

Town of Medway, Massachusetts Planning Board Rules and Regulations

Chapter 100 – Land Subdivision

**(Adopted under the Subdivision Control Law, Chapter 41,
M.G.L., Section 81K – 81GG Inclusive)**

Rules and Regulations for the Review and Approval of Land Subdivisions

Adopted: October 12, 1999

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Medway Planning Board

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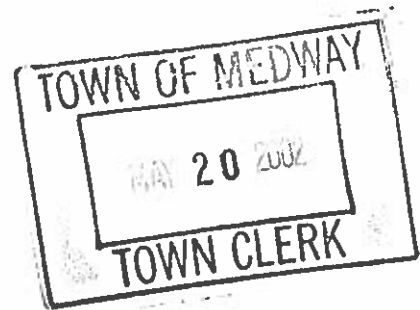
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May 20, 2002

Town of Medway Planning Board Rules and Regulations

Chapter 100 – Review and Approval of Land Subdivisions

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Town of Medway, Massachusetts

Planning Board Rules and Regulations

Chapter 100 – Subdivision

(Adopted Under the Subdivision Control Law, Chapter 41, M.G.L., Sections 81-K to 81 GG Inclusive)

Rules & Regulations for the Review and Approval of Land Subdivisions

SECTION 1.0 GENERAL

1.1 AUTHORITY - Under the authority vested in the Planning Board of the Town of Medway, by Section 81-Q of Chapter 41 of the Massachusetts General Laws, said Board, hereby, adopts these Rules and Regulations Governing the Subdivision of Land in the Town of Medway.

1.2 REFERENCES - The attention of all applicants submitting a plan for approval under these Rules and Regulations is directed to the provisions of the Wetland Protection Act (Chapter 131, Section 40), Stormwater Quality Management requirements, all of the Massachusetts General Laws, MEPA requirements, and NPDES permit requirements. Compliance with the requirements of the aforementioned provisions may necessitate major or minor changes/modifications in any plan submitted to the Board.

1.3 PURPOSE - These subdivision Rules and Regulations are enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of Medway by regulating the laying out and construction of ways in subdivisions, and in proper cases, providing access to the lots therein, but which have not become public ways, ensuring sanitary conditions in subdivisions, providing parks and open areas. The powers of the Planning Board and of the Board of Appeal under the Subdivision Control Law shall be exercised with due regard for the provision of adequate access to all lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for safety in the case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable local zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, underground utility services; for adequate access for fire, police, and other similar municipal equipment; for securing adequate 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 Medway (including surrounding communities) and with the ways in neighboring subdivisions or with open parcels suitable for future subdivision. It is the intent of the Subdivision Control Law that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendation of the Board of Health and to the Rules and Regulations of the Planning Board pertaining to subdivisions of land. The Board may, when appropriate, waive, as provided for in Section 81-R, such portions of the Rules

and Regulations as is deemed advisable. (Taken in-part from Section 81-M of Chapter 41, M.G.L.)

SECTION 2.0 DEFINITIONS

2.1 DEFINITIONS

ABUTTER: Owners of land directly adjacent to property lines of the applicant and owners of land directly opposite on any public or private street or way, 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.

APPLICANT: One who applies for the approval of a plan of a subdivision or plan believed not to require approval. "Applicant" refers to "an owner or his agent or representative, or his assigns". (Section 81-L of Chapter 41 M.G.L.)

BASE FLOOD ELEVATION: The "Base Flood Elevation" shall be the level of flooding having a one percent chance of being equaled or exceeded in any give year, as designated on Federal Insurance Administration (FIA) maps (100 yr. flood elevation), or, in the absence of such designation, to be determined by the Planning Board based upon the best available information regarding flood hazards, including any available United States Geologic Survey, Soil Conservation Service, and Corps of Engineers studies.

CERTIFIED BY: Certified by (or endorsed by) the Planning Board, as applied to a plan or other instrument required or authorized by the Subdivision Control Law to be recorded, shall mean bearing a certification or endorsement signed by a majority of the members of the Planning Board, or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in a written statement to the Register of Deeds and Recorder of the Land Court, signed by a majority of the Board. (Sec. 81-L of Chapter 41 G.L.)

DESIGNER: A person licensed as a Professional Civil Engineer or Professional Land Surveyor registered to practice in the Commonwealth of Massachusetts.

ENGINEER: A person registered or legally permitted to practice professional Civil engineering in the Commonwealth of Massachusetts.

LAND SURVEYOR: A person registered or legally permitted to practice Land Surveying in the Commonwealth of Massachusetts.

LOT: An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one (1) or more buildings.

OWNER: The person holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the Land Registration Office, Registry of Deeds or Registry of Probate.

PARTIES OF INTEREST: Parties of interest shall mean the applicant, petitioner, abutters, owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet (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 AGENT: Individual(s) authorized by the Planning Board to review plans, construction, and administer the Regulations.

ROADWAY: The portion of a street right-of-way intended for vehicular travel.

SCENIC ROADS: A road designed by the Town under the provisions of M.G.L. Chapter 40, Section 15C.

STREET, DEAD-END: Any street, or group extension of streets, which has only one means of egress.

STREET, MAJOR: A street which, in the opinion of the Board, is being used, or potentially be used as a thoroughfare within the Town of Medway which will otherwise carry a volume of traffic over fifteen hundred (1,500) vehicles per day. In residential areas volume per day shall be computed at the rate of ten (10) trips per single-family dwelling day. Also, any street, which connects two (2) existing major streets.

STREET, MINOR: A street which, in the opinion of the Board, is being or will be primarily, to provide access to abutting lots and which will not be used for through traffic.

STREET, SECONDARY: A street collecting traffic from one (1) or more minor streets which, in the opinion of the Board, is used or will be used to carry a volume of traffic, over four hundred (400) vehicles per day from such minor street(s) to a major street or community facility; a principal entrance street to a shopping center, industrial park, planned-unit development, large subdivisions or group of subdivisions; and any principal circulation street within subdivisions. In residential areas volume per day shall be computed at the rate of ten (10) trips per family dwelling per day. 210 is
unit

THROUGH STREET: A street which provides two (2) means of egress and access (dual egress). The dual egress cannot empty onto the same single access street.

SUBDIVISION: "Subdivision" shall mean the division of a tract of land into two (2) or more lots and shall include re subdivision, and, when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has the required frontage (A) on a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (B) on a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or (C) on a way in existence when the Subdivision Control Law became effective in Medway, having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the

needs of vehicular traffic in relation to the proposed use of the land abutting thereon or thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. At a minimum the pavement shall have a traveled surface of at least 20 ft. with 3 inches of bituminous concrete pavement on 12 inches of gravel or a slope not exceeding eight percent. Such frontage shall be at the minimum length that is then required by the Medway Zoning By-Law, for erection of a building on such lot within that particular zoning district. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots such a manner as not to leave any lot so affected without the above set forth, or the division of a tract of land on which two (2) more buildings were standing when the Subdivision Control Law into effect in Medway into separate lots on each of which one (1) such buildings remains standing, shall not constitute a subdivision. (Per Section 81-of Chapter 41, M.G.L.)

SUBDIVISION CONTROL: "Subdivision Control" shall mean power of the subdivision of land granted to the Town of Medway by the Subdivision Control Law, Chapter 41, Section 81-A through GG inclusive as hereinafter amended within the Regulations.

SECTION 3.0 PROCEDURE FOR SUBMISSION AND APPROVAL OF PLANS

3.01 PROCEDURE FOR SUBMISSION - Before acceptance of a Preliminary or Definitive Plan for submission, the Planning Board will submit the Plan to an independent engineering service at the Applicant's expense to prepare an itemized budget estimate for a review of the plan and to determine if the applicant has satisfied all submission requirements. Once the independent engineer has completed its review, the Planning Board, at its next regularly scheduled meeting, will either accept the plan for submission or return the plan to the applicant. An itemized budget estimate will be established and paid in advance by the Applicant to a Planning Board escrow account. Failure to establish this escrow account will constitute grounds for the Planning Board's denial of the submission. (*Added April 25, 2002*)

3.1 PLAN BELIEVED NOT TO REQUIRE APPROVAL - Submission of Plan. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that the plan does not require approval under the Subdivision Control Law must submit the original plan and five (5) contact prints thereof and two (2) copies of a properly executed Form A Application and appropriate Filing Fee per Section 5.2, to the Planning Board during a scheduled Planning Board meeting, accompanied by the necessary evidence to show that the plan does not require approval. Said person shall also file, by delivering in hand or registered mail, a notice with the Town Clerk stating the date of the Planning Board meeting submission for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. Any plan determined by the Board or its Agent, to not completely satisfy this Section and Section 3.1.2, Contents, will be deemed not to have been submitted. Such plan will be returned to the applicant in part (to cover initial review expenses) or retained to be applied to a resubmission at the applicant's option, and a notice of the Planning Board's determination sent to the Town Clerk. When brought into conformity with the requirements of this Section and Section 3.1.2, such plan may be re-submitted at a scheduled Planning Board meeting, and will be considered without prejudice.

3.1.2 Contents. Said plan shall be legibly drawn in accordance with the Rules and Regulations of the Registry of Deeds, Chapter 36, Section 13A as amended pertaining to plan size, material, ink, lettering and related requirements. The plan scale shall preferably be forty feet (40') to the inch or such other scale as the Board may accept and should contain the following:

3.1.2.1 Identification of the plan by name and address of owner(s) of record and location of the land in question; a locus map; the numbers of Medway Assessors Maps, and lots certification on which the land is located; the scale, graphic scale, north point and date; and the name, address, signature, and stamp of the Registered Land Surveyor.

3.1.2.2 The Registry Block and the statement "Approval Under Subdivision Control Law Not Required", with sufficient space for the date and the signatures of all members of the Board in the upper right-hand corner of the plan.

3.1.2.3 All zoning classification(s); the location of any and all Zoning District Boundaries including all Flood Zones established by F.E.M.A. that may lie within the locus of the plan; and the applicable minimum lot area, front, side and rear yard depths as required by the Zoning By-Laws. The calculation of the lot shape factor shall also be provided for each lot.

3.1.2.4 In the case of the creation of a new lot, the new lot area, shape factor analysis and remaining land area and frontage of the land in the ownership of the applicant shall be shown.

3.1.2.5 Notice of any decisions by the Zoning Board of Appeals, including but limited to special permits, variances and exceptions, regarding the land or any buildings thereon. Also, the existence of any public or private restrictions of record shall be noted on the plan. This shall include, but not be limited to, easement, rights-of-way, covenants, or any deed restrictions affecting the development of the land.

3.1.2.6 Names of abutters adjacent to the land and across adjoining ways as obtained from the most recent local tax list based upon inspection of the Assessors Maps and records of property for the calendar year unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records.

3.1.2.7 Names and status (private or public) of streets and ways shown on the plan.

3.1.2.8 Bearings and distances of all lines of the lot or lots shown on the plan.

3.1.2.9 Location of all existing buildings, wells, septic tanks and sewage disposal systems, within 100' of the new lot line(s).

3.1.2.10 Location of all existing buildings, bounds, fences and walls.

3.1.2.11 As separate pages, a copy of the appropriate Assessor's map or maps showing all abutters' property, as defined in the Subdivision Rules and Regulations, identifying the parcel including the proposed division.

3.1.2.12 All wetlands, brooks, ponds, streams, and rivers, both permanent and seasonal shall be shown within 100' of the new lot line(s).

3.1.3 Endorsement of Plan Not Requiring Approval. If the Board determines that the plan satisfies the provisions of Section 3.1.2 Contents and does not require approval, it shall without a public hearing and within twenty-one (21) days of submission, endorse the plan.

The Board may add to such endorsement a statement of the reason approval is not required and any other comments deemed pertinent to the recording of this plan. The original plan shall be returned to the applicant, and the Board shall also notify the Town Clerk in writing of its action.

3.1.4 Determination That Plan Requires Approval. If the Board determines that the properly submitted plan does require approval under the Subdivision Control Law, it shall, within twenty-one (21) days of submission of the plan, so inform the applicant in writing and return the plan with its action of denial. The Board shall also notify the Town Clerk in writing of its action.

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

3.2 PLANS REQUIRING APPROVAL. No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvements for the sale of lots in a subdivision, or the construction of ways, or preparation therefore, or the installation of utilities and municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted, approved, and endorsed by the Board as hereinafter provided.

3.2.1 Submission of a Preliminary Plan. The applicant may submit a Preliminary Plan of a subdivision. The submission of a Preliminary Plan is not required, but is strongly recommended because it will allow the subdivider, the Planning Board, the Board of Health, Conservation Commission, the Public Services Department, the Fire Department, and other Town agencies and owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a Definitive Plan is prepared.

A properly executed application Form B, Application for Approval of Preliminary Plan, along with the appropriate filing fee pursuant to Section 5.2, shall be filed with twelve (12) copies of the Preliminary Plan, which shall be submitted, to the Planning Board during a scheduled Planning Board meeting. The applicant shall file by delivery, in hand, or registered or certified mail a notice with the Town Clerk stating the date of the Planning Board meeting submission for such approval of a Preliminary Plan accompanied by a copy of a properly executed application Form B. Any plan determined by the Board or its Agent not to completely satisfy Section 3.2.2, Contents, will be deemed not to have been submitted. Such plan will be returned to the applicant, and a notice of the Planning Board's determination sent to the Town Clerk. The filing fee shall either be returned in part (to cover initial expenses) or retained to be applied to a

resubmission at the applicant's option. When brought into conformity with the requirements of Section 3.2.2, Contents, such plan may be re-submitted at a scheduled Planning Board meeting (new submission date established) and will be considered without prejudice.

The applicant shall provide, at the time of the application with the Planning Board, a certified list of abutters to the Planning Board, and Town Clerk as defined in the Subdivision Rules and Regulations herein, for the purpose of sending by first class mail notification of the meeting date and time when the Preliminary Plan shall be considered by the Planning Board. The applicant shall be required to reimburse the Planning Board for costs of said mailing on or prior to said meeting date.

3.2.2 Contents. To form a clear basis for discussion of the details of the subdivision and for preparation of the Definitive Plan, the plan will contain the following:

3.2.2.1 The subdivision name, boundaries, north point, date, scale, legend and title "~~Preliminary Plan~~".

3.2.2.2 The locus of the land shown on the plan at a scale of no smaller than 1" = 100' with sufficient information to accurately locate the land, and adjacent land all property lines and buildings within 500 feet of the land.

3.2.2.3 The names and addresses of the owner of the land and the applicant and the name and address of the engineer and surveyor who made the plan, all of which shall appear in the lower right-hand corner.

3.2.2.4 The names of all abutters to the land, including (and across adjoining ways), as determined from the assessors most current listing, unless the applicant shall have more recent knowledge of such abutters (see Form E, Certified List of Abutters).

3.2.2.5 The existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner, drawn at a scale of forty (40) feet to the inch.

3.2.2.6 Major features of the land such as existing walls, fences, monuments, buildings, single free-standing large trees, wooded areas, ledge/rock outcroppings, swamps, wetlands, water bodies and natural waterways, drainage ditches, and 100 year Flood Zones.

3.2.2.7 The proposed system of sewage disposal, water distribution and storm drainage, on-site as well as adjacent (within 500 ft. of the subdivision) existing natural waterways in a general manner.

3.2.2.8 The approximate boundary lines of proposed lots, with approximate areas and dimensions, as well as, upland area and shape factors.

3.2.2.9 The names, approximate locations and widths of adjacent streets, or streets approaching or within reasonable proximity of the subdivision, but in no case less than 500 ft. of the subdivision.

3.2.2.10 Existing and proposed topography in a general manner, with datum reference.

3.2.2.11 The anticipated name(s) of the proposed streets, (Note: the names(s) have to be approved by the Street Naming Committee of the Town of Medway) and a number on each lot on each proposed street.

3.2.2.12 The wetland boundaries and resource areas as defined by M.G.L. Chapter 131, Section 40 (the Wetlands Protection Act). Wetland boundaries shall be shown within 100 ft. of the subdivision, and rivers within 200 ft.

3.2.2.13 Boundary and area of adjoining land, if any, of the applicant and the owner, not presently being subdivided.

3.2.2.14 The zoning classification(s) of land shown on the plan and the location of any zoning district boundaries, as well as flood plain boundaries.

3.2.3 Approval or Disapproval. The Planning Board shall determine if the plan satisfies the provisions of Section 3.2.2 Contents and may give such Preliminary Plan approval, within forty-five (45) days after the date of the proper submission, with or without modification or suggestion. Such approval does not constitute approval of the subdivision but facilitates the preparation of the Definitive Plan. One (1) copy of the Preliminary Plan will be returned to the applicant. In the event of disapproval, the Planning Board shall state the reasons for its disapproval in accordance with M.G.L. Section 81-U of Chapter 41. Approval shall be effective for seven (7) months from the date of plan submittal or until a Definitive Plan evolving from the Preliminary Plan is filed, whichever comes first. Should no Definitive Plan evolving from the Preliminary Plan be filed within seven (7) months from the date of the Preliminary Plan submittal, the approval of the Preliminary Plan will expire.

3.3 DEFINITIVE PLAN

3.3.1 Submission of a Definitive Plan. Any person who submits a Definitive Plan of subdivision to the Board for approval shall file with the Board all items required in Sections 3.3.2 and 3.3.3, and the appropriate filing fee (see Section 5.2) for a Definitive Plan to be "duly submitted" in accord with these Rules and Regulations and the General Laws of Massachusetts. Such submissions shall be made to the Planning Board through the office of the Town Clerk.

Any plans determined by the Board to not completely satisfy the requirements of Sections 3.3.1 and 3.3.2 will be deemed not to have been submitted. Such plan will be returned to the applicant and a notice of the Planning Board's determination sent to the Town Clerk. The filing fee shall either be returned in part (to cover initial review expenses) or retained to be applied to a resubmission at the applicant's option. When the submission completely satisfies the requirements of Sections 3.3.1 and 3.3.2, such plan may be resubmitted and will be considered without prejudice.

The submission will include the following:

3.3.1.1 A set of twelve (12) drawings of the Definitive Plan dark line (blue or black) on white background shall be submitted.

3.3.1.2 A properly executed application Form C, Application for Approval of a Definitive Plan, including the time within which the ways and public utilities in the subdivision shall be provided (it should be noted that approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified; see Section 3.3.9.1); Form D, Designer's Certificate; and Form E, Certified List of Abutters, receipt of submission of the plan to the Board of Health (Section 3.3.4) and other town officials (Section 3.3.5) including current certified mail and applicable postage fees shall be submitted.

3.3.1.3 Three (3) copies of storm drainage calculations including technical supporting documents, using the Rational Method (for pipe sizing) and Soil Conservation Service Method (TR55 and/or TR 20) for Stormwater Management.

3.3.1.4 The applicant shall file by delivery in hand, or registered or certified mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed Application for Approval of Definitive Plan (Form C). Note: the submission to the Town Clerk does not, of itself, establish the submission date (See Section 3.3.1).

3.3.2 Contents.

All property lines and building(s) within 500' as shown on current Assessors Maps shall be shown on a locus map of a scale of 200' per inch. The Definitive Subdivision Plan, consisting of the Definitive Plan Drawings and other drawings, shall be prepared by a professional engineer and land surveyor registered in Massachusetts and shall be clearly and legibly drawn in black India ink or compatible ink with excellent cohesiveness upon linen or polyester film, single matte (double optional) with a thickness of at least 0.003 mils, and must have an opacity so as to allow consistent diazo and microfilm reproduction. All lettering height shall conform to Registry of Deeds standards. The plan shall be at a scale of one inch (1") equals forty feet (40'), or such other scale as the Planning Board may have accepted in advance to show details clearly and adequately. The Definitive Subdivision Plan submission shall include plans and profiles of each individual street at a scale of one inch (1") equals forty feet (40') horizontal and one inch (1") equals four feet (4') vertical. All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88). Sheet sizes shall be twenty-four by thirty-six inches (24" x 36") including a three quarter inch (3/4") border on top, bottom and right side and a one and one half inch (1 1/2") border on the left side. The Definitive Plan drawing shall be accompanied by a sheet showing the entire subdivision, adjacent streets, lots with lot numbers, and street names. *(Amended April 25, 2002)*

The Definitive Plan drawings will contain the following information:

3.3.2.1 A title, appearing in the lower right-hand corner of the plan, showing the name of the subdivision, if any; the date; scale; the names and addresses of the applicant; and the names of the engineer and surveyor who made the plan.

3.3.2.2 North point, graphic scale, benchmarks (vertical and horizontal) and boundaries of the subdivision.

3.3.2.3 Location and ownership of abutting property as it appears on Form E, Certified List of Abutters unless the applicant shall have more recent knowledge of such abutters, including all abutting land owned by the applicant and owner not presently being subdivided, and all other land within seven hundred feet (700') of the boundaries of the land shown in the subdivision.

3.3.2.4 Major features, that exist on or near the entire tract of land or near the site at the time of survey, such as existing waterways, swamps, all wetlands, including by whom determined, and water bodies, natural drainage courses, walls, fences, buildings, historic markers, milestones, bridges, clearly defined trails, large trees, wooded areas, rock/ledge outcroppings, ditches and existing utilities.

3.3.2.5 Lines of existing and proposed streets, ways, lots, lot numbers or other designation of each lot, easements and public or common areas within the subdivision.

3.3.2.6 Existing wells, septic systems and building(s) on the property and within one hundred feet (100') of the perimeter property line.

3.3.2.7 Sufficient data to determine the location, direction and length of every street including street stationing, way line, lot line, easement and boundary line, and to be able to establish these lines on the ground. These data shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines including lot frontage on the streets, of the boundary lines of all streets and easements, and the lengths, radii, tangents, and central angles of all curves in lot lines and street lines. All angle points or intersections of tangents along the street lines shall be shown. Areas of lots with lot numbers and the area and frontage on public ways as set forth in Section 81-L of Chapter 41, M.G.L. of adjoining lands of the applicant not included in the subdivision will be shown. The total length(s) of streets within the subdivision shall be provided. Stationing at cul-de-sacs shall extend through the cul-de-sac to the end of the layout.

3.3.2.8 Location of all permanent monuments properly identified as to whether existing or proposed.

3.3.2.9 Location, names and present widths of streets or private ways bounding, approaching or within (700') of the subdivision, showing both roadway pavement widths and right-of ways widths.

3.3.2.10 The zoning district classification(s) of land shown on the plan, the location of any zoning district boundaries that lie within the locus of the plan and the applicable minimum lot area, front, side and rear yard depths for each lot as is required by the Zoning By-Laws the calculation of the lot shape factor shall also be provided for each lot. The existing and proposed location of the Base Flood Elevation (see definition) if encountered within, seven hundred feet (700') of, the subdivision.

3.3.2.11 Location of the minimum lines of building setback (front, side and rear) required by the Zoning By-Laws. The calculation of the lot shape factor shall also be provided for each lot. This shall be shown as a fine dashed line on both the lot plan and topographic plan.

3.3.2.12 Indication of all easements, covenants or restrictions applying to the land or abutting land and their purposes, whether or not within the subdivision, including any special permit, decision on appeal or any variances or exceptions made by the Zoning Board of Appeal applicable to the subdivision of the land or any building thereon. In addition, the plan will list all items, which will require a waiver from the Planning Board. This list will appear on the cover sheet and the first Definitive Plan drawing and will be modified to conform to the final action taken by the Planning Board prior to endorsement by the Planning Board.

3.3.2.13 If the property that comprises the subdivision or any part or boundary thereof has been examined, approved and confirmed by the Massachusetts Land Court, such information shall be noted on the Definitive Plan with case numbers and other pertinent references to Land Court Procedure. The same requirement shall apply to any adjoining parcels of land of the applicant.

The various additional items as required by Land Court will be shown on the Definitive Plan Drawings.

3.3.2.14 For all the plan sheets submitted (every sheet) including the cover sheet, suitable space to record the action of the Planning Board and the signatures of the five (5) members of the Planning Board along with space for the date of approval, date of endorsement and the notation that the plan is subject to a covenant to be recorded with the plan. In addition, the plan will include suitable space for the Town Clerk certification of no appeal.

(Items 3.3.2.15 through 3.3.2.23 will be submitted on additional sheets from the Definitive Plan drawings.)

3.3.2.15 Proposed layout (including plans and profiles) of street construction, storm drainage, water supply and sewage disposal system, including grades, and the proposed electric, telecommunications, natural gas, and cable TV.

3.3.2.16 Existing roadway profiles on the exterior roadway layout lines drawn in fine black line, dotted for left and dashed for right side, existing centerline in fine black solid line and proposed profile of the finished center-line drawn in heavy black solid line will be provided for all proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'). At least two (2) bench marks are to be shown on each plan and profile sheet, and proposed grade elevations at every 50 foot (50') station except in vertical curves where 25' stations shall be provided. Proposed intersections, sidewalks and probable location of driveways on lots shall be shown with all proposed grade elevations calculated and shown. Profiles shall extend across intersections to the outer layout line and to the layout line of the cul-de-sacs. The Planning Board may require additional profile data when grading extends beyond the layout.

Elevations are to be referred to the 1929 National Geodetic Vertical Datum or the current regulations being used as established by the Coast and Geodetic Survey. Roadway slope gradient shall be shown by figures expressed in percent.

3.3.2.17 Existing and proposed topography at two foot (2') contour intervals. Topographic data will extend at least 20 feet (20') beyond the property boundaries. The Board may require additional information on abutting land, including but not limited to 5' contour intervals within 700' of the subdivision, whenever it is deemed necessary, to ensure compatibility of grades and drainage. Reference benchmarks must be fully identified.

3.3.2.18 The survey of existing conditions shall be performed by a Professional Land Surveyor registered in the Commonwealth of Massachusetts under the provisions of Massachusetts General Laws Chapter 250CMR section 6.02. A signed statement to this effect by the surveyor shall appear on the Definitive Plan drawing. A legible copy of the traverse notes shall be furnished to the Board upon request. *(Amended April 25, 2000)*

3.3.2.19 Location and results of ledge, soil, percolation, and water table tests. (See Section 3.3.3.)

3.3.2.20 Existing drainage characteristics (Pre-development) of the tributary area of the proposed subdivision and the effect of the proposed use and the effect of any proposed drainage facilities (Post-development) on the existing drainage characteristics including drainage facilities within or outside the subdivision (within 700 ft. of the subdivision) shall be included as part of the Definitive Plan submission.

The watershed analysis and storm drainage system calculations shall be prepared by a Registered Professional Civil Engineer and will include watershed tributary plans showing existing and proposed streets, lots, existing and proposed contours, and other pertinent data; the watershed limits, land use and acreage of the area tributary to each storm-water inlet and culvert, location and type of inlets proposed; location, size, length, invert elevations and slope of proposed drains and culverts, structural details of inlets, manholes, pipe, headwalls and all other drainage structures required to complete the plan shall be attached. (The grading plan may be used provided that it includes all the information required here. See Section 4.4 Drainage and Runoff Control, for details on drainage design standards.)

3.3.2.21 Location and species of proposed street trees. Location of trees to be retained will be determined prior to endorsement by the Board in the field by the Tree Warden. Proposed street trees shall be located in easements outside of the roadway layout as shown on the Planned Profile drawings.

3.3.2.22 Cross sections typical of each street, roadway and sidewalk to be constructed.

3.3.2.23 The following items shall be shown in tabular form on the first Definitive Plan drawing, for the subdivision plan as submitted:

- 1) The total area, which is being subdivided.
- 2) The total number of lots.

- 3) The total area of lots, including wetland and upland totals.
- 4) The total area dedicated for street purposes.
- 5) The total area not included for streets or lots that is dedicated for drainage, sewer or utility easements on each sheet.
- 6) The total of areas reserved for parks, schools and other public use.
- 7) A summary showing the sum of the above equal to the total area being subdivided.

3.3.2.24 The proposed location and approval of all street signs and traffic control signs on the proposed street, as well as, intersecting streets will be shown. The Town Safety Officer's report will be required prior to endorsement by the Planning Board.

3.3.2.25 Street Lighting shall be shown as recommended and approved by the Town Safety Officer and subject to the Board of Selectmen's decision, prior to plan endorsement by the Planning Board. Street lighting at intersections on current public ways may be added and/or relocated, the expense of which shall be borne by the developer.

3.3.3 Soil Survey and Percolation Tests. The Planning Board will require at the expense of the applicant soil surveys and percolation tests to establish the suitability of the land for the proposed storm drainage installations and proposed street construction. Such soil surveys and tests will be filed with the plan and the test locations shown on the plan.

3.3.4 Review by Board of Health as to Suitability of the Land. At the same time of filing of the Definitive Plan, the applicant shall also file, at the applicant's expense, with the Board of Health two (2) contact prints of the Definitive Plan, dark line on white background, together with such information in the nature of percolation tests and deep test holes as the Board of Health may require. Notice of such submission will be provided to the Planning Board. The Board of Health shall within forty-five (45) days after filing of the plan report to the Planning Board in writing approval or disapproval of said plan. If the Board of Health disapproves said plan, the Board of Health shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report, and where possible, shall make recommendations for the adjustment thereof.

3.3.5 Review by Other Town Officials. It is the applicant's responsibility to distribute copies of the Definitive Plan at the same time of the filing of the Definitive Plan, to Town Officials and obtain a dated receipt of the same as follows:

One (1) copy shall be filed each to the Water/Sewer Department, Conservation Commission, Selectmen, Public Services, Fire Department, Police Department and the Building Inspector. The dated receipts of each of the aforementioned shall be provided to the Planning Board Administrative Secretary.

Before the Definitive Plan is approved, the Board may request written comments from the above officials with regard to the proposed improvements in the following respect:

3.3.5.1 The Conservation Commission as to the potential involvement with M.G.L. Chapter 131, Section 40 M.G.L., stormwater management, and the effects of the subdivision on streams, wildlife and similar considerations within the scope of the Conservation Commission.

3.3.5.2 The Selectmen and Public Services as to the design of the street system, location of easements, monuments, street lights, drainage systems, and curb cuts.

3.3.5.3 The Fire Department as to street alignment, location of hydrants, installation of the alarm system and emergency access.

3.3.5.4 The Police Department as to traffic control, street safety, both vehicular and pedestrian, safe stopping site distance, access for emergency vehicles, and street light location.

3.3.5.5 The Building Inspector as to general conformance with Zoning requirements and to general suitability of lots for building purposes.

3.3.5.6 The Water/Sewer Department as to conformance with their regulations regarding the water and sanitary sewer systems.

3.3.6 Public Hearing. Before taking any action to approve, modify and approve or disapprove a properly submitted Definitive Plan, the Planning Board shall hold a hearing at which the public shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and of the subject matter, sufficient for identification shall be published by the Planning Board in a newspaper of general circulation in the Town of Medway once in each of two (2) successive weeks. The first publication shall not be less than fourteen (14) days before the date of the hearing. In addition to the public notice, the Planning Board shall also by certified mail, return receipt requested provide a copy of the public hearing notice to the applicant and to all owners of land, abutters, and parties of interest within three hundred feet (300').

3.3.7 Planning Board Procedure. The procedure that the Board will follow with regard to approval, disapproval or modifications of the Definitive Plan submitted by the applicant will be that as set forth in Chapter 41, Section 81-U of the General Laws, as amended. In summary, the Board, after receiving the Definitive Plan Documents, will review the same to determine whether they are in compliance with its Rules and Regulations. Before action on the plan, the Board shall establish that the street pattern is safe and convenient, that proper provision is made for street extension and that all other purposes of the Subdivision Control Law are met.

The Board may, as a condition of granting approval under Section 81-U, impose reasonable requirements designed to promote the health, convenience, safety, and general welfare of the community and to benefit the Town. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such plan and which shall for the purpose of the Subdivision Control Law be deemed to be a part of the plan.

3.3.7.1 Prior to endorsement of the plan by the Planning Board, the applicant must sign a Covenant and reference to the Covenant shall be clearly shown on the Definitive Plan;

3.3.7.2 Prior to endorsement of the plan by the Planning Board, the statutory notification of the expiration of the twenty (20) day appeal must be received from the Town Clerk's Office;

3.3.7.3 Prior to endorsement of the plan by the Planning Board, the Applicant shall provide the Planning Board with a copy of any and all "Order of Conditions" as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Wetlands Protection Act. Proof of recording shall be provided to the Planning Board. Any changes to the Definitive Plan, required under the "Order of Conditions", shall be presented to the Planning Board, by the applicant, for review and approval as a modification to the Definitive Plan. Except for very minor changes to the approved plan, a Public Hearing will be held on the modification plan. The Planning Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the "Order of Conditions" that may be deemed appropriate by the Planning Board and the Planning Board's Consulting Engineer. After the Public Hearing and acceptance of the modifications to the plan, the Planning Board shall take action on the plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal must be received from the Town Clerk's Office for the modification;

3.3.7.4 Additionally, upon issuance of any "Order of Conditions" for the individual lot filings under the Wetlands Protection Act, the Applicant must submit the recorded copy of the "Order of Conditions" to the Planning Board. Should these "Order of Conditions" require a change to the design presented on the Definitive Subdivision Plan, the Developer must prepare a modification to the Definitive Plan clearly identifying the changes required under the Wetlands Protection Act;

3.3.7.5 As a permanent condition of approval, the Planning Board will require that no further subdivision of the land and/or the creation of additional lots within this Definitive Subdivision will be allowed without a formal Definitive Subdivision submission. Minor lot line changes will require the approval of the Planning Board;

3.3.7.6 The waivers, as voted by the Planning Board, shall be listed in detail on the plan being recorded at the Registry of Deeds;

3.3.7.7 Prior to endorsement of the plan by the Planning Board, the Applicant shall provide the final revised plans that incorporate the items as presented in the Conditions of Approval voted by the Planning Board and all required documentation to the Board and their Consultant for review; and

3.3.7.8 The applicant shall provide a receipt from the Registry of Deeds indicating that the endorsed plan and covenant have been duly recorded.

3.3.8 Performance Guarantee. Before endorsement of its approval of a Definitive Plan of a subdivision by the Planning Board, the subdivider shall agree to complete the required

improvements (construction of ways and its installation of municipal services) specified in Section 4.0 for any lots in a subdivision. Such construction and installation will be secured by the following method: 1. By a covenant reviewed and approved by Town Counsel; 2. A cash bond or a bond that has been reviewed and approved by the Planning Board with the assistance of the Town Treasurer.

3.3.8.1 A covenant, (see Form F), shall be executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be completed 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 completed 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 (3) years from the date of such deed.

3.3.8.2 A deposit of certified funds will be made in a joint passbook with the Town of Medway Treasurer in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section 4 not covered by a Covenant under Section 3.3.8.1 hereof. Funds may be released as work is completed to the satisfaction of the Planning Board in accordance with Section 81-U of the Subdivision Control Law. However, until the street is accepted by Town Meeting no bond monies shall be reduced below the sum of \$25,000.00 and a withdrawal slip in the sum of \$25,000.00, signed by the applicant shall be provided, at the time of deposit of said funds.

3.3.9 Approval or Disapproval. The action of the Planning Board in respect to a Definitive Plan shall be by vote, copies of which shall be filed with the Town Clerk and sent to the applicant. If the Board conditions, modifies, or disapproves such plan, it shall state in its vote the reasons for its action. Failure of the applicant to submit revised plans and other required submittals within six (6) months of approval with conditions and/or modifications shall be a basis to rescind approval of the plan. If the applicant submits revised plans and all other required submittals fully conforming to the Rules and Regulations of the Board and resolving the specific reasons for disapproval of a plan the Planning Board shall rescind its disapproval.

For a non-residential subdivision where a Preliminary Plan has been duly submitted and acted upon or where forty-five (45) days has elapsed since submission of the Preliminary Plan but no greater than seven (7) months from the date of the Preliminary Plan submittal has elapsed, and than a Definitive Plan is duly submitted, the Board shall either take final action to approve or disapprove the Definitive Plan or file with the Town Clerk a certificate of such action regarding the Definitive Plan within ninety (90) days after the date of submission of the Definitive Plan. The ninety (90) days may be extended at the written request of the applicant. Notice of such extension of time will be filed by the Planning Board with the Town Clerk.

For a subdivision showing lots in a residential zone where a Preliminary Plan has been duly submitted and acted upon by the Board or where at least forty five (45) days has elapsed since the

submission of the Preliminary Plan, but no greater than seven (7) months from the date of the Preliminary Plan submittal has elapsed, and then a Definitive Plan is duly submitted, the Board shall either take final action to approve or disapprove the Definitive Plan or file with the Town Clerk a certificate of such action regarding the Definitive Plan within ninety (90) days after the date of submission of the Definitive Plan. The ninety (90) days may be extended at the written request of the applicant. Notice of such extension of time will be filed by the Board with the Town Clerk. Should no Preliminary Plan be submitted, or where forty five (45) days has not elapsed since the submission of the Preliminary Plan or seven (7) months have elapsed since the submission of the Preliminary Plan and a Definitive Plan is submitted. The Board shall have one hundred thirty five (135) days to take action on the Definitive Plan. This one hundred thirty five days may be extended at the written request of the applicant. Notice of such extension of time will be filed by the Board with the Town Clerk.

Final approval, if granted, shall be endorsed on the original drawing of all of the sheets of the Definitive Plan (entire set) by the signatures of a majority of the Planning Board. Plan endorsement will not be made until the requirements as set forth in Section 3.3.9.2 are met, and the statutory twenty (20) day appeal period has elapsed following the filing of the Board's certificate of approval with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal has been made, said endorsement shall be made after the entry of a final decree of the Court sustaining the approval of such plan.

Final approval will be subject to the construction specifications contained herein and to the rules and requirements of the Planning Board. After the Definitive Plan has been approved and endorsed, the Board shall return the original to the applicant.

Approval and endorsement of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets shown on the plan.

3.3.9.1 Endorsement. At least twenty (20) days prior to endorsement, all required Covenants shall be provided to the Board along with a Designer's Certification and Applicant's Sworn and Authorized Affidavit that title to the premises shown on said plan and appurtenances thereto including any off-site easements and rights-of-way are in the Applicant's name and are free of all encumbrances or that the encumbrances set forth will not preclude any required subdivision improvements.

The endorsement of the approved plan by the Board shall be valid for a period of two (2) years from the date of said endorsement. At least ninety (90) days prior to the expiration of the two (2) year approval period, the applicant and/or owner may request in writing to the Board an extension of time, if necessary, to complete the construction of Subdivision roadways, etc. Failure to request an extension of time prior to the expiration date of the two (2) year approval period will result in the Board's notifying the Building Inspector that no additional building permits shall be issued in said development. The request for an extension shall state the reasons for the requested extension and also the length of time requested. Any extension shall not exceed two (2) years. Additional extensions after the first may be applied for but not until at least ten (10) months have expired on the extension in affect. Prior to approving any extension of time, the Board will review and revise the amount of the bond deposit or other surety and the applicant shall provide a new or revised instrument prior to the Board's vote to approve the requested extension.

No extensions will be granted that will bring the construction of the development beyond its eighth year. Beyond six (6) years following the date of endorsement of the Definitive Plan, any undeveloped areas must conform to both the then current Zoning-By-Laws and the Rules and Regulations.

3.3.10 Recording. The applicant shall file all of the approved and endorsed Definitive Plan Drawings including, but not limited to, cover sheet, definitive sheets, grading sheets, profiles and details and the Covenant, at the Registry of Deeds, and shall notify the Board in writing presenting evidence of the recording of the plans and the Covenant within 30 days of such recording.

The applicant shall deliver to the Planning Board twelve (12) copies of the approved, endorsed, and recorded Definitive Plan Drawings, and a copy of an affidavit filed by the owner stating that the title to the premises shown on said plan and appurtenances thereto are in the name of the applicant and free from all encumbrances or with encumbrances as set forth.

3.3.11 Conveyance of Utilities and Easements to the Town. Prior to the release by the Planning Board of a surety bond or deposit, or, in the case of a covenant, the issuance of a Release Form, the applicant shall execute an instrument, on a Form approved by the Board, (see Form J) transferring to the Town, without cost, valid unencumbered title to all common sewers, storm drains and water mains, and appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved. Such instrument will convey to the Town without cost and free of all liens and encumbrances, perpetual right and easements to construct, inspect, repair, renew, replace, operate and forever maintain the aforesaid underground utilities, with any manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in the subdivision or portion thereof to be approved. If any such utilities have been constructed and installed in land not within such streets, then said transfer shall be in, through and under an easement as shown on the Definitive Plan.

Unless authorized in writing by Water/Sewer Commission, private sewer lines, force mains, and pumping stations shall remain private and shall not be deeded to the Town.

3.3.12 As-Built Plans. Prior to the final release, the developer shall file with the Board an original and six prints of the "as-built" plan of the completed street or streets. The "as-built" plan shall show all plans and profiles corrected and certified by the applicant's engineer to be actual "as-built" locations and profiles of all street, ways and utilities, including those installed by others such as power, telephone, fire alarm and gas. Said plans including the "Plan of Acceptance" as defined in Section 4.1.7 shall be prepared in a manner suitable for recording at the Registry of Deeds, with proper legal description for initiating an article in the Town Warrant for the acceptance of the ways by Town Meeting.

The As-Built Plans shall be drawn with a minimum lettering height of 1/8 inch (Registry of Deeds Standards) and to a 1" = 40' scale. The plans will contain the following:

- a. Graphical scale;
- b. Boundaries of the roadway layout and all easements;

- c. Reference to the approved subdivision including all plan recording data;
- d. Locus map;
- e. Curbing type/limits, sidewalks, pedestrian ramps and driveways;
- f. All monumentation, including vertical benchmarks;
- g. All utilities (water, water services and valves, sanitary sewers, storm drains, manholes, catch basins, electric/telephone/cable TV, gas, and fire alarm system) in the plan view (a symbol key shall be provided along with appropriate labels);
- h. Water, sanitary sewer and drainage shown on the profile, noting inverts, rims, pipe type and sizes; and
- i. Centerline stationing with the starting and ending of the layout clearly noted.
(Amended April 25, 2002)

3.3.13 Reduction or Release of Performance Guarantee

3.3.13.1 Reduction of Bond Surety. The penal sum of any such bond or the amount of any deposit held for the completion of improvements required under Section 4 as security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot may, from time to time, be reduced by the Board and the obligations of the parties thereto released by the Board in whole or in part, except that a minimum of \$25,000.00 will be held until all work is completed to the satisfaction of the Board and Town Meeting acceptance as a public way.

3.3.13.2 A written report from the Board's Agent confirming that construction of all ways and sidewalks, installation of monuments, street and traffic control signs, pavement, lighting, gutters and curbs, required grading and drainage, water mains, hydrants and appurtenances, all sewer mains and appurtenances, if, any, adequate lot drainage, planting and seeding, are all in accordance with the Definitive Plan Documents shall serve as documentation that all work has been completed to the satisfaction of the Board.

3.3.13.3 A written report from the Chief of the Fire Department confirming that the installation of the fire alarm system and appurtenances, are all in accordance with the Definitive Plan Documents shall serve as documentation that all work has been completed to the satisfaction of the Board.

3.3.13.4 A certificate of compliance signed under oath by the applicant and signed and stamped by a Registered Land Surveyor and Professional Engineer, all of who attest that all facets of the subdivision have been completed according to the Rules and Regulations of the Planning Board and Town of Medway Zoning By-Law shall serve documentation that all work has been completed to the satisfaction of the Board. Said certification shall also be made on the plans.

3.3.14 Time For Completion. If the ways in any subdivision are not completed and the aforesaid utilities are not installed within the time so agreed to by the applicant or so required by the Board, any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town. Ways or portions thereof not completed within the time required shall thereafter be completed in accordance with the current design and construction standards of the Board.

SECTION 4.0 DESIGN AND CONSTRUCTION STANDARDS

4.1 GENERAL

4.1.1 No street or way through private property shall be recommended for acceptance by the Town unless the same has been previously constructed and completed in accordance with the Standard Cross Section (see Figure A) and the following design and construction standards.

4.1.2 Unless otherwise specified, all work and materials used in the work to be done shall conform with of the "Commonwealth of Massachusetts, 1988 edition and of the Massachusetts Highway Department, Standard Specifications for Highways and Bridges, hereinafter referred to as the Standard Specifications, as amended and included hereinafter. Appropriate illustrations are found in the "Commonwealth of Massachusetts, 1977 standards, as amended.

4.1.3 References in the following Town Standards unless otherwise stated, are to the aforesaid Standard Specifications, amendments or addenda. The Town's Standards shall take precedence and shall govern when they are stricter. The determination shall be made by the Planning Board if a question is presented regarding the Standards.

4.1.4 To facilitate reference, paragraph in these specifications are noted with paragraph number of the particular section as contained in the Standard Specifications.

4.1.5 The context of work required is as shown upon the approved/endorsed plans, Certificate of Approval, and in compliance with the Standard Cross Section (Figure A).

4.1.6 In accordance with MGL Chapter 41, Section 81-Q, the Planning Board has determined that within subdivisions of land where the number of dwellings is reduced to less than the maximum allowed by the Zoning By-Law, the prospective amount of travel upon various ways within a subdivision will be less and, therefore, design and construction standards may be adjusted accordingly. Furthermore, the Planning Board has determined that a reduction in development density and road construction will assist the Town in growth management by minimizing impacts on public services and, therefore, is in the public interest. For the purpose of this section, the "DENSITY FACTOR" is defined as the number of single-family residential units divided by the total land area available for development and the total land area shall not include any area contained within existing or proposed roadways, right of way, travel/access easements and furthermore, each lot must contain at least 44,000 sf of upland area. For example, in the Agricultural and Residential I district, Zoning density is equal to one (1) dwelling unit per 44,000 SF. A development at 1/2 density would be equal to

one (1) dwelling unit per 88,000 SF while a 1/3 (one-third) density development is equal to one (1) dwelling unit per 132,000 SF.

4.1.6.1 The following design and construction standards shall apply to reduced density residential subdivisions as follows.

4.1.6.1.1 Where the density of a subdivision is equal to 1/2 the density allowed under the Zoning By-Law the following standards apply.

- Minimum horizontal centerline radius - 100'
- Property line at street intersection radius - 20'
- Granite Curb radius at intersections - 30'
- Layout width - 45'
- Maximum centerline grade - 10%
- Dead end length - no maximum provided that no more than 12 dwellings shall have access from the way
- Pavement width - 20' traveled way + 1.0 Cape Cod berm each side
- Sidewalks - one 5-1/2' walk
- Design Storm - 10 year for pipe size (Rational Method)

4.1.6.1.2 Where the density of a subdivision is equal to or less than 1/3 (one-third) the allowed density the following standards shall apply

- Minimum horizontal centerline radius - 75'
- Property line at street intersection - 20'
- Granite Curb radius at intersections - 30'
- Layout width - 40'
- Maximum centerline grade - 12%
- Dead end length - no maximum provided that no more than 15 dwellings shall have access from the way
- Pavement width - 18' traveled way + 1.0 Cape Cod berm each side
- Sidewalks - one 5-1/2' walk
- Design Storm - 10 year for pipe size (Rational Method)

4.1.6.1.2 Reduced Density Preliminary Subdivision submission packages must include accurately located field determined wetland/upland areas, calculations supporting the number of lots within the subdivision and a table/chart noting conformance with Sections 4.1.5.2.

4.1.6.1.3 Reduced Density Definitive Subdivision submission packages that were not presented as a Preliminary Reduced Density Subdivision shall include accurately located field determined wetland/upland areas, calculations supporting the number of lots within the subdivision and a table/chart noting conformance with Section 4.15.2. The Definitive Plan lotting sheet shall clearly indicate that the "plan" is a "reduced density subdivision" and any further development or creation of additional lots will require the roadway to be upgraded to full design and construction standards including the submission of a Definitive Plan Modification to the Planning Board.

4.1.7 As each construction operation is completed, it shall be approved by the proper Town authority prior to starting work on the succeeding operation.

4.1.8 At the time the street or way or portion thereof is ready for acceptance and to facilitate acceptance by the Town of Medway, the applicant shall have prepared and certified by a Registered Land Surveyor a "Plan of Acceptance" drawn at a scale of 1" = 40', in accordance with the Registry of Deeds Standards with India ink or compatible ink with excellent cohesiveness upon linen or polyester film, single matte (double optional) with a thickness at least 0.003 mils, and must have an opacity so as to allow consistent diazo and microfilm reproduction (size 18" x 24" or 24" x 36") showing widths, lengths, bearings of boundary lines of streets and easements and radii, tangents and central angles of all curves in street lines. The plans shall show street stationing (including the starting and ending or the layout, clearly noted) and certification that all permanent monuments have been set.

All easements (showing widths, lengths and bearings) with reference to the approved subdivision including all plan recording data, shall be shown.

Each sheet shall have a Title Block in the lower right corner that indicates the title "STREET ACCEPTANCE PLAN", roadway name, subdivision name, owners name, surveyors name, date and scale.

The surveyor shall place a certification on the plan stating "The street (or way or portion thereof) as laid out and the bounds have been set as shown on the plan" and shall be dated, signed and the surveyor's stamp affixed thereon.

The original mylar plan and six prints shall be submitted to the Planning Board.

The plans for the street acceptance are for the Town's records, and shall be submitted in concurrence with the As-Built plans (Section 3.3.12).

4.1.9 Prior to requesting acceptance of street or roadways, the applicant shall have the original plans and profiles that were submitted to the Planning Board and that are on file in the Planning Board office, corrected and certified by the applicant's Engineer to show the actual "as-built" locations and grades of all utilities and roadway profile and any changes authorized by the Planning Board (see Section 3.3.12). Also the existence of any Order of Conditions issued by the Medway Conservation Commission or DEP must be acknowledged.

4.1.10 No roadway will be listed on the Town Meeting warrant for acceptance until the deed transferring ownership of land to the Town of Medway and all easement documents are held in escrow by Town Counsel.

4.2 **STREETS AND ROADWAYS**

4.2.1 **Location**

4.2.1.1 All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel and an attractive street layout in order to obtain the maximum safety and amenity for future residents of the subdivision, as well as, the general public.

4.2.1.2 The proposed streets shall conform in location, to any existing plans of the Planning Board, and where required by the Planning Board, to the existing street system.

4.2.1.3 Provision satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoining property, whether or not subdivided.

4.2.1.4 Reserve strips prohibiting access to streets or adjoining property within the Town of Medway shall not be permitted, except where such strips shall be in the public interest as determined by the Planning Board.

4.2.2 Alignment

4.2.2.1 The minimum centerline offset between intersecting streets shall be one hundred and fifty feet (150'). The minimum centerline distance for roadway jogs caused by reverse curves will be one-hundred fifty feet (150').

4.2.2.2 The minimum horizontal centerline radii of streets shall be as follows:

| | |
|-------------------------|--------------------------------|
| Major Streets ----- | Four Hundred Feet (400'). |
| Secondary Streets ----- | Two Hundred Feet (200'). |
| Minor Streets ----- | One Hundred Fifty Feet (150'). |

4.2.2.3 Streets shall be laid out so as to intersect as nearly as possible at right angles. No street centerline shall intersect any other street centerline at less than sixty (60) degrees.

4.2.2.4 Property lines at a street intersection shall be rounded or cut back to provide for a property line radius of twenty-eight (28') ft., or for a curb radius of not less than forty feet (40'), whichever is more stringent or as required to maintain the distance between street pavement and property line twelve feet (12') for Minor Street; fourteen feet (14') for Major Street. However, when the intersection of two (2) streets varies more than ten (10) degrees from a right angle, the radius of the curve at the obtuse angle may be less and of the acute angle may be greater than forty feet (40') to the extent approved or required by the Planning Board.

4.2.2.5 The Planning Board prefers curvilinear alignments as opposed to long straight tangents. No tangent length shall exceed 300' unless authorized by the Planning Board due to individual site factors such as topography, soil conditions, wetland locations, etc.

4.2.3 Width

4.2.3.1 The minimum width of any minor or secondary street right-of-way, including dead-end streets, will be fifty feet (50'), except for streets in non-residential zoned areas where the minimum right-of-way will be sixty feet (60').

4.2.3.2 All major streets, and such secondary streets which, in the judgment of the Planning Board may in the future be changed in character to become major streets, shall have a minimum right-of-way of sixty feet (60').

4.2.4 Grade

4.2.4.1 The minimum centerline grade for any street shall not be less than one percent (1%)

4.2.4.2 The maximum centerline grade for streets shall be as follows:

| | |
|---------------------------------|--------------------|
| Minor Street | Eight Percent (8%) |
| Secondary Street | Eight Percent (8%) |
| Major Streets | Six Percent (6%) |
| Streets in Industrial Districts | Seven Percent (7%) |

4.2.4.3 Where changes in grade exceed one percent (1%), vertical curves as required by the Planning Board will be provided. Vertical curves having a length less than 100 feet should be avoided. At the intersection of street right-of-way lines, there shall be provided in a residential subdivision a leveling (fixed slope) area of at least one hundred feet (100') with a maximum grade of one percent (1%), and in all other subdivisions, a leveling (fixed slope) area of at least two hundred feet (200'), with a maximum grade of one percent (1%). Vertical curve calculations, prepared by a Registered Professional Civil Engineer, will be provided for every vertical curve and shown on the drawings. These calculations will show the design speed and conformance with safe stopping distances criteria of the design speed. *(Amended April 25, 2002)*

4.2.5 Dead-End Streets

4.2.5.1 For the purpose of this section, any proposed street, which intersects, solely with a non-through street shall be deemed to be an extension of the non-through street. Non-through streets and their extensions, if any, shall not be longer than six-hundred feet (600'), measured between the sideline of the first through street and the end of the roadway layout, unless in the opinion of the Planning Board, a greater length is proven to be necessary by topography or other local conditions deemed to be in the best interest of the Town. Supporting documentation for waiving the dead end length shall be provided in the form of a professional study(s), the cost of which is to be borne by the applicant.

4.2.5.2 Dead-end streets shall be provided at the closed end with a cul-de-sac having an outside roadway diameter of at least one hundred feet (100'), and a property line diameter of at least one hundred and twenty feet (120'). If the dead-end street is not intended to connect with another street at some future point in time, the Planning Board may, at its option, in a non-residential subdivision require a minimum outside roadway diameter of one hundred forty feet (140'), a property line diameter of one hundred sixty

feet (160') and the placement of a circular landscape island with minimum diameter of forty feet (40') at the center of the turnaround.

4.2.6 Roadway Construction The numbers as shown in the following paragraphs refer to specific sections in the Standard Specifications. The Standard Specifications should be referred to for more detailed descriptions of the work, materials, and construction methods. The roadway shall be graded and prepared for pavement as follows:

4.2.6.1 101 Clearing and grubbing shall be performed to remove all stumps, brush, roots, and like material from the area of the traveled way, berms, shoulders, sidewalks and utility trenches. Cleared materials shall be removed from the property unless otherwise approved by the Board. Burial of tree stumps and other debris, etc. is not allowed.

4.2.6.2 120 Earth excavation shall be the removal of all materials encountered within the area of the traveled way, berms, shoulders, and sidewalks down to the true surface of the subgrade or to suitable material in areas where unsuitable material exists, in preparation for foundation of roadway, sidewalks, driveways and berms. Approved material obtained from the excavation may be used in fills as required if, in the opinion of the Planning Board, or Agent, they are suitable.

4.2.6.3 150 When in the opinion of the Planning Board or Board's Agents suitable material is not available within the limits of the roadway location to form the subgrade or sub-base, the developer shall obtain suitable additional material, conforming to AASHTO A-1 or A-3, along with laboratory test results from other sources in accordance with this section and to be approved by the Planning Board's Agent. *(Amended April 25, 2000)*

4.2.6.4 170 The subgrade surface, sixteen inches (16") below the finished surface grade in residential streets, and eighteen inches (18") below the finished surface grade in all streets in non-residential subdivisions shall be prepared true to the lines, grades and cross sections given and compacted to not less than 95 percent of the maximum dry density of the material as determined by the AASHTO Standard Method of Test T99. Road sections constructed on ledge rock shall have a minimum of twenty-four inches (24") of roadway structure consisting of gravel borrow subbase, dense graded crushed stone base and hot mix asphalt (HMA). It is important that the crowning of the subgrade be carefully controlled to assure proper drainage of sub-base. All soft or spongy material below the subgrade surface shall be removed to a depth determined by the Planning Board or its Agent. The space thus made shall be filled with special gravel borrow, containing no stones over six inches (6") in their largest dimension. This fill will be compacted in conformance with the same standards as used for sub-base. *(Amended April 25, 2000)*

4.2.6.5 401 The additional materials for subgrade, gravel fill and gravel subbase shall be spread in layers not exceeding eight inches (8"). The subbase layer shall be spread in conformity with the requirements of the Standard Specifications Section M-103.0 Gravel Borrow Type b, three inches (3") largest dimension. The granular base shall be spread in conformity with the requirements of Section M-2.01.7 Dense Graded Crushed Stone.

Each layer shall be thoroughly watered, rolled and compacted to not less than 95 percent of the maximum dry density of the material as determined by the AASHTO Standard Method of Test T99. Any depressions that appear during and after the rolling shall be filled with additional gravel and re-rolled until the surface is true. Suitable subgrade fabric may be required by the Planning Board or its Agent prior to gravel placement.

(Amended April 25, 2000)

4.2.6.6 Final grading, rolling and finishing including the shaping, trimming, rolling and finishing of the surface of the sub-base prior to application of pavement for surfacing of the roadway base courses, walks and berms shall be in accordance with this section and as directed by the Planning Board and/or its agent. Compaction testing and soil gradations shall be performed as required by the Planning Board and/or its agent with test results provided prior to paving.

4.2.6.7 Roadway pavement shall be constructed for the full length of all streets within the subdivision and shall have the curb radii as required in Section 4.2.2.2 above. The center line of all roadways shall coincide with the centerline of the street right-of-way unless a deviation is approved by the Planning Board. The minimum widths of the roadway pavement shall be as follows:

| | |
|----------------------------------|------------------------|
| Major Streets | Thirty-Two Feet (32') |
| Secondary Streets | Twenty-Nine Feet (29') |
| Minor Streets & Dead-End Streets | Twenty-Six Feet (26') |
| Non-Residential Streets | Thirty-Six Feet (36') |

4.2.6.8 Pavement for roadways in subdivisions shall be Class I Bituminous Concrete Pavement Type I-1. The material and construction methods for laying pavement shall conform in every way to the applicable sections of Section 400 and Section M of the Standard Specifications except that no such construction shall be undertaken before April 1st of any year nor after November 15th of any year. Pavement on minor and secondary residential subdivision streets shall be laid to a compacted depth of four inches (4") and laid in two (2) courses. The intermediate (binder) course shall consist of Dense Binder and be compacted to two and one-half inches (2-1/2"), the surface shall consist of Top Course and shall be compacted to one and one half inches (1-1/2").

Pavement on major and non-residential subdivision streets shall be laid to a compacted depth of six inches (6") and placed in three (3) courses. The HMA base layer shall consist of a Base Course mixture and shall be compacted to two and one-half inches (2-1/2"), intermediate (binder) course shall consist of Dense Binder and be compacted to one and three-quarter inches (1-3/4"), the surface shall consist of Modified Top Course and shall be compacted to one and three quarter inches (1-3/4").

The Planning Board or its Agent may require the installation of a Petromat type fabric or any approved equal over any areas in the base pavement that, in their opinion, require reinforcement prior to the placement of an additional course of pavement.

(Amended April 25, 2002)

4.2.6.9 If in the opinion of the Planning Board's Consulting Engineer subdrains are required, they must be installed, as specified by the Planning Board's consulting engineer.

4.2.7 Curbs and Berms.

4.2.7.1 Vertical Granite Curbing shall be installed at intersection roundings, cul-de-sac entrances, catch basins (including transitions) and curb/driveways openings. The curb shall be installed with concrete block on both sides. Bituminous concrete Cape Cod style berms of six inches (6") in height having a four inch (4") reveal and twelve inches (12") in width shall be provided along each side of the roadway where vertical granite curbing is not required.

4.2.8 Curb Cuts

4.2.8.1 Driveways shall be at least ten feet (10') wide and have a vertical granite curb return at the roadway of three feet (3') in radius. The maximum residential curb cut shall be 20 ft, measured at the gutterline from start of radius to end of radius and commercial curb cut 32 ft.

4.2.8.2 The construction of driveway openings shall not be within sixty-five feet (65') of the intersection of the centerline of intersecting streets or within fourteen (14') ft. of a catch basin for a ten (10') opening (at additional distance for wider driveways).

4.2.8.3 Driveways shall slope down from the edge of the street right-of-way toward the edge of the street pavement at a grade no less than one percent (1%) but not more than eight percent (8%). It is the intention to not depress the sidewalk elevation at driveways or the grass area within the layout for driveways on the side without a sidewalk.

4.2.9 Sidewalks

4.2.9.1 Sidewalks shall be constructed within the subdivision, and shall have pedestrian ramps to conform to the latest regulation of the Americans with Disabilities Act and State Building Code.

4.2.9.2 The sidewalks shall extend the full length of the street and around the entire perimeter of the cul-de-sac, with curb cuts at both sides of the cul-de-sac entry, and shall be as follows:

Along Minor & Secondary Streets Five Feet-Six Inches (5'6") on one side ✓

Along Major & Non-Residential Streets Five Feet-Six Inches (5'6") on both sides.

Around a cul-de-sac, a sidewalk shall be provided on the exterior side only and not in the island.

Where sidewalks are only required on one (1) side of the street, they should be located to enable connections with sidewalks on adjoining streets.

Sidewalks and pedestrian access ramps, shall conform to the latest requirement of the Americans with Disabilities Act and State Building Code, as appropriate. They shall also be provided along any Town street for the entire length of frontage of the applicant on said street including any lots separated from the subdivision within five (5) years prior to the submission of the Subdivision Plan.

4.2.9.3 701 Bituminous concrete sidewalks shall be laid to a compacted depth of three inches (3") and placed in two (2) courses. The intermediate (binder) course shall consist of Dense Binder and be compacted to one and three-quarter inches (1-3/4"), the surface shall consist of Top Course and shall be compacted to one and one quarter inches (1-1/4"). The granular subbase layer shall be spread in conformity with requirements of the Standard Specifications Section – 103.0 Gravel Borrow Type b, three inches (3") largest dimension and compacted to not less than 95 percent of the maximum dry density of the material as determined by AASHTO Standard Method of Test T99. (*Amended April 25, 2000*)

4.2.10 Embankments Outside the right-of-way, embankments shall be evenly graded and pitched at a slope of not greater than 3 horizontal to 1 vertical. Where cuts are made in ledge, other slopes may be determined with the approval of the Planning Board. Where terrain necessitates greater slopes, retaining walls, terracing, fencing, or rip-rap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with and approved by the Planning Board. Gabion structures are expressly prohibited. Whenever embankments are built in such a way as to require approval by the Planning Board, the developer must furnish to the Town duly recorded access easements free of encumbrances for maintenance of the slopes, terraces or retaining walls.

All slopes shall be grassed in accordance with the Mass. Highway specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way. The Planning Board suggests the use of hardy, drought tolerant grass mixtures. The Developer shall submit the seed mix and fertilization mix for approval prior to the seeding of these areas. Special mixtures will be needed for stormwater management embankments. Whenever retaining walls are used, the developer will be required to provide design calculations prepared and stamped by a Registered Professional Structural Engineer and said walls will if appropriate require a Building permit.

4.3 UTILITIES

4.3.1 Excavation. Excavation for structures, including foundation for drains and water pipes, retaining walls and other structures shall be made to the depth as indicated on the Definitive Plan or established by the Board's Agent as field conditions warrant.

4.3.2 Installation. All drain, sewer, gas and water pipes, underground utilities, and other structures shall be installed upon the completion of roadway subgrade and before the placing of the sub-base, gravel base course, sidewalks or pavement.

4.3.2.1 Extension of Utilities. Where adjacent property is not subdivided or where abutting developed lots are not served, or where all the property of the applicant is not

being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision, and service connections to the property lines of above-mentioned abutting developed lots at such grade and size which will, in the opinion of the Planning Board, permit their proper extension at a later date.

4.3.2.2 Water Facilities-Installation. Water mains, with hydrants, valves and other fittings, shall be constructed and installed within the subdivision as necessary to provide to all lots therein adequate water supply for domestic and fire protection use. Water facilities must conform to the Medway Water Rules and Regulations, which are under the jurisdiction of the Water and Sewer Department. Proper connections shall be made with existing public water systems.

4.3.2.3 Water Supply. Potable water of quality and quantity acceptable to the Board of Health for domestic use, and for fire protection with a minimum open hydrant flow of 500 gallons per minute, at minimum residual pressure of 20 pounds per square inch shall be provided in each subdivision. Water lines shall be at least 8-inch diameter cement-lined ductile iron, Class 52 or greater, or as currently required by the Town of Medway Water and Sewer Department and shall be furnished with adequate valves and appurtenances to the specifications of the Town of Medway Water and Sewer Department. Water pipes shall be extended and connected to form a loop type system. Easements across lots shall be used to eliminate dead ends. The Board will not approve a subdivision plan where no municipal water supply is available within a reasonable distance of the subdivision, as determined by the Board, unless adequate groundwater supply is available at the sites in the opinion of the Planning Board acting with the advice of the Board of Health.

4.3.2.4 Sewer. Sewer manholes, sewer service laterals and other sanitary sewer components shall be constructed and installed within the subdivision as necessary to provide to all lots therein adequate municipal sewer service. Sewer facilities must conform to the Medway Sewer Department Rules and Regulations, which are under the jurisdiction of the Water and Sewer Department. Proper extensions to existing public sewer systems shall be provided and made.

The applicant shall provide the Planning Board with the final approval documentation from the Water and Sewer Department prior to the endorsement of the Definitive Plan by the Planning Board.

4.3.2.5 Gas. Gas mains shall be installed if gas connection is available unless said installation is specifically waived by the Planning Board. Gas systems shall meet the specifications of the Gas Company.

4.3.2.6 Other Utilities. Within all lots, underground telephone, electric and cable television lines shall be installed within rigid conduits approved by the respective utility companies for each specific purpose. Design plans from said utilities shall be provided to the Planning Board and their agent.

4.3.2.7 Fire Alarm. A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the fire department for capital purchases. (*Amended April 25, 2000*)

4.3.3 On-site Sewage Disposal. Should public sewage facilities not be available within a reasonable distance, as determined by the Board, and the Water/Sewer Department on-site sewage disposal facilities will be used. On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations and requirements of the Board of Health.

4.4. DRAINAGE AND RUNOFF

4.4.1 General Requirements. Approval of subdivision plans may be denied until the Planning Board is provided with complete documentation that the proposed subdivision will not result in any increase in the rate or volume of stormwater runoff over natural or existing conditions, or that adequate provisions will be taken to maintain the volume and rate of runoff at its natural or existing level. The objective of this regulation is to maintain the integrity of existing natural drainage patterns, in order to provide adequate stormwater drainage, prevent flooding, and avoid alteration of existing stream channels.

4.4.2 Procedure. The design of the storm drainage system will conform to the following procedure and requirements. This procedure may be modified by the Planning Board to better suit the problems and specific needs of a particular site.

4.4.2.1 A watershed analysis which includes all upgradient areas will be provided along with supporting data to establish the present (pre-development) rate and volume of runoff, as well as the rate and volume of runoff that would occur from the fully developed proposed subdivision (post-development). The runoff rates and volume shall be developed using the latest revision to Technical Release 55, Urban Hydrology for Small Watersheds, as published by the Soil Conservation Service. These calculations shall be on the basis of runoff produced from a 25-year, 24-hour duration storm event (Norfolk County) with a Type III distribution. In calculating runoff and drainage requirements, the developer shall consider the development of each lot, removal of trees/vegetation and the impact of septic systems on the amount of land clearing. If the subdivision includes work within 100 ft. of a wetlands, the watershed analysis will also include a 2-year, 10-year and 100 yr. analysis, as well as any upstream runoff, which may impact on the subdivision. The analysis and design shall also conform to the latest requirements of the Department of Environmental Protection (D.E.P.) for Stormwater Management.

4.4.2.2 In order to control the rate and volume of stormwater runoff to pre-development levels, the developer may elect to do so through any method which can be demonstrated to control the required amount of runoff to the satisfaction of the Planning Board. In each instance, the method or methods elected shall be suitable to the site and subject to the approval of the Planning Board. The Definitive Plan Drawings shall provide sufficient construction details in regard to the stormwater control system(s).

4.4.2.3 The stormwater management system shall follow the D.E.P. Best Management Practices (B.M.P.'s) and may make use of gutters, inlets, culverts, catch basins, manholes, subsurface piping, surface channels, natural waterways, and detention basins, open or stone-filled. The Board will not approve any design or component which in its opinion does not meet the standards of engineering practice, will not function without frequent maintenance, is a possible threat to public safety, or is unsuited to the character of the subdivision.

4.4.2.4 In general, the design for the capacity of all storm system pipes shall be based on a "Rational Method" analysis for a 25 year storm frequency and all pipes shall provide for the design flow of water to be at speeds between two (2) and twelve (12) feet per second at design flow (not full pipe) conditions. The minimum grade shall be not less than 0.5 percent for all pipes. All pipes will have a minimum diameter of 12 inches. Catch basins shall have a minimum four (4') foot sump below invert. All drop manholes or inlets with a drop of six feet (6') or more shall be provided with a splash pad. Catch basins or inlets shall be spaced along both sides of a street at three hundred foot (300') maximum intervals and located at all low points and corner roundings at street junctions. Rational Method Storm Drainage Analysis complete with Tributary Area Plans for each catch basin shall be prepared by a Registered Professional Civil Engineer and submitted in addition to the above referenced TR55 Watershed Analysis.

4.4.2.5 Streets shall be graded to provide for expeditious runoff of water. Settling basins or other means of removing pollutants shall be used in draining large parking areas or streets subject to heavy traffic or other sources of pollutants. No basement subdrains, industrial or domestic waste shall be discharged to or allowed to enter storm drains.

4.4.2.6 Storm drains and detention basins shall be designed based on a 25-year frequency storm. Cross culverts and detention basins shall be based on a 100-year frequency storm. Permanent easements and provisions for vehicular access shall be provided along the entire length of ditches and storm drain lines and detention basins. When the project is subject to the Wetlands Protection Act, the detention basin shall be designed for the 2-year, 10-year, 25-year, and 100-year frequency storm.

4.4.2.7 All Stormwater control structures/facilities shall be reviewed by the Planning Board and their Agent to confirm compliance with the Regulations and to determine if the design is in the best interest of the Town. The Board can, on a case-by-case basis, require modifications and more restrictive design constraints when in their opinion, the imposed changes would be in the best interest of the Town.

4.4.2.8 Stormwater control structure side slopes shall be no steeper than 4 horizontal to 1 vertical. Slopes that are to be vegetated shall be protected by an approved erosion control matting. Seed mixture and fertilization shall be submitted to the Planning Board for approval. Slopes that are to be stabilized by placed stone shall be provided with a geotextile filter fabric under the stone.

4.4.2.9 Stormwater control structures greater than four (4') feet in depth shall be provided with a 10 ft. wide access ramp (8% max slope) and a 10 ft. wide safety bench.

This safety bench need not extend around the entire structure but should provide sufficient access for maintenance.

4.4.2.10 Stormwater control dikes shall be constructed with an impervious core. Outlet control structures shall be designed with "anti-seep" collars. The top of the dike shall be at least 1 ft above the anticipated 100 year flood storage elevation. The dike width at the top shall be a minimum of 10 ft. All dikes shall be provided with an erosion proof emergency overflow weir.

4.4.3 Final Approval. Where runoff detention features are required, a proposed development shall in no case receive a "Determination of Completeness (Section 3.3.12.4)" until the site has been inspected by the Planning Board or the Board's agent to ensure that detention facilities have been installed as proposed and presented in the Definitive Plan Drawings.

4.4.4 Lot Drainage. Lots shall be prepared and graded in such a manner that development of one lot shall not cause ponding of water or detrimental drainage on another lot in or adjacent to the subdivision. If provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of a minimum width of twenty feet (20') and proper side slope shall be provided. Groundwater elevation in the location of the proposed house in order to avoid constructing the house with a basement into the groundwater, the Planning Board has no authority or responsibility for requiring a building above the water table, but the builder must comply with the State Building Code in this regard.

Storm drainage shall be designated in accord with the specifications of the Board. Where required by the Planning Board or the Board of Health, the applicant shall furnish evidence that adequate provision has been made for the proper drainage of surface and underground waters from any lot or lots. Collected stormwater shall not be discharged overland across lot lines. Drainage conveyances and easements shall be provided to convey stormwater to the nearest drainage system.

4.4.5 Construction. Drainage facilities shall be provided as indicated on the plan and in conformity with the requirements of Sections 200, 220, and 230 of the Standard Specifications.

Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in conformity with the requirements of Section 230 for installation of pipes.

All drain pipes except sub-drains shall be Class IV reinforced concrete pipe (latest requirements of ASTM-C76 or AASHTO-M170) and shall be installed according to the size as shown on the plans. No backfilling of pipes shall be done until the installation has been inspected by the Planning Board's Agent. All drainage trenches shall be provided with crushed stone pipe bedding and filled with clean gravel borrows in accordance with Section 150.

Where sub-drains are required, they shall be constructed in conformance with Section 260 of the Standard Specifications. Such sub-drains may be required by the Board or the Board's

Agent following clearing and grubbing operations. No drainage pipes from roof drains, basement drains, driveway drains or other on-lot sources shall be connected to the street drainage system. Cast iron manhole covers and catch basin grates shall be as manufactured by or equivalent, as determined by the Board or Board's Agent, to E.L. LeBaron Foundry Model No.'s LK-110 for manholes, L.F. 248-2 for catch basins. For catch basins at the end of or on 5% or greater gradient roads No. LK-120A (Cascade Grate).

4.4.6 Impervious Dams. An impervious dam or bulkhead cutoff of clay or other impervious material shall be constructed in the trench as directed, by either the Planning Board, or by the Board's agent as a result of on-site inspection, to interrupt the unnatural flow of groundwater after construction is completed. The dam shall be effectively keyed into the trench bottom and sidewalls. Provide at least one clay or other impervious material dam in the pipe bedding between each manhole where directed or every 300 feet, whichever is less.

4.5 OPEN SPACE

For subdivisions with 10 or more lots in area of uplands suitably located for playground or recreation purposes of an area for maintaining the natural buffers shall be provided. The area shall not be unreasonable in size (10% of the minimum lot area times the number of lots in the subdivision or as determined by the Board) in relation to the land being subdivided and to the prospective uses of land. The Planning Board may require that the area shall be within the central subdivision, or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable future subdivisions. Unless otherwise specifically approved by the Planning Board, the total amount of area to be reserved for park and/or playground purposes shall be no less than five percent (5%) of the gross area of the subdivision or ten (10%) percent of the minimum lot area times the number of lots in the subdivision whichever is greater.

Any land so reserved shall be designated as a separate parcel and shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the Planning Board. Pedestrian ways, bikeways, or bridle paths of up to twenty feet (20') in width may be requested where deemed desirable to provide circulation access. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purposes of a park and/or playground. The area or areas shall be so located as to serve adequately all parts of the subdivision as approved by the Planning Board.

4.5.1 Town or Homeowner's Association. As agreed upon by the applicant and the Board, dedicated open space shall be permanently preserved as such, and shall be conveyed to one of the following:

- the Town for park or open space;
- a non-profit organization, the principal purpose of which is the conservation of open space; or
- a corporation or trust owned or to be owned by the owners of all building lots within the development. If such corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units.

In any case, where such land is not conveyed to the Town, a restriction enforceable by the Town pursuant to (MGL, Ch. 40A, Section 9) shall be recorded providing that such land shall be kept in an open, natural state and shall not be developed for residential homes or roadways. If necessary, such restrictions shall further provide for maintenance of the common land in a manner which will ensure its suitability for its function, appearance, cleanliness, and proper maintenance of drainage, utilities, and the like.

4.5.2 If the dedicated open space is not to be conveyed to the town, then the applicant shall include, as part of the covenant, a provision that the dedicated open space will be deeded as approved by the Board. In addition, the covenant shall not be released until proof of ownership of the open space has been provided to the Board.

4.5.3 If the dedicated open space is not to be conveyed to the town, the applicant must provide a written program describing how the open space will be maintained in perpetuity to standards satisfactory to the Board. The applicant shall also provide an agreement empowering the town to perform maintenance of the open space in the event of failure to comply with the program. This agreement shall provide that, if the town is required to perform any maintenance work, the owner(s) of the open space shall pay the cost thereof and the cost shall constitute a lien upon the property until said cost has been paid.

4.5.4 If the dedicated open space is to be owned by the owners of all building lots within the development, the agreement shall provide that if the town is required to perform any maintenance work, the owner(s) of the open space shall pay the cost thereof and any unpaid costs shall constitute liens upon the homeowners property until said costs have been paid.

4.5.5 Subject to the above, the dedicated open space may be kept in an open and natural state or may be used for recreational uses including, but not limited to, golf courses, riding trails, athletic fields or gardens.

4.6 EASEMENTS

4.6.1 Where utilities cross or are centered on rear or side lot lines, easements shall be provided of a width of at least twenty feet (20'). Greater widths may be required by the Board where site conditions warrant additional area for access.

4.6.2 Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board will require a stormwater easement or drainage right-of-way of adequate width and proper side slope to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for flowage, construction or other necessary purposes.

4.6.3 Access easements to park and conservation land outside the subdivision shall be provided, and shall be at least twenty feet (20') wide.

4.7 MONUMENTS

4.7.1 Monuments shall be installed on street lines at all points of curvature, and at all points of change in direction at the end of cul-de-sacs. Monumentation shall be provided at easements at each point where the lot lines intersect the street right-of-way, and at other points where, in the opinion of the Planning Board, monuments are necessary.

4.7.2 Monuments shall be a standard permanent granite or reinforced concrete marker of not less than three feet (3') in length and not less than five inches (5") in width and breadth and shall have a three-eighth inch (3/8") drill hole in the center of the top surface, or in a driveway location only, a one inch (1") diameter standard steel rod three feet (3') in length with one-eighth of an inch (1/8") drill hole. In addition to the standard permanent roadway monuments, each point where the lot lines intersect the street right-of-way shall have a one inch (1") diameter steel rod three feet (3') in length installed with the top flush with the final graded surface.

4.7.3 The placement and accurate location of easements and all monuments shall be certified by a registered land surveyor and properly located on the street acceptance plans.

4.8 STREET AND TRAFFIC CONTROL SIGNS AND NAMES

4.8.1 Two street signs, one for each street, shall be erected at each intersection after the installation of the base coat of the roadway and prior to the issuance of lot releases and the first building permit, with frontage on the involved new roadway. Traffic control signs within the subdivision, as well as those proposed for pre-existing adjacent public ways, shall be installed after obtaining approval from the Town Safety Officer.

4.8.2 Street names shall be approved by the Street Naming Committee to prevent duplication and to provide names in keeping with the character of the Town.

4.8.3 From the time of rough grading until such time as each street is accepted by the Town as a public way, the sign posts at the intersection of such street with any other street shall have affixed thereto a sign designating such street as a private way.

4.9 STREET LIGHTS

4.9.1 High efficiency street lights shall conform to the type and style in general use in the Town of Medway unless otherwise specified by the Planning Board and shall be installed at locations as directed by the Planning Board as confirmed by the Board of Selectmen.

4.9.2 Street lights shall not be nearer than twenty-five feet (25') from the intersection of two (2) streets, measured from the intersection of the tangents of the intersecting street curblines; and shall be placed in back of sidewalks (7'6" behind back of curb/berm) wherever possible. (Easements shall be provided if required).

4.9.3 Street lights shall be installed in accordance with the procedure required by the Board of Selectmen and the applicable utility company.

4.10 UTILITY POLES

Utility poles, hydrants and street shade trees shall not be nearer than twenty-five feet (25') from the intersection of two (2) streets, measured from the intersection of the tangents of the intersecting street curb lines. These items shall be placed in back of sidewalks (7'6" behind back of curb/berm) wherever possible and easements provided where necessary.

4.11 TREES AND SLOPE STABILIZATION

4.11.1 Deciduous street trees shall be planted on each side of each street in a subdivision, except in those locations where the Board has approved certain trees to be retained which are healthy and are of adequate size and species. Such trees shall be located outside (in easements) of the right-of-way, as shown in the Minor Street Detail and Major Street Detail, at approximately sixty foot (60') intervals. Trees shall be at least twelve feet (12') in height, two inches (2") in caliper measured four feet (4') above the approved grade. Each of the trees shall be planted in at least one cubic yard of topsoil unless otherwise required by the Town.

4.11.3 All deciduous "street trees" shall be clear of any branches from the approved grade level to a point seven feet (7') above finished ground level.

4.11.6 All cut bankings that tend to wash or erode must be provided with suitable erosion control methods planted with a low-growing evergreen shrub such as laurel, mugho pine or juniper, and seeded with a deep-rooted perennial grass to prevent erosion. Wood chip mulch without plantings shall not be acceptable.

4.12 PROTECTION OF NATURAL FEATURES

Due regard shall be shown for all natural features such as, large trees, wooded areas, water courses, scenic points, historic spots and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

4.13 MAINTENANCE OF SUBDIVISION IMPROVEMENTS

For the purpose of protecting the safety, convenience and welfare of the Town's inhabitants; 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 reducing the danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; under the authority of Chapter 41, Section 81-M as amended, the applicant or his successor shall provide for the proper maintenance and repair of improvements during the construction and until the Town votes to accept such improvements. Such maintenance shall include snow removal beginning from the time of occupancy of an individual owner or tenant other than the developer.

4.14 EROSIAN AND SEDIMENTATION

4.14.1 General Requirements. In a subdivision with excessive slope or a subdivision which abuts or includes a stream(s), wetland(s) or pond(s) or where major earth work is anticipated, an erosion and sedimentation analysis and management plan shall be presumed necessary. Approval of a subdivision plan may be denied until the existing average annual erosion and the expected average annual erosion during and after construction is determined. The developer will be required to submit an erosion and sediment control plan. The developer shall be required to provide the Board with a copy of the Pollution Prevention Plan as part of the NPDES stormwater permit process.

4.14.2 Procedure. The Planning Board may determine specific requirements to address specific problems and needs of a particular subdivision during the Preliminary Plan review. The Board may also determine these requirements during the Definitive Plan phase.

4.14.2.1 Using the methods described in the latest edition of the Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts, Appendix J, published by the Soil Conservation Service, the developer shall use the Universal Soil Loss Equation to estimate annual soil loss from the site, as well as the estimated annual soil loss from the site while under construction and after construction is completed.

4.14.2.2 The developer shall submit, as part of the Definitive Plan a soil erosion and sedimentation control plan. This plan shall consist of a drawing certified by a Registered Civil Engineer, identifying appropriate control measures and their location. Also, the drawing shall show all natural drainage ways and water bodies in and adjacent (within 500 ft.) to the proposed subdivision. The drawing shall be at a scale on one inch (1") equals forty feet (40'), and show the existing and proposed topography at two-foot (2') contour intervals.

4.14.2.3 Erosion and sedimentation control measures shall be adequate to retain all erosion within the subdivision and away from nearby water systems, both during and after construction. A timetable outlining anticipated construction activity and associated erosion and sedimentation control measures shall be submitted to the Board. All work shall be subject to periodic inspection by the Board or Board's agents.

SECTION 5.0 ADMINISTRATION

5.1 VARIATION

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Planning Board such action is in the public interest and not inconsistent with the Subdivision Control Law. Requests for waivers by the applicant shall be in writing at the time of the submission of the Definitive Plan and shall state the section and provision for each requested item. The applicant shall provide complete documentation to support the request for the waiver.

5.2 FEES AND COSTS

5.2.1. Fees: The minimum filing fee shall be as follows:

- a. *Subdivision Approval Not Required Plans (Form A)* - \$50 plus \$50 per lot and/or parcel (minimum fee \$150.00)
- b. *Preliminary Plans (Form B)* - \$250.00
- c. *Definitive Plans (Form C)* - \$100.00 per lot plus \$1.00 per linear foot of street centerline created.

(Amended April 25, 2000)

5.2.2 Other Fees, Costs and Expenses

5.2.2.1 All expenses for advertising, publication of notices, postage and mailings, professional plan reviews, construction inspections, recording and filing of documents, and all other expenses in connection with a subdivision including without limitation sampling and/or testing required by the Board or its agents shall be borne solely by the applicant. The Board reserves the right to fund and use fees which it establishes pursuant to Massachusetts General Laws Chapter 44, Section 53G. *(Amended April 25, 2000)*

5.2.2.2 Project Review Fees. When the Planning Board reviews either a preliminary or definitive plan, the Board may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of a proposed project or because of the project's impact on the Town. The Board may engage the services of outside consultants which may include but not be limited to engineers, planners, lawyers, urban designs or other appropriate professionals. The assistance of these consultants shall include but not be limited to analyzing an application and ensuring compliance with all relevant laws, bylaws and regulations. If the Board determines that such services are required, the applicant shall pay a "project review fee" prior to the review by the outside consultants. This fee shall be the reasonable costs incurred by the Board for the employment of the outside consultants engaged by the Board to assist in the review of a proposed project. The "project review fee" shall not be a fixed amount but will vary with the costs incurred by the Board. Should the services of outside consultants be required after the initial "project review fee" has been expended, then the applicant shall be required to pay an additional fee for subsequent review of resubmitted and/or revised documents. *(Amended April 25, 2000)*

5.2.2.3 Construction Observation Inspection Fees. When a subdivision has been approved by the Planning Board, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of the approved plan or because of its impact on the Town. The Board may engage the services of outside consultants which may include but not be limited to engineers and other appropriate professionals. The assistance of these consultants shall include but not be limited to monitoring or inspecting a project or site for compliance with the Board's decision or regulations or inspecting a project during construction or implementation. If the Board determines that such services are required, the applicant shall pay a "construction observation inspection fee" prior to the Board's endorsement of the plan. Failure of the

applicant to pay the fee shall be grounds to withhold plan endorsement. The "construction observation inspection fee" shall be the reasonable costs incurred by the Board for the employment of the outside consultants engaged by the Board to assist in the inspection of the approved plan. This fee shall not be a fixed amount but will vary with the costs incurred by the Board. (*Amended April 25, 2000*)

5.2.2.4 Payment. Funds paid by the applicant shall be by certified check made payable to the Town of Medway and when these funds are received by the Board pursuant to this section they shall be deposited with the Town Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from the special account shall be made only for services rendered in connection with a specific project or projects for which a fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee shall be grounds for denial of the approval sought.

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

(*Amended April 25, 2002*)

5.2.2.5 Administrative Appeal. Any applicant may take an administrative appeal from the selection of the outside consultant to the Town Board of Selectmen. Such appeal must be made in writing and may be taken only within twenty (20) days after the Planning Board has mailed or hand-delivered notice to the applicant of the selection. 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 either consist of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand. (*Amended April 25, 2000*)

5.3 REFERENCE

For matters not covered by these Rules and Regulations, reference is made to Section 81-K to 81-GG, inclusive, of Chapter 41 of the Massachusetts General Laws.

5.4 SOURCE OF INFORMATION REQUIRED

In those cases in which the land shown on a plan is abutted by land not owned by the owner of the land as shown on the Definitive Plan, the Board may require a statement from the designer of the plan as to the source or sources of the information about the location of property lines. A separate form for such statement will be furnished to the Board, (see Form D, Designer's Certificate).

5.5 BUILDING PERMIT

5.5.1 No building permit shall be issued within a subdivision without written permission from the Planning Board by release of covenant, bond, or securities resulting from the fulfillment of developer obligations.

5.5.2 The Building Inspector shall not issue any permit for the erection of a building until first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under Chapter 41, Section 81-X, as amended and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board. In the event that more than one building for dwelling purposes is to be erected or placed or converted to use as such on any lot, the Building Inspector must be satisfied prior to issuance of a permit that consent has been obtained from the Planning Board in accord with Section 5.5.3 of these Rules and Regulations, and Chapter 41, Section 81-Y of the Massachusetts General Laws, and amendments thereto.

5.5.3 More Than One Building for Dwelling Purposes on a Lot. Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the Town without the consent of the Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision. (Section 81-Q of Chapter 41 M.G.L.)

5.6 CONSTRUCTION OBSERVATION NOTICES

The subdivider shall notify the Department of Public Services, Water and Sewer Department and the Engineer designated by the Board at least 48 hours prior to the time at which each one of the required construction observations should take place.

The subdivider shall provide safe and convenient access to all parts of work for observation by the Department of Public Services, Water and Sewer Department and by the Board's engineer, members or agents. No work shall be approved that has been covered before the required inspection/observation. To assure compliance, the following procedure must be followed:

5.6.1 The developer must notify the Department of Public Services, Water and Sewer Department, Fire Department and the Engineer designated by the Board, in writing, no later than seven (7) days prior to the start of construction in order to hold a pre-construction meeting on the site with the developer and his contractor(s). (*Amended April 25, 2000*)

5.6.2 The developer must notify the Department of Public Services, Water and Sewer Department, Fire Department and the Engineer designated by the Board when underground infrastructure, such as but not limited to sewer, fire alarm and drainage, are installed to allow for inspection of the installation by the respective department before the excavation is backfilled. *(Amended April 25, 2000)*

5.6.3 The subgrade must be approved by the Department of Public Services and the Engineer designated by the Board before the application of the gravel base course.

5.6.4 The gravel base course must be approved by the Department of Public Services and the Engineer designated by the Board before the application of bituminous concrete (street or sidewalk) pavement.

5.6.5 The developer must notify the Department of Public Services and the Engineer designated by the Board with at least 48 hours written notice prior to the start of each application of bituminous concrete on the street and sidewalk and of placement of curbing for approval.

5.6.6 The developer must keep the Department of Public Services and the Engineer designated by the Board informed when materials and other items of work are ready for inspection and approval such as the installation of bounds, loam, and seeding, and general cleanup.

5.6.7 Lot releases shall not be issued by the Planning Board until the following items have been installed, inspected and approved by the Board or its agent.

1. Gravel subbase
2. Binder course
3. Berm along the roadway edges as proposed
4. Drainage system completed to the proposed outfall with frame and grates set to binder grade
5. Street name sign, STOP sign, "Street Not Accepted by the Town" sign
6. Stop Line/proposed pavement markings.

(Amended April 25, 2000)

5.7 **VALIDITY**

If, in any respect, any provision of these Rules and Regulations in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be held invalid and in all other respects these Rules and Regulations shall stand.

Adopted: October 12, 1999

Amended: April 28, 2000

Attest:

Susan E. Affleck-Childs

Susan E. Affleck-Childs

Administrative Secretary

May 20, 2008

Date

A true copy attest:

Maryjane White

Maryjane White

Town Clerk

May 20, 2008

Date

LAND SUBDIVISION

FORM A - Application for Endorsement of Plan
Believed Not to Require Subdivision Approval (ANR)

PLANNING BOARD
TOWN OF MEDWAY, MASSACHUSETTS

_____, 20____

TO: The Planning Board of the Town of Medway, Massachusetts

The undersigned wishes to record the accompanying plan entitled: _____
dated _____
and prepared by _____ and requests a
determination by said Board that approval by it under the Subdivision Control Law is not required.

Applicant's Name _____
Applicant's Signature _____
Applicant's Address _____
Applicant's Telephone _____

ANR Location Address _____
Subdivision Name (if applicable) _____ Lot #s _____

Property Owner Information (if not applicant)

Name _____
Signature _____
Address _____

The applicant believes that the Planning Board's approval is not required for the following reasons:

- ____ 1. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage, area and depth required by the Medway Zoning By-Law and is on a public way, namely _____.
- ____ 2. The division of land shown on the accompanying plan is not a subdivision for the following reason(s) _____

- ____ 3. The owner's title to the land is derived under deed from: _____
dated _____
and recorded in Norfolk County Registry of Deeds, Book _____ Page _____
or Land Court Certificate of Title No. _____, registered in Norfolk County
District Book _____, Page _____.

Date Form A Received by Planning Board: _____ by: _____

Fee Paid: _____ Check # _____

Date Received by Town Clerk: _____

LAND SUBDIVISION

FORM A-1 - Determination that Subdivision Approval is Not Required (ANR)

**PLANNING BOARD
TOWN OF MEDWAY, MASSACHUSETTS**

_____, 20____

TO: Town Clerk
Town of Medway, Massachusetts

RE: Application for Endorsement of Plan Believed Not to Require Subdivision Approval

Applicant's Name _____

Applicant's Address _____

ANR Location Address _____

You are hereby notified that the plan entitled _____
and dated _____ that was submitted by the above applicant to the Planning Board
on _____ and was accompanied by a *Form A - Application for Endorsement
of a Plan Believed Not to Require Approval* dated _____ was endorsed by the
Planning Board on _____ as follows:

"Planning Board Approval Under Subdivision Control Law Not Required."

MEDWAY PLANNING BOARD BY:

_____, Chairman

_____, Vice-Chairman

_____, Clerk

_____, Member

_____, Member

Attest: _____ Administrative Secretary

Duplicate copy sent to applicant: _____ (date)

By: _____ (person)

LAND SUBDIVISION

FORM B – Application for Approval of a Preliminary Plan

PLANNING BOARD
TOWN OF MEDWAY, MASSACHUSETTS

_____, 20____

TO: The Planning Board of the Town of Medway, Massachusetts

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled:

dated _____, and prepared by _____
being land bounded as follows: _____

hereby submits said plan as a Preliminary Subdivision Plan in accordance with the *Rules and Regulations for the Review and Approval of Land Subdivisions* (April 25, 2000) of the Town of Medway Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____
by deed dated _____ and recorded in the Norfolk County Registry of
Deeds, Book _____, Page _____, or Norfolk County District of the Land Court
Certificate of Title No. _____, Book _____, Page _____.

Applicant's Information

Applicant's Name _____
Applicant's Signature _____
Applicant's Address _____
Applicant's Telephone _____

Property Owner Information (if not applicant)

Name _____
Signature _____
Address _____

Date Form B Received by Planning Board: _____ by: _____

Fee Paid: _____ Check # _____

Date Received by Town Clerk: _____

FORM B-1

NOTIFICATION OF PLANNING BOARD ACTION ON PRELIMINARY PLAN

You are hereby notified that the Town of Medway Planning Board on this date has not approved/approved with the following modifications the preliminary plan entitled

as submitted on _____ by _____

The modifications required on this plan are:

Reasons for disapproval:

Medway Planning Board

cc: Town Clerk

LAND SUBDIVISION

FORM C – Application for Approval of a Definitive Plan

PLANNING BOARD
TOWN OF MEDWAY, MASSACHUSETTS

TO: The Planning Board of the Town of Medway, Massachusetts, 20

The undersigned, being the applicant as defined under Chapter 41, Section 81-L for approval of a proposed subdivision shown on a plan entitled: _____, dated _____, and prepared by _____ being land bounded as follows: _____

hereby submits said plan as a Definitive Subdivision Plan in accordance with the *Rules and Regulations for the Review and Approval of Land Subdivisions* (April 25, 2000) of the Town of Medway Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____ by deed dated _____ and recorded in the Norfolk County Registry of Deeds, Book _____, Page _____, or Norfolk County District of the Land Court Certificate of Title No. _____, Book _____, Page _____.

Said plan has/has not (circle one) evolved from a preliminary subdivision plan submitted to the Planning Board on _____ and approved/approved with modification/disapproved (circle one) on _____.

The undersigned hereby applies for the approval of said Definitive Subdivision Plan by the Planning Board in belief that the plan conforms to the Board's Rules and Regulations

Applicant's Information

Applicant's Name _____
Applicant's Signature _____
Applicant's Address _____
Applicant's Telephone _____

Property Owner Information (if not applicant)

Name _____
Signature _____
Address _____

Date Form B Received by Planning Board: _____ by: _____

Fee Paid: _____ Check # _____

Date Received by Town Clerk: _____

FORM C-1

NOTIFICATION OF PLANNING BOARD ACTION ON DEFINITIVE PLAN

You are hereby notified that the Planning Board of the Town of Medway on _____
has not approved/approved the Definitive Plan _____

as submitted on _____ by _____

Reasons for disapproval:

Medway Planning Board

cc: Town Clerk

LAND SUBDIVISION

FORM D – Designer's Certificate

PLANNING BOARD TOWN OF MEDWAY, MASSACHUSETTS

_____, 20____

TO: The Planning Board of the Town of Medway, Massachusetts

In preparing the plan entitled _____
and dated _____, I hereby declare that the above named plan and
accompanying data is true and correct to the accuracy required by the current Rules and Regulations for
the Review and Approval of Land Subdivisions in Medway, Massachusetts and required by the rules of
the Massachusetts Registries of Deeds and my source of information about the location of boundaries
shown on said plan were one or more of the following:

1. Deed from _____
to _____ dated _____
and recorded in the Norfolk County Registry of Deeds, Book _____, Page _____.

2. Other deeds and plans as follows: _____

3. Oral information furnished by: _____

4. Actual measurements on the ground from a starting point established by: _____

Signed _____
(Registered Land Surveyor)

(Seal of Surveyor)

Registration No. _____

Signed _____
(Registered Professional Engineer)

(Seal of Professional Engineer)

Registration No. _____

LAND SUBDIVISION

FORM E - Certified List of Abutters & Owners within 300'

PLANNING BOARD TOWN OF MEDWAY, MASSACHUSETTS

_____, 20____

TO: The Planning Board of the Town of Medway, Massachusetts

The undersigned, being an applicant for approval of a preliminary/definitive (please circle the stage of plan you are submitting) plan of a proposed subdivision entitled: _____ and dated _____,

submits the attached sketch of the land (Assessor's map) in and around the proposed subdivision listing the names of all adjoining/abutting owners and all other owners of land within three hundred feet (300') of the land shown on the plan, in their relative positions, including and across adjoining ways. The names and addresses of all parties adjoining/ abutting and owning land within 300' of the proposed subdivision are provided on a separate list(s). The name and address information has been certified as accurate and dated by the Town of Medway Assessor's office and by the Assessor of any adjacent town(s) in which land within 300' of the boundaries of the proposed subdivision is located.

In submitting this information I hereby certify that to the best of my ability and knowledge, the list of names and addresses is complete and includes all adjoining/abutting owners of property and all owners within 300' of the boundaries of the proposed subdivision.

Applicant's Name (PRINT)

Applicant's Signature

Preparer's Name (if different than applicant) (PRINT)

Preparer's Signature (if different than applicant)

Date Form E Received by the Planning Board: _____ by: _____

Information provided:

- _____ Sketch of land with names of all adjoining/abutting owners and all other owners within 300'
- _____ List of names and addresses of adjoining/abutting owners and all other owners of land within 300' and certified as correct by the Medway Assessor's office.
- _____ List of names and addresses of adjoining/abutting owners of land and all other owners within 300' in any adjacent communities and certified as correct by the respective local Assessor(s).

FORM F

COVENANT

Know all men by these presents that whereas the undersigned has submitted an application dated _____, 19____, to the Medway Planning Board for approval of a Definitive Plan of a certain subdivision entitled _____ and dated _____, 19____, and has requested the Board to approve such plan without requiring a performance bond.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Medway Planning Board approving said plan without requiring a performance bond, and in consideration of one dollar (\$1.00) in hand paid, receipt whereof is hereby acknowledged, the undersigned covenants and agrees with the Town of Medway as follows:

1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and municipal services necessary to serve adequately such lot has been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions thereof.

2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a Certificate of Performance executed by a majority of said Planning Board and enumerating the specific lots to be so released.

3. The undersigned represents and covenants that undersigned is the owner* in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages has assented to this contract prior to its execution by the undersigned.

*If there is more than one owner, all must sign.

IN WITNESS WHEREOF the undersigned, applicant as aforesaid, does hereunto set his hand and seal this _____ day of _____, 19____.

OWNER(S) IF NOT APPLICANT

APPLICANT

Description of Mortgages:

(Give complete names and Registry of Deeds reference)

Assents of Mortgages:

COMMONWEALTH OF MASSACHUSETTS

_____, ss

_____, 19____

Then personally appeared the above named

_____ and acknowledged the foregoing instrument to be his/her free act and deed, before me.

Notary Public

My commission Expires _____

FORM G

PERFORMANCE BOND

SURETY COMPANY

SUBDIVISION NAME _____ DATE _____

Know all men by these presents that _____
as Principal, and _____ a Corporation duly organized and existing under the laws of the State of
Massachusetts and having a usual place of business in _____
as Surety, hereby bind and obligate themselves and their respective heirs, executors, administrators, successors and
assigns, jointly and severally, to the Town of Medway, a Massachusetts municipal corporation, in the sum of
_____ dollars. (\$ _____).

The condition of this obligation is that if the Principal shall fully and satisfactorily observe and perform in a manner and in the time therein
specified, for the fellow specified streets and portions of streets all of the covenants, conditions, agreements, terms and provisions contained
in the application signed by the Principal and dated _____, 19____ under which approval of a Definitive Plan of a certain
subdivision entitled _____ Medway Planning Board, then this obligation shall be void, otherwise it shall remain in
full force and effect and the aforesaid sum, reduced as necessary, shall be paid to the Town of Medway as liquidated damage.

Streets and portions of streets covered by this obligations:

The surety hereby assents to any and all changes and modifications that may be made of the aforesaid covenants, conditions, terms and
provisions to be observed and performed by the Principal, and waives notice thereof.

IN WITNESS WHEREOF we have hereunto set our hands and seals this
_____ day of _____, 19____.

Principal

By _____
(Title)

Surety

By _____
(Attorney-in-fact)

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____
(date)
_____, 19____.
(month)

Signatures of a Majority of the Medway
Planning Board

Signature of Applicant

Signature of Authorized Representative
of the lender.

FORM H

PERFORMANCE BOND

SECURED BY DEPOSIT

SUBDIVISION NAME _____ DATE _____

Know all men by these presents that _____

hereby binds and obligates himself/his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Medway, a Massachusetts municipal corporation, in the sum of _____ dollars, (\$ _____), and has secured this obligation by the deposit with the treasurer of said Town of Medway of said sum in money or negotiable securities with proper stock powers.

The conditions of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns shall fully and satisfactorily observe and perform in the manner and in the time herein specified for the below specified streets and portions of street, all of the covenants, conditions, agreements, terms and provisions contained in the application signed by the Principal and dated _____, 19____, under which approval of Definitive Plan if a certain subdivision entitled _____ and dated _____, 19____, has been or is hereafter granted by the Medway Planning Board, then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid security for said sum shall become and remain the sole property of said Town of Medway as liquidated damage.

Streets and portions of streets covered by this obligation:

IN WITNESS WHEREOF the undersigned has hereunto set his hand and seal this _____ day of _____, 19____.

Principal

By _____
Title

Any amendments to this agreement and/or the aforesaid security be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____
(date)

_____, 19____.
(month)

Signatures of a Majority of the Medway
Planning Board

Signature of Applicant

Signature of Authorized Representative
of the lender.

FORM I

**AGREEMENT BY APPLICANT AS TO PUBLIC IMPROVEMENTS TO BE MADE IN
PROPOSED SUBDIVISION**

SUBDIVISION NAME _____ DATE _____

The undersigned, being the applicant as defined under Chapter 41, Section 81-L for approval of a proposed subdivision shown on a plan entitled

_____ by _____ dated _____, 19____ in
consideration of approval of the aforementioned plan, the undersigned agrees, at the sole expense
of the undersigned, to construct and install, within three(3) three years from the date you approved
the aforementioned plan or within such further time allowed by the Planning Board of the Town
of Medway, the following public improvements in the subdivision:

ALL IN ACCORDANCE WITH THE Rules and Regulations Governing the Subdivision of Land
of the Planning Board of the Town of Medway.

Applicant's Signature _____

Applicant's Address _____

FORM J

CONVEYANCE OF EASEMENTS AND UTILITIES

_____, of _____
County, Massachusetts, for good and adequate consideration, grant to the Town of Medway, a
municipal corporation in Norfolk County, Massachusetts, the perpetual rights and easements to
construct, inspect, repair, renew, replace, operate and forever maintain water mains with any
manholes, pipes, conduits, drainage easements and other appurtenances thereto, and to do all acts
incidental thereto, in, through and under the following described land:

appearing on a plan entitled:

And, for the consideration aforesaid, the said grantor does hereby give, grant, transfer and deliver
unto the Town of Medway all water mains, manholes, pipes, conduits, drainage, easements and all
appurtenances thereto that are now or hereafter constructed or installed in, through, or under the
above described land by the grantor and the grantor's successors and assigns.

The grantor warrants that the aforesaid easements are free and clear of all liens or encumbrances,
that he (it) has good title to transfer the same, and that he will defend the same against claims of
all persons.

For grantor's title see deed from _____ dated _____, 19____ and
recorded in Norfolk County Registry of Deeds, Book _____, Page _____, or under Certificate of
Title No. _____ registered in Norfolk County District of the Land Court, Book _____, Page
_____. And (to be completed if a mortgage exists) _____

the present holder of a mortgage on the above described land, which mortgage is dated
_____, 19____, and recorded in said Deeds, Book _____, Page _____, for
consideration paid, hereby releases unto the Town forever from the operation of said mortgage the
rights and easements hereinabove granted and assents thereto.

Authorized Signature of Mortgagor

Owner

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____
day of _____, 19____.

COMMONWEALTH OF MASSACHUSETTS

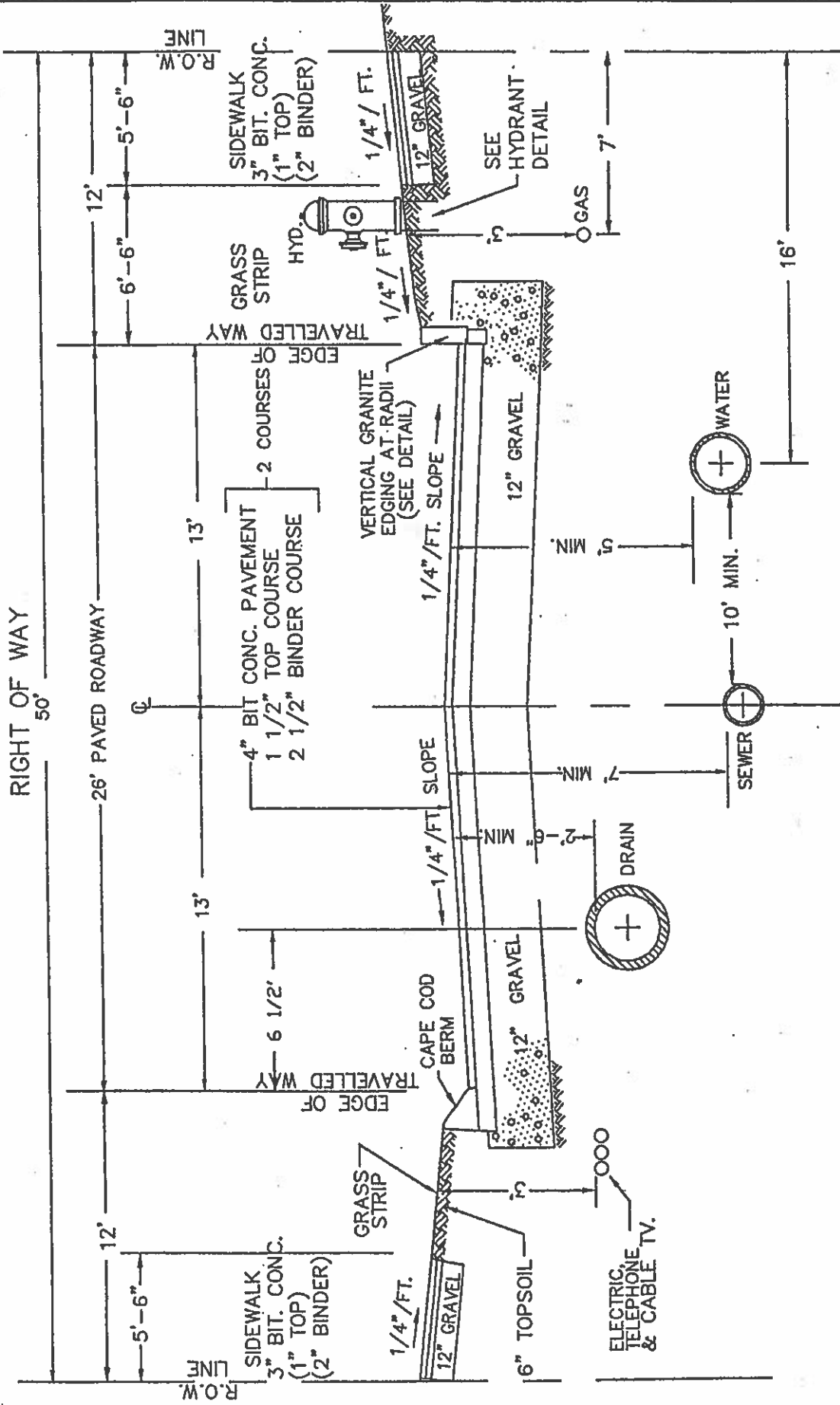
_____, SS

_____, 19____

Then personally appeared the above named _____ and acknowledged
the foregoing to be _____ free act and deed, before me.

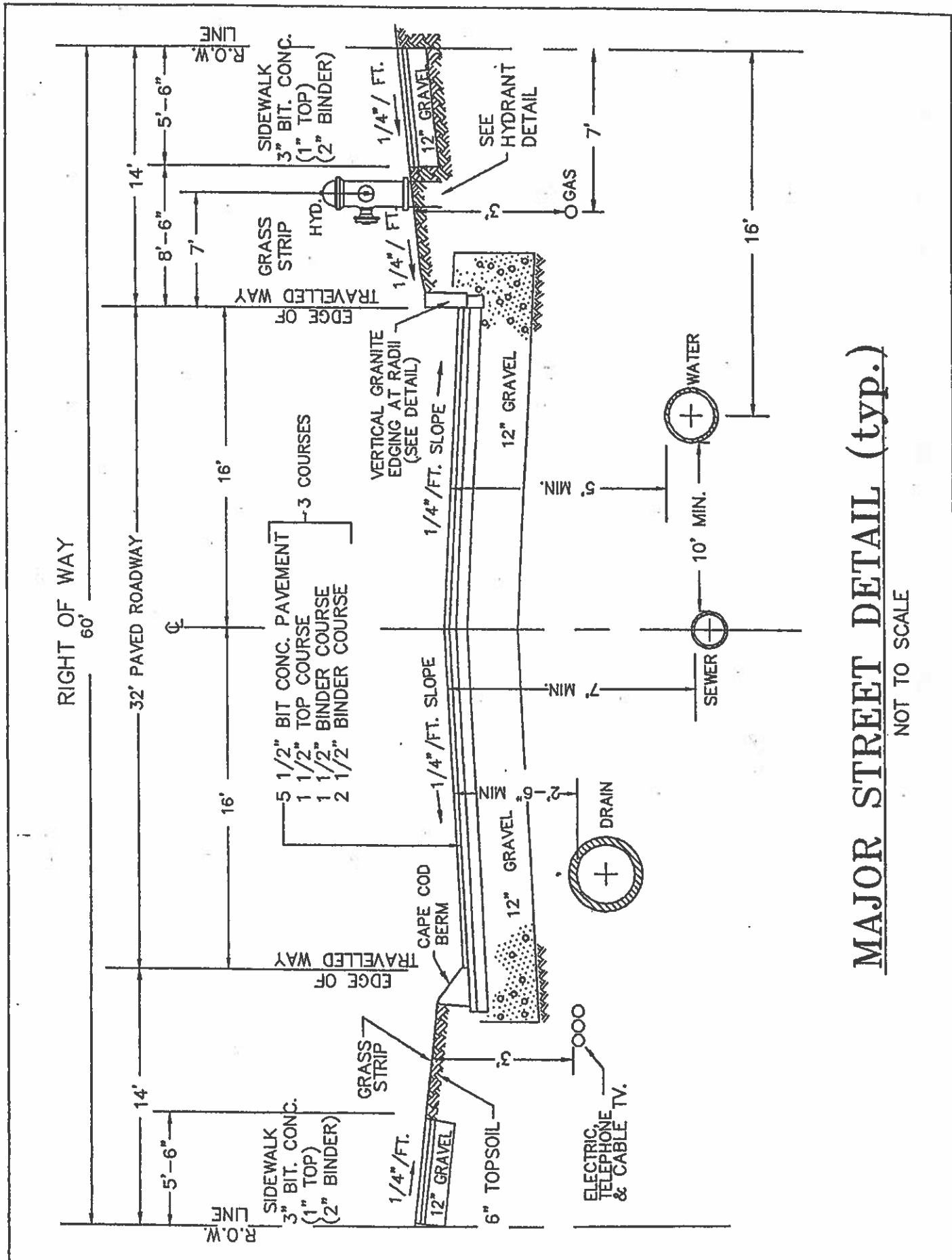
Notary Public

My commission expires: _____



MINOR STREET DETAIL (typ.)

NOT TO SCALE

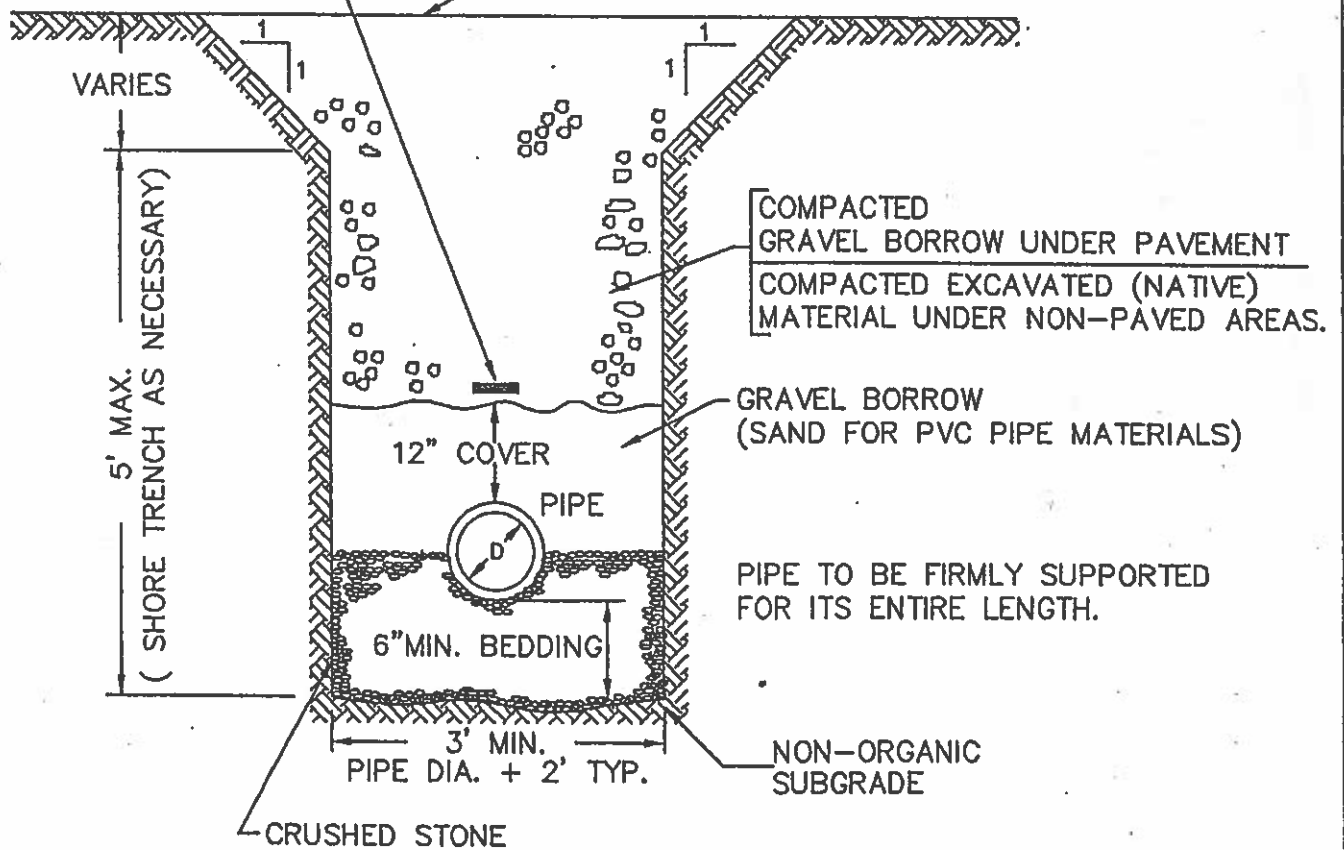


MAJOR STREET DETAIL (typ.)

NOT TO SCALE

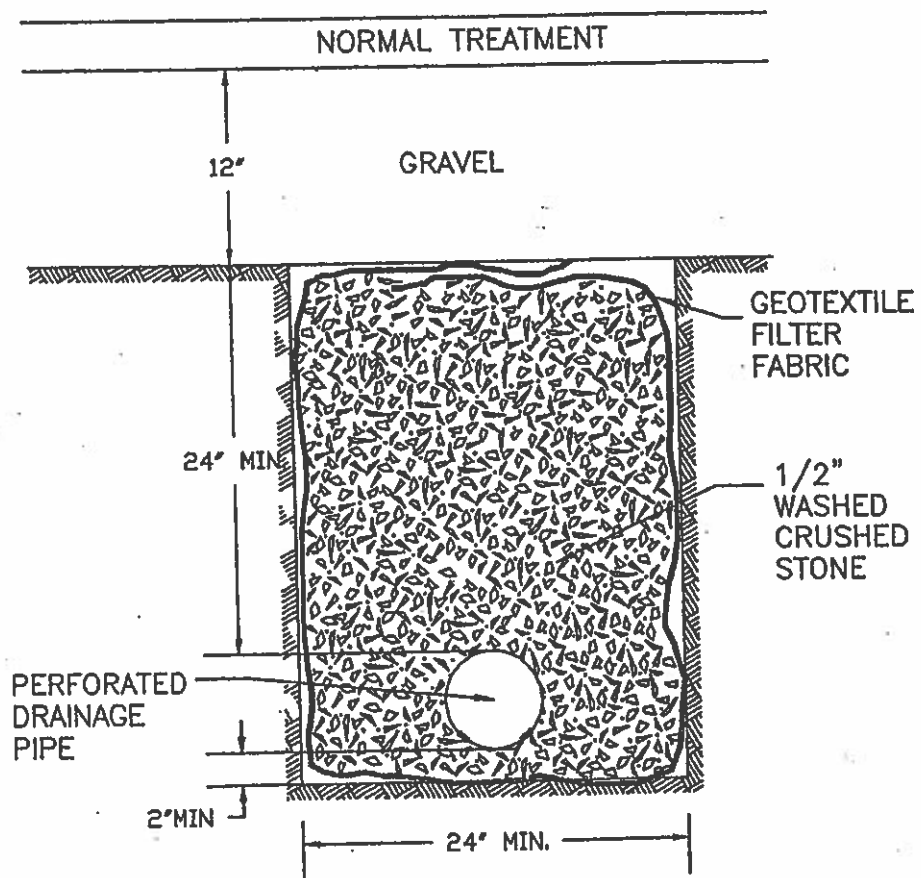
TRACER WARNING
TAPE FOR PVC PIPE

SURFACE TREATMENT
PER DESIGN PLANS

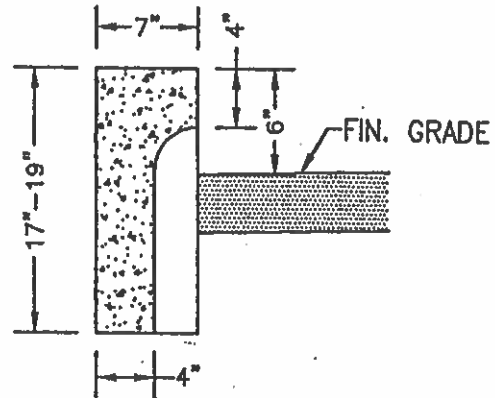


UTILITY TRENCH DETAIL (typ.)

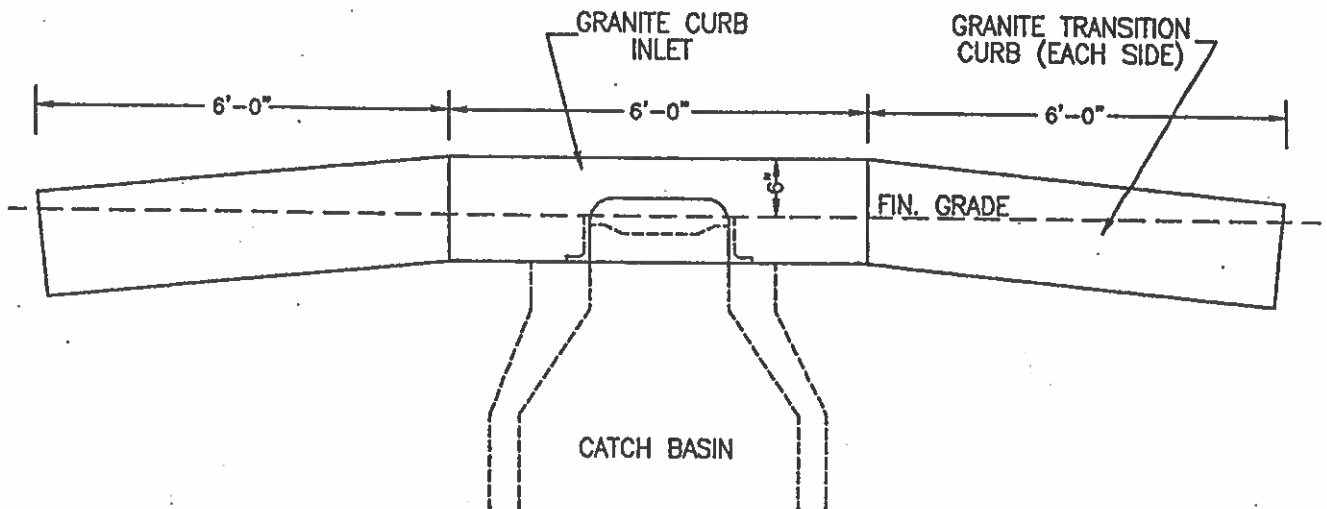
NOT TO SCALE



SUBDRAIN DETAIL (typ.)
NOT TO SCALE

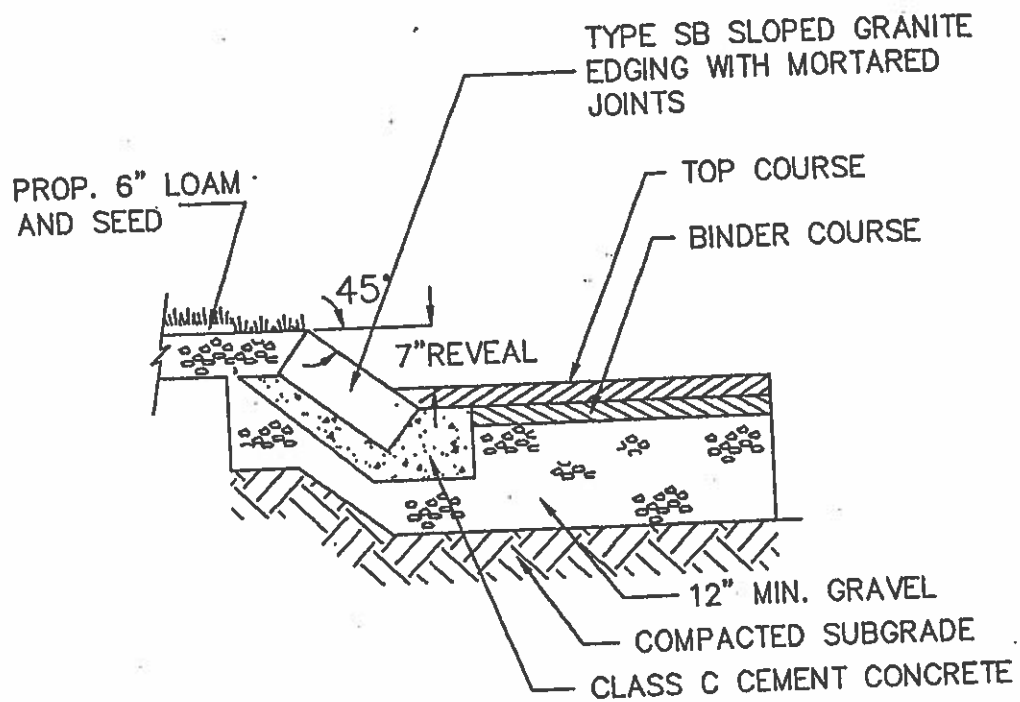


CURB INLET SECTION (TYP.)

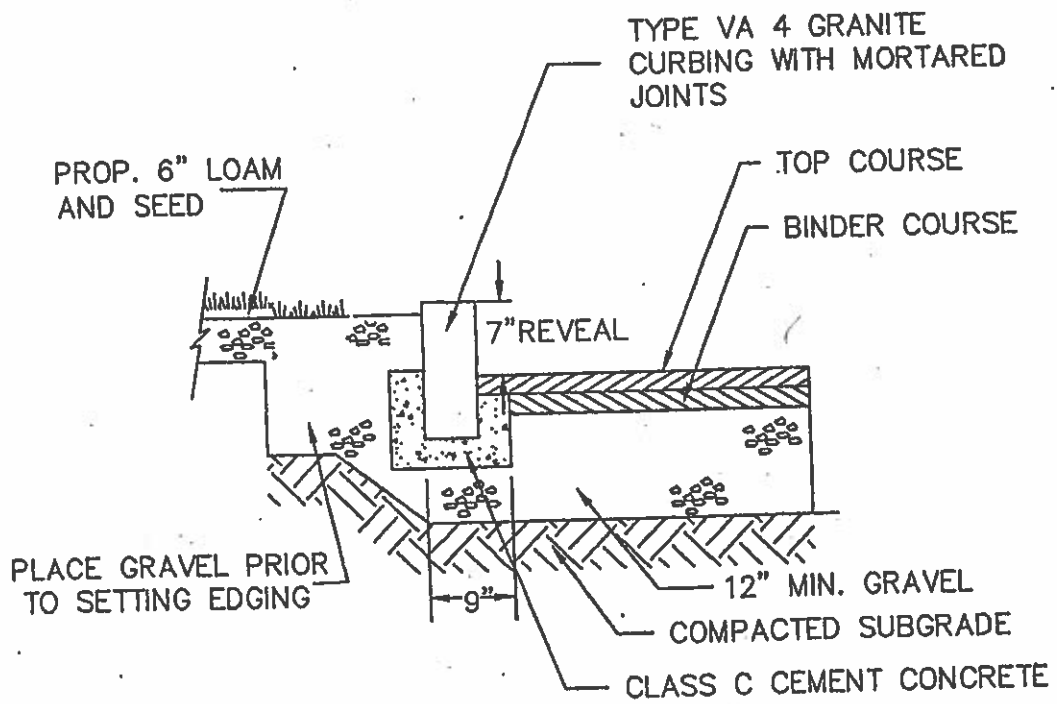


GRANITE CURB INLET & TRANSITION DETAIL (typ.)

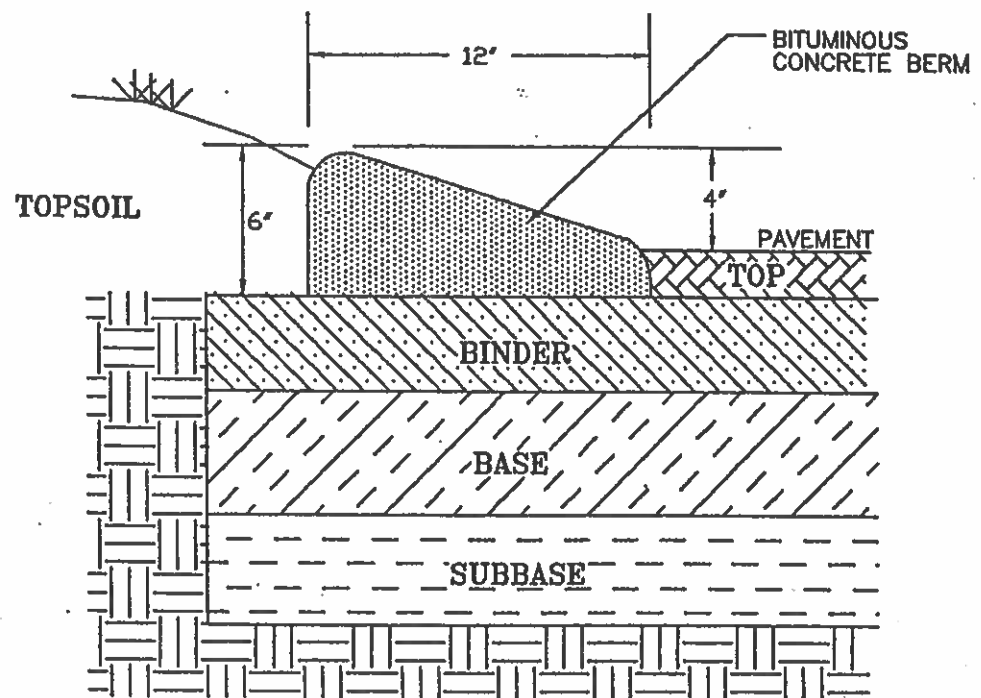
NOT TO SCALE



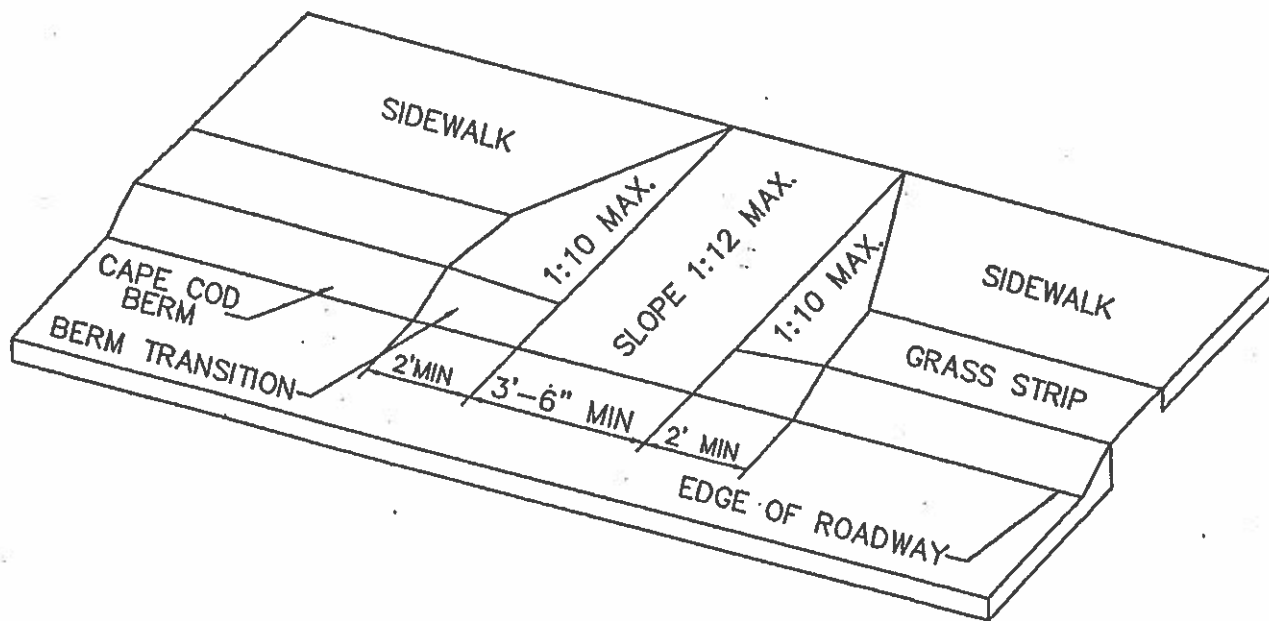
SLOPED GRANITE CURBING DETAIL (typ.)
NOT TO SCALE



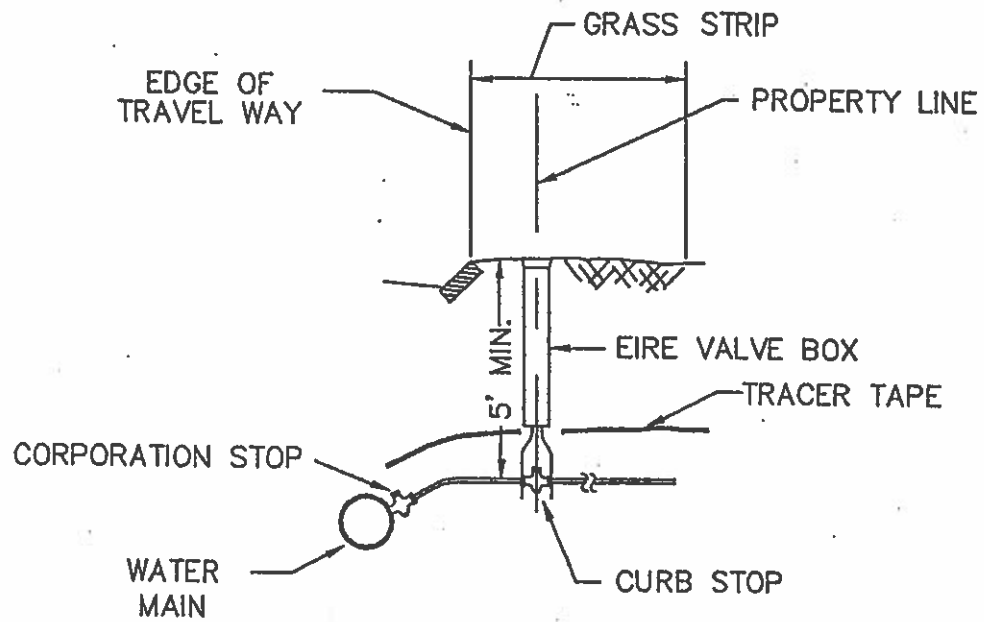
VERTICAL GRANITE CURB DETAIL (typ.)
NOT TO SCALE



MODIFIED CAPE COD BERM DETAIL(typ.)
NOT TO SCALE



PEDESTRIAN RAMP DETAIL (typ.)
NOT TO SCALE

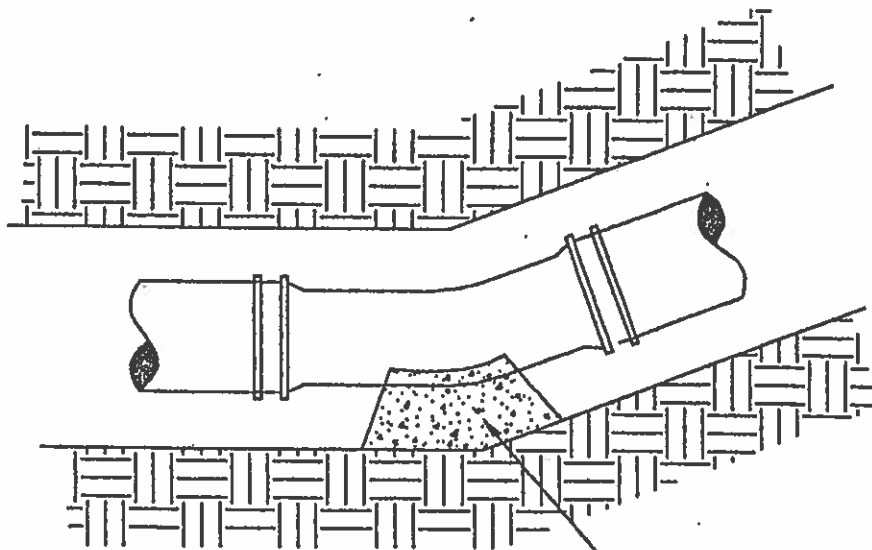


NOTES:

1. ALL MATERIALS TO CONFORM TO THE TOWN OF MEDWAY STANDARDS

WATER SERVICE DETAIL (typ.)

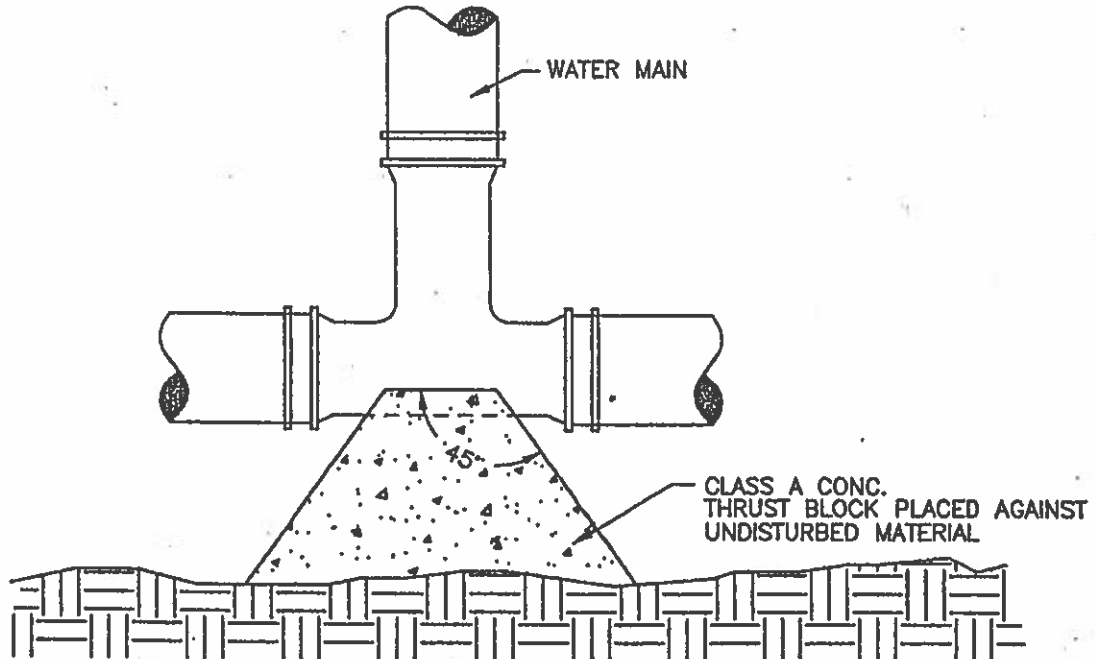
NOT TO SCALE



CLASS A CONC.
THRUST BLOCK PLACED AGAINST
UNDISTURBED MATERIAL

WATER MAIN HORIZONTAL BEND DETAIL (typ.)

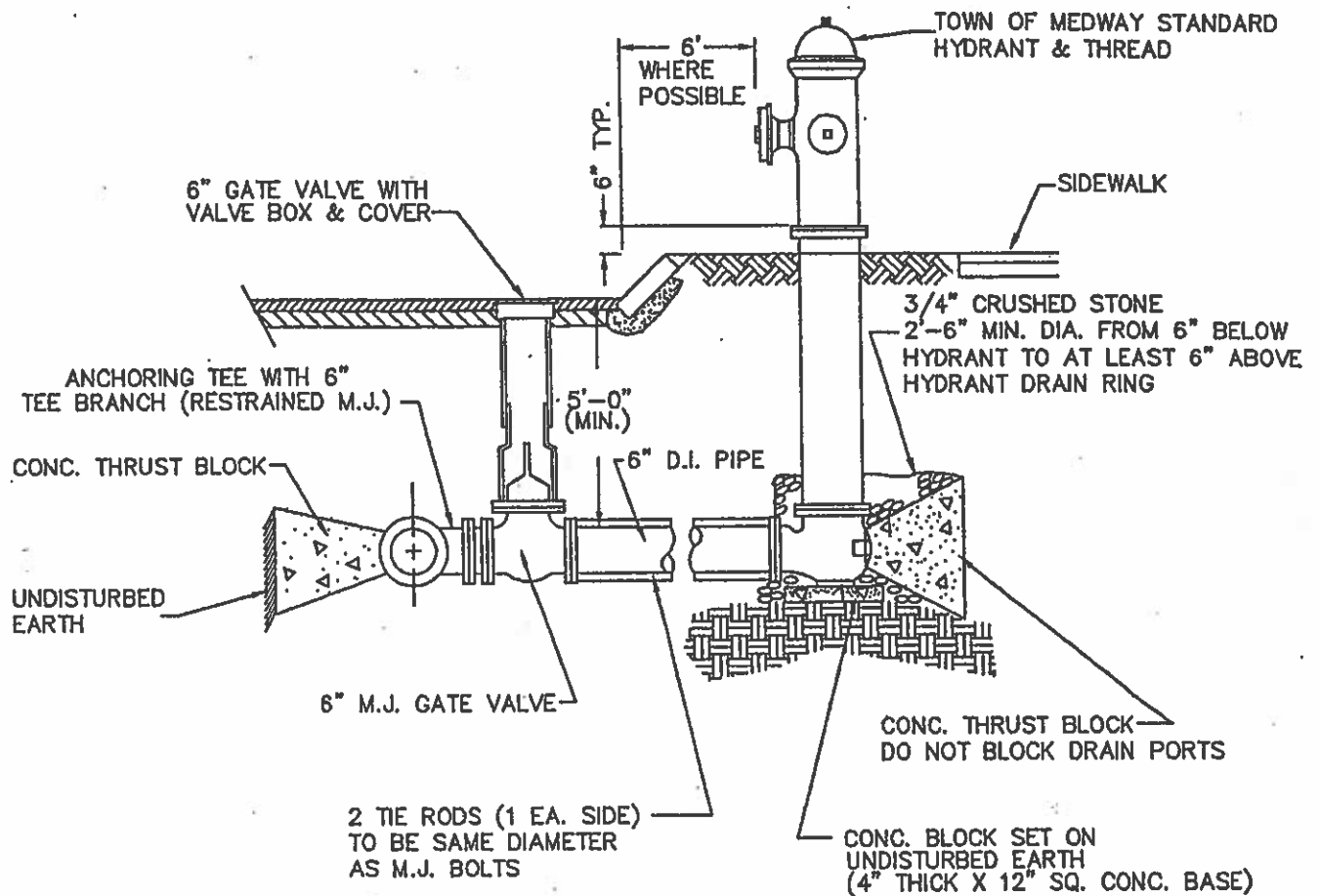
NOT TO SCALE



CLASS A CONC.
THRUST BLOCK PLACED AGAINST
UNDISTURBED MATERIAL

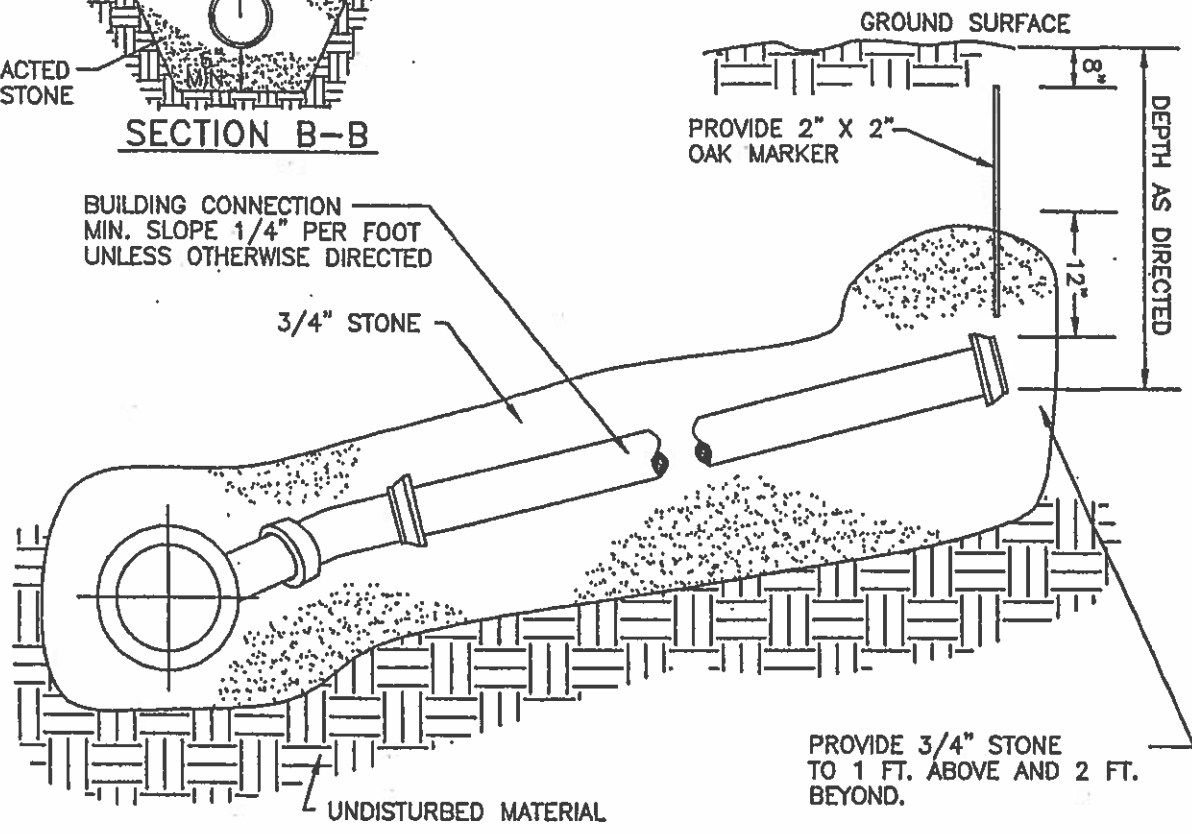
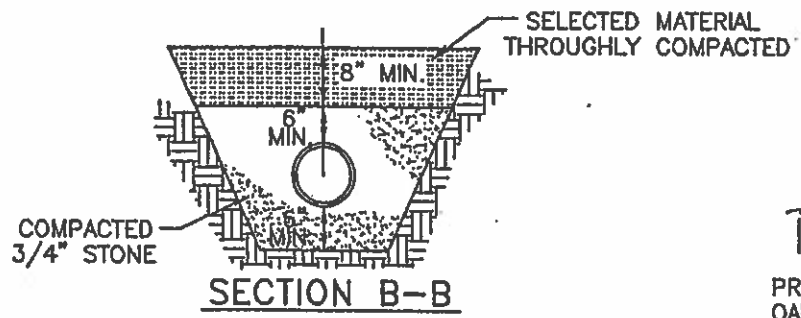
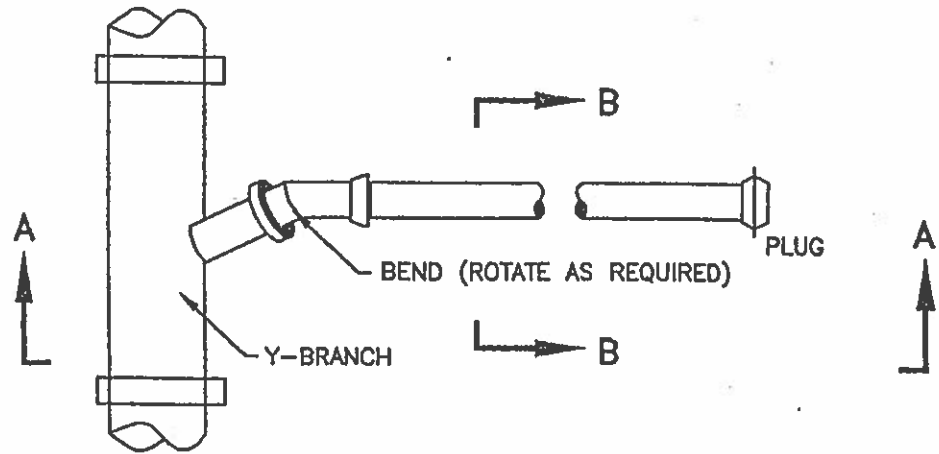
WATER MAIN TEE DETAIL (typ.)

NOT TO SCALE



HYDRANT ASSEMBLY DETAIL (typ.)

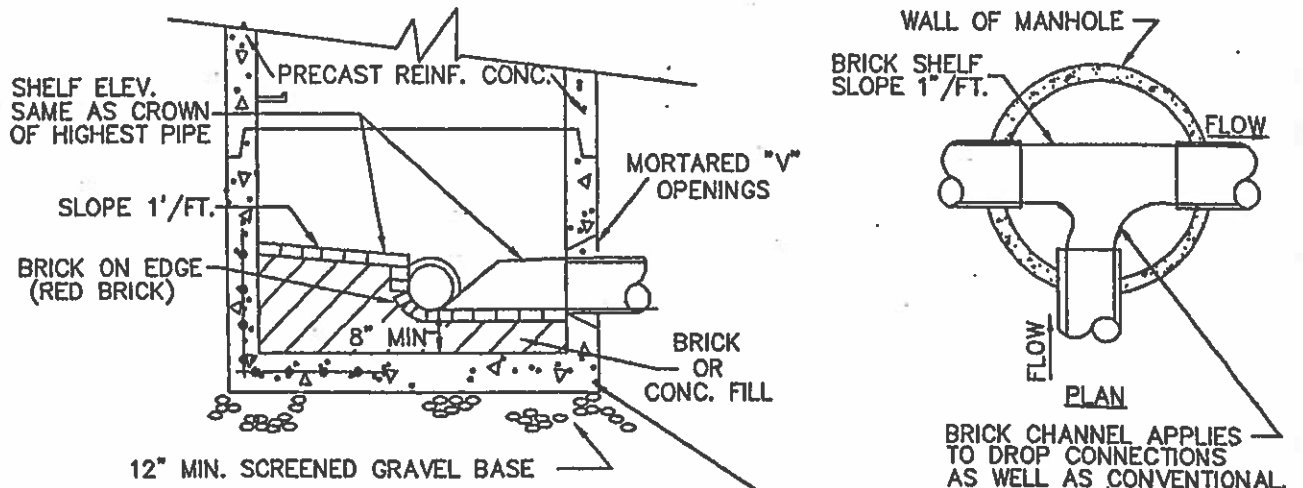
NOT TO SCALE



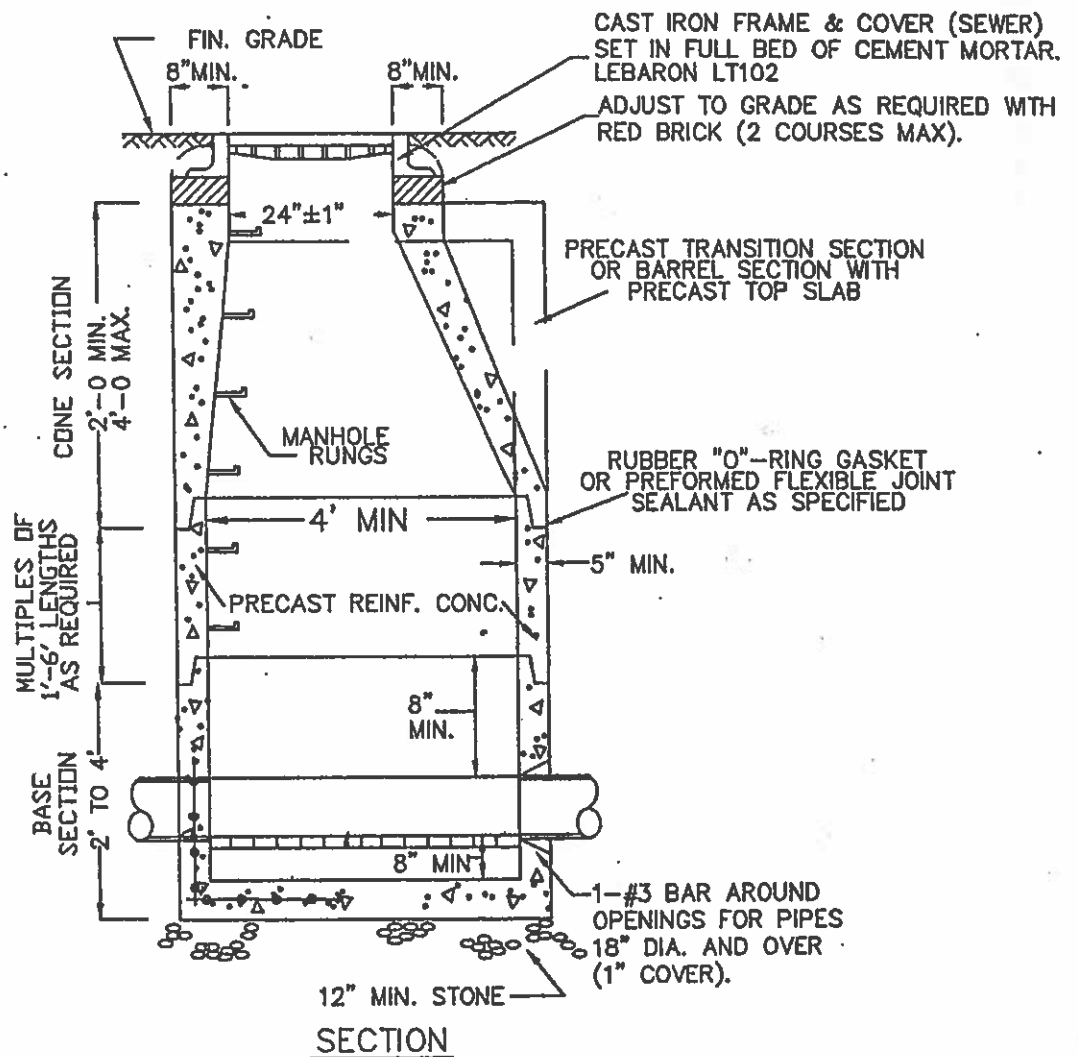
SECTION A-A

SEWER BUILDING CONNECTION DETAIL (typ.)

NOT TO SCALE



THICKNESS OF BOTTOM SLAB SHALL NOT BE LESS THAN THE MANHOLE BARREL SECTION WALL OR TOP SLAB, WHICHEVER IS LARGER

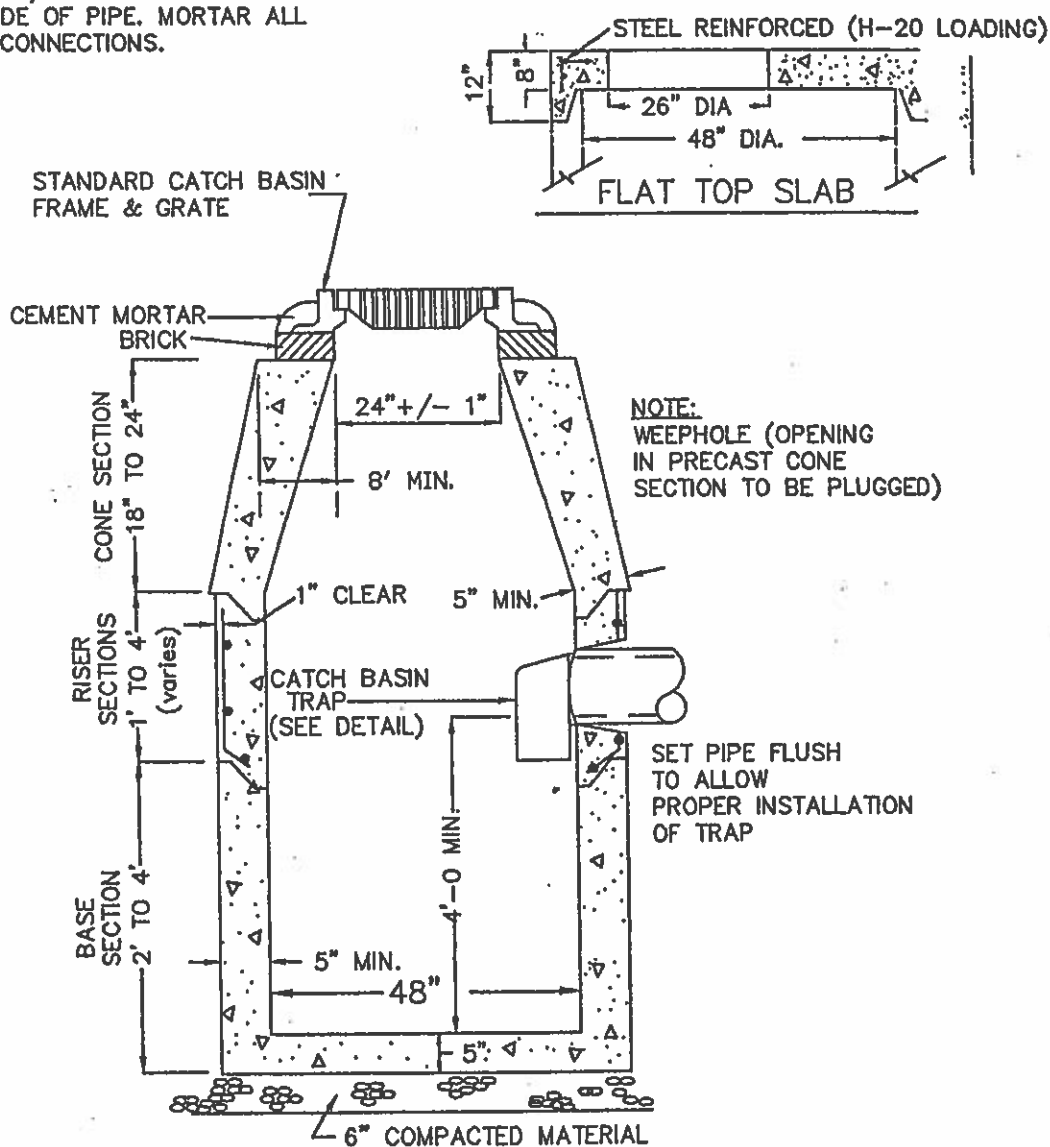


PRECAST SEWER MANHOLE DETAIL(typ.)

NOT TO SCALE.

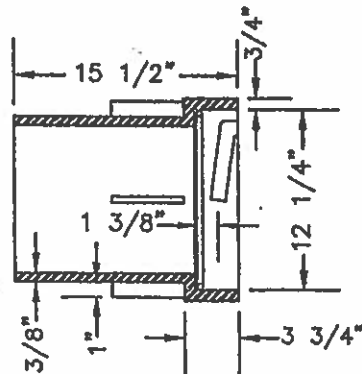
GENERAL NOTES:

1. PROVIDE LEBARON LF268-2 OR EQUAL FRAME & GRATE TO CONFORM WITH TOWN OF MEDWAY REQUIREMENTS.
2. NOTE: CATCH BASIN TRAP SHALL BE LEBARON FOUNDRY CO. MODEL LF248.2 OR EQUAL
3. SET FRAME IN FULL BED OF MORTAR. RED BRICKS MAY BE USED FOR GRADE ADJUSTMENTS (2 COURSES MAX.)
4. MORTAR ALL JOINTS.
5. PROVIDE "V" KNOCKOUTS FOR PIPES w/ 2" CLEARANCE TO OUTSIDE OF PIPE. MORTAR ALL PIPE CONNECTIONS.
6. REINFORCED STEEL CONFORMS TO LATEST ASTM SPEC. 0.12 SQ.IN./ LINEAR FT. AND 0.12 SQ.IN. (BOTH WAYS) BASE BOTTOM.
7. CONCRETE COMPRESSIVE STRENGTH-4000 PSI MIN.
8. DESIGN SPECS SHALL CONFORM TO LATEST ASTM C-478 SPEC FOR "PRECAST REINFORCED CONCRETE MANHOLE SECTIONS."



CATCH BASIN DETAIL (typ)

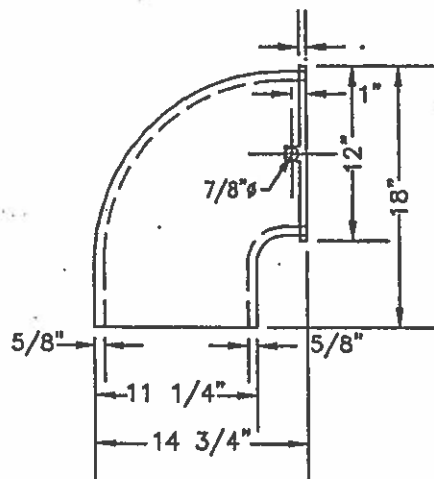
NOT TO SCALE



END VIEW

SECTION A-A

COLLAR



END VIEW

SIDE VIEW

ELBOW

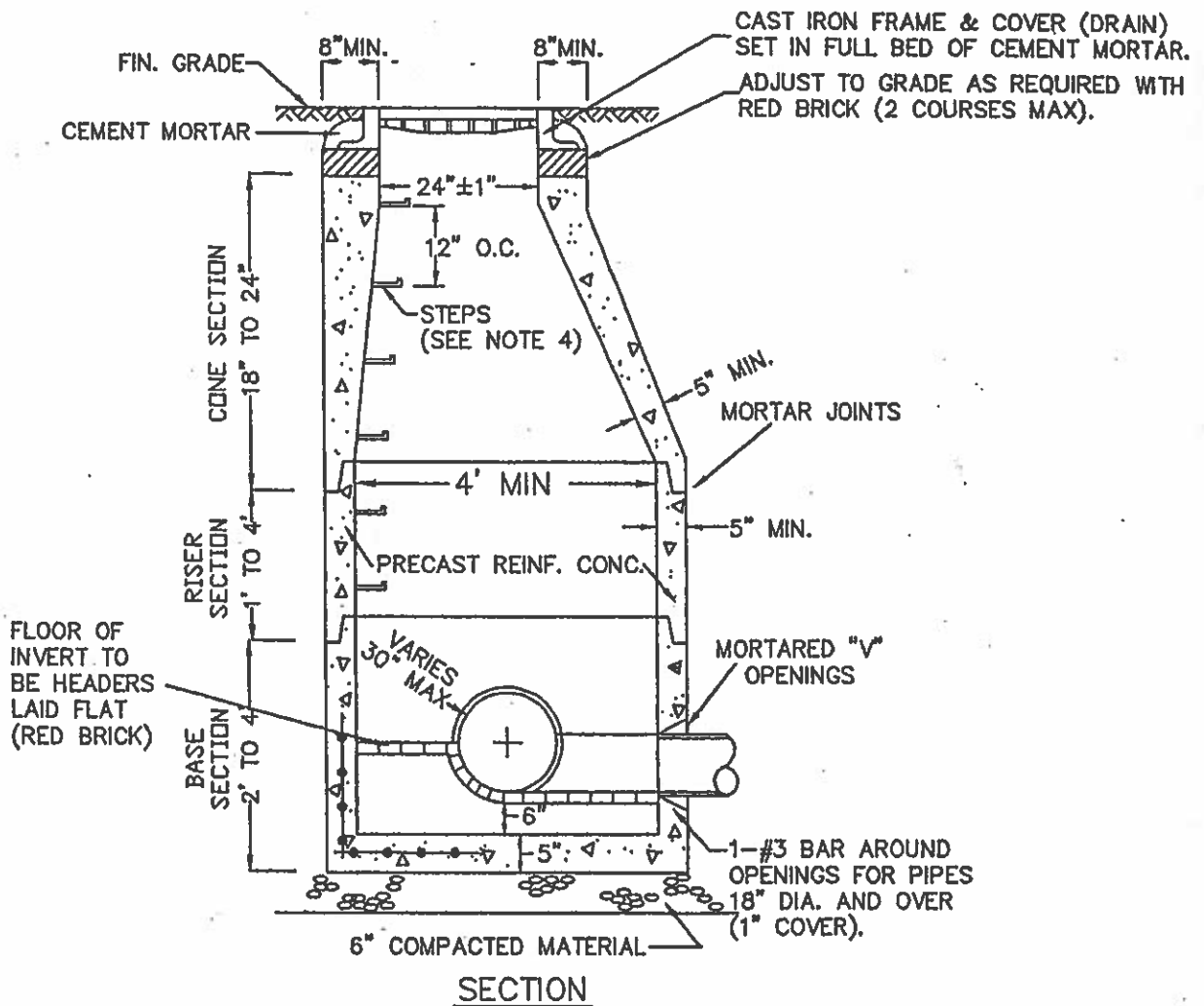
OIL & GREASE TRAP DETAIL (typ.)

E.L. LEBARON OR EQUAL

NOT TO SCALE

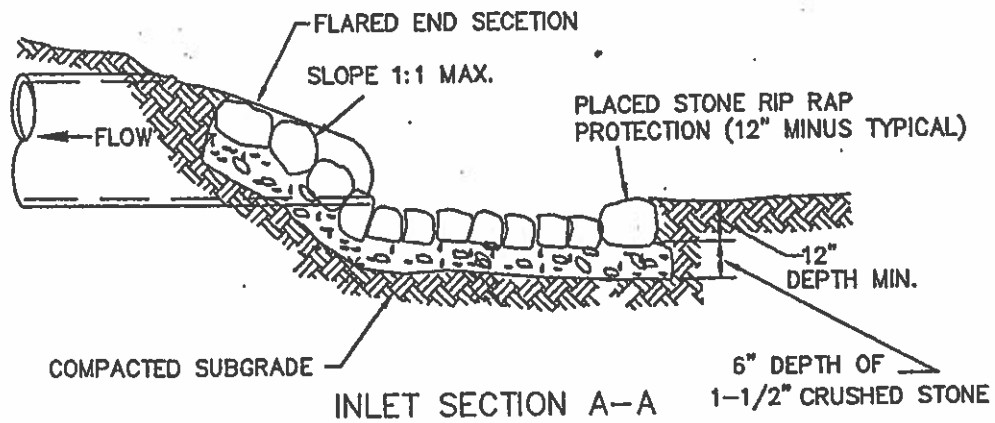
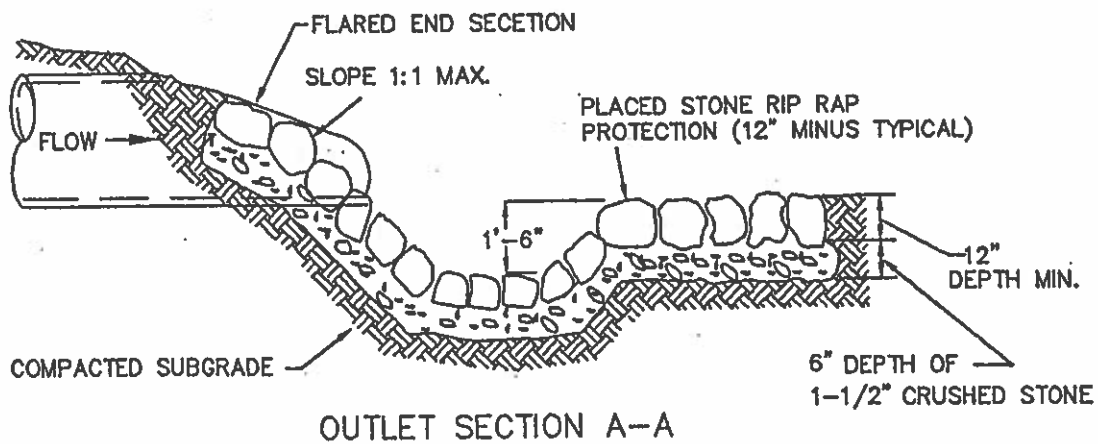
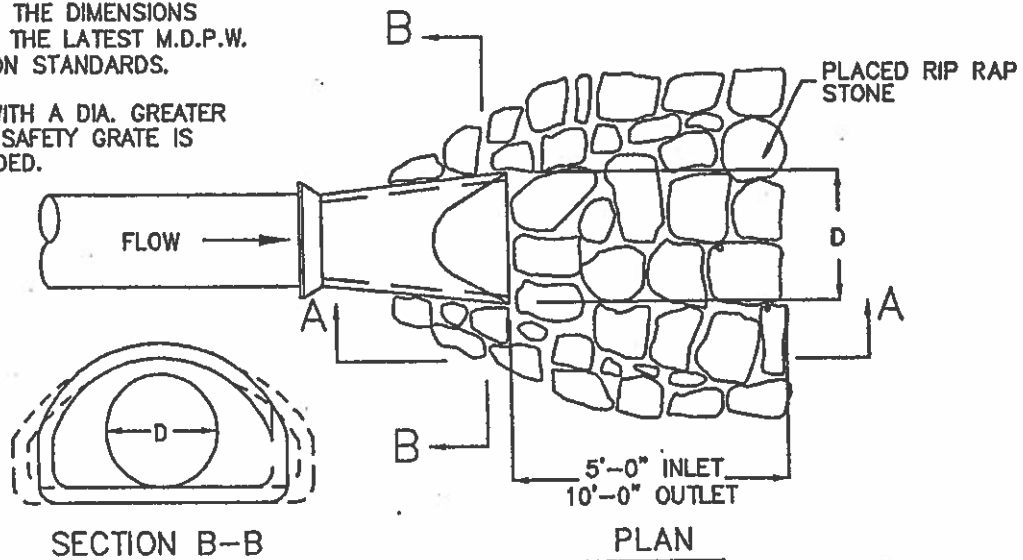
GENERAL NOTES:

1. REINFORCED STEEL CONFORMS TO LATEST A185 SPEC. 0.12 SQ. IN./LINEAL FT. AND 0.12 SQ. IN.(BOTH WAYS) BASE BOTTOM. LEBARON LK110
2. CONCRETE COMPRESSIVE STRENGTH-4000 PSI MIN.
3. MANHOLE DESIGN-SPECS. CONFORMS TO LATEST ASTM C478 SPEC. FOR "PRECAST REINFORCED CONCRETE MANHOLE SECTIONS".
4. STEPS SHALL BE SAFETY TYPE CAST IN PLACE, MADE OF ALUMINUM ALLOY 6061, T-6 SPACED 12" O.C.
5. "V" PIPE OPENINGS w/ 2" MAX. OUTSIDE PIPE CLEARANCE TO BE CAST AS REQUIRED.
6. MORTAR ALL JOINTS
7. FOR DESCRIPTIONS, MATERIALS AND CONSTRUCTION METHODS, SEE MEDWAY PLANNING BOARD SPECIFICATIONS.

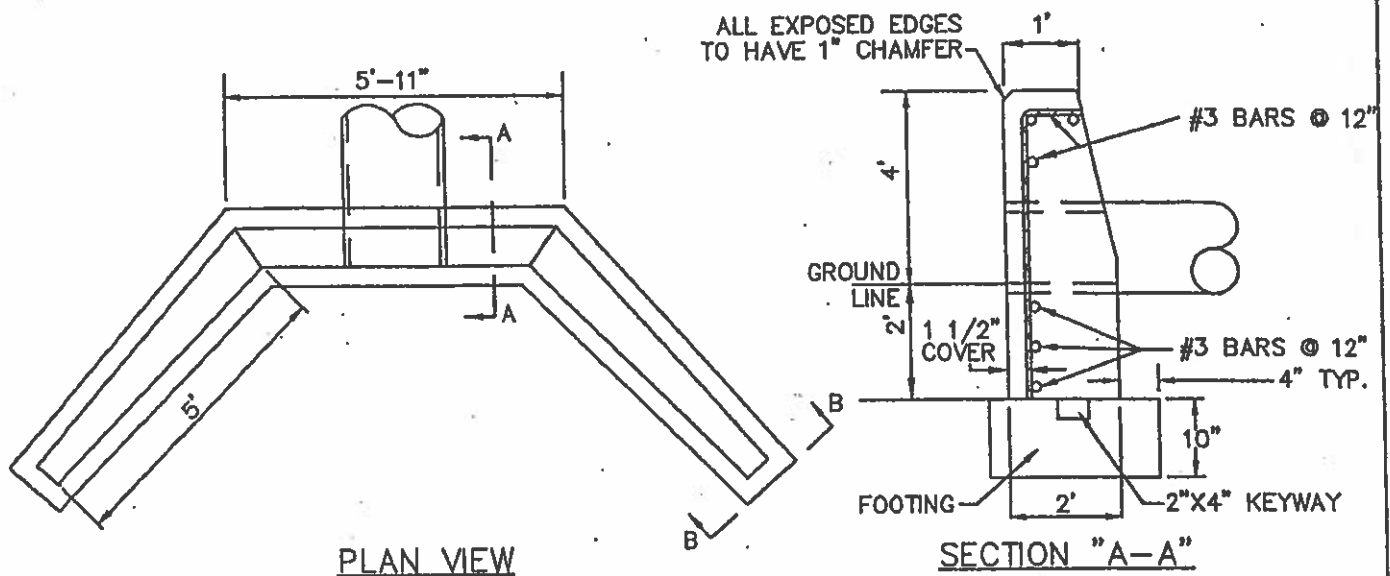


PRECAST DRAIN MANHOLE DETAIL (typ.)
NOT TO SCALE

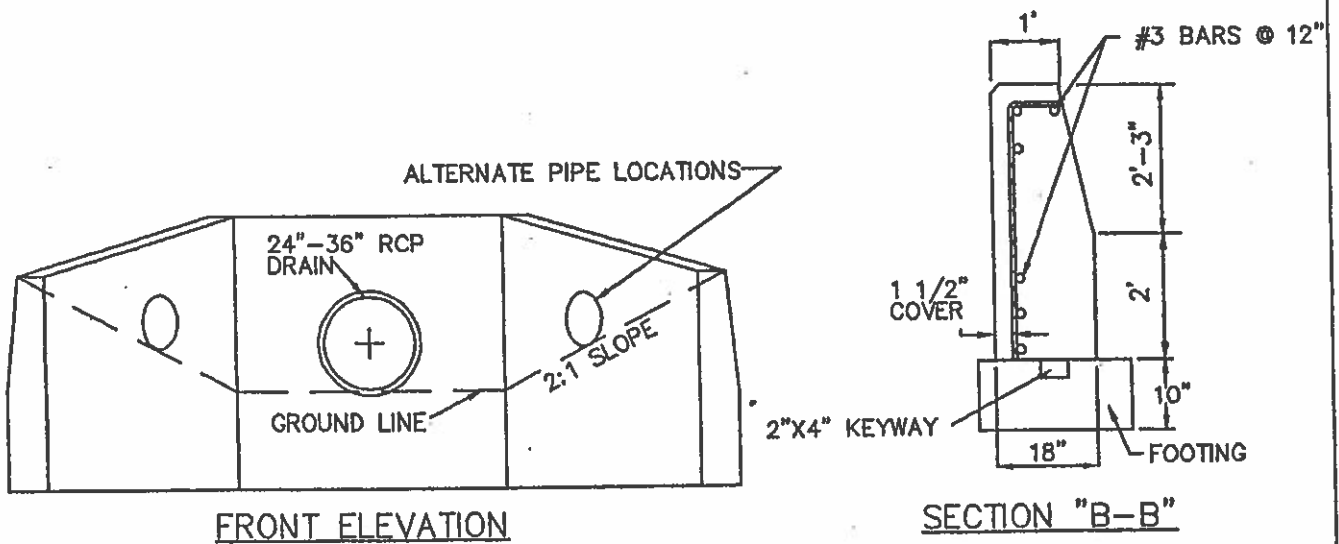
1. FLARED END SECTIONS SHALL BE REINFORCED CONCRETE UNLESS OTHERWISE NOTED ON THE PLANS.
2. ALL FLARED END SECTIONS SHALL CONFORM TO THE DIMENSIONS SPECIFIED IN THE LATEST M.D.P.W. CONSTRUCTION STANDARDS.
3. FOR PIPES WITH A DIA. GREATER THAN 12", A SAFETY GRATE IS TO BE PROVIDED.



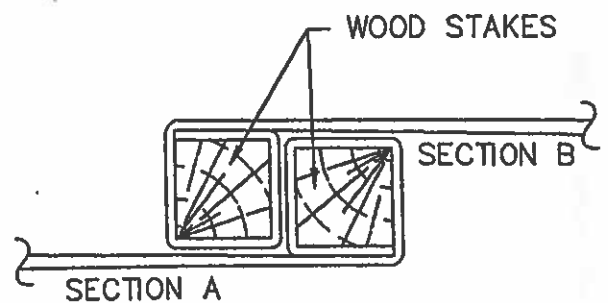
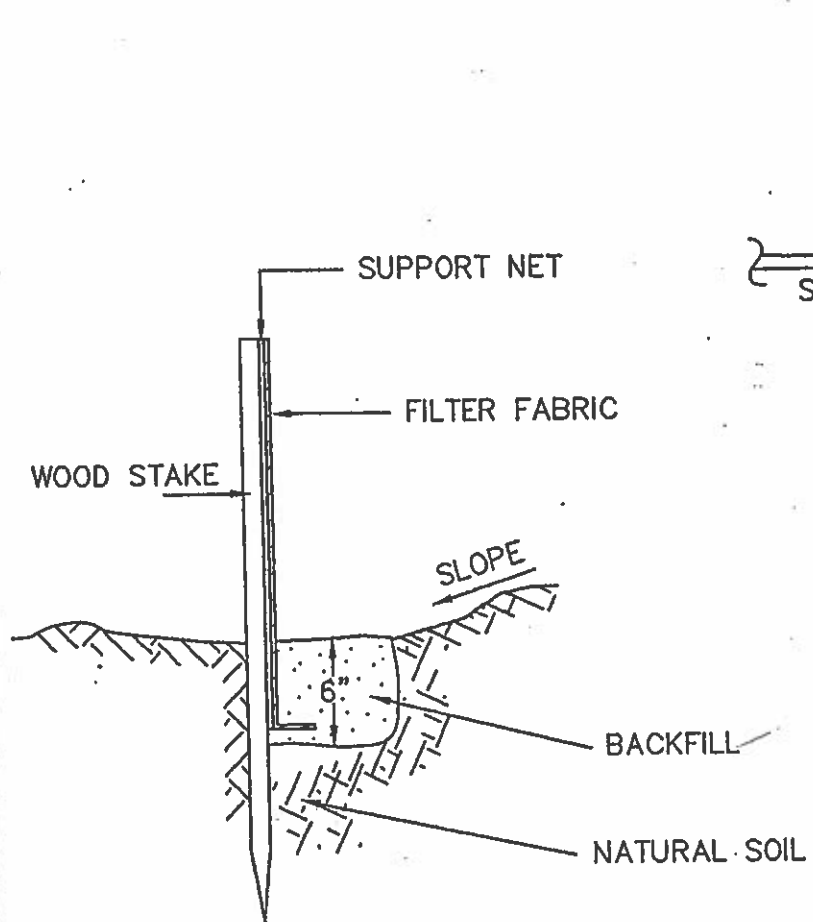
CONCRETE FLARED END (CFE) DETAIL (typ.)
NOT TO SCALE



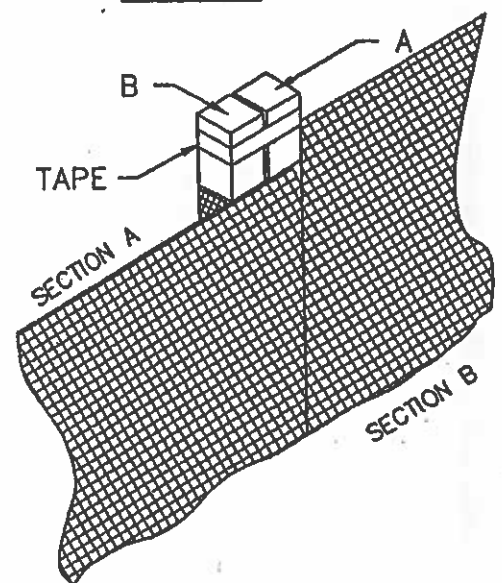
NOTE: FOR DESCRIPTIONS, MATERIALS AND CONSTRUCTION METHODS, SEE MASSACHUSETTS D.P.W. STANDARD SPECIFICATIONS.



HEADWALL DETAIL (typ.) NOT TO SCALE

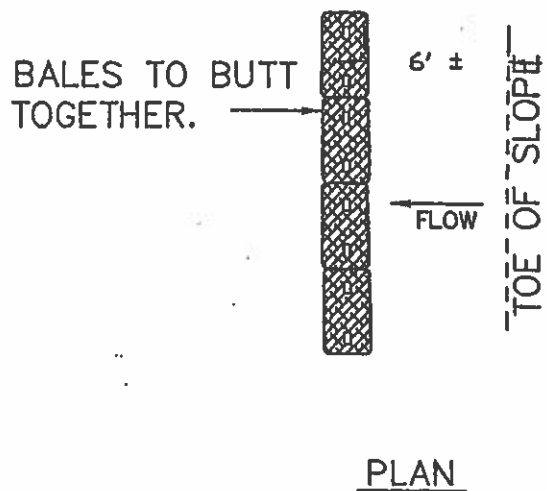
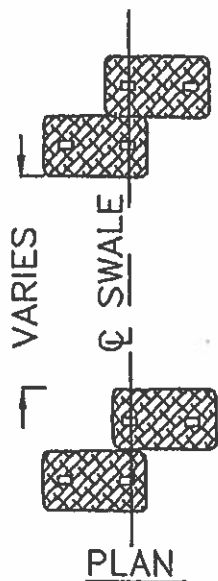


TOP VIEW



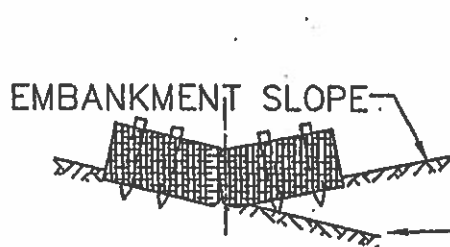
FENCE JOINT DETAIL

EROSION CONTROL SILT FENCE DETAIL (typ.)
NOT TO SCALE



NOTE: TO BE USED IN LOCATIONS WHERE EXIST. GROUND SLOPES IN TOWARD THE TOE OF THE EMBANKMENT.

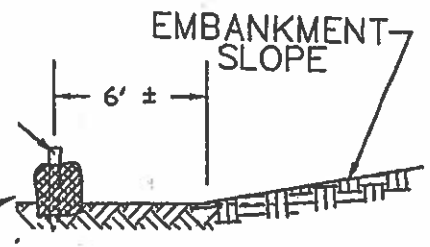
NOTE: TO BE USED WHERE EXIST. GROUND SLOPES AWAY FROM THE TOE OF THE EMBANKMENT.



SECTION
TYPE "A"

(2) 2" X 2" X 3'
STAKES EA. BALE

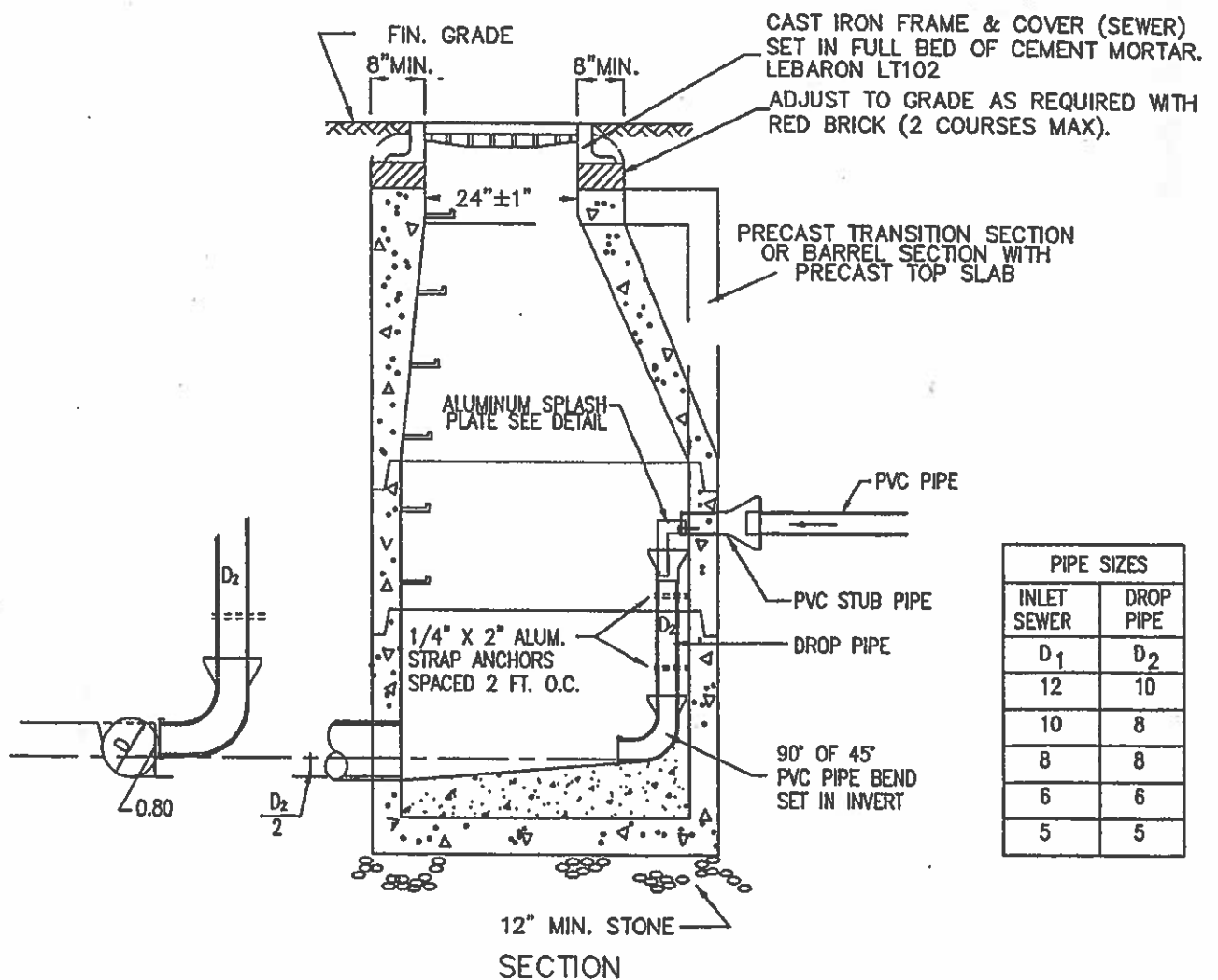
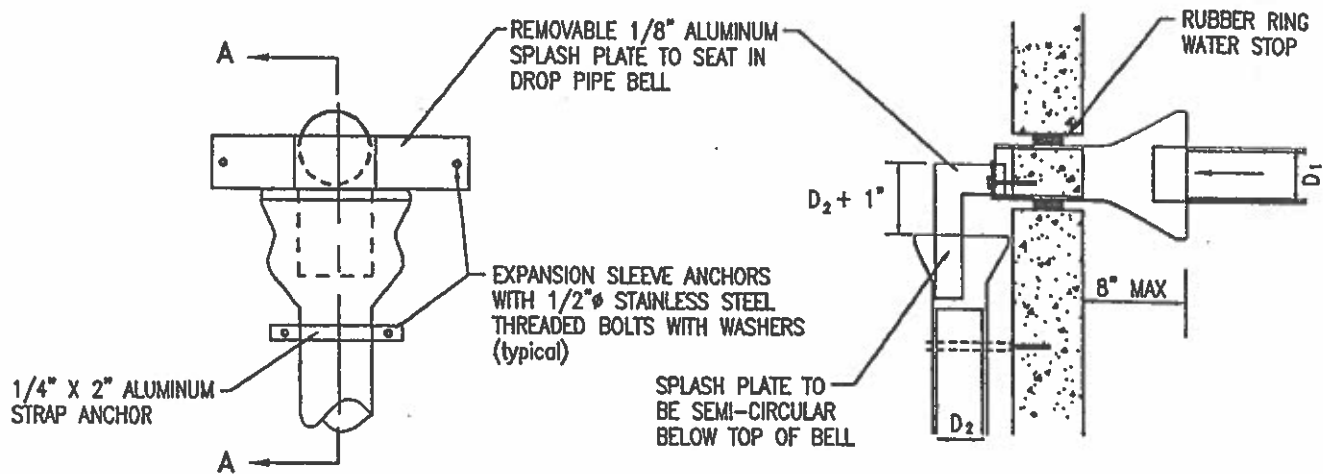
EXIST. GROUND



SECTION
TYPE "B"

HAYBALE EROSION CONTROL DETAIL (typ.)

NOT TO SCALE



| PIPE SIZES | |
|-------------|-----------|
| INLET SEWER | DROP PIPE |
| D_1 | D_2 |
| 12 | 10 |
| 10 | 8 |
| 8 | 8 |
| 6 | 6 |
| 5 | 5 |

INSIDE DROP SEWER MANHOLE DETAIL(typ.)

NOT TO SCALE