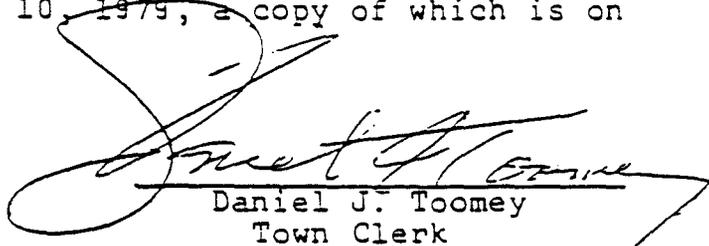


**Planning Board
Rules and Regulations
Governing the Subdivision of Land
in
Danvers, Massachusetts**

Adopted: September 10, 1979

RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
IN
DANVERS, MASSACHUSETTS

I hereby certify that the following is a true copy of the Rules and Regulations of the Planning Board of the Town of Danvers, adopted September 10, 1979, a copy of which is on file in my office.


Daniel J. Toomey
Town Clerk

ADOPTED: SEPTEMBER 10, 1979

All existing Planning Board Rules and Regulations are hereby rescinded and in place thereof the following are adopted.

THE PLANNING BOARD OF THE TOWN OF DANVERS

PRICE: \$10.00

I hereby certify that the following is a true copy of the Rules and Regulations of the Planning Board of the Town of Danvers, adopted September 10, 1979.


Danvers Planning Board
Chairman


Danvers Planning Board
Clerk

TOWN



OF *Danvers*
MASSACHUSETTS 01923

DANIEL J. TOOMEY - DIRECTOR OF FINANCE
JOSEPH L. COLLINS - TREASURER/COLLECTOR/CLERK

(508) 777-0001

TOWN HALL

December 4, 1996

TO WHOM IT MAY CONCERN:

Certification is hereby made that the following is a true copy of Article 11 and the vote thereon of the Special Town Meeting held on November 18, 1996, at the Danvers High School Auditorium, Cabot Road, Danvers, Massachusetts:

ARTICLE 11: To see if the Town will vote to amend the Danvers Zoning By-laws, Section 40 (Definitions) by adding the following definition or take any other action thereon.

Landscaping: An area of a parcel that has a pervious surface with vegetative cover, for the express purpose of calculating lot coverage and/or landscaping amounts as mentioned in this By-Law, no more than 50% of the area of a Resource Area as defined in Chapter 131.40 of the Wetlands Protection Act, and amendments thereto, and Chapter XXVI of the Town of Danvers Wetlands Protection By-Law as most recently amended within the parcel boundaries, and/or the area(s) designated for detention/retention of stormwater drainage shall be used in such calculation.

ARTICLE 11: The Finance Committee recommended that the Town vote to amend the Danvers Zoning By-laws, Section 40 (Definitions) by adding the following definition:

Landscaping: An area of a parcel that has a pervious surface with vegetative cover, for the express purpose of calculating lot coverage and/or landscaping amounts as mentioned in this By-Law, no more than 50% of the area of a Resource Area as defined in Chapter 131.40 of the Wetlands Protection Act, and amendments thereto, and Chapter XXVI of the Town of Danvers Wetlands Protection By-Law as most recently amended within the parcel boundaries, and/or the area(s) designated for detention/retention of stormwater drainage shall be used in such calculation.

Then the Chairman of the Planning Board read a split decision recommendation on this article.

This recommendation being put to vote was voted unanimously.

ATTEST:

Joseph L. Collins,
Town Clerk

JLC:kmw

DANVERS PLANNING BOARD

RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
IN DANVERS, MASSACHUSETTS

PURPOSE

The Planning Board has adopted the following set of Rules and Regulations governing the subdivision of land for the purpose of protecting the safety, convenience and welfare of the inhabitants of Danvers. These Rules and Regulations are intended to:

provide for adequate access to all the lots in a subdivision by ways that will be safe and convenient;

lessen congestion in such ways and in the adjacent public ways;

secure safety in the case of fire, flood, panic, and other emergencies;

insure compliance with applicable zoning ordinances or by-laws;

secure adequate provision for water, sewerage, drainage, underground utility services, fire, police and other similar municipal equipment, where necessary in a subdivision;

coordinate the ways in a subdivision with each other, with the public ways in Danvers and with the ways in a neighboring subdivision; and

insure compliance with the recommendations of the Board of Health.

SECTION I. AUTHORITY

These Rules and Regulations adopted under the provisions of General Laws, Chapter 41, Sections 81K to 81GG, inclusive shall be effective on and after _____ and shall remain in effect.

No person shall make a subdivision of any land in Danvers unless he has first submitted to the Planning Board for its approval a plan of such proposed subdivision, showing the lots into which such land is to be divided and the ways already existing or which are to be provided by him for furnishing access to such lots, and until the Planning Board has approved such plan in the manner hereinafter provided.

SECTION II. GENERAL

A. Definitions

1. Applicant: An owner, or his agents, representative, or assigns (Chapter 41, Section 81-L G.L.)
2. Approval:
 - a. Final: Approval by the Board of a definitive plan submitted in accordance with Section IV. B. of these Rules and Regulations and Chapter 41, Section 81-T, General Laws.
 - b. Tentative: Approval by the Board of a Preliminary plan submitted in accordance with Section IV.A. of these Rules and Regulations and Chapter 41, Section 81-S, General Laws.
3. Board: The Planning Board of the Town of Danvers.
4. Board of Health: The Board of Health of the Town of Danvers.
5. Conservation Commission: The Conservation Commission of the Town of Danvers.
6. Department of Public Works: Any reference to the Public Works Department for inspections and acceptance of subdivision requirements shall refer to the Public Works Director or his appointed representative.
7. Developer and/or Subdivider: An applicant who submits to the Planning Board for approval a preliminary or definitive plan.

8. Engineering Division: Any reference to the Engineering Division shall refer to the Manager of Engineering of the Public Works Department of the Town of Danvers or his appointed representative.
9. Frontage: A lot boundary line which abuts a public or private way and across which line there is legal and physical access.
10. General Laws: The General Laws of the Commonwealth of Massachusetts, as amended.
11. Historic District Commission: The Commission or commission (s) of the Town of Danvers administering Historic Districts.
12. Inspector: Any member of the Board or Conservation Commission and/or any representative of the Board or Conservation Commission, including, but not limited to, employees of the Town of Danvers acting for the Board or Conservation Commission.
13. Lot: An area of land in one ownership, with definite boundaries used, 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 Danvers (Chapter 41, Section 81-L, G.L.)
14. Municipal Services: Public utilities furnished by the Town of Danvers, such as water, sanitary sewers, storm drains, and electricity (Chapter 41, Section 81-L, General Laws).

Landscaping see new Article

15. Neighborhood: An area, subdivision or portion of a subdivision which, in the opinion of the Board is being or will be wholly or primarily used for one category or use, whether such category of use is commercial, industrial or residential.
16. Owner: The owner of record as shown by the records in the Essex South Registry of Deeds or Land Court.
17. Person: An individual, two or more individuals, a partnership, association or corporation.
18. Plan
- a. Definitive: A plan of a proposed subdivision or resubdivision submitted in accordance with Section IV. B of these Rules and Regulations and Chapter 41, Sections 81-T, G.L.
 - b. Preliminary: A plan of a proposed subdivision or resubdivision submitted in accordance with Section IV. A. of these Rules and Regulations and Chapter 41, Sections 81-L and 81-S, General Laws.
19. Profile: A vertical section of streets, storm drainage, and sanitary sewer facilities.
20. Registered Civil Engineer: Any person who is authorized to practice as a professional civil engineer in the Commonwealth of Massachusetts.
21. Registered Land Surveyor: Any person who is authorized to practice as a land surveyor in the Commonwealth of Massachusetts.
22. Registered Mail: Registered or certified mail.

23. Registry of Deeds : The Registry of Deeds of the County of Essex, south district located on Federal Street in Salem, Massachusetts, including when appropriate, the recorder of the Land Court.
24. Roadways: The portion of street intended for vehicular use.
25. Rules and Regulations: The Rules and Regulations Governing the Subdivision of Land in Danvers, Massachusetts as adopted and amended by the Danvers Planning Board pursuant to Section 81-Q of the Subdivision Control Law.
26. Standard Specifications: The Commonwealth of Massachusetts Department of Public Works Standard Specifications for Highways and Bridges 1973, as amended or the most recent edition thereof, and the Commonwealth of Massachusetts Department of Public Works Construction Standards, 1977 Standards or the most recent edition thereof.
27. Street: ✓
- a. Arterial: A street which in the opinion of the Board, is being or will be used primarily to collect traffic from several commercial collector streets, industrial collector streets and/or residential collector streets. ✓
- b. Collector: A street which, in the opinion of the Board, is being, or will be used to collect traffic from several neighborhoods that are or may be any combination of Commercial, Industrial and/or Residential.

- c. Local: A street which, in the opinion of the Board, is being or will be used primarily to provide access to lots abutting on such streets.
- d. Residential Minor: A street which, in the opinion of the Board, is being or will be used primarily to provide access to maximum of either ten (10) residential lots or twenty (20) dwelling units, whichever is the lesser, abutting on such streets.
28. Subdivider: See Developer.
29. Subdivision: Refer to the General Laws Chapter 41, Section 81-L; definition of subdivision.
30. Subdivision Control Law: Chapter 41, Section 81K to 81GG inclusive, Massachusetts General Laws.
31. Town Specifications : The specifications included in the most recent contracts of the Town of Danvers for various classes of work, including but not limited to, sewer, drain, sidewalk, water, and street construction and/or reconstruction; or, in the absence of or in place of such contract specifications as directed in writing by the appropriate Department or Division of the Town of Danvers; and provided that those specifications in effect at the time a definitive plan is filed with the Board shall govern the construction of the improvements shown on that plan as approved by the Board.

B. Compliance with Zoning By-Laws

No plan of a subdivision shall be approved unless all of the lots shown on the plan comply with the applicable provisions of the Zoning By-Laws.

C. 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 in a subdivision or else where in the Town, without the consent of the Planning Board, and such consent may be conditioned upon the providing of adequate ways furnishing access to each site for building, in the same manner as otherwise required for lots within a subdivision.

D. Application Forms:

Application forms to accompany plans submitted to the Planning Board for review may be obtained at the Community Development office in Danvers Town Hall.

SECTION III. PLANS BELIEVED NOT TO REQUIRE APPROVAL

A. Submission:

The original of such plan, together with three copies and a completed application form shall be submitted in accordance with the General Laws Chapter 41, Section 81P.

The date of submission shall be the date upon which the plan and all information are complete and accurate in acceptable form as required herein by these rules and regulations.

All plans shall be in accordance with the Recording Rules, adopted by Registers of Deeds of Massachusetts.

SECTION IV. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF SUBDIVISION PLANS

A. Preliminary Plan

1. Submission

A preliminary plan (original and ten prints) may be submitted in accordance with General Laws 41, Section 81.S.

The application shall be accompanied by a non-refundable filing fee of one-hundred (\$100.00) dollars payable as follows:

In cash or by a certified check payable to the Town of Danvers, at the time of submission of such preliminary plan.

2. Contents of Plan

The preliminary plan shall include the following:

- a. Subdivision name, north point, scale, and date, legend and title "Preliminary Plan."
- b. Name and address of the owner of the land, and names and addresses of the subdivider, registered land surveyor, and registered civil engineer.
- c. Location, names and widths of existing and proposed public or private streets and easements in the immediate vicinity of, and within the area of the proposed subdivision.
- d. Location and names of all abutters as determined from the most recent tax list or lists.
- e. Proposed lots with approximate areas and dimensions.
- f. Proposed and existing storm drainage system, and estimated flow and size.
- g. The location of all existing and proposed water and sewer lines indicating size and estimated flows of same.
- h. Topographic plan of the subdivision, including a clear and accurate disclosure of the grades of the existing terrain within the subdivision. Large trees, ledge outcrops, natural water courses, and existing buildings together with fences and walls, shall be shown. Approximate proposed grades shall also, be shown.
- i. HUD-FIA designated Flood Hazard Areas shall be shown.
- j. Wetlands District as defined in the Town of Danvers Zoning By-Laws.
- k. Historic District Boundary lines shall be shown.

- l. Center line profile of all proposed streets and ways within the subdivision and adjacent to the subdivision.
- m. A locus plan, at a scale of 1"=600' showing the proposed subdivision and the area surrounding the proposed subdivision for at least 1,200 feet in all directions. The locus plan shall show all streets and water courses within the above area.
- n. Data as required by items j., k., & n. is on file in the Engineering Division office, Town Hall, Danvers.

3. General Requirements

- a. All elevations shall be on the National Geodetic Vertical Datum, and a bench mark shall be clearly indicated, and shall be so located that future recovery will be reasonably certain.
- b. All sheets shall be twenty-four (24") inches by thirty-six (36") inches.
- c. Each plan and profile submitted shall have the Title Block in the lower right-hand corner. See Appendix I for Typical title block.
- d. Drafting layout and form shall conform to Appendix J "Typical Subdivision Plans" in general.
- e. Abbreviations should conform to Appendix F "Standard Abbreviations." If other abbreviations are used, a list with explanations shall be included on the plans.

4. Tentative Approval

After review and discussion the Board will make any suggestions for revision as it deems desirable in the public interest and will approve or disapprove the preliminary plan.

Approval of a Preliminary Plan with or without modifications shall not be considered as approval of the subdivision, and such plan shall not be recorded by the Register of Deeds.

B. Definitive Plan

1. Submission

Any person who submits to the Planning Board for approval a Definitive Plan of a proposed subdivision shall file with the Planning Board, together with a properly executed application form, originals, drawn with waterproof ink on mylar or tracing cloth, and ten prints of each sheet.

The application shall be accompanied by filing fees as follows:

A non-refundable fee of one-hundred (\$100.00) dollars:

plus a fee of one-half (\$0.50) dollar for each linear foot of proposed roadway, which shall be returned to the applicant when:

- a. The applicant withdraws, in writing, the application prior to final action by the Board;
- or b. the application is denied by the Board and the applicant has not filed an appeal of the decision of the Board with the Superior Court within twenty (20) days as provided in Chapter 41, Section 81-BB;
- or c. the decision of the Board to approve the application has been appealed to, and annulled by, the Superior Court as provided in Chapter 41, Section 81-BB;
- or d. the decision of the Board to deny the application has been appealed to, and upheld by, the Superior Court as provided in Chapter 41, Section 81-BB.

For the purpose of determining the filing fee as required above, the length of roadway shall be equal to the sum of the centerline lengths of the proposed roadways shown on the definitive plan.

The lengths of easements for highway purposes intended to provide future access to adjoining property shall not be included in the total length of roadway used for determining the filing fee as required above.

The applicant, in accordance with Chapter 41, Section 81-T, General Laws, shall give written notice to the Town Clerk, by devlivery or registered mail, postage prepaid, stating the date of submission of the plan to the Planning Board.

The date of submission of a definitive subdivision plan shall be the date upon which all plans and information are complete and accurate in acceptable form as required herein by these rules and regulations.

All plans shall be drawn in accordance with the most recent Recording Rules Adopted by Registers of Deeds in Massachusetts.

All sheets shall be twenty-four (24") inches by thirty-six (36") inches in size.

Each plan and profile shall have a title block in the lower right hand corner. See Appendix for Typical Title Block as to content.

Drafting layout and form shall conform to in general, Appendix J, "Typical Subdivision Plans." Abbreviations should conform to Appendix F, "Standard Abbreviations." If other abbreviations are used, a list with explanations shall be included on the plans.

All elevations shall be referred to the National Geodetic Vertical Datum. (N.G.V.D.) Bench marks used in survey work shall be clearly located on the plan.

All surveying shall conform to a minimum precision of 1/12,000.

2. Contents

a. Plan

The Definitive Plan shall contain the following:

- 1) Subdivision name, if any, names of proposed streets, boundaries, North Point, Date, Scale, Legend if necessary and the Zoning Classification or Classifications.

- 2) Name of owner of record.
- 3) Name and address of Registered Professional Civil Engineer and Registered Land Surveyor, with seal.
- 4) A locus plan drawn to a scale of 1"=600' showing the relation of the proposed subdivision to adjoining properties within a radius of 1,200 feet and to the nearest existing streets on all sides.
- 5) Names of all abutters, as they appear on the most recent tax list.
- 6) Location, name(s) and present width of any adjacent street(s).
- 7) The lines, boundaries, areas, lot numbers and street numbers of all lots, sites or divisions into which the property is to be divided. Street numbers shall be in accordance with the requirements of the Danvers Board of Assessors Office.
- 8) Data to determine readily the location, bearing and length of every street line, centerline, lot line and other boundary line shown on the plan, whether straight or curved, sufficient to reproduce the same on the ground. Bounds are to be set at every angle point and point of curvature of the proposed street lines and indicated on the plan.
- 9) The limit of previous approval by the Planning Board and the date of such approval. If the subdivision adjoins an accepted Public Way or Private Way it shall be so designated.
- 10) Slope easements shall be of sufficient width to provide for a slope of three (3) horizontal to one (1) vertical.
- 11) Size and location of existing and proposed water mains and their appurtenances. The plans shall include the pipe class and thrust block locations.

- 12) Size and location of existing and proposed sewers, and their appurtenances. The plans shall include the pipe class.
- 13) Size and location of existing and proposed subsurface water drains and their appurtenances.
- 14) Size and location of all existing and proposed utilities. All proposed utilities shall be underground.
- 15) The location of all permanent monuments, natural objects such as waterways, large trees, drainage courses, large boulders or ledge outcroppings, stonewalls, and the like.
- 16) One of the following notations:
 - a. Notations that all deeds from the owner of the subdivision shall reserve the fee in all streets or ways as shown on the subdivision plan, such fee to be retained by the developer until conveyed to the Town, or
 - b. Notation that streets shown on the plan are intended to remain as private ways, with street or lot owners responsible for maintenance costs and street improvements to Town standards if the street is put up for acceptance.
- 17) Existing and proposed contours, at 2 foot intervals.
- 18) All design and construction shall be in conformance with the details appended to these rules and regulations.
- 19) If a Preliminary Plan was not filed, all information required to be shown on a Preliminary Plan shall be shown on the definitive plan.

b. Profile

The profile shall show:

- 1) Existing center line as a dashed black line.

- 2) Proposed center line grade as a heavy black solid line with ground elevations at the center of all streets at every 50 foot station.
- 3) Street gradients shown by figures.
- 4) The profile shall show sufficient data to properly identify the vertical curves used.
- 5) Size and location of existing and proposed storm drains, and sanitary sewers. The plan shall show rates of grade.
- 6) Profiles of all easements shall be shown.

c. Other Information

The following information shall accompany the definitive plan:

- 1) Design calculations for water mains.
- 2) Design calculations for sanitary sewers.
- 3) Design calculations for surface and sub-surface drainage.
- 4) Details and/or design calculations (including borings) of any unusual structures.
- 5) Cross-sections where necessary to clearly indicate drainage or topographic conditions.
- 6) Traverse calculations of street sidelines shall be provided with coordinates for each point of curvature point of tangency and change in bearing of street sideline.

3. Procedure

a. Review by the Board of Health

- 1) At the time of filing of the Definitive Plan the applicant shall also file with the Board of Health a print of the subdivision plan and profile and application in accordance with G.L. Ch 41 S. 81U.

- 2) The applicant should make any necessary arrangements with the Director of Public Health of the Town of Danvers relative to soil test, determination of water table elevations, and any other determinations, requested by the Board of Health. All such tests and determinations shall be at the Applicants expense.
- 3) The Board of Health may disapprove any subdivision, or portion of a subdivision, in which municipal sewer is not available. (See Appendix A-2, Board of Health Regulations).
- 4) The Board of Health shall, in accordance with Chapter 41, Section 81-U, General Laws, report to the Planning Board in writing its approval or disapproval of said plans.

b. Public Hearing

Upon the receipt of a properly executed application form approved by the Planning Board together with the final 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 Chapter 41, Section 81-T, of the General Laws.

All expenses incurred for plans, surveys, advertisements of hearings, mailing, etc., shall be the responsibility of the developer or owner submitting said plans for approval. The developer or owner shall, at the time of application, submit a deposit of one hundred fifty dollars, in cash, for any expenses incurred by the Board in connection with a public hearing, including, but not limited to advertisements of hearing, mailing, and reproduction of plans. Any surplus shall be returned following the hearing.

4. Endorsement of Plans

- a. Endorsement of plans shall be in accordance with G.L. Ch. 41S 81UandV.
- b. After endorsement is given, the applicant is required to furnish to the Planning Board a reproduction master on polyester film material.

5. Release of Performance Guarantee

- a. No reduction or release of bond or other sureties and no release of lots from the restrictions of a Covenant shall be granted by the Board, unless a temporary turning circle (See Appendix B-9) is constructed at the end of the constructed portion of each street in the subdivision, except where such street ends in a junction with another existing street.
- b. Before the Board will release in whole the interest of the Town in a performance bond, deposit or securities (or, in the case of approval with covenant, issue of a release of covenant), the applicant shall;
 - 1) File with the Board the following items:
 - a) A letter from a registered land surveyor, certifying that all bounds have been properly installed as shown on the plan; the registered land surveyor shall affix his stamp to this letter.
 - b) A letter from a registered civil engineer certifying the required improvements have been constructed and meet the requirements of the Planning Board; The registered civil engineer shall affix his stamp to this letter.
 - c) A plan showing the required improvements as actually built; a registered land surveyor shall certify the accuracy of this plan and shall affix his stamp to the plan.
 2. The applicant shall execute an instrument transferring to the Town without costs, valid unencumbered title to all underground electric lines, sanitary sewers, storm drains and water mains and appurtenances thereto, constructed and installed in the subdivision or approved portion thereof, 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 underground electric lines, sanitary sewers, storm drains, and water mains, with any manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision or approved portion thereof, and if any such underground electric lines, sanitary sewers, storm drains, and water mains have been constructed and installed in land not within such streets, then in, through and under a strip of land extending a minimum of fifteen (15) feet in width on each side of the centerline of all such underground electric lines, sanitary sewers, storm drains and water mains.

- c. In the event of release of part of the bond or surety there shall be retained in addition to the amounts required to cover other portions of the improvements not completed, a continuing bond in the amount of ten percent (10%) of the value of those completed improvements subject to possible hidden defects. This amount is to insure that a sufficient bond exists at all times to cover general clean-up requirements and possible damage to completed improvements during the building activities.

This ten percent (10%) retained shall be held until, following proper completion of all improvements, the roadways have either been submitted to the Town meeting for acceptance or the Planning Board has approved them as private roads. (See Section IV, B. 2., a. 16).

When a major portion of the improvements specified in Section V have been installed, including in all cases the finished road surface, the subdivider may request a release of covenant provided he furnishes a performance bond or deposit. The bond or deposit shall be in the amount determined by the Planning Board and shall include:

- 1) An amount adequate to cover improvements not yet installed, if any.
- 2) Ten percent (10%) of the value of all improvements as above to be held until the roadways have either been submitted to the Town meeting for acceptance or the Planning Board has approved them as private roads (see Section IV, B. 2., a. 16).

- 3) An amount adequate to cover the preparation, by a registered land surveyor, of a plan showing the required improvements as actually built.
 - d. Release of covenant may be obtained for an agreed upon section of a subdivision; the release of covenant will be granted, under the foregoing conditions where the improvements have been installed. In no case may a release of covenant be obtained without a bond or deposit.
 - e. Performance guarantee for subdivisions whose plans are annotated that streets are to remain private (see Section Iv, B. 2., a. 16) shall be released only upon receipt of documentation satisfactory to the Planning Board that continuing maintenance of the streets without expense to the Town has been provided for.
 - f. Bonds or surety shall be released by the Planning Board upon certification to it by various departments that the subdivision has been completed in accordance with the governing subdivision rules and regulations.
 - g. Any sampling or testing required shall be provided by the applicant at his expense under the direction of the Engineering Division.
6. Approval Subject to Securing of Permits
- a. Planning Board approval is conditional on the developer filing with the Board copies of all permits, certificates of appropriateness, and/or any other approvals required by State, Local, and/or Federal laws and/or regulations.
 - b. No work shall commence until all necessary permits by State, Local and/or Federal laws and/or regulations.
 - c. These permits may include, but are not limited to, the following:
 - 1) Variances from the Board of Appeals of the Town of Danvers.
 - 2) Special Permit(s) from the Boards of the Town of Danvers.
 - 3) Order of Conditions from the Danvers Conservation Commission.

- 4) Permit(s) from U.S. Army Corps of Engineers.
- 5) Certificate(s) of Appropriateness or other approvals from the Historic District Commission.
- 6) Permit and/or approval from the Massachusetts Department of Environmental Quality Engineering.

SECTION V - DESIGN STANDARDS

A. General

1. Protection of Natural Features

Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, and similar community assets, which, in the opinion of the Board will add attractiveness and value to the subdivision and/or Town if such natural features are preserved.

2. Soil Conservation Plan

The Conservation Commission may require the Subdivider to file a soil conservation plan at any time prior to or during construction.

B. Streets

1. Location and Alignment

- a. All streets in the subdivision shall be designed so that in the opinion of the Board they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum liveability and amenity of the subdivision.
- b. The proposed streets shall conform to the Master Plan as adopted in whole or in part by the Board, if and when adopted.
- c. Provision satisfactory to the Board shall be made for proper projection and connection of streets. Accesses to adjoining property which is not yet subdivided shall be provided, if possible, in such a manner that cross connections will be spaced at intervals of not more than one thousand (1,000) feet. Accesses to adjoining property which is not yet subdivided shall be located and designed such that when the adjoining property is subdivided, it may be done in conformance with these rules and regulations.

- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- e. The minimum centerline radii of curved streets shall be as indicated in Table I.
- f. All reverse curves on arterial and collector streets shall be separated by a tangent at least one hundred (100) feet along unless the radius of curvature of both of the curves is in excess of two times the minimum centerline radius as specified in Table I.
- g. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.
- h. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees, unless the Board determines otherwise.
- i. The maximum number of ways converging at an intersection shall be kept to four (4). The centerlines of said streets shall intersect at one common point.
- j. Streets shall be laid out so as to allow at least the minimum distance between intersections indicated in Table I. This distance shall be measured between the intersections of centerline of streets.
- k. Property lines at street intersections shall be rounded or cut back to provide for radii as indicated in Table I.
- l. Corner Easements - At all corners an easement to provide line of sight shall be laid out over the adjacent lot or lots. This easement shall include an area bounded by:
 - 1) the street sideline(s); and
 - 2) A line drawn between two points, one on each street sideline, at the distance specified below from the intersection of street sidelines;

- a) For an interior angle (on the side towards the adjacent lot(s) of ninety (90°) degrees or more at the intersection of street lines; thirty (30') feet; or
 - b) For an interior angle of less than ninety (90°) degrees at the intersection of street lines; thirty (30') feet plus one (1) foot for every one (1°) degree by which such interior angle is less than ninety (90°) degrees.
- 3) The easement remaining at the corners designed to the specifications above shall contain no fence, other than an open wire fence, or wall higher than two and one-half (2½) feet, nor any obstruction to vision other than a post, column, or trunk (but not branches or foliage) of a tree, none of which exceeds in cross section two feet square or two feet in diameter, between a height of two and one-half (2½) feet and a height of seven (7) feet above the established grade of either street, or if no grade has been officially established then above the average elevation of the existing surface on either street at the centerline thereof. See Appendix B.10.

2. Width

- a. The width of streets shall be as indicated in Table I. (Also see Appedix B.1 to B.7 Typical Cross Sections).

3. Grade

- a. Maximum grades shall be as indicated in Table I.
- b. Minimum grade for all streets shall be one (1%) percent.
- c. The transition in longitudinal grade of every way shall be effected by means of vertical curves of sufficient length to afford, in the opinion of the Board, adequate sight distances and such sight distance shall in no case be less than the minimum sight distance indiated in Table I.

Sight distances shall be measured according to the recommendations of the American Association of State Highways and Transportation Officials.

On Arterial and Collector streets, passing sight distance as indicated in Table I shall be provided for at least one-half the total length of such street. This shall be determined by adding the lengths of the sections of each street that have such passing sight distances.

- d. Grades at intersections of more than two (2) percent for the first fifty (50) feet and more than four (4) percent for the next fifty (50) feet will not be approved. The above distances shall be measured from the nearest sideline of the intersecting street.
- e. The grading at the intersection of ways shall be so designed as to be safe and convenient for travel, and to direct the flow of surface water in a suitable manner.

4. Dead-End Streets

- a. Dead-end streets will be limited to a length of six hundred (600) feet in order not to have dead-end water main stubs of greater length than this. If it is possible to tie the water main to a line on an adjacent street or development, it shall be done in order to promote continuous water movement in the main, to provide greater facility to make repairs, to improve fire flow, and generally improve reliability of service. In the event the water main is connected as above the Board shall entertain, based upon the prospective character of different subdivisions, lengths in excess of that specified above.
- b. Dead-end streets will be provided, at the closed end, with a circular turnaround at least one hundred twenty-two (122) feet in diameter at the property line and at least one hundred (100) feet in diameter at the gutter or curbline.
- c. Streets having temporary dead-ends shall terminate in circles having a right-of-way diameter of not less than one hundred twenty-two (122) feet. (See Appendix B.9) Where a future street is projected beyond the circle, the circle shall be designed in such relation to the projection of the right-of-way that the additional land used for the circle may be relinquished to the adjacent properties at the time the road is constructed over the projected route.

The ownership of the fee in land lying within the projection of any road shall remain with the adjacent properties until the road is constructed over the projected route. Any such fee shall not be included in determining the conformity of the area of any lot to the minimum requirements under the By-Laws of the Town of Danvers.

Where a circle is laid out as a permanent termination of the road, the entire area of the circle shall be a permanent part of the right of-way. Where a circle is laid out over a projected right-of-way, the lot lines shall be laid out to the lines of the future projected route.

5. Length

- a. Minor residential streets shall not, in the opinion of the Board, provide the primary route of access and egress to more than twenty (20) dwelling units.
- b. The lengths of Arterial, Collector, and Local streets may be limited by the Board if it is necessary to do so in the opinion of the Board.

C. Sidewalks

1. Sidewalks are required on the following types of streets;
 - a. Arterial - both sides;
 - b. Commercial Collector - both sides;
 - c. Local Commercial - both sides;
 - d. Residential Collector - both sides; the Board may waive the sidewalks on one side if, in the opinion of the Board, it is not necessary.
 - e. Local Residential - one side;
 - f. Minor Residential - one side.
2. The following areas shall be considered tree belts, and shall be loamed and seeded;
 - a. Where there is a sidewalk, the area between the edge of the roadway curb or berm and the sidewalk;

- b. Where there is no sidewalk, the area between the edge of the roadway curb or berm and sideline of the street;

D. Utilities

1. General

Proper connections shall be made with existing sewers, drains, and water mains. Where in the opinion of the Planning Board, after consultation with the appropriate Town Department, the capacity of an existing sewer, drain, or water main is inadequate to accommodate the entire subdivision, only that portion thereof, which, in their opinion can be adequately accommodated, shall be so connected.

Where adjacent property is not subdivided, provisions shall be made for extension of the utility systems by continuing appropriate sewers, drains, and water mains to the exterior boundaries of the subdivision, at such size and grade as will allow for their proper projection.

A registered professional civil engineer shall certify that the design of sewers, drains, and water mains meet the requirements of these rules and regulations.

2. Design Analysis

A design analysis shall be submitted with each definitive plan submitted. If a special design of sanitary facilities is submitted or requested by the Board or the Board of Health, the Board may, at the request of the Engineering Division, the Board of Public Health, or its own request, require, these special sanitary facilities to be designed by a professional sanitary engineer authorized to practice in the Commonwealth of Massachusetts who shall affix his stamp to the plans of such special sanitary facilities.

The design analysis shall include at least the following information:

a. Storm Drainage System

- 1) The data shall include consideration of the entire watershed and the calculations used in designing the drainage system including area calculations, intensity of rainfall, coefficient of runoff, time of concentration, pipe

coefficient of roughness and quantity and velocity of flow under design conditions. Design sketches showing the hydraulic gradient and the energy gradient for each run of channel, pipe, and/or culvert shall be included.

- 2) Storm drainage open channels, culverts, and pipes shall be designed for a one-hundred (100) year storm.
 - a) Pipes and culverts may be designed for lesser storms, as indicated below, provided the following conditions are satisfied:
 - (1) A one-hundred (100) year storm will not cause any erosion, settlement, or other damage to utilities, roadways, buildings, or other structures;
 - (2) An alternate flow path is provided. This flow path shall have sufficient capacity to convey the run-off from a one-hundred (100) year storm;
 - (3) Covenants shall be placed in the deeds of all lots over which the alternate flow path passes. These covenants shall run with the land and shall provide for the protection of the alternate flow path from alterations;
 - b) Pipes and culverts may be designed as follows, if the above conditions are met:
 - (1) Pipes and culverts shall be designed for a twenty-five (25) year storm.
 - (2) Pipes carrying only run-off from roads and foundations may be designed for a ten (10) year storm, plus an allowance for sub-drainage from foundations, if an alternate flow path as required above is provided to connect roadway low points with an open channel, pipe, or culvert with a one-hundred (100) year storm capacity.
 - (3) Maximum velocities in open channels shall be as follows:

MATERIAL OF CHANNEL BEDVELOCITY IN FEET/SECOND

Fine sand or silt, non-colloidal	1.50
Coarse sand or sandy loam, non-colloidal	1.50
Silty or land loam, non-colloidal	1.75
Clayey loam or sandy clay, non-colloidal	2.00
Fine Gravel	2.50
Colloidal, well-graded gravel	3.50
Colloidal clay or non-colloidal gravelly loam	3.00
Pebbles, broken stone, shale or hardpan	4.00
Sodded	5.00
Cobbled	7.50
Stone Masonry	15.00
Solid rock or concrete	25.00

Maximum velocities in culverts and pipes shall not exceed twenty (20) feet per second. Erosion protection may be required at inlets and outlets, and computations of the necessary length of transition sections must be provided.

- (4) Minimum velocities in pipes shall not be less than three (3) feet per second based on a two (2) year storm.
- (5) Adequate disposal of surface water shall be provided. Catch basins shall be built on both sides of the roadway on continuous grades at intervals of not more than two hundred and fifty (250) feet, at low points and sags in the roadway and near corners of the roadway at intersecting streets.

In arranging for drainage of water above ground, grading must be such as to permit passage of surface water without damage or erosion. Where a stream or natural water course is enclosed or piped and runs below ground, provision shall be made in the finished surface grading for an alternate, above ground flow path suitable for the passage of water without damage, in the event leaves or trash block catch basins, gratings or other drainage facilities.

- (6) Side underdrains shall be installed on both sides of all streets except in fill sections, and connected to the surface drainage system.

In circumstances where the groundwater table is not within 4 feet of finished grade or in other circumstances which would render such underdrains superfluous the Department of Public Works may recommend the waiver of this requirement.

- (7) When in the opinion of the Planning Board, the Subdivision may cause an increase or change of water surface drainage, either in natural water courses or through culverts a developer may be required as a condition for approval to secure such drainage easements as are deemed necessary off the site of the subdivision.
- (8) Calculations used in determining pipe strength requirements shall be included.
- (9) Drain pipes shall be a minimum of twelve (12") inches in diameter.

b. Sanitary Sewer System

- 1) The calculations used in designing the sewerage system including the method of estimating average flows (including infiltration allowances), the peaking factor used, the hydraulic design of the system including quantity and velocity of flow under both average and peak flow conditions shall be included.
- 2) Sanitary sewers shall be such as to insure a flow of not less than two (2) feet per second nor more than ten (10) feet per second.
- 3) Calculations used in determining pipe strength requirements shall be included.
- 4) Sewer pipes, except for individual lot services, shall be a minimum of eight (8") inch diameter.

c. Water System

- 1) The water system must be designed to meet the ultimate water demand requirements and fire flows of the completed development.
- 2) The fire flow requirements shall be as required by the Board, based on recommendations from the appropriate Town Departments.
- 3) The domestic, commercial, and industrial flows will be those of the completed development that will be served by the water system. All design values will be submitted with back-up data indicating their source.
- 4) If the proposed system is to contain pumps, a schematic diagram of the pumping arrangements and operations must be submitted with the design data of the system. Residual pressure shall not be lower than 20 PSI at any point in the water distribution system due to the action of the pump.
- 5) Substantiation that the water system is designed to maintain a minimum pressure of 20 PSI at all points in the subdivision distribution system under all conditions of flow.
- 6) Pipe strength design shall conform to AWWA C 150-71, or latest revision.
- 7) Unless otherwise stated, all water works and sewerage works shall meet the minimum requirements of the most recent edition of the "10 State Standards."
- 8) Thrust blocks shall be satisfactory to the Department of Public Works.
- 9) Hydrants locations shall be determined by the Department of Public Works based on recommendations from other Town Departments.

3. Utility Connections

Connections for all utilities from the main utility structures to the exterior line of the way shall be constructed for each lot whether or not there is a building thereon.

4. Other Utilities

The Definitive plan shall show all proposed and existing underground utilities, including but not limited to, storm drains, sanitary sewers, water mains, gas mains, electric conduits and/or cables and telephone conduits and/or cables. All utilities shall be underground.

D. Other Requirements

1. Driveways

Each lot shall be provided with a driveway ramp not less than fourteen (14) feet in width at the sidewalk.

2. Signs

Signs of the type and character used on public ways in the Town of Danvers, bearing the name of the way as approved by the Planning Board, shall be furnished and installed at all intersections of ways in the subdivision.

3. Trees

Trees shall be planted in the tree belt or not more than fifteen (15) feet behind the sidewalk, at intervals not exceeding forty (40) feet.

4. Fire Alarm System

Subdividers shall provide and install within the subdivision a fire alarm signal as determined by the Chief of the Fire Department and the Superintendent of the Electric Light Department and of the type currently in use in the Town and shall at his own expense interconnect the same with existing facilities beyond the subdivision and subject to the inspection and approval of the Chief of the Fire Department and the Superintendent of the Electric Light Department.

5. Monuments

Granite Stone bounds shall be placed at all changes of direction, including beginnings and ends of curves, of exterior lines of ways, and at such other locations as the Board may require.

6. Guard rails and median barriers

Guard rails shall be installed at the top of all embankment slopes steeper than four (4) horizontal to one (1) vertical. Guard rails may be required by the Board at other locations, where in the opinion of the Board there is a particular hazard to vehicles and/or pedestrians. The Board may also require median barriers where, in the opinion of the Board they are required for traffic safety.

7. Slopes

Side slopes on roads and open channels, and other slopes to be created within the subdivision, shall in general, not be steeper than three (3) horizontal to one (1) vertical.

Such slopes shall in no case be steeper than the natural angle of repose of the material comprising the slope, unless retaining walls or structures, as specified below, are approved by the Board.

8. Retaining walls or structures

If retaining walls or structures are incorporated in the plan, the adequacy of the proposed design for its intended purpose shall be certified by a professional structural engineer authorized to practice in the Commonwealth of Massachusetts who shall affix his stamp to the plan or plans of such retaining walls or structures. The Board may require a chain-link fence or other protective device to be placed along the top of the retaining wall or structure for the protection of pedestrian and/or vehicle operations.

9. Curbing

Curbing and/or berm is required as follows:

- a. Bituminous concrete "Cape Cod" berm shall be used on streets as shown in Appendix E-5 and in accordance with Appendix B-1 to B-7 inclusive.

E. Easements

1. Easement for utilities such as common water, sewer electric, telephone lines or drainage piping other than individual services across lot lines shall be provided where necessary and shall be at least thirty (30) feet wide.

2. Where a subdivision is traversed by an open water course, drainage way, channel or stream, the plan shall delineate by proper markings a storm water easement or drainage right of way of adequate width (minimum 30') to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for the entrance of construction and maintenance equipment, as well as to enable the Town to control stream encroachment or alteration.
3. Sight Obstruction Limiting Easements must be of a size as specified under Section V.A. 1.m. and shall be secured for the benefit of the Town.
4. Slope easements may be required by the Board where, in the opinion of the Board, they are necessary to insure stability of slopes. Slope easements shall be of sufficient width to allow for a slope of three (3) horizontal to one (1) vertical to the existing grade of the adjacent land.
5. Easements to allow maintenance of retaining walls or structures shall be provided, and shall be of sufficient width to allow access by maintenance vehicles, to the top and/or bottom of the wall or structure. These maintenance easements shall provide a clear working area at least ten (10) feet wide along both the top and bottom of the wall or structure.

SECTION VI - CONSTRUCTION OF WAYS, UTILITIES AND OTHER REQUIREMENTS

A. General

1. All underground utilities, including but not limited to storm drains, sanitary sewers, and water mains, shall be installed and all ways constructed by the subdivider at his own expense and in accordance with the grades approved by the Planning Board. Subdividers shall comply with the details and specifications included herein, and to the "Standard Specifications" and Town Specifications where applicable. The Planning Board may direct the subdivider to comply with such other details and specifications as it feels are required because of special and unusual conditions.

2. The Board, the Engineering Division or the subdivider may call for a design and materials conference in order that the subdivider may be informed as to the acceptability of the materials, methods, and standards of construction to be employed. The subdivider may be accompanied or represented by his engineer or contractor, or both, at the conference.
3. Notice required to be given by the subdivider, shall be given to the Engineering Division and the Board at least ten (10) days before the subdivider first commences construction in any subdivision, or after any period of thirty (30) days in which no construction activity has taken place, in addition to giving the notice called for in paragraph G.2 of this section.

B. Streets

1. The entire area of each right-of-way or easement for future extension shall be cleared of all stumps, brush, roots, boulders and like material not intended for preservation. Excavation shall be consistent with good construction practices and shall at all times be subject to the inspection and approval of representatives of the Planning Board. All loam, silt, clay and other deleterious material shall be removed from within the right-of-way. If in the opinion of the Board, easements for future extension of the roadways will not be utilized in the near future, the Board may waive the requirement of clearing and excavation of deleterious material in such easements for future extension.
2. The sub-base shall be as follows:
 - a. The depth of gravel shown in the appropriate typical sections. Gravel shall be furnished and installed as specified in Section 401 of the Standard Specifications.
 - b. The gravel subbase shall be covered by a six (6') inch layer of dense graded crushed stone, furnished and installed as specified in Section 402 of the Standard Specifications.
3. All sewers, surface water drains, water pipes and any other underground facilities, together with their appurtenances, shall be installed only after the subgrade of the way has been established.

4. The excavating of trenches, the methods and materials of backfilling, and all other matters relating to the installation of water pipes, sewer lines, storm drains, subsurface drains, and all other underground utilities shall be consistent with good construction practices and shall at all times be subject to the inspection of the applicable town departments.

All trenches shall be tamped with a power tamper at intervals not greater than one (1) foot and shall be puddled upon completion of installation.

5. The subdivider shall protect improvements required under the subdivision rules and regulations including utilities streets, curbing, sidewalks, etc. from any and all damage, until the entire subdivision is completed and approved as a whole by the Planning Board. Any damage to these utilities etc., prior to the approval of the Planning Board shall be repaired in a manner satisfactory to the Planning Board, the full cost of which shall be borne by the subdivider. Any material used which does not meet the standards as set forth in these regulations shall be replaced by the subdivider at his own expense. Underground utilities and appurtenances not installed in accordance with the final grades approved by the Planning Board, shall be removed and reset to proper grade at the expense of the subdivider.
6. Where the grade of the way is above or below the grade of the adjacent land, wall, or slopes shall be constructed by the subdivider in conformance with the recommendations of the Planning Board.
7. Roads shall be surfaced with Type I, Class I Bituminous Concrete applied in the number of courses shown in the appropriate typical sections, rolled and compacted to the appropriate typical sections. Specifications for the composition of material, workmanship, and the method of applying pavement shall conform to sections 420 and 460 of the Standard Specifications.

C. Sidewalks

1. Sidewalks shall not be constructed until bounds have been set.
2. Sidewalk grades shall be as shown in the typical sections.

3. Sidewalks shall be adjacent and parallel to the exterior lines of the way as shown in the typical sections.
4. All sidewalks on Arterial, Commercial Collector, Local Commercial and Residential Collector streets shall be constructed of cement concrete, and shall be five (5') feet wide, four (4) inches thick over eight (8') inches of compacted gravel.

All sidewalks on Local Residential and Minor Residential streets shall be constructed of bituminous concrete as shown on the appropriate typical cross sections.

5. Sidewalks shall be built as specified in Section 701 of the Standard Specifications.
6. Slanted curbing and sidewalk ramps shall be installed at all pedestrian crosswalks. The number and exact location of sidewalk ramps shall be determined by the Board. Sidewalk ramps shall be designed and constructed according to the Rules and Regulations of the Architectural Barriers Board, Commonwealth of Massachusetts Department of Public Safety.

D. Utilities

1. General

- a. All pipe fittings, grates, frames and covers in relation to service installations of all kinds must be of the same grade and standard as used by the Town of Danvers, and in accordance with the following lists.
- b. Special utility equipment such as sewerage, pumping stations, water booster pump stations, air release valves, special drainage structures, etc. must be presented in detail with construction plans and specifications and be approved and made part of the subdivision plans.
- c. Installation of all utilities shall be in accordance with these rules and regulations, the Town specifications and the Standard Specifications. Where the various specifications conflict, the requirements of these Rules and Regulations shall take precedence over the Town Specifications and the Standard Specifications; and the Town Specifications shall take precedence over the Standard Specifications..

- d. The subdivider shall protect all utilities and appurtenances installed under these Rules and Regulations from any and all damage, until the entire subdivision is completed and approved as a whole by the Board. Any street excavations shall be patched immediately in conformance with the rules and regulations of the Department of Public Works for street excavation. Any damage to these utilities and appurtenances, prior to the approval by the Board shall be repaired in a manner satisfactory to the Board and the Department of Public Works, the full cost of which shall be borne by the subdivider. Utilities to all lots shall be installed prior to the installation of the top course of bituminous concrete pavement.

2. Drainage

- a. Storm drains, culverts, catch basins with curb inlets, manholes, and other drainage items shall be installed as shown on the approved plans.
- b. All pipe shall be reinforced concrete, of strength appropriate to conditions, except where pipe of another material of appropriate strength, is approved in writing by the Engineering Division.
- c. At least four feet of cover shall be required over drains, except where pipe of extra strength is approved in writing by the Engineering Division.
- d. All manholes and catch basins shall be constructed of reinforced precast concrete sections, except when another method and/or material is approved in writing by the Engineering Division.
- e. The construction of any headwall shall conform to the Standard Specifications and the Town Specifications.
- f. Culvert construction shall be adequate to prevent surface erosion, undermining, or flooding and shall be constructed in accordance with Section 230 of the Standard Specifications.

All culverts shall be protected with a chain link fence set back thirty (30) inches from the normal edge of the sidewalk so as to permit easy passage of a sidewalk plow. Where

there is no sidewalk, the chain link fence shall be set thirty (30") inches beyond the normal sideline of the street. (See Section VI. E. 7 for fence specifications).

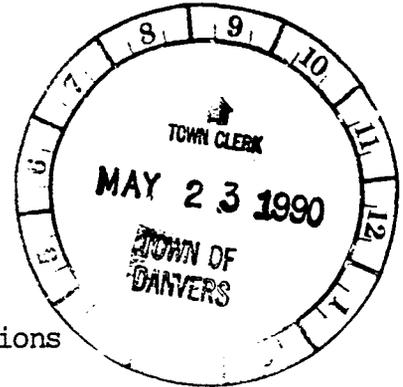
3. Sanitary Sewer

- a. Sanitary sewers, manholes, and other appurtenances shall be installed as shown on the approved plan.
- b. All sanitary sewer pipe shall be asbestos cement of strength appropriate to conditions except where another material of appropriate strength is approved in writing by the Engineering Division.
- c. All manholes shall be constructed of precast reinforced concrete sections, except where another method and/or material is approved in writing by the Engineering Division. In areas where ground water is known to exist, the subdivider shall install, for the purpose of air testing of sewer lines, a one-half ($\frac{1}{2}$) inch diameter pipe nipple approximately ten (10) inches long through the manhole wall on top of one of the sewer lines entering the manhole at the time the sewer line is installed.
- d. All exterior walls of the manholes shall be painted with two (2) coats of Bituplastic No. 28 as manufactured by the Koppers Company and applied in accordance with their instructions.
- e. At least five feet of cover shall be required over sanitary sewers, except where extra strength pipe, concrete cradle bedding, concrete arch bedding, and/or concrete encasement is approved in writing by the Engineering Division and a notation and/or detail of the deviation from the trench and bedding details is added to the definitive subdivision plan prior to Planning Board endorsement.
- f. Installation of all sewer pipes, manholes, and other appurtenance shall be as specified in the Town Specifications.
- g. The developer shall provide, at his own expense, a final inspection and low pressure air test of the sanitary sewer lines. This final inspection and low pressure air test shall be performed as described in Appendix G.

*see
spec*

*see
spec*

DANVERS PLANNING BOARD
CERTIFICATE OF ACTION



RE: Amendments Relative to Subdivision Rules & Regulations

Town Clerk
Danvers Town Hall
Danvers, MA. 01923

Dear Town Clerk"

This is to certify that at a meeting of the Danvers Planning Board held on May 22, 1990, by a motion duly made and seconded, it was voted that...

"We, the Danvers Planning Board, do hereby vote the following amendment to Section VI. D.4. B.4 of the "Planning Board Rules and Regulations Governing the Subdivision of Land in Danvers, MA.":

Add the phrase "or the Kennedy K 81A hydrant, Mueller gate A-238-02 (mechanical joint), tapping sleeve A615 and tapping gate A667 (mechanical joint ends)" after "Quick Fix hydrant" in Section VI. D.4. B.4 of the Planning Boards Rules and Regulations.

The new Section VI. D.4. B.4 will now read:

Gates and Hydrants

Construction of gates and hydrants shall be in accordance with AWWA C500-71 and AWWA C 502-64, respectively. 'Darling' gates, open right, '0' rings 'Darling' Hydrants 6 inch hub base, 5 inch valve opening, open right, with two 2 1/2 inch hose connections and on 4 1/2 inch steamer connection, type 'Darling' D-50B, 'Quick Fix' hydrant or the Kennedy K 81A hydrant, Mueller gate A-238-02 (mechanical joint), tapping sleeve A615 and tapping gate A667 (mechanical joint ends) shall be used as required by Director of Public Works."

Sincerely,

Danvers Planning Board


Mark J. McDermott, Chairman

May 22, 1990
Date

MJM:jg

cc: Town Clerk, Applicant, Files, Building Inspector, Engineering, Fire Department, Water Department

4. Water

- a. All water mains, gates, hydrants, fittings, thrust blocks and other appurtenances shall be installed as shown on the approved plan.
- b. Materials shall be as listed below, except when substitutes are approved in writing the Department of Public Works:

- 1) Pipe

Ductile Iron, Cement-Lined, Bell and Spigot, pipe as manufactured by Warren Pipe or Foundry Corp., R.D. Wood Co., or U.S. Pipe Corp. Pipe shall conform to AWWA C 150-71 and the cement-mortar lining shall conform to AWWA C 104-71.

- 2) Wedges

Two brass wedges per bell and spigot joint. Wedges to be set on opposite sides of pipe.

- 3) Jointing Materials

Tyton Gaskets and lubricant (for all new mains) Iron-Sulphur jointing compound (Hydro-Tite) Hyd-Dro-Rings (rubber rings) Asbestos Rope Yarn.

- 4) Gates and Hydrants

Construction of gates and hydrants shall be in accordance with AWWA C 500-71 and AWWA C 502-64, respectively. 'Darling' gates, open right, 'O' rings 'Darling' Hydrants 6 inch hub base, 5 inch valve opening, open right, with two 2½ inch hose connections and on 4½ inch steamer connection, type 'Darling' D-50B, 'Quick Fix' hydrant shall be used as required by Director of Public Works.

All intersections of water mains shall be three-way gated where the main is twelve (12") inch diameter or less. In addition gates shall be required between the intersection of mains, to be located in such a manner so as to enable a length of water main not to exceed one thousand (1,000) feet to be isolated from the balance of the distribution system if required for maintenance purposes in the future.

5. Fittings

Cement-lined with bituminous seal coat as manufactured by Pioneer Foundry, or Warren Pipe and Foundry Corp. Pipe fittings shall conform to AWWA C 100-71 and the cement-mortar lining shall conform to AWWA C 104-71.

6. Gates and Service Boxes

'Buffalo' Slide type gate boxes and extensions. 'Classon' Service boxes and extensions.

7. House Services

Type K soft copper tubing as manufactured by 'Bridgeport', 'Lewis-Mather', or 'Revere'. Copper tubing curb cocks, corporations, splicers (couplings), waste and gate valves and angle valve as manufactured by Red Hed Mfg. Co. All buried copper joints shall be flared fittings.

- c. AWWA C 600-64 for the installation of cast-iron water mains shall be followed, except when not deemed applicable to ductile iron pipe and fittings by the Public Works Department, or the Department of Public Works, approves, in writing alternate methods.
- d. Lot services shall be installed as specified in the Town Specifications.
- e. The water system shall be tested and disinfected as follows:
 - 1. Hydrostatic tests at 200 PSI for pressure and at 150 PSI for leakage shall be performed by the contractor. These tests shall be inspected and subject to acceptance in accordance with AWWA C 601-64, Section 13.
 - 2. Disinfections shall be in accordance with AWWA C 601068, and under the direct inspection of, and subject to acceptance by Danvers Public Works Department.

5. Other Utilities

- a. All other utilities and their appurtenances including but not specifically limited to, electric cables and/or conduits and telephone

cables shall be designed and installed as underground utilities. These utilities shall be installed as shown on the approved definitive plan.

- b. Specifications of materials and work as well as additional regulations regarding such installations, shall be those as promulgated by Danvers Electric Light Department as most recently amended.

E. Other Requirements

1. Driveway Ramps

- a. Driveway ramps shall consist of 2 courses of Bituminous Concrete over twelve (12") inches of gravel. The first course shall be a binder course, one and one-half (1½) inches thick after rolling and compacting. The second or top course shall be one and one-half (1½) inches thick after rolling and compacting.
- b. Bituminous concrete "Cape Cod" berm shall be tapered to the driveway as shown in Appendix E-1.

2. Signs

- a. Signs shall be of the type and character used on Public Ways in the Town of Danvers and conform to the manual on Uniform Traffic Control Devices, of the Massachusetts Department of Public Works. Street name signs shall bear the names of the ways as approved by the Planning Board and be installed at all intersections of ways in the subdivision. All signs shall be furnished and installed by the subdivident.
- b. Installation shall be as directed by the Department of Public Works.

3. Trees and Tree Belts

- a. Trees shall be Emerald Queen Norway Maple, Pin Oak, or Honey Locust with a diameter of two (2) to two and one-half (2½) inches measured four (4) feet from the ground level and shall be twelve (12) to fourteen (14) feet in height, unless otherwise approved in writing by the Department of Public Works. All trees shall be nursery grown and the root system shall be balled and burlapped.

- b. All trees shall be planted in a hole at least one (1) foot in diameter larger than the tree root system ball and shall be planted with a good grade of loam mixed with bog peat and organic fertilizer. All trees shall be supported with two (2) stakes, two (2) inches by two (2) inches by seven (7) feet. Trees shall be attached to stakes by single strand wire with garden hose utilized for protection around the tree trunk. See Appendix E-2
- c. Tree belts shall be at least the width required in the appropriate typical cross-section (See Appendices B-1 to B-7) and shall consist of a six (6) inch depth of loam and shall be seeded with a seed mixture approved by the Department of Public Works.

4. Fire Alarm

- a. The material and components used in the fire alarm system shall be approved by the Chief of the Fire Department and the Superintendent of the Electric Light Department.
- b. The fire alarm system shall be installed as directed by the Chief of the Fire Department and the Superintendent of the Electric Light Department.

5. Monuments and Bounds

- a. Granite bounds not less than six (6") square by forty-eight (48") long shall be set at all points specified in Section V D, 5.
- b. A one quarter ($\frac{1}{4}$) inch diameter by one (1") deep drill hole shall mark the actual point of survey reference.
- c. Bounds shall be set in bank run gravel with their tops at the proposed finish surface grade to the satisfaction of the Engineering Division and the Board.
- d. No permanent monument shall be installed until all construction which would destroy or disturb the monuments is completed. See Appendix E-3 for design details.

- e. Where the soil makes the setting of bounds impractical, alternate types of permanent monumentation shall be used to the satisfaction of the Engineering Division.

6. Pavement Markings

- a. The Board may require the subdivider to apply pavement markings to any streets where, in the opinion of the Board, such markings would increase traffic safety and/or the public convenience.
- b. Such markings may include but are not limited to the following:
 1. Center Lines
 2. Lane Lines
 3. No passing zones
 4. Pavement edge lines
 5. Lane Reduction Transitions
 6. Crosswalks
 7. Parking Space Markings
- c. Where required, lanes shall be divided as shown on the typical sections or as directed by the Board.
- d. Markings shall be designed and applied as required by the Standard Specifications and the Massachusetts Manual on Uniform Traffic Control Devices.

7. Guardrails and Fences

- a. Guardrails, where required, shall be Highway Guard Steel Beam Type. Materials and construction methods shall be as specified in the Standard Specifications. Post spacing shall be twelve feet six inches (12' 6") on centers unless otherwise approved in writing by the Engineering Division.
- b. Fences shall be chain link type. They shall be vinyl coated green to include posts, rails, boulevard clamps, and the fence itself. Minimum height of fences shall be four (4) feet. Construction methods shall be in accordance with the Standard Specifications, Section 644.

8. Slopes

All slope areas shall be loamed and seeded as required for tree belts (Section VI E. 3.c)

9. Retaining Walls

- a. Retaining walls, if any, shall be constructed to the plans approved by the Board.
- b. Portland Cement Concrete retaining walls shall be constructed as required by Section 901 of the Standard Specifications, unless alternate methods are approved in writing by the Engineering Division.
- c. If retaining walls completely or partially of prefabricated units, including but not limited to concrete binwalls, metal binwalls, and/or gabions, have been approved by the Board, the construction methods and procedures recommended by the manufacturer of the prefabricated units shall be submitted, in writing to the Engineering Division prior to construction of the wall. The developer shall construct the wall according to such recommended construction methods and procedures.

~~X~~ 10. Curbing and Berms

- a. Bituminous Concrete "Cape Cod" berms shall be constructed according to Section 470 of the Standard Specifications and shall conform to the detail shown in Appendix E-4. The berm shall be placed simultaneously with the top course of bituminous concrete paving.

F. Engineering and Surveying

1. The developer shall employ, at his own expense, a registered land surveyor, who shall stake out the lines and grades for all pipes, structures and other portions of the work; establish levels, erect batter boards, etc.
2. All references shall be verified by an instrument at frequent intervals.
3. The Contractor shall establish and display street lines, steel grade pins, grade stakes and all other necessary surveying points throughout all phases of construction.
4. The developer shall be responsible for the accuracy of all lines and grades relative to the project.

G. Inspections

1. The Engineering Division will frequently inspect the work for methods, materials, and general progress and make periodic reports to the Board.
 - a. Any items which do not meet the standards prescribed by these Rules and Regulations will, when observed by the inspector, be brought to the attention of the subdivider and the Planning Board.
 - b. These inspections do not relieve the subdivider of any responsibility for the repair of any defects found during an inspection for partial or final release of any performance guarantee.
2. The Planning Board and the Engineering Division shall be separately notified, in writing, at least three (3) regular working days prior to the commencement of any of the following work or any portion thereof.

Installation of storm drainage facilities.

Installation of water and sanitary sewer facilities.

Placing of material for sub-base.

Application of gravel in or above sub-base.

Application of dense graded crushed stone.

Laying of any bituminous concrete.

Installation of curbing and curb inlets.

Spreading of gravel for sidewalks.

Placing of cement concrete or bituminous concrete for sidewalks.

Spreading of loam for tree belts.

Grading of slopes.

Construction of retaining walls.

Setting of bounds.

Planting of trees.

Seeding of tree belts.

3. Inspection for partial or final release of any performance guarantee will be done only after notification, in writing, has been received by the Planning Board and the Engineering Division.
4. Inspectors shall have full and unlimited access to the subdivision and any location where materials used in or on the work are manufactured and/or processed.

5. The Engineering Division or the Board may require the subdivider to provide test data, certified by an independent materials testing laboratory, giving the characteristics of any materials and/or methods used in the work, in order to ascertain whether or not these methods and/or materials meet the requirements of these Rules and Regulations. Any and all tests required shall be at the expense of the subdivider.

SECTION VII - ADMINISTRATION

A. Filing of Plans in Registry of Deeds or in Land Court

Approval of any subdivision is subject to the condition that, unless an appeal has been taken from such approval as provided by Chapter 41, Section 81-BB, General Laws, the subdivider will record the subdivision plan in the Essex South Registry of Deeds or the Land Court within six months from date of its approval and certify to the Planning Board, in writing, within six months from date of approval that said plan has been so recorded and filed with the Registry of Deeds or the Land Court giving Date Recorded, Plan, Book and Page Number or Certificate Number. Failure to file said plan shall render any approval null and void.

B. Waiver of Compliance

The Planning Board may, in a particular case where such action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law, waive strict compliance with these Rules and Regulations.

C. Modification to Approval

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 Chapter 41, Sections 81-0 and 81-W General Laws.

D. Subdivision Control Law

For matters not covered by these Rules and Regulations reference is made to Sections 81-K to 81-GG, inclusive of Chapter 41 of the General Laws and acts in amendments thereof, in addition thereto or in substitution thereof. These Rules and Regulations shall be subordinate to the General Laws.

E. Acceptance of Streets

The approval of a plan by the Planning Board does not make any street shown on such a plan a public way.

Street acceptance by the Town shall be subject to compliance with the pertinent provisions of the General Laws and by-laws of the Town of Danvers.

APPENDIX A-1

PLAN REGULATIONS

EFFECTIVE DATE - JANUARY 1, 1976

1. Plan sizes shall be a minimum of eight and one-half inches by eleven (8½ X 11") and a maximum of twenty-four inches by thirty-six inches (24" X 36").
2. Plans being presented for recording shall be on linen or polyester film, single matte with a thickness of 4 mils, and must have an opacity so as to allow consistent diazo and microfilm reproduction.
3. All plans shall be prepared using a compatible ink with excellent cohesiveness which will produce a permanent bond and result in a plan with long term durability.
4. Linen or polyester reproductions shall be accepted for recording provided they contain original signatures and comply with the other requirements for the recording of plans.
5. Each plan shall have three-quarter inch (¾") borders.
6. The minimum letter size on plans presented for recording shall be one-eighth inch (1/8").
7. Each plan presented for recording shall include a graphic scale.
8. Each plan shall have an area reserved to receive planning board recitation or contain a surveyors certification as per Chapter 380, Acts of 1966.
9. Each plan shall have a three and one-half inch (3½") square reserved for Registry use.
10. Each plan must contain a certification clause signed by the preparer stating that he/she has conformed with the rules and regulations of the Registers of Deeds in preparing the plan.

BOARD OF HEALTH REGULATIONS

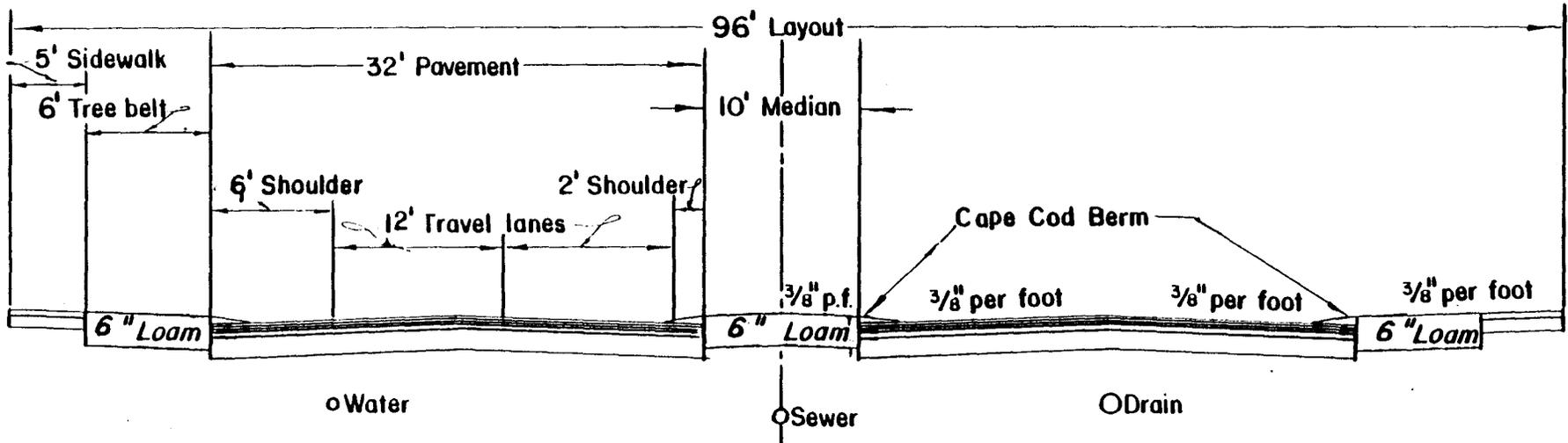
A preliminary and/or a final plan of any subdivision of land, submitted for approval, as provided in the subdivision control law, to the Town of Danvers, after the date of publication of this regulation shall be deemed disapproved by the Board of Health of the Town of Danvers unless the municipal sewer will be made available to the buildings to be constructed on the lots of said subdivision. If the municipal sewer will be made available for only a portion or portions of a subdivision, the Board of Health may approve said portion or portions.

Andrew Nichols III, M.D. Chairman
C. Everett Elliott
Richard B. Staples
Board of Health
Town of Danvers
March 2, 1967

TABLE I

Class of Street	Width of Layout	Maximum Grade	Minimum Distance Between Intersections	Intersection Radii (Street Line)	Minimum Centerline Radii	Minimum Sight Distance	Passing Sight Distance
Arterial	96'	6%	750'	35'	750'	300'	1,500'
Commercial Collector	82'	6%	500'	35'	400'	250'	1,500'
Local Commercial	66'	6%	300'	35'	200'	200'	NA
Industrial Collector	80'	6%	500'	35'	400'	250'	1,500
Local Industrial	56'	6%	300'	35'	200'	200'	NA
Residential Collector	66'	8%	500'	25'	400'	250'	1,500
Local Residential	54'	10%	300'	25'	200'	200'	NA
Minor Residential	50'	10%	300'	25'	150'	200'	NA

NA = Not Applicable

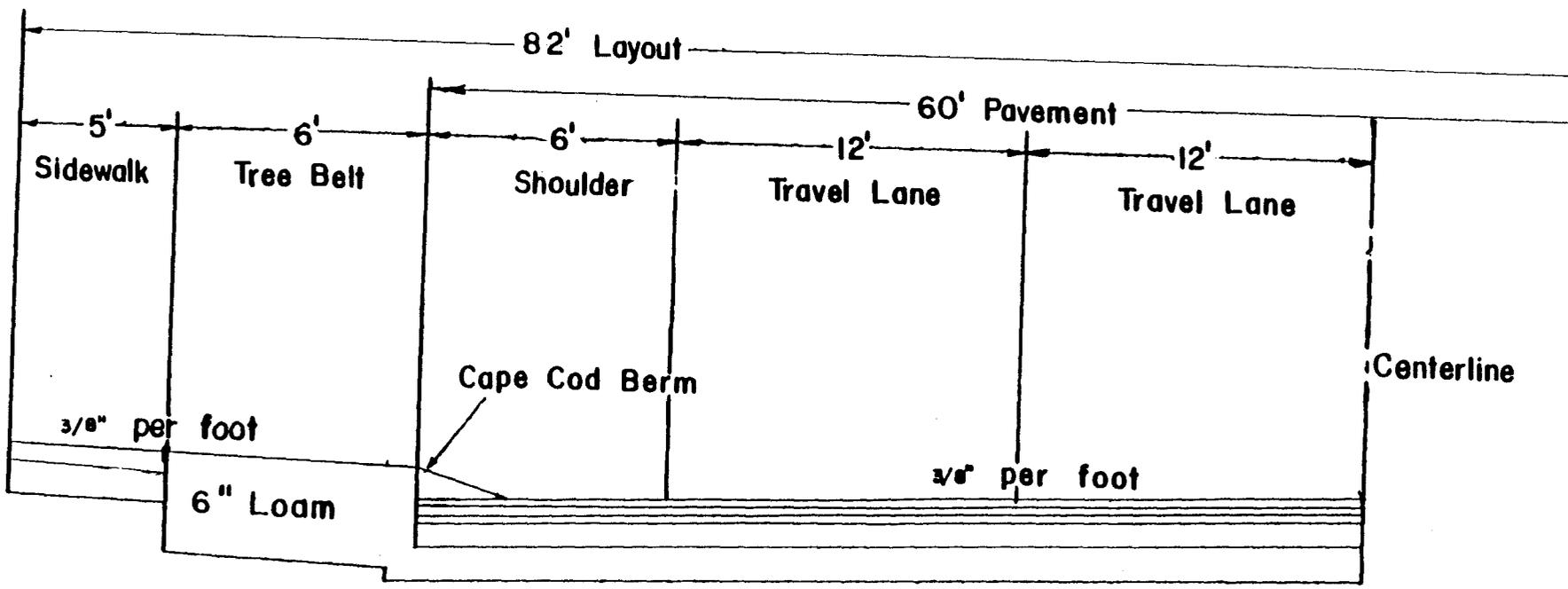


Sidewalk
 4" Cement concrete
 8" Gravel

*All slopes pitch to gutters.
 Layout is symmetrical
 along centerline.*

Roadway
 2" Top course
 2" Binder
 2" Black base
 6" Dense graded crushed stone
 12" Gravel

Typical section of Arterial Street

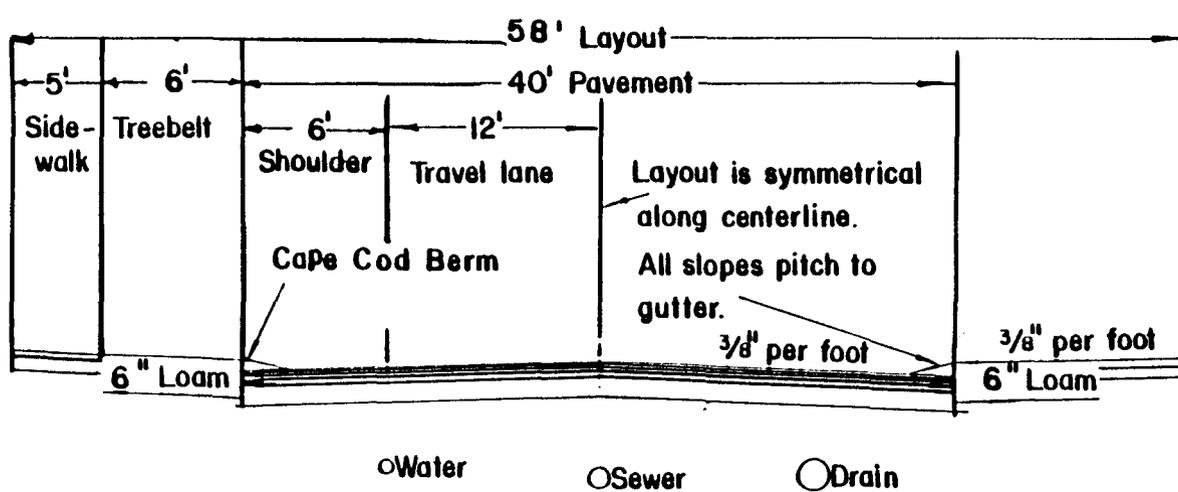


4" Cement concrete
8" Gravel base

2" Top course
2" Binder
2" Black base
6" Dense graded crushed stone
9" Gravel

Note: all slopes pitch to gutter.

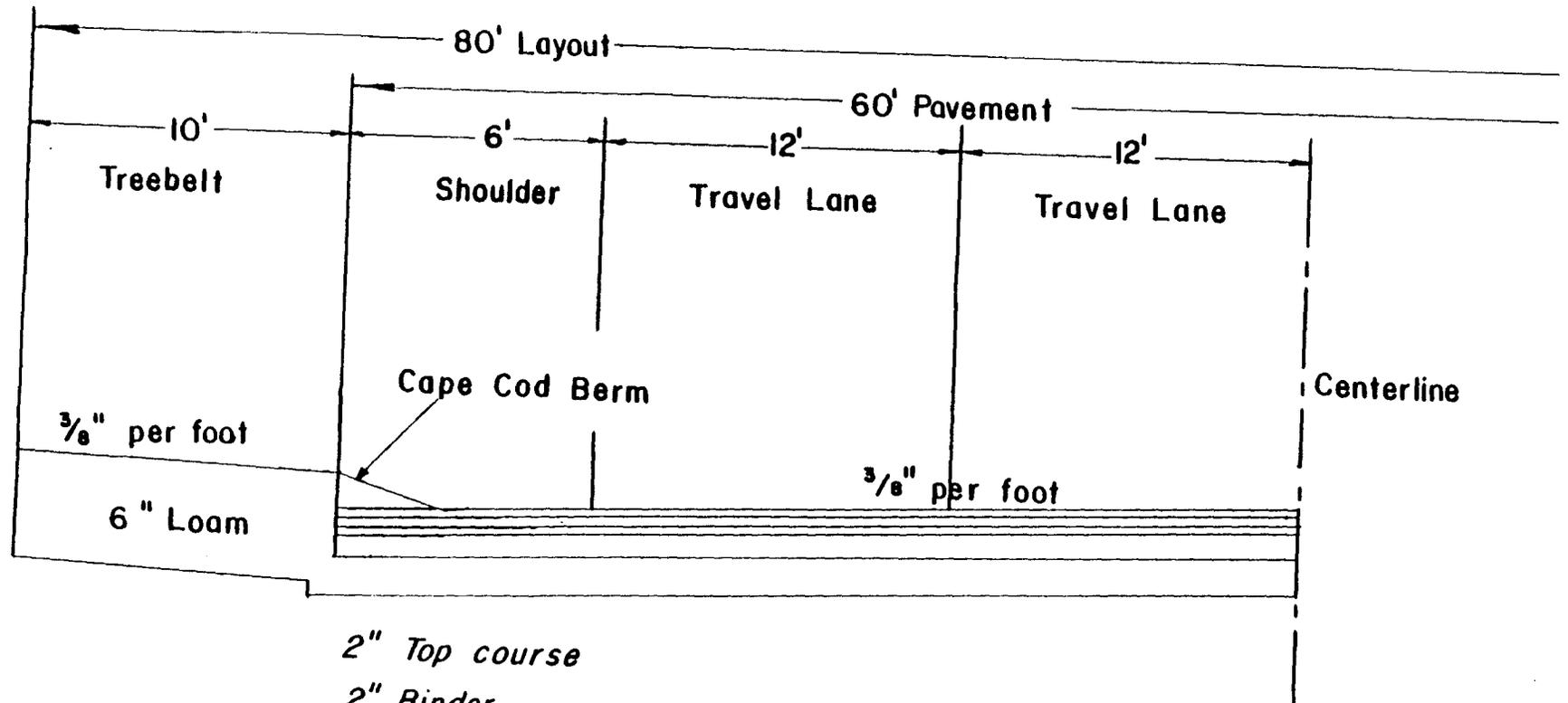
Typical section of Commercial Collector



Sidewalk
 4" Cement concrete
 8" Gravel

Roadway
 1 1/2" Top course
 1 1/2" Binder
 2" Black base
 6" Dense graded crushed stone
 9" Gravel

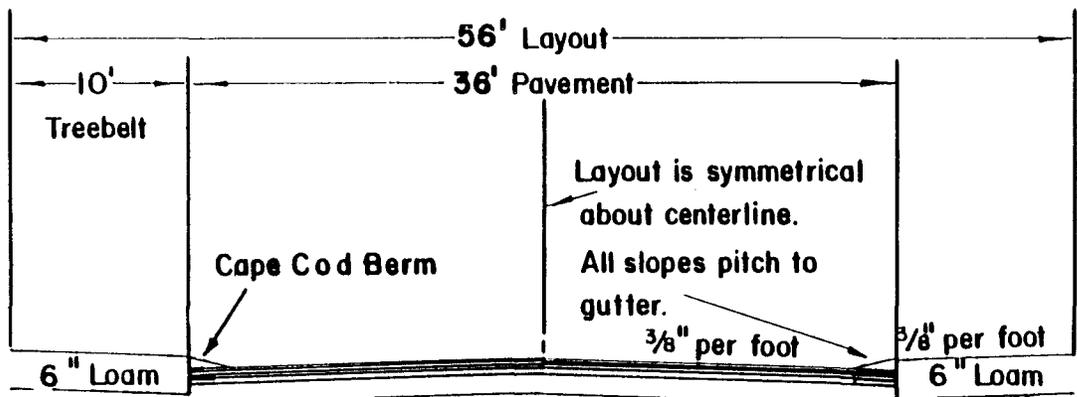
Typical section of Local Commercial Street or Residential Collector



- 2" Top course
- 2" Binder
- 2" Black base
- 6" Dense graded crushed stone
- 9" Gravel

Note: all slopes pitch to gutter.

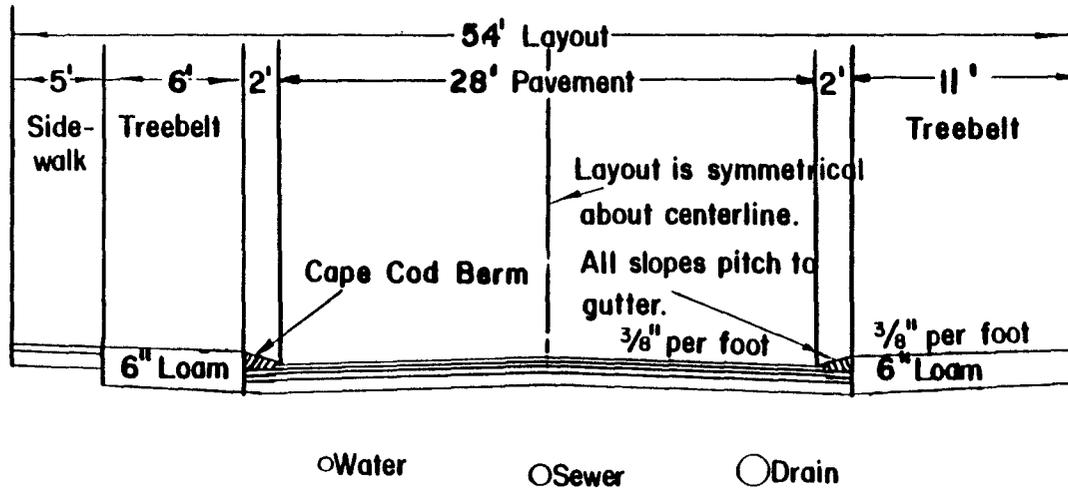
Typical section of Industrial Collector



○Water ○Sewer ○Drain

Roadway
 1 1/2" Top course
 1 1/2" Binder
 2" Black base
 6" Dense graded crushed stone
 9" Gravel

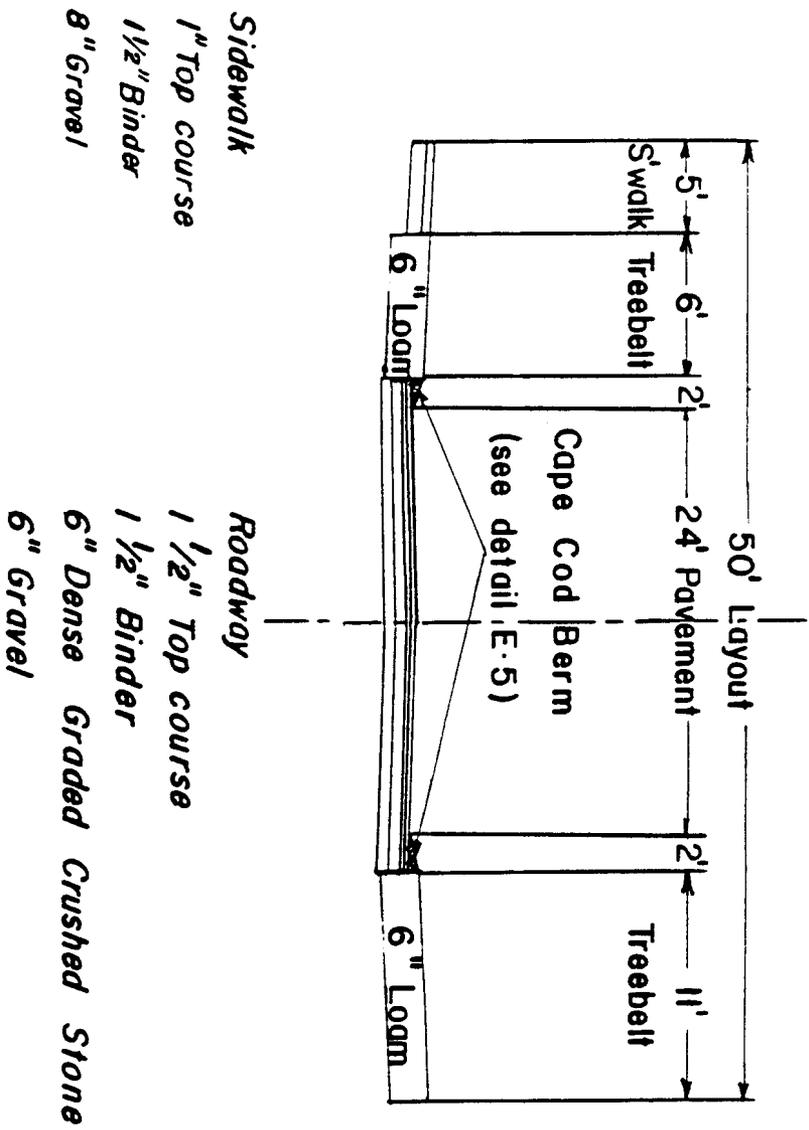
Typical section of Local Industrial Street



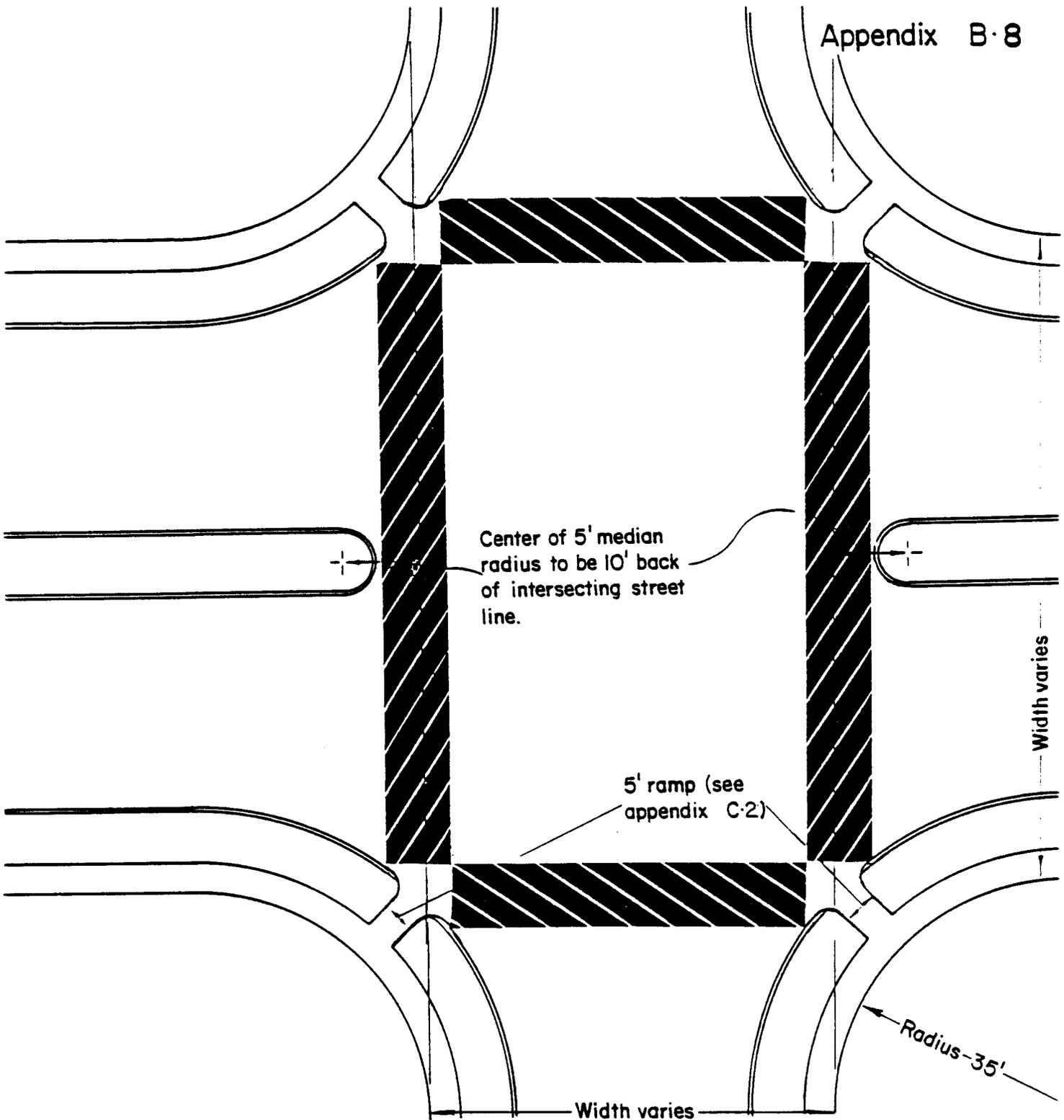
Sidewalk
 1" Top course
 1½" Binder
 8" Gravel

Roadway
 2" Top course
 2" Binder
 6" Dense graded crushed stone
 6" Gravel

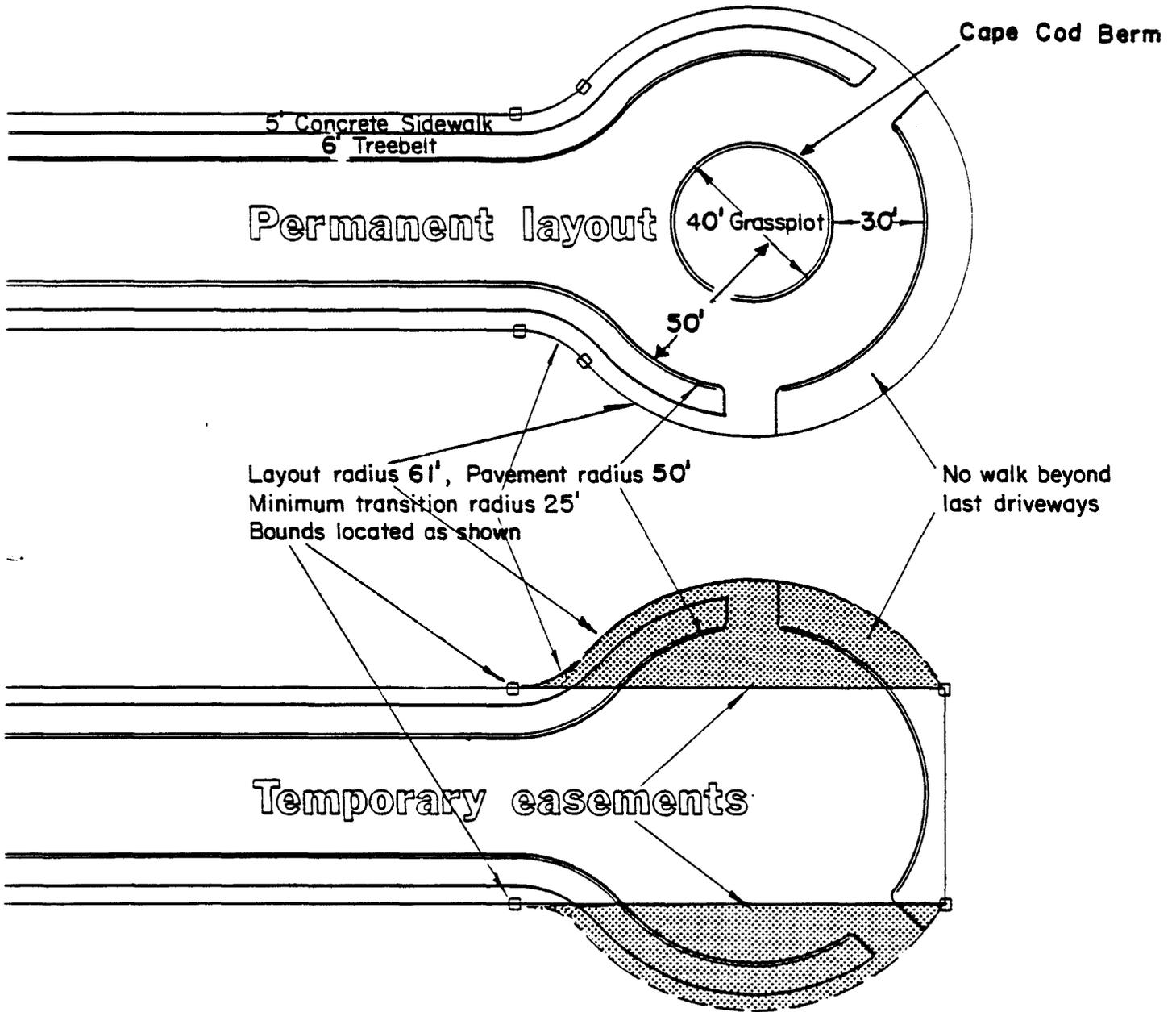
Typical section of Local Residential Street



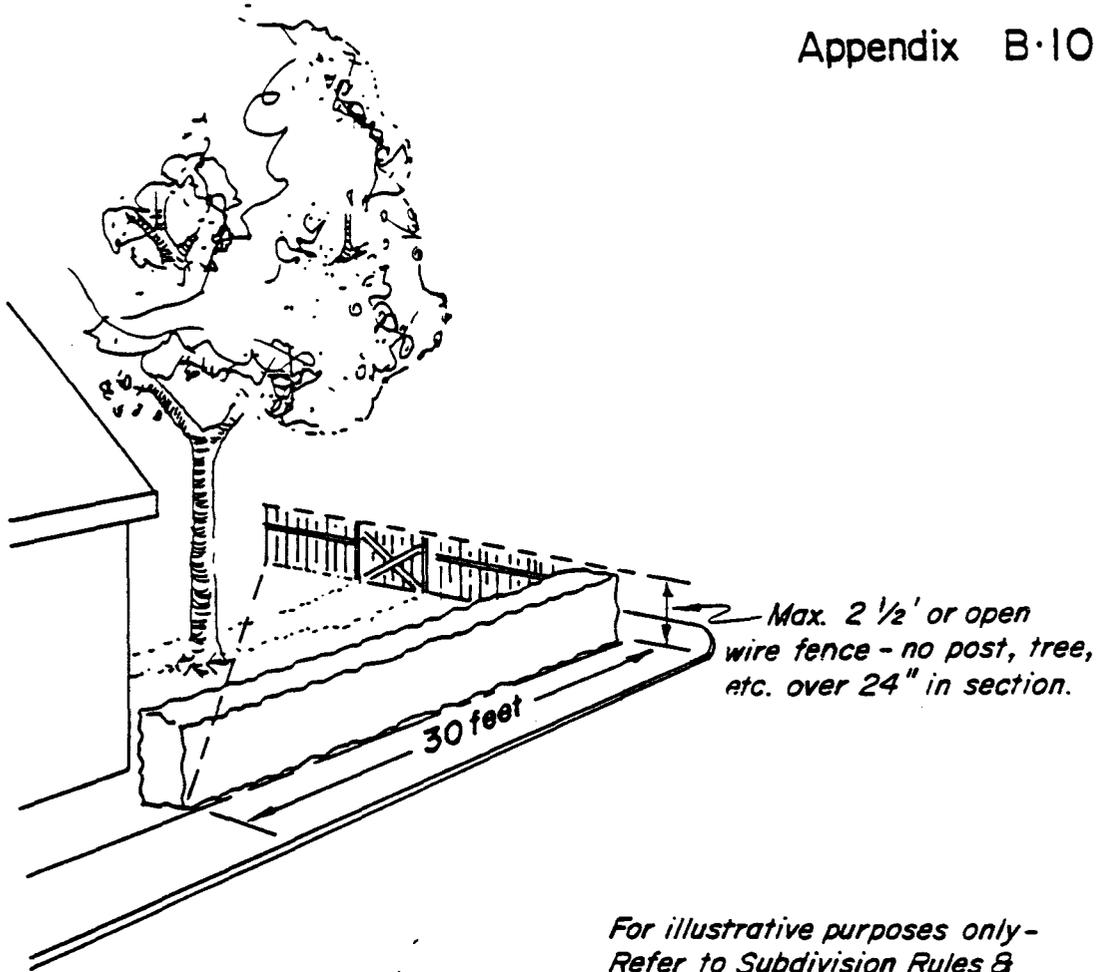
Typical section of Minor Residential Street



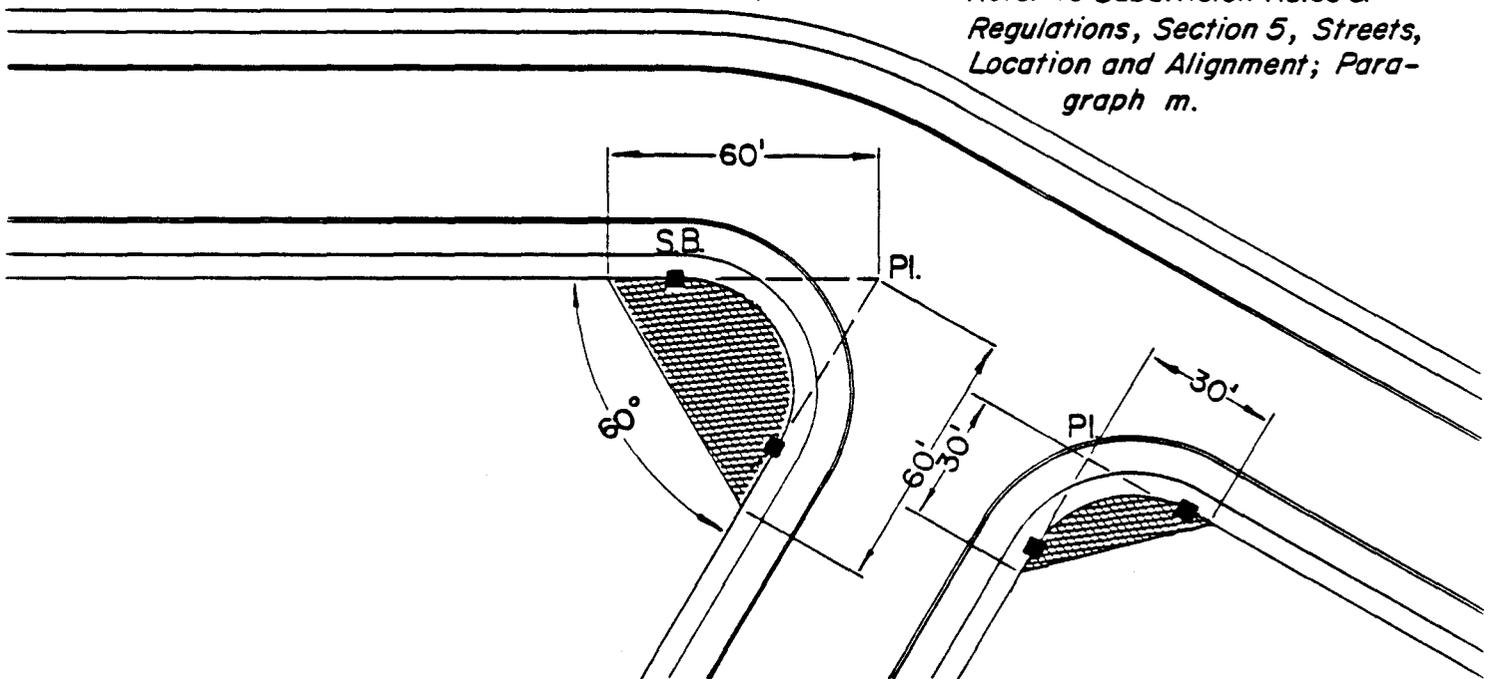
Typical Intersection of Commercial or Industrial Collector and any Roadway



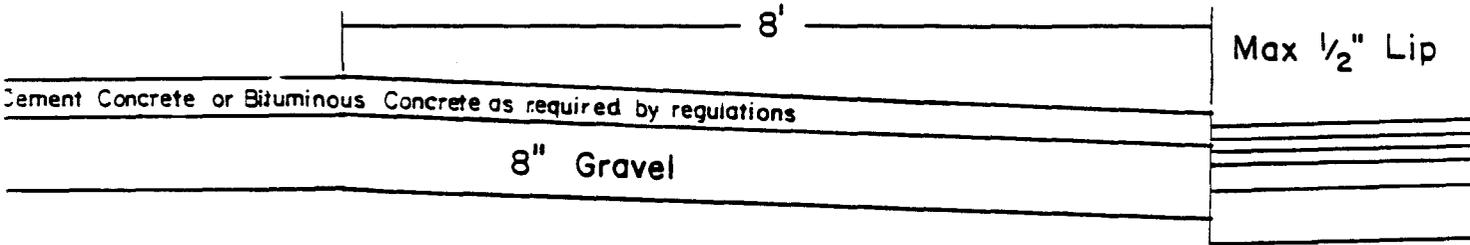
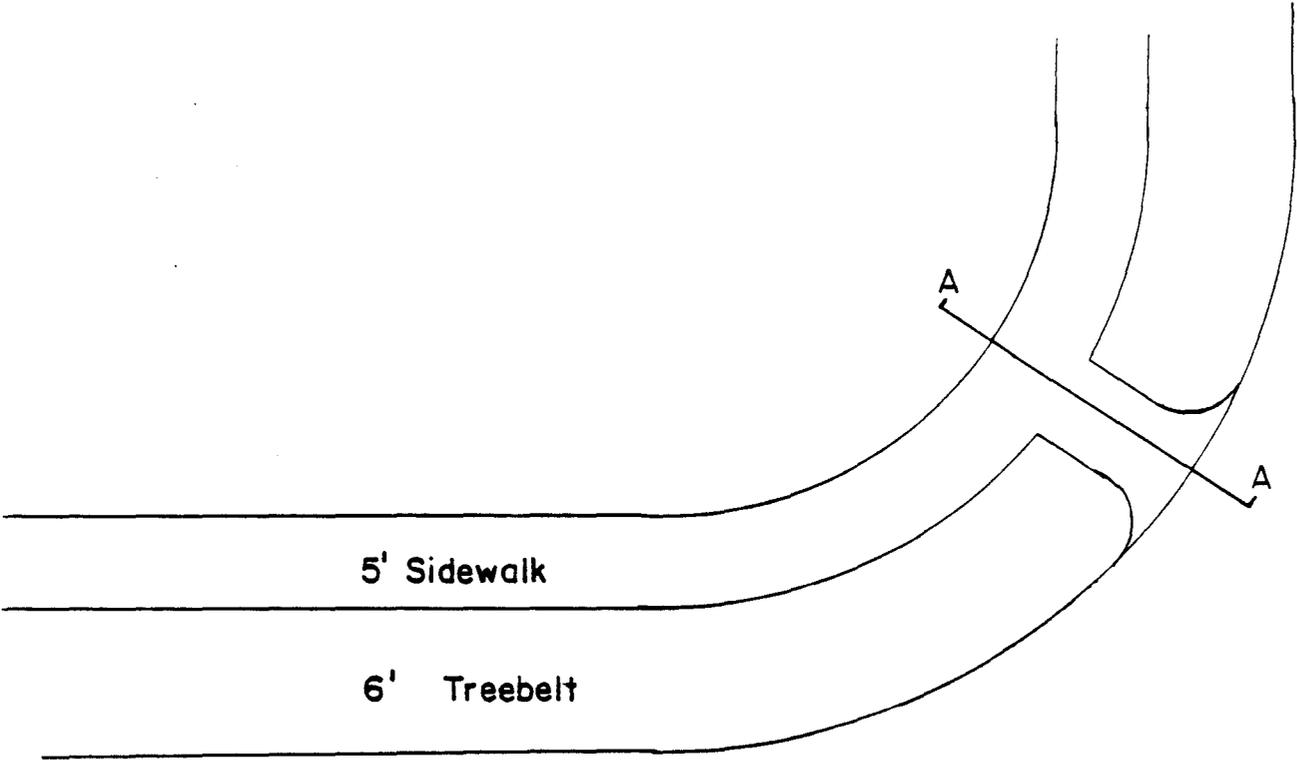
Typical Turning Circle Layouts



For illustrative purposes only - Refer to Subdivision Rules & Regulations, Section 5, Streets, Location and Alignment; Paragraph m.

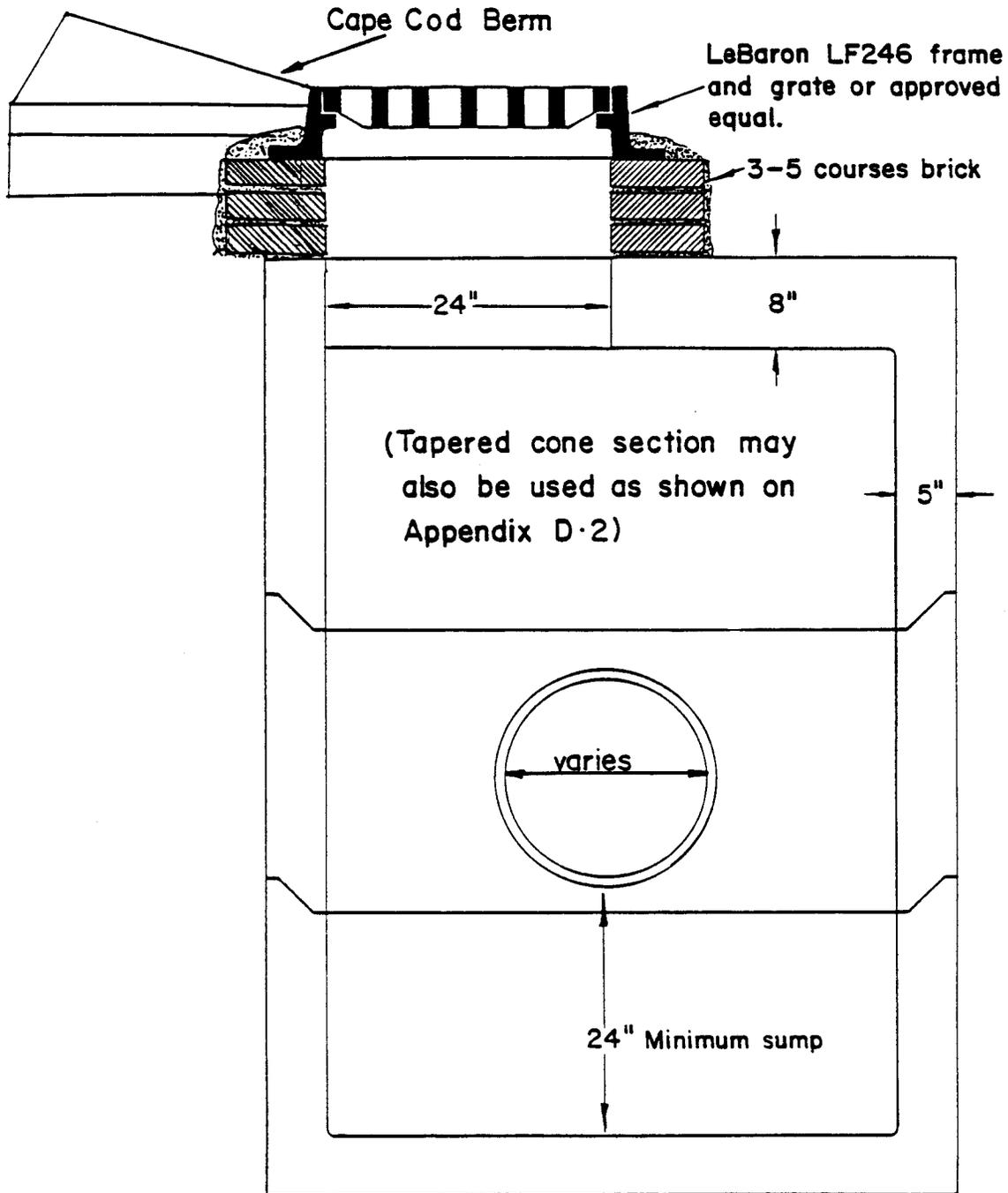


Corner Easement Detail

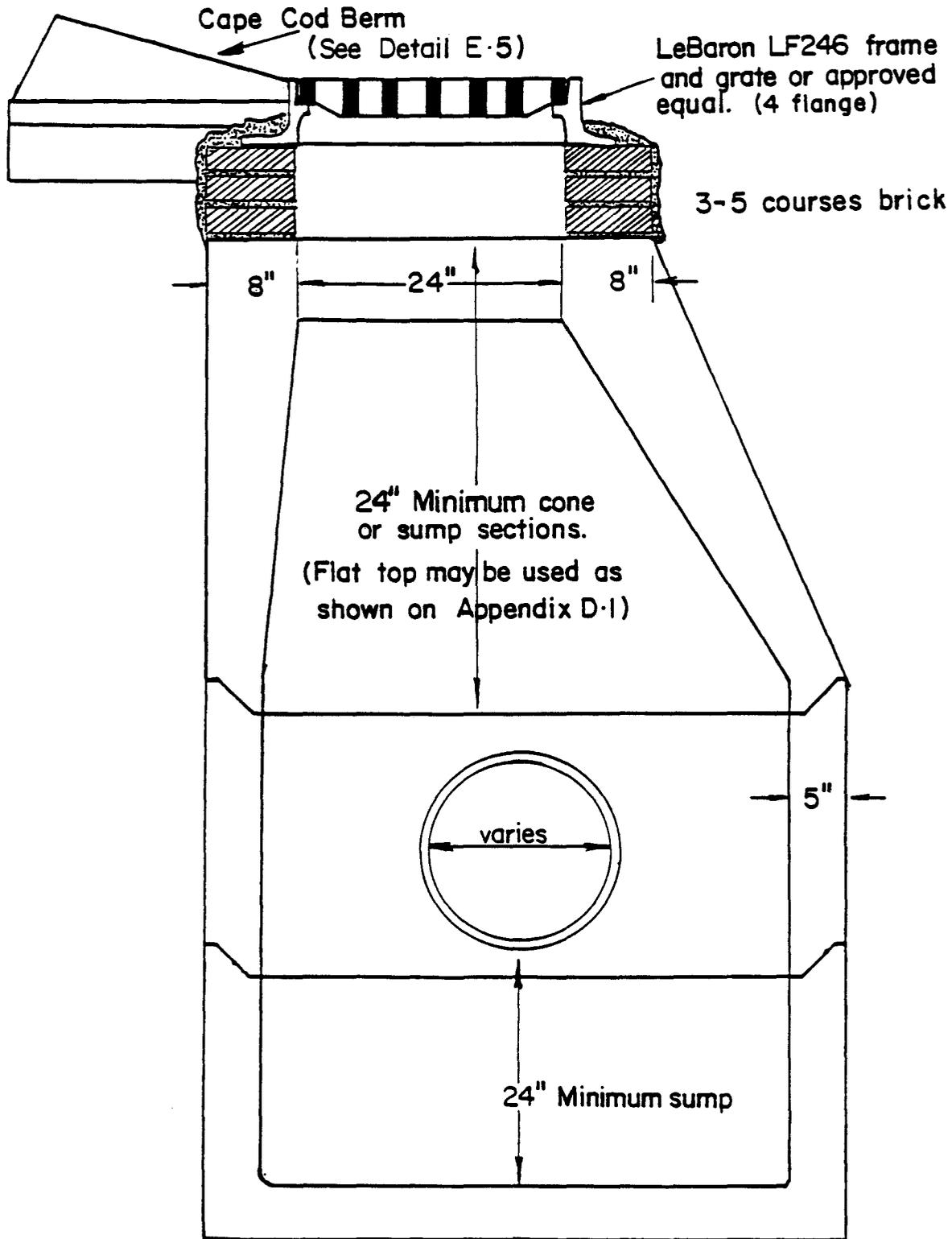


Max. Slope should be 1" vertical to 12" horizontal
Section A-A

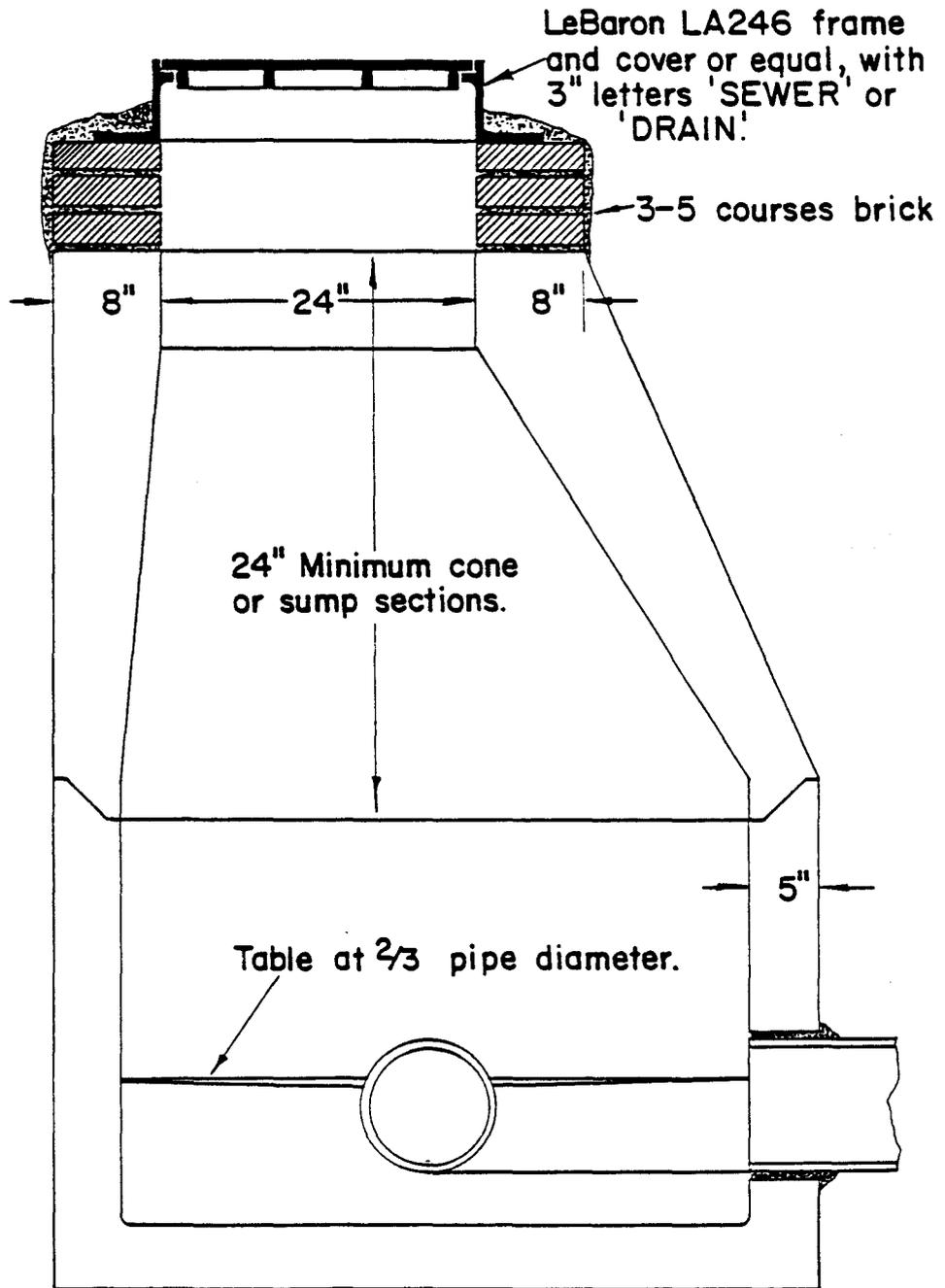
Sidewalk Ramp



Precast Reinforced Concrete
Catch Basin Not to Scale

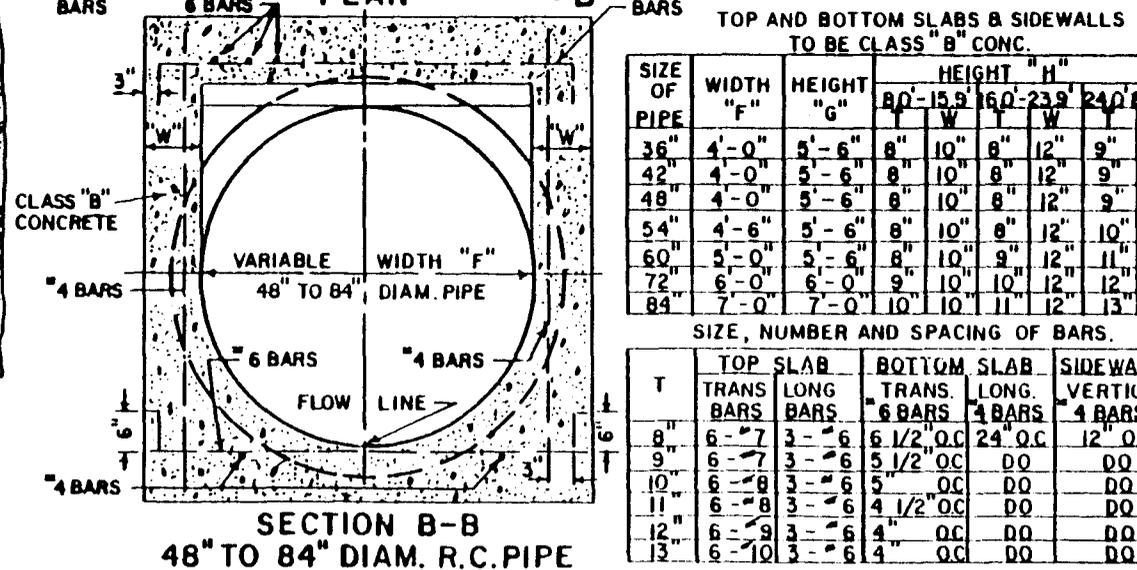
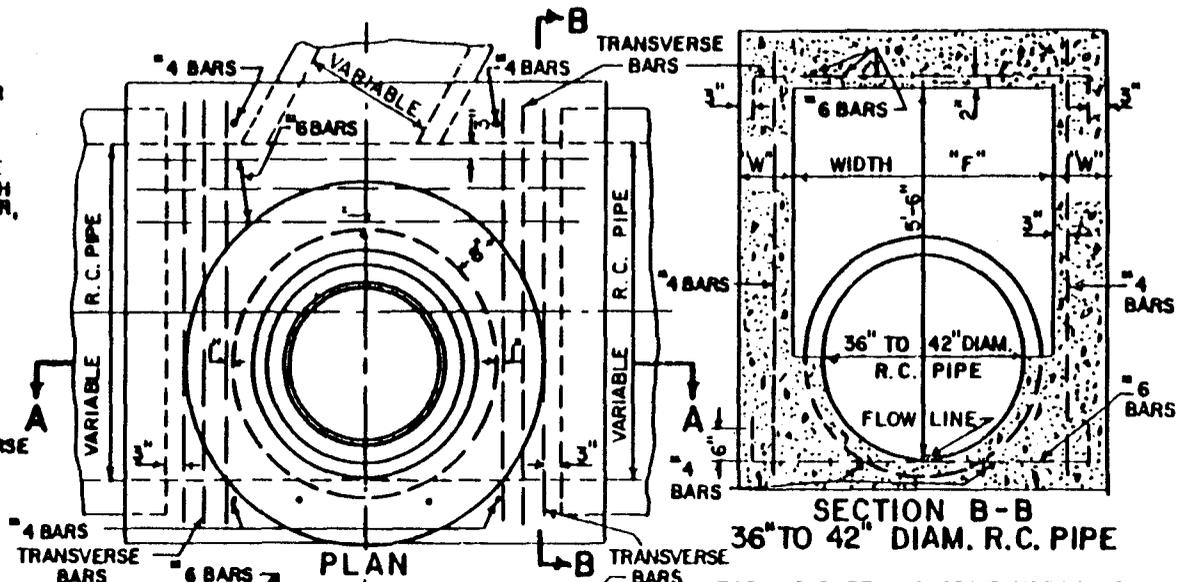
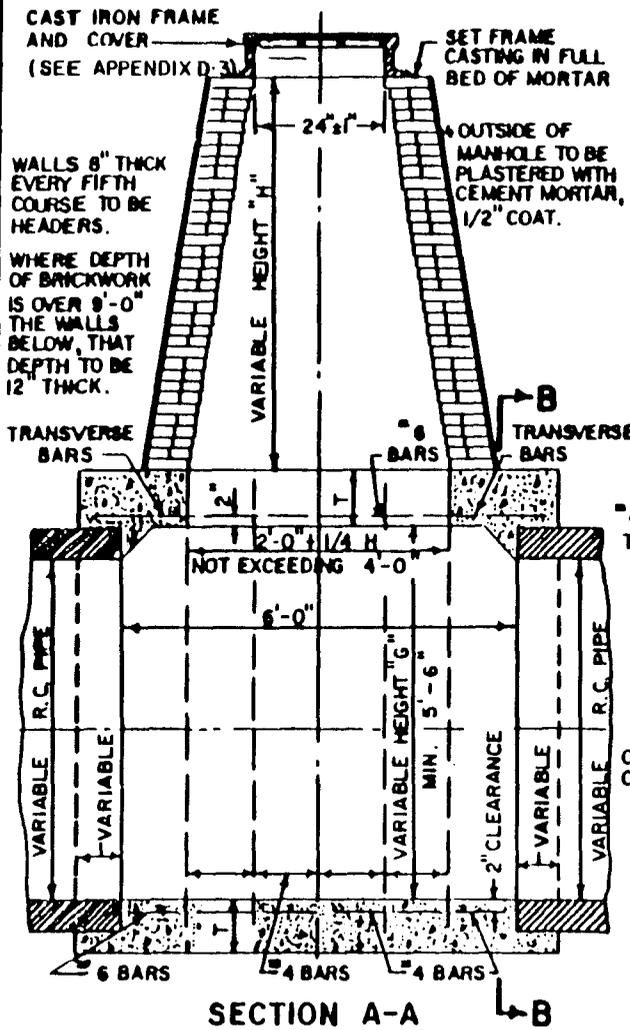


Precast Reinforced Concrete
Catch Basin Not to Scale



**Precast Reinforced Concrete
Manhole** **Not to Scale**
(For pipes with a diameter of 30" or less)

Manhole for Pipes Larger than 30" Diameter



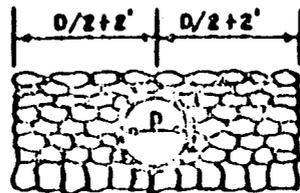
TOP AND BOTTOM SLABS & SIDEWALLS TO BE CLASS "B" CONC.

SIZE OF PIPE	WIDTH "F"	HEIGHT "G"	HEIGHT "H"					
			8'-0" - 15'-9"	16'-0" - 23'-9"	24'-0" & UP	T	W	T
36"	4'-0"	5'-6"	8"	10"	8"	12"	9"	12"
42"	4'-0"	5'-6"	8"	10"	8"	12"	9"	12"
48"	4'-0"	5'-6"	8"	10"	8"	12"	9"	12"
54"	4'-6"	5'-6"	8"	10"	8"	12"	10"	12"
60"	5'-0"	5'-6"	8"	10"	9"	12"	11"	12"
72"	6'-0"	6'-0"	9"	10"	10"	12"	12"	12"
84"	7'-0"	7'-0"	10"	10"	11"	12"	13"	12"

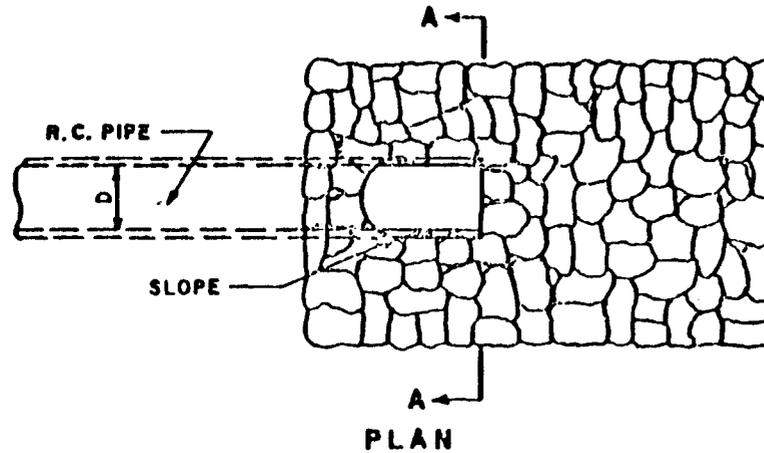
SIZE, NUMBER AND SPACING OF BARS.

T	TOP SLAB		BOTTOM SLAB		SIDEWALLS VERTICAL 4 BARS
	TRANS BARS	LONG BARS	TRANS. 6 BARS	LONG. 4 BARS	
8"	6-7	3-6	6 1/2" O.C.	24" O.C.	
9"	6-7	3-6	5 1/2" O.C.	DO	
10"	6-8	3-6	5" O.C.	DO	
11"	6-8	3-6	4 1/2" O.C.	DO	
12"	6-9	3-6	4" O.C.	DO	
13"	6-10	3-6	4" O.C.	DO	

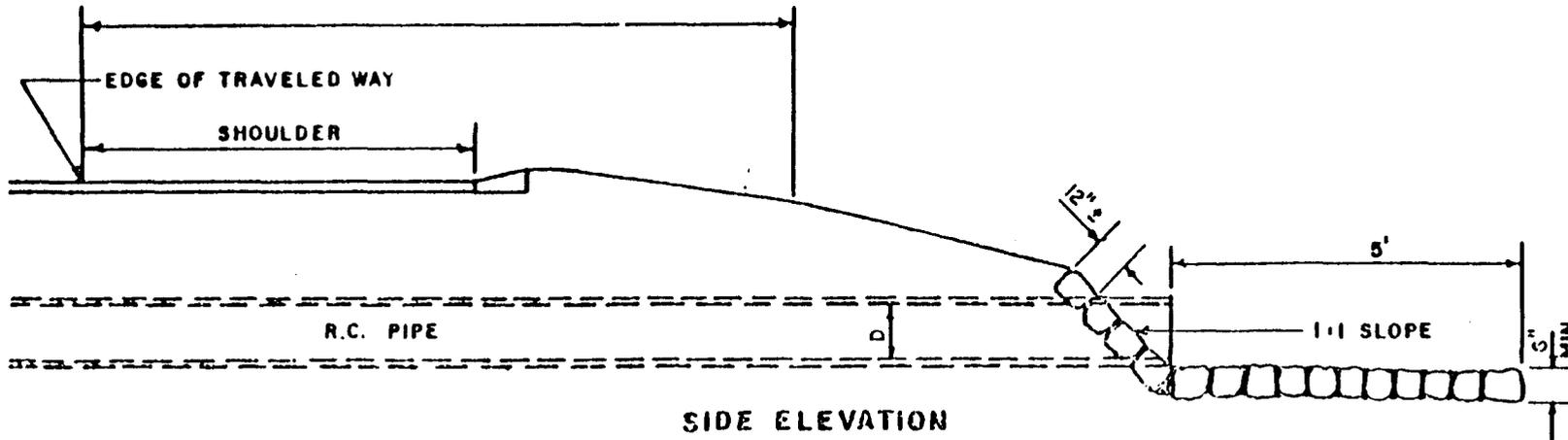
STONE PIPE ENDS (FOR PIPES LESS THAN 30" IN DIAMETER)



SECTION A-A



PLAN



SIDE ELEVATION

NOTE:

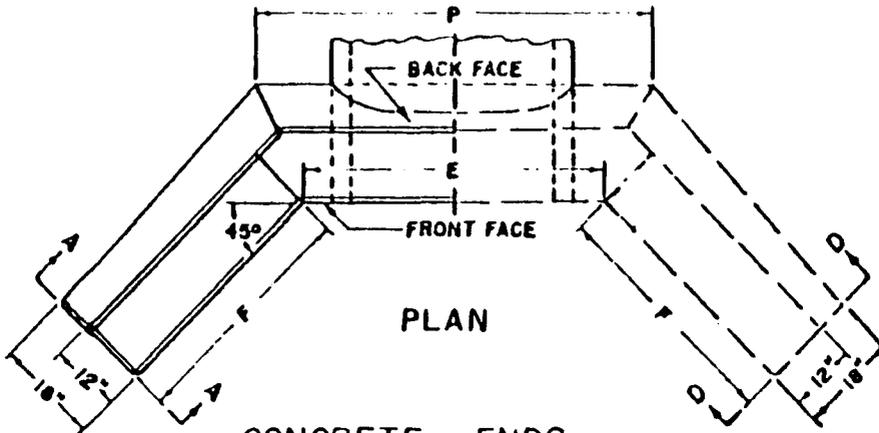
1. STONE TREATMENT OF PIPE ENDS SHALL NOT BE USED IN THE VEHICLE RECOVERY AREA (WITHIN 30 FEET OF THE TRAVELED WAY EDGE).
2. MINIMUM WEIGHT OF STONE = 50 LBS; MAXIMUM WEIGHT = 125 LBS.
3. FOR DESCRIPTION, MATERIALS AND CONSTRUCTION METHODS, SEE STANDARD SPECIFICATIONS.

CONCRETE AND FIELD STONE MASONRY ENDS FOR 30" TO 84" PIPE CULVERTS

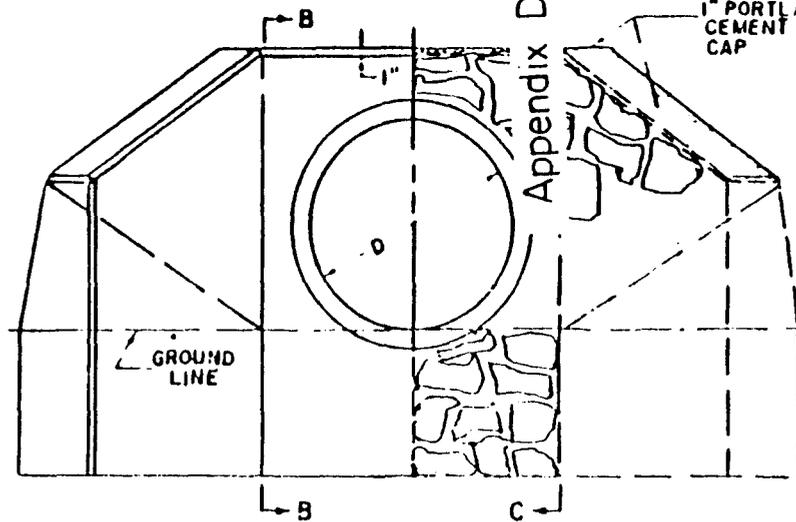
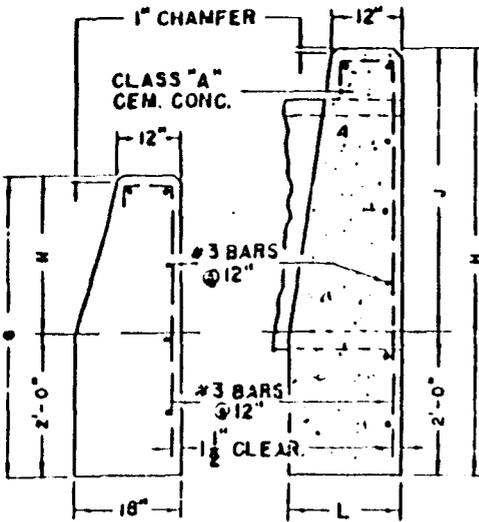
NOTE

1. FOR DESCRIPTION, MATERIALS, AND CONSTRUCTION METHODS, SEE SPECIFICATIONS.
2. ALL CONCRETE DIMENSIONS SHOWN ARE MINIMUM.
3. PAYMENTS WILL BE BASED ON THE QUANTITIES SHOWN IN THE ACCOMPANYING TABLE.

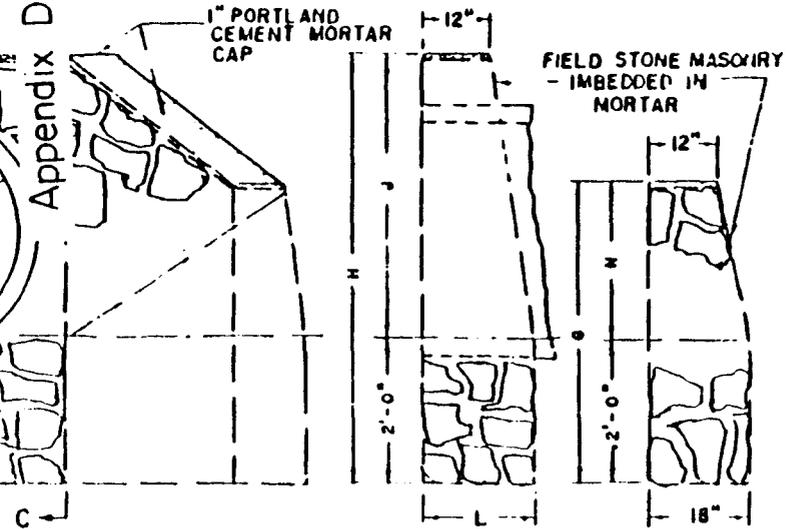
1½:1 AND 2:1 SLOPES							1½:1 SLOPE		2:1 SLOPE		TRENCH EXCAV. FOR 2:1 SLOPE FOR 1'-0" DEPTH CU. FT.			
D	E	G	H	J	L	N	P	F	CU. YDS.	LBS.				
30"	4'-0"	4'-0"	5'-6"	3'-6"	1'-6"	2'-0"	5'-3"	3'-0"	2.60	45	4'-3"	3.16	54	55.16
36"	4'-6"	4'-3"	6'-0"	4'-0"	1'-8"	2'-3"	5'-11"	3'-6"	3.35	54	5'-0"	4.15	64	64.35
42"	5'-0"	4'-6"	6'-6"	4'-6"	1'-10"	2'-6"	6'-6"	4'-0"	4.20	59	5'-9"	5.25	70	73.70
48"	5'-6"	4'-9"	7'-0"	5'-0"	2'-0"	2'-9"	7'-2"	4'-6"	5.19	65	6'-6"	6.50	83	83.96
54"	6'-0"	5'-0"	7'-6"	5'-6"	2'-2"	3'-0"	7'-10"	5'-0"	6.26	73	7'-3"	7.88	93	94.46
60"	6'-6"	5'-3"	8'-0"	6'-0"	2'-4"	3'-3"	8'-5"	5'-6"	7.43	85	8'-0"	9.37	106	105.30
72"	7'-6"	5'-9"	9'-0"	7'-0"	2'-8"	3'-9"	9'-9"	6'-6"	10.25	98	9'-6"	12.99	128	128.92
84"	8'-6"	6'-3"	10'-0"	8'-0"	3'-0"	4'-3"	11'-0"	7'-6"	13.49	120	11'-0"	17.32	154	153.86



CONCRETE ENDS

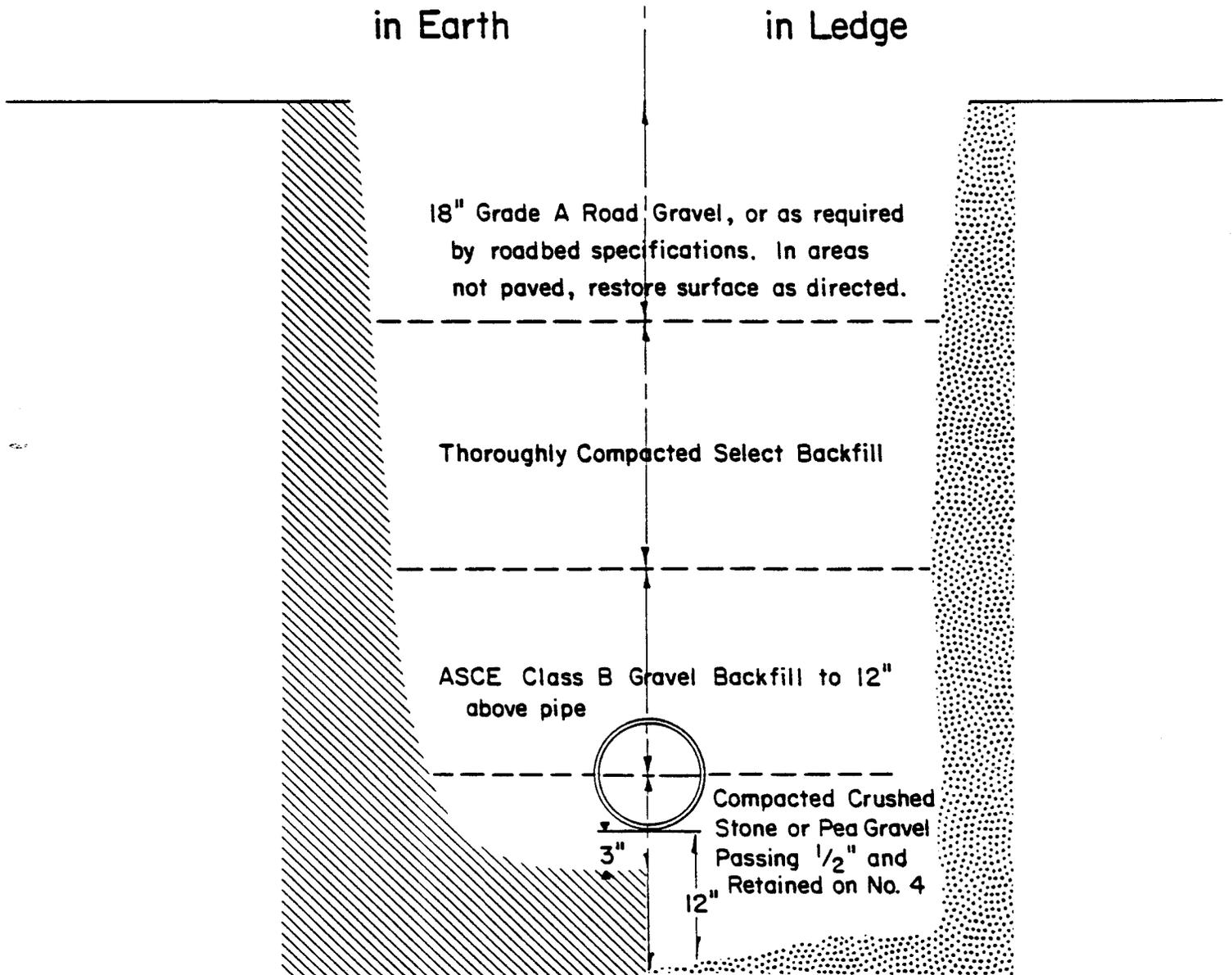


FIELD STONE MASONRY ENDS

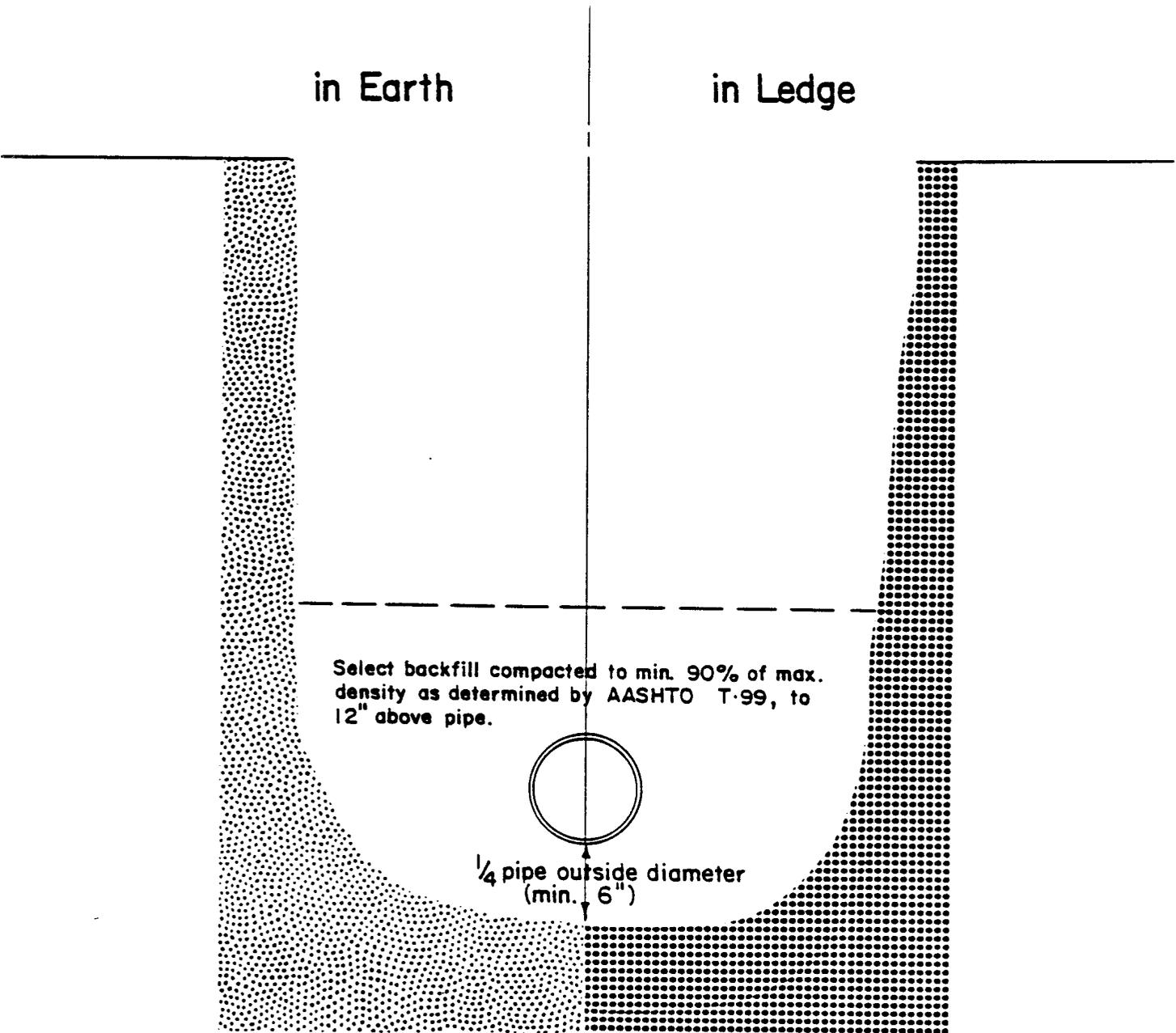


FRONT ELEVATION

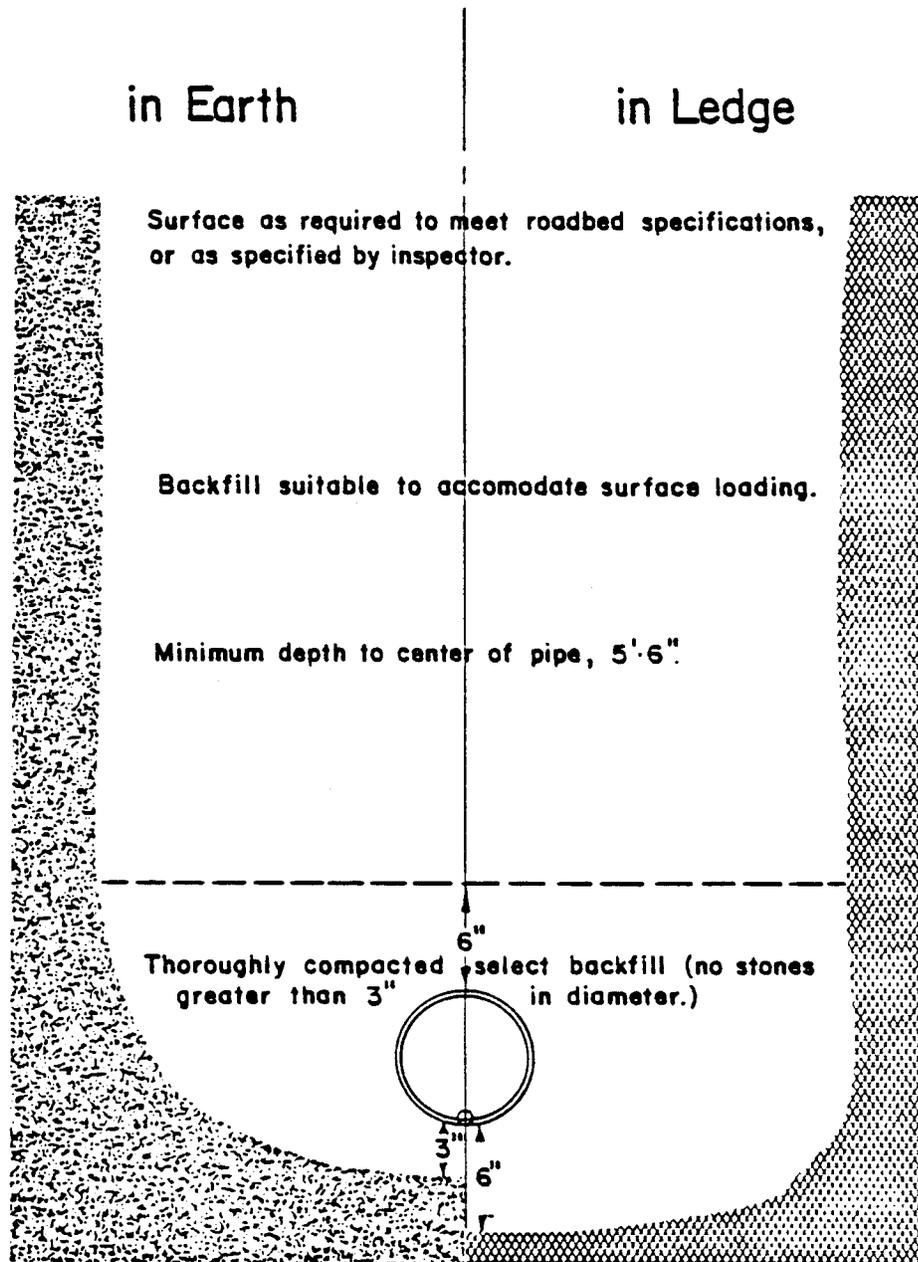
SECTION C-C ELEV. D-D



Trench & Bedding Detail for Rigid Conduit Not to Scale



Trench & Bedding Detail for Flexible Conduit Not to Scale



Trench & Bedding Detail for
Water Main Not to Scale

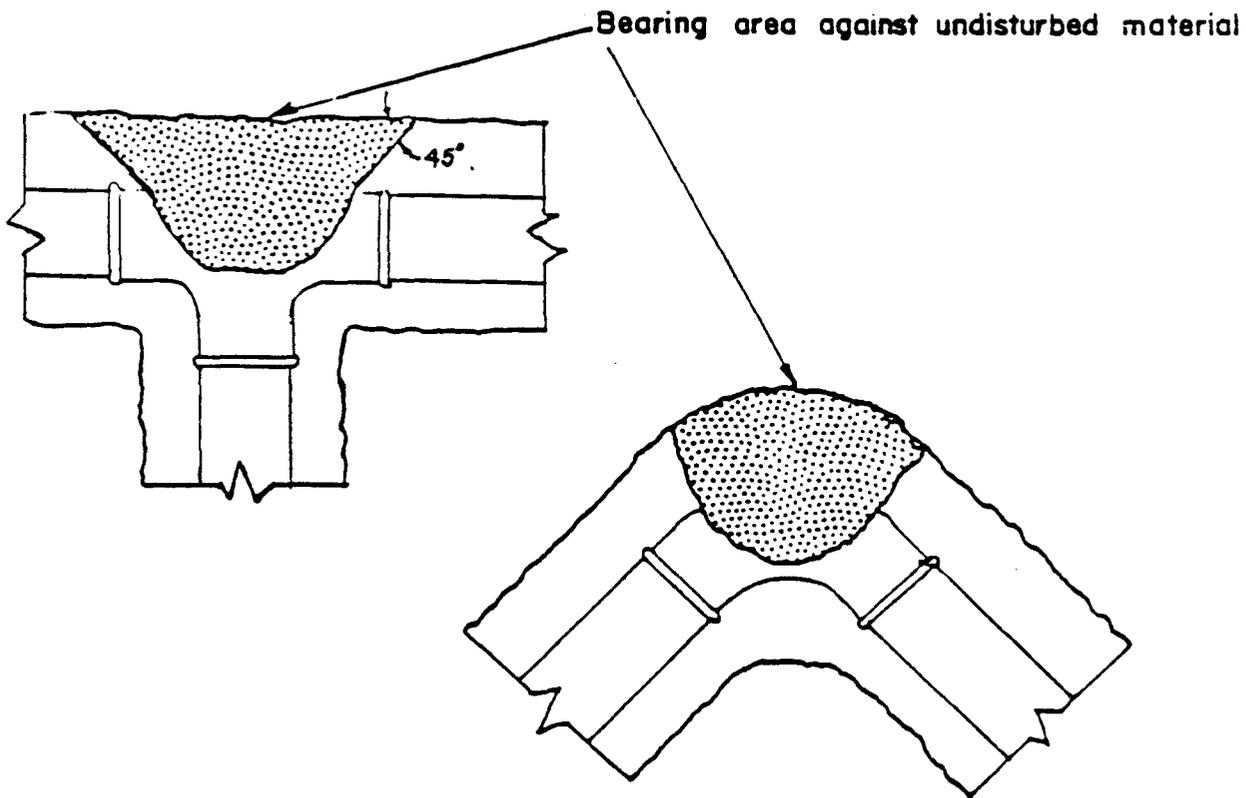
Appendix D-10

Minimum Bearing Face Area for Concrete Thrust Blocks				
Pipe Size inches	90° Bend sq. ft.	45° Bend sq. ft.	22.5° Bend sq. ft.	Tees, Plugs, Caps, & Hydrants sq. ft.
6	8	5	3	4
8	12	8	5	6
10	19	13	7	9
12	26	18	10	13

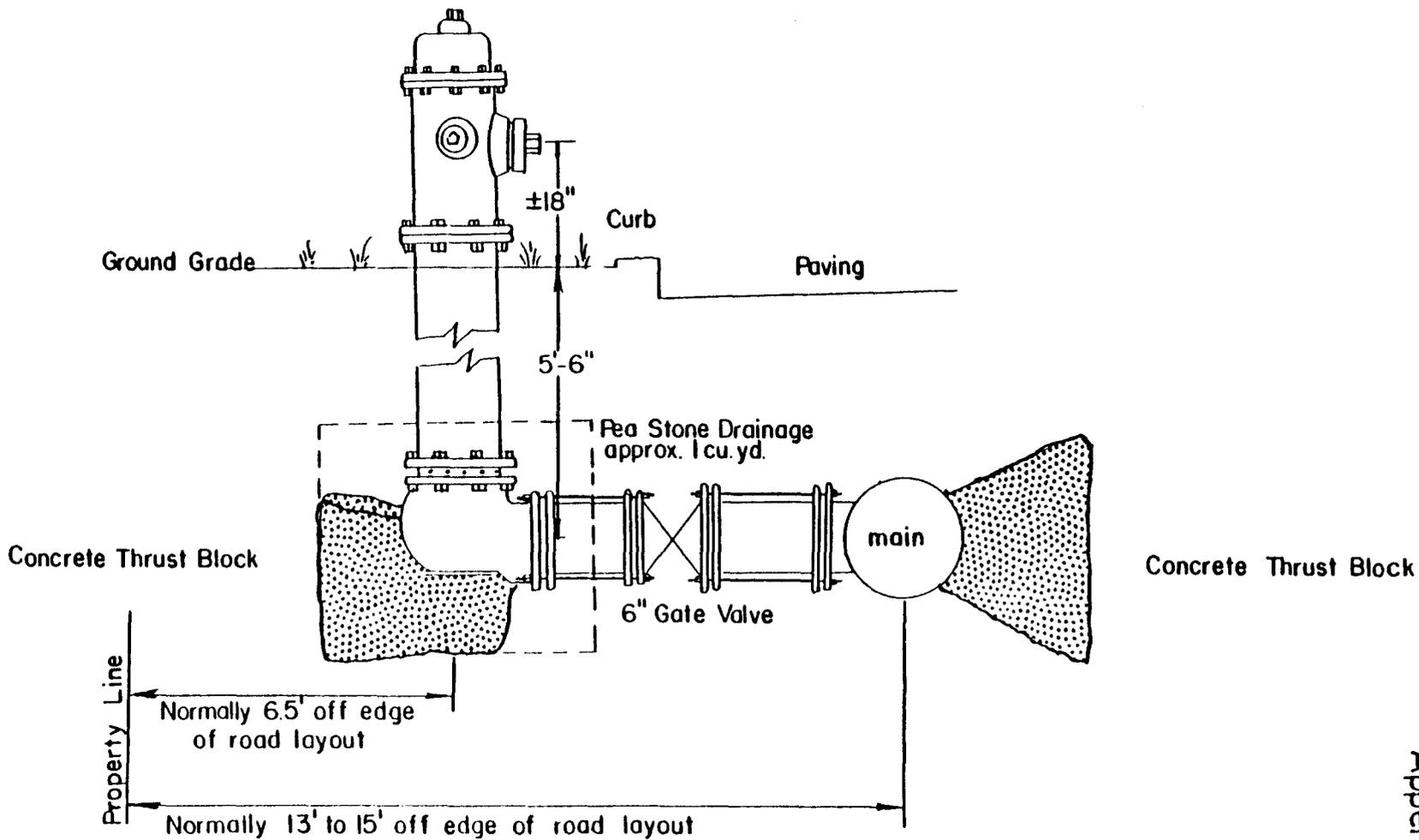
Above predicated on a water pressure of 225 psi. and a soil resistance of 2000 psf.
For other soils the values in the above table shall be multiplied by:

Soft Clay	4
Sand	2
Sand & gravel	1.33
Shale	0.4

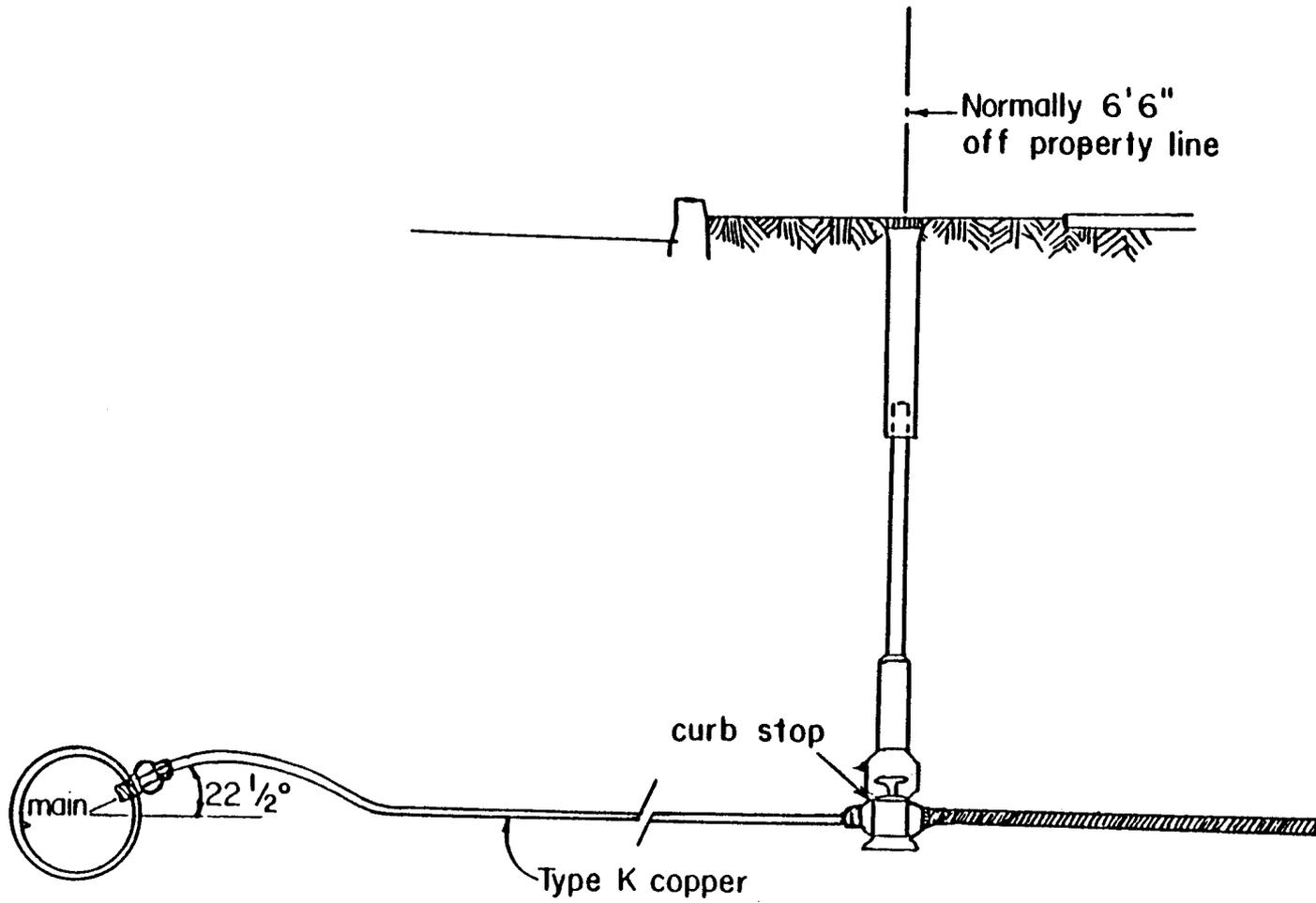
Thrust blocks to be 3000 lb. concrete placed against undisturbed material.
Keep concrete clear of mech. joints.



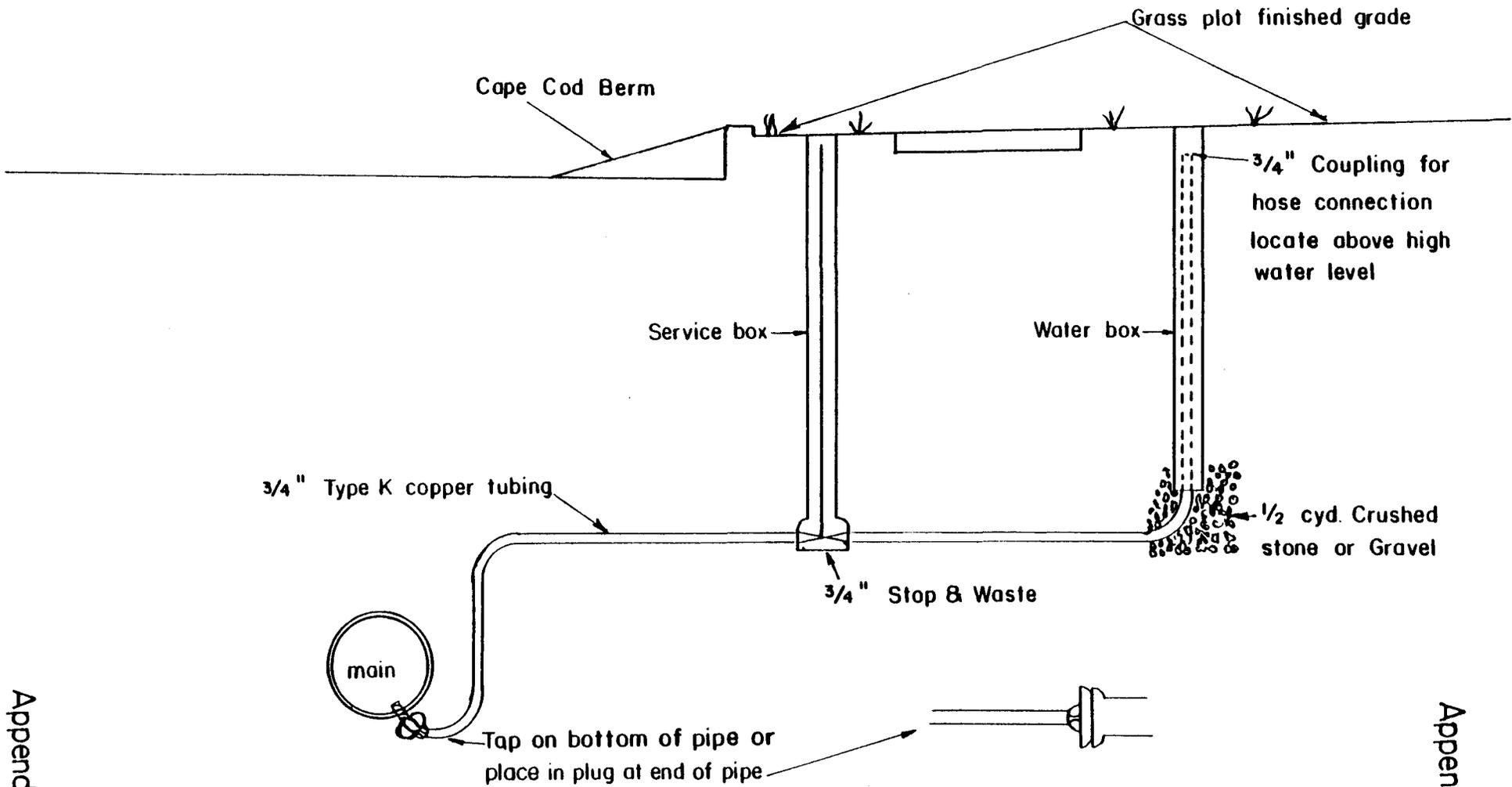
Typical Thrust Blocks



Typical Hydrant Detail

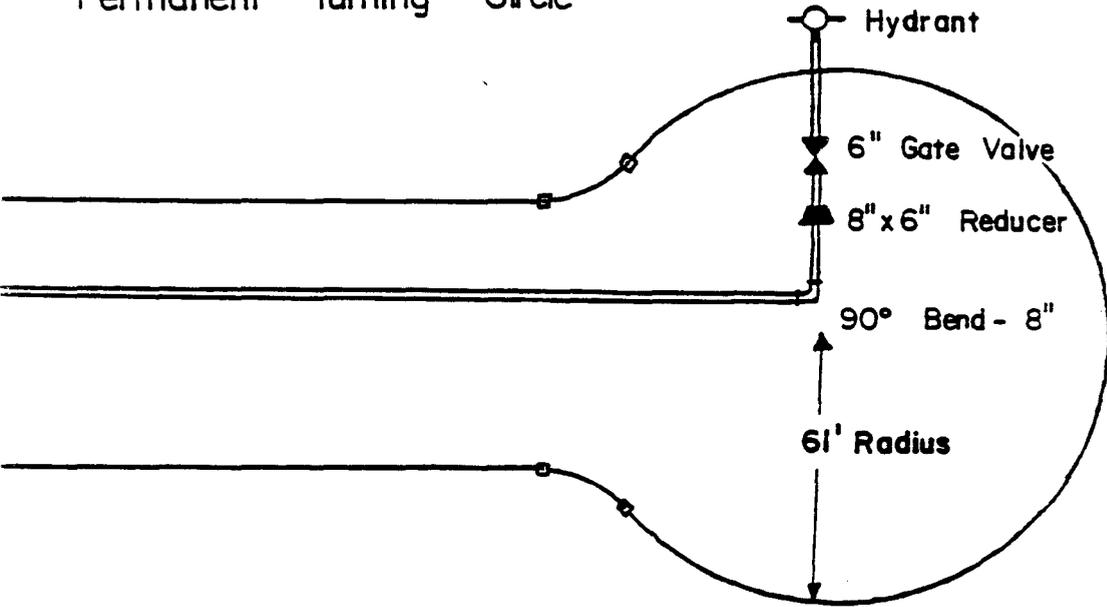


Typical Water Service

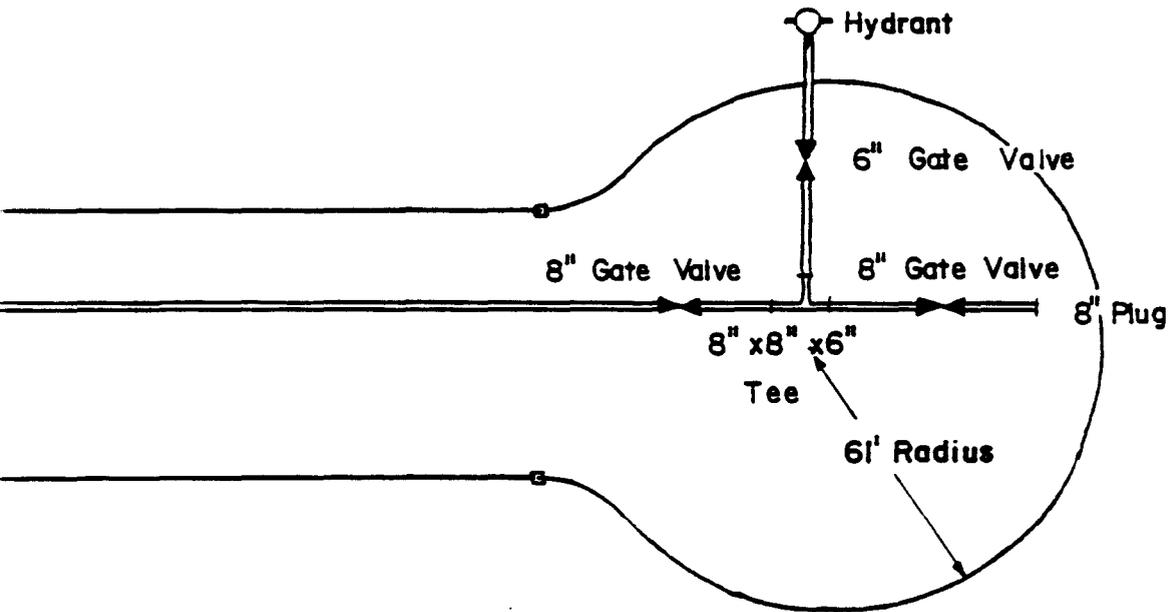


Typical Blow-Off Detail

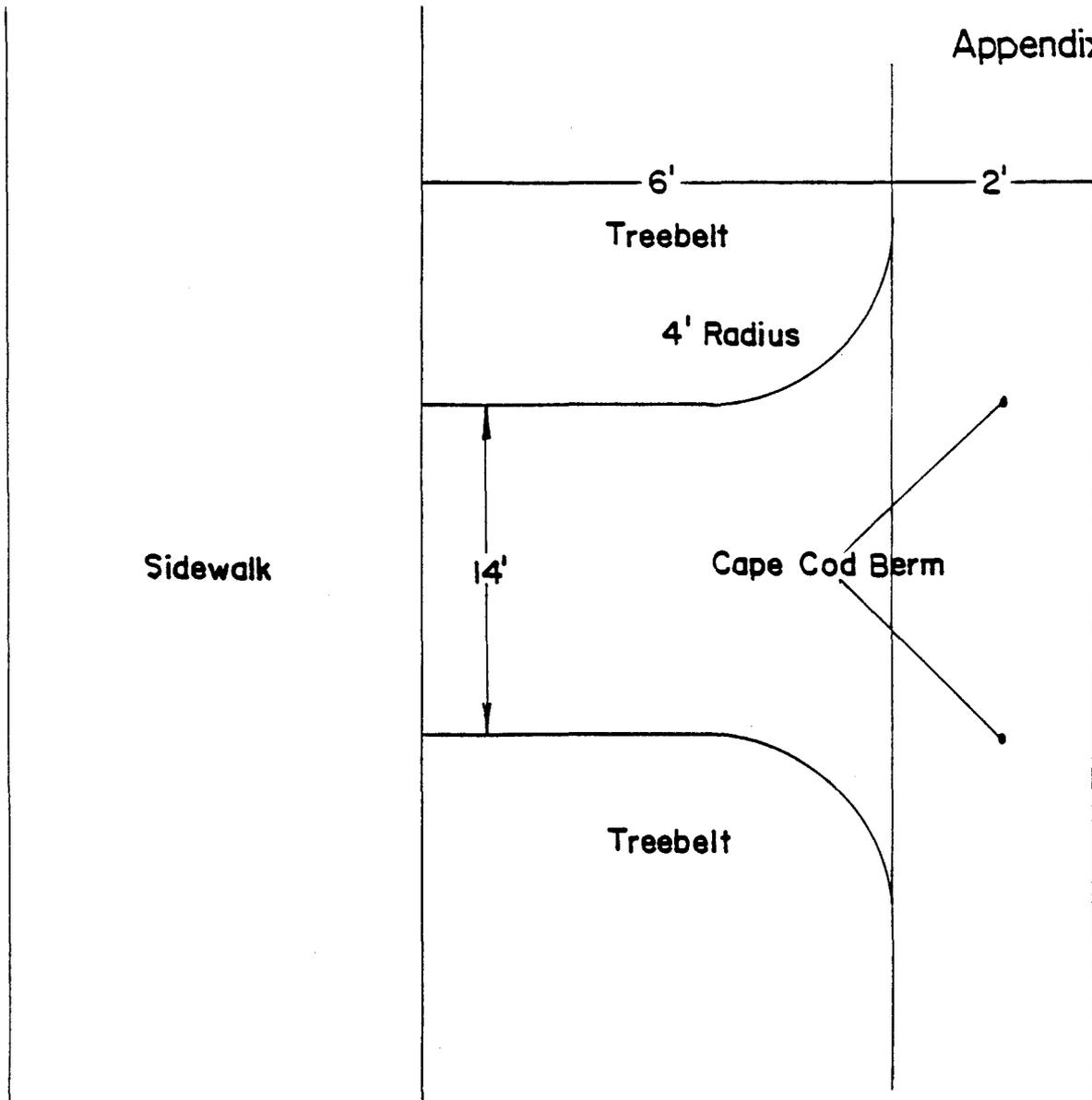
Permanent Turning Circle



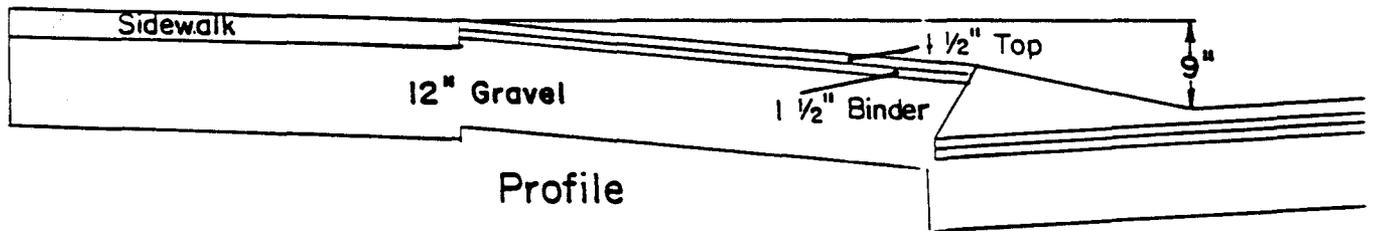
Temporary Turning Circle



Typical Blow-off Detail using Hydrant

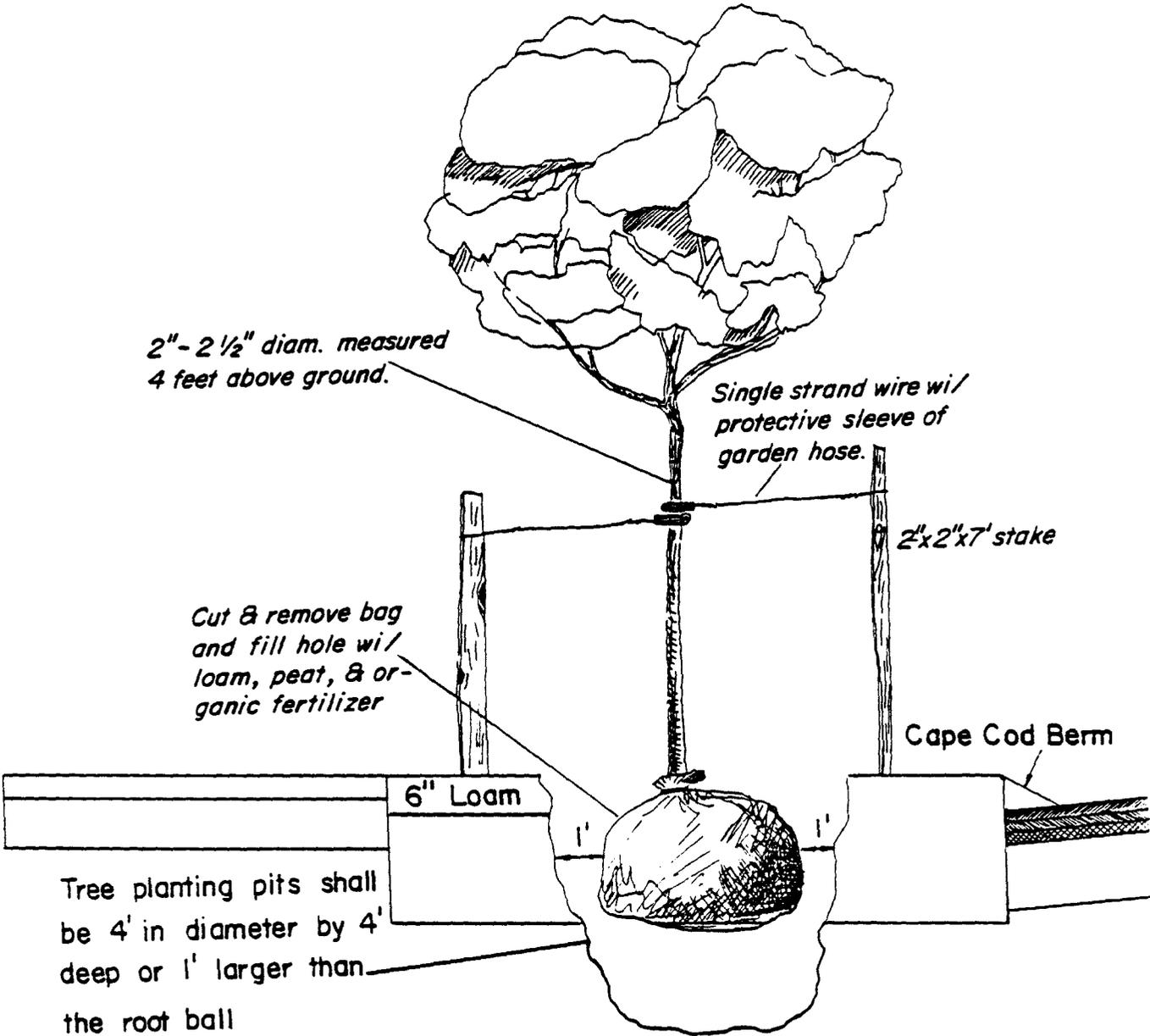


Plan

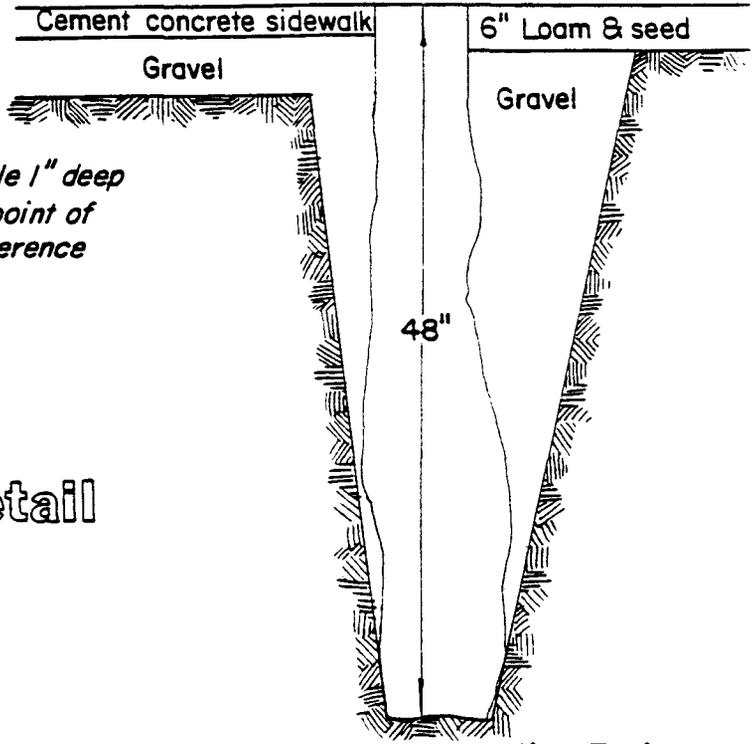
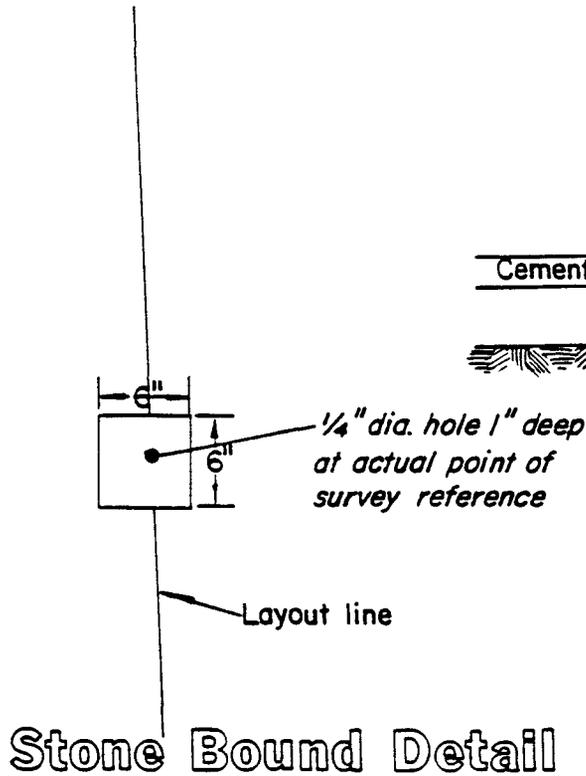


Profile

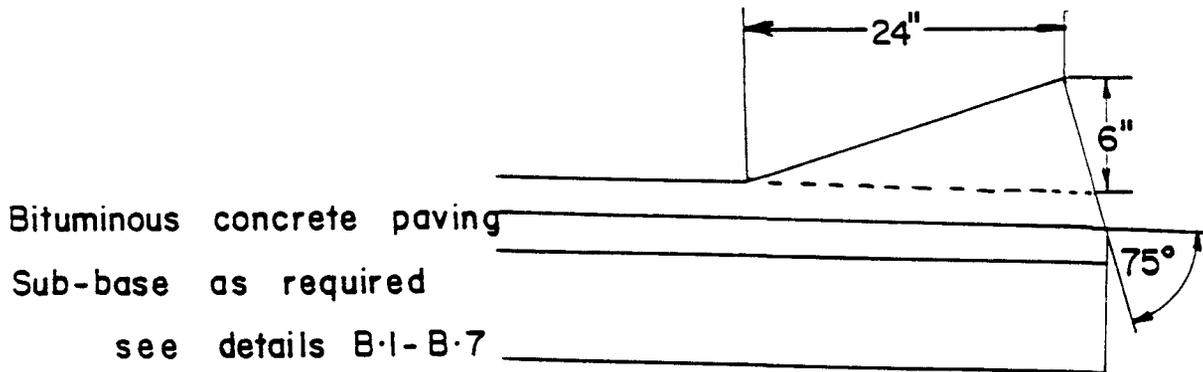
Typical Driveway Ramp Detail using Cape Cod Berm



Typical Tree Planting Detail



Berm to be placed monolithically with finish course of Bituminous concrete



Bituminous concrete Cape Cod Berm

APPENDIX F

Standard Abbreviations and Symbols

<u>ITEMS</u>	<u>ABBREVIATIONS</u>	<u>SYMBOL</u>
<u>Sewer:</u>		
Sewer Pipe	S	—S—
Sewer Manhole	S.M.H.	—○—S—
Sewer Stub	Stub	—
Clean out	C.O.	—
<u>Drainage:</u>		
Drain Pipe	D	—D—
Drain Manhole	D.M.H.	—○—D—
Catch Basin	C.B.	▣
Headwall	Hd.wl.	—)
<u>Water:</u>		
Water Pipe	W	—W—
Gate Valve	G.V.	—X—
Hydrant	Hyd.	⊙
Blow Off	B.O.	
Tapping Sleeve and Gate	T.S. & G.	
Elbow or Bend	Bend(indicate degrees)	
Tee	Tee	
<u>Materials:</u>		
Asbestos Cement Pipe	A.C.	
Asphalt Coated Corrugated Metal Pipe	A.C.C.M.	
Corrugated Metal Pipe	C.M.P.	
Concrete Pipe	C.P.	
Reinforced Concrete Pipe	R.C.P.	
Cast Iron Pipe	C.I.	
Cast Iron Pipe, Cement Lined	C.I.C.L.	
Ductile Iron Pipe	D.I.	
Ductile Iron Pipe, Cement lined	D.I.C.L.	
Polyvinyl Chloride Pipe	P.V.C.	
Steel Pipe	Steel	
Vitreous Clay Pipe	V.C.	
Perforated Pipe	Perf.	
Bituminous Concrete	Bit. Conc.	
Cement Concrete	Conc.	

NOTE:

Size (inside diameter) and strength class shall be shown. Strength class means three-edge bearing strength, maximum internal working pressure, or gauge of metal, as appropriate.

SURVEY MARKS AND DATA

ABBREVIATIONS

Arc length of curve	L or l
Bench Mark	B.M.
Central Angle	△ ("Delta")
Concrete or Stone Bound	S.B.
Drill hole	D.H.
Effluent	Effl.
Elevation	Elev.
Influent	Infl.
Iron Pipe	I.P.
Invert	Inv.
Masonry Nail	P.K.
Radius	R
Rim	Rim
Spike	Spk.
Stake	Stk.
Tangent	T
Turning Point	T.P.
Point of Intersection	P.I.
Point of Tangent to Curve	P.C.
Point of Curve to Curve	P.C.C.
Point of Curve to Tangent	P.T.
Point of Vertical Intersection	P.V.I.
Point of Vertical Tangent to Curve	P.V.C.
Point of Vertical Curve to Tangent	P.V.T.

APPENDIX G

FINAL INSPECTION AND AIR TEST OF SEWER LINES

The subdivider shall provide a final inspection, at his own expense. Each section of installed sewer will be visually inspected by the Engineering Division prior to final testing. The pipe shall be true to both line and grade, shall contain no broken pipe, shall show no leaks, shall show neither obstructions nor the projection of connecting pipes into the main pipe, and shall contain no debris or other deposits which will in any way reduce the full cross-section of the pipe.

Any section of sewer pipe which does not comply with these inspection criteria, as determined by the Engineering Division shall be promptly corrected, replaced or repaired by the Subdivider at his own expense. Such methods as are employed for the correction shall be approved by the Engineering Division.

When directed by the Engineering Division, the Subdivider shall remove all debris from manholes and shall thoroughly flush sewers preparatory to testing for water tightness. All sewers, (not including manholes), service connections and sewer laterals constructed as part of a subdivision, shall be tested under this section and shall satisfactorily meet the test requirements prior to final acceptance of the work. No exceptions will be permitted from this rule unless written approval is granted by the Engineering Division. The Subdivider shall furnish all labor, testing materials and equipment (including plugs and standpipes), and shall perform low pressure air tests under the supervision and to the entire satisfaction of the Engineering Division.

Low Pressure Air Test

- a. The low pressure air test shall be performed with AIR-LOC equipment manufactured by Cherne Industrial, Inc., Hopkins, Minnesota, New Britain Prod., New Britain, PA., or equal and shall be conducted under the supervision of the Engineering Division.
- b. The subdivider may desire to make an air test prior to backfilling for his own purpose, but the "Line Acceptance" test shall be conducted after backfilling has been completed in accordance with other portions of these rules and regulations.
- c. All wyes, tees, or ends of lateral stubs, shall be suitably capped to withstand the internal test pressures. Caps shall be easily removable for future lateral connections or extensions.

- d. After a manhole to manhole section of line has been backfilled and cleaned, it shall be plugged at each manhole with pneumatic plugs. The design of the pneumatic plugs shall be such that they will hold against the line test pressure without requiring external blocking or bracing. One of the plugs shall have three hose connections. Air for inflation of the triple connection pneumatic plug shall be supplied through a factory equipped control panel. There shall be three hose connections from the control panel to the pneumatic plug. One hose shall be used for inflation of the plug. The second hose shall be used for continuously reading the air pressure in the sealed line. The third hose shall be used for introducing low pressure air into the sealed line.
- e. There shall be a 3½" or larger diameter, 0-30 psi gauge mounted on the control panel for reading of the internal pressure in the line being tested. Calibrations from the 0-10 psig range shall be in tenths of pounds and the 0-10 psig portion shall cover 90% of the complete dial range.
- f. Low pressure air shall be introduced into the sealed line until the internal air pressure reaches 4 psig greater than the average back pressure of any ground water that may be over the pipe. Air shall be supplied slowly filling the pipe until a constant pressure of 4.0 psig is maintained. The air pressure must be regulated to prevent the pressure inside the pipe from exceeding 5.0 psig.

When constant pressure of 4.0 psig is reached, the air supply will be throttled to maintain the internal pressure above 3.5 psig for at least five minutes. This time permits the temperature of the entering air to equalize with the temperature of the pipe wall. During this stabilization period it is advisable to check all capped and plugged fittings with a soap solution to detect any leakage at these connections. If leakage is detected at any cap or plug, the pressure will be released from the line and all leaky caps and plugs tightened. When it is necessary to bleed off the air to tighten or repair a faulty plug, a new five minute interval must be allowed after the pipe line has been refilled.

- g. The portion of line being tested shall be accepted if the portion under test does not lose air at a rate greater than 0.003 cfm per square foot of internal pipe surface when tested at an average pressure of 3.0 psig greater than any back pressure exerted by ground water that may be over the pipe at the time of the test.

- n. The above requirements shall be accomplished by performing the test as follows:

The time required in minutes for the pressure to decrease from 3.5 to 2.5 psig (greater than the average back pressure of any ground water that may be over the pipe) shall not be less than the time shown for the given diameters in the following tables:

<u>Pipe Diameter in Inches</u>	<u>Minutes</u>
4-----	2.0
6-----	3.0
8-----	4.0
10-----	5.0
12-----	5.5
15-----	7.5
18-----	8.5
21-----	10.0
24-----	11.5

- i. In areas where ground water is known to exist, the subdivider shall install a one-half inch diameter capped pipe nipple, approximately 10" long, through the manhole wall on top of one of the sewer lines entering the manhole. This shall be done at the time the sewer line is installed. Immediately prior to the performance of the line acceptance test, the ground water level shall be determined by removing the pipe cap, blowing air through the pipe nipple into the ground so as to clear it, and then connecting a clear plastic tube to the pipe nipple. The hose shall be held vertically and a measurement of the height in feet of water shall be taken after the water stops rising in this plastic tube. The height measurement will be made from the top of the water in the tube to the invert of the pipe. The height in feet shall be divided by 2.3 to establish the pounds pf pressure that will be added to all readings. For example, if the height of water is 11½ feet, then the added pressure will be 5 psig. This makes the 3.5 to be 8.5 psig, and the 2.5 psig, to be 7.5 psig. The one (1) pound allowable drop and the timing remains the same.
- j. If leakage exceeds the specified amount, the Subdivider shall make the necessary repairs or replacements required to permanently reduce the leakage to within the specified limit, and the test shall be repeated until the leakage requirement is met.



THE SUBDIVISION CONTROL LAW

Massachusetts General Laws Chapter 41, Sections 81K-81GG

SUBDIVISION CONTROL	<u>Section 81-K.</u> Sections eighty-one K to eighty-one GG, inclusive, shall be designated and may be known as "the subdivision control law". This designation shall, when apt, include corresponding provisions of earlier laws.
DEFINITIONS	<u>Section 81-L.</u> In construing the subdivision control law, the following words shall have the following meaning, unless a contrary intention clearly appears:--
Applicant	"Applicant" shall include an owner or his agent or representative, or his assigns.
Certified	"Certified by (or endorsed by) a planning board", as applied to a plan or other instrument required or authorized by the subdivision control law to be recorded, shall mean bearing a certification or endorsement signed by a majority of the members of a planning board, or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in a written statement to the register of deeds and recorder of the land court, signed by a majority of the board.
Lot	"Lot" shall mean an area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.
Municipal Service	"Municipal Service" shall mean public utilities furnished by the city or town in which a subdivision is located, such as water, sewerage, gas and electricity.

Planning Board

"Planning Board" shall mean a planning board established under section eighty-one A, or a board of selectmen acting as a planning board under said section, or a board of survey in a city or town which has accepted the provisions of the subdivision control law as provided in section eighty-one N or corresponding provisions of earlier laws, or has been established by special law with powers of subdivision control.

Preliminary Plan

"Preliminary Plan" shall mean a plan of a proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof, showing (a) the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan"; (b) the names of the record owner and the applicant and the name of the designer, engineer or surveyor; (c) the names of all abutters, as determined from the most recent local tax list; (d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; (e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner; (f) the approximate boundary lines of proposed lots, with approximate areas and dimensions; (g) the names, approximate location and widths of adjacent streets; (h) and the topography of the land in a general manner.

Planning Board cannot require an applicant to submit more information than is contained in the definition of a Preliminary Plan

Recorded

"Recorded" shall mean recorded in the registry of deeds of the county or district in which the land in question is situated, except that, as affecting registered land, it shall mean filed with the recorder of the land court.

Register of Deeds

"Register of deeds" shall mean the register of deeds of the county or district in which the land in question, or the city or town in question, is situated, and, when appropriate, shall include the recorder of the land court.

Registered Mail "Registered Mail" shall mean registered or certified mail.

Registry of Deeds "Registry of deeds" shall mean the registry of deeds of the county or district in which the land in question is situated, and, when appropriate, shall include the land court. ✓

Subdivision "Subdivision" shall mean the division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land 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 serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other 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

"Subdivision Control" shall mean the power of regulating the subdivision of land granted by the subdivision control law.

PURPOSE OF SUB-DIVISION CONTROL LAW

Powers of Planning Boards shall be Exercised with due Regard for the Provision of Access to Lots in a Sub-division

Section 81-M. The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeal under the subdivision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the planning board shall receive the approval of such board if said plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the planning board pertaining to subdivisions of land; provided, however, that such board may, when

appropriate, waive, as provided for in section eighty-one R, such portions of the rules and regulations as is deemed advisable.

EXTENT AND ACCEPTANCE
OF SUBDIVISION CONTROL

If Planning Board
Established prior to
January 1, 1954
If Planning Board
Established after
January 1, 1954, and
Subdivision Control
Law not Rejected

Later Acceptance

Subdivision Control
by Board of Survey

Notice to Register of
Deeds and Recorder of
Land Court

Section 81N. Except as provided in section eighty-one EE, the subdivision control law shall be in effect in every city, except Boston, and every town, which prior to the first day of January, nineteen hundred and fifty-four, established a planning board as defined in section eighty-one L, or which after said date establishes a planning board under section eighty-one A unless such city or town by vote of its city council or town meeting at the time of establishment of such board shall vote not to accept the provisions of the subdivision control law. Any such city or town which shall have voted not to accept such provisions may thereafter accept such provisions in the manner provided in section four of chapter four, and any city or town having a board of survey, however established, may accept such provisions in such manner, and the subdivision control law shall be similarly in effect in such cities and towns. In any city or town which has not established a planning board under section eighty-one A, but which has a board of survey, however established, and has prior to the first day of January, nineteen hundred and fifty-four, accepted corresponding provisions of the subdivision control law, or shall after said date accept the provisions of the subdivision control law in such manner, the board of survey shall have all the powers and be subject to all the duties of a planning board relating to subdivision control. In every city and town in which the subdivision control law is in effect the provisions of sections eighty-one K to eighty-one GG, as the same may from time to time be in force, shall, notwithstanding any contrary or inconsistent provision of any general or special law, apply in such powers is established under section eighty-one A or under any other general or special law. The subdivision control law, however, shall not become effective in any city or town in which it was not in effect on the first day

Vote

of January, nineteen hundred and fifty-four, until the planning board of such city or town shall have notified the register of deeds and the recorder of the land court that the city or town has accepted the provisions of the subdivision control law and that the planning board has adopted its rules and regulations as provided in section eighty-one Q and shall have furnished the said register and recorder with a copy of the vote of the city council or town meeting under which the provisions of the subdivision control law were accepted in such city or town, certified by the city or town clerk, and a copy of such rules and regulations certified by said clerk.

REGULATION OF NEW
SUBDIVISIONS

Lots
Ways

Planning Board
Approval

Amendments

Change in Number,
Shape and Size of
Lots

Section 81-0. No person shall make a subdivision of any land in any city or town in which the subdivision control law is in effect unless he has first submitted to the planning board of such city or town for its approval a plan of such proposed subdivision, showing the lots into which such land is to be divided and the ways already existing or which are to be provided by him for furnishing access to such lots, and the planning board has approved such plan in the manner hereinafter provided. After the approval of a plan the location and width of ways shown thereon shall not be changed unless the plan is amended accordingly as provided in section eighty-one W; but the number, shape and size of the lots shown on a plan so approved may, from time to time, be changed without action by the board, provided every lot so changed still has frontage on a public way or way shown on a plan approved in accordance with the subdivision control law of at least such distance, if any, as is then required by ordinance or by-law of said city or town for erection of a building on such lot, and if no distance is so required, has such frontage of at least twenty feet.

Plan Deemed Submitted
When Delivered or
Sent by Registered
Mail to the Planning
Board

A plan shall be submitted under this section when delivered at a meeting of the board or when sent by registered mail to the planning board, care of the city or town clerk. If so mailed, the date of mailing shall be the date of submission of the plan.

APPROVAL OF PLANS
NOT SUBJECT TO SUB-
DIVISION CONTROL LAW ✓

Section 81-P. Any person wishing to cause to be recorded a plan of land situated in a city or town in which the subdivision control law is in effect, who believes that his plan does not require approval under the subdivision control law, may submit his plan to the planning board of such city or town in the manner prescribed in section eighty-one T, and, if the board finds that the plan does not require such approval, it shall forthwith, without a public hearing, endorse thereon or cause to be endorsed thereon by a person authorized by it the words "approval under the subdivision control law not required" or words of similar import with appropriate name or names signed thereto, and such endorsement shall be conclusive on all persons. Such endorsement shall not be withheld unless such plan shows a subdivision. If the board shall determine that in its opinion the plan requires approval, it shall within fourteen days of such submittal, give written notice of its determination to the clerk of the city or town and the person submitting the plan, and such person may submit his plan for approval as provided by law and the rules and regulations of the board, or he may appeal from the determination of the board in the manner provided in section eighty-oneBB. If the board fails to act upon a plan submitted under this section or fails to notify the clerk of the city or town and the person submitting the plan of its action within fourteen days after its submission, it shall be deemed to have determined that approval under the subdivision control law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith the city or town clerk shall issue a certificate to the same effect. The plan bearing

Procedure

Endorsement Within ✓
14 Days

If Approval Required, ✓
Notice to Clerk and
Applicant within
14 Days

Appeal ✓

Failure to Act ✓
Deemed Approval

If Plan has Required
Frontage, (See
Definition of Sub-
division) Board must
Endorse as Approval
Not Required ✓

Signature of Other
Than Majority of
Board

Statement to
Register of Deeds
and Recorder of
Land Court

such endorsement or the plan and such certificate, as the case may be, shall be delivered by the planning board, or in case of the certificate, by the city or town clerk, to the person submitting such plan. The planning board of a city or town which has authorized any person, other than a majority of the board, to endorse on a plan the approval of the board or to make any other certificate under the subdivision control law, shall transmit a written statement to the register of deeds and the recorder of the land court, signed by a majority of the board, giving the name of the person so authorized.

The endorsement under this section may include a statement of the reason approval is not required.

PLANNING BOARD
RULES AND REGULATIONS

Public Hearing
and Notice

Adoption and
Amendment

Rules cannot be
Inconsistent with
Subdivision Control
Law

Rules Relative to:

Submission and
Approval

Section 81-Q. After a public hearing, notice of the time and place of which, and of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing or if there is no such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of such hearing, a planning board shall adopt, and, in the same manner, may, from time to time, amend, reasonable rules and regulations relative to subdivision control not inconsistent with the subdivision control law or with any other provisions of a statute or of any valid ordinance or by-law of the city or town. Such rules and regulations may prescribe the size, form, contents, style and number of copies of plans and the procedure for the submission and approval thereof, and shall be such as to enable the person submitting the plan to comply with the requirements of the register of deeds for the recording of the same, and to assure the board of a copy for

Proposed Ways

Municipal Services

No Prior Referral
to Other Board

Turnaround

Termination of
Easement in Turn-
around

Underground Dis-
tribution Systems

its files; and shall set forth the requirements of the board with respect to the location, construction, width and grades of the proposed ways shown on a plan and the installation of municipal services therein, which requirements shall be established in such manner as to carry out the purposes of the subdivision control law as set forth in section eighty-one M. Such rules and regulations shall not require referral of a subdivision plan to any other board or person prior to its submission to the planning board. In establishing such requirements regarding ways, due regard shall be paid to the prospective character of different subdivisions, whether open residence, dense residence, business or industrial, and the prospective amount of travel upon the various ways therein, and to adjustment of the requirements accordingly. Such rules and regulations may set forth a requirement that a turnaround be provided at the end of the approved portion of a way which does not connect with another way. Any easement in any turnaround shown on a plan approved under the subdivision control law which arises after January first, nineteen hundred and sixty, other than an easement appurtenant to a lot abutting the turnaround, shall terminate upon the approval and recording of a plan showing extension of said way, except in such portion of said turnaround as is included in said extension, and the recording of a certificate by the planning board of the construction of such extension. Such rules and regulations may set forth a requirement that underground distribution systems be provided for any and all utility services, including electrical and telephone services, as may be specified in such rules and regulations, and may set forth a requirement that poles and any associated overhead structures, of a design approved by the planning board, be provided for use for police and fire alarm boxes and any similar municipal equipment and for use for street lighting. Except in so far as it may require compliance with the requirements

No Regulation of
Lots Except to
Require Compliance
with Applicable
Zoning Require-
ments

The Requirement of
the Dedication of
Land to Public Use
Without Just
Compensation Prohi-
bited

One Dwelling
Per Lot

Rules and Regula-
tions on File:
Planning Board

City or Town Clerk
Copy of Rules and
Amendments to Regis-
ter of Deeds and
Recorder of Land
Court

Rules and Regulations
Governing Subdivision
are Those in Effect
when Definitive Plan
Submitted

of existing zoning ordinances or by-laws, no rule or regulation shall relate to the size, shape, width, frontage or use of lots within a subdivision, or to the buildings which may be constructed thereon, or shall be inconsistent with the regulations and requirements of any other municipal board acting within its jurisdiction. No rule or regulation shall require, and no planning board shall impose, as a condition for the approval of a plan of a subdivision, that any of the land within said subdivision be dedicated to the public use, or conveyed or released to the commonwealth or to the county, city or town in which the subdivision is located, for use as a public way, public park or playground, or for any other public purpose, without just compensation to the owner thereof. The rules and regulations may, however, provide that not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the city or town, without the consent of the planning board, and that 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. A true copy of the rules and regulations, with their most recent amendments, shall be kept on file available for inspection in the office of the planning board of the city or town by which they were adopted, and in the office of the clerk of such city or town. A copy certified by such clerk of any such rules and regulations, or any amendment thereof, adopted after the first day of January, nineteen hundred and fifty-four shall be transmitted forthwith by such planning board to the register of deeds and recorder of the land court, and no rule or regulation, or amendment thereof, adopted thereafter, under this section shall be effective until certified copies thereof have been so transmitted. Once a definitive plan has been submitted to a planning board, and written notice has been given

Rules and Regulations
in Effect when
Preliminary Plan
Submitted

Provided that
Definitive Plan
Submitted within
7 Months

to the city or town clerk pursuant to section eighty-one T and until final action has been taken thereon by the planning board or the time for such action prescribed by section eighty-one U has elapsed, the rules and regulations governing such plan shall be those in effect relative to subdivision control at the time of the submission of such plan. When a preliminary plan referred to in section eighty-one S has been submitted to a planning board, and written notice of the submission of such plan has been given to the city or town clerk, such preliminary plan and the definitive plan evolved therefrom shall be governed by the rules and regulations relative to subdivision control in effect at the time of the submission of the preliminary plan, provided that the definitive plan is duly submitted within seven months from the date on which the preliminary plan was submitted.

WAIVER OF COMPLIANCE

Endorsement of
Waiver of Conditions
Must be Shown on
Plan or Separate
Instrument

Section 81-R. A planning board may in any particular case, where such action is in the public interest and not inconsistent with the intent and purpose of the subdivision control law, waive strict compliance with its rules and regulations, and with the frontage or access requirements specified in said law, and may, where the ways are not otherwise deemed adequate, approve a plan on conditions limiting the lots upon which buildings may be erected and the number of buildings that may be erected on particular lots and the length of time for which particular buildings may be maintained without further consent by the planning board to the access provided. The planning board shall endorse such conditions on the plan to which they relate, or set them forth in a separate instrument attached thereto to which reference is made on such plan and which shall for the purpose of the subdivision control law be deemed to be a part of the plan.

PRELIMINARY PLAN

Submission of
Preliminary Plan is
at the Option of

Section 81-S. Any person, before submitting his definitive plan for approval, may submit to the planning board and to the board of health, a preliminary plan, and shall give written notice to the clerk of such city or town by delivery

the Applicant and
not the Planning
Board

Approval or Dis-
approval Within
60 Days

Reasons if
Disapproved

Register of Deeds
Not to Record

SUBMISSION OF PLANS

Contents of Notice

Notice of Hearing
for Definitive Plans

or by registered mail, postage prepaid, that he has submitted such a plan. If the notice is given by delivery the city or town clerk shall, if requested, give a written receipt therefor. Within sixty days after submission of a preliminary plan each board shall notify by certified mail the applicant and the clerk of the city or town either that the plan has been approved, or that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plan, or that the plan has been disapproved and in the case of disapproval, the board shall state in detail its reasons therefor. The planning board shall notify the city or town clerk of its approval or disapproval, as the case may be. Except as is otherwise expressly provided, the provisions of the subdivision control law relating to a plan shall not be applicable to a preliminary plan, and no register of deeds shall record a preliminary plan.

Section 81-T. Every person submitting a definitive plan of land to the planning board of a city or town for its approval or for a determination that approval is not required shall give written notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such a plan. If the notice is given by delivery the clerk shall, if requested, give a written receipt therefor to the person who delivered such notice. Such notice shall describe the land to which the plan related sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land; and the facts stated in such notice shall be taken by the city or town clerk as true, unless the contrary is made to appear. Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be held by the planning board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the planning board at the expense

Posting

Copy of Notice to
Applicant and
Abutters

APPROVAL, MODIFICATION OR DISAPPROVAL
OF DEFINITIVE PLANS

Copy of Plan to
Board of Health

Board of Health has
45 Days to Report on
Plan to be Serviced
by Municipal Sewerage

Approve
Modify and Approve

of the applicant by advertisement in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing or if there is no such newspaper in such city or town then by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list. ✓

Section 81-U. When a definitive plan of a subdivision is submitted to the planning board, as provided in section eighty-one O, a copy thereof shall also be filed with the board of health or board or officer having like powers and duties. Such health board or officer shall report to the planning board in writing approval or disapproval of said plan, and in the event of disapproval shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and, where possible, shall make recommendations for the adjustment thereof, provided, however, if a municipal sewerage system will service the proposed subdivision, then failure of the board to make such a report within forty-five days after the plan is filed with their office shall be deemed approval by such board or officer. Such health board or officer shall send a copy of such report, if any, to the person who submitted said plan. ✓

After the hearing required by section eighty-one T and after the report of said health board or officer as provided in the preceding paragraph or the lapse of forty-five days without such report, when the proposed subdivision will be serviced by a municipal sewerage system the planning board shall approve, or, if such plan does not comply with the subdivision control law or the rules and regulations of the health board or officer, shall modify and

Disapprove

approve or shall disapprove such plan. In the event of disapproval, the planning board shall state in detail wherein the plan does not conform to the rules and regulations of the planning board or to the recommendations of the health board or officer and shall revoke its disapproval and approve a plan which, as amended, conforms to such rules and regulations or recommendations. The planning board shall file a certificate of its action with the city or town clerk, a copy of which shall be recorded by him in a book kept for the purpose, and shall send notice of such action by registered mail, postage prepaid, to the applicant at his address stated on the application.

Revoke Disapproval if Plan Made to Conform

Notice of Action to Applicant

Conditional Approval on Matters Recommended by Board of Health

If the report of the board of health or board or officer having like powers and duties shall so require, the approval by the planning board shall be on condition that no building or structure shall be built or placed upon the areas designated without consent by such board of health or officer.

Failure to Act or Notify Clerk Within 60 Days Shall be Deemed Approved

Failure of the planning board either to take final action or to file with the city or town clerk a certificate of such action regarding a plan submitted by an applicant within sixty days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the planning board with the city or town clerk.

Extension of Time Beyond 60 Days

Before Endorsing Plan, Planning Board Shall Require Performance Guarantee

Before endorsement of its approval of a plan, a planning board shall require that the construction of ways and the installation of municipal services be secured by one, or in part by one and in part by the other, of the methods described in the following clauses (1) and (2), which method may be selected and from time to time varied by the applicant:

Bond or Securities

(1) By a proper bond or a deposit of money or negotiable securities, sufficient in the opinion of the planning board to secure performance of

the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan, and the planning board may require that the time be specified within which such construction and installation shall be completed.

By a Covenant

(2) By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the planning board. A deed of any part of the subdivision in violation hereof 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.

Covenant and Board
of Health Conditions
Inscribed or Referred
to on Plan

Any covenant given under the preceding paragraph and any condition required by the health board or officer shall be either inscribed on the plan or contained in a separate document, referred to on the plan.

Reduction of Bond
or Securities

The penal sum of any such bond, or the amount of any deposit held under clause (1) above, may, from time to time, be reduced by the planning board and the obligations of the parties thereto released by said board in whole or in part.

Completion of Ways
and Services

Upon the completion of the construction of ways and the installation of municipal services in accordance with the rules and regulations of the planning board, security for the per-

Notice by Applicant
to Planning Board
and Clerk

If Ways and Services
are Constructed,
Planning Board Must
Release Remainder of
Guarantee

Planning Board
Cannot Require
Guarantee for Mainte-
nance of Ways

Failure to Act on
Guarantee Release
Within 45 Days

Release of Lots if
Lender Guarantees
Construction

formance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant shall send by registered mail to the city or town clerk and the planning board a written statement that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with said rules and regulations, such statement to contain the address of the applicant. If the planning board determines that said construction or installation has been completed, it shall release the interest of the town in such bond and return the bond or the deposit to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded.

If the board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the clerk of the city or town the details wherein said construction or installation fails to comply with its rules and regulations and upon failure to do so within forty-five days after the receipt by said clerk of said statement all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the said clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

Following the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, the planning board may, at its option, release lots from the operation of the covenant given pursuant to clause (2) above, without receipt of a bond or an agreement with the planning board, which agreement shall be

executed by the applicant and the lender and shall provide for the retention by the lender of sufficient funds otherwise due the applicant to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undischursed shall be available for completion.

Failure of Performance

Any such bond may be enforced and any such deposit may be applied by the planning board for the benefit of such city or town, as provided in section eighty-one Y, upon failure of the performance for which any such bond or deposit was given to the extent of the reasonable cost to such city or town of completing such construction and installation.

Restriction as to Building on Certain Areas Within the Subdivision for a Period of 3 Years

Before approval of a plan by a planning board, said board shall also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air and not unreasonable in area in relation to the area of the land being subdivided and the prospective uses of such land, and if so determined said board shall by appropriate endorsement on the plan require that no building may be erected on such park or parks for a period of not more than three years without its approval.

APPROVED DEFINITIVE PLANS

Section 81-V. In case of approval of a plan by action of the planning board, after the expiration of twenty days without notice of appeal to the superior court, or if appeal has been taken after the entry of a final decree of the court sustaining the approval of such plan, the planning board shall cause to be made upon the plan a written endorsement of its approval. In case of the approval of a plan by reason of the failure of the planning board to act within the time prescribed, the city or town clerk shall, after the expiration of twenty days without notice

Endorsement of Approval After 20 Days

Effect of Existence
of Official Map

of appeal to the superior court, or, if appeal has been taken, after receipt of certified records of the superior court indicating that such approval has become final, issue a certificate stating the date of the submission of the plan for approval, the fact that the planning board failed to take final action and that the approval resulting from such failure has become final. The plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the planning board, or, in the case of the certificate, by the city or town clerk, to the person who submitted such plan. Except as provided in section eighty-one E, the existence of an official map in a city or town shall not affect the operation of the subdivision control law therein.

MODIFICATION, AMEND-
MENT OR RESCISSION

Section 81-W. A planning board, on its own motion or on the petition of any person interested, shall have 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. All of the provisions of the subdivision control law relating to the submission shall, so far as apt, be applicable to the approval of the modification, amendment or rescission of such approval and to a plan which has been changed under this section.

All Provisions, so
far as Apt, of Sub-
division Control Law
Applicable.

Not to Affect Lots
Sold, Without
Consent of Owner

No modification, amendment or rescission of the approval of a plan of a subdivision or changes in such plan shall affect the lots in such subdivision which have been sold or mortgaged in good faith and for a valuable consideration subsequent to the approval of the plan, or any rights appurtenant thereto, without the consent of the owner of such lots, and of the holder of the mortgage or mortgages, if any, thereon: provided, however, that nothing herein shall be deemed to prohibit such modification, amendment or rescission when there has been a sale to a single grantee of either the entire parcel of land shown on the sub-

division plan or of all the lots not previously released by the planning board.

Requirements for
Modification, Amend-
ment or Rescission
to be Effective

So far as unregistered land is affected, no modification, amendment or rescission of the approval of a plan nor change in a plan under this section shall take effect until (1) the plan as originally approved, or a copy thereof, and a certified copy of the vote of the planning board making such modification, amendment, rescission or change, and any additional plan referred to in such vote, have been recorded, (2) an endorsement has been made on the plan originally approved as recorded referring to such vote and where it is recorded, and (3) such vote is indexed in the grantor index under the names of the owners of record of the land affected. So far as registered land is affected, no modification, amendment or rescission of the approval of a plan nor change in a plan under this section shall take effect, until such modification, amendment or change has been verified by the land court pursuant to chapter one hundred and eighty-five, and in case of rescission, or modification, amendment or change not so verified, until ordered by the court pursuant to section one hundred and fourteen of said chapter one hundred and eighty-five.

REQUIREMENTS FOR
REGISTRATION OF PLAN

Approval by Planning
Board

Approval Not Required

Section 81-X. No register of deeds shall record any plan showing a division of a tract of land into two or more lots, and ways, whether existing or proposed, providing access thereto, in a city or town in which the subdivision control law is in force unless (1) such plan bears an endorsement of the planning board of such city or town that such plan has been approved by such planning board, and a certificate by the clerk of such city or town, is endorsed on the plan, or is separately recorded and referred to on said plan, that no notice of appeal was received during the twenty days next after receipt and recording of notice from the planning board of the approval of the plan, (or, if an appeal was taken, that a final decree has been entered by the court sustaining the approval of the plan,)

Approval by Failure
of Planning Board
to Act

Reference to
Certificate

Time Limit of Date
of Endorsement

Certification That
Plan Not Change

Authorized Endorse-
ment

Notice to Register
and Recorder

or (2) such plan bears an endorsement of the planning board that approval of such plan is not required, as provided in section eighty-one P, or (3) the plan is accompanied by a certificate of the clerk of such city or town that it is a plan which has been approved by reason of the failure of the planning board to act thereon within the time prescribed, as provided in sections eighty-one U and eighty-one V, or that it is a plan submitted pursuant to section eighty-one P and that it has been determined by failure of the planning board to act thereon within the prescribed time that approval is not required, and a reference to the book and page where such certificate is recorded is made on said plan; and, unless, in case of plans approved, the endorsement or certificate is dated within six months of the date of the recording, or there is also endorsed thereon or recorded therewith and referred to thereon a certificate of the planning board or city or town clerk, dated within thirty days of the recording, that the approval has not been modified, amended or rescinded, nor the plan changed. Such certificate shall upon application be made by the board or by the clerk unless the records of the board or clerk receiving the application show that there has been such modification, amendment, rescission or change. The planning board of a city or town which has authorized any person, other than a majority of the board, to endorse on a plan the approval of the board or to make any other certificate under the subdivision control law, shall transmit a written statement to the register of deeds and the recorder of the land court, signed by a majority of the board, giving the name of the person so authorized.

The contents of any such endorsement of the planning board or certificate by the clerk of the city or town shall be final and conclusive on all parties, subject to the provisions of section eighty-one W.

Public Record by
Register and Recorder

Such register and recorder shall each keep in a place open for public inspection a book which shall be a public record in which the name of each city or town in which, according to notices sent him by the board having powers of subdivision control in such city or town the subdivision control law is or may be in effect, shall be separately indexed and in which shall be entered all notices from such board or the board of appeal of such city or town relating to subdivision control, including copies of the rules and regulations of such boards. Such register

Any Plan Accepted if
Register and Recorder
not Notified that
Subdivision Control
is in Effect

and recorder may each accept for record any plan of land, otherwise appropriate for record, in a city or town of which the board having powers of subdivision control has not sent him notice that the subdivision control law is in effect in such city or town, without requiring the approval of the planning board of such city or town, or a certificate that no approval is necessary.

Register and Recorder
Shall Accept Plans
Where no New Lots or
Ways are Shown

Notwithstanding the foregoing provisions of this section, the register of deeds shall accept for recording and the land court shall accept with a petition for registration or confirmation of title any plan bearing a certificate by a registered land surveyor that the property lines shown are the lines dividing existing ownerships, and the lines of streets and ways shown are those of public or private streets or ways already established, and that no new lines for division of existing ownership or for new ways are shown. The recording of any such plan shall not relieve any owner from compliance with the provisions of the subdivision control law or of any other applicable provision of law.

Statement to be
Contained in Notice
of Modification,
Amendment or
Rescission of
Approved Plan

No register of deeds or recorder of the land court shall accept for record a notice of modification, amendment or rescission of approval of a plan of a subdivision unless such notice contains a statement by the planning board that such modification, amendment or rescission does not affect any lot or rights appurtenant thereto in such subdivision which lot was conveyed or mortgaged in good faith and for valuable consideration subsequent to the approval of the subdivision plan.

ENFORCEMENT BY
PROHIBITION OF
PUBLIC IMPROVEMENTS

Section 81-Y. In any city or town in which the subdivision control law is in effect, no public way shall be laid out, accepted or constructed, and no municipal service or improvement shall be constructed in a way within a subdivision, to serve the land therein, unless such way appears on a plan of such subdivision approved under such law, except by or in accordance with the affirmative vote of two thirds of those present and voting at a meeting of the city council or at a town meeting.

Enforcement by denial
of Building Permits

In any city or town in which the subdivision control law is in effect, the board or officer, if any, having the power and duty to issue permits for the erection of buildings shall not issue any permit for the erection of a building until first satisfied that the lot on which the building is to be erected is not within a subdivision, or that a way furnishing the access to such lot as required by the subdivision control law is shown on a plan recorded or entitled to be recorded under section eighty-one X, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied, or waived by the planning board, and in the event that the planning board has by rule or regulation required that not more than one building for dwelling purposes be erected or placed or converted to use as such on any lot without its consent, until satisfied that such consent has been obtained.

Building Permit by
Planning Board if
no Other Issuing
Officer

In any city or town in which the subdivision control law is in effect in which there is no board or officer having the power and duty to issue permits for the erection of buildings, no building shall be erected within a subdivision without written permission from the planning board of the city or town. Such permission shall be given when it appears that the subdivision control law, so far as applicable, has been complied with. If, however, the enforcement of the foregoing provisions of this paragraph would entail practical difficulty or unnecessary hardship, and if the circumstances of the case do not require that the building be related to a way shown on such plan, the board of appeal provided for in section eighty-one Z shall have power by vote of a majority of

Exception by Board
of Appeals

its members to issue a permit for the erection of such building, subject to the provisions of said section eighty-one Z and sections eighty-one AA and eighty-one BB.

Subdivision Without Approved Plan

If a subdivision of land has been made in a city or town while the subdivision control law is in effect in such city or town without a plan thereof recorded or entitled to be recorded under section eighty-one K, the person or persons executing and delivering the deed, mortgage or other instrument by which such subdivision was made shall be liable to each owner of such land or any part thereof who acquired title without notice or knowledge of such division having been made, for all damages sustained by such owner by reason of such failure to comply, in an action brought within one year after such delivery. Any person owning a lot in a subdivision, approval of which was required by the subdivision control law but not obtained, who did not make the subdivision and acquired title without notice or knowledge of the lack of such approval, may submit a plan of said lot and of the ways giving access thereto to the planning board, and such plan shall be acted upon in the same manner and with the same effect, so far as affects said lot and the rights of access appurtenant thereto, as a plan of a subdivision.

Liability of Subdivider to Owners of Lots

Time Limit

Submission of Plan of Single Lot for Approval

Enforcement of Statute by Court of Equity

The superior court for the county in which the land affected by any of the provisions of the subdivision control law lies shall have jurisdiction in equity on petition of the planning board of a city or town, or of ten taxable inhabitants thereof, to review any action of any municipal board or officer of such city or town in disregard of the provisions of this section and to annul and enjoin such action, to enjoin the erection of a building in violation of this section, and otherwise to enforce the provisions of the subdivision control law and any rules or regulations lawfully adopted and conditions on the approval of a plan lawfully imposed thereunder, and may restrain by injunction violations thereof or make such decrees as justice and equity may require. No proceeding under this paragraph shall be instituted more than one year after the act or failure to act upon which such petition is based.

BOARD OF APPEALS

Building Permits
Issued Under 81-Y

May be Existing
Building or Zoning
Board of Appeals

Appointment

Pending Provision

Three or More Members

Term of Office

Removal

Vacancies

Associate Members

Section 81-Z. A city or town in which the subdivision control law is in effect shall, by ordinance or by-law, provide for a board of appeals, which shall have jurisdiction to issue a permit for the erection of a building under section eighty-one Y. Such board of appeals may be the existing board of appeals under the local building or zoning ordinance or by-law; provided, that if the board of appeals under the local zoning ordinance or by-law in any city or town is also the planning board in such city or town, it shall not act as a board of appeals under the subdivision control law. The mayor or selectmen shall appoint the members of the board of appeals within three months of the adoption of the ordinance or by-law. Pending appointment of the members of the board of appeals the city council or selectmen shall act as a board of appeals. Any board of appeals newly established hereunder shall consist of at least three members, who shall be appointed in a city by the mayor subject to the confirmation of the city council, or in a town by the selectmen, for terms of such length and so arranged that the term of one member shall expire each year; and said board shall elect annually a chairman from its own members and a clerk. Any board so newly established may also act as a board of appeals under the local building or zoning ordinance or by-law, or under both. ✓

Any member of such a board of appeals may be removed for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. Ordinances or by-laws adopted hereunder may provide for the appointment in like manner of associate members of the board of appeals; and the chairman of the board may designate any such associate member to sit on the board in case of the absence, inability to act or interest on the part of a member thereof, or in the event of a vacancy on said board may designate any such associate member to sit as a member of the board until said vacancy is filled in the manner provided in this section.

BOARD OF APPEALS'
POWERS AND DUTIES

Rules

Meetings

Oaths, Witnesses

Public Hearings
Detailed Records
Vote

Reasons for Decisions

Public Records

Hearings

Notice

Board May Impose
Reasonable Require-
ments

Section 81-AA. The board of appeals appointed under section eighty-one Z shall adopt rules not inconsistent with this section and sections eighty-one Y and eighty-one Z, for conducting its business and otherwise carrying out the purposes of said sections. Meetings of the board shall be held at the call of the chairman and also when called in such other manner as it shall determine in its rules. Such chairman, or, in his absence, the acting chairman, may administer oaths, summon witnesses and call for the production of papers. All hearings of the board shall be open to the public. The board shall cause to be made a detailed record of its proceedings, showing the vote of each member upon each question, or, if any member is absent or fails to vote, indicating such fact, and setting forth clearly the reason or reasons for its decision, and of its other official acts, copies of all of which shall be immediately filed in the office of the city or town clerk and shall be public records.

Before taking any action under section eighty-one Y, the board of appeals shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing or if there is no such newspaper in such city or town then by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of such hearing. The board may require the appellant to pay the expense of giving such notice. The board may, as a condition of granting a permit under section eighty-one Y, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the city or town.

APPEAL TO SUPERIOR
COURT

Appeal to be Entered
Within 20 Days After
Decision

Notice to Clerk
of Appeal

Decree by Court

Legal Counsel

Costs

Precedence of Action

MONUMENTS AND MARKS,
ENTRY ON PRIVATE
LAND

Section 81-BB. Any person, whether or not a party to the proceedings, aggrieved by a decision of a board of appeals under section eighty-one Y, or by any decision of a planning board concerning a plan of a subdivision, or by the failure of such a board to take final action concerning such a plan within the required time, or any municipal officer or board, may appeal to the superior court sitting in equity for the county in which the land concerned is situated; provided, that such appeal is entered within twenty days after such decision has been recorded in the office of the city or town clerk or within twenty days after the expiration of the required time as aforesaid, as the case may be, and notice of such appeal is given to such city or town clerk so as to be received within such twenty days. The court shall hear all pertinent evidence and determine the facts, and upon the facts so determined, shall annul such decision if found to exceed the authority of such board, or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive, but the parties shall have all rights of appeal and exceptions as in other equity cases.

A city or town may provide any municipal officer or board with legal counsel for appealing, as provided in this section, a decision of a board of appeals or a planning board and for taking such other subsequent action as parties in other equity cases are permitted to take.

Costs shall not be allowed against the planning board or board of appeals unless it shall appear that such board acted with gross negligence or in bad faith.

All issues in any proceeding under this section may be advanced for speedy trial over other civil actions and proceedings.

Section 81-CC. Planning boards and their officers and agents may, as far as they deem it necessary in carrying out the subdivision control law, enter upon any lands and there make examinations and surveys and place and maintain monuments and marks.

POWERS OF LEGISLATIVE
BODY NOT ABRIDGED
In Regard to Public
Ways

Taking of Land Not
Authorized

Damages

STATEMENT THAT SUB-
DIVISION CONTROL LAW
IN EFFECT TO REGISTER
OF DEEDS AND TO
RECORDER OF LAND
COURT

Vote

Date of Action

Recording of State-
ment by Register and
Recorder

Section 81-DD. The subdivision control law shall not abridge the powers of the city council, of the selectmen, or any other municipal officer, in regard to public ways in any manner except as herein provided, and shall not authorize the taking of land nor authorize a city or town to lay out or construct any way which may be indicated on any plan of a subdivision until such way has been laid out as a public way in the manner prescribed by law; nor shall action under such law render a city or town liable for damages; provided, however, any person injured in his property by reason of the modification, amendment or rescission of the approval of a plan under section eighty-one W without his consent in writing, or by entry of his land not within the limits of a subdivision as shown on a preliminary or definitive plan submitted by him for approval, may recover the damages so caused under chapter seventy-nine. The modification, amendment or rescission of the approval of a plan shall not entitle any person to damages, unless and to the extent that he shall have changed his position or made expenditures in reliance upon such approval. No damages shall be awarded for the modification, amendment or rescission of the approval of a plan obtained as a result of material misrepresentation of facts, whether willful or otherwise, by the persons submitting the plan.

Section 81-EE. Every board having on the first day of January, nineteen hundred and fifty-four, powers of subdivision control shall, within sixty days thereafter transmit to the register of deeds and the recorder of the land court a statement stating that in the opinion of such board the subdivision control law is in effect in such city or town, including a copy certified by the clerk of such city or town of the vote of the city council or of the town meeting under which the subdivision control law in the opinion of such board went into effect, together with the date thereof, or a reference to any special statute under which subdivision control was established, in such city or town. The register of deeds and the recorder of the land court shall enter such statement in the book which he is required to keep under section eighty-one X. Unless such statement is transmitted as herein provided

Subdivision Control
Law Suspended if
Register and Recorder
Not Notified

Planning Board Must
Transmit Certified
Copy of Rules and
Regulations to
Register and Recorder

EFFECT OF PRIOR
RECORDING OF SUB-
DIVISION PLAN OF
UNREGISTERED LAND

Prior Recording Does
Not Exempt Land
Except Lots Sold

Recording After
Effective Date and
Before February 1,
1952, Does Not
Exempt Land Except
Lots Sold

within sixty days after said date, or the register of deeds and recorder of the land court of the establishment of a planning board under the provisions of law in effect prior to said date, and included in his notice a statement of the date of such establishment, the operation of the subdivision control law in and in respect to such city or town shall be suspended until the clerk of such city or town has notified the register of deeds and recorder of the land court that the subdivision control law is in effect in his city or town in the manner provided in section eighty-one N. The register of deeds and the recorder of the land court shall each enter such notice in his records in the manner provided in section eighty-one X. Any planning board having powers of subdivision control on the first day of January, nineteen hundred and fifty-four, V shall, within sixty days thereafter, transmit to the register of deeds and recorder of the land court a certified copy of its rules and regulations relating to subdivision control, which shall be kept by him in the same manner as copies of rules and regulations thereafter adopted, and unless such copy is so transmitted, the operation of the subdivision control law in and with respect to such city or town shall be suspended until the board so transmits such copy.

Section 81-FF. So far as land which has not been registered in the land court is affected by the subdivision control law, recording of the plan of a subdivision in the registry of deeds before the subdivision control law was in effect in the city or town in which the subdivision was located shall not exempt the land within such subdivision from the operation of said law except with respect to lots which had been sold and were held in ownership separate from that of the remainder of the subdivision when said law went into effect in such city or town, and to rights of way and other easements appurtenant to such lots; and plans of subdivisions which were recorded in the registry of deeds and subdivisions made without the recording of a plan after said law had gone into effect in such city or town and before February first, nineteen hundred and fifty-two, without receiving the approval of the planning board of

such city or town, shall have the same validity and effect as if the subdivision control law became effective in such city or town on February first, nineteen hundred and fifty-two, as above provided.

Effect of Prior
Recording of Plan
of Registered (or
Confirmed) Land

So far as land which has been registered in the land court is affected by said law, any plan of a subdivision which has been registered or confirmed by said court before February first, nineteen hundred and fifty-two, whether the subdivision control law was in effect in the city or town in which the subdivision was located or not, and whether the plan of the subdivision was approved by the planning board or not, shall have the same validity in all respects as if said plan had been so approved, but the land court shall not register or confirm a plan of a subdivision in a city or town in which the subdivision control law is in effect which has been filed on or after February first, nineteen hundred and fifty-two, unless it has first verified the fact that the plan filed with it has been approved by the planning board, or would otherwise be entitled if it had related to unregistered land, to be recorded in the registry of deeds. The land court shall have jurisdiction in so far as affects land registered or to be registered or confirmed under chapter one hundred and eighty-five, to determine whether the subdivision control law has been complied with, and shall verify before registering or confirming any plan of land in any city or town in which the subdivision control law is in effect, that the plan filed with it is entitled to be recorded in accordance with the subdivision control law, and every plan heretofore or hereafter registered or confirmed by the land court pursuant to said chapter one hundred and eighty-five shall for the purposes of the subdivision control law be deemed to be, and shall be invested with all the rights and privileges of, a plan approved pursuant to said law. In case of conditions imposed pursuant to section eighty-one R or eighty-one U of said law, and set forth or referred to by endorsement

Land Court Jurisdiction

on the plan filed with it, the land court shall cause said conditions to be set forth or referred to on the plan prepared by it therefrom for registration or confirmation, or in the decree of registration or confirmation, or confirmation or certificate of title issued for the land shown thereon.

POWERS OF PLANNING
BOARD ESTABLISHED
UNDER PRIOR LAW

Severability Pro-
visions

Section 81-GG. Any planning board having powers of subdivision control under corresponding provisions of earlier laws shall have all of the powers and be subject to all of the duties of a planning board with respect to subdivision control under sections eighty-one K to eighty-one FF, inclusive, without any further action by such city or town. If any provision of sections eighty-one K to eighty-one GG, inclusive, known as the subdivision control law, or in the administration thereof, shall be held to be unconstitutional, it shall not affect any other provision of said sections or the administration thereof.

