

RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
IN

Tyringham, Massachusetts



These rules and regulations shall be known and may be cited as the "Rules and Regulations Governing the Subdivision of Land in Tyringham, Massachusetts", which herein are called "Subdivision Regulations" or "Regulations."

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Excerpts Massachusetts Subdivision Control Law

This section excerpts some key information from the Massachusetts Subdivision Control Law, MGL Chapter 41, Sections 81K to 81GG. It is provided here for information only and is **not** a part of these Subdivision Regulations nor is it an attempt to provide a summary of state law. Users are advised to read the statute for further assistance.

Definitions

“‘Subdivision’ shall mean **the division of a tract of land into two or more lots** and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots **shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon...**”

Time Limits

Approval Not Required Plans: ...If the board fails to act upon a plan submitted under this section or fails to notify the clerk of the city or town and the person submitting the plan of its action within **twenty-one days** after its submission, it shall be deemed to have determined that approval under the subdivision control law is not required...”

Preliminary Plans: “Within **forty-five days** after submission of a preliminary plan, each board shall notify the applicant and the clerk of the city or town, by certified mail, either that the plan has been approved, or that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plan, or that the plan has been disapproved and in the case of disapproval, the board shall state in detail its reasons therefor. The planning board shall notify the city or town clerk of its approval or disapproval, as the case may be.

Definitive Plans: “After the hearing required... and after the report of said health board or officer or lapse of forty-five days without such report, the planning board shall approve, or, if such plan does not comply with the subdivision control law or the rules and regulations of the planning board or the recommendations of the health board or officer, shall modify and approve or shall disapprove such plan. In the event of disapproval, the planning board shall state in detail wherein the plan does not conform to the rules and regulations of the planning board or the recommendations of the health board or officer and shall revoke its disapproval and approve a plan which, as amended conforms to such rules and regulations or recommendations. The planning board shall file a certificate of its action with the...town clerk, a copy of which shall be recorded by him in a book kept for the purpose, and shall send notice of such action by registered mail, postage prepaid, to the applicant at his address stated on the application...The failure of a planning board either to take final action or to file with the... town clerk a certificate of such action on the definitive plan **within ninety days after such submission**, or such further time as

may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the planning board with the city or town clerk.”

Section 1. Purpose

These Regulations have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Tyringham and to preserve the environment, natural resources, and rural character of the Town through the construction of ways, subdivisions, and their infrastructure

The powers of the Planning Board and Board of Appeals under these Regulations shall be exercised with due regard for these purposes, the purposes of the state Subdivision Control Law and for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning by-laws; for securing adequate provisions for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with adjacent and nearby public and private ways.

Section 2. Authority and Applicability

Authority: Under the authority vested in the Planning Board of the Town of Tyringham by MGL Chapter 41, Section 81Q, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Tyringham, consistent with MGL Chapter 41, Sections 81K to 81GG (“Subdivision Control Law”). These regulations should be read in conjunction with the Subdivision Control Law and do not repeat requirements or definitions of that law.

Applicability: No person shall subdivide any land in the Town of Tyringham, proceed with the subdivision of land within the meaning of the Subdivision Control Law or the improvement or sale of lots in a subdivision, or the construction of ways or the installation of municipal services therein except consistent with the Subdivision Control Law and these Subdivision Regulations and only when a definitive plan of such subdivision has been submitted to, approved and endorsed by, the Planning Board as hereinafter provided, and recorded at the Registry of Deeds.

Severability: The invalidity of any section, paragraph, clause or provision of these Rules and Regulations shall not invalidate any other section, paragraph, clause or provision therein.

Relationship to Other Bylaws and Regulations: Whenever these Rules and Regulations made under the authority hereof differ from those prescribed by any local Bylaw or regulations, the provision which imposes the greater restriction or the stricter standard shall govern.

The Building Commissioner shall issue no building permits for any of the lots of any subdivision unless notified in writing by the Planning Board that the approved subdivision plans and documents have been recorded at the Registry of Deeds.

The Building Commissioner shall not issue an Occupancy Permit for any of the lots of the subdivisions unless notified in writing by the Planning Board that the subdivision is in compliance with the subdivision regulations and the definitive plan approval.

One Dwelling Per Lot: Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town, without the consent of the Board, and such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision.

Section 3. Waivers

Approval of a subdivision plan, regardless of what is shown on the plan, does not relieve a project developer from complying with the Subdivision Rules and Regulations except as specifically provided for in any Planning Board issued waiver of those Rules and Regulations.

The Planning Board may, in special and appropriate cases, waive strict compliance with such portions of these Rules and Regulations, as provided for in M.G.L. Chapter 41, Section 81-R, where such action is in the public interest and not inconsistent with the purpose and intent of the Subdivision Control Law. Waivers are **only** granted for projects which provide, in the **sole opinion** of the Planning Board, **clear and significant improvements to the quality of a project compared with a project which meets the minimum** of the subdivision regulations.

Limited waivers may be granted when appropriate to encourage development which is in keeping with traditional rural character of Tyringham or to create significantly more permanently protected open space and public trails and/or create more affordable workforce housing than required by zoning.

A request for a waiver of a requirement, rule, or regulation shall be made in writing by the applicant, and submitted, whenever feasible, with the submission of the Preliminary Plan. If the Planning Board approves the request for a waiver, it shall endorse conditions of such waiver (if any) on the plan or set them forth in a separate instrument attached to and referenced to the plan, which shall be deemed a part of the plan. The Planning Board shall notify the applicant in writing of its approval, disapproval, or approval with conditions.

Section 4. Plan Believed Not to Require Approval (ANR)

Plans to be recorded in the Registry of Deeds or the Land Court for which Approval is Not Required (ANR) under the Subdivision Control Law may be submitted to the Planning Board for an Approval Not Required endorsement in accordance with this section. The applicant shall submit to the Planning Board by filing at a Planning Board meeting or, by delivery or certified mail, with the Town Clerk.

Said ANR submittal shall include

1. A 24" by 36" Mylar and six prints of the survey plans which shall show
 - a. All buildings owned by subject landowner(s) within 100' of any newly created property lines
 - b. A notice on the plans that states that Planning Board endorsement of the plan does not indicate that the lot is buildable under wetlands, zoning, or other town bylaws.
 - c. Any evidence to show that the plan does not require approval.
 - d. If more than one plan is used, an index of the different plan sheets
 - e. A locus plan showing where the site is within the Town of Tyringham
2. Two copies of a completed Approval-Not-Required Application
3. The appropriate fee (see Administration and Fees)
4. Electronic copies of said plan which meet the current version of the "MassGIS Standard for Digital Plan Submission to Municipalities" meeting the requirements for Level I submission standards. Electronic copies must be submitted on a CD-ROM and must be accompanied by the completed checklist required in the MassGIS standard.

If the Planning Board determines that the plan does not require approval, it shall without a public hearing endorse on the plan the words "Approval under the Subdivision Control Law not required". The Planning Board may add to such endorsement a statement of the reason why approval is not required.

If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform the applicant and return the plan. The Planning Board will also notify the Town Clerk of its action.

If the Planning Board fails to act upon a plan submitted under this section within the statutory deadline, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

Section 5. Preliminary Plan

Before preparation of a preliminary (or definitive) plan, it is strongly recommended that the subdivider submit a sketch plan of the proposed subdivision to the Planning Board and consult with the Board informally regarding procedures, design standards and required improvements in order to save time and avoid costly mistakes.

A Preliminary Plan of a subdivision may be submitted by the subdivider to the Planning Board, the Board of Health and the Conservation Commission for discussion and approval, modification or disapproval by each board. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Conservation Commission, other

municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended (and encouraged through Tyringham's fee schedule) that Preliminary Plan be filed in each case.

The applicant shall submit a Preliminary Plan application to the Planning Board by filing at a Planning Board meeting or, by delivery or certified mail with the Town Clerk.

Said Preliminary Plan submittal shall include:

1. Documentation that one copy of the complete application was filed with or mailed to the Tyringham Board of Health, the Conservation Commission, the Board of Selectmen, and the Road Superintendent.
2. Receipts showing that the applicant mailed, by certified mail, a notice of the proposed subdivision containing a locus map of the project to every abutter within 300 feet of the proposed subdivision.
3. Six copies of the preliminary plan on 24" by 36" paper at a scale of 1"=100' or greater, which shall show sufficient detail to form a clear basis for discussion and preparation of the Definitive Plan, including:
 - a. A title block identified as a Preliminary Plan, with the subdivision name, property owner, and project applicant.
 - b. Proposed names of roads or ways as well as all information described under the definition of the Preliminary Plan. Street names may not be similar to any other streets within Tyringham.
 - c. Final or near final alignment of all roads, ways, and rights of way. Existing and proposed lines of street, proposed names of the latter, rights-of-way, easements, and any public or common areas within the subdivision. Purpose of easements shall be indicated
 - d. The names and addresses of the owners of record, the applicant and the names, addresses and professional seals of the registered Professional Engineer and Land Surveyor.
 - e. The names and addresses of all abutters within 300 feet, as determined from the most recent tax list.
 - f. Location, names and present widths of streets bounding, approaching, or within reasonable proximity of the subdivision.
 - g. Location of natural waterways and water bodies on the subdivision parcel(s) and within 200 feet of the subdivision. The plans shall note whether the streams shown are perennial or intermittent, how that determination was made, and whether the Conservation Commission has approved the determination.
 - h. Boundary lines of all proposed lots with approximate dimensions and lot areas in square feet.
 - i. Location of all structures on and within 100 feet of the proposed subdivision.
 - j. The existing and proposed topography at a five (5) foot contour interval (lines of equal elevation) or better. Datum must be NAVD 1988. Major site features, such

as existing stone walls, fences, buildings, large trees, rock ridges and ledge, swamps, historic features and wooded areas.

- k. Whenever applicable and in a general manner, the proposed and existing storm drainage (curbs, gutters, and pipes or sheet flow), sanitary disposal (septic systems, decentralized systems or package plants) and water (springs, individual wells or community) systems.
 - l. A sketch of the applicant's and other parcels of contiguous un-subdivided land, showing possible or contemplated development and street layout, if applicable.
 - m. When multiple sheets are necessary, match lines showing where two sheets come together shall be used and referenced and an index plan graphically indicating the arrangement of said multiple sheets shall be provided.
 - n. A locus or location plan(s) at 1"=500' or greater showing the subdivision on an orthophoto base and its location to the surrounding roadways and physical features and drainage boundaries for watersheds and streams. The plan shall show the ownership and house number of all surrounding parcels of land.
4. The applicant shall request, in writing to the Planning Board, any proposed waivers of subdivision requirements.
 5. Six copies of a completed Preliminary Plan Application and such other supporting information as is necessary to review the application.
 6. The appropriate fee (see Administration and Fees)

The Planning Board may give such Preliminary Plan its approval, with or without modification and conditions. Such approval does not constitute approval of a subdivision.

Section 6. Definitive Plan Submission

Overview: A Definitive Plan shall be governed by the Subdivision Regulations in effect at the time of submission of such plan, or in effect at the time of submission of a Preliminary Plan, provided that a Definitive Plan evolved therefrom shall have been submitted to the Planning Board within seven (7) months from the date of submission of the Preliminary Plan. A Definitive Plan shall also be governed by and be consistent with the zoning in effect at the time of submission of such plan or at the time of submission of a Preliminary Plan from which a Definitive Plan is evolved, in accordance with the appropriate provisions of Chapter 40A of the General Laws, as amended.

The applicant shall submit a Definitive Plan application to the Planning Board by filing at a Planning Board meeting or, by delivery or certified mail with the Town Clerk.

Said Definitive Plan submittal shall include:

1. Documentation that the applicant filed two copies of the complete application with the Tyringham Board of Health, the Tyringham Conservation Commission, the Board of Selectmen, and the Road Superintendent.
2. Receipts showing that the applicant mailed, by certified mail, a notice of the proposed subdivision containing a locus map of the project to every abutter within 300 feet of the proposed subdivision.

3. All master deeds, restrictive covenants, deed restrictions, deeds for shared land, detention pond, open space, and recreation areas, and homeowners association documents and all easements. A homeowners association must be established to maintain streets and infrastructure until and unless the streets are accepted by the municipality.
4. Six copies of the Definitive Plan on 24" by 36" paper at a scale of 1"= 40' or greater and every sheet shall bear the seal of a Massachusetts Registered Land Surveyor and/or a Registered Professional Engineer as appropriate. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision, and all plans, layouts, profiles, cross sections and application shall be deemed to constitute the Definitive Plan. The Definitive Plan shall contain the information below. Sufficient sheets shall be used to ensure that the plans are all easily readable. At least one of these prints shall have the significant features **illustrated in color** to clearly show roads, streams and water-bodies, wetlands, one hundred year floodplains, dedicated open space and recreation, pedestrian and bicycle paths, and subdivision boundaries.
 - a. The plans shall include the property owner, and project applicant, the coordinate north arrow, date, scale, legend, the title block, "Definitive Plan, Town of Tyringham, {Subdivision Name}", and certification by the Surveyor that all surveying conforms to the technical standards for property surveyors.
 - b. Names, addresses and plan location of all subdivision property owners, applicants, immediate abutters, abutters within 200 feet of any portion of the subdivision, and abutters separated from the subdivision only by a street.
 - c. Existing and proposed lines of streets, lots, rights-of-way, easements, and any public or common areas within the subdivision
 - d. Location, names and present widths of streets bounding, approaching, or within reasonable proximity of the subdivision.
 - e. Location of wetlands, perennial and intermittent streams, certified vernal pools, potential vernal pools (as identified on maps prepared by MassGIS), certified and potential vernal pool upland habitat areas, waterways and water bodies within 300 feet of the subdivision. The plans shall note whether the streams shown are perennial or intermittent, how that determination was made, and whether the Conservation Commission has approved the determination.
 - f. Location of all storm drainage lines and drainage discharges within 200 feet of a brook, stream, or drainage area, a profile will be shown of the brook, stream, or drainage area to determine condition, and proposed method of stabilization.
 - g. An erosion and sedimentation control plan designed to ensure, mitigate and prevent erosion/sedimentation of disturbed areas during and after construction activities. The plan shall show, in detail, what and when such measures will be implemented, on both a temporary and permanent basis, including land disturbances for house construction.
 - h. Major site features, such as existing stone walls, fences, buildings, large trees, rock ridges and ledge, swamps, flood plains as identified on the Federal Insurance Rate Maps and other flood plains identified by a professional engineer, historic features, and wooded areas on and within 100 feet of the proposed subdivision. The plan shall identify which of the above shall remain undisturbed.

- i. Sign-off from the Massachusetts Historical Commission and the Tyringham Historical Commission that there are no known archaeological sites on the property. For sites within 200 feet of a river or perennial stream and for sites without the above sign-off, a study by a qualified archaeologist to determine if any mitigation is required to avoid damaging such sites.
- j. Using metes and bounds and standard surveying, including lengths, bearings, and curve data to determine the exact location, direction and length of every street and way line, easement, lot line and boundary line, and to establish these lines on the ground. All surveys must tie to the Massachusetts State Plane coordinate System (NAD 1983 Datum), using said published control points or the global positioning system. Boundary lines, areas in square feet, and dimensions of all proposed lots, with all lots designated numerically and in sequence.
- k. All easements must be clearly shown on the subdivision plans and their purpose shall be clearly stated. All water and sewer utilities easements shall be a minimum of thirty (30) feet in width. Utilities shall be located as close as possible to the center line of the easement.
- l. Location of all permanent monuments and control points identified as to whether existing or proposed, and identified according to the Massachusetts State Plane coordinate system (NAD 1983 Datum). At least two permanent concrete or granite monuments must be placed on site and shown in the plans prior to construction. Bounds are required at all intersections of street lines, angle points and changes of curvature of street lines. All control points shall be tied to and employ NAVD 1988 AND the Massachusetts State Plane Coordinate System (NAD 1983 Horizontal Datum), with horizontal control using said published control points or the global positioning system (with horizontal coordinates provided in metric). Vertical benchmarks separate from horizontal control points may be provided, provided these points are also tied to permanent concrete or granite monuments.
- m. Proposed names of roads or ways as well as all information described under the definition of the Definitive Plan. Street names may not be similar to any other streets within Tyringham.
- n. Construction level details of all roads and associated utilities and improvements.
- o. The names and addresses of the owners of record, the applicant and the names, addresses and professional seals of the registered Professional Engineer and Land Surveyor.
- p. Location of all structures on and within 100 feet of the proposed subdivision.
- q. The existing and proposed topography (sufficiently differentiated) with two (2) foot contour intervals for the entire parcel, unless the Planning Board agrees that the natural surface of the ground may be adequately represented by contours with larger intervals or by figures of elevation. (The existing and proposed topographical information presented shall be sufficient to define the grading of each proposed lot and street.) Datum to be NAVD 1988 or later.

- r. When multiple sheets are necessary, match lines showing where two sheets come together shall be used and referenced and an index plan graphically indicating the arrangement of said multiple sheets shall be provided.
 - s. A locus or location plan(s) at 1"=500' or greater showing the subdivision on an orthophoto base and its location to the surrounding roadways and physical features and drainage boundaries for watersheds and streams. The plan shall show the ownership and house number of all surrounding parcels of land.
 - t. A sketch plan showing a possible prospective street layout for any adjacent un-subdivided land owned or controlled by the owner or applicant of the subdivision and also showing topography, unless such a plan has already been submitted to the Planning Board.
5. The applicant shall request, in writing to the Planning Board, any proposed waivers of subdivision requirements.
 6. Six copies of a completed Definitive Plan Application and such other supporting information as is necessary to review the application.
 7. The appropriate fee (see Administration and Fees)
 8. A plan and a report providing details of sewage disposal and treatment systems, including the results of all percolation and soil tests for individual lots and/or for any community or shared system, and any water supplies and wells within 200' of the property line. The report shall include all information required under the Department of Environmental Protection's Title 5 regulations and local health and septic regulations, if any. A registered Professional Engineer or sanitarian must stamp the plans and the results.
 9. Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board on each sheet of the Definitive Plan and reference to separate certificate by municipal clerk.
 10. A separate plan showing street layout, horizontal scale 1" = 40', for each street in the subdivision showing exterior lines, roadway lines, partial lot lines, curb lines, intersection angles (the angles formed by the intersection of two roads, and the centerline), points of tangency, and radii of curves. Also included on the street layout plan shall be location, size, type of construction, elevations and invert (elevation of the entry to a pipe), whenever applicable, of all pipes and conduits of the following utilities if applicable:
 - a. Water Supply System, if a community water system is used, including pumps, valves, stubs (which extend water service beyond the edge of the asphalt), gates, hydrants, and similar equipment;
 - b. Storm Drainage System, including manholes, pipes, culverts, catch basins, detention ponds (stormwater storage ponds), and appurtenant structures;
 - c. Sanitary Sewerage System, if a community system is used, including piping, manholes, pumps, community septic tanks, and appurtenant equipment;
 11. A Profile Plan on the same sheet located directly below and coordinated with the street layout plan, indicating existing profiles on the exterior and center lines (using light weight lines) and proposed profile on the center line (using heavy weight lines) of each proposed street, at a horizontal scale of 1" = 40' and a vertical scale of 1" =4'. All elevations shall refer to NAVD 1988 datum. Profiles shall show existing and proposed street grades, rates of gradient on percentages, ground and proposed elevations at center line of each fifty (50) foot station, and grades of intersection streets and ways shall be clearly indicated. The Profile Plan shall show location of existing and proposed water, drainage and sanitary sewer lines,

slopes and types (material and class) of all storm and sanitary sewer lines, invert, manhole rim elevations and station of each manhole or catch basin.

12. A typical cross section for the full width of the proposed right-of-way shall be shown in accordance with the standards of these Rules and Regulations showing foundation material, wearing surface, crown (or high point) and width of traveled way, curbing, grass strips, sidewalks, utility locations, etc.
13. Construction details for catch basins, manholes, end-walls, head-walls, rip-rap, and energy dissipaters, detention ponds, gabion structures, level lip spreaders, etc.
14. Every plan shall have at least four points on each sheet accurate within a centimeter, as certified by a surveyor, tied into the Massachusetts State Plane Coordinate System (NAD 1983 datum), using said published control points or the global positioning system. The plan must note the coordinates, in metric, of the four tie-in points, the datum, and the source and location of monuments used for data.
15. A table listing lot numbers with the corresponding lot size and street frontage for every lot.
16. Locations of borings shall be shown on the plan with a numbering system corresponding to boring logs which will be submitted as part of the application. The purpose of borings is to assist the developer and the project's engineer in designing an appropriate roadway and related utilities based on existing water table and subsurface soil conditions (i.e., a clay subsurface might necessitate extra excavation and extra depth for gravel base; a water table near ground surface might necessitate the installation of sub-drains (to drain the groundwater) along the edge of the road, etc.). The actual location at which each boring is made shall be shown on the plans. The borings shall be certified by a Massachusetts Professional Engineer. Boring or test pits used for the purpose of design detention facilities must include estimates of high groundwater based on mottles and hydromorphic features, which generally requires test pits witnessed by a qualified soil scientist. Test pits may be used instead of borings except when borings are required for any geotechnical (structural) reasons.
17. Hydrology Study and Drainage Calculation. The applicant shall submit drainage calculations, including rational method and TR-55 or TR-20, showing (a) that any proposed drainage system has been designed according to the standards set forth in these rules; and (b) any impact said drainage system would have on existing drainage systems downstream from the proposed point of discharge.
18. Sanitary Sewer Study, if a community system is used. The applicant shall submit calculations showing (a) that any proposed sanitary sewer system or community disposal system has been designed according to the standards set forth in these rules; and (b) any impact said sanitary system would have on existing sanitary systems downstream from the proposed point of discharge.
19. Water Study, if a community system is used. The applicant shall submit a study certified by a professional engineer with demonstrated qualifications as a water consultant, showing that the proposed water system would provide the development with adequate potable water to meet building code requirements.
20. Fire Water Availability. The applicant shall demonstrate that sufficient water exists to address fire needs. Any subdivision where the homes are sprinkled with a minimum of a sixty gallon basement cistern feeding the sprinklers will be assumed to meet this standard. In the alternative, a project may demonstrate that their will be adequate fire ponds or access to natural water bodies in a manor acceptable to the fire chief and meeting national standards .

21. Any supplemental materials submitted by the developer after the original submission must provide the number of copies and the format required for the original submittal. The Planning Board may elect not to consider such revised plans or other additional materials if such plans/materials are not filed at least fourteen days prior to the date of the Public Hearing or meeting at which the developer wishes them to be considered. This is to ensure adequate time for review.
22. Lighting System, if used: Outdoor lighting is not required. If used, any lighting system should comply with the recommendations of the International Dark-Sky Association, whose goal is "To preserve and protect the nighttime environment and our heritage of dark skies through quality outdoor lighting." All street lights must be 50-watt high pressure sodium or more energy efficient models. All street lights must contain full cutoffs (hoods covering the sides of the lamps) to avoid any direct lighting off of streets and sidewalks. Maximum foot candles of any light shall be 1 foot candle.

Impact Statement

Any land subdivision plan consisting of ten (10) or more lots must be accompanied by an impact statement which details the probable effects of the proposed subdivision on the following aspects of concern to the Town:

1. Public Works costs: Additional costs for future plowing, sanding, and sweeping per lane mile (using current costs per lane mile) plus catch basin cleaning (using current costs per catch basin).
2. Municipal service costs: Estimates of costs base on existing average cost per resident for police, fire, libraries, recreation, and schools.
3. Environmental impacts: Impacts on wetlands, floodplains, open space, archeological features, wildlife, water quality, and water supplies.
4. Schools enrollment projections: For future planning for school enrollment, assume 0.7 school-age-children per housing unit.
5. Analysis of traffic on all subdivision streets and surrounding streets: Assume 10 average daily trips per single family home, other than age restricted dwellings.

Section 7. Definitive Plan Approval and Recording

Plan Approval by Board of Health: The Board of Health shall report to the Planning Board in writing approval or disapproval of said plan, and in the event of disapproval 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. If a municipal sewerage system will serve the proposed subdivision, then failure of the Board of Health to make such a report within forty-five days after the plan is filed with their office shall be deemed approval by such board. A copy of the report, if any, shall be sent by such board to the applicant.

1. Every lot not serviced by a municipal water supply and sewage disposal systems shall be provided with water supply and sewage disposal installations in compliance with the provisions of the State Environmental Code and Board of Health Regulations.
2. The Board of Health may approve the plan on condition that prior to the issuance of a building permit for a dwelling on any lot, soil and percolation tests be made in accordance

with their specifications by a qualified technician as to suitability of a specific location for subsurface sewage disposal installation.

3. Based on the recommendation of the Board of Health, where due to restrictive water, soil, topographic, geologic, or other natural conditions, the proposed development is of a density which exceeds the sustaining capacity of the proposed lots in terms of individual sewage disposal systems and wells on each lot, the Planning Board may require that the developer revise his plan to either provide for a consolidated water supply system or a consolidated sewage disposal system
4. The Board of Health may require as a condition of the subdivision approval that a performance bond or deposit of money or negotiable securities be furnished by the subdivider to guarantee the construction of surface drainage improvements recommended by the Board and that all required improvements shall be made without undue erosion, siltation or flooding of traveled ways, and without causing any condition of public nuisance through dust or surface drainage, or any act of negligence by the subdivider or his agent during the period of construction. Such performance guarantee may be released only after completion of the work to the satisfaction of the Board of Health. In viewing possible drainage problems the Board is not limited to lots as shown on the subdivision plan, but may in appropriate cases consider areas outside the subdivision.
5. Land subject to flooding and wetland areas as shown on the Town map, or land deemed by the Board of Health not suitable for building sites, shall not be approved by the Planning Board for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard. Such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board and the Board of Health to remedy said hazardous condition.

Public Hearing

1. Public hearings, abutter notification, and public notice shall be in accordance with the State Subdivision Control Law.
2. The applicant and his engineer and surveyor shall be present at the public hearing.
3. A hearing by the Conservation Commission may be required under the provisions of the Wetlands Protection Act, Chapter 131, Section 40 of the General Laws.
4. The comments of the Selectmen, Board of Health, Conservation Commission, Highway Superintendent and any comments submitted by town officials will be entered into the record at the public hearing and considered by the Planning Board.

Definitive Plan Approval or Disapproval: After the required hearing and within the statutory time limits, the Planning Board shall approve, modify and approve, or disapprove said plan.

1. An approval of the plan is conditional on designated lots or land not being built upon or served with any utilities, such as septic tanks or cesspools and drainage, without prior consent of the Board of Health. The Planning Board shall endorse on the plan such conditions as set forth by the Board of Health and the lots and land affected by such conditions. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the municipality of streets within a subdivision.

2. In the event of disapproval, the Planning Board shall state in detail wherein the plan does not conform to these Rules and Regulations of the Planning Board or the recommendations of the health board or officer and shall revoke its disapproval and approve of a plan which, as amended, conforms to these Rules and Regulations or recommendations.
3. Any amended plans which are resubmitted for approval shall follow the same procedures as the original submission. Any amended plans submitted later than three (3) months following the date of the expiration of the appeal period or appeal(s) on the disapproval of the originally submitted plan must conform to the Subdivision Rules and Regulations and procedures in effect at the time of the amended plan's filing.
4. The Planning Board may elect not to consider revised plans or other additional materials if such plans/materials are not filed at least fourteen days prior to the date of the Public Hearing or meeting at which the developer wishes them to be considered. This is to ensure that the municipal departments and the public have adequate time to review and comment on said materials.
5. As part of their approval process, the Planning Board has the right to impose reasonable conditions on any subdivision approval to:
 - a. Ensure that these regulations are followed; and
 - b. Ensure that any mitigation offered by the project proponent is implemented; and
 - c. Ensure that mitigation required as a condition of any waivers is implemented.
6. After approval of any Definitive Plan, the location and width of ways shown thereon, or any street or way subject to the Subdivision Control Law, shall not be changed unless the plan is amended in accordance with the provisions set forth in M.G.L. Chapter 41, Section 81-W, and approved by the Planning Board.
7. In the event the applicant desires to alter or change the grade of a street or the size, location or layout of a storm sanitary or water line or appurtenant structure, he shall provide the Planning Board with a written statement requesting such alteration or change and with six prints of the original Definitive Plan with the proposed changes drawn on said prints in red. No change or alteration shall be permitted unless such change or alteration has been approved by the Planning Board.
8. If the applicant fails to submit the required Performance Guarantees, easements and other documentation and the endorsement of the Plan by the Planning Board is delayed more than six (6) months after the expiration of the twenty (20) day appeal period, the Planning Board, on its own motion, shall exercise its power to modify, amend, or rescind its approval of the subdivision plan or to require a change in the plan as a condition of said plan retaining the status of an approved plan.
9. Definitive Plan Endorsement: The Planning Board shall endorse reproducible drawings of the Definitive Plan in accordance with the Subdivision Control Law and these regulations ONLY after:
 - a. The final reproducible plans have been approved by the Planning Board, including any necessary corrections required in the Planning Board's approval on the plan, easements, master deeds, restrictive covenants, homeowners

association documents, and any required document which was not included with the subdivision submission.

- b. An electronic copy said plan which meet the current version of the “MassGIS Standard for Digital Plan Submission to Municipalities” meeting the requirements for Level I submission standards. Electronic copies must be submitted on a CD-ROM and must be accompanied by the completed checklist required in the MassGIS standard.
- c. The statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the municipal clerk and said clerk has notified the Planning Board that no appeal has been filed, or if appeal has been taken, not until the entry of a final decree of the court sustaining the approval of such plan.
- d. Any necessary performance guarantee has been posted. The monetary value of said guarantee, using any method other than a covenant, shall be based on a revised construction quantity estimate based on the final plans and with a monetary value adequate to cover all municipal costs to complete the project at the end of the expiration of said guarantee, including but not limited to construction costs at State "prevailing" wages, record plans, street acceptance plans, and legal costs.
- e. Necessary inspection and other fees have been paid.
- f. The applicant has presented to the Planning Board for their approval, two sets of plans showing the complete natural gas (if natural gas is available), electrical, telephone, cable TV, and, if applicable, street lighting (including pipes, pumps, valves, gates, hand-holes, transformer pad mounts and similar equipment). Said plans will be accompanied by endorsements from the respective utilities that the plans have received their approval.
- g. The applicant has delivered to the Planning Board two (2) sets of reproducible drawings of the Definitive Plan with the necessary corrections. After endorsement by the Planning Board, the applicant shall deliver to the Planning Board six sets of copies of the endorsed Definitive Plan.
- h. The applicant has delivered an Irrevocable Offer of Dedication of all facilities to be dedicated to the public. Said offer must be accompanied by a lawyer’s title opinion that the offer is free of any liens and encumbrances and all mortgages must be subordinated to the Offer. The Offer shall be irrevocable, except the offer can be withdrawn if the project proponent does not proceed with the project and requests that the subdivision approval be rescinded or otherwise amended such that the dedication is no longer necessary.
- i. The applicant has submitted a detailed cost estimate for all construction within the proposed roadway layout and any utility easements, certified by the project's Registered Professional Engineer. Said estimate shall be based on current edition of Massachusetts Highway Department’s "Standard Specifications for Highways and Bridges", and shall include:
 - 1. Quantity, unit price and total amount for each construction item
 - 2. Total amount for cost of completion of project.
 - 3. Costs adjusted to account for municipal prevailing wages rates

4. Costs adjusted to add a 25% inflation/safety factor
5. Engineering inspection, materials testing, legal and other soft costs.

Final Approval: Final approval of the Definitive Plan does not constitute acceptance by the Town of streets within a subdivision, which requires a Town Meeting vote. No representations of these regulations or the Planning Board should be presumed to even imply that Town Meeting might be willing to accept any new road.

Section 8. Performance Guarantee

Before endorsement of the Planning Board's approval of a Definitive Plan of a subdivision, the subdivider shall agree to complete the required improvements specified in these Regulations and in the Definitive Plan approval, such construction and installation to be secured in accordance with Section 81U of the Subdivision Control Law by one, or in part by the other, of the following methods which may from time to time be varied with the applicant:

1. Approval with Financial Performance Guarantees (Surety Bonds, Cash Escrow/Money, Three Party Lender Agreement, or Letters of Credit). The applicant shall either file a surety company performance bond or provide a deposit of money or negotiable securities, including letters of credit, in an amount determined by the Planning Board in consultation with their advisers to be sufficient to cover the cost of all or any part of the improvements specified in these regulations at State "prevailing wage rates" not covered by a covenant under "b" below, and to cover the costs of inspections, record plans, street acceptance plans, and legal work, and a 20% contingency/inflation factor. Warranty principal shall be not less than 15% of the estimated cost of those components of the entire project which shall be dedicated for public use and shall cover workmanship and materials.
 - a. If financial performance guarantees are used, at least two lots in a subdivision which can be built on must be covered by a covenant (under paragraph b below) to insure that all work, including legal work, is completed.
 - b. Letters of Credit, three-party agreement for lender retention of funds, surety bonds and other financial performance guarantees must be drafted so that the only requirement that must be met for the Planning Board to draw on the letter is to notify the financial institution (grantor) that "We have incurred liability by reason of the failure of the applicant/developer/owner, within ninety days of the expiration of this letter, to complete the construction of their project (insert name of subdivision and plans) in accordance with the definitive subdivision plans and submittal, the subdivision approval, the Zoning, and the Subdivision Rules and Regulations. The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is otherwise let and the work paid for. Any excess over the cost of completing the work will be returned to the grantor."
 - c. Such bond, deposit of money or negotiable securities, shall be approved as to form, the surety or financial institution, and manner of execution by the Planning Board.

- d. For any surety bond, 1) the surety must agree that any litigation stemming out of the bond will take place in Massachusetts, 2) the bond must include the name and address of the person to be served for any legal action, 3) The bond must specifically include the terms above, and 4) No expiration date may be allowed in the bond (the bond must be valid until the work is complete) and the warranty performance period has been completed.
 - e. The applicant must provide an Irrevocable Right-of-Entry to allow the Town of Tyringham to enter the property to make any necessary improvements required in the Subdivision Regulations and the Definitive Plan approval if the Town is forced to call the financial performance guarantees. Accepting, calling, or using financial performance guarantees does not provide the Town with any responsibility to complete a project beyond that for which the Town is willing to undertake and for which there are sufficient performance guarantee funds to pay for. The property owner shall subordinate all property mortgages to the Irrevocable Right-of-Entry and record it in the Registry of Deeds or Land Court, as applicable.
2. Approval with Covenant. Instead of filing a bond or depositing money, the applicant may fulfill a covenant, executed and duly recorded concurrent with recording the subdivision approval by the owner of record, running with the land, that no lot in the subdivision shall be sold and no building erected thereon until such ways, services and, whenever applicable, temporary turnarounds are constructed and installed, and until record plans, street acceptance plans, and other required work are accepted by the Planning Board in accordance with these Rules and Regulations so as to adequately serve the lots.

Such covenant shall be inscribed on the Definitive Plan or on a separate document referred to on the plan and delivered to the Planning Board. The Planning Board shall turn over the covenant agreement to the town counsel, who shall review its contents and forward his/her comments in writing to the Planning Board. Upon approval of the covenant by the Planning Board, the applicant shall note the Planning Board's action on the Definitive Plan, record the covenant, endorsed Definitive Plan, and other appropriate documents at the Registry of Deeds or Land Court, as appropriate, and provide certified copies of the same to the Planning Board.

Completion Time Schedule. The covenant or financial performance guarantee shall be contingent upon the completion of such improvements, and the required a one year warranty as required in these Rules and Regulations within a maximum period of three (3) years of the date of such bond, deposit of money, or covenant. After the completion date of all improvements and the one-year Warranty Period, there shall be at least a three (3) month Warranty Settlement period before the expiration date of any bond, deposit of money, or letter of credit. Said three (3) month period shall give the Planning Board the opportunity to collect the financial performance guarantee so that it will be able to complete the necessary improvements in case (a) the developer is unable to do so; and/or (b) the Planning Board denies any requests for an extension of time. "Warranty" shall include all workmanship and materials.

Upon written request from the applicant, the Planning Board may, at its discretion, grant an extension of time, and such agreement shall be executed and affixed to the financial performance guarantee or covenant.

In the case of a surety company bond, such an agreement for an extension shall not be effective until the surety delivers to the Planning Board a written statement that the surety agrees to the proposed alteration of the completion schedule and that such alteration shall not relieve or affect the liability of the surety company.

Failure to complete all improvements as required by these Rules and Regulations within the time allotted shall cause the Planning Board (a) to draw upon the performance guarantee (surety bond, deposit of money, letter of credit) in order to complete said improvements; and/or (b) schedule a Public Hearing in order to rescind approval of the subdivision in accordance with appropriate sections of M.G.L. Chapter 41, Section 81.

3. Recording of Plan. The Developer, with a representative of whenever applicable, the Planning Board's Order of Conditions, public easements (plans and documents), restrictive covenants, master deeds, etc., at the Registry of Deeds or Land Court, as applicable. The cost of said recording shall be borne by the developer.

Subsequent to said recording and prior to any Building Permit being issued, the Project Applicant shall file within seven (7) calendar days one (1) print of the Definitive Plan with the Building Inspector. Further, in accordance with the statute, where approval with covenant is noted thereon, the Inspector shall issue no permit for the construction of a building on any lot within the subdivision, except upon receipt from the Planning Board of a copy of the Certificate of Performance) releasing the lot in question.

4. Procedures for Partial Release. The subdivider may, upon partial completion and installation of required improvements in a subdivision, the security for the performance of which was given by bond, deposit of money, letter of credit, or covenant, make formal application, in writing, to the Planning Board for partial release of the Performance Guarantee, in accordance with the procedures set forth herein:
 - a. Financial Performance Guarantee. The amount of a such bond, or deposit of money, or letter of credit or three-party agreement for lender fund retention, held may, from time to time, be reduced by the Planning Board. The applicant shall present to the Planning Board a list of all construction items performed and/or completed, said list to be based on the subdivision approval, and the subdivision regulations in their entirety. The amount to be reduced by the Planning Board, after consultation with their agents and advisers, shall be based upon State prevailing wage construction costs at the time the application for reduction is made. The Planning Board shall withhold adequate funds to complete the project, but shall withhold no less than twenty (20%) percent of the original approved cost estimate or fifty thousand dollars (\$50,000), whichever is greater. At the completion of the project (based on a written acceptance from the Planning Board that the project has been completed) and a one-year warranty period, the amount withheld shall be released.

- b. Covenant. The subdivider may request a Release of Conditions for lots where the required improvements have been completed for that section of roadway beginning at any intersection with an accepted street and abutting lots up through the last lot to be released. Lots may only be released if they abut the completed portion of the road. No partial release from the covenants will be approved if the total length of roadway, including a temporary turnaround, abutting said designated lots, exceeds the maximum allowable length for dead-end streets, unless the Planning Board has already approved within the limits of the development a dead-end street exceeding said limits.

In the absence of financial performance guarantees, adequate covenants will be held to insure completion of the project, including record plans, street acceptance plans, site inspections, and legal work. In addition, a covenant on two lots which can be built on will be held until all work in the subdivision, including the signing of all necessary legal documents, has been completed.

5. Procedures for Full Release. The subdivider may, upon completion and installation of required improvements in a subdivision, the completion of record plans and street acceptance plans, as specified in these Rules and Regulations, and the completion of a one-year labor and materials warranty period make formal application, in writing, to the Planning Board for full release of any outstanding performance guarantee. Before the Planning Board releases their full interest in said performance guarantee, the Planning Board shall:
 - a. Obtain from the applicant's professional engineer a written certificate of statement certifying that all work required by these Rules and Regulations has been constructed in conformance with the approved construction plans.
 - b. Obtain from the applicant, letters from the electric, telephone, gas and cable TV companies stating that their respective underground systems have been installed to their satisfaction.
 - c. Obtain from the applicant, a set of record construction plans. Said plans shall include, but not be limited to, all the information requested in Record Plans.
 - d. Obtain from the applicant, street acceptance plan or plans and necessary documents, as stated in Acceptance Plans.
 - e. Obtain from the applicant, where applicable, an instrument, in a form approved by the Planning Board, transferring to the municipality or to an approved public utility company, without cost, valid unencumbered title to all sanitary sewers, water mains, and appurtenances thereto, and other utilities constructed and installed in the subdivision of approved portion thereof, and conveying to the municipality or to an approved public utility company without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers, water mains and other utilities, with any manholes, conduits, and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or approved portion thereof, and if any such sewers or water mains have been constructed and installed in land not within such streets, then in, through, and under a strip of land extending fifteen (15) feet in width on each side of the centerline of all such sewers and water

- mains. The Planning Board may require greater than fifteen (15) feet in width on each side of the centerline where it deems necessary.
- f. If the Planning Board determines that all improvements as shown on the endorsed Definitive Plan and all required plans and legal documents have been completed satisfactorily, release all the interest of the municipality in such performance guarantee and return the bond to the person who furnished the same, or release the covenant, by appropriate instrument, duly acknowledged, which may be recorded.
 - g. If the Planning Board determines after inspection that said construction or installation has not been completed, or wherein said construction or installation fails to comply with these Rules and Regulations, send by registered mail to the applicant and to the municipal clerk the details wherein said construction or installation fails to comply with its rules.
 - h. The applicant shall have thirty (30) days after receipt of such notice to correct all problems mentioned in the above. Failure of the applicant to finish all the necessary work within said thirty (30) days shall cause the Planning Board to draw upon the bond or deposit of money as mentioned below.
 - i. Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the municipality, as provided in M.G.L. Chapter 41, Section 81 upon failure of the performance for which any bond or deposit was given to the extend of the reasonable cost to the municipality of completing such construction and installation.
6. Release of Lots from Covenant in Exchange for Financial Performance Guarantee. The subdivider may request a Release of Lots from Covenant in exchange for a financial guarantee provided that:
- a. The lots run consecutively and are released on both sides of the road simultaneously, beginning with the lots nearest any intersection of the subdivision road and an existing municipal road.
 - b. The amount of the financial guarantee and the financial guarantee process shall be determined by the Planning Board, as described above.

Section 9. Design Standards and Required Improvements

General Project Layout Standards

No plan of a subdivision shall be approved unless all of the building lots shown on the plan comply with the Zoning and the design and construction standards located herein.

Except as herein noted, the following shall be used as design standards. Where a difference between the standards as these Regulations exists, these Regulations shall be followed unless a waiver is granted by the Planning Board:

1. Streets, sidewalks, water systems, sanitary sewers, storm drain systems, public and private utilities and other infrastructure shall be constructed in accordance with these subdivision regulations and the current edition of the Massachusetts Highway

Department “Standard Specifications for Highways and Bridges,” (referred hereto as the “Standard Specifications”).

2. Roads shall be designed in accordance with the appropriate American Association of State Highway and Transportation Officials (AASHTO) design manual for 20 mile per hour design speeds)

Streets Location and Layout

1. **Safety:** All streets and ways shall be designed so that in the opinion of the Planning Board they will provide safe vehicular travel. Streets shall also be designed to maximize the attractiveness and design of the street layout to maximize livability and amenity of the subdivision. As far as practicable, streets should also follow natural contours.
2. **Future Development:** Provision shall be made, to the satisfaction of the Planning Board, for the proper projection of streets, or for access to adjoining property which is not yet subdivided or developed. Generally, it is preferred that new roads loop back to the existing road instead of being dead-end streets.
3. **Street offsets:** Streets entering opposite sides of another street shall be laid out either directly opposite each other or with a minimum offset of one hundred and fifty (150) feet between their centerlines. Streets entering the same side of another street shall also be laid out with a minimum offset of one hundred and fifty (150) feet between their centerlines. This minimum offset shall also be observed whenever one or more streets entering are existing, whether located within or outside the boundary of the proposed development.
4. **Dead-end streets and cul-de-sacs:** Project shall make every effort to avoid the creation of dead-end streets and must connect their subdivision to existing dead-end streets whenever reasonably possible. Dead end streets are more expensive to maintain, limit emergency access, and reduce the sense of connection and equality that comes from interconnecting streets.
 - a. Dead-end streets are only appropriate when the surrounding property will never need a street connection, because of extremely sensitive and permanently protected natural resources, and the project provides a viable alternative pedestrian and bicycle connection to the surrounding property, and the street connection will not aid the transportation network that serves the subdivision, and the dead-end street will not serve more than 5 housing units.
 - b. Every street in the proposed subdivision shall be laid out in such a manner that every portion of every street is less than five hundred feet (500’), as measured along the centerline of construction of the street from the nearest connected existing public street which is not itself a dead-end street. Cul-de-sacs or dead end streets shall be allowed only on local streets.
 - c. All cul-de-sac streets shall use permanent teardrop-shaped cul-de-sac with a turnaround at the end of the street having a minimum island radius of forty (40) feet and a property line radius of at least eighty (80) feet (see below). The center of the cul-de-sac shall be on the centerline of construction.
 - d. A permanent cul-de-sac turnaround (island) shall be constructed in the center of the cul-de-sac. The roadway shall have the same width as the roadway leading into the cul-de-

sac, said pavement width beginning at the exterior radius of the turnaround, If curbing is used, the inside radius of the cul-de-sac pavement shall be constructed with granite-edging type SA, SB or SC (S for sloped), as specified in the MassHighway Standard Specifications.

- e. The road going around a cul-de-sac turn around shall be a one way road twenty (20) feet wide around a tear-drop shaped cul-de-sac island graded, seeded and/or appropriately planted with acceptable trees or shrubs, or left with natural tree growth in the center.
 - f. A hammerhead shall be allowed instead of a cul-de-sac. Said hammerhead shall be designed a “T” to allow fire trucks and snow plows to turn around with only one backing-up movement. The portion of the hammerhead perpendicular to the road shall be at the same width as the street they abut and shall extend at least twenty-eight (28) in each direction of the “T” beyond the sideline of the main road edge. Lots may only gain frontage from one edge of the hammerhead.
5. **Access to subdivision:** The street system within a subdivision shall connect with and have, in the opinion of the Planning Board, adequate vehicular, pedestrian, and bicycle access from a public way or private way that connects to the greater network of streets.
- a. The physical condition or width of a public way from which a subdivision has its access must be sufficient, in the sole opinion of the Planning Board to either provide for emergency services or carry the traffic which is expected to be generated by such subdivision. If such access is insufficient, the developer shall require the subdivider to dedicate a strip of land for the purpose of widening the abutting public way to a width commensurate with that required within the subdivision and to make physical improvements to and within such public way to the same standards required within the subdivision or by these Subdivision Regulations. Any such dedication of land for the purpose of the way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be born by the subdivider.
 - b. The Planning Board shall disapprove of a subdivision plan where, in the opinion of the Planning Board, the existing surrounding municipal infrastructure (e.g. street width and construction and necessary utilities) is insufficient and/or incapable of handling the additional volumes (e.g. traffic, storm water) anticipated, by the Planning Board, to be generated by the project. Planning Board may accept or require off-site improvements to mitigate any of these impacts.
6. **Intersections:** Streets and ways shall be laid out so as to intersect in accordance with Street Offsets and the following:
- a. Street and way lines at all intersections, between proposed streets or between, whenever, applicable, a proposed and/or existing street, shall be rounded with a curve at each corner which has a property line radius of not less than fifteen to twenty feet (15’ to 20’).
 - b. The center line of all intersecting streets or ways shall be a straight line from the point of intersection of said center line for a distance of no less than twenty (20) feet.
 - c. On any street where the grade exceeds two (2) percent on the approach of the intersection, a leveling area, with a maximum slope of two (2) percent shall be provided

for a distance of not less than thirty (30) feet measured from the nearest gutter line of the intersecting street.

7. **Swales, drainage, and curbs:** Curbs are generally not appropriate in Tyringham, where most roads and gravel and very few curbs exist, except in very limited circumstances where stormwater will be confined to feed into a formalized underground drainage system. Streets designed without curbs, however, shall use Low Impact Development (LID) drainage systems to closely mimic natural systems that meet the following standards:
 - a. *All of the stormwater from a 1" NRCS design storm drains into the ground and does not leave the site. A 1" NRCS design storm is a storm with 1" of rain within a 24 hour period. More than 80% of Western Massachusetts storms are at or below this level.*
 - b. *Water leaving the road enters grassed swales graded flat enough to avoid erosion and hold and treat water.*
 - c. *Measures to reduce runoff, improve groundwater recharge, and improve stormwater quality, such as rain barrels (barrels at the base of roof gutter leaders that store stormwater and provide water for future lawn and garden use), Rain gardens (rain is captured and retained in depressions carefully planted with native vegetation and allowed to drain into the ground.)*
 - d. *Curbs are only appropriate in narrow defined areas without opportunity for grassed swales or in village center-type projects. In those areas curbs shall be Type 2 bituminous concrete or cement concrete curbs or granite curbs Type SB (sloped) placed on the bituminous binder, if the road is paved, or granite curbs if the road is gravel. Curbs shall utilize a 6" reveal (or 6" of curbing exposed above the street pavement). The installation of bituminous berm, granite curb, granite edging and granite curb corners shall conform to the relevant provisions of the Standard Specifications. All catch basin frames shall have granite curb inlets (Type VB) shall be built against and shall be installed true to the horizontal and vertical alignment.*
8. **Bridges, retaining walls, gabion walls, guard rails, fences, pavement structures:** These structures shall be designed in accordance with the Massachusetts Highway Department's Bridge Manual and the MassHighway Highway Design Manual and Standard Specifications. When roads are paved, the following shall apply:
 - a. *The sub-base shall be gravel borrow in accordance with M1.03.0 Type a specifications, except that the top four (4) inches shall be gravel borrow meeting M1.03.1 specifications. A tolerance of one-half (1/1) inch above or below finished sub-grade will be permitted, provided this difference is not maintained over fifty (50) feet and the required cross section is maintained. The gravel borrow shall be laid to a depth of 18".*
 - b. *The base or binder course (the first coat of asphalt) shall be asphalt concrete, in accordance with Standard Specifications, Class I Bituminous Concrete Pavement type I-1 (Binder Course Mix). It shall be laid to a depth of 2".*
 - c. *The surface course (the second and final coat of asphalt) shall be asphalt concrete, in accordance with Standard Specifications, Class I Bituminous Concrete Pavement Type I-1 (Top Course Mix). It shall be laid to a depth of 2".*
 - d. *Inspections shall be made by the project engineer and the municipality upon completion of each layer of sub-base and the binder and surface courses.*

9. **Pedestrian Ways and Sidewalks;** All roads must include a parallel pedestrian walkway within the road right-of-way, or if outside of the right-of-way with an easement for the public use. The pedestrian way shall be continuous, with no breaks at streams or elsewhere, to allow pedestrians to safely walk off the roadbed. Pedestrian ways shall include a secure bed, which may be asphalt, crushed stone, gravel, or compacted earth, provided drainage is provided to ensure the pedestrian way is passable when snow does not block access. Sidewalks are not required, but where a developer chooses to use sidewalks they shall be designed and constructed in accordance with the MassHighway Standard Specification and Architectural Access Board and Americans with Disabilities Act standards.
10. **Roadway and Right-of-Way Width:** Street roadway and right of widths shall be provided in accordance with the table below. These standards provide a balance between what is necessary for safety (e.g., fire needs) and what is important to maintain Tyringham’s character.

Street Category	Proposed Street Type (Average ADT 10 trips per dwelling unit)	Street Width	Right-of-Way Width
Minor Yield Street (One opposing car may need to yield when passing)	Up to 200 ADT with no sidewalks or 500 ADT with sidewalks	18’	50
Local and above	Above 200 ADT (500 ADT with sidewalks)	22’	50

11. **Traffic Calming:** Roads shall be designed to make every effort to reasonably calm the traffic within the subdivision and on surrounding streets to ensure pedestrian and bicycle friendly design and to prevent a decrease in traffic safety as a result of the additional traffic the project will generate. Traffic calming may utilize methods detailed in Institute of Traffic Engineer’s “Traditional Neighborhood Development” or “Traffic Calming: State of the Practice,” but must utilize methods that will not make snow plowing or road maintenance burdensome.
12. **Construction Methods:** The entire area within the right-of-way lines, except for trees and other vegetation intended to be preserved, shall be cleared and grubbed of all stumps, brush, roots, and like material. All rock or masonry with a maximum dimension over three inches and within six inches of the top of sub-grade shall be removed. Trees intended to be preserved shall be protected by suitable boxes, fenders, or wells as appropriate. In cut area all material shall be removed to sub-grade. All unsuitable material, such as peat, highly organic silt of clay, or any other material that is considered to be detrimental to the sub-grade, shall be removed and shall be replaced by bank-run gravel, and be brought to proper compaction with a ten-ton roller.
13. **Side Slopes:** The area in back of the required grass strip, or behind the sidewalk when one is required, shall be graded to a point where it coincides with the finished grade of abutting lots in such a manner that no portion thereof within the right-of-way lines of the street will project above a plane sloped four (4) horizontal to one (1) vertical. The top six (6) inches of side slopes shall consist of good quality loam extending to the right-of-way, screened, raked, and rolled with at least a 100-pound roller to grade. The loam shall be seeded with lawn grass seed applied in sufficient quantity to assure

adequate coverage, rolled when the loam is moist. Loam and seed shall be spread in accordance with the Standard Specifications.

14. **Street Name Signs:** Street name signs shall be purchased, constructed and installed in accordance with Tyringham standards. shall provide the posts and erect them at each intersection near the inside curb edge.
15. **Center Line:** The center line of the roadway shall coincide with the center line of the right-of-way, unless otherwise approved by the Planning Board.
16. **Road standards:** Road shall be designed in accordance with the following standards:

Design Detail	Local Streets Above 200 ADT	Minor Yield Streets Up to 200 ADT
Horizontal Alignment: Minimum center line radius	200 feet	100 feet
Vertical Alignment: Minimum stopping sight distance at 3.5 feet above pavement	200 feet	175 feet
Maximum Grade	8%	10%
Minimum Grade	0.75%	0.75%
Intersection angle	90°	75°
Minimum sight distance(stop-controlled or obstructed-view intersection)	300 feet	250 feet
Minimum radius at edge of roadway	25 feet	25 feet

Community Sanitary System (if a community system is used):

This section applies to package treatment plants and large community systems, not to simple shared septic tank-soil absorptions systems used by a few homes.

1. All systems shall be designed and stamped by a professional engineer in accordance with standard design practices.
2. The construction of the sanitary system, including methods of construction and quality of materials used, shall be in conformity with the Definitive Plan and the Standard Specifications. No pipes shall be more than 10’ below grade. Only gravity sewerage systems and individual homes with their own Septic-Tank Effluent Pump (STEP) may be used unless the Planning Board gives specific approval to other pressurized or sewage lift station system based on sufficient management and financial arrangements to ensure permanent adequate monitoring and operations.
3. The minimum slope for gravity sanitary sewer pipes shall be such that a minimum design flow velocity of two and hone-half (2 1/2) feet per second is achieved.
4. The maximum slope for gravity sanitary sewer pipes shall be seven (7) percent. Drop sanitary sewer manholes (where the pipe entering the manhole drops down significantly in elevation within the manhole) must be used be used for drops of 2’ or greater.
5. Manhole cover shall have three (3) inch lettering to read "SEWER" and shall be 26 inches in diameter.
6. Horizontal Separation: Sewers shall generally be constructed in the center of the street. A lateral separation of ten (10) feet between the sewer and water mains, if any, shall be maintained and the top of the sewer shall be at least eighteen (18) inches below the bottom (invert) of the water main. Laterals to the water main shall be relocated to provide this separation or reconstructed with mechanical-joint pipe for a distance of ten

(10) feet on each side of the sewer. One full length of water main should be centered over the sewer so that both joints will be as far from the sewer as possible. When it is impossible to obtain proper horizontal and vertical separation, the water main and sewer shall be constructed of mechanical-joint cast-iron pipe (a pressure-tight joint) and shall be pressure tested to assure water-tightness.

7. Leakage test For gravity and pressurized systems shall be required in accordance with standard practices and methodology. A Mandrel (Go-No-Go) Test must be performed on all sewer pipes. (A mandrel, a cylindrical metal object, is pulled through the pipe to ensure that there are no obstructions within the pipe.)

Community Water (if a community system is used):

This section applies to community water systems not to a few homes sharing a well.

1. Water mains shall have a minimum soil cover of five (5) feet and a maximum soil cover of five and one-half (5 1/2) feet.
2. All systems shall be designed and stamped by a professional engineer in accordance with standard design practices.
3. All water mains shall be looped.
4. At water main intersections, all lines will be valved and the maximum spacing between valves on any one main shall be seven hundred fifty (750) feet.
5. All valves shall open right.
6. All pipe lines shall be pressure tested at pressure of 150 pounds per square inch (p.s.i.) for a minimum of three (3) hours per under the supervision of a professional engineer and flow tests on the completed water system to insure pressure and flow requirements have been met.
7. All potable water lines shall be disinfected according to American Water Works Association designation C601-68.

Fire Water Availability. The applicant shall demonstrate that sufficient water exists to address fire needs. Any subdivision where the homes are sprinkled with the water supplied from an on-site cistern sufficient to put out most fires are assumed to meet this standard. In the alternative, a project may demonstrate that their will be adequate fire ponds or access to natural water bodies in a manor acceptable to the fire chief and meeting national standards.

Landscaping, Street Trees and Tree Belts

1. Tree belts a minimum of eight (8) feet wide shall be provided on each side of the roadway. When sidewalks are required, the tree belt shall be between the curb and the sidewalk with the trees planted along the center line of the tree belt. The finished grade of such tree belts adjacent to sidewalks shall have a slope of one-half (1/2) inch per foot toward the roadway for roadways or a plane sloped four (4) horizontal to one (1) vertical if there are no sidewalks.
2. The top six (6) inches of tree belt shall consist of good quality loam extending to the right-of-way, screened, raked, and rolled with lawn grass seed applied in sufficient quantity to assure adequate coverage, rolled when the loam is moist.

3. Street shade trees shall be on both sides of subdivision streets in the tree belt or within five (5) feet of the right-of-way. There shall be one tree planted an average of every thirty (30) feet of street frontage along each lot and not less than two trees per lot. Any mature deciduous shade trees preserved may be applied toward this average.
4. Street trees shall not be permitted within twenty-five (25) feet of the curb line of the intersection of two streets.
5. Trees shall be mature deciduous trees or newly planted trees no less than three inch (3") caliper (at a point 6" above the ground) at time of installation. Clumping is permitted, using both sides of the sidewalk for tree planting, in order to frame or enhance a view. The center of the tree should be four feet from pavement or curbs.
6. Street trees shall be deciduous shade trees, including, but not limited to, those listed in the table below. No more than 35% of any one species shall be used throughout the subdivision.
7. Street trees shall have a minimum caliper of three inches (3") measured six inches (6") above soil root ball. They shall be single-stemmed with a single, straight leader. All tree species must meet American Nursery and Landscape Association (ANLA, formerly American Association of Nurserymen Standards) for the types and sizes specified.
8. The developer shall install on each lot the street trees specified on the approved plans prior to the issuance of the final Certificate of Occupancy. Trees must survive one year after planting prior to the release of warranty performance guarantees.
9. Planting operations and requirements for street trees shall be shown on the subdivision plans and be in accordance with the AALA Standards for Planting and shall have a two (2) year growth warranty.

Approved Street Tree Species		
Botanical Name	Common Name	Notes
<i>Acer rubrum</i>	Red Maple	Low salt areas
<i>Acer saccharum</i>	Sugar Maple	Low salt, wide root zone areas
<i>Cercidiphyllum japonicum</i>	Katsura tree	Prune to single stem, moist soils
<i>Fraxinus pennsylvanica</i>	Green Ash	
<i>Ginkgo biloba</i>	Ginkgo	Male only
<i>Gleditsia triacanthos var. inermis</i>	Thornless Common Honeylocust	
<i>Nyssa sylvatica</i>	Black Gum, Tupelo	Moist soils
<i>Quercus coccinea</i>	Scarlet Oak	
<i>Quercus robur</i>	English Oak	
<i>Quercus rubra</i>	Red Oak	Tolerates poor, sandy soils
<i>Platanus x acerifolia</i>	London Plane Tree	
<i>Tilia cordata</i>	Littleleaf Linden	

Ulmus americana ‘Valley Forge’	Valley Forge Elm	
Ulmus americana ‘Princeton’	Princeton Elm	
Ulmus parvifolia ‘Allee’	‘Allee’ Lacebark Elm	
Zelkova serrata	Japanese Zelkova	

Protection of Natural and Historic Features:

1. All natural features, such as large trees, watercourses, scenic points, historic plots, and similar community assets shall be preserved. The Planning Board may waive this requirement if such features are not needed to add attractiveness and value to the subdivision.
2. Measures taken to preserve all archaeological sites or to mitigate any disturbance by fully cataloguing and preserving findings in accordance with Massachusetts Historical Commission recommendations.
3. Before approval of a plan, the Planning Board may also require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Planning Board may, by appropriate endorsement of the plan, require that no building be erected upon such park or parks for a period of not more than three years without its approval.

Utility Installation:

1. All utility distribution systems, public or private, shall be placed underground.
2. All utility lines shall be installed with the minimum soil cover specified in these regulations.
3. Electric, telephone, cable TV, fiber optic, and all other conduits shall be installed underground beneath the grass strip with a minimum cover.
4. Width of trench at the pipe on conduit shall be equal to four thirds (4/3) diameter of the pipe of conduit, plus eighteen (18) inches.
5. Sheeting (to stop the sidewalls from collapsing) shall be used, whenever necessary, upon the direction of the Engineer and in conformance with the Standard Specifications.
6. Pipe and conduits shall be surrounded by six (6) inches of compacted screened gravel if set in earth, and twelve (12) inches if set in rock. In rock, clay, or peat excavation, trenches shall be excavated to a depth of twelve (12) inches or more below the bottom of any water pipe, storm drain, or sewer and filled with bank-run or select gravel, whichever is approved by the Engineer.
7. Back-fill shall be compacted to ninety (90) percent of the maximum dry density of the material, consistent with the Standard Specifications.
8. All lot connections shall be installed to the right-of-way line, and marked or surveyed so as to be easily located in the future.

Monuments and Markers

1. Granite or reinforced concrete monuments six (6) feet in length, dressed to six (6) inches at the top with a three-eighths (3/8) inch drill hole in the center, and not less than six (6) inches square at the bottom shall be set to finish grade as shown on plans.
2. No permanent monuments shall be installed until all construction which could destroy or disturb the monuments is completed.
3. Monuments shall be installed at all street intersections and at all points of change in direction or curvature of streets. Documentation of the horizontal metric coordinates of the center point of the monument shall be provided on as built-plans (using Massachusetts State Plane Coordinates, NAD 1983). All monuments shall be installed under the direction of a Massachusetts registered land surveyor.
4. All monuments shall be installed prior to any release of the performance guarantee.

Drainage

1. The design and construction of the drainage system, including methods of construction and quality of materials used, shall be in conformance with the definitive plan and the Standard Specification.
2. The design capacity of the drainage systems and pipes, if any, shall be determined by the Rational Method. The engineer shall design the drainage system in accordance with natural drainage boundaries of the total contributing drainage area, using a minimum of a ten (10) year Natural Resource Conservation Service (NRCS) design frequency storm (a storm that has a 10% chance of happening in any given year). A one-hundred (100) year NRCS design frequency storm (a storm that has a 1% chance of happening in any given year) shall be used for all bridge openings and major culverts.
3. Drainage systems, including drainage swales, detention, retention, and infiltration, must be designed to prevent any increase in peak flows for the one (1) or two (2), ten (10), and one-hundred (100) year Natural Resource Conservation Service (NRCS) design storms. TR-55 or TR-20, with all inputs and outputs shown, shall be used for calculating drainage systems. In addition, drainage systems should include water quality/settling basins that detain the stormwater draining off the site in a 4/10 inch rain storm for an average of at least six hours. The system should be designed to mimic existing drainage patterns & flows, not release peak prior to normal peak flow, unless there is a documented problem and this will not cause a direct downstream impact.
4. Stormwater should be directed to enter an artificial wetland or stormwater treatment facility before entering an open stream channel. Stormwater shall not be permitted to cross any roadway upon the surface but must be piped underground. Stormwater runoff shall not be permitted to flow upon the road surface for a longer distance than three hundred (300) feet before it enters the underground system or, in systems without curbs, enters a designed stormwater swale.
5. All open stream channels shall be maintained except for short sections that need to be placed in a culvert to allow stream crossings. No open water body or pond or wet or swampy area shall be filled in unless it can be shown to the Planning Board that provision has been made in the lower drainage system to account for the removal of the storage area represented by the former wet or swampy area. In addition, permits and approval must be secured from the appropriate Municipal, State, and/or federal authorities.

6. All catch basins shall have four (4) foot sumps and gas traps with removable hoods. All catch basins shall connect directly to drain manholes (no catch basin to catch basin connections).
7. Lot sub-drainage and foundations drains may NOT be discharged to road drainage.
8. The maximum depth of any portion of the storm system shall be ten (10) feet.

Section 10. Project Management

Pre-Construction Conference: Prior to ANY construction, the developer, their project engineer, and their contractor must meet with the Planning Board and other appropriate town parties to review the subdivision permit and conditions. The applicant must provide evidence that all required documents have been recorded and adequate copies of all documents have been provided to the Planning Board. After the pre-construction conference, the developer shall notify in writing the Planning Board and Planning Board agents at least five (5) business days in advance of the date of commencement of construction and subsequent phases of construction.

Deviation from Approved Plan: After approval of any Definitive Plan, the location and width of ways shown thereon, or any street or way subject to the Subdivision Control Law, and related utilities, improvements, materials, and construction specifications shall not be changed unless the plan is amended in accordance with the provisions set forth in M.G.L. Chapter 41, Section 81-W, and approved by the Planning Board.

At the Planning Board's discretion, minor "field changes" may be approved with a simple vote and letter from the Board.

If the applicant proposed to amend or revise the plans, they shall:

1. Provide the Planning Board with a written request for such alteration and provide the appropriate fee (see Administration and Fees).
2. Provide the Planning Board with three (3) prints of the original Definitive Plan with the proposed changes drawn on said prints in red.
3. IF the Planning Board approves the change, the applicant shall cause such approved changes to be shown on the record plans.

Privatized Project Inspection: Inspection shall be made and the project shall be certified in writing to the Planning Board by a registered professional chosen by the applicant, who shall certify that all work was done in accordance with the approved subdivision plans, except as noted, and shall provide a detailed list and plan of changes between the approved plan and what was built. An engineer or engineer's agent shall be on site during the entire construction process to ensure compliance with the design.

Town Inspections

The Planning Board shall be notified by the subdivider prior to commencement of each of the major phases of construction, and as each phase is completed, it shall be approved by the

Planning Board prior to starting work in the succeeding phase. The Planning Board may designate the Town Highway Superintendent as the inspector for the construction of streets and the installation of municipal services and utilities in subdivision.

Warranty Period (see also Performance Guarantee section of these Regulations): The Planning Board shall hold all lot covenants, or at least twenty (20%) percent of the original approved cost estimate or fifty thousand dollars (\$50,000), whichever is greater until one-year after the completion of all pavement, drainage facilities, and landscaping to ensure the success of those features. Only at the successful completion of this one-year warranty shall these covenants or funds be released. The required subdivision improvements are not considered complete, in accordance with the state subdivision control law, until this warranty period is complete and it has been documented that the improvements are well enough constructed to last this warranty period.

Section 11. Administration and Fees

Fees: Fees shall be as follows and shall accompany each application:

Approval Not Required (ANR) Surveys	\$100
Preliminary Subdivision Plan	\$125 plus \$20 per newly created lot
Definitive Subdivision if no Preliminary	\$500 plus \$400 per newly created lot
Definitive Subdivision if Preliminary Plan	\$125 plus \$200 per newly created lot
Subdivision amendments	\$200, unless requested by Planning Board or minor field change, plus \$200 for any new lots not in original plan
Inspection Costs	All supervision and inspection by the Town or its engineers or representatives.
Request to changes guarantees	\$100 per request to change or reduce
Review of final as-built plans	\$150
Final Street layout plans	ANR fee
Rules for Hiring Outside Consultants	If required by Planning Board (see below):

As provided by GL Ch. 44, 53G, the Tyringham Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Planning Board, for specific expert services deemed necessary by the Board to come to a final decision on an application submitted to the Planning Board pursuant to the requirements of the Tyringham Bylaws, the Tyringham Subdivision Regulations, and any other Town bylaw, regulation, or rule as they may be amended or enacted from time to time.

Funds received by the Planning Board pursuant to these rules 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 Planning Board without further appropriation as provided in GL Ch. 44, 53G. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant.

Specific consultant services may include but are not limited to the engineering of roads and ways, private and public, driveways, grades, grading, and sanitary systems, to hydrogeologic and drainage analysis, to impact analyses of various kinds, and to environmental and land use law. The consultant shall be chosen by, and report only to, the Planning Board.

The Planning Board shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.

The fee must be received in its entirety prior to the initiation of consulting services. The Board may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to determine that the application is administratively incomplete (except in the case of an appeal). The Board shall state such in a letter to the applicant, copied to Town Counsel. No additional review or action shall be taken on the application until the applicant has paid the requested fee. For applications to be considered under the local bylaw regulations only, failure by the applicant to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to deny the application.

The applicant may appeal the selection of the outside consultant to the Selectmen, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Selectmen and a copy received by the Board within ten(10) days of the date consultant fees were requested by the Board. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

Section 12. Subdivision Closeout and As-Built Plans

To closeout a subdivision and have the Planning Board release final performance guarantees, the following must be completed:

1. The subdivision has been completed correctly, including all subdivision facilities, street bounds, and other improvements shown on approved subdivision plans or required by the subdivision regulations.
2. The project applicant has provided letters from all private utility companies indicating that they have no objections to the project being considered complete or certification from their project engineer that all utilities were installed in conformance with all utility company comments and requirements.
3. All final engineering certifications and inspection reports have been provided by the applicant's professional engineer in a format acceptable to the town.

4. All landscaping is completed and the entire area is cleaned up so as to leave a neat and orderly appearance free from debris and other objectionable materials.
5. All catch basins, drainage structures, drainage swales, and detention ponds are properly cleaned out and landscaped.
6. Electronic copies of said As-Built/Record Plans and Street Layout Plans which meet the current version of the "MassGIS Standard for Digital Plan Submission to Municipalities" meeting the requirements for Level I submission standards. Electronic copies must be submitted on a CD-ROM and must be accompanied by the completed checklist required in the MassGIS standard.
7. A report signed and stamped by the project engineering documenting:
 - a. How the project varied from the subdivision approval plans. Minor changes are common to reflect the exact field placement, but all changes must be noted and approved by the Planning Board.
 - b. Certification that all utilities under the road were installed prior to the installation of the base coat.
8. As-Built or Record Plans, drawn at same size as originals and including the following:
 - a. Edge of road, type of curbing, all utilities, existing driveways
 - b. Right-of-way sidelines and lot property lines shown at least 100' from frontage.
 - c. Private Utilities-- It shall be the responsibility of the developer to insure that each utility (gas, electric, telephone, cable TV) provides all the necessary information to the person preparing the record plan, so that all the components of each system can be plotted on the record plan. Components of said systems which can be identified on the ground such as gates, hand-holes, transformers, etc. shall be verified by project's professional engineer.
 - d. Profile showing centerline of roadway and storm and sanitary systems.
 - e. Every plan shall have at least four points accurate within a centimeter, as certified by a surveyor, on each sheet tied into the Massachusetts State Plane Coordinate System (NAD 1983 datum), using said published control points or the global positioning system. The plan must note the metric coordinates of the four tie-in points, the datum, and the source and location of monuments used for data. Elevations to be NAVD 1988 datum
 - f. Sanitary Sewer (if community system), with all components clearly identified and marked:
 1. Stationing of manholes bases on center-to-center distances between successive ones with lowest/beginning manholes being a 0+00 station
 2. Type, size and class of pipe between each manhole
 3. Location of sanitary wyes, pumping stations, siphons, etc with distances from center of downstream manhole
 4. Location of end of sanitary sewer service stubs at property lines (each location, ties to fixed and easily identifiable objects and elevations of end of pipe (NAVD 1988 datum) to be placed on a 4"x 6" card and submitted to the Planning Board prior to placement of gravel on roadway).
 - g. Storm Sewer (if applicable), with all components clearly identified and marked

1. Stationing of manholes based on center-to-center distances between successive ones with lowest/beginning manhole having a 0+00 station
 2. Type, size and class of pipe between each successive manhole and between manholes and catch basins
 3. Location of individual lot subdrains and connections of said subdrains to storm system Location, ties to easily identifiable objects and elevation of end of subdrains at property line. (Each location, ties and elevation to be placed on a 4"x 6" card and submitted to the Planning Board prior to placement of gravel on roadway.)
 4. Location, size and class of roadway curtain drains, detention ponds, including elevations of inlet and outlet structures and pond bottom, , if any.
- h. Water System (if public or community system), with component clearly identifiable and marked
1. Location, ties (distances) to fixed and easily identifiable objects, of all water gates, water service boxes, corporations, ends reducers, tapping sleeve and valves, etc. (each location and ties for each of the above to be placed on a 4"x 6" card and submitted to the Planning Board prior to placement of gravel on roadway).
 2. Location, type and class of mains, branches, services, etc.
9. Final Street Layout Plans including the following:
- a. Final approved plans must be recorded in the Registry of Deeds or Land Court, as appropriate
 - b. A title search showing that the property is free of all liens and encumbrances.
 - c. Two sets of 24" by 36" Mylar originals (one for the town and one to be recorded) and three sets of prints at a scale of 1" equals 40' prepared by a registered land surveyor in accordance with registry of deeds requirements
 - d. Only one proposed street to be shown per sheet, with match lines to be used if a street is to be shown on more than one sheet
 - e. Title block to be: Street Layout Plan {name} STREET, Tyringham, said street is part of a of the {name} Subdivision approved by the Planning Board, filed with the Clerk, {date} and recorded at the Registry of Deeds (book and page)
 - f. Planning Board's endorsement that "Approved is not Required"
 - g. Street line to be shown in metes and bounds (standard surveying distance and bearing descriptions). Tie courses so that street can be mathematically closed. Bearings and distances for all curves to be shown.
 - h. Street to be tied to Massachusetts State Plane coordinate system. Every plan shall have at least four points accurate within a centimeter, as certified by a surveyor, on each sheet tied into the Massachusetts State Plane Coordinate System (NAD 1983 datum), using said published control points or the global positioning system. The plan shall note the metric coordinates of the four tie-in points, the datum, and the source and location of monuments used for data.
 - i. All street line monuments to be shown and identified and its exact metric coordinates shown, in accordance with the requirements in the above paragraph.
 - j. At least 100' of lot property lines shown with metes and bounds.

- k. Ownership of lots (including Registry Book and Page)
- l. Land court case numbers, when appropriate, must appear on plans

The Planning Board's release of final performance guarantees is NOT a representation by the town that the project has been successfully completed, but strictly represents that final releases will be issued.

Endorsement Of Approval Not Required (ANR) Plan Form

1. Deed recorded in Registry of Deeds or Land Court: Book _____ Page _____.
2. Street Address:

3. Assessor's Map: _____ Lot(s): _____
4. Additional property description: _____
5. Check list of filing requirements (check the supplied items. Applications MUST have these items.)
 - Original mylar, with endorsed Seal of a Massachusetts Registered Professional Land Surveyor showing
 - o All buildings owned by subject landowner(s) within 100' of any newly created property lines
 - o A statement that the Planning Board's endorsement is not a determination that the lots shown are buildable lots.
 - Six prints of the Plan.
 - Two copies of this completed and signed Application.
 - \$100 fee
 - A CD-ROM electronic version of the plan in model space in DWG format including
 - o All property lines, buildings and geographic features shown on the plans
 - o Closure of all property boundaries of one part in 20,000
 - o Conformance with the current version "MassGIS Standard for Digital Plan Submission to Municipalities" as a Level I submission standards.

We represent and agree that:

- (1) The plan is not a division as defined in the Subdivision Control Law; and
- (2) The plans submitted are now in the public domain and may be copied freely in any form.
- (3) We certify that the information contained herein is true and accurate to the best of their knowledge; and
- (4) We grant the board and its agents permission to enter the property to collect information needed to review this application.

Applicant : _____ Signature: _____
Address: _____ Phone: _____

Owner _____ Signature: _____
Address: _____ Phone: _____

Surveyor: _____ Signature: _____
Address: _____ Phone: _____

Application For Approval Of Preliminary Plan

1. Deed recorded in Registry of Deeds or Land Court: Book_____Page_____.
2. Street Address: _____
3. Assessor's Map:_____ Lot(s):_____
4. Additional property description:_____
5. Check list of filing requirements (check the supplied items. Applications MUST have these items.)
 - Six copies of the preliminary Plan with endorsed Seal of a Massachusetts Registered Professional Land Surveyor showing
 - I/we certify that we provided the required copies directly to other town officials as required in the subdivision regulations
 - I/we certify that we have included all of the items required in the Subdivision Regulations for a Preliminary Plan Application
 - Six copies of this completed and signed Application.
 - Fee in accordance with the subdivision regulations

We represent and agree that:

- (1) The plan is complies with the application requirements in the Regulations; and
- (2) The plans submitted are now in the public domain and may be copied freely in any form; and
- (3) We certify that the information contained herein is true and accurate to the best of their knowledge; and
- (4) We grant the board and its agents permission to enter the property to collect information needed to review this application.

Applicant : _____ Signature: _____
Address: _____ Phone: _____

Owner _____ Signature: _____
Address: _____ Phone: _____

Surveyor: _____ Signature: _____
Address: _____ Phone: _____

Application Of Approval Of Definitive Plan

1. Deed recorded in Registry of Deeds or Land Court: Book _____ Page _____.
2. Street Address: _____
3. Assessor's Map: _____ Lot(s): _____
4. Additional property description: _____
5. Check list of filing requirements (check the supplied items. Applications MUST have these items.)
 - Six copies of the Definitive Plan with endorsed Seal of a Massachusetts Registered Professional Land Surveyor showing
 - I/we certify that we provided the required copies directly to other town officials as required in the subdivision regulations
 - I/we certify that we have included all of the items required in the Subdivision Regulations for a Definitive Plan Application
 - Six copies of this completed and signed Application.
 - Fee in accordance with the subdivision regulations
 - We agree, upon a vote of the Planning Board to approve the Definitive Plan but prior to their endorsement of the plan to provide the electronic copies and the performance guarantee called for in the Subdivision Regulations.

We represent and agree that:

- (1) The plan is complies with the application requirements in the Regulations; and
- (2) We agree, upon a vote of the Planning Board to approve the Definitive Plan but prior to their endorsement of the plan to provide the electronic copies and the performance guarantee called for in the Subdivision Regulations; and
- (3) We will design, construct, and install the ways and the services in accordance with the Subdivision Regulations and the Definitive Plan as finally approved by the Planning Board and with the rules and instruction of Board of Health, the Conservation Commission and other applicable town approvals; and
- (4) We hereby provide the Town with an Irrevocable Right-of-Entry to enter into the property to make permitted improvements, contingent upon subdivision approval, and we agree that if the subdivision is approved we shall record a notice to this affect in the Registry of Deeds or Land Court, as appropriate, and subordinate all mortgages to such Right-of-Entry; and
- (5) This agreement shall be binding upon our heirs and successors in interest; and
- (6) The plans submitted are now in the public domain and may be copied freely in any form; and
- (7) We certify that the information contained herein is true and accurate to the best of their knowledge; and
- (8) We grant the board and its agents permission to enter the property to collect information needed to review this application.

Applicant : _____ Signature: _____
Address: _____ Phone: _____

Owner _____ Signature: _____
Address: _____ Phone: _____

Surveyor: _____ Signature: _____
Address: _____ Phone: _____