

TOWN OF DIGHTON
PLANNING BOARD
RULES AND REGULATIONS GOVERNING
THE SUBDIVISION OF LAND

Adopted: January 17,2007

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SECTION 1000. PURPOSE AND AUTHORITY.

1100. PURPOSE.

These subdivision rules and regulations are hereby enacted, in accordance with the provisions of G.L. c. 41, s. 81M, for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the Town, by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Planning Board and of the Board of Appeals under these regulations and 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,
- lessening congestion in such ways and in the adjacent public ways,
- reducing danger to life and limb in the operation of motor vehicles,
- securing safety in the case of fire, flood, panic, and other emergencies,
- ensuring compliance with the Zoning By-law,
- securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other municipal equipment, street lighting and other requirements where necessary in a subdivision,
- coordinating the ways in a subdivision with each other and with the public ways in the Town of Dighton, and with the ways in neighboring subdivisions, and
- ensuring conformance to the recommendations of the Board of Health.
- ensuring the proper construction of infrastructure that will support the quality of life within the community and meet the standards for acceptance and ownership by the Town of Dighton,
- ensuring that infrastructure will be constructed in such a manner that will minimize maintenance and costs to the Town,
- implementing the Planning Board's development objectives, policy decisions, and design standards,
- providing the Planning Board with information reasonably necessary to perform its duties pursuant to state law regulating the submittal, review, and certification of plans believed not to require subdivision approval.

1200. AUTHORITY. These Rules have been adopted under the authority vested in the Planning Board by G.L. c. 41, s. 81Q, as amended. The Planning Board shall be the agency responsible for the administration of the Rules and shall have all of the powers assigned to it by G.L. c. 41, ss. 81K to 81GG, inclusive.

1300. REFERENCE. For matters not covered by these Rules, reference is made to G.L. c.41, ss. 81K - 81GG, inclusive, as amended.

1400. SEVERABILITY. If any section, paragraph, sentence, clause, or provision of these Rules shall be adjudged invalid, the adjudication shall apply only to the material so adjudged and not to any other section, paragraph, sentence, clause or provision hereof and the remainder of these shall be deemed to remain valid and effective. If any provision of these Regulations is held by any court of competent jurisdiction to be invalidly applied to any particular case, all other applications of such provisions to other cases shall not be affected thereby.

1500 AMENDMENTS. These Rules 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.

SECTION 2000. GENERAL REGULATIONS.

2100. DEFINITIONS. For the purposes of these Rules and Regulations the following words and terms used herein are hereby defined or the meaning thereof explained, extended, or limited as stated in G.L. c. 41, as amended. Other terms or words or phrases not defined herein or in the Subdivision Control Law shall be construed according to the common and approved usage of the language, but technical words and phrases and such other terms or phrases as may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

Abutter shall mean (a) an owner of land sharing a common property line with the owner of land referred to in a subdivision application and (b) an owner of land which is directly across a way from the frontage of said subdivision land.

Applicant shall mean the owner of the land referred to in an application filed with the Planning Board, or the owner's duly authorized representative. Such representatives shall submit a letter of authorization from the record owner(s) of the land.

Board shall mean the Planning Board of the Town of Dighton.

Cross Section: The depiction in plan drawing of vertical sections which are perpendicular to centerlines of roads and main utility lines of town infrastructure to include but not limited to: streets, storm drainage and sanitary sewer facilities.

Easement shall mean a right acquired by a public authority or other person for use or control of property for utility or other designated public purpose.

Frontage shall have the same definition as that used in the Zoning By-law.

Lot shall mean an area of land in one ownership, with definite boundaries used, or set aside and available for use, as the site of one or more buildings.

Lot, corner shall mean a lot which has legal frontage on both a public way and on a proposed subdivision way, and which shall be shown on a subdivision application and shall be considered a part of that plan.

Massachusetts Department of Highways Standard Specifications for Highways, Bridges and Waterways shall refer to the latest edition with amendments.

Massachusetts General Laws Annotated or G.L. shall mean the General Laws of the Commonwealth of Massachusetts, Ter. Ed., with all additions thereto and amendments thereof. In the case of a rearrangement of the General Laws, any citation of particular sections herein set forth shall be applicable to the corresponding sections in the new codification.

Municipal Services shall mean sewers, surface water drains, and other private or public utilities including water pipes, gas pipes, electric lines, cable television lines, telephone lines, fire alarm

lines, fire alarm system, and the like and their respective appurtenances.

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

Permanent Benchmark shall mean a permanent reference point with the elevation accurately established by stone bounds and referenced to the United States Coast and Geodetic Survey datum.

Person shall mean an individual, partnership, corporation, or two or more individuals or a group or association of individuals, having common or undivided interests in a tract of land.

Roadway or Street shall mean that portion of the way, right-of-way, or street layout which has been prepared and constructed for vehicular traffic.

Rules: These Subdivision Rules and Regulations of the Planning Board.

Street Categories:

Collector shall mean a street with anticipated traffic equivalent to that generated by 50 homes or more, or which serves abutting land zoned for business or industry.

Minor shall mean a street which shall not (cannot) serve as access to more than ten (10) dwelling units.

Secondary shall mean a street which cannot qualify as a Minor Street but which can be expected to handle less traffic than a Collector Street and which serves no abutting land zoned for business or industry.

Cul-de-sac shall mean the circular turn around area provided at the end of Dead End Streets.

Dead End Street shall mean a street or combination of existing and proposed streets that only has one means of ingress or egress to the remainder of the community street network, OR, any street or series of streets which must be entered and exited from the same point, said point being the junction with the nearest through street.

Subdivision shall mean "(t)he division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became

effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required; such frontage shall be at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision." See G.L. c. 41, s. 81L.

Subdivision Control Law shall mean G.L. c. 41, ss. 81K to 81GG, inclusive, and any amendments thereof, additions thereto, or substitutions therefore.

Town shall mean the Town of Dighton, Massachusetts.

Way or Right-of-Way shall mean the full strip of land designated as a way, consisting of the roadway, and any planting strips or sidewalks. A way so designated shall be available only for such uses as are customary for ways in the Town, and shall not be available for any private construction such as buildings, fuel tanks, septic systems, fences, or walls.

Yard, front shall mean land extending across the required width of the lot and lying between the street line of the lot and the nearest line of the building. The depth of the front yard shall be the minimum distance between the building and the front lot line.

Zoning By-Law shall mean the zoning by-law of the Town.

2200. PROCEDURES.

2210. General.

2211. Any person desiring to make a subdivision within the meaning of the subdivision control law of any land within the Town shall, before proceeding with the improvement or sale of lots in the subdivision, or the construction of ways, or the installation of municipal services therein, submit to the Board a plan of such subdivision and secure approval by the Board of a Definitive Plan as hereinafter provided.

2212. The applicant is responsible for the acquisition of the necessary rights and presentation of complete and correct information to the Board. Failure to do so including the failure or inability to obtain all necessary permits, licenses, releases or rights, may be a reason for disapproval, rescission of an approved subdivision, and/or modification of subdivision, in addition to any other actions provided by law.

2213. The Board shall not approve or modify and approve any plan of a subdivision of land, unless all lots and other aspects of such plan conform to the Zoning By-law of the Town or a variance from the terms thereof has been granted by the Board of Appeals.

2214. All applications for approval or endorsement, required plans, required submittals, and required fees shall comply in all respects with the provisions of these Rules and Regulations, unless the Board authorizes a variation there from in specified instances. No application or plan shall be acted upon by the Board until said plan, together with all required accompanying applications, forms, fees, lists and other items have been delivered by the applicant, and are properly executed and fully completed in accordance with these Rules and Regulations. Where the applicant fails to comply with these Rules and Regulations, the Planning Board may reject the application and said application shall be deemed not submitted.

2220. Issuance of Building Permits. The official in the Town authorized to issue building permits shall not issue any permit for erection of a building until first satisfied (a) that the lot on which the building is to be erected is not within a subdivision, (b) that a way furnishing the access to the lot within a subdivision as required by the subdivision control law is shown on a recorded plan and that any conditions endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied, and (c) that all other applicable requirements have been met.

2230. Professional and Technical Assistance. The Board may assign as its agents appropriate Town officials, and may hire professional assistance to review plans, conduct material testing, conduct property surveys of land and infrastructure, inspect improvements and to assure compliance with the Subdivision Control Law and these Rules and Regulations, at the cost of the applicant.

2240. Modification, Amendment, or Rescission. The Board, on its own motion or on the petition of any interested person, shall have the power to modify, amend, or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan, after due notice and opportunity to the owner to be heard in accordance with G.L. c. 41, s. 81W, as amended.

2250. Submission of Plans. Plans shall not be considered "submitted" until all required documentation has been received by the Board, including fees.

2260. Fees. The fees indicated in Appendix A - Planning Board Fee Schedule shall accompany the submittal of application materials of the various plans specified in the Rules, to cover costs of processing, technical review, and inspection.

The Planning Board's authority to impose fees to engage consultants to review plans is regulated by these Regulations and is derived from M.G.L. ch. 44 sec. 53G. If the Applicant is of the opinion the consultant selected by the Planning Board has a conflict of interest or does not possess either an educational degree in or related field at issue, or

three or more years of practice in the field at issue or related field, the Applicant can file an Administrative Appeal to the Board of Selectmen questioning the choice of consultant. If the Administrative Appeal is not decided upon by the Board of Selectmen within one month after filing the appeal, the consultant selected by the Planning Board shall stand.

2270 WAIVERS

Strict compliance with these Rules may be waived pursuant to G.L. c. 41 § 81R, when, in the judgment of the Board, such action is in the public interest, not inconsistent with the Subdivision Control Law, and promotes public health and safety. All requests for waivers must be submitted in writing by the Applicant and must provide the basis, in accordance with these Rules and Regulations and the statute, why the waivers should be granted.

2300. [RESERVED]

2400. PLAN BELIEVED NOT TO REQUIRE APPROVAL.

2410. Submission. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that said plan does not require approval under the Subdivision Control Law, may submit to the Board said plan, five (5) prints thereof, and two (2) copies of a properly executed Form A - Application for Endorsement of a Plan Believed Not to Require Approval, accompanied by the necessary evidence to show that the plan does not require approval in accordance with G.L. c. 41 sec. 81P. The applicant shall also submit the fee as set forth in Appendix A - Planning Board Fee Schedule with the application form. Said person shall file, by delivery or registered mail, a notice with the Town Clerk, in accordance with G.L. c. 41 sec. 81T, stating the date of submission for such determination. The Board will review the plan to determine whether it is a subdivision and whether it conforms to the standards for endorsement.

2420. Required Information. Said plan shall be of a minimum dimension of nine and one-half inches by fourteen inches (9 1/2" x 14") but not to exceed a dimension of twenty four inches by thirty six inches (24" x 36"), drawn at a scale of one (1) inch equals forty (40) feet, and shall contain the following information:

- a. Title Block, containing the following information:
 - (1) Name of owner of record;
 - (2) Title, date and scale of plan and a bar scale;
 - (3) Name and address of Registered Land Surveyor or Registered Professional Engineer;
 - (4) The statement "Approval Not Required Under the Subdivision Control Law" and sufficient space there under for the date and the signatures of all members of the Board;
 - (5) Date of Survey and/or source of information.

- b. Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan;
- c. In the case of creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant, if any;
- d. Notice of any decisions by the Zoning Board of Appeals, including but not limited to variances and special permits regarding the land or any buildings thereon;
- e. Names of abutters from the latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available records;
- f. Distance to the nearest permanent monument; contours at the scale of available topographical maps ,locations of streams or bodies of water, or where applicable, contours at a scale sufficient to demonstrate that each lot has present vehicular access from the way serving the site;
- g. Location of all existing buildings, including setback and side and rear yard designations and any existing structures on any remaining adjoining land owned by the applicant and dimensions of yards relating to such structures. Location of the limits and approximate area of wetland resource areas as defined by 310 CMR 10.0 and G.L. c. 131 sec.40. Such areas may require delineation by a qualified wetlands specialist.
- h. Location of any easement or way, public or private, across the land, with designation as to the use of the same.
- i. North Point.
- j. Existing and proposed boundary lines, including dimensions and areas of all lots shown. All boundary lines shall be shown with bearings and distances depicting mathematical closure of the boundary lines of each lot, roadway layout, easement and subdivision. All infrastructure included in the subdivision shall be geometrically tied to the boundaries with associated bearings and distances.
- k. Illustration, by broken line, for all setback lines established by the Zoning Bylaw.
- l. Lot and house numbers.
- m. Copy of deed to verify current owners.
- n. Contour map depicting existing and proposed land contours (no less than 2 foot contours), land features, infrastructure, water courses, wetlands, vegetation, large trees (more than 18" three feet up from the trunk) and any pertinent feature that would be used to evaluate change of existing drainage systems.
- o. A locus map at 800 feet to the inch (USGS Topographic series maps are not acceptable).
- p. Current Municipal Lien Certificate required at time of submittal.
- q. Any other information necessary for the Board's determination.

2430 ENDORSEMENT

2431. General. If the Board determines that the plan does not require approval, it shall

forthwith, without a public hearing, endorse on the plan under the words "Approval not required under the Subdivision Control Law", or words of similar import.

2432. Statement of Reasons. The Planning Board may add to such endorsement a statement as to the reason approval is not required or such other statement as may be deemed appropriate by the Planning Board. Planning Board may include, at its discretion, the following statement: "No Determination As To Compliance with Zoning Requirements Has Been Made or Intended". The Planning Board may require the notation "Not a Building Lot Without Further Zoning Relief" in appropriate circumstances.

2433. Effect. Such endorsement shall not be deemed to constitute any determination of compliance with the requirements of the Zoning Bylaw. Following endorsement said plan shall be returned to the applicant and the Planning Board shall notify the Town Clerk in writing of its action.

2434. Denial. If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty-one (21) days of the submission of the plan, give written notice of its determination to the Town Clerk and the applicant, and return the plan without endorsement. The applicant may submit the plan for approval as provided by law and by these Rules and Regulations, or may appeal from the determination of the Board in the manner provided in G.L. c. 41, s. 81BB.

2435. Constructive Approval. If the Planning Board fails to act upon a plan submitted under this Section or fails to notify the Town Clerk and the person submitting the plan of its action within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and the Board shall forthwith make such endorsement on said plan, or, on the failure of the Board to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

2436. Recording. If a plan is not recorded within three (3) months of the original endorsement the applicant will be required by the Planning Board to resubmit the plan for re-endorsement by the Board that its determination of the plan not showing a subdivision is valid. Within ten days of the plans being recorded with the Registry of Deeds or in the case of Registered Land, with the Land Court, the applicant shall notify the Planning Board and Building Inspector by delivery or registered mail of the recording. The integrity of the plan is the responsibility of the registered surveyor/engineer until time of recording.

2500. ACCESS ADEQUACY REGULATIONS.

2510. General. Plans shall be endorsed as not requiring approval under the Subdivision Control Law and subdivision plans shall be approved only if each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, G.L. c. 41, ss. 81K - 81GG.

2520. Standards of Adequacy. Streets within a subdivision shall be considered to provide adequate access if, and only if, complying with the standards established in these Rules. Ways providing access to streets within a subdivision shall be considered to provide adequate access where, prior to construction on any lots, the applicant ensures that such access will be in compliance with the Subdivision Regulations for right of way width, pavement width, maximum grade, and sight distance requirements applicable to ways within a subdivision.

2530. Obligations. The Board may require, as a condition of its approval of a subdivision plan, that the developer construct access ways to a width as required in these regulations, and that applicant make physical improvements within such way or compensate the town for the cost of such improvements in order to meet the standards specified above.

SECTION 3000. SUBMISSION AND ACTION.

3100. PRE-SUBMISSION REVIEW.

3110. General. Prior to investing in extensive professional design costs for preparation of subdivision plans, the applicant is invited to review the proposed development of the parcel of land with the Board, in order to explore general conditions involving the site and to discuss potential problems. Pencil sketches, which need not be professionally prepared, will assist in this discussion, and should show the critical features of a Preliminary Plan. In some cases, this pre-submission review may eliminate the need for the formal submission of a Preliminary Plan.

3200. PRELIMINARY PLAN.

3210. Submission. A preliminary plan of a subdivision may be submitted by the subdivider to the Board and through the Board to the Board of Health for discussion and approval, modification or disapproval by the Board. Notice of submission shall be provided to the Town Clerk in accordance with G.L. c.41, s. 81S. The submission of such a Preliminary Plan shall be made of Form B - Application for Approval of a Preliminary Plan - and will enable the subdivider, the Board, the Board of Health, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify any aspects of or problems with such subdivision before a Definitive Plan is prepared. For this reason, the Board strongly encourages the submission of such Preliminary Plans in every case. Nonresidential subdivisions shall submit a preliminary plan. Three (3) copies of the Preliminary Plan shall be submitted to the Board at the Planning Board Office and one (1) copy shall be distributed by the applicant to each of the following Departments for their review and comments: Board of Health, Building

Inspector, Conservation Commission, Dighton Light District, Dighton Water District, Fire Department, Highway Department, North Dighton Fire District, (electric and water in North Dighton only) Planning Board Engineer Consultant, Police Department, and Sewer Department (if applicable) together with the fee set forth in Appendix A - Planning Board Fee Schedule. Copies of the plan may be examined by the public during regular business hours of the Town Hall.

3211. Within twenty one (21) days of the submittal date of an application, or within twenty one (21) days of any subsequent submittal date in response to a determination that any such application was incomplete, the Planning Board or its agent shall review said application and inform the applicant and the Town Clerk in writing (Form A-1) as to whether said application is deemed complete and properly submitted. An application shall be deemed complete only where the applicant has provided all of the information required by these regulations, with the appropriate number of copies and in the appropriate format. If said application is determined to be incomplete or improperly submitted, the applicant shall receive written notice from the Planning Board or its agent listing the items or information needed for a complete and proper application. When the application is deemed complete and properly submitted by the Planning Board or its agent, it shall notify the Town Clerk in writing of the final submittal date. The final submittal date shall be the date that the completed and properly submitted application is received by the Planning Board. For applications that have been deemed incomplete, the applicant must agree in writing to any new submittal date in order for any additional information or material to be considered part of the original application.

3220. Contents. The preliminary plan shall be clearly and legibly drawn on vellum or Mylar paper with overall dimensions of 24” x 36” with black ink preferably at a scale of one (1) inch equals forty (40) feet, or other suitable scale acceptable to the Board, shall be clearly designated as "Preliminary Plan", and shall show:

- a. subdivision name, boundaries, north point, date, and scale;
- b. name and address of record owner, applicant, and designer, engineer, and surveyor;
- c. names of all abutters as determined from the most recent Town tax list;
- d. existing and proposed lines of streets, ways, easements, and public areas within the subdivision;
- e. location, direction, names, and present widths of streets and public or private ways bounding, approaching, or within reasonable proximity of the subdivision;
- f. topography of the land in a general manner, including contours at a scale required by the Board;
- g. proposed system of drainage, including existing natural waterways, in a general manner, but including drainage both within and adjacent to the subdivision;
- h. approximate boundary lines of proposed lots, with approximate areas and dimensions including upland and wetland areas which shall be shown on each lot;

- i. estimates of the grades of proposed streets or profiles, where required by the Board;
- j. major site features such as existing stonewalls, fences, buildings, large trees and wooded areas, rock ridges and outcroppings, wetlands within 100 feet of the subdivision, perennial streams within 200 feet of the subdivision, and other water bodies;
- k. identification of any land area lying within five hundred (500) feet of any property valued under the provisions of G.L. c. 61A, as amended.

3221. The preliminary plan shall be accompanied by a statement of existing zoning, any easements, covenants, and restrictions applying to the area proposed to be subdivided, and a list of any waivers from these Regulations requested by the applicant.

3222. During discussion of the requirements set forth in Section 3220, the complete information required for the definitive plan (Section 3320) and the financial obligations of the applicant (Section 3500) will be developed.

3230. Site Visit. After the regular Board meeting at which preliminary plan is first discussed, or a definitive plan is submitted without prior preliminary plan, the Board and/or its agent may schedule a site visit to the proposed subdivision, accompanied by the applicant and his agents or representatives. In order to facilitate inspection and review of the site of the proposed subdivision, temporary staking will be required along the center line of all proposed roads in the subdivision before said site visit, or if impractical, the Board may permit a suitable alternative procedure.

3231. Public Discussion. A Preliminary Plan public discussion will be held by the Planning Board. During discussion of the Preliminary Plan, the parties will review Definitive Plan requirements and the financial arrangements necessary to secure performance and maintenance of the project. Also, at this time a determination will be made as to whether an evaluation of the potential for erosion and sedimentation, runoff, and/or environmental impacts will be necessary.

3240. Decision. Within 45 days, the Board shall, in conformance with G.L. c.41, s. 81S, approve such preliminary plan with or without modifications, or disapprove such preliminary plan with reasons therefore. The forty-five (45) day period shall be adhered to unless an extension is agreed upon by the Planning Board and in writing by the Applicant.

3241. Approval of a preliminary plan, with or without modifications, does not constitute approval of a subdivision. Such approval normally facilitates the final approval of a subdivision through submittal of a definitive plan.

3242. The Board shall notify the Town Clerk in writing of its decision on a preliminary plan in accordance with G.L. c.41, s.81S, as amended.

3243. The submission of a preliminary plan for examination by the Board shall not be deemed the submission of a definitive plan of a subdivision of land for approval by the Board under G.L. c.41, s.81L, and the action or decision of the Board as to such preliminary plan shall not prejudice its action or decision as to the definitive plan.

3300. DEFINITIVE PLAN.

3310. Submission. A Definitive Plan of a subdivision may be submitted by the subdivider to the Board for review and approval, modification or disapproval by the Board. Notice of submission shall be provided to the Town Clerk in accordance with G.L. c.41, s. 81S. The submission of such a Definitive Plan shall be made on Form C - Application for Approval of a Definitive Plan. Any person submitting a Definitive Plan of a subdivision of land to the Board for approval shall file therewith the following:

- a. Four (4) prints of the Definitive Plan, dark line on white background. Prints will be referred to other town boards and departments for review;
- b. Accompanying statements as required in Sections 3330 and 3340, below;
- c. One (1) properly executed Application Form and any other required forms on file with the Board (see Appendix);
- d. The non-refundable fee set forth in Appendix A - Planning Board Fee Schedule. Costs of advertising and notices shall be charged to the applicant, unless otherwise ordered by the Board. Should the Planning Board incur additional costs in the review of the Definitive Plan, such costs shall be borne by the applicant unless otherwise ordered by the Board.
- e. A Consultant Account Deposit to establish a Special Account to pay all reasonable reviews by professional persons required to assist the Planning Board in the determination as to the adequacy of the Definitive Plan with regard to the Subdivision Control Law and these Regulations. The initial deposit into Consultant Deposit Account shall be in accordance with the schedule of fees attached hereto. The balance of the applicant's deposit minus consultant charges shall at no time be less than one half (1/2) the initial deposit. And the applicant shall deposit such additional funds as are required to restore the Special Account to the amount of the initial deposit on notice from the Planning Board, by certified mail, that amount at or below one half (1/2) the initial deposit.
The failure of the applicant to make the initial deposit, and/or maintain the

Special Account in accordance with this section, shall be grounds for disapproval or rescission of the approval of the plan.

- f. A certified list of abutters signed by the Board of Assessors along with with business sized envelopes, completed with pre-paid postage, addresses and completed return receipt certified cards for each abutter.

3311. When the application is deemed complete and properly submitted by the Planning Board or its agent, it shall notify the Town Clerk in writing of the final submittal date. The final submittal date shall be the date that the completed and properly submitted application is received by the Planning Board or its agent.

3312. The applicant shall file by delivery or by registered mail written notice with the Town Clerk stating that a Definitive Plan has been submitted in accordance with G.L. c.41, s.81T, as amended, with the date of submission of the Definitive Plan, accompanied by a copy of the Application Form.

3313.

- a. When a Definitive Plan of a subdivision is submitted to the Planning Board, as provided in G.L. c. 41, s. 81O, a copy thereof shall also be filed with the Board of Health. The Board of Health shall report, in writing, to the Planning Board, its approval or disapproval of said plan, and shall send a copy of its report to the person who submitted the plan. In reporting a disapproval, the Board of Health shall make specific findings as to which of the lots (if any) shown on the plan cannot be used for building sites without injury to the public health, or is unsuitable because of drainage conditions, and shall specify the reasons therefore. Where possible, the Board of Health shall also make recommendations for the correction of the defects specified in its report. The Board of Health shall determine the extent of soil evaluation, which may include deep test holes, percolation tests, and test borings, and shall determine the number of tests to be required. The failure of the Board of Health to make its report within forty-five (45) days after the plan is submitted to its office shall be deemed to constitute an approval of the plan by that Board.
- b. At the time of the filing of the Definitive Plan, the applicant shall stake all proposed lots and mark proposed lot numbers on said lots for identification to facilitate review by the Board of Health.

3314. Incomplete Submissions. The Board reserves the right to disapprove incomplete submissions at any time if, in its opinion, review of the plan is hampered by the absence of required information. In the event that incomplete plans are submitted to the Board, after opening a public hearing, the Board may vote to disapprove the plan and return plans to the applicant as incomplete. The Board shall cite those specific regulations with which the plan is not in compliance in a letter noting the reason for the Board's action, which shall be filed with the Town Clerk. In the event of such disapproval, the Board

reserves the right to retain any filing or review fees.

3315. Change of Engineer or Surveyor. The developer shall choose an engineer or surveyor to provide technical assistance on behalf of the developer. This engineer's name and address shall be shown on the Definitive Plans. In the event that the developer decides to change the engineer/surveyor before the infrastructure within the development is accepted by the Town, the developer shall notify the Dighton Planning Board in writing 30 days before such change and provide the Dighton Planning Board the new engineer/surveyor name and address. The individual or firm name must also appear on the definitive plans. A written affidavit binding this new engineer/surveyor to the subdivision plans as originally presented and currently proposed for geometric exactness and soundness of engineering principles must be provided to the Dighton Planning Board before lots may be sold or subdivision infrastructure may be constructed. A developer not able to provide this written commitment from their new engineer/surveyor shall provide a cash surety of 15% of the overall cost of the development to the Dighton Planning Board within 30 days. The Town will hold this surety for one year past the date of acceptance from date of definitive plan or for ten years. In the event that this development has not been accepted within those ten years time, the surety amount and interest shall be forfeited to the Town of infrastructure improvements. No additional lots will be made available for building until either professional responsibility is assumed by the new (engineer/surveyor) or the developer provides the cash surety. The Dighton Planning Board shall have authorization to use the cash surety to resolve to their satisfaction all design and geometric issues not addressed by the developer or current engineer. Resolution may include the cost of correcting improper design.

3316. Stormwater Management.

(a) General Provisions.

1. Massachusetts Department of Environmental Protection Stormwater Management Policy (DEP SMP). All Subdivision Applications, regardless of whether the project is subject to the Wetlands Protection Act or not, shall design the stormwater management system in compliance with the goals and objectives of the DEP SMP to the greatest extent possible given the specific site constraints of each site. The Applicant shall submit a completed and endorsed Stormwater Management Form (SMF) that indicates compliance to the greatest extent possible, with the SMP's nine (9) Stormwater Management Standards, as most recently amended. These apply to industrial, commercial, institutional, residential subdivision, and roadway projects, including site preparation, construction, redevelopment, and on-going operation. The applicant shall also provide calculations indicating compliance with each standard. Refer to the DEP SMP and its referenced sources for specific application of these stormwater management categories.

3320. Contents. The Definitive Plan shall be prepared by a Registered Professional

Engineer and/or Land Surveyor, and shall be clearly and legibly drawn in black India ink upon Mylar, and shall be 24" x 36" in overall dimensions, with a one inch margin left on one 24" edge of each sheet for filing purposes. The prints shall be at a scale of not less than one (1) inch equals forty (40) feet, or such other scale as the Board may prescribe as adequate to show details clearly. Profiles of proposed streets shall be drawn to the same horizontal scale as the Plan, and with vertical scale ten (10) times larger unless otherwise permitted by the Board, on separate tracing cloth or Mylar of the same dimensions as the Plan sheets. If multiple sheets are used to show the subdivision, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall show the following information:

- a. Subdivision name, boundaries, north point, date, and scale;
- b. A locus map at a scale of one (1) inch equals one thousand (1000) feet showing the proposed streets in relation to existing streets in the immediate vicinity;
- c. Name and address of record owner, applicant, and engineer or surveyor, with seal;
- d. Where the owner or subdivider also owns or controls unsubdivided land adjacent to or directly across the street from the land shown on the Definitive Plan, the applicant shall submit a sketch plan showing possible or prospective street layout in the event that such unsubdivided land is developed, and shall also show the present drainage for such unsubdivided land, natural and constructed;
- e. Boundary lines of bordering adjacent land or of land across the street from property being subdivided and names of abutters thereon as determined from the certified list of abutters;
- f. Existing and proposed lines of streets, ways, easements, and any public or common areas within the subdivision;
- g. Location, direction, names, and present widths and grades of streets and public or private ways bounding, approaching, or within reasonable proximity of the subdivision;
- h. Sufficient data to determine the location, direction, and length of every street and way line, lot line, and boundary line so as to establish these lines on the ground. The location of base lines and property line monuments from which bearings and elevations are determined shall be shown as they be furnished by the County Engineer's Office. Should the Town establish a co-ordinate system, all street corners must be tied into the nearest triangulation station. The relative error of closure of property line traverse shall not be less than 1 part in 12,000. A signed statement to this effect shall appear on the engineer's tracing cloth drawing. A copy of traverse notes shall be furnished to the Board upon request;
- i. Location and identification of all existing buildings and site features such as stone walls, fences, large trees and wooded areas, rock ridges and outcroppings, flood plain areas, wetlands within 100 feet of the subdivision, perennial streams within 200 feet of the subdivision, and other water

- bodies, including depth of water and direction of flow within or adjacent to the proposed subdivision;
- j. Existing and proposed topography with two (2) foot contours based on the U.S.G.S. datum, or at a suitable interval as required by the Board. All buildings and physical features of abutting property that are within fifty (50) feet of the boundary must be shown.
 - k. Acreage of each lot, lot lines, bearings and length thereof in conformity with the Zoning By-Law in each case;
 - l. Location of existing and proposed monuments, hydrants, public utility facilities, water pipes, sewer pipes, fire ponds and cisterns, and public water supply wells within the subdivision;
 - m. Park or open areas suitably located for conservation, playground, or recreation purposes within the subdivision, if any;
 - n. Proposed storm drainage of design which shall, include existing natural waterways and the proposed disposition of water from the proposed subdivision to either adequate natural drainage channels or artificial means of disposal thereof. Four copies of a runoff plan and calculations using the rational formula (as described in the Massachusetts Highway Department Design Manual latest edition) based on a ten-year expectancy period, to determine necessary pipe sizes which can be no less than twelve (12) inches in diameter. Roadways culverts shall be based on a twenty-five (25) year expectancy period. Pipe size, capacity, depth of flow and velocity of flow shall be included;
 - o. Location and purpose of all existing and proposed easements;
 - p. Location and species of proposed street trees, and/or individual trees or wooded areas to be retained within forty (40) feet of the sidelines of each street;
 - q. Street plans and profiles must show the percent of grade, radii and length of curves, the point of curvature, and the point of tangency of curves;
 - r. Street profiles on the centerlines and sidelines of proposed streets at a horizontal scale of one inch equals forty feet and vertical scale of one inch equals four feet, or such other scale acceptable to the Board. Profiles shall show elevation of sills of all existing structures. Present and proposed elevations must be shown at least every 50 feet. Profile plans of roadways and appurtenances shall be derived from "on the ground" topography. Profile plans shall show roadway cross-sections together with locations of proposed underground utilities including sanitary and storm sewer lines, water lines and their appurtenances, along with details of all structures, headwall, and retaining walls;
 - s. Approximate proposed location of principal building on each lot to comply with the provisions of the Zoning By-Law, whenever uncertainty exists or upon the request of the Board, the Board of Health, or the Conservation Commission;
 - t. Location of the bench mark used to establish the existing site topography and the location of a minimum of two (2) permanent benchmarks to be

- established within the subdivision;
- u. Suitable space to record the action and signatures of the Board members on each sheet of the Definitive Plan in the lower right hand corner;
 - v. Location of existing utilities, underground or overhead, indicating size, type, and location of easement;
 - w. Test pit locations and logs witnessed by the board of Health, pursuant to 310 CMR 15.00 (aka Title V) shall be shown with not less than two (2) pits per lot.
 - x. Where connection to the public water system is not proposed, information indicating why such connection is not feasible, description of provisions to be made for water for fire fighting, and information adequate to allow determination of compliance these regulations regarding potable water quality and quantity;
 - y. An Erosion and Dust Control Plan, indicating the erosion and dust control measures to be employed, including description of locations of temporary stockpiles, spoil areas, temporary drainage systems, slope stabilization techniques, sediment basins, etc., and narrative description of how dust is to be controlled.
 - z. Where located within a flood plain, base flood elevation (the level of the one hundred [100] year flood) data for proposals greater than five (5) acres;
 - aa. An engineer's estimate of materials with quantities required to construct roadway, utilities and appurtenances for plan as submitted.
 - bb. Catch basin inlet capacity calculations for all proposed drainage systems.
 - cc. Provide topographic map of existing water shed on and off the foot print of the proposed subdivision in the event it has an effect on the proposed subdivision.
 - dd. Plan and profile of existing and proposed conditions with infrastructure. Plans shall be placed directly above the profile on the same plan sheet and at the same horizontal scale with vertical scale increased in a proportional relationship to exaggerate and emphasize changes of grade for all proposed infrastructure.

3330. Accompanying Statements and Data. The Definitive Plan shall be accompanied by four (4) copies of the following written statements:

- a. Existing zoning and any easements, covenants, and restrictions applying to the area proposed to be subdivided.
- b. Logs of results of all test pits made.
- c. Data and proposed arrangements for water supply, sewerage, and sewage disposal, including all appurtenances, as required by the Board of Health.
- d. Drainage calculations prepared by the applicant's engineer, including design criteria, drainage area and other information sufficient for the Board to verify the size of any proposed drain, swale, drainfield, culvert, bridge, or catch basin. Said calculations are to be made separately for each drainage facility showing its location, the total upstream drainage area, the percentage of impervious surfaces in the drainage area, the runoff

per acre, the design runoff, facility size, slope and capacity, and the velocity of water through it. Describe any areas subject to ponding or flooding, existing or proposed flood control or wetland easements, estimated increase of peak runoff caused by altered surface conditions, and methods to be used to return water to the soils.

- e. A written request including a complete list of any waivers requested from these Rules, pursuant to Section 2270, herein shall be submitted with the Definitive Plan. Said request shall include an explanation of why the granting of the waiver should be approved in accordance with these Rules and Regulations and the statute.

3340. Development Impact Statement (DIS). The impact of the proposed subdivision is to be described according to the following criteria, except that in the case of subdivisions containing 20 or fewer units, the Board will normally waive some or all of these requirements. Unless this requirement is waived by the Board, the DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional or Civil Engineer, and a Registered Surveyor.

- a. Physical Environment.
 - (1) Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, location of significant viewpoints, stone walls, trees over 16 inches in diameter, trails and open space links, and indigenous wildlife.
 - (2) Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.
- b. Surface Water and Subsurface Conditions.
 - (1) Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the project.
 - (2) Describe any proposed alterations of shore lines, marshes, or seasonal wet areas.
 - (3) Describe any limitations imposed on the project by soil and water conditions and methods to be used to overcome them.
 - (4) Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the development.
- c. Circulation Systems.
 - (1) Explain the reasons for location of streets and intersections as shown on the Definitive Plan, with specific reference to criteria set forth in Section 4100, below.
 - (2) Project the number of motor vehicles to enter or depart the site per average day and peak hour. Also state the number of motor

vehicles to use streets adjacent to the proposed subdivision per average day and peak hour. Such data shall be sufficient to enable the Board to evaluate

- (a) existing traffic on streets adjacent to or approaching the proposed subdivision;
- (b) traffic generated or resulting from the proposed subdivision; and
- (c) the impact of such additional traffic on all ways within and providing access to the proposed subdivision. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the DIS.

d. Support Systems.

- (1) Water Distribution: Discuss the types of wells proposed for the site, means of providing water for fire-fighting, and any problems unique to the site.
- (2) Sewage Disposal: Discuss the type of system to be used, suitability of soils, procedures and results of percolation tests, and evaluate impact of disposal methods on surface and groundwater.
- (3) Refuse Disposal: Discuss the location and type of facilities, the impact on existing Town refuse disposal capacity, hazardous materials requiring special precautions.
- (4) Fire Protection: Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing fire fighting equipment to confront potential fires on the proposed site.
- (5) Recreation: Discuss the distance to and type of public facilities to be used by residents of the proposed site, and the type of private recreation facilities to be provided on the site.
- (6) Schools: Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the nearest public schools serving these categories of students.

e. Phasing. Where development of the subdivision will require more than one (1) year, indicate the following:

- (1) Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles.
- (2) Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.
- (3) Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated

into subdivision development.

3400. REVIEW OF DEFINITIVE PLANS.

3410. On-site Wastewater Disposal. Notwithstanding Section 3313, a permit to construct an individual sewage disposal system for sanitary wastewater disposal shall be obtained from the Board of Health for each individual lot prior to the issuance of a building permit. A condition shall be recorded on the Definitive Plan as follows: "No building or structure shall be built or placed upon any lot without a permit from the Board of Health."

3420. Other Town Officials. Before approval of a Definitive Plan is given, the Board will obtain appropriate checks on the engineering and survey information shown on said plan, and written statements that the proposed improvements shown are laid out to the satisfaction of the official, as follows:

3421. As to the design of the street system, location of easements, and design of sewerage, water, and drainage systems, including appurtenances: the planning consultant or engineer designated by the Board;

3422. As to location, size, and species of street trees: the Tree Warden.

3423. As to the form of easements, covenants, and performance guarantees: Planning Board Legal Counsel.

3424. As to location of hydrants, fire ponds and cisterns, and with regard to fire safety: the Fire Chief.

3425. As to street safety: the Police Chief.

3430. Public Hearing. Upon receipt of a properly executed application form approved by the Planning Board together with the Definitive Plan, the Planning Board will set a date for the required public hearing. Notice of the public hearing shall be given in accordance with the requirements of G.L. c. 41, s. 81T. Before approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board by advertisement in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than fourteen days before the day of the hearing. A copy of said notice shall be mailed, by certified mail, to the applicant and to all owners of land submitted on Form D - Certified List of Abutters.

3440. Revisions. Any revision to the originally filed definitive plan must be submitted 14 days prior to any continuation of the hearing.

3450. Decision. 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:

- a. Completeness and technical adequacy of all submissions;
- b. 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 environment degradation;
- c. Conformity with the requirements of these Rules and compliance with the Zoning By-Law;
- d. Determination, based upon the Development Impact Statement (where submitted), that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

3460. Mandatory Conditions. Any definitive plan approved by the Planning Board shall contain the following conditions:

3461. Endorsement. Failure by the applicant to obtain the endorsement of the Planning Board within six (6) months of the date of the approval of the Definitive Plan shall result in the automatic rescission of this approval. The time for such endorsement may be extended for not more than one year upon the written request of the applicant, for good cause shown, prior to the expiration of said six month period, and upon a vote of the majority of the Planning Board.

3462 Completion. Failure by the applicant to complete the construction of the ways and the installation of the services shown on the Definitive Subdivision Plan within three (3) years of the date of endorsement shall result in the automatic rescission of this approval. The time for such construction and/or installation may be extended upon the written request of the applicant, for good cause shown, prior to the expiration of said three (3) year period, and upon a vote of the majority of the Planning Board.

A schedule of completion shall be submitted to the Planning Board for approval before beginning construction. The developer shall adhere to the schedule provided. Development projects shall not extend over three winter seasons without complete infrastructure unless otherwise approved by the Planning Board. Any development exceeding this limit without the installation and functioning of all infrastructure must provide additional bonding. In the alternative, the Board may restrict the sale of remaining uncommitted lots and/or the issuance of building permits on those lots without foundations in place.

3463 Grant Perpetual Rights and Easements. As a condition of approval of a subdivision, the applicant shall grant to the Town and/or a political subdivision thereof, ,

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

3464 Right of Entry and Cooperation by and with Town Officials. As a condition of approval of a subdivision, the applicant shall consent to allow members and employees of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. As a condition of subdivision approval by the Planning Board, an applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in his subdivision are satisfactory and conform to the Town specifications and the requirements of the Planning Board.

3465 Maintenance of Streets and Utilities. As a condition of approval of a subdivision, the applicant shall maintain all infrastructure, including, but not limited to, streets and utilities within a subdivision until such time, if ever, that the infrastructure is accepted by the Town. The Town may assess betterments for any work needed to make such streets conform to Town standards prior to acceptance thereof as Town ways.

3466 Inscription. If the Planning Board approves the plan subject to certain conditions, those conditions shall be inscribed upon the approved definitive plan and the plan, with such sheets, shall be recorded.

3467 Streets. Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets shown on the Plan.

3500. PERFORMANCE AND MAINTENANCE GUARANTEES.

3510. Final Approval with Bond or Surety. Before approval of a Definitive Plan, the subdivider shall either file a performance bond, or deposit money or negotiable securities in an amount determined by the Board as set forth below. Letters of credit are not acceptable. Passbooks shall be accompanied by a form assigning same to the Town. A bond estimate may be requested by the Board; such estimate shall remain effective for 90 days. The estimate shall reflect the cost for the Town to complete work under adverse conditions which may necessitate legal fees, public bidding, and additional town staff time. Ordinarily the Board shall require an amount covering the total cost of construction of all roads and other improvements within and without the subdivision. Such bond or security if filed or deposited shall be approved as to form and manner of execution by the

Planning Board Legal Counsel and as to sureties by the Town Treasurer. Such bond or security shall be contingent on the completion of such improvements not later than three (3) years from the date of the endorsement of the definitive plan. Failure to so complete shall result in the automatic rescission of the approval of the definitive plan by the Board, unless the Board extends said period, for good cause shown, after the written request of the applicant prior to the expiration of said period.

3511. In determining the amount of the bond or surety, the Board shall be guided by the following formula in setting the sum of the security:

- a. The Board's estimate of the cost to complete the work; plus
- b. A ten percent margin of error; plus
- c. An appropriate rate of inflation over a five year period.

3512 Required Terms. All performance bonds shall contain the following provision:

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

- a. The application for definitive plan approval (Form ___);
- b. The subdivision control law and the rules and regulations of the Dighton Planning Board which govern this subdivision;
- c. The Decision of the Planning Board dated _____ and attached hereto as Exhibit A; and
- d. The definitive plan, as approved by the Planning Board in the Decision;

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

3520. Final Approval with Statutory Covenant. Instead of filing a bond or depositing surety, the subdivider may request approval of the Definitive Plan on condition that no lot in the subdivision shall be sold and no building shall be erected thereon, until the improvements specified herein are constructed and installed so as to adequately serve said lot or lots. Such covenants shall be executed and duly recorded by the owner(s) of record, and shall run with the land. Proposed covenants shall be submitted with the Definitive Plan, and shall be approved as to form by the Town Counsel or Special Town Counsel. Such covenant shall state that the improvements shown on the definitive plan shall be completed not later than three (3) years from the date of the endorsement of the definitive plan. Failure to so complete shall result in the automatic rescission of the approval of the definitive plan by the Board, unless the Board extends said period, for good cause shown, after the written request of the applicant prior to the expiration of said period. Covenants and stated conditions therein shall be referred to on the plan and recorded in the Registry of Deeds. The subdivider shall promptly, after recording, send a copy of the covenant, showing book and page number, to the Board.

3521. Supplemental Covenant. The Planning Board may require, prior to the endorsement of the Definitive Plan, a supplemental covenant containing those conditions of approval that are intended to survive the release of the Statutory Covenant. Such covenant shall be approved as to form by the Planning Board's designee. Such covenant shall be executed and duly recorded by the owner(s) of record, and shall run with the land. The covenant shall be referenced on the Definitive Plan prior to recordation in the Registry of Deeds. The subdivider shall promptly, after recording, send a copy of the covenant, showing book and page number, to the Board.

3530. Converting Covenant to Another Performance Guarantee. If the applicant desires that lots be released from a covenant and that the improvements remaining to be constructed or installed be secured by another form of performance guarantee, a formal written request shall be sent to the Planning Board by registered mail which sets forth and includes:

- a. The extent and scope of remaining work to be completed to satisfy the requirements for the construction or installation of all required ways and municipal services; and,
- b. An estimate, pursuant to these Regulations, which reflects all remaining costs related to the construction of all required ways and installation of all required municipal services; The amount of the escrow account shall not exceed 135% of such estimate and the greater of 10% of the remaining unreleased lots or three unreleased (3) lots. If all of the lots have been released, the amount of the escrow account shall be not less than 200% of the estimate.
- c. The form and type of guarantee being given to the Planning Board to secure all remaining improvements.

3531. The Planning Board or its agent will make a determination as to the sufficiency of the submitted estimate, and, if such estimate is accepted, a new performance guarantee will be given to the Planning Board. Upon acceptance by the Planning Board of the new performance guarantee, all applicable lots shall be released from the covenant.

3532. No lot shall be released from the covenant until the first course of pavement serving such lot has been installed in accordance with the specifications of the approved Definitive Plan and the roadway drainage and stormwater management system has been inspected and approved by the Planning Board or the Board's engineer.

3450. Converting Bond, Deposit, or Agreement to Covenant. If the applicant desires to secure by means of a covenant the construction of ways and the installation of municipal services in a portion of a subdivision for which no building permits have been granted nor any lots have been sold, and to have the Planning Board release the bond, deposit of money or negotiable security, or agreement and mortgage previously furnished to secure such construction and installation, the applicant shall submit to the Planning Board a reproducible tracing and three (3) contact prints of the reproducible tracing of the

definitive subdivision plan, limited to that part of the plan which is to be subject to such covenant. Upon approval of the covenant by the Planning Board, reference thereto shall be inscribed on such section of the plan, and it shall be endorsed by the Planning Board and recorded with the covenant at the expense of the applicant. Certified copies of all documents which the applicant records at the Registry of Deeds shall be provided to the Planning Board as set forth in these Regulations.

3541. Failure to Perform. Upon failure of the developer to satisfactorily complete all required work secured by a bond or other security within the time specified and in accordance with these Rules and Regulations, the Planning Board shall have the right to enforce the bond or realize upon the security to the extent of the reasonable cost to the Town of completing the required construction and installation including any portion of such security necessary to cover the expenses incurred in conjunction therewith and return any amounts left after such completion to the developer. The Board shall have the right to rescind any and all releases from covenant as well as any other statutory or equitable rights.

3542 Phasing of Bond Requirements. When setting bond requirements or executing covenants, it shall be the policy of the Planning Board to consider the feasibility of developing the subdivision in a phased manner. If, because the number of planned lots the Board deems that the development could be done in phases, the Board shall consider the option in the setting, reduction and timing of bond requirements and/or the drawing up of covenants to cover the construction of ways, utilities and other required improvements.

3543 Construction Certification For special construction situations or where extraordinary construction practices are proposed, the Planning Board may require as one of its conditions to approve that the construction be certified by a registered professional engineer.

3600. ENDORSEMENT AND RECORDING.

3610. Certificate of Approval. The action of the Board with respect to any Definitive Plan shall be by majority vote of the Board as constituted, copies of which shall be certified and filed with the Town Clerk and sent by registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for such modification or disapproval. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board, but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the Board's action with the Town Clerk and said clerk has notified the Board that no appeal has been filed.

3611. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with eight (8) blueprints and the original thereof. The Planning Board upon receipt of the blueprints and the original, shall send one (1) blueprint to each of the following Board or Supervisors of the Town: Fire Department, Conservation Commission, Board of Health, Board of Assessors, Municipal Light Board, and Department of Public Works, and shall retain the original and two copies for its own files.

3612. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.

3620. Recording of Plan. Within thirty (30) days after the return of an approved plan, the applicant shall cause to be recorded in the Registry of Deeds, and in the case of registered land with the recorder of the Land Court, a copy of the approved Definitive Plan and accompanying covenants and agreements, if any. Following plan approval, endorsement, and recording, the applicant shall provide the Board with five (5) prints of the Definitive Plan, one of which shall be certified by the Registry of Deeds as having been recorded, and one (1) copy of final covenants and restrictions, noting book, page number, and date of recording for each. One copy of the Definitive Plan shall be forwarded to the Building Inspector by the Board.

3621 AMENDMENT, MODIFICATION OR RESCISSION OF APPROVAL

The Planning Board may, upon its own motion, the request of the applicant or the petition of any interested person, amend, modify or rescind the approval of a Definitive Plan, after due notice and opportunity to the owner to be heard in accordance with G.L. c. 41, s. 81W, as amended. Failure to comply with these Rules and Regulations and with the specifications and conditions set forth in the approval of the Definitive Plan shall constitute a basis for such action by the Planning Board. Such action may include the realization upon any security posted by the applicant, the rescission of subdivision approval and all other measures provided by law. No changes or alterations shall be made to any aspect of an approved Definitive Plan without resubmission for approval of the Planning Board in accordance with General Laws, Chapter 41, Sections 810 and 81W.

3700. EVIDENCE OF SATISFACTORY PERFORMANCE.

3710. Submission. Before the Board shall finally release a performance bond or a deposit, or in the case of approval with covenants, issue a final release of a covenant, all held pursuant to Section 3500, above, the applicant shall:

3711. File with the Board a certified copy of the layout plan of each street in the subdivision marked "As Built". In the case of approval with covenants, the applicant may show only the street or streets serving the lots for which a release is desired on the layout plan. Certification shall be by a Registered Professional Engineer or Land Surveyor, and shall indicate that streets, storm drains, sewers, water mains, and their appurtenances have been constructed in accordance with said plan and are accurately located as shown thereon.

- 3712.** Obtain and submit to the Board written evidence that the required improvements, as set forth herein, have been completed to the satisfaction of the official listed below:
- a. for the planting of any required street trees: Tree Warden;
 - b. for the placing of monuments and construction of all other required improvements and the performance of all other required work: Planning Board and/or its designated agent;
 - c. for streets and drainage, as in conformance with the approved Definitive Plan: Planning Board and/or its designated agent;
 - d. for underground wiring, water mains, sanitary sewers, storm sewers, hydrants, fire ponds, and fire alarms, as in conformance with the approved Definitive Plan: Planning Board and/or its designated agent;
 - e. for water mains, gate valves and hydrants: appropriate water company.

3713. The applicant shall submit written evidence that all of the required improvements stated in Section 3712 have been in place eighteen months without damage, or, if damage has occurred, that such damaged improvements have been repaired to the satisfaction of the Board.

3800. RELEASE OF PERFORMANCE GUARANTEE.

3810. General. Upon completion of the improvements required under Section 4000, or the performance of any covenant with respect to any lot, the applicant shall send by registered mail to the Town Clerk a statement, in duplicate, that said construction or installation in connection with any bond, deposit, or covenant has been completed in accordance with the requirements of Section 4000. Such statement shall contain the name and address of the applicant, and the date of filing with the Town Clerk. The Town Clerk shall forthwith furnish a copy of the statement to the Board.

If the Board determines that said construction or installation has been completed, it shall release the interest of the Town in such bond or deposit and return the bond or deposit to the person who furnished same, or issue a release of covenant in a form acceptable for recording. If the Board determines that said construction or installation has not been completed, it shall specify to the applicant in writing the details wherein said construction or installation fails to comply with the provisions of Section 4000. Upon failure of the Board to so notify the applicant within forty-five (45) days after the receipt by the clerk of said statement, all obligations under the bond shall cease and terminate by operation of law, and deposit shall be returned, and any covenant shall become void. In the event that such forty-five (45) day period expires without notification by the Board, or without the release and return of the bond, or the return of the deposit, or the release of the covenant, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which shall be recorded by the applicant.

3820. Ways and Services. The Board shall release from covenants only those lots for which installation and construction of ways and services, including stormwater and

drainage systems, has been completed, in accordance with these Rules. The applicant shall submit the appropriate form when applying for the release of a lot from a covenant.

3830. Pavement. The Board shall not release any bond, deposit, or covenant nor shall a building permit be granted for any lot until the binder course of pavement has been installed with manhole covers and other structures set therein at the level of such first course, in accordance with those regulations and that the Board has received written confirmation from its agent that the roadway drainage and stormwater management system has been installed in accordance with the approved plans.

3840. Completion of Work / Maintenance Guarantee. A maintenance guarantee providing surety equal to (10%) of the total value of work within the subdivision which has been subject to either a bond and/or covenant, to be held in same manner as the performance guarantee required herein. Such maintenance guarantee shall be held by the Town for the maintenance of streets and municipal services, such as but not limited to, stormwater management facilities, cisterns, fire ponds, or other improvements, for eighteen (18) months after completion of construction and installation or until the streets are accepted by the Town, whichever comes first, after which date the Town shall return the remainder of the bond to the person or persons who furnished same. Approximately sixty (60) days before the expiration of the eighteen (18) month period specified above, the Planning Board shall request its engineer to make an inspection of said street or ways or portion thereof to determine whether or not it should recommend to the Board of Selectmen the laying out of said street or way or portion thereof as a public way. If the recommendation is in the affirmative, the Planning Board shall so advise the Board of Selectmen forthwith, including in such recommendation notification that the eighteen (18) months for which the applicant is responsible for maintenance of said way or portion thereof will expire on a certain date and said way may be laid out as a public way.

Upon the expiration of the period for which the applicant is responsible for maintenance of said way, if said applicant has complied with all the requirements of the Planning Board, including without limitation the requirements of Sections 3710, 3711 and 3712, and surety held by said Board for the maintenance of said way shall be returned forthwith to the applicant, but only after a deed for the roadway and associated infrastructure is delivered in recordable form to the Board.

SECTION 4000. REQUIRED IMPROVEMENTS.

4100. GENERAL.

4110. Design Guidelines. All subdivisions shall be designed, and improvements made by the developer, consistent with the requirements of Section 4000, Required Improvements, and shall be designed to do the following:

4111. Reduce, to the extent possible:

- a. the volume of cut and fill;
- b. area over which existing vegetation will be disturbed, particularly in those areas within 200 feet of a water body, having a slope of more than 15%, or overlying easily eroded soils;
- c. number of mature trees removed;
- d. extent of waterways altered or relocated;
- e. visual prominence of man-made structures or uses not necessary for safety or orientation;
- f. erosion and siltation;
- g. flood damage;
- h. number of driveways exiting onto existing streets;
- i. disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic environs.

4112. Increase, to the extent possible:

- a. visual prominence of the landscape;
- b. legal and physical protection of views from public ways;
- c. street layout facilitating south orientation of houses;
- d. use of curvilinear street patterns.

4113. The location of proposed streets, parks and open spaces shall be designed so as to minimize the number of probable house sites located within five hundred (500) feet of any property valued under the provisions of G.L. c. 61A. Where reasonable designs could substantially reduce the proximity of house sites to agricultural land but are not employed, an explanation for failure to do so shall be provided to the Board by the applicant.

4120. Conformance with Zoning By-Law. All lots shown on the plan shall conform with the requirements for area, dimensions, frontage, buildable area, and all other requirements of the Zoning By-Law.

4130. Access to Subdivisions. A way providing access to any subdivision must be within the Town limits, without requiring municipal service vehicles (including, but not limited to, fire vehicles, police vehicles, plows, school buses, emergency vehicles, and maintenance vehicles) to exit the Town in order to enter the subdivision. Any other access to a subdivision through another town requires certification by that town that the way in question is in accordance with the subdivision rules and regulations of the Planning Board of that town, that any bond posted for construction in that town is adequate, and that the way provides adequate access for police, fire, and emergency vehicles as well as the expected traffic generated by the subdivision. The Planning Board may require, as a condition of approval, written agreements with the city or town indicating, if applicable, the services to be provided to the subdivision by the adjacent town.

4140. Open Spaces.

4141. 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 be of reasonable size, but generally not less than five (5%) percent of the area of the land to be subdivided, after considering the location and quality of the land to be set aside. The minimum area acceptable for later public acquisition shall be three (3) acres. The Board may by appropriate endorsement on the plan require that no building be erected on such park or parks without the approval of the Board for a period of three (3) years.

4142. Land designated for park or playground use shall not include wetlands, ledge, or other land unsuitable for recreation purposes.

4143. Any open space, park, or playground shall provide at least fifty (50) feet of continuous frontage on a street. Pedestrian ways may be required by the Board to provide access from nearby streets on which the open space, park, or playground has no frontage. Such parks or playgrounds may be required to have maintenance provided by covenants and agreements acceptable to the Board, until public acquisition is completed, *if ever*.

4150. Wetlands Protection. The Board may condition its approval of a Definitive Plan upon the issuance of an order of conditions by the Conservation Commission of the Town, pursuant to the Wetlands Protection Act, G.L. c. 131, Section 40.

4160. General Construction Standards.

4161. All streets, street drains, catch basins, and appurtenances thereto shall be installed without expense to the Town.

4162. All right of way lines, drain lines, and underground municipal services shall be laid out as to line and grade by a Registered Professional Engineer or a Registered Land Surveyor.

4163. All construction details, materials, methods, and specifications shall conform to the current requirements of the "Commonwealth of Massachusetts, Standard Specifications for Highways and Bridges, Boston, Massachusetts" as supplemented.

4164. Areas within the subdivision used previously for the extraction of gravel or borrow material shall be regraded, loamed, and in sod before final release of the performance guarantee is authorized by the Planning Board. All construction debris, refuse, and other solid waste shall be removed from the site, and all surplus construction material, before final release of the performance guarantee is authorized by the Planning Board.

4165. Detention basins, swales, infiltration areas shall be constructed prior to the installation of any roadway pavement.

4166. Additional short term and long term erosion and pollution controls measures shall be implemented for areas draining to infiltration structures or areas as required to prevent the accumulation of sediments in these structures.

4167. All required local, state, and Federal permits, licenses, and approvals shall be obtained prior to the start of construction, including but not limited to DEP water quality certificate and EPA NPDES construction permits.

4200. STREETS.

4210. Location.

4211. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel and natural drainage with no drainage pockets, and that they are adjusted to the topography and provide the minimum number of intersections with existing collector streets. Streets shall be continuous and in alignment with existing streets as far as is practicable. Due regard shall also be given by the applicant to the attractiveness of the street layout so as to promote the maximum liveability and amenities in the subdivision.

4212. Provision shall be made by the applicant, satisfactory to the Board, for the proper projection of streets, or for access to adjoining property, if any, which has not yet been subdivided. In the alternative, the Board may limit or prohibit the projection of streets to adjoining property where such action is in the public interest.

4213. Streets will ordinarily be required adjacent to parks, playgrounds, and schools, to provide proper access and policing of such areas.

4220. Alignment.

4221. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at an angle less than sixty (60) degrees as measured between the street centerlines.

4222. Centerline offsets for intersecting streets shall not be less than one hundred fifty (150) feet.

4223. All intersections and approaches to intersections shall be cleared of any obstructions to the motorist's view and so maintained.

4224. No street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be allowed. The minimum centerline radii of curved streets shall conform to the following:

Collector streets:	300 feet
Secondary streets:	150 feet
Minor Streets:	125 feet

4225. Sight distances at entrance roads and within the subdivision shall be provided to meet the requirements of the Massachusetts Department of Public Works Highway *Design Manual latest edition*. Sight distances of a minimum of two hundred (200) feet in each direction shall be provided at intersections, except that a minimum three hundred (300) feet shall be provided at intersections with state-numbered highways or collector streets or other streets having a speed limit of 40 MPH or greater. At such intersections, the Planning Board may require intersection designs with longer turning radii and safe acceleration and deceleration features, including increased street width, increased curb radii, and use of traffic islands for channelization.

4226. All reverse curves on *all* streets shall be separated by a tangent at least one hundred (100) feet in length measured *along the centerline*.

4227. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than twenty-five (25) feet.

4230. Widths. The minimum width of streets shall conform to the following:

Collector streets:	Sixty (60) feet right of way Thirty (30) feet pavement
Secondary streets:	Fifty (50) feet right of way Twenty-four (24) feet pavement
Minor Streets:	Forty (40) feet right of way Twenty (20) feet of pavement

4240. Grades.

4241. Centerline grade for any street shall not be less than one (1.0) percent.

4242. Maximum centerline grades shall conform to the following:

Collector streets:	six (6) percent
Secondary streets:	eight (8) percent
Minor streets:	eight (8) percent

4243. On any street where the grade exceeds 4% on the approach to an intersection, a staging area with a slope of not more than 4% shall be provided for a distance of at least fifty (50) feet from the nearest edge of the traveled intersecting way.

4244. Proposed centerline grades within the right-of-way shall be not more than five feet below or above existing grade unless specifically waived by the Board in unusual topographic circumstances. In areas where the proposed grades are below the existing right-of-way grades, the Board may require that soil borings or test pits be provided to confirm the seasonal high groundwater elevation. Based on the results of the soils test subdrain systems may be required by the Board.

4245. To the extent feasible, street grades shall be designed in relation to existing grades so as to approximately balance the volume of cut and fill made within the right of ways, except to offset peat, boulders, or other unusable material required to be removed.

4250. Dead-end Streets.

4251. A dead-end street, whether temporary or permanent, shall not have a length in excess of 600 feet from the traveled edge of the intersecting street to the furthest traveled edge of the dead-end street, unless the Board specifically waives this provision due to unusual topography or other conditions. *Dead end streets shall have a minimum length of 400 feet.*

4252. A dead-end street shall not have a grade in excess of three (3) percent for the last one hundred (100) feet of its closed end.

4253. Dead-end streets shall be provided at the closed end with a *circular* cul-de-sac having a minimum radius of fifty-seven (57) feet and a maximum radius of sixty-eight (68) feet.

4260. Construction of Roadways.

4261. Each street shall be constructed on the centerline of the right of way; the centerline of the paved surface shall coincide with the centerline of the right of way. Pavement specifications shall be shown on detail plans submitted with the Definitive Plan.

4262. The Planning Board may require slope easements where *grading* cannot be adequately handled within the required right of way.

4263. The roadway shall be cleared of all obstructions of any kind for a distance equal to the sum of the specified width of the pavement, plus the required shoulder, sidewalk or swale on each side of the pavement. A greater width may be required at corners and on the inside of curves for visibility.

4264. At least one (1) week prior to commencement of *any* street construction, the Department of Public Works *and the Planning Board* shall be notified by certified mail of the intended commencement. The *Planning Board* shall, upon receipt of such notification, appoint an agent and instruct said agent to make continuing inspections of the work to insure that the requirements listed below are adhered to. A pre-construction conference shall be held prior to the start of any subdivision construction *work*. The inspecting agent shall furnish the subdivider with a check list of steps to be completed. The subdivider shall not proceed with any steps until all prior steps have been signed by the Inspector as satisfactorily completed. The completed check list is to be returned to the Planning Board. Failure to submit completed check list may be deemed sufficient cause for the Board to withhold final approval of the roadway construction.

4265. Forming the Subgrade. All top soil, sub-soil, rocks, ledge and other unsuitable material shall be excavated to provide a gravel base depth of at least two (2) feet within the traveled way, eight (8) inches for shoulders, and ten (10) inches for sidewalks. Unless a permit is granted by the Town for the removal of loam and top soil, said material will be stock-piled on the premises for final landscaping of roadway shoulders and adjacent house lots. A greater depth of excavation may be required in any area where the sub-grade material (clay, peat, etc.) will not support the roadway, or drainage conditions require more gravel to establish a firm foundation. Prior to placement of the *processed gravel subbase*, the entire sub-grade surface shall be thoroughly compacted by means of a three (3) wheel roller weighing not less than ten (10) tons or equivalent pneumatic tired or vibratory compactors. After compacting, the surface shall show no deviation in excess of two (2) inches from the grades indicated on the drawings. Compaction test shall be performed to confirm that the fill has been adequately compacted. No processed gravel subbase shall be placed in any sub-grade area until said area has been inspected and approved by the *Board* or its agent.

4266. Placing and Compacting Subbase Materials. Subbase processed gravel shall comply with the material requirements of MHD material specification M1.03.1. The processed gravel subbase shall be placed in maximum lifts of eight (8) inches uncompacted depth. Compaction test shall be performed on each lift. Each lift of gravel subbase shall be compacted to 95% of the maximum dry density as determined by the modified Proctor Test in accordance with ASTM D-155. All drainage and utilities *are* to be installed prior to placing base course gravel. The base course gravel, once approved, is not to be disturbed by digging without written authorization of the *Board*.

4267. Conditioning of Subbase Course Prior to Surfacing. The surface of the subbase course will be inspected and tested for tolerances by the Board or its agent. Any deviations in excess of the required tolerances shall be corrected by the subdivider as directed. Any ruts or soft yielding areas in the subbase course shall be corrected by removing unsuitable material, adding suitable material, reshaping and recompacting as directed. The subbase course, immediately before surfacing, shall be fine graded to *four(4.0)* inches below final grade as shown on the profiles on the Definitive Plan, with the grades of the street further apart than fifty (50) feet. Grading shall be by means of a self-propelled road grader and such hand labor as may be required.

4268. Application on Permanent Surface. A permanent type pavement of Class I Bituminous Concrete, Type I-1 shall be placed in strict accordance with the, Massachusetts Highway Department Standard Specifications Section 460.0 through 460.62. Said pavement shall be laid in two (2) courses, consisting of two and one-half (2.5) inches compacted thickness of base mixture and one and one-half (1.5) inch compacted thickness of top mixture. The completed pavement shall have a uniform compacted thickness of four (4) inches. No permanent surface will be applied after November 1st unless authorized in writing by the *Board*.

4269. Drainage structure frames and utility boxes shall be set to the binder grade. The frames and boxes shall be raised to finish grade and set in a concrete collar just prior to final paving.

4270. Shoulders.

4271. Roadways shall have shoulders in conformance with the following widths:

Collector streets: 5 feet
Secondary Streets: 5 feet
Minor Streets: 4 feet

4272. Shoulders shall be pitched at three-eighths (3/8) inch to the foot towards the curb or swale.

4273. Shoulders shall have an eight (8) inch gravel foundation, four (4) inches of topsoil (after rolling), and be planted in accordance with Section 4530.

4300. STORMWATER MANAGEMENT.

4305. General. Storm drains, culverts, swales, detention basins, and related facilities shall be designed to permit the unimpeded flow of all natural water courses, to ensure adequate drainage at all low points along streets, to control erosion, and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area being drained. Where determined to be appropriate to the Board, storm water may be carried on the surface of the ground and recharged (herein, "open drain system") rather than piped to surface water (herein, "closed drain system"). Peak storm discharge rate at the boundaries of the subdivision in a twenty-five (25) year frequency storm shall be no higher following development than prior to development. In a FEMA flood plain, drainage *and* stormwater management improvements shall be provided to reduce exposure to flood hazards and mitigate potential flood impacts. Current state Department of Environment Protection Stormwater Management Policy and current United States Environmental Protection Agency (USEPA) Construction Requirements must be considered when designing above mentioned systems. USEPA Phase II Regulations which became effective March 10, 2003 *and subsequent modifications* shall also be incorporated in the design.

4310. Design Standards. All stormwater management systems shall be designed in accordance with the Massachusetts Department of Environmental Protection's Stormwater Management Policy and the Dighton Board of Health Storm Water Detention/Retention Regulations. All stormwater management and infiltration systems shall be designed and certified by a Massachusetts Registered Professional Engineer.

4311. Full Build Out. Storm water run-off calculations for proposed conditions should use general land use conditions that assume full build out within the existing zoning requirements. Less conservative values may be applied to determine peak storm discharge rate when coupled with enforceable land use restrictions.

4312. Location of Detention, Retention and Infiltration Basins. Detention, retention and infiltration basins shall be located on a separate parcel, and shall not be located on a lot to be conveyed for building purposes. Such parcel shall have not less than 30' of frontage so as to eliminate the need for easements across lots to reach said detention basin. *No detention, retention*

or infiltration basin shall be located within fifty (50') feet of any perimeter lot line, being those lot lines that existed prior to the submission of the subdivision application.

4313. Maintenance Guarantee. A Maintenance Guarantee for all storm drains, culverts, swales, detention basins and related facilities may be required as referred to in Section 3500. This may be executed as a condition before final approval of a Definitive Plan.

4314. Outlet Inverts. If a stormwater facility discharges to a down gradient wetland, the outlet inverts for detention, retention or infiltration systems shall be a minimum of six (6) inches above the highest elevation of the down gradient wetland.

4320. The use of aboveground or open stormwater detention, retention or infiltration facilities is prohibited unless a variance is granted by the Dighton Board of Health. Should a variance be granted, then any aboveground or open detention, infiltration or retention system shall conform to the following. Documentation for requirements in sections 4321 through 4327 inclusive must be provided.

4321. All aspects of detention basins shall be designed with safety in mind. Fences or landscaping used for safety or screening shall not unreasonably inhibit emergency access or maintenance.

4322. The stored runoff must drain/or percolate dry within twenty-four (24) hours of the end of a steady rain.

4323. The bed of the basin must be at least two (2') feet above the normal high ground water table. Seasonal high ground water elevations at the detention basin site must be documented.

4324. Basins shall be no more than three (3') feet deep based on the average bottom depth. One (1) foot of freeboard should be provided from the highest designed water level.

4325. Within the basin, there shall be a channel with a one percent (1%) grade from the inlet(s) to the outlet, the channel line being eight (8') foot wide, six (6") inch deep circular swale constructed of sod, or when velocities dictate, six (6") inch to twelve (12") inches of mixed riprap stone.

4326. The bottom of the basin shall have a two percent (2%) (minimum) slope to the channel.

4327. Side slopes shall have a slope of five (5') feet horizontal to one (1') foot vertical or flatter and the overall shape of the basin shall fit the topography as nearly as possible.

4330. Underground or closed detention or infiltration systems shall be designed and constructed in accordance with the requirements of Sections 4300, 4310, 4311, 4312, 4313, 4314 and the following.

4331. Underground detention system may include infiltration if the applicant can demonstrate that the infiltration of stormwater will not impact groundwater quality and will not impact groundwater elevations or flows in down gradient properties. Infiltration of stormwater runoff will not be allowed for areas that receive stormwater runoff from areas with land uses with higher pollutant loads as defined by the Massachusetts DEP Stormwater Management Policy or in recharge areas of groundwater drinking water supply.

4332. Underground basins and facilities shall be provided with a sediment forebay or other pretreatment device designed to capture coarse particulate pollutants and when necessary oil and grease from the contributing watershed.

4333. Site conditions shall be investigated to confirm that underground systems will have a minimum separation of two (2) feet from the seasonal high groundwater elevation or bedrock/ledge.

4334. Soil characteristics shall be determined by testing at the location of the basin. One soil boring or test pit shall be provided for every 5,000 square feet of detention basin area, with a minimum of three borings/test pits for each infiltration area. Infiltration rates shall be based on falling head permeability tests or infiltration rates consistent with MA DEP guidance. If field test are performed, the design of the infiltration area shall be based on the slowest rate obtained from the field testing. The tests shall be observed by the Boards representative.

4335. Underground facilities shall have an emergency outlet capable of bypassing the 100-year flow without damage to the drainage system or backup into the stormwater collection system.

4336. Header systems shall be provided for the collection and cleanout of sediments.

4337. Access and maintenance ports shall be provided to allow the inspection of the entire underground system and removal of accumulated sediments.

4340. Storm Drains.

4341. Storm drains and culverts shall be no less than twelve (12") inches inside diameter and shall be of greater size if required by design considerations. All drains shall have a minimum of *three (3') feet cover*. Pipe approved by the Massachusetts Highway Department (MHD) shall be installed in accordance with MHD requirements. The subdivider shall specify the class of pipe to be used.

4342. Proper connections shall be made with any existing drains in adjacent streets or easements where they may exist and prove adequate to accommodate the drainage flow from the subdivision, and in the absence of such facilities, or the adequacy of the same, it shall be the responsibility of the developer to extend drains from the subdivision as required a manner determined by the Department of Public Works, or Planning Board.

4343. The Board may require side drains during construction. Six (6") inch sub drains, five (5') feet off the sideline may be required in cuts over three (3') feet.

4350. Catch Basins/Manholes. Catch basins shall be provided with grates installed and approved as to design by the Board and shall be located in pairs, one on each side of the roadway, at all low points or sags in the roadway, at intervals of not more than two hundred fifty (250) feet on continuous grades of the roadway, not more than two hundred (200) feet to either side of a high point, at or near the corners of the roadway at intersecting streets, and at the end of cul-de-sacs if pitched toward the end or at the neck if pitched toward the neck. Manholes shall be provided at changes in direction, whenever there is a change in size of pipe, and so as to eliminate the draining of one basin into another basin. Catch basins and manholes shall be constructed with preformed materials or, if required by depth of reinforced concrete, and shall have a four (4') foot deep sump. A typical detail shall be provided.

4360. Certificate of Occupancy. No certificate of occupancy shall be issued for any dwelling unit in a subdivision until the storm water management system is fully operational.

4400. MUNICIPAL SERVICES.

4410. Electricity and Telephone Service. Electricity and telephone service shall be provided to each lot. All electrical, telephone, and other utility wires shall be placed below ground in conduit according to the requirements of the utility provider.

4420. Fire Protection. Provision shall be made for fire protection in the subdivision. The applicant shall review plans for fire protection with the Chief of the Fire Department and reach an agreement as to the method of providing adequate fire protection. A subdivision plan shall be approved only upon presentation of evidence to the Board, subject to the approval of the Fire Chief, that adequate provisions for fire protection have been made. No certificate of occupancy shall be issued for any dwelling unit in a subdivision until all components of the fire protection system are fully operational.

4430. Street Lighting. Street lighting shall be provided for those locations where the Planning Board, following consultation with the Selectmen and Municipal Light Board, recommends that the Town maintain lighting. Facilities shall be provided in accordance with the Municipal Light Department's specifications.

4440. Water. Evidence shall be submitted to satisfy the Planning Board that adequate and potable water supply is available for each lot in the subdivision. The water system components and installation methods shall conform to the requirements of the water district providing the water service.

4441. Whenever feasible, the water supply shall be from a public water supply system.

4442. Where a connection to the public water system is not feasible, the Planning Board shall approve a subdivision only if the applicant submits information to demonstrate that the following provision for fire protection are met:

- (a) The houses within the subdivisions have residential Sprinklers installed in conformance with NFPA 13, 13D or 13R or.
- (b) A reliable year-round water supply readily accessible to the Fire Department is provided from natural or constructed bodies of water, such as ponds, streams or cisterns which complies with the following:
 1. Design, construction and capacity of natural and constructed bodies of water shall be approved by the Fire Department and shall comply with National Fire Protection Association (NFPA) standard 1231, "Water Supplies for Suburban and Rural Fire Fighting."
 2. Cisterns shall have a minimum capacity of thirty thousand (30,000), gallons available for firefighting as provided for in NFPA 1231 (ISO requirement, Fire Chief's Handbook, p. 601).
 3. Cisterns shall be inspected by the Fire Department during construction.
 4. A dry hydrant installed in conformance with NFPA 1231 is required. Height of the suction connection must be approved by the Fire Department.

4443. Where a connection to the public water system is not feasible, the Planning Board shall approve a subdivision only upon its determination that the well(s) on each lot is likely to be able to provide a sustained yield of five (5) gallons per minute with water quality meeting DEP's "Drinking Water Regulations of Massachusetts," as may be amended from time to time. One (1) test well may be required of the Applicant per ten (10) potential lots, or the Planning Board's determination may be based upon the written statement of a hydrogeologist following his analysis of well records on nearby premises, subsurface conditions, and potential sources of contamination.

4444. Subdivisions served by the town's water system shall meet the following specifications:

- (a) Hydrants shall be spaced no more than five hundred feet (500) apart.
- (b) Hydrant locations shall be approved by Fire Department.
- (c) Minimum fire flow requirements (gallons per minute required to control a fire) shall meet National Fire Protection Association standards and be approved by the Fire Department.

4500. OTHER IMPROVEMENTS.

4510. Sidewalks.

4511. Required Locations. Sidewalks within street right-of-ways shall be provided as follows:

Collector streets:	Both sides
Secondary streets:	One side
Minor streets:	One side

4512. Width and Alignment. Sidewalk pavement shall be five (5) feet wide on collector streets, and four (4) feet wide elsewhere. Except at intersections, sidewalks shall be separated from the traveled way by not less than the required shoulder width. Sidewalk width and alignment may vary to reflect or protect existing topography, trees, and other site features.

4513. Other Walkways. Public off-street walkways, bikeways, or bridle paths may be required by the Board to provide grounds, parks, shopping, transportation, open space, or community facilities, or to break up long blocks, or for any other reason that the Board may determine. No such walkway, bikeway, or bridle path shall be a part of any lot in the subdivision.

4514. Construction. Sidewalks shall have a foundation of eight (8) inches or more of compacted processed gravel. The pavement shall consist of bituminous concrete with a one (1) inch binder course and a one (1) inch thick finish course.

4515. Ramps. Sidewalk ramps shall be constructed out of cement concrete in accordance with State and Federal handicap access requirements.

4520. Grass Plots and Slopes. Embankments outside the shoulders and swales shall be evenly graded and pitched at a rate not steeper than two to one (2:1) in cut and three to one (3:1) in fill. The Board may require such banks and all other disturbed areas adjacent to the traveled way to be loamed and seeded to grass, or, after consideration of the surrounding vegetation and terrain, to be blended with such woods or natural surroundings as exist, with plantings chosen accordingly.

4530. Plantings.

4531. Unpaved areas within the right-of-way which have been stripped by the construction shall be graded to meet the adjoining property with a slope of not more than one (1) foot vertical to two (2) feet horizontal and loamed with at least six (6) inches of good quality topsoil. These areas shall be thickly seeded with perennial grasses or other planting materials approved by the Board.

4532. If the developer finds it necessary to remove any of the Town's trees, or if the Planning Board so requires, the developer shall replace any and all such trees at his own expense.

4533. Before removing any tree within the existing town right-of-way, the Tree Warden shall be consulted and shall mark all trees that are not to be removed.

4534. Suitable existing trees within the right-of-way, if larger than four (4) inch caliper and located outside the shoulders, shall be preserved. Trees to be retained shall not have grade changed over their root areas more than twelve (12) inches.

4535. Where suitable trees do not exist at intervals of less than forty (40) feet on each side of the street, they shall be provided by the developer.

4536. Trees to be planted shall be well branched, nursery grown stock at least two and one-half (2.5) inch trunk diameter at four (4) feet above ground, and be free of injury, harmful insects, and diseases. They shall be long-lived species adapted to the local environment and approved by the Planning Board.

4537. New plantings shall be guaranteed by the developer for a period of one year from the date of planting.

4538. Applicants for subdivision of land are reminded that the Scenic Roads Act, G.L. c. 40, s. 15C, is in effect in the Town. Moreover, the Shade Tree Act, G.L. c. 87, should be consulted with regard to any proposed tree removal.

4540. Curbing and Berms. Bituminous concrete cape cod berms shall be installed on both sides of all roadways in conformity with the "typical roadway cross-section," appended hereto, except where waived by the Board where open drainage systems are being relied upon, and except at intersections with state-numbered highways or collector streets, where vertical ~~sloped~~ granite curbing will be required.

4550. Driveway Entrances. Driveway entrances shall be constructed and graded so to prevent drainage onto public ways. Driveways at intersections and cul-de-sacs shall be spaced so as to facilitate snow removal.

4560. Monuments.

4561. Monuments shall be installed at all street intersections; at all points of change in direction of curvature of the streets.

4562. Monuments must be granite or reinforced concrete, measure a minimum of four by four inches by four inches by four feet (4"x4"x4') and project four (4) inches above finish grade. Reference points are to be drilled in the top of each monument.

4563. Monuments shall be installed at each lot corner along the street and as necessary to locate any easements to be deeded to the town.

4564. Two major rear corners of each lot shall be marked with iron rods. Iron rods shall be three-quarter (3/4) inch iron rod set to a depth of not less than eighteen (18) inches below finished grade and shall be set flush to grade.

4565. Placement and accurate location of all monuments shall be certified by a Registered Land Surveyor, and indicated on the as built plan.

4570. Signs.

4571. Street Signs. As soon as a street is paved, street signs conforming to those placed by the Town shall be erected at each end of the through way and intersections. The word "Private" shall be lettered on a separate sign placed under the street sign. This separate sign shall be removed when the street is accepted by the Town, and replaced by a sign that says, "Not a Through Way."

4572. Advertising Signs

(a) No advertising signs shall be erected that may prevent the clear view of motorists at intersections.

(b) All signs shall conform to the Zoning By-Law of the Town.

4600. MAINTENANCE AND CLEAN-UP.

4610. General. The entire area of the subdivision must be cleaned up so as to leave a neat and orderly appearance free from debris and other objectionable materials, leaving no unfilled holes, and leaving no other artificially created hazards. The stormwater drainage and management system shall be cleaned of accumulated debris and sediments. A bond may be required to secure performance of this regulation.

4620. Right of Way. The entire area within the right-of-way shall be properly maintained by the developer until accepted by the Town. Immediately prior to such acceptance, all catch basins shall be cleaned. Snow removal and sanding of the streets shall be the responsibility of the developer until such acceptance. An escrow account or maintenance bond may be required to secure performance of this regulation.

4700. EASEMENTS.

4710. Fire Ponds and Utilities. Easements for fire ponds and utilities across lots or centered on rear or side lines shall be provided, and shall be at least thirty (30) feet wide.

4720. Storm Water Easement. Where a subdivision is traversed by a water course, drainage way, stream, or channel, the Board may require that a storm water easement or drainage right-of-way be provided of adequate width to provide for free flow of water in its natural course, for construction, or for other necessary purposes.

4800. FLOOD PLAIN.

In a flood plain, all public utilities and facilities such as gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage. If a subdivision includes lots that are located within a Federal Emergency Management Agency (FEMA) flood zone with out a Base Flood Elevation (BFE) the BFE shall be determined by the developer and approved by FEMA.

4900. PRIVATE DRIVEWAYS.

4910. Topping. All driveways extending from the completed road surface to the lot lines must have a topping of at least three (3) inches of bituminous concrete. All driveway slopes must end at the street right-of-way, and then continue forward to the completed road surface in the same grade as the sidewalk strip and/or shoulder in order to allow proper drainage of surface water.

4920. Curb Cuts. Curb cuts for driveways shall be at least ten (10) feet wide and shall have a three (3) foot radius flare at the pavement, except in Non-Residential Subdivisions where they shall be at least twenty-four (24) feet wide and have a thirty (30) foot radius or meet the requirements of Section XI of "The Massachusetts Amendments to the Manual on Uniform Traffic control Devices and the Standard Municipal Traffic Code," dated January, 1987.

4900A. NON-RESIDENTIAL SUBDIVISIONS.

4910A. General. Any street servicing land in a nonresidential zoning district as defined by the Zoning By-Law shall be designed as a collector street.

4920A. Requirements. The requirements herein shall be modified as follows: roadway construction shall provide for twenty-four (24) inch gravel foundation, base course of four (4) inch Asphalt Institute Type IV mix, and one (1) inch Class I-1 bituminous concrete finish course, except that this requirement may be reduced where an alternative system is demonstrated to be adequate for anticipated traffic, using the methods specified by the Asphalt Institute Manual Series NO. 1 (MS-1) "Thickness Design."

4930A. Storm Drainage. Storm drainage shall be designed on the basis of at least eighty percent (80%) impervious coverage on all lots, and lawns rather than natural vegetation in buffers and other remaining areas, unless there are land use restrictions enforceable by the Town, assuring some lower level of impervious coverage and natural vegetation.

SECTION 5000. ADMINISTRATION.

5100. INSPECTION.

For the protection of the town and future residents of the subdivision, a series of inspections during the course of construction are required to ensure compliance with the approved Definitive Plan and these Rules.

5110. Inspection Requests. Inspections shall be requested by the subdivider at least four (4) full working days in advance by written notice to the Board and its duly authorized representative.

5120. Inspections Required. The subdivider shall contact the Planning Board and its duly authorized representative for inspections regarding the following aspects of the subdivision, at the specified times *or as required to complete Form K-2 "Subdivision Inspection Checklist"*.

5121. Preconstruction meeting to review construction schedule and approval requirements.

5122. Erosion Control: following installation of erosion control measures.

5123. Roadbeds: following excavation of the roadbed, but prior to any backfilling.

5124. Drainage system: following installation of drain pipe, culverts, catch basins, and all related construction, but prior to any backfilling.

5125. Underground utilities: following laying of electric, telephone, and fire alarm cable in roadway and to individual dwellings, but prior to any backfilling.

5126. Finished gravel foundation: following application, grading, and compaction of gravel foundation.

5127. Pavement: notice shall be given so that inspection may be conducted during and upon completion of paving.

5128. Final inspection: following completion of roadways, permanent bench marks, curbing, berming, walkways, grading, seeding, and cleanup.

5130. Backfilling. No water main, storm drain, catch basin, utility installation, road sub-grade or foundation, or any other item of work designated for inspection, shall be backfilled or paved over until inspected and approved by the Board or its duly authorized representative.