

Rule and Regulations
Governing the Subdivision of Land
Alford, Massachusetts

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RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
ALFORD, MASSACHUSETTS

(Adopted under the Subdivision Control Law Sections 81-K to 81-GG inclusive, Chapter 41, G.L.)

PURPOSE

The Subdivision Control Law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a Planning Board and of a board of appeal under the Subdivision Control Law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for 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 ordinances or by-laws; for securing adequate provision 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 the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the Subdivision Control Law that any subdivision plan filed with the Planning Board shall receive the approval of such board if said plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the planning board pertaining to subdivisions of land; provided, however, that such board may, when appropriate, waive, as provided, for in Section 81 R, such portions of the rules and regulations as is deemed advisable. (Section 81-M of Chapter 41, G.L.)

SECTION 1. AUTHORITY

Under the authority vested in the Planning Board of the Town of Alford by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Alford.

SECTION II. GENERAL

A. Definitions

1. Subdivision

"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 it was 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 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.

Such frontage shall be of at least such distance as is required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such a lot, and if no distance is so required, such frontage shall be of at least One Hundred Fifty (150) feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without frontage above set forth, or the division of a tract of land on which Two (2) or more buildings were standing when the Subdivision Control Law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision." (Section 81-L of Chapter 41, G.L.)

2. Preliminary Plan

"Preliminary Plan" shall mean a plan of a proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof, showing

- a. the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan";
- b. the names of the record owner and the applicant and the name of the designer, engineer or surveyor;
- c. the names of all abutters, as determined from the most recent local tax list;
- d. the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner;
- e. the proposed system of drainage, including adjacent existing natural waterways, in a general manner;

- f. the approximate boundary lines of proposed lots, with approximate areas and dimensions;
- g. the names, approximate location and widths of adjacent streets;
- h. and the topography of the land in a general manner.

(Section 81-T of Chapter 41, G.L.)

B. Plan Believed Not to Require Approval

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application Form A to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the Alford Town Clerk stating the date of submission for determination and accompanied by a copy of said application. If the notice is given by delivery, the Alford Town Clerk shall, if requested, give a written receipt therefor.

If the Planning Board determines that the plan does not require approval, it shall without a public hearing and without unnecessary delay endorse on the plan the words "Approval under the Subdivision Control Law not required."

A Ten (\$10.00) dollar application fee is required for a submitted Form A application and plan not requiring subdivision approval.

The Planning Board may add to such endorsement a statement of the reason approval is not required. The plan shall be returned to the applicant, the Planning Board shall notify the Alford Town Clerk of its action.

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 Alford Town Clerk of its action.

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

C. Subdivision

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town of Alford, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.

SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A. Preliminary_ Plan

1. General

A Preliminary Plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health 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, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such a subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. A properly executed application Form B shall be filed with the Preliminary Plan submitted to the Planning Board.

The applicant shall file by delivery, or registered mail a notice with the Aford Town Clerk stating the date of the submission for such approval of a Preliminary Plan and accompanied by a copy of the completed application (Form B).

2. Contents

The Preliminary Plan shall be drawn on tracing paper with pencil at a suitable scale and Two (2) prints shall be filed at the office of the Planning Board and One (1) print at the office of the Board of Health. Said plan shall be identified as a Preliminary Plan and show all the information described under the definition of the Preliminary Plan so as to form a clear basis for discussion of its problems and for preparation of the Definitive Plan. During the discussion of the Preliminary Plan the complete information required for the Definitive Plan (SECTION II-B.2. Contents) and the financial arrangements (Section III-5.A.) will be developed.

3. Approval

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

4. Impact Statement

The applicant shall file an impact statement for subdivisions of land in excess of 25 acres or where five or more lots are to be created detailing the probable effects of the subdivision on the following matters of concern to the Town:

- a. Changes in the number of legal residents estimated educational needs;

- b. Increase in vehicular traffic;
- c. Increase in various municipal service cost such as police protection, road maintenance, and other costs where applicable, and estimated increased assessed valuation;
- d. Estimated increase in ground water consumption and/or utilities whose capacity may be strained as a result of the development in question.
- e. Natural drainage patterns and design of man made system, if any;
- f. Estimated solid waste generated by the development;
- g. Soil types and drainage characteristics and levels of ground water;
- h. Areas where scrub or forest vegetation is to be removed;
- i. Adequate design provisions to guard against pollution of the water supply and wetlands, and against erosion of steep slopes;
- J. Predetermination of scenic vistas existing on the property as well as the view of the chief adjacent thoroughfare(s);
- k. Open space to be set aside, if any.

B. Definitive Plan

1. General

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board the following:

- a. An original drawing of the Definitive Plan and Three (3) contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
- b. A properly executed application Form C.
- c. All cost of advertising and notices.
- d. A Form C application fee is Fifty (\$50.00) Dollars , plus twenty dollars (\$20.00) per lot.
- e. Impact Statement as defined in Section III A (4) if the Definitive Plan subdivides land in excess of Twenty Five (25) acres or creates five or more lots.

The applicant shall file by delivery or registered mail a notice with the Alford Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application (Form C).

2. Contents

The Definitive Plan shall be prepared by a civil engineer or surveyor and shall be clearly and legibly drawn in black India ink upon tracing cloth. The plan shall be at a scale of One (1) Inch equals Forty (40) feet or such other scale as the Planning Board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed Twenty-Four (24) by Thirty-Six (36) Inches. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

- a. Subdivision name, boundaries, north point, date and scale.
- b. Name and address of record owner, subdivider and engineer.
- c. Names of all abutters as they appear in the most recent tax list.
- d. Lines of existing and proposed streets, ways, lots, easements, and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Planning Board.)
- e. Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.
- f. Location of all permanent monuments properly identified as to whether existing or proposed.
- g. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- h. Indication of purpose of easements.
- i. Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board.

Items j, k, and l may be submitted on the same sheet as the Definitive Plan or on a separate sheets.

Existing and proposed topography at a suitable contour interval if required by the Planning Board.

- k. Existing profiles on the exterior lines and proposed profile on the center-line of proposed streets at a horizontal scale of One Inch equals Forty (40) Feet and vertical scale of One (1) Inch equals Four (4) Feet, or such other scales acceptable to the Planning Board.
- l. Proposed layout of storm drainage, water supply and sewage disposal systems.

3. Review by Board of Health as to suitability of the Land

At the time of filing of the Definitive Plan, the subdivider shall also file with the Board of Health Two (2) contact prints of the Definitive plan, dark line on white background. The Board of Health shall within FortyFive (45) Days after filing of the plan, report to the Planning Board in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it 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 therefor in such report, and, where possible, shall make recommendations for the adjustment thereof. Every lot (so located that it cannot be served by a connection to the municipal sewer system) shall be provided with a cesspool or septic tank and drain-field satisfactory to the Board of Health.

4. Public Hearing

Before approval, modification and approval, or disapproval, of the Definitive Plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and the subject matter, sufficient for identification, shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Alford, once in each of Two (2) successive weeks, the first publication being not less than Fourteen (14) Days before the day of such hearing or if there is no such newspaper in the Town of Alford then by posting such notice in a conspicuous place in the Town Hall for a period of not less than Fourteen (14). Days before the day of such hearing.

- a. The Planning Board reserves the right to hire a consulting engineer of the Board's choosing and at the developer's expense, to review road and drainage construction plans in such subdivision plans as the board deems necessary.

5. Performance Guarantee

Before endorsement of its approval of a Definitive Plan of a subdivision, by the Planning Board, the subdivider shall agree to complete the required improvements (construction of ways and its installation of municipal services) specified in SECTION V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant:

- a. Final approval with bonds or surety

The subdivider shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or part of the improvements specified in SECTION V not covered by a covenant under "b" hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Selectmen or Town Treasurer and shall be contingent on the completion of such improvements within Two (2) Years of the date

of the bond.

b. Final approval with covenant

The subdivider shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services as specified in SECTION V, not covered by bond or deposit under "a" hereof, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

6. Reduction of bond or surety

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

7. Release of Performance Guarantee

Upon the completion of improvements required under SECTION V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the subdivider, may orally request and agree on terms of release with said Planning Board, or he may send by registered mail to the Town Clerk, a written statement in duplicate that the said construction or installation in connection with such bond, deposit or covenant has been completed in accordance to the requirements contained under SECTION V, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the Clerk of the Town the details wherein said construction and installation fails to comply with the requirements contained under SECTION V. Failure of the Planning Board to act on such application within Forty-Five (45) Days after the receipt of the application by the Town Clerk all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said Forty-Five (45) Day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

8. Certificate of Approval

The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on original drawing of the Definitive Plan by the signatures of a majority of

the Planning Board but not until the statutory Twenty (20) Day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Planning Board with Three (3) prints thereof.

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

SECTION IV. DESIGN STANDARDS

A. Streets

1. Location and Alignment

- a. All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel, due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- b. The proposed streets shall conform, so far as practicable, to the Master or Study Plan as adopted in whole or in part by the Planning Board.
- c. Provision satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- e. Street jogs with centerline offsets of less than One Hundred Twenty-Five (125) Feet should be avoided.
- f. The minimum centerline radii of curved streets shall be one hundred (100) feet. Greater radii may be required for principal streets.
- g. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than Sixty (60°) Degrees.
- h. Property lines at street intersections shall be rounded or cut back to provide for curb radii of not less than Thirty (30') Feet.

2. Width

- a. The minimum width of a street right-of-way shall be Forty (40') Feet. Greater width shall be required by the Planning Board when deemed necessary for present and future vehicular travel.

3. Grade

- a. Grades of streets shall be not less than One-Half (0.5%) Percent. Grades shall not be more than Six (6.0%) Percent for principal streets nor more than Twelve (12.0%) Percent for secondary streets.

4. Dead-end Streets

- a. Dead-end streets shall not be longer than Five Hundred (500') feet, unless in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions.
- b. Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least One Hundred (100') Feet, and a property line diameter of at least One Hundred Fifteen (115') Feet.

B. Easements

1. Easements for utilities across lots or centered on rear or side lotlines shall be provided where necessary and shall be at least Twelve (12') Feet wide.
2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes

C. Open Spaces

Before approval of a plan the Planning Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park 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 on the plan require that no building be erected upon such a park or parks without its approval for a period of Three (3) Years.

D. Protection of Natural Features

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

SECTION V. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

A. Street and Roadway

1. The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.
2. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.
3. All roadways shall be brought to a finished grade as shown on the profiles of the Definitive Plan with at least Twelve (12") Inches consisting of well compacted binding gravel to a width of at least Twenty-Five (25') feet, to be located, insofar as practicable centrally within the street right-of-way.
4. At the discretion of the Planning Board, roads or portions thereof may be required to be treated as follows: The completed gravel surface shall be treated for the full width of the roadway with one application of asphalt or tar as specified by the Planning Board at the rate of One (1) Gallon per square yard of area of roadway. After being subjected to traffic for a period of at least Thirty (30) Days, a second application at the rate of One Quarter (1/4) Gallon per square yard shall be used as a seal coat. The initial and seal application shall each be covered with stone evenly distributed.

B. Utilities

1. Sewer pipes and related equipment shall be constructed in conformity with specifications of the Planning Board and at its discretion professional consultant(s).
2. Adequate disposal of surface water shall be provided. Catch basins shall be built in conformity with specifications of the Planning Board and at its discretion professional consultant(s), on both sides of the roadway on continuous grades at intervals of not more than Four Hundred (400) Feet, at low points and sags In the roadway and near the corners of the roadway at intersecting streets.
3. Water pipes, related equipment and main shut-off valves, shall be constructed to serve all lots on each way in the subdivision in conformity with specifications of the Planning Board and its discretion professional consultant(s).
4. Underground distribution systems be provided to serve all lots on each way for any and all utility service including electrical and telephone services for new subdivision development or the expansion of existing subdivision.

C. Monuments

1. Monuments and street signs shall be installed where, in the opinion of the Planning Board, permanent monuments and street signs are necessary. Such monuments and street signs shall conform to the standard specifications of the Planning Board and at its discretion professional consultant(s) and shall be set according to such specifications. No permanent monuments or signs shall be installed until all construction which would destroy or disturb the monuments or signs is completed.

SECTION VI. ADMINISTRATION

A. Variation

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgement of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

B. Reference

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

C. One Dwelling Per Lot

Not more than One (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town of Alford without the consent of the Alford Planning Board.

D. Building Permit

No building shall be erected within a subdivision without written permission from the Planning Board,