



**Rules and Regulations
Governing the
Subdivision of Land
In
Winchendon, Massachusetts**

Adopted March 20, 2007

Winchendon Planning Board

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Section 1 Subdivision Control

Section 1.1 Authority:

The following rules and regulations governing the subdivision of land are hereby adopted by the Planning Board of the Town of Winchendon under the authority of Section 81Q, of Chapter 41, Massachusetts General Laws, as amended, to be effective on and after March 20, 2007.

Section 1.2 Purpose:

The Winchendon Planning Board has authority under the General Laws of Massachusetts to regulate the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, to ensure the safety, convenience and welfare of present and future inhabitants of Winchendon and for other purposes described in M. G. L. Chapter 41, section 81M, such as ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The Board's powers 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 adjacent public ways, for reducing danger to life and limb in the operation of motor vehicles, for securing safety in the case of fire, flood, panic and other emergencies, for ensuring compliance with the applicable zoning by-laws, for securing adequate provision for water, sewerage, drainage, utility services, fire, police and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision, and for coordinating the ways in a subdivision with each other and with the public ways in the town and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendations of the Winchendon Board of Health and the Winchendon Conservation Commission, the requirements of the Winchendon Department of Public Works, and to the reasonable rules and regulations of the Planning Board pertaining to subdivisions of land; provided, however, that such Board may, when appropriate, waive, as provided for in Section 81R. such portions of the rules and regulations as is deemed advisable. The Board exercises the said authority with due regard for the Subdivision Control Law, the Winchendon Zoning Bylaw, and the Wetlands Protection Act, M. G. L. Chapter 131, Section 40.

In considering a proposed subdivision the Planning Board solicits the opinions of other town boards, committees and officials and technical professionals as they pertain to the activities of subdivision control.

The Rules and Regulations provide procedures and standards for a developer or subdivider to follow in order to secure the approval of the Planning Board for a proposed subdivision or other approvals allowed under the Subdivision Control Law.

Section 1.3 Definitions:

In construing the meanings of these regulations, the definitions in Section 81L, of Chapter 41 of the general laws and the Winchendon zoning bylaw shall apply unless a contrary intention clearly appears. Words and meanings subject to question but not addressed herein, in the zoning bylaw, or in Section 81L of Chapter 41 of the MGL will be defined by the Board.

Abutter: Owner of property contiguous to lots being developed under the subdivision control rules and regulations.

ANR: Approval Not Required. Refers to plans submitted under the provisions of M. G. L. chapter 81, section 81P.

Applicant: The person who applies for approval or endorsement of a plan. The applicant must be the owner of all the land in the plan for which approval by the Board is required. By providing proof of designated authority, an agent, representative, or his or her assigns may act for the owner.

Approval: After receiving submitted plans, the Board may vote to approve them. Such action by the Board requires a simple majority vote of those present at a meeting, unless specified otherwise in the general laws. In the case of final approval on a definitive plan, only those board members present at the public hearing or otherwise fully conversant with the plan and the information gathered at the hearing may vote.

B M P: Best Management Practices as are determined by the Massachusetts Department of Environmental Protection or other environmental groups.

Certified Mail: Mail sent certified mail, return receipt requested, via the United States Postal Service.

CMR: Code of Massachusetts Regulations

Current Fee Schedule: The schedule of fees as most recently adopted by the Board.

dbh (diameter breast high): The diameter of a tree at breast height, normally 4 feet above the ground.

Definitive Plan: The final version of an engineered plan of a proposed subdivision, prepared in accordance with the provisions of these rules and regulations.

Developer or Subdivider: The owner of the land being subdivided, acting directly or through an authorized agent, representative or assigns.

Drainage: The control of surface water within the tract of land to be subdivided.

Lot: An area of land in one ownership, with definitive boundaries, used, or available for use, as the site for one or more buildings.

M. G. L.: The General Laws of Massachusetts as are currently in force

Owner: The owner of record as shown by the records of the Worcester County Registry of Deeds or Land Court.

Parties in Interest: The petitioner(s), abutter(s), owner(s) of land directly opposite on any public or private street or way, and abutter(s) to the abutter(s) within 300' of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and the planning board of every abutting city or town.

Planning Board or Board: The Planning Board of the Town of Winchendon, established under Section 81A, consists of 5 members. A quorum for a meeting or a hearing held by the Board is three members. The associate member may participate in all discussions and may vote as provided in town bylaw.

Preliminary Plan: A map or plan of the initial version of a proposed subdivision prepared in accordance with the provisions of these rules and regulations.

Receipt: Receipt by the Planning Board of either a preliminary or definitive plan establishes the date upon which the time limitation for processing begins.

Recorded: A document, plan, deed, etc. which has been recorded in the Worcester District Registry of Deeds in Worcester, Massachusetts, except that, as affecting registered land, it shall mean filed with the recorder of the land court.

Register of Deeds: The Register of Deeds of the County 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.

Registry of Deeds: The Worcester District Registry of Deeds located in Worcester, Massachusetts, and, when appropriate, shall include the Land Court.

Slope: The ratio of vertical rise over horizontal distance. It may be expressed as a ratio, *1:2* or as a percentage, *vertical rise / horizontal distance * 100*.

Specimen Tree: A native introduced or naturalized tree which is important because of its impact on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Only trees with a diameter breast high (dbh) of 6 inches or larger will be considered specimen trees except trees that have a small height at maturity or are slow growing, such as flowering dogwood or American holly with a dbh of 4 inches or larger will be considered specimen trees.

Street:

Principal Street: A street or portion thereof, which in the opinion of the Board, is likely to carry a substantial volume of through vehicular traffic.

Secondary Street: A street or portion thereof, other than a principal street, which, in the opinion of the Board, is likely to carry through traffic other than just to or from lots on that street

Minor Street: A street or portion thereof which is likely to be used only by vehicles traveling to or from lots on that street.

Subdivision: The division of a tract of land into two or more lots, including re-subdivision. 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 it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan 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 Town of Winchendon, having, in the opinion of the 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 and 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 the zoning bylaw of the Town of Winchendon for erection of a building on such lot. Conveyances or other instruments adding to, taking away from or changing the size and shape of lots in such 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 into separate lots, on each of which one of such buildings remains standing, shall not constitute a subdivision. [From M. G. L. chapter 41, section 81L]

Subdivision Control Law: The power regulating the subdivision of land granted by the subdivision control law.

Tax Certified: Certification by the Winchendon Collector-Treasurer that no debt is owned to the Town by the applicant or the owner of record of the property for a period of time greater than twelve months.

Turnaround: A paved circular area at the end of a dead end street or cul-de-sac. See requirements in section 4.3.3.

1.4. Unapproved Subdivision Prohibited:

No person shall make a subdivision of any land or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a definitive plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided.

Section 2 Identification of Streets and Lots

Section 2.1 Establishing names for new streets:

- A.** Proposals for names for new streets shall be submitted to the Department of Planning and Development. The proposal shall be accompanied by a sketch showing the location of the proposed street and other nearby streets.
- B.** The department may establish and maintain a list of possible new street names and such list will be available to developers.
- C.** The department will review the proposal to determine that the proposed name is not the same as or so similar to that of an existing street, including “paper” streets, that it might be confused with the existing street particularly in emergency communications. No new street shall differ only in suffix from that of an existing street. Should the proposed name be found the same or too similar, the department will notify the person submitting the proposal and that person should submit another name.
- D.** If the department finds no problem with the proposed name, it will refer the proposed street name (email is suggested) to the members of the Planning Board, the town clerk, the assessors, the superintendent of public works, the police chief, the fire chief and the supervisor of the emergency dispatch service (if that is a separate position). Recipients will be asked to respond within five working days. If no adverse responses are received, the applicant will be advised that the name is acceptable for the new street.
- E.** In all instances the department will endeavor to respond to the request within ten working days.

Section 2.2 Guidelines for street names:

- A.** It is strongly suggested that street names be no longer than 20 letters to include spaces and suffix. Names reflecting the history of the town or the section of town where the street is located will be most appropriate. Names memorializing a deceased person are acceptable. Names that suggest location in a different part of town from that proposed will not be acceptable.
- B.** Street name suffixes should be appropriate for the location or layout of the street; e.g. “Brook” should be by a brook, “Heights” should be on high ground, “Circle” should have a generally circular shape. “Passage” and “Way” would indicate short and perhaps pedestrian only streets.
- C.** The following suffix names will be considered appropriate only for minor streets: Brook, Circle, Court, Cove, Crescent, Drive, Estate(s), Field, Flat, Forest, Garden(s), Glen, Green, Haven, Hill, Lane, Meadow(s), Passage, Place, Ridge, Run, Vista.
- D.** The following street name suffixes should be reserved for principal streets: Boulevard, Highway.

E. Other acceptable street name suffixes are: Avenue, Bypass, Center, Common, Crossing, Loop, Park, Road, Square, Street, Walk, Way.

Section 2.3 Assignment of Street Numbers:

A. Street Numbers for streets without numbers, including new streets. Numbers will be assigned starting at the end of the street nearest Blair Square measured along the most commonly traveled roads. Odd numbers will be assigned on the right hand side, even numbers on the left. Numbers shall be assigned at intervals of 20 feet between successive odd or even numbers. One number shall initially be assigned to each lot. The number assigned shall be that for the center of the buildable portion of the lot projected perpendicularly to the center line of the street (or by radius line if the street is laid out on a curve). In those cases where the buildable portion of the lot is more than 100 feet from the front property line, the center line of the driveway may be used instead. If no buildable portion of the lot is shown, the center line of the lot frontage shall be used. If a plan shows multiple building entrances on the lot each intended for a separate occupancy, multiple numbers may be assigned. Lots having no street frontage shall be assigned the appropriate number with an "R" (for rear) designation on the street which appears most appropriate.

B. New street numbers on streets which are partially numbered. Generally, the numbering scheme already in use for the street shall be applied if it is inconsistent with the scheme laid out for newly numbered streets. Where numbered addresses exist on both sides of the lot(s) to be numbered, the distance between successive numbers shall be adjusted to assign numbers evenly along the street. If no separate number is available for a lot, letter suffixes, e. g. "A" or "B", to the next lower number may be used.

C. Assigning numbers to lots. Each plan showing new lots shall be submitted in duplicate to the Department of Planning and Development. This submission shall be for the assignment of street numbers only and shall not be considered a submission of a subdivision or a plan for approval not required lots. The plan shall show each lot, and, if any street numbered properties exist on the street, the numbers of those properties and the exact relation of those properties to the new lots so that numbers can be assigned in accordance with the above provisions. The department will, within fifteen working days, assign numbers to the lots and return one copy of the plan to the person submitting the plan. The second copy will be similarly marked and retained by the department.

D. Street numbers required on plans. Every plan formally submitted to the Planning Board as a proposed subdivision for endorsement as an Approval Not Required plan shall have each of the lots thereon prominently identified by the street number(s) assigned to that lot under the provisions of the previous paragraph. No new designations by lot number may be shown. The street numbers so assigned shall thereafter be used as identification of the lots. No plan will be approved or endorsed on which the lots are not designated by street number.

Section 3 Submission and Approval of Plans

Section 3.1 Approval Not Required Plans:

Section 3.1.1 Purpose:

A plan showing a division of land into two or more lots where vital access is reasonably guaranteed to each of the lots shown on the plan may be entitled to recording by the Register of Deeds without approval under the Subdivision Control Law. This regulation provides the means by which the Planning Board will make that determination. ANR endorsement does not convey the right to develop the lots created nor does it constitute compliance with zoning for building purposes.

Section 3.1.2 Submission of Plan:

Any person wishing to record in the Registry of Deeds or to file with the Land Court a plan of land or a plan showing a division of land and who believes that such plan does not require Planning Board Approval under the Subdivision Control Law shall:

- A.** Prepare a plan that conforms to the requirements of section 3.1.3. of these Regulations;
- B.** Deliver a properly completed tax certified form A, the original Mylar of the proposed plan and 10 paper copies full size and 5 copies reduced to 11 x 17 inches of the plan to the department of planning and development and pay the fee as required by the current fee schedule.
- C.** File notice of submission of the plan with the town clerk as required by M. G. L. Chapter 41, section 81T. [Section 81T: Every person submitting a definitive plan of land to the planning board of a city or town for its approval or for a determination that approval is not required shall give written notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such a plan. If the notice is given by delivery the clerk shall, if requested, give a written receipt therefore to the person who delivered such notice. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land; and the facts stated in such notice shall be taken by the city or town clerk as true, unless the contrary is made to appear. . .]
- D.** If requested, accompany the Planning Board or the planning agent on site visit of the property.

Section 3.1.3 Form and Contents of the Plan:

- A.** The plan shall be prepared in black India ink upon Mylar of dimensions which will conform to the requirements of the registry of deeds, to a scale not smaller than 1 inch = 40 feet or suitable scale. The plan shall conform to the following:

- 1.** Title of the plan shall include the name of the landowner, name of applicant, name(s) of surveyor and/or engineer, date of plan and an ID block of 1/2 inch by three inches, blank, for Planning Board use.
 - 2.** Deed book and page number (from Registry of Deeds) and Assessor's map and parcel number of the original parcel shall be shown on the plan.
 - 3.** The following statements shall appear on the plans: "Approval Under the Subdivision Control Law Not Required" and "ANR endorsement does not constitute compliance with zoning for land use or building purposes nor does it convey the right to develop the property."
 - 4.** Sufficient space for the date and endorsement of the Board shall be provided. This block shall be just below the required ID block and both shall be within 6 inches of the right side of the plan.
- B.** Parcel(s) and proposed lot(s) shall be shown on a locus plan at a scale of 1 inch = 800 feet, or other suitable scale.
- C.** The zoning classification of any zoning district boundaries, which may lie within the locus of the plan and the zoning district(s) in which the property is located shall be shown on the plan.
- D.** The location and names of all abutters as determined from the most recent tax list or lists shall be shown on the plan.
- E.** There shall be a north point shown on the plan.
- F.** A statement that permanent monuments are installed at all property corners.
- G.** The location of all existing structures, streets, ways, easements, the extent of any residual land, and any other information requested by the Planning Board in order that the Planning Board may ascertain the status of the frontage and accessibility of the residual land shall be shown on the plan.
- H.** A Registered Professional Surveyor's stamp shall be shown on the plan.
- I.** The status of the access road and the means of access to each proposed lot shall be shown on the plan.
- J.** All watercourses, bodies of water, and wetlands shall be shown on the plan.
- K.** The sum total of frontage per lot shall be shown on the plan.
- L.** The area of each lot on the plan.
- M.** An indication on the plan and on the ground of the general location of the buildable portion of the lot.
- N.** The assigned street number of each lot shall be shown on the plan.

O. If the plan shows one or more parcels that do not qualify as buildable lots and appear intended for conveyance to an abutter, the plan shall be accompanied by (a) pro-forma deed(s) by which the parcel(s) will be conveyed to the abutter(s).

Section 3.1.4 Agency Review:

The Department will immediately forward a copy of each plan to the Board of Health, the Conservation Commission, the Land Use Department, and the Department of Public Works.

A. The Department of Planning and Development and each agency receiving a plan is requested to review the plan with regard to the requirements of the agency and to report any problems or other comments both to the Planning Board and to the applicant or submit a statement to the Board that it has no concerns. The object of this review is to identify possible problems at the earliest possible date and inform the applicant as well as the Board.

B. The reports requested above should be received by the Planning Board not more than fourteen days after the plan was submitted. If an agency fails to report, it will be assumed that the agency has no concerns with the submitted plan.

Section 3.1.5 Review Period:

It will be the policy of the Board to review ANR plans at the last meeting that will fall within the review period allowed by law so as to give the various agencies the maximum time for review.

A. If the meeting is less than fourteen days after submission of the plan and all agencies have not yet responded, the Board will review the plan and may make a tentative judgment on its endorsability. At the end of the fourteen-day period the board members may sign the plan even if the signing takes place outside of a Board meeting.

Section 3.1.6 Determining ANR Endorsement:

In determining whether a plan is entitled to be endorsed “approval under the Subdivision Control Law not required”, the Planning Board will ask the following questions:

A. Do the proposed lots shown on the plan front on one of the following types of ways?

- 1.** A public way or a way, which the municipal clerk certifies, is maintained and used as a public way.
- 2.** A way shown on a plan which has been previously approved in accordance with the subdivision control law (provided the way has been built to standards or the town holds adequate security to insure it will be so built.)
- 3.** A way in existence when the subdivision control law took effect in the municipality, which in the opinion of the Planning Board is suitable for the proposed use of the lots.

B. Do the proposed lots shown on the plan meet the minimum frontage requirements of the zoning district in which they are located?

- C. Can each lot access onto the way from the frontage shown on the plan?
 - 1. Limited access highways do not constitute frontage for ANR purposes.
 - 2. Driveway safe sight distance.
- D. Does the way on which the proposed lots front provide adequate access?
 - 1. Paper street?
 - 2. Pavement comparable to other ways in the area?
 - 3. Way suitable to accommodate motor vehicles and public safety equipment?
 - 4. Does the way provide year-round access?
- E. Does each lot have practical access from the way to the buildable portion of the lot?
 - 1. Pipe stem access narrower than required frontage?
 - 2. Guardrails present?
 - 3. Wetlands?
 - 4. Steep slopes: If, after the site visit, the Planning Board is concerned that steep slopes may prevent "practical access" to the buildable portion of the lot, the Board may require an engineering review of the plan, to be paid for by the applicant.
- F. The Planning Board will make a finding as to whether the proposed access to the proposed lot shown on an ANR plan has safe sight distance so as to reduce the number of "blind driveways" in our town. Lots lacking safe access will not qualify for ANR endorsement. Plans will be referred to the town's police department if there is a need for safe sight distance confirmation following a site visit by the Board or its agent.
- G. Are the property boundaries shown on the plan adequately delineated so as to be clear to future owners and others?
- H. Are any required supporting documents provided?

Section 3.1.7 Incomplete Plan:

If the Board or its designated agent finds that the submitted plan does not meet the requirements listed above, the Board will return the plan to the applicant without endorsement as being an incomplete plan. The Town Clerk shall be so notified. If such a plan is later resubmitted with corrections, the Board may waive all or part of a new filing fee.

Section 3.1.8 Plan entitled to be recorded under a surveyor's certificate:

It will be the policy of the Board to decline to endorse a plan which shows only property lines dividing existing ownerships, lines of streets and ways which are those of public or private ways already established, has no new lines for division of existing ownerships or for new ways, and is thereby entitled to a surveyor's certificate as provided in M. G. L. chapter 41, section 81X. The town clerk will be notified in such cases.

[. . . Notwithstanding the foregoing provisions of this section, the register of deeds shall accept for recording and the land court shall accept with a petition for registration or confirmation of title any plan bearing a certificate by a registered land surveyor that the property lines shown are the lines dividing existing ownerships, and the lines of streets and ways shown are those of public or private streets or ways already established, and that no new lines for division of existing ownership or for new ways are shown. The recording of any such plan shall not relieve any owner from compliance with the provisions of the subdivision control law or of any other applicable provision of law . . . — from M. G. L. Chapter 41, section 81X.]

Section 3.1.9 Endorsement:

If the Board finds that the plan does not require approval, it shall forthwith endorse the plan under the title, 'Approval Under the Subdivision Control Law Not Required'. The Board may add to such endorsement a statement of the reason(s) approval is not required. If the Board does not act within twenty-one (21) days after submission of the plan to the Planning Board, (provided endorsement has not been declined under the provisions of section 3.1.5. or 3.1.6.) the plan is deemed to be approved and a certificate to that effect may be obtained from the Town Clerk. However, if the Board determines that the plan does require approval as a subdivision, it shall notify the Town Clerk and the applicant of its action forthwith in writing.

Section 3.1.10 Endorsing ANR Plans Showing Zoning Violations:

A plan showing proposed lots with sufficient frontage and access, but showing some other zoning violation, may be entitled to an endorsement that “approval under the Subdivision Control Law is not required.” Endorsement under this section may include a statement of the reason approval is not required. The Planning Board will exercise its powers in a way that protects persons who will rely on the ANR endorsement. A statement will be placed on the plan indicating that the deficient lot(s) does (do) not conform to the present Winchendon Zoning Bylaw. The Building Commissioner should also be alerted to these plans.

Section 3.1.11 Site Inspection:

Site or other work on any ANR lot herein created shall not commence without a site inspection by the Conservation Commission or its agent. The applicant is responsible for arranging the site inspection with the Conservation Agent.

Section 3.1.12 Plan Must Be Recorded:

Upon delivery of the endorsed plan to the applicant, the applicant shall cause the plan to be recorded in the registry of deeds. The applicant shall then bring the recording receipt to the Planning Agent who shall make a copy thereof and only then may distribute copies of the plans to the

assessors, building commissioner, the Conservation Commission, and the Board of Health. The building commissioner will issue no building permits until he has received his copy of the plan.

Section 3.1.13 Use of Land:

When an ANR plan has been submitted to the Planning Board and proper notice has been given to the Town Clerk, the use of the land shall have such protection from future zoning changes as is provided by the Massachusetts General Laws.

Section 3.2 Procedure for Submission and Approval of Preliminary Subdivision Plans

Section 3.2.1 Application:

Anyone who proposes to create a non-residential subdivision must and anyone who proposes to create a residential subdivision may submit a preliminary plan for review. Such person shall:

- A.** Prepare a plan that conforms to the requirements of Section 3.2.2 of these Rules and Regulations.
- B.** File with the Department of Planning and Development, by hand delivery or by certified mail, postage prepaid, a properly completed, tax certified Form B, and 5 copies of the plan in full size (24 x 36 inches), 6 copies of the plan in reduced size of approximately 11 x 17 inches, and pay the filing fee required by the current fee schedule.
- C.** File as many copies of the complete set of plans with the Board of Health as it may require and get endorsement on Form B that the plans have been so submitted.
- D.** File as many copies of the complete set of plans with the Conservation Commission as it may require and get endorsement on Form B that the plans have been so submitted.
- E.** File complete copies of the plan with the Land Use Department, the Public Works Department, the Fire Department, and the Police Department and get endorsements on Form B that the plans have been so submitted.
- F.** Attend the next regular meeting of the Planning Board or another meeting if such is so arranged to present plans.
- G.** Be held responsible for any engineering fees incurred by the Planning Board in its review of the Plan.
 - 1.** The Board or the Planning Agent may require a deposit to the Town sufficient to pay the projected cost of these charges.

Section 3.2.2 Form and Contents of Preliminary Plan:

The "preliminary plan" shall be drawn on paper, or be a print thereof, showing:

- A.** The subdivision name, boundaries, north point, date, scale, legend, and title "Preliminary Plan";

- B.** The names of the record owner and the applicant and the name of the designer, engineer, or surveyor;
- C.** The names of all abutters, as determined from the most recent local tax list;
- D.** The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision in a general manner;
- E.** the proposed system of drainage, including adjacent existing natural waterways, in a general manner;
- F.** the approximate boundary lines of proposed lots, with approximate areas and dimensions;
- G.** The names, approximate locations, and widths of adjacent streets;
- H.** A full delineation of all wetlands on the property;
- I.** All existing buildings and other manmade structures; and
- J.** The topography of the land in a general manner.
- K.** The applicant is encouraged but not required to submit a preliminary Impact Statement (see section 3.3.4) and a preliminary site evaluation statement (see section 3.3.3) covering the various elements that are required in those statements both of which will be required with a definitive plan. The filing of such statements will enable the Board to give the applicant direction as to what will be required in the definitive plan and the proposed subdivision.
- L.** The applicant may apply for preliminary waivers from specific requirements of these regulations and such preliminary waivers, if granted, will create a reasonable expectation that equivalent formal waivers will be granted during the hearing on the definitive plan provided the definitive plan reasonably conforms to the preliminary plan and is filed within six months after the preliminary plan.

Section 3.2.3 Agency Review:

Each agency which receives copies of a preliminary plan is requested to review the plan as to conformity with law and with its requirements.

Section 3.2.4 Development Review Meeting:

The Department of Planning and Development is requested to hold a Development Review Meeting for all commercial or mixed use subdivisions and those residential subdivisions that consist of more than six units.

- A.** The applicant and a representative of each listed agency are requested to attend this meeting.

B. The purpose of the meeting will be to discuss the proposed subdivision and for the various agencies to offer suggestions and comments in regard to needed changes or other matters that should be known to the applicant and the Planning Board or be addressed in a definitive plan.

C. The Development Review meeting should be held prior to the Planning Board's review of the subdivision.

D. The Department of Planning and Development should present notes from the Development Review Meeting to the members of the Planning Board prior to its review of the subdivision.

Section 3.2.5 Preliminary Plan Review and Decision:

Within 45 days after submission, the Planning Board, with due consideration of the reports submitted by the Board of Health, and the Conservation Commission, shall notify the applicant and the town clerk, by certified mail, either

A. that the plan has been approved, OR

B. that the plan has been approved with modifications suggested by the Board or agreed upon by the person submitting the plan, OR

C. that the plan has been disapproved, in which case, the Board shall state in detail its reasons therefore.

Section 3.2.6 Preliminary Plans Not Recordable:

Except as otherwise provided, the provisions of the subdivision control law relating to a plan shall not be applicable to a preliminary plan, and no register of deeds will record a preliminary plan.

Section 3.3 Procedure for Submission and Approval of a Definitive Plan

Section 3.3.1 Application:

Any person who desires, approval of a definitive plan for a subdivision of land shall:

A. File with the Planning Board, at a regular meeting of the Board, a properly completed, tax certified Form C, 5 paper copies of the plan, 10 copies of the plan in reduced size of approximately 11 x 17 inches, 15 copies of the required documentation, and pay the filing fee and consultant review deposit required by the current fee schedule.

B. File notice of submission of the plan with the town clerk as required by M. G. L. Chapter 41, section 81T. [Section 81T. Every person submitting a definitive plan of land to the planning board of a city or town for its approval or for a determination that approval is not required shall give written notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such a plan. If the notice

is given by delivery the clerk shall, if requested, give a written receipt therefore to the person who delivered such notice. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land; and the facts stated in such notice shall be taken by the city or town clerk as true, unless the contrary is made to appear. . .]

C. File as many copies of the complete set of plans with the Board of Health as it may require.

D. File as many copies of the complete set of plans with the Conservation Commission as it may require. The developer shall also file a statement with the Commission as to whether an application for review will be submitted to the Commission for the project.

E. The following documentation shall be submitted with the plan:

1. An Impact Statement as provided in Section 3.3.4.
2. A list showing the Assessor's parcel numbers, names and addresses of all owners of property abutting upon the land included in the definitive plan as they appear on the most recent tax assessor's list.

Section 3.3.2 Form and Contents of Definitive Plan:

A. The definitive plan size shall be 24 x 36 inches. The drawing shall be at a scale of one inch to forty feet (1"=40') or such other scale as the Board may approve. Where a plan is drawn on multiple sheets it must be accompanied by an index sheet showing the entire subdivision and in such case for ease of reading, matching lines and consecutive numbering shall be provided. The definitive plan shall contain the following information:

1. Subdivision name, boundaries, north point, date, scale, and legend; an index or key plan showing the subdivision location as a scale of one inch equals one thousand feet (1" =1000');
2. The name and address of the record owner and the applicant, the name of the engineer or surveyor, with the date of acquisition of land, the book and page of recording of the deed or land court certificate number, and the name, address, the seal and signature of the registered professional engineer or registered land surveyor as appropriate to the data;
3. The existing and proposed streets, ways, lots, easements and public or common areas within the subdivision;
4. Sufficient data to determine readily the location, direction and length of every street and way line, lot line, and boundary line; sufficient also to reproduce the same on the ground. All bearings shall be true, magnetic, or grid and the needle as shown on the plan shall indicate this clearly. In addition, the centerline of the proposed streets, easements and major boundaries of the tract being subdivided shall be staked out on the ground and the location of said stakes shall be shown on the topography sheet;

5. The assigned street number of each lot shall be shown; lot numbers shall not be used;
6. The location of all permanent existing or proposed monuments, natural objects and surfaces such as waterways, natural drainage courses, large boulders or ledge outcroppings, stone walls and large trees;
7. The location of all existing and proposed structures, septic systems, streets, ways, easements and the extent of any residue of land divided;
8. The location, names, and present widths of streets bounding, approaching, or within reasonable proximity to the subdivision including all streets through which primary access to the subdivision will be obtained;
9. The location, areas, and dimensions of all proposed lots, and recreation areas, if any. After approval of a definitive plan any change in lot lines or other details will require an amendment to the plan, or may constitute a new subdivision. Such an amendment or new plan will be subject to all procedural requirements and fees;
10. Error of Closure must be provided as certified by a registered land surveyor;
11. Suitable space shall be provided to record the action of the Board and the signatures of the members of the Board (or officially authorized person). Directly above this space shall be the words, "Approval of this plan is granted on the conditions listed in a separate Statement of Conditions which is part of the approval of this definitive subdivision and is to be recorded herewith." This block shall be just below the required ID block and both shall be within 6 inches of the right side of the plan.

B. The above data and that required by Section 3.3.3 shall also be submitted on compact disk in AUTOCAD format with all data related to state plane coordinates. Narrative and tables may be in WORD or EXCEL format.

Section 3.3.3 Supplemental Plan Information Required:

The following information shall be provided on the same sheet or on separate sheets.

- A.** The existing and proposed topography with contour lines at two foot (2') intervals. The surface elevation of all water bodies and wetlands within the subdivision shall be given, and ground surface shall be identified as to type, such as woodland, swamp, flow-ages, etc. All wetlands shall have been properly flagged and the locations thereof clearly shown. Street and lot lines shall be shown to facilitate orientation. Benchmarks shall be shown and designated. Brooks, ditches, walls, and structures and spot elevations of high and low points shall be shown and identified. 100- Year flood plain limits shall be clearly indicated. The topographic plan shall bear the stamp and signature of either a registered professional engineer or a registered land surveyor;
- B.** The volume of "earth" as defined in the Winchendon Zoning Bylaw to be removed if applicable, or a statement indicating that "no earth is to be removed";

C. Proposed locations of house sites;

D. The plan shall indicate all easements, covenants or restrictions applying to the land including zoning setbacks, side yards, and rear yards. In addition, the plan shall show the proposed location of all buildings, wells and septic systems, if applicable, within the subdivision.

E. There must be a profile plan at a horizontal scale of forty feet to the inch showing:

1. Existing grades along the centerline and both sidelines of the street or streets;
2. Proposed finished center line grades with elevations at every fifty foot (50 ') station, location of vertical curves, and gradient of even grades;
3. The size and location of existing and proposed water mains, sewer lines, storm drains and their appurtenances within and adjacent to the subdivision. Drainage calculations, prepared by the applicant's engineer, shall be provided and shall include design criteria, drainage area and other information sufficient for the Board to verify the size of any proposed drain, drain field, culvert, or bridge.

F. The location and elevation of the starting bench mark must be shown as well as at least one other bench mark. All elevations shall refer to US Coast and Geodetic Survey bench marks.

G. The plan must include typical sections of roadways showing widths and grades of street lines, roadway pavement, sidewalks, grass strips and side slopes, location and size of water, sewer, drain and gas lines. The depth of roadway pavement, sidewalks, base courses and all underground or aboveground utilities must be shown.

1. If the subdivision lies within a known aquifer or potential area the Board may require a hydro geological study based on the most current groundwater survey.

Section 3.3.4 Impact Statement:

A. The Impact Statement shall clearly and methodically assess the relationship of the proposed development to the natural and manmade environment of the town. It is intended that the statement be a guide to the Planning Board in its judgment and deliberation on the proposed development and its compatibility with existing conditions and planning efforts of the town. While reviewing the Statement, the Board will consider the degree to which the applicant has proposed to sustain the environmental health of the community, minimize adverse effects on the natural resources, promote safety of the inhabitants of the area, and preserve the character of the town. Failure of the plans or of the impact statement of the proposed development to indicate such compatibility may be grounds to require the revision of the proposal at the determination of the Planning Board.

B. The Planning Board may waive any section, or sections, of the Statement, which it deems inapplicable to the proposed project. To insure the adequate preparation and consideration of the statement, it is strongly recommended that a draft statement be prepared

and submitted together with the submission of the preliminary plan of the proposed development.

C. RESERVED

D. The elements of the statement shall be prepared by professionals registered in Massachusetts to practice in their fields where so specified or by authorities recognized in their field having reached a professional status or its recognized equal.

E. The applicant shall submit a copy of the Impact Statement along with the required plans to each of the following: Zoning Board of Appeals (if any action by that board may be required), Board of Health, Conservation Commission, Department of Public Works, Fire Chief, and Police Chief.

F. Each Impact Statement shall address the following elements:

1. Existing Conditions Element shall describe the following:

- a.** Location, size, and current use of existing parcel(s);
- b.** Existing infrastructure and buildings on site;
- c.** General description of the soil and geological conditions of the site, including results of any soil testing;
- d.** Inclusion of any unique site characteristics, including but not limited features deemed important by the Massachusetts Historical Commission, Natural Heritage, FEMA.

2. Proposed Development Element shall describe the following:

- a.** List of all other permits, Federal, State and Local required for the proposed development;
- b.** If new lots, residential or commercial, are to be laid out, the number of proposed lots, as well as the average, minimum and maximum lot size of the development;
- c.** An area tabulation which will state along with the total area and percentage of the following:
 - i.** Site area.
 - ii.** Wetland and other resource areas on site.
 - iii.** Area dedicated to residential lots.
 - iv.** Area dedicated to commercial or industrial lots.
 - v.** Area dedicated to street(s).

- vi. Area dedicated to drainage and other utilities.
- vii. Proposed impervious area.
- viii. Total area of disturbance.
- ix. Area reserved for recreation, parks or other open land.

3. Transportation Element which will include:

- a. Traffic Generation – A comparison of the estimated pre-developed traffic to post-developed traffic. Including: volume, overall average daily traffic generation, composition, peak hour levels, directional flows and street capacities. The methodology used to derive these predictions shall be included. This will not be required for residential subdivisions of less than 10 units.
- b. Description of all proposed roadways, including pavement width, right of way width, total length, means of egress, and maximum grade

4. Construction Element shall include the following:

- a. Estimated Construction Schedule including phasing, clearing schedule, hours of operation, exposure time;
- b. Estimates of the cost of performing the various items of required work. (This is for consideration in determining the amount of performance bond or cash security as required in section 3.9.2);
- c. Estimate of proposed cut and fill volumes, schedule for bringing fill on and off site, and the source(s) of purchased fill;
- d. Describe the methods to be used during construction to control erosion and sedimentation (i.e., use of sediment basins and type of mulching, matting, or temporary vegetation), describe the approximate size and location of land to be cleared at any given time and length of time of exposure, covering of soil stockpiles, and other control methods and their effect on the site and on the surrounding area;
- e. Describe permanent methods to be used to control erosion and sedimentation. Include description of:
 - i. any areas subject to flooding or ponding;
 - ii. proposed surface drainage system;
 - iii. proposed land grading and permanent vegetative cover;
 - iv. methods to be used to protect existing vegetation;
 - v. the relationship of the development to the topography;

- vi. any proposed alterations of shorelines, marshes or seasonal wet areas;
- vii. any existing or proposed flood control or wetland easements;
- viii. calculated increase of peak run-off caused by altered surface conditions and methods to be used to return water to the soils.

f. In reviewing the Statement, the Board will consider the degree to which water is recycled back into the ground, the maintenance and improvement of the flow and quality of surface waters, the preservation or promotion of wildlife refuges, historic sites, unique geological, botanical and archeological features, existing or potential trails and accesses to open space areas, and the health and safety of the inhabitants of the area.

5. Public Utility Element prepared by a professional engineer registered in Massachusetts, to consist of the following sub-elements:

- a. Water Supply and Distribution - The average daily and peak demand; method of supply to the proposed buildings. Coordination with the Town Water Department, and if deemed advisable, appropriate State agencies, is strongly recommended;
- b. Sewage Treatment - The average daily and peak demand; and any unusual composition or concentration of component flows into the proposed system(s), the method to serve the proposed buildings. Coordination with the Board of Health, the Department of Public Works, and if deemed advisable, appropriate State agencies, is strongly recommended.
- c. Storm Drainage – Description of existing surface drainage characteristics of the site and surrounding areas. Methodology of post-developed storm water management, including methods of maintaining existing drainage pattern, and explanation of how the proposed storm water management system complies with Massachusetts Storm water Handbook;
- d. Solid Waste - The average weekly demand; expected contents; recycling potential; on-site incineration, reduction or compaction; and method of disposal including its ultimate destination.

6. Conservation and Recreation Element to contain the following:

- a. Description of existing vegetation, water, wetlands and resource areas and explanation of any proposed activity within a resource area.;
- b. Surface Water and Soils: Describe the location, extent and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to, the project including existing surface drainage characteristics, both within and adjacent to, the project.

c. Subsurface Conditions: Describe any limitations on the proposed project caused by subsurface soil and water conditions, and methods to be used to overcome them.

i. Describe the procedures and findings of percolation tests conducted on the site.

ii. Evaluate the impact of sewerage disposal methods on the quality of subsurface water.

d. Water quality impact from run-off on adjacent and downstream surface water bodies and subsurface ground water and the water table shall be detailed. Coordination with State and Town water quality agencies including that Board of Health and Conservation Commission is recommended so that necessary agreements and responsibilities can be included in the study of the proposed development and its alternatives. The relationship of the proposed development to navigable streams, flood plains, and municipal water supply impoundments and reservations shall be shown.

e. General Ecology - The relation of the proposed development to the major botanical, zoological, geological and hydrological resources of the site shall be examined. Consideration of those resources adjacent to the site shall also be made where deemed appropriate by the Planning Board. Consideration shall also be given to rare or endangered species of plant and wildlife found on the site.

f. It shall also deal with the compatibility of existing soils with the proposed development.

g. It shall describe any proposed recreational facilities/open space, a statement of intended owner(s) of any proposed recreational facilities/open space, and indication as to whether the recreational facilities/open space will be available to the public.

h. (Residential developments only) If the proposed development is not a flexible residential development (FRD) plan, explain why a FRD plan is not feasible.

7. Aesthetics Element to consist of the following:

a. Architecture - The style of architecture of the proposed buildings shall be described and their compatibility with the function of and the architectural style of adjacent buildings or neighborhood buildings. Sketches, photos, elevations and renderings are encouraged to illustrate architectural appropriateness as well as innovation. Consultation with the Building Commissioner is recommended.

b. Lighting - The type, design, location, function and intensity of all exterior lighting facilities, existing and proposed, shall be described. Attention given to safety, privacy, security, and daytime and nighttime appearance shall be detailed.

c. Landscaping - Provisions for landscaping shall be described including type, location and function.

d. Visual- Attention given to views into the site and from the site shall be described. Included shall be long-distance views as well as to and from adjacent properties. Visual impact may be related to the preceding sub-elements concerning the overall aesthetics of the proposed development.

8. Neighborhood and Community Element to consist of the following:

a. Schools – The expected impact on the school system pre- kindergarten, elementary, middle school, and secondary levels, by type of housing (single-family, garden apartment, townhouse, high rise, etc.), and by number of bedrooms (one-bedroom, two-bedroom, etc.); the number of students; school bus routing changes if found necessary. Coordination with the Superintendent of Schools is recommended, particularly for large residential developments;

b. Police - The expected impact on police service, time and manpower needed to protect the proposed development; provision for special alarm or warning devices or agents and other needs shall be presented. Coordination with the Police Department is recommended;

c. Fire - Expected fire protection needs, on-site fire fighting capabilities, on-site alarm or other warning devices, flow water needs, source and delivery system and other needs shall be presented. Coordination with the Fire Department is recommended;

d. Existing Neighborhood Land Use - Compatibility with adjacent or nearby existing land uses, or approved private development plans, if known, for adjacent or nearby land use changes to occur during the life of the proposed development. If the proposed uses are not compatible, the reasons therefore shall be detailed. Consultation with the Planning Agent is strongly recommended;

e. Master Plan Element - The statement shall detail the compatibility of the proposed development and its alternatives to any established plans of the Planning Board, Conservation Commission, Department of Public Works and other Town and State agencies as applicable. If not compatible, the reasons therefore shall be detailed.

9. Social-Economic Element to consist of the following:

a. Population — In residential development, the overall population; ranges in expected family size by housing type and bedroom count; ranges in expected income and other relevant social data shall be estimated;

b. Low/Moderate Income Housing — In residential developments, any provisions for low and/or moderate income housing shall be identified as to type of housing and bedroom count; State or Federal subsidies proposed to be applied for; and indication, if any, from the appropriate agencies including the Winchendon Housing Authority as to its desirability and feasibility in regard to its location, financing, and any operating subsidy;

c. Employment — In all nonresidential developments and in large residential developments the number and types of job skills to be employed shall be detailed. This shall include both construction labor and full-time work force when the development is in operation; employment by shift; estimates as to the amount of local labor which is intended to be used.

10. Municipal Benefit/Cost Element:

A primary part of this element shall be an analysis of the net benefit or cost to the Town in dollars, as complete as is practicable. This municipal benefit/cost analysis should follow standard and usual procedures and parameters for measuring both the benefits to be derived and costs to be incurred by the Town of Winchendon as a result of the implementation of the proposed development. It will be helpful to provide one or more benefit/cost analyses for alternative uses to provide for a basis for comparison. Except in unusual cases, or when the construction of a proposed development is scheduled to take place in distinct and separate phases and each phase may be functional and operable without any or all of the others, the municipal benefit/cost analysis may assume full and complete development and occupancy. In phased development or in other unusual cases, the Planning Board may require more than one analysis (an analysis for each phase) and/or more than one impact statement. This element may also estimate net benefit or costs of non-qualifiable environmental impacts.

Section 3.4 Agency Review:

Section 3.4.1 Board of Health Review:

The Board of Health shall, within forty-five (45) days following receipt of a definitive plan, report to the Planning Board, in writing, its approval or disapproval of said plan. In the event of disapproval, it shall make specific findings as to which, if any, lots shown on such plan cannot be used for building sites without injury to the public health, and it shall include such specific findings and the reasons therefore in its report. Failure to so report shall be deemed approval by the Board of Health. Should the Board of Health be unable to complete a full review of the project within the statutory 45 day window, it shall file a preliminary statement indicating any problems found within the 45 days and a completed statement as soon as possible thereafter. [See M. G. L. chapter 41, section 81U.]

A. Every acceptable lot so situated that it cannot be served by a connection to the municipal sewer system shall undergo a percolation test carried out under the supervision of the Board of Health's Septic Inspector, according to the procedures required by state law and Title V of the regulations. Such lot shall be provided with a septic tank and drain field whose design and placement are satisfactory to the Septic Inspector.

1. Extreme care shall be practiced in the layout of a subdivision in unsewered areas. The extent of soil evaluation should be determined by the Winchendon Board of Health based on the Town of Winchendon soils map and whatever other soil information is available;

2. Required testing should include deep test holes, percolation tests and test borings, and the number of tests required shall be determined by the Board of Health investigator.

3. Notwithstanding the above, a permit to construct an individual subsurface absorption area must be obtained from the Board of Health for each individual lot not served by the Winchendon sewerage system, and a condition shall be inscribed on the plan as follows: "No building or structure shall be built or placed on any lot without a permit from the Board of Health."

B. Alternately, and with the approval of the Board of Health, a community wastewater disposal system may be installed. If such a system is to be installed, appropriate conditions which have been accepted by the Board of Health shall be added to the definitive plan approval.

Section 3.4.2 Conservation Commission and Other Reviews:

The Conservation Commission, Department of Public Works, Town Engineer and any other agency designated to receive and review a definitive plan shall, within forty-five (45) days following receipt of such plan, report their findings in writing to the Planning Board, and shall make recommendations thereon. Should the agency be unable to complete a full review of the project within the statutory 45- day window, it shall file a preliminary statement indicating any problems found within the 45 days and a completed statement as soon as possible thereafter. Failure to so report shall be deemed a favorable recommendation on said plan.

Section 3.4.3 Approval of Water Mains and Hydrants:

If water mains and hydrants are to be installed, the written approval of the Department of Public Works and the Fire Department shall be required before subdivision approval is granted.

Section 3.4.4 Report of the Consulting Engineer:

The plan will be reviewed by a consulting engineer retained by the Board at the expense of the applicant. The cost and payments will be handled in accordance with M. G. L. Chapter 44, section 53G. This review will include the following items:

A. The proposed locations, sizes and grades of streets, right-of-ways, easements, water mains, sanitary sewer mains and storm drainage facilities;

B. Any deviations from the design and work requirements specified in these Rules and Regulations or the Town of Winchendon's Design Standards and Construction Specifications, if any, issued by the Town Engineer or Department of Public Works, the applicant's detailed specifications for performing the required work and all special construction requirements, if any, applicable to the subdivision;

C. Comments as to the accuracy of the applicant's estimates of the cost of performing the various items of required work. (This is for consideration in determining the amount of performance bond or cash security as required in Section 3.9.2);

D. Such other items as the board, in its sole judgment, shall deem necessary for the proper evaluation of the plan and any changes or conditions which should be included in its decision.

Section 3.4.5 Review by the Planning Agent:

The Planning Agent shall review the plan to insure its completeness and to highlight parts of the plan that particularly further the intent of the Winchendon Master Plan, the Open Space and Recreation Plan, any other plans that have been approved by the Planning Board, and any policies of other departments of the town government; or which diverge from the provisions of those plans and policies. Specific attention is to be paid to:

- A.** That copies of the plan have been properly submitted to the Board of Health, the Conservation Commission, and that a consulting engineer has been engaged, and
- B.** That the applicant is the owner of record of all the property shown on the plan or has legal authority from the owner to submit the plan, and
- C.** That the submitted abutters list is correct, that the abutters have been properly notified and the hearing has been properly advertised, and
- D.** That the plan shows the entire lot or lots on which the plan is located, and
- E.** That street numbers have been properly assigned to the various lots, and
- F.** That each of the elements and sub-elements of the impact statement have been addressed unless waivers have been applied for to omit those elements as unnecessary, and
- G.** Provide comments to the Board on the effects and proposals that she/he has highlighted in the impact statement and any other statements that have been required.

Section 3.4.6 Site Visit:

It will be the policy of the Board to conduct a site visit. The applicant, his/her engineer or surveyor, and any other professionals that have contributed to the plan will be expected to attend unless excused by the Board. This visit will be arranged at the convenience of the Board either before or during the public hearing process. The purpose of the visit is to acquaint the Board members with details of the site, access to the site, and to envision the proposed development. This will enable the members to more accurately assess the proposal.

Section 3.5 Public Hearing

Section 3.5.1 Schedule for Hearing:

The Board shall set a date for the Public Hearing within 14 days after receipt of the application.

- A.** The date of the hearing shall be not more than 45 days after the receipt of the application.

B. Notice of the time and place and the subject matter, sufficient for identification, of the hearing shall be given:

- 1.** By the Planning Board, at the expense of the applicant, by advertisement in a newspaper of general circulation in Winchendon once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing, Prepayment of the advertising charge will be required with the application;
- 2.** By posting a notice in a conspicuous place in the town hall for a period of not less than fourteen days before the day of such hearing;
- 3.** By mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list and to all other interested parties as is required by statute.

Section 3.5.2 Incomplete Application:

If, at the scheduled hearing, the Board determines that the application does not include all the information required by statute, town bylaw or Board regulation, the Board will entertain a request for a continuance of the hearing for such number of days as the applicant may request provided the applicant also agrees in writing to an extension of the time in which the Board must take final action on the application by thirty (30) days more than the requested continuance. This process will be repeated as many times as is necessary to secure a complete application. Should such a request and agreement not be made, it will be the policy of the Board to deny the application as incomplete without further proceedings. Resubmission of the application thereafter will require a new application fee and advertising charge.

Section 3.5.3 Continuation of Hearing:

If a hearing is continued to another date in order for the applicant to submit additional information, that additional material must be submitted to the office of the Planning Agent not less than ten (10) days prior to the continuation date so that it may be reviewed by the Board's consultant(s) and by the Board prior to the actual continued hearing.

Section 3.5.4 Board Evaluation of the Plan:

The Board will evaluate the plan based on its conformity to the requirements of the statutes, local bylaws, the zoning bylaw, the Board of Health report, the Conservation Commission report, the findings of the consulting engineer, and the willingness of the applicant to address, and if necessary to mitigate, the various impacts shown by the impact statement. The Board will work with the applicant in an effort to achieve a project that will meet the needs of the developer and those of the town.

Section 3.5.5 Approval of the Plan:

After the reports from the Board of Health, the Conservation Commission, and the consulting engineer have been received, or after the lapse of forty-five (45) days with no such report(s), and after the public hearing, the Board shall approve or (if the plan does not comply with the Winchendon zoning and other bylaws, the Winchendon Subdivision Control Rules and Regulations or with the recommendations of the Board of Health or the Conservation Commission) shall modify and approve, or disapprove such plan, shall file a certificate of its action with the Town Clerk, and shall send notice of its said action by registered or certified mail, postage prepaid, to the applicant at his/her address stated on the application. Approval of a plan requires the approval of a majority of the total membership of the Board.

Section 3.5.6 Approval Will Not Constitute Street Acceptance:

Final approval of the definitive plan will not constitute acceptance by the Town of streets within a subdivision. The developer shall retain title to the ways shown on the definitive plan and shall deed same to the Town of Winchendon after acceptance.

Section 3.6 Conditions of Approval

Section 3.6.1 Standard Conditions:

The following standard conditions will be applied to all plans unless particular sections are waived by the Board:

- A.** Zoning enforcement officer, any officer, agent or employee of the Planning Board, Conservation Commission, Zoning Board of Appeals or Board of Health may enter upon the site in pursuit of official duties, such as examinations and surveys, and placement or maintenance or boundary monuments and marks, at reasonable times, with or without prior notice to the applicant. (Massachusetts General Laws Chapter 41, Section 81CC; Chapter 131, Section 40; Chapter 111, Sections 31, 122 and 127A)
- B.** The time allowed for any inspection required under these conditions, the Planning Board's regulations, or the town bylaws will be extended by the time during which the site is covered with water, snow, or ice. Such time will be determined by the Board.
- C.** A performance guarantee, in the amount of \$ [] (or Covenant in lieu of a guarantee) in a form as provided for in the Massachusetts General Laws, Chapter 40, Section 81U, is required to assure completion of the construction of ways and the installation of municipal services. Such guarantee shall be filed with the town collector/treasurer within thirty (30) days from the date of this definitive plan approval, unless an extension of time is mutually agreed upon in writing by the developer and the Planning Board. A copy of the receipt issued by the Town Treasurer for this guarantee shall be filed with the Planning Board forthwith.
- D.** This definitive plan approval, together with this list of conditions and the performance guarantee, or covenant must be filed at the Worcester Registry of Deeds forthwith, but not later than sixty (60) days after the expiration of the appeals period plus such time as may be consumed in any appeals process. A copy of the receipt from the Registry must

be filed with the Planning Board forthwith. No construction may be started until there has been such filing. If these required documents are not filed within the required time, this definitive plan approval shall be void.

E. Upon completion of the construction of ways and the installation of municipal services, notice shall be given as provided for in Massachusetts General Laws, Chapter 41, Section 81U and Section 6.5.1 of these regulations.

F. Construction shall be in full conformity with the "Rules and Regulations Governing the Subdivision of Land" as issued by the Planning Board, unless an exemption is granted by the Planning Board. Such exemption, if granted, is stated below as one of the conditions. (Massachusetts General Laws, Chapter 41, Section 81R)

G. No sand, soil, loam, sod, gravel, or other natural or quarried earth product shall be removed from the site until the entire parcel has been graded and Condition I satisfied. Loam must be stockpiled and covered so as to be protected from erosion.

H. The clearing, excavation or removal of vegetation or the excavation or removal of sand, soil, loam, sod, gravel, or other natural or quarried earth products is allowed only in accordance with Section 10.6 of the Winchendon Zoning Bylaw and specific conditions for such removal or redistribution are included in the special conditions appended to these general conditions.

I. No sand, loam, sod, gravel, or other natural or quarried earth product may be removed from individual lots, until the drainage is completed in a manner acceptable to the Planning Board. The Permittee shall notify the Planning Board by certified mail that the drainage has been completed and may be inspected. The Planning Board shall act within forty-five (45) days of such notification. Failure of the Planning Board to act shall be construed as approval of the drainage construction.

J. Not less than six (6) inches of top soil, seeded with a suitable crop cover such as a quick-growing grass mixture, shall be left or placed on all lots, other than on areas covered by undisturbed natural vegetation, buildings, parking areas, walkways, driveways and other paved areas, except as removal is specifically required for reasons of public health or safety. This condition must be satisfied within three (3) years from the date of this definitive plan approval, unless an extension of time is mutually agreed upon in writing by the Permittee and the Planning Board. If this work is not completed within the required time including approved extensions, this definitive plan approval shall lapse and become void.

K. All ways must be completed to the satisfaction of the Planning Board within two (2) years from the date of this definitive plan approval, and prior to the sale of any lots, unless an extension of time is mutually agreed upon in writing by the applicant and the Planning Board. If this work is not completed within the required time including approved extensions, this definitive plan approval shall lapse and become void.

L. If the site contains pond, lake, brook, stream, river, standing water, or any indication of the presence of wetlands, the applicant must comply with all Wetlands Protection

regulations, including those found in Sections 4.3 and 4.4 of the Town of Winchendon Zoning Bylaw.

M. The applicant must comply with all orders of the Winchendon Conservation Commission.

N. Lots sold shall be deeded by the developer with a clear reservation of fee in the proposed ways. Failure to include such reservation in any deed shall cause this definitive plan approval to become void.

O. Work under this definitive subdivision plan shall be commenced within six months of the date of its approval increased by any time consumed by appeals of the approval and shall be diligently pursued thereafter until the completion of the work. The Planning Board may extend this period if so requested by the permittee. If the work is not so commenced and pursued, this definitive plan approval shall lapse and become void.

P. This approval and conditions are in addition to other permits and approvals. Nothing in this decision shall be deemed to relieve the applicant from its obligation to obtain other permits and approvals required by law or regulation.

Q. Any substantive error in the application or any subsequent filing by the applicant or his successor shall be cause for revocation of the Board's approval. Due notice and hearing shall be required prior to any Board action.

R. The Board on its own motion or on the petition of any interested person reserves the power to modify, amend or rescind its approval of this plan or to require a change in the plan after due notice and opportunity to the applicant to be heard in accordance with M. G. L. Chapter 41, Section 81W.

Section 3.6.2 Special Conditions:

The Board may attach special conditions to the approval of the definitive subdivision. Such special conditions may include such waivers as may be granted from the design and construction standards of these regulations and inclusion of any other conditions the Board may deem necessary. The special conditions will be appended to the general conditions stated in section 3.8.1.

Section 3.7 Performance Guarantee

Section 3.7.1 Filing of the Performance Guarantee:

The required performance guarantee must be filed with the Board within thirty (30) days after the expiration of the appeal period of the approval or the subdivision approval shall be void.

Section 3.7.2 Form of Guarantee:

Before endorsement of its approval of a plan, the Planning Board shall require that the construction of ways and the installation of municipal services in accordance with the approved plan, be secured by one, or in part by one and in part by another, of the methods described in the follow-

ing subsections A, B, C and D which method or combination of methods may be selected and from time to time varied by the applicant:

A. By a proper bond, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services in accordance with the approved plan, and the Planning Board may require that the applicant specify a time acceptable to the Board within which such construction shall be completed. Each bond filed shall be approved as to form, manner of execution and sureties by the Town Treasurer and all deposit agreements and securities shall be approved as to form and manner of execution by the Town Treasurer.

B. By a deposit of money or negotiable securities, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal in accordance with the approved plan, and the Planning Board may require that the applicant specify a time acceptable to the Board within which such construction shall be completed. [Use Form G.]

1. If the Board shall decide at any time during the term of the performance that:

a. improvements have been installed in a satisfactory manner in sufficient amount to warrant reductions in the security, or,

b. the character and extent of the subdivision require additional improvements, previously waived,

Then the Board may modify its requirements for any or all such performance bond, or amount of deposit of money or value of securities, which may thereupon be reduced or increased respectively by an appropriate amount after suitable notice to the applicant.

C. By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided in accordance with the approved plan to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed. The Board will release from such covenants only those lots for which installation of ways and services has been completed in accordance with the approved plan. [Form D should be used for the covenant. Form F may be submitted when applying for release of a lot or lots. Use Form E for releases.]

D. By delivery to the planning board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be

executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the Planning Board and otherwise due the applicant, to secure the construction of ways and the installation of municipal services in accordance with the approved plan. The Planning Board should include a specified sum to cover any costs that may occur due to inflation. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within a time acceptable to the Board and specified in the agreement, any funds remaining undisbursed shall be available for completion.

Section 3.8 Endorsements and Recording

Section 3.8.1 Plan for Endorsement:

Upon approval of the plan by the Board, the applicant shall submit a complete plan which includes any changes that were made during the approval process drawn in India ink on Mylar, as meets the requirements of the Registry of Deeds, and 5 copies of the plans on paper. The applicant shall also submit 5 sets of the plans reduced to 11 inches by 17 inches size and a copy of the revised plan and the conditions thereof in electronic format as required in Section 3.2.B. This submission may be made during the appeal period.

Section 3.8.2 Endorsement of the Plan:

The plan having been approved by the Board and no appeal having been taken within twenty (20) days after notice to the Town Clerk or after the entry of a final decree sustaining approval of the plan, and after the applicant has met the requirements of the performance guarantee, the Board shall make upon the Mylar plan submitted as required in Section 3.10.1 its written endorsement of approval and the plan and its appended statement of conditions shall be delivered to the applicant.

Section 3.8.3 Duties of the Applicant:

A. The applicant shall submit the plan and the statement of conditions for recording in the Worcester Registry of Deeds (or properly file the same with the recorder of the Land Court if the land is registered land) and shall obtain receipts therefore.

B. The applicant shall present the receipt(s) to the Department of Planning and Development which will make a copy thereof and shall then distribute copies of the approved plans to the various town departments according to the policy of the department.

- 1.** The Building Commissioner will not issue any permits until he has received these plans.
- 2.** No building permits shall be issued until a base coat has been applied to the road serving said lots.

Section 4 Required Improvements for an Approved Subdivision

4.1 Street and Roadway Design:

4.1.1 Basic Requirements:

All streets: The applicant shall observe all design standards for land division as hereinafter provided. These standards shall be considered minimum standards and may be varied from or waived only as provided in Section 7.5. The Town of Winchendon's Design Standards and Construction Specifications must be followed.

Section 4.1.2 Streets to provide safe travel:

All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel and be of sufficient design and construction to adequately handle the traffic load anticipated.

Section 4.1.3 Subdivisions to have two exits:

Any new subdivision which will include more than six dwelling units and any non-residential subdivision which includes more than 500 feet of roadway shall have two or more regular exits to public ways. The public way(s) used for such access shall also provide two or more exits. This provision is to ensure access for emergency vehicles in case an access is blocked.

- A. The Board may consider waivers of this provision if adequate second access is provided over roads other than public ways.

Section 4.1.4 Street Extensions:

Provision satisfactory to the Board such as an easement for roadway purposes shall be granted to the town to provide for the proper extension of streets, or other access to adjoining property which is not yet subdivided.

Section 4.1.5 No Reserve Strips:

Reserve strips prohibiting access to streets from adjoining property shall not be permitted, except where, in the opinion of the Board, such strips will be in the public interest.

Section 4.1.6 Street Jogs:

Street jogs shall have centerline offsets of no less than 125 feet.

Section 4.1.7 Intersections:

Streets shall be laid out so as to intersect as nearly as possible at right angles.

Section 4.1.8 Cutbacks at Intersections:

Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than thirty (30) feet. A greater radius may be required in commercial and industrial areas where large vehicle access is more likely.

Section 4.1.9 Traffic Calming:

In residential subdivisions, curved streets, streets following natural topography, offsets, roundabouts, and other traffic calming measures will be viewed favorably by the Board.

Section 4.2 Easements

Section 4.2.1 Utility Easements:

Easements for utilities across lots or centered on road or side lot lines shall be provided where necessary and shall be at least twenty feet wide centered on the utility.

Section 4.2.2 Storm Water Easements:

Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that a storm water easement to the Town be provided for a drainage right-of-way of adequate width that conforms substantially to the lines of such water course, and the boundary of which shall be no closer than 12 feet from the high water line, drainage way channel or stream, to provide for construction, repair, or other necessary purposes.

Section 4.2.3 Adequate Access from Public Way:

When the physical condition or width of the public ways by which a subdivision will be accessed is inadequate for access to such subdivision in the opinion of the Board, the Board may require the Applicant dedicate a strip of land for the purpose of widening the abutting public way to a width at least as great as that required within the subdivision, and to make physical improvements to and within such public way(s) to the same standards required within the subdivision for streets likely to carry traffic similar to that of the access road. This may include drainage improvements, utility improvements, improvement of intersections, signage, signalization, or other amenities necessary for safety and orderly traffic flow. Any such dedication of land for the purpose of such a way and any such work performed within such public way(s) shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the Applicant.

Section 4.3 Street Design

Section 4.3.1 Streets in Planned Development, Commercial or Industrial Zones:

The Board will determine the design standards for new or improved streets in Planned Development, Commercial and Industrial zones based on the prospective traffic load in number and types of vehicles and pedestrian use. These standards will be based on recommendations of the Institute of Transportation Engineers. The required design standards may exceed those for a principal

residential street if, in the opinion of the Board, the prospective traffic requires a higher standard. Appropriate traffic control improvements may be required.

Section 4.3.2 New Streets Providing Access to Commercial and Industrial Zones:

Traffic on streets in residential zones that provide access to non residential zones should not create a nuisance to the residences in the residential zone. To accomplish this, the following standards shall apply:

- A.** No new street shall be built or access be allowed by way of existing streets in residential areas unless no other means of access to the non residential zone is practicable.
- B.** If such a new street is required, the right of way shall be not less than 150' wide. There shall be a buffer of at least 50' of dense vegetation on each side of the street within the right of way. Such vegetation is not to obstruct views at intersections. If suitable vegetation does not exist, fast growing native or non-invasive species shall be planted before any other street construction is started in order to create the required buffer. If, in the opinion of the Board, noise or other nuisance from the street is likely to be a problem to residences, suitable barriers may be required on the street side of the buffer. The board may require upgrade of existing street(s) at the expense of the developer to, as nearly as possible, conform to these requirements.
- C.** If a new street is to be built in a residence zone that will connect two existing streets but, in the opinion of the Board, is likely to carry some traffic to the commercial or industrial zone, the street plan shall include such traffic calming or other measures that will minimize the commercial/industrial use as the Board may require. The Board may also designate that street as a principal street.

Section 4.3.3 Design Standards for Streets and Driveways

	A. Primary Streets	B. Secondary Streets	C. Minor Streets	D. Common Driveways
1. Definition	A street which, in the opinion of the Board, is likely to carry a substantial volume of through traffic	A street or portion thereof other than a through street which, in the opinion of the Board is likely to carry through traffic other than just to and from the lots on that street	A street or portion thereof which is likely to be used only by vehicles traveling to of from lots on the street.	Driveways allowed by special permit under section 7.4.1 C of the zoning bylaw
2. Minimum Width of Right of Way	50 feet	50 feet	50 feet	Not applicable
3. Minimum Width of Paved Travel Way, if not ending in a turnaround	24 feet	22 feet	22 feet	20 feet; paving required only if special permit so requires
4. Minimum Width of Paved Travel Way, if ending in a turnaround	24 feet	24 feet	24 feet	20 feet ; paving required only if special permit so requires
5. Shoulders or parking lane, each side	6 feet; outer edge shall be not less than 4" lower than pavement	6 feet; outer edge shall be not less than 4" lower than pavement	Not required	Not required
6. Maximum grade of road-way	8%	10%	10%	10%
7. Leveling area	Maximum 1% grade within 25' of intersection	Maximum 2% grade within 25' of intersection	Maximum 2% grade within 25' of intersection	Not required
8. Curbing	Granite curb to specifications of Dept. Of Public Works	Bituminous Concrete Cape Cod berm (see appendix)	Not required	Not required
9. Sidewalks	5' wide, both sides of street	5' wide, 1 side of street	5' wide on one side if street length exceeds 500'	Not required
10. Abutting slope in cut	1:2	1:2	1:2	1:2

	Primary Streets	Secondary Streets	Minor Streets	Common Driveways
11. Abutting slope filled	1:3	1:3	1:3	1:3
12. Dead Ends except in commercial or industrial zones	Any length beyond last intersection will qualify as a minor street *	Any length beyond last intersection will qualify as a minor street **	See below	Not applicable
13. Dead Ends in commercial and industrial zones	Any length beyond last intersection will qualify as a minor street *	500' or 3 times the minimum lot frontage, whichever is less **	Not applicable	Not applicable
14. Maximum length of dead end street not ending in a turnaround	Not applicable	Not applicable	300' in all zones	500' in all zones
15. Maximum length of dead end street ending in a turnaround	Not applicable	Not applicable	700' in R80 zone 500' in R40 zone 500' in R10 zone	Not applicable
16. Minimum turnaround radius, right of way	Not applicable	Not applicable	55 feet	Not applicable
17. Minimum turnaround radius, outside of pavement	Not applicable	Not applicable	45 feet; pavement 15' wide	Not applicable
18. Center area of turnaround	Not applicable	Not applicable	To be grassed	Not applicable

* If, in the opinion of the Board, the street may be extended in the future, the requirements for a principal street shall apply.

** If, in the opinion of the Board, the street may be extended in the future, the requirements for a secondary street shall apply.

Section 4.3.4 Roadway Drainage:

Roadway drainage should preferably follow best management practices for low impact development such as the use of swales or bioretention areas. These areas may be alongside the roadway within the right of way. The use of catch basins and underground piping will be approved only when no other storm water management system is practical.

Section 4.3.5 Curb Specifications:

Where curbing is required, whether it be granite or bituminous concrete berms, it shall be installed in accordance with the specifications of the Department of Public Works. Where low impact disposal of storm water is provided, appropriate curb cuts for drainage shall be provided.

Section 4.3.6 Curb Cuts in Residential Zones:

Curb cuts for access to the lots shall be located so as to provide safe sight distances as determined by the Board. The location of curb cuts shall be shown on the subdivision plan. Curb cuts should not exceed 24' in width.

- A. The property owner shall be responsible for paving the apron to the property line.

Section 4.3.7 Curb Cuts in Other Zones:

The provisions of Sections 4.3.5 and 4.3.6 shall apply to curb cuts for single and two family residences. For other uses in these zones, the Board will designate curb cuts as part of the site plan approval process.

- A. The property owner shall be responsible for paving the apron to the property line.

Section 4.3.8 Walkways in a Subdivision:

As an alternate to the sidewalks required in the previous sections, walkways which must serve lots in a subdivision which are otherwise required to be served by sidewalks may be constructed other than beside the streets, as the Board may allow. All lots in areas requiring sidewalks must be served by sidewalks or walkways. The locations, design and construction shall be in conformity with the specifications of the Department of Public Works. The inclusion of bicycle paths is encouraged. Walkways other than those in roadway rights of way shall require that appropriate easements be established. All walkway and sidewalk specifications must be approved by the Board.

Section 4.3.9 Accessibility:

All streets, curb cuts, walkways, ramps, parking spaces, passenger loading zones and other outdoor improvements should be designed to conform to the requirements of the Massachusetts Architectural Access Board as provided in 521 CMR. This includes the making provision for accessible parking spaces.

Section 4.3.10 Visibility at Intersections:

In all districts, a corner lot shall provide visibility unobstructed at intersections. No sign, fence, wall, tree, ledge or other vegetation, and no building or other structure shall be more than three and one-half feet and less than six feet above the established street grade within the area formed by the intersecting street lines and a straight line joining said street lines at a point which is twenty-five (25) feet distant from the point of intersection measured along street lines. Specimen trees (trunks but not branches) will be allowed.

Section 4.4 Common Driveways in Residential Zones

Section 4.4.1 Common Driveways Permitted:

The Board may, without any obligation to so do, allow a common driveway in place of a minor street provided the common driveway is allowed by the zoning bylaw [see zoning bylaw section 7.4.1 C] and will not serve as potential access to other property, either property of the applicant or abutting property. The maximum width should not exceed 24'.

Section 4.4.2 Required Deed Language:

Before it allows a common driveway, the Board will require that the applicant provide acceptable language that will be incorporated into the deeds for the lots affected which will guarantee in perpetuity access to all of the lots and proper maintenance of the common driveway(s). Further a special condition will be added to the definitive plan to provide for guaranteed access to the lots and guaranteed maintenance of the common driveway(s).

Section 4.4.3 Not Principal Access Commercial & Industrial Zones:

Common driveways as the principal access to lots will not be authorized in planned development, commercial or industrial zones.

Section 4.4.4 Standards for Common Driveways:

The detailed standards for common driveways are included in Section 4.3.3 D. All common driveways shall also meet the standards established by Section 8.8 of the zoning bylaw.

Section 4.5 Individual Driveways:

No principal building on a lot shall be located so as to require a driveway longer than 500 feet measured from the roadway to the nearest point on the building except by a waiver granted by the Board upon a finding that a shorter access is impracticable.

Section 4.6 Open Spaces:

Before approval of a plan, the Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes, or for providing light and air. The park(s) shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. Such parks shall be provided with appropriate easements to streets and pedestrian ways.

Section 4.7 Overlay Districts:

Land located within all overlay districts is subject to the provisions of the Winchendon Zoning Bylaw, which in general restricts the use of land in such district. The Board may modify these regulations as necessary for subdivisions in those districts.

Section 4.8 Wetlands Protection:

The Wetlands Protection Act, MGL Chapter 131, Section 40, provides:

no person shall remove, fill dredge, or alter any bank, beach, flat, marsh, meadow, or swamp bordering ... on any ... creek, river, stream, pond, or lake, or any land under said waters ... without filing written notice of his intention to so remove, fill, dredge, or alter, including such plans as may be necessary to describe such proposed activity and its effect upon the environment, at least sixty days prior to any such removing, filling, dredging, or altering. Said notice shall be sent by certified mail to the Conservation Commission. No such notice shall be sent before all permits, variances, and approval required by local bylaw, with respect to the proposed activity have been obtained.

The Board will condition its approval of the plan upon issuance of an “Order of Conditions” by the Conservation Commission if such an order is required. Developers are reminded that the Conservation Commission will not conduct site visits when the land is obscured by snow.

Section 4.9 Protection of Town Property:

No natural feature within a road right of way or other property of the Town, such as trees, stone-walls, etc. may be removed or disturbed until approval is obtained by the Winchendon Tree Warden and the Department of Public Works. If the road is designated as a scenic road, the permit and other requirements for work on scenic roads shall be followed. No walls, pillars, fences, gates, etc. shall be placed on the Town Right of Way. Mailboxes shall comply with postal regulations.

Section 4.10 Parking Requirements:

Off-street parking shall be provided in accordance with the zoning bylaw. [See zoning bylaw, Article 8.]

Section 4.11 Utilities

Section 4.11.1 Water Supply:

If a new subdivision is within 1500 feet of the existing town water distribution system, the applicant shall connect all properties in the subdivision with the town system. The distance shall be measured along town ways, public or not public and ways in any authorized subdivision from a town water main of at least 6 inches in diameter to the centerline of the nearest lot in the subdivision.

- A.** All pipes and fittings installed shall become town property from the time it is found free of defects and is placed in normal service (See also Section 5.4A). The developer shall also install fire hydrants, provisions to connect existing and authorized streets, and for connecting properties abutting those streets in which the water main is laid. The developer shall reimburse the Town for the cost of repairs to such pipes and fittings that are required within five years after being placed in normal service. A guarantee bond may be required.
- B.** If water mains are installed in streets in another subdivision, the installing developer shall have a claim for the cost of that part of the installation against that other developer.
- C.** If the Department of Public Works determines that an existing water main to which connection will be made is too small to serve its existing customer load, the load which will be imposed by the new subdivision, and any likely future subdivision between the existing main and the new subdivision, the developer shall replace those parts of the existing water mains that are deemed inadequate with mains of adequate diameter.
- D.** Water pipes and related equipment such as hydrants and main shutoff valves shall be constructed to serve all lots on each street in the subdivision in conformity with specifications of the Department of Public Works and Fire Department. Hydrants shall be provided and placed at intervals of not more than four hundred (400') feet along each street.
- E.** In a subdivision of more than 12 lots which will not be served by the town water supply under the preceding section, the developer may be required to install a common water supply system. Such system shall consist of a water supply of adequate quantity and quality to meet public water supply standards, a distribution system serving all lots in the subdivision with pipes and fittings of sufficient size to meet Department of Public Works standards for the town system. If the developer owns or controls other property contiguous with the proposed subdivision, the number of possible lots in that parcel or parcels shall be added to the number of lots in the proposed subdivision to determine whether the 12 lot threshold is met.

Section 4.11.2 Sanitary Sewer:

If a subdivision is located within 1500 feet of the town sanitary sewer system, the developer shall connect to the town system. The distance shall be measured along town ways, public or not public and ways in any authorized subdivision from the town sewer system to the centerline of the nearest lot in the subdivision. The actual sewer need not follow town ways. The design shall re-

quire approval by the Board of Health and the Department of Public Works. The Board will not waive this requirement simply because lift stations or individual unit pumps will be required in order to discharge into the town system.

A. All manholes, pipes, and fittings installed shall become town property from the time they are found free of defects and are placed in normal service. The developer shall also install provisions to connect existing and authorized streets, and for connecting all properties abutting the streets in which the sewer is laid. The developer shall reimburse the Town for the cost of repairs to such pipes, manholes, and fittings that are required within five years after being placed in normal service. A guarantee bond may be required.

B. If sewers are installed in streets in another uncompleted subdivision, the installing developer shall have a claim for the other developer's share of the proportional cost of the installation against that other developer.

C. If the Department of Public Works determines that an existing sewer to which connection will be made is too small to serve its existing customer load, that which will be imposed by the new subdivision, and any likely future subdivision between the existing main and the new subdivision, the developer shall replace those parts of the existing sewer that are deemed inadequate to make the entire system adequate.

D. Sewer pipes, manholes, connecting Y s, and related equipment shall conform to the specifications of the Department of Public Works.

E. If the subdivision is not required to be connected to the municipal sewer system, the developer may, with the approval of the Board of Health, install a system of common sewers and disposal works. In such a system, all underground piping, manholes, connections, and other appurtenances shall meet the standards of the Department of Public Works for the municipal system. The system shall be designed so that it may be connected to the municipal system should that become feasible. The Board will require adequate provisions for the operation and maintenance of the system

Section 4.11.3 Storm Water Disposal:

Insofar as possible storm water disposal shall be accomplished through the use of structures and facilities that return the storm water to the soil as expeditiously as possible such as grassed swales or bioretention basins. Current state standards for low impact development must be followed. The construction of systems that will discharge storm water into a stream or wetland may be permitted only when no other feasible option is available.

A. If catch basins and underground piping are allowed for storm water disposal, catch basins shall be constructed in conformity with specifications of the Board of Public Works and shall be on both sides of the roadway on continuous grades at intervals of not more than 400 feet, at low points and sags in the roadway and near the corners of the roadway at intersecting streets. The developer shall reimburse the Town for the cost of repairs to such pipes, manholes, and fittings that are required within five years after the street has been paved. A guarantee bond may be required.

B. Storm water management, including methods of maintaining existing drainage pattern, and explanation of how the proposed storm water management system shall comply with the Massachusetts Storm Water Handbook.

C. All storm water disposal systems shall be designed and built so as to prevent the discharge of storm water onto adjacent properties in greater amounts or at greater flow rates than existed prior to the development. Nor shall storm water from one lot or a roadway be discharged onto another lot so as to create a nuisance. Remediation of existing nuisances may be required.

Section 4.11.4 Other Utilities:

Gas, electric, telephone, etc. shall, if situated in a flood prone area, be flood-proofed and approved by the Department of Public Works. Developers will be encouraged and may be required to install utility services, including electricity, telephone and cable antenna television services underground, and will be required to follow an approved distribution plan. Any associated overhead structures shall be in conformity with Town standards. Any related equipment, such as transformers, switching mechanisms, or other vital components shall, if situated in a flood prone area, be flood-proofed and approved by the Department of Public Works.

Section 4.11.5 School Bus Stops:

In areas where transportation of school students will be required, the developer shall consult with the school department as to likely school bus stop locations and shall make sure such locations will provide safe access for students. Student shelter(s) may be required.

Section 4.12 Fire Protection:

A. A fire alarm system shall be provided according to the provisions of Section 5.10.

B. A water supply for fire protection shall be provided according to the provisions of Section 5.11.

Section 4.13 Monuments

Monuments shall be installed on both sides of the street at all street intersections, at all points of change of direction or curvatures of streets at one thousand (1000') foot intervals maximum on curves, on property corners of all new lots and at other points where, in the opinion of the Board, permanent monuments are necessary. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed. Placement and location of bounds are to be certified by a registered professional engineer or registered land surveyor after installation of the way, and shall be shown on the as-built drawings.

Section 4.13.1 Monument Specifications:

Monuments shall be a standard granite marker of not less than four feet in length and not less than 6 inches in width and breadth and shall have a metal bar installed at the exact location of the

boundary point. Monuments shall be set six (6) inches above the final grade. The metal bar is must be installed so that the monument may be found with a metal detector.

Section 4.14 Street Signs

Section 4.14.1 Signs at Intersections:

At all intersections street signs shall be installed in conformity with the specifications of the Department of Public Works.

Section 4.14.2 Private Way Signs:

Until such time as a street is accepted by the Town of Winchendon 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 not being a public way.

Section 4.15 Street Trees

Section 4.15.1 Existing Trees:

Should suitable trees to meet the requirements of this section exist within the right of way or within twenty (20) feet thereof on the abutting lot, the retention of such trees, if healthy, will be considered preferable to the planting of new trees. If such trees exist and are identified on the landscape plan, the Board will waive the planting of new trees in that area.

Section 4.15.2 New Trees:

Trees shall be required at the applicant's expense along roads within the entire tract being subdivided, unless specifically exempted by the Board. All trees shall be of native or non-invasive species and be the equivalent of well-rooted nursery-grown stock not less than one inch dbh in good condition and free of injury, harmful insects and diseases.

Section 4.15.3 Landscape Plan Required:

The applicant shall submit as part of the subdivision application a landscape plan prepared by a registered landscape architect who shall specify the number, location, and type of trees to be planted in the subdivision. Trees shall be planted along or within the right-of-way on both sides at intervals of approximately fifty (50) feet, but no closer than thirty five (35) feet.

Section 4.16 Solar Access

Section 4.16.1 Solar Access:

Consideration should be given to siting of structures to maximize solar access.

Section 5 Subdivision Construction Standards

Section 5.1 Notice of Commencement of Construction

Section 5.1.1 Notice of Construction:

Any person intending to commence construction in any subdivision or in any way shall give ten (10) days advance notice to the Board's compliance official, if any, otherwise to the building commissioner/zoning enforcement agent before commencing construction.

Section 5.1.2 No Nuisance:

The Board will require adequate measures including, without limitation, barriers and restricted hours of operation to insure that the work does not become a nuisance to abutters.

Section 5.2 Construction Standards: Land Clearing.

Section 5.2.1 Required Measures:

The applicant shall employ the following measures in development of the site:

- A.** Minimize site alteration/land clearing;
- B.** Site/building design shall preserve natural topography outside of the development footprint to reduce unnecessary land disturbance and to preserve natural drainage channels on the site;
- C.** Unless an approved plan allows a greater area, clearing of vegetation and alteration of topography shall be limited to 10% of the site with native vegetation planted in disturbed areas as needed to maximize absorption of rainwater and reduce runoff, enhance or restore wildlife habitat;
- D.** Clearing for utility trenching shall be limited to the minimum area necessary to maneuver trenching or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling or routing along driveways for utilities installation should be utilized wherever feasible to protect root systems of trees;
- E.** Hilltops and/or scenic views within the town of Winchendon shall be protected;
- F.** Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape. Building sites shall be directed away from the crest of hills, and foundations shall be constructed to reflect the natural terrain;
- G.** Wildlife habitat shall be protected;

H. Sites shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas;

I. Impacts to archaeological resources shall be avoided;

J. Applicants shall submit a response from the Massachusetts Historical Commission (MHC) regarding the potential for archaeological or historical resources on the site;

K. Open space and specimen trees on the site shall be preserved insofar as possible;

L. In the design of a development, priority shall be given to retention of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.

M. Understory vegetation beneath the dripline of preserved trees shall also be retained in an undisturbed state. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.

N. Forested areas shall be preserved if they are associated with:

1. significant forest communities as defined herein;
2. wetlands, water bodies, and their buffers;
3. critical wildlife habitat areas;
4. slopes over 15 percent.

O. Cut and fill in site development shall be minimized.

P. Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing and grading.

Section 5.2.2 Must Minimize Clearing and Grading:

BMPs and other efforts to minimize the clearing and grading on a site associated with construction activities shall be employed, such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, etc. in areas already planned for permanent structures. Earth materials shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers.

Section 5.2.3 Finished Grades:

Finished grades in disturbed areas should be limited to no greater than a 1:2 slopes, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible.

Section 5.2.4 Site Management Techniques:

Proper site management techniques shall be employed during construction.

- A.** BMPs shall be employed to avoid detrimental impacts to existing vegetation, soil compaction, and damage to root systems.
- B.** The extent of a site exposed at any one time shall be limited through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.
- C.** Trees, stumps, brush, and similar material may be left or buried on the site only with the advance approval of the Board. This requirement is to prevent future erosion and sinkholes.

Section 5.2.5 Site Protection during Construction:

The developer must protect the site during construction through adequate erosion and sedimentation controls:

- A.** Temporary or permanent diversions, berms, grassed waterways, special culverts, shoulder dikes or such other mechanical measures as are necessary may be required by the Board to intercept and divert surface water runoff. Runoff flow shall not be routed through areas of protected vegetation or revegetated slopes and other areas. Temporary runoff from erosion and sedimentation controls shall be directed to BMPs such as vegetated swales. Retaining walls may be required where side slopes are steeper than a ratio of 1:2.
- B.** Erosion and sedimentation controls shall be constructed in accordance with the Massachusetts Storm Water Handbook.
- C.** Erosion control measures shall include the use of erosion control matting, mulches and/or temporary or permanent cover crops. Mulch areas damaged from heavy rainfalls, severe storms and construction activity shall be repaired immediately.
- D.** Erosion control matting or mulch shall be anchored where plantings are on areas subject to mulch removal by wind or water flows or where side slopes are steeper than 1:2 or exceed 10 feet in height. During the months of October through April when seeding and sodding may be impractical, anchored mulch may be applied at the Board's discretion.
- E.** Runoff from impervious surfaces shall be recharged on the site by storm water infiltration basins, vegetated swales, constructed wetlands or similar systems covered with natural vegetation. Runoff shall not be discharged directly to rivers, streams, or other surface water bodies. Dry wells shall be used only where other methods are not feasible. All such basins and wells shall be preceded by oil, grease, and sediment traps as may be required. The mouths of all catch basins shall be fitted with filter fabric during the entire

construction process to minimize siltation or such basins shall be designed as temporary siltation basins with provisions made for final cleaning.

F. The applicant shall be required to conduct weekly inspections of all erosion and sedimentation control measures on the site to ensure that they are properly functioning as well as to conduct inspections after severe storm events.

Section 5.2.6 Revegetation:

The developer shall revegetate the site promptly after grading:

- A.** Stabilization of cleared sites shall occur within seven calendar days of final grading.
- B.** Proper revegetation techniques shall be employed using native plant species, proper seed bed preparation, fertilizer and mulching to protect germinating plants. Areas shall be sodded or loamed with not less than four (4") inches compacted depth of good quality topsoil, and seeded with turf grass seed of a mixture approved by the Board. Plantings shall be made during the season appropriate to the selected plant species.
- C.** Finished grade shall be no higher than the trunk flare(s) of trees to be retained. If a grade change of six inches (6") or more at the base of the tree is proposed, a retaining wall or tree well may be required.

Section 5.2.7 Protection of Abutters:

An increase in the volume of surface drainage from the properties under construction onto abutting properties is not permitted.

Section 5.2.8 Monitoring and Inspections:

- A.** Prior to commencement of construction, the applicant, land owner, contractor and construction crew, zoning enforcement officer, and site engineer shall conduct a meeting to review the proposed construction phasing and number and timing of site inspections.
- B.** Initial site inspection of erosion and sedimentation controls and placement of tree protection measures shall occur after installation of barriers around preserved areas and construction of all structural erosion and sedimentation controls, but before any clearing or grading has begun.
- C.** Routine inspections by the developer of preserved areas and erosion and sedimentation controls shall be made at varying intervals depending on the extent of site alteration and the frequency and intensity of rainfall.

Section 5.2.9 Slope Stabilization:

Effective stabilization of revegetated areas must be approved by the compliance monitor before erosion and sedimentation controls are removed. The compliance monitor shall complete an inspection prior to removal of temporary erosion and sedimentation controls.

Section 5.2.10 Required Security:

The Planning Board may require a performance guarantee in a form acceptable to the town to cover the costs associated with compliance with this regulation.

A. The required performance guarantee in the amount of 150% of the cost of site restoration shall be posted prior to the issuance of a permit to start construction of the subdivision.

B. The performance guarantee shall be held for the duration of any prescribed maintenance period required by the Planning Board to ensure establishment and rooting of all new plantings, and may be reduced from time to time to reflect completed work. Plantings which die within the prescribed maintenance period shall be replaced. Securities shall not be fully released without a final inspection and approval of vegetation replacement by the town.

Section 5.2.11 Enforcement:

A. The town may take any or all of the enforcement actions prescribed in this regulation to ensure compliance with, and/or remedy a violation of this regulation; and/or when immediate danger exists to the public or adjacent property, as determined by the Building Commissioner or compliance official. Securities described in Section 5.2.10 may be used by the town in carrying out any necessary enforcement actions.

B. The Building Commissioner or compliance officer may post the site with a Stop Work order directing that all vegetation clearing not authorized under a Site Alteration Permit cease immediately. The issuance of a Stop Work order may include remediation or other requirements which must be met before clearing activities may resume.

C. The Board may, after written notice is provided to the applicant, or after the site has been posted with a Stop Work order, suspend or revoke the subdivision approval.

Section 5.3 Construction Standards: Streets and Ways

A. The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, or like material and all trees not intended for preservation.

B. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.

C. All roadways shall be brought to finished grade as shown on the profiles of the Definitive Plan. The roadway shall be surfaced with at least the top twelve inches consisting of two six-inch layers of well-compacted binding gravel, 4" minus, to the specified width and location.

D. The completed gravel surface of the travel lanes of all streets shall be treated for the full width of the roadway with a minimum of 1 1/2 inches of bituminous concrete wearing course pavement, over a minimum 2 inch binder course of bituminous concrete.

E. The workmanship of all street and municipal service installations shall be tested by exposure, after installation, during the consecutive interval December 1 to the following April 30. The compliance official shall inspect the installation after said exposure to determine if the installation is adequate and completed.

F. Temporary access roads for use during construction may be constructed if necessary. Such road(s) shall be shown on the plans. All such roads shall be removed and the land restored to its original condition before the end of construction.

G. All cleared areas of a right-of-way, not to be planted with groundcover plantings, including all disturbed areas within public easements, shall be sodded or loamed with not less than four (4") inches compacted depth of good quality loam, and seeded with turf grass seed of a mixture approved by the Board. Plantings shall be made during the season appropriate to the selected plant species.

Section 5.4 Construction Standards: Utilities

A. All materials used, including pipe and fittings, shall be manufactured by firms and be models thereof approved by the Department of Public Works.

B. All construction without limitation including trenches, excavations, the backfilling thereof and subsurface masonry shall be performed according to standards approved by the Department of Public Works.

C. Any such subsurface work shall be performed before the gravel surface or pavement is laid.

D. In the event that an open cut of pavement is required after binder is in place backfill with controlled density fill (CDF) is required.

Section 5.5 Construction Standards: Trees and Other Plantings

The applicant shall plant trees as provided in the landscape plan submitted as part of the subdivision application according to the requirements of this section. The developer shall provide for the inspection of stock and planting operations shall be in accordance with good horticultural practice. The developer shall provide a one-year warranty on all stock.

Section 5.6 Slopes Planting and Grading of Lots, Preservation of Vegetation

Section 5.6.1 Erosion Control:

All cut or fill slopes subject to erosion shall be planted with suitable plant materials. Transplants shall be well-rooted, properly set and watered as necessary. Perennial grasses shall be suited to the landscape and located to provide adequate cover as determined by the Board on advice of its engineers. In areas subject to potential serious erosion, the Board may require the planting of sod and the use of additional erosion control measures. A wood chip or comparable mulch shall be used with ground cover plants to minimize erosion. Any plantings which do not survive for one year shall be replanted.

Section 5.6.2 Slope Stabilization:

Slope is defined as the ratio of vertical rise over horizontal distance. Upon completion of grading and replacement of topsoil, slopes shall be appropriately stabilized to prevent erosion. Excessively steep slopes (over 1:4) shall not be permitted. An adequate slope stabilization plan shall be approved by the Board.

Section 5.6.3 Guide for Slope Stabilization:

The following guide for slope stabilization is recommended:

Slopes steeper than 1:2:	Rip rap or terracing.
Slopes of 1:8 to 1:2	Sod or establish vegetation or seedlings in association with webbing or approved mulch placed over the soil.
Slopes of 1:20 to 1:8	Sod or plant seed in association with webbing or approved mulch placed over the soil.

Section 5.6.4 Temporary Measures:

Appropriate temporary measures should be taken to prevent erosion of bankings and slopes during construction.

Section 5.7 Grass Strips

All cleared areas of a right-of-way, not to be planted with groundcover plantings, including all disturbed areas within public easements, shall be sodded or loamed with not less than four (4") inches compacted depth of good quality loam, and seeded with turf grass seed of a mixture approved by the Board. Plantings shall be made during the season appropriate to the selected plant species.

Section 5.8 Protection of Natural Resources

Due regard shall be shown for all natural features such as large trees, water courses, scenic points, historic spots and similar community assets which, if preserved, will add attractiveness and value to the subdivision. Before approval the Board may require the staking out of all natural features not to be disturbed in the process of construction.

Section 5.9 Fire Alarm System

A fire alarm system shall be installed in conformity with the specifications of the Winchendon Fire Department.

Section 5.10 Fire Protection Water Supply Regulations

The following Fire Protection Water Supply Regulations shall apply to all new residential developments that provide for more than four or more new residential units and all unsprinklered com-

mercial and industrial developments with buildings aggregating more than 12,000 square feet gross floor area:

A. GENERAL REQUIREMENTS

- 1.** In accordance with Winchendon's Subdivision Regulations, and Massachusetts General Law Chapter 148, Section 28, the Winchendon Fire Department has adopted the following regulations with regard to Water Supply for the purposes of fire protection.
- 2.** Anyone fulfilling the enclosed regulations is to meet all requirements specified by other boards and departments as they may relate to the work performed.
- 3.** Any development under Winchendon's Subdivision Regulations, that is within 1500 feet of the current geographical area serviced by the municipal water system shall provide municipal water supply for fire protection. (See Section 4.11.1.)
- 4.** In those areas where the extension of the municipal water system is not required and is technically unfeasible, the developer shall be required to provide a water supply for fire protection commensurate to the hazard, as approved by the fire department.
- 5.** In the case that the developer is required to or wishes to install a fire protection water supply and neither extending the hydrant system nor installing a cistern is feasible, a dry hydrant system into an existing water supply or new water supply may be installed for fire protection purposes. (See Section 5.11 D.)
- 6.** The term Fire Chief in this section shall mean the Fire Chief or his designee.

B. HYDRANT REQUIREMENTS

1. GENERAL HYDRANT REQUIREMENTS:

- a.** Any development occurring within 1500 feet of an existing water main shall extend the system to provide fire hydrants for fire protection purposes.
- b.** Fire hydrant type and installation will be in accordance with the requirements of the Department of Public Works.
- c.** The fire chief shall review all fire hydrant locations.

2. TESTING AND INSPECTION:

- a.** All public hydrants shall be tested and inspected by the Town of Winchendon Water Department prior to acceptance.
- b.** All private hydrants shall be tested and inspected in accordance with the Town of Winchendon Private Fire Hydrant Regulations.

C. FIRE CISTERN REQUIREMENTS

1. GENERAL FIRE CISTERN REQUIREMENTS:

- a.** Fire cisterns shall be located no more than 1,200 feet road way/driveway travel distance from any structure on the furthestmost lot within a development.
- b.** The design of the fire cistern shall provide for a trouble-free life expectation of 20 years.
- c.** The capacity of the cistern will be based on the size of the largest home/building to be constructed within the development. However, no fire cistern shall be smaller than 30,000 gallon water capacity.
- d.** The design of the fire cistern shall be submitted to the Fire Chief for approval prior to construction. All plans must be signed and stamped by Structural or Fire Protection licensed/registered engineer in the State of Massachusetts.
- e.** The entire fire cistern shall be rated for H-20 highway loading unless specifically exempted by the Fire Chief.
- f.** Each cistern shall be sited to the particular location by a Registered Engineer and approved by the Fire Chief. All appropriate easements to the Town shall be in place at the time of Fire Department Acceptance.
- g.** Precast concrete shall achieve 28-day strength of 4,000 PSIG. Poured concrete should be placed with a minimum of 4" slump and vibrated in a professional manner or as specified by the manufacturer's specifications or design engineer.
- h.** The concrete shall be mixed, placed and cured without the use of calcium chloride. Winter placement and curing shall follow the accepted American Concrete Institute (ACI) codes.
- i.** All piping shall be American Society for Testing and Material (ASTM) D 2665 SCH 40 180 PSIPVC DWV with glued joints.
- j.** All connections shall be clean and the appropriate sealing materials used according to manufacturer's specifications so as to ensure all joints are airtight. All connections must be anchored to the cistern to resist movement.
- k.** The entire cistern shall be completely piped and inspected prior to any backfilling.
- l.** All backfill materials shall be screened gravel with no stone larger than 1.5" (inches) and shall be compacted to 95% ASTM 1557 or as specified by the manufacturer's specifications or design engineer.
- m.** Bedding for the cistern shall consist of a minimum of 12" (inches) of .75" to 1.5" (inch), crushed washed stone, compacted. No fill shall be used under the stone.

- n.** The cistern shall be designed and installed so it will not float when empty.
- o.** The entire tank will be guaranteed to be watertight (leak proof) by the installer for one year.
- p.** The design engineer for the cistern will inspect all steps of the installation and provide a report of conformity with the specifications to the Fire Department.
- q.** All cisterns shall be equipped with a raised 32" (inch) watertight manhole with a blank cover and secured with a Knox Exterior Padlock Model 3753. There is to be access to the manhole cover after backfilling and site work. Access must be provided to all sections of the tank.
- r.** Perimeter of tank at floor/wall joint should be sealed with 8" PVC Waterstop.

2. SUCTION CONNECTION:

- a.** The suction connection shall be factory supplied painted aluminum, threaded male connection 6" (inches) in diameter, with NH thread and provided with fixed strainer and a suitable cap.
- b.** The suction piping system shall be 6" (six inches) in diameter and capable of delivering 1,000 gallons per minute, for three quarters of the cistern's rated capacity.
- c.** The suction pipe connection shall be 36 inches above the level of the grade where the vehicle wheels will be located when the cistern is in use.
- d.** Suction piping shall be supported on top of the tank and to the bottom of the cistern with a space of 8" from the floor of the tank to prevent vertical or horizontal movement, using non-corrosive hardware. Supports at top of tank shall be located so as not to be affected by frost.
- e.** The bottom of the suction pipe to the pumper connection shall not exceed 14 feet vertical distance.
- f.** Suction piping should be designed to minimize whirlpooling.
- g.** The suction pipe connection shall terminate not more than eight (8) feet from the edge of the pavement.
- h.** All above the tank suction piping shall be pitched slightly back towards the tank for proper drainage.

3. VEHICLE PARKING AREA:

- a.** The shoulder and vehicle pad should be of a sufficient length to permit convenient access to the suction connection when the pumper is set at 45 degrees to the road.
- b.** The pitch of shoulder and vehicle pad from edge of pavement to pumper suction connection shall be 1 % to 3% downgrade.

4. FILLER CONNECTION:

- a.** The filler pipe shall be 6" in diameter.
- b.** The filler connection shall have one, Siamese fitting with two 2-1/2" (inch) connections, with NH thread with two Knox FDC Cap Model 3012 - Matte Gray Stainless locking covers attached to a 45 degree downward sweep elbow. The filler connection shall be supported vertically to the cistern.
- c.** The filler pipe connection shall be 36 inches above the final grade.
- d.** Filler piping shall be supported on top of the tank to prevent vertical or horizontal movement.

5. VENT PIPE:

- a.** The vent pipe shall be 8 inches in diameter.
- b.** The vent pipe shall terminate not less than 36 inches above the final grade, with the opening to the pipe facing downward.
- c.** Vent piping shall have screen covers installed to prevent access by wildlife.

6. BACKFILLING OF CISTERN:

- a.** 4 feet of fill or design engineer or manufacturer's specifications; or
- b.** The top and highest 2 feet of the cistern shall be insulated with vermin resistant foam insulation, and 2 feet of fill or design engineer or manufacturer's specifications.
- c.** Compacted backfill shall extend 10 feet beyond the edge of the cistern and then have a maximum 1:3 slope, loamed and seeded or sodded.
- d.** All construction, backfill, and grading material should be in accordance with proper construction practices and acceptable to the fire chief.

7. SITE WORK:

- a.** After backfilling, the cistern and piping shall be protected from potential vehicular damage, by;
 - i.** Steel, concrete filled, pipe bollards no less than 8" in diameter set in the ground below the frost line, or
 - ii.** Large rocks, or
 - iii.** By fencing, or any combination of bollards, rocks, or fence.
- b.** The installer is responsible for completely filling the cistern prior to acceptance by the authority having jurisdiction. The water level is not to drop more than 1 inch in 24 hours initially and not more than 1 inch additionally in 30 days.
- c.** The installer is responsible to supply and install identification signs as directed by the fire chief. (See Appendix)
- d.** The installer is responsible to install a deep well and pump, in accordance with Chapter 255-2A of the Winchendon Board of Health Water Supply Regulations that will automatically maintain a full water level in the tank. The well/pump combination must be capable of delivering a minimum of 5 gallons per minute. If the well is determined capable of delivering higher volume, equipment will be installed to provide the higher volume.
- e.** The installer is responsible to install a water fill notification light that will flash a red light when the well pump is operating. The light will be mounted at least 5' above the surface of the ground.

8. GENERAL CONDITIONS:

- a.** NO OCCUPANCY PERMITS WILL BE ISSUED UNTIL CISTERN IS INSTALLED, TESTED, AND ACCEPTED BY THE FIRE DEPARTMENT.
- b.** The installer shall be required to post a 1-year bond in the amount of \$5,000 per 10,000 gallons for maintenance and repair prior to final acceptance.
- c.** The installer is responsible to convey to the town a one-time sum in the amount of \$10,000 for perpetual maintenance and repair.

9. FIRE DEPARTMENT ACCEPTANCE SEQUENCE:

- a.** The Fire Department will review all cistern plans and engineering data prior start of construction.
- b.** The Fire Department will be notified and provided the opportunity to inspect at the following mid points of construction:
 - i.** Site Preparation prior to tank installation

- ii.** Prior to backfill
- c.** The developer will notify the Fire Department when all site work is complete and tank is operational and ready for operational acceptance, and provide evidence of bond for one-year maintenance.
- d.** The Fire Department performs functional test including water recovery at minimum of 5 gpm and validates operation of cistern.
- e.** Developer provides town with perpetual maintenance fee.
- f.** The Fire Department provides operational acceptance and turns off well pump to start 30-day stability test.
- g.** Occupancy permits can now be processed if being held for cistern completion.
- h.** 30 days after operational acceptance the Fire Department will inspect the cistern to see that water level has been maintained, and if any functional issues exist the developer will be notified to resolve issues.
- i.** Within 1 year the developer will convey any easements to the town with regard to the cistern.
- j.** During the first 12 months the Fire Department will perform inspections and tests of cistern and notify developer to resolve any issues.
- k.** Twelve months from the Fire Department's operational acceptance they will perform one final inspection and test of cistern to validate operation and will notify the developer if any issues need to be resolved. If no issues exist, the Fire Department will notify the developer of final acceptance and release any claims against the bond.

D. DRY HYDRANT REQUIREMENTS GENERAL

- 1.** The design of the dry hydrants shall be for trouble-free service that will last a lifetime.
- 2.** The dry hydrant water supply capacity shall be based on the largest home/building being protected. However no dry hydrant water supply shall be smaller than 30,000 gallons of water. The water supply capacity calculation shall be made by a professional engineer utilizing 50-year drought records.
- 3.** The design of the dry hydrants shall be submitted to the fire chief for approval prior to construction.
- 4.** Each dry hydrant shall be sited to the particular location and approved by the fire chief.

5. All piping shall be American Society for Testing and Material (ASTM) D 2665 SCH 40 180 PSIPVC DWV with glued joints.
6. All connections shall be clean and the appropriate sealing material used according to manufacturer's specifications so as to ensure all joints are airtight.
7. The suction connection shall be factory supplied painted aluminum, threaded male connection 6" (inches) in diameter, with NH thread and provided with fixed strainer and a suitable cap.
8. The entire dry hydrant shall be completely piped and inspected prior to any back-filling.
9. All backfill materials shall be screened gravel with no stone larger than 1.5 by 1 inches and shall be compacted to 95% ASTM 1557.
10. Bedding for the dry hydrant piping shall consist of a minimum of 12 inches of screened gravel with no stone larger than 1.5" (inches.) and be fully compacted.
11. The suction pipe connection shall be between 20 and 24 inches above the level of the grade when the hydrant is in use, and the 90-degree elbow in the ground is to be supported by a large flat rock or concrete pad.
12. After backfilling, the piping shall be protected from potential vehicular damage, by:
 - a. Steel, concrete filled, pipe bollards no less than 8" in diameter set in the ground below the frost line, or
 - b. Large rocks, or
 - c. By fencing, or any combination of bollards, rocks, or fence.
13. The end of the suction pipe shall be protected by a screen equipped with a removable cover.
14. The pitch of shoulder and vehicle pad from edge of pavement to pumper suction connection shall be 1 % to 3% downgrade.
15. The shoulder and vehicle pad should be of a sufficient length to permit convenient access to the suction connection when the pumper is set at 45 degrees to the road.
16. The suction pipe connection shall terminate not more than 8' (feet) from the edge of vehicle access.

The installer is responsible to supply and install signage as directed by the fire chief.

6. Construction, Compliance, Plan Modification, Completion

Section 6.1 Construction:

Construction shall be carried out in compliance with the approved subdivision plan and these rules and regulations. All work shall be completed within the time limits specified in the conditions of the plan and any extensions that may be granted by the Board. The Board may grant a time extension for good cause shown without a formal hearing.

Section 6.2 Compliance Monitoring:

Section 6.2.1 Monitoring During Construction:

All subdivisions shall be monitored during construction to insure compliance as required by Section 6.1. A fee deposit under the provisions of M. G. L. chapter 44, section 53G will be required to cover the cost of monitoring. (See Section 7.5)

Section 6.2.2 Monitoring Procedures:

Monitoring to insure compliance shall be carried out at appropriate times during the development of the subdivision. The frequency and level of monitoring shall be determined by the monitor. Monitoring will be done by a compliance official who may be a consultant engaged by the Board, the building commissioner, or other town official as determined by the Board. The monitor shall report to the Board if any serious problem arises and not less often than quarterly the status of the subdivision and any compliance problems. Any compliance official is authorized to halt all work or any part of the work by means of a stop work order if such becomes necessary because the plan and standards are not being followed. Any such order may be appealed to the Board. On receipt of a written appeal the Board shall hold a hearing within ten town hall working days with notice to all interested parties at which all the parties will be heard. The Board will then vacate the order or continue the order with conditions.

Section 6.2.3 Stop Work Orders:

Failure to comply with a stop work order shall be cause for revocation of approval for the subdivision and may result in legal action to secure compliance.

Section 6.3 Developer's Responsibility:

The developer has full and enforceable responsibility to insure that the approved construction plans are implemented. The use of qualified persons by the developer to furnish adequate and timely engineering supervision during construction is required. Monitoring, surveillance, and field supervision by Town officials will not be construed as fulfilling this responsibility.

Section 6.4 Modification of the Approved Subdivision Plan

Should the developer or any other interested party desire a modification of the approved plan, he shall make application therefore to the Board. The Board may also propose modification of a plan on its own motion. Upon receipt of an application or on its own action, the Board shall hold a public hearing thereon with notice as required in Section 3.7.1. At the conclusion of the hearing, the Board may modify the plan and shall cause the modification to be recorded as required by Mass. General Laws, chapter 41 section 81W.

Section 6.5 Completion of the Subdivision

Section 6.5.1 Notice of Completion:

Upon completion of all work, the developer shall submit to the Board notice that the work has been completed and therein shall state under the penalties of perjury that the subdivision has been completed according to the approved plan and any approved modifications thereto.

Section 6.5.2 As-Built Plans:

Upon completion of all work, the developer shall furnish the Board with two (2) prints of "as-built" plans, showing the Error of Closure, location of all monuments, driveway aprons, walk-offs, utilities and structures and the location by "ties" of all important parts of buried utilities such as water or gas valves, sewer ties, corporation cocks, house connection shut-offs, and any other special details identifying any departures from the approved plan as to the location, depth, dimensions, thickness, slope grade or materials, and certified as to correctness by a Registered Professional Engineer (civil). It is recommended that a sepia print of the approved plans be appropriately marked as "as-built plans" and be submitted with two (2) full size prints thereof. "As-built" plans must be submitted before performance guarantees are released.

Section 6.5.3 Conveyance of Easements and Utilities:

Before the Board will release all security or all lots from the operation of a Covenant, the developer shall execute an instrument (see Form F) transferring to the Town of Winchendon valid, unencumbered title to all fire alarm conduits, water mains and all appurtenances thereto, drainage facilities forming a part of the Town system constructed and installed in the subdivision; and conveying to the Town, without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, replace, operate and forever maintain storm water drains, fire alarm conduits, water mains and all appurtenances thereto, and do all acts incidental thereto, in, through, and under the whole of the streets and easements in the subdivision as shown on the approved definitive plan and in any other areas where work was done in pursuance of the plan.

Section 6.5.4 Release of Security:

Upon receipt of the notice of completion, the as built plans and the conveyance of easements and utilities, the Board will review these materials and the reports of the construction monitor to insure that the subdivision has been constructed according to the approved plan. Upon a satisfactory review, the Board shall release all remaining security and covenants and, unless the ap-

proved plan otherwise provides, recommend to the Selectmen and town meeting that the streets within the subdivision be accepted as public town ways.

Section 6.6 No Claim for Layout of Streets

The developer and his successors shall have no claim for damages when the selectmen lay out the streets shown on the approved plan as public ways.

Section 6.7 Developers Continuing Responsibility

The above conveyances shall not be construed to relieve the developer and his successors of responsibility to complete all construction, as required by developer's covenants and agreements with the Town, to honor all required guarantees, and to thereafter maintain all streets and utilities in a satisfactory condition until they are formally accepted by the Town.

Section 7.00 Miscellaneous Provisions

Section 7.1 Forms

In the Appendix are sample forms and diagrams for the administration of these Rules and Regulations. The administrative content of this appendix may be revised from time to time by administrative action of the Board without hearing. Copies of these forms may be obtained at the Building Department or Department of Planning and Development at Town Hall.

Section 7.2 Authority

The Board shall be the agency responsible for administration of these regulations and shall have all the powers assigned to it by Sections 81A to 81GG of Chapter 41 of the General Laws.

Section 7.3 Enforcement

These Rules and Regulations and the conditions and stipulations of permits and waivers issued there under, shall be enforced by the Board's compliance official, the building commissioner acting as the Zoning Enforcement Officer, or other official so authorized. Any such officer may take any or all action necessary to enforce full compliance, as prescribed by the rules and regulations of the Planning Board, the bylaws of the town, the Massachusetts General Laws, and applicable state regulations. This shall include notifications of non-compliance together with requests for legal action through the Town Manager to the Town Counsel.

Section 7.4 Agents of the Board

The Board may assign as its agents appropriate town agencies or officials and may from time to time engage professional assistance to review plans and inspect improvements all at the cost of the applicant.

Section 7.5 Consultant fees

A fee under the provisions of Mass. General Laws chapter 44, section 53G will be required to cover the cost of consultants performing review of preliminary plans, review of definitive plans, review of plan modifications, and compliance monitoring of approved subdivisions. The initial fee deposit will be as specified in the fee schedule adopted by the Board. Payment of the initial fee will be required with the application. An additional amount as determined by the Board will be required before any on site work is started. In the case of a phased project, the deposit fee may be phased as well with payment due prior to the start of each phase. Should the actual cost of consultants exceed the amount on deposit with the town, the developer shall pay an additional amount as the Board or the Planning Agent may determine. Any excess, including accrued interest, held by the Town at the end of the project will be returned.

. . [M. G. L chapter 44, Section 53G: Notwithstanding section 53, any city or town that provides by rules promulgated under section 9 or 12 of chapter 40A, section 21 of chapter 40B, section 81Q of chapter 41 . . . for the imposition of reasonable fees for the employment of outside consultants may deposit such fees in a special account. Such rules shall provide for an administrative appeal from the selection of the outside consultant to the city council or town board of selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by a municipal permit granting board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the city council or the town board of selectmen within one month following the filing of the appeal, the selection made by the municipal permit granting authority shall stand. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section. Any such account shall be established by the municipal treasurer in the municipal treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the authorized board or authority without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account shall be made available to the applicant or to the applicant's successor in interest .]

Section 7.6 Waiver of Compliance

Compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the intent of the Subdivision Control Rules and Regulations. In waiving strict compliance the Board may require such alternative conditions as will serve substantially the same objectives as the standards or regulations waived.

Section 7.7 Severability

If any section, paragraph, sentence clause or provision of these Rules and Regulations shall be adjudged invalid or illegal the adjudication shall apply only to the material so adjudged and the remainder of these Rules and Regulations shall be deemed to be valid and effective.

Section 7.8 Invalidation by State Law

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

Section 7.9 Amendments

These *Rules and Regulations*, or any portion thereof, may be amended, supplemented, or repealed from time to time by the Board after a Public Hearing, on its own motion or by petition as provided in Mass. General Laws, chapter 41, section 81Q.