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BLANDFORD PLANNING BOARD RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND

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SECTION 1.0 PURPOSE AND AUTHORITY

1.1 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 of Blandford, by regulations laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Planning Board and the Board of Appeals under these 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, for lessening congestion in such ways and in the adjacent public ways, for securing safety in the case of fire, flood, panic, and other emergencies; for insuring compliance with the protective by-law, for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the town, and with the ways in neighboring subdivisions.

1.2 Authority

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

1.3 Amendments

These rules and Regulations or any portion thereof may be amended, supplemented, or repealed from time to time by Board, after a public hearing, on its own motion or by petition, pursuant to G.L. c. 41, s. 81Q.

1.4 Severability

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

SECTION 2.0 DEFINITIONS

For the purposes of these Rules and Regulations the following words and terms used herein are hereby defined or the meaning thereof explained, extended, or limited as stated in G.L. c. 41, as amended. Where a term is defined in the Subdivision Control Law or the Blandford Zoning By-Law and not herein, such definition shall be incorporated by reference herein. Other terms or words or phrases shall be construed and understood according to such meaning.

AASHTO: Standard specifications for highway materials and methods of sampling testing adopted by the American Association of State Highway Transportation Officials.

Abutter: (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.

ACI: Manual of Concrete Practice published by the American Concrete Institute.

Applicant: All owners of the land referred to in an application filed with the Planning Board, or the owner's duly authorized representative.

ASTM: Standard Specifications published by the American Society for Testing Materials.

Board: The Planning Board of the Town of Blandford.

Code: Massachusetts Building and Highway Construction Code.

Definitive Plan: The Plan of a subdivision, prepared in accord with Section 6.0, submitted to the Board for approval, to be recorded in the Registry of Deeds, or filed with the Recorder of the Land Court when approved by the Board.

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

Engineer: Professional engineer (civil) registered to practice in the Commonwealth of Massachusetts.

Frontage: as defined in the Zoning By-law.

Grade: The number of feet rise per 100 feet of horizontal distance expressed as a percent.

Highway Superintendent: The Highway Superintendent or other official designated by the Board of Selectmen in charge of streets and roadways in the Town of Blandford.

Land Surveyor: Professional land surveyor registered to practice in the Commonwealth of Massachusetts.

Lot: 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: 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.

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Massachusetts General Laws or G.L.: The General Laws of the Commonwealth of Massachusetts, Third, 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 or Utilities: may include sanitary sewers, surface water mains, water pipes, gas pipes, electric lines, street lighting, telephone lines, communication cables, fire alarm lines, and their respective appurtenances.

Owner: 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.

Person: 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.

Planning Board: The Planning Board of the Town of Blandford.

Planning Board Engineer: A registered professional engineer so designated by the Planning Board to act as its agent in that capacity; and to provide the Board with engineering assistance or data as requested by the Board.

Preliminary Plan: A plan of a proposed subdivision or a re-subdivision of land prepared in accordance with Section 5.0, herein.

Print: A contact print, dark line on a white background.

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

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

Register Mail: registered or certified mail.

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

Rules and Regulations: The Rules and Regulations promulgated and adopted by the Planning Board of the Town of Blandford pursuant to G.L. c. 41, s. 81Q

Scenic Roads: Any road designated as "Scenic Road" under G.L. c. 40, s. 15C

State Highway Standards: Massachusetts Standard Specifications for Highway, Bridges and Waterways, by the Commonwealth of Massachusetts, Department of Public Works latest edition with amendments.

Street Categories:

Dead-End Street: street or a combination of streets which has only one means of ingress or egress.

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Major Street: A street which, in the opinion of the Board, is being used, or will be used as a thoroughfare between different portions of the town or which will be the principal access to a business or industrial subdivision.

Minor Street: A street which, in the opinion of the Board, is being used or will be used primarily, to provide access to abutting lots, and which is not intended for use for through traffic. There shall be two types of minor streets:

- (a) That street which, in the opinion of the Board, may be used for access to land as yet un-subdivided or is of sufficient length to justify the additional width to insure convenience of travel:
- (b) That street which, in the opinion of the Board, may not be used for access to land as yet undeveloped and is less than five hundred (500) feet in length.

Secondary Street: A street interception several minor streets and in which in the opinion of the Board may carry traffic from such minor streets to a major street or community facility, including the principal access street or principal circulation streets of residential subdivisions, and including all streets except those designated as major streets of business or industrial subdivisions.

Subdivision: The division of a tract of land into two or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that 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 therefore 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 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 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: G.L. c. 41, Ss. 81K to 81GG, inclusive, and any amendments thereof, additions thereto, or substitution therefor.

Town: The Town of Blandford

Way: the full strip of land designated as a way, of the roadway, and any planting strips or sidewalks. A way so designated shall be available only for such uses 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.

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Wetlands: All land protected pursuant to G.L. c. 131, s. 40 as may be amended.

Zoning By-law: The Zoning By-law of the Town of Blandford.

SECTION 3.0 GENERAL REGULATIONS

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

3.1 Applicability

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

3.2 Application and Other Required Submittals

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

3.3 Compliance with The Board's Rules and Regulations

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

3.4 Waivers

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

3.5 Issuance of Building Permits

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

3.6 Planning Board: Procedures

The Planning Board shall be responsible for the division or subdivision of land, as set forth in G.L. c. 4.1, s. 81N.

3.6.1 Regular Meetings. The Board will hold regular meetings at such a place and on such dates and at such time as may be designated by notice filed with the Town Clerk. Regular meetings of the Planning Board are open for the public to attend.

3.6.2 Appointments. Anyone desiring to initiate an action which is within the jurisdiction of the Planning Board shall do so only with an appointment. To secure an appointment, all applicants shall contact the Secretary of the Planning Board at least four days prior to a regularly scheduled meeting.

The applicant shall give his name, address, and a brief outline of the nature of the business which he wishes to discuss with the Planning Board. The only exception permitted shall be that in the event the nature of the business to be brought before the Board is confidential, an appointment may be arranged after a discussion with the Chair of the Planning Board.

3.6.3 Procedures to Open Meeting. All open meetings of the Planning Board shall be conducted formally under the direction of the Chair of the Planning Board or his/her designee. All applicants, and all other design to submit a petition, or to be otherwise heard, shall do so only when recognized by the Chair, and shall subsequently direct all testimony to the Chair. All spectators in attendance at an open meeting of the Planning Board shall respect the desire of the Chair to maintain an orderly procedure during the conduct of all Business.

3.6.3.1. Executive Sessions. Executive sessions of the Planning Board may be held, from time to time, as authorized by Law. Such are not open to the public.

3.6.4 Procedures of a Public Hearing. Public hearings shall be conducted formally under the direction of the Chair of the Planning Board or his/her designee only when a majority of the Planning Board members are in attendance. All applicants, proponents, opponents, and all others desiring to be heard, shall do so only when recognized by the Chair, and shall subsequently direct all testimony to the Chair. All spectators in attendance at a public hearing by the Planning Board shall respect the desire of the Chair to maintain an orderly procedure during the conduct of the hearing. All comments or information, documents, plans and letters made, read, or presented at a public hearing will be taken into consideration by the Board in making a decision on the matter in question.

3.6.5 Records. The records of the Planning Board shall become public records only after a formal approval by the Planning Board. The maintenance of all records of business under the jurisdiction of the Planning Board shall be consistent with the requirements of the G.L. c. 39, ss. 23A and 23B, as amended.

3.7 Professional and Technical Assistance

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

3.8 Fees

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

3.9 Modification, Amendment, or Rescission of Subdivisions

The Board, on its own motion or on the petition of any interested person, shall have the power to modify, amend, or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan, after due notice and opportunity to the owner to be heard in accordance with F.L. c. 40, s. 81W, as amended.

3.10 Dwelling Limitation

Not more than one building designed or available for use for dwelling purposes shall be erected, or placed, or converted to use as such on any lot in a subdivision or elsewhere in the town, unless specifically authorized by the zoning by-law.

3.11 Access Adequacy Regulations

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

3.11.2 Standards of Adequacy.

1. To an ANR Site. Ways providing access to lots developed pursuant to G.L. c. 41, s. 81P shall normally be considered adequate for access if said way provides access for fire, police, and emergency vehicles at all times.
2. Within a Subdivision. Streets within a subdivision shall be considered to provide adequate access if complying with the standards established in these Rules and Regulations.
3. To a Subdivision. Existing ways providing access to streets within a subdivision shall be considered to provide adequate access if such existing way meets the standards set forth herein for width of right of way, pavement width, sight distance, and maximum grade.

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

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

SECTION 4.0 PLAN BELIEVED NOT TO REQUIRE APPROVAL

4.1 Submission

Any applicant, who wishes to record to the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that such plan does not require approval under the Subdivision Control Law, pursuant to G.L. c. 41, s. 81P, shall submit to the Board said plan, ten (10) 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. The applicant shall also submit the fee as set forth in Appendix A – Planning Board Fee Schedule with the application forms. Such plans shall be scheduled to be submitted to the Board at a regular meeting thereof or by register mail.

4.1.1 Filing with the Town Clerk. Said applicant shall also file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination.

4.1.2 Time of Filing. Such application shall be submitted at least four (4) full business days prior to the date of the next regular meeting of the Planning Board at which time it shall be officially received by the Planning Board.

4.2 Required Submittal

4.2.1 Preparation. A plan believed not to require approval under the Subdivision Control Law shall contain all of the information necessary to satisfy the Planning Board that such plan does not constitute a subdivision as defined in G.L. c. 41, s. 81L. The plan shall be of a minimum dimension of nine and one-half inches by fourteen inches (9 ½" x 14") but not to exceed a dimension of twenty four inches by thirty six inches (24" x 36"), drawn at a scale of (1) inch equals forty (40) feet.

4.2.2 Contents. The Approval Not Required Plan shall contain, but shall not necessarily be limited to, the following information.

1. North point, date of survey and seal.
2. Name and address of owner of record and name and address and seal of the Registered Engineer or Registered Land Surveyor preparing the drawing.
3. Names and address of all abutters from the most recent Town tax list.
4. Existing and proposed boundary lines, dimensions and areas of lots, with all bounds, keyed into the Massachusetts grid system.
5. Existing and proposed lines of streets, ways and easements and whether such are public or private ways.
6. Zoning classification and location of any zoning district boundaries that may lie within the locus.
7. Any present or proposed public areas within the property.

8. Location of all existing buildings or structures, if any, including setback and side and rear yard designations of any existing structures on any remaining adjoining land owned by the applicant and dimension of yards relating to such structures.
9. Existing septic systems and Title V Inspection Reports, if available.
10. Proposed or existing permanent monuments.
11. The limits of all wetlands.
12. A locus map at a minimum scale of 1" = 1000' extending a minimum of one-half mile beyond the property limits.
13. Remaining adjoining land in the ownership of the applicant, if any; if applicable, the applicant shall furnish evidence on the plan indicating that the adjoining land has adequate frontage for later development.
14. The statement "Approval Under the Subdivision Control Law Not Required", and sufficient space for the date, and all signatures of the members of the Board.
15. Indication as to whether all proposed lots conform to the requirements of the Zoning By-Law.
16. 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.
17. Topographical contours at the scale of available topographical maps, or where the Planning Boards deems appropriate, contours at a scale sufficient in demonstrate that each lot has present vehicular access from the way serving the site.
18. Location of any easement, public or private, across the land, with a designation as to the use of the same.
19. Where a parcel is shown on the plan that does not have frontage as required by the Zoning By-Law, such parcel shall contain the notation "Not a building lot without further zoning relief".

4.3 Planning Board Action.

The Board will review the plan to determine whether it is a subdivision and whether it conforms to the standards for endorsement.

4.3.1 Endorsement. If the Board determines that the plan does not require approval, the Board, or its Clerk, shall without a public hearing and within twenty-one days (21) days of submission, endorse on the plan the words "Approval under the Subdivision Control Law Not Required."

1. **Effect.** The endorsement of a plan as not requiring approval under the Subdivision Control Law shall not be construed to mean that the lots shown on such plan are correctly represented, or that such lots are building lots in compliance with the Zoning By-Law.
2. **Explanatory Statement.** The Planning Board may include in its endorsement of a plan a statement that such endorsement applies only to certain lots shown on such plan or any state the reasons approval is not required, where in the opinion of the Planning Board a plan without such explanatory

statement would not qualify for the endorsement "Approval under the Subdivision Control Law Not Required."

3. **Zoning Compliance.** The Planning Board may also include, at its discretion, the following statement: "No Determination as To Compliance with Zoning Board Requirements Has Been Made or Intended". The Planning Board may require the notation "Not a Building Lot Without Further Zoning Relief" in appropriate circumstances.

4.3.2 Denial of Endorsement. If the Board determines that the plan does require approval under the Subdivision Control Law, or does not conform to the standards for endorsement hereunder, it shall within twenty-one (21) days of submission of said plan, notify the applicant, the Building Inspector, and the Town Clerk in writing that in the Planning Board's opinion the plan shows a subdivision and that said plan cannot be endorsed as requested, and return the plan.

4.3.3 Constructive Approval. The failure of the Planning Board to take either of the above actions within twenty-one (21) days after the submission of a plan believed not to require approval under the Subdivision Control Law shall be deemed a determination that such approval is not required and an endorsement on such plan shall be made by the Planning Board or a certificate issued by the Town Clerk to that effect and the plan returned to the applicant..

4.4 Distribution of Prints and Original Tracing

One copy of the signed plan shall be retained by the Planning Board for its files. Copies shall be given to the Town Clerk, Building Inspector and Board of Assessors. The original ink tracing shall be returned to the applicant for recording in the Hampden County Registry of Deeds or for registration with the Land Court. No construction shall commence until said plan has been recorded with the Hampden County Registry of Deeds.

4.5 Recording. Within sixty (60) days after the return of an endorsed 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, the endorsed ink tracing and accompanying covenants and agreements, if any, all costs to be borne by the applicant.

SECTION 5.0 PRELIMINARY PLANS

5.1 Purpose

The purpose of the Preliminary Plan is to acquaint the Board with the intentions of the applicant, and to allow for an informal discussion of the plan. This procedure allows recommended changes to be conveniently incorporated into the Preliminary Plan prior to the development of the final plans. It is talking document. It is recommended that a Preliminary Plan be filed in every case; it is required for a nonresidential subdivision of land by G.L. c. 41, s. 81S.

5.2 Pre-application Conference

Prior to investing in extensive professional design costs for preparation of subdivision plans, the applicant is invited to review the proposed development of the parcel of land with the Board, in order to explore general conditions involving the site and 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.

5.3 Submission

A Preliminary Plan of a subdivision may be submitted by the sub-divider, pursuant to G.L. c. 41, s. 81S, to the Planning Board for discussion and approval, modification, or disapproval by the Board. All nonresidential subdivisions shall submit a Preliminary Plan. Applicants wishing to submit a submit a Preliminary Plan of a subdivision for approval must make application in duplicate on Planning Board Form B and file one copy of the application with the Town Clerk, and one copy of the application with eleven (11) copies of the Preliminary Plan with the Planning Board. The Preliminary Plan shall not be deemed to have been submitted to the Planning Board until all required material, including the fee, has been delivered to the Planning Board at a regular or special meeting and all forms and documents are completed in accordance with these Rules and Regulations.

5.3.1 Effect. The submission of 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. 81U.

5.4 Required Submittals

5.4.1 Preparation. The Preliminary Plan may be on tracing paper with pencil, at a scale of one-inch equals forty (40) feet. The Plan shall be clearly designated as "Preliminary Plan".

5.4.2 Contents. The Preliminary Plan shall contain the following:

1. The subdivision name, boundaries, north point, date and scale.
2. Name and address of record owner, applicant sub-divider, and engineer or surveyor.
3. Names of all abutters, as determined from the most recent Town tax list.
4. Lines of existing and proposed streets, ways, easements and common or public areas within the subdivision.

5. Location, names, and present width of streets abounding, approaching or near the subdivision
6. Proposed layout of water supply, showing type and size of mains and location of hydrants and appurtenances.
7. Major features of the area such as existing stone walls, fences, buildings, large trees or wooded areas, rock ridges or outcroppings, the limits of wetlands and water bodies, as approved by the Conservation Commission or Department of Environmental Protection.
8. Topography of the land to be based on U.S. Coast and Geodetic Survey Bench Marks, the contour interval to be one foot where slopes are less than 5%, and two feet on slopes 5% or greater. Existing contours to be shown as dashed lines, proposed final contours as solid lines. Contours shall extend beyond the boundaries of the property a sufficient distance to indicate the effect of the subdivision on abutting property.
9. Proposed system of drainage, including all existing bodies of water, brooks and streams, and wetlands with direction of flow; proposed disposition of watercourses to be indicated.
10. Existing highway drainage within the frontage area of the subdivision and for a sufficient distance either side of the subdivision as required by the Board.
11. The boundary lines of proposed lots with areas and dimension indicated.
12. Profile on streets including details of typical road and sidewalk cross-sections full storm drainage details, and location of all utilities.
13. Where the owner or sub-divider also owns or controls un-subdivided land adjacent to or across the street from the land shown on the Preliminary Plan, the applicant shall submit a sketch plan showing a possible or prospective street layout for each adjacent land. The sketch may be submitted separately from the Preliminary Plan,
14. Evidence that all lots and other aspects of such plan conform with the Zoning By-law or evidence that a variance from the terms thereof has been granted by the Board of Appeals.
15. A list of any waivers from these regulations requested by the applicant.
16. The location of the general soil classification boundaries identified by the Natural Resources Conservation Service.
17. Soil evaluations and percolation tests. Soil test data should be provided for each proposed lot. Test locations shall be indicated on the plans and standard soil evaluation logs and percolation test forms provided. Additional testing may be required by the Board to demonstrate suitable soils for roadway construction and drainage facilities. Soil tests should be witnessed by an agent of the Town.
18. The proposed roadway centerline should be staked at fifty (50) foot intervals at the time of submission. Additional staking of drainage facilities, easements, etc. may be required at the discretion of the Board.

19. The applicant shall demonstrate that development of the site shall be balanced relative to earthwork and result in no net loss of earth materials. Calculations of anticipated cut and fill volumes shall be provided.

5.5 Review by Municipal Agencies

The Planning Board shall submit copies of the Preliminary Plan to the Board of Health, Conservation Commission, Fire Department, Police Department, Board of Water Commissioners, Tree Warden, Highway Superintendent and the Board of Selectmen for their review and comment. Replies must be made to the Planning Board within thirty (30) days.

5.6 Site Visit

After the regular Board meeting at which Preliminary Plan is first discussed, the Board and/or its agent may schedule a site visit to the proposed subdivision, accompanied by the applicant and/or its agents or representatives. In order to facilitate inspection and review of the site of the proposed subdivision, temporary staking may 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.

5.7 Planning Board Action

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 stated therefore in writing, and shall notify the Town Clerk of its action within forty five (45) days of the date of the submittal of the application unless otherwise extended.

5.7.1 Disapproval. In case of disapproval, the Planning Board shall advise the applicant of the specific reasons for which the plan is disapproved, thus enabling the applicant to resubmit the plan if corrected to comply with the requirements of the Planning Board and the Zoning By-Laws.

5.7.2 Effect. Approval of a Preliminary Plan, with or without modifications, does not constitute approval of a subdivision. The action or decision of the Board as to such Preliminary Plan shall not prejudice its action or decision as to the Definitive Plan.

5.7.3 Notice to Town Clerk. 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.

SECTION 6.0 DEFINITIVE PLANS

6.1 Purpose

The purposes of the Definitive Plan shall be those set forth in G.L., c. 41, ss. 81M and 81Q.

6.2 Pre-Application Conference

Prior to the 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.

6.3 Submission

An application for approval of a Definitive Plan, or for any aspect thereof or modification thereto, shall be made on Planning Board Form C, one copy to be filed with the Town Clerk, and one copy of Form C together with eleven (11) copies of the proposed Definitive Plan to be filed with the Planning Board. The Definitive Plan shall not be deemed to have been submitted to the Planning Board until all required material, including the fee, has been delivered to the Planning Board at a regular or special meeting, and all forms and documents are completed in accordance with the Rules and Regulations.

6.3.1 Date of Submission. As set forth in G.L., c. 41, s. 81O, a Definitive Plan shall be deemed submitted when delivered to the Planning Board at a meeting of the Board, or when sent by registered mail to the Planning Board. If so mailed, the date of receipt shall be the date of submission of such plan.

6.3.2 Town Clerk. The applicant shall file by delivery or by registered mail written notice with the Town Clerk, pursuant to G.L., c. 41, s. 81T, stating that a Definitive Plan has been submitted to the Planning Board with the date of submission thereof, accompanied by a copy of the Application Form.

6.3.3 Board of Health. The applicant shall file one (1) copy of the Definitive Plan and one (1) copy of the Application Form with the Board of Health.

6.4 Required Submittals

6.4.1 Preparation. The Definitive Plan shall be prepared by a professional engineer and land surveyor registered in Massachusetts and shall be clearly and legibly drawn in black india ink upon cloth. The Definitive Plan shall bear the appropriate stamp and signature of the professional engineer and land surveyor who prepared the Plan. All surveying shall conform to the requirements of the Land Court, Class A, as set forth in the manual of said court, as may from time to time be changed. The plan shall be at a scale of one (1) inch equals forty (40) feet. Plan sheets shall be twenty-four (24) inches wide and thirty-six (36) inches long with one inch border, except on the left side where the consecutively in the upper right hand corner, and they shall be accompanied by an index sheet showing the entire subdivision. The index sheet shall contain a key plan at one (1) inch equals one hundred (100) feet or as approved by the Board, indicating the location of each sheet.

6.4.2. Contents. The Definitive Plan shall contain the following:

1. Name of subdivision, date, scale, name of owner, sub-divider, engineer, Surveyor, north point, benchmarks. A title block must appear on each page.
2. Provide adequate space above the title block for required Board approval stamps.
3. Names of all abutters, including those separated from the subdivision by only a street, as they appear on the most recent tax list, and approximate intersecting boundary lines of the abutting lands.
4. Lines of existing and proposed streets, ways, lots, easements, and public or common areas within the subdivision. The proposed names of the proposed streets shall be shown in pencil until they have been approved by the Planning Board.
5. Location of all permanent monuments as defined in "Design Standards and Required Improvements," properly identified as to whether existing or proposed.
6. Location, names and present widths of streets bounding, approaching, or within reasonable proximity of the subdivision, with existing water, electrical, telephone, fire hydrants, and drainage facilities.
7. Location of existing roadways and driveways opposite or adjacent to the site within 200 feet of the property limits.
8. Location of major site features such as existing stone walls, fences, buildings, large trees, rock ridges and outcropping, bodies of water, natural waterways, the limits of all wetlands and water bodies as approved by the Conservation Commission or Department of Environmental Protection, and flood plains within and adjacent to the subdivision.
9. Size and location of existing and proposed storm drains, water mains, utilities, and their appurtenances, including hydrants, within and adjacent to the subdivision.
10. Profile plans of proposed streets drawn as follows:
 - a. A horizontal scale of one inch (1") equals forty feet (40').
 - b. A vertical scale of one inch (1") equals four feet (4').
 - c. Existing center line in fine solid black line.
 - d. Existing right, side-line in fine dotted black line.
 - e. Existing left, side-line in fine dashed black line.
 - f. Proposed center line grades in heavy lines, all approximately designated showing grade elevations at every fifty (50) foot station, except on vertical curves where they shall be shown at every twenty-five (25) foot station and P.V.C. and P.V.T.
 - g. Proposed system of drainage, including, but not limited to, catch basins, manholes and proposed rim elevations, inverts and pipe sizes, and stormwater managements systems such as detention/retention basins.
 - h. All existing intersection walks and driveways.
 - i. Elevations referred to mean sea level as established by the U.S. Coast and Geodetic Survey.
 - j. Rates of gradient shown by figures for roadways and drainage.

11. Typical section and cross section of proposed streets shown on a profile plan.
12. Profiles and cross sections of drainage easements, existing water-bodies, natural water-ways, swamps, and flood plains within and adjacent to the subdivision.
13. Existing and proposed topography as follows:
 - a. the contour intervals shall be one foot (1') where slopes are less than 5% and five feet (5') on slopes 5% or greater.
 - b. Existing contours shall be shown as dashed lines and proposed final contours as solid lines.
 - c. Contours shall extend beyond the boundaries of the property a sufficient distance to indicate the effect of the subdivision on abutting property as required by the Board.
14. The location of the general soil classification boundaries identified by the Natural Resources Conservation Service.
15. Soil evaluations and percolation tests. Soil test data should be provided for each proposed lot. Test locations shall be indicated on the plans and standard soil evaluation logs and percolation test forms provided. A minimum of two soil tests including percolation tests at the location of stormwater management systems shall be performed. Soil permeability testing may be required in infiltration systems. Soil testing at a minimum of every 250 feet along the roadway and at locations requested by the Board, to demonstrate suitable soils for roadway construction. Soil tests should be witnessed by and Agent of the Town.
16. The stormwater management system shall be documented in a report submitted at the time of application of the definitive plan. This report shall include all calculations, maintenance data, etc. to demonstrate the adequacy of the design. All subdivisions, regardless of size, shall be designed to meet the performance standards of the Department of Environmental Protection's Stormwater Management Policy.
17. The subdivision submission shall include in the plan set a plan indicating the maximum build-out of the property. This plan shall indicate proposed buildings, driveways, lot grading including grading for septic systems, limits of clearing, and any other pertinent data. This plan will be utilized to design the proposed stormwater management system. The plan and associated drainage design shall demonstrate no increase in runoff rate or flooding of adjacent properties or streets.
18. The proposed roadway centerline should be staked at 50 foot intervals at the time of submission. Additional staking of drainage facilities, easements, etc. may be required at the discretion of the Board.
19. It should be demonstrated through a volume calculation that there is not net loss of soil materials from the site.

6.4.3 Other Required Submittals. The following additional documents shall be submitted at the time of the application:

1. The names and addresses of all abutters as they appear in the most recent Town tax list shall also be filed with the Planning Board with this submission on the form provided.

2. Where the owner or sub-divider also owns or controls un-subdivided land adjacent to or across the street from that shown on the Definitive Plan, the applicant shall submit a sketch plan showing a possible or prospective street layout for such adjacent land, unless such a plan has already been submitted to the Board with a Preliminary Plan.
3. Construction details and specifications shall submit a sketch plan showing a possible or prospective street layout for such adjacent land, unless such a plan has already been submitted to the Board with a Preliminary Plan.
4. Traffic Analysis per Section 6.4.4.
5. The report of one percolation test per tow lots in the area of the proposed septic systems, performed by the Board of Health and to the requirements of the Board of Health, performed during the time of year prescribed by the Board of Health.
6. A complete list of any waivers requested from these Rules and Regulations.

6.4.4 Traffic Impact Analysis. To assist the Town in reviewing the potential impacts of traffic generated by the proposed use of development of land, all applications for subdivision approval must be accompanied with the Traffic Impact Analysis, unless waived by the Board following a finding that traffic impacts caused by the proposed use or development of land will be insignificant and that LEVEL OF SERVICE will be maintained or improved as a result of the project.

6.4.5. Site Development Plan. The Planning Board may require a site development plan for individual lots shown on the plan where, in its opinion, such lots are located on steep slopes, high groundwater, or have similar development constraints.

6.5 Public Hearing

Before approval, modification, or disapproval of a Definitive Plan is granted, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given in accordance with the provisions of G.L. c. 41, s. 81T. A copy of said notice shall be mailed, be certified mail, to the applicant and to all owners of land submitted on the form indicating a Certified List of Abutters, costs to be borne by the applicant. Notice of the time and place of the public hearing and of the subject matter, sufficient for identification, shall be given to the Planning Board by advertisement in a newspaper of general circulation in the town, once in each of two successive weeks, the publication being not less than fourteen days before the date of said hearings, costs to be borne by the applicant.

6.6 Review by Municipal Agencies

The Planning Board shall submit copies of the Definitive Plan to the Board of Health, Conservation Commission, Drainage Committee, Fire Department, Police Department, Board of Water Commissioners, Tree Warden, Highway Superintendent and the Board of Selectmen for their review and comment. Replies must be made to the Planning Board within thirty (30) days.

6.7 Site Visit

After the first session of the public hearing at which Definitive Plan is discussed, the Board and/or its agent may schedule a site visit to the proposed subdivision, accompanied by the applicant and/or its agents or representatives. In order to facilitate inspection and review of the site of the proposed subdivision, temporary staking may be required along the center line of all proposed roads in the subdivision before said site visit, or is impractical, the Board may permit a suitable alternative procedure.

6.8 Review of Definitive Plan

6.8.1 Board of Health as to Suitability of the Land. The Board of Health shall, within forty-five (45) days after filing of the plan, report to the Planning Board in writing and shall make specific findings as to which, if any, of the proposed lots shown on such plan cannot be used for building sites without injury to the public health, or is unsuitable because of drainage conditions. The Board of Health shall make specific findings and state reasons therefore in such report, and, where possible, shall make recommendations for the adjustment thereof. 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.

1. Effect of Board of Health Review. Notwithstanding Section 6.8.1, 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."

6.8.2 Other Municipal Agencies. Before approval of a Definitive Plan is granted, the Planning 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 municipal agency, as follows:

- 1. 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.
- 2. As to location, size and species of street trees:** The Planning Board.
- 3. As to the form of easements, covenants, and performance guarantees:** Planning Board Legal Counsel.
- 4. As to location of hydrants, fire ponds, and cisterns, and with regard to fire safety:** The Fire Chief.
- 5. As to street safety:** The Police Chief.

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

1. Completeness and technical adequacy of all submissions

2. Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others
3. Conformity with the requirements of Sections 6.0 and 7.0 herein, and the Zoning By-Law
4. Determination that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

6.9 Mandatory Conditions

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

6.9.2 Failure to Complete Construction. The sub-divider shall complete the construction of all ways not municipal services within three years of the date of endorsement of the Definitive Plan. Failure to so complete shall result in the automatic rescission of the applicant prior to the expiration of said period.

6.9.3 Construct Streets and All Required Utilities. As a condition of approval of a subdivision, the applicant shall agree to construct streets and complete all other work specified on the Definitive Plan or required under these Rules and Regulations, meet all relevant provisions of the Blandford Zoning By-Laws and other By-Laws, including installation of required utilities in such subdivision, and all work incidental thereto, such as grading of lots to provide drainage, construction of retaining walls and other details, outlines in Section 7.0 of these Rules and Regulations or as specifically required by the Planning Board. The Planning Board may require that such construction be completed within a specified period of time.

6.9.4 Grant Perpetual Rights and Easements. As a condition of approval of a subdivision, the applicant shall grant to the Town of Blandford, a right and easement to construct, repair, replace, extended, operation, 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 constructions as required by the applicant's agreements with the Town and to thereafter maintain all streets and utilities to satisfactory condition until they are accepted by the Town.

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

6.9.6 Maintenance of Streets and Utilities. As a condition of approval of a subdivision, the applicant shall maintain all streets and utilities within a subdivision. The Town may access betterments for any work needed to make such streets conform to Town standards prior to acceptance thereof Town ways.

6.10 Amendment, modification, or Rescission of Approval

Pursuant to G.L. c. 41, s. 81W, the Planning Board may, upon its own motion or upon request of the applicant, amend, modify, or rescind the approval of a Definitive Plan. Failure to comply with these Rules and Regulations and with the specifications and conditions set forth in the approval of the Definitive Plan shall constitute a basis for such action by the Planning Board. Such action may include the realization upon any security posted by the applicant, the rescission of subdivision approval and all other measures provided by law.

6.11 Modification of Definitive Plan

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

6.11.2 Change of Lot lines. Pursuant to G.L. c. 41, s. 81O, certain changes of lot lines may be approved by the Planning Board without public hearing.

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

6.12 Endorsement and Recording

6.12.1 Endorsement. The Planning Board shall endorse the original drawing of the Definitive Plan by placing the signatures of a majority of the Board upon such plan, 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.

6.12.2 Copies. After the Definitive Plan has been 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 municipal agencies: Fire Department, Conservation Commission, Board of Health, Board of Assessors, and Highway Department, and shall retain the original and two copies for its own files.

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

6.12.4 Recording. 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 (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.

1. Costs. The cost of all Registry recordings will be borne by the applicant.

2. Start of Construction. Removal of trees, grading or any form of construction shall not proceed until the subdivision has been recorded.

SECTION 7.0 DESIGN STANDARDS

7.1 Classification of Streets

Subdivision streets shall be classified for the purpose of establishing the applicable design and construction standards according to the definition below. The Board shall determine the classification of all doubtful cases.

7.1.1 Collector Street. A collector street is any street that carries or is designed to carry through traffic between parts of or collector streets in Blandford or between Blandford and other towns.

7.1.2 Local Street. A local street is any street used solely for access to the abutting lots.

7.2 Street design

All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the sub-divider to the attractiveness of the street layout in order to obtain the maximum live-ability and amenity of the subdivision.

7.2.1 Design speed.

1. Master Plan: The proposed streets and off-street foot paths shall conform so far as practicable, to the Master or Study Plan as adopted in whole or in part by the Planning Board.
2. Projections: Provisions satisfactory to the Planning Board shall be made for the proper projection of streets for access to adjoining property that is not yet subdivided, or for connection with future streets.
3. Reserve strips: Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the opinion of the Board, such strips shall be in the public interest.
4. Jogs: Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
5. Curves: The minimum centerline radii of curved streets shall be two hundred (200) feet for Collector streets and one hundred (100) feet for local streets.
6. Intersections: Streets shall be laid out so to intersect as nearly as possible at right angles. No street shall intersect any other street at less than eighty (80) degrees.
7. Filletts: Property lines at intersections shall be rounded or cut back to provide for a minimum radius at the edge of the pavement of forty (40) feet. The distance between the edge of the pavement and the property line shall not be less than fifteen (15) feet for Collector streets and twelve (12) feet for Local streets.
8. Dead Ends: Dead-end streets shall not be designed or intended to serve more than eight (8) lots or dwelling unit. Streets which may be extended by the action of others so as to be through streets may be considered by the Board after reviewing the nature of the adjoining land and other local conditions. Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet.

9. **Bridges:** New bridges shall be constructed in such manner as to comply with plans and specifications as shall be in accordance with Chapter 41, Section 35, of the General Law for bridges on public highways and shall be approved by the State Department of Public Works.

7.3 Width

7.3.1 Right of way widths. The minimum width of street rights of way shall be sixty (60) feet for Collector streets and fifty (50) feet for local streets. Greater width shall be required by the Board when deemed necessary for present and future vehicular travel.

7.3.2 Dead Ends. Streets having dead-ends shall terminate in circles having a right of way diameter of not less than one hundred (100) feet, Where a future street is projected beyond the circle, the circle may be relinquished to the adjacent properties at the time the road is constructed over the projected route.

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

Where a circle is laid out as a permanent termination of a road, the entire area of circle shall be a permanent part of the right of way. Where a circle is laid out over a projected right of way, the lot lines shall be laid out to the lines of the future projected route but the additional areas used for the circle may not be included in the areas of the adjacent lots for the purpose of determining their conformity to the minimum requirements under the Zoning By-Law of the Town.

7.4 Grade

7.4.1 Longitudinal grades. Grades of streets shall not be less than 1%. Grades of Collector streets shall not exceed 8% on straightaways or 6% on curves and of local streets 8% on straightaways or 6% on curves.

7.4.2 Super-elevation. Where curves and grades combine to create potentially dangerous driving conditions, the Board may require a suitable amount of super-elevation of the curves or other protection.

7.4.3 Intersections. Where streets intersect within a subdivision or with local streets there shall be minimum of 100 feet of two (2%) percent or less grade before the intersections; where subdivisions' streets intersect with Collector streets there shall be a minimum of 150 feet of two (2%) percent or less grade before the intersections.

7.5 Easements

7.5.1 Utility Easements. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least (20) feet wide.

7.5.2 Drainage Easements. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require that there be provided a storm water easement or drainage right of way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and provide for construction or other necessary purposes. The minimum width of any such easements shall be twenty (20) feet. Where necessary, drainage easements on adjoining property shall be secured for the benefit of the Town.

7.5.3 Access Easements. Access easements to park and conservation land shall be secured for the benefit of the Town and shall be twenty (20) feet in width.

7.5.4 Footpath Easements. Easements for off-street footpaths shall be twenty (20) feet wide.

7.6 Protection of Natural Features

The Board shall require that the sub-divider make every reasonable effort consistent with sound planning to preserve natural features such as large trees, water courses, scenic points, historic spots, and similar community assets, which if preserved, will add attractiveness and value to the subdivision. Six (6) inches of top-soil shall be replaced on all disturbed earth within the subdivision.

7.7 Required Improvements

7.7.1 Design and Materials Conference. The Highway Superintendent or Planning Board may call for a design and materials conference in order that the sub-divider may be accompanied or represented by his engineer or contractor, or both, at the conference.

7.7.2 Notice required to be given by the sub-divider. Notice shall be given to the Highway Superintendent and to the Planning Board at least ten (10) days before the sub-divider first commences construction in any subdivision, in addition to giving notices called for in paragraph 7.7.11.2 below.

7.7.3 Standards of Construction. Standards of construction not otherwise specified hereunder shall be according to the standard specifications for highways and bridges of the Massachusetts Department of Public Works (latest edition).

7.7.4 Street and Roadway

1. Cross Sections: Street construction shall conform to the Typical Cross Sections, demonstrating good engineering practices.
2. Clearing: The entire width of pavement, shoulders and embankments shall be cleared of all stumps, roots, brush and boulders, and all trees not intended for preservation. If any large boulders or trees remaining within the street lines may, in the opinion of the Board, constitute a future hazard, the Board may require that they be removed.
3. Subgrade Preparation:
 - a. All existing material shall be removed to a depth of at least fifteen (15) inches below finished grade for a width of thirty (30) feet on Collector streets, to a depth of at least twelve and a half (12 ½") inches for a width of twenty six (26') feet on Secondary streets except, when in the opinion of the Board, the existing material is acceptable for use as gravel base, and provided further, that sufficient compactive effort be applied, said roadways to slope uniformly upward from the edges to the center at the rate of 3/8 of an inch per foot.
 - b. Ledge and large boulders shall be removed to the depths specified in (1) above except that where existing material is used for a gravel base only ledge and boulders exposed in the course of construction need to be so removed.

- c. The Board will require the removal of existing material to a greater depth when undesirable materials are found at the minimum depth indicated above.
 - d. Back-fill of approved, stable material shall be used to bring the sub-grade to a uniform grade at the specified depth.
 - e. The sub-grade shall be thoroughly compacted before gravel is placed as required in the following paragraph.
4. **Gravel Foundation:** Gravel shall be placed and compacted to the satisfaction of the Board, in layers at the widths specified in 7.7.4.3.a above as follows:
 - a. The first layer shall contain fine bankrun and/or processed gravel to a depth of eight (8) inches on Collector streets and six (6) inches on Collector and Local Streets.
 - b. The second layer shall contain dense grade gravel having stones no greater than two (2") inches in greatest dimensions to a depth of six (6") inches on Collector and Local streets.

The surface shall be thoroughly compacted by a vibratory compactor/roller weighing not less than ten (10) tons and capable of achieving 95% compaction, to the satisfaction of the Highway Superintendent and brought to a true even grade, properly crowned, immediately preceding the application of paving material.
5. **Shoulders:** Shoulders four (4) feet in width shall be constructed of gravel covered with six (6) inches of loam and brought to a finished grade flush with a slightly above that of the adjacent pavement or curbing. Gravel shoulders shall be constructed and compacted in conjunction with and to the same degree as the gravel base for the road.
6. **Embankment:** A level area of at least (2) feet in width shall be provided out of the shoulders and the beginnings of embankment slopes. Embankments outside the shoulders shall be evenly graded and pitched at a slope not greater than 1½ horizontal to 1 vertical in cut and 2 horizontal to 1 vertical in fill. Where cuts are made in ledge, other slopes may be determined with the approval of the Board.
7. **Sidewalks:** Sidewalks of not less than four (4) feet in width shall be constructed on both sides of the street six (6) inches above the centerline grade of the street in conformity with the following: Six (6) inch processed gravel base with two (2) inch bituminous concrete surface or twelve (12) inch process gravel base with four (4) inch poured concrete surface with expansion joints every four (4) feet in length.
8. **Surface Treatment of Roads:** Pavement – The pavement surface shall consist of two (2) inch compacted bituminous concrete binder course and a one (1) inch minimum compacted hot asphalt concrete surface course. Material and construction shall be approved by the Highway Superintendent.
9. **Curbing:** Curbing constructed of bituminous concrete and constructed according to sound engineering procedures.
10. **Loam and Seed:** Loam shall be placed to a depth of four (4) inches on all shoulders, embankments, and all other areas disturbed by the construction. Grass seed mixture containing not less than 75% of permanent types shall be placed at the rate of four (4) pounds per one thousand (1000) square feet. Other types of ground cover may be employed with the approval of the Board. The

complete street and roadway construction shall present a neat and orderly appearance with the sub-divider performing all such clean up details as may be required.

7.7.5 Storm Drainage

1. Function and Capacity: Storm drains, culverts, ditches and related installations, including catch basins, gutters and manholes shall be installed as necessary in the Board's opinion to provide adequate disposal of surface and sub-surface water, including control of erosion flooding, and standing water, from or in the subdivision and adjacent land. The drainage system shall be designed by the rational method for a design storm to be used in any situation which in its judgement requires that a greater degree of protection should be afforded to public or private property, or for portions of the system not economically susceptible to future relief. Sub-surface leaching street drains are not allowed.
2. Pipe: Drain pipe shall be at least ten (10) inches in diameter and shall be of good quality, bituminous conditions of topography, and/or hydrology require pipe to be laid with less than three (3) feet of cover will be required over drains. Where special conditions to topography and/or hydrology require pipe to be laid with less than three (3) feet of cover, the Board may require other materials or methods of construction to meet such conditions.
3. Catch Basins: Adequate disposal of surface water shall be provided. Catch basins shall be built on both side of the roadway on continuous grades, at intervals of not more than two hundred and fifty (250) feet at low points and sags in the roadway and near the corners of the roadway at intersecting streets, and all drainage is to be of metal pipe. Catch basins and covers shall be constructed according to the type currently used by the Town, shall be installed under the supervision of the Highway Superintendent. Where self-cleaning velocities are obtainable, drainage systems may be designed without sediment sumps in the catch basins, provided that the system into which the proposed drainage is to discharge is also self-cleaning, and also that the accumulation of sediment, and drainage debris at the ultimate point of discharge does not create a nuisance either public or private and is readily accessible to periodic inspection and cleaning. The determination of the suitability of a self-cleaning drainage system shall rest with the Board.
4. Continuity: Proper connections shall be made with any existing drains in adjacent streets, or easements. Where property adjacent to the subdivisions has not been subdivided, drains installed within the subdivision shall be of such design as to make feasible their connection with drains installed in such adjacent property when subdivided.
5. Down-Stream Drainage: The Board, with the assistance of other Town Departments shall determine the effect of each proposed subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a fifty (50) year storm, the Board shall not approve the subdivision until the sub-divider has made such provision for the improvement of such potential conditions as the Board deems reasonable to require of the sub-divider. The Board shall notify the appropriate Town Officials and Departments of such potential condition where facilities may be involved, at the time of the preliminary discussions.

7.7.6 Fire Protection

1. A fire alarm system may be installed in conformity with the specifications of the Fire Department.

2. Fire Protection Water Supply

- a. In the case where a proposed dead-end street exceeds 500 feet in length, each dwelling at a minimum will be required to have a residential sprinkler system in accordance with the requirements of the Fire Chief.
- b. Where a public water system and hydrants are not available for fire protection, the developer shall install a fire protection water supply in accordance with the requirements of the Fire Chief and as provided in subsection 7.7.6.3.
- c. The number, location and maintenance of fire hydrants, shall be as prescribed by the Fire Chief.
- d. Water pressure and volume must meet minimum Federal and State standards for fire protection.

3. Additional Requirements if No Municipal Water Supply.

- a. Not lot within the subdivision shall be further than 1000 feet from an adequate source of water as defined below, measure along an existing public way and/or proposed subdivision road shown on the Definitive Subdivision Plan and the access way to the source of water.
- b. A source of water shall be adequate if it is not farther (vertically or horizontally) than 10 feet from the nearest access point which can be reached by the Fire Chief and is (in order of desirability):
 - i. A fire pond having a minimum recharge rate of 500 gallons per minute, for a minimum period of two hours or,
 - ii. A fire pond containing a minimum of 20,000 gallons throughout the year.
 - iii. Distances to and from a fire pond may be measured to and from a dry hydrant connection.
 - iv. In the event that an adequate source of water cannot be provided by means of a fire pond as specified in paragraphs b.i and b.ii above, due to documented engineering unfeasibility, then the Planning Board may, upon the written recommendation of the Fire Chief, approve the installation of a dry hydrant connected to a storage tank with a minimum capacity of 40,000 gallons or such other lesser minimum capacity as may be designated by the Fire Chief, which tank shall be automatically maintained at full capacity by recharge from a well and pump system satisfactory to the Fire Chief.
 - v. A five (5) foot high chain link fence with locking gate shall be provided to enclose each fire pond.
 - vi. An easement shall be given to the Town to provide access from the existing public way or proposed subdivision road to the source of water and for maintenance of the fire pond or dry hydrant system.

- vii. All equipment associated with a dry hydrant system and fencing surrounding fire ponds shall be given to the Town of maintenance as Town property. However, until such time as the Town accepts such equipment or fencing, it shall be maintained in good order by the developer.

7.7.7 Shade Trees. Where, in the opinion of the Board, existing trees are inadequate, shade trees having a trunk diameter of at least two (2) inches and of such variety as the Board may approve shall be planted; such trees shall usually be spaced not more than forty (40) feet apart, on both sides of the street, within ten (10) feet of the front lot line or as otherwise approved by the Board, and planted in one-half (1/2) cubic yards of loam. Trees shall be property wrapped and guyed in a manner to insure their survival, In wooded areas existing specimen shade trees shall be left in place where practicable and lots in such areas shall not be cleared except as approved by the Board.

7.7.8 Monuments. Monuments with lead centers should be installed on both sides at all intersections of streets with each other, at all points of change in direction or curvature of streets, and at all such other points as in the opinion of the Board may be necessary to show the location of projected streets or easements. Monuments shall be of 4" x 4" stone or concrete embedded three and a half (3 ½) feet below and extending six (6) inches above finished grade. Drill holes shall be installed until all road construction which would destroy or disturb the monuments is completed. A letter from the designer or surveyor shall be submitted certifying that the monuments have been installed as indicated on the Definitive Plan.

7.79 Utilities.

1. Underground Services: The sub-divider will see that any underground services are installed and that individual lot services are carried to the lot from lines prior to completing pavement foundation.
2. Sewer System: Sewer lines shall be installed in all subdivisions in accordance with a good sanitary engineering practice conforming to applicable laws and regulations. Where town operated lines are not available for connection the subdivision sewers shall be capped until such connections are available. The installation of sanitary sewers will be at the expense of the developer; and shall be under the direct supervision of the Sewer Commission, Board of Health and Planning Board.
3. Electrical Transmission Lines: All lines or wires used for the transmission of electricity or intelligence shall be placed underground with the subdivision in a location as approved by the Highway Superintendent. All primary and secondary lines placed between street lines shall be buried at a minimum depth of three (3) feet below the approved final grade of streets, walks or tree belts. Street lighting at road intersections shall be provided at the developer's expense; pole types and distance will be determined by the Board according to circumstances. Related equipment and accessories shall be located so as to minimize hazards to the public.

7.7.10 Signs. At all intersection street signs, of a design approved by the board, shall be installed before occupancy permits can be issued. Until such time as each street is accepted by the Town as a public way, the sign-posts at the intersection of such street with any other street shall have affixed thereto a sign designating such Street as a private way.

7.7.11 Inspection.

1. Inspection By Board or its Representative: No water main, drain, catch basin, road subgrade or foundation or any other item of work designated for inspection shall be backfilled or paved over until inspected by the Board or is representative.
2. Checklist: The sub-divider shall notify the designated town representative upon completion of each item in the Subdivision Inspection Check List which the Planning Board will furnish the sub-divider, and which shall be made available to the Planning Board upon request. Inspections should be made within 48 hours.
3. Final Release: The Board may withhold final release of the sub-divider's bond or delivery of a certificate of performance on the sub-divider's covenant until satisfied as to:
 - a. Pavement integrity intact after on winter
 - b. Permanent type of grass on all seeded areas.
 - c. Shoulders and embankments intact
 - d. Functional integrity of all parts of the drainage system
 - e. Satisfactory installation of utilities as required by the Board

SECTION 8.0 SECURITY

8.1 Bond or Surety

Prior to the endorsement of the Definitive Plan, the sub-divider 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 of Blandford. Such bond or security if filed or deposited shall be approved as to form by the Planning Board Legal Counsel, and as to sureties by the Town Treasurer. Such bond or security shall be contingent on the completion of such improvements not later than three years not later than three years from the date of the endorsement 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.

8.1.1 Amount. 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:

1. the Board's estimate of the cost to complete the work; plus
2. a ten percent margin of error; plus
3. an appropriate rate of inflation over a five-year period.

8.1.2 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:

1. The application for definitive plan approval (Form C)
2. The subdivision control law and the rules and regulations of the Blandford Planning Board which govern this subdivision
3. The Decision of the Planning Board dated _____ and attached hereto as Exhibit A; and
4. 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 Blandford as liquidated damages.

8.2 Covenants

8.2.1 Statutory Covenant. Prior to the endorsement of the Definitive Plan, the sub-divider shall submit a covenant for review by the Planning Board stating that no lot in the subdivision shall be sold and not building shall be erected thereon until the improvements specified in the decision and on the Definitive Plan are constructed and installed so as to adequately serve said lot or lots. Such covenant shall be approved as to form by the Planning Board Legal Counsel. Such covenant shall be executed and duly recorded by the owner(s) or record and shall run with the land. Such covenant shall state that the improvements shown on the Definitive Plan shall be completed not later than three years from the date of endorsement 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. The covenant shall

be referenced on the Definitive Plan prior to recordation in the Registry of Deeds. The sub-divider shall promptly, after recording, send a copy of the covenant, showing book and page number, to the Board.

8.2.2 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 executed and duly recorded by the owner(s) of record and shall run with the land. The sub-divider shall promptly, after recording, send a copy of the covenant, showing book and page number, to the Board.

8.3 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 main which sets forth and includes:

8.3.1 Extent. The extent and scope of remaining work to be completed to satisfy the requirements for the construction or installation of all required way and municipal services.

8.3.2 Estimate. An estimate, pursuant to these Rules and Regulations, which reflects all remaining costs related to the construction of all required ways and installation of all required municipal services.

8.3.3 Form and Type. The form and type of guarantee being given to the Planning Board to secure all remaining improvements.

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

8.4 Converting Bond, Deposit, or Agreement to Covenant

If the applicant desires to secure by means of a covenant the construction of ways and the installation of municipal services in a portion of a subdivision for which no building permits have been granted nor any lots have been sold, and to have the Planning Board release the bond, deposit of money or negotiable security, or agreement and mortgage previously furnished to secure such construction and installation, the applicant shall submit to the Planning Board a reproducible tracing and three (3) contact prints of the reproducible tracing of the Definitive Plan, limited to that part of the plan which is to be subject to the covenant. Upon approval of the covenant 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 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.

8.5 Maintenance Bonds

The Board may require a maintenance bond in the following circumstances or for the following purposes:

8.5.1 Roadways and Improvements. A maintenance bond may be required when construction is completed or at the time of release of any performance guarantee to ensure the maintenance of the roadways, required plantings, utilities, and other improvements.

8.5.2 Drainage Systems. A maintenance bond may be required for a period of not less than twenty years to ensure the maintenance of any aspect of an approved drainage system, including catch basins and detention ponds.

8.6 Reduction of Security

The penal sum of any such security, or the amount of any deposit held under Section 8.1 may, from time to time, be reduced by the Planning Board and the obligations, of the parties thereto released by the Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.

8.7 Release of Security

8.7.1 Submittal. Before the Board will release security bond, deposit or covenant, the applicant shall submit to the Town Clerk, in duplicate, by certified mail, written evidence that the required performance has been completed to the satisfaction of the Board of Health, Conservation Commission, Drainage Committee, Fire Department, Police Department, Board of Water Commissioners, Tree Warden, Highway Superintendent and the Board of Selectmen, and include the following:

1. Certification by a registered professional engineer, that all construction conforms with the lines and grades shown on the approved plan.
2. Certification by a registered professional engineer or a registered land surveyor that all permanent monuments have been set in the locations shown on the approved plan.
3. Approval of the Highway Superintendent.
4. Approval of Fire and Police Department.
5. Certification that all easements have been recorded and the recorded instrument delivered to the planning Board
6. Approval of the Water Department.

8.7.2 Transmittal to Planning Board. The Town Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Board determines that said construction and installation has been completed in proper manner, it shall release said security or bond and shall return same to the depositor, or release covenant by appropriate instrument duly acknowledged which may be recorded. If the Board determines that the construction or installation has not been completed to its satisfaction, it shall within forty-five (45) days of the receipt of the statement by the Town Clerk, specify to the applicant, in writing, the details wherein said construction and installation fail to comply with its Rules and Regulations and shall file a copy of same with the Town Clerk.

SECTION 9.0 ADMINISTRATION

9.1 Notice of Start of Construction

Notice shall be given by the sub-divider in writing to the Board, with duplicate copies to the Highway Superintendent, the Blandford Water Department, the Fire Chief, the Building Inspector, the Wiring Inspector and the Board of Health at least ten (10) days before the sub-divider first commences construction, clearing, grading or any related activities.

9.2 Inspections

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 Board's Rules and Regulations. The cost of such inspections shall be borne by the sub-divider. The Planning Board may establish, at the sub-divider's expense, an escrow account pursuant to G.L. c. 44 s. 53G to fund the cost of such inspections.

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

9.2.2 Inspections Required. The sub-divider shall contact the Planning Board and its duly authorized representative for inspections regarding the following aspects of the subdivision, at the specified times.

1. Roadbeds: following excavation of the roadbed, but prior to any backfilling.
2. Drainage system: following installation of drain pipes, culverts, catch basins, and all related construction, but prior to any backfilling.
3. Underground utilities: following laying of electric, telephone and fire alarm cable in roadway and to individual dwellings, but prior to any backfilling.
4. Finished gravel foundation: following application, grading, and compaction of gravel foundation.
5. Pavement: notice shall be given so that inspection may be conducted during and upon completion of paving.

9.3 Liability of the Board

In carrying out any of the provisions of these Rules and Regulations, or in exercising any power or authority granted to them by or within the scope of these Rules and Regulations, there shall be no liability upon the Members of the Planning Board, or their authorized representatives, either personally or as officials of the Town of Blandford, it being understood in all such matters they act solely as agents and representatives of the Town of Blandford.

APPENDIX A: PLANNING BOARD FEE SCHEDULE

Approval Not Required (ANR, Form A)	\$35.00 per lot
Subdivision- Definitive Plan, Less than 6 Lots:	\$500.00 plus \$75.00 per lot
Subdivision – Definitive Plan, 6 or more Lots:	\$1,500.00 plus \$75.00 per lot

These are minimum fees, and if these fees are insufficient the Board may require the applicant to pay an additional fee to cover these costs. Payment to be made by check to the Town of Blandford at the time of submission.