



**Town of Millville  
Commonwealth of Massachusetts**

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

Adopted April 16, 1963  
Revised Through September 26, 2012

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

### **SECTION 1 - AUTHORITY**

#### **A) Authority**

Pursuant to the authority granted by Section 81-Q of Chapter 41 of the General Laws and for the purpose specified in Paragraph B of this Section, the Planning Board of the Town of Millville has adopted the following rules and regulations governing the subdivision of land in the Town of Millville.

#### **B) Purpose**

These subdivision regulations have 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.

#### **C) Amendments**

The Planning Board may, from time to time, amend these Rules and Regulations by appropriate action taken at a public hearing, as provided by MGL, Ch. 41, Section 81-Q, as amended.

### **SECTION 2 - GENERAL PROVISIONS**

#### **A) Regulations**

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.

**B) Compliance with Local and State Regulations**

The subdivision and lots therein shall also comply with all other applicable local and state regulations, including the Millville Zoning Bylaw.

**C) 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.

**D) Definitions**

AASHTO - American Association of State Highway and Traffic Officials.

Abutter - An owner of land sharing either a common property line or a common property point with land referred to in an application or plan and an owner of land within three hundred (300) feet of the subject premises.

ADA - Americans with Disabilities Act. All references to the ADA regulations shall mean the most current revision, supplement or successor regulation(s).

ANR - Approval Not Required plan cited in MGL Ch. 41, S. 81-P (also referred to as 81-P plan).

Applicant - The person or legal entity that applies for the approval of a Plan of a proposed subdivision. The applicant or applicants must be the owner or owners of all land included in the proposed subdivision. An agent, representative or his assigns may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of the officers and designated authority to sign legal documents shall be required for a corporation.

Application, request - All plans, data, narrative, and other material required by these Regulations or the Subdivision Control Law as part of a submittal to the Planning Board.

Aquifer - Any water-bearing formation, or group of formations, that supplies ground water, wells, or springs.

Best Management Practice(s), or BMP - State-of-the-art technology (physical, institutional, or strategic approaches) as applied to a specific problem (particularly with respect to non-point source pollution control).

Basin, detention - A pond, pool, or basin used for the temporary storage of stormwater runoff, usually designed to regulate the rate of flow to predevelopment conditions, and to recharge groundwater.

Basin, retention - A pond, pool, or basin used for the permanent storage of stormwater runoff, providing controlled release and recharging groundwater.

Board - Shall mean the Planning Board of the Town of Millville.

Certified or endorsed - As applied to a plan or other instrument required or authorized by the Subdivision Control Law or these Regulations to be recorded, bears a certification or endorsement by a majority of the members of the Planning Board; or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action, and named in a written statement to the Register of Deeds and Recorder of the Land Court, which statement must be signed by a majority of the members of the Planning Board.

CMR - Code of Massachusetts Regulations

Dwelling - See Town of Millville Zoning Bylaw for definition.

Easement - A right acquired by a public authority or other person for use or control of property for utility or any other designated purpose.

Erosion and sediment controls - An integrated system of techniques designed to control erosion and sediment at development and other disturbed sites by: minimizing disturbed areas; stabilizing disturbed areas as soon as possible; maintaining low water runoff velocities; protecting disturbed areas from runoff; retaining sediment within the site; fitting development to the site; and implementing a maintenance and follow-up program.

Horizontal curve - The portion of the right-of-way line along which a change in alignment occurs in the horizontal plane.

Impervious surface - Man-placed material, including buildings that prevent the penetration of surface water into the soil.

Improvement - Any man-made immovable item, facility, or service together with its associated site or right-of-way, that becomes part of, placed upon, or affixed to, real estate or the land.

Lot - An area of land in one ownership, with definite external boundaries, and without any other legal boundaries or lines

which are internal to said external boundaries, excepting easements; and which area of land is used or set aside and available for use, as the site of one or more buildings.

Massachusetts General Laws, or MGL - The General Laws of the Commonwealth of Massachusetts, Ter. Ed., with all additions and amendments thereto. In the case of a rearrangement of the General Laws, any citation of particular chapters/sections herein set forth shall be applicable to the corresponding chapters/sections in the new codification.

MHD SSH&B - Massachusetts Highway Department Manual, Standard Specifications for Highways and Bridges, most recent edition.

Worcester County Registry of Deeds - Registry of Deeds, County of Worcester, in Worcester, Massachusetts

Municipal services, or utilities - Publicly provided sewers, water drains, and the like, including, but not limited to, water pipes, gas pipes, electric lines, telephone lines, fire alarm lines, cable television lines, and their appurtenances.

MUTCD - Manual on Uniform Traffic Control Devices. All references to the MUTCD standards shall mean the most current revision, supplement or successor regulation(s).

NPDES general permit - National Pollutant Discharge Elimination System general permit for stormwater discharges associated with construction activities (including clearing, grading, and excavation) that disturb five (5) acres or more and discharge storm water via a pipe, ditch, or swale to waters of the United States (river, pond, brook, perennial or intermittent stream, or wetland).

Owner - As applied to real estate, any person holding an interest in the title to a parcel, tract, or lot of land, as shown by the record in the appropriate Land Registration Office, Registry of Deeds, or Registry of Probate.

Permanent benchmark - A permanent reference point with the elevation accurately established by stone bounds and referenced to the United States Coast and Geodetic Survey (USC&GS) datum.

Person - An individual, partnership, or corporation, or two or more individuals, or a group or association of individuals, having common or undivided interests in a tract of land.

Plan, Definitive - A plan of proposed Subdivision of land as duly submitted with appropriate application to the Board for approval in accordance with Section III (B) to be recorded in the Registry of Deeds or filed with the Land Court when

approved by the Board, and such plan when approved and recorded; all as distinguished from a Preliminary Plan.

Plan, Preliminary - A plan of a proposed Subdivision of land as duly submitted with appropriate application to the Board for approval prepared in accordance with Section III (A) to facilitate proper preparation of a Definitive Plan.

Record, recorded, or recording - Record, recorded, or recording in the Registry of Deeds of the county or district in which the land in question is situated, except that instruments for registered land refer to those filed with the Recorder of the Land Court.

Register, or Registry of Deeds - The Register or Registry of Deeds of the county or district in which the land in question, or the town in question, is situated, and, when appropriate, shall include the Land Court or Recorder thereof; namely, in the Town of Millville, Worcester County.

Regulations - The Subdivision Regulations of the Planning Board of the Town of Millville, as adopted and amended from time to time by the Planning Board pursuant to the Subdivision Control Law, S. 81-Q.

Representative - Any other person, body or legal entity designated in writing by any person or body to act legally in its stead.

Right-of-way - The full strip of land designated for vehicular, and sometimes pedestrian, traffic consisting of the pavement or traveled way, and any planting strips and sidewalks. A right-of-way so designated shall be available only for such uses as are customary for rights-of-way in the Town, and shall not be available for any private construction such as buildings, fuel tanks, septic systems, fences, walls, or paved parking areas.

Right-of-way and street categories:

- Primary - Any existing or proposed streets or right-of-way that are or will be used primarily to carry high volumes of through traffic.
- Secondary - Any existing or proposed streets and/or right-of-way which are primarily used or will be used to carry traffic between residential streets to the system of primary streets, as existing and proposed.
- Residential and Limited - Any existing or proposed street which are used primarily for access to abutting properties.



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.

Secured open space - Land which is permanently dedicated as open space, which will not be developed. The method of dedication may include a conservation restriction under MGL Ch. 184, S. 26-33, Town of Millville ownership of land devoted to conservation under MGLA Ch. 40, S. 8C, Town of Millville ownership of park land under MGL Ch.45, S. 3, or Town of Millville ownership of land devoted to protection of municipal wells and/or aquifers under MGL Ch. 40, S. 39B or Chapter 80 of the Acts of 1878.

Sidewalk, or walkway - A way within a right-of-way, normally parallel to the road, roadway, way, or street, designed primarily for pedestrian use.

Stormwater - Precipitation that flows over or under the surface of the ground.

Stormwater pollution prevention plan - Plan required by the NPDES general permit.

Stormwater run-off - The portion of precipitation that cannot be absorbed by the soil and, instead, flows over the ground surface during and after a storm.

Structure - Combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence over six (6) feet high, sign, flagpole, recreational tramway, mast for communications antenna or device, or the like. The word "structure" shall be construed, where the context requires, as though followed by the words, "or part or parts thereof."

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.

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

Subdivision Control Law - MGL Ch. 41, SS. 81-K through 81-GG inclusive, and any amendments thereof, additions thereto, or substitutions therefore.

Substantial building - Any structure permanently attached to the ground; and which is, under the Zoning Bylaw, a primary use of the parcel upon which it stands; and which is designed and used primarily as a dwelling, or designed and used primarily for conducting business activity which is primarily administrative in nature. No structure considered being an accessory structure under the Zoning Bylaw shall be considered a "substantial building."

Town - The Town of Millville.

Utilities - Sewers, water drains, and the like, including, but not limited to, water pipes, gas pipes, electric lines, telephone lines, fire alarm lines, cable television lines, and their appurtenances.

Vertical curve - The portion of the right-of-way line along which change in alignment occurs in the vertical plane.

Zoning Bylaw - The Zoning Bylaw of the Town of Millville, as adopted and amended from time to time pursuant to MGL Ch. 40A.

### **SECTION 3 - PLAN BELIEVED NOT TO REQUIRE APPROVAL**

#### **A) 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, Town of Millville Planning Board 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.

#### **B) Plan Contents**

A plan presented to the Board to be signed as not requiring approval under the Subdivision Control Law shall be accompanied by 3 contact prints and 3 copies of a properly executed Form A. Said plan shall be from an actual field survey. In addition, the plan shall contain the following information:

- 1) Title, boundaries, north point, date and scale.
- 2) Name and address of record owner and engineer or surveyor, if any, references to map, block and lot number of the Assessor's Maps, and street or house numbers.
- 3) Names of all abutters from latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records.
- 4) Existing and or proposed lines of streets, ways, lots, easements and public or common areas.
- 5) Location of all permanent bounds properly identified as to whether existing or proposed.
- 6) Distance to nearest road or other permanent monument.
- 7) The entire area in which the division takes place including all parcels affected by an increase or decrease.
- 8) Sufficient data to determine location, width, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground, with areas of lots and lot numbers.
- 9) Frontage and area of any remaining adjoining land owned

by the applicant.

- 10) Zoning classifications and location of any Zoning District boundaries that may be within the locus of the plan.
- 11) The statement "Approval Under Subdivision Control Law Not Required" and suitable space to record the action of the Board, the signature of the members of the Board, and the date.
- 12) Notice of any decision of the Zoning Board of Appeals, including but not limited to special permits/variances/exceptions issued as to the land or buildings thereon.
- 13) Locus plan at 800 feet to the inch which shows location of the lot(s) in relation to existing street system.
- 14) Location of all existing buildings with distance to proposed and/or existing property lines, including setback and side and rear yard designations.
- 15) The following statement: This endorsement of the Planning Board should not be construed to be a determination of conformance with zoning regulations.

**C) Determination**

If the majority of the members of the Board, or a person authorized by the Board, determine 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.

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.

## SECTION 4 - 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 and the Board of Health. 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) **Application Requirements**

Preliminary 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:

a) File with the Planning Board the following:

- i) 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.

- (ii) Application Form B: Three (3) copies of a properly executed application Form B (see Appendix). The Planning Board will then distribute these copies as follows:

- 1) Planning Board Subdivision File
- 2) Town Clerk
- 3) The Planning Board's Peer Review Consultant

- (iii) Ownership: Documentation shall be provided that the Applicant is the owner of the subject property or represents the owner.

- (iv) Deposit: Fees shall be submitted with the application per the Millville Planning Board Fee Schedule. If prior to Planning Board action of the Plan, the Board finds that the amount on deposit, as prescribed above, is not sufficient to cover the actual costs incurred, the applicant shall be required to submit forthwith the additional amount deemed necessary to cover such costs. The Board shall notify the applicant of such required additional amount in writing by certified mail. Failure to submit such additional amount as required by the Board within seven days of receipt of said notice shall be deemed reason by the Board to disapprove said plan. If the actual costs incurred by the Town for review of said plan is less than the amount on deposit as specified above, the Board shall authorize that such excess amount be refunded to the applicant within 30 days of Planning Board action on said plan.

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

3) **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 the following: 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-4). 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-9 Performance Guarantee) will be developed.

4) **Approval or Disapproval**

The Preliminary Plan, when submitted, will be studied in order to determine whether it is in compliance with the requirements of design adopted by the Board (see Section IV). Within 45 days after submission, the Board shall approve, disapprove or approve with modification the Preliminary Plan, noting thereon any changes that should be made, and shall notify the Town Clerk of its actions thereon. Approval of the Preliminary Plan 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:

a) File with the Planning Board the following:

- (i) 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.
- (ii) Application Form C: Three (3) copies of a properly executed application Form C (see Appendix). The Planning Board will then distribute these copies as follows:
  - 1) Planning Board Subdivision File
  - 2) Town Clerk
  - 3) The Planning Board's Per Review Consultant.
- (iii) Deposit: Per the Millville Planning Board Fee Schedule. If prior to Planning Board action of the Plan, the Board finds that the amount on deposit, as prescribed above, is not sufficient to cover the actual costs incurred, the applicant shall be required to submit forthwith the additional amount deemed necessary to cover such costs. The Board shall notify the applicant of such required additional amount in writing by certified mail. Failure to submit such additional amount as required by the Board within seven days of receipt of said notice shall be deemed reason by the Board to disapprove said plan. If the actual costs incurred by the Town for review of said plan is less than the amount on deposit as specified above, the Board shall authorize that such excess amount be refunded to the applicant within 30 days of Planning Board action on said plan.
- (iv) Ownership: Documentation shall be provided that the Applicant is the owner of the subject property or represents the owner.
- (v) 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.



- b) File with the Board of Health the following:
  - (i) Drawing: An original drawing of the Definitive Plan, dark line on white background.
  - (ii) Application Form C: One (1) copy of a properly executed Application Form C (see Appendix).
- c) 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) 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.

**6) Public Hearing**

Before taking any action to approve, modify and approve or disapprove a Definitive Plan, the Board shall hold a hearing at which parties in interest shall have an opportunity to be heard in person or by agent or attorney. Notice of the time and place of such hearing

and of the subject matter sufficient for identification shall be published in a newspaper of general circulation in the Town of Millville once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days, the second publication to be not less than seven (7) days, before the date of the hearing, and by mailing a copy of such advertisement to the Applicant and all owners of land abutting upon the land included in such plan, as shown on the most recent tax list, at the expense of the Applicant. If for any reason such a newspaper is not being published, notice shall be by posting in a conspicuous place in the Town Hall and by mailing as described above.

If site plan or other Planning Board approval is required under the Zoning By-Law, the Board may consolidate the required hearings with and the Definitive Plan.

**7) Planning Board Action**

a) The procedure that the Board will follow with regard to approval, disapproval, or modification of the Definitive Plan submitted by the Applicant will be that as set forth in MGL Chapter 41, Section 81-U, as amended. In summary, the Board, after receiving the Plan and all required supporting documents, will review the same to determine whether they are in compliance with its adopted Rules and Regulations.

b) Before approval of the plan, the Applicant shall establish that the lots on the Definitive Plan are in conformity with the Millville Zoning By-Laws and failure of the lots to so comply will be adequate grounds for disapproval of the Definitive Plan.

c) The time periods for action on a Definitive Plan may be extended upon written request of the persons submitting the plan and approval of the request by the Board. In such case, the statutory time period within which action by the Board is required shall be similarly extended.

i) The Board shall approve or disapprove a Definitive Plan based upon a properly submitted Preliminary Plan upon which the Board has acted or forty-five (45) days have elapsed without action by the Board upon said Preliminary Plan, within (90) days of the submission of said Definitive Plan to a regularly scheduled meeting of the Board or a mutually agreed upon time.

ii) The Board shall approve or disapprove a Definitive Plan for which no Preliminary Plan has been filed and acted upon, or if filed, forty-five (45) days have not elapsed between the submission of the Preliminary Plan and the submission of the Definitive Plan, within one hundred and thirty-five (135) days of its submission to a regularly scheduled meeting of the Board, or a mutually agreed upon time.

iii) The action of the Board in respect to such plan shall be by vote, copies of which shall be filed with the Town Clerk and sent to the Applicant return receipt requested, by delivery or registered mail. If the Board modifies or disapproves such a plan, it shall state in its vote the reasons for its action and shall revoke such disapproval when the plan has been amended to conform to the Rules and Regulations of the Board, and to the recommendations of the Board of Health.

d) In the event of disapproval of a Definitive Plan, the Board shall state the reasons for its disapproval.

e) If the Board fails to act upon a Definitive Plan of a subdivision submitted under this section within the time constraints as provided by statute, or the Board fails to notify the Town Clerk and the applicant of its action on the Definitive Plan, it shall be deemed to have approval under the Subdivision Control Law, and the Planning Board shall forthwith make such endorsement on said plan, and on its failure to do so, the Town Clerk shall issue a certificate to the same effect.

**8) Plan Endorsement**

a) After the expiration of twenty (20) days without notice of appeal of a Certificate of Approval to the Superior Court, or if appeal has been taken after the entry of a final decree of the Court sustaining approval of the Plan, the Board shall give its final approval by endorsing the plan.

i) Before endorsement of the Plan the applicant shall comply with all reasonable regulations and rules of the Town Officials and agencies not otherwise covered by these Rules and Regulations.

ii) All anticipated/proposed stormwater management systems shall be approved by the Conservation Commission prior to endorsement of the plan.

b) Before endorsement, all necessary permits from the

Massachusetts Department of Public Works under MGL Ch. 85, S 2 shall be obtained. Final approval may be conditioned on approval under MGL Ch. 131 S 40.

- c) Before endorsement, the applicant shall submit acceptable construction and maintenance schedule documents. In the case where the developer desires phasing, he shall submit detailed phasing plans and schedule, which at no time results in a dead end street more than five hundred feet (500') in length except as otherwise approved by the Board, for the Board's consideration. The Board may require modifications to any and all of said proposals. Endorsement may be withheld at the Board's discretion until such proposals are deemed by the Board to be acceptable.

**9) 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 5 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 5 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 5 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) Review of Guarantee: The Planning Board shall re-assess the value of the guarantee every 36 months to ensure the guarantee covers increases in construction costs.
- (d) 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.

**10) Reduction or Release of Performance Guarantee**

- a) Release of Covenant, Release of Lots
  - i) Individual lots under covenant may, from time to time, be released by the Board. Notwithstanding any releases or other action authorized by the Planning Board, the applicant is not thereby released from their own responsibility to ensure buildability of the lot(s); other permits or approvals may be required, including but not limited to those required through the Conservation Commission.
  - ii) Notwithstanding any other issues regarding surety for completion or maintenance of the site, no lot shall be released unless and until an amount equal to not less than 20% of the anticipated cost to construct the project, for maintenance of streets and municipal services, is deposited with the Board. The Board may, if it believes it necessary, and for specified purposes, require a greater amount.
- b) Reduction of Surety
  - i) The sum of any such surety or the amount of any deposit held under Section 9 may from time to time be reduced by the Board in whole or in part. If release is by reasons of covenant, a new plan of the portion to be subject to the covenant may be required by the Board. A request for reduction of security shall be accompanied by an up to date estimate for the cost of remaining work. Prior to any release, the Board shall determine that remaining security is sufficient to cover any

increases in construction costs.

ii) If the Planning Board determines that said construction, or portion thereof, has been completed, the Planning Board shall notify the Town Treasurer within forty-five (45) days that the Planning Board releases the interest of the Town in such bond or deposit and that it shall be returned to the person or persons who furnished same, or in the case of covenant, the Planning Board shall issue a written release of the covenant.

iii) Notwithstanding the above, however, a minimum of twenty percent (20%) of the cost to construct the entire project shall be held by the Town, for the maintenance of streets and municipal services until the streets are accepted by the Town, after which date the Town shall return the remainder of the amount to the person or persons who furnished same. The Board may, if it believes it necessary and for specified purposes, require a greater amount.

iv) Notwithstanding any reduction in surety, however, the Planning Board reserves the right to require corrective work at any time, until the roadways and municipal services have been accepted or similarly approved by the Town.

c) Final Release of Performance Guarantee/Acceptance

i) The Board may withhold final release of the surety or covenant until satisfied as to the integrity and suitability of all aspects of the subdivision for a period of at least 18 months following the Board's Determination of Completeness of the subdivision. Items to be evaluated include, but are not limited to, the following:

- (1) Pavement integrity, including sidewalks, curbing/berm, etc.
- (2) Permanent type grass on all seeded areas.
- (3) Establishment of vegetation on sloped areas.
- (4) Shoulders and embankments.
- (5) Functional integrity of all parts of the drainage system.
- (6) Installation of utilities.
- (7) Satisfactory completion of any other items, including conditions of covenants, which are the responsibility of the Developer.
- (8) The quality of workmanship and materials in the construction of sewer pipes, manholes, force mains, pump stations, and all other



appurtenances after functioning for a minimum of two (2) years.

ii) At the written request of the developer, approximately sixty (60) days before the expiration of the minimum of eighteen (18) months after the Board's Determination that the project is complete, or other such time period as specified by the Planning Board, the Planning Board shall request the superintendent of Streets and Town Engineer to make an inspection of said street or way or portion thereof and all other improvements to determine whether or not defects have developed therein, determine whether or not they are functioning adequately and appropriately, and determine whether or not it should recommend to the Board of Selectmen the laying out of said street or way or portion thereof as a public way. The Planning Board shall at the same time cause to be published in a newspaper of general circulation in the Town of Millville an announcement that such inspection will be made and that the release of the Town's interest in the surety is contemplated. If the recommendation is in the affirmative, the Board shall so advise the Board of Selectmen forthwith.

iii) Prior to considering any request for final release, The Developer shall file with the Planning Board a final Acceptance plan on tracing cloth of completed street or streets, utilities and easements together with proper legal descriptions for initiating an article in the Town Warrant pursuant to the acceptance of the ways by the Town Meeting and shall grant a deed to the Town of the streets, utilities and easements, as contained in the plan. Such plan and easements and deeds shall be suitable for recording by the Town upon acceptance of the streets by Town Meeting vote. If the recommendation made in paragraph b) above is in the affirmative, the Board shall so advise the Board of Selectmen forthwith and the developer shall properly prepare and submit a petition or petitions sufficient to effect Town Meeting acceptance of the road and utilities. Such determination and recommendation shall be issued by the Board within forty-five (45) days of a properly made request.

IV) Upon acceptance of the road and utilities by Town Meeting vote, any monies held by the Board for the maintenance of said way(s) shall be returned forthwith to the developer.

## 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. Appropriate traffic control methods should be utilized. 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 Town's Master Plan, or similar 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 seventy (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 1.0% 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) **Stormwater Management:** A stormwater management system shall be designed pursuant to the Town of Millville Stormwater Management Bylaw.
- 6) **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:
  - (i) 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.
  - (ii) 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**

**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**

**Granite Curbing:** Sloped 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. Vertical throat stones with appropriate transition curbing shall be used at catch basins.

**(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) Design: Sidewalks shall comply with ADA Standards and are required on both sides of the street.
- (b) Width: Sidewalks shall be five (5) feet in width.
- (c) 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 lot 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.
- (d) 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, the Town Planner, their identified consulting engineer, and the Highway Surveyor and must be notified, in writing, at least seven working days prior to the commencement of any of the following work:

- (i) Installation of drainage facilities.
- (ii) Installation of Water and common sewer facilities.
- (iii) Application of material for subbase.
- (iv) Application of gravel for above subgrade.
- (v) Application of bituminous concrete standard bottom (binder) course, for street pavement construction.
- (vi) Application of bituminous concrete standard top course.
- (vii) Application of curbing and curb-inlets.
- (viii) Application of gravel in sidewalks.
- (ix) Application of bituminous concrete base and top course for sidewalks and aprons.
- (x) Application of loam for grass plots.
- (xi) Removal or application of material for slopes.
- (xii) Construction of retaining walls.
- (xiii) 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 these Rules and Regulations and may be subject to be reconstructed at discretion of the Board.

**(i) 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.

**(ii) 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) Authority**

The Planning Board shall be the administrative agency of these regulations and shall have all the powers assigned them by Section 8IA to GG of Chapter 41 of the General Laws.

The Planning Board may assign as their agents appropriate town agencies or officials and may from time to time hire professional assistance to review plans and inspect improvements at the cost of the subdivider.

The Board on its own motion or on the petition of any interested person shall have the power to modify, amend or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan.

**B) Waiver of Compliance**

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law. In waiving strict compliance, the Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived.

**C) Inspection**

Inspection shall be carried out at appropriate times during the improvement of the subdivision as spelled out in Section V of these regulations and in the attached Inspection Check List (Form L). The subdivider shall notify the responsible agencies and the Planning Board three days before carrying out each operation to be inspected.

The responsible agency shall appoint a competent person or shall make arrangements with a professional person or firm to carry out such inspection.

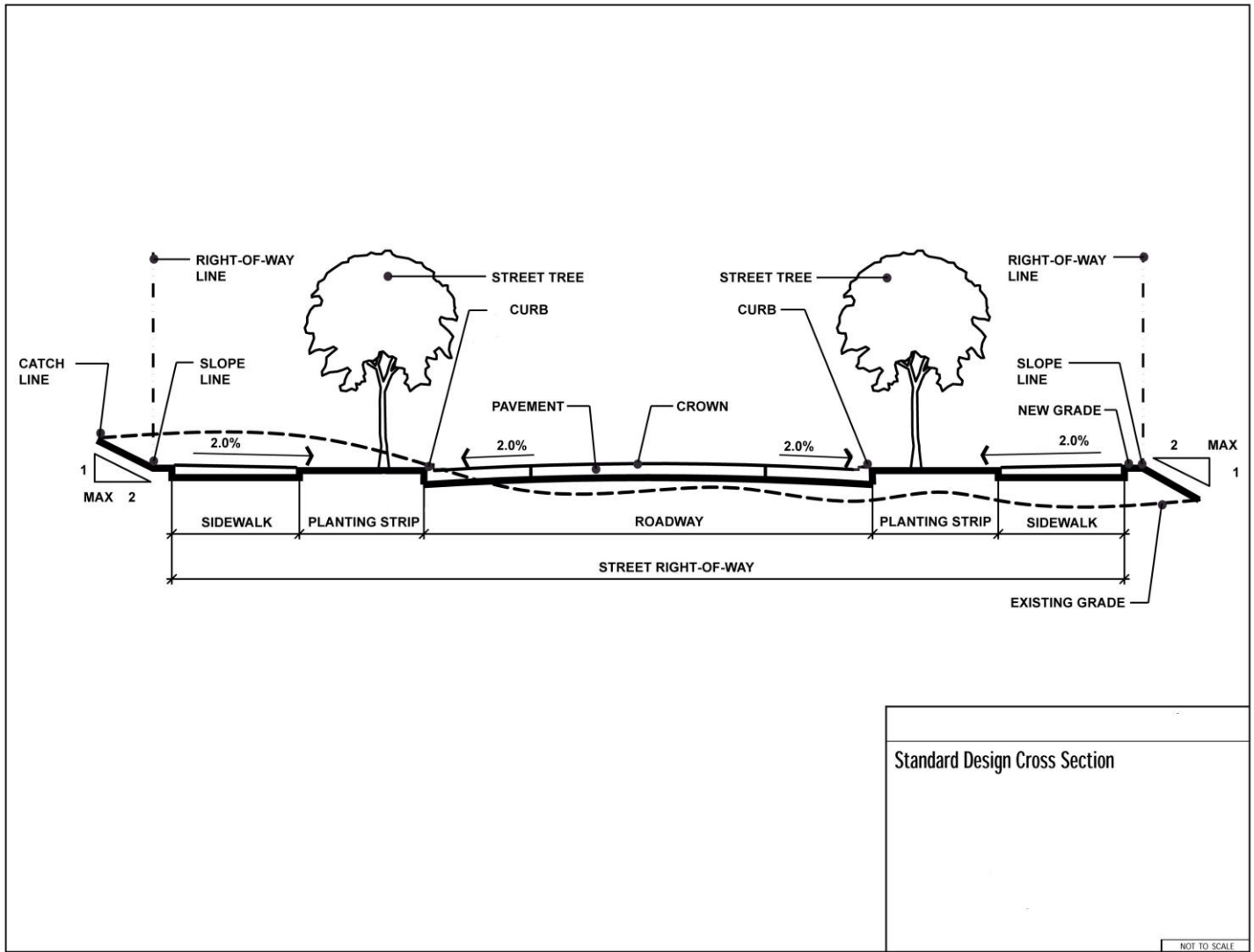
The cost of inspection shall be borne by the subdivider. The inspection fee shall include "portal to portal" and "off-site" (analysis of plans) costs.

Inspection Fee Deposit: A deposit, in conformance with the Town of Millville Planning Board's Fee Schedule shall be submitted to the Planning Board. Such deposit shall be submitted in check form only (no cash will be accepted), such check to be made out to the Town of Millville. Such deposit shall be used by the Board to cover expenses incurred by the Town relating to the inspection of construction work, and other related activities within an approved subdivision. If during the course of construction of such subdivision, the Board finds that the deposit as prescribed above will not be adequate to cover expenses, the Board shall reserve the right to require such additional amount as the Board may deem necessary to cover such expenses. The Board shall notify the developer, or other authorized representative in writing that such additional amount is required. Said notice shall be sent by certified mail. Failure to submit the additional amount as required within seven (7) days of receipt of said notice shall constitute reason for the Board to deny all further inspection requests until such additional amount has been deposited with the Board. At such time when the Board deems that such subdivision has been completed in accordance with Town of Wayland, Subdivision Regulations, the Board shall authorize that any excess monies in said deposit account be refunded to the developer, or his authorized representative.

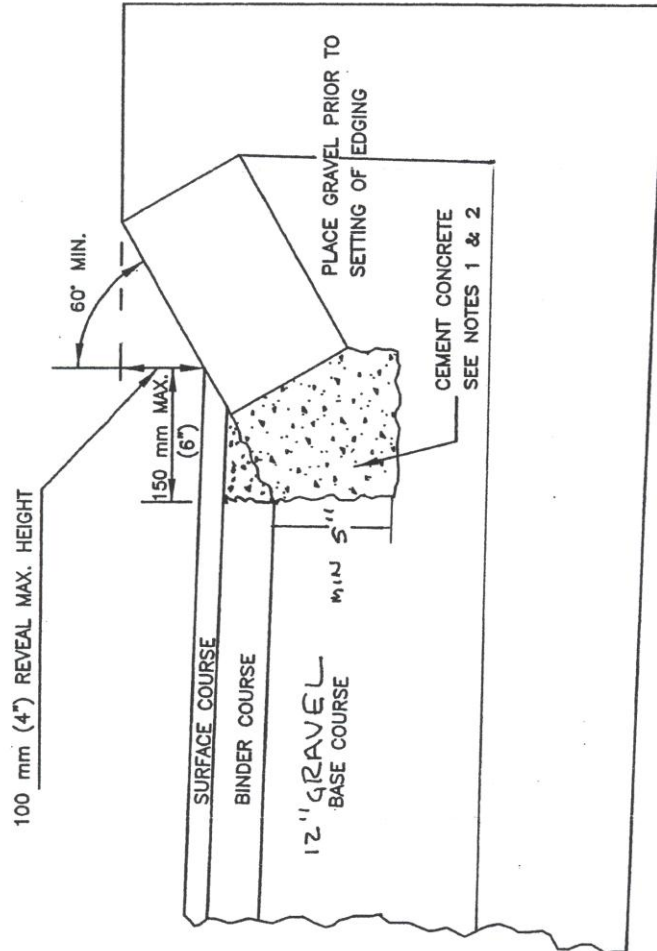
**D) Separability**

If any section, paragraph, sentence, clause, or provision of these regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these regulations shall be deemed valid and effective.

## Attachment A



# Attachment B: Granite Curb Cross Section



SLOPED EDGING

## NOTES:

1. ANY DESIGNATED CEMENT CONCRETE THAT IS ACCEPTABLE TO THE DEPARTMENT UNDER SECTION M4 OF THE STANDARD SPECIFICATIONS; ALL TEST REQUIREMENTS ARE WAIVED. BITUMINOUS CONCRETE SHALL NOT TO BE USED AS A SUBSTITUTE.
2. PAYMENT FOR CEMENT CONCRETE WILL BE INCLUDED IN THE PRICE PER METER (FOOT) OF EDGING.
3. THE REVEAL IS TO BE A MAXIMUM OF 100 mm (4") UNDER ALL CONDITIONS.

MODIFIED

**MASS HIGHWAY**  
CONSTRUCTION  
STANDARDS

## METHOD OF SETTING SLOPED EDGING

DATE OF ISSUE  
December 2001

DRAWING NUMBER  
**M/E 106.5.0**