

# TOWN OF BOXBOROUGH

## PLANNING BOARD



### Rules & Regulations Governing the Subdivision of Land

**ADOPTED: February 4, 1954**

**MOST RECENT AMENDMENT: March 26, 2012**

TABLE OF CONTENTS

SECTION I - AUTHORITY and PURPOSE  
A. Authority ..... 1  
B. Purpose..... 1

SECTION II - GENERAL  
A. Definitions ..... 2  
B. Subdivision, Improvement or Sale of Lots, Installation of Services,  
or Construction of Ways ..... 3

SECTION III - PROCEDURE FOR SUBMISSION AND APPROVAL OF PLANS  
A. Plans Believed Not to Require Approval..... 4  
B. Preliminary Plan ..... 5  
    1. General..... 5  
    2. Plan Contents ..... 5  
    3. Review Procedures ..... 6  
    4. Approval ..... 7  
C. Definitive Plan ..... 7  
    1. General..... 7  
    2. Plan Contents ..... 8  
    3. Environmental and Traffic Analysis..... 10  
    4. Landscape Plan ..... 11  
    5. Review Procedures ..... 11  
    6. Review By the Board of Health as to Suitability of the Land ..... 12  
    7. Decision Criteria..... 12  
    8. Planning Board Decision ..... 13  
    9. Performance Guarantee..... 13  
    10. As Built Plans ..... 18

SECTION IV - DESIGN STANDARDS  
A. Streets..... 18  
    Table 1 Roadway Design Standards ..... 21  
B. Drainage and Stormwater Detention..... 22  
C. Adequate Access from a Public Way..... 25  
D. Subdivisions Straddling Municipal Boundaries ..... 24  
E. Easements ..... 25  
F. Open Spaces..... 26  
G. Protection of Natural Features ..... 26  
H. Buildings..... 26  
I. Lot Size, Frontage and Access..... 27  
J. Driveways ..... 27  
K. Lot Grading and Drainage ..... 26

SECTION V. - REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION  
A. Streets, Roadways and Sidewalks..... 28  
B. Utilities..... 31  
C. Monuments ..... 31

D. Street Signs .....	32
E. Trees.....	32
F. Fire Ponds or Cisterns.....	32
G. Site Conditions.....	32
H. Maintenance.....	33
I. Erosion and Sedimentation Control.....	31
J. Guard Rails .....	32
<b>SECTION VI - ADMINISTRATION</b>	
A. Modifications, Amendments or Recissions .....	33
B. Waivers of Compliance.....	34
C. Inspection.....	34
D. Outside Consultant Costs.....	35
E. Town Bylaws .....	35
F. Acceptance of Roads.....	36
G. Building Permits .....	37
H. Appeals .....	36
I. Amendments .....	36
J. Invalidation by State Law .....	36
K. Separability .....	36
L. Forms .....	36
M. Enforcement.....	36
N. Authorization .....	36
O...Entry on Private Land.....	37
P. ...Completion within Three Years.....	37
 <b>APPENDIX</b>	
FORM A - ANR Application.....	A-1
FORM B - Preliminary Plan Application .....	A-2
FORM C - Definitive Plan Application.....	A-3

**RULES AND REGULATIONS GOVERNING  
THE SUBDIVISION OF LAND  
IN  
BOXBOROUGH, MASSACHUSETTS**

**SECTION I - AUTHORITY and PURPOSE**

**A. Authority**

Under the authority vested in the Planning Board of the Town of Boxborough by Section 81-Q of Chapter 41 in the General Laws, said Board hereby adopts these Rules and Regulations governing the subdivision of land in the Town of Boxborough. Subdivision Control first became effective in the Town of Boxborough on February 4, 1954 and these Rules and Regulations are hereby amended and adopted April 28, 1975, May 31, 1988, October 22, 1991, February 15, 1996, July 31, 1996, January 31, 1999, December 19, 2000 and April 12, 2010.

**B. Purpose**

These Rules and Regulations have been adopted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Boxborough by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Board and of the Board of Appeals under the Subdivision Control Law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent 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 bylaws; for securing adequate provisions 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 Town of Boxborough and with the ways in neighboring subdivisions.

It is the intent of the Subdivision Control Law, under which these Rules and Regulations have been adopted, that any subdivision plan filed with the Board shall receive the approval of such board if said plan conforms to the recommendations of the Board of Health and to the reasonable Rules and Regulations of the Board pertaining to the subdivision of land; provided, however, that the Board may, when appropriate, waive, as provided for in MGL Ch. 41, Section 81-R such portions of these Rules and Regulations as is deemed advisable.

## **SECTION II - GENERAL**

### **A. Definitions**

“Abutter” shall mean the owner or owners of property which (1) has one or more boundaries, or parts thereof, in common with the property being subdivided, or, (2) has frontage on the opposite side of a public or private way, such frontage lying wholly or partly directly opposite any part of the property being subdivided, or, (3) is deemed by the Board to be affected by the proposed subdivision of land.

“Applicant” shall include an owner or his agent or representative, or his assigns.

“Arterial” shall mean an inter-regional road conveying traffic between towns, counties and urban centers.

“AASHTO Standards” shall mean the design standards established by the American Association of State Highway and Transportation Officials.

“Board” shall mean the Boxborough Planning Board.

“Certified by or endorsed by the Planning Board”, as applied to a plan or other instrument required or authorized by the subdivision control law to be recorded, shall mean, bearing certification or endorsement signed by a majority of the members of the Planning Board or any of said persons as authorized to act pursuant to MGL Ch. 41 Section 81X.

“Certified Mail” shall mean registered or certified mail.

“Collector” shall mean the highest order residential road. Collectors distribute traffic between lower order residential roads and higher order streets - arterials and expressways.

“Commercial, Industrial and Office Park Roads” shall mean roads accessing commercial areas such as plazas or retail stores, warehouses or similar establishments, office parks or research and development facilities.

“Dead-end Street” shall mean any street, extension of a street, or systems of streets, connected to a through street only at a single point.

“Decision” shall mean the final action taken by the Board to approve, approve with conditions or deny an application filed pursuant to the Rules and Regulations.

“Drainage” shall mean the control of surface water within the tract of land to be subdivided.

“Lane” shall mean a rural residential road serving three or fewer house lots.

“Local Access Road” shall mean a low order residential road which provides frontage for access to lots and carries traffic having a destination or origin on the road itself.

“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” shall mean public utilities furnished by the town or other municipality in which a subdivision is located, such as water, sewerage, gas and electricity.

“Planning Board” shall mean the Boxborough Planning Board.

“Recorded” shall mean recorded in the Southern Middlesex Registry of Deeds, except that, as affected registered land, it shall mean filed with the Recorder of the Land Court.

“Register of Deeds” shall mean the register of deeds of Southern Middlesex County, and when appropriate, shall include the recorder of the Land Court.

“Sight Distance” shall mean the measured length of roadway visible to the driver as defined by the latest AASHTO Standards.

“Standard Specifications” shall mean the most recent edition of the Massachusetts Standard Specifications for Highways and Bridges.

“Stopping Sight Distance” shall be the distance required for a driver to detect an unexpected or otherwise difficult-to-perceive information source or hazard in a roadway environment that may be visually cluttered, recognize the hazard or its threat potential, select an appropriate speed and path, and initiate and complete the required maneuver safely and efficiently. The stopping sight distance is measured as defined by the latest AASHTO standard

“Stormwater Handbook” shall mean the most recent edition of the Massachusetts Department of Environmental Protection Stormwater Handbook.

“Subcollector” shall mean a middle order residential road which provides frontage for access to lots, and carries traffic of adjoining Local Access Roads.

“Subdivision” shall mean a 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, in compliance with the Zoning Bylaw, on (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan previously approved in accordance with the subdivision control law, or (c) a way in existence on February 4, 1954, having in the opinion of the Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular and pedestrian 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. 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 set forth; or the division of a tract of land on which two or more buildings were standing on February 4, 1954, into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

## **B. Subdivision, Improvement or Sale of Lots, Installation of Services, or Construction of Ways**

No person shall make a subdivision, as defined in these Rules and Regulations, of any land within the Town of Boxborough, Massachusetts; or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless a Definitive Plan of such subdivision has been submitted to and approved by the Board as hereinafter provided.

## **SECTION III - SUBMISSION AND APPROVAL OF PLANS**

### **A. Plans Believed Not to Require Approval**

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land, and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan and application (Form A) signed by the property owner to the Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or certified mail, postage prepaid, a notice with the Town Clerk stating the date of submission of such plan and documentation to the Board, and a copy of the application. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefore.

The plan shall be submitted to the Board and shall be prepared in ink on mylar and be accompanied by the required number of copies as stated in the application, and shall, at a minimum, contain the following information:

- 1) Surface water drainage channels, directions of flow, drainage works and similar drainage data relevant to the parcels involved;
- 2) All easements and rights of way for public access and other public use;
- 3) A plot or description of the entire parcel of land from which the division of a tract of land is being made;
- 4) A locus plan at a scale of 1 inch = 200 feet showing where the boundaries of the plan are located in relation to the nearest intersecting streets or other appropriately recognizable existing features on the Town's topographic map;
- 5) Name of record owner and names of all adjacent property owners as determined by the latest tax records;
- 6) The location and area of any wetland resource areas including the 100-foot wetland buffer (Adjacent Land Resource Area) as defined by the Boxborough Wetlands Bylaw and as certified by the Boxborough Conservation Commission.
- 7) The location of all existing buildings with setback information.
- 8) The zoning classification of the property, including the delineation of all overlay districts.
- 9) Notation on the plan that reads: "Endorsement hereon does not constitute approval of this plan for zoning purposes, and does not relieve the Applicant from the obligation to obtain such building and zoning permits or variances as may be required by Massachusetts General Laws or the Town of Boxborough Bylaws."

If the Board determines that the plan does not require approval, it shall without a public hearing endorse on the plan, by at least a majority of the members of the Board or by a person authorized by the Board, the words "approval under the subdivision control law not required" with appropriate name or names signed thereto, and such endorsement shall be conclusive on all persons. Where the plan does not conform to the Zoning Bylaws of the Town, or to other applicable Bylaws or regulations as discerned by the Board, such nonconformity shall be noted

on the plan before being signed by the Board or authorized person. Said plan shall be returned to the Applicant and the Board shall notify the Town Clerk of its action within twenty-one days of submission of the plan. The endorsement under this section may include a statement of the reason approval is not required.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within twenty-one days of submission of said plan so notify the Applicant and the Town Clerk and shall return the plan to the Applicant. The Applicant may then submit his plan for approval as provided for in the Subdivision Control Law and these Rules and Regulations; or may appeal the determination as provided for in Section 81-BB of the Subdivision Control Law.

If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the Applicant of its action within 21 days after the plan submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith the Town Clerk shall issue a certificate to the same effect. The plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the Board, or in case of the certificate, by the Town Clerk, to the person submitting such plan.

An extended period of time may be allowed if agreed upon in writing by the Applicant and the Board. Notice of such extension shall be filed by the Board with the Town Clerk.

## **B. Preliminary Plan**

### **1. General**

A Preliminary Plan shall be submitted to the Board and the Board of Health for any proposed non-residential subdivision. A Preliminary Plan for a proposed residential subdivision may be submitted to the Board and the Board of Health by the Applicant for discussion and approval. A Preliminary Plan application (Form B) with a submittal fee as specified in the Board's Fee Schedule shall be submitted under this section when delivered at a meeting of the Board or when sent by certified mail to the Board. The Applicant shall also give written notice of such application submission to the Town Clerk by delivery or by certified mail. The submission of such a Preliminary Plan will enable the Applicant, the Board, other Municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in every case.

### **2. Plan Contents**

The Preliminary Plan, at a suitable scale with the appropriate number of copies as specified in the Board's application, shall be filed with the Board. Said Preliminary Plan shall show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan.

The Preliminary Plan shall show the following:

- 1) The subdivision name, boundaries, north point, date, scale, legend and title, Preliminary Plan;



- 2) The names of the record owner and the Applicant and the name of the designer, engineer or surveyor;
- 3) The names of all abutters, as determined from the most recent tax list;
- 4) The existing and proposed lines of streets, ways, lots, easements and any public areas within the subdivision in a general manner;
- 5) The proposed street name(s);
- 6) The approximate boundary lines of proposed lots, with approximate areas and dimensions;
- 7) A locus plan at a scale of 1 inch = 200 feet showing adjacent intersections, names and present width of streets bounding, approaching, or within reasonable proximity of the subdivision;
- 8) Existing and proposed topography for the entire subdivision at a 5-foot contour interval, or as required by the Board;
- 9) The proposed layout of the drainage system, inverts and size of all existing culverts adjacent to and within 500 feet of any boundary of the proposed subdivision and any other culvert affecting the drainage to or from the proposed subdivision;
- 10) The proposed layout of the water supply system, fire protection system, street lighting system and sewage disposal system if and where applicable. These layouts shall be reviewed by the concerned Board and/or Town Department prior to submission of the Definitive Plan;
- 11) The approximate limit of clearing and the location, size and shape of existing buildings, structures, and watercourses within the proposed subdivision;
- 12) The zoning classification of the property, including the delineation of all overlay zoning districts;
- 13) The location and area of any wetland resource areas including the 100-foot wetland buffer (Adjacent Land Resource Area) as defined by the Boxborough Wetlands Bylaw and as certified by the Boxborough Conservation Commission; and the base flood elevations for all lots within the flood plain;
- 14) Preliminary profiles of the ways within the subdivision;
- 15) A list of any required waivers and permits for roadway construction.

The Applicant shall submit with the application a list of names and addresses of all abutters within 300 feet, certified by the Boxborough Town Assessor that they appear as such on the most recent tax lists, together with a separate list of all changes in ownership of abutting land known to the Applicant. If the 300 feet extends into an adjacent town, the Applicant shall also file a list of names and addresses of all abutters in the adjacent town, certified by the assessor in the abutting town.

### **3. Review Procedures**

Within 14 days after the filing of the Preliminary Plan Application with the Board, the Town Planner shall, in writing, notify the Board and the Applicant by certified mail, of any missing or incomplete application items. Within 7 days of being so notified, the Applicant may either submit the items necessary for a complete Application under these Rules, or withdraw without prejudice the incomplete Application by notifying the Board and the Town Clerk, in writing, of the withdrawal, at which time the submittal fees shall be refunded.

If the Applicant, after being notified by the Town Planner of missing or incomplete application items, fails to either submit the items necessary to complete the Application, or withdraw the Application in writing, within 7 days of the written notification, the Board shall forthwith notice and conduct a public hearing on the incomplete Application, but will accept no additional submissions from the Applicant. If the Board determines that the application is incomplete in that the application does not conform to these Rules and Regulations, it shall deny the application on that ground, and the Applicant shall forfeit the submittal fees.

Upon determination by the Town Planner that the application for the Preliminary Plan is complete, the Town Planner shall set a date for the public hearing and so notify the Applicant. Notice of time and place as well as the subject matter of such hearing shall be arranged by the Town Planner, at the Applicant's expense, by advertisement in a newspaper of general circulation in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing; and by mailing a copy of the advertisement to all owners of land abutting upon the land within 300 feet.

Upon determination that the Preliminary Plan is complete, the Town Planner shall distribute one copy to each of the following agencies: Building Inspector, Town's consulting engineer, Fire Department, Public Works Director, Police Department, Conservation Commission, Board of Selectmen, Board of Appeals, Littleton Electric Light Department, Historical Commission, and School Committee.

### **4. Approval**

Within 45 days after the submission of a Preliminary Plan, each Board shall notify the Applicant and the Town Clerk by certified mail, either that the plan has been approved, approved with modifications, or disapproved. In the case of disapproval, each Board shall state in detail its reasons. Approval of a Preliminary Plan does not constitute approval of a subdivision, but does facilitate the procedure in securing approval of the Definitive Plan.

An extended period of time may be allowed if agreed upon in writing by the Applicant and the Board. Notice of such extension shall be filed by the Board with the Town Clerk.

### **C. Definitive Plan**

#### **1. General**

Any person submitting a Definitive Plan of a subdivision for approval by the Board shall deliver the following and shall comply with the requirements listed below. The application shall be submitted under this Section when delivered at a meeting of the Board or when sent by certified mail to the Board. If so mailed, the date of receipt shall be the date of submission of the plan.

- 1) The Applicant shall file by delivery or certified mail a notice with the Town Clerk stating the date of submission for such approval and a copy of the application signed by the property owner (Form C). The Town Clerk shall, if requested, give written receipt.
- 2) An original set of plans comprising the Definitive Plan and Profiles shall be submitted together with the appropriate number of copies as specified in the application. Mylar originals of those sheets to be recorded at the Registry of Deeds shall be submitted when the plans are presented for endorsement.
- 3) A properly executed Definitive Subdivision application signed by the property owner (Form C) including a statement of the time in which the required construction of ways and installation of municipal services will be completed, if electing to file a bond or security.
- 4) A submittal fee as specified in the Board's Fee Schedule.
- 5) An Environmental and Traffic Analysis in accordance with Section III.C.3.
- 6) A Landscape Plan in accordance with Section III.C.4.
- 7) All drafts of proposed easements for utility, drainage and right-of-way purposes.
- 8) A list of names and addresses of all abutters within 300 feet, certified by the Boxborough Town Assessor that they appear as such on the most recent tax lists, together with a separate list of all changes in ownership of abutting land known to the Applicant. If the 300 feet extends into an adjacent town, the Applicant shall also file a list of names and addresses of all abutters in the adjacent town, certified by the assessor in the abutting town.
- 9) Drainage calculations certified by the engineer who prepared them. Groundwater levels and percolation rates for septic systems on each proposed lot and within the vicinity of the proposed detention or retention basins measured in accordance with the Boxborough Board of Health Regulations and the Massachusetts Environmental Code, Title V.
- 10) A list of all requested waivers and permits from these Rules and Regulations.
- 11) Where access to a State Highway is necessary, evidence of filing for State permission must be presented to the Board with submission of the Definitive Plan.

## **2. Plan Contents**

The Definitive Plan for the road right-of-way and lot layouts shall be prepared by a registered land surveyor. The Definitive Plan roadway, road profile and drainage plans shall be prepared by a registered professional engineer in the field of civil engineering.

The plan shall be at a scale of 1 inch = 40 feet or such scale as the Board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed 24" X 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision at appropriate scale. The plan shall be clearly labeled as Definitive Plan. The Definitive Plan shall contain the following:

- 1) Subdivision name, boundaries, north point, date and scale.

- 2) Name and address of record owner, Applicant, engineer and surveyor and their proper seals of registration.
- 3) Names of all abutters as they appear in the most recent tax list.
- 4) Lines of existing and proposed streets, ways (including purposes for which such are established), lots, easements and public or common areas within the subdivision.
- 5) The proposed street name(s).
- 6) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.
- 7) Location of all permanent monuments properly identified as to whether existing or proposed, and tied to USGS bench marks where available in preference to other points of reference.
- 8) Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- 9) Sight distances at all roadway intersections.
- 10) The proposed limit of clearing and the location of significant material objects existing and to be retained including, but not limited to, existing buildings, structures, ledge outcrops and boulders, stone walls, large trees and wooded areas, open fields, pathways, and similar features.
- 11) Suitable space to record the action of the Board and the signatures of the members of the Board or their authorized designee with the date of approval and date of endorsement. The plan shall also include a statement for the Town Clerk to endorse indicating that no appeal had been received during the 20 day appeal period.
- 12) Either on the same sheet as the plan of the new ways or way or on separate sheets or sheet, the existing profile on the center line and on both exterior lines and the proposed profile on the center line of the new way at a horizontal scale of 1 inch = 40 feet and a vertical scale of 1 inch = 4 feet showing all vertical curve data.
- 13) Existing and proposed topography at a contour interval of 2 feet, with greater detail as needed for any culverts, drainage facilities or connections to existing roadways. The plan shall show drainage proposals for the buildings intended and shall indicate how such drainage affects adjacent property outside the subdivision.
- 14) The proposed layout of the storm drainage system shall be detailed and shall indicate the locations, invert elevations, size of pipe adjacent to and within 500 feet of any boundary of the proposed subdivision and any other culvert affecting the drainage of the subdivision. The Applicant shall indicate what, if any, watercourses the area will drain into, the location of discharge points thereto, and shall identify the size of the area drained on-site and in adjoining lands that are either piped or flow overland through the subdivision.
- 15) Proposed layout of the water supply system, fire protection system, street lighting system, and sewage disposal system if and where applicable.

- 16) A Master Grading Plan showing the final grading of the entire development including lot grading for on-site sewage disposal systems.
- 17) A locus plan, at a scale of 1 inch = 200 feet, showing the proposed subdivision tied to existing streets, intersections and other prominent features existing on the ground and recognizable on the Town's topographic map.
- 18) The zoning classification of the property, including the delineation of all overlay districts, and the base flood elevation for all lots or parcels within the flood plain.
- 19) The location and area of any wetland resource areas including the 100-foot wetland buffer (Adjacent Land Resource Area) as defined by the Boxborough Wetlands Bylaw and as certified by the Boxborough Conservation Commission.
- 20) There shall be a table prepared and displayed in a convenient place on a survey sheet, intended for recording at the Registry of Deeds showing the following:
  - a) Zoning district(s) in which the land is located.
  - b) The total area of the entire subdivision.
  - c) The number of building lots within the subdivision and the total area of all such lots.
  - d) The total area of all ways within the subdivision.
  - e) The total number of linear feet, measured along the centerline, of all roadways and cul-de-sacs proposed on the plan.
  - f) The total area of wetland resource area within the subdivision.
  - g) The total area of open space within the subdivision (all land not included in ways or building lots).
  - h) The total number of bounds to be set.
- 21) Any waivers from these Rules and Regulations and any special permits or variances required to construct the subdivision as shown on the approved plan shall be identified on a plan intended for recording at the Registry of Deeds.
- 22) An Erosion and Sedimentation Control plan with the components required for compliance with the National Pollutant Discharge Elimination System (NPDES) Stormwater Pollution Prevention Plan and all temporary and permanent measures for erosion control.
- 23) Identification of any provisions for the protection of stone walls, historical features, trees, and any other site features required to be preserved.
- 24) Phasing plan, if appropriate, clearly identifying the phasing of utilities, drainage and any temporary measures required to provide safe and adequate access to each phase.

### **3. Environmental and Traffic Analysis**

The following information shall be included in the Definitive Plan submission:

- 1) Evaluation of Impact on Water Resources. The Applicant shall submit information prepared by a registered professional engineer regarding measures proposed to prevent

pollution of surface or ground water, erosion of soil, additional run-off of precipitation, raising or lowering of the water table, and flooding of other properties.

- 2) Evaluation of Impact on Landscape. The Applicant shall submit information describing the general physical conditions of the site including the vegetation, geologic, scenic, and historical features, trails, open space links and indigenous wildlife; and how the project will affect these features. The Applicant shall submit an explanation, with sketches as needed, of design features intended to integrate the proposed new buildings, structures and plantings into the existing landscape to preserve and enhance existing aesthetic assets of the site, and to screen objectionable features from neighbors and public areas.
- 3) Evaluation of Traffic Impacts. The Applicant shall submit an evaluation prepared by a registered professional engineer of the development's impact on the existing traffic network. The evaluation shall include:
  - a) The projected number of vehicle trips to enter and depart the site for an average day and during peak hours;
  - b) The projected traffic flow patterns including vehicular movements at all intersections likely to be affected by the proposed development;
  - c) The impact of traffic upon existing streets in relation to levels of service and road capacities. The Applicant shall identify areas where the predicted traffic count will increase by 20% from current levels or will result in a level of service (LOS) of D or below; and,
  - d) Any proposed traffic mitigation measures.

#### **4. Landscape Plan**

A landscape plan prepared by a registered landscape architect for the subdivision entranceway(s), road right-of-way and cul-de-sac island, if proposed, shall be submitted to the Board. Such plan shall consist of the following:

- 1) Location, type, and size of all trees and shrubs to be planted and retained.
- 2) Methods used to plant such trees and shrubs and for supporting such materials.
- 3) Specifications and composition of ground cover.
- 4) A detailed cost estimate for Items 1, 2 and 3 above.

#### **5. Review Procedures**

Within 14 days after the filing the Definitive Plan Application with the Board, the Town Planner shall, in writing, notify the Board and the Applicant by certified mail, of any missing or incomplete application items. Within 7 days of being so notified, the Applicant may either submit the items necessary for a complete Application under these Rules, or withdraw without prejudice the incomplete Application by notifying the Board and the Town Clerk, in writing, of the withdrawal, at which time the submittal fees shall be refunded.

If the Applicant, after being notified by the Town Planner of missing or incomplete application items, fails to either submit the items necessary to complete the Application, or withdraw the

Application in writing, within 7 days of the written notification, the Board shall forthwith notice and conduct a public hearing on the incomplete Application, but will accept no additional submissions from the Applicant. If the Board determines that the application is incomplete in that the application does not conform to these Rules and Regulations, it shall deny the application on that ground, and the Applicant shall forfeit the submittal fees.

Upon determination by the Town Planner that the application for the Definitive Plan is complete, the Town Planner shall set a date for the public hearing and so notify the Applicant. Notice of time and place as well as the subject matter of such hearing shall be arranged by the Town Planner, at the Applicant's expense, by advertisement in a newspaper of general circulation in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing; and by mailing a copy of the advertisement to all owners of land abutting upon the land within 300 feet.

Upon determination that the Definitive Plan is complete, the Town Planner shall distribute one copy to each of the following agencies: Building Inspector, Town's consulting engineer, Fire Department, Public Works Director, Police Department, Conservation Commission, Board of Selectmen, Board of Appeals, Littleton Electric Light Department, Historical Commission, and School Committee.

## **6. Review By the Board of Health as to Suitability of the Land**

When the Definitive Plan and application are submitted to the Board, the Applicant shall also file one copy with the Board of Health. If the Board of Health is in doubt as to whether any of the land in the subdivision can be used as a building site without injury to the public health, it shall within 45 days report to the Board in writing, approval or disapproval of the Plan. In the event of disapproval, the Board of Health shall make specific findings as to which, if any, areas shown on such plan cannot be used as a building site without injury to the public health and include such specific findings and the reasons in the report, and where possible, shall make recommendations for any adjustments.

Any lot that cannot be served by a connection to a municipal water system and/or a municipal sewer system shall be provided with an on-site water supply and/or on-site sewage disposal system, as appropriate, satisfactory to the Board of Health.

A final septic grading plan that integrates the grading of the whole subdivision without separate mounding and/or easements on individual lots shall be submitted with the Definitive Plan.

If the report of the Board of Health shall so require, the approval by the Board shall be on condition that no building or structure shall be built or placed upon the areas designated without consent by the Board of Health or the Board's officer.

## **7. Decision Criteria**

After the public hearing, the Board in due course will approve, modify and approve, or disapprove the Definitive Subdivision Plan submitted. Criteria for action by the Board shall be the following:

- 1) Completeness and technical adequacy of all submissions.

- 2) Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard or other environmental degradation.
- 3) Conformity with the requirements of Section IV, Design Standards and Section V, Required Improvements For An Approved Subdivision
- 4) Determination, based upon the environmental and traffic analysis (where submitted), that the subdivision as designed will not cause substantial traffic impacts and irreversible damage to the environment.
- 5) Adequacy of access, sight distance and stopping sight distance.
- 6) Conformity with the recommendations of the Board of Health.
- 7) Conformity with all applicable Town Bylaws as specified in Section VI.E.
- 8) Consistency with the purposes of the Subdivision Control Law.

### **8. Planning Board Decision**

The Board, after a public hearing, shall vote to approve, conditionally approve, or disapprove the Definitive Plan within 135 days after submission of the Definitive Plan if a Preliminary Plan was not submitted or within 90 days after submission of the Definitive Plan if a Preliminary Plan was duly submitted and acted upon or where said 45 days has elapsed since submission of the Preliminary Plan. An extended period of time may be allowed if agreed upon in writing by the Applicant and the Board. Notice of such extension shall be filed by the Board with the Town Clerk. The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by certified mail, postage prepaid, to the Applicant. If the Board modifies or disapproves such a plan, it shall state in its vote the reasons for its actions. Final approval, if granted, shall be endorsed on the mylar survey sheets and paper originals of all other sheets, of the Definitive Plan by the signatures of the majority of the Board or by a person authorized by the Board, but not until 21 days has elapsed following the filing of the Decision of the Board with the Town Clerk and said Town Clerk has notified the Board that no appeal has been filed.

After the Definitive Plan has been approved and endorsed, the Applicant shall furnish the Board with three (3) additional prints of the endorsed plan and a CD with all plan sheets in an electronic format compatible with ArcGIS. If modifications are sufficient to warrant it, the Board may require an additional number of prints.

Proof of recording the survey sheets of Definitive Plan shall be submitted prior to the commencement of any site work or construction.

Final approval of the Definitive Plan by the Board does not constitute the laying out or acceptance by the Town of streets within the subdivision. Road Acceptance and the laying out shall be in accordance with the Town's Road Acceptance procedures and Massachusetts General Law.

### **9. Performance Guarantee**



Before endorsement of its approval of a Definitive Plan of a subdivision, the Board shall require that the construction and improvements specified in Sections IV and V be secured by one, or in part by one and in part by the other, of the procedures described in 1, 2 or 3 below, which procedures may be selected, and from time to time varied by agreement between the Applicant and the Board. Prior to endorsement, a performance guarantee shall be reviewed and approved as to form by Town Counsel.

1) Money, Bonds or Surety: The Applicant shall either file a performance bond, or deposit money or negotiable securities in an amount to be determined by the Board to be sufficient to cover the cost of all or any part of the improvements required in Sections IV or V, preparing an accurate record plan, setting and installing monuments, 50% of the total cost to cover the procurement process pursuant to MGL Ch 30B should the Board find the Applicant in default and should the Town decide to complete construction, preparation of deeds for conveyance of the fee in the road acceptable as to form by Town Counsel and all other requirements for road acceptance in accordance with the applicable state and Town procedures. The amount of the money, bond or surety shall be based upon cost estimates for the required work as submitted to and approved by the Board. The latest obtainable cost data shall be used pursuant to prevailing wage. Any bond or surety if filed or deposited shall be contingent upon completion of such improvements within two years unless extensions have been granted by the Board.

a) The following are items that shall be required for a bond or surety:

1. The bond or surety company shall be licensed to issue bonds or sureties in Massachusetts and have a AAA rating.
2. The bond or surety shall specify that it is to secure the construction of ways from station to station and installation of municipal services pursuant to MGL c. 41, §81U and the Board's Decision.
3. The bond or surety shall adequately describe the work to be secured by reference to an attached description, the recorded plan and the Board's Decision.
4. The bond or surety shall specify a performance deadline for the construction of the ways.
5. The bond or surety shall not include any language that allows the bond or surety company to cancel the surety.
6. The name and address of the bond or surety company's agent for service of notice.
7. A valid power of attorney authorizing the signature of the bond or surety.

b) The following items shall be required for the deposit of money:

1. Cash deposit or bank passbook that shall be held by the Town Treasurer.
2. A bank passbook shall be solely in the name of the Town of Boxborough and include a written agreement, signed by the Board, the bank, and the Applicant specifying the purpose of the account and the conditions under which the funds may be accessed and used by the Board.

3. A written agreement accompanying the deposit shall specify arrangements regarding interest.
- 2) Covenant: The Applicant may request approval of the Definitive Plan on condition that no lot in the subdivision shall be sold, built upon or conveyed other than by mortgage deed, as provided for in Section 81-U of the Subdivision Control Law, until the improvements required by Sections IV and V of these Rules and Regulations are constructed and installed to serve any such lot adequately as determined by the Board.
    - a) The following items shall be required for a Covenant:
      1. The Covenant shall be duly executed by the owner(s) of record and recorded at the Registry of Deeds.
      2. The Covenant shall reference the Definitive Subdivision Plan and Board's Decision.
      3. The Covenant shall include a deadline for construction of the roads.
      4. The Covenant shall be signed by the mortgage company for any property within the Definitive Plan with a mortgage.
      5. The Covenant shall be referenced on the Definitive Plan.
  - 3) Agreement with Lender: The Applicant may deliver to the Board an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the Applicant by the lender.
    - a) The following items shall be required for an Agreement:
      1. The agreement shall be executed by the Applicant and the lender.
      2. The agreement shall provide for the retention by the lender of funds sufficient in the opinion of the Board and otherwise due the Applicant, sufficient to cover the cost of all or any part of the improvements required in Section IV or V, preparing an accurate record plan, setting and installing monuments, 50% of the total cost to cover the procurement process pursuant to MGL Ch 30B should the Board find the Applicant in default and should the Town decide to complete construction, preparation of deeds for conveyance of the fee in the road acceptable as to form by Town Counsel and all other requirements for road acceptance in accordance with the applicable state and Town procedures. The amount shall be based upon cost estimates for the required work as submitted to and approved by the Board. The latest obtainable cost data shall be used pursuant to prevailing wage.
      3. The agreement shall provide for a schedule of disbursements which may be made to the Applicant upon completion of various stages of the work as approved and released by the Board.
      4. The agreement shall provide that in the event the work is not completed within the time set forth in the Board's Decision, any funds remaining undisbursed shall be available to the Town for completion.
  - 4) Release of Performance Guarantee: When the Applicant has completed the required improvements specified in Sections IV and V for any or all lots in the Subdivision, the

Applicant shall send, by certified mail to the Town Clerk and the Board, a written statement that the required improvements have been completed, such statement to contain the address of the Applicant. Such statement shall be accompanied by two copies of a certificate by a designer, engineer, or land surveyor, as the case is appropriate, that the work has been completed to the extent described in the Board's Decision and conforms in all details with the approved subdivision plan and these Rules and Regulations; or, if it does not so conform, such nonconformity shall be accurately described in the certificate.

No performance guarantee, or any portion or part thereof, shall be released by the Board until it has been established that the work required has been completed in accordance with the approved plans and the Board's Decision and has been inspected and found satisfactory in writing by all appropriate municipal officials and the Town's consulting engineer according to the standards of the Board and these Rules and Regulations.

When the required improvements have been found satisfactory by the Board, the Board will release part of the performance guarantee or execute and deliver to the Applicant a Release of Covenant, which shall be in a form for recording in the Registry of Deeds. 15% of the total cost of the road improvements shall be retained to guarantee the integrity of the road for 2 full years after final completion.

If the Board determines that the required improvements have not been satisfactorily completed, it shall specify in a notice sent by certified mail to the Applicant and the Town Clerk, the details wherein improvements fail to comply; but, upon failure by the Board to so notify the Applicant within 45 days after receipt by the Town Clerk of the written statement from the Applicant, obligations under the bond shall cease, any deposit shall be returned, and any such covenant shall become void, to the extent that it or they apply to the portion of the subdivision or lots for which a release was requested.

Prior to the release of a Covenant, the Applicant shall provide a bond, surety or deposit money, as in Section III.C.9.1 to cover all elements to be secured at the point at which money-based surety is provided, preparing an accurate record plan, setting and installing monuments, 50% of the total cost to cover the procurement process pursuant to MGL Ch 30B should the Board find the Applicant in default and should the Town decide to complete construction, preparation of deeds for conveyance of the fee in the road acceptable as to form by Town Counsel and all other requirements for road acceptance in accordance with the applicable state and Town procedures.

The Applicant shall retain title to the fee of each street, path or easement in, or appurtenant to, the subdivision until conveyed to the Town, if applicable. When a road or way in a subdivision has been constructed in a manner fulfilling the requirements of the Board with the intention that the road is to become an accepted public way, prior to final release of a Performance Guarantee, the Applicant shall submit all necessary documentation for Road Acceptance, including the following: 1) a metes and bounds description of the road and all easements; 2) a draft of the proposed deed and any easements; and the road is accepted as a public way by Town Meeting.

- 5) Expenditure of Bonds: If deemed necessary by the Board, the proceeds of any such Performance Guarantee shall be made available to the Town for expenditure to meet the cost and expenses of the municipality in completing the work as specified in the

approved plan. If such proceeds do not exceed \$100,000, the expenditure may be made without specific appropriation under MGL c. 44, Section 53; provided, that such expenditure is approved by the Board of Selectmen.

## **10. As Built Plans**

An “as built” plan and profile together with three copies shall be submitted to the Board after completion of construction, at intervals of every 2 years for subdivisions requiring longer than 2 years for completion or at such times or stages as required by the Board. Such plan shall show drainage lines and structures, water mains, if any, underground gas, electric and communication lines, and other appurtenances as actually installed with sufficient ties for proper identification. Street numbers shall be shown near the lot numbers and circled. The as built plan must show the following:

- 1) A plan of the completed drainage system, municipal water and sewerage system, and any other utilities or appurtenances within the Right of Way or in the Definitive Subdivision decision. This plan shall show the stationing of all structures, such as manholes, catch basins, drainage pipe intersections, the invert elevations of all pipes at their outlets as well as the pipe sizes and the type of pipe are to be given.
- 2) On the plan view of the street, and the true line relative position of all drainage structures, the mainline drain and its appurtenances shall be shown.
- 3) On the profile view of the street and true relative position of the mainline drain, its structures and appurtenances in profile shall be shown. The invert elevation and percentage of grade of the pipe shall be shown.
- 4) On the respective portions of the street and profile plan the Applicant shall show any additional information, including the topography of stormwater basins, which would more clearly explain or indicate the drainage and other utilities systems. The plans shall indicate the incremental volumes of the as built stormwater basins and a statement from the design engineer certifying that the system will function as designed if the volumes are less than those in the approved drainage calculations.
- 5) Any off-site improvements and landscaping specifically required as part of the Board’s Decision.

## **SECTION IV - DESIGN STANDARDS**

### **A. Streets**

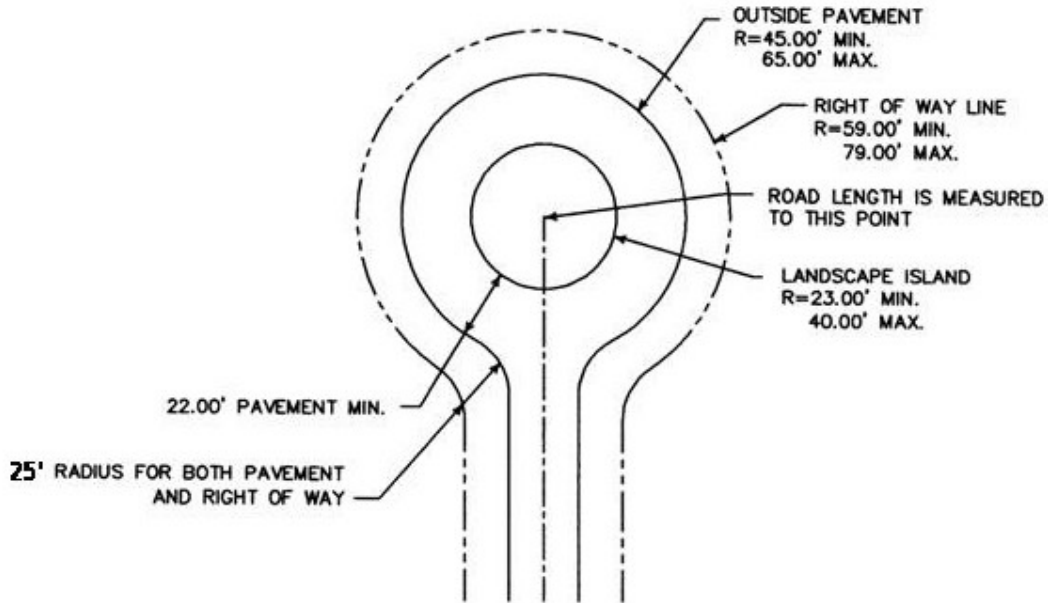
No plan of a subdivision shall be approved unless the ways and streets shown on a plan comply with the following requirements:

- 1) Provision satisfactory to the Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided. These projections shall be extensions of the right-of-way. The Board may require that the extension be paved.
- 2) Subdivision roads shall be designed based on the anticipated traffic and the number of lots the roadway will service. Design of roads shall be in accordance with Table 1 Roadway Design Standards.
- 3) 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 Applicant to the attractiveness of the street layout in order to obtain the maximum livability and

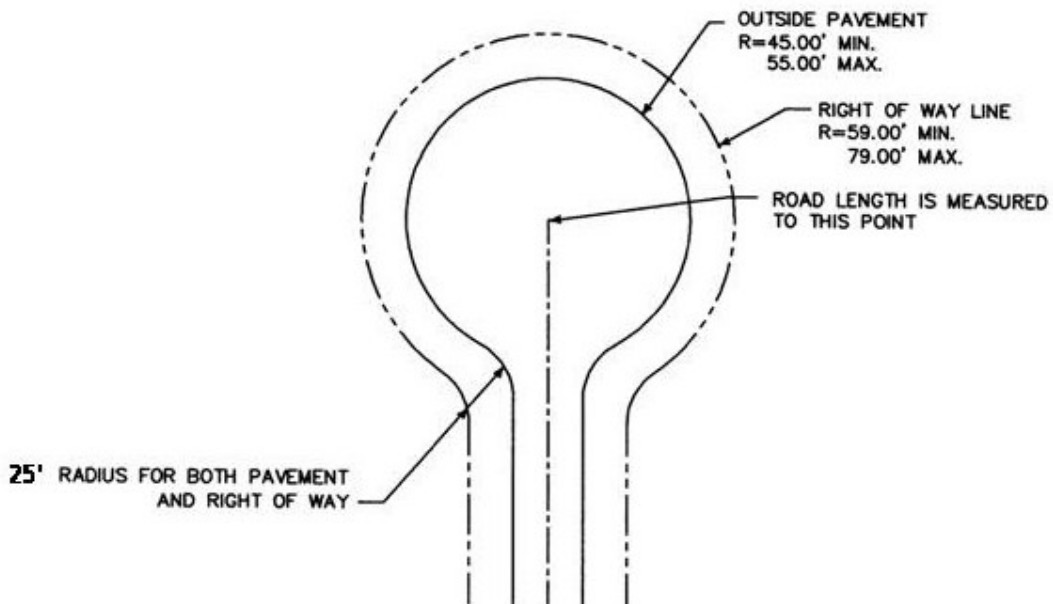
amenity of the subdivision. Pavement may be offset from the centerline of the Right of Way when it is necessary to provide sidewalks or to save significant existing trees.

- 4) The proposed streets shall compose a convenient system with adequate street connections to ensure free circulation of traffic. Street jogs or street intersections with centerline offsets of less than 125 feet shall not be permitted.
- 5) Minimum width of street rights of way shall be 50 feet.
- 6) Street lines at intersections shall be cut back so as to provide for curb radii of not less than 20 feet. Curb radii shall be adjusted as needed to accommodate a SU-30 truck turn without crossing into the opposite lane of traffic.
- 7) 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.
- 8) Streets shall be laid out so as to intersect at right angles where feasible, but in no case less than 60 degrees.
- 9) At all intersections, a leveling area shall be provided on the proposed intersecting street which shall have a maximum grade of 3% for a distance of at least 50 feet from the nearest right of way line of the intersected street. Where the intersected street is also a proposed street, said intersection shall have a maximum grade of 3% for the width of the intersection. Adequate sight lines for vehicles and pedestrians shall be provided for and maintained at all street intersections.
- 10) Retaining walls, if required, shall be no higher than 4 feet at any point.
- 11) Vertical curves shall be required on all changes in vertical slopes. For sag curves, if the algebraic difference is less than 3% or the difference in elevation of the low point and PVC is one inch or less, the vertical curve shall be eliminated to assure adequate slopes to catchbasins.
- 12) Any street, segment of street, or system of streets which intersects only with a dead-end street shall be deemed to be an extension of the dead-end street.
- 13) A dead-end street or an extension of a dead-end street shall be provided at its closed end with a circular turnaround having a minimum and maximum dimension as set forth in Section IV.A.19.
- 14) The length of a dead-end street shall be measured along its centerline from the edge of the pavement of the intersecting through street to the midpoint of the circular turnaround. A dead-end street shall not be longer than 500 linear feet in combined total length unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions, excluding financial considerations, and there are clear and compelling benefits to the Town for granting a greater length.
- 15) The number of dwelling units served by a dead-end street shall not exceed ten (10).
- 16) A 50-foot right of way projection may be required by the Board at the end of the circular turnaround to provide for the continuation of the street. Such projections shall not be included in the measurement of a dead-end street.

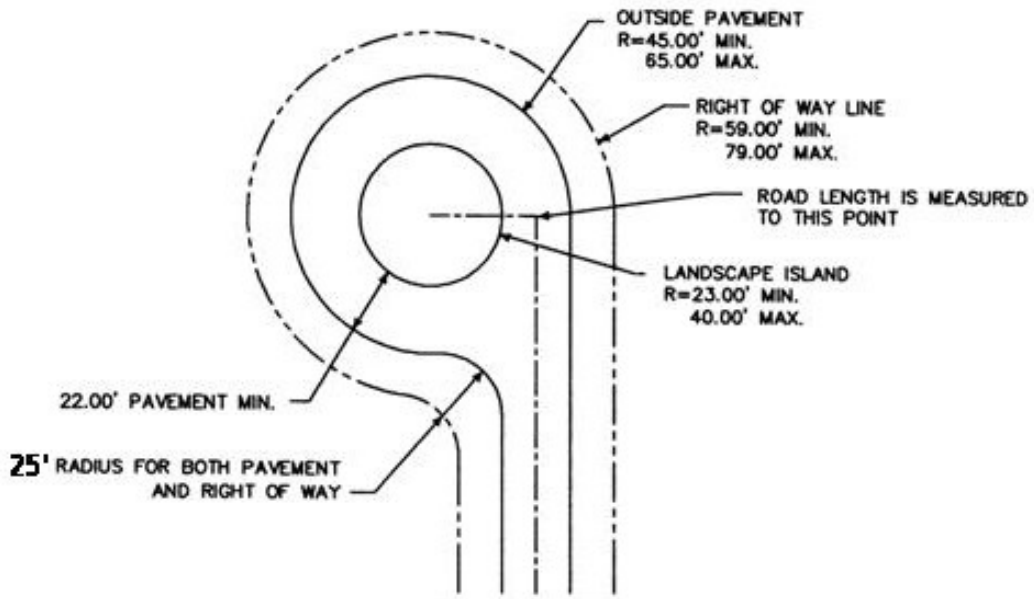
- 17) Planted islands in the central area of the cul-de-sac may be required by the Board for circulation, aesthetics, and reducing impervious area contributing to increased runoff.
- 18) Any dead-end street shall be provided with a circular turnaround having the following minimum and maximum dimensions:



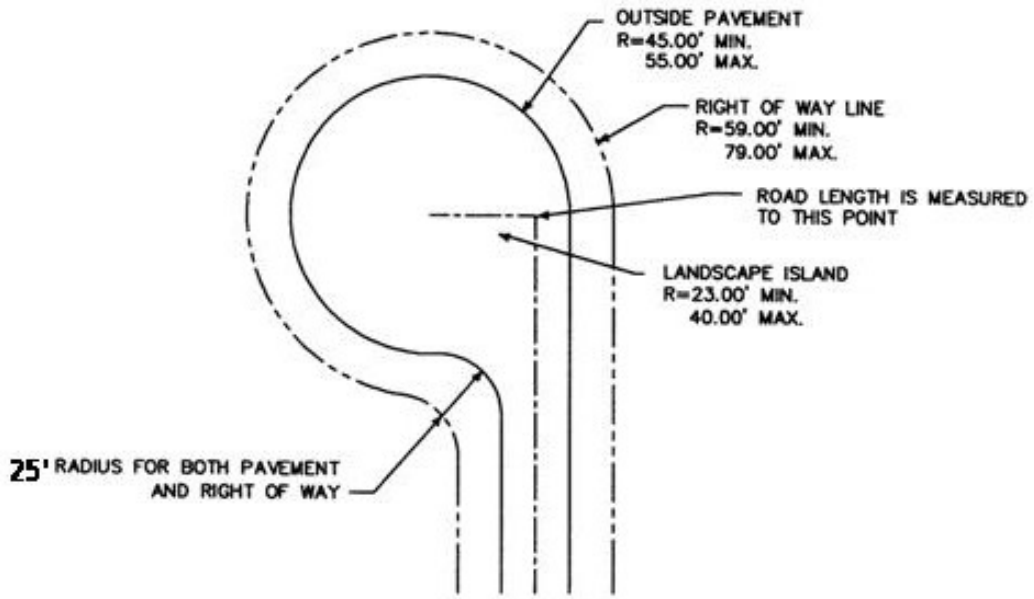
CUL-DE-SAC TURNAROUND WITH LANDSCAPE ISLAND



CUL-DE-SAC TURNAROUND



OFFSET CUL-DE-SAC TURNAROUND  
WITH LANDSCAPE ISLAND



OFFSET CUL-DE-SAC TURNAROUND



TABLE 1  
SUBDIVISION RULES AND REGULATIONS - ROADWAY DESIGN STANDARDS

<b>Requirement</b>	<b>Private Lane</b>	<b>Local Access</b>	<b>Subcollector</b>	<b>Commercial Roads*/ Collector</b>	<b>Arterial</b>
Number of Dwelling Units the Roadway will service	1-3	4-20	21-50	51-120	120+
Maximum Average Daily Traffic Guideline	30 vpd	200vpd	500 vpd	1200 vpd	1200+ vpd
Maximum Grade	8%	8%	6%	5%	5%
Minimum Grade	2%	2%	2%	2%	2%
Pavement Width	20'	22'	22'	24'	30'
Minimum Centerline Radius of Horizontal Curvature	100'	100'	140'	300'	300'
Stopping Sight Distance	175'	175'	200'	250'	300'
Curb Radius at Intersections	20'	20'	20'	20'	20'
R.O.W. Width	50'	50'	50'	50'	60'
Shoulder Width	4'	4'	5'	5'	5'

\* Commercial Roads shall be designed using the standards for Collector or Arterial Streets depending on the type of development and the amount of anticipated traffic and truck traffic. The appropriate standard shall be determined by the Board.

**B. Drainage and Stormwater Detention**

## 1. Purpose

Although the Board is aware that the type of Best Management Practice (BMP) techniques employed depends largely on the site's hydrological features, it has placed a high priority on environmentally sensitive site design techniques for stormwater management, including:

- a) . Minimizing impervious surfaces
- b) . Fitting the development to the terrain
- c) . Preserving and using natural drainage systems
- d) . Reproducing pre-development hydrologic conditions

The drainage calculations shall justify the design approach for stormwater management. The Applicant shall provide a detailed description of the approach being applied to satisfy the standards in Stormwater Handbook. At a minimum, the Applicant shall consider and present to the Board a design based on the Stormwater Handbook Checklist for Stormwater Report.

The design shall emphasize the use of environmentally sensitive site design and low impact development techniques to minimize the amount of onsite disturbance and to lessen the need for BMPs for stormwater quality treatment and volume/velocity management.

The Board shall consider the following three stormwater management components in order of priority as described in the Stormwater Handbook:

- 1) Site Planning: Design the development using environmentally sensitive site design and low impact development techniques to preserve natural vegetation, minimize impervious surfaces, slow down times of concentration, and reduce runoff;
- 2) Source Controls, Pollution Prevention, and Construction Period Erosion and Sediment Control: Implement nonstructural measures to prevent pollution or control it at its source; and
- 3) Structural BMPs (physical devices typically designed and constructed to trap or filter pollutants from runoff or to reduce runoff velocities): Design, construct and maintain structural BMPs to attenuate peak flows, capture and treat runoff, and provide recharge to groundwater.

## 2. General

- 1) Road drainage shall be designed to prevent runoff from ponding or crossing the roadway. The use of non-structural, Low Impact Development (LID) techniques such as open drainage system, grass swales and multiple shallow detention basins is encouraged where practical.
- 2) Where an open drainage system is not practicable, a closed system of storm drains, culverts, ditches, and related installations including catchbasins, gutters, and manholes, shall be designed and installed to provide adequate disposal of surface water, including control of erosion, flooding, and standing water from or within the subdivision and adjacent lands. Catchbasins, drain manholes and trenches shall conform to the Standard Specifications and shall comply with the Stormwater Handbook.
- 3) Where property adjacent to the subdivision is capable of future subdivision, and as dictated by adjacent grades, provisions shall be incorporated for proper projection of the

proposed drainage system by continuance of appropriate drainage facilities on the plan to the exterior boundaries of the subdivision.

- 4) If the proposed drainage will connect to an existing drainage system, the drainage calculations and plans shall show the size and location of existing storm drain facilities in order to demonstrate capacity within the existing system. Water Quality performance standards shall be met for any new runoff entering an existing system. If any easements or improvements to the existing drainage system are required, the cost of these improvements shall be borne by the Applicant.
- 5) Use or connection to a catch basin or other drainage structure located within a public road will not be allowed without approval from the Board of Selectmen in consultation with the Public Works Director.

### 3. Design Criteria

- 1) Drainage shall be designed in accordance with the Stormwater Handbook.
- 2) Street drainage shall be designed for the 25 year event using the Rational Formula. All cross-culverts shall be designed for the 100 year event with calculated flood elevations a minimum of 1-foot below the roadway. Any increases in the 100 year flooding shall be contained within the subdivision.
- 3) No more than 2 catchbasins shall be connected to each other without connecting to a drain manhole. Drain manholes are required for changes in direction and slope.
- 4) Catchbasins shall be required at all low points in the roadway including open drainage systems. For closed drainage systems, catchbasins shall be required at intersections, as needed, to accommodate inlet grate capacities with a maximum interval of 350 feet. Inlet grate capacities shall be included in the drainage calculations.
- 5) Subdrains or underdrains shall be provided if the roadway is in a cut section or in groundwater conditions which could saturate the gravel base of the road. If the roadway results in a cut slope of 5-foot or more vertical, a swale at the top of the cut slope shall be provided to minimize erosion and limit the runoff onto the roadway.
- 6) Velocities in pipes shall be between 2 and 10 fps. The minimum pipe diameter is 12 inches. Pipes shall be reinforced concrete or high density polyethylene. All pipes shall have a minimum cover of 3 feet.
- 7) Detention/Retention Basins
  - a) Detention/retention basins shall be designed to provide outlets to facilitate maintenance and minimize visual impacts. Multiple smaller basins shall be used rather than one end-of-the line basin.
  - b) All basins shall have a minimum of 2 test holes, performed by a Massachusetts Soil Evaluator. The bottom of the basin shall be a minimum of 2 feet above the Estimated Seasonal High Water Table as determined by the on-site testing unless the design intent is a wet basin.
  - c) Basins shall have a 3:1 maximum side slope, finished with a 6-inch layer of loam and seeded. Erosion control mats shall be installed during construction to provide

stability. Basins shall be provided with a safety shelf, 5 feet wide, every 5 vertical feet on any slope exceeding 5-foot vertical height.

- d) Overflows shall be provided for all detention/retention basins.
- e) On sites with Hydrologic A soils, there shall be no mining of material beneath the basins. If over-excavation occurs, the basin shall be returned to the design elevations using material meeting the same sieve analysis as the in situ soils.

#### 4. Drainage Calculations

- 1) All drainage calculations shall be stamped by a Massachusetts Professional Engineer.
- 2) Calculations shall clearly identify any assumptions utilized in the design including, but not limited to house footprints, driveway areas, roof recharge, soil characteristics and testing. Any back up data such as soil logs or soil maps shall also be included.
- 3) Calculations shall be accompanied by a plan, at a legible scale, showing Pre and Post development drainage subcatchments, flow paths for Time of Concentration, Points of Analysis and location of soil tests.
- 4) If the development of the site requires extensive fill, the drainage calculations shall reflect a B or C soil for those fill areas unless specifications are provided for the fill material.
- 5) Calculations shall include the DEP Stormwater Management Form and supporting documents.

#### **C. Adequate Access from a Public Way**

When the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry traffic expected to be generated by such subdivision, the Board may require the Applicant to dedicate a strip of land for the purpose of widening the abutting public way to a width at least as great as that required within the subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for the purpose of widening or improving the way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of such widening or construction shall be borne by the Applicant.

#### **D. Subdivisions Straddling Municipal Boundaries**

The Board will not approve a subdivision of land where sole access to the subdivision tract in Boxborough is through another town, unless the access is an accepted public way at the time the subdivision is submitted. For lots that gain access from Boxborough and are laid out so as to cross municipal boundaries, the single family dwelling or commercial structure shall be built in the Town of Boxborough.

#### **E. Easements**

- 1) Easements for utilities, where required, shall be 20 feet wide unless the Board stipulates otherwise.

- 2) Where a subdivision is traversed by a water course, drainage way, channel, stream, or wetland, the Board may require the Applicant to provide a stormwater easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel, stream or wetland, and to provide for construction, entry for proper maintenance or other necessary uses.
- 3) Slope easements shall be provided where cut or fill slopes cannot be contained within the street layout.
- 4) Easements may be required for the continuation of pedestrian traffic, underground utilities and bikeways.

#### **F. Open Spaces**

- 1) Before approval of a plan, the Board may require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of the land. The Board may by appropriate endorsement on the plan require that no building be erected upon such park or parks for a period of not more than three years without its approval. This land shall be made available for purchase by the town. Failure to purchase within three years shall free the owners from restrictions.
- 2) The perimeter of the designated Open Space Parcels shall have iron pins/pipes set at all lot corners or change in direction where abutting lots in the subdivision to facilitate identification of the lot lines.

#### **G. Protection of Natural Features**

- 1) Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, and similar community assets which, if preserved, will add attractiveness and value to the subdivision and protect the natural resources of the Town.
- 2) Existing contours shall be preserved insofar as it is practical to do so. No change shall be made in the contour of the land that adversely affects the land abutting the proposed subdivision.
- 3) To be more attractive and economical, subdivisions shall closely adhere to the topography of the land, with streets designed so as to minimize the necessity for excessive cut and fill.
- 4) Building envelopes which restrict the placement of buildings within approved lots will be required when necessary to protect significant natural features or scenic viewpoints which might otherwise be adversely impacted from construction.

#### **H. Buildings**

No lot shall be developed in a subdivision so that more than one building designed or available for dwelling purposes exists, is erected, placed or converted for such use without the consent of the Board and such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building.

## **I. Lot Size, Frontage and Access**

All lots shall be of such size and dimensions and have frontage to meet or exceed the minimum requirements of the Zoning Bylaw. An applicant must demonstrate that the buildable portions of any new lots created could feasibly be accessed through their legal frontage, even if it is the applicant's intent to provide actual access via a common driveway. By way of example only, access to the buildable portion of a lot from the legal frontage would not be deemed feasible if such access would be substantially impeded by the presence of wetlands or other topographic features, or by exclusive easements or other title restrictions that would render such access impracticable or illusory.

## **J. Driveways**

All driveways shall be designed to meet the specifications shown in the Driveway Approach Bylaw.

## **K. Lot Grading and Drainage**

- 1) Lots shall be prepared and graded in such a manner that development of one lot does not cause detrimental drainage onto another lot, on areas outside the subdivision, onto roadways, or onto wetlands. Where lots within a subdivision require the use of raised septic systems, lot grading for adjacent lots shall be coordinated and post-development grades shall be shown on the plans. These requirements shall be specified in deeds to each lot.
- 2) During development and construction, adequate protective measures shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.
- 3) Land shall be developed in increments of workable size which can be completed during a single construction season. Erosion and sediment control measures shall be coordinated with the sequence of grading, development, and construction operations. Control measures such as hydroseeding, berms, interceptor ditches, terraces, and sediment traps shall be put into effect prior to the commencement of each increment of the development/construction process. Temporary construction entrances (trap rock) shall be used for access into individual lots.
- 4) Sediment basins (debris basins, de-silting basins, or silt traps) shall be installed in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters draining from land undergoing development.

## **SECTION V. - REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION**

### **A. Streets, Roadways and Sidewalks**

#### **1. Construction**

- 1) The entire area of each right-of-way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.
- 2) All topsoil shall be removed for the full length and width of the paved roadway and such additional width as necessary to accommodate the type of curb construction. Such topsoil shall be stockpiled for later use in finish grading within the subdivision.
- 3) All other material shall be similarly removed to a depth of at least 21½ inches below the finished grade shown on the profile plan; provided however that if the soil is soft and spongy, or contains undesirable material, such as clay, sand pockets, tree stumps, or other material detrimental to the subgrade, a deeper excavation below the subgrade shall be made, as required by the Board or its agent.
- 4) Any fill material brought or used on site shall be free of hazardous materials and free of construction debris. If blasted stone is contained within the fill, the contractor must provide documentation to the Board that perchlorate was not used in the blasting operations.
- 5) All roadways shall be brought to a finished grade as shown on the profiles of the Definitive Plan with gravel as specified in item 4 and to a width sufficient to accommodate the paved roadway and curbing construction. Crown shall be a minimum of a ¼ inch per foot.
- 6) After the road has been carefully graded to an elevation of 21 inches below the finished grade, three 6-inch layers of well compacted gravel shall be placed for the full width of the roadway and shoulders. Gravel shall conform to materials specification in the Standard Specifications, except that for the bottom layer, Gravel Borrow, Type A, may be used. Each layer shall be compacted to not less than 95% of the maximum dry density of the material, or to the satisfaction of the Town's consulting engineer and the Public Works Director, being guided by the Standard Specifications.
- 7) Before the gravel is placed, the Applicant shall provide a sieve analysis and certificate of origin of the sample of gravel to be used on the road to the Town's consulting engineer. In addition, a 5-pound bag sample of the gravel shall be delivered to the Town's consulting engineer. The Board reserves the right to require additional sieve analysis or core testing for any gravel in question.
- 8) When the gravel base courses are brought to true grade within 3 inches of finished grade, the gravel surface shall be completed with a wearing surface consisting of 3½ inches of Class I, Type I-1 plant mixed bituminous concrete, composed of materials and complying with Standard Specifications. The wearing surface shall be applied to a 2-inch thick standard binder course and a 1½-inch thick top course, in accordance with the Standard Specifications.

- 9) The binder shall be exposed to at least one winter prior to the installation of the finish course. Prior to the installation of the finish course, the binder shall be swept clean and treated with an asphalt emulsion or tack coat to ensure a satisfactory bond between pavement courses. The tack coat may also be required under bituminous berms if the binder has been subject to heavy sedimentation.
- 10) The finish course shall be installed when individual lot construction is complete. If all the houses in the subdivision are not completed within 2 years from the time that the base course of pavement is installed, the base course of pavement shall be inspected by the Town's consulting engineer and Public Works Director prior to final pavement. If it is determined that the condition of the base course of pavement has deteriorated to a level that may compromise the condition and/or longevity of the final course of pavement, the Applicant shall reclaim and reinstall the base course of pavement to the satisfaction of the Town's consulting engineer and Public Works Director.

## 2. Drainage

- 1) The plan shall include a detailed design to dispose of surface water adequately. Such design, in every detail, shall be in accordance with the requirements of and approved by the Board.
- 2) Precast concrete catchbasins and manholes shall be installed. Any change in alignment or grade, if not normally the location of a catch basin, shall be made using a standard manhole. The materials and construction of catchbasins and drain manholes shall conform to the Standard Specifications, using heavy duty frame and cover.
- 3) Double catchbasins shall be used where necessary for inlet capacity and shall conform to the Standard Specifications.
- 4) All structures, including off road locations, shall be designed for H2O loading. Catchbasins shall have a 4-foot sump and shall be equipped with oil and grease trap hood NEENAH Foundry R-3701 or equivalent approved by the Town's consulting engineer. All drainage structures shall be delivered to the site sealed in the exterior by a minimum of two coatings of bit mastic or other approved concrete water sealant product. Such sealing shall occur at the place of manufacture.
- 5) A leveling course of sewer brick shall be installed under the frame on precast manholes and catchbasins. The leveling course shall consist of a minimum of 2 layers of brick or reinforced grading rings and a maximum of 12 inches. The frame shall be sloped to match the slope of the finished road surface.
- 6) Grating/covers and rims shall be heavy duty and made in the USA. Catchbasin frames and grates shall be LeBaron Foundry LF 248-2 or equivalent approved by the Town's consulting engineer. Manhole frames and cover shall be LeBaron Foundry LK 110 labeled "DRAIN" or equivalent approved by the Town's consulting engineer.
- 7) Catchbasin rims shall be functional with the binder course of pavement. Rims shall be re-set to finish elevations prior to the installation of the finish course of pavement. All catchbasins shall be equipped with a silt sack (or equivalent) during active construction. They shall be cleaned a minimum of twice a year and before road acceptance.



- 8) Minimum pitch of storm drains shall be 0.5%. Minimum size of storm pipe diameter shall 12 inches. Storm drains shall be high density polyethylene (HDPE) or reinforced concrete pipe (as specified in the Standard Specifications) and shall be laid in accordance with construction methods the Standard Specifications.
- 9) Underdrains shall be perforated PVC pipe, or perforated HDPE, 6 inches minimum diameter, bedded and backfilled with a minimum of 6 inches of screened gravel, measured from the outside diameter of the pipe, 1½-inch standard size, with no more than 2% by weight passing a number 200 sieve. Geotextile fabric shall be utilized on the sides and tops of all underdrain trenches.
- 10) Open ends of drain pipes shall have stone or concrete headwalls or precast concrete flared ends. HDPE flared end sections are not allowed. Trash racks or grates shall be provided on inlet end and shall have rip-rap protection to the degree required by the calculated velocity on the outlet end. The Board may require outlet grates.
- 11) Ditches shall have a maximum side slope of 2:1, and be protected with grass or stone to the degree required by the calculated velocity. Permissible velocities shall be as specified in Appendix A of the USDA Soil Conservation Services Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts, as most recently amended.

### 3. Sidewalk and Grass Strips

- 1) Sidewalks, preferably meandering, shall be constructed on at least one side of all streets and on both sides when, in the opinion of the Board, such is necessary. Sidewalks shall be a minimum of 5 feet wide and shall be offset from the edge of pavement by a 10-foot grass strip.
- 2) The grade shall be at least 6 inches above the adjacent roadway. Handicap ramps shall be installed in sidewalks at all curb cuts, in accordance with the requirements of the Massachusetts Architectural Barriers Board. Sidewalks shall be constructed in accordance with the Standard Specifications, including specifications for materials and construction for an 8-inch subgrade and foundation.
- 3) Sidewalks shall be bituminous concrete. The foundation shall be 8 inches of gravel as specified above in item 3.2. The wearing surface shall be laid in two courses, a 1¼-inch binder course and a 1¼-inch finish course, thickness measured after compaction. The material and application shall conform to Standard Specifications. All edges of the walks shall be formed with wood screeds which are securely anchored and left in place until adjacent grassed strip areas are brought to sidewalk grade and seeded.
- 4) Grass strips shall be required between the sidewalk and road. The strip shall be 10 feet wide, planted with grass with a minimum of 4 inches of loam and seed. Street trees shall be located in this strip.
- 5) Maintenance of this strip shall be the responsibility of the adjacent lot owner and shall be reflected in the deeds for the lots with associated sidewalks.

#### 4. Curbing

- 1) Curbing or berms are required on both sides of all streets if a closed drainage system is proposed. Granite or 5,000 pounds per square inch precast concrete curbs shall be required where in the opinion of the Board and the Town's consulting engineer, such curbs are necessary to prevent erosion and to control water run off. If curbing is necessary, sloped granite curbing shall be required at all cul-de-sac turnarounds.
- 2) Bituminous berms may be provided instead of concrete or granite curbing. Construction shall be in accordance with the Standard Specifications with the binder pavement extending the full 12 inches under bituminous concrete curbing.
- 3) Curbing shall comply in all respects with materials and construction methods specifications contained in the Standard Specifications.

#### 5. Topsoil and its removal:

- 1) On grass strip areas, at least 4 inches of topsoil (depth after compaction) shall be applied. Seeding of lawn grass shall be done after building construction has been completed on the particular lots adjacent.
- 2) No removal of loam from the development shall be made until at least a 4-inch thickness of compacted loam shall be provided throughout the entire area of lots and on the planting strips along the roadway. Only such areas as roadways, driveways, building sites and areas requiring filling may be stripped of topsoil. Only after the above requirements have been met may surplus loam be disposed of elsewhere after review of the site by the Board.

### **B. Utilities**

Water pipes and related equipment, such as hydrants and main shut-off valves, if any, shall be sized and constructed to serve all lots on each street in the subdivision in conformity with specifications of the Board. Joints shall be left uncovered until inspected. Water service lines shall be extended from the main to each property line before the street is surfaced. Shut-off valves to each lot shall be located in the grass area within the right-of-way. All utility trenches shall be filled with bank gravel and carefully compacted. There shall be no private water pipes or other portions of water supply system located within the public right-of-way.

All utilities, including telephone and electrical service, shall be placed underground and shall be installed and inspected in accordance with the standards and regulations of the appropriate utility.

Attention is directed to Section III.C.9, which requires the submission of a record plan showing utilities as actually constructed.

### **C. Monuments**

Granite or reinforced concrete monuments, 5 inch by 5 inch minimum, 48 inches minimum height, shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of the

Massachusetts Land Court and shall be set according to said specifications. No permanent monuments shall be installed until all construction which would destroy or disturb the monument is completed. Bounds shall be set flush with grade. Railroad spikes may be used where bound locations fall within a paved surface.

Iron pins/pipes shall be set at all front lot corners along the road and on lot corners or change in direction along the perimeter of Open Space where abutting lots in the subdivision. Iron pipes shall be ¾-inch to 1½-inch galvanized iron 24 inches in length. Iron pins shall be ¾-inch rebar, 24 inches in length.

#### **D. Street Signs**

The Applicant shall furnish and erect street signs to designate the name of each street in the development; said signs shall conform to Town specifications and shall be located as directed by the Public Works Director.

#### **E. Trees**

Preference shall be given to preserving the existing trees on the right-of-way and on all lots. The Applicant shall submit a tree preservation plan indicating how this will be accomplished. Clearing, excavating and filling shall be done in such a manner as to preserve trees whenever possible. Trees shall be planted within the street right-of-way 8 feet to 10 feet from the edge of pavement or within the green strip if sidewalks are required. Street trees shall generally be spaced at intervals of approximately 50 feet on center, but no closer than 35 feet. If approved by the Board, trees may be clustered to provide a more natural appearance. If clustered, the total number of trees required shall be the equivalent of a 50-foot spacing along the entire roadway.

The species of trees selected shall be ash, linden, maple, oak, black locust or other hardy species approved by the Board or as recommended by the Tree Warden. Trees shall be a minimum of 2½-inch caliper and 8 feet to 10 feet in height, nursery grown stock. Existing trees may be used to meet these requirements if approved by the Board and preservation of such trees does not jeopardize proper construction of the roadway. Trees shall be maintained and secured with a performance guarantee by the Applicant until completion of all roadway construction.

#### **F. Fire Ponds or Cisterns**

Fire ponds or cisterns shall be required if deemed necessary by the Board, after consulting the Fire Chief. Fire ponds or cisterns shall be in accordance with the Boxborough Fire Department requirements. Cisterns and/or dry hydrants shall be operational and approved by the Fire Chief prior to the construction of any combustible material.

#### **G. Site Conditions**

During construction, a sightly appearance shall be maintained. Upon completion of all work on the ground, the Applicant shall remove all temporary structures and all surplus material and rubbish and shall leave the work in a neat and orderly condition. Waste materials, debris, and discards shall be removed to and disposed of at a place and in a manner approved by the Board of Health and the Planning Board.

## **H. Maintenance**

The Applicant shall maintain the roads, including plowing and treating, for vehicular travel in a manner satisfactory to the Board and the Public Works Director. Further, the Applicant shall maintain the road and all other improvements within the subdivision, in a condition which meets all the requirements in these Rules and Regulations to the satisfaction of the Board until transfer of the fee in the road in a manner approved by the Board or acceptance of such roads by Town Meeting.

## **I. Erosion and Sedimentation Control**

The Applicant shall control erosion and sedimentation during construction as required for the National Pollutant Discharge Elimination System (NPDES) permit. A copy of the Stormwater Pollution Prevention Plan (SWPP) shall be sent to the Board and Town's consulting engineer prior to construction. Copies of all inspection reports shall be provided to the Town Planner, Public Works Director, Conservation Commission or their approved agents.

If it is determined by the Town Planner, Building Inspector, Town's consulting engineer, Conservation Commission or the Public Works Director that the erosion control plan is not working, then the plan shall be revised and submitted to the Board for review and approval. Failure to respond shall result in "cease and desist" of all site activity until the revised plan is approved by the Board.

When directed by the Town, the Applicant shall clean up, in a timely manner, any sand, dirt, or debris which erodes from the subdivision onto any public street or private property; and to remove any silt or debris that enters any existing drainage system including catch basins, sumps, pipe lines, manholes, and ditches.

## **J. Guard Rails**

Guard rails shall be provided as necessitated by site conditions. At a minimum, guardrails shall be required to prevent intrusion into stormwater basins or water features adjacent to the roadway and where the grades drop 3 feet or more within 10 feet of the roadway shoulder.

The guard rail design shall be appropriate for the site conditions. The Town Planner, Public Works Director and Town's consulting engineer shall provide a recommendation to the Board on the actual design.

## **SECTION VI - ADMINISTRATION**

### **A. Modifications, Amendments or Recessions**

No changes or alterations shall be made to an approved Definitive Plan without submitting the changes for approval by the Board. For the purposes of this paragraph, the Definitive Plan shall be defined to include all elements listed under contents of the Definitive Plan, Section III.C.1 to C.4. Any alterations in the location and width of ways, grades, drainage plans, or other utilities shall be deemed to constitute a change in the Definitive Plan.

The Board, on its own motion or on the petition of any person interested, shall have the power to modify, amend, or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan. All of the provisions of the

Subdivision Control Law relating to the submission and approval of a plan of a subdivision 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.

Failure of an applicant to record the Definitive Plan within six (6) months of its endorsement by the Board; or to comply with the construction schedule incorporated into the performance agreement or to initiate construction of improvements or sell lots in a subdivision within seven years of the approval of the Definitive Plan; or to comply with all applicable Zoning or other Bylaws of the Town of Boxborough, or with regulations of the Commonwealth of Massachusetts or of any other department or agency to which it is subject; or to comply with the approved plans and any conditions of approval, shall, without limitation, constitute reason for the Board to consider rescission of its approval in accordance with the requirements and procedures set forth in G.L.c. 41, Section 81-W.

### **B. Waivers of Compliance**

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, the Board may waive strict compliance with these Rules and Regulations, 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. The 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. For matters not covered by these Rules and Regulations, reference is made to Section 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws of the Commonwealth of Massachusetts.

### **C. Inspection**

Inspections shall be performed by the Town's consulting engineer. The Town's consulting engineer shall not authorize any changes from these Rules and Regulations or from the approved Definitive Plan for the subdivision without specific approval of the Board.

The Applicant shall furnish all data relative to baselines and grade stakes on the ground, stake sheets, ties and other information which is needed, in the opinion of the Board, to accomplish such checking as is required for the requested approval and certification.

As each construction phase listed below is completed, the Applicant shall notify the Board and the Town's engineer, and no succeeding operation shall commence until the work has been inspected by the Board or their authorized agent. Inspections shall be required at the following stages of construction:

- 1) Pre-construction meeting with contractor after installation of erosion control, provisions to protect stonewalls and any other site feature identified as to remain.
- 2) After clearing, grubbing, stump removal, excavation to subgrade and excavation of ditches for utilities. Each utility is responsible for inspections of their respective utility installation.

- 3) After drainage system (pipe, manholes, catch basins and other drainage structures) is installed, but before it is covered. The Town's consulting engineer shall sight drainage pipe runs to adjacent basins. Any defective runs shall be corrected before approval is given.
- 4) During the installation of binder and finish bituminous concrete. The Town's consulting engineer shall be on-site during the installation of any pavement for the roadway.
- 5) Periodic inspection of erosion control practices. Inspection shall be a minimum of twice a year if construction is initiated but not complete.
- 6) Review of completed as built plans for accuracy.
- 7) Inspection prior to acceptance of the road as a public way by Town Meeting.
- 8) At other specific times deemed necessary by the Board or Town's engineer.
- 9) The Applicant shall give 72 hours notice to the Board and Town's engineer whenever an inspection is indicated.
- 10) The Applicant is responsible for requesting inspections at the proper stage in the process of installation of improvements. No work will be accepted that has been covered before inspection.

#### **D. Outside Consultant Costs**

In any matter under review by the Board, at any time during the review procedure where it is determined by the Board that the assistance of outside consultants is needed, the Board may require that the Applicant pay a review fee consisting of the reasonable costs incurred by the Board for the employment of outside consultants.

In hiring outside consultants, the Board may engage any appropriate professional, such as engineers, architects, and/or lawyers, who can assist the Board as needed to perform its legal duties in analyzing the subdivision to ensure compliance with all relevant laws, bylaws, and regulations and/or best practices within the consultant's field of expertise, inspections, review of any legal documents, all materials related to Road Acceptance and any other service deemed necessary by the Board.

Funds received by the Board pursuant to this section shall be deposited with the Town Treasurer who shall, pursuant to G. L. c. 44, Section 53G, establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the Applicant. Failure of an Applicant to pay a review fee shall be grounds for denial of the application.

At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the Applicant or the Applicant's successor in interest. A final report of said account shall be made available to the Applicant or the Applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be the Applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

Any Applicant may make an administrative appeal from the selection of outside consultants to the Board of Selectmen. Such appeal must be made in writing and may be taken only within 20 days after the Board has mailed or hand delivered notice to the Applicant of the selection. The grounds for such an appeal shall be limited to the claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue, or three or more years of practice in the field, at issue, or a related field. The required time limit for action upon a Preliminary or Definitive Plan shall be extended during the administrative appeal. In the event that the Board of Selectmen does not render a decision within 30 days following the filing of an appeal, the Board's selection shall stand.

#### **E. Town Bylaws**

The Applicant shall acquaint himself with the following Town Bylaws which affect the subdivision:

- 1) The Boxborough Zoning Bylaw.
- 2) The Boxborough General Bylaw.
- 3) The Boxborough Wetland Bylaw

#### **F. Acceptance of Roads**

When a road or way in a subdivision has been constructed in a manner fulfilling the requirements of the Board with the intention that the road is to become an accepted public way and the road has been exposed to two years of weathering, the Applicant shall file for Road Acceptance pursuant to the Board's Road Acceptance Procedures. Subdivision road acceptances are the financial and legal responsibility of the Applicant. The following information will be required before the Board makes a recommendation on road acceptance:

- 1) A mylar plus two copies of the plan of the road As Built at a scale of 1 inch = 40 feet. The center line profile shall be shown at 4 feet per inch on the vertical scale and 40 feet per inch on the horizontal scale taken at 50-foot intervals along the road or way as it has been completed. The plan shall show the monuments with the dates they were set and the traverse and fixed points on the subdivision perimeter used to establish the bound locations, all with bearings, distances, or coordinate values sufficient to reestablish these points.
- 2) All utilities shall be shown on the plan as they exist. Any other improvements required in the subdivision including fire protection, landscaping, sidewalks, handicap ramps or other features within the right of way including driveways shall be shown.
- 3) Two copies of the proposed article for the Town Meeting covering the road or way that is to be considered for acceptance by the Town.
- 4) If applicable, a Certificate of Compliance from the Conservation Commission under M.G.L. ch. 131 Section 40 and the Boxborough Wetlands Bylaw.
- 5) Where applicable, copies of all deeds for lots subject to a Homeowners Association, maintenance covenants for sidewalks, green strips, cul-de-sac islands or otherwise required in the Board Decision.

6) A CD with all plans in ArcGIS and documents in Word format.

### **G. Building Permits**

No building permit shall be issued until fire protection measures have been completed to the satisfaction of the Boxborough Fire Chief, the road is completed to a binder course and the Town's engineer certifies that the roadway and the drainage system are built according to the approved subdivision plans. Such road completion may be accepted in phases defined in the Subdivision Plan if it is determined by the Board that it is in the Town's best interest to do so.

### **H. Appeals**

Appeals of any decision by the Board may be taken to Superior Court or Land Court in accordance with MGL Ch. 41 Section 81BB.

### **I. Amendments**

These Rules and Regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board after a public hearing, on its own motion or by petition.

### **J. Invalidation by State Law**

Any part of these Rules and Regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law, and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulations.

### **K. Separability**

If any section, paragraph, sentence, clause, or provision of these Rules and Regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these Rules and Regulations shall be deemed to remain valid and effective.

### **L. Forms**

On the following pages are sample forms for the administration of these Rules and Regulations. The administrative content of these forms may be revised from time to time by administrative action of the Board apart from Section VI A. Copies of these forms may be obtained from the Town Planner or Town Clerk.

### **M. Enforcement**

The enforcement of the provisions of these Rules and Regulations, or any approval or condition of approval granted by the Board under the provisions of these Rules and Regulations may be enforced by the Board, Town Planner or Building Inspector, by non-criminal complaint pursuant to the provisions of Chapter 40, Section 21D. The fine for any violation disposed of through this procedure shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense and each provision of the Rules and Regulations or subdivision approval that is violated shall constitute a separate offense.



#### **N. Authorization**

If the Board 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, it 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.

#### **O. Entry on Private Land**

The Board 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.

#### **P. Completion within Three Years**

Construction of all ways and all installation of municipal services shown on the plan shall be completed within three (3) years of the date of approval. If the construction and installation is not completed within the three (3) year period, the approval shall automatically lapse and no way shall be laid out, constructed or opened for public use unless and until a new Definitive Plan application has been filed in accordance with the Rules and Regulations then in effect and the new plan has been approved by the Board.



Boxborough Planning Board  
29 Middle Road  
Boxborough, MA 01719  
978-264-1723  
www.boxborough-ma.gov

## Approval Not Required Under The Subdivision Control Law

### Form A

**Town Clerk Received**

**Planning Board Received**

Property Location: \_\_\_\_\_

Assessor Parcel Number: \_\_\_\_\_ Zoning District(s): \_\_\_\_\_

Property Acreage: \_\_\_\_\_ Number of Existing Lots: \_\_\_\_\_

Proposed Lot(s) Frontage & Acreage: \_\_\_\_\_

Name of Owner: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Owner: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Engineer: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Surveyor: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

List any Board of Appeals decisions pertaining to this site: \_\_\_\_\_

The undersigned Applicant wishes to record the accompanying plan and requests a determination and endorsement by the Board that approval by it under the Subdivision Control Law is not required. The Applicant believes that approval is not required for the following reasons (check each box of applicable paragraph(s) and fill in any blanks in such paragraph(s)):

- 1. The accompanying plan is not a “subdivision” because the plan does not show a division of land.
- 2. The division of the land shown on the accompanying plan is not a “subdivision” because every lot shown on the plan has at least \_\_\_\_\_feet of frontage as required by the Boxborough Zoning Bylaw; and every lot shown on the plan has such frontage on:
  - a. a public way or way which the Town Clerk certifies is maintained and used as a public way, namely:\_\_\_\_\_
  - or
  - b. a way shown on a plan previously approved and endorsed in accordance with the Subdivision Control Law, namely:\_\_\_\_\_
  - or
  - c. a private way in existence on February 4, 1954, the date when the Subdivision Control Law became effective in the Town of Boxborough, which has 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 the way and for the installation of municipal services to serve the lot(s) and the building(s) erected or to be erected thereon, namely: \_\_\_\_\_
- 3. The division of the tract of land shown on the accompanying plan is not a “subdivision” because it shows a proposed conveyance, which changes the size and/or shape of the lot(s) in such a manner that frontage is not affected.
- 4. The division of the tract of land shown on the accompanying plan is not a “subdivision” because two or more buildings were standing on the land prior to February 4, 1954, and one of such buildings remains standing on each of the lots as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows:\_\_\_\_\_ (attach documentation and list items included in that documentation)

Signature of owner(s) \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Signature of Applicant(s): \_\_\_\_\_ Date: \_\_\_\_\_

(if different)

\_\_\_\_\_ Date: \_\_\_\_\_

**Application Submittal Check List**

- 1. One ANR Application; Form A filled out and signed by the property owner and Applicant with three copies
- 2. One mylar ANR Plan in conformance with the Board’s Subdivision Rules & Regulations with three copies
- 3. Seven 11” x 17” reduced copies of ANR Plan
- 4. A CD with an electronic version of the ANR Plan in a format compatible with ArcGIS.
- 5. Application fee as established in the Planning Board Fee Schedule
- 6. Assessor Parcel Map GIS fee as established in the Planning Board Fee Schedule



Boxborough Planning Board  
29 Middle Road  
Boxborough, MA 01719  
978-264-1723  
www.boxborough-ma.gov

## Preliminary Subdivision Plan

Form B

**Town Clerk Received**

**Planning Board Received**

Property Location: \_\_\_\_\_

Assessor Parcel Number: \_\_\_\_\_ Zoning District(s): \_\_\_\_\_

Property Acreage: \_\_\_\_\_ Number of Existing Lots: \_\_\_\_\_

Proposed Lot(s) Frontage & Acreage: \_\_\_\_\_

Name of Owner: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Owner: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Engineer: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Surveyor: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

List any Board of Appeals decisions pertaining to this site: \_\_\_\_\_

Provide a brief narrative of the project description: \_\_\_\_\_

Total area to be subdivided (acres or s.f.): \_\_\_\_\_

Total area of all lots: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is removal of soils from the site required?  Yes  No      If yes, cubic feet: \_\_\_\_\_

In a general manner, describe the proposed system of drainage: \_\_\_\_\_  
\_\_\_\_\_

Will important wildlife habitats and/or outstanding botanical features be affected?  Yes  No

Historic sites or buildings listed in the Historic Survey?  Yes  No

Historic sites/buildings eligible or listed on the Federal/State Historic Register?  Yes  No

Proposed work within  100 ft. of a wetland resource area and/or  200 ft. of a stream or river?

I, the undersigned Owner and Applicant, request that my Preliminary Plan Application be reviewed by the Boxborough Planning Board. I understand that my Application may be reviewed by outside consultants as defined in the Board's Subdivision Rules & Regulations and allowed by MGL Ch. 44, Sec. 53G, for which payments to the Town of Boxborough will be made by me in accordance with Section VI.D.

Signature of owner(s) \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

Signature of Applicant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
(if different than Owner) \_\_\_\_\_ Date: \_\_\_\_\_

#### Application Submittal Check List

- 1. One original Preliminary Plan Application; Form B filled out and signed by owner and applicant with all supporting information required pursuant to Section III.B and thirteen copies.
- 2. One full size Preliminary Plan in conformance Section III.B and seven copies.
- 3. Six 11" x 17" reduced copies of Preliminary Plan
- 4. A CD with the Plan and all supporting documentation in a PDF file format.
- 5. Certified List of Abutters
- 6. Application fee as established in the Planning Board Fee Schedule



Boxborough Planning Board  
29 Middle Road  
Boxborough, MA 01719  
978-264-1723  
www.boxborough-ma.gov

## Definitive Subdivision Plan

Form C

**Town Clerk Received**

**Planning Board Received**

Property Location: \_\_\_\_\_

Assessor Parcel Number: \_\_\_\_\_ Zoning District(s): \_\_\_\_\_

Property Acreage: \_\_\_\_\_ Number of Existing Lots: \_\_\_\_\_

Proposed Lot(s) Frontage & Acreage: \_\_\_\_\_

Name of Owner: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Owner: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Engineer: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Surveyor: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

List any Board of Appeals decisions pertaining to this site: \_\_\_\_\_

Provide a brief narrative of the project description: \_\_\_\_\_

Total area to be subdivided (acres or s.f.): \_\_\_\_\_

Total area of all lots: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is removal of soils from the site required?  Yes  No      If yes, cubic feet: \_\_\_\_\_

In a general manner, describe the proposed system of drainage: \_\_\_\_\_

Will important wildlife habitats and/or outstanding botanical features be affected?  Yes  No

Historic sites or buildings listed in the Historic Survey?  Yes  No

Historic sites/buildings eligible or listed on the Federal/State Historic Register?  Yes  No

Proposed work within  100 ft. of a wetland resource area and/or  200 ft. of a stream or river?

I, the undersigned Owner and Applicant, request that my Definitive Plan Application be reviewed by the Boxborough Planning Board. I understand that my Application may be reviewed by outside consultants as defined in the Board's Subdivision Rules & Regulations and allowed by MGL Ch. 44, Sec. 53G, for which payments to the Town of Boxborough will be made by me in accordance with Section VI.D.

Signature of owner(s) \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Signature of Applicant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
(if different than Owner)

\_\_\_\_\_ Date: \_\_\_\_\_

#### Application Submittal Check List

- 1. One original Definitive Plan Application; Form C filled out and signed by owner and applicant with all supporting information required pursuant to Section III.C.1 and Section III.C.3 and thirteen copies. **Only two copies of the drainage calculations are required.**
- 2. One full size Definitive Plan in conformance with Section III.C.2 and Landscape Plan in conformance with Section III.C.4 and seven copies.
- 3. Six 11" x 17" reduced copies of Definitive Plan and Landscape Plan
- 4. A CD with the Plan and all supporting documentation in a PDF file format.
- 5. Certified List of Abutters
- 6. Application fee as established in the Planning Board Fee Schedule