



Town of Millville  
Commonwealth of Massachusetts

**Rules and Regulations Governing  
The Subdivision of Land**

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Article I - Adoption.....	1
(A) Adoption.....	1
(B) Purpose.....	1
(1) Enacted.....	1
SECTION 1 - Authority:.....	1
(A) Adopts.....	1
SECTION 2 - GENERAL:.....	1
(A) Definitions:.....	1
(1) Subdivision.....	2
(2) Subdivision Control.....	2
(3) Board.....	2
(4) Roadway.....	2
(a) Collector Street.....	2
(b) Minor Street.....	2
(c) Local Road.....	2
(B) Plan Believed Not to Require Approval:.....	3
(1) Recording/Filing.....	3
(2) Plans.....	3
(3) Determination.....	3
(C) Subdivision.....	3
(D) Access Roads.....	4
Section 3 - Procedure for the Submission and Approval of Plans.....	4
(A) Preliminary Plan:.....	4
(1) General.....	4
(2) Contents.....	4
(3) Tentative Approval.....	4
(B) Definitive Plan:.....	5
(1) Application Requirements.....	5
(2) Contents:.....	6
(3) Plans Drawings:.....	6
(4) Plan Information:.....	7
(5) Performance Guarantee:.....	8
(6) Review by the Board of Health as to Suitability of the Land.....	9
(7) Public Hearing.....	9
(8) Certificate of Approval.....	9
Section 4 - Design Standards.....	10
(A) Streets.....	10
(1) Location and Alignment.....	10
(2) Width.....	10

(3) Grade.....	11
(4) Dead-End Streets and Cul-De-Sacs.....	11
(B) Easements.....	12
(1) Utilities.....	12
(2) Storm Water Easement.....	12
(C) Open Spaces.....	12
(1) Park/Parks.....	12
(D) Protection of Natural Resources.....	12
(1) Natural Features.....	12
(2) Stormwater Management.....	12
(E) Profile Plans.....	12
Section 5 - Construction Specifications.....	13
(A) Construction.....	13
(1) Preparation of the Roadway.....	13
(2) Completion of Roadways.....	14
(3) Other Underground Utilities.....	14
(4) Monuments.....	15
(5) Curbing.....	15
(6) Gravel Base and Bituminous Concrete Pavement.....	15
(7) Sidewalks.....	16
(8) Slopes.....	17
(9) Street Signs.....	17
(10) Shade Trees.....	17
(11) Fire Hydrants.....	17
(12) Fire Alarm System.....	17
(13) Clean-Up Operations.....	17
(14) Underground Wiring.....	17
(15) Terracing.....	18
(16) Elimination of Recessed Areas in Streets, Sidewalks, and Driveway Entrances.....	18
(17) Grading of Streets and Driveways.....	18
(18) Work Notification to Town Departments.....	19
(19) Drains.....	20
(20) Road Acceptance Procedure.....	20
Section 6 - Administration.....	20
(A) Variation.....	20
Section 7 - Safety.....	21
(A) Precautions.....	21
(B) Holes.....	21
Section 8 - Fee Schedule.....	22
I) Pre-submission Reviews.....	22
II) Administrative Fees.....	22
III) Review Fees.....	22

**RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND**

**Article I - Adoption**

**(A) Adoption**

Adopted under the Subdivision Control Law - Sections 81-K to 81-GG inclusive, Chapter 41, of the Massachusetts General Laws.

**(B) Purpose**

(Section 81-M, Chapter 41 of the Massachusetts General Laws)

**(1) Enacted**

- a. 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 subdivision 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 Appeals under subdivision control law shall be exercised with due regard for the provision of adequate access in 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 in 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 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.

**SECTION 1 - Authority:**

**(A) Adopts**

Under the authority vested in the Planning Board of the Town of Millville by Section 81-Q of Chapter 41 of the Massachusetts General Laws, said Board hereby adopts these rules and regulations governing the subdivision of the Town of Millville. Such rules and regulations shall be effective on and after the day of April 23, 1984.

**SECTION 2 - GENERAL:**

**(A) Definitions:**

**(1) Subdivision**

Shall mean the division of a track of land into two or more lots in such a manner as to require provision for one or more new ways, not in existence when the subdivision control law became effective in the Town of Millville, to furnish access for vehicular traffic to one or more of such lots, and shall include re-subdivision, 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 public way or a way shown on a plan therefore approved in accordance with the subdivision control law, of at least such distance as is then required by Zoning or other ordinance or by-law, if any, and if no distance is so required, has such frontage of at least twenty (20) 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 the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which one of such buildings remains standing, shall not be deemed to constitute a subdivision.

**(2) Subdivision Control**

Shall mean the power of regulating the subdivision of land granted by subdivision control law.

**(3) Board**

Shall mean the Planning Board of the Town of Millville.

**(4) Roadway**

Shall mean the area within the limits of the traveled way.

**(a) Collector Street**

Shall mean a street which collects, or may reasonably be expected to collect traffic from several minor streets, or which handles traffic equivalent to that generated by 50 homes or more, or which serves non-residential abutting property.

**(b) Minor Street**

Shall mean a street which cannot qualify as a "local road" but can be expected to handle less traffic than a collector street.

**(c) Local Road**

Shall mean a street by its location and design that may not reasonably be expected to serve non-residential property, or serve as a means of access to more than ten (10) homes.

**(B) Plan Believed Not to Require Approval:**

**(1) Recording/Filing**

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, Application Form A (see appendix) and the appropriate review fee as shown in Section 8 - Fee Schedule 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 Town Clerk stating the date of sub-mission for such determination and accompanied by a copy of said application. Said plan shall show the new lot or lots, and their lot on the original parcel. It should also show any and all buildings and structures on the property, and their district to the new and old lot lines. Said information is to be from an actual field survey.

**(2) Plans**

Said plan shall show the new lots, and their location on the original parcel. It should also show any and all buildings and structures on the property, and the distance to the new and old lot lines. Said information is to be from an actual field survey. If the majority of the members of the Board or a person authorized by the Board determines that the plan does not require approval, it shall without a public hearing and within twenty-one (21) days of submission endorse on the plans the words "Planning Board approval under Subdivision Control Law not required." Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action.

**(3) Determination**

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within twenty-one (21) days of submission of said plan so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination.

**(C) Subdivision**

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the town or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a definitive plan of such subdivision has been submitted to and approved

by the Planning Board as hereinafter provided.

**(D) Access Roads**

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 (a) any lot in a subdivision, or (b) elsewhere in the (city), (town) without the consent of the Planning Board, and such consent will be conditional upon the providing of adequate ways furnishing access to each building site in the same manner as otherwise required for lots in a subdivision.

**Section 3 - Procedure for the Submission and Approval of Plans**

**(A) Preliminary Plan:**

**(1) General**

A Preliminary Plan of subdivision should be submitted by the subdivider for discussion and tentative approval by the Board. The submission of such a Preliminary Plan will enable the subdivider, the Board, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in every case.

**(2) Contents**

The Preliminary Plan may be drawn on tracing paper with pencil at suitable scale and eight (8) prints shall be filed at the office of the Board. Said Preliminary Plan should show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan. Such information will include major site features such as existing stone walls, fences, buildings, large trees, rock ridges and outcroppings, swamps, water bodies, any and all utilities, and existing topography as required, together with the information required by items "a" to "d", inclusive, of the Contents of Definitive Plan (Section 3-B-1-1). During discussion of the Preliminary Plan the complete information required for the Definitive Plan (Section 3-B Definitive Plan) and the financial arrangements (Section 3-B-5 Performance Guarantee) will be developed.

**(3) Tentative Approval**

The Planning Board may give such Preliminary Plan approval, with or without modification. Such tentative approval does not constitute approval of a subdivision but does facilitate the procedure in securing final

approval of the Definitive Plans.

**(B) Definitive Plan:**

**(1) Application Requirements**

Definitive Subdivision Applications are to be submitted in person or by an agent at a regularly posted and held Planning Board meeting. At this meeting, the Planning Board will review the package with the applicant for completeness and adherence to these subdivision application requirements. Plans 'dropped off' or otherwise not submitted in person will be reviewed at the next following Planning Board meeting for completeness and adherence to these requirements, in which case the submission date for said plans will be considered the date of the Planning Board meeting at which this review takes place and the application is found to be complete and in compliance.

The only exception to this will be if submission in person is not feasible due to the applicant not residing in Millville, in which case the application may be mailed to the Planning Board via Certified Mail. Applications mailed via certified mail will be reviewed for completeness at the next following posted Planning Board meeting, and if incomplete, will be returned to the applicant for correction, at cost to the applicant. The submission date of an application mailed via certified mail will be the date at which a full and complete package, as determined by the Planning Board, was received via certified mail. Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall:

1) File with the Planning Board the following:

**(a) Drawings:** An original drawing of the Definitive Plan and eight (8) contact prints thereof, dark line on white background, and a set of reproducible 11"x17" plans. The original drawing will be returned to the applicant after approval.

**(b) Application Form C:** Two (2) copies of a properly executed application Form C (see Appendix). The Planning Board will then distribute these copies as follows:

- i) Planning Board Subdivision File
- ii) Town Clerk

**(c) Deposit:** Two checks as follows:

- i) One check covering the current Application fee as shown in Section 8 - Fee Schedule, Part II
- ii) A second check to cover the anticipated

Engineering Review Fees as shown in Section 8 -  
Fee Schedule, Part III.

**(d) List of abutters:** The applicant shall obtain a certified list of abutters from the Assessors Office and attach this list and the mailing labels to the packet at the time of submission to the Planning Board.

2) File with the Board of Health the following:

**(a) Drawing:** An original drawing of the Definitive Plan, dark line on white background.

**(b) Application Form C:** One (1) copy of a properly executed Application Form C (see Appendix).

3) File by delivery or registered mail with the Town Clerk a properly completed Application Form C (see Appendix).

## **(2) Contents:**

**(a) Preparation:** The Definitive Plan shall be prepared by a Massachusetts Registered Professional Civil Engineer and Registered Land Surveyor and shall be clear and legible. A copy of the current credentials (Form D) shall be placed on file in the Planning Board Office.

**(b) Surveys:** All horizontal surveys shall be made with an accuracy of 1" to 10,000. Vertical accuracy shall be regulated by the Planning Board, a signed statement by a Registered Professional Engineer and Registered Land Surveyor certifying that the plan or plans are made in accordance with the requirements of the Town of Millville, and there also should be a statement signed and stamped by a Registered Professional Engineer stating that in his opinion, the area shown on the plans either is or is not suitable for building purposes, with a report and recommendation to be filed with the Planning Board. A cost estimate for the purpose of executing the bond shall be included in this report. A separate plan shall be furnished by the developer at a scale of 100' or 300' on an 8.5" X 11" sheet.

## **(3) Plans Drawings:**

**(a) Scale:** To a scale of one (1) inch equals forty (40) feet.

**(b) Plan Make-Up:** With black waterproof ink, on sheets of tracing cloth 24" X 36", with a one-half (.5) inch border, except on the left side which shall be two (2)

inches.

**(c) Profiles:** Plan and profiles for all streets, at a scale of 1"=40' horizontal, and 1" = 4' vertical. If any of the proposed work includes work on town roads, plan and profiles shall be submitted for these roadways as well.

**(4) Plan Information:**

**(a) Title:** A title stating the date, scale, name and address of record owner and subdivider, engineer, surveyor, name of subdivision, names of proposed streets and zoning classification.

**(b) Meridian:** The meridian used, town meridian if required.

**(c) Location/Ownership:** Location and ownership of all abutting property, with book and page information.

**(d) Right of Ways/Easements:** Location and character of all rights of way, or other easements existing or proposed.

**(e) Boundary Lines:** Lengths and bearings of plan boundary lines with a table of the traverse closure.

**(f) Lot Lines:** Lengths and bearings of all subdivision lot lines, including lot frontages on the streets.

**(g) Permanent Monuments:** Location of all permanent monuments properly identified as to whether existing or proposed.

**(h) Center Lines - Streets:** Lengths and bearings of all straight center lines of streets.

**(i) Curves:** Lengths, radial, tangents and center angles of all curves in lot lines and street center lines.

**(j) Tangents:** All angle points or intersections of tangents along the center line of the street with computed coordinates.

**(k) Location:** Location and width of all adjacent town streets or private ways, with names.

**(l) Concrete Monuments:** Concrete monuments at all points of curvature and changes in directions of street lines or where designated by the Planning Board.

**(m) Area/Street Numbers:** Area of lots, with street numbers, and areas of other adjoining land of applicant not included in the subdivision. Street numbers will be obtained

from the Assessor's Office.

**(n) Natural Objects/Surfaces:** All natural objects and surfaces such as waterways, natural drainage courses, large boulders, stone walls, trees over twelve (12) inches in diameter, etc.

**(o) Topography:** Existing and proposed topography at a suitable contour interval with location and grade of the proposed house foundation and cellar floor. (Contour intervals as required by the Board).

**(p) Profiles/Cross Section:** Profiles and cross section on the exterior lines of proposed streets at a horizontal scale of one (1) inch equals forty (40) feet and vertical scale of one (1) inch equals four (4) feet, or such other scales acceptable to the Board. All elevations shall refer to the town datum.

**(q) Utilities:** Proposed layout of storm drainage, water supply, sewage disposal systems, electrical systems, telephone, cable TV, and any other utilities whether below or above ground.

**(r) Stamp:** Professional Civil Engineer and Registered Land Surveyor's Stamp.

**(s) Approval Spaces:** Approval spaces for the Planning Board.

**(t) Town Clerk Space:** Town Clerk Certificate Space.

**(u) Locus Map:** Locus Map on cover page.

**(5) Performance Guarantee:**

**(a) Final Approval With Bonds or Surety:** Before approval of Definitive Plan of a subdivision, the subdivider shall either file a performance bond or deposit money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V or follow the procedure outlined in "b" below. Such bond or security if filed or deposited shall be approved in 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 the time table set up between the Builders and the Board, so bond can keep up with inflation.

**(b) Final Approval With Conditions:** Instead of filing a bond or depositing surety, the subdivider may request

approval of his Definitive Plan on condition that no lot in the subdivision shall be sold and no building shall be erected thereon until the improvements specified in Section V are constructed and installed so as to serve the lots adequately. Such conditions shall be endorsed upon the plan or contained in a separate vote or agreement which shall be referred to on the plan and recorded in the Registry of Deeds. When the subdivider has completed the required improvements specified in Section V for any lots in a subdivision, he may request a Release of Conditions for said lots. If the Improvements have been completed to the satisfaction of the Board, the Board will then execute and deliver to the subdivider such Release, which shall be in form of recording in the Registry of Deeds. Thereafter the conditions relating to such lots and so released shall terminate.

**(c) Release of Guarantee:** Following request for release of guarantee (either bond or covenant), and at least thirty (30) days prior to granting same, the Planning Board shall give public notice of the request for release by advertising at the expense of the subdivider in a newspaper of general distribution.

**(6) Review by the Board of Health as to Suitability of the Land**

The Planning Board shall refer the Definitive Plan to the Board of Health in accordance with MGL Chapter 41, Section 81-0 as amended.

**(7) Public Hearing**

Before approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board in accordance with the provisions of MGL Chapter 41, Section 81-T, as amended.

**(8) Certificate of Approval**

The action of the Board in respect to such plans 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 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 the original drawing of the Definitive Plan by the signatures of the majority of the Board (or by the signatures of the person officially authorized by the Board) but not until the statutory twenty (20) days appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said clerk has notified the Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall

furnish the Board with three (3) prints thereof. In addition the applicant shall furnish (5) blue line prints of the approved plan reduced to a scale which will fit on an 8.5" X 11" sheet, said plan shall contain the following: the title of the Definitive Plan, north point, street numbers, and street names.

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

#### **Section 4 - Design Standards**

##### **(A) Streets**

###### **(1) Location and Alignment**

**(a) Safe Travel:** All streets in the subdivision shall be designed so that in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the applicant in the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.

**(b) Proposed Streets:** The proposed streets shall conform to the master or Study Plan when adopted in whole or in part by the Board.

**(c) Projection/Access:** Provisions satisfactory to the Board shall be made for the proper projection of streets, or for access in adjoining property which is not yet subdivided.

**(d) Intersections:** 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 (70) degrees.

**(e) Property Line:** Property lines at street intersections shall be rounded or cut back to provide for a radius of not less than twenty (20) feet.

**(f) Reserve Strips:** Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.

**(g) Street Jogs:** Street jogs with centerline offsets of less than one hundred twenty-five (125) feet should be avoided.

###### **(2) Width**

**(a) Secondary Street:** Minimum width of secondary street

right-of-way is forty (40) feet, allowing for a twenty four (24) foot roadway. Greater widths may be required to accommodate anticipated vehicular traffic. Through streets shall have a pavement width of twenty-eight (28) feet, with a fifty (50) foot right-of-way.

**(b) Widths:** Streets shall be constructed for the following widths of paving exclusive of curbing:

Collector Street.....	30 Feet
Minor Street.....	26 Feet
Local Street.....	24 Feet

**(3) Grade**

**(a) Streets:** Grades of streets shall be not less than 1%. Grades shall not be more than 6.0% for principle streets and not more than 10.0% for secondary streets.

**(b) Intersections:** On any street where the grade exceeds 6.0% on the approach to an intersection, a leveling area with a slope of not less than 4.0% shall be provided for a distance of not less than fifty (50) feet measured from the nearest exterior line of the intersecting street

**(4) Dead-End Streets and Cul-De-Sacs**

**(a) Dead End Streets:** Dead End streets, defined as a way that does not connect to another roadway on each end, and not meeting the definition of 'Cul-de-sac' below, shall not be allowed.

**(b) Cul-de-sac:** A cul-de-sac is a way which connects to another roadway on only one end, and is fitted with a loop or turn-around area on the other end. In addition to the other standards delineated in this section, Cul-de-sacs shall also meet the following criteria:

**i) Length:** Cul-de-sacs shall be a minimum of one hundred (100) feet and not longer than five hundred (500) feet unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions. This length shall be measured from the point at which a person traveling the roadway has two roadway options to exit the subdivision to the point the traveler would enter the turnaround at the end of the Cul-De-Sac.

**ii) Turn-Arounds:** Cul-de-sac streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred twenty (120) feet, enabling turn-around of a thirty-nine (39) foot truck.

**(c) Exit Criteria:** This requirement can also be stated that, at any point within the subdivision, a traveler can never be more than 500' (measured along the roadway) from a point on the roadway that has two exits from the subdivision.

**(5) Cross Sections**

**(a) Manholes/Catch Basins:** Manholes and Catch Basins shall conform to Town of Millville standards.

**(B) Easements**

**(1) Utilities**

Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twelve (20) feet wide.

**a) Future Expansion easements:** The Board may require easements to enable future water and/or utility system expansions across subdivided lands.

**(2) Storm Water Easement**

Where a subdivision is traversed by a water course, drainage way, detention area, channel or stream, there shall be provided a storm water easement or drainage right-of-way of adequate width to conform substantially in the limits of such water course, drainage way, detention area, channel or stream, and to provide for construction or other necessary purposes (such as maintenance).

a) Specific attention shall be paid to ensure easements are made to enable town access to all inlets and outlets of any detention area for inspection, maintenance, repair and/or replacement.

**(C) Open Spaces**

**(1) Park/Parks**

Before approval of a plan the Board may require that the plan show a park or parks suitably located for playground or recreation purpose 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.

a) The Board shall by appropriate endorsement on the plan require that no building may be erected on such park or parks for a period of not more than three years without its approval. This land shall be made available for purchase by the town. Failure to purchase within three (3) years shall free the owners from restrictions.

**(D) Protection of Natural Resources**

**(1) Natural Features**

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

**(2) Stormwater Management**

Prior to approval, Applicant shall show compliance with all requirements of any Stormwater Management Bylaws in place.

**(E) Profile Plans**

Profile Plans shall be drawn with:

- (1) **Horizontal Scale:** A horizontal scale of one (1) inch equals forty (40) feet.
- (2) **Vertical Scale:** A vertical scale of one (1) inch equals four (4) feet.
- (3) **Existing Center Line:** Existing center line in fine black solid line.
- (4) **Existing Right Side Line:** Existing right side line in fine black dash line.
- (5) **Existing Left Side Line:** Existing left side line in fine black dash line.
- (6) **Center Line Elevations:** Proposed center line elevations at station and halfstations to 0.01 foot.
- (7) **Stations:** Stations of all proposed drain and sewer pipes and structures with rim and invert elevations to 0.01 foot and pipe slope in %.
- (8) **Concrete Bounds:** Positions of all concrete bounds to be set must be shown on the plan.
- (9) **Intersection Elevations:** Proposed road intersection elevations to 0.01 foot and station equation.
- (10) **Existing Intersections, Walks, Driveways:** All existing intersections, walks, and driveways shown on both sides.
- (11) **Drain, Sewer Easements:** Proposed drain and sewer easements shown on separate plans.
- (12) **Elevations, Bench Marks:** Elevations and at least two (2) bench marks as shown on plan, referred to Planning Board and Datum.
- (13) **Slope:** Slope of proposed road in %.

## **Section 5 - Construction Specifications**

### **(A) Construction**

Streets including any sub roads shown on the Definitive Plan, shall be constructed by the developer in accordance with the following specifications, with relevant standards and specifications on the Millville Departments of Public Works, and Massachusetts Department of Public Works Standard specifications.

As each construction operation is completed it shall be approved by the person or persons authorized by the Planning Board previous to starting work on the succeeding operation.

#### **(1) Preparation of the Roadway**

(a) **Material Removal:** All top and subsurface material shall be removed for the full length and width of the roadway to a depth of at least twelve (12) inches below the finished surface as shown on the profile plan, provided, however, that if the soil is soft and spongy, or containing undesirable material such as clay, sand pockets, tree stumps, stones over six (6) inches in diameter, or any other material detrimental to the subgrade, a deeper excavation below the subgrade shall

be made as required by the person or persons authorized by the Planning Board.

**(b) Utilities:** At this point preparation of all roadway utilities shall be installed and brought to the property line as specified in B-1, B-2, and K in this section.

**(c) Tilled:** The excavated area below the subgrade shall be tilled to subgrade with well compacted material satisfactory to the person or persons authorized by the Planning Board.

**(d) Rolled:** The entire roadway then shall be rolled, forming the subgrade with a five (5) inch crown as required on the cross section plan.

## **(2) Completion of Roadways**

**(a) Drainage:** Necessary drainage to take care of surface and sub-surface water of roadway and adjoining land shall be provided. Where the only method of drainage is by draining on public or private property the subdivider shall furnish plans and arrange to take care of all extra expense to the town for drainage of this area. All storm drains shall be laid below the bottom of any proposed cellars in the sub-division. In case of seepage the cellars may be drained. Size and quality of pipes, manholes, catch basins and depth to be laid shall be supervised by the person or persons authorized by the Planning Board.

## **(3) Other Underground Utilities**

All types of water pipes and valves used will be under the jurisdiction of the Fire Department, or Planning Board.

**(a) Pipe Sizes:** Water pipes sizes shall be determined by the fire flow requirements of the Fire Chief or other responsible person to be determined by the Planning Board. The minimum size shall be eight (8) inches.

**(b) Existing Hydrant Systems:** If the property line of the proposed subdivision is within three thousand (3000') of an existing hydrant or a hydrant shown on the hydrant system on a Definitive plan that has been approved by the Planning Board, the applicant shall connect into the existing or approved system. Such connection shall be made to provide loop systems and avoid permanent dead-end hydrant systems when such loop layout is deemed feasible by the Planning Board or its agent. If no property line in the proposed subdivision is within three thousand (3000) feet of an existing or approved hydrant system, the applicant will provide:

- Fire Hydrant system within the subdivision, charged from a requisite number and properly installed Fire Suppression Water storage

cisterns designed and installed in accordance with NFPA 1142, Sections B.3.2 and B.3.3, as amended, and as required by the Millville Fire Department for the size subdivision in question.

- Piping and fitting to the entrance of the subdivision at the previously existing roadway, to enable simplified tie-in of the subdivision to the town hydrant system at a later date

**(c) Pipes, Manholes and Other Appurtenances:** Sewer Pipes, manholes and other appurtenance shall be installed in accordance with the standards of the Millville Planning Board and with Massachusetts Highway Standard Specifications.

**(d) Underground Utilities:** Installation of all underground utilities and their lateral connections to two (2) feet beyond the right of way line shall be laid after the roadway is subgraded, not before application of the gravel base and bituminous pavement. All trenches shall be installed per Massachusetts Highway Standard Specifications.

**(4) Monuments**

**(a) Concrete Monuments:** Concrete monuments not less than three (3) feet in length, dressed to not less than five (5) inches at the top with a 1/8" drill hole in the center, and not less than five (5) inches at the bottom, shall be set to finish grade at all street intersections, at all points of change direction or curvature and on all proposed streets in the subdivision. A registered engineer or surveyor shall certify to the Board that the location of such bounds has been verified by him following all earthwork and paving.

**(5) Curbing**

**(a) Granite Curbing:** Vertical six (6) inch granite curbing, new or used shall be furnished and installed as specified by State Department of Public Works, and pre-approved by the Planning Board or its designee.

**(6) Gravel Base and Bituminous Concrete Pavement**

**(a) Preparation:** Before the gravel is spread, the roadbed shall be shaped in a true surface, conforming to the proposed cross-section at the road, and no gravel shall be spread until this subgrade is approved by the Planning Board or its designee. Gravel for base shall be spread in two (2) six (6) inch layers in a total depth of twelve (12) inches. Each layer is to be compacted to 95% of the maximum dry density of the material at

optimum moisture content. This requirement shall be verified by an independent licensed engineer or testing laboratory at the cost to the contractor. Copies of test results shall be sent to the Planning Board. After rolling, each layer placed shall be thoroughly watered and rolled true to lines and grades with a roller weighing not less than twelve (12) tons. Any depressions that appear during or after the rolling shall be filled with crushed bank gravel, and be re-rolled until the surface is true and even.

**i)** The completed gravel base shall be coated with bituminous concrete, Type 1. A two (2) course work will be required and shall be rolled between each course. The first course shall be two (2) inches thick after compaction and shall be the BASE COURSE. The second course shall be two (2) inches thick after compaction and shall be the FINISHED COURSE, also known as the "topping".

**ii)** Under certain conditions, the Planning Board may require the Base Course to lay over one complete winter before allowing the Finish Course. Patching of the base where it has been disturbed by frost heaves or settling must be done to Planning Board specifications at least one week prior to the application of the "FINISHED COAT".

#### **(7) Sidewalks**

**(a) Width:** Sidewalks are required on both sides of the street and shall be four (4) feet wide on streets with 24 feet of paving and five (5) feet wide on streets with 26 feet or more of paving.

**(b) Preparation:** All materials shall be removed for the full width of the sidewalk to subgrade ten (10) inches below the finished grade as shown on cross section plan; also all soft spots and other undesirable material below such subgrade shall be replaced with a good binding material and rolled. This excavated area then shall be filled with eight (8) inches of good quality gravel and rolled with a pitch toward the gutter not less than one-fourth (1/4) inch nor greater than three-eighths (3/8) inch to the foot. Each layer shall be compacted to 90% of the maximum dry density of the material at optimum moisture content and shall be subject to inspection and verification in the same manner as prescribed above for the roadway.

**(c) Surface:** Forms shall be set to grade, filled with three (3) inches of bituminous concrete pavement, except four (4) inches at driveway entrances. Two-course work shall be required. The Base Coat shall be rolled and allowed to pass over one winter before the top coat is applied. Patching of the base course which has been disturbed must be done to Millville Department of Public

Works or Highway Surveyor specification at least one week prior to the application of the top coat.

**(8) Slopes**

The area in back of the sidewalk shall be sloped at no than the ratio of two (2) feet horizontally in one (1) foot vertically to a point where it precisely coincides with the surrounding ground or abutters' lawns. Six (6) inches of loam shall be the minimum cover on all slopes. Slopes shall be seeded with lawn grass seed and rolled, the quality and quantity of the seed to be determined by the person or persons authorized by the Planning Board.

**(9) Street Signs**

The developer shall furnish and erect necessary rustproof street signs to designate the name of each street in his development; said signs to conform with those reflectorized signs of a size and color specified by the Town Highway Surveyor and approved by the Planning Board.

**(10) Shade Trees**

**(a) Retention:** Outside of the street lines, no trees over four (4) inch caliper shall be removed or have grade level underneath them altered more than six (6) inches until the Tree Warden has been notified, and given forty eight (48) hours to designate which trees are to be preserved, and the manner in which this is to be accomplished.

**(b) Placement:** Unless in the opinion of the Board, existing shade trees are adequate, shade trees of two (2) inches caliper or more and of a variety acceptable to the Board shall be planted normally not more than forty (40) feet apart and outside the right of way, each in one-half (1/2) cubic yard of topsoil, or as recommended by the Tree Warden.

**(11) Fire Hydrants**

Fire lines and water service shall be installed by the contractor as directed by the Planning Board and under the supervision of the Millville Fire Department.

**(12) Fire Alarm System**

The municipal fire alarm system shall be entered where feasible, as directed by the Fire Chief.

**(13) Clean-Up Operations**

The entire area of development must be cleared of all debris and left in a neat and workman-like manner.

**(14) Underground Wiring**

In any subdivision the developer shall arrange for the installation of all municipal services and utilities including but not limited to, domestic electrical power and telephone cables, public fire alarm systems, street lighting systems and television.

**(a) Underground Installation:** Systems shall be placed underground within the limits of the street within any subdivision except where, in the opinion of the Planning Board, such underground installation shall cause undue hardship upon the developer by reason of topography, soil and rock conditions and other factors of site and subdivision lay-out which might affect the feasibility of underground installation.

**(b) Above Ground Installation:** In each case, the Board may allow all or any part of the wiring, cables, or other appurtenances to be placed above ground with easements granted by the developer and his successors in title to the appropriate bodies. Where use is made of such easements they shall be located along the rear lot line in such a manner as to minimize the amount of overhead wiring.

#### **(15) Terracing**

Terracing and/or sloping of grades to the roadway will be required when the normal runoff from a lot onto another lot has been made greater by new construction, or by man-made land changes.

**(a) Installation:** Terracing shall be done with earthen embankments and each terrace shall have no more than a three (3) foot vertical drop. Natural slopes of terraces will be no greater than one (1) foot horizontal to one (1) foot vertical, although no slopes greater than two (2) feet horizontal to one (1) foot vertical shall be allowed within ten (10) feet of the lot line.

**(b) Definition of Terrace:** A raised flat mound of earth with sloping slides.

#### **(16) Elimination of Recessed Areas in Streets, Sidewalks, and Driveway Entrances**

**(a) Construction:** No junction of sidewalks, driveway and roadway shall be constructed in such a manner as to create recessed areas where puddling may form.

**(b) Slopes:** Sidewalks shall have the same slope as the roadway; + or - two (2) degrees at all points on the sidewalks. There will be no sealing of the sidewalks.

#### **(17) Grading of Streets and Driveways**

All grading of streets and driveways shall be done in a manner

so that water from the streets which have slopes of greater than one degree shall not wash onto private property through driveway entrances from areas on the street in higher elevations.

**(18) Work Notification to Town Departments**

**(a) Written Notification:** The Planning Board and their identified consulting engineer, the Highway Surveyor and the Building Inspector must be notified, in writing, at least seven working days prior to the commencement of any of the following work:

- (1) Installation of drainage facilities.
- (2) Installation of Water and common sewer facilities.
- (3) Application of material for subbase.
- (4) Application of gravel for above subgrade.
- (5) Application of bituminous concrete standard bottom (binder) course, for street pavement construction.
- (6) Application of bituminous concrete standard top course.
- (7) Application of curbing and curb-inlets.
- (8) Application of gravel in sidewalks.
  
- (9) Application of bituminous concrete base and top course for sidewalks and aprons.
- (10) Application of loam for grass plots.
- (11) Removal or application of material for slopes.
- (12) Construction of retaining walls.
- (13) Installation of bounds.

**(b) Construction Prior To Notification:** If any of the above designated work is commenced or completed without proper notification as specified, such work, installation or construction shall be considered as not to conform to this by-law and may be subject to be reconstructed at discretion of the Board.

**Criminal Penalty:** Any person who violated any provision of this regulation, order or permit issued thereunder shall be punished by a fine of not more than one hundred dollars (\$100). Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**Non-Criminal Disposition:** As an alternative to criminal prosecution or civil action, the Board may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 20, Section 21D, in which case the Millville Highway Superintendent shall be the enforcing person. The penalty for the 1st violation shall be twenty five dollars (\$25).

The penalty for the 2nd violation shall be fifty dollars (\$50). The penalty for the 3rd and subsequent violations shall be one hundred dollars (\$100). Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**(19) Drains**

Storm drains (catch basins) shall be put at the low spot in a dead-end and turnabout even though the road leading out of the circle may generally go down hill.

**(20) Road Acceptance Procedure**

**a)** Following initial approval of a subdivision application, the Planning Board shall forward the plan to the Board of Selectmen for vote to approve or disapprove the road layouts. The applicant shall ensure with the BOS this approval is in place prior to commencement of road construction.

**b)** Following completion of roadways, and prior to requesting road acceptance, the applicant shall submit to the Planning Board and their designate Consulting Engineer, as built drawings in the same manner and format as described in Section 3, B (1) (Definitive Plan) above. The Planning Board and Consulting Engineer shall review these as-built plans for compliance to the requirements set forth in these regulations. In the event of non-compliance, the Planning Board may require reconstruction at the discretion of the board, and at cost to the applicant.

**c)** Following submission and review of as-built plans, the applicant must submit a request for road acceptance to the Planning Board. The Planning Board will review all facts and history relating to the subdivision, hold a public hearing and will make a recommendation to the Board of Selectmen either recommending acceptance or not recommending acceptance of the roadways. Final acceptance of roadways occurs as a vote at Town Meeting.

**Section 6 - Administration**

**(A) Variation**

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

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

## **Section 7 - Safety**

### **(A) Precautions**

All precautions should be taken by the developer and his subcontractors to observe common-sense safety requirements. The Board designates the Building Inspector to report all working activities in preparation of the subdivision to the Board.

### **(B) Holes**

Holes greater than five (5) feet in depth and soil piles higher than five (5) feet, or materials stacked in an unusual manner shall not be allowed unless the area is adequately protected in the opinion of the Planning Board.

## **Section 8 - Fee Schedule**

### **MILLVILLE PLANNING BOARD FEE SCHEDULE**

The Millville Planning Board fees shall consist of Application Fees and Review Fees as set forth below. The Application Fee and Initial Review Fee shall both be paid at the time of application. Application Fees and Review Fees shall be made as separate checks, payable to "Town of Millville", and checks should include a comment stating the purpose of the Fee.

**These are the initial fees that will be collected. Additional costs incurred in review and/or approving submitted plans will be billed at cost and are to be paid in full by the applicant. Delinquent accounts may result in delays in future action upon a submitted plan.**

#### **I) Pre-submission Reviews**

- a. Applicants may request a maximum of two (2) fifteen minute appointments with the planning board to discuss potential plans and to gain clarification on Planning Board procedures and Town Bylaws.
- b. There is no charge to the applicant for these Pre-submission reviews

#### **II) Administrative Fees**

- a. \$500 will be collected to offset administrative fees for any process that requires a public hearing. These Processes include, but are not limited to:
  - i. Special Permit hearing
  - ii. Bond Release Requests
  - iii. Amendment of an approved definitive plan
- b. For plans submitted under section 81P (Authorization Not Required), \$50 will be collected for the first division (resulting in two new lots). An additional \$50 will be collected for each additional lot created on the same plan.
  - i. For example, an ANR subdivision resulting in three new lots will incur a cost of \$100: \$50 for the first division creating the first two lots, and \$50 for the division to create the third lot.

#### **III) Review Fees**

- a. Review Fees will be collected to offset the expected costs incurred by the Planning Board in reviewing various applications and submissions as set forth below:
  - i. Preliminary Plans: \$500 plus \$100 per lot
  - ii. Definitive Plans: \$1500 plus \$250 per lot
  - iii. Bonding (including Reduction and Release requests, Inspections and Estimates): \$1000
  - iv. Performance Inspections: \$1.25 per linear foot of roadway with a minimum fee of \$750
  - v. Amendment, modification or revision of an approved definitive plan: Billed at actual review cost, with minimum fee of \$500
  - vi. As Built / Acceptance reviews
    1. Subdivisions: \$1000 per street
    2. Site Plans: \$1000 per site

- vii. Environmental Impact Study - the cost of this study is to be paid by the applicant and shall be conducted by an engineer hired by the Planning Board.

All fees are subject to Planning Board discretion and will be reviewed and updated periodically by the Planning Board.

Revised: May 23, 2005