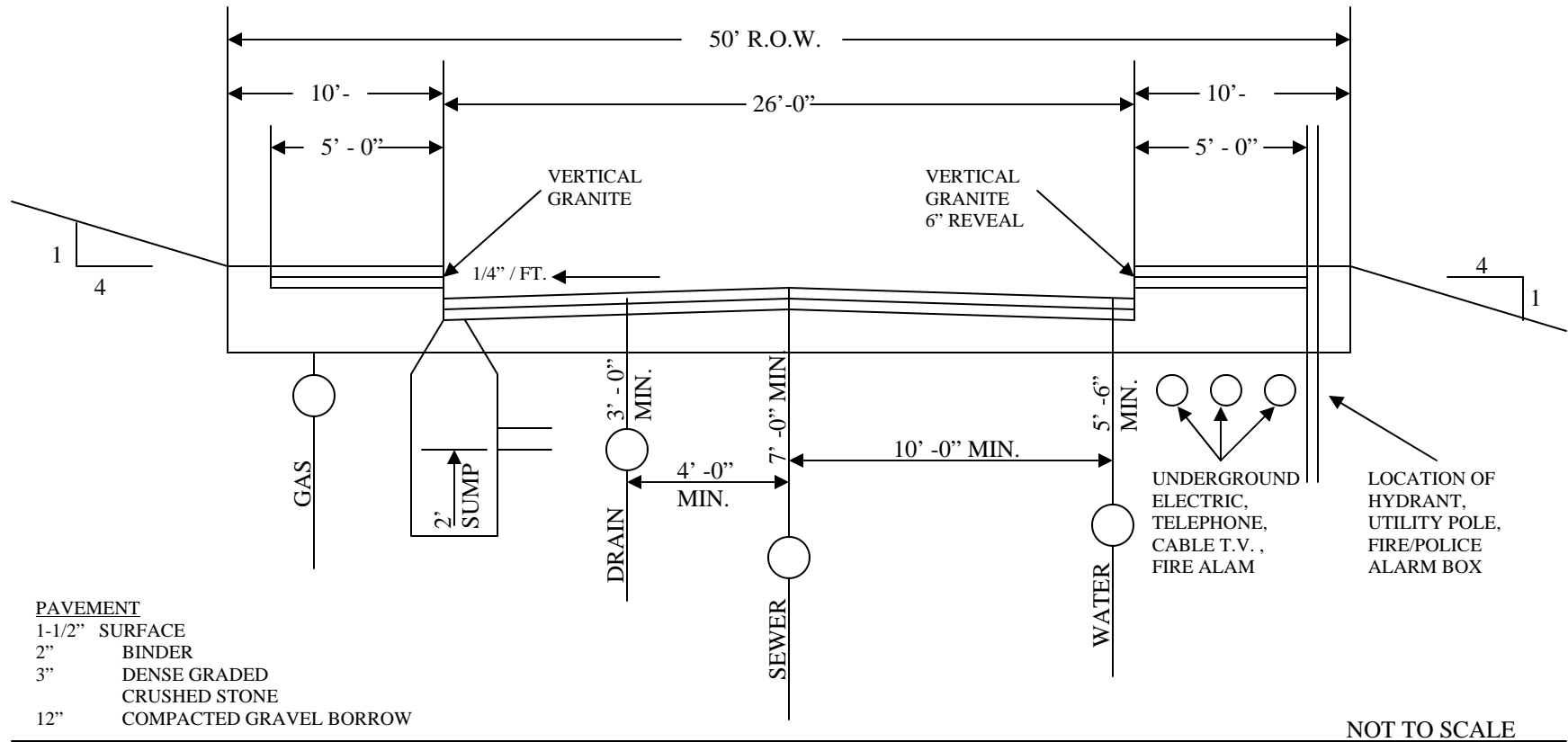


- PAVEMENT**  
 1-1/2" SURFACE  
 2" BINDER  
 3" DENSE GRADED CRUSHED STONE  
 12" COMPACTED GRAVEL BORROW

NOT TO SCALE

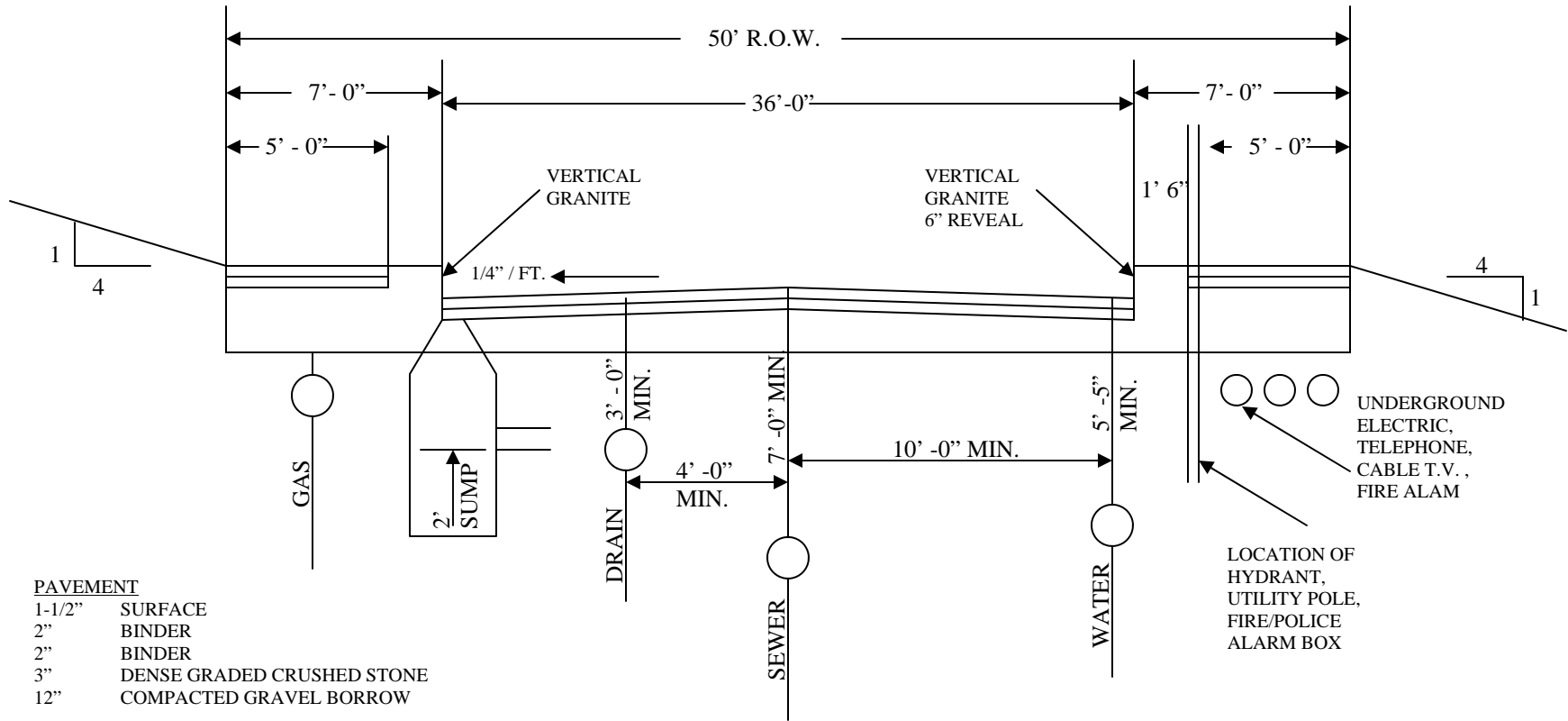
|                         |          |               |  |              |      |                  |      |
|-------------------------|----------|---------------|--|--------------|------|------------------|------|
| R.O.W. WIDTH            | 40' -0"  | GRADE/PERCENT |  | INTERSECTION |      | DEAD END STREETS |      |
| PAVEMENT WIDTH          | 26' -0"  | MIN. 1.0%     |  | MIN. ANGLE   | 60'  | MAX. LENGTH      | 900' |
| MIN. HORIZONTAL RADIUS  |          | MAX. 8.0%     |  | MIN. OFFSET  | 125' | MIN. CULDESAC    |      |
| AT CENTER LINE          | 300' -0" |               |  | MIN. RADIAS  |      | PAVEMENT RADIUS  | 45'  |
| MIN. VERTICAL ALIGNMNET |          |               |  | @ INTER.     | 15'  | MIN. CULDESAC    |      |
| SITGHT DISTANCE         | 275' -0" |               |  |              |      | LAYOUT RADIUS    | 50'  |

**FIGURE 2**  
**TYPE I SUBDIVISION**  
**PRINCIPAL STREET**



|                         |          |               |  |              |      |                  |    |
|-------------------------|----------|---------------|--|--------------|------|------------------|----|
| R.O.W. WIDTH            | 50' -0"  | GRADE/PERCENT |  | INTERSECTION |      | DEAD END STREETS |    |
| PAVEMENT WIDTH          | 30' -0"  | MIN. 1.0%     |  | MIN. ANGLE   | 60'  | MAX. LENGTH      | NA |
| MIN. HORIZONTAL RADIUS  |          | MAX. 6.0%     |  | MIN. OFFSET  | 125' | MIN. CULDESAC    |    |
| AT CENTER LINE          | 850' -0" |               |  | MIN. RADIAS  |      | PAVEMENT RADIUS  | NA |
| MIN. VERTICAL ALIGNMNET |          |               |  | @ INTER.     | 25'  | MIN. CULDESAC    |    |
| SITGHT DISTANCE         | 350' -0" |               |  |              |      | LAYOUT RADIUS    | NA |

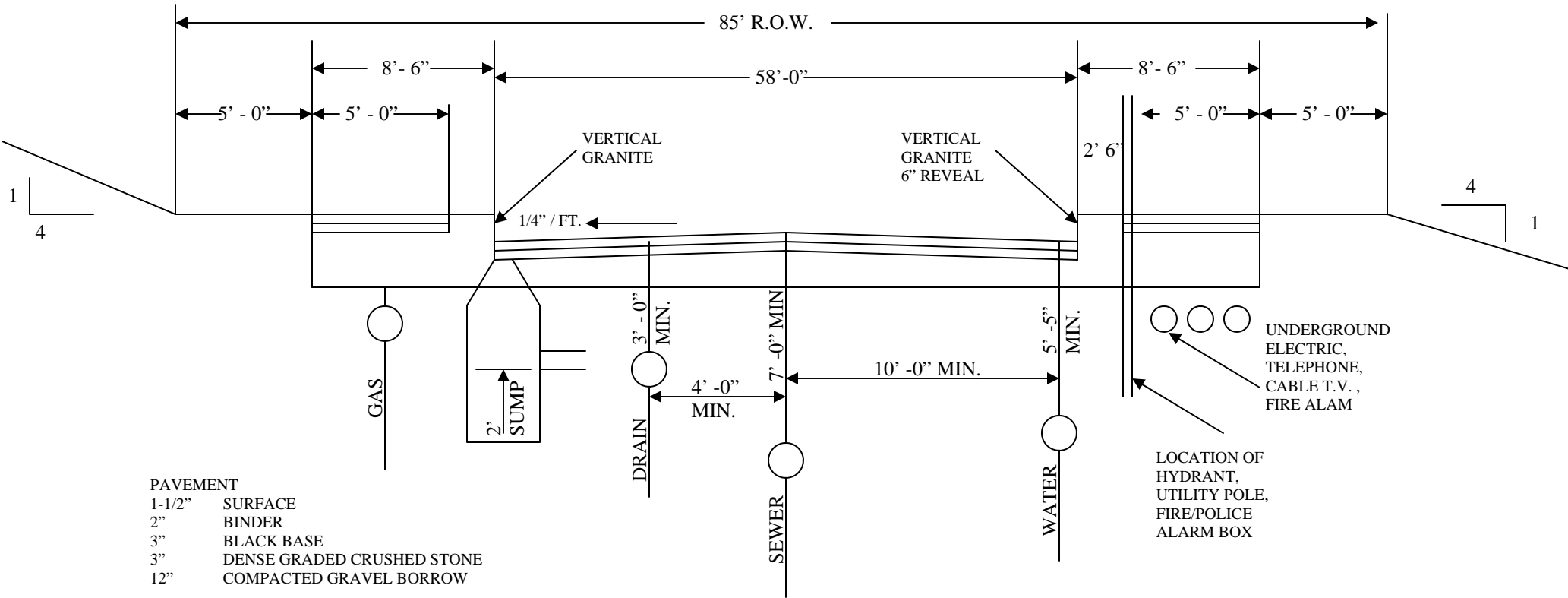
**FIGURE 3**  
**TYPE II SUBDIVISION**  
**MINOR STREET**



NOT TO SCALE

|                         |           |               |           |                      |      |                  |      |
|-------------------------|-----------|---------------|-----------|----------------------|------|------------------|------|
| R.O.W. WIDTH            | 50' - 0"  | GRADE/PERCENT |           | INTERSECTION         |      | DEAD END STREETS |      |
| PAVEMENT WIDTH          | 36' - 0"  |               | MIN. 1.0% | MIN. ANGLE           | 60'  | MAX. LENGTH      | 600' |
| MIN. HORIZONTAL RADIUS  |           |               | MAX. 8.0% | MIN. OFFSET          | 125' | MIN. CULDESAC    |      |
| AT CENTER LINE          | 300' - 0" |               |           | MIN. RADIAS @ INTER. | 25'  | PAVEMENT RADIUS  | 50'  |
| MIN. VERTICAL ALIGNMNET |           |               |           | MIN. SIGHT DISTANCE  | 500' | MIN. CULDESAC    |      |
| SIGHT DISTANCE          | 275' - 0" |               |           |                      |      | LAYOUT RADIUS    | 60'  |

**FIGURE 4**  
**TYPE II SUBDIVISION**  
**PRINCIPAL STREET**



**PAVEMENT**

|        |                            |
|--------|----------------------------|
| 1-1/2" | SURFACE                    |
| 2"     | BINDER                     |
| 3"     | BLACK BASE                 |
| 3"     | DENSE GRADED CRUSHED STONE |
| 12"    | COMPACTED GRAVEL BORROW    |

NOT TO SCALE

|                         |          |               |           |              |      |                  |    |
|-------------------------|----------|---------------|-----------|--------------|------|------------------|----|
| R.O.W. WIDTH            | 85' -0"  | GRADE/PERCENT |           | INTERSECTION |      | DEAD END STREETS |    |
| PAVEMENT WIDTH          | 58' -0"  |               | MIN. 1.0% | MIN. ANGLE   | 60'  | MAX. LENGTH      | NA |
| MIN. HORIZONTAL RADIUS  |          |               | MAX. 6.0% | MIN. OFFSET  | 125' | MIN. CULDESAC    |    |
| AT CENTER LINE          | 850' -0" |               |           | MIN. RADIAS  |      | PAVEMENT RADIUS  | NA |
| MIN. VERTICAL ALIGNMNET |          |               |           | @ INTER.     | 40'  | MIN. CULDESAC    |    |
| SIGHT DISTANCE          | 350' -0" |               |           | MIN. SIGHT   |      | LAYOUT RADIUS    | NA |
|                         |          |               |           | DISTANCE     | 625' |                  |    |

## SECTION 5

### DESIGN AND CONSTRUCTION STANDARDS

The term "Standard Specifications" shall mean the Commonwealth of Massachusetts Highway Department Standard Specifications for Highways and Bridges, 1988 Edition including all amendments.

#### 5.1 Streets.

##### 5.1.1 Location.

- a. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain maximum livability and amenity of the subdivision.
- b. The proposed streets shall conform to the Master or Study Plan as adopted in whole or in part by the Board.
- c. Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
- d. 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.
- e. Cul-de-sacs are the turnaround standard.
- f. Permanent dead-end streets (a street, extension of a street, or system of streets connected to other streets only from a single point) shall not be greater than 900 feet in length. As an alternative, the Board may require a special double roadway or parkway street.
- g. On any street where the grade exceeds six (6) percent on the approach to the intersection, a leveling area with a slope of not less than one (1) percent shall be provided for a distance of not less than fifty (50) feet measured from the nearest exterior line of the intersecting street.

##### 5.1.1.1 Adequate Access From Public Way

- a. Where the street system within a subdivision does not connect with or have, in the opinion of the Board, adequate access from a Town, County or State (public) way, the Board may require, as a condition of approval of a plan, that such adequate access be provided by the subdivider, and/or that the subdivider make physical

improvements to and within such a way of access, in accord with the provisions of these rules and regulations, from the boundary of the subdivision to a Town, County or State way.

- b. Where the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the subdivider to dedicate a strip of land for the purpose of widening the abutting public way to a width at least commensurate with that required within the subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for purpose of way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the subdivider.
- c. All off site improvements to public access roads to approved (new) subdivisions are dictated by the Department of Public Works. All upgrades must be complete and approved by the DPW prior to the Planning Board's performance guarantee is established.

**5.1.2 Cross Sections.** Cross sections shall be in accordance with the standards as shown on Figures 1, 2, 3, and 4.

**5.1.3 Alignment, Grade, Dead-End, and Intersections.** These shall be in accordance with the standard cross sections, Figures 1, 2, 3 and 4. Sight distance at all intersections, including intersections at existing roadways, shall comply with the most current American Association of State Highway and Transportation Officials (AASHTO) standards.

#### 5.1.4 Earthwork.

- a. All materials and construction methods used for roadway excavation and embankments shall conform to Section 100 of the Standard Specifications. Prior to any earthwork or clearing, Section 5.15 **Protection of Natural Features** shall be referenced and strictly adhered to.
- b. The applicant shall employ at his own expense an engineer or surveyor to set all lines and grades in a manner satisfactory to the Highway Superintendent.
- c. The entire area within the right-of-way lines shall be cleared and grubbed of all stumps, brush, roots, and like material. All rock or masonry with the maximum dimension over three inches and within six inches of the top of subgrade shall be removed. Trees intended to be preserved shall be protected by suitable boxes, fenders, or wells as appropriate.
- d. All topsoil, defined as fertile, friable, natural material which has demonstrated vegetative growth, shall be removed within the right-of-way, for use within the site.
- e. In cut areas, all unsuitable material such as peat, and highly organic silt or clay or any other material that, in the opinion of the Highway Superintendent, is considered to be detrimental to the subgrade, shall be removed and replaced with Ordinary Borrow conforming to M1.01.0 of the Standard Specifications. Ordinary borrow shall be placed in 12-inch loose lifts and compacted to 95 percent of maximum density as determined by ASTM designation 1557-70 Method D.
- f. In fill areas, the embankment shall be Ordinary Borrow specified and placed as in (e) above.
- g. The subgrade shall be shaped to a true surface conforming to the lines and grades indicated on the approved definitive plan (cross section and profile) and where original ground, shall be compacted to 95 percent, as defined in (e) above, to a depth of six inches. A tolerance of ½ inch above or below finished subgrade will be permitted provided this difference is not maintained over fifty feet and the required crown (cross slope) is maintained. The subgrade shall be classified as follows:
  - (1) **Poor.** Subgrade soils which become quite soft and plastic when wet. Included in this classification are such soils as silty clay, silts, silty fine sand with more than 20 percent passing a No. 200 sieve, clay with a plastic index of less than 12, varved clay, hardpan or other banded fine grained soil.
  - (2) **Medium.** Subgrade soils which retain a moderate degree of firmness when saturated. Included in this classification are such soils as stiff clays, with a plastic index of over 12, fine sands, sandy, silty, or clayey gravel containing more than 20 percent finer than 0.02 mm.
  - (3) **Good to Excellent.** Subgrade soils which retain a substantial amount of their load-supporting capacity when saturated or are unaffected by moisture.

Included in this classification are such soils as clean sands and gravels substantially free of plastic silts and clays and are well graded, containing less than 20 percent material finer than 0.02 mm.

When, in the opinion of the Board, there is a question concerning the classification of the subgrade, the applicant shall submit a soil's report certified and sealed by a registered engineer, defining which subgrade classification is existing at the area(s) in question.

**5.1.4.1. Definition of Gravels**

- a. **Gravel Borrow.** Gravel borrow shall consist of inert material that is hard, durable stone and coarse sand, free from loam and clay, surface coatings, and deleterious materials. Gradation requirements for gravel shall be determined by AASHTO-T11 and T27 and shall conform to the following;

| <u>SIEVE DESIGNATION</u> | <u>PERCENT PASSING BY WEIGHT</u> |
|--------------------------|----------------------------------|
| 1/2 in.                  | 50-85                            |
| No. 4                    | 40-75                            |
| No. 50                   | 8-28                             |
| No. 200                  | 0-10                             |

- b. **Sand Borrow.** Sand borrow shall consist of clean inert, hard, durable grains of quartz or other hard durable rock, free from loam or clay, surface coatings and deleterious materials. The allowable amount of material passing a No.200 sieve as determined by AASHTO-T11 shall not exceed 10% by weight. The maximum particle size for sand borrow shall be as follows;

|         |                |
|---------|----------------|
| M1.04.0 | Type a 1/4 in. |
| M1.04.0 | Type b 3/8 in. |

- c. **Loam Borrow.** Loam borrow shall consist of a fertile, friable, natural top-soil typical of the locality, without admixture of subsoil, refuse or other foreign materials, and shall be obtained from a well-drained arable site. It shall be such a mixture of sand, silt, and clay particles as to exhibit sandy and clayey properties in and about equal proportions. It shall be reasonably free of stumps, roots, heavy or stiff clay, stones larger than 1 inch in diameter, lumps, coarse sand, noxious weeds, sticks, brush or other litter.
- d. **Dense-Graded Crushed Stone for Sub-Base.** This specification covers the quality and gradation requirements for a subbase material combining crusher-run coarse aggregates of crushed stone and fine aggregates of natural sand or stone

screenings uniformly premixed with a predetermined quantity of water. Coarse aggregate shall consist of hard, durable particles or fragments of stone. Fine aggregate shall consist of natural or crushed sand. The composite material shall be free from clay, loam or other plastic materials, and shall conform to the following grading.

- e. **Ordinary Borrow.** Ordinary Borrow shall consist of a material satisfactory to the Highway Superintendent and not specified as gravel borrow, sand borrow, special borrow material or other particular kind of borrow. This material shall have the physical characteristics of soils designated as group A-1, A-2-4 or A-3 under AASHTO-M145. It shall have properties such that it may be readily spread and compacted for the formation of embankments.

| <u>SIEVE DESIGNATION</u> | <u>PERCENT PASSING BY WEIGHT</u> |
|--------------------------|----------------------------------|
| 2 in.                    | 100                              |
| 1 1/2 in.                | 70-100                           |
| 3/4 in.                  | 50-85                            |
| No. 4                    | 30-55                            |
| No. 50                   | 8-24                             |
| No. 200                  | 3-10                             |

#### 5.1.5 Pavement Structure.

- a. The pavement structure shall be constructed in accordance with applicable section of Section 400 of the Standard Specifications.
- b. **Sub-base.** The sub-base shall be gravel borrow (M.1.03.0 type a) or crushed stone in accordance with Section 401 of the Standard Specifications.
- c. **Base Course.**
  - (1) **Gravel Base Course** shall be gravel (M.1.03.0 Type b) in accordance with Section 405 of the Standard Specifications.
  - (2) **Bituminous Base Course.** The base course shall be Class I Bituminous Concrete Base Course, Type I-1, in accordance with Section 420 of the Standard Specifications. It shall be laid to a depth indicated on Figures 1, 2, 3 and 4.
- d. **Binder Course.** The binder course shall be asphalt concrete in accordance with Section 460, Class I Bituminous Concrete Pavement Type I-1 (Binder Course Mix of the Standard Specifications). It shall be laid to a depth indicated on Figures 1, 2, 3 and 4.
- e. **Surface Course.** The surface course shall be asphalt concrete in accordance with Section 460, Class I Bituminous Concrete Pavement Type I-1 (Top Course Mix) of the Standard Specifications. It shall be laid to a depth indicated on Figures 1, 2, 3 and 4.

## **5.2 Shoulders**

Shoulders shall not be allowed in place of sidewalks, curbs, and grass strips shown on Figures 1, 2, 3 and 4 unless permission is specifically granted by the Board.

## **5.3 Curb and Berm.**

### **5.3.1 General.**

- a. Granite curb shall conform to the material and construction methods as specified in Section 500 of the Standard Specifications for Type VA-4 and as indicated on Figures 1, 2, 3 and 4.
- b. Bituminous concrete berm shall conform to the material and construction methods as specified in Section 470 of the Standard Specifications as indicated on Figures 1, 2, 3 and 4. Upright machined berm shall be prohibited.

**5.3.2** In Type I subdivisions on minor streets upright granite curb shall be installed at all street intersections and at entrances to cul-de-sacs along the full arc length of the edge of roadway plus a straight section at least six (6) feet long beyond the P.C. and P.T. Sloped granite curbing shall be installed along each edge of the remainder of the roadway (except at driveways) unless otherwise required by the Board.

**5.3.3** In Type II subdivisions, upright granite curb shall be installed along each edge of the roadway (except at driveways) unless otherwise required by the Board.

**5.3.4** All driveways shall be paved six (6) inches above the base coat of the roadway. Locations of and finished elevations of driveways shall be set as shown on the definitive plan. All driveways shall be graded at the gutter line to direct stormwater runoff emanating from the roadway onto the roadway and away from building lots, unless otherwise specified on the definitive plan.

**5.3.5** Transition curbing shall be provided at all beginnings and ends of vertical granite curbing.

## **5.4 Sidewalks**

**5.4.1 General.** Cement and bituminous concrete sidewalks shall conform to the material and construction methods as specified in Section 701 of the Standard Specifications and as indicated in Figures 1, 2, 3 and 4.

**5.4.2** In subdivisions within single family residential districts (as defined in the North Attleborough Zoning By-Laws), sidewalks shall be constructed on both sides of the roadway as indicated on Figures 1, 2, 3, and 4 unless, in the opinion of the Board they are not warranted. Then the Board may waive the sidewalk requirement to one side of the roadway. If constructed on one side of the roadway, they shall be located on the northerly side of roads running in and east-west direction and on the westerly side of roads running in a north-south direction.

**5.4.3** Cement concrete sidewalks shall be constructed on both sides of the street in Type II subdivisions. In such subdivisions, sidewalks shall be constructed on both sides of the roadway as indicated on Figures 3 and 4 unless, in the opinion of the Board they are not warranted. Then the Board may waive the sidewalk requirement or require that they be constructed on only one side of the roadway. If constructed on only one side of the roadway, they shall be located on the northerly side of roads running in an east-west direction and on the westerly side of roads running in a north-south direction.

**5.4.3.1** Wheel chair ramps shall be provided in all appropriate locations and shall conform to the Architectural Access Board requirements (521 CMR) and the Americans with Disabilities Act (ADA).

**5.4.4 Cement concrete sidewalks shall:**

- a. have a finished thickness of 4 inches except at driveways where it shall be 6 inches.
- b. Be an air-entraining Portland cement mix producing from 6 to 8 percent air and developing a minimum 28-day compressive strength of 2,500 p.s.i.
- c. be placed on an 8-inch gravel base compacted to 95 percent (ASTM Designation 1557-70 Method D) conforming to M1.03.0 Type c of the Standard Specifications.
- d. be placed in alternate slabs of 30 feet in length which shall be separated by a transverse expansion joint.
- e. be uniformly scored into block units of not more than 36 sq. ft. in area to a depth of at least 1 inch.
- f. shall be reinforced with 6/6 x 10/10 welded steel wire fabric conforming to ASTM Designation A185-70.

**5.4.5** Bituminous concrete sidewalks shall be constructed in Type I Subdivisions not subject to Section 5.4.3.

**5.4.6** Bituminous concrete sidewalks shall:

- a. be laid in 2 courses of 1¼ inches each to a depth after rolling of 2½ inches.
- b. conform to the material requirements of M3.11.00 of the Standard Specifications for Class I Bituminous Concrete Pavement.
- c. be placed on an 8-inch gravel base, except at driveways where it shall be 12 inches, compacted to 95 percent (ASTM Designation 1557-70 Method D) conforming to M1.03.0 Type C of the Standard Specifications.

**5.5 Grass Strips [Deleted by vote of the Planning Board on March 25, 1999.]**

**5.6 Side Slopes**

The top six (6) inches shall consist of good quality loam extending to the right of way, screened, raked and rolled to the approved grade. The loam shall be seeded with lawn grass seed applied in sufficient quantity to assure adequate coverage, rolled when the loam is moist.

- 5.6.1 The area in back of the required grass strip, where no sidewalk is constructed, or in back of the sidewalk where sidewalks are constructed shall be graded to a point where it coincides with the finished grade of abutting lots in such a manner that no portion thereof will project above a plan sloped four horizontal to one vertical. Drainage shall be toward the roadway where possible.

## 5.7 Street Name Signs

Street name signs shall be the Standard North Attleborough Street name signs provided at the applicant's expense. If the names of deceased North Attleborough war veterans are used for street names, the applicant shall at his/her own expense install adjacent to the street sign(s) the standard North Attleborough Veterans Memorial sign, in addition to the standard North Attleborough street name sign(s), both of which shall be provided by the North Attleborough DPW, at the applicant's expense. Signs showing names of both intersecting street shall be erected by the applicant at each street intersection near the outside sidewalk edge. The type and location of street name signs shall be subject to the approval of the Highway Superintendent.

## 5.8 Monuments and Markers

- 5.8.1 Granite or reinforced-concrete monuments 3 feet in length dressed to 6 inches at the top with a 3/8-inch drill hole in the center, and not less than 6 inches square at the bottom shall be set flush to finish grade as shown on plans.
- 5.8.2 No permanent monuments shall be installed until all construction which could destroy or disturb the monuments is completed.
- 5.8.3 Monuments shall be installed at all street intersections, at all points of change in direction, or curvature of streets, and at other points as shown in the Definitive Plan, and at all Town boundaries, or where, in the opinion of the Board, permanent monuments are necessary.

## 5.9 Bridges

Bridges shall be designed in accordance with the Standards of the Massachusetts Highway Department.

## **5.10 Street Lighting**

Street lighting shall be installed along all streets. Light standards to be used shall be subject to the approval of the Planning Board. The locations of street lighting shall be as shown on the definitive plan, and, where applicable, shall be in conformance with pole locations as shown on the definitive plan. All street lighting must be in operating condition prior to the establishment of the performance guarantee and in accordance with Section 6 of these Rules and Regulations.

## **5.11 Fire Alarm and Police Call Boxes**

Fire alarm and/or police call boxes shall be provided, if required by the Board acting for the appropriate department. The box(es) shall be placed, installed, and wired as specified by and under the direct supervision of the Town of North Attleborough Fire and/or Police Department(s), as appropriate. This shall be done at the expense of the applicant who shall make all necessary arrangements for this installation with appropriate department(s).

### **5.11.1 Fire Protection within Subdivisions that Do Not Have Access to a Public Water Supply**

In subdivisions that do not have access to a public water supply within 1,200 feet along any roadway within the subdivision or within 1,200 feet along an adjacent public way, the installation of a 10,000 gallon minimum capacity water storage sealed underground unit is required. The location and design shall be in accordance with the specifications of the Fire Department. Prior to the issuance of building permits for dwelling units within a subdivision for which such a water storage sealed underground unit is required, said unit shall be inspected, filled and deemed operational by the Fire Department.

## **5.12 Utility Installation**

The installation of public utilities shall conform to the standards of the following sections.

### **5.12.1 General**

- a. The applicant shall employ at his own expense an engineer to set all lines and grades in a manner satisfactory to the Board.
- b. All utility lines shall be installed in the location indicated and with the minimum cover as shown in Figures 1, 2, 3, and 4.
- c. The extent of trench open at any one time shall be subject to the requirements of the Highway Superintendent.
- d. The width of trench shall be made as narrow as practicable and within 12 inches from the top of pipe or conduit shall not exceed  $\frac{4}{3}$  diameter of the pipe or conduit plus 18 inches.
- e. Sheeting, if used, shall be cut off 12 inches above top of pipe or conduit.

- f. For installation in embankments, the embankment shall be constructed in accordance with Section 5.1.4.f. to at least 1 foot above the top of the pipe or conduit and then the pipe or conduit installed as in undisturbed material.
- g. Unsuitable material in trenches shall be removed and replaced in accordance with Section 5.1.4.e.
- h. All underground utilities shall be tested and approved prior to installation of base course(s) and pavement.
- i. All lot connections shall be installed to the right-of-way, line, marked or surveyed so as to be easily located in the future.
- j. Back fill shall be placed in 12-inch loose lifts and compacted to 95 percent in accordance with ASTM Designation 1557-70 Method D.
- k. All electrical, telephone, cable TV, and similar services shall be installed underground. The standards for underground conduit and duct banks shall be subject to the approval of North Attleborough Electric and/or the appropriate private utility in cooperation with North Attleborough Electric.

### **5.12.2 Drainage**

- a. The construction of the drainage system, including methods of construction and quality of materials used, shall be in conformity with the Definitive Plan and Section 200 of the Standard Specifications. The drainage system shall be in accordance with the Town's Master or Study Drainage Plan.
- b. The drainage design shall be in accordance with the Massachusetts Highway Department Highway Design Manual of July, 1989, and in accordance with the latest Stormwater Management Policies of the Massachusetts Department of Environmental Protection unless otherwise specified herein. One of the following three hydrologic methods will be used in estimating the peak discharge:
  1. United States Geological Survey method.
  2. The Rational method.
  3. Soil Conservation Service method.

The Rational Method shall be used for calculating the discharge from pavement. For design of culverts, the Manning Equation shall be used. Other methods of drainage design may be used if approved by the Board. The engineer shall design the drainage system in accordance with the natural drainage boundaries of the total contributing drainage area, using a minimum of a 25-year design frequency storm. A 50-year design frequency storm shall be used for all bridge openings or major culverts. A 100-year design frequency storm shall be used for all detention and/or retention basins.

- c. Drainage pipe within the roadway shall be reinforced concrete and have a minimum

diameter of 12 inches. Joints shall be caulked and mortared.

- d. Overland stormwater runoff directed at open streams shall meet the performance standards of CMR 310 and the latest edition of the Massachusetts Department of Environmental Protection's Stormwater Management Policy Guidelines as such guidelines may be modified from time to time. Stormwater shall not be permitted to cross any roadway upon the surface but must be piped underground. Discharge of the underground piping system, if entering an open stream channel, shall also meet the performance standards of CMR 310. Stormwater runoff shall not be permitted to flow upon the road surface for a longer distance than 300 feet before it enters the underground system. Catchbasins shall be located on both sides of the roadway on continuous grades at intervals of not more than 300 feet, at all sags in the roadway, and near the corners of the roadway at intersecting streets, to prevent surface water from crossing the intersection.
- e. Proper connections shall be made with any existing public drainage system within 400 feet of the subdivision, if practical.
- f. No open water body or pond shall be filled in and no wet or swampy area shall be filled in unless it can be shown to the Board that provisions have been made in the lower drainage system to account for the removal of the storage area represented by the former wet or swampy area. In addition, permits and approval must be secured from the appropriate local, state and federal agencies.
- g. Where open stream channels exist within a subdivision, adequate provision shall be made for properly constructing and maintaining them or for properly enclosing them.
- h. Drainage pipe shall be bedded in compacted screened gravel to a depth of 6 inches below the bottom of the pipe in earth and 12 inches in rock. Gravel bedding shall be carried to the spring line of the pipe. Selected material containing no large boulders shall then be hand placed to an elevation of 1-foot above the top of the pipe and compacted as specified in Section 5.12.1.j. Mechanical equipment may be used to backfill the trench above this point.
- i. Manholes and catchbasins shall be precast, cast in place, brick, or block and a typical detail of such noting materials, dimensions, and construction details shall be submitted to the Highway Superintendent for approval.
- j. Drain manholes shall be located at every change in grade or direction and at catch basin connections, and not to exceed 300 feet apart.
- k. Iron castings for manhole frames and covers and catchbasin frames and gates shall be Massachusetts Highway Department Standards.
  - (1) Manhole cover shall have 3-inch lettering to read "DRAIN."
  - (2) Catchbasin grates shall be Type A-1 or A-3 with openings placed

perpendicular to the direction of vehicular traffic.

- l. Leaching basins shall not be permitted.
- m. Catch basins equipped with gas/oil separators are the standard.
- n. The outlet of any drainage outflow pipe 24" or greater in diameter shall be covered with a suitable grate, for which the construction details shall be submitted to the Highway Superintendent for approval.
- o. Catch basin frames and grates shall be set level with the base course of pavement and shall be made operational within 72 hours of the application of said base course, and shall be raised at the time of the application of the final course of pavement to 1/4" lower than said final course.
- p. All detention and/or retention basins shall be substantially completed and functional as designed prior to the application of the base course of pavement. A 4' foot fence shall be constructed around all detention/retention basins at the discretion of the Planning Board. The Board may require that the applicant post a bond with the Town to guarantee the performance of detention and/or retention basins.

#### **5.12.2.1 Erosion Control During Construction**

To minimize the effect of debris, sedimentation, scour, washout, etc., during construction operations, temporary or permanent erosion control measures will be implemented. These will follow the guidelines specified in the Massachusetts Highway Department Highway Design Manual of July, 1989.

#### **5.12.3 Water**

- a. Water mains and appurtenances, including service connections shall be installed in conformity with the specifications of the North Attleborough Water Department and in accordance with the Town's Master or Study Water Plan.
- b. Water pipe diameter shall not be less than 8 inches.
- c. Public water mains shall be cement-lined ductile iron, suitable for 150 psi working pressure for laying condition B with 5.5 feet of cover.
- d. Hydrants shall be located at each street intersection and not more than 500 feet apart. Each hydrant shall be served directly from the water main. On dead-end streets, hydrants shall be located at the back end of the cul-de-sac on the property line.
- e. At water main connections all lines will be valved and the maximum spacing between valves on any one main shall be 800 feet, so mains may be isolated for maintenance purposes.

- f. Where a public water system is located within 1,200 feet of the subdivision along a roadway, the subdivider shall connect to the public water system. Where the public water system is not located within 1,200 feet of the subdivision along a roadway, the subdivider may install a private on-lot water system for each lot.
- g. All pipelines shall be given combined pressure and leakage tests at the direction of the North Attleborough Water Department. The average leakage shall not exceed a rate of 10 gallons per inch of diameter per 24 hours per mile of pipeline. All potable water lines shall be disinfected according to AWWA Designation C601-68.
- h. Such systems shall be constructed in accordance with AWWA standards.
- i. The applicant shall, in all cases, be required, by the Water Department, to increase the size of his piping so that it may serve additional areas. The applicant shall be reimbursed for the additional required capacity, by the Town, for this change in size.

#### **5.12.4 Sewer**

- a. If a public sewerage system is located within 1,200 feet of the subdivision along a roadway, the applicant shall properly connect all lots to the public sewerage system in accordance with the Town's Master or Study Sewerage Plan.
- b. If, due to the Town's Master or Study Sewerage Plan or requirements of the Sewer Department, the applicant is required to increase the size of his sewer so it may serve additional areas, the applicant shall receive a credit or shall be reimbursed for that additional required capacity. The applicant shall, in all cases, be responsible for the full capacity of an 8-inch pipe as a minimum, even if the direct benefit to him is less.
- c. If a public sewerage system is planned to be installed within 1,200 feet of the subdivision along a roadway within three years of the date of submission of the Definitive Plan the applicant shall install at his cost in the street and to every lot lateral sewers which can be connected later to the public sewerage system. In order for the applicant to design and install properly such laterals, the Town shall be responsible for providing the applicant, at the applicant's expense, with the necessary plan, specifications, and design standards of the proposed public sewerage system.
- d. Where public sewers are required, the following design standards shall apply:
  - (1) Design shall be according to professional engineering practice.
  - (2) Pipe diameter shall not be less than 8 inches.
  - (3) Design velocities shall not be less than 2.5 fps. or exceed 12 fps.

- (4) Sewer manholes shall be precast, cast in place, or brick masonry and a typical detail of such shall be submitted to the Sewer Department for approval. (Concrete block shall not be permitted). Sewer manholes shall be located at every change in grade or direction but shall not be more than 300 feet apart.
- (5) Sewer manhole covers shall have 3-inch lettering to read "SEWER".
- (6) Sewers shall be laid at least 10 feet from any proposed or existing water main.
- (7) Whenever sewers cross water mains, the sewer shall be laid at such an elevation that the top of the sewer is at least 18 inches below the bottom of the water main, where practical.
- (8) If public sewerage connections are not required according to the above, or if the planned public sewerage system has not yet been installed to within 1,200 feet of the proposed subdivision, the applicant shall install private on-lot sewerage systems.
- (9) Sewer pipe in residential and/or commercial subdivisions shall be either concrete pipe non-reinforced conforming to federal specification SS-P-371c or concrete pipe reinforced conforming to federal specification SS-P-375b or PVC pipe conforming to ASTM D 3033. Installation and fittings shall conform to appropriate ASTM requirements. Sewer pipe in industrial subdivisions shall be either vitrified clay or PVC.
- (10) Sewer pipe shall be bedded in compacted screened gravel to a depth of 6 inches below the bottom of the pipe in earth and 12 inches in rock. Gravel bedding shall be carried to the spring line (middle) of the pipe. Selected material containing no large boulders shall then be hand placed to an elevation of 1 foot above the top of the pipe and compacted in Section 5.12.1.j. Mechanical equipment may be used to backfill the trench above this point.
- (11) The completed sanitary pipeline shall be properly tested for leakage at the expense of the applicant by a method approved by the Sewer Department. The leakage (infiltration or exfiltration) measured for a minimum of a 24-hour testing period shall not exceed 300 gallons per inch diameter per mile of sewer per 24 hours. The applicant shall be responsible for the satisfactory watertightness of the entire sewer constructed and shall satisfactorily repair all joints or other locations that are not sufficiently watertight.

- (12) Any sewer pump stations which may be required within or outside of a subdivision in order to service the subdivision and/or surrounding properties in the future in accordance with the Town's sewer master plan shall be built and maintained in accordance with standards established by the DPW. The Dakota lift station or an equal standard shall be used.

#### **5.12.5 Other Utilities**

Other utilities, where necessary, shall be located generally as indicated on Figures 1, 2, 3, and 4. Materials and construction methods shall be in accordance with the requirements of the involved utility company and appropriate Town Department. No utility pedestals shall be located within the right-of-way of any way within the subdivision or of any public way.

#### **5.13 Easements**

Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 15 feet wide for electricity and telephone and 20 feet for drainage, sewerage and water. The Board may increase or reduce the width requirements as deemed appropriate.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Board shall require that there be provided stormwater easements or drainage rights-of-way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel or stream and to provide for maintenance or other necessary purpose.

A 15 foot temporary deeded easement will be required parallel to the road layout for each lot in the subdivision for the installation of street trees/shade trees and slope grading. Once the required installation is complete, the easement will dissolve upon the road acceptance by the Town and it shall read if said lot(s) are sold to private owners to allow for the completion of the requirements of Section 5.15 per the Planning Board's Rules and Regulations.

If the road is not accepted by the Town within 2 years of the completion of the subdivision, the individual home owner may petition the Planning Board to release the 15' easement if all street trees/shade trees and the slope grading has been completed and inspected by the Planning Board's inspectional services engineer. The individual home owner will be responsible for the cost of the inspection by the Planning Board's inspectional services engineer.

#### **5.14 Open Spaces**

Before approval of a plan, the Board may also require the plan to show a park or parks suitably located for playground or recreation proposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Board may by appropriate endorsement of the plan, require that no building be erected upon such park or parks for a period of not more than three years without its approval.

### **5.15 Protection of Natural Features**

All natural features such as large trees, watercourses, scenic points, historic plots and similar community assets shall be preserved. In Type I Subdivisions, a minimum of the following number of existing trees shall remain on lots within each of the following zoning districts:

- R-10: 6 trees per lot.
- R-15: 8 trees per lot.
- R-20: 10 trees per lot.
- R-40: 12 trees per lot.

On lots without these numbers of existing trees, any trees to be added to arrive at these numbers shall be the type refereed to as shade trees and shall have a minimum diameter of 2 1/2 inches. It is the opinion of the Board that this protection and preservation will add to the attractiveness and value of the subdivisions.

### **5.16 Fencing**

Fencing shall be required in subdivisions abutting limited or controlled access highways or expressways, or other limited or controlled access roads. Fencing may be required in other areas where physical features require such safety and shall be approved by the Highway Superintendent.

### **5.17 As-Built Plans**

As-built plans showing the location, grades and other significant information regarding utilities and roads, and final driveway elevations, shall be prepared by the applicant, by a registered land surveyor, and turned over to the Planning Board and the Department of Public Works following the final approval of the improvements as hereinafter provided. This may be done by submitting revised copies of the original submittal showing the actual existing as-built conditions as certified by a registered land surveyor. As-built plans shall include plan and profile views of all streets, the location, depth and structure of all drainage components, the location of all water mains, gate networks and swing ties where available, the location, depth, and construction material of all sewer mains and components and y's, and such other informational material as may be required by the Department of Public Works.

### **5.18 Cleaning Up**

The entire area must be cleaned up so as to leave a neat and orderly appearance free form debris and other objectionable materials. All catchbasins shall be properly cleaned out.

## **5.19 Removal of Trees and Brush**

All trees, stumps and brush which are not to be incorporated into the subdivision and which are, therefore, to be removed, shall be chipped and spread in a pleasing manner within the subdivision.

# **SECTION 6.0**

## **REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION**

All streets, underground utilities, shoulders, curbing, sidewalks, wheel chair ramps, planting strips, side slopes, street name signs, monuments and markers, drainage systems, water systems, sewerage systems, and easements shall be obtained and installed by the subdivider. The obtaining and installing of these improvements shall be in accordance with Section 5.0 of these regulations. The applicant shall also be responsible for coordinating the installation of electric, telephone, gas, and cable TV with the appropriate Town departments and with private utility companies.

Before the performance guarantee is established, the binder course of the bituminous concrete for the roadway, sidewalks, utilities, street lights, detention/retention structures and street signs shall be complete as specified in these Rules and Regulations. Progress prints and utility as built shall be provided to the Planning Board and shall be inspected by the Planning Board's inspectional services engineer to assure placement.

# **SECTION 7.0**

## **ADMINISTRATION**

### **7.1 Inspection and Control**

**7.1.1** The Planning Board shall designate its appointed representative(s) for the inspections of all phases of work within subdivisions. The actual cost of said inspections shall be paid by the applicant or his/her/their/its successors prior to inspections by utilization of the revolving account established in Section 4.2.1 of these Rules and Regulations. At the points hereinafter indicated, the construction of required streets and other improvements shall be inspected:

- a. The installation of underground utilities and services shall be inspected as appropriate by the Planning Board's appointed representative before the backfilling of trenches.

- b. The roadway shall be inspected prior to each required construction step by the Planning Board's appointed representative upon completion of the subgrade, base course, binder and surface course.
- c. The sidewalk shall be inspected by the Planning Board's appointed representative prior to each required construction step.
- d. Following the completion of all the improvements required by Section 5.0 and Section 6.0, and upon application for Road Acceptance, the applicant must obtain a letter of approval from the Planning Board's inspectional services engineer. Utilizing plans approved by the Planning Board and the as-builts, the engineer must render an approval before the article will be endorsed by the Planning Board.

**7.1.2** Unless the approval of the work completed, including approval of materials used, to each point has been given in writing, no further work shall be done until such work is subsequently completed to the satisfaction of the Planning Board's appointed representative, which shall be given in writing.

**7.1.3** Inspection shall be requested by the applicant at least 24 hours in advance by notice to the Planning Board.

**7.1.4** Such required inspection shall be at the expense of the applicant who shall make all necessary arrangements with the Planning Board and/or the appropriate department(s).

## **7.2 Variation**

**7.2.1** Regular monthly meetings of the Board are to be held as posted with the Town Clerk. Other regular, special, or emergency meetings, or work sessions, may be scheduled by the Board or at the discretion of the Chairman of the Board. Any plans believed not to require approval under the Subdivision Control Law shall be logged in at the Planning Board office a minimum of 7 days before any designated regular monthly meeting of the Board. Any other plans shall be submitted a minimum of 10 days prior to any designated monthly meeting. The Planning Board reserves the right to waive these submission requirements when deemed necessary. Two copies of the appropriate standardized Form A-U (see FORMS) shall be submitted with each plan.

**7.2.2** Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law. Any waiver requests shall be submitted by the applicant in writing at the time of submission of the application.

## **7.3 Phasing of Construction within a Subdivision**

Within a Type I subdivision, no more than 20 building lots or 15 percent of the total number of available building lots, whichever is greater, shall be built upon within any 12 month period.

#### **7.4. Amendments**

These Rules and Regulations may be amended from time to time in accordance with Section 81-Q of the Subdivision Control Law.

#### **7.5. Validity**

The invalidity of any of the foregoing rules, regulations and requirements shall not affect the validity of the remainder.

## **SECTION 8.0**

### **EFFECTIVE DATE AND REPEALER**

#### **8.1 Effective Date**

These Rules and Regulations shall be effective on and after the 27<sup>th</sup> day of September, 2007.

#### **8.2 Repealer**

Any previous Rules and Regulations Governing the Subdivision of Land in the Town of North Attleborough as adopted by the North Attleborough Planning Board, including those adopted in February 19, 1974 and all amendments thereto, are repealed in whole.