

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

TOWN OF COLRAIN

FRANKLIN COUNTY, MASSACHUSETTS

ADOPTED MAY 22, 2003

TABLE OF CONTENTS

SECTION I INTRODUCTION

- 1.1 Adoption
- 1.2 Applicability
- 1.3 Plan Submission

SECTION II PLAN PROCEDURES

- 2.1 General
- 2.2 Plan Believed Not to Involve Subdivision
- 2.3 Preliminary Plan
- 2.4 Definitive Plan Procedures

SECTION III DESIGN STANDARDS

- 3.1 Streets
- 3.2 Easements
- 3.3 Storm Drainage
- 3.4 Water Supply and Sewage Disposal
- 3.5 Open Spaces
- 3.6 Protection of Natural Features

SECTION IV REQUIRED IMPROVEMENTS

- 4.1 Roadway Clearing
- 4.2 Foundation of Roadway
- 4.3 Surfacing of Roadway
- 4.4 Curb and Berms
- 4.5 Sidewalks
- 4.6 Grass Areas
- 4.7 Street Signs
- 4.8 Streetlighting
- 4.9 Monuments and Markers
- 4.10 Trees and Planting
- 4.11 Utilities
- 4.12 As-Built Plans
- 4.13 Final Clean-up
- 4.14 Fee to Streets
- 4.15 Engineering Costs

SECTION V ADMINISTRATION

- 5.1 Inspection
- 5.2 Variation
- 5.3 Reference
- 5.4 Definitions
- 5.5 Separability

FORMS

SUBDIVISION CONTROL BY-LAW

SECTION I INTRODUCTION

1.1 Adoption - Under the authority vested in the Planning Board of the Town of Colrain by Sec. 81-Q, Ch. 41, M.G.L., said Board hereby adopts these regulations governing the subdivision of land, in order to guide its orderly development consistent with purposes of the Subdivision Control Law, M.G.L. Chapter 41, Sec. 81-K to 81-GG. These regulations shall be effective on and after the 6th day of September, 1972.

1.2 Applicability - 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.

1.3 Plan Submission

- A. Plans submitted for either review and approval under the Subdivision Control Law or for a determination that approval under the Subdivision Control Law is not required, shall be delivered to the Planning Board at a meeting of said Board, or shall be sent by registered mail to the Planning Board, postage prepaid. If so mailed, the date of receipt by the Planning Board shall be the date of submission of the plan.
- B. The applicant shall provide written notice to the Town Clerk of such filing, together with a copy of the application form. Such notice shall be given by delivery or sent by registered mail and shall describe the land to which the plan relates, sufficient for identification and shall state the date on which such plan was submitted to the Planning Board, and shall include the name and address of the owner(s) of the subject land.
- C. Review of plans. The Planning Board may submit any plans filed for approval to any professional that they deem necessary for review. The cost of the review will be the responsibility of the applicant.

SECTION II PLAN PROCEDURES

2.1 General.

Only those plans which constitute "subdivision" as that term is defined in the statute (Sec. 81-L, Ch. 41, M.G.L.) require the approval of the Planning Board. However, all plans, whether "subdivisions" within the meaning of the law or not, must have either approval as a subdivision or endorsement that they do not require approval before they will be accepted for recording at the Registry of Deeds or registration at the Land Court.

2.2 Plan Believed Not To Involve a Subdivision.

- A. Any person who believes his/her plan does not require subdivision approval because it does not show a "subdivision" as defined in M.G.L. c. 41 §81L, shall submit the plan, together

with two paper copies and an application form ("Form A") to the Planning Board, accompanied by a filing fee of \$50.00 and any documentation necessary to demonstrate that the plan does not require approval under the Subdivision Control Law.

B. A plan submitted under Section 2.2 shall be prepared in accordance with the applicable requirements of the Franklin County Registry of Deeds, and shall, at a minimum, show the following information:

- (1) The name(s) of the record owner(s) of the subject land, and the names of the owners of all adjacent land as determined from the most recent tax records of the Town;
- (2) The location of all existing buildings on the subject land;
- (3) The location of all easement and rights of way located on or serving the subject land;
- (4) The existing and proposed boundaries of the subject land and of each parcel and lot created or altered by the plan;
- (5) The zoning classification of the subject land;
- (6) A locus plan at a scale of 1" = 100 feet, showing the subject land in relation to the nearest intersecting street(s);
- (7) The locations, widths, and names of all abutting ways;
- (8) A notation reading:

Endorsement of this Plan does not certify
compliance with zoning.

C. Frontage on Ways In Existence - In determining whether an existing way or a way in existence on September 6, 1972, when the Subdivision Control Law came into effect in Colrain, provides adequate frontage to qualify a plan as not a subdivision, the Board will consider the following:

- (1) Is the right-of-way at least 30 feet wide and of reasonable horizontal alignment?
- (2) Does the existing horizontal and vertical alignment of the roadway provide safe visibility?
- (3) Is the roadway constructed at least sixteen (16) feet wide, with at least 18" of gravel, and with adequate provisions for drainage?
- (4) If the road could ever service more than six dwelling units, is it bituminous surfaced or have provisions been made for such surfacing without cost to the town?

- (5) Have provisions been made for public utilities without cost to the town?
- (6) Is the grade less than or equal to 12%?

The Board will not find a way in existence when the subdivision control law became effective in Colrain to provide adequate frontage unless it meets the above standards. However, the Board may waive strict compliance with a standard upon its determination, following consultation with the Selectmen, Highway Superintendent, Police Chief and Fire Chief, that the way will, in fact, be adequate to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for installation of municipal services to serve such land and the buildings erected or to be erected thereon.

- D. Frontage on Approved Subdivision Ways - A way shown on an approved subdivision plan will be considered as frontage for purposes of M.G.L. §81L only if either: (a) the way and any associated municipal services are fully constructed in accordance with the Planning Board's approval of such Subdivision plan, or (b) such construction has been adequately secured in accordance with M.G.L. c. 41, §81U.
- E. Frontage on a Public Way - When the lots shown on a plan presented for endorsement under §2.2 are claimed to have frontage on a public way, the way must physically exist on the ground. Additionally, the Planning Board may require documentation evidencing the layout and acceptance of the way as a public way.
- F. Adequacy of Access - In addition to determining that all lots shown on a plan presented for endorsement under §2.2 have the required frontage on one of the three types of ways specified in M.G.L. c. 41, §81L, before endorsing a plan as "approval under the subdivision control law not required," the Planning Board must also determine that each lot shown on the plan has practical access from the way upon which the lot fronts, in that there are no legal or physical impediments which prevent present adequate access to the lot.
- G. Time Limit – Pursuant to M.G.L. c. 41, §81P, if the Board fails to act upon a plan submitted under §2.2, or fails to notify the Town Clerk and the applicant of its action within twenty-one (21) days after the plan submission, the Board shall be deemed to have determined that approval under the Subdivision Control Law is not required, and shall forthwith make such endorsement on the plan. If the Board fails to make such endorsement, the Town Clerk shall issue a certificate to the same effect.

2.3 Preliminary Plan.

A. General. In the case of a proposed nonresidential subdivision, a preliminary plan of the proposed subdivision shall be submitted to the Planning Board and to the Board of Health. In the case of a proposed subdivision with lots in a residential zoning district, a preliminary plan of the proposed subdivision may be submitted to the Planning Board and to the Board of Health. The submission of such a preliminary plan will enable the Subdivider, the Planning Board, the Board of Health, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before costly engineering drawings for a definitive plan are prepared. Therefore, even for residential subdivisions it is strongly recommended that a preliminary plan be filed, unless a presubmission review has adequately clarified all issues.

B. Application procedure. Anyone submitting a preliminary subdivision plan to the Planning Board for its review, shall file with the plan a completed application Form B, along with six (6) copies of the preliminary plan and a filing fee of three hundred dollars (\$300) plus \$50.00 per lot in the form of a certified check or money order made payable to the Town of Colrain. The applicant shall also file the preliminary plan with the Board of Health. The Planning Board shall distribute copies to the Highway Superintendent, Fire Department, Conservation Commission and Board of Selectmen for their comments and suggestions.

C. Contents.

(1) The preliminary plan shall be drawn on mylar or paper at a scale of one hundred (100) feet to one (1) inch or other scale approved by the Planning Board and shall be identified as a preliminary plan. As a minimum, a preliminary plan shall include the following information:

- (a) The subdivision name, boundaries, north point, date, scale, legend, and the title "Preliminary Plan";
- (b) The name(s) of the record owner(s), the applicant(s), and the designer, engineer or surveyor;
- (c) The names of all abutters as determined from the most recent local tax list;
- (d) The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision in a general manner;
- (e) The proposed system of drainage, including adjacent, existing natural waterways, in a general manner;
- (f) The approximate boundary lines of proposed lots, with approximate areas and dimensions;
- (g) The names, approximate location and widths of adjacent streets;
- (h) The topography of the land in a general manner.

(2) In addition, to promote better understanding, it is requested that the following be submitted:

- (a) A locus plan of the subdivision, showing its street configuration in relation to the surrounding area, at a scale of one (1) inch equals six hundred (600) feet.
- (b) In the case of a subdivision covering less than all of the land owned by the Subdivider in the area of the subdivision, a plan showing in a general manner the proposed overall development of all of said land.

D. Approval or disapproval of preliminary plan. Within forty-five (45) days after submission of a preliminary plan, the Planning Board shall approve such plan, with or without modifications suggested by it or agreed upon by the person submitting the plan, or the Board shall disapprove such preliminary plan and, in the case of disapproval, shall state its reasons therefor. The Planning Board shall notify the Town Clerk of its decision and shall notify the applicant by certified mail.

E. Relation of preliminary plan to definitive plan and zoning provisions. Approval of a preliminary plan does not constitute approval of a subdivision, and a preliminary plan may not be recorded in the Registry of Deeds. Provided that a definitive plan is duly submitted within seven (7) months from the date of submission of the preliminary plan, the subdivision rules and regulations in effect at the time of submission of the preliminary plan shall govern the definitive plan, and if the definitive plan is ultimately approved, the zoning provisions in effect at the time of submission of the preliminary plan shall govern the land shown on the plan for eight (8) years from the date of endorsement of approval of the subdivision plan (MGL c. 40A, §6).

2.4 Definitive Plan.

A. Application Procedure.

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

- (1) Six (6) contact prints of the definitive plan and other required drawings, dark line on white background.
- (2) Two (2) copies of properly executed application Form C. A filing fee of five hundred dollars (\$500) per plan plus \$75.00 per lot shown on the Definitive Subdivision Plan if a Preliminary Plan has been filed. If no Preliminary Plan has been filed then the filing fee shall be five hundred dollars (\$500) per plan plus two hundred (\$200) per lot shown on the Definitive Subdivision Plan. The filing fee shall be in the form of a certified check or money order made payable to the Town of Colrain.

B. Definitive plan contents. The definitive plan shall be clearly and legibly drawn in black ink upon mylar or paper. The sheet size shall not exceed twenty-four (24) inches by thirty-six (36) inches. The plan shall be at the scale of one (1) inch equals forty (40) feet or such other scale as the Board may accept to show details clearly and adequately. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The definitive plan shall contain the following:

- (1) The subdivision name, boundaries, North point, legend, date and scale.
- (2) The name and address of the record owner and of the Subdivider and the stamp and signature of the registered land surveyor and any other professionals engaged in the design.

- (3) The location and names of all abutters as they appear in the most recent local tax list and the designation of zoning districts.
- (4) Existing and proposed lines of streets, ways (including ancient ways), paths, lots, easements and public or common areas within the subdivision. The suggested names of streets shall be clearly shown as "proposed" until they have been approved by the Select Board.
- (5) Plans shall clearly display the location, direction and length of every street and right of way line, easements, lot lines and boundary lines and to establish those lines on the ground. The subdivision shall be tied to the Massachusetts Coordinate System Survey monument system.
- (6) Road center-line stationing, referenced to the street plans and profiles.
- (7) The existing location of the base flood elevation as shown on flood insurance maps issued by the Federal Insurance Administration, on file with the Building Inspector and Town Clerk
- (8) Lot numbers.
- (9) The location of all permanent monuments, properly identified as to whether existing or proposed.
- (10) The location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- (11) Existing and proposed watercourses, ponds and wetlands.
- (12) Suitable space to record the action of the Board and the Town Clerk's certification, as defined in MGL c. 41, § 81V.

C. Street plans and profiles. For every street there shall be a separate plan at one (1) inch equals forty (40) feet and a profile at one (1) inch equals forty (40) feet horizontal, one (1) inch equals four (4) feet vertical, showing the following data:

- (1) The exterior lines of the way, with sufficient data to determine their location, direction and length.
- (2) The existing center-line profile, to be shown as a fine full line. The existing center-line profile for intersecting streets shall be shown for at least one hundred (100) feet on each side of the intersection of street center lines. Elevations shall be tied to the United States Geodetic Survey bench marks, if such exist within twenty-five hundred (2,500) feet of the subdivision.
- (3) The proposed road profile shall be shown as a heavy full line with proposed centerline grades and elevations shown every fifty (50) feet or every twenty-five (25) feet for vertical curves.
- (4) Existing and proposed watercourses, ponds and wetlands.
- (5) All drainage facilities shall be shown on the plan and profiles, showing length and pipe sizes, rim and invert elevations, and slopes.
- (6) The location and size of existing and proposed water mains, hydrants and main gate valves.
- (7) The location of existing and proposed cable utilities and their appurtenances.
- (8) The location of the following, unless waived by the Board: existing and proposed street paving, sidewalks, streetlighting, curbs and gutters.

D. Plan processing.

- (1) Board of Health review. At the time of filing of the definitive plan, the applicant shall also file a copy with the Board of Health. The Board of Health shall report to the Planning

Board, in writing, its approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown in such plan cannot be used for building sites without injury to the public health and shall include such specific findings and their reasons in a report. Any approval of the plan by the Planning Board shall then only be given on the condition that the lots or land as to which such specific findings were made shall not be built upon without prior consent of the Board of Health. The Board shall endorse on the plan such conditions specifying the lots or land to which said conditions apply.

(2) Public hearing. Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board by advertisement in a newspaper of general circulation in the Town of Colrain, once in each of two (2) successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting the land included in such plan as appearing on the most recent local tax list.

(3) Performance guaranty. Before the Planning Board endorses its approval of a definitive plan, the developer shall agree to complete, without cost to the town, all improvements including, but not limited to, construction of improvements and installation of municipal services, required by this regulation and shall provide security that the applicant will do so, by one of the following methods or some combination thereof as required by M.G.L. Chapter 41, Section 81-U. The methods are: (i) by a proper bond sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for the lots and the Planning Board may require that the applicant specify the time frame within which such construction shall be completed; (ii) by a deposit of money or negotiable securities sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for the lots and the Planning Board may require that the applicant specify the time frame within which such construction shall be completed; (iii) by a covenant executed and duly recorded by the owner of record and running with the land whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed; or (iv) by an agreement between the applicant and the lender executed after the recording of the first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender which agreement shall provide for the retention by the lender of funds sufficient in the opinion of the Planning Board to secure the construction of ways and installation of municipal services. The Board may grant partial release from such security for partial completion of improvements, provided that the completed portion provides a reasonable system for circulation and utilities pending completion of the rest. Full security shall not be released until the integrity of road pavement and drainage has been verified following a full winter of use, until trees and other vegetation have been established, until either the way has been duly laid out and accepted as a public way or other provisions for their continued maintenance have been accepted by the Board and until the record ("as built") plans have been received.

(4) Approval, modification or disapproval. The action of the Board with respect to such definitive plan shall be by vote. The Board shall take final action on the Definitive Plan within one hundred and thirty five (135) days if no Preliminary Plan was filed or within ninety (90) days if a Preliminary Plan was filed. Copies of said vote shall be certified and filed with the

Town Clerk and a copy 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.

- (a) Criteria for action by the Board shall be the following:
 - [1] Completeness and technical adequacy of all submissions.
 - [2] A determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or to others because of possible natural disasters, traffic hazard or environmental degradation.
 - [3] Conformity with the design standards of Section III.
 - [4] A determination that the subdivision plan is in conformance with the Board of Health recommendations, if any.
 - [5] Conformity with all applicable zoning requirements.
- (b) Approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Board, but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and the Clerk has notified the Board that no appeal has been filed.
- (c) Following endorsement of the plan by the Board, the applicant shall provide the Board with a reproducible copy and two (2) contact prints of the definitive plan and of the street plan and profiles, an electronic version of the definitive plan and of the street plan and profiles, a copy of the definitive plan, as recorded, noting book, page number and date of recording, and a copy of final covenants and restrictions for its files.

E. Rescission. Failure of the developer to record the definitive plan at the Registry of Deeds within six (6) months of its endorsement or to comply with the construction schedule of the performance agreement (Form E, Performance Bond, or Form F, Covenant), shall constitute sufficient reason for the rescission of such approval, in accordance with the requirements of MGL c. 41, § 81W.

F. Approval of the definitive plan or release of security does not constitute the laying out or acceptance by the town of streets within a subdivision.

SECTION III DESIGN STANDARDS

3.1 Streets.

A. Location.

- (1) All streets in the subdivision shall be designed so that they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout, in order to obtain the maximum livability and amenity of the subdivision.
- (2) The design and layout of the proposed subdivision shall conform, so far as is practicable, to the Town Master Plan, in whole or in part, as adopted by the Planning Board.
- (3) Provision shall be made, which is satisfactory to the Planning Board, for the proper projection of streets or for access to adjoining property which is not yet subdivided or developed.
- (4) Reserve strips prohibiting access to streets or to adjoining property shall not be permitted.
- (5) In those instances where the Board deems it necessary, sidewalks, grass strips and curbing shall be required.
- (6) Dead-end streets (cul-de-sac) shall be permitted as secondary or minor streets only. Dead-end streets shall not be longer than six hundred (600) feet unless, in the opinion of the Planning Board, a greater length is necessitated. Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred twenty-five (125) feet and a property line diameter of at least one hundred forty (140) feet.

B. Alignment.

- (1) Streets shall be laid out so as to intersect at right (90°) angles.
- (2) Streets entering on opposite sides of another street shall be laid out directly opposite each other or with a minimum offset of one hundred (150) feet between their respective center lines.
- (3) Minimum center-line radii will be as follows: major street, five hundred (500) feet; secondary street, three hundred (300) feet.
- (4) Property lines at street intersections shall be cut back to provide for curb radii of not less than thirty (30) feet.
- (5) At forty-five (45) inches above the pavement, the minimum sight

distances shall be as follows: major streets, three hundred fifty (350) feet; secondary streets, two hundred seventy-five (275) feet.

- (6) Street jogs with center-line offsets of less than one hundred twenty-five (125) feet should be avoided.
- C. Grade. The maximum grades for streets shall be as follows: major street, six percent (6%); and secondary and minor streets, ten percent (10%). No grade shall be less than one percent (1%).
- D. Width.
 - (1) The minimum width of a right-of-way shall be fifty (50) feet. Greater width shall be required by the Planning Board when deemed necessary for present and future vehicular travel.
 - (2) The minimum paved width of a roadway shall be twenty-four (24) feet. Greater width shall be required by the Planning Board when deemed necessary for present and future vehicular travel or for parking.
 - (3) The center line of the roadway shall coincide with the center line of the right-of-way unless otherwise requested by the Board.

3.2 Easements.

- A. Easements for utilities shall be at the side or rear of lots wherever possible. They shall be contiguous from lot to lot. Easements shall be at least twenty (20) feet in width.
- B. Where a subdivision is bisected by or adjacent to a watercourse, either natural or man-made, the Board may require that there be a stormwater or drainage easement of at least twenty (20) feet in width to conform to the path of the watercourse and to provide for any construction related to that watercourse.
- C. The Board may require an easement for watercourses that are not within a subdivision but may be affected by it.
- D. The Board may also require an easement at any place it deems necessary to protect the health and safety of the inhabitants of Colrain.

3.3 Storm Drainage.

- A. The storm drainage system shall be designed to intercept all stormwater drainage from the particular subdivision or any additional runoff that may be created by that subdivision.
- B. The Rational Method or the Soil Conservation Service Method shall be used in

determining the quantity of stormwater to be carried by the system. The system shall be designed for a minimum twenty-five year storm frequency.

- C. Wherever possible, stormwater should be directed into the nearest part of the drainage system. Where storm drainage encroaches on privately owned land, a drainage easement shall be acquired by the developer.
- D. The storm drainage system shall be designed in accordance with all current regulations and standards of the Massachusetts Department Environmental Protection and the U.S. Environmental Protection Agency.
- E. Stormwater shall not be permitted to cross the surface of the roadway. It must be piped underneath.
- F. Catch basins shall be placed on both sides of the street. They shall be placed at street intersections to intercept stormwater runoff.
- G. The maximum distance between catch basins shall be three hundred (300) feet.
- H. The minimum diameter of storm drainage pipes shall be fifteen (15) inches.
- I. The method of construction and the materials used in construction shall conform to the most recent Massachusetts Highway Department Standards and Specifications for Highways, Bridges and Waterways.
- J. No open water body or wetland shall be filled.
- K. Where a portion of a subdivision lies within an aquifer recharge area, storm drainage shall be directed, when appropriate, to retention basins in order to artificially recharge the groundwater.
- L. Leaching catch basins may be required at the option of the Board. These basins shall be at least six (6) feet deep and four (4) feet in diameter (inside measurements), constructed of concrete blocks or precast concrete units. Leaching basins shall be backfilled for at least one (1) foot around all sides with one and one-half (1 ½) inches of washed stone, topped with peastone, and shall be cross-connected with a twelve-inch equalizer drainpipe. Covers on basins shall conform to Massachusetts Highway Department standards.

3.4 Water Supply and Sewage Disposal.

3.41- No Definitive Plan shall be approved by the Planning Board unless evidence satisfactory to the Board is presented that adequate provision will be made for supply of water and disposal of sewage for each lot in the subdivision which is to be built upon.

3.42 Any public system design shall be based upon the requirements of the Colrain Water District, Griswoldville Water District, Shelburne Falls Water District, or the Colrain Sewer District, as determined by its location. Any private system design shall be based upon the

requirements of the Board of Health, and in either case approved by them in writing prior to Planning Board approval of the Definitive Plan.

3.5 Open Spaces. - The Planning Board may require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air if not unreasonable in area in relation to the area of the land being subdivided and the prospective uses of such land. Said Board may by appropriate endorsement on the plan require that no building may be erected on such park or parks without its approval for a period of not more than three years.

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

SECTION IV REQUIRED IMPROVEMENTS

The following improvements, to be constructed in accordance with current industry standards, shall be made by the developer without cost to the town.

4.1 Roadway Clearing.

- A. No clearing or excavating shall be started on any part of the street until the Tree Warden or other party designated by the Select Board has designated, in writing, those trees which are to remain in the tree belt. Such trees to be preserved shall be protected during construction by fenders or boxes, and their root systems shall be disturbed as little as possible.
- B. No matter such as stumps, trunks, limbs of trees, brush, boulders or such material shall be buried or left within the limits of the right-of-way lines.

4.2 Foundation of roadway.

- A. Subbase.
 - (1) Within the roadway area, including driveway aprons, sidewalks and grass strips, all material shall be removed to subgrade, and any unsuitable material below subgrade, in the opinion of the town-appointed engineer, shall be removed and shall be replaced with proper bankrun gravel and brought to proper compaction. The depth of the subgrade will be governed by existing conditions and shall be as specified by the town-appointed engineer. Geotextile fabric (MIRAFI 600 or equivalent) will be required where the subbase is not suitable as determined by the Colrain Highway Superintendent or the town-appointed engineer.
 - (2) Where fill is required, it shall be placed in uniform lift layers not deeper than eight (8) inches and shall be spread uniformly with the large stones at the bottom.

- (3) Any gravel used as fill in the subbase shall be composed of hard, durable stone and coarse sand, practically free from loam and clay and containing no stone having a dimension greater than six (6) inches, and, when spread and compacted, shall present a stable foundation.
- (4) Each layer shall be thoroughly compacted to the proper density, and rolling shall continue until a firm, even surface true to line and grade is achieved. Any depressions shall be filled and rerolled, and any soft or unsuitable areas shall be removed and replaced with suitable material and rolled.
- (5) The subgrade shall be shaped and finish graded at the required depth below and parallel to the proposed pavement surface, in conformance with the typical street cross section.
- (6) Inspections shall be required after completion of the subgrade.

B. Gravel base.

- (1) The gravel base course shall consist on not less that eighteen (18) inches of well-compacted gravel placed upon the subgrade, for the entire width of the roadway, in layers not greater than six (6) inches deep.
- (2) When spreading the gravel, care should be taken to rake forward and distribute the largest stones so they will be at the bottom of the gravel base course and evenly distributed.
- (3) Each layer shall be thoroughly compacted to the proper density, and rolling shall continue until a firm, even surface true to line and grade is achieved. Any depression that appears during or after rolling shall be filled with gravel and rerolled.
- (4) The gravel used in the base course shall conform to the specifications of the subgrade [Subsection 4.2A(3)], except that it shall contain no stones having a dimension greater than four (4) inches.
- (5) The gravel base surface shall be shaped and finish graded at the required depth below and parallel to the proposed pavement surface, in conformance with the typical street cross section.
- (6) Inspections shall be required before commencement and after completion of the gravel base.

4.3 Surfacing of roadway.

- A. The roadway and driveway aprons shall be paved the entire width, including

under the berms, and the surface treatment shall be compacted bituminous concrete placed in two (2) layers.

- B. The first layer or binder course shall be Class I bituminous concrete pavement, Type I-1, binder course mix, laid at a thickness of two and one-half inches (2-1/2) inches, in accordance with Massachusetts Highway Department Standard Specifications for Highways, Bridges and Waterways, latest edition.
- C. The second layer or surface course shall be Class I bituminous concrete pavement, Type I-1, top course mix, laid at a thickness of one and one-half (1-1/2) inches, in accordance with Section 460 of the Massachusetts Highway Department Standard Specifications for Highways, Bridges and Waterways, latest edition.
- D. The plant mix material shall be delivered to the site in a hot and easily workable condition when weather conditions are satisfactory so that it can be properly placed on the appropriate base. Irregularities in the existing foundation material shall be eliminated by the use of extra bituminous material.
- E. All bituminous concrete shall be spread by an approved mechanical spreader in a uniformly loose layer to the full width required and to such thickness that each course, when compacted, shall have the required thickness and shall conform to grade and the typical street cross section. Hand spreading of bituminous concrete material will be allowed only for special areas which do not permit mechanical spreading and finishing.
- F. Each course of bituminous material shall be rolled with a self-propelled, equally balanced, tandem roller weighing not less than five (5) nor more than ten (10) tons. Places inaccessible to the power roller shall be compacted by means of hand or vibratory tampers. Any displacement caused by the roller shall be corrected by raking and adding fresh mixture where required.
- G. Traverse joints shall be formed by laying and rolling against a form of the thickness of the compacted mixture placed across the entire width of the pavement. When the laying of the mixture is resumed, the exposed edge of the joint shall be painted with a thin coat of hot asphalt or asphalt cement thinned with naptha. The fresh mixture shall be raked against the joint and thoroughly tamped with hot tampers and rolled.
- H. The final bituminous surface shall show no deviation greater than one-fourth (1/4) inch when tested with a sixteen-foot straightedge placed parallel to the center line of the surface course.
- I. Finished roadway and driveway apron surfaces less than the required thickness or containing any soft or imperfect places will not be approved.
- J. All roadways shall be brought up to the finish grade as shown on the definitive plan, and all manhole covers, gate boxes, gas drips and other access to underground utilities shall be set flush with the surface of the road, grass strip or

sidewalk.

- K. Inspections shall be required upon completion of the binder and surface courses.

4.4 Curbs and berms.

Curbs and berms shall be constructed along both sides of major and secondary roads but are not required along minor streets. Their construction shall meet requirements set forth by the Massachusetts Highway Department's latest volume of Standard Specifications for Highways and Bridges.

4.5 Sidewalks.

- A. Sidewalk of not less than five (5) feet in width shall be constructed on one (1) or both sides of the street starting at the property line when, in the opinion of the Board, such sidewalks are necessary.
- B. Sidewalk construction shall meet requirements set forth by the Massachusetts Highway Department latest volume of Standard Specifications for Highways and Bridges.

4.6 Grass Areas

All cleared areas of a right-of-way not to be planted with ground-cover plantings, including all disturbed areas over all culverts in drainage easements, shall be loamed with not less than six (6) inches' compacted depth of good quality loam and seeded with a Standard Conservation mix or a mix designed for slope stabilization areas. Seeding shall be done at appropriate times of the year and in a manner to ensure growth of grass. No utility poles, transformers, signs or similar items shall be placed within the grass plot within three (3) feet of the edge of the pavement.

4.7 Street signs

Street name signs of a design conforming to the type in general use in the town shall be furnished, set in concrete and erected at all street intersections prior to the occupancy of any house on the street.

4.8 Streetlighting

Streetlighting shall be installed along any street the Board deems appropriate. Light standards to be used shall be subject to the approval of the Planning Board and, when used, be spaced no less than every five hundred (500) feet.

4.9 Monuments and markers

- A. Monuments shall be installed at all street intersections and at all points where, in the opinion of the Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of the Highway Superintendent and shall be set according to such specifications.
- B. Iron rods or other markers suitable to the Board shall be installed at every corner of each lot within the subdivision. Their locations shall be noted on the definitive plan.
- C. No permanent monument or marker shall be installed until all construction which would disturb or destroy the monument or marker is completed.
- D. All monuments and markers shall be installed before the bond or covenant is released.

4.10 Trees and planting

- A. All landscaping and planting within the rights-of-way will come under the supervision of the Tree Warden or other party designated by the Select Board. A twelve-foot minimum will be required on the utility side and a ten-foot minimum on the opposite side for tree belts. Trees are to be planted no greater than forty (40) feet apart. Trees should be planted in locations which avoid overhead or underground utilities. The Planning Board recommends the following: Trees not to be planted include all species of willow, catalpa and poplar.
- B. On the side of the street where overhead wires are present, large and medium growing trees should be planted within the front yard of the individual property owner, away from such wires.

4.11 Utilities

- A. **Underground Utilities.** All electrical, telephone, fire alarm and other wires and cables shall be installed underground unless, in the opinion of the Board and the appropriate utility company, such installation is impractical or not in the best interest of the town. If located within a flood-prone area, as determined by the Board, transformers, switching equipment or other vital components shall be floodproofed and approved by the Board or a Board-appointed engineer at the subdivider's expense.
- B. **Water.** A complete water system, including fire hydrants, shall be installed to the specifications of the Colrain Fire District, Griswoldville Water District, Shelburne Falls Fire District, if the project is within the boundaries of these districts.
- C. **Sewerage (where applicable).** - A complete sewerage system shall be installed according to the specifications of the Board of Health and the Colrain Sewer District.

4.12 As-built plans

After final approval of all the improvements in the subdivision and before final release of the performance guaranty, the applicant shall furnish the Board with two (2) copies of an as-built plan, showing location and grades of roads, as built, as well as all utilities, as installed, including inverts of drainage and sewerage systems.

4.13 Final cleanup.

After completion of construction and before release of the performance guaranty, the subdivider shall removal all temporary structures, debris, surplus materials and rubbish and shall otherwise leave the area in a neat and orderly appearance. Burning of the rubbish and waste material is prohibited.

4.14 Fee to Streets. - The Subdivider shall retain title to the fee of each street, road, way or walkway in the subdivision. Approval of the Definitive Plan, or subsequent release of security upon completion of construction, does not constitute the laying out or acceptance by the Town of the streets and easements within a subdivision. Such acceptance is at the discretion of Town Meeting. Title to the fee of each street may be conveyed to the Town without encumbrance and for a nominal consideration upon layout of the street by the Select Board and acceptance of the street by Town Meeting. The developer shall also convey to the Town any easement right within or appurtenant to the subdivision for a nominal consideration upon request by the Selectmen. Notation that this is to be done shall be placed upon the Definitive Plan.

4.15 Engineering Costs. - The Subdivider shall reimburse the Planning Board for the cost of all necessary engineering assistance obtained by the Board for Definitive Plan review, work supervision, and final inspection of the subdivision, exclusive of any costs imposed by other boards or agencies. Performance guarantee shall not be released prior to receipt of such reimbursement.

SECTION V ADMINISTRATION

5.1 Inspection.

A. General requirements.

- (1) Inspections shall be carried out at appropriate times during the development of the subdivision when the following stages of progress have been reached.
 - (a) Before clearing and grubbing, the Tree Warden, or a party designated by the Select Board, shall designate those trees which

are to be preserved in the tree belt.

- (b) The roadway shall be inspected at the stages of subbase, gravel base, binder course and surface course.
 - (c) The sanitary and storm drainage systems before the filling of utility trenches.
 - (d) The water system and related accessories shall be inspected by the Water Department of Colrain.
 - (e) Sidewalks shall be inspected upon completion of the subbase, permanent binder and finish courses.
 - (f) Curbs, loaming and seeding operations may also be inspected by a Board-appointed engineer.
- (2) At the completion of all improvements in the subdivision, the Board-appointed engineer shall make an inspection before final release of the performance guaranty.
- B. A qualified engineer or surveyor chosen by the Planning Board shall carry out such inspections on behalf of the town. The subdivider shall give the proper inspector at least forty-eight (48) hours notice of the proper time for inspection.
- C. Construction of streets and installation of utilities may be phased, provided that each section shall not be less than five hundred (500) feet in length.
- D. Inspection costs shall be borne by the subdivider.
- E. Each specified construction stage should be completed to the satisfaction of the inspector, in writing, before further work will be done. Further work performed without this approval will result in returning the construction to the status necessary to perform the required inspection.
- F. The developer has the responsibilities to ensure that the approved construction plans are implemented and construction qualities are met. All materials must conform to the current Massachusetts Highway Department standards and specifications for roads and bridges and all construction must be completed in accordance with current accepted industry standards. Surveillance and field revisions by town officials and inspectors cannot be construed as fulfilling this responsibility.

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

5.3 Reference. - For matters not covered by these rules and regulations, reference is made to Sec. 81-K to 81-GG, Ch. 41 M.G.L., inclusive.

5.4 Definitions

MAJOR STREET -- A street which carries traffic equivalent to that generated by thirty (30) dwelling units or more, or which serves commercial or industrial abutting land.

SECONDARY STREET -- A street that carries traffic equivalent to that generated by fewer than thirty (30) dwelling units and having no abutting commercial or industrial property and which is not a minor street.

MINOR STREET -- A street that carries traffic equivalent to that generated by ten (10) or fewer dwelling units and having no abutting commercial or industrial property and which is not capable of extension.

5.5 Separability. - So far as the Board may provide, each Section of these rules and regulations shall be construed as separate to the end if any Section, sentence, clause or phrase shall be held invalid for any reason, the remainder of the rules and regulations shall continue in full force.

FORM A

APPLICATION FOR ENDORSEMENT
OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one completed form with the Planning Board and one copy with the Town Clerk.

_____MA._____,2_____

To the Planning Board:

The undersigned, believing that the accompanying plan of his property in the Town of Colrain does not constitute a sub-division within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant _____

Address _____

2. Name of Engineer or Surveyor _____

Address _____

2. Deed of Property recorded in Franklin County Registry of Deeds

Book _____ Page _____

4. Location and Description of Property

5. Proposed use of land if other than single family residential _____

If all lots meet one or the other of the following criteria, the plan is not a subdivision and approval under the subdivision control law is not required, but only a simple endorsement that it [Form A continued]

is not a subdivision. Please indicate the grounds on which you believe your plan not to be a subdivision (either A or B).

Lot Numbers

A. Each lot on the plan or altered by it meets one of these criteria:

1. Has all the frontage required under zoning on

(a) a public way, or _____

(b) a way shown on a plan approved earlier by the
Planning Board under this law, or _____

(c) a way preexisting the effective date of subdivision
regulations which meets the requirements of Section 2.2
of Colrain's Subdivision Regulations. _____

2. Has been clearly marked on the plan to be either

(a) joined to and made a part of an adjacent lot, or _____

(b) not a building lot _____

B. Each lot on the plan contains a building which preexisted the
effective date of subdivision regulations _____

Signature of Owner of Record _____

Address _____

FORM B

APPLICATION FOR APPROVAL OF
PRELIMINARY PLAN OF A SUBDIVISION

File one completed form with the Planning Board and one copy with the Town Clerk.

_____ MA _____ 2

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Colrain for tentative approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board of the Town of Colrain.

1. Name of Owner of Record _____

Address _____

2. Name of Subdivider _____

Address _____

3. Name of Engineer or Surveyor _____

Address _____

4. Deed of property recorded in Franklin County Registry of Deeds
Book _____ Page _____

5. Location and Description of Property:

Signature of Owner of Record _____

Address _____

Signature of Subdivider _____

Address _____

A list of the names and addresses of the abutters of this subdivision is attached.

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN
OF A SUBDIVISION

File one completed form with the Planning Board and a Copy with the Town Clerk.

_____ MA. _____ 2

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Colrain for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Colrain.

1 - Name of Owner of Record _____

Address _____

2. Name of Subdivider _____

Address _____

3. Name of Engineer or Surveyor _____ Reg. No. _____

Address _____

4. Deed or property recorded in Franklin County Registry of Deeds

Book _____ Page _____

5. Location and Description of Property _____

Signature of Owner of Record _____

Address _____

Signature of Subdivider _____

Address _____

A list of names and addresses of the abutters of this subdivision is attached.

FORM D

CERTIFICATE OF APPROVAL
DEFINITIVE SUBDIVISION PLAN

_____, 2 _____

Town Clerk

Dear Sir:

The Colrain Planning Board hereby certifies that at a meeting of said Board on _____, 2 _____, at which a majority and quorum was present, following a public hearing by the Board on _____, 2 _____ pursuant to notice published in _____ on _____ 20 _____, it was (Unanimously) VOTED: That a subdivision plan and plan and profile of _____ streets, dated _____, 2 _____, and drawn by _____ registered as an engineer or land surveyor in Massachusetts, submitted for the Board's approval by _____, owner, be and hereby are approved on condition that prior to the Board's endorsement of its approval thereon the Subdivider shall furnish guarantees to the Planning Board as provided in Sec. 345 of the Subdivision Regulations that except as otherwise expressly provided in Sec. 81-U of Ch. 41, G.L., no lot included in such plan shall be built upon or conveyed until the work on the ground necessary to serve such lot has been completed in the manner specified by the Subdivision Regulations of the Town of Colrain, with the following specific qualifications (if any):

or a performance bond or other security in lieu of completion has been accepted by the Planning Board.

Respectfully submitted,

By _____

Planning Board

FORM E-1
PERFORMANCE BOND - SECURED BY DEPOSIT

Know all men by these presents that _____

_____, _____ hereby binds and obligates himself/herself/themselves and his/her/their executors, administrators, devised, heirs, successors and assigns to the Town of Colrain, a Massachusetts municipal corporation, in the sum of _____ dollars, and has secured this obligation by the deposit with the Treasurer of said Town of Colrain of the following:

The condition of this obligation is such, that whereas the said _____
_____ (name of applicant) on the _____ day of _____

_____, 2 _____ submitted a Definitive Plan of Subdivision to the Planning Board of the said Town of Colrain pursuant to the provisions of Section 81-K to 81-GG inclusive of Chapter 41 of the General Laws of Massachusetts, which plan is entitled _____
_____ was drawn by _____
_____ and is dated _____, and further whereas the said _____
_____ (name of applicant) desires to guarantee to the said Planning Board that the municipal services shown on said Plan shall be installed as shown on said plan and the ways shown on said plan shall be constructed as shown on said plan and in accordance with the Rules and Regulations of the said Planning Board and in accordance with the following qualifications and time schedule: (Qualifications and Construction Schedule)

which guarantee is required by Section 31-U of said Chapter 41; Now therefore; if the above bounden _____ (name of applicant) shall cause the ways shown on the said plan to be constructed, and shall cause the utilities shown on the said plan to be installed, as shown on said plan and in accordance with the Rules and Regulations of the said Planning Board and in accordance with the above qualifications and time schedule, then the above written obligation shall be null and void; otherwise to remain in full force and effect and the aforesaid security for said sum shall become and be the sole property of said Town of Colrain as liquidated damage.

Witness _____ Signature of Applicant _____ seal

Date

FORM E-2

PERFORMANCE BOND - SURETY COMPANY

Know all men by these presents that _____

as Principal, and _____

a corporation duly organized and existing under the laws of the State of _____,

and having a usual place of business in _____,

as Surety, hereby bind and obligate themselves and their respective heirs, executors,

administrators, successors and assigns, jointly and severally, to the Town of Colrain, a

Massachusetts municipal corporation, in the sum of _____

dollars. The condition of this obligation is such, that whereas the said _____

_____ (name of Principal) on the _____ day of

_____, 2 _____, submitted a Definitive Plan of a subdivision to the Planning Board of the said Town of Colrain pursuant to the provisions of Sec. 81-K to 81-GG inclusive of Chapter 41 of the General Laws of .Massachusetts, which plan is entitled _____

_____, was drawn by _____

and is dated _____; and further whereas the said _____

_____ (Name of Principal) desires to guarantee to the said Planning Board that the municipal services shown on said plan shall be installed as shown on said plan and in accordance with the Rules and Regulations of the said Planning Board and in accordance with the following qualifications and time schedule: (Qualifications and Construction Schedule)

which guarantee is required by Section 81-U of said Chapter 41:

Now therefore; if the above bounden _____ (Name of Principal) shall cause the ways shown on the said plan to be constructed, and shall cause the utilities shown on the said plan to be installed, as shown on said plan and in accordance with the Rules and Regulations of the said Planning Board and in accordance with the above qualifications and time schedule, then the above written obligation shall be null and void; otherwise to remain in full force and effect and the aforesaid sum shall be paid to the Town of Colrain as liquidated damage.

[Performance Bond, Form E-2, continued]

IN WITNESS WHEREOF we have hereunto set our hands and seals this

_____ day of _____, 2 _____.

Principal

by _____
(Title)

Surety

by _____
Attorney- in-Fact

FORM F

COVENANT

The undersigned _____

of _____ County, Massachusetts,

Hereinafter called "Covenantor," having submitted to the Colrain Planning Board, a definitive plan of a subdivision, entitled _____

_____ dated _____

made by _____ does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to Sec. 81-U, Ch. 41, G.L., as amended, that:

1. The Covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the Covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquired title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon approval of said plan;
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

The undersigned _____

wife/ husband, of the Covenantor hereby agree that such interest as I/we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this _____ day of _____, 2 _____

COMMONWEALTH OF MASSACHUSETTS

_____, ss. _____, 2 _____

Then personally appeared _____

and acknowledged the foregoing instrument to be _____ free act and deed,

before me

NOTARY PUBLIC

File in Triplicate with THE COLRAIN PLANNING BOARD

FORM G

CERTIFICATE OF PERFORMANCE
(Covenant Approval Release)

_____, MA _____ 2 _____

The undersigned, being a majority of the Planning Board of the Town of Colrain, Massachusetts, hereby certify that the requirements for work on the ground called for by the Covenant dated _____, 2 _____, and recorded in _____ District

Deeds, Book _____ Page _____, (or registered in) _____
Land Registry District as Document No. _____, in Registration Book _____
Page _____ have been completed to the satisfaction of the Planning Board as to the

following enumerated lots shown on Plan entitled _____

_____ recorded with said Deeds, Plan Book _____

Plan _____, (or registered in said Land Registry District, Plan Book _____ Plan
_____) and said lots are hereby released from the restrictions as to sale and buildings

specified thereon. Lots designated on said Plan as follows: _____

Majority of the Planning Board of the
Town of Colrain

COMMONWEALTH OF MASSACHUSETTS

_____, 2 _____
Then personally appeared _____ one of the above named members of
the Planning Board of the Town of Colrain, Massachusetts and acknowledged the foregoing
instrument to be the free act and deed of said Planning Board, before me

NOTARY PUBLIC

My commission expires: _____