

RULES AND REGULATIONS GOVERNING
THE SUBDIVISION
OF LAND

SOUTHBRIDGE, MASSACHUSETTS

REVISED: December 16, 2020

CONTENTS

SECTION 1.0 – PURPOSE AND AUTHORITY

SECTION 2.0 – DEFINITIONS

SECTION 3.0 – GENERAL REGULATIONS

SECTION 4.0 – PLAN BELIEVED NOT TO REQUIRE APPROVAL

SECTION 5.0 – PRE-APPLICATION CONFERENCE

SECTION 6.0 – DEFINITIVE PLAN

SECTION 7.0 – DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

SECTION 8.0 – ADMINISTRATION

APPENDICES

SECTION 1.0 - PURPOSE AND AUTHORITY

1.1 - PURPOSE

These Rules and Regulations have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Southbridge by regulating the layout 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 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;
- Lessening congestion in such ways and in the adjacent public ways;
- Reducing danger to life and limb in the operation of motor vehicles;
- Securing safety in the case of fire, flood, panic and other emergencies;
- Ensuring compliance with the applicable zoning of the Town of Southbridge;
- Securing adequate provision for water, sewage, drainage, underground utility services, fire, police and other municipal equipment, street lighting and other requirements where necessary in a subdivision;
- Coordinating the ways in a subdivision with each other, with the public ways in the Town of Southbridge, and the ways in neighboring subdivisions; and
- Ensuring conformance to the recommendations of the Board of Health.
- The Planning Board may regulate for all of the purposes set forth in the Subdivision Control Law, particularly M.G.L. c. 41, §81M and 81Q, without limitation, and the following additional purposes:
 - To implement the Planning Board's development objectives, policy decisions, and design standards.
 - To provide the Planning Board with information reasonably necessary to perform its duties pursuant to statute.
 - To regulate the submittal, review, and certification of plans believed not to require subdivision approval.

1.2 - AUTHORITY

These Rules and Regulations governing the subdivision of land have been adopted by the Planning Board of the Town of Southbridge, pursuant to authority vested in said Board by: M.G.L. c. 41, §81Q; Section 3-214 of Southbridge Code of By-Laws; the Southbridge Zoning By-Law; and other enabling laws. They may be referred to as "These Rules and Regulations" or the "Subdivision Regulations".

1.3 - AMENDMENT

These Rules and Regulations or any portion thereof may be amended, supplemented, or repealed from time to time by the Board, after a public hearing, on its own motion or by petition, all pursuant to M.G.L. c. 41, §81Q.

1.4 - SEVERABILITY

The invalidity of any section, subsection or provision of these Rules and Regulations shall not invalidate any other section, subsection or provision thereof. If any provision of these Regulations is held by any court of competent jurisdiction to be invalidly applied to any particular case, all other applications of such provisions to other cases shall not be affected thereby.

SECTION 2.0 - DEFINITIONS

For the purposes of these Rules and Regulations the following words and terms used herein are hereby defined or the meaning thereof explained, extended, or limited as stated in M.G.L. c. 41, as amended. Where a term is defined in the Subdivision Control Law or the Southbridge Zoning By-Law and not herein, such definition shall be incorporated by reference herein. Other terms or words or phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such other terms or phrases as may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

Applicant: The owner or all the owners where title is held jointly, of the land described in the application for subdivision, in common, or in tenancy by the entirety, including corporations. An agent, representative or his/her assignee may act for an owner, provided written evidence of the owner's authority is submitted with the application. Evidence in the form of a list of their officers and designated authority to sign legal documents pursuant to a valid corporate vote shall be required for a corporation.

Board: The Planning Board of the Town of Southbridge.

Board's Engineer: A registered professional engineer or a registered professional land surveyor, as appropriate licensed in the Commonwealth of Massachusetts, engaged by the Board as a consultant or employed by the Town of Southbridge to review plans, subdivisions, and other development proposals, and/or to inspect the progress of work and compliance with Board's requirements and applicable technical standards.

Bridge: The term "bridge" shall apply to any structure whether of single or multiple span construction that spans a body of water, depression, highway or railway, and affords passage for pedestrians, or vehicles of all kinds, or any combination thereof having a total length of ten (10') feet or more or a height greater than five (5') feet.

Bridge Height: The "height" of a bridge shall be considered the maximum vertical distance from the highest road centerline finish grade to either the lowest finish grade below the bridge or the ordinary mean water level, whichever is greater.

Bridge Length: In general, the "length" of a bridge is that distance measured horizontally along the centerline of roadway between extreme centerlines of bridge shoes or bearings, or when shoes or bearings are not used the distance between vertical faces of abutments, or spring lines of arches, or extreme ends of openings for multiple reinforced concrete boxes.

Cluster Box Unit (CBU): A facility utilized by the United States Postal Service to deliver mail.

Culvert: A structure not classified as a bridge which provides an opening under the roadway.

Consultant: A specialist in a professional or technical field, including, but not limited to, an architect, biologist, economist, engineer, geologist or hydro-geologist, land surveyor, landscape architect, lawyer, planner, or soil scientist, who is not an employee of the Town of Southbridge and who is engaged by the

Board or by another Town agency to review, inspect, and advise the Board on specific projects or matters in such consultant's area of competence.

Director of Public Works: The Director of the Southbridge Department of Public Works or his/her designee.

Easement: A right acquired by a public authority or other person for use or control of property for utilities, travel, or other designated public or private purpose.

Engineer: Any person who is licensed by the Commonwealth of Massachusetts to perform professional engineering services.

FIRM: Flood Insurance Rate Maps, published by the National Flood Insurance Program.

Frontage: A lot boundary line which abuts a public or private way and across which line there is legal and physical access, as set forth in the Southbridge Zoning By-Law.

General Laws or M.G.L.: The General Laws of the Commonwealth of Massachusetts, as amended.

Improvements: Those physical additions, installations, and changes, such as water supply, sanitary sewers, storm drains, electric, telephone, and fire alarm conduits, street signs, street lights, sidewalks, curbs, grass plots, guard rails, shade trees, roadways, boundary monuments, and other items and systems customarily provided by towns, public entities and utility companies, which include those items which are referred to in the Subdivision Control Law as "municipal services" and are required to be installed by developers of subdivisions at no cost to the Town.

Lot: An area of land in one ownership, with definite boundaries, in use, or available for use, as the site of one or more buildings complying with the area, frontage and other requirements of the Zoning By-laws of the Town of Southbridge.

MDPW Standards: The latest revisions of the Standard Specifications for Highways and Bridges of the Massachusetts Department of Public Works.

Municipal Services: Sewers, water pipes, storm drains, gas pipes, electrical lines, cable or telephone lines, fire alarm systems and their respective appurtenances.

Open Space: An area of land which has no buildings or structures (other than minor decorative structures) on or above it, is not paved or used for parking, is not wetland or swamp, and is, or is intended to be, landscaped or covered by grass or other vegetation, provided that up to thirty-three percent (33%) of the area may be paved and have posts, backstop, fences, or similar sports or recreational equipment on it if used for active recreation, pedestrian ways, or as a service yard not involving storage of goods or equipment.

Owner: As applies to real estate, the person(s) (as hereinafter defined) holding fee simple title to a parcel, tract, or lot of land, as shown by the record in the appropriate Land Registration Office, Registry of Deeds or Registry of Probate.

Person: An individual or two or more individuals, or trust, or a group or association of individuals, having a common or undivided interest in a tract of land including a partnership or corporation.

Plan, Approval Not Required: A plan for a division of lots that is believed not to require subdivision approval (ANR).

Plan, Definitive: A subdivision plan meeting the requirements of these Rules and Regulations and of the Subdivision Control Law for definitive plans and acceptable for recording in the Registry of Deeds or filing with the Land Court when endorsed as approved by the Planning Board and/or the Town Clerk. The definitive plan includes supporting materials which are filed with the Planning Board and not recorded, and the approval of the definitive plan constitutes approval of the subdivision shown thereon.

Plan, Preliminary: A plan of a proposed subdivision or re-subdivision submitted in accordance with these Rules and Regulations and with M.G.L. c. 41, §81S.

Profile: A vertical section of streets, storm drainage and sanitary sewer facilities.

Recorded: Recorded shall mean recorded in the Registry of Deeds of Worcester County, except that, as affecting registered land, it shall mean filed with the Recorder of The Land Court. (M.G.L c. 41, §81-L).

Retaining Wall: A wall built to resist lateral pressure.

Registered Mail: Registered or certified mail.

Registry of Deeds: The Registry of Deeds in Worcester County, including when appropriate, the recorder of the Land Court.

Roadway: That portion of a street intended for vehicular use. The roadway is considered to be the area between the left and right gutter lines.

Sight Distance: Defined as both of the following: 1) The minimum distance that can be seen in all directions when stopped at an intersection, from a point nine (9') feet behind the curb line, four and a half (4.5') feet to the right of the center of the roadway that is stopped on, three and a half (3.5') feet high, observing an object four and a quarter (4.25') feet high in the center of the approaching travel lanes. 2) Stopping sight distance as defined by AASHTO (American Association of State Highway and Transportation Officials) utilizing a 3.50-foot height of observer and a 0.50-foot height of object.

Site: A portion of a lot, tract or parcel of land provided for the location of a building or construction work, with the necessary or convenient amount of land adjacent to such building used in connection therewith, whether such portion is separated from the rest of the lot, parcel, or tract by definite boundaries or not.

Standard Specifications: The Commonwealth of Massachusetts Department of Public Works, Standard Specifications for Highways and Bridges, 1988 Edition, including the November 8, 2000 Supplemental Specifications and all later addenda, revisions and supplements, all of which are hereinafter referred to as the Standard Specifications.

Street or Way: A way, street, or road open and dedicated to public use, including a public way, or a way, public or private, approved and constructed under the provisions of the Subdivision Control Law, or a private way certified by the Town Clerk to have been used and maintained by public authorities as a public way, a way

in existence prior to said Subdivision Control Law having become effective in the Town of Southbridge and having, in the opinion of the Board, adequate width, grades, and construction for vehicular traffic and the installation of municipal services to serve the land abutting on such way and the buildings erected or to be erected. As defined in the Southbridge Zoning Bylaw, the street or way includes all land within the right-of-way, not just the roadway pavement.

Street (or Way) Dead End: A segment of a street which only intersects another street at one end. For the purposes of this regulation, any proposed street which intersects solely with a dead-end street shall be deemed to be an extension of the dead-end street. Dead-end streets and their extensions, if any, or any combination thereof shall not be longer than 500 feet (500'). The roadway length shall be measured from the sideline of the intersecting roadway to the center point of the cul-de-sac.

Street Classifications: Residential streets or ways are categorized by whichever method results in the higher or more restrictive classification as follows: 1) the number of dwelling units to which they provide access or 2) the 24 hour traffic volume that the roadway is projected to accommodate. These determinations must consider the maximum extent to which the street can be extended. The street classifications listed below are listed in ascending order from lower to higher. Traffic volumes are determined by twenty-four hour traffic volume counts at representative times and by unadjusted 24 hour trip generation rates as set forth in The Institute of Transportation Engineers Trip Generation, An Informational Report, current edition.

Residential Lane: A street or way capable of being extended to provide access to a maximum of four dwelling units or that accommodates a maximum of 40 two-way vehicle trips during 24 hours.

Residential Street: A street or way capable of being extended to provide access to a minimum of five and a maximum of forty-nine dwelling units or that accommodates a minimum of 41 and a maximum 499 two-way vehicle trips during 24 hours.

Non-residential Street: A street or way providing access to or capable of being extended to provide access to land in a non-residential zoning district.

Collector Street: A street or way capable of being extended to provide access to a fifty or more dwelling units or that accommodates 500 or more two-way vehicle trips during 24 hours.

Subdivision: The division of a tract of land into two (2) or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or 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 clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to 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 ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required; such frontage shall be of at least twenty feet. 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 law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

Subdivision Control Law: M.G.L. c. 41, §81K through 81GG, inclusive and any acts in amendment thereof, addition thereto, or substitution there for.

Subdivision Rules and Regulations or Rules and Regulations: The Rules and Regulations Governing the Subdivision of Land in Southbridge, Massachusetts, as most recently adopted by the Southbridge Planning Board pursuant to M.G.L. c. 41, §81O.

Surveyor: Any person who is registered by the Commonwealth of Massachusetts to perform professional land surveying services.

Town: The Town of Southbridge, Massachusetts, and the reference to boards, departments, officials, by-laws, and regulations shall mean those of the Town of Southbridge, unless otherwise indicated.

Town Engineer: The Director of Public Works of the Town of Southbridge or his/her designee.

Town Planner: The appointed Town Planner.

Traveled Way: See Roadway.

Wall: See retaining wall.

Wetlands: All resource areas protected pursuant to M.G.L. c. 131, §40, as may be amended. Buffer areas are excluded from this definition.

Zoning By-Law: the Zoning By-law of the Town of Southbridge.

SECTION 3.0 - GENERAL REGULATIONS

The following regulations shall apply in all circumstances governed by the Subdivision Control Law.

3.1 - APPLICABILITY

Any person desiring to divide or subdivide land shall, before proceeding with the improvement or sale of lots in the division or subdivision, or the construction of ways, or the installation of municipal services therein, submit to the Board a plan of such division or subdivision pursuant to the Subdivision Control Law and secure approval by the Board as hereinafter provided.

3.2 – APPLICATIONS AND OTHER REQUIRED SUBMITTALS

All applications for approval or endorsement, required plans, required submittals, and required fees shall comply in all respects with the provisions of these Rules and Regulations. No application or plan shall be acted upon by the Board until said plan, together with all required accompanying applications, forms, fees, lists and other items have been delivered by the applicant, and are properly executed and fully completed in accordance with these Rules and Regulations. Where the applicant fails to comply with these Rules and Regulations, the Planning Board may reject the application and such application shall be deemed not submitted.

3.2.1- Correctness. The Board assumes any plans submitted for its approval or consideration to be correct, unless evidence is presented to the contrary. The applicant is responsible for the acquisition of the necessary rights and the presentation of complete and correct information to the Board, and failure to do so, including the failure or inability to obtain all necessary permits, licenses, releases, or rights, may be a reason for disapproval or the rescission of approval of a subdivision or other plan.

3.2.2 - Completeness. Applications shall include all forms and supporting materials called for by these Rules and Regulations, and the required fees in full. A plan shall not be considered submitted, and may not be reviewed or processed, until all required components thereof have been completed, signed or certified as required, and delivered in the required number of copies, including for definitive subdivision and "approval not required" plans the original tracings for the Board's signatures and recording. Any plan submitted for action or determination by the Planning Board shall show on the plan or in supplementary materials submitted with and referred to on the plan all information which can reasonably be expected to be relevant or needed in making the determination or decision, including, but not limited to, information regarding ownership, features identified as existing, and changes in use, improvements, alterations, or demolitions identified as "proposed" or "future", and any decision or action by other state or local agencies, whether applied for, pending, final, or under appeal.

3.3 – NOTICE TO TOWN CLERK

For "approval not required" plans (see Section 4.0) and for preliminary subdivision plans (see Section 5.0) and definitive subdivision plans (see Section 6.0), the applicant shall give a written notice to the Town Clerk at the time of submittal of the complete application packet including plans. A copy of the application form, bearing an acknowledgment of receipt of the complete application packet by the secretary or staff member of the Board is a convenient way of giving the required notice to the Town Clerk.

3.4 - COMPLIANCE WITH THE BOARD'S RULES AND REGULATIONS

A proposed division and/or subdivision of land shall comply in all respects with these Rules and Regulations, unless the Board authorizes a waiver there in for specified and authorized instances.

3.5 - WAIVERS

Strict compliance with these Rules and Regulations governing the subdivision of land may be waived when, in the judgment of the Board, such action is in the public interest, not inconsistent with the Subdivision Control Law, and promotes public health and safety.

3.6 - ISSUANCE OF BUILDING PERMITS

The Building Inspector shall not issue any permit for erection of a building until first satisfied (a) that the lot on which the building is to be erected is not within a subdivision, or (b) that a way furnishing the access to the lot within a subdivision as required by the subdivision control law is shown on a recorded plan and that any conditions endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied, and (c) that all other applicable requirements have been met.

3.7 - PROFESSIONAL AND TECHNICAL ASSISTANCE

The Board may assign as its agents appropriate Town officials, and may hire professional assistance to review plans and inspect improvements at the cost of the applicant.

3.8 - FEES

The fees indicated in Appendix A - Planning Board Fee Schedule shall accompany the submittal of application materials of the various plans specified in the Rules and Regulations, to cover costs of processing, technical review, and inspection. All expenses for advertising, engineering, review, plans, construction, inspection, recording, and filing of plans and documents, and all other expenses in connection with or for a subdivision shall be borne by the applicant.

3.8.1 - Bank or Certified Check Required. Separate bank or certified checks shall be used for the filing fee and the consultant review, with the Town of Southbridge designated as the payee. The Board, in its sole discretion, may require payments to be made via bank, treasurers or certified check.

3.9 - MODIFICATION, AMENDMENT, OR RESCISSION OF SUBDIVISIONS

The Board, on its own motion or on the petition of any interested person, shall have the power to modify, amend, or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan, after due notice and opportunity to the owner to be heard in accordance with M.G.L. c. 41, §81W, as amended.

3.10 - DWELLING LIMITATION

Not more than one building, designed or available for use for dwelling purposes shall be erected, placed, or converted to use as such on any lot in a subdivision, or elsewhere in town, without the consent of the Board, and such consent may be conditioned upon the provision of adequate ways furnishing access to each building site in the same manner as otherwise required for lots within a subdivision.

3.11 - ACCESS ADEQUACY REGULATIONS

3.11.1 - General. Plans shall be endorsed as not requiring approval under the Subdivision Control Law and subdivision plans shall be approved only if each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, M.G.L. c. 41, §81K - 81GG.

3.11.2 - Standards of Adequacy.

1. Approval Not Required (ANR) Lots. Ways providing access to lots developed pursuant to M.G.L. c. 41, § 81P shall normally be considered adequate for access if in the sole opinion of the Planning Board said way provides access for fire, police and emergency vehicles at all times.
2. Within a Subdivision. Streets within a subdivision shall be considered to provide adequate access if complying with the standards established in these Rules and Regulations.
3. To a Subdivision. Existing ways providing access to streets within a subdivision shall be considered to provide adequate access if such existing way meets the standards set forth herein for width of right of way, pavement width, sight distance, and maximum grade.

3.11.3 - Obligations. The Board may require, as a condition of its approval of a subdivision plan, that the applicant dedicate or acquire and dedicate a strip of land for the purpose of widening access ways to a width as required in these regulations, above, and that applicant make physical improvements within such way or compensate the Town for the cost of such improvements in order to meet the standards specified above.

3.11.4 - Waiver of Access Rules. The Board may waive strict compliance with these access regulations only upon its determination, following consultation with the Town Manager, Director of Public Works, Police Chief, and Fire Chief, that the way in fact will be otherwise sufficient to serve the needs for access to serve potential uses of land abutting on or served by the way in question.

3.12 - UTILITY ADEQUACY

The Planning Board may require an applicant for definitive plan approval to make off-site improvements to the Town's storm water, sewer and water facilities including in the public right of way in the event that such facilities are not adequate to support the needs generated by the proposed subdivision of land in the sole opinion of the Planning Board and in accordance with all Town, State and Federal laws, regulations, etc.

3.13 - EFFECT OF APPROVAL

The approval of a subdivision or other plan by the Board does not affect any rights others may have in or over the land shown on such plan, nor does it give the applicant the right to perform work on land owned by others.

SECTION 4.0 - PLAN BELIEVED NOT TO REQUIRE SUBDIVISION APPROVAL (ANR)

4.1 - SUBMISSION

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 said plan does not require approval under the Subdivision Control Law may submit such plan to the Planning Board seeking an endorsement to the effect that such approval is not required.

4.1.1 - Application. Said person shall file with the Planning Board an approved application form, with an original mylar and two (2) prints of the plan, together with a fee, in accordance with the most recent schedule of fees adopted by the Planning Board. Such application shall be accompanied by evidence intended to show that said plan does not require approval under the Subdivision Control Law pursuant to M.G.L. c. 41, §81P.

4.1.2 - Notice. Said person, in accordance with M.G.L. c. 41, §81T, shall give written notice, by delivery or registered mail, to the Town Clerk stating the date of the submission of the plan to the Planning Board. If such notice is given by delivery, the Town Clerk shall, if required, give written receipt thereof to the person who delivered such notice.

4.1.3 - Referral. The Planning Board may refer any plans so submitted to the Department of Engineering, Department of Public Works, for review. A period of ten (10) days may be allowed for such review.

4.1.4 - Electronic File. The applicant shall submit an electronic file containing the Form A plan, produced by an Auto cad or similar computerized drafting system, in an Auto cad Drawing Format (.dwg), compatible with the Town's current Auto cad and GIS systems, registered to Massachusetts State Plane (Mainland) Coordinates, North American Datum of 1983, as part of the application for endorsement of the plan or after the Board's approval of the plan. The CAD file shall be produced with Grid North coincident with the "Y" axis and no "hard rotation" of entities within the drawing. The base point of the drawing shall be (0,0,0). A view rotation for cosmetic appearances of the drawing is acceptable.

4.1.5 - Ownership. If the owner is a corporation, a list of the officers and directors shall be submitted. If the owner is a trust, a list of trustees shall be submitted.

4.2 - CONTENTS

4.2.1 - Size of Plan. All plans submitted under this Section shall be of minimum dimensions of eight and one-half (8.5) inches by eleven (11) inches and of maximum dimensions of twenty-four (24) inches by thirty-six (36) inches or such other size as may be specified by Land Court.

4.2.2 - Required Information. Plans shall bear the following:

1. Title Block, containing the following information:
 - a. Name of owner of record (including trustees as applicable);

- b. Title, date and scale of plan and a bar scale;
 - c. Name and address of Registered Land Surveyor and/or Registered Professional Engineer and their License Number.
 - d. The statement "Approval Not Required under the Subdivision Control Law" and sufficient space there under for the date and the signatures of all members of the Board;
 - e. Date of Survey and/or source of information.
2. A block, 3 ½ " x 3 ½ " located adjacent to the title block, reserved for use by the Registry of Deeds.
 3. The following statement, together with a location suitable for the preparer's signature: "This plan has been prepared in conformance with the rules and regulations of the Registers of Deeds."
 4. North point.
 5. Existing and proposed boundary lines, including dimensions and areas of all lots shown. When a change in property lines is proposed, the new lines shall be shown as solid black lines, and the lines to be abandoned shall be shown broken.
 6. Existing and proposed streets, ways and easements.
 7. Location of all existing buildings, structures and bounds. In instances where a new lot line is being created, the Planning Board may require field verification of building setbacks from existing or new property lines.
 8. Illustration, by broken line, of all setback lines established by the Zoning Bylaw.
 9. Location(s) of any easements or rights of way traversing or adjacent to the locus.
 10. Boundaries, if any, of any area(s) which the Conservation Commission has determined to be Subject to M.G.L. c. 131, S 40.
 11. Lot and/or house numbers.
 12. Abutters from the latest available Assessors' records unless the applicant has knowledge of any subsequent changes to the latest available Assessors' Records.
 13. Zoning classification(s) and location(s) of any zoning district boundaries, including the boundaries, if any, of the Flood Plain and Watershed Protection and/or Flood Insurance District(s) that may lie within the locus of the plan.
 14. Dimensional regulations currently in effect, such as required front yard, side yard, and rear yard setback designations, required lot area, lot frontage, lot width and including any conflicts shall also be listed.

15. Notice of any decisions of the Zoning Board of Appeals including but not limited to variances and exceptions regarding the land or any building thereon.
16. A locus map at eight hundred (800) feet to the inch.
17. Location of the land referenced by Assessor's map and parcel number(s).
18. In the case of creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
19. Names, widths, and status of (private or public) streets and ways shown on the plan.
20. Location of all existing structures, walls, fences, wells, septic systems, and any other underground structures within the subject property.
21. All water bodies and bordering vegetated wetland areas.
22. Elevations (if available) and limits of the one hundred (100) year FIRM flood hazard.
23. Bearings and distances of all lines of the lot or lots, easements, ways etc., shown on the plan including the area of land satisfying lot area requirements.
24. The location of at least three (3) permanent monuments on or near the locus.
25. Any other information necessary for the Board's determination.

4.3 - ENDORSEMENT

4.3.1 - General. If the Board determines that the plan does not require approval, it shall forthwith, without a public hearing (but at an open meeting), endorse on the plan under the words "Approval not required under the Subdivision Control Law."

4.3.2 - Statement of Reasons. The Planning Board may add to such endorsement a statement as to the reason approval is not required or such other statement as may be deemed appropriate by the Planning Board. Planning Board may include, at its discretion, the following statement: "No Determination as To Compliance with Zoning Requirements Has Been Made or Intended". The Planning Board may require the notation "Not a Building Lot Without Further Zoning Relief" in appropriate circumstances.

4.3.3 - Effect. Such endorsement shall not be deemed to constitute any determination of compliance with the requirements of the Zoning Bylaw. Following endorsement said plan shall be returned to the applicant and the Planning Board shall notify the Town Clerk in writing of its action.

4.3.4 - Denial. If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty-one (21) days of the submission of the plan, give written notice of its determination to the Town Clerk and the applicant, and return the plan without endorsement. The

applicant may submit the plan for approval as provided by law and by these Rules and Regulations, or may appeal the determination of the Board in the manner provided in M.G.L. c. 41, §81BB.

4.3.5 - Constructive Approval. If the Planning Board fails to act upon a plan submitted under this Section or fails to notify the Town Clerk and the person submitting the plan of its action within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and the Board shall forthwith make such endorsement on said plan, or, on the failure of the Board to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

SECTION 5.0 - PRELIMINARY PLANS

SECTION 5.1 - PRE-APPLICATION CONFERENCE

Prior to investing in extensive professional design costs for preparation of subdivision plans, the applicant is invited to review the proposed development of the parcel of land with the Board, in order to explore general conditions involving the site and to discuss potential problems. Proposed plans, which need not be professionally prepared, will assist in this discussion and should include the critical features of a Preliminary Plan. In some cases, this pre-submission review may eliminate the need for the formal submission of a Preliminary Plan.

5.2 - SUBMISSION

5.2.1 - General: An applicant may submit, for approval, a Preliminary Plan of a subdivision; provided, however, that a Preliminary Plan shall be required for a nonresidential subdivision. The submission of such a Preliminary Plan will enable the sub divider, the Board, the Board of Health, 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 in every instance that a Preliminary Plan be filed.

5.2.2 - Application: In order for a preliminary plan application to be considered "duly filed and submitted", in accordance with M.G.L. c. 41 §81-S, as amended, of the Subdivision Control Law, the applicant must do the following:

1. An application for approval of said Preliminary Plan shall be filed with the Planning Board and the Board of Health on the approved Application Form (3 copies) (See Appendix B, Form A1), which shall be submitted together with an original and seven (7) prints of the plan and profile (copies of which will be distributed by the Planning Board to other Town boards, commissions and appropriate agencies).
2. Fees as specified on the most recent Fee Schedule adopted by the Planning Board must be submitted to the Planning Board at the same time as the application.
3. The applicant shall give written notice, in accordance with M.G.L. c. 41, §81S, to the Town Clerk by delivery or by Registered or Certified Mail, stating the date of such submission to the Planning Board and the Board of Health, accompanied by a copy of Form B, describing the land to which the plan is related sufficient for identification.
4. If the owner is a corporation, a list of directors and officers shall be submitted. If the owner is a trust, a list of trustees shall be submitted.

5.3 - CONTENTS

5.3.1 - Preparation. The Preliminary Plan shall be drawn and stamped by a professional land surveyor and/or professional civil engineer on reproducible film at a scale of forty (40) feet to the inch, unless approval of submission at an alternate scale shall have been approved by the Planning Board. Said

preliminary plan shall be identified as a preliminary plan and shall show sufficient information about the subdivision to form a clear basis for discussion and for the preparation of the definitive plan.

5.3.2 - Required Information. The Preliminary Plan shall show the following information. Should the plan be submitted on more than one sheet, each sheet shall be of the same size, each containing the required title block indicating the sheet number of each sheet.

1. Title block, containing the following information:
 - a. Title (subdivision name), date of survey and scale.
 - b. Name of owner of record and of applicant if other than owners of record.
 - c. Name and address of Registered Land Surveyor or Registered Professional Engineer.
2. North Point.
3. Existing and proposed lines of streets, ways, easements (including purposes), and any public or common areas within the subdivision.
4. Where the applicant also owns or controls non subdivided land adjacent to that shown on the Preliminary Plan, a possible or prospective street layout for such adjacent land shall be included along with the area of adjoining land and water of the applicant not presently being subdivided.
5. Location, names, present widths (right-of-way and pavement) and status as accepted or unaccepted, of adjacent streets or of streets approaching or within five hundred (500) feet of the subdivision.
6. The names of all abutters and abutters to abutters within three hundred (300) feet, as they appear on the most recent tax list, including owners of land separated from the subdivision only by a street.
7. A locus plan at a scale of one-inch (1") equals eight hundred (800) feet showing the relationship of the subdivision to adjoining property within a radius of a quarter of a mile of the proposed subdivision.
8. The zoning classification of the land shown on the plan and the location of any zoning district boundaries that may lie within the locus of the plan. Dimensional regulations currently in effect shall also be listed, including any conflicts. All lots must conform to all zoning requirements. No landlocked parcels are allowed.
9. The location of all major features of the land such as, but not limited to, existing walls, fences, monuments, structures, underground structures, utilities, wells, septic systems, large trees or wooded areas, large boulders, rock edges or ledge outcroppings, wetlands, swamps, water bodies, and natural water courses including drainage ditches.
10. The location of the General Soils Classifications identified by the Soil Conservation Service, United States Department of Agriculture.

11. Existing (fine line) and proposed (bold line) topography of the land at two-foot (2') contour intervals.
12. Proposed boundary lines of proposed lots, with approximate areas and dimensions to the nearest foot.
13. Proposed systems of storm drainage, water supply and sewage disposal including adjacent existing natural waterways.
14. Profiles of existing grades and approximate finished grades of proposed roadways, and drain and sewer systems at a scale of 1" = 40' horizontally and 1" = 40' vertically.
15. Limits (perimeter) of all contiguous land under the ownership or control of the applicant.
16. Location(s) of any easements (including purpose) or rights of way traversing or adjacent to the locus.
17. Illustration, by broken line, of all setback lines established by the Zoning By-law.
18. Boundaries, if any, of any area(s) which the Conservation Commission has determined to be subject to M.G. L. c. 131, §40.
19. An aerial photograph, indicating the property to be subdivided, the proposed street layout, lot lines, and easements.
20. A legend as necessary.
21. The title "Preliminary Plan" shall be shown on each plan sheet.
22. All lots are to be sequentially numbered.
23. Notice of any decisions by the Board of Appeals, including but not limited to variances and exceptions, regarding the land or any buildings thereon.
24. Approximate elevation (if available) and limits of the 100-year (FIRM) flood.
25. Intersecting boundary lines of abutting lands in a general manner.
26. All sheets sequentially numbered.
27. Location of adjacent private water supplies and septic systems within one hundred (100) feet of the subdivision's property line.
28. The distance of the subdivision (or any part thereof) to the nearest public water supply, if the subdivision is within five hundred (500) feet as the crow flies.

29. Existing curb cuts within one hundred (100) feet of any new proposed intersection.

30. Any test pit and soil logs performed to determine feasibility of construction and groundwater elevations.

5.4 - PROCEDURES

5.4.1 - Review of Plan. The Preliminary Plan will be transmitted to Director of Public Works, Town Engineer, Fire Chief, Police Chief, Conservation Commission, and such other boards, committees or agencies as the Planning Board may deem advisable. The applicant shall be responsible for submittal directly to the Board of Health.

5.4.2 - Public Discussion. A Preliminary Plan public discussion will be held by the Planning Board at a duly posted meeting of the Board with the preliminary plan discussion specifically noted on the agenda for the meeting.

5.4.3 - Preliminary Approval. Following review by the appropriate municipal agencies and the Public Discussion described above, the Planning Board may deny such Preliminary Plan, or approve such Plan with or without modifications. Such approval shall incorporate the recommendations of the Board of Health, if any. The Board shall act within forty-five (45) days as set forth in M.G.L. c. 41, §81S, as amended.

5.4.4 - Effect. Such approval does not constitute final approval of a subdivision but does facilitate the procedure in securing final approval of the Definitive Plan.

5.4.5 – Open Space Subdivision. Open Space Subdivisions are preferred.

SECTION 6.0 - DEFINITIVE PLANS

6.1 - PRE-APPLICATION CONFERENCE

Prior to investing in extensive professional design costs for preparation of subdivision plans, the applicant is invited to review the proposed development of the parcel of land with the Board, in order to explore general conditions involving the site and to discuss potential problems. Proposed plans, which need not be professionally prepared, will assist in this discussion, and should include the critical features of a Definitive Plan.

6.1.1 - Consultation with Other Boards. Prior to submission of the Definitive Plan, the applicant shall review with the applicable Town departments, the proposed design, location and installation of water, sanitary sewer, and storm water collection system.

6.2 - SUBMISSION

In order for a Definitive Subdivision Plan application to be considered “duly filed and submitted”, in accordance with M.G.L. c. 41, §81 O and T (Subdivision Control Law), as amended, the applicant must complete sections 6.2.1 through 6.2.8.

6.2.1 - Application. Any person who submits a Definitive Plan of a Subdivision to the Planning Board for approval shall file with the Board a properly executed application form together with the original drawings and ten (10) print sets thereof, dark line on white background, of each plan sheet. Such person shall also file the Definitive Plan with the Board of Health in accordance with its rules and regulations.

6.2.2 - Notice. The applicant, in accordance with M.G.L. c. 41, §81T, shall file by delivery or registered or certified mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the executed application form.

6.2.3 - Fee(s). Every application for approval shall be accompanied by a fee(s), determined in accordance with the most recent Fee Schedule adopted by the Planning Board. Costs of advertising and notices shall be charged to the applicant.

6.2.4 - Additional Costs. Should the Planning Board incur additional costs in the review of the Definitive Plan, such costs shall be borne by the applicant unless otherwise ordered by the Board.

6.2.5 - Owners. If the owner is a corporation, a list of officers and directors shall be submitted to the Board. If the owner is a trust, a list of trustees shall be submitted.

6.2.6 - Abutters. File a list of abutters certified by the Assessors’ Office. Include names of all the abutters and abutters to the abutters within three hundred (300) feet as they appear on the most recent tax list, including owners of land separated from the subdivision only by a street.

6.2.7 - Waivers. File a letter requesting each waiver of the Subdivision Rules and Regulations (if applicable). Including reasons for the request.

6.2.8 - Municipal Lien Certificate. File a municipal lien certificate supplied from the Southbridge Treasurer/Collector.

6.2.9 - Other Permits. It shall be the responsibility of the Applicant to file and obtain all necessary permits required from any local, state and/or federal agency.

6.2.10 - Incomplete Submissions. The Board reserves the right to disapprove incomplete submissions at any time if, in its opinion, review of the plan is hampered by the absence of required information. In the event that incomplete plans are submitted to the Board, after opening a public hearing, the Board may vote to disapprove the plan and return plans to the applicant as incomplete. The Board shall cite those specific regulations with which the plan is not in compliance in a letter noting the reason for the Board's action, which shall be filed with the Town Clerk. In the event of such disapproval, the Board reserves the right to retain any filing or review fees.

6.3 - CONTENTS

6.3.1 - Preparation. The Definitive Plan shall be prepared by a Registered Professional Engineer and a Registered Land Surveyor both licensed in the Commonwealth of Massachusetts and shall be clearly and legibly drawn with waterproof ink upon linen, Mylar, or their equivalent. The surveying shall conform to the requirement of the latest approved Land Court Standards for Surveying and Mapping. The plan shall be at a scale of one (1) inch equals forty (40) feet or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes shall be twenty-four (24) inches by thirty-six (36) inches with $\frac{3}{4}$ " borders suitable for recording. Multiple sheets shall be accompanied by an index sheet at a scale of 1"=100', showing the entire subdivision and all sheets shall be appropriately numbered and referenced thereto.

6.3.2 - Required Sheets. The Definitive Plan shall consist of at least nine (9) separate sheet types as follows:

1. A subdivision plan;
2. A topographic plan;
3. A layout plan and profile;
4. A landscape plan;
5. An erosion and sedimentation control plan;
6. Construction detail drawings;
7. A cover sheet, including an index, locus and legend;
8. An index sheet showing entire subdivision at scale of 1"=100' and
9. A drainage plan.

6.3.3 - Required Information. The Definitive Plan shall contain the following information. Each subdivision plan, topographic plan, layout plan and profile and cover sheet shall contain a title block. The title block shall be located in the lower right corner of each drawing and shall include the name of the subdivision and of the applicant, identification of that particular drawing, scale of plan (numerical and graphic), date of plan and of any revisions, the name and address of the designer, engineer and surveyor, and the words "SOUTHBRIDGE, MA" or "MASSACHUSETTS". A typical title block shall contain the following information:

1. Title (Subdivision Name), date of survey and scale, and a bar scale, as required by the Registry of Deeds.
2. Name of owner of record and of applicant if other than owner of record.
3. Name and address of the Registered Land Surveyor or Registered Professional Engineer.
4. Adjacent to the title block, shall be a block, measuring three and one-half inches (3.5") by three and one-half inches (3.5"), which shall be reserved for use by the Registry of Deeds.
5. Each plan and cover sheet shall also have the following statement, together with a location suitable for the preparer's signature, placed upon it: "This plan and all related survey has been prepared in conformance with the rules and regulations of the Registry of Deeds."
6. The following covenant note shall be provided on each sheet of the definitive plans:
 - a. Approved subject to a covenant, executed by (name of subdivision owner or developer), (date), and to be (recorded) (registered) herewith.
 - b. Suitable space on every sheet to record the action of the 7-member Planning Board and the signature of each member of the Board, including the date of approval and the date of endorsement.
7. The following note shall be provided on each sheet of the definitive plans:

Approved subject to conditions set forth in the Certificate of Approval (Form C-3) filed with the Town Clerk on (date).
8. All sheets shall be consecutively numbered and the total number of sheets shall be stated on every sheet.
9. All "Subdivision Plan" sheets to be stamped and signed by a Professional Land Surveyor licensed in the Commonwealth of Massachusetts and all other sheets to be signed and stamped by a Professional Civil Engineer licensed in the Commonwealth of Massachusetts.
10. The heading: Subdivision Plan.
11. North Point.

12. Existing and proposed lines of streets, ways, easements (including purpose) 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).
13. Location, names, and present widths of all adjacent public and private ways bounding, approaching, and within reasonable proximity (within five hundred (500) feet) of the subdivision, showing all roadway widths and right-of-way widths.
14. A locus plan at a scale of one (1) inch equals eight hundred (800) feet showing the relationship between the subdivision and adjoining property within a radius of a quarter mile of the proposed subdivision. The right-of-way lines for the proposed streets must be shown.
15. Names of all abutters as they appear on the most recent local tax list.
16. Boundary lines, dimensions and areas of all proposed lots. Sufficient data, including length, bearings, radii and central angle, to determine the exact location, direction and length of every street and way line, lot lines, easements, and boundary line, and to establish these lines on the ground. All lots are to be designated numerically and in sequence. The applicable minimum front, side and rear yard setbacks for each lot as required by the Zoning By-law shall be shown by a dashed line.
17. Cover sheet shall state use of town or private water and sewer supply.
18. Sufficient information to accurately locate existing and proposed streets (including the location, name, and width thereof), ways and easements, as well as their connections to existing streets, ways and easements in the vicinity.
19. If applicable, the limit of previous approval by the Planning Board and the date of such approval must be shown. If the subdivision adjoins an accepted public way, it shall be so designated. If a public way, the date of acceptance must be shown.
20. Zoning classification of the land shown on the Plan and the location of any zoning district boundaries, and including the boundaries, if any, of the Flood Plain and Watershed Protection and/or Flood Insurance District, that may lie within the locus of the Plan.
21. Location(s) of any easements or rights of way traversing or adjacent to the locus.
22. Boundaries, if any, of any area(s) which the Conservation Commission has determined to be subject to M.G.L. c. 131, §40.
23. Submission of an aerial photograph indicating the property to be subdivided, the proposed street layout, lot lines, and easements (aerial photographs at 1" = 100' scale are available from Town records).
24. Sufficient, but not less than three (3) permanent physical control points tied to NAVD88 and NAD83 on the perimeter shall be set in the field and identified on the Plan to facilitate the reproduction of the subdivision survey.

- 25. Subdivision plan sheets must be stamped and signed by a Professional Land Surveyor licensed in the Commonwealth of Massachusetts.
- 26. The location of at least three (3) existing permanent monuments on or near the locus shall be shown on the Subdivision Plan sheet(s).
- 27. A Town Clerk note must be supplied on each Subdivision Plan sheet that states:

<p>SOUTHBRIDGE TOWN CLERK CERTIFICATION</p> <p>I, (Name of Town Clerk), CLERK OF THE TOWN OF SOUTHBRIDGE, HEREBY CERTIFY THAT NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD WAS RECEIVED AND RECORDED AT THIS OFFICE ON (date). NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT FOLLOWING SUCH RECEIPT AND RECORDING OF SAID NOTICE.</p> <p>DATE: _____ (Name, Title) <div style="margin-left: 150px;">(Signature)</div></p>	
---	--

- 28. Indication of all easements, covenants or restrictions applying to the land and their purposes.
- 29. If the property that comprises the subdivision or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plot with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land of the owner and applicant. All land court information shall be supplied on the Subdivision Plan sheets.
- 30. The Subdivision Plan sheets shall include notice of any decisions by the Board of Appeals, including but not limited to variances and exceptions, regarding the land or any buildings thereon.
- 31. Each lot shall be shown in its entirety on at least one "Subdivision Plan" sheet.
- 32. Intersecting boundary lines of abutting lands shall be shown in a general way on the "Subdivision Plan" sheets.
- 33. All bordering vegetative wetlands and FIRM 100-year flood zones shall be shown on the "subdivision plan" and "topographic plan" sheets if applicable.
- 34. Topographic Plan. The topographic Plan shall encompass the entire area to be subdivided; together with the area beyond the limits of the subdivision which may be affected by changes in surface runoff resulting from the proposed subdivision, and shall include the following:

- a. Locations of all permanent monuments, identified as to whether existing or proposed, major features of the land, such as existing swamps, all wetlands, natural drainage courses, walls, fences, structures, underground structures, utilities, historic markers, milestones, bridges, clearly defined trails, large trees, wooded areas, outcroppings and ditches which exist on or are contiguous and relevant to the site at the time of survey.
- b. Locations of all existing and proposed streets, lot lines and easements.
- c. Existing and proposed contours, tied vertically to NAVD88, shall be shown at two-foot (2') intervals, except that one-foot contours and spot elevations shall be shown on slopes of 2% or less. Spot grades shall be provided at high points and low points.
- d. In order to assess the effect of clearing and changes in elevation on existing drainage patterns, the topographic plan shall include proposed maximum areas of clearing associated with construction of roads, utilities, drainage systems and new homes.
- e. Where areas of fill are known, the location and area of contiguous land proposed to be filled including any proposed mounded septic systems.
- f. Any proposed retaining walls, including the location, height and length of the wall with details showing full construction methods and the proposed treatment of the exposed surface.
- g. Existing large trees (having a caliper of twelve (12) inches or more) shall be located and identified on the topographic plan.
- h. Natural areas not to be disturbed by the proposed subdivision shall be so indicated on the topographic plan.

35. Observation pits, shall be provided. The location of observation pits having the only purpose of supplying soil data to the Planning Board to assist in evaluating the design of a subdivision shall be determined. At this time, the centerline of the roadway shall be staked out. A cross section of such observation pits shall be taken, in accordance with the regulations concerning such pits as provided in Title 5 of the State Environmental Code (310 CMR 15.00), prior to submission of the Definitive Plan. All pits shall be logged and recorded by a licensed soil evaluator in the Commonwealth of Massachusetts. The minimum depths of such pits shall be as follows:

1. Cut Sections: Five (5) feet below proposed finished grade or to bedrock whichever is less.
2. Fill Sections: Eight (8) feet below existing grade or to bedrock, whichever is less, except in unstable soils (i.e., peat, muck, etc.) where the minimum depth shall be five (5) feet below hard bottom.
3. All information concerning the observation pits (location, depth, soil descriptions, and depth of water table) shall be submitted to the Planning Board in a written report to be made, evaluated and stamped by a Registered Professional Engineer.

4. Under all proposed drainage detention facilities: Eight (8) feet below existing grade or to bedrock, whichever is less, except in unstable soils (i.e., peat, muck, etc.) where the minimum depth shall be five (5) feet below hard bottom.
5. One on each proposed lot (if the subdivision is not intended to be on public sewer) to determine the feasibility of development: Depth as required to meet Title 5.
36. Wetland lines, determined via a filing of an "Abbreviated Notice of Intent for Wetland Resource Delineation" with the Conservation Commission.
37. Location of natural waterways and water bodies within and adjacent (within one hundred (100') feet) to the subdivision.
38. The Board may require additional information on abutting land, whenever it is deemed necessary, to ensure compatibility of grades and drainage.
39. Reference benchmarks, including descriptions must be identified.
40. The road stationing shall be shown on the "Topographic Plan" sheets.
41. Location of adjacent private water supplies and septic systems within one hundred feet (100') of the subdivision's property line.
42. The distance of the subdivision (or any part thereof) to the nearest public water supply, well, or reservoir if within five hundred (500) feet as the crow flies.
43. Existing curb cuts within one hundred (100) feet of any new proposed intersection.
44. Layout Plan and Profile. The Layout Plan shall be drawn at a scale of 1" = 40' horizontally and 1" = 40' vertically, and shall contain the following:
 - a. Lengths, widths, sidelines, centerlines, points of tangency, lengths of tangents, lengths of curves, radii, and intersection angles of all curves for all streets, ways and/or easements. Centerlines, points of tangency, lengths of tangents, lengths of curves, and radii shall be red; other data shall be in black.
 - b. The location, materials and size of all existing and proposed water mains. The station and offset location, size, grades, and materials of all proposed or existing drainage, pipes, catch basins, manholes and drainage outlets. The station and offset location, size, grades, and materials of all existing and proposed sanitary sewers, manholes and other necessary appurtenances. The location, materials, and size of all other existing and proposed underground utility systems.
 - c. The typical cross-section or individual cross-section properly located and identified by station number, at such intervals along the streets as will adequately indicate any variations in its

section, supplemented, where necessary, by lines on the layout plan showing the width and location of proposed roadways, planting strip, gutters, sidewalks, and similar physical features.

- d. The plan and profile of one (1) street only shall be drawn on each sheet, unless additional sheets are required to complete its full design length. Two (2) streets may be shown on one sheet if both streets are less than five hundred (500) feet in length.
- e. Location of hydrants, street lighting, walks, trees, curbing, edge of pavement and similar detail for all proposed streets and for all existing streets for two hundred (200) feet to each side of each intersection with a proposed street.
- f. Existing driveways within two hundred (200) feet of the subdivision access, and all proposed driveways including proposed grading.
- g. Equation stations are required at the centerline intersections of all existing and proposed roads. If centerline stationing has previously been established for an existing road, equation stations must be supplied for the intersections of the new and existing roads.
- h. Rim and invert elevations shall be supplied for all manholes and catch basins.

45. Structure locations shall be specified by station and offset.

46. The location of existing and proposed handicap ramps and curb cuts and an acceptable detail that meets all American with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB) regulations.

47. Plan and profiles (existing and proposed centerline) of easements are required to verify maintenance equipment accessibility.

48. A note that states: "All construction shall conform to the Rules and Regulations of the Town of Southbridge Planning Board and Department of Public Works' specifications" shall be supplied on each plan and profile sheet.

49. All proposed street sign locations must be shown.

50. Proposed guardrail locations and acceptable details including end treatments (per Mass DOT criteria) shall be supplied on the plans. Type SS steel rail and posts are required.

51. Immediately above or below the layout of each street, a profile showing the following:

- a. Existing centerline in fine black solid line, with elevations every fifty (50) feet, all of which shall refer to U.S.G.S. datum.
- b. Existing right sideline in fine black dotted line.
- c. Existing left sideline in fine black dashed line.

- d. Proposed centerline grades in heavy red lines with figures in red showing grade elevations at every fifty (50) foot station, except within vertical curves which shall be at every twenty-five (25) foot station.
- e. Elevations are to be referred to NAVD88 datum. Permanent bench marks must be shown on the plan by location and elevation.
- f. Rates of gradient of the road shall be expressed in percent.
- g. Size, location, and rates of gradient in feet/foot of storm water drains, catch basins, and manholes.
- h. Size, location, and rates of gradient in feet/foot of sanitary sewer system, if any is proposed.
- i. Size and location of all other underground utilities to be placed in the right-of-way.
- j. Rim and invert elevations shall be supplied for all manholes and catch basins.
- k. Structure locations shall be specified by station and offset.
- l. Elevations and locations of vertical curve PVC's, PVT's, high points, low points, "K" values, and curve lengths must be shown. (Point of Vertical Curvature, Point of Vertical Tangency).

52. Landscape Plan. A Landscape Plan prepared and stamped by a Registered Landscape Architect or Professional Engineer (PE) shall be submitted with all applications for a Definitive Plan. The landscape architect or PE should be included in the design process to assure integration of landscaping with other features of the subdivision and to promote the preservation and enhancement of the natural landscape. The Landscape Plan shall show the following:

- a. All landscaping proposed by the developer; including plantings at the entrance, screening for detention/retention devices, and other landscaped areas.
- b. Buffer areas and areas proposed to be maintained in an undisturbed natural state.
- c. Existing stone walls, existing and proposed fencing, trees with diameters greater than twelve (12) inches, wooded areas and other significant vegetation.
- d. The number, size, species and cultivated variety of proposed plantings shall be shown on the Landscape Plan. Plant names shall include both botanical and common names.
- e. Detail of the proposed method for planting trees shall be shown.
- f. Construction details of proposed retaining wall(s), including location, length, height, and detail of stone facing or other surface treatment.

53. Erosion and Sedimentation Control Plan. An Erosion and Sedimentation Control Plan consistent with Mass. DEP's Erosion and Sedimentation Control Guidelines for Urban and Suburban Areas of March, 1997, shall be submitted with all applications for a Definitive Plan and shall include the following:

- a. Proposed method of construction for roads and amenities and, where known, for new homes showing the extent of all areas that will be disturbed.
- b. Scheduling (including any necessary or proposed phasing of work.)
- c. Stabilization measures such as re-vegetation of exposed areas or structural stabilization, and method of protection of disturbed areas from erosion by storm water runoff.
- d. Temporary staging areas.
- e. Location of temporary storage for stumps or spoil materials. Such storage shall be in accordance with state and local regulations.
- f. Location of any additional erosion control and/or water pollution control devices or methods.
- g. Proof that at no time during construction shall storm water flows off site exceeded those that existed prior to development.
- h. Logging only during current phase (See phasing 6.3.5, Item 5).

54. Construction Detail Drawings. Standard construction details consisting of but not limited to the Town of Southbridge Department of Public Works Standard Construction Details that are applicable to the applicant's project shall be shown on the "Drawings". Additional construction details may be required that are applicable to a particular project.

55. Cover Sheet. The cover sheet shall consist of a Locus Plan, at a scale of 1" = 800', and shall illustrate all streets, lot lines and easements. A street map or U.S.G.S. quadrangle (or portion thereof) may be used as the basis for the Locus Plan. If the property that comprises the subdivision or any part thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the cover sheet with case numbers and other pertinent references, and the same requirement shall apply to any adjoining parcels of the applicant. The Cover sheet shall also contain an index of all subsequent sheets.

56. Drainage Plan. A drainage plan will be prepared by a licensed Professional Civil Engineer in the Commonwealth of Massachusetts and show existing and proposed streets, driveways, houses (preliminary locations and sizes), lot grading (preliminary), lots, two foot (2') contours, and other pertinent data; the drainage limits and acreage of the area tributary to each storm-water inlet and culvert, location and type of inlets proposed; and location, size, length, invert elevations and slope of proposed drains and culverts, structural details of inlets, manholes, pipe, headwalls, and all other drainage structures required to complete the plan shall be attached. See Section VI, C. Drainage and Runoff Control, and contact the Department of Public Works Director for the most current details on

drainage standards. The area of the proposed subdivision, and the effect of the proposed use and any proposed drainage facilities on the existing drainage characteristics, shall be included with the plan.

6.3.4 - Required Reports. The following reports or documents shall be submitted:

1. Easements. An easement shall be provided allowing, utilities, and if proposed a Homeowner's Association access to all utility systems maintained by the developer to allow inspection, maintenance and repair, and allowing the town access in case of an emergency, or to test water quality if this is deemed in the public interest. Draft language for proposed conservation easements shall be provided to the Board prior to approval of the Definitive Plan. Any proposed easement(s) for access, utilities, or other purpose, such as conservation restrictions for proposed open space, shall be shown on the subdivision plan.
2. Maintenance of Utility / Roadway Systems and Subdivision Amenities by Homeowners. Until a street within a subdivision is accepted by the Town as a public way, all utility systems and roadways within the subdivision it serves shall be operated and maintained by the developer or a Homeowner's Association, if proposed by the applicant, made up of the residents of the subdivision or their representatives. This also includes, mowing, street lighting, sign maintenance, snow plowing, winter sanding, street sweeping, etc. The developer shall inform the Planning Board within seven (7) days prior to the date that his/her maintenance responsibilities are assumed by the Homeowner's Association.
3. Homeowner's Agreement, if proposed by the applicant. The applicant shall submit a draft Homeowner's Agreement establishing a Homeowner's Association with the application of a Definitive Plan. All owners of lots shall be members of the Homeowner's Association. The Homeowner's Agreement shall allocate the costs of operation and maintenance of the utilities to a Homeowner's Association. The Homeowner's Agreement shall include an Operation and Maintenance Plan prepared by a Registered Professional Engineer which identifies:
 - a. The present owner of the utility systems and the land on which it is located.
 - b. The components of the utility systems, and the parties proposed to be responsible for their operation and maintenance for the following time periods: during construction, after the road is completed but before it is accepted as a public way, and after the road is accepted as a public way.
 - c. The source of funding for operation and maintenance, cleaning, televised inspections, etc. for each major component of the utility systems during construction, before road acceptance and after road acceptance.
 - d. A detailed description of the type and frequency of inspections and maintenance for each component of the utility systems. This shall typically include inspections such as sewer cleaning, televising and/or maintenance required after accumulation of specific depths of sediment, after major storm events and at regularly established time intervals. The method for disposal of sediment shall be described. The Board may require that certain technical inspections be performed by a Registered Professional Engineer.

- e. A requirement that the Homeowner's Association submits the results of inspections no less frequently than once per year, and provides a description of maintenance to the Department of Public Works within thirty (30) days after any maintenance has been performed. The Board may require that inspections or maintenance be performed at specific times of the year when they are expected to be most effective.
- f. A requirement that the Homeowner's Association informs the Board and Department of Public Works of the name, address and telephone number of a current responsible party or contact person for the Homeowner's Association. The Homeowner's Association shall inform the town of changes of this responsible party as soon as possible, but no later than seven (7) days after the change has been made.
- g. A requirement that the Homeowner's Association maintains fencing / guardrail or other appurtenances as required.
- h. A mechanism to enforce maintenance by the Homeowner's Association.
- i. The Homeowner's Agreement shall be provided to the Board for their approval and reviewed by the Town Attorney at the applicant's expense prior to endorsement of the Definitive Plan.
- j. Note on Plan. The Board reserves the right to require that a note be placed on the plan and on subsequent transfers of titles stating that lots are subject to a Homeowner's Agreement which assigns to the owners the costs of inspection and maintenance of specified components of the storm water management and drainage system, and any other specified common amenities, and that these facilities will be operated and maintained by a Homeowner's Association.

6.3.5 - Development Impact Statement (DIS). For a subdivision containing twenty or more dwelling units, the impact of the proposed subdivision is to be described according to the following criteria. Unless this requirement is waived by the Board, the DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional Civil Engineer, and a Registered Land Surveyor all licensed in the Commonwealth of Massachusetts.

1. Physical Environment

- a. Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, location of significant viewpoints, stone walls, trees over sixteen (16) inches in diameter, trails and open space links, and indigenous wildlife.
- b. Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.

2. Surface Water and Subsurface Conditions.

- a. Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the project.
- b. Describe any proposed alterations of water bodies, rivers, brooks, banks or seasonal wet areas, etc.
- c. Describe any limitations imposed on the project by soil and water conditions and methods to be used to overcome them.
- d. Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the development. No storm water run-off is allowed to directly or indirectly flow into any Town of Southbridge water supply.

3. Circulation Systems.

Explain the reasons for location of streets and intersections as shown on the Definitive Plan, with specific reference to criteria set forth in Section 7.0, below.

Traffic Systems - Impact Study

Any definitive subdivision application consisting of twenty (20) or more residential dwelling units or including a use projected to generate fifty (50) or more peak hour trips based on the appropriate land use category in the Institute of Transportation Engineers (ITE) Trip Generation manual must submit a Traffic Impact Study per the following criteria. The Planning Board reserves the right to determine the appropriate category in the ITE Trip Generation manual. The Traffic Impact Study must be performed, signed, and stamped by a professional engineer licensed in the Commonwealth of Massachusetts who regularly practices as a traffic engineer. The following criteria and procedure is a general outline for the study. The Planning Board reserves the right to identify additional study requirements if justified by the nature of the proposed project.

a. References

The most recent version of the following publications are recommended as Reference in the conduct of the traffic impact study:

- 1) Highway Capacity Manual, Special Report 209.
- 2) Trip Generation, Latest Edition, Institute of Transportation Engineers.
- 3) Manual on Uniform Traffic Control Devices for Streets and Highways.
- 4) Highway Design Manual, Massachusetts Highway Department.
- 5) A Policy on Geometric Design of Highways and Streets, AASHTO.

6) Access Management for Streets and Highways, Federal Highway Administration.

7) Manual of Traffic Engineering Studies, Institute of Transportation Engineers.

b. Establish Scope of Traffic Impact Study

As the first step in the process, the Scope of Study needs to be developed by the Applicant who shall submit it to the Planning Board for review and approval. The Scope of Study shall include: a description of the proposed project; definition of the traffic impact study area; proposed locations for automatic traffic recorder and intersection turning movement counts; timeframe of the data collection program identifying any weekday, weekend, or seasonal considerations; and identification and justification for any proposed deviations from the traffic impact study criteria presented herein.

c. Existing Conditions

Traffic Volumes - Both existing daily and peak period traffic volume data needs to be collected, analyzed, and presented. Average annual weekday volumes should be shown for all study area roadways. Weekend daily volumes may also be required depending on the proposed use. Peak period turning movement counts should be collected at study area intersections. Weekday peak period data are typically between 6:00 and 9:00 AM and 4:00 to 7:00 PM. Weekend peak period turning movement counts may also be required depending on the proposed use. Queuing should be noted during the turning movement study. If traffic volume data is being collected to check against traffic signal warrants as presented in the Manual on Uniform Traffic Control Devices, then twelve (12) continuous hours of data is required.

d. Safety Analysis - A minimum of three (3) years of accident data should be summarized and presented for study area roadways and intersections. The data collected should be from the most recent three year period available. Data may be obtained from the Massachusetts Highway Department or the Southbridge Police Department.

e. Capacity and Level of Service (LOS) Analysis - Capacity and level of service analysis should be completed for all study area intersections. Analysis results should be presented in tabular form with intersection results reported by movement. Weave, merge, diverge, ramp, and roadway segment analysis should be reported where applicable. Any existing study area deficiencies should be identified. All analysis should be completed using the methodologies described in the Highway Capacity Manual, third edition (1994) (Special Report 209 of the Transportation Research Board). Levels of Service are defined as follows:

LOS A: a condition of free flow with low traffic density, where no vehicle waits longer than one signal indication.

LOS B: stable flow of traffic where only on a rare occasion do drivers wait through more than one signal indication.

LOS C: still in the zone of stable flow, intermittently drivers must wait through more than one signal indication and backups may develop behind left turning vehicles.

LOS D: approaching instability; drivers restricted in their freedom to change lanes and delay approaching vehicles may be substantial during peak hour.

LOS E: traffic volumes are near or at capacity on the arterial, and long queues of vehicles may create lengthy delays especially for left turning vehicles.

LOS F: congested condition of forced traffic flow, where queued backups from locations downstream restrict or prevent movement of vehicles out of the approach, creating a storage area during part or all of the peak hour.

LOS' A, B, and C are considered to be acceptable.

f. Trip Generation and Distribution

Trip Generation - The project's projected weekday daily, weekday peak period, and weekend trip generation projections should be presented as appropriate. These trip generation estimates should be developed using the unadjusted trip rates as presented in the Institute of Transportation Engineer's (ITE) Trip Generation manual. If no relevant comparison is available, then a study of similar existing sites shall be performed to determine appropriate trip generation rates for the subject site. Any deviation from the standard ITE trip rates must be proposed as part of the Scope of Study.

Trip Distribution - A trip distribution pattern should be established for all site trips. Certain retail land use categories generate a percentage of turn-in or pass-by traffic and diverted link traffic. The proposed percentages and actual numbers of pass-by and diverted link traffic should be clearly documented and the sources of the information provided.

g. Future Conditions

Traffic Volumes - Future conditions should include 5, 10 and, 20 year projections of traffic (horizon years). Estimations of the future average daily and peak hour traffic volumes should be prepared for each of the horizon years. Peak hour traffic volume networks should be built for both the "No-build" (without the proposed project) and "Build" (with the proposed project) conditions.

Background Traffic Growth - The horizon year traffic volume networks should consider both general traffic growth and site specific traffic generators. Past growth rates for the project study area may be obtained from the regional planning agencies. Nearly completed or other planned development or proposed road work (within 2 years) needs to be reviewed and included in the study.

Capacity Analysis - Future conditions capacity and level of service analysis should be completed for all horizon year conditions. The analysis should follow the procedures outlined for existing conditions.

Signal Warrant Analysis - Any traffic signal warrant analysis should be performed using criteria presented in the Manual on Uniform Traffic Control Devices (Federal Highway Administration).

Summary of Analysis - A tabular summary showing the comparison between the existing LOS' and future LOS' for each study year and each intersection movement needs to be supplied.

h. Mitigation of Impacts

Requirement for Mitigation - If there are no changes in LOS between No-Build and Build conditions, then no additional work needs to be performed. If however, there is a change in LOS, then the Applicant needs to submit a proposal to mitigate the project impacts and restore the LOS to no worse a condition than under the No-build scenario for the particular horizon year in question.

- i. Design of Mitigated Measures – All mitigated measures requiring geometric changes to roadways or intersections should be designed based on current design standards. The Traffic Impact Study should present scaled plans showing existing and proposed layout lines, building footprints, parking lots, driveways, widenings, accel/decal lanes, traffic signal control, signing, and other items as appropriate. The initial plans presented can be conceptual but the Applicant must prove that the proposed improvements are constructible.

The final design of any proposed improvements will follow the design guidelines of the permitting Authority (Massachusetts Highway Department, Town of Southbridge).

Capacity Analysis - For all mitigated measures proposed, capacity analysis should be performed following the procedures outlined for existing conditions. Any future year degradation under the Build scenario must be fully mitigated (i.e. delay and volume to capacity ratios for the Movement in question should be no worse than Under the No-Build scenario).

After the Planning Board approves the proposed improvements, but before approving the subdivision, the Applicant must file with all other applicable regulatory and review authorities (i.e. Conservation Commission, Town Manager, Public Works Dept., Mass Highway, Executive Office of Environmental Affairs - MEPA Unit, or others per statutory or regulatory requirements) and obtain all required permits and approvals. After the Applicant receives all of the required improvement permits and approvals, the Board will consider approval of the subdivision plan. The Applicant however, cannot obtain any certificate of occupancy until such time that all of the traffic improvements identified in the Traffic Impact Study have been made to the satisfaction of the Planning Board.

4. Support Systems.

- a. Water Distribution: Discuss connection to public water source or types of wells proposed for the site, means of providing water for fire-fighting, and any problems unique to the site.
- b. Sewage Disposal: Discuss connection to the public sanitary sewer or the type of system to be used, suitability of soils, procedures and results of percolation tests, and evaluate impact of disposal methods on surface and groundwater.

- c. Refuse Disposal: Discuss the location and type of facilities, the impact on existing Town refuse disposal capacity, hazardous materials requiring special precautions.
 - d. Fire Protection: Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing firefighting equipment to confront potential fires on the proposed site.
 - e. Recreation: Discuss the distance to and type of public facilities to be used by residents of the proposed site, and the type of private recreation facilities to be provided on the site.
 - f. Schools: Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the public schools serving these categories of students.
5. Phasing. Where development of the subdivision will require more than one (1) year, indicate the following:
- a. Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles.
 - b. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.
 - c. Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into subdivision development.
 - d. Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into subdivision development.
 - e. Logging can only occur during the currently approved phase of a subdivision.

6.4 - PROCEDURES

6.4.1 Review by the Board of Health. When a preliminary or a definitive subdivision plan is submitted to the Planning Board, a complete copy thereof shall also be submitted to the Board of Health. If some land shown on the plan cannot be used for building without injury to public health, the Board of Health shall disapprove the plan and describe its findings in its report to the Planning Board and, if possible, make specific recommendations for the correction of conditions potentially harmful to public health. The Board of Health shall report, in writing, to the Planning Board, its approval or disapproval of said plan, and shall send a copy of its report to the person who submitted the plan. In reporting a disapproval, the Board of Health shall make specific findings as to which of the lots (if any) shown on the plan cannot be used for building sites without injury to the public health, and shall specify the reasons therefore. Where possible, the Board of Health shall also make recommendations for the correction of the defects specified in its report. Any approval of the plan by the Planning Board shall then only be given on conditions that the designated lots of land shall not be built upon or served with any utilities (including leaching facilities, septic tanks, and drainage) without prior consent of the Board of Health. The applicant shall revise plans based upon findings by the Board of Health. Where appropriate to ensuring goals and purposes set forth

above, the Board of Health shall require, at the expense of the applicant, soil surveys and/or test borings to establish the suitability of the land for the proposed construction. The failure of the Board of Health to make its report within forty-five (45) days after the plan is submitted to its office shall be deemed to constitute an approval of the plan by that Board.

1. At the time of the filing of the Definitive Plan, the applicant shall stake all proposed lots and mark proposed lot numbers on said lots for identification to facilitate review by the Board of Health.
2. If all or some of the land shown on the definitive plan will not be served by a municipal or public sewer, the Board of Health may still approve the plan on the condition that individual septic systems meeting the requirements of the State Environmental Code and of the Board of Health shall be applied for, including the results of any necessary soil and percolation tests, approved by the Board of Health, and installed at the applicant's expense for any lot not served by public sewer before any buildings shall be completed and occupancy thereof permitted. Any conditions of Board of Health approval applicable to the future use of the land shown on the plan shall be inscribed on the plan or stated in the certificate of Planning Board's action on such plan and referred to in any covenant or agreement recorded when the plan is recorded.

6.4.2 - Review by Other Town Officials. The Planning Board will transmit copies of the Definitive Plan to the following: Director of Public Works, Director of Engineering, Fire Chief, Police Chief, Conservation Commission, Building Commissioner/Zoning Enforcement Officer, and to such other Boards or committees as the Board deems advisable. The Planning Board will request each official, board and commission to provide written statements with regard to the plan within forty-five (45) days of each submission. Such statements should encompass the layout and design of the proposed subdivision and of the proposed municipal services therein, compliance with the Zoning Bylaw, and the applicability thereto of state and local regulations.

6.4.3 - Public Hearing. Upon receipt of a properly executed application form approved by the Planning Board together with the Definitive Plan, the Planning Board will set a date for the required public hearing. Notice of the public hearing shall be given in accordance with the requirements of G.L. c. 41, s. 81T. Before approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board at the expense of the applicant, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board by advertisement in a newspaper of general circulation in the Town once in each of two (2) successive weeks, the first publication being not less than fourteen (14) days before the day of the hearing. A copy of said notice shall be mailed by the Board to the applicant and to all owners of land abutting upon the land, or abutters to abutters, within three hundred (300) feet of the land included in such plan or separated from such land only by a street as appearing on the most recent tax list. All expenses incurred for plans, surveys, advertisements of hearings, mailing, etc. shall be the responsibility of the applicant submitting said plans for approval, and shall be billed directly to the applicant and shall be paid prior to the opening of the public hearing.

The hearing shall proceed generally as follows:

1. The chair shall declare the public hearing open;

2. The chair or his/her designee shall read the notice of the hearing;
3. The applicant, or a representative, shall explain what is proposed;
4. Board members, staff, state and Town officials, and members of the public present may ask questions (in that order) about the proposal;
5. All persons shall identify themselves by name, position or address each time they speak and, when speaking on behalf of or representing another person, shall identify such person. All questions and statements shall be directed to the chair;
6. Those opposed to the proposal may be recognized to speak;
7. The Board may discuss the proposal, request additional information, propose modifications and conditions, and seek agreement to them;
8. The Board may, but in most cases will not, vote on the proposed plan;
9. The chair may close the hearing or adjourn it to a date certain. If the hearing is closed, the vote of the Board on the plan shall be taken at a duly posted open meeting, but without further public testimony.

6.4.4 - Revisions. Any revision to the originally filed definitive plan must be submitted 14 days prior to the continuation of the hearing. No action shall be taken by the Board on any submittal, revision, etc. unless it is received in its entirety by the Planning Board fourteen (14) days prior to the Board's scheduled meeting.

6.5 - PLANNING BOARD ACTION

6.5.1 - Powers. After the public hearing, the Board, by a vote of the majority of its members, shall approve; modify and approve, or disapprove the Definitive Plan submitted. Criteria for action by the Board shall be the following:

1. Completeness and technical adequacy of all submissions;
2. Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others;
3. Conformity with the requirements of Sections 6.0 and 7.0 herein, and the Zoning By-Law;
4. Determination that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.
5. Determination that any streets or ways (public or private) are approved by the Planning Board and required to be submitted to the Town Council for final acceptance.

6.5.2 - Decision. The action of the Board with respect to any Definitive Plan shall be by vote, copies of which shall be filed with the Town Clerk and sent by registered mail to the applicant. The Board shall take action in accordance with the deadlines set forth in G.L. c. 41, s. 81U.

1. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to these Rules and Regulations and to the recommendations of the Board of Health.
2. Any vote of approval shall incorporate the recommendations of the Board of Health and, unless the Planning Board shall specifically vote otherwise, shall be subject to compliance with all provisions of the Rules and Regulations.

6.5.3 - Endorsement. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of approval or disapproval of the Planning Board with the Town Clerk and said Town Clerk has notified the Planning Board that no appeal has been filed. Endorsement shall be subject to compliance with the Town of Southbridge Dept. of Public Works Standard Specifications, the construction specifications contained herein and the decision, compliance with the Rules and Regulations and the Zoning By-law, and compliance with the recommendations of the Board of Health. At the end of the statutory twenty (20) day appeal period, if no appeal has been filed, the Town Clerk shall so endorse upon the definitive plan. Approval of the definitive plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.

1. Prior to endorsement of the Definitive Plan, the applicant shall submit an electronic file containing the entire set of plans, produced by an Auto cad or similar computerized drafting system, in an Auto cad Drawing Format (.dwg), compatible with the Town's current Auto cad and GIS systems, registered to Massachusetts State Plane (Mainland) Coordinates, North American Datum of 1983 and North American Vertical Datum 1988 (NAVD88) as part of the application for endorsement of the plan. The CAD file shall be produced with Grid North coincident with the "Y" axis and no "hard rotation" of entities within the drawing. The base point of the drawing shall be (0,0,0). A view rotation for cosmetic appearances of the drawing is acceptable.
2. The plan shall not be endorsed by the Board or their designee until the Board has received proper security from the applicant for the construction of ways and installations of municipal services (G.L. C. 41, 81U).

6.6 - MANDATORY CONDITIONS

6.6.1 - Failure to Obtain Endorsement. The applicant shall obtain the endorsement of the Planning Board upon the Definitive Plan within 180 days of the date of approval. Failure to obtain such endorsement shall result in the automatic rescission of the approval of such plan.

6.6.2 - Failure to Complete Paving. All utilities and base course of the roadways shall be installed as shown on the approved plan prior to the issuance of any occupancy permits. The final paved wearing course must be installed within two (2) years of the base course unless an extension is granted by the Planning Board. In the event of phasing, the final paved course shall be installed prior to the start of construction of

the next phase. Failure to so complete shall result in the automatic rescission of the approval of such plan, unless the Board extends said period, for good cause shown, after the written request of the applicant not less than 30 days prior to the expiration of said period.

6.6.3 - Failure to Complete Construction. The owner of the subdivision agrees to completely construct the ways, install all of the municipal services and complete all other improvements (including loaming and seeding) as shown on the approved plans, satisfy all the conditions of approval, and satisfy all requirements of the Town of Southbridge Subdivision Regulations within 3 years from the date of approval of the subdivision unless an extension is granted by the Planning Board. Failure to so complete shall result in the automatic rescission of the approval of such plan, unless the Board extends said period, for good cause shown, after the written request of the applicant not less than thirty (30) days prior to the expiration of said period.

6.6.4 - Construct Streets and All Required Utilities. As a condition of approval of a subdivision, the applicant shall agree to construct streets and complete all other work specified on the Definitive Plan or required under these Rules and Regulations, meet all relevant provisions of the Southbridge Zoning By-Laws and other By-Laws, including installation of required utilities in such subdivision, and all work incidental thereto, such as grading of lots to provide drainage, construction of retaining walls and other details or as specifically required by the Planning Board. The Planning Board may require that such construction be completed within a specified period of time.

6.6.5 - Owners Maintenance Responsibility. The owner shall be responsible for the following until the subdivision road(s) are accepted by the Town as public ways:

1. The street(s) be lit at the expense of the owner beginning when the binder course of asphalt is installed.
2. All street sign(s) shall be installed and maintained beginning when the binder course of asphalt is installed.
3. All street trees planted as to their erectness and good health.
4. The maintenance of the shoulders, grass strips and side slopes in their entirety.
5. The snow removal and de-icing of the subdivision to the satisfaction of the Planning Board from the time the first occupancy permit is issued.
6. Shall be responsible for maintaining the subdivision in a safe condition.
7. Street sweeping in the spring and fall of each year.

6.6.6 - Repairs Deemed Necessary. The Planning Board reserves the right to bill the owner for repairs deemed necessary by the Board (after a two week notification to the owner) posing an imminent threat to public safety or threatening the equity previously assessed in the subdivision. Failure of the applicant to comply will result in a temporary hold on all building / occupancy permits until resolution as approved by the Planning Board.

6.6.7 - Additional Surety Authority. That the Planning Board has the authority to use surety posted for the subdivision for the following additional purposes other than just for completion of the subdivision:

1. To perform emergency work (after a two week notification to the owner) to ensure public health and safety (street patching, slope stabilization, drainage work, etc.) or threatening the equity previously assessed in the subdivision.
2. To install plow berms and any other necessary winterization as required if not completed by the owner by November 15th of that year.
3. To pay electric bills and additional charges if the owner fails to keep the street lights lit after initial installation.
4. To satisfy the conditions of approval if the owner fails to after a 30 day notice.

6.6.8 - Required Permits. The owner of the subdivision must obtain ALL required construction permits (i.e. Order of Conditions from the Southbridge Conservation Commission, curb cut permit, street opening permit, sewer extension permits and water connection permit from the Department of Environmental Protection, Town Attorney and Department of Public Works as required) prior to any subdivision work being performed on the site.

6.6.9 - Temporary Street Construction Easement. That reference is made to the Temporary Street Construction Easement in every deed that transfers title for any lot within the subdivision until such time that the Town of Southbridge accepts the way(s) as public way(s).

6.6.10 - Plan Recording. The applicant must submit the mylars, linens, surety (covenant, etc.), to the Board for endorsement and after endorsement, record them all with the Registry of Deeds or Land Court as applicable within 90 days after notice of the approval is filed with the Town Clerk or else the approval is automatically rescinded unless an extension is granted by the Planning Board.

6.6.11 - Utility As-built. An utility As-built shall be presented and approved by the Planning Board prior to the installation of the binder course of asphalt.

6.6.12 - Unobstructed Ways and Easements. All ways and easements shown on the approved plans shall be left unobstructed in any way from the time the binder course of asphalt is installed on the ways. This provision includes the full width of said ways and easements.

6.6.13 - Maintenance of Ways. All ways shown on the approved plans shall be maintained from the time the binder course of asphalt is installed in a condition that allows any vehicle (automobile, fire apparatus, etc.) to safely utilize said way in a manner that the ways are intended to be utilized and for all purposes for which public ways are used in the Town of Southbridge.

6.6.14 - Maintenance of Easements. All easements shown on the plans shall be maintained from the time the utility is installed within the easement in a condition that safely allows maintenance equipment access.

6.6.15 - Grant Perpetual Rights and Easements. As a condition of approval of a subdivision, the applicant shall grant to the Town of Southbridge, a right and easement to construct, repair, replace, extended, operate, use and forever maintain all streets, water mains, sewer mains, and all surface and subsurface storm water drains in, through or under the streets and easements as indicated on the Definitive Plan. The above shall not be construed to relieve the applicant, and his successors in title, to the ownership of a portion of the land or any street within the subdivision, nor diminish in any way, his responsibility to complete all construction as required by the applicant's agreements with the Town and to thereafter maintain all streets and utilities in satisfactory condition until they are accepted by the Town.

6.6.16 - Right of Entry and Co-operation by and with Town Officials. As a condition of approval of a subdivision, and in accordance with G.L. c. 41, s. 81B, the applicant shall consent to allow members and employees of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. As a condition of subdivision approval by the Planning Board, an applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in the subdivision are satisfactory and conform to the Town specifications and the requirements of the Planning Board.

6.6.17 - Inscription. If the Planning Board approves the plan subject to certain conditions, those conditions shall be inscribed upon the approved definitive plan.

6.6.18 - Streets. In consideration of being allowed to connect to public street and utility systems and to enable the Town to protect public health and safety, upon installation of utilities and construction of ways, the applicant shall grant the Town without cost, by a properly executed legal instrument and without any liens or encumbrances, the perpetual right and/or easement to pass and re-pass over the streets and easements in the subdivision, and to use, operate, inspect, repair, renew, replace, and forever maintain streets, sewers, subsurface and surface drains and water courses, street signs, and all appurtenances or components thereof, including without limitation any pipes, valves, manholes, and catch basins, in all of the subdivision and outside it if installed to serve the subdivision. To accomplish this, the applicant shall retain and reserve the necessary rights and easements in any conveyances or mortgaging of land or lots and in recording of plans and easements.

6.6.19 - Responsibility for Maintenance. Notwithstanding the provisions of Section 6.6.7, it shall be the responsibility of the owner of the subdivision to maintain the streets and the utilities therein until the streets and easements are formally accepted by the Town. The approval of subdivision streets by the Planning Board does not make them public or Town ways; they have the status of private ways open and dedicated to public use. All streets and utilities and other required improvements must be without defects at the time their release from a bond or other security is requested, and the security will not be released until all deficiencies are corrected.

6.7 - SECURITY

6.7.1 - Security for Construction of Ways and Improvements Required. The Board shall not endorse its approval on the plans until security for the construction of ways and the installation of the required municipal services and other improvements to serve the subdivision has been provided by one of the methods set forth in Section 6.7.2 to 6.7.4, inclusive, which shall be selected and may be varied from time

to time by the applicant, so that different parts of the subdivision may be secured by different methods, but the entire subdivision must be secured.

6.7.2 - Bond or Surety. The applicant may give a bond, bankbook, or other readily negotiable security in the amount estimated by the Board to fully cover the cost, including inflation and contingencies, of constructing the ways and installing the municipal services or utilities to serve the lots enumerated in such bond or in a separate agreement referring to such bond. Such bond or security if filed or deposited shall be approved as to form by the Planning Board Legal Counsel, and as to sureties by the Town Treasurer. Such bond or security shall be contingent on the completion of such improvements not later than three years from the date of the endorsement of the definitive plan. Failure to so complete shall result in the automatic rescission of the approval of the Definitive Plan by the Board, unless the Board extends said period, for good cause shown, after the written request of the applicant received thirty (30) days prior to the expiration of said period. Upon satisfactory performance of all required work, the bond or other security may be released by vote of the Board and returned to the applicant, but upon failure to satisfactorily complete said work within the time specified, or within such further time as the Board may grant upon request of the applicant, consented to by the bonding company or other surety, the Board shall have the right to enforce said bond or realize upon other security to the extent necessary to complete the work to the satisfaction of the Board. No lot shall be released to the owner until such time that the owner posts the appropriate bond amount with the Town Treasurer. As provided in Section 81U of the Subdivision Control Law, the Board may expend the proceeds of such bond or deposit not exceeding \$25,000.00 without specific appropriation by the Town, provided the Town Manager approves the expenditure. At the anniversary date of posting of bond or other security and when circumstances otherwise warrant such action, the Planning Board may verify that the security is still in force and effect, and that the surety or financial institution is solvent and capable of paying the required amount. Any change or modification of the bond or surety's responsible parties shall require approval by the Board.

1. The Board's estimate of the cost to complete the work; plus
2. A fifteen percent margin of error; plus
3. An appropriate rate of inflation over a five year period.
4. The Planning Board reserves the right to increase the amount of security required on an annual basis. The Planning Board reserves the right to rescind or modify in whole or part (per M.G.L. c.41, Sect. 81W), the applicant's plan if the increased security is not posted within thirty (30) days after the Board's decision.
5. Required Terms. All performance bonds or other security shall contain the following provision:

If the Principal shall fully and satisfactorily observe and perform in accordance with the qualifications and time schedule set forth herein specified all the covenants, agreements, terms and provisions set forth in the following:

- a. The application for definitive plan approval (Form C);

- b. The subdivision control law and the rules and regulations of the Southbridge Planning Board which govern this subdivision;
 - 1) The Town of Southbridge Department of Public Works Standard Specifications;
 - 2) The Decision of the Planning Board dated _____ and attached hereto as Exhibit A;
 - 3) The definitive plan, as approved by the Planning Board in the Decision;

Then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid sum shall be paid to the Town of Southbridge as liquidated damages.

6. The penal sum of the bond or the amount of other security may be reduced from time to time by the Board only upon request of the developer upon partial performance of the required improvements.

7. A written request for reduction of bond, surety or lot release shall be filed at the Planning Board Office no later than 21 (twenty-one) days prior to the regularly scheduled meeting of the Planning Board.

6.7.3 - Construction Mortgage Agreement. The applicant and the lending institution which provides a construction loan for the subdivision shall enter into an agreement with the Board, whereby the lender shall at all times retain a portion of the loan sufficient to cover the cost of all outstanding work of construction of ways and installation of municipal services or other required improvements, and release portions of the amount so retained upon certification by the Board that the corresponding portion of the required work has been satisfactorily completed. Upon failure of the applicant to perform the required work within the agreed-upon period, the lender shall make so much of the retained money as may be necessary to complete the required work available to the Board. Upon satisfactory completion of all required work, the applicant shall request the release of the agreement and proceed in the same manner as under Section 6.7.2, above.

6.7.4 - Statutory Covenant. Prior to the endorsement of the Definitive Plan, the sub divider may elect to submit a covenant for review by the Planning Board stating that no lot in the subdivision shall be sold and no building shall be erected thereon until the improvements specified in the decision and on the Definitive Plan are constructed and installed so as to adequately serve said lot or lots. Such covenant shall be approved as to form by the Planning Board Legal Counsel. Such covenant shall be executed and duly recorded by the owner(s) of record, and shall run with the land. Such covenant shall state that the improvements shown on the definitive plan shall be completed not later than three years from the date of the endorsement of the Definitive Plan. Failure to so complete the improvements shall result in the automatic rescission of the approval of the Definitive Plan by the Board, unless the Board extends said period, for good cause shown, after the written request of the applicant no less than thirty (30) days prior to the expiration of said period. The covenant shall be referenced on the Definitive Plan prior to recordation in the Registry of Deeds. The sub divider shall promptly, after recording, send a copy of the covenant, showing book and page number, to the Board.

6.7.4.1 - Security for the construction of streets and utilities shall not be released until all money owed the Town in connection with a subdivision has been paid.

6.7.5 - Supplemental Covenant. The Planning Board may require, prior to the endorsement of the Definitive Plan, a supplemental covenant containing those conditions of approval that are intended to survive the release of the Statutory Covenant. Such covenant shall be approved as to form by the Planning Board Legal Counsel. Such covenant shall be executed and duly recorded by the owner(s) of record, and shall run with the land. The covenant shall be referenced on the Definitive Plan prior to recordation in the Registry of Deeds. The sub divider shall promptly, after recording, send a copy of the covenant, showing book and page number, to the Board.

6.7.6 - Converting Covenant to Another Performance Guarantee. If the applicant desires that lots be released from a covenant and that the improvements remaining to be constructed or installed be secured by another form of performance guarantee, a formal written request shall be sent to the Planning Board by registered mail which sets forth and includes:

1. Extent. The extent and scope of remaining work to be completed to satisfy the requirements for the construction or installation of all required ways and municipal services.
2. Estimate. An itemized estimate, pursuant to these Rules and Regulations, which reflects all remaining costs related to the construction of all required ways and installation of all required municipal services.
3. Form and Type. The form and type of guarantee being given to the Planning Board to secure all remaining improvements.
4. Planning Board Action. The Planning Board or its agent will make a determination as to the sufficiency of the submitted estimate, and, if such estimate is accepted, a new performance guarantee will be given to the Planning Board. Upon acceptance by the Planning Board of the new performance guarantee, all applicable lots shall be released from the covenant.
5. The actual posting of security or related completion of work for the release of lots must be affected within two (2) weeks of the voted release(s). If the required bond or agreement is not effected the release(s) are automatically rescinded.

6.7.7 - Converting Bond, Deposit, or Agreement to Covenant. If the applicant desires to secure by means of a covenant the construction of ways and the installation of municipal services in a portion of a subdivision for which no building permits have been granted nor any lots have been sold, and to have the Planning Board release the bond, deposit of money or negotiable security, or agreement and mortgage previously furnished to secure such construction and installation, the applicant shall submit to the Planning Board a reproducible tracing and three (3) contact prints of the reproducible tracing of the Definitive Plan, limited to that part of the plan which is to be subject to such covenant. Upon approval of the covenant by the Planning Board, reference thereto shall be inscribed on such section of the plan, and it shall be endorsed by the Planning Board and recorded with the covenant at the expense of the applicant. Certified copies of all documents which the applicant records at the Registry of Deeds shall be provided to the Planning Board as set forth in these Regulations.

6.7.8 - Final Bond Release. Requests for final bond release shall not be accepted between December 1st and March 31st due to the inability to perform adequate final inspections during winter months.

6.7.9 - Final As-built Surety. The Planning Board shall hold \$30.00 per linear foot of roadway until such time that the final As-built plan is submitted, reviewed and approved of by the Board. If additional work is required that would change the As-built Plan, a revised As-built plan must be submitted by the applicant, reviewed and approved by the Board.

6.7.10 - Maintenance Guarantee. A maintenance guarantee providing surety equal to (10%) of the total value of work within the subdivision which has been subject to either a bond and/or covenant, to be held in same manner as the performance guarantee required herein. Such maintenance guarantee shall be held by the Town for the maintenance of streets and municipal services for eighteen (18) months after completion of construction and installation even if the streets are accepted by the Town, after which date the Town shall return the remainder of the bond to the person or persons who furnished same. The Homeowner's Association may assume responsibility for the maintenance guarantee. Approximately sixty (60) days before the expiration of the eighteen (18) month period specified above, the Planning Board shall request the town engineer and town planner to make an inspection of said street or ways or portion thereof to determine whether or not it should recommend to the Town Council the laying out of said street or way or portion thereof as a public way. If the recommendation is in the affirmative, the Planning Board shall so advise the Town Manager forthwith, including in such recommendation notification that the eighteen (18) months for which the applicant is responsible for maintenance of said way or portion thereof will expire on a certain date and said way may be laid out as a public way.

1. Upon the expiration of the period for which the applicant is responsible for maintenance of said way, if said applicant has complied with all the requirements of the Planning Board, and surety held by said Board for the maintenance of said way shall be returned forthwith to the applicant.

6.7.11 - Conveyance of Utilities. Before the Board will release security or, in the case of a covenant, issue a lot release, the owner shall execute an instrument in a form satisfactory to Town Counsel transferring to the Town valid, unencumbered title to all sanitary sewers, storm water drains, water mains, and all appurtenances thereto constructed and installed in the subdivision, and conveying to the Town without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers, storm water drains, water mains and all appurtenances thereof and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision, and if such sewers, storm water drains, and water mains have been constructed and installed in land not within such streets herein, through and under the easements, as shown on the definitive plan, and where no easements are shown, in, through, and under a strip of land extending twelve and one-half feet (12 1/2') in width on each side of the centerline of all such sewers, drains, fire alarm conduits, and water mains. The above shall not be construed to relieve the owner and his successors in title to a portion of land or street in the subdivision of responsibility to complete all construction, as required by the owner's covenants and agreements with the Town, and to thereafter maintain all streets and utilities in a satisfactory condition until they are accepted by the Town.

6.8 - AMENDMENT, MODIFICATION OR RESCISSION OF APPROVAL

Pursuant to M.G.L. c. 41, §81W, the Planning Board may, upon its own motion or upon the request of the applicant, amend, modify or rescind the approval of a Definitive Plan. Failure to comply with these Rules and Regulations and with the specifications and conditions set forth in the approval of the Definitive Plan shall constitute a basis for such action by the Planning Board. Such action may include the realization upon any security posted by the applicant, the rescission of subdivision approval and all other measures provided by law. No changes or alterations shall be made to any aspect of an approved Definitive Plan without resubmission for approval of the Planning Board in accordance with M.G.L. c. 41, §810 and §81W.

6.9 - MODIFICATION OF DEFINITIVE PLAN

6.9.1. - Procedure. The procedure for the modification of a Definitive Plan, pursuant to M.G.L. c. 41, §81W, shall conform to the requirements for approval of an original Definitive Plan as set forth herein.

6.9.2 - Change of Lot Lines. Pursuant to M.G.L. c. 41, §81O, certain changes of lot lines may be approved by the Planning Board without a public hearing.

6.9.3 - Effect. The modification of a Definitive Plan shall not affect lots sold or mortgaged by the applicant in accordance with M.G.L. c. 41, §81W.

6.10 - RELEASE OF PERFORMANCE GUARANTEE

6.10.1 - General. Upon completion of required improvements, security for the performance of which was given by the bond, deposit, or covenant, or upon the performance of any covenant with respect to any lot, the applicant, at his expense, shall send by Registered or Certified Mail to the Town Clerk and the Planning Board a written statement that the said construction or installation which has been secured in connection with such bond, deposit, covenant or agreement, has been completed in accordance with the requirements contained within these Rules and Regulations. Such statement shall contain:

1. Name and address of applicant.
2. A Compliance Certificate signed by the applicant and signed and sealed by his Engineer, stating that the development has been completed according to the Rules and Regulations of the Planning Board and the Bylaws of the Town of Southbridge .
3. Copies of or reference to the requisite number of Inspection Forms and Reports.
4. An As-built Plan (see below).
5. A written certification by the Town's engineer that construction of all ways and sidewalks, installation of monuments, street signs, pavement, lighting, gutters and curbs, required grading and drainage, water mains, hydrants and appurtenances, all sewer mains and appurtenances and planting and seeding has been completed in accordance with the Definitive Plan.
6. A written certification by the Board of Health that the installation of sewage disposal facilities, if applicable, and provisions for surface drainage of all lots has been performed in accordance with the Definitive Plan and the requirements of the Board of Health.

7. A written certification by the Fire Chief as to the installation of the fire alarm system, all in accordance with the Definitive Plan.

8. Copies of or reference to the necessary instruments, executed by the applicant, transferring to the Town all utilities and easements as shown on the Definitive Plan (see 6.10.4).

6.10.2 - Refusal. If the Planning Board determines that said construction or installation has not been completed, it shall specify to the Town Clerk and to the applicant, in writing by Registered or Certified mail, return receipt requested, the details wherein said construction and installation shall have failed to comply with the requirements contained within these Rules and Regulations.

6.10.3 - Constructive Release. Upon failure of the Planning Board to act on such application within forty five (45) days after receipt thereof by the Town Clerk and the Planning Board, all obligations under the bond shall cease and terminate by operation of law, and any deposit shall be returned and any covenant shall become void. In the event that said forty-five (45) day period expires without such specification, or without the 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.

6.10.4 - Conveyance of Utilities and Easements to the Town. Prior to the release of security or, in the case of a covenant, issue a lot release, the owner shall execute an instrument in a form satisfactory to Town Counsel transferring to the Town valid, unencumbered title to all sanitary sewers, storm water drains, water mains, and all appurtenances thereto constructed and installed in the subdivision, and conveying to the Town without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers, storm water drains, water mains and all appurtenances thereof and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision, and if such sewers, storm water drains, and water mains have been constructed and installed in land not within such streets herein, through and under the easements, as shown on the definitive plan, and where no easements are shown, in, through, and under a strip of land extending twelve and one-half feet (12 ½) in width on each side of the centerline of all such sewers, drains, fire alarm conduits, and water mains. The above shall not be construed to relieve the owner and his successors in title to a portion of land or street in the subdivision of responsibility to complete all construction, as required by the owner's covenants and agreements with the Town, and to thereafter maintain all streets and utilities in a satisfactory condition until they are accepted by the Town.

6.10.5 - Utility As-Built Plans. A Utility As-Built Plan will be supplied by the applicant six (6) contact prints), reviewed and approved by the Planning Board before any bituminous concrete is installed. Where the departures from the approved plans are considered to be significant, the Board may require corrective work or may require engineering calculations to substantiate acceptability of work as done. If any construction modifications are required, they also will be performed, a revised utility As-Built submitted, reviewed and approved by the Planning board prior to any bituminous concrete being installed. The Utility As-Built Plan must meet all applicable criteria of paragraph 1 in Section 6.10.6 below. All applicants must plan ahead sufficiently to allow adequate time for Planning Board review and approval.

6.10.6 - As-Built Plans. As-Built plans showing the location, grades, and other significant information regarding utilities shall be prepared by the applicant's professional land surveyor and turned over to the

Planning Board prior to the final approval of the improvements and release of security as hereinafter provided. This will be done by submitting Mylar(s) and computer disk(s) of the subdivision's metes and bounds as prepared in accordance with the Rules and Regulations of the Registers of Deeds, Chapter 36, Section 13A and this section. Additionally, a surveyor's certificate signed and sealed by a registered professional land surveyor in the Commonwealth of Massachusetts must be furnished to the Planning Board. The certificate shall state that all bounds have been set in accordance with the subdivision plan filed and recorded at the Registry of Deeds. Also included will be the plan number, year, plan book and page of the recorded plan.

The sub divider shall file with the Planning Board an As- built plan on Mylar, three sets, twelve (12) blue line prints and on a computer disk in an Auto cad Drawing Format (.dwg), compatible with the Town's current Auto cad and GIS systems, of the completed street or streets, utilities and easements together with proper legal descriptions for initiating acceptance of the ways by the Town Council and shall grant a deed to the Town of the streets, utilities and easements, as contained in the plan said deed to be recorded by the Town upon acceptance of the streets by the Town.

1. The As-built plan will meet the following criteria:
 - a. Scale one inch (1") equals forty-feet (40')
 - b. 24" x 36" sheets
 - c. Index plan at one inch (1") equals one-hundred feet (100') or otherwise approved by the Board.
 - d. A signature block for the Planning Board to sign when the road is acceptable to recommend acceptance as a public way.
 - e. Professional Land Surveyor's stamp and signature
 - f. Lot numbers
 - g. Name of subdivision
 - h. Name of street(s)
 - i. Date
 - j. Name of owner
 - k. Name of sub divider
 - l. Name of design engineer
 - m. North point and reference
 - n. Bench marks (NAVD88 Datum)
 - o. Locus map (1"=800')
 - p. Intersecting boundary lines of abutting land
 - q. All necessary bearings, lengths of lines and radii, tangents, arc lengths, and central angles of curves of all street lines, boundary lines, and areas needed to adequately described but not limited to the following:
 - 1) Streets
 - 2) Ways
 - 3) Easements
 - 4) Common or public areas
 - r. Sufficient data to determine the locations, elevation, direction and length of:
 - 1) Streets

- 2) Ways
- 3) Boundary lines
- 4) Pavement and right of way widths
- 5) Location of permanent monuments

A minimum of three of the permanent concrete monuments shall have their North American Datum (NAD83) horizontal datum coordinates and NAVD88 vertical datum coordinates shown on the final As-built. The Planning Board or their designee shall determine which three monuments are chosen. More monuments may be chosen if deemed necessary by the Board or their designee.

6) Location and names of streets intersecting the subject area

- s. The following shall be accurately located by survey on the plan (station and offset where appropriate):
 - 1) Storm drains and all appurtenances
 - 2) Water mains and all appurtenances
 - 3) Sewer mains and all appurtenances
 - 4) Other underground and above ground utilities (electric, telephone, gas, etc.) and all appurtenances.
 - 5) Hydrants
 - 6) Water services, gate valves and sewer services including ties to buildings and other permanent structures.
 - 7) Street signs
 - 8) Headwalls
 - 9) Wheelchair ramps
 - 10) Guardrails
 - 11) Curbing and or berms
 - 12) Edge of pavements
- t. Sizes and material type of the following:
 - 1) Storm drains
 - 2) Water mains
 - 3) Sewer mains
 - 4) Gas mains
- u. Sidewalks and driveways
- v. NAVD88 elevation datum

If the approved subdivision used a different datum then the conversion shall also be supplied.
- w. NAVD88 bench marks
- x. Original datum bench mark described
- y. Rates of gradients for drainage and sewer mains.
- z. Roadway centerline stationed
- aa. Offsite easements shown and completely described
- bb. The As-built profiles should meet the following requirements:

- 1) Horizontal scale: 1" = 40', Vertical scale: 1" = 4'
- 2) Center line grades-heavy line
- 3) Grade elevations at 50' stations
- 4) Locations of the following (station and offsets as appropriate):
 - a) Storm drains and all appurtenances
 - b) Sewer mains and all appurtenances
 - c) Headwalls
- 5) Sizes and material type of the following:
 - a) Storm drains
 - b). sewer mains
- 6) Rims and inverts of the following:
 - a) Storm drains
 - b) Sewer mains
- 7) NAVD88 elevation datum
- 8) Rates of gradients for drainage and sewer mains
- 9) Off street easements shown with all utilities

cc. 3 ½" x 3 ½" registry block

dd. Ownership of abutting lots

ee. Lot lines within 100' of the street right of way and or easements.

ff. The As-built plan must be recordable at the Registry of Deeds or Land Court as applicable as a street acceptance plan.

gg. Planning Board acceptance signature block.

hh. A monument certification stating:

"I certify that the monuments are set as shown on this plan."	
Professional Land Surveyor	Date

ii. A registry certification block stating:

"I certify that these plans are prepared in accordance with the Rules and Regulations of the Register of Deeds."	
Professional Land Surveyor	Date

The following as-built plans and profiles, prepared by a Registered Professional Engineer or Registered Land Surveyor, based on an on-the-ground survey done within six weeks of submittal, shall be submitted to the Planning Board following the completion of construction and, in addition, at such time during the course of construction as required by the Director of Public Works. These may be new plans or full size prints of the approved definitive plans showing in red or other clearly distinguishable color all differences between the approved and the actual construction. Where the departures are considered to be significant, the Board may require corrective work or may require engineering calculations to substantiate acceptability of work as done.

2. A plan and profile, drawn in ink on linen, or prepared on another suitable, permanent reproducible material, at a scale of 1"=40', detailing street locations, house locations, if any, and grades and the location and elevation of all underground utilities and appurtenances, including rim grades, percent of slope for sewer and drain lines, and contours of two-foot (2') intervals, for a distance of forty-feet (40') from the sideline of any street layout, utility easement, the boundaries of any Flood Plain and Aquifer Protection, and/or Flood Insurance District, and/or the boundary of any area which the Conservation Commission has previously determined to be subject to M.G.L. Chapter 131, §40, "as built."
3. The Engineer shall obtain, from actual field survey and other sources as may be necessary, such information as is necessary to properly identify any "as built" locations of all underground utilities.

6.11 - RECORDING OF DEFINITIVE PLANS

6.11.1 - If no notice of appeal has been filed with the Town Clerk or if an appeal has been taken and disposed of in a way which leaves the definitive plan approved, and the Town Clerk has endorsed the Plan to that effect, any required modifications have been made or referred to on the plan, together with any conditions of approval, and the agreed-upon security has been accepted by the Board, the Board shall endorse its approval on the plan, including the dates of approval and of endorsement, and release the plan originals to the applicant. The applicant shall furnish the Board with four complete sets of full-size copies of the signed plans, and shall record the complete set of plans of original plans in the Worcester Registry of Deeds or file the lot plans in the Land Court, as appropriate, within ten days of the date of endorsement. The ten (10) days for the applicant to record/submit to the Registry and/or Land Court shall be considered as part of any deadline that the Planning Board imposes on an applicant to have all of the subdivision documents endorsed and recorded. The applicant shall inform the Board in writing of the date and book and page or document number of recording. The certificate of action and the covenant shall be recorded at the same time as the plans.

1. The applicant is solely responsible to make sure that all of the materials being recorded/submitted are in proper order, form and meet the requirements of the Registry of Deeds and the Land Court.
2. The applicant is solely responsible to submit additional information, plans, etc. as required by the Land Court. In accordance with the statute, where approval with covenant is noted thereon, the Building Inspector or Building Official shall issue no permit for the construction of a building on any lot within the subdivision except upon the Board releasing the lot in question.

SECTION 7.0 - DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

7.1 - GENERAL REQUIREMENTS

7.1.1 - Subdivision Requirements and Standards. Subdivisions shall be designed in accordance with the requirements and standards of this Section.

7.1.2 - Compliance with the Zoning By-Law. All lots within the Subdivision shall comply with all requirements of the Zoning By-Law in effect at the time of application. For existing lots outside the subdivision, the subdivision improvements shall not cause the following:

1. Existing conforming lots to be rendered nonconforming with respect to setbacks or any other requirement of the Zoning By-Law in effect at the time of application.
2. Existing nonconforming lots to increase non-conforming elements with respect to setbacks or any other requirement of the Zoning By-Law in effect at the time of application.

7.1.3 - Compliance with Accessibility Regulations. All aspects of street construction shall conform to the latest requirements of the *Americans with Disabilities Act* (ADA) and the Massachusetts Architectural Access Board (MAAB). The ADA and MAAB regulations take precedence over these regulations with the consent of the Board; the subdivision improvements shall be continuously modified and reconstructed ensuring that the subdivision improvements conform to the ADA and MAAB in effect at the time of formal street acceptance.

7.1.4 - Construction Specifications. Design of the subdivision improvements shall conform to all requirements of the following:

1. The Commonwealth of Massachusetts Department of Public Works, Standard Specifications for Highways and Bridges, Latest revision;
2. The requirements of the Town of Southbridge Department of Public Works Standard Specifications, and the requirements of other Town Departments having jurisdiction
3. The most stringent of the above in the case of conflicting requirements

7.1.5 - Limit of One Dwelling Per 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 on a subdivision, or elsewhere in the Town, without the consent of the Planning 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.

7.1.6 - Easements. Easements shall be provided across lands to remain in private ownership both within the subdivision and outside the limits of the subdivision to accommodate access, utilities, and the flow of runoff or channelized flow in accordance with the following:

1. Easements shall be provided across lots and other tracts to remain in private ownership and shall preclude construction of buildings, structures, subsurface wastewater disposal systems, and other incompatible improvements.
2. All easements shall be labeled “UTILITY EASEMENTS” and/or “UTILITY AND HIGHWAY EASEMENTS”. The Planning Board reserves the right to require different types of easements as it sees fit.
3. The easement shall be obtained from the owner of the land whether lying inside or outside the subdivision boundary and rights therein shall be conveyed to the Town of Southbridge and shall provide the Town with clear unencumbered rights in the easement in perpetuity.
4. Easements shall be of the width required to accommodate convenient vehicular and pedestrian use for access, inspection, repair, replacement, and other necessary purposes. Easements will be provided over all infrastructure and drainage ways to a width acceptable to the Planning Board that insures the Town the ability to maintain said infrastructure and ways for perpetuity. Proper access by heavy equipment and machinery will also be ensured by means of proper grading within the easements.
5. Easements shall have a minimum width of thirty feet (30'). Each additional utility line within the same easement shall increase the easement width by ten feet (10'). Easements shall be required to be wider than thirty feet (30') if the infrastructure within is deeper than ten feet (10'). For every two feet (2') in depth greater than ten feet (10'), the easement shall be five feet (5') wider.
6. Easements for utilities shall be centered on rear or side lot lines where practicable.
7. Storm water easements for watercourses, drainage ways, wetlands, streams, or channels, shall generally conform to their layout. The easement shall extend 25-feet (25') beyond the edge thereof. Easements for minimum sight distance triangles shall be provided at intersections in accordance with Section 7.4.6.
8. “Gravel Access Roads” meeting Town of Southbridge Department of Public Works standards shall be supplied over and within all easements as determined by the Planning Board.
9. Temporary construction easements must be supplied around the entirety of all the proposed roads to ensure the proper construction of side slopes beyond the right of way even after the sale of lots. The following note shall be added to the “subdivision” plans:

“The Temporary construction easement shall be in effect until such time as the Town of Southbridge accepts the way(s) as public way(s).”
10. An easement shall be supplied to the United States Postal Service (if required by the Postal Service) on one of the subdivision lots, to be used for the placement, access and maintenance of a “cluster box unit” (“CBU”). The easement will be of whatever size required by the Postal Service. CBU’s and their easements are not allowed to be located within any right-of-way (existing or proposed), not in any conflict with any utilities or their easements and shall be located a sufficient distance (as determined by the Planning Board) from any intersection so that no vehicles waiting to access the CBU shall interfere with the operational safety of the intersection.

11. If in the event any cul-de-sacs are proposed to extend to the subdivision boundary and there is a potential that the cul-de-sac may be extended in the future, then a "Temporary Highway and Utility Easement" shall be supplied around the cul-de-sac "bulb" and the following note shall be added to the "subdivision" plans:

"In the event that roads and utilities respectively are extended into the adjoining properties, the Temporary Highway and Utility Easements will be discontinued per M.G.L. Chapter 41, §81Q, all pavement removed, re-graded as necessary and replaced with six inches (6") of loam, seeded and any existing driveways extended to the new traveled way to the satisfaction of the Planning Board and any other regulatory authorities. The applicant proposing to extend roads shall be responsible for all required engineering, construction, permitting, etc. and all related costs related thereto, to the satisfaction of the Planning Board and any other regulatory authorities."

7.2 - PROTECTION OF NATURAL FEATURES

7.2.1 - Preserving Natural Features. Every effort shall be made in the design and construction of subdivisions to preserve and protect all natural features, such as trees, woodland areas, watercourses, wetlands, scenic vistas, historical and archaeological sites, stone walls, contiguous natural habitat areas, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

7.2.2 - Grading and Topography. The design of all subdivision improvements shall be in harmony with natural and topographic features. Minimize required cut and fill by minimizing the deviation between existing ground and the centerline grade (profile grade line) of the proposed subdivision road. Removal of earth beyond the boundaries of the subdivision is prohibited, except when authorized by an Earth Removal Permit in accordance with the Southbridge Code of Bylaws and other applicable Bylaws and regulations.

1. Required cut and fill for roadways and side slopes shall not exceed 40,000 cu. yd. per mile of subdivision road.
2. Land within the subdivision shall not be clear cut except in conformance with the following:
 - a. No clearing shall commence prior to recording the approved definitive plan. No clear cutting may occur within seventy-five (75 feet) feet of adjoining abutters. See section 7.4.16 #5
 - b. Clearing shall only commence for the active phase.
 - c. Lots shall not be cleared prior to establishment of a base course pavement on the roadway.
 - d. Cuts and fills shall be kept to a minimum (as determined by the Planning Board).
 - e. Clearing shall be limited to work areas, and shall not extend beyond any limits of clearing shown on the definitive plan.
3. No erosion shall be allowed that violates a Wetlands Protection Act Order of Conditions or causes any erosion of or deposition of eroded materials onto any abutter, including the Town.

7.3 - OPEN SPACE

7.3.1 - General. The Board may require the plan to show a park or parks, suitably located for playground or recreational purposes or for the providing of light and air. For each single family detached dwelling, an area of two thousand five hundred (2500) square feet shall be reserved for the park or parks. However, the area of each park shall be, at a minimum, equal to one (1) buildable lot, as required by the Town of Southbridge Zoning By-law, for the zone where the subdivision is taking place. Each area reserved for such purpose shall be of suitable area, dimensions, topography, and natural character for the purpose of a park and/or playground. The area or areas shall be so located as to serve adequately all parts of the subdivision as approved by the Board. The Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or probable subdivisions. The Board shall, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval for a period of three (3) years. If the Town desires to retain this open space, the Town must offer just compensation to the sub divider within this three (3) year period as provided in MGL Chapter 41 Section 81Q. Where the proposed subdivision is to be of twenty (20) single family dwelling units or more, the Board may require site plans with details to indicate the layout, equipment to be furnished, landscaping, drainage, walks, and similar features.

7.4 - STREETS AND ROADWAYS

7.4.1 - Required Roadway Improvements. Required roadway improvements are established for the classes of roadways as defined herein and as follows:

1. Residential Lane
2. Residential Street
3. Nonresidential Street
4. Collector Street

7.4.2 - Street Names. Proposed street names shall not duplicate or be phonetically similar to the name of any existing public ways, private way, or paper streets. Street names shall be approved by the Town Council. A proposed street, which aligns with an existing street, shall bear the same name as the existing street. Street name signs shall be of a design per the Town of Southbridge Department of Public Works Standard Specifications.

7.4.3 - Street Location. Streets in the subdivision shall be coordinated with each other and with the existing street system in a manner satisfactory to the Board, with due regard to securing safety and convenience of travel, providing good sight distance, and promoting good traffic flow. To as great an extent as possible, roadway layout will conform to the natural topography of the land to preserve the land and the subdivision as a whole in a natural state. Due consideration shall be given by the Planning Board to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.

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

2. Streets shall be located to create segments of continuous collector and arterial streets where appropriate.
3. Reserve strips prohibiting access to streets or adjoining property may be prohibited or may be required on a site-specific basis as the Board determines best serves the public interest.
4. Subdivision streets may connect to existing public ways only at locations where sight distance is adequate to provide stopping sight distance on all intersection approaches. Required stopping sight distance shall be the larger distance calculated using the design speed or the 85th percentile travel speed.
5. Where proposed streets connect to existing public ways, the applicant shall obtain a Street Opening Permit from the Southbridge Department of Public Works and deliver a copy to the Board prior to commencement of construction.
6. Where proposed streets connect with a State Highway, a Curb Cut Permit shall be obtained from the Massachusetts DOT and furnished to the Board prior to the date of approval of the Definitive Plan.
7. All required roadway improvements shall be located within the roadway right-of-way and shall not be placed within any lot.
8. Slopes less than 5 feet in height or depth may be located adjacent to roadways. Slopes exceeding 5-feet (5') in height or depth shall be located within the roadway and shall have guardrails in accordance with 7.4.15.
9. Sewer, water and drainage lines may be located within easements with the consent of the Board.

7.4.4 - Handicapped Access. All subdivision improvements shall comply with all pertinent requirements of the *Americans with Disabilities Act (ADA)* and the Massachusetts Architectural Access Board (MAAB), Town of Southbridge Department of Public Works Standard Specifications, and the following additional standards.

1. Sidewalk cross slopes shall not exceed 1.5 percent.
2. Sidewalks shall be kept clear of obstructions for a minimum width of sixty (60) inches.
3. Ramps shall be provided at all intersections along the path of travel.
4. Sidewalk profiles across driveways shall conform to the Americans With Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB).

7.4.5 - Cross Sections. Roadway cross-sections shall be in accordance with the Typical Roadway Sections in the Appendix and Table 1 below:

TABLE 1. STREET CROSS SECTIONAL DESIGN STANDARDS

Cross Section Item	Collector Street	Non-Residential	Typical Residential/ Residential Lane
Minimum right-of-way width in feet (Note 1)	60	50	50
Pavement width in feet, including parking lanes where applicable, but excluding shoulders	40	30	24
Planting strips, minimum width of each in feet (Note 2) ***Without sidewalk.	10	10	10.5
***With Sidewalk	5	5	5.5
Sidewalk, minimum width of each in feet (Note 3)	5	5	4
Curbing required at intersections only (Note 4)	No	Yes	Yes
Curbing required throughout (Note 4)	Yes	Yes	Yes

Note 1: Includes shoulders where applicable.

Note 2: Shall be between roadway and property line or roadway and sidewalk (as applicable).

Note 3 The Board shall require two (2) sidewalks when deemed necessary.

Note 4 Curbing required throughout in all non-residential subdivisions.

1. The centerline of pavement shall coincide with the centerline of the right-of-way.
2. The location of all utilities and plantings shall be in accordance with the Typical Roadway Cross Sections as provided by the Department of Public Works. The final location of all plantings within the cross-section shall be determined by the Board.
3. Where a street is to provide the only access to a subdivision, or where potential traffic volume or safety warrants, the Board may require a greater right-of-way than that specified above and may require construction of a divided roadway.
4. Where appropriate, the Board may require the construction of additional travel lanes and auxiliary lanes.
5. No traffic islands are allowed unless requested by the Planning Board. If requested by the Board, they shall be installed utilizing granite curbing and a low growth, low maintenance, vegetative cover.
6. See "Typical cul-de-sac Section" details as provided by the Department of Public Works for cross section of cul-se-sac "bulbs".

7.4.6 - Alignment, Grade, Dead-End and intersections. Alignment, grade, dead-end and intersections shall be in accordance with the standards in Table 2:

TABLE 2. RECOMMENDED STREET DESIGN STANDARDS

Cross Section Characteristic	Collector Street	Non Residential	Typical Residential/ Residential Lane
Horizontal Alignment (Note 1) (Note 2)			
Minimum Radius at Centerline in feet	400	150	150
Vertical Alignment in feet (Note 1) (Note 2) (Note 3)			
a. Minimum "K" value	40	30	30
b. Minimum clear sight distance at 4.5 feet above pavement, in feet	350	200	200
c. Minimum curve length, in feet (Note 5)	200	100	100
Grade			
a. Maximum, percent	6.0	9.0	12.0
b. Minimum, percent	2.0	2.0	2.0
Intersection (Note 2) (Note 6)			
a. Intersection angle, degrees (note7) (Note 8)	90	90	90
b. Minimum centerline offset in feet	225	225	225
c. Minimum radius at edge of traveled way in feet (Note 7) (Note 8)	30	30	30
d. Sight distance at intersections in feet (Note 9)	270	270	270
Dead End Streets (Note 10) (Note 11) (Note 12)			
a. Maximum length with a turnaround in feet	Not Permitted	1000	1000
b. Minimum length with a turnaround in feet	Not Permitted	250	250
c. Minimum turnaround radius at edge of roadway in ft.	Not Permitted	50	50
d. Minimum turnaround radius at property line in feet	Not Permitted	60	60
Table 2, continued - Notes			

Note 1: One hundred (100) foot minimum tangent sections are required between all horizontal reverse curves.

Note 2: Proposed subdivisions shall connect to as many existing streets as possible (as determined by the Board). The proposed streets shall extend to the property lines of any abutting tracts of undeveloped land. In the instance of adjacent undeveloped land the applicant must address the vertical and horizontal street and utility alignment prior to approval. This may include a preliminary layout and grading plan of the adjacent property.

Note 3: Where changes in grade exceed one half percent (.5%), vertical curves, as required by the Board will be provided; and where a grade is two percent (2%) or greater within one hundred and fifty (150) feet of the intersection of street right of way lines, there shall be provided a leveling area of at least two hundred (200) feet, with a maximum grade of two percent (2%).

Note 4: The centerline grade of roadways shall not deviate from existing undisturbed ground by more than ten (10) feet at any point and the average of the absolute value of the deviation shall not be more than three (3) feet.

Note 5: The length of vertical curves shall provide the required stopping sight distance for each class of street.

Note 6: Streets shall be laid out so as to intersect with adjacent streets or adjacent un-subdivided land at intervals of from one thousand (1,000) feet to two thousand (2,000) feet.

Note 7: Streets shall be laid out so as to intersect at right angles for a distance of one hundred (100) feet from the intersecting street centerlines

Note 8: The distance between curb line and right-of-way line at any intersection shall be the same as the largest distance required for any of the intersecting streets.

Note 9: Minimum sight distance triangle easements shall be provided on all intersection approaches having the dimensions recommended in the Traffic Study (see Section 6.3.5). As a minimum, the sight distance triangle shall extend for 15 feet along the sidelines of the approaching street and 100 feet along the sidelines of the cross street. Sight distance triangles shall be kept free of all obstructions over 2 feet in height.

Note 10: Any proposed street which intersects solely with a dead-end street shall be deemed to be an extension of the dead-end street. Dead-end streets and their extensions, if any, shall not be longer than five hundred (500) feet.

Note 11: See “Typical cul-de-sac Section” details for cross section of cul-de-sac “bulb”.

Note 12: To ensure that a dead end street or system of dead end streets is not further extended, the Board may require the applicant to provide a covenant running with the land, a dedicated reserve strip, or other acceptable legal instrument to the benefit of the Town prohibiting further extensions of the roadway.

7.4.7 - Cul-de-Sac. A cul-de-sac shall be provided at the terminus of all dead end streets.

1. Pavement within the cul-de-sac shall be circular fully paved from curb line to curb line, with no central island.
2. The distance between curb line and right-of-way line at a cul-de-sac shall be the same as the distance required for the subdivision street.
3. Where appropriate, the Board may require the roadway right-of-way to extend beyond the terminus of the roadway to adjacent property.
4. If a dead-end street is subsequently extended beyond the required turn-around, the turn-around shall be modified or removed as directed by the Board. Modification of any cul-de-sac on a public way requires consent of the Town Council.

7.4.8 - Light Standards. Poles, lights and fixtures for street lighting shall be required by the Planning Board. These shall be of size and spacing as approved by the Department of Public Works and the local power

company subject to final approval of the Planning Board. As a minimum street lights are required at every intersection, outside of curves and at the end of cul-de-sacs. Streets shall be lit at the expense of the applicant from the time of first occupancy until such time as the road or roads are accepted as public ways.

7.4.9 - Sidewalks. A minimum of one (1) sidewalk shall be constructed in all subdivisions. Sidewalks shall be constructed on both sides of the roadway in a non-residential subdivision, on a collector street or if in a congested area at the Planning Board's discretion.

1. Sidewalks shall have a finished grade of one and one half (1.5) percent sloping toward the roadway. When unusual physical land characteristics or topographic conditions require, the Board may approve the placement of a sidewalk at a greater distance from the roadway or at a higher or lower elevation in relation thereto, provided such variation is indicated on the definitive plan.
2. In constructing all sidewalks, the material shall be removed for the full width of the sidewalk to a sub grade at least twelve (12) inches below the approved finished grade, and also all soft spots and other undesirable material below such sub grade shall be replaced with a bank-run gravel (per M1.03.0, type b) and rolled with a two (2) ton roller or equivalent. Cement concrete sidewalks (built according to specifications of the Massachusetts DOT Section 701) shall be installed. If the applicant is granted a waiver from cement, the excavated area shall be filled with at least nine (9) inches of processed gravel (per M2.01.7 and Section 402) containing some binding material and compressed and rolled to a surface slope of one and one half (1.5%) percent. Sidewalks shall then be paved to a compacted thickness of three (3) inches with Class I bituminous concrete pavement (per Sections 701 and M3.11.0), applied in two (2), one and a half (1 1/2) inch completed courses.
3. If there is only one sidewalk it shall extend around the entire outside of a cul-de-sac "bulb" and terminate with a handicap ramp.

7.4.10 - Roadway and Sidewalk Pavement and Base. The free draining material layer shall conform to the thickness indicated in Figure 7-2 Pavement Section and shall conform to requirements of the Southbridge Department of Public Works Design and Construction Standards. In-situ soils that do not conform to these requirements shall be removed and replaced.

1. The roadway base course shall consist of compacted dense graded crushed stone layer over a compacted gravel base layer of the thickness indicated in Figure 7-2 Pavement Section. The dense graded crushed stone and gravel base shall conform to the requirements of the Southbridge Department of Public Works Design and Construction Standards.
2. The free draining material layer and the gravel base course layer shall be compacted in conformance with the requirements of the Southbridge Department of Public Works Design and Construction Standards.
3. Bituminous Concrete Pavement shall be smooth, uniform, dense Class I Bituminous Concrete as specified in the Southbridge Department of Public Works Design and Construction Standards for surface, binder, and leveling courses.

4. Bituminous Concrete Pavement shall only be installed during the period beginning April 1 and ending November 15 and further shall only be installed when the temperature of both the existing base material and the ambient air will remain above 40°F throughout the installation process.
5. Bituminous Concrete Pavement shall only be installed when the base receiving the pavement is clean and dry and when no precipitation will occur during installation.
6. All frames, water gate boxes, and other castings shall be adjusted to finished grade prior to placing the top course of pavement. Castings shall be set in a bed of high-early strength cement mortar. A minimum of 24 hours "setting time" shall be allowed prior to paving.
7. Top course and binder courses shall have the minimum rolled thickness indicated in Figure 7-2 Pavement Section for roadways and sidewalks. Roadway binder course shall be placed in two courses of equal thickness.
8. All bituminous concrete pavement courses shall be compacted in conformance with the requirements of the Southbridge Department of Public Works Design and Construction Standards.
9. Base course is only good for two (2) years. A longer time before finish course is installed may require re-construction of the base course.

7.4.11 - Curb and Berm.

1. Curbing shall be granite.
2. Berms shall be non-monolithic Class I Bituminous Concrete Cape Cod Berm conforming to Department of Public Works specifications and Section 470 of the Standard Specifications.
3. Curbing shall be installed at all intersections of existing and proposed streets within and at the exteriors of all subdivisions. Each curve shall be extended with at least six feet (6') of straight transition curbing at each end of the curved section of curb. (See "Typical Intersection Curve" detail provided by the Department of Public Works.) Granite curbing shall be Type VA4 (Section M9.04.1).
4. Granite curb inlets per Section M9.04.5 shall be installed adjacent to all catch basins at low points and any other location granite curbing is required. If located within an area of Cape Cod berms, a minimum six foot (6') transition curbing (granite, Type VA4) shall be installed along the curb line on both sides of the curb inlet. The Cape Cod berm shall be constructed to blend with the transition curb.
5. Berms shall be installed along all other edges of the roadway in all streets.
6. The profile of the curbs and berms shall be provided by the Department of Public Works.
7. Curbing is required throughout in all non-residential subdivisions and on any collector streets.
8. Vertical granite curb having a radius of less than 100 feet shall be cut to a true radius.

9. All curb shall be set to provide a six-inch (6") reveal.

10. Granite curbing that connects to an existing street that does not have curb or that has curb of a different type or shape shall have a saw cut tapered end piece providing a smooth transition.

7.4.12 - Driveways and Curb-cuts.

Driveways shall comply with the Town of Southbridge Department of Public Works Curb Cut Regulation and permit requirements.

1. Proposed driveways shall be between twelve-feet (12') and twenty-four feet (24') in width at the right of way line. Proposed locations and grades will be shown on the definitive plan.

2. Driveway cuts shall not be within seventy-five feet (75') of the intersection of the center line of intersecting streets, within ten feet (10') of an above ground structure (hydrant, light pole, etc.), within ten feet (10') of a cul-de-sac fillet, within the first 25% of a cul-de-sac on the right as you enter, or within thirty feet (30') of another driveway for an interior lot or forty feet (40') for a corner lot.

3. Driveways shall intersect the right-of-way at right angles.

4. All driveways shall access a lot through the frontage of said lots. In the case of a corner lot, with legal frontage and adequate depth from either street, the driveway may access either street.

5. Every (500') five hundred feet a pull off is required to allow multi directional access.

6. Maximum slope shall be 12° (twelve degrees).

7. No common driveways are allowed.

7.4.13 - Planting Strips; Shrubs.

Planting strips shall be provided on each side of the roadway, between the curb/berm and property line or between curb/berm and sidewalk, where sidewalks are required (See Typical Cross Sections provided by the Department of Public Works).

1. The finished grade of such planting strips shall be one and one half percent (1.5%) sloping toward the roadway.

2. Planting strips shall have a loam layer underlain by a gravel layer constructed per the Town of Southbridge Department of Public Works Standard Specifications.

3. No obstruction shall be placed or retained within the planting strip so as to be closer than three feet (3') from the edge of the roadway.

4. Shrubs or other plantings other than grass are not allowed to be planted within the street layouts. Where shrubs are used for screening outside the street layouts, they shall be of a noninvasive species.

5. Well established growth (>80%) must be established prior to surety release and/or Town acceptance.

7.4.14 - Slopes.

The area beyond the right of way in the back of the sidewalk or where no sidewalk is constructed, in back of the required planting strip, shall be formed, graded, and loamed to a point where it coincides with the finished grade of abutting lots in such a manner that no portion thereof within the right-of-way lines of the street will project above a plane sloped two horizontal to one vertical from the edge of the sidewalk or grass lot, or be below a plane sloped two horizontal to one vertical downward.

1. The Board may allow cut slopes in rock as steep as 1 horizontal to 6 vertical, upon submission boring logs, rock cores, and a certification of slope stability from a Massachusetts Geotechnical Professional Engineer.
2. All roadway sections in earth cut or rock cuts shall have a swale at least two (2) feet in width extending eighteen (18) inches below the adjacent gutter line separated by at least six (6) feet from the back of sidewalk, or if none, the back edge of the planting strip.
3. Slopes shall be located on lots adjacent to roadways.
4. The surface of slopes shall have a loam layer six (6) inches in thickness conforming to the requirements of the Town of Southbridge Department of Public Works Standard Specifications.
5. Well established growth (>80%) must be established prior to surety release and/or Town acceptance.

7.4.15 - Guardrail

Guardrails shall be required as warranted by the Massachusetts DOT's Highway Design Manual, July 1989, as amended, or as required by the Board. Guardrail shall be supplied per Section 600 of the Standard Specifications. Steel Beam Highway Guard-Type SS with steel posts are required. A suitable detail shall be supplied on the plans including appropriate end treatments.

7.4.16 - Street Trees

Street trees shall be provided adjacent to the right-of-way of all streets along all roadway segments.

Deciduous street trees (species to be submitted and approved of by the Planning Board) shall be planted on each side of each street in a subdivision, except where the Definitive Plan shows trees to be retained which are healthy and adequate. Such trees shall be located five feet (5') outside of the right-of-way, two trees per forty-foot (40') intervals (one tree every twenty-feet (20'); alternating sides of street), and shall be at least twelve-feet (12') in height, two and one-half inches (2 ½ ") in caliper measured four feet (4') above the approved grade, and shall be planted each in at least one-half cubic yard of topsoil unless

otherwise required by the Planning Board (See Department of Public Works for specifications for tree planting and staking details).

1. The developer shall plant other trees as needed to provide at least one (1) area of shade to each lot.
2. All deciduous street trees shall be clear of any branches from the approved grade level to a point seven feet (7') above ground level. Trees shall be the equivalent of well-rooted nursery-grown, stock free of injury, harmful insects, and diseases. They shall be well branched, and the branching structure shall be sound.
3. Trees shall be one of the following species, unless an alternative is specifically approved by the Board:

Large Trees:

- Red Maple (*Acer rubrum*)
- Sugar Maple (*Acer saccharum*)
- Red or Green Ash (*Fraxinus Pennsylvania*)
- London Plane Tree (*Platanus X Acer folia*) (non-native)
- Scarlet Oak (*Quercus coccinea*)
- Black Oak (*Quercus velutina*)
- Chestnut Oak (*Quercus prinus*)
- Quercus Rubra (Red oak)
- American Beech (*Fagus grandifolia*)(gets very large)

Small to Medium Trees:

- Butternut (*Juglans cinerea*)
- American Basswood (*Tilia Americana*)
- Little leaf Linden (*Tilia cordata*)
- Hackberry (*Celtis occidentalis*)
- American Hornbeam (*Carpinus caroliniana*)
- Crabapple, var. Profusion (*Malus/Pyrus spp.var.*)
- Bradford Pear (*Pyrus communis var.*)
- Striped Maple (*Acer Pennsylvanicum*)
- Pin Oak (*Quercus palustris*)

4. The developer will be liable for all trees so planted as to their erectness and good health until such time as the road or roads are accepted as public ways.
5. The Planning Board reserves the right to require a seventy-five foot (75') "No Clearing Zone" and/or an evergreen tree buffer (per Planning Board specifications) between the new subdivision and any abutters.

7.4.17 - Traffic Management. Where required by the Board, the developer shall engage a Massachusetts Traffic Professional Engineer to prepare a Traffic Control Plan.

1. Where required by the Board, the developer shall install pavement markings, signs, channelization, turning lanes, and upon satisfying warrants traffic signal systems.
2. Traffic control devices shall conform to requirements of the Manual on Uniform Traffic Control Devices.
3. All pavement markings shall be thermoplastic.
4. Stop signs, stop lines, and one hundred-foot (100') long double yellow centerline markings shall be provided on the minor street approach to all intersections.

7.4.18 - Street Name Signs. Signpost assemblies shall be provided at all intersections with two signs indicating the name of the through street and the minor street. One signpost assembly shall be provided at T intersections and two signpost assemblies shall be provided at four way intersections.

Signpost assemblies and signs shall conform to requirements of the Town of Southbridge Department of Public Works Standard Specifications.

7.4.19 - Roadway Construction Specifications. For each classification of roadway, construction shall conform to requirements as follows:

1. The requirements of the Typical Roadway Section, provided by the Department of Public Works.
2. The requirements of the Commonwealth of Massachusetts Department of Public Works, Standard Specifications for Highways and Bridges, 1988 Edition, including the November 8, 2000 Supplemental Specifications and all later addenda, revisions and supplements, all of which are hereinafter referred to as the Standard Specifications.
3. The requirements of the Town of Southbridge Department of Public Works Standard Specifications.
4. In the case of conflict between the requirements of the MassDOT Standard Specifications and the Town of Southbridge Department of Public Works Standard Specifications, the requirements of the Town of Southbridge Department of Public Works Standard Specifications shall govern.

7.4.20 - Earthwork. Sub grade preparation shall extend for the width of Full Depth Construction indicated in Figure 7-1.

1. Clear and grub and remove all topsoil, organic materials, and other deleterious materials.
2. Unsuitable materials below normal depth within the right-of-way shall be completely removed and replaced with sand-gravel borrow.
3. All fill placed within the right of way shall be sand-gravel conforming to requirements of the Southbridge Department of Public Works Design and Construction Standards.

4. All fills, refills and backfills within the right-of-way and within utility trenches shall be placed in 1 foot lifts and compacted to not less than ninety-five (95) percent of maximum dry density in accordance with requirements of the Southbridge Department of Public Works Design and Construction Standards.

5. All earthwork operations shall incorporate erosion and sedimentation controls.

7.5 - STORMWATER MANAGEMENT

7.5.1 - General. All storm drain systems and stormwater management facilities including detention basins, retention basins, and water quality basins shall conform to the Southbridge Drainage and Storm water Design Standards.

1. All storm water detention basins, retention basins, and water quality basins be located on separate parcels and not located within any lot.
2. Storm water runoff shall be collected and treated to abate contaminants. Discharges of untreated storm water to on-site retention basins, watercourses or wetlands are prohibited.
3. Discharges to the municipal storm drain system should be avoided where practicable and are prohibited where the municipal storm drain system has insufficient capacity to accommodate additional runoff.
4. All storm drain systems and storm water management facilities shall be designed to accommodate the design flows without surcharging or overtopping for the design storm events specified in the Southbridge Drainage and Storm water Design Standards.

7.5.2 - Performance Criteria. Storm water management measures shall be implemented to achieve the performance standards set forth in the Southbridge Drainage and Storm water Design Standards

7.5.3 - Discharge Requirements. The discharge of storm water is permitted only if fully compliant with the Southbridge Drainage and Storm water Design Standards.

7.5.4 - Drainage Analysis. A Drainage Analysis shall be submitted that incorporates methodologies that fully conform to the Southbridge Drainage and Storm water Design Standards.

7.5.5 - Drainage Report. All drainage calculations shall be summarized in a detailed drainage report.

1. The report shall be signed and sealed by a Massachusetts registered Professional Engineer (PE) and a DEP authorized Soil Evaluator.
2. The drainage report shall include an Existing Case Drainage Study Area Plan and a Build Case Drainage Study Area Plan, both conforming to the requirements of the Southbridge Drainage and Storm water Design Standards.

3. The drainage report shall include copies of all calculations and shall allow for independent verification of the analysis. As a minimum it shall include separate calculations for each catchment.

4. detailing, catchment area, areas for each type of cover (pavement, woodland, grass, etc.), weighted coefficients of permeability, runoff curve numbers, flow paths, individual and cumulative times of concentration, pipe flow and design capacity, ditch flow and design capacity, and detention and retention basins inflow/outflow routings.

5. The drainage report shall include a detailed narrative describing for both the Existing Pre-Development Case and the Proposed Post-Development Case, 1) physical conditions including soils, vegetation, topography, runoff, drainage patterns, site improvements, drainage systems, retention and detention facilities, 2) methodology, 3) measures to abate contaminants, 4) measures to abate increases in the peak rate and volume of storm water discharge.

7.5.6 - Storm drain Collection Systems. The location and layout of the storm drain collection system including all storm drain lines and drainage structures shall conform to the Typical Roadway Section, Figure 7-1.

1. Storm drain collection system shall be designed to accommodate the storm water design specifications specified hereinbefore and shall be configured to prevent surface flow across paved areas exceeding one hundred fifty (150) feet in length.

2. Construction of the storm drain system including methods of construction and quality of materials shall conform to all requirements of the Southbridge Department of Public Works Design and Construction Standards, the Southbridge Drainage and Storm water Design Standards, the Southbridge Department of Public Works, the Southbridge Storm water By-Law, and further to the requirements of the Standard Specifications.

7.5.7 - Oil-Water Separators. Oil-water separators shall be provided to treat the First Flush of Storm water Runoff from all paved surfaces and shall conform to all requirements of the Southbridge Drainage and Storm water Design Standards.

7.5.8 - Roof water Recharge Facilities. Subsurface roof water leaching facilities shall be provided to recharge storm water runoff from all building roofs and shall conform to all requirements of the Southbridge Drainage and Storm water Design Standards.

Covenants running with the land shall be provided for all lots allowing inspection by agents of the Town and requiring proper construction, maintenance, repair and replacement of the roof water collection and leaching facilities in perpetuity.

7.5.9 - First Flush Basins. First flush basins shall be provided to hold the First Flush of Storm water Runoff and shall conform to all requirements of the Southbridge Drainage and Storm water Design Standards.

7.5.10 - Detention and Retention Basins. Detention and retention basins shall be constructed in accordance with all requirements of the Southbridge Drainage and Storm water Design Standards.

7.6 - WATER DISTRIBUTION SYSTEM

7.6.1 - General. A water distribution system, if public water is accessible within five hundred (500) feet, including hydrant assemblies for fire protection shall be provided along all roadway segments and shall serve all subdivision lots.

1. The location and layout of the water distribution system including all water mains and appurtenances shall conform to the Typical Roadway Section, Figure 3-1.
2. Construction of water distribution system including methods of construction and quality of materials shall fully conform to all requirements of the Southbridge Water District and the Southbridge Department of Public Works Design and Construction Standards.

7.6.2 - Water Distribution Mains. Water distribution mains shall be installed with a minimum five (5) feet of cover and a maximum of six (6) feet of cover.

7.6.3 - Valves. Line valves shall be spaced at intervals not to exceed one thousand (1,000) feet on center.

1. Additional valves shall be located in locations such that lines may be isolated by individual block for maintenance purposes.
2. Where two water mains join, each leg shall be furnished with a gate valve with gate box, i.e. three gate valves shall be provided at "T" connections.
3. Valve boxes shall be installed and adjusted to finished grade for all gate valves.

7.6.4 - Hydrant Assemblies. Hydrant assemblies shall be provided at the end of all dead end streets and at intervals not to exceed five hundred (500) feet on center.

7.6.5 - Thrust Blocks. Thrust blocks shall be provided at all fittings and angle points.

7.6.6 - Water Service Connections. Each individual lot or dwelling unit shall have a separate water service. Water services shall include a corporation cock, curb stop, and curb box. For all potential lots, water services shall be installed to a point five (5) feet beyond the back of sidewalk prior to placing the top course of roadway or sidewalk paving.

7.6.7 - Connection to Public System. New water mains may be connected to the water distribution system only if there is adequate flow and pressure to serve new development and only if authorized in writing by the Southbridge Water District.

1. Connection of new water mains to the existing water distribution system is only permitted if three gate valves are provided at the point of connection. In specific locations where the Southbridge Water District recommends that new line valves not be installed, the new connection shall be made using a tapping sleeve and valve.

2. Final connection of new water mains to the existing water distribution system is only permitted if leakage and chlorination test data has been submitted by the applicant's testing laboratory and approved by the Southbridge Water District.
3. Excavation within public ways shall fully conform to all requirements of the Street Opening Permit issued by the Southbridge Department of Public Works.

7.7 - SANITARY SEWER SYSTEM

7.7.1 - General. If the subdivision is within five hundred (500) feet of public sewer, a sanitary sewer system shall be provided that serves all lots in the subdivision and conveys sewage flows to the public sewerage system of the Town of Southbridge by gravity flow.

1. All sanitary sewer mains, sewer manholes, and appurtenances including sewer mains, manholes, lot service connections, pumping stations, and connections to the existing municipal sanitary sewer system shall conform to all requirements of the Southbridge Department of Public Works Design and Construction Standards.
2. Sewer systems shall be cleaned and inspected with video equipment. Sewer systems shall pass pressure and leakage tests and mandrel tests.
3. The location and layout of the sanitary sewer system including sewer mains, sewer manholes, and appurtenances shall conform to the Typical Roadway Section, Figure 7-1.
4. Construction of the sanitary sewer system including methods of construction and quality of materials shall conform in all respects to the requirements of the Southbridge Department of Public Works Design and Construction Standards and further to the requirements of the Standard Specifications.
5. When connection to the public sewer system is not feasible, on-lot sewerage systems may be constructed if approved by the Southbridge Board of Health.

7.7.2 - Sewer mains. Sanitary sewers shall be provided along all roadway segments to serve all lots.

7.7.3 - Manholes. Manholes shall be located at every change in grade, change in alignment, and change in pipe size, and at maximum intervals of three hundred (300) feet.

7.7.4 - Lot Service Connections. Sewer service connections shall be installed for all potential lots prior to placing the top course of roadway or sidewalk pavement and shall extend five (5) feet beyond the back of sidewalk.

7.8 – UTILITY SYSTEMS

7.8.1 - General. Underground utility systems shall be provided along all roadway segments and shall serve all subdivision lots.

1. The location and layout of the underground utility systems shall conform to the Typical Roadway Section, Figure 7-1.
2. Construction of the underground utility systems including methods of construction and quality of materials shall conform to all requirements of the Southbridge Department of Public Works Design and Construction Standards, the companies providing the utility, and where applicable the Massachusetts Electrical Code.
3. Coordinate the work to allow required inspections by utility providers.

7.8.2 Electrical. Underground electric conduits shall conform to the above requirements and shall be installed at the depth indicated in Figure 7-1. Underground electric conduits shall be installed prior to placing the top course of roadway or sidewalk pavement and shall be concrete encased within roadway rights-of-way.

1. Manholes. Manholes shall be located at maximum intervals of two hundred (200) feet.
2. Lot Service Connections. Underground electric service connections shall be installed for all lots prior to placing the top course of roadway or sidewalk pavement and shall extend five (5) feet beyond the back of sidewalk.

7.8.5 - Telephone. Underground telephone conduits shall conform to the above requirements and shall be installed at the depth indicated in Figure 7-1.

1. Underground telephone conduits shall be installed prior to placing the top course of roadway or sidewalk pavement and shall be concrete encased within roadway rights-of-way.
2. Manholes shall be located at intervals not more than two hundred (200) feet apart.
3. Lot Service Connections. Underground telephone service connections shall be installed for all lots prior to placing the top course of roadway or sidewalk pavement and shall extend 5 feet beyond the back of sidewalk.

7.8.6 - Cable. Underground cable communication systems for the distribution of television signals or data shall be provided along all roadway segments and shall serve all subdivision lots. The location and layout of the cable communication system shall conform to the typical roadway section, Figure 7-1.

1. Cable Communication Conduits. Underground cable communication conduits shall conform to the above requirements and shall be installed at the depth indicated in Figure 7-1. Underground cable communication conduits shall be installed prior to placing the top course of roadway or sidewalk pavement and shall be concrete encased within roadway rights-of-way.
2. Manholes. Manholes shall be provided at intervals not to exceed two hundred (200) feet apart.

3. Lot Service Connections. Underground cable communication service connections shall be installed for all lots prior to placing the top course of roadway or sidewalk pavement and shall extend 5 feet beyond the back of sidewalk.

7.9 - STREET LIGHTING SYSTEM. Refer to Section 7.4.8

7.10 - GAS DISTRIBUTION SYSTEM

7.10.1 - General. A gas distribution system, where applicable, shall be provided along all roadway segments and shall serve all subdivision lots.

1. The location and layout of the gas distribution system shall conform to the Typical Roadway Section, Figure 7-1 and to all requirements of the gas utility.
2. Construction of the gas distribution system including methods of construction and quality of materials shall conform to all requirements of the gas utility company. Coordinate the work to allow required inspections by the gas utility company.

7.10.2 - Gas Distribution Mains. Gas distribution mains shall be installed at the depth indicated in Figure 7-1.

1. All gas distribution pipes and valves shall be installed prior to placing the top course of roadway or sidewalk pavement.
2. Gas gates shall be provided in conformance with applicable codes and gas utility provider's requirements.
3. Valve boxes shall be installed and adjusted to finished grade for all gate valves.

7.10.3 - Lot Service Connections. Underground gas service connections shall be installed for all lots prior to placing the top course of roadway or sidewalk pavement and shall extend 5 feet beyond the back of sidewalk.

7.11 - MONUMENTS AND MARKERS

7.11.1 - Locations. 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 on the definitive plan (Town Line, etc.), and at such other locations that the Board may determine are appropriate. Markers shall be installed at the intersection of lot lines and all angle points for each lot.

7.11.2 - Requirements. Reinforced Concrete monuments three (3) feet in length dressed to six (6) inches at the top and not less than six (6) inches square at the bottom.

7.11.3 - Setting. Monuments shall be set to finished grade as shown on the plans.

7.11.4 - Drill Holes. The exact location point shall be indicated by a hole having a diameter of 3/8 inch. After the bound has been permanently set, the hole shall be drilled into the top of the bound to a depth of 1/2 inch.

7.11.5 - Final Release. All monuments must be visible, intact and properly set (not loose or leaning) prior to a request being submitted for final release of performance guarantee.

7.11.6 - Coordinate Table. Provide a table of coordinates for all monuments using the NAD83 horizontal datum.

7.11.7 - Scheduling. No permanent monuments shall be installed until all construction that could destroy or disturb the monuments is completed. In paved areas after the bounds have been set, bituminous concrete shall be placed around the bounds and compacted to the specified thickness.

7.11.8 - Certification. The Professional Land Surveyor must submit a written certification that the bounds have been set as shown on the definitive plan.

7.12 - "AS-BUILT" SURVEY (Street Acceptance) As-built plans showing the location, grades, and other significant information regarding utilities shall be prepared by the applicant's professional land surveyor and turned over to the Planning Board prior to the final approval of the improvements and release of security as hereinafter provided. This will be done by submitting Mylar(s) and electronic file(s) of the subdivision's metes and bounds as prepared in accordance with the Rules and Regulations of the Registers of Deeds, Chapter 36, Section 13A and this section. Additionally, a surveyor's certificate signed and sealed by a registered professional land surveyor in the Commonwealth of Massachusetts must be furnished to the Planning Board. The certificate shall state that all bounds have been set in accordance with the subdivision plan filed and recorded at the Registry of Deeds. Also included will be the plan number, year, plan book and page of the recorded plan.

7.12.1 - The sub divider shall file with the Planning Board an As-built plan on Mylar of the completed street or streets, utilities and easements, twelve (12) prints and electronic file(s) in an Auto Cad Drawing Format (.dwg), compatible with the Town's current Auto cad and GIS systems together with proper legal descriptions for initiating the acceptance of the ways, public or private, by the Town Council and shall grant a deed to the Town of the streets, utilities and easements, as contained in the plan said deed to be recorded by the Town upon acceptance of the streets by the Town.

1. The As-built plan will meet the following criteria:
 - a. Scale one inch (1") equals forty feet (40')
 - b. 24" x 36" sheets
 - c. Index plan at one inch (1") equals one hundred feet (100') or otherwise approved by the Board.
 - d. A signature block for the Planning Board to sign when the road is acceptable to recommend acceptance as a public way.
 - e. Professional Land Surveyor's stamp and signature
 - f. Lot numbers
 - g. Name of subdivision
 - h. Name of street(s)

- i. Date
- j. Name of owner
- k. Name of sub divider
- l. Name of design engineer
- m. North point and reference
- n. Bench marks(NAVD88 Datum)
- o. Locus map(1"=800')
- p. Intersecting boundary lines of abutting land
- q. All necessary bearings, lengths of lines and radii, tangents, arc lengths, and central angles of curves of all street lines, boundary lines, and areas needed to adequately described but not limited to the following:
 - 1) Streets
 - 2) Ways
 - 3) Easements
 - 4) Common or public areas
- r. Sufficient data to determine the locations, elevation, direction and length of:
 - 1) Streets
 - 2) Ways
 - 3) Boundary lines
 - 4) Pavement and right of way widths
 - 5) Location of permanent monuments

A minimum of three of the permanent concrete monuments shall have their North American Datum (NAD83) horizontal datum coordinates and NAVD88 vertical datum coordinates shown on the final As-built. The Planning Board or their designee shall determine which three monuments are chosen. More monuments may be chosen if deemed necessary by the Board or their designee.

6) Location and names of streets intersecting the subject area

- s. The following shall be accurately located by survey on the plan (station and offset where appropriate):
 - 1) Storm drains and all appurtenances
 - 2) Water mains and all appurtenances
 - 3) Sewer mains and all appurtenances
 - 4) Other underground and above ground utilities (electric, telephone, gas, etc.) And all appurtenances
 - 5) Hydrants
 - 6) Water services, gate valves and sewer services including ties to buildings and other permanent structures.
 - 7) Street signs
 - 8) Headwalls
 - 9) Wheelchair ramps

- 10) Guard rails
- 11) Curbing and or berms
- 12) Edge of pavements

t. Sizes and material type of the following:

- 1) Storm drains
- 2) Water mains
- 3) Sewer mains
- 4) Gas mains

u. Sidewalks and driveways

v. NAVD88 elevation datum - If the approved subdivision used a different datum then the conversion shall also be supplied.

w. NAVD88 bench marks

x. Original datum bench mark described

y. Rates of gradients for drainage and sewer mains.

z. Roadway centerline stationed

aa. Offsite easements shown and completely described.

bb. The As-built profiles should meet the following requirements:

- 1) Horizontal scale: 1" = 40'
Vertical scale: 1" = 4'
- 2) Center line grades-heavy line
- 3) Grade elevations at 50' stations
- 4) Locations of the following (station and offsets as appropriate):
 - a) Storm drains and all appurtenances
 - b) Sewer mains and all appurtenances
 - c) Headwalls
- 5) Sizes and material type of the following:
 - a) Storm drains
 - b) Sewer mains
- 6) Rims and inverts of the following:
 - a) Storm drains
 - b) Sewer mains
- 7) U.S.G.S. elevation datum
- 8) Rates of gradients for drainage and sewer mains
- 9) Off street easements shown with all utilities

cc. 3 ½" x 3 ½" registry block

dd. Ownership of abutting lots

ee. Lot lines within 100' of the street right of way and or easements.

ff. The As-built plan must be recordable at the Registry of Deeds or Land Court as applicable as a street acceptance plan.

gg. Town Council acceptance signature block.

hh. A monument certification stating:

I certify that the monuments are set as shown on this plan.	
_____	_____
Professional Land Surveyor	Date

ii. A registry certification block stating:

I certify that these plans are prepared in accordance with the Rules and Regulations of the Register of Deeds.	
_____	_____
Professional Land Surveyor	Date

7.12.2 - A Utility As-built Plan will be supplied by the applicant (six (6) prints), reviewed and approved of by the Department of Public Works and the Planning Board before any bituminous concrete is installed. If any construction modifications are required they also will be performed, a revised utility As-built submitted, reviewed and approved by the Planning board prior to any bituminous concrete being installed. The Utility As-built Plan must meet all applicable criteria of paragraph 7.12.1 above. All applicants must plan ahead sufficiently to allow adequate time for Planning Board review and approval.

SECTION 8.0 - ADMINISTRATION

8.1 - WORK NOTIFICATION TO TOWN DEPARTMENTS

8.1.1 - Preconstruction Conference. Prior to the initiation of any work within the subdivision, there shall be a preconstruction conference to be attended by the applicant and the Planning Board's engineer, and by such other persons as the Planning Board shall require, at which time a work schedule, outlining all steps within the development process, shall be submitted by the applicant. Following approval of the work schedule by the Planning Board or its designee, the applicant shall be required to notify the Board, in writing, of any deviations from the proposed work schedule.

8.1.2 - Notification. The Planning Board or its designee shall be notified, at least forty-eight (48) hours prior to the commencement of any of the following works:

1. Cutting of trees for roadway construction.
2. Clearing and grubbing of roadway.
3. Installation of storm drainage facilities.
4. Installation of water and sanitary sewer facilities.
5. Placing of material for sub base.
6. Excavation for electric underground distribution system.
7. Application of gravel in or above sub base.
8. Laying of Bituminous Concrete Bottom Course.
9. Laying of Bituminous Concrete Top Course.
10. Installation of curbing and curb inlets.
11. Spreading of gravel in sidewalks.
12. Laying Cement for sidewalks and aprons.
13. Spreading of loam for grass plots.
14. Grading of slopes.
15. Construction of retaining walls.
16. Setting of bounds.

8.1.3 - Allocation of Risk. If any of the above designated work is commenced without proper notification being given as specified, such work shall be performed at the risk of the applicant or owner; and the Director of Public Works may order the removal thereof at the expense of the applicant or owner. All inspections performed by the Director of Public Works or his designee shall be at the expense of the applicant. Subdivision bonds will not be released until all such expenses have been paid to the Board.

8.2 - INSPECTION

8.2.1 - Access. In order to verify that the required improvements are constructed or installed in accordance with these Rules and Regulations and with the applicable technical standards, the Board, its agents, and employees of the Town shall be allowed access to the subdivision during the normal working hours while it is under construction.

8.2.2 - Notice. The applicant shall be responsible for ensuring that written notice is delivered to the offices of the Planning Board and the Director of Public Works upon the completion of each of the tasks enumerated below and at least three working days before commencing the next task or covering the work performed. Work covered prior to expiration of three working days after such notice may be required to be uncovered or dug up or may be considered to have been done not in accordance with these Rules and Regulations.

8.2.3 - Required Inspections. Inspections by Board members, Board's Engineer, Director of Public Works or members of his/her department, or by other persons designated by the Board, shall be required promptly upon completion of the following operations and before the work is covered by commencing the next operation or otherwise. Prior to the start of construction in a subdivision, the Planning Board will designate either the Director of Public Works or his designee or another authorized Engineer selected by the Planning Board to be responsible for periodic inspection of construction. The inspector will sign off on each item after the satisfactory completion of each work item described thereon.

1. Clearing, grubbing, and excavation to firm subgrade;
2. Fill and grading to rough grade, may include utility trenching;
3. Bedding water, sewer, and drain pipes; installing manholes and catch basins, valves and appurtenances (no backfilling trenches);
4. Backfilling trenches, rolling and compacting subgrade or surface;
5. Installing select gravel or crushed stone base in 6" layers, rolling, and compacting to grade;
6. Setting curbing, catch basin inlets and gratings, headwalls, retaining walls, other Structural details;
7. Bituminous pavement - binder or base course;
8. Bituminous pavement - surface or wearing course;
9. Cement walks (or bituminous, if granted) , binder and surface courses;
10. Grass plots, loaming and seeding;

11. Shade trees planting;

12. Adjusting manhole and catch basin covers, valve covers, removing debris, leftover materials, correcting uneven spots, clean-up.

8.2.4 - SWD. With respect to water mains, services, hydrants, and appurtenances, the required-inspections may be performed by Southbridge Water District. Repeat inspections will be required if any work is found not to have been performed to the satisfaction of the Board, its Engineer, or the Director of Public Works.

8.2.5 - Cost. The cost of inspections shall be borne by the applicant and those legally succeeding the applicant in title to the subdivision or any portion thereof. They shall be billed for the cost of inspections, including repeated inspections when necessary, when the cost exceeds the money left available from the consultant's review and inspection fees. Security for the construction of streets and utilities shall not be released until all money owed the Town in connection with a subdivision has been paid.

8.2.6 Certification of Monuments. The required monuments (stone bounds or equivalent) shall be set by or under the direct supervision of a registered land surveyor after all construction which could disturb them has been completed, and two copies of a plan of the subdivision (which may be the "as built" plans) shall be submitted to the Board, showing the exact location and nature of the monuments set or found (identified as such), certified by a professional land surveyor licensed to work in Massachusetts.

8.2.7 - Completion. Notwithstanding the inspections and verifications by the Board and its agents, the applicant, the surety company, if any, and those succeeding the applicant in title to the subdivision or portions thereof are responsible for the subdivision being completed in accordance with the approved plans and these Rules and Regulations, and in a satisfactory condition and without defects when requesting release of performance guarantees or acceptance of streets by the Town.

8.3 - WATER AND SEWER LINE TESTING

Prior to acceptance by the Town, all water and sanitary sewer lines shall be tested to the satisfaction of the Department responsible for their operation and maintenance. The results of each testing shall be conveyed, in writing, to the Planning Board and the Director of Engineering and the Southbridge Water District.

8.4 - DELAYS IN CONSTRUCTION

When any delay in completion of the construction of streets is anticipated in portions of a subdivision where houses are completed and occupied, the applicant may be required to construct certain portions of roads to the extent at least of grading the sub-base, installing catch basin frames and manhole covers to a temporary grade, and a base coat of asphalt **within the specifications required by the designing engineer.**

APPENDICES

APPENDIX A – Planning Board Schedule of Fees

APPENDIX B – Subdivision Forms (available electronically upon request)

APPENDIX C - Miscellaneous

Blank Page

APPENDIX A – Planning Board Schedule of Fees

Approval Not Required: \$50.00 per lot

Preliminary Subdivision Application: \$100.00 plus \$10.00 per lot

Definitive Subdivision Application: \$200.00 plus \$100.00 per lot

Inspection Fees (each road or utility): \$1.25 per linear foot

Earth Removal Application: \$650.00

Special Permit Application: \$650.00

Abutters' List: \$25.00

Other Fees: Contact Department of Public Works, 508-764-5403

Blank Page

Appendix B

Subdivision Forms, Beginning Next Page (Available Electronically Upon Request)

- FORM A Application for approval not required under Subdivision Control (ANR)
- FORM B Application for Approval of a Preliminary Plan
- FORM C Application for Approval of a Definitive Plan
- FORM C1 Application for Modification of Approval of a Definitive Subdivision Plan
- FORM C2 Assumption of Obligations by Subsequent Owner
- FORM F Covenant

FORM A

APPLICATION FOR ENDORSEMENT OF
PLAN BELIEVED NOT TO REQUIRE APPROVAL

Date Plan and Form A were provided to
Planning Board: _____, or
Date Plan and Form A were provided to
Town Clerk: _____

Town of Southbridge
Address: 41 Elm Street
Southbridge, MA 01550

To The Southbridge Planning Board:

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

Name of Surveyor: _____ Address: _____

Deed or property recorded in Worcester County Registry of Deeds,
Book: _____ Page: _____

Location and Description of Property: _____

(Continue On Reverse If Needed)

Signature of Owner (original signature required) Typed Name: _____
Address: _____

Town Tax Collector (MGL Ch. 40, §57) _____

**File One Complete Form with Planning Board and One with Town Clerk
(alternatively, two forms may be filed with the Planning Board)**

FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

Date: _____

To the Planning Board of the Town of Southbridge:

The undersigned, being the owner* of all land included within a proposed subdivision shown on a plan, entitled _____ by _____, dated _____, and described as follows:

_____ And located: _____, proposing _____ lots with a total acreage of _____.

Said owner hereby submits the aforementioned plan as a Preliminary Subdivision Plan in accordance with the Subdivision Regulations of the Town of Southbridge, showing in a general way the proposed subdivision of land, and makes application to the Board for approval thereof.

The owner's title to the land is derived under deed from _____, dated _____ and recorded in Worcester District Registry of Deeds, Book _____ Page _____, or under Certificate of Title No. _____, registered in Worcester Land Registry District, Book _____ Page _____

Applicant: _____ Phone: _____ Cell: _____

Address: _____

E-Mail _____

By _____

Name: _____ Title: _____

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

Additional Names and Signatures:

Town Tax Collector (MGL Ch. 40, §57) required for all projects: _____

FORM C

APPLICATION FOR APPROVAL OF A DEFINITIVE SUBDIVISION PLAN

_____, 20__

To the Planning Board of the Town of Southbridge:

The undersigned, being the applicant as defined under Chapter 41, section 81-L, for approval of a proposed subdivision shown on a plan entitled:

_____, by _____ dated _____, 20__, and described as follows:

Located _____

_____, with _____ lots proposed and a total acreage of tract of _____ acres,

HEREBY SUBMITS said plan as a DEFINITIVE plan in accordance with the *Rules and Regulations Governing the Subdivision of Land in the Town of Southbridge* and makes application to the Board for final approval thereof.

The undersigned's title to said land is derived from:

_____ by deed dated _____, 20__, and recorded in the Worcester District Registry of Deeds Book _____, Page _____, or registered in the Worcester Registry District of the Land Court, Certificate of Title Number: _____, and said land is free of encumbrances except for the following:

- 1. Land within the proposed subdivision subject to easements and restrictions:

(briefly describe and provide recording information)

- 2. Over the land of others appurtenant to the proposed subdivision subject to easements and restrictions:

(briefly describe and provide recording information)

Said plan (has) (has not) evolved from a preliminary plan submitted to the Board on _____, 20__ and (approved with modifications) (disapproved) on _____, 20__.

The applicant agrees, if the definitive plan is approved, to construct and install all improvements within the proposed subdivision required by the *Rules and Regulations Governing the Subdivision of Land in the Town of Southbridge* as in force on the date of this application, and as modified and supplemented by the work specifications and other requirements of the Department of Public Works Director and the Town Engineer, Board of Health, Conservation Commission, and the Fire Department.

The applicant further agrees:

1. To complete all said required improvements within three years from the date of approval of the definitive plan by the Board unless the Board specifies a different period of time; and,
2. If the definitive plan is approved, the applicant authorizes the Board, at the applicant's expense, to record or register the plan in Worcester Registry District and agrees that even if otherwise authorized to do so by the filing of a performance bond, the applicant will not sell or offer to sell any of the lots within the subdivision until said plan is so recorded or registered; and,
3. After final approval of the definitive plan and before endorsement of said plan by the Board, the applicant will cause to be filed with the Board a bond in form satisfactory to the Board, conditioned on the completion of all required improvements in the time and manner prescribed, in a penal sum sufficient, in the opinion of the Board and as prescribed in the *Rules and Regulations Governing the Subdivision of Land in the Town of Southbridge* to cover the cost of such work, and executed by the applicant as principal and by a surety company authorized to do business in the Commonwealth and satisfactory to the Board as surety, or secured by the deposit with the Town Treasurer of cash or negotiable securities in an amount equal to the penal sum of the bond; **OR,**

After final approval of the definitive plan and before endorsement of said plan by the Board, the applicant will cause to be filed with the Board a covenant, executed and to be duly recorded or registered by the owner of record at the time of the recording or registering of said plan, running with the land, whereby all improvements in the construction of ways and the installation of municipal services to serve any lot in the subdivision shown on the plan shall be provided before such lot may be built upon or conveyed, other than by mortgage deed, as provided for in the Subdivision Control Law under Massachusetts General Laws Chapter 41, §81U.

4. To pay before the public hearing on this application the cost of publication, arranged by the Board, of the required notice of said hearing in a newspaper of general circulation in the Town; and,
5. To pay promptly, on request therefore by the Board, all expenses of the Board for engineering review, inspection of construction, recording, registering, and filing of documents, and all other expenses in connection with the application and the plan, including all fees and disbursements of counsel for the Board regarding the subdivision; and,
6. Should any person appeal to the Superior Court any decision of the Board or of the Board of Health as to the plan, under Massachusetts General Laws Chapter 41, §81BB or otherwise, and

should the Board prevail as to the appeal (in the Superior Court or on appellate review), in whole or in part, the applicant; shall reimburse the Board for all expenses incurred by it on account of the appeal, including its counsel fees and disbursements; and,

7. This application is accompanied by a drawing of the complete proposed definitive plan, five full sized prints and seven 11" by 17" sized prints thereof, a designer's certificate, and a topographical plan.

Applicant contact information: Telephone: _____ Cell: _____

Address: _____ E-Mail: _____

The undersigned hereby applies for the approval of said Definitive plan by the Board, in belief that the plan conforms to the Subdivision Rules and Regulations of the Town of Southbridge.

Applicants' Signature(s) (All owners or proposed owners must sign)

Printed Name Printed Name Printed Name

(attach additional pages if needed)

Received by the Town Clerk:
Date: _____, 20__

Town Clerk's Signature

Received by Board of Health
Date: _____, 20__
Board of Health Signature

Town Tax Collector (MGL Ch. 40, §57) for all projects: _____

FORM C-1

APPLICATION FOR MODIFICATION OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN

_____, 20__

To the Planning Board of the Town of Southbridge:

_____ hereby makes application for modification by the Board of its approval of the subdivision plan entitled _____, dated _____, recorded in Worcester District Registry of Deeds, Book _____, Page _____, or under Certificate of Title No. _____, registered in Worcester Land Registry District, Book _____, Page _____.

The modification requested is: _____
_____. (Description)

The modification will also result in a change in lots _____ but the lots as changed will comply with the Town of Southbridge Subdivision Regulations.

The reason for the request is: _____

The undersigned certifies that he/she is the owner* of all the land involved in the aforesaid requested modifications and that the only mortgagee of said land is _____, whose assent is noted hereon.

Applicant: _____ Phone: _____ Cell: _____

Address: _____ E-Mail _____

By _____
Name: _____ Title: _____

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

Additional Names and Signatures:



_____, as mortgagee of the land involved in the above-requested modification, hereby assents thereto.

Signature: _____ Name and Title: _____

Town Tax Collector (MGL Ch. 40, §57) required for all projects: _____

FORM C-2
ASSUMPTION OF OBLIGATIONS BY SUBSEQUENT OWNER

Date: _____

By application dated _____, _____ applied to the Southbridge Planning Board for definitive approval of a subdivision plan entitled _____, dated _____, prepared by _____ Registered Professional Engineer Registration No. _____, and prepared by _____, Registered Land Surveyor Registration No. _____.

By Deed from said _____, dated _____, and recorded in Worcester District Registry of Deeds on _____, as Instrument No. _____, _____ acquired title to all of the land included in the subdivision shown on said subdivision plan.

Now, therefore, in consideration of One Dollar to him in hand paid and other valuable consideration, receipt whereof is hereby acknowledged, said _____ hereby assumes to the Town of Southbridge and agrees to perform all of the obligations of said _____ as sub-divider under the aforesaid application and under the Rules and Regulations of the Charlton Planning Board.

Executed as a sealed instrument this _____ day of _____, 20____.

Signature: _____ Name and Title: _____



COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. _____, 20____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ proved to me through satisfactory evidence of identification, which was a MA Driver's License, to be the person (s) whose name is signed on the preceding or attached document in my presence.

_____, Notary Public

My commission expires:

FORM F

COVENANT

Town of Southbridge, Massachusetts

_____, 20__
Southbridge, Massachusetts

KNOW ALL MEN by these presents that the undersigned has submitted an application dated _____ to the Southbridge Planning Board of approval of a definitive plan of a subdivision of land entitled _____, plan by _____ (engineer) _____, _____ (address) _____, _____ (address) land located ____ Assessors' Map ____ Lot _____, and showing ____ proposed lots. The Undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

IN CONSIDERATION of said Planning Board of Southbridge in the county of Worcester approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of the Town of Southbridge as follows:

1. That the Undersigned is the owner in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.
2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:
 - a. The Application for Approval of Definitive Plan (Form C)
 - b. The Subdivision Control law and the Planning Board's Rules and Regulations governing this subdivision.
 - c. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated _____, 20__.
 - d. The definitive plan, as amended, approved and as qualified by the certificate of approval.
 - e. Other documents specifying construction to be completed, namely:

However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and services have been provided to serve such lot.

3. That this covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.

4. That particular lots within the subdivision shall be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released; and
5. That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
6. That the undersigned agrees to record this covenant with the Worcester County Registry of Deeds, forthwith, or to pay the necessary recording fee to the said Planning Board in the event the Planning Board shall record this agreement forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three years from the date of such deed, as provided in Section 81-U, Chapter 41, M.G.L.
8. That this covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.
9. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before (final date) the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, shall result in automatic rescission of the approval of the plan. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.
10. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41, § 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.

For title to property, see deed from _____, dated _____, registered in Worcester District Land Registry as Document No. _____, and noted on certificate of title no. _____, in Registration Book _____, Page _____.

The present holder of a mortgage upon the property is _____ of _____. The mortgage is dated _____ and recorded in the Worcester District Registry of Deeds, Book _____, Page _____, or registered in Worcester Land Registry as Document No. _____, and noted on certificate of title no. _____, in Registration Book _____, Page _____. The mortgagor agrees to hold the mortgage subject to the covenants set forth above subject to the Rules and Regulations Governing the Subdivision of Land in Southbridge, Massachusetts, and agrees that the covenants shall have the same status, force and effect as though executed and recorded before the taking of the mortgage, and further agrees that the mortgage shall be subordinate to the above covenant.

_____, spouse of the undersigned applicant hereby agrees that such interest as I, we, may have in the premises shall be subject to the provisions of this covenant and insofar as is necessary releases all rights of tenancy by the dower or homestead and other interests therein.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ of _____, 20__.

Signature Name and Title

Signature of Spouse of Owner Name and Title

Mortgagor Name and Title

Acceptance by a Majority of the Planning Board of the Town of Southbridge

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. _____, 20__

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ proved to me through satisfactory evidence of identification, which was a MA Driver's License, to be the person (s) whose name is signed on the preceding or attached document in my presence.

_____, Notary Public

APPENDIX C

Miscellaneous
(no entries at this time)