

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.