

**REVISION
DATES**

Adopted April 5, 1955
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March 18, 1980 (Art. VIII added)
February 5, 1991 (Art. II in its entirety,
and Form A Applications)
April 9, 1991 (Application Review Fees)
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October 21, 1993 (Review Fee Schedule)
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July 26, 1994 (Art. II and III in their entirety;
and New Forms)



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ARTICLE I: GENERAL PROVISIONS

These Rules and Regulations are adopted for the purposes of subdivision control stated in General Laws Chapter 41, Section 81-M which reads as follows:

"The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may be hereafter, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open area. The powers of a planning board and a board of appeals under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public motor vehicle; for securing safety in case of fire, flood, panic and other emergencies, for insuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provision for water, sewage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public way in the city or town in which it is located and with the ways in neighboring subdivisions."

1.1 Authority:

These "Rules and Regulations governing the subdivision of land in the Town of Norton Massachusetts" have been adopted by the Town of Norton Planning Board under the authority of General Laws, Chapter 41, Section 81-Q and of other applicable provisions of Sections 81-K through 81-AA thereof, on April 5, 1955, and amended on March 1, 1977, and subsequently amended after duly advertised public hearings.

1.2 Purpose:

The powers of the Town of Norton and of the Planning Board under the Home Rule Amendment of the Massachusetts Constitution are exercised for the purpose of promoting the general welfare and convenience, protecting the health and safety of the residents of Norton and of adjoining communities which may be impacted by the construction of a subdivision in Norton by:

- a. identifying and securing, for present and future residents, the beneficial impacts of growth and development;
- b. identifying and avoiding the negative impacts of growth and development;
- c. ensuring that future growth and development is of a type and design compatible the rural character of the area and is in a location served by adequate public services and facilities;
- d. preservation of character of the town and New England rural features that distinguish the town.

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It is the intent of the Town of Norton Planning Board that these Rules and Regulations be interpreted and applied so as to carry out the above purposes.

1.3 Scope

These Rules and Regulations apply to all new and existing subdivisions of land within the Town of Norton, including resubdivisions and modifications; and to the process of subdividing land, recording of plans, installation of improvements, and the building on or sale of lots in a subdivision or anywhere in town not served by an existing way as defined herein.

1.4 Goals

The Town seeks to encourage and direct development which protects and enhances the environment and preserves the character of the town through a process which will:

- a. site of new development in such a way that it will be compatible with the existing natural features of the site and the surrounding area; will preserve the existing land form in its natural state, insofar as practicable, and will maintain man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption;
- b. promote a high standard in the design of sites being developed and will enhance the natural character and appearance of Norton;
- c. locate intersections of subdivision streets with the Town's arterial or collector streets so as to minimize the risk of accidents and traffic congestion;
- d. locate and design open space on the site, particularly common open space and usable open space;
- e. encourage agriculture, forestry, and open space preservation;
- f. ensure that new facilities or the erection of new buildings are compatible with the existing patterns of settlement and places of historic or architectural significance;
- g. not create adverse impacts on the public services and facilities serving the subdivision, including those that are off the site, such as the sanitary sewer system, the storm drainage system, the public water supply, the street system and sidewalks, and recreational facilities; or where there is insufficient capacity in, or adverse impacts on, such services and facilities, improvements will be made to provide sufficient capacity or potential adverse impacts will be mitigated in connection with the approved subdivision;
- h. not create adverse impacts on the environment, including degradation of groundwater, contamination of aquifers, pollution of streams, rivers, and lakes through surface water runoff, and excessive changes to topography which contributes to erosion and loss of soil; and
- i. ensure that the public's concerns are heard and incorporated into planning, decision-making, and implementation of new subdivisions.

1.5 One Dwelling per Lot

Not more than one building designed or available for use as a dwelling shall be erected or placed or converted to use as such on any lot within the Town of Norton without the consent of the Planning

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Board. Such consent may be conditioned upon the provision of adequate access to serve such dwelling, as provided in General Laws, Chapter 41, Section 81-Q.

1.6 Responsibilities of the Applicant:

It is the responsibility of the applicant to secure all rights, easements, approvals, permits, or licenses necessary and to present to the Planning Board information that is complete, true and correct and to pay any and all fees and costs related to the application. Should the Planning Board find that it has acted on the basis of incomplete, erroneous, or false information, it shall take such corrective action as provided by statute, including the rescinding or modification of approval of a subdivision.

1.7 Subdivision prior to 1952:

As provided by General Laws, Chapter 41, Section 81-FF, recording of a subdivision plan in the registry of deeds before the Subdivision Control Law has become effective in the Town of Norton does not exempt the land within such subdivision from the operation of said law, except with respect to lots sold and held in separate ownership when the Subdivision Control Law went into effect in the Town of Norton on April 5, 1952. Unless lots in such subdivision were served by adequate ways, as defined herein, at the time the Subdivision Control Law went into effect in the Town of Norton, the subdivision and approval of a new subdivision plan and security for the installation of ways and services shall be required before any lot can be built upon or sold. In addition, General Laws, Chapter 40A "the Zoning Act", and the Town of Norton Zoning By-Law shall determine whether such lots are exempt from any dimensional or use requirements thereof.

This Section does not apply to subdivisions shown on Land Court decree plans which have the same status as if approved under the Subdivision Control Law.

1.8 Entry on Private Land:

Members, officers, and agents of the Planning Board may, so far as they deem necessary in carrying out the Subdivision Control Law and whenever possible and appropriate upon giving the landowner notice, enter upon any lands and there make examinations and surveys and place and maintain monuments and marks as provided in General Laws, Chapter 41, Section 81CC.

1.9 Definitions:

Words and terms used herein shall have the meanings assigned to them in the Subdivision Control Laws Chapter 41 of General Laws. In additions unless the context unequivocally indicates otherwise, the meaning of the following words and terms shall be as follows:

"Abutters" - Owners of land having a common boundary line or point, or separated by a way or a body of water not over 60 feet in width, as shown on the most recent assessor's tax record.

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"Agent" - a person authorized to represent or act for the owner by a notarized instrument executed by the owner.

"Applicant" - owner or agent or representative, or assigns.

"Arterial Street" - A major street in the town's circulation system, which carries or is expected to carry primarily through traffic from and to other municipalities and is expected to carry peak hour traffic in excess of 2000 vehicles in both directions or is a numbered State highway.

"Board" - The Planning Board of the Town of Norton, Massachusetts.

"Collector Street" - See "Major Street"

"Commercial subdivision" - a subdivision of nonresidential uses on nonresidentially-zoned land.

"Dead-end Street" - A "dead-end street" shall be defined as a street with a single entrance and exit location (sole access to and from an existing street) that does not allow through traffic. Any proposed street or series of street which intersects solely with a dead-end street shall be deemed to be an extension of the dead-end street to which they connect and the length of the dead-end street shall be defined as the combined (added) lengths of the dead end street and any intersecting streets such as cul-de-sac spurs or looped streets which access and egress from the dead-end street. The length of a dead-end street shall be measured on the center line of the street layout from the edge of the layout line of the street where the dead-end begins to the end of the street right-of-way and shall include the combined (added) length of any cul-de-sac spurs or looped roads as defined above.

"Definitive Plan" - Final Plan of a subdivision, together with all special plans and supporting material as required by these Rules and Regulations and the Norton Planning Board, the approval of which by the Town of Norton Planning Board constitutes the approval of a subdivision and, when recorded in due form, confers certain rights and responsibilities on the applicant.

"Detention Basin" - a constructed basin, depression with dike, and/or related structure for the purpose of slowing the rate at which storm water is discharged from the site, and which may involve temporary backup of water during and immediately following a storm event.

"Developer" - Owner or owners of land subject to Board consideration or action, acting personally or through an authorized agent or representative.

"Disturbed Area" - An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

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"Drainage" - The surficial and subsurficial patterns and paths of water across land and the systems to contain and control such water.

"Erosion" - Detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"Floodplain" - Any land area susceptible to be inundated by water from the base flood (the 100-year flood) as shown on the "Flood Insurance Rate Map" prepared by the Federal Emergency Management Agency, the latest copy of which is on file in the planning department.

"Floodway" - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Grading" - Any excavation, grubbing, filling including hydraulic fill or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

"Inspection" - The periodic review of construction and improvements shown on the approved subdivision plan.

"Local Street" - A way which, in the opinion of the Planning Board, serves or will serve the traffic generated by the abutting residences and will carry no significant through traffic, nor will have an average daily traffic load of more than 400 cars in both directions.

"Locus plan" - A plan at a scale of 1" = 1000' or other scale permitted by the Board, showing the entire subdivision, the streets abutting, approaching, or in the vicinity, and the portion of the town surrounding the area to be subdivided.

"Lot" - An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

"Major Street" or "Collector Street" - A street which carries or, in the opinion of the Planning Board, is expected to carry significant traffic from several other streets or neighborhoods, a significant percentage of through or truck traffic, or average daily traffic in excess of 400 cars in both directions.

"Majority" - for the purposes of the subdivision control law, and in conformance with Ch. 41, an affirmative action of the Board requires four of the seven member Board voting to approve.

"Minor Street" - A street serving not more than nine residences, carrying no other traffic and terminating in a permanent turnaround.

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"Municipal services" - All municipal infrastructure and facilities, including water supply, sanitary sewer, storm drains, fire alarm conduits, electric and telephone wiring, gas supply piping, shade trees, and other installations to provide services for buildings and their occupants, roadways, pedestrian ways, sidewalks, schools, libraries, public safety, and other public amenities..

"Planning Board" - The Planning Board of the Town of Norton, Massachusetts.

"Preliminary Plan" - A plan of a proposed subdivision or resubdivision drawn in an initial scheme of subdivision, which is not recordable, and its approval does not mean the approval of the subdivision.

"Public" - Used as an adjective shall mean the Commonwealth of Massachusetts, the Bristol County, or the Town of Norton, Massachusetts.

"Quorum" - The minimum number of members needed for a legal action of the Board; four for subdivision control; five for actions requiring a Special Permit under the Norton Zoning Bylaw.

"Retention Basin" - A constructed basin, depression with dike, and/or related structure for the purpose of detaining or impounding water on site, but which does not have a free flowing outlet to allow storm water from small storm events to be discharged to a natural water course or wetland or a ground discharge system.

"Right of way" - The entire limits of a street proposed for public dedication, including the roadway, utilities, sidewalks, and grassed shoulders.

"Roadway" or "Traveled Way" - That portion of street intended for vehicular use, usually the pavement.

"Sediment" - Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

"Secondary Street" - See "Major Street".

"Sketch plan" or "Study plan" - A plan or a print of a plan of a proposed subdivision showing less information than required for a preliminary plan, and serving the same purpose of permitting a preliminary review and modification of a subdivision layout prior to incurring the costs of the final design. Unlike a preliminary plan, a preliminary sketch does not confer exemption from zoning changes in accordance with General, Laws, Chapter 40-A, Section 6 (Chapter 808, Acts of 1975).

"Soil" - Any unconsolidated mineral or organic material of any origin.

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"Soil erosion and sediment control plan" - A strategy that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

"Street" - Same as "Way" (see definition).

"Street runoff" - All surface water originating from the street right-of-way or flowing to the street right-of-way which is contained within the street right-of-way.

"Subdivision" - The division of a tract of land into two or more lots, including a resubdivision and when appropriate in the context, may also mean the process of subdividing the land or territory being divided. However, the division of land into two or more lots shall not be deemed to constitute a subdivision if, at the time when it is made, every lot has frontage of at least such distance as is then required by the Zoning By-Law on an existing way, having in the opinion of the Planning Board sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic, and further that each lot is able to access the way, and no new way is laid out to provide such frontage, nor any existing way relocated or abandoned. Changing the size or shape of lots in such a manner as not to leave any lot without such required frontage, or the division of a lot on which two or more buildings were standing when the Subdivision Control Law went into effect in the Town of Norton into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision as herein defined.

"Subdivision Control" - The power to regulate the subdivision of land vested in the Town of Norton Planning Board under the provisions of the Subdivision Control Law, being Sections 81-K through 81-GG of Chapter 41 of General Laws.

"Utilities" - Same as "Municipal Services", may include water supply, sanitary sewer, storm drains, fire alarm conduits, electric and telephone wiring, gas supply piping, shade trees, and other installations to provide services for buildings and their occupants.

"Watercourse" - any stream, river, channel, canal, culvert, floodway or other area which is characterized by discernible edges and in which water is present and flows at least five months of the year.

"Way" or "Street" - (a) A public way laid out and accepted by the Town or a way which the Town Clerk certifies is used and maintained as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the Town of Norton having in the opinion of the Planning Board sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. No lot shall be deemed to be served by a way to which such lot has no legal or no physical access.

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"Wetlands" - Those areas protected by the M.G.L. Ch. 131 s. 40 as amended and under the jurisdiction of the Conservation Commission.

"Wooded area" - An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

References in these Rules and Regulations to boards, agencies, and officials shall mean such boards, agencies, and officials of the Town of Norton, Massachusetts, and the term "Town" shall mean the Town of Norton Massachusetts, unless the context clearly indicates otherwise.

1.10 Appeals

The Town of Norton Zoning Board of Appeals established pursuant to General Laws, Chapter 40A shall also have jurisdiction to permit erection of buildings as a variance from the provisions of these Rules and Regulations in cases of unnecessary hardship, as Provided in General Laws, Chapter 41, Sections 81-Y and 81-X.

Decisions of the Board of Appeals and of the Planning Board, including the Board's failure to take final action on a plan within the required time, may be appealed to the Superior Court for the Bristol County within twenty days of such decision being recorded with the Town Clerk or within twenty days after the expiration of the required time to act, and the notice of such appeal shall be given to the Town Clerk so as to be received within such twenty days. Costs shall not be allowed against the Planning Board unless it shall appear that such board acted with gross negligence or in bad faith. See General Laws, Chapter 41, Section 81-BB.

The Superior Court shall also have jurisdiction on petitions of the Planning Board or of ten taxable inhabitants of Norton to review, enjoin or annul the action of any Town board or officer and to enjoin the erection of a building in violation of General Laws, Chapter 41, Section 81-Y, and also to enforce the provisions of the Subdivision Control Law, of these Rules and Regulations and also any lawfully imposed conditions of the approval of a plan by injunction or such other decree as justice and capacity may require. No proceedings under this paragraph pursuant to General Laws, Chapter 41, Section 81-Y shall be instituted more than one year after the act or failure to act upon which such petition is based.

ARTICLE II - PLANS BELIEVED NOT TO REQUIRE APPROVAL

2.1 Plan Submission

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 the plan does not require approval under the Subdivision Control Law shall submit the following by delivery or by registered mail, c/o the Town Clerk:

- a. The original plan and nine (9) contact prints
- b. Two (2) copies of a properly executed Form A application
- c. Evidence necessary to show that the plan does not require approval
- d. A filing fee in accordance with the Norton Planning Board Schedule of Fees

Upon submission the Town Clerk shall retain one (1) copy of both the plan and the Form A application and transmit the remainder to the Norton Planning Board on the date received.

2.2 Contents

Said plan shall be legibly drawn in accordance with the Rules and Regulations of the Registry of Deeds, M.G.L. Chapter 36 as amended pertaining to plan size, material, lettering and related requirements. The scale of the plan shall be one (1) inch equals forty (40) feet or such other scale as shall be deemed appropriate by the Planning Board to show the property and the above required information conveniently. Said plan shall contain the following:

- a. Identification of the plan by name of the owner of record and location of the land in question.
- b. The statement "Approval Under Subdivision Control Law Not Required", and sufficient space for the date and signatures of all members of the Planning Board, along with the following notation:
"The above endorsement is not a determination as to conformance with zoning and other local regulations."
- c. Names of the owners of abutting property.
- d. The scale, north point, and date.
- e. The name, signature, date and seal of a Registered Land Surveyor.

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- f. Locus map drawn at an appropriate scale sufficient to identify the subject property.
- g. Assessors Map and Parcel.
- h. Registry Book and Page
- i. Zoning and overlay district classification (water resource protection, wetlands protection, flood plain).
- j. Frontage as required by the Zoning By-Law unless identified as "Not a Building Lot".
- k. Street layout as shown to meet the definition of a way in the Zoning By-law, Rights of ways, easements and /or paper streets.
- l. Complete dimensions: (including area)-location to be defined by reference to not fewer than three permanent bounds, (granite, concrete, or fieldstone bounds, ddrill holes and spikes) on each lot.
- m. Any and all lots of the owner shall be shown in their entirety unless remaining land is referenced to a deed or previously recorded plan. Remaining frontage and area must be given.
- n. Distance to the nearest street intersection or town line shall be shown.
- o. Locations of existing buildings with dimensions to the side, front and rear lines.
- p. Locations of all wetlands and permanent bodies of water.
- q. If the plan submitted has been exempted from certain zoning requirements by a decision of the Norton Zoning Board of Appeals a notation shall be placed on the plan.
- r. Any abbreviations and/or symbols shall be explained fully in a legend.

2.3 Planning Board Action

- 1. Endorsement of Plan Not Requiring Approval.

If the Planning Board determines that the plan does not require approval it shall, without a public hearing, and within the time allotted by M.G.L., CH 41, endorse the plan.

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The Board may add to such endorsement a statement of the reason approval is required and may affix notations to the plan. The original plan shall be returned to the applicant for recording. The Board shall also notify the Town Clerk in writing of its action.

2. Determination That Plan Requires Approval.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within the time allotted by M.G.L., CH 41, inform the applicant in writing and return the plan. The Board shall also notify the Town Clerk in writing of its action.

3. Determination That Plan is Deemed Not Submitted.

If the Board determines that the plan does not fully satisfy the requirements of sections 2.1 and 2.2 it shall, within the time allotted by M.G.L., CH 41, deem the plan not to have been submitted and shall return the original plan to the applicant. The Board shall also notify the Town Clerk in writing of its action. Should said plan be brought into conformity with the requirements of sections 2.1 and 2.2, said plan may be re-submitted and will be considered without prejudice.

4. Failure of Board to Act

If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the person submitting the plan of its actions within the time allotted by M.G.L., CH41, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and upon its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

2.4 Recording

Any changes shown on the plan become effective only upon recording. If a plan is not recorded within six (6) months of the original endorsement the applicant will be required by the Registry of the Land Court to resubmit the plan for re-endorsement by the Board that its determination of the plan not showing a subdivision is valid.

Within six (6) months of the Planning Boards endorsement of a plan not requiring approval under the Subdivision Control Law, the applicant shall record such plan with the Bristol County Northern District Registry of Deeds. Within ten (10) days of the plan recording with the Registry of Deeds or in the case of Registered Land, with the recorder of the Land Court, the Applicant shall notify the Norton Planning Board and the Building Inspector by delivery or registered mail of the recording.

2.5 Relationship to the Zoning By-Law

The endorsement of the plan as not requiring subdivision approval does not mean that the lots shown on such a plan are buildable lots or that the plan is accurate. The Building Inspector must make a separate determination whether any lot meets the requirements of the Zoning By-law and may be built upon, notwithstanding an endorsement of the Planning Board that the plan does not require approval as a subdivision.

2.6 Street Layout

A plan not requiring approval may not be used to establish or define the exterior lines of a way for which no recorded layout exists, nor to modify such existing layout. The layout of a way defining or changing its exterior lines requires town action or Planning Board approval even if no physical construction is contemplated.

2.7 Land in Active Subdivisions

If a plan shows lots in a subdivision which are subject to conditions and restrictions of a covenant or imposed by the Planning Board at the time of definitive plan approval, reference to the conditions should appear on the plan.

2.8 Delegation of Endorsement

As provided by M.G.L., CH 41 the Planning Board may by vote duly recorded with the Town Clerk, Registry of Deeds and the Land Court authorize its chairman, clerk or other board members to endorse on plans and other related documents, the Board's action with respect thereto. Such authority may be limited as to time and scope and such limitations shall be stated in the recorded vote.

ARTICLE III: PRELIMINARY PLAN

3.1 Application and Submission

Any person who submits a Preliminary Plan of a subdivision to the Planning Board for approval shall submit the following to the Norton Planning Board by delivery or by registered mail, c/o the Town Clerk:

- a. Original drawings of the Preliminary Plan (all sheets showing the data required by 3.2 hereof) and eleven contact prints thereof, dark line on white background. The original drawings will be returned after approval or disapproval.
- b. Properly executed Application Forms B and D (see Appendix).
- c. Filing and Review fees in accordance with the Norton Planning Board Schedule of fees.
- d. A list of abutters Pursuant to M.G.L. Ch 41 § 81-T.

If any of the required items are not submitted or are found to be incomplete or incorrect, the Preliminary Plan will be deemed not to have been submitted until the deficiency is made up or corrected.

3.2 Form and Contents

The Preliminary Plan may consist of several sheets which shall bear the seal of a Registered Professional Engineer on all sheets representing work defined as professional engineering and the seal of a Registered Land Surveyor on sheets representing professional land surveying. The Plan shall be drawn at a scale of 1" = 40', except that the index sheet, shall be such as to represent clearly the information required and that the Planning Board may waive compliance with this requirement on request. All sheets shall be of a standard uniform size suitable for recording and not larger than 24" x 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. All plans shall conform to the Rules and Regulations of the Registry of Deeds, M.G.L. CH 36 § 13A as amended.

The Preliminary Plan shall clearly differentiate between the existing and the proposed conditions and shall contain the following:

- a. The title "Preliminary Plan" subdivision name, date, scale, north arrow identified as to the bearing system used and magnetic declination if appropriate, names of record owner, subdivider, engineer and surveyor, and their addresses, arranged in the title block.
- b. A legend explaining any symbols used on the Plan.
- c. Name of all abutters, as they appear in the most recent tax list, including abutters across highways or water bodies within 300 feet of the subdivision boundaries. Any and all lots of the owner shall be shown in their entirety unless the Planning Board otherwise approves a reference to an existing deed or previously recorded plan. If reference is made to a deed or a plan, as described herein, the document must be filed with the application.
- d. Lines of existing and proposed streets, ways, lots, easements and public or common areas within the subdivision, in a general manner. The proposed street names shall be shown in pencil until approved by the Board.
- e. The approximate boundary lines of proposed lots, with approximate areas and dimensions. Proposed lots shall be numbered.

- f. The names, approximate location, and pavement widths of streets bounding approaching or within one hundred feet of the subdivision.
- g. The topography of the land in a general manner.
- h. The system of drainage in a general manner.

3.3 Review by Board of Health as to Suitability of the Land

The Board of Health shall within forty-five days after filing of the plan, report to the Planning Board and the applicant in writing approval or disapproval of the plan or lots thereon. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health and include such specific findings and the reasons therefor in such reports, and, where possible, shall make recommendations for the adjustment thereof. Every lot shall be provided with means of sewage disposal satisfactory to the Board of Health.

3.4 Action on Preliminary Plan

Within forty-five days after the submission of a Preliminary Plan, the Planning Board shall notify the applicant by certified mail and the Town Clerk of the approval of the Preliminary Plan, with or without modifications, or disapproval. The notice shall contain a listing of modifications imposed by the Board or of the specific reasons for disapproval as appropriate.

A failure of the Board to act within forty-five days shall not mean an approval of the Preliminary Plan.

ARTICLE IV: DEFINITIVE PLAN

4.1 Application and Submission

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Town Clerk by delivery or registered mail a notice stating the date of submission for such approval and accompanied by a copy of the completed application form, plans, and fees. Plans shall be submitted by delivery at a meeting of the Board or by registered mail, c/o the Town Clerk.

The submission shall consist of the following:

- a. Original drawings of the Definitive Plan (all sheets showing the data required by 4.1 hereof) and twelve contact prints thereof, dark line on white background. The original drawings will be returned after approval or disapproval.
- b. A properly executed Application Form C (see Appendix), signed by all the owners of the property considered for subdivision and the applicant and the notarized instrument of the owner appointing an agent, if applicable.
- c. A list of "abutters", the owners of the land abutting the proposed subdivision and those separated by only a street as shown on the most recent Tax Commitment list of the Town of Norton and certified by the Board of Assessors.
- d. A Municipal Liens Certificate duly issued by the Treasurer of the Town of Norton showing all fees, taxes, and charges due have been paid.
- e. An application fee and a review fee deposit in accordance with the Norton Planning Board Fee Schedule.
- f. Ten copies of the Environmental Impact Statement filed with the Planning Board and a copy filed with the Conservation Commission, receipt for such filing submitted to the Planning Board.
- g. Ten copies of drainage calculations prepared and stamped by the applicant's engineer, including design criteria, drainage area and other information sufficient for the Board to evaluate and verify the size of any proposed drain, swale, detention or retention basin, culvert, bridge, and catchbasin. Said calculations to be made separately for each drainage facility showing its location, the total upstream drainage area, the percentage of impervious surfaces, the runoff per acre, the design runoff, facility size, slope and capacity, and the velocity of water through it. All information shall clearly distinguish between "pre-development" and "post-development" conditions. These calculations shall be submitted by the applicant to the

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Conservation Commission and the Board of Health and receipts for such submitted to the Planning Board.

- h. At the time of filing of the Definitive Plan, the applicant shall also file with the Board of Health three contact prints of all sheets of the Definitive Plan and one contact print of all sheets with the Conservation Commission and receipts for such submitted to the Planning Board. Whenever land shown on a plan is subject to tax abatement for open space, agriculture, or recreation, such plan shall also be transmitted by the applicant to the Board of Assessors and a receipt submitted to the Planning Board. The applicant shall also give submit a copy of the plan to the following Town departments and receipts of such shall be given to the Planning Board:
- Highway Dept.
 - Inspections Dept.
 - Selectmen
 - Police Department
 - Fire Department
 - Sewer and Water Commissioners
- i. Two sets of addressed envelopes of all abutters, the applicants, and owners; one for a certified notification of the Public Hearing, a second for a first class mailing, and a check for postage costs.
- j. If other permits are required from the Planning Board, such as Scenic Road approval, site plan approval, or a Special Permit, applications shall be made as contemporaneously as possible. Any submission shall indicate what other permits, if any, the applicant believes are required from the Planning Board. If the Board or its staff determines additional permit applications are necessary the applicant shall be informed in writing and a copy of such determination filed with the Town Clerk and Building Inspector.

4.2 Form and Contents

The Definitive Plan shall consist of several sheets which shall bear the seal of the Registered Professional Engineer on all sheets representing work defined as professional engineering and the seal of a Registered Land Surveyor on sheets representing professional land surveying. The Plan shall be drawn at a scale of 1" = 40', except that the index sheet, detail drawings and the vertical scale of profile drawings shall be such as to represent clearly the information required. All sheets shall be of a standard uniform size suitable for recording and not larger than 24" x 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. All plans to be recorded shall conform to the most recently adopted rules of Massachusetts Registrars of Deeds Association.

The Definitive Plan submission shall clearly show the process of the subdivision design, beginning with the existing conditions progressing to the scheme of the subdivision and finally clearly showing

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all the construction and improvements needed to subdivide the land. The various sheets shall be assembled to reflect this progressive approach.

The Definitive Plan shall clearly differentiate between the existing and the proposed conditions and contain the following:

A cover sheet showing the proposed name of the subdivision, date, scale, names of all the owners, all the applicants, engineer, surveyor, and landscape architect. The locus plan may be shown on the cover sheet as well as within the existing conditions sheets. The cover sheet is not endorsed or recorded.

Index sheets at a scale of 1" = 400'. If the subdivision at a scale of 1"=40' requires more than one sheet, the index sheet shall show the match lines. Division of the plan may require "over-lapping" as the subdivision plan shall be divided in such a way that each and every lot is shown in its entirety on one of the sheets. Index sheets are not recorded or endorsed.

Existing conditions sheets, which show the following:

- a. Subdivision name, date, scale, north arrow identified as to the bearing system used and magnetic declination, if appropriate, names of all the owner, names of all the applicants, engineer, surveyor, and landscape architect and their addresses, arranged in the title block
- b. A legend explaining any symbols used on the Plan.
- c. Names of all abutters, as they appear in the most recent tax list, including abutters across highways or water bodies within 100 feet of the subdivision boundaries. Any and all lots of the owner shall be shown in its entirety. If reference is made to a deed, an easement, or a plan, the document must be filed with the application.
- d. Location of all existing permanent monuments.
- e. A locus plan at a scale of 1" = 1000', showing all of the subdivision and the nearest existing public street intersections and other major geographic rights of way, within 1000 feet.
- f. Location, names, right of way and pavement widths of streets bounding, approaching, or within two hundred feet of the subdivision.
- g. All other land adjacent to or abutting the subdivision in the same ownership.
- g. Zoning district designation and boundaries, in or within 100 feet of the subdivision, including but not limited to Wetlands Protection Zone, Flood

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Plain, Water Resource Protection District, Well Recharge District, location in the Canoe River Aquifer or Hockomock Swamp Area of Critical Environmental Concern.

Existing natural conditions, which shall show the following:

- h. Major site features such as existing buildings, walls, ledge outcrops, water bodies and streams, watercourses, wetlands, trees over 10" in diameter measured four feet from ground within twenty feet of the proposed roadway right-of-ways, significant tree masses, any easements or utility lines within or adjacent to the subdivision, the location of all known archeological and historic sites on or adjacent to the land to be subdivided, and the location and limits of any ancient ways, cart paths, pedestrian pathways, and bikeways on or adjacent to the land to be subdivided.
- k. Existing topography at a contour interval of two feet or as required by the Planning Board.
- l. Stone walls.
- m. The existing surface drainage pattern and, if any, storm water system, including any storm water courses or appurtenances within 100 feet of the subdivision.

The sheets showing natural conditions shall bear the seal of a Registered Landscape Architect.

The proposed subdivision, superimposed on the existing topography, including:

- n. Lines of existing and proposed ways, lots, easements and public or common areas within the subdivision. Lots shall be numbered and the area of each lot shown. The streets shall not be named, but shall be shown in pencil as "Street A", "Street B", etc. until approved and named by the Board.
- o. Sufficient data to determine the location, direction and length with the precision required for Class B Land Court surveys (1: 10,000) of every street, lot, easement, or boundary line and to establish these lines on the ground. All data, including the topography, shall be based on a recent physical survey of the land performed in accordance with the Land Court or other surveying standards acceptable to the Board.
- p. Copies of closed traverse calculations of the perimeter of the subdivision and of each street in the subdivision conforming to Land Court or other accepted surveying standards. Proposed street centerlines may be shown in reproducible red ink topographic contours in brown ink, and the perimeter of

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the entire subdivision may be underlined in green ink whenever desirable for clarity of representation or required by Land Court or Registry specifications.

- q. Existing and proposed topography at a contour interval of two feet or at the scale as required by the Planning Board on the Natural Conditions sheet(s).
- r. The location of all permanent monuments properly identified as to type and whether existing or proposed. Location of each lot to be defined by reference. on the plan to not fewer than three permanent monuments, existing or to be set.
- s. Proposed size and layout, location and materials of water supply, storm drainage and sanitary sewer, if any, in streets and easements, including culverts and easements for water courses. Location of test pits. Location of fire hydrants both proposed within the subdivision and within 100 feet of the subdivision.
- t. Other utilities, including electrical service, cable television, and telephone, location of streetlights, and fire alarms.
- u. Location of street trees and other landscaping, clearly indicating whether existing trees within the right of way will be preserved for this purpose or new trees will be planted.

On the street profile plans and detail sheets,

- v. Profiles of proposed centerlines of streets and easements and of existing centerlines and sidelines of proposed street at a horizontal scale of 1"=40' and vertical scale of 1"=4', showing elevations at 50 foot intervals along constant slopes, at 25 foot intervals along vertical curves and along existing centerline and sidelines, and at all high and low points and intersections with existing or proposed street. Profiles and topographic plans shall use the Mean Sea Level of 1929 and shall identified the location and elevation of at least two permanent bench marks outside the subdivision. Drainage system improvements and appurtenances located within the right of way shall be included within the street profiles.
- w. Special construction details not covered by these Rules and Regulations, including but not limited to details and cross sections of headwalls, retention or detention basins, open drainage ways and stabilized slopes.

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- x. A list of all waivers sought by the applicants and sufficient space to record the conditions of the Planning Board.

On all sheets to be recorded:

- y. Suitable space to record the action of the Planning Board and the signatures of all seven members, and a 3 1/2" square space for Registry of Deeds use.
- z. Suitable space to record the certification of the Town Clerk.
- aa. The notation "In accordance with a certificate of action dated ---- [giving the date the Planning Board's certificate of action was filed with the Town Clerk] and recorded herewith."
- bb. The notation "In accordance with a covenant dated ---- [giving the date the covenant was executed by the applicant] and recorded herewith."

4.3 Review by Board of Health as to Suitability of the Land

The Board of Health shall within forty-five days after filing of the plan, make its report to the Planning Board in writing. The Board of Health may make recommendations and comments it deems appropriate, including the approval or disapproval of the plan or lots thereon. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health and include such specific findings and the reasons therefor in such reports, and, where possible, shall make recommendations for the adjustment thereof. Unless connected with sanitary sewers, every lot shall be provided with means of sewage disposal satisfactory to the Board of Health

4.4 Public Hearing

Before approval, modification and approval or disapproval, of the Definitive Plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient for identification shall be given by the Planning Board at the expense of the applicant by advertising in a newspaper of general circulation in the Town, once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing and by mailing a copy of such notice to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent Real Estate Tax Commitment List prepared by the Board of Assessors.

Town Board and Commissions shall be notified of the date and time of the Public Hearing. Comments may be submitted and received by the Planning Board until the Public Hearing is duly closed.

The applicant shall also cause to be placed on the property proposed for subdivision at least 14 days prior to the Public Hearing a sign not exceeding 3 square feet in a location clearly visible to

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the public with the proposed name the of subdivision, the date, time, and location of the Public Hearing, and the notation "For further information, please call the Norton Planning Board at" the telephone number of the Planning Board office.

4.5 Site visit

The Planning Board may determine an on-site visit would aid them in evaluating the subdivision. This visit will be scheduled at the convenience of the Board and duly posted as a meeting. The applicant and their representatives may accompany the Board; the Board may request their consultants and staff to attend. In accordance with the provisions of the Open Meeting law and the practices of the Board, abutters and other interested citizens will informed of the date and time.

4.6 Plan evolved from Preliminary Plan

As provided in the state Subdivision Control Law, Chapter 41, 81§U, if an application for approval of a definitive subdivision plan is filed after action by the Planning Board on a preliminary plan, the Planning Board must act on the definitive plan within 90 days of its submission. In order for the 90 day time period to apply, the definitive subdivision plan shall be based on, or evolve from, the preliminary subdivision plan on which the Planning Board has acted. The following tests shall apply:

- a. if the Planning Board determines that the relationship between the definitive subdivision plan and the preliminary subdivision plan is the same as a "minor" revision, the definitive plan shall be considered to have "evolved" from or be "based on" the preliminary plan. Minor revisions to a plan may be handled in the regular review of an application;
- b. if the Planning Board determines that the relationship between the definitive subdivision plan and the preliminary subdivision plan is the same as a "major" revision, the definitive plan shall **not** be considered to have "evolved" from or be "based on" the preliminary plan. The definitive subdivision plan shall be considered to be a new application for approval of a definitive subdivision plan for which there is a 135 day time period for action. The Board will so notify the applicant and the Town Clerk of its determination. Review of major revisions to a plan will require an extension of the time period for a decision or withdrawal of the current application and submittal of a revised (different) plan.

4.7 Revisions of Definitive Plans

If the plan is revised during the application period allowed the statute, the Planning Board shall determine whether proposed revisions are major or minor. The following are intended to provide general guidelines for the distinction between major and minor revisions but the determination of the Planning Board, based on specific information, is conclusive.

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The Planning Board's policy is that all revisions will be considered "major" unless specifically determined by a vote of the Board to not materially change the impacts and effects of the subdivision on the abutters, particularly if:

- a. there is a substantial increase in the impact of the proposed revision on municipal facilities or services;
- b. if the timing of the proposed revisions, in relation to the public notification procedures set forth in Massachusetts law and in these Regulations, affects the rights of abutters and other interested persons to be informed of a proposed development.

Examples of major revisions to plans as shown on the previously submitted plan include, but are not limited to, the following:

- a. a substantial change in the alignment or profile of a proposed street;
- b. addition of a proposed new street or deletion of a street proposed on the previously submitted plan;
- c. a substantial change in the grading of the tract;
- d. a substantial change in the location, capacity or operating characteristics of a utility system, such as for water service, sanitary sewer or storm drainage;
- e. a substantial increase in the amount of impervious surface that would affect the maximum impervious surface ratio allowed;
- f. a change in the number, or a substantial change in the location or configuration, of proposed lots;
- g. an increase of 10 per cent or more in the number of dwelling units.

Examples of potentially minor revisions to plans, as shown on the previously submitted plan, include, but are not limited to, the following:

- a. a change in the construction details of a street, including dimensions, which does not affect the alignment or profile;
- b. a change in the construction details of a utility system, such as for water service, sanitary sewer or storm drainage, which does not affect its location, capacity or operating characteristics;
- c. a change in the location of the limit of work line; a change in the boundaries of lots which does not affect the location or number of lots;
- d. a change in the landscape design other than in proposed contours.

The Planning Board may determine that a major revision requires a new Public Hearing with appropriate additional fees for notification and advertising.

4.8 Zoning protections

As provided in The Zoning Act, Chapter 40A, §6, if an application for approval of a definitive subdivision plan, or a preliminary subdivision plan followed within seven months by a definitive plan, is filed prior to the date of a vote of the Town Meeting approving an amendment to the Zoning By-Law, the land within the subdivision is governed by the zoning provisions in effect at the

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time of the first filing. Such protection is only afforded for an eight year period. The Planning Board shall rescind approval of unconstructed, approved plans which no longer comply with the Town's Zoning Bylaws.

4.9 Planning Board Action

Within the time limits established by statute, the Planning Board, by vote, shall either approve such plan, with or without modifications, or disapprove it, and shall notify the applicant, by delivery or by registered mail, and the Town Clerk of its action.

An application for approval of a definitive subdivision plan will not be approved if it does not meet one or more of the following criteria:

- a. the plan shall comply with these Subdivision Regulations and with the applicable provisions of the Zoning By-Law;
- b. the application shall comply with the procedural requirements of these Subdivision Regulations; failure to do so shall be the basis for disapproval of an application as much as noncompliance with the design and other standards;
- c. the applicant has paid all fees due, including application fees, advertising and notification costs, and review fees, and has paid all taxes and other municipal charges;
- d. the plan shall be designed in a manner that will meet the objectives and criteria for site design set forth in section 5 of the Subdivision Regulations;
- e. the plan shall be approved by the Board of Health, and a favorable recommendation has been transmitted by the Board of Health to the Planning Board, or 45 days from the date of filing with the Board of Health has elapsed without a recommendation being transmitted to the Planning Board.

Action of the Board, including any conditions of approval and plan modifications or the specific reasons for disapproval, shall be filed with the Town Clerk and mailed to the applicant in the form of a Certificate of Action, signed by a majority of the Board or its agent and suitable for recording in the Registry of Deeds.

The time limit for the Board's action may be extended by vote of the Board upon a written request by the applicant. Such extension of time in which the Board must act shall be filed with the Town Clerk.

Approval of a subdivision does not constitute the laying out or acceptance by the Town of streets within the subdivision as public ways; such acceptance and layout require inspections during construction, the installation of monuments and preparation of as-built plans, and submission of a legal description of the ways as well as Town Meeting approval. Ways approved as "private" may

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not be proposed for acceptance as a public way unless the approved plan is modified and the way is rebuilt if necessary to the construction standards and requirements complying with the Town of Norton Subdivision Rules and Regulations in force at the time of acceptance.

4.10 Performance Guarantee Agreement and Completion

All of the required improvements shall be installed or constructed in accordance with applicable provisions of these Regulations or as shown on approved definitive plans or as specified in the Planning Board's Certificate of Action, or in any covenants and agreements executed by the Applicant and approved by the Board. The applicant shall, immediately after the approval of a Definitive Plan, convey to the Town without cost the free and unencumbered right to enter and use all streets and easements in the subdivision, including the right to install, repair, replace, operate, and forever maintain the surface and the underground utilities therein. Notwithstanding the above, it shall be the responsibility of the applicant and of his successors-in-title to maintain all streets and utilities in the subdivision in a good working condition until such time as they are formally accepted by the Town and not to allow any abuse or improper use which could damage or interfere with the operation of Town's streets water supply, drainage, or sewerage systems.

a. Time to complete

All required improvements shall be completed within two years of endorsement. An Applicant may request an extension of the two year period in which the required improvements must be constructed. The Applicant shall submit a written request to the Planning Board, at least 30 days prior to the expiration of the time period, stating the reasons why an extension is requested and what further time period is required for completion. The Planning Board may grant an extension of not more than one year for good cause. More than one extension may be granted.

As a condition of permitting the extension, the Planning Board may:

- a. require that the amount of any surety be revised, and the amount may be greater than previously established, to ensure that sufficient funds are available to insure the completion of the required improvements;
- b. require that the covenant be revised to reflect the increased construction period; and
- c. impose any additional conditions, as may be needed, to insure satisfactory completion of the improvements.

All other documents related to the approved subdivision plan, will be recorded concurrently with the approved plan. The documents, that must be submitted and approved by the Town Counsel prior to recording, may include, but are not limited to, the following:

- a. a covenant,
- b. a copy of any easement that will be granted to the Town for:

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- 1) access to the utilities prior to street acceptance,
 - 2) access across private property to reach land to be owned by the public or to which the public will have a right of access and use,
 - 3) water service, storm drainage, sanitary sewer,
 - 4) conservation, recreation or other public purposes; and
 - 5) a copy of the language to be placed in the applicable deeds, to run with the land, detailing those restrictions;
- c. a copy of the deeds conveying parcels to the Town, if any;
- d. if applicable, a copy of the language to be placed in the applicable deeds, to run with the land, as follows:
- 1) assigning to the owners of certain lots the responsibility for maintaining the landscaped island in a turnaround,
 - 2) assigning to the owners of lots the responsibility for maintaining the street trees, or other landscape features, in the right-of-way adjacent to their respective lots, and
 - 3) assigning to the owners of certain lots the responsibility for maintaining other improvements within the subdivision.
- e. a municipal liens certificate, duly issued by the Treasurer of the Town of Norton
- b. Covenant before endorsement

The applicant shall submit a covenant to secure the construction of street(s) and the installation of municipal services before the Planning Board endorses an approved definitive subdivision plan. It is the policy of the Board that the subdivision shall be secured by covenant until:

- a. the required improvements (all utilities and pavement to the "base coat level") in the right-of-way across the entire frontage of the lot have been satisfactorily completed, including the drainage fixtures and appurtenances necessary to receive street drainage;
- b. the required improvements between the lot and an existing public street to which the subdivision street will be connected have been satisfactorily completed; and
- c. if necessary, a paved temporary turnaround is provided. A temporary turnaround will not be necessary where the subdivision street is either a through street or is served by a permanent turnaround either of which has been satisfactorily completed.

The following are not required to be completed at this time:

- a. the finish course of the paved surfaces of the street or the sidewalk, if any, and

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- b. the street trees, seeding, or installation of turf, in any grass strip or plant materials required by a landscaping plan.

A covenant shall provide that the street(s) shall be constructed and the municipal services shall be installed as shown on the approved definitive subdivision plan, and in accordance with the Subdivision Regulations and the Standard Specifications and any approved change orders; and that no lot may be built upon or conveyed other than by mortgage deed until:

- a. satisfactory completion of the street(s) and the installation of municipal services serving the lot; or
- b. the lot has been released from the conditions of the covenant by a vote of the Planning Board upon the satisfactory completion of the street(s) and the installation of municipal services, said release filed with the Town Clerk, and recorded.

The covenant shall run with the land and shall be binding upon the Applicant and any successors in title to the land, or any portions thereof, to which the covenant refers. If title to any land subject to the covenant is transferred to another:

- a. the Planning Board shall be provided with the name, address, telephone number of the new owner and of the representative, if other than the owner, responsible for the project, and
- b. a new covenant shall be executed by the new owner, filed with the Town Clerk, and recorded.

The Planning Board shall approve both the form and content of the covenant and it shall be recorded with the subdivision plan.

c. Endorsement

Upon the filing by the applicant of a covenant, and upon expiration of twenty day period after the approval of a Definitive Plan without an appeal being filed, the Planning Board shall endorse the original drawings of the approved Definitive Plan with the signatures of the majority of the Board, date of approval, and any conditions of approval or a reference to the covenant or other instrument containing such conditions and to be recorded with the plan. The Town Clerk shall endorse on the plan a statement that no appeal was filed within the twenty days after the notice of plan approval was received by the Town Clerk. The original drawings of the Definitive Plan shall be returned to the applicant for recording in the Registry of Deeds or filing with the Land Court, together with any covenants, agreements or statements of conditions pertaining thereto. Prior to such recording or filing, the applicant shall obtain and transmit to the Planning Board three prints of the endorsed plan and to the Building Inspector one print of such plan and one copy of any covenant, security agreement, or conditions of approval pertaining to such plan.

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After the plans are endorsed, no changes to the original signed copies are to be made by the applicant or any person acting in their behalf. Plans not recorded within six months of endorsement are deemed "expired" and require new application (Ch. 81 section 41T) or modification (Ch. 41 section 81W) and new fees.

d. Release of covenant and lots

Upon the completion of the street(s) and installation of municipal services as specified in b. above, the Applicant may furnish other surety and request that lots are released from the covenant for the purposes of construction. The Applicant may select, and change, the method of providing the performance guarantee from time to time, subject to the approval of the Board and Town Treasurer.

The Applicant may furnish a performance guarantee by surety in an amount that the Planning Board determines is sufficient to secure the construction of a street and the installation of municipal services for lots in the subdivision in accordance with the approved definitive plan and these Regulations. The surety provided as a performance guarantee may be any of the allowed types in accordance with the provisions of Ch. 41 section 81 U:

- a. by a deposit of money or negotiable securities, or by a bond; the Applicant shall specify the time within which the construction shall be completed provided that period does not exceed the two year period from the date of recording of the definitive plan. If in the form of a "Bank Passbook", each such instrument shall be limited to \$100,000 per financial institution;
- b. by an agreement with a financial institution executed after the recording of a 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 financial institution, which agreement shall be executed by the Applicant and the financial institution. The agreement shall provide for the retention by the financial institution of funds otherwise due the Applicant, and sufficient, in the opinion of the Planning Board, to secure the construction of the street(s) and the installation of municipal services. The agreement shall also provide for a schedule of disbursements that may be made to the Applicant upon completion of various stages of the work. The agreement shall further provide that in the event the work is not satisfactorily completed within the time set forth by the Applicant, any funds remaining undisbursed shall be available to the Town for completion of the street(s) and municipal services.

The Planning Board reserves the right to limit its approval of surety that is held by financial institutions or bonds provided which the Town Treasurer believes are financially sound

e. Establishing amount of surety

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As used in this section, the term "required improvements" shall mean the construction of the street(s) and the installation of municipal services in accordance with the approved definitive subdivision plan and to comply with the Subdivision Regulations.

When the Planning Board sets the amount of surety initially, or at any subsequent time, it shall consider the recommendation of the Superintendent of Streets or its Engineering Consultant as to the amount of money necessary to complete the required improvements. The amount of surety set by the Planning Board may include allowances for: contingencies, escalation of construction costs due to inflation, and the administrative cost to the Town of managing the completion of the streets and municipal services in the event of the Applicant's nonperformance. Even if the subdivision is to be constructed in phases, the Board shall require surety for the entire subdivision as approved.

The Planning Board may set the amount of surety to be held by the Town, whether initially or at any subsequent time, for a period of not more than one year. If the development is not completed by the end of the one-year period, the Planning Board may reevaluate the amount of surety held in relation to the amount of work remaining to be completed and the then estimated construction costs. If necessary to cover the costs of completing the outstanding work, the Planning Board may set a higher amount than that previously established and may require that additional surety be provided.

As a condition of permitting the extension of the time for completion of the work in section 4.9.a. above, the Planning Board may revise the amount of surety.

When the Applicant first proposes to furnish the performance guarantee by the provision of surety, or at any subsequent time when they request to reduce the amount of surety held by the Town, they shall submit:

- a. an estimate of the amount of work completed, if any, and the amount remaining to be completed; and
- b. if any work has been completed, a signed Subdivision Inspection Form that the completed construction of the required improvements or installation of trees and other plant materials complies with the approved definitive subdivision plan.

Any interest or dividends earned while the surety is held by the Town shall be credited to the Applicant and shall not be added to the amount of surety held by the Town.

f. Bond reductions

When some of the improvements for which surety has been provided have been satisfactorily completed, the Planning Board may reduce the amount of the surety to an amount not less than the estimated cost to complete the remainder of the required improvements. The Board may reduce the amount of surety upon receipt of a written request by the Applicant, or upon its own initiative. The bond for the drainage system and appurtenances may not be released until the

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entire drainage system has been functioning at least twelve months; the bond for street trees shall not be released until two growing seasons have elapsed.

Prior to a vote to reduce the amount of the surety, the Applicant shall submit Form M Subdivision Inspection Form to the Planning Board. The Board shall request a report from the Town Planner and a statement from the Superintendent of Streets as to which of the required improvements have been satisfactorily completed and a recommendation as to the amount of money necessary to complete the remaining required improvements.

The Planning Board shall transmit copies of any vote authorizing a reduction in the amount of surety to the Applicant and the Town Treasurer.

The Planning Board's policy is that the amount of the surety held by the Town shall not be less than 25% of the original Estimated Cost to Construct until one year has passed after all actions required by the certificate of action approving the subdivision plan have been satisfactorily completed and the Board specifically votes to release all surety being held.

g. Use of surety by the Town due to nonperformance

The Planning Board may vote to determine that the work on the required improvements is incomplete if any of the following occurs:

- a. the Applicant's work is not proceeding continuously and expeditiously to completion so far as is reasonably practicable under the circumstances; or
- b. the construction is not completed within two years of the date the approved plan was recorded at the Registry of Deeds, or within one year of the date on which the Planning Board may have granted an extension of time; or
- c. if the construction is not in accordance with the approved definitive plan and in compliance with the Standard Specifications;

and may authorize the Town to expend the funds in the surety to complete such construction and installation.

Prior to expending funds from the surety, the Planning Board shall notify the Applicant and other persons known to have a financial interest in the subdivision by certified mail that:

- a. the Board has determined that:
 - 1) the construction of the required improvements is incomplete,
 - 2) work is not proceeding continuously and expeditiously to completion, and
 - 3) that intervention by the Town is necessary to complete the work; and

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- b. if work is not resumed within forty-five (45) days of the date of notification, and does not proceed continuously and expeditiously to completion, the Planning Board will order that the Town complete the work.

If the amount of surety available from the Applicant is not sufficient to complete the required improvements and/or to remedy any failure of improvements installed incorrectly, the Town may initiate proceedings to recover the additional costs necessary from the developer to complete and correct all required work.

If there are funds remaining in the surety after the Town has taken all actions necessary to complete the required improvements and/or to remedy any failure of improvements installed incorrectly, the Applicant, or in his/her absence, the financial institution that holds the surety may file a written request for final release of surety as provided in these Regulations.

h. Rescission of release of lots

The Planning Board may rescind a release of one or more lots previously voted, as provided in other provisions of these Regulations:

- a. in the event that the Applicant desires to change the type of performance guarantee from surety to a covenant;
- b. in the event that construction is not in compliance with the approved plan and appropriate notification has been given;
- c. in the event the Board votes to rescind its approval of the definitive subdivision plan.

Except in "a.", rescission of a release of a lot shall be recorded by the Town.

4.11 Completion

Upon the completion of improvements required under these Regulations and a minimum periods specified above, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the developer may request and agree on terms of release with said Planning Board, or may send by registered mail to the Town Clerk a written statement in duplicate that all construction or on in connection with such bond, deposit or covenant has been completed in accordance with the requirements contained in these Regulations. The Town Clerk shall forthwith a copy of the statement to the Planning Board.

If the Planning Board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the Town Clerk the details wherein said construction and installation fail to comply with the Requirements. Upon failure of the Planning Board to act on such application for release within forty-five days after the receipt of the application by the Town Clerk, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the

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event that said forty-five. day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

The Applicant shall also submit as-built drawings, accompanied by a legal description of all streets within the subdivision. These "as-built" plans shall shown all the improvements installed in the subdivision during the construction. The Applicant shall also submit a certification from a Registered Land Surveyor that the monuments are installed in the locations specified on the plans. Failure to submit as-built plans, legal descriptions, and the certification shall be considered a deficiency and the subdivision will not be considered completed by the Board. The Board shall then use the remaining surety to complete this work. If the amount of surety available from the Applicant is not sufficient to complete the plans, description, and certification, the Town may initiate proceedings to recover the additional costs necessary from the developer to complete all required work.

ARTICLE V: DESIGN STANDARDS

5.1 Design guidelines

Subdivisions should be designed in such a way that the rural, architectural, and historic character of the Town is preserved and enhanced, in a manner in which new development is compatible the historic forms of settlement, and within the constraints of development of the Town's environmentally-sensitive lands.

To achieve these goals, all subdivisions shall be designed and improvements made consistent with the requirements of this section. Design and construction shall reduce, to the extent reasonably possible, the following:

- a. volume of cut and fill;
- b. area over which existing vegetation will be disturbed, especially on land within 200 feet of a river, pond, watercourse, or stream, or having a slope of more than 15%;
- c. number of mature trees removed;
- d. extent of waterways altered, relocated, or negatively impacted;
- e. visual prominence of man-made elements which are not necessary for safety or orientation;
- f. visibility of building sites from existing streets;
- g. blockage of vistas through new development;
- h. removal of existing stone walls;
- i. number of driveways exiting onto existing streets or collector streets;
- j. alteration in groundwater or surface water levels or chemical constituents;
- k. disturbance of important wildlife habitats, outstanding botanical features, scenic or historic environs, including ancient ways and cart paths; and
- l. soil loss or instability during and after construction.

and shall increase, to the extent reasonably possible, the following:

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- a. configurations using collector streets to avoid traffic on streets providing house frontages;
- b. visual prominence of natural features of the landscape;
- c. street layout facilitating solar orientation of houses;
- d. use of curvilinear street patterns, following to the extent possible, ancient ways and cart paths in the Town; and
- e. visual and auditory buffers from major arterial roads and numbered highways.

The proposed subdivision plan shall be designed in a manner that will:

- a. be compatible with the existing natural features of the site and the surrounding area; will preserve the existing land form in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of vegetation that may result therefrom, particularly from development on steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption;
- b. provide adequate facilities for the occupants of the subdivision and will provide for the functional design of facilities, structures and site construction, in accordance with recognized design standards and criteria accepted by the Town of Norton;
- c. promote a high standard in the design of sites being developed, will enhance the natural character and appearance of Norton, will minimize awareness of the existence of a subdivision by screening views of the subdivision from nearby streets, neighborhoods or Town property by the effective use of existing land forms, and by existing vegetation or supplemental planting;
- d. locate intersections of subdivision streets with the Town's arterial or collector streets so as to minimize the risk of accidents and traffic congestion;
- e. permit adequate access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment;
- f. permit easy and barrier free access for persons with physical handicaps or other special needs to the public facilities, such as sidewalks, within the subdivision;

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- g. provide a system of routes for pedestrians, including bicycles, with minimal conflicts with vehicles and that connects with a townwide system of pedestrian and bike ways that ideally follows ancient ways and cart paths when possible;
- h. locate and design open space on the site, particularly usable open space, so as to increase the visual amenities for the surrounding area as well as for the occupants of the subdivision;
- i. provide improved access to, or the development of additional links and connections to, a Town system of public facilities such as conservation areas, recreation facilities, sidewalks and pedestrian paths, streets or utility systems;
- j. either place electric, telephone, cable TV and other such lines and equipment underground; will locate and screen support facilities, such as storage, refuse disposal, utility buildings and structures for recreational activities, to form as effective a visual screen of them as is possible;
- k. insure that new facilities or the erection of new buildings are compatible with buildings or places of historic or architectural significance;
- l. not create adverse impacts on the public services and facilities serving the subdivision, including those that are off the site, such as the sanitary sewer system, the storm drainage system, the public water supply, the street system for vehicular traffic, the sidewalks and footpaths for pedestrian traffic, and, in addition, for residential developments, the recreational and educational facilities; or where there is insufficient capacity in, or adverse impacts on, such services and facilities, improvements will be made to provide sufficient capacity or potential adverse impacts will be mitigated in connection with the approved subdivision;
- m. not present a demonstrable adverse impact on the surrounding area during construction resulting from:
 - 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses legally permitted in the surrounding area,
 - 2) emission or discharge of noxious or hazardous materials or substances,
 - 3) pollution of surface water or ground water, and
 - 4) storage and use of hazardous materials on site;
- n. take all measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area of a proposed development, such

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as, but not limited to, minimizing the velocities of water runoff, maximizing protection of disturbed areas from stormwater runoff, and retaining sediment within the development site as early as possible following disturbances; or

- o. insure that no subdivision causes downstream properties, water courses, channels, or conduits to receive stormwater runoff at a higher peak flow rate, or to receive other unreasonable impacts, than would have resulted from the same storm event occurring over the site of the proposed subdivision in its natural undeveloped condition.

5.2 Applicability

All definitive plans shall conform to the standards and requirements noted herein. Failure to comply with these standards without the benefit of a waiver granted by the Board pursuant to section 7 of these regulations, shall be considered reason for denial of the definitive plan.

Design standards not specifically included in these Requirements shall comply with the standards set forth in the most recent edition of the 'Standard Specifications for Highways, Bridges and Waterways' of the Commonwealth of Massachusetts Department of Public Works.

5.3 Street Width and Grade

Except where otherwise required by the Planning Board due to special conditions, all street shall conform to the Typical Cross-Section (appendix B) and to the following design criteria:

	Minor Street	Local Street	Major Street
Design speed - miles per hour	20	25	40
Right of way width, in feet	40	50	60
Pavement width in feet	24	26	28-38
Sidewalks, number and width in feet	1 @ 4	2 @ 4	2 @ 5
Maximum gradient	10%	8%	6%
Minimum horizontal centerline radius in feet	100	150	400
Curb material	sloped granite	sloped granite	sloped granite

Notes:

1. Minor streets shall be permitted only upon the recording of a covenant that the way shall always be "private", never presented for acceptance, and that a

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homeowners association or other mechanism will be created to provide for the maintenance, repair, and liability of the way.

2. Design standards greater or lesser than those above may be required or permitted by the Planning Board as needed for the existing or expected traffic conditions.
3. All streets serving nonresidentially zoned and used land shall be constructed as major streets.
4. The Board may determine the paved width of the roadway based on traffic levels, paved widths of the abutting and adjacent ways, and the character of the Town in the general vicinity.

5.4 Location and alignment

All streets shall be designed so as to provide for safe vehicular travel, livability and amenity of the subdivision. In particular, local streets shall conform to topography and avoid long straight segments which encourage speeding, while collector streets shall facilitate safe movement of vehicular traffic by ample sight distances and avoidance of steep horizontal and vertical curves, especially at approaches to an intersection.

a. Extensions to unsubdivided land

The creation of street layouts shall allow for access to adjoining property which is not yet subdivided. Unless approved by the Board, all layouts shall continue to property lines. Street construction within these layouts may not be mandatory, but the ways shall be laid out and bounded for acceptance along with the streets constructed. Reserve strips which prohibit access to streets or adjoining property shall not be allowed unless the Board determines that they are in the public interest.

b. Intersections

Streets be laid out so as to intersect as nearly as possible at right angles. The Board may permit waivers of this right angle requirement, provided such intersection is determined to have adequate sight distance and sufficient stopping area; however, no street shall intersect any other street at an angle of less than 60 degrees.

There shall be a 50-foot long area at the approach to each intersection with a grade not greater than one percent (1%),

Street jogs with centerline offset of less than 150 feet shall be avoided, three-way T junctions will be preferred and full four-way intersections shall not be allowed. All intersections shall be designed with a curb radius of thirty-five feet, and

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property lines shall follow the curb radius with both curves having the same center point.

c. Change in direction or grade

Major streets shall have reverse curves separated by a straight segment of at least 100 feet and no more than 500 feet.

Gradients shall not exceed the maximums listed in the criteria above; all streets shall have a minimum gradient 0.6%. Within the right of way lines, no cut or fill shall exceed 8 feet.

For every degree of algebraic difference between slopes, vertical curves shall have 50 feet length on local streets and 100 feet length on collector streets.

d. Deadend streets

"Dead-end streets shall not exceed one-thousand (1000) feet in length and shall provide access to no more than thirteen (13) residential dwelling units." Deadend streets may be constructed upon the granting of a waiver. Deadend streets will be permitted only if they are permanently "private".

In addition to creating a safer neighborhood due to the reduction in traffic, other criteria evaluated in determining whether a waiver should be granted shall include whether:

- a. the dead-end street results in better use of the land and better protection of environmentally-sensitive lands;
- b. the design incorporating the dead-end street preserves open space;
- c. the design based on the dead-end street reduces driveway intersections on an existing street; and
- d. the use of a dead-end street provides adequate pedestrian connection between neighboring streets.

When granted, a dead-end street shall have a circular turn-around at the end of the radius at the edge of the right of way of forty-seven feet, a paved radius of thirty-seven feet, with curves of not less than twenty-five (25) feet at the entrance. Alternative designs, particularly those which reduce the paved area, are encouraged by the Planning Board including ellipses and islands, provided however, landscaped islands will be allowed if language is placed in the applicable deeds of lots fronting on the turnaround, to run with the land, assigning the owners of those lots the responsibility for maintaining the landscaped island in the turnaround.

The Board may require temporary turnarounds to be constructed to provide for

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extension of roads into adjacent or abutting land or to provide for the orderly "phasing" of construction within a subdivision. These turnarounds shall be constructed within easements which shall conform to the requirements for permanent turnarounds pavement as to dimension; they shall be discontinued when a street is extended and the excess pavement removed, with the sidelines of the right of way loamed and seeded or otherwise improved according to the approved subdivision plan.

e. Common drives

The use of common drives are encouraged to reduce street openings onto existing major and arterial roads. Common drives will be allowed if language is placed in the applicable deeds of lots using the drive to allow the abutters and their guests to pass and repass and assigning the owners of those lots the responsibility for maintaining the drive, turnaround, and any utilities or improvements required.

Common drives shall be a minimum of 16 feet in width, not exceed twenty feet, and when serving more two lots, provided with a turnaround or tee to facilitate emergency access. Common drives need not be paved, but may be constructed of compacted gravel. If required by the Fire Chief, an easement for a water line shall be provided and a fire hydrant shall be installed near the terminus. Common drives may not be used to provide "frontage" as required by the Zoning Bylaws.

f. Access to residential subdivisions

Access to any residential subdivision must be within the Town limits. Any access to a subdivision through another town requires certification from that town that the street is in accordance with plans and subdivision requirements of that town, that bond posted is adequate, and that the access is adequate for the expected traffic levels. Pedestrian connections to a street in Norton shall be provided to accommodate the scheduling of school buses and to effectively link the subdivision with Norton.

5.5 Easements

When necessary, the applicant shall provide easements for water supply systems, drainage systems and appurtenances, sewerage systems, other utilities, paths, trails, and other purposes as needed to comply with these Regulations.

- a. Easements for utilities across lots or centered on rear or side lines shall be provided where necessary and shall be at least twenty feet wide.
- b. Where a subdivision is traversed by a water course, drainage ways channel or stream, the Planning Board may require that there be provided a storm water

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easeement or drainage right of way of adequate width to conform substantially to the lines of such water course, drainage ways, channel or streams and to provide for construction or other necessary improvements and adequate post-construction resource protection.

5.6 Street Curbing and Sidewalks

Curbing shall be installed on both sides of an roadways and rotary circles, and shall blend into the driveway, and handicapped ramp entrances. All curbing except bituminous curbing shall be set after the bituminous concrete base course has been set and prior to the placing of the wearing course. When bituminous curbing is allowed, the base course shall extend to the width of the curbing and shall be pitched to the gutter line in order to facilitate drainage during construction and to provide an adequate footing for the berm.

Transition curbing shall be used when change in type or profile occurs, such as granite curb inlets to bituminous curb.

Sidewalks shall be required on both sides of all streets and shall be placed at least two feet back from the edge of the road. When appropriate to preserve existing trees and when consistent with the character of general vicinity, sidewalks may meander within the right-of-way or on easements along the street right-of-way. The area between the side of the road and the sidewalk shall be loamed and seeded. Any projections or encroachments into the sidewalk area, such as fire-hydrants, utility boxes, guy wires and the like are specifically prohibited.

Pedestrian ways and easements shall be required to break up long blocks or to connect open spaces, park areas, and adjacent neighborhoods. All pedestrian pathways shall be constructed to avoid large trees, rock outcrops, water courses and other natural features that, if preserved, will add to the attractiveness of the subdivision and to follow to the extent possible the ancient ways and cart paths, if any, on the property. Design alignment and gradients that will allow natural drainage, eliminate drainage pockets and minimize potential for erosion. When the Board requires such paths, the Applicant shall provide plan and profile drawings based on site surveys to show existing and proposed conditions along pedestrian pathways.

Handicapped ramps meeting Americans with Disabilities Act requirements shall be constructed at all street intersections and at the beginning and ending of all sidewalks. Driveways shall be designed in such a way that they do not create a barrier to handicapped persons.

5.7 Sideline slopes

The slopes at the edge of the pavement to the existing grade shall also be governed by these Regulations. When necessary, slope easements shall be provided if these areas

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extend beyond the street layout because of required cuts and fills. Where necessary due to proposed fill, tree wells shall be shown and provided for trees over 10" in diameter which are intended to be preserved.

The side slopes shall be blended into the abutting property at a maximum slope of three feet horizontal to one foot vertical. When sidewalks are not required, the slope may begin two feet beyond the edge of the pavement. The Board may require that the horizontal slope distance be increased if in its opinion, the resulting slope better blends into the surrounding natural landscape and vegetation. The Board may also require the installation of retaining walls or other details to minimize the length of slopes onto adjacent properties and minimize the removal of existing vegetation.

Slopes shall be stabilized during construction and adequate measures taken to prevent erosion. A minimum of six inches of loam shall be spread on the slopes and seeded. Alternate landscaping treatments may be considered if the Board determines alternatives better suit the character of the area.

5.8 Open Spaces

Before approval of a plan the Board shall require the plan to show a park or parks suitably located for recreation purposes. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of the land. The Planning Board shall by appropriate endorsement on the plan require that no building be erected upon such land for a period of up to three years without its approval and the Town will, therefore, have three years within which to acquire such land, if the Town desires to do so.

5.9 Storm Drains

The Board encourages a general approach to drainage which uses methods to recharge unpolluted surface water within the locus of the subdivision. In exceptional circumstances by specific vote of the Board, a detention or retention basin may be utilized. Storm drains, culverts, swales, detention and retention basins shall be designed to permit the unimpeded flow of all natural water courses, to ensure adequate drainage at all low points along streets, to control erosion, and to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area being drained. Where determined to be appropriate by the Board, storm water shall be carried on the ground and recharged ("open system") rather than piped to surface water ("closed system").

The following objectives shall guide the design:

1. To protect and maintain surface and ground water quality
2. To minimize disruption to existing features on the site and abutting properties and to utilize natural systems such as pretreatment marshes and vegetated swales.

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3. To ensure that the rate of off-site flow levels of stormwater shall not exceed pre-development levels.
4. To minimize long term maintenance of the system and,
5. To prohibit direct discharges of unfiltered surface water into any water body.

The Definitive Plan shall show surface and subsurface storm drains, culverts and related drainage structures sufficient to adequately drain snow melt and other precipitation and flooding runoff from lots and streets. Drainage capacity of appurtenances within the streets shall be designed for a 25-year storm or flood, except that culverts for water courses crossing streets and retention basins shall be designed for 100-year flood event and swales shall be designed for a 50-year storm event. Hydraulic design calculations shall be submitted to the Board. Calculations shall be based on the Soil Conservation Service Modified Soil Cover Complex Method, except for drainage areas whose small size or soil type suggest the use of the Rational Method instead. Waiver of the Soil Cover Complex Method shall be requested of the Board and shall be permitted only upon a specific vote of the Board.

Minimum pipe diameter shall be 12", minimum velocity when flowing full shall be 2 feet per second, the maximum velocity shall be ten feet per second, and the spacing of catch basins shall be 200 feet or less to provide adequate drainage at intersections. Catchbasins shall be connected through manholes, not catchbasin to catchbasin; manholes shall also be provided at changes in direction and when the drainage pipe sizes change.

Where the storm water is directed or channeled to or over the land of others (except a natural waterway) in a manner resulting in significant changes in intensity (concentration) or location of runoff, subdivision approval will be predicated on the applicant first obtaining the necessary easement rights and filing recorded copies with the Planning Board. Drains shall be extended to adjacent land to provide for their continuation in future developments, where appropriate.

5.10 Basin and Pretreatment Marsh Requirements

Retention and detention basins shall only be allowed by specific vote of the Planning Board and when the use of such facilities results in better environmental management of water, better recharge of groundwater, and no reasonable alternatives exist. The Board shall consider whether the proposed design poses hazards to children or wildlife, whether the proposed facility disturbs an inappropriate amount of existing vegetation, and the impact on ground and surface water quality and supply. The Board may consult the Conservation Commission in determining whether to grant a waiver for such a facility

1. Detailed designs of retention/detention basins and pretreatment marshes

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are required. At a minimum, they shall include cross sections, soil types, depth to maximum ground water levels, final slopes and elevations. A planting and stabilization schedule is required for the side slopes, including trees, grasses and shrubs indigenous to or appropriate for the area.

- a. The bottom of retention/detention facilities shall be a minimum of two feet above the seasonably high groundwater level and vegetated to promote the filtration of contaminants. Permanent standing water is not allowed unless the facility is located adjacent to or hydrogeologically connected to a wetland or body of water and specific approval for standing water is granted by the Board.
 - b. Detention or retention facilities located within the Water Resource Protection District shall be designed to infiltrate surface drainage into the groundwater only after pretreatment.
 - c. Retention facilities shall be designed to store a one hundred year storm flow with two feet of freeboard at the maximum water level. A one-hundred year storm event shall not require more than seven days to dissipate based upon the permeability of the soil.
 - d. Percolation rates for the site shall be required if the design size of the facility is based upon the ability of the stormwater to recharge into the ground.
2. Plans for pre-treatment marshes shall specify the average and maximum levels of the adjacent water body and the proposed water level of the marsh. If storage capacity is being created, the plans shall illustrate the methods being employed as well as the type and elevation of the inlets and outlets. A specific planting scheme of wetland vegetation is required.
- a. Pretreatment marshes shall be constructed in upland areas and then, for the purposes of determining minimum lot sizes under Zoning, shall be deemed "wetlands". Wetlands as defined by M.G.L. Ch 131 and under the jurisdiction of the Conservation Commission shall not be altered for marsh construction.
 - b. To promote water quality, the marsh shall be designed to retain the 'first flush' of drainage water to allow contaminants to settle out prior to the water entering the adjacent water body. Subsequently it must be capable of storing or detaining a ten year storm event.
3. All facilities shall be designed to minimize the need for fencing and screening. Whenever possible, they shall follow the natural contours and not create large undisturbed areas, steep slopes or walls. Slopes shall not exceed three

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feet horizontal to one foot vertical. If fences are necessary because of proximity to homes or usable open space, there shall be a minimum of four foot tall chain link planted with wild roses or other thorny plants to discourage climbing and screen the fence and basin.

4. Basins over four feet deep are particularly discouraged. If basins over four feet deep are constructed, the side slopes shall not exceed three feet horizontal to one foot vertical and a minimum of four foot tall chain link planted with wild roses or other thorny plants may be required.

5. Access to these facilities shall be adequate for mechanized equipment. Appropriate easements shall be granted to the Town of Norton or other parties responsible for future maintenance purposes.

6. The Board shall require that a separate performance guarantee be posted to secure the completion and satisfactory functioning of any drainage basin or pre-treatment facility. This performance guarantee shall be required for a specified time period to insure the proper growth of plant species and to insure the functioning of the system as designed.

5.11 Sanitary Sewers

Sanitary sewers shall be designed and constructed in the subdivision so as to permit the connection of as many buildings as possible. The construction specifications for sewer systems shall comply with the requirements of the Board of Sewer and Water Commissioners, but shall comply with the following general specifications: Minimum pipe diameter shall be 8", except for building connections, and minimum design velocity when flowing full shall be 2 feet per second. Manholes shall be spaced at intervals of not greater than 400 feet. Sewers shall be extended to the perimeter of the subdivision where necessary for future continuation to sewer adjacent lands. Sewers shall not be located less than 2 1/2 feet below street or ground surface without special protection against crushing and freezing. If connection to the municipal sewer system is not presently available, the Board shall require a sewer system meeting the requirements of the Board of Sewer and Water Commissioners be installed and capped to enable connection when available.

5.12 Water Supply System

Where connection to the municipal water system is within 1000 feet of the subdivision, subdivisions will be designed to be served by Municipal water supply and to form a part of a water circulation loop. If the proposed subdivision is more than 1000 feet from the existing water system, the Board may, upon the recommendation of the Board of Sewer/Water Commissioners, require that the subdivision be connected.

Extensions to adjacent undeveloped land for future continuation shall be required, whenever appropriate. The construction specifications for water distribution systems shall

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comply with the requirements of the Board of Sewer and Water Commissioners, but shall comply with the following general specifications: Minimum pipe diameter shall be 8"; water pressure shall be designed to be adequate for fire fighting, hydrants shall be spaced not more than 500 feet apart, water piping in streets shall be located at a depth of 4 1/2 feet or more, and the plan shall show adequate valves and other appurtenances for safe economical operation and maintenance of the system. All design and construction shall be in accordance with the specifications of the Water Department. Approval and bonding shall be as required by the Water Department.

In the event that water is not available during the approval or construction of a subdivision, the Board shall require water mains meeting the requirements of the Board of Sewer and Water Commissioners be installed "dry" to enable connection when water becomes available.

5.13 Wiring

The Board shall require electric, cable television, and telephone wiring to be installed underground in streets at the edge of the paved way unless preservation of existing trees necessitate an alternative location. Fire alarm systems shall be installed in all subdivisions in accordance with the specifications of the Fire Department; the location and design of such fire alarm systems shall be shown on the Definitive Plan. Approval and bonding shall be as required by the Fire Department.

5.14 General Design Requirements

Design of utilities and streets not specifically covered hereby shall follow the accepted engineering practice. The Board shall require submission of detailed design drawings for unusual or special features such as large culverts wing and retaining walls, bridges and piers, pump stations, land disposal of waste water, and the like.

5.15 Monuments

The Definitive Plan shall identify at least two existing permanent monuments outside the subdivision which can be used as a reference for the location of the subdivision. Permanent granite or reinforced concrete bounds shall be installed at all points of change of direction or curvature in the street line. Monuments shall be at least four feet long and 5" x 5" in cross-section with a drill hole on top denoting the survey point. Where the placement of a bound is not feasible, alternate monumentation, such as a drill hole in a rock or masonry, or offset monuments shall be provided.

5.16 Street Signs and Street Names

The Applicant shall be responsible for the installation of traffic safety signs, speed limit signs, and street signs as required. These signs shall be installed to the specification of the Highway Department within sixty days after the issuance of the first occupancy

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permit on said street and prior to the final bond release for the subdivision.

Streets shall be named by the Board, honoring early settlers in the vicinity of the subdivisions, veterans of the Revolutionary or Civil War eras, or other notable early Norton citizens. Street names shall not be similar to existing street names to eliminate possible confusion in emergencies. The Board reserves the rights to name streets and if necessary to avoid similarities, subdivisions.

5.17 Street Lights

Streets lights shall be installed in the following locations within the subdivision; at the intersection of two or more streets unless there is an existing street lamp within fifty feet of the site, at distances no greater than every four hundred feet along a street, at the end of all turnarounds, and at sharp curves, significant grade changes or other natural or man-made features or obstructions. The Board may modify the location of lights to better facilitate public safety. Any changes in the approved street lighting plan shall be reviewed by the Board prior to the stanchions being installed.

The Applicant shall contact the Massachusetts Electric Company to install street lights upon receiving approval of the definitive plan. Massachusetts Electric may require the Board to review their lighting plan before it will install the stanchions. It is the responsibility of the Applicant to initiate this review.

The costs for street lighting shall be paid by the Applicant until the street is accepted. Street lighting shall be installed and functional prior to any occupancy permits being issued.

5.18 Shade Trees

All subdivisions shall have shade trees planted at forty foot spacing on each side of the street to supplement any existing trees are to be preserved. The exact location of all shade trees, both existing and proposed shall be shown on the plan. The Tree Warden shall make a recommendation to the Board regarding the desirability of retaining existing trees, transplanting of trees from other locations within the subdivision, and the planting of new trees. The Tree Warden shall also specify or approve the species to be planted or transplanted, seeking appropriate species for street trees in that vicinity of Town and diversification of species planted. In general, street trees not less than fourteen feet in height and with caliper of at least four inches diameter at breast height, shall be planted and spaced in conformance with 'Standard Construction Details'. Types, sizes, quantities and planting arrangement of other trees, shrubs and plant materials shall also be specified on the Landscaping Plan for the subdivision and approved by the Board.

A continuous healthy growth for all planted trees, shrubs, plants and seeded areas shall be maintained by the developer for two growing seasons, at least one year from the date of completion of all work on the street, or until the street is accepted by the Town of Norton,

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whichever is later, unless the owners of lots have been assigned the responsibility for maintaining the street trees, or other landscape features, in the right-of-way adjacent to their respective lots, and a copy of that language to be placed in the applicable deeds, to run with the land.

5.19 Walls

Retaining stone walls, guard stone walls and head walls shall be designed when needed and shown on the approved definitive plans. Unless otherwise approved by the Board, materials shall be stone and/or broken rock or ledge of a type found in the land being subdivided. No stones for new walls shall be removed or used from stone walls existing on the land, except those encountered within street construction areas. Whenever possible, existing stone walls shall be preserved. The Board encourages the use of stone walls to define the boundaries of new lots and when this is not feasible, encourages the rebuilding of stone walls along new lot lines, particularly in rural areas. Stones from stone walls off property may not be removed to be reused without the written permission of the Board.

5.20 Erosion Control Requirements

In order to reduce erosion accompanying the installation of ways, utilities and drainage, and to prevent the pollution of waterways and wetlands, the Board shall require the submittal of an erosion control plan. The purpose of the plan is to protect the public's safety, convenience and welfare by minimizing the detrimental effects of soil erosion and sedimentation that may occur as a result of the disturbance of land as a part of the construction of a subdivision. The plan shall be developed in such a way to ensure sanitary conditions by protecting the soil's capability to support vegetation. This plan shall further discuss in detail the mitigating measures that will be taken to reduce erosion, the deposition of sediments, to reduce the possibility of surface and ground water degradation (both during construction and long-term scheme after development is constructed) and to lessen the threat of flooding caused when sediment disposition reduces water depth and volume in storm sewers and drainage channels.

Erosion control plans shall be submitted with the definitive plan submission as a portion of the Environmental Impact Statement and approved by the Board. These plans shall be referenced in and considered a part of any definitive plan approval. The Planning Board shall not, except in the most exceptional circumstances, waive the requirement for an soil erosion and sediment control plan. The Planning Board may require the applicant to submit the plan to the other Town Boards and Commissions for comments and recommendations.

A soil erosion and sediment control plan shall contain acceptable provisions to adequately control erosion and sedimentation on the proposed site based on the best available technology. The principles, methods and practices used in the preparation of a soil erosion and sediment control plan shall conform to the following or other generally recognized

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engineering standards:

- a. Erosion and Sedimentation Control in Site Development, Massachusetts Conservation Guide, Volume 1, USDA, SCS, 1983.
- b. Vegetative Practices in Site Development, Massachusetts Conservation Guide, Volume 2, USDA, SCS, 1983.
- c. Guidelines for Soil and Water Conservation in Urbanizing Areas in Massachusetts, USDA, SCS, 1975.

The soil erosion and sediment control plan shall be prepared by a registered professional engineer and consists of a map identifying affected and altered areas and a narrative. The map, at a scale of 1" = 40' or other scale approved by the Board, shall show superimposed on the "existing conditions sheets" from section 4 the following:

- a. Existing and proposed topography at 2 foot intervals, identifying areas of cut and fill and planned grades and slopes
- b. Soil types
- c. Proposed area alterations including cleared, excavated, filled or graded areas and proposed roadways, drainage system improvements, and general areas to be developed for structures
- d. Location and design details for all proposed soil erosion and sediment control measures

The narrative shall address the following in detail:

- a. Areas subject to flooding or ponding
- b. Proposed surface drainage system description
- c. Proposed land grading and permanent vegetative cover
- d. Protection of existing vegetation to be preserved
- e. Relationship of development to topography
- f. Proposed alterations to shore lines, marshes, and wetlands
- g. Flood control easements
- h. Wetlands impact
- i. Estimation of increase in peak run-off and recharge methods proposed

The plan shall also describe, and where appropriate, locate on the map:

- a. The sequence of grading and construction activities, the schedule for grading and construction activities including the start and completion dates, sequence of grading and construction activities, sequence for installation and application of soil erosion and sediment control measures, sequence for final stabilization of the project site;
- b. The sequence for installation and application of soil erosion and sediment

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control measures;

c. The sequence for final stabilization of the development site;

d. The construction details for proposed soil erosion and sediment control measures and stormwater management facilities;

e. The operations and maintenance program for proposed soil erosion and sediment control measures.

The Universal Soil Loss Equation shall be used to estimate the present annual soil loss from the site, as well as the estimated annual soil loss from the site while under construction and after construction is completed. Erosion and sedimentation control measures described in the plan shall be adequate to retain all sediment within the development and away from wetlands, watercourses, and waterbodies, both during and after construction.

Site development shall not begin unless the soil erosion and sediment control plan has been approved by the Board and the control measures and facilities in the plan scheduled for installation prior to site development are installed, inspected, and found to be functional. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled during the construction process. In any case, no slopes shall be left exposed more than thirty days from the removal or disturbance of topsoil. If the slopes cannot be loamed and seeded within this period, the applicant will propose intermediary stabilization measures. All control measures and facilities shall be maintained in effective condition to ensure compliance with the soil erosion and sediment control plan. If the Board deems it necessary, separate surety to ensure the proper installation, function, and maintenance of erosion control measures and facilities may be required before site development begins.

Preparation and approval of a soil erosion and sediment control plan shall not exempt any development from compliance with permits required under the Norton Zoning Bylaws.

ARTICLE VI: REQUIRED IMPROVEMENTS AND CONSTRUCTION STANDARDS

6.1 Clearing

The entire area to be paved in each street or sidewalk shall be cleared of all stumps, brush, roots, boulders loam, peat, mulch, quicksand and other spongy or undesirable material to whatever depth it occurs. All spongy, organic, or unstable material shall also be removed at the sides of the roadbed to the point where 3-foot horizontal to 2-foot vertical slopes from the edges of pavement intersect hard bottom, so as to ensure lateral support of the roadway. There shall be no open burning of woody material. All stumps, brush, and other materials not able to be reused shall be disposed of in compliance with Massachusetts Department of Environmental Protection regulations. This required clearing work shall not be deemed to be incidental to construction or exempt from the provisions of "Earth Movement" of the Norton Zoning Bylaws. Trees designated for preservation shall be marked by the Board and not removed. This work shall be inspected and approved as provided below before continuation of the project.

6.2 Rough Grading

The entire length and width of the vehicular roadway shall be rough graded 15" below the finished grade, and the entire length and width of all required sidewalks shall be brought to a firm subgrade 6" below the finished grade. All fill or ordinary borrow for the subgrade shall consist of firm bearing material acceptable to the Superintendent of Streets and shall contain no loam or organic matter. No rocks over 3" diameter shall be retained or placed within 18" of the street surface. This work shall be inspected and approved before continuation of the project.

6.3 Utilities

All subsurface utilities shall be installed to true grade on firm bed free of rocks, soft or unstable material, and shall be backfilled, puddled and tamped only upon inspection and approval of installation in the open trench. All utilities shall be installed prior to the installation of the base coat of bituminous asphalt within the road right-of-way beyond the edge of the paved way unless the Board designates an alternative location to preserve existing trees. Specifications for the installation of utilities shall conform to the supplying company's standards.

6.4 Sanitary Sewers and Water Supply System

These systems shall comply with all the requirements of the Board of Sewer/Water Commissioners. Sewer and water pipes shall be flushed and tested prior to connection to Town system. No connection will be permitted if evidence of leakage, infiltration, or contamination exists. All water main construction shall conform to all specifications of the Town of Norton's Water Department. All fire hydrants shall comply with the Fire Department and Water Department specifications.

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6.5 Wiring

Domestic electricity and street lights shall meet the requirements of the Massachusetts Electric Company, telephone wiring shall comply with the requirements of the New England Telephone Company, cable television shall comply with the requirements of the Town's cable contractor, and fire alarm systems shall be installed in accordance with the specifications of the Fire Department.

6.6 Storm Drains

The following design criteria shall be used:

<u>System</u>	<u>Design event</u>
Closed system street drainage (manholes, catchbasins, pipes)	25-year storm
Culverts crossing streets	100-year storm
Detention basins	100-year storm
Swales, open drainage system	50-year storm

For closed drainage systems, the minimum pipe diameter shall be 12", minimum velocity when flowing full shall be 2 feet per second, the maximum velocity shall be ten feet per second, and the spacing of catch basins shall be 200 feet or less to provide adequate drainage at intersections. Catchbasins shall be connected via manholes, not catchbasin to catchbasin; manholes shall also be provided at changes in direction and when the drainage pipe sizes change.

For the Storm Drainage System, the work shall consist of performing all excavating and backfilling operation; and shall include all associated features such as the construction of detention/retention facilities, pretreatment marshes, storm drains, the installation, waterproofing, and backfilling of all other storm sewer structures other than pipe; such as catchbasins, manholes, and culverts.

a. Retention/detention basins

Retention/detention facilities or pretreatment marshes shall be completed prior to the conduction of storm water flows from the drainage system into them. The intent is to insure satisfactory vegetation growth and proper functioning of the facility. Unsuitable materials found at the bottoms of any facility designed to leach stormwater into the ground shall be removed as directed by the Board or its consulting engineer and replaced with a suitable material.

Slopes on the side walls of basins shall not exceed three feet horizontal to one foot vertical. In exceptional circumstances if the Board determines a fence is necessary because of proximity to homes or usable open space, there shall be a minimum of four foot tall chain link planted with wild roses or other thorny plants to discourage climbing and screen the fence and basin. Basins over four feet deep are discouraged. If basins over four feet deep are constructed, the side slopes shall not exceed three feet horizontal to one foot vertical.

b. Catchbasins

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Catchbasins shall be constructed of pre-cast concrete sections or of barrel blocks and mortar. Openings for castings shall be offset from the center (see appendix B). Granite gutter inlets shall be provided at all catch basins located along curbs. Hoods shall be provided in all catchbasins, and oil separators shall be required. Hood assemblies shall be installed in accordance with appendix B and shall be fully mortared in place. "Leaching" catchbasins in street drainage systems may be used only with the written consent of the Superintendent of Streets.

Mortar shall be composed of Portland cement and clean sharp sand, with sufficient water to form a workable mixture. The volume of sand shall not exceed three times the volume of cement. Cements and sand shall conform to the requirements of ASTM Designations C150, Type 11, and C144.

Pre-cast sections shall be set so as to be vertical and in true alignment, and all joints shall be fully mortared or sealed with "O" ring gaskets or butyl rubber based sealant. Frames shall be set in full mortar beds true to the lines and grades. All voids beneath the bottom flange shall be completely filled to make a watertight fit. A ring of mortar at least one inch thick shall be placed around the outside of the bottom flange extending to the outer edge of the masonry all around the circumference. All castings shall be temporarily set level with the base course of pavement to provide for drainage during construction.

c. Manholes

Manhole structure shall be of standard pre-cast concrete. Steps shall be provided in all manhole structures. Pre-cast manhole sections shall be set so as to be vertical and in true alignment. The inverts of pre-cast manholes shall be shaped with brick and mortar and/or cement concrete to provide channels. Castings shall be placed in accordance with the requirements specified above pertaining to catchbasins. Adjustments of frame and cover of pre-cast manholes to the lines and grades shall be made with brick and mortar as required. All castings shall be temporarily set level with the base course of pavement to provide for unimpeded vehicular travel during construction. Manhole covers shall be equal to LeBarron Foundry Type U:110-A with the word "DRAIN" cast in three inch letters and shall have a minimum twenty-four inch clear opening.

All drainage structures shall have collars of cement concrete prior to the installation of the wearing course of pavement. The wearing course of pavement shall be installed within fourteen days of the resetting of castings and the installation of collars. If the wearing course is not to be installed prior to the winter, all drainage structures shall be level with the grade of the base course of asphalt.

d. Storm drain pipe

All storm drain pipe within the roadway shall be reinforced concrete pipe. There shall be a minimum cover of 36 inches over all pipe. Pipe for storm drains in trenches and as drop connections shall be installed so that the ends of reinforced concrete pipe sections shall have a

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smooth and uniform interior surface when properly laid. Each joint shall be sealed to prevent leakage and infiltration. Necessary facilities shall be provided for lowering and properly placing the sections of pipe in the trench. The pipe shall be laid to the lines and grades established and the sections closely jointed. All pipe shall be laid upgrade unless otherwise permitted by the Board or its engineer. A construction laser or combination of transit and stringline shall be employed during installation. Protective gratings shall be installed over all exposed pipe openings. Headwalls shall be constructed at the open ends of all drain pipes which serve as outlets to the drainage system.

Crushed stone bedding shall be placed beneath all drainage structures and shall be used to replace all over depth excavation performed in storm sewer and water trenches. Crushed stone shall be clean and free of decomposed materials, vegetable matter and other deleterious materials. The aggregate may be crushed rock, crushed gravel, or uncrushed screened gravel. The bedding shall consist of six inches of three quarter inch crushed stone and shall be graded and prepared to provide a firm and uniform bearing throughout the entire length of pipe; and shall be placed in accordance with these regulations. No storm structure including pipe shall be backfilled until inspected and approved by the Board or its consulting engineer. Backfill be placed around and above the drain pipe to a height of twelve inches.

In general, backfill shall consist of suitable material from the excavation, substantially free from clay, roots, loam or other organic matter. Frozen material, asphalt, and stones greater than six inches in the largest dimension shall not be allowed in the backfill. When the material from the excavation is unsuitable for use as backfill, it shall be properly disposed and gravel borrow shall be furnished for the backfill. Backfill material shall be placed in horizontal, uniform layers not exceeding twelve inches in thickness prior to compaction. It shall be brought up uniformly on all sides of the pipe to a height of twelve inches above the top of the pipe. Each layer of backfill shall be compacted to a relative compaction of not less than 90 Percent, as determined by AASHTO Test Designation T-99 Method C. Compaction equipment or methods that produce horizontal or vertical earth pressures which may cause excessive displacement or any damage to the structures shall not be used. Compaction of structure backing by jetting will be permitted by the Board or its consulting engineer when the backfill material is of such character that it will be self draining when compacted, foundation materials will not soften or be otherwise damaged by the applied water, and no damage from hydrostatic pressure will result to the structure. The jetting shall be performed in such a manner that the water will not be impounded. Jetting methods shall be approved by the Board or its engineer and may be supplemented by the use of vibratory or other compaction equipment when necessary to obtain the required compaction. Water used for jetting shall be furnished by the Applicant.

6.7 Gravel Base

a. The gravel base of the roadway shall consist of hard, durable stone and coarse sand, free from loam and clay, uniformly graded, containing no stone, having a diameter of more than six inches and conforming to the requirements of the most recent edition of the "Commonwealth of Massachusetts Standard Specifications for Highways, Bridges, and Waterways."

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- b. Gravel for base shall be spread in two six inch layers to provide a total depth of twelve inches, measured after rolling each layer with a ten ton roller, with a transverse pitch from the centerline down toward the edges of roadway of 1/8" per foot. Each layer shall be compacted to not less than ninety-five (95) percent of the maximum dry density of the material.
- c. Any depressions that appear during or after the rolling shall be filled with gravel and rolled until the surface is true and even. Thereafter, the roadway shall receive a layer of selected crushed bank gravel, at least four inches in depth, free from stone over one and one half inches in diameter and free from loam, clay or other foreign matter.
- d. When required by the Board or by the Superintendent of Streets, samples of the gravel to be used shall be tested for gradation by sieve analysis and the rolled gravel tested for compaction. All such tests shall be made at the expense of the Applicant.
- e. All underground utilities, such as telephone, electricity, drainage systems, water supply systems, etc. must be placed prior to the placing of the roadway surface.

6.8 Finish Grading and Paving

- a. The pavement of the roadway of each street in a subdivision shall consist of Class I-1 Bituminous Concrete Type I-1 or equivalent, as specified in the "Standard Specifications for Highways, Bridges and Waterways". Bituminous concrete pavement shall be applied in two courses, a 2" thick binder course and a wearing course as otherwise required by these regulations.
- b. Each course shall be rolled with a tandem roller weighing not less than ten tons with a pressure of not less than 240 pounds per square inch.
- c. After rolling, the binder course shall be two inches thick and the finish course shall be one and one half inches thick, so as to form a final pavement thickness of three and one half inches in conformity with the lines, grades and cross sections on the approved Definitive Plan. Where paved bituminous berms are required, paved surface shall extend 18" beyond the edge of the roadway with a 3/8" minimum pitch toward the gutter, as shown in the Typical Street Cross-Section.
- d. Materials and construction methods shall conform to the most recent edition of the 'Commonwealth of Massachusetts Standard Specifications for Highways, Bridges, and Waterways.'
- e. No roadway pavement shall be constructed before March 30th of any year nor after November 1st of any year without written permission of the Board and the Superintendent of Streets.
- f. This work shall be inspected and approved before continuation of the project.

6.9 Sidewalks and paths

- a. All subgrade of required sidewalks shall be covered with at least two layers of 4" of well-compacted gravel each to within three inches of the approved finish grade with a transverse pitch of

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3/8" per foot toward the pavement. Type I-1 bituminous concrete shall be applied in two courses (base 2", top 1") and compacted to the approved finish grade. Whenever possible, the wearing course for sidewalks and driveway aprons shall be constructed together. When driveways cross such paved areas of sidewalks, the elevation of driveway shall conform to the elevation and grade of the paved sidewalk and slope down to meet the gutter grade at the pavement for unobstructed drainage. There shall be no projections or encroachments into the sidewalk area, such as fire-hydrants, utility boxes, guy wires and the like.

b. Sidewalks shall conform with the handicapped accessibility requirements of the federal Americans with Disability Act provisions. If the Board seeks assistance with determining the appropriate location of curbcuts, it may request the Handicapped Commission make a recommendation.

c. All pedestrian pathways shall be constructed to avoid large trees, rock outcrops, water courses and other natural features that, if preserved, will add to the attractiveness of the subdivision. Design alignment and gradients that will allow natural drainage, eliminate drainage pockets and minimize potential for erosion. When appropriate, the Board shall require that pedestrian paths follow ancient ways and cart paths.

d. Pedestrian pathways may be constructed of gravel in two layers, of a grade and size specified by the Board, each layer not less than 4" thick and each layer compacted and rolled with a roller of not less than five tons. The finished width will be determined by the Board, based on probably usage.

e. The applicant shall provide plan and profile drawings based on site surveys to show existing and proposed conditions along pedestrian pathways.

f. When required by the Board, permanent markers shall be placed in the ground to clearly indicate the locations and alignments of all pedestrian pathways.

6.10 Street trees

a. The trees shall be staggered from one side of the street to the other. Trees should be planted to supplement existing trees in as natural setting as possible. The Board may also require shrubs and other materials when deemed appropriate for the area and to enhance existing vegetation.

b. Shade trees shall be located between five and ten feet beyond the sidewalk, outside of the street layout line or as otherwise located upon the recommendation of the Tree Warden.

c. Shade trees are to be a minimum of 4 inch caliper at breast height and of nursery stock quality. All trees are to be properly wrapped and guyed. Plantings shall be scheduled so as to increase the trees' chances of survival

d. The Tree Warden shall specify the species of trees to be planted within the subdivision.

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6.11 Sideline slopes

a. Side slopes shall be graded, loamed with a minimum of six inches of loam and seeded. Alternate landscaping treatments may be considered if they would better suit the character of the area. Appropriate measures shall be taken to prevent erosion of slopes and sedimentation in drainage systems during construction. Excessive compacting during grading should be avoided to encourage a healthy growth of grass and not decrease the permeability of the land.

b. Where necessary due to proposed fill, tree wells of local stone shall be constructed to adjust the grade of the slope to the original level of the land for the trees of an appropriate species which are to be preserved. The Tree Warden may be consulted to determine if the well is of adequate size for the tree and spaced an appropriate distance from the tree trunk. The Board may also require the installation of retaining walls or other details to minimize the length of slopes onto adjacent properties and minimize the removal of existing vegetation.

c. The side slopes shall be blended into the abutting property at a maximum slope of three feet horizontal to one foot vertical. When sidewalks are not required, the slope may begin two feet beyond the edge of the pavement.

6.12 Loam and Seeding

a. If suitable material exists on site, the Board encourages the reuse of topsoil and loam to minimize traffic due to construction. Any loam or other earthen materials spilled on roadway surfaces shall be removed promptly and thoroughly before it becomes compacted by traffic. Grass strips shall be loamed with a minimum of six inches of screened loam and seeded. Excessive compacting during loaming should be avoided to encourage a healthy growth of grass and not decrease the permeability of the land.

b. Grass seed used shall be of a deep-rooted, fast growing variety to provide a dense uniform cover with seed consisting of a mixture of forty pounds of tall fescue, five pounds of crown vetch and fifteen pounds of perennial rye for each eleven thousand (11,000) square feet of seeded area.

c. If included within the landscaping plan, seed mixtures for wildflowers shall be appropriate for use in the specific areas proposed. Each mixture shall include one or more seed types from each blooming period and the landscaping plan shall indicate planting locations for each mixture. Seed shall be planted in accordance with producers' printed recommendations and directions.

d. Areas which fail to show a uniform stand of grass shall be reseeded until all areas are covered with a satisfactory growth of grass. The Applicant shall care for all areas until conveyance, or until the release from the terms of the agreement between the Applicant and the Board. Care shall include any regrading, reseeded or mowing as required.

e. The Applicant shall not commence seeding operations from October 1st through April 1st of each calendar year.

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6.13 Monuments

Monuments shall be granite or reinforced concrete of at least four feet long and 5" x 5" in cross-section with a drill hole on top denoting the survey point. Where the placement of a bound is not feasible, alternate monumentation, such as a drill hole in a rock or masonry, or offset monuments shall be provided upon approval of the Board.

6.14 Street Signs

Street signs and signs for the safety of the public shall be installed to the specification of the Highway Department.

6.15 Cleaning up

The subdivision shall be cleaned of all debris and rubbish and other objectionable materials to leave a neat and orderly appearance at the close of work each day. Due diligence shall be expended in securing the area. No stumps or other organic debris may be buried on site. Construction debris shall be properly stored; hazardous materials shall be secured, and hazardous wastes shall not be stored on site and shall be properly disposed off site.

6.16 Inspection and Approval Procedures

- a. The Planning Board shall control the operations in the streets or ways of the subdivision by inspection and approval of the work through the services of the Superintendent of Streets, the Town Planner, or other duly appointed agent whose approval of each operation must be obtained by the developer in the following the proscribed sequence of work. An inspection fee will be charged for each required inspection.
- b. It shall be the developer's responsibility to notify the Board or the inspecting authority (as per inspection checklist) at least forty-eight hours in advance of the start of construction and at least forty-eight hours before an inspection is required for a specific operation. The Board shall schedule inspections to be made within two days of receipt of such notice, Saturdays, Sundays, and holidays excluded.
- c. Approval of the work inspected shall be given in the check list by the appropriate official as specified in the check list and the Town Planner before the next operation of work is commenced in the street or way. This check list shall be submitted to the Town Planner and Board upon request.
- d. If corrections are required in the work, they shall be made before approval is given for an operation and before subsequent work is started, unless written authority is given to proceed into the next operation of work while making the required corrections.
- e. Failure to carry out the provisions of this section shall be cause for the Planning Board to order such work uncovered and done, as may be necessary to make adequate inspection and correction of the work under construction, at the expense of the developer.

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6.17 Stop work order

If the Board determines that work not permitted by the approved plan has been performed, work has not been inspected as required by the regulations and subsequent work has been performed, work has been performed which deviates from the approved plan, work has been performed before prerequisite activities or actions have been completed, or other irregularities, it may order that construction within the subdivision be stopped.

The Board may issue a stop work order and notify Town Boards and Departments and the developer of its actions. This order shall clearly cite the sections of the Subdivision Rules and Regulations, the requirements of the approved plan, or conditions of the Planning Board's Certificate of Action which have been disregarded. In the event that the non complying construction occurs at a time that the Board will not be meeting within a time frame to issue a stop work order to prevent further violations, the Town Planner, or other designated agent of the Board may issue the stop work order.

The Board may pursue all remedies under law to correct such deviations, including legal action and modification of its approval. The Board may also:

- a. require that additional surety be provided to allow for correction of the non complying construction;
- b. suspend or rescind the release of any, or all, lots which have not already been conveyed, or for which building permits have not already been issued, by filing a notice of such suspension or rescission in the Registry of Deeds or Land Court; or
- c. request that the Building Inspector defer issuing any additional building permits or certificates of occupancy until the non-complying construction is brought into compliance;
- d. require that the incorrect construction be re inspected to determine that it has been corrected;
- e. issue a notice of violation, including payment of a fine therefor, or prosecute the violation as provided in the Town's Bylaws; or
- f. rescind its approval of the approved subdivision if, after the Board has issued a stop work order, the developer persists in construction of the subdivision in a way that is not in compliance with the approved plans or the conditions cited in the stop work order are not corrected within one year of the date the stop work order was issued.

6.18 Changes during construction

Any changes necessitated by unforeseen site circumstances or conditions must be approved by the Planning Board pursuant to section 4.6 of these Regulations. "Major" changes may require a modification of the approved plan before construction can proceed.

ARTICLE VII: ADMINISTRATION

7.1 Variances and Waivers

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 purposes of the Subdivision Control Law.

Certain actions, identified as "exceptional" or "particular" in these Regulations require the Board to find that exceptional circumstances warrant the granting of the waiver. Such grant shall be upon a roll call vote of the Board. Unless otherwise required, a roll call vote shall be taken upon the request of any member.

7.2 Reference

For matters not covered by these Rules and Regulations, reference is made to Section 81-K to 81-GG, inclusive of Chapter 41 of the General Laws of Massachusetts as amended.

7.3 Application fees

All application fees are listed in a separate Schedule of Fees, filed with these Regulations. Application fees are not refundable. Other fees, such as the costs for advertisements, shall be charged to the applicant and shall be paid upon notice from the Board. Failure of an applicant to pay any fee shall be grounds for denial of the application or permit.

7.4 Review fees [M.G.L. Ch. 44 s. 53g]

- a. When reviewing an application for subdivision approval, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Board may require that the applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application.
- b. In hiring outside consultants, the Board may engage engineers, planners, lawyers, landscape architects, hydrologists, botanists or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, and regulations. The Board shall select a consultant after posting the request and seeking at least three respondents. The minimum qualifications shall consist either of a degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field, and if the field is licensed or registered by the Commonwealth, the respondent holds such license or registration.
- c. Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures

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from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the application or permit.

d. Review fees may only be spent for services rendered in connection with the specific project from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

e. Any applicant may take an administrative appeal from the selection of the outside consultant to the Norton Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Norton Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

7.5 Notification requirements

Massachusetts law requires the Planning Board to notify the abutters to the location of a subdivision application at two points in time - prior to the Public Hearing and after the decision has been filed with the Town Clerk. As a submission requirement, the applicant shall submit the following:

a. Certified mailing for Public Hearing

From the assessors list, the applicant shall have an envelope addressed to each abutter, to all the owners, and to the applicant. This mailing must be sent certified, return receipt requested. The receipt and postcards (available at the Post Office) must be completed for each party notified, the receipt attached to the envelope and the return receipt postcard inserted in the envelope. Please note the certification number (on the receipt) must be filled in on the post card. Also indicated on the return receipt shall be the name of the application or applicant's name (e.g. SMITH for John Smith, LOST POND for a subdivision of that name in the upper left hand corner of the front of the post card). Return address for postcards should be completed as

Norton Planning Board
70 East Main Street
Norton, MA 02766

b. Notification of decision letters

After the Board makes its decision and files it with the Town Clerk, it must again notify the

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abutters. This mailing may be sent first class to abutters, certified to owners and applicants. A second set of envelopes shall be addressed, one for each abutter, to all the owners, and to the applicant.

c. Costs

The applicant should also submit a check to the Board payable to the US Postal Service for \$2.58 times the number of abutters. For a personal check, the Post Office requires name, address, telephone and Social Security number. For a company check, name of company, address, telephone number, and the signer's name printed or typed.

d. Failure to comply

Failure to provide envelopes and check will constitute an incomplete submission and may be cause for denial of the application by the Board.

7.6 Appeal of Enforcement by Denial of Building Permits

As provided for by General Laws, Chapter 41, Sections 81-Z and 81-AA, the Zoning Board of Appeals of the Town of Norton shall act as Subdivision Board of Appeals and may authorize the issuance of building permits for lots where the denial of such permit under the provisions of the Subdivision Control Law would curtail unnecessary hardship or difficulty and where the building need not be related to an approved or constructed ways.

7.7 Administrator

The Town Planner shall serve as the Board's administrator and agent to carry out its instructions with regards to these Regulations.

7.8 Severability

The provisions of these Rules and Regulations shall be severable, and if any provision or the application thereof is found to be invalid, this shall not affect the validity of any other application or provision hereof.

ARTICLE VIII - RULES AND REGULATIONS OF THE NORTON PLANNING BOARD GOVERNING ITS ADMINISTRATION OF THE SCENIC ROAD ACT

8.1 Statutory Provisions

These regulations have been duly adopted by the Norton Planning Board to implement the provisions of the "Scenic Road Act", M.G.L. Chapter 40 section 15C.

8.2 Purpose

The Scenic Road Act governs the cutting and removal of trees and stone walls during repair, maintenance, reconstruction or paving of roads by any agency for the purpose of providing protection to the environmental, aesthetic and historical values of a town's roads. The Norton Planning Board has adopted these regulations with the following objectives:

- a. To maintain the natural beauty that currently exists along scenic roads in Norton.
- b. To enhance the rural character of the Town and encourage compatibility with existing roadside features.
- c. To encourage more-environmentally sensitive development along the scenic roads in the Town, and
- d. To develop a growth of shade trees along Norton's scenic roads to reduce the growth of underbrush and thus the cost of roadside maintenance.

8.3 Norton Scenic Roads

Under the general authority vested in the Planning Board of the Town of Norton by section 15C of Chapter 40 of the General Laws and specifically by the voters of Norton at Town Meetings the roads listed below within the town were designated "Scenic Road:"

Bay Road
Cross Street

Red Mill Road
Walker Street

Lincoln Street
Old Taunton Avenue

8.4 Designation of scenic roads

The Planning Board, the Board of Selectmen, the Conservation Commission, the Historical Commission, or by petition of citizens of the Town (in accordance with the Town Charter and bylaws) may propose "scenic road" status for any road in Norton other than a numbered route or state highway as a scenic road. The Planning Board shall hold a Public Hearing on the petition, notifying the Selectmen, the Tree Warden, the Superintendent of Streets, the Conservation Commission, and the Historical Commission, and advertising twice in a newspaper

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of general circulation, the first advertisement at least fourteen days prior to the date of the public hearing.

The Planning Board shall make a recommendation to the Town Meeting on the merits of designation of the proposed road as a scenic street.

A majority vote of Town Meeting is required for designation. Such designation shall be effective as of the date of Town Meeting action. Any work on any portion of the right-of-way of a scenic road which was not physically commenced at the time the road was designated as a scenic road shall conform to these regulations.

8.5 Definitions

In the absence of contrary meaning established through legislation or judicial action pursuant to Section 15C, Chapter 40, MGL, these terms contained in that statute shall be construed as follows:

"Cutting or removal of trees" shall not be construed to include routine or emergency tree maintenance which removes only permanently diseased or damaged limbs, trunks, or roots or whole trees as determined by the Tree Warden, or sound limbs, trunks or roots of a tree with a diameter one and a half inches or larger one foot above ground level that hinders a public way as determined by the Tree Warden.

"Repair, Maintenance, Reconstruction, or Paving-work" shall mean any work done within the right-of-way by any person or agency, public or private. Construction of new driveways or alterations of existing ones is also included to the extent such work takes place within the right-of-way.

"Road" shall mean the entire right-of-way including, but not limiting to a vehicular traveled way plus its necessary appurtenances within the right-of-way including bridge structures, drainage systems, retaining walls, traffic control devices, pedestrian facilities, and the air space above them, but not intersecting streets or driveways. When the boundary of the right-of-way is in issue so that a dispute arises as to whether or not certain trees or stone walls are within the right-of-way, the boundary shall be determined in accordance with MGL Ch. 86 section 2.

"Stone walls" shall not be construed to include assemblages of stone involving less than one cubic foot of wall material per linear foot nor totaling less than five feet in length.

"Tearing down or destruction of stone walls" shall not be construed to include temporary removal and replacement within thirty days at the same location with the same materials.

"Trees" shall mean any woody plants having a trunk diameter with a diameter one and one half inches or larger, one foot above the ground.

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8.6 Construction and applicability

The Planning Board authority and jurisdiction shall be consistent with MGL Ch. 40, s. 15C. These rules and regulations shall be controlling and may be amended from time to time.

8.7 Actions exempt from Public Hearings and Approval

8.7.1 For Tree Removal

To promote the objectives in Section 2 above and or if the Superintendent of Streets believes it is necessary for the safety and convenience of the public, the Superintendent of Streets may authorize cutting and removal of the following without a public hearing and Planning Board approval (coordinating those actions where necessary with the Tree Warden in conformance with the Shade Tree Act).

- a. Trees that are less than 4 inches in diameter breast high (d.b.h.), standing within 4 feet of the road surface.
- b. Trees that are less than 3 inches in d.b.h. standing more than 4 feet from the road surface but still are within the road right-of-way.
 - i. When these trees form an understory below an established overstory of shade trees, except that when a tree in the existing overstory becomes senile or unhealthy, then a replacement small tree will be saved from the understory to grow up and take the place of the old tree when it has to be removed.
 - ii. When there, is no overstory and the removal of trees up to 3 inches in d.b.h. will release other small trees so they can grow more rapidly into large shade trees. These favored trees should be healthy and selected to be spaced about 12 to 15 feet apart and of preferred origin and species.
 - iii. Under utility poles that run along one side and close to the road, species that are saved will be those that are short statured when mature like buckthorn, or high bushes like blueberry, dogwood or sumac so that roadside vegetation will not grow up to interfere with the wires.
- c. Branches can be pruned when they extend lower than 12 feet over the traveled way and over the 4 foot wide cleared shoulders. Pruning will be flush with the main trunk or next main fork to promote rapid healing.
- d. Any tree or branch that due to death, accident or damage becomes dangerous to the public may be cut without a public hearing or Planning Board approval.

8.7.2 For Stone Wall Removal

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A public hearing and approval by the Planning Board are not required when in the opinion of the Superintendent of Streets the following action is warranted:

- a. The rebuilding of a stone wall for purposes of upgrading or aesthetic improvement.
- b. The removal of no more than 20 feet for a driveway, six feet for a walkway.
- c. Temporary removal to be replaced in the same or improved condition to blend with the area stone walls.

8.8 Design Standards

8.8.1 On scenic roads, roadside vegetation will generally be managed to develop shade trees of long-lived species which, when mature, will stand 25 to 30 feet apart along both sides of the road. There will be a cleared shoulder on each side of the road which averages 4 feet in width. A wider strip may be needed on designated corners and near intersections to provide adequate visibility.

Whenever possible, existing trees should be preserved. Subject to the approval of the Tree Warden, indigenous trees from beyond the right-of-way may be transplanted. Trees of seedling origin are most desirable, a single stemmed sprout originating from near the root collar of a small stump comes next, the one best stem from a multiple-stemmed group comes next and finally the least desirable is a sprout from a large stump or one originating from high on the side of a stump. Long-lived deciduous trees such as maple, oak, beech, basswood and white birch without major pests are preferred first. Next come long-lived trees subject to high natural hazards like elm, black cherry and black birch. The least desirable trees are short-lived species like aspen and gray birch which will be saved only if there is nothing better available.

8.8.2 Each lot fronting on a scenic road shall have a maximum of one driveway curb cut. The traveled width of a driveway for a single home shall not exceed twelve feet for a single family home, fourteen feet for a common driveway. The use of common drives is encouraged to preserve and to enhance the visual appearance and rural character of scenic roads in Norton.

8.8.3 Where stone walls exist, the maximum amount of stone wall to be removed is 20 feet for a driveway and six feet for a walkway.

- a. Removed stone shall be used to repair other sections of the wall along the road.
- b. No wall shall be cut without construction of an appropriate terminus. Appropriate end points are shown in the attached diagram and consist of a stone wall with tapered ends turning back onto the lot along the drive, stone piers, granite posts, or wooden posts (with or without a gate).

8.8.4 No tree with a trunk exceeding 8" in diameter four feet above ground level shall be cut for a driveway unless the curb cut cannot be safely located otherwise; clusters of trees located within

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6 feet of each other with individual trunks of 6" in diameter four feet above ground level shall not be cut for a driveway unless the curb cut cannot be safely located otherwise.

8.8.5 For each tree exceeding 4" in diameter four feet above ground level removed a tree in a species and location suitable to the Tree Warden and Planning Board shall be planted.

8.9 Procedures

8.9.1 Filing

Any person or organization seeking consent of the Planning Board under Sec. 15C, Ch. 40, MGL (the Scenic Road Act) regarding the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof, in connection with the repair, maintenance, reconstruction or paving work on Scenic Roads, shall submit a request to the Planning Board together with the following:

- a. A plan showing the location and the nature of the proposed action and a description of the proposed changes to trees and stone walls. This plan may be a sketch plan at a scale of 1"=40" clearly showing existing "trees" as defined above showing diameter (measured 4 feet above ground) and species, with those trees proposed to be removed labeled and the width, height, and character of the stone wall;
- b. A statement of the purpose(s) for the changes;
- c. The trees proposed to be removed shall be marked by the applicant and verified by the Tree Warden, edges of the drives or road-of-way shall be staked, showing edge of paved or traveled way, and if appropriate, edge of road right-of-way intersecting the existing scenic road. Any fee for such marking shall be paid by the applicant to the Tree Warden with receipt of such payment submitted to the Planning Board.
- d. Except in the case of town Boards and Commissions or not-for-profit conservation organizations, a filing fee of \$50.00 shall be paid.
- e. Any further explanatory material useful to adequately inform the Planning Board prior to the public hearing.

Notice of submittal shall be filed with the Planning Board and a copy of the submittal transmitted to the Tree Warden and Town Clerk after it is accepted and signed for by the Planning Board.

8.9.2 Tree Warden

Whenever feasible, Planning Board hearings shall be held in conjunction with those held by the Tree Warden acting under Ch. 87, MGL. Consent to an action by the Planning Board shall not be construed as inferring consent by the Tree Warden or the reverse, nor shall execution of these rules and regulations in any way lessen the Tree Warden's duties as allowed under Ch. 87, MGL.

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The Tree Warden shall mark the trees shown on the plan as proposed to be removed and make recommendations to the Planning Board in this regard.

8.9.3 Notice

The Planning Board shall, as required by statute, give notice of its public hearing by advertising twice in a newspaper of general circulation in the area, the last publication at least seven days prior to the public hearing. This notice shall contain a statement as to the time, date, place, and purpose of the hearing with a description of the action proposed by the applicant. The applicant shall reimburse the Board for the costs of such advertisement. Copies of this notice shall be sent to the applicant, the Selectmen, the Tree Warden, the Superintendent of Streets, the Conservation Commission, and the Historical Commission. Notice shall also be posted with the Town Clerk and in the Planning Board office.

The Planning Board may also require a sign to be posted on the property at least 14 days prior to the Public Hearing. This sign shall not exceed 3 square feet in size and be posted in a location clearly visible to the public with the date, time, and location of the Public Hearing, and the notation "For further information, please call the Norton Planning Board at" the telephone number of the Planning Board office.

In the event that the Planning Board holds a joint hearing with the Tree Warden acting under Ch. 87, MGL, the notice shall be made jointly by the Planning Board and the Tree Warden.

8.9.4 Timing

The Planning Board shall hold a Public Hearing within forty-five days from the date on which notice of submittal is received.

8.9.5 Decision

- a. The Planning Board shall make a decision within fourteen days of the close of the Public Hearing unless a longer time is agreed to by the applicant.
- b. In rendering its decision, the Planning Board shall consider the application based on compliance with the "Scenic Road Act" and the following considerations.
- c. The Planning Board may require sufficient bond to be posted to cover the costs of required work within the road right-of-way and to protect existing vegetation and stone walls. Such bonding shall be specified in the Board's decision. The Board may also require restoration of stone walls and replanting of trees. This restoration shall consist of replacing the stone wall as necessary and replacing the trees cut on a square-inch per square inch basis at locations specified by the Planning Board. A square-inch per square inch replacement means that the combined area of the replacement trees measured one foot

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above ground level must equal the total area of the original tree truck as measured at the stump.

d. The decision of the Planning Board shall be filed within fourteen days of the decision with the Town Clerk; copies of which shall be sent to the applicant, the Selectmen, the Tree Warden, the Superintendent of Streets, the Conservation Commission, the Historical Commission, and those persons who have requested a copy of the decision. If a bond is required, copies shall be sent to the Town Treasurer and Building Inspector.

8.10 Considerations

In acting in regard to a Scenic Road, the Planning Board shall consider the following:

- a. Preservation of natural resources;
- b. Environmental and historical values;
- c. Scenic and aesthetic characteristics;
- d. Public safety;
- e. Traffic volume and congestion;
- f. Relationship of the road design to the standards of the Planning Board's Subdivision Rules and Regulations.
- g. Compensatory actions proposed, such as replacement of trees or walls;
- h. Financial and other consequences of design revision to avoid or reduce damage to trees or stone walls;
- i. Evidence contributed by abutters, town Boards and Commissions, and other interested parties; and
- j. Other sound planning principles.

8.11 Coordination with other bylaws

Scenic Road applications shall be made contemporaneously with other Planning Board applications. The Board may require decisions with regards to the Scenic Road Act be made and filed prior to other decisions and approvals of the Board.

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8.12 Enforcement

a. Filing requirement.

Failure to file with the Planning Board for permission to cut or remove trees or for destruction of any portion of a stone wall within the layout of the scenic road will require an immediate filing as detailed above and shall be subject to restoration of the features. This restoration shall consist of replacing the stone wall as necessary and replacing the trees cut on a square-inch per square inch basis at locations specified by the Planning Board. A square-inch per square inch replacement means that the combined area of the replacement trees measured one foot above ground level must equal the total area of the original tree trunk as measured at the stump.

b. Compliance.

Failure to comply with the duly issued decision of the Planning Board shall be subject to restoration as detailed above and other remedial measures the Planning Board deems necessary, including, but not limited to the enforcement of the bonding and restoration as detailed above. Any decision not exercised within two years of issue shall be void and require a new filing.

c. Determination of applicability

In historic ways or other ways where the right-of-way width is considered 'variable,' the width of the right-of-way shall be determined by the Superintendent of Streets, based on the statutory provisions of M.G.L. Ch. 86 section 2.

d. Fines - Any fines permitted by M.G.L. Ch. 40 s. 21D or other statute may be assessed for violations of these regulations.

e. Enforcement.

The Planning Board and the Tree Warden shall have the authority to enforce the provisions of these Regulations.

ARTICLE IX - COORDINATION BETWEEN SUBDIVISION RULES AND REGULATIONS AND CLUSTER DEVELOPMENT PROVISIONS

Cluster developments require a Special Permit from the Planning Board pursuant to the Zoning Bylaws of the Town of Norton. These Subdivision Rules and Regulations shall serve as design standards and required improvements and construction standards for cluster developments.

The Goals enumerated at various points within the Subdivision Rules and Regulations apply to cluster developments as well.

9.1. Street standards

The street specification of section 5 of these Regulations shall be the minimums required for a cluster development. The Board may, based on the location, density of development, general character of the vicinity, and other factors, allow significant variations from these specifications. Applicants may request that the Board consider changes from these specifications. In cluster developments, the Board shall require that the ways remain "private", particularly in the instance that construction specifications are substantially less demanding than these regulations.

9.2 Drainage

Only in the most exceptional circumstances will reductions in drainage standards and specifications be permitted.

9.3 Street names and signs

The Board reserves the rights to name ways within cluster developments, honoring early settlers in the vicinity of the development, veterans of the Revolutionary or Civil War eras, or other notable early Norton citizens. Street names and the name of the cluster development shall not be similar to existing names to eliminate possible confusion in emergencies.

Street signs and signs for the safety of the public shall be installed to the specification of the Highway Department at the expense of the developer. These signs shall be installed to the specification of the Highway Department within sixty days after the issuance of the first occupancy permit on the way.

The cluster development as a whole may be identified with a sign conforming to the Sign Bylaw of the Town of Norton at a location approved by the Board.

9.4 Landscaping

Landscaping shall meet or exceed the minimums contained in these regulations. The Board encourages the preservation of existing trees and vegetation, particularly in areas adjacent to common areas of the development.

9.5 Bonding

Required bonding for ways, drainage, trees, utilities, and other amenities must be provided before building permits may be issued. The bond amount shall reflect the cost to the Town to complete all the required improvements as shown on approved Special Permit plans and may be reduced from time to time in a fashion similar to the subdivision process described in the Subdivision Regulations.

The Board shall require monumentation of lots and common areas, that the common area be subject to an approved Conservation Restriction, that as-built plans, showing the location of structures, utilities, easements, points of public access, and other improvements be submitted prior to the final release of any bond.

Other departments of the Town may require separate and additional bonding.

9.6 Maintenance and repairs

The approval of a Special Permit for a cluster development shall provide for a mechanism to maintain and repair the ways, drainage facilities, and other improvements. These may be in several forms:

- a. A homeowners association as described in Ch. 40A § 9 may be charged with the responsibility of maintaining and repairing the ways, drainage facilities, and other improvements. The Planning Board shall approve the Articles of Association for the homeowners association delineating these responsibilities.
- b. The owners of the lots shown within the cluster development shall retain rights in and maintenance responsibility for the ways and language will be required to be placed in the applicable deeds, to run with the land, as follows:
 - 1) assigning the owners of the lots within the cluster development the retention of rights in and maintenance responsibility for the ways, drainage system, and the "common areas" of the development,
 - 2) assigning to the owners of certain lots the responsibility for maintaining the landscaped island in a turnaround,
 - 3) assigning to the owners of lots the responsibility for maintaining the street trees, or other landscape features, in the way adjacent to their respective lots, and
 - 4) assigning to the owners of certain lots the responsibility for maintaining other improvements within the subdivision.
- c. Other maintenance arrangement meeting the approval of the Planning Board.

"Private" ways are ways which shall never presented to Town Meeting for acceptance. Ways approved as "private" may not be proposed for acceptance as a public way unless a subdivision plan is approved for the ways and the ways are rebuilt to the construction standards and

TOWN OF NORTON SUBDIVISION RULES AND REGULATIONS - CLUSTER DEVELOPMENTS

requirements complying with the Town of Norton Subdivision Rules and Regulations in force at the time of acceptance. The Board shall require easements within the cluster development to enable the Town to access drainage facilities in the event of a storm or emergency.

9.7 Submission standards

The following minimum materials shall be submitted for cluster developments.

- a. To determine the number of lots in a conventional subdivision to establish permitted number of dwelling units; a plan fulfilling the requirements of a "Preliminary Plan" as listed in section 3 of these regulations, including the additional material [a. a written list of all waivers, citing the specific provisions of the Subdivision Rules and Regulations that the applicant believes are needed for the definitive subdivision plan to be approved; b. zoning and overlay districts; and c. delineation of wetlands.]
- b. To fulfill the submission requirements for a cluster development plan, a "Definitive Plan" as described in Section 4, including Drainage Calculations, and an Environmental Impact Statement.

9.8 Review fees

Review fees apply to Special Permit applications, including cluster developments.

ARTICLE X - ENVIRONMENTAL IMPACT STATEMENT

An Environmental Impact Statement shall be submitted as part of the cluster development submission or part of the Definitive Plan for a subdivision of land in the Town of Norton.

The Environmental Impact Statement shall clearly show the effects of the proposed subdivision or development on the total environment of the Town of Norton and its inhabitants. The applicant is strongly encouraged to meet with the Board and the Town Planner prior to the preparation of the Environmental Impact Statement to identify the principal issues. The effects of the project with regard to the following considerations and items shall be sufficiently evaluated in the Environmental Impact Statement to enable the Planning Board to determine the total probable impact of the project on the environment.

The following 24" x 36" (or other size as allowed by the Board) plans shall be submitted as part of every Environmental Impact Statement:

EIR-1 Watershed Plan

A plan of the proposed subdivision indicating existing and proposed watershed areas to named brooks and rivers at a scale of 1"=100' or other scale as specifically allowed by the Board, prepared by a professional engineer registered in Massachusetts, with a separate USGS map to show overall drainage areas.

EIR-2 Soils Plan

A plan of the proposed subdivision indicating soil classification areas and characteristics of each soil type at a scale of 1"=100', based on most recent publications of the US Soil Conservation Service.

EIR-3 Aquifer Plan

A plan of the proposed subdivision indicating existing and proposed aquifer recharge areas, if any, at a scale of 1"=100', prepared by professional hydrologist registered in Massachusetts, with a separate map at USGS scale to show overall extent of such aquifer areas. If located within the area identified as the Canoe River Aquifer Area of Critical Environmental Concern, a statement noting that designation shall be placed on the plan.

EIR-4 Site Conditions

A plan of the proposed subdivision showing the major site features, including stone walls, historic and archeological sites, ledge outcrops, water bodies and streams, wetlands, flood plains, significant tree masses, ancient ways and cart paths, site topography and spot elevations, and other natural features at a scale of 1"=100' prepared by a Registered Landscape Architect.

A written report called "The Environmental Impact Statement" shall be submitted with the following information. The Statement may contain text, graphics, sketches, plans, and any other information needed to provide the required information. This report shall be prepared by

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a interdisciplinary team as necessary for the subject areas.

I. Natural Environment

1. Land

- a. Land Use
- b. Topography
- c. Geologic formations and soil classifications and characteristics
- d. Subsurface soil and water conditions
- e. Procedures and findings of percolation tests
- f. Type and amount of land permanently affected by the proposed development
- g. Proposed grading
- h. Location and extent of wetlands, marshes and seasonal wet areas.
- i. Proposed alterations to wetlands, marshes and seasonal wet areas
- j. Precautions to minimize the effects of subdivision topography on existing and proposed septic systems and wells

2. Water

- a. Conformance to water quality standards
- b. Soil erosion and methods of control
- c. Sedimentation and filtration and methods of control
- d. Increased pollution or turbidity levels within receiving waterway
- e. Precautions to minimize stream pollution
- f. Aquatic biota and habitats
- g. Groundwater quality and supply
- h. Efforts to recharge groundwater
- i. Increase runoff and flooding
- j. Effect on proposed sewage disposal methods

3. Air

- a. Possible sources and duration of smoke, dust and odors
- b. Precautions to prevent smoke, dust and odors
- c. Location of project with regard to nearby residences, recreation areas and prevailing wind patterns.
- d. Burning brush and trees during site preparation subject to appropriate state and local permits
- e. Effects of incineration

4. Local Flora and Fauna

- a. Indigenous wildlife
- b. Stream bank cover

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- c. Vegetation or wooded growth
- d. Proposed vegetation cover
- e. Rare species

5. Noise

- a. Types, time and duration
- b. Effects on humans
- c. Effects on wildlife
- d. Controls

6. ACEC Concerns

- a. MEPA filing schedule, if required
- b. Impact of development on ACEC
- c. Regulations and standards modified because of ACEC location

II. Man Made Environment

1. Land Uses

- a. Consistency with growth trends of the area and the Town
- b. Adjacent land uses
- c. Common areas for benefit of the Town
- d. Proximity to transportation
- e. Proximity and accessibility to Town services
- f. Open spaces and recreational facilities

2. Density

- a. Number of homes, sizes, floor areas and number of bedrooms.
- b. Ground coverage
- c. Percentage of site covered by buildings, pavements, with changed contours, preserved in natural preexisting condition

3. Zoning

- a. Project area
- b. Adjacent areas

4. Architecture and Landscaping

- a. Architectural and lot development techniques to blend new structures with surrounding areas
- b. Heights of structures in relation to surrounding areas and existing houses

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- c. Interference with natural views
- d. Type of construction, building materials
- e. Location and type of service facilities

5. Historical and Archeological

- a. On project site
- b. Adjacent to project site
- c. Affected by proposed development

III. Public Facilities

1. Water supply source, flow, pressure and means of distribution

- a. Location and specifics of underground aquifers on site
- b. Location and specifics of underground aquifer adjacent to site
- c. Public water systems existing
- d. Public water systems proposed
- e. Private wells existing on site or adjacent to site
- f. Private wells proposed for site
- g. Adequacy of supply for consumption
- h. Adequacy of supply and pressure for fire protection

2. Septic Systems

- a. Locations, size and expansion areas
- b. Type
- c. Effects on downslope wells and water supplies
- d. Nitrite loading downgradient from subdivision

3. Storm Drainage

- a. Connections to Town system
- b. Connections to natural watercourses

4. Disposition of Storm Water

- a. Location of outfall
- b. Quantities before and after development
- c. Effects of existing terrain
- d. Effects on receiving watercourses or waterbody
- e. Effects on downslope wells, water supplies and septic systems
- f. Maintenance plan for drainage basins, culverts, and swales

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5. Impacts of construction

- a. Quantity and types of materials
- b. Types of refuse and debris
- c. Methods of disposal
- d. Disposal of stumps, trees and brush from development
- e. Disposal of construction waste materials

6. Erosion and sedimentation control

- a. Areas subject to flooding or ponding
- b. Proposed surface drainage system description
- c. Proposed land grading and permanent vegetative cover
- d. Protection of existing vegetation to be preserved
- e. Relationship of development to topography
- f. Proposed alterations to shore lines, marshes, and wetlands
- g. Flood control easements
- h. Wetlands impact
- i. Estimation of increase in peak run-off and recharge methods proposed

7. Traffic Facilities and Impact

- a. Vehicular circulation patterns
- b. Number of vehicles generated by the new development
- c. Stopping distances at intersections with existing roads
- d. Sight distances at intersections with existing roads, for posted and observed speed limits
- e. Accident history and profiles of existing roads and intersections within 1/4 mile of the development
- f. Other approved subdivisions and development within the vicinity of town shown on the locus plan, adjustments to "background growth factors" based on local developments
- g. Traffic impacts during construction
- h. Types of vehicles
- i. Pedestrian patterns
- j. Scenic roads
- k. Relationship of sidewalks and trails within the subdivision to the townwide systems

8. Energy and Utilities

- a. Types required
- b. Demands
- c. Sources
- d. Means of distribution
- e. Conservation strategies

TOWN OF NORTON ENVIRONMENTAL IMPACT STATEMENT

IV. Community Services

1. Schools

- a. Estimated number of children
- b. Locations of existing schools and bus servicing

2. Recreation

- a. Location and types of existing available facilities
- b. Age groups participating
- c. Availability to all Norton residents
- d. Location and type of pedestrian, bicycle or bridle pathways and support facilities

3. Police

- a. Total projected population in development
- b. Estimated number of automobiles
- c. Convenience and efficiency of access and service by Police

4. Fire

- a. Number of houses
- b. Types of construction and materials
- c. Sources of water and water pressure for fire protection
- d. Convenience and efficiency of access for service by fire and ambulance services
- e. Fire alarm system

5. Public Works

- a. Linear feet of roadway for maintenance and snow removal
- b. Linear feet of street drain and culverts and number of catch basins and manholes for maintenance
- c. Linear feet of water lines and number of hydrants for maintenance
- d. Linear feet of municipal electrical system for maintenance

V. Human Considerations

1. Aesthetics and Visual Impact

- a. Change in character of the area
- b. Measures to minimize the effects of the development project, i.e. buffer architecture, greenbelts, protective covenants.

TOWN OF NORTON ENVIRONMENTAL IMPACT STATEMENT

2. Parks, Conservation and Recreational

The addition or elimination of parks, greenbelts, open lands and recreational areas accessible to the inhabitants of Norton.

3. Public Health

Describe all specific impacts

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL

To the Planning Board of the Town of Norton

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons:(Circle as appropriate.)

1. The accompanying plan is not a subdivision because the plan does not show a division of land.
2. The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Norton Zoning By-Law under Section _____ which requires _____ feet for the erection of a building on such lot; and every lot shown on the plan has such frontage on:
 - a. a public way or way which the Town Clerk certifies is maintained and used as a public way, namely _____, or
 - b. a way shown on a plan theretofor approved and endorsed in accordance with the Subdivision Control Law, namely _____ on _____, and subject to the following conditions _____; or
 - c. a private way in existence on April 5, 1955, the date when the Subdivision Control Law became effective in the Town of Norton having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon namely _____
3. The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance/other instrument namely _____ which adds to/takes away from/changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the Norton Zoning By-Law under Section _____, which requires _____ feet.
4. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically _____ buildings were standing on the plan prior to April 5, 1955 the date when the Subdivision Control Law went into effect in the Town of Norton and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows:

APPLICANTS NAME - PLEASE PRINT

5. Other reasons or comment: (See M.G.L., Chapter 41, Section 81-L) _____

The owners title to the land is derived under deed from _____, dated _____, 19____, and recorded in Bristol County Northern District Registry of Deeds, Book _____, Page _____ or land Court Certificate of Title No. _____, registered in _____ District Book _____, Page _____, and _____ Assessors Map _____, Plot _____.

Recieved by Town Clerk:

Date _____
Time _____
Signature _____

Applicants signature _____

Applicants address _____

Applicants phone # _____

Owners signature and address if not the applicant or applicants authorization if not the owner

FORM A-1

PLANNING BOARD
TOWN OF NORTON, MASSACHUSETTS

DETERMINATION THAT SUBDIVISION
APPROVAL IS NOT REQUIRED

DATE: _____

Town Clerk

Town of Norton, Massachusetts

RE: Application for endorsement of plan believed not to require subdivision approval.

Applicant _____

Applicant's address: _____

You are hereby notified that the plan entitled _____

submitted by the above applicant on _____, accompanied by a Form A
application for a determination by the Planning Board, dated _____,

has been endorsed by the Planning Board as follows: "Planning Board Approval under the Subdivision
Control Law not Required".

Norton Planning Board

By: _____, Chairman

_____ Members

cc: Building Inspector
Applicant
File

FORM A-2

PLANNING BOARD
TOWN OF NORTON, MASSACHUSETTS

DETERMINATION THAT SUBDIVISION
APPROVAL IS REQUIRED

DATE: _____

Town Clerk

Town of Norton, Massachusetts

RE: Application for endorsement of plan believed not to require subdivision approval.

Applicant _____

Applicant's address: _____

You are hereby notified that the plan entitled _____

submitted by the above applicant on _____, accompanied by a Form A

application for a determination by the Planning Board, dated _____,

requires approval under the Subdivision Control Law and it has been determined that the plan shows a
subdivision for the following reasons:

Norton Planning Board

By: _____, Chairman

_____ Members

cc: Building Inspector
Applicant
File

FORM A-3

PLANNING BOARD
TOWN OF NORTON, MASSACHUSETTS

DETERMINATION THAT APPLICATION
DEEMED SUBMITTED

DATE: _____

Town Clerk

Town of Norton, Massachusetts

RE: Application for endorsement of plan believed not to require subdivision approval.

Applicant _____

Applicant's address: _____

You are hereby notified that the plan entitled _____

submitted by the above applicant on _____, accompanied by a Form A
application for a determination by the Planning Board, dated _____,

has been deemed to not have been submitted for the following reasons:

Norton Planning Board

By: _____, Chairman

_____ Members

cc: Building Inspector
Applicant
File

FORM B

APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

DATE: _____

To the Planning Board of the Town of Norton:

The undersigned being the applicant as defined under Chapter 41 Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____ by _____, dated _____, and described as follows: located _____ number of lots proposed _____, total acreage of tract _____ hereby submits said plan as a PRELIMINARY plan in accordance with the Rules and Regulations of the Norton Planning Board and makes application to the Board of approval of said plan.

The undersigned's title to said land is derived from _____ by deed dated _____, and recorded in the Bristol County Northern District Registry of Deeds Book _____, page _____, registered in the Bristol County Registry District of the Land Court, Certificate of Title No. _____.

The undersigned hereby applies for approval of said PRELIMINARY plan by the Board, in belief that the plan conforms to the Boards Rules and Regulations.

Received by Town Clerk:
Date _____
Time _____
Signature _____

Applicant's signature _____
Applicant's address _____

Received by Board of Health:
Date _____
Time _____
Signature _____

Applicant's telephone # _____
Owner's signature and address, if not the applicant, or applicant's authorization, if not the owner.

FORM B-1

TOWN OF NORTON MASSACHUSETTS

CERTIFICATE OF APPROVAL OF A PRELIMINARY PLAN

Town Clerk

Town of Norton Massachusetts

It is hereby certified by the Planning Board of the Town of Norton, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, it was voted to approve a preliminary subdivision plan entitled: _____

_____ by: _____

_____ dated: _____ submitted by: _____

_____ address: _____ owned by: _____

_____ address: _____ originally filed with the Planning Board on _____

_____ concerning the property located _____

_____ and showing _____ proposed lots, with the following

modification(s):

PLANNING BOARD:

A true copy attest:

Clerk, Norton Planning Board

FORM B-2

TOWN OF NORTON MASSACHUSETTS

CERTIFICATE OF DISAPPROVAL OF A PRELIMINARY PLAN

Town Clerk

Town of Norton Massachusetts

It is hereby certified by the Planning Board of the Town of Norton, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, it was voted to disapprove a preliminary subdivision plan entitled: _____

_____ by: _____

_____ dated: _____ submitted by: _____

_____ address: _____ owned by: _____

_____ address: _____ originally filed with the Planning Board on _____

_____ concerning the property located _____

_____ and showing _____ proposed lots, with the following

reasons:

PLANNING BOARD:

A true copy attest:

Clerk, Norton Planning Board

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE SUBDIVISION PLAN

To the Planning Board of the Town of Norton

The undersigned being the applicant as defined under Chapter 41 Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____ by _____ dated _____ and described as follows: located _____ number of lots proposed _____, total acreage of tract _____ hereby submits said plan as a DEFINITIVE plan in accordance with the Rules and Regulations of the Norton Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____ by deed dated _____ and recorded in the Bristol County Northern District Registry of Deeds Book _____, Page _____, registered in the Bristol County Registry District of the Land Court, Certificate of Title No. _____; and said land is free of encumbrances except for the following:

Said plan has () has not () evolved from a preliminary plan submitted to the Board on _____ and approved (with modifications) () (disapproved) () on _____.

The undersigned hereby applies for approval of said DEFINITIVE plan by the Board, in belief that the plan conforms to the Boards Rules and Regulations.

Received by Town Clerk:

Date _____

Time _____

Signature _____

Received by Board of Health

Date _____

Time _____

Signature _____

Applicants signature _____

Applicants address _____

Applicants phone # _____

Owners signature and address if not the applicant or applicants authorization if not the owner

Check-list of items to be submitted with application

- 1. _____ Form C application
- 2. _____ Application fee: \$ _____
- 3. _____ Original Plan: # sheets _____
- 4. _____ Copies of Plan: # copies _____
- 5. _____ Engineering Calculations

FORM C-1

TOWN OF NORTON MASSACHUSETTS

CERTIFICATE OF APPROVAL OF A DEFINITIVE PLAN

Town Clerk

Town of Norton Massachusetts

It is hereby certified by the Planning Board of the Town of Norton, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, it was voted to approve a definitive subdivision plan entitled: _____

_____ by: _____

_____ dated: _____ submitted by: _____

_____ address: _____ owned by: _____

_____ address: _____ originally filed with the Planning Board on _____

_____ concerning the property located _____

_____ and showing _____ proposed lots, with the following

condition(s):

Endorsement of the approval is conditional upon the provision of a performance guarantee,

In the form of a _____ duly executed and approved, to be noted on the plan and recorded with the Bristol County Northern District Registry of Deeds, said form of guarantee may be varied from time to time by the applicant subject to agreement on the adequacy and amount of said guarantee by the Board.

NOTE TO PLANNING BOARD: Conditions should be written on the endorsed plan which is recorded or should be set forth in a separate instrument, which should be referenced on the endorsed and recorded plan.

NOTE TO CLERK: The Planning Board should be notified immediately of any appeal to the Superior or Land Court on this subdivision approval made within the statutory twenty (20) day appeal period. If no appeal is filed with your office the Planning Board should be notified at the end of the twenty (20) day appeal period in order that the plan(s) may be endorsed

PLANNING BOARD:

A true copy attest:

Clerk, Norton Planning Board

FORM C-2

TOWN OF NORTON MASSACHUSETTS

CERTIFICATE OF APPROVAL WITH MODIFICATIONS OF A DEFINITIVE PLAN

Town Clerk

Town of Norton Massachusetts

It is hereby certified by the Planning Board of the Town of Norton, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, it was voted to approve a definitive subdivision plan entitled: _____

by: _____

dated: _____ submitted by: _____

address: _____ owned by: _____

address: _____ originally filed with the Planning Board on _____

concerning the property located _____

and showing _____ proposed lots, with the following

modifications:

and with the following conditions:

Endorsement of the approval is conditional upon the provision of a performance guarantee,

In the form of a _____ duly executed and approved, to be noted on the plan and recorded with the Bristol County Northern District Registry of Deeds, said form of guarantee may be varied from time to time by the applicant subject to agreement on the adequacy and amount of said guarantee by the Board.

NOTE TO PLANNING BOARD: Conditions should be written on the endorsed plan which is recorded or should be set forth in a separate instrument, which should be referenced on the endorsed and recorded plan.

NOTE TO CLERK: The Planning Board should be notified immediately of any appeal to the Superior or Land Court on this subdivision approval made within the statutory twenty (20) day appeal period. If no appeal is filed with your office the Planning Board should be notified at the end of the twenty (20) day appeal period in order that the plan(s) may be endorsed

PLANNING BOARD:

A true copy attest:

Clerk, Norton Planning Board

FORM C-3

TOWN OF NORTON MASSACHUSETTS

CERTIFICATE OF DISAPPROVAL OF A DEFINITIVE PLAN

Town Clerk

Town of Norton Massachusetts

It is hereby certified by the Planning Board of the Town of Norton, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, it was voted to disapprove a definitive subdivision plan entitled: _____

_____ by: _____

_____ dated: _____ submitted by: _____

_____ address: _____ owned by: _____

_____ address: _____ originally filed with the Planning Board on _____

_____ concerning the property located _____

_____ and showing _____ proposed lots, because the plan fails to conform to the Planning Board's Rules and Regulations or the recommendation of the Board of Health in the following respects:

NOTE TO CLERK: The Planning Board should be notified immediately of any appeal to the Superior or Land Court on this subdivision disapproval made within the statutory twenty (20) day appeal period.

PLANNING BOARD:

A true copy attest:

Clerk, Norton Planning Board

FORM D

TOWN OF NORTON MASSACHUSETTS

DESIGNERS CERTIFICATE

To the Planing Board of the Town of Norton

In preparing the plan entitled _____ and dated _____ I hereby certify that the above named plan and accompanying data is true and correct to the accuracy required by the current Rules and Regulations Governing the Subdivision of Land in Norton Massachusetts and required by the rules of the Massachusetts Registries of Deeds and my source information about the location of boundaries shown on the plan were one or more of the following:

- 1. Deed from _____ to _____ dated _____ and recorded in the Bristol County Northern District Registry of Deeds in Book _____ Page _____.
- 2. Other deeds and plans as follows _____

- 3. Oral information furnished by _____

- 4. Actual measurements on the ground from a starting point established by _____

- 5. Other Sources _____

(Seal Of Surveyor)

Signed _____
(Registered Land Surveyor)

Address

Registration No. _____

(Seal of Professional Engineer)

Signed _____
(Registered Professional Engineer)

Address

Registration No. _____

FORM E

TOWN OF NORTON MASSACHUSETTS

CERTIFICATE OF AMENDMENT, MODIFICATION OR RESCISSION OF APPROVAL OF DEFINITIVE SUBDIVISION PLAN

Town Clerk

Town of Norton, Massachusetts

On the motion/petition of _____, dated _____ and in accordance with Massachusetts General Laws, Chapter 41, Section 81-W, it is hereby certified by the Planning Board of the Town of Norton Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____ it was voted to amend/modify/rescind the approval of the definitive subdivision plan of land entitled: _____ owned by _____ of _____ plan(s) dated _____, and revised _____ by _____, and recorded at the Bristol County Northern District Registry of Deeds, Plan Book _____ Page _____ performance guarantee being _____ and recorded Book _____, Page _____, land located _____, and showing _____, proposed lots, by making the following amendments/modification(s):/by rescinding the approval for the following reasons:

All prior conditions of approval shall remain in full force and effect until such time as they are met; pursuant to Massachusetts General Laws, Chapter 41 Section 81-W, this Amendment/Modification/Rescission shall take effect when duly recorded by the Planning Board at the Bristol County Northern District Registry of Deeds the plan or originally approved, or a copy thereof, a certified copy of this vote making such Amendment/Modification or Rescission, and any plan or other document referred to in this vote. Said recording to be at the expense of the applicant in the case of an Amendment or Modification.

The Amendment/Modification/Rescission of the approval of this plan does/does not affect the lots in the subdivision which have been sold or mortgaged in good faith and for a valuable consideration. The consent of the owner(s) of the lots, and of the holder(s) of the mortgage or mortgages affected are attached.

NOTE TO CLERK: The Planning Board should be notified immediately of any appeal to the Superior or Land Court on this subdivision Amendment/Modification/Rescission made within the statutory twenty (20) day appeal period.

If no appeal is filed with your office the Planning Board should be notified at the end of the twenty (20) day appeal period in order that the originally approved plan may receive an appropriate endorsement and be recorded along with a registered copy of the certified vote Amending/Modifying/Rescinding the approval.

PLANNING BOARD:

A true copy attest:

Clerk, Norton Planning Board

FORM F

TOWN OF NORTON MASSACHUSETTS

COVENANT

KNOW ALL MEN by these presents that the undersigned has submitted an application dated _____ to the Norton Planning Board for approval of a definitive plan of a subdivision of land entitled : _____ plan by _____ dated _____ and owned by _____ address _____ land located _____ and showing _____ proposed lots. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

IN CONSIDERATION of said Planning Board of Norton Massachusetts in the County of Bristol approving said plan without requiring a performance bond the undersigned hereby covenants and agrees with the inhabitants of the Town of Norton Massachusetts as follows:

- 1. That the undersigned is the owner* in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

If there is more than one owner, all must sign. "Applicant" may be an owner or his agent or representative, or his assigns, however the owner of record must sign this covenant.

- 2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms, and provisions as specified in the following:
a. The Application for Approval of Definitive Plan (Form C)
b. The Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in Norton Massachusetts.
c. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated _____
d. The definitive plan as approved and as qualified by the certificate of approval.
e. Other document(s) specifying construction to be completed namely:

However any mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and services have been provided to serve such lot.

- 3. That this covenant shall be binding on the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
4. That particular lots within the subdivision shall be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released; and
5. That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
6. That the undersigned agrees to record this covenant with the Bristol County Northern District Registry of Deeds, forthwith, or to pay the necessary recording fee to said Planning Board in the event the Planning Board shall record this agreement forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.

7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed, as provided in the General Laws Chapter 41 Section 81-U,
8. That this covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.
9. Upon final completion of the construction of ways and the installation of municipal services as specified herein, on or before _____ the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, shall result in an automatic rescission of the approval of the plan. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.
10. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41 Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation; and

For title to the property, see deed from _____ dated _____ recorded in the Bristol County Northern District Registry of Deeds, Book _____, Page _____, or registered in the Bristol County Northern District Land Registry as Document No. _____, and noted on certificate of title no. _____, in Registration Book _____ Page _____.

The present holder of a mortgage upon the property is _____ of _____ the mortgage is dated _____ and recorded in the Bristol County Northern District Registry of Deeds, Book _____, Page _____, or registered in the Bristol County Northern District Land Registry as Document No. _____, and noted on certificate of title no. _____ in Registration Book _____, Page _____. The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same status, force, and effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

_____, spouse of the undersigned applicant hereby agrees that such interest as I, we, may have in the premises shall be subject to the provisions of this covenant and insofar as is necessary releases all rights of tenancy by the dower or homestead and other interests therein.

IN WITNESS WHEREOF we have hereunto set our hands and seals this the _____ day of _____

owner

spouse of owner

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named persons aforesaid and acknowledged the foregoing instrument to be their free act and deed, before me,

Notary Public

My commission expires

mortgagor

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named person aforesaid and acknowledged the foregoing instrument to be this/her free act and deed, before me,

Notary Public

My commission expires

NORTON PLANNING BOARD

_____, Chairman

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named members of the Norton Planning Board aforesaid and acknowledged the foregoing instrument to be the free act and deed, of The Norton Planning Board, before me,

Notary Public

My commission expires

FORM G

TOWN OF NORTON MASSACHUSETTS

CERTIFICATE OF PERFORMANCE

(Covenant Release)

The undersigned, being a majority of the Planning Board of the Town of Norton, Massachusetts, hereby certify that the requirements for construction improvements called for by the Covenant dated _____ given by _____ and recorded in the Bristol County Registry of Deeds, Northern District, Book _____, Page _____, have been completed or have been secured by the posting of a bond or other acceptable security to the satisfaction of the Norton Planning Board as to the lots enumerated or designated as follows:

Executed as a sealed instrument this the _____ day of _____

NORTON PLANNING BOARD

_____, Chairman

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named members of the Norton Planning Board aforesaid and acknowledged the foregoing instrument to be the free act and deed, of The Norton Planning Board, before me,

Notary Public
My commission expires _____

FORM H

TOWN OF NORTON MASSACHUSETTS

PERFORMANCE SECURED BY

A SURETY COMPANY

AGREEMENT made this date between the Town of Norton, Massachusetts and _____ hereinafter referred to as the "applicant" of _____; and _____ a corporation duly organized and existing under the laws of the state of _____ and having a usual place of business at _____ hereinafter referred to as "the surety" to secure the construction of ways and the installation of municipal services in the subdivision of land shown on a plan entitled: _____ by: _____, dated: _____, owned by: _____, address: _____ on land located at: _____ and showing _____ proposed lots.

KNOW ALL MEN by these presents that the applicant and the surety hereby bind and obligate themselves, their, or its executors, administrators, devisees, heirs, successors and assigns, jointly and severally to the Town of Norton, a Massachusetts Municipal Corporation, acting through its Planning Board, in the sum of _____ dollars, and having secured this obligation by depositing with the Treasurer of said Town of Norton a surety bond to secure the above sum of money, said surety bond to be used to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. The Application for Approval of Definitive Plan (Form C), dated: _____.
2. The Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in Norton Massachusetts and dated _____.
3. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated _____.
4. The definitive plan as approved and as qualified by the certificate of approval.
5. Other document(s) specifying construction to be completed namely:

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations, or has elected to provide another method of securing performance as provided in M.G.L. Chapter 41 Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before _____, or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant and the surety, the interest in the Town of Norton in such surety bond shall be released, the surety bond shall be returned to the surety, and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and the installation of municipal services as specified in this agreement and within the time herein specified, the surety bond may be enforced, in whole, or in part, by the Planning Board for the benefit of the Town of Norton to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this agreement. Any unused portion of the surety bond will be returned to the surety upon completion of the work by said town; and

The Town of Norton acting by and through its Planning Board hereby agrees to accept the aforesaid surety bond in the amount specified in this agreement as security for the performance of the project as aforesaid.
Any amendments to this agreement and/or the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF we have hereunto set our hands and seals this the _____ day of _____

• APPLICANT

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named persons aforesaid and acknowledged the foregoing instrument to be their free act and deed, before me,

Notary Public

My commission expires

• AUTHORIZED REPRESENTATIVE OF THE SURETY

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named person aforesaid and acknowledged the foregoing instrument to be this/her free act and deed, before me,

Notary Public

My commission expires

• NORTON PLANNING BOARD

_____, Chairman

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named members of the Norton Planning Board aforesaid and acknowledged the foregoing instrument to be the free act and deed, of The Norton Planning Board, before me,

Notary Public

My commission expires

FORM I

TOWN OF NORTON MASSACHUSETTS

PERFORMANCE SECURED BY REGISTERED
NEGOTIABLE SECURITIES (BONDS,
STOCKS, PUBLIC SECURITIES)

AGREEMENT made this date between the Town of Norton Massachusetts and _____
_____ hereinafter referred to as the "applicant" of _____, to secure the construction of ways and the
installation of municipal services in the subdivision of land shown on a plan entitled: _____ by:
_____ dated: _____ owned by: _____
_____ address: _____ land located: _____
_____ and showing _____ proposed lots.

KNOW ALL MEN by these presents that the applicant hereby binds and obligates himself, his, or its executors, administrators,
devises, heirs, successors and assigns, jointly and severally to the Town of Norton, a Massachusetts Municipal Corporation,
acting through its Planning Board, in the sum of _____ dollars, and having secured this obligation by depositing with the
Treasurer of said Town of Norton an instrument of transfer to the Planning Board of said town duly acknowledged and in a
suitable form pursuant to the provisions of the Massachusetts General Laws for the following type of negotiable security _____
_____, said instrument of transfer shall also specify the above sum of money as a security for performance
by the applicant of the construction of the ways and installation of municipal services in the aforesaid subdivision and where apt,
a new certificate shall also be deposited with said Treasurer. Said certificate shall be free from encumbrances and shall be issued
pursuant to M.G.L. Chapter 156-B, Section 30, in the name of the Planning Board of said town and shall express on its face that
it is held as collateral security to insure the performance by the applicant of all covenants, conditions, agreements, terms and
provisions contained in the following:

1. The Application for Approval of Definitive Plan (Form C)
2. The Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in Norton Massachusetts.
3. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated _____
4. The definitive plan as approved and as qualified by the certificate of approval.
5. Other document(s) specifying construction to be completed namely:

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations, or
has elected to provide another method of securing performance as provided in M.G.L. Chapter 41 Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before _____, or such later date as
may be specified by vote of the Planning Board with a written concurrence of the applicant, the interest of the Town of Norton in
the aforesaid security shall be released, and said security shall be returned, by appropriate instrument, to the applicant by the
town and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and the
installation of municipal services as specified in this agreement and within the time herein specified, the security namely _____
_____ may be negotiated, in whole, or in part, by the Planning Board for the benefit of the Town of Norton to the extent of the
reasonable cost to the Town of completing such construction or installation as specified in this agreement. Any unused funds
from the negotiation of the aforesaid security by the town or any securities which are not negotiated by the town will be returned
to the applicant upon completion of the work by said town; and

The Town of Norton acting by and through its Planning Board hereby agrees to accept the aforesaid negotiable security namely _____ as specified in this agreement as security for the performance of the project as aforesaid.

Any amendments to this agreement and/or the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF we have hereunto set our hands and seals this the _____ day of _____

applicant

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named person aforesaid and acknowledged the foregoing instrument to be this/her free act and deed, before me,

Notary Public
My commission expires

NORTON PLANNING BOARD

_____, Chairman

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named members of the Norton Planning Board aforesaid and acknowledged the foregoing instrument to be the free act and deed, of The Norton Planning Board, before me,

Notary Public
My commission expires

FORM J

TOWN OF NORTON MASSACHUSETTS

PERFORMANCE SECURED BY

BANK PASSBOOK

AGREEMENT made this date between the Town of Norton Massachusetts and _____
 _____ hereinafter referred to as the "applicant" of _____, to secure the construction of ways and the
 installation of municipal services in the subdivision of land shown on a plan entitled: _____ by:
 _____ dated: _____ owned by: _____
 _____ address: _____ land located: _____
 _____ and showing _____ proposed lots.

KNOW ALL MEN by these presents that the applicant and the surety hereby bind and obligate themselves, their, or its executors,
 administrators, devisees, heirs, successors and assigns, jointly and severally to the Town of Norton a Massachusetts Municipal
 Corporation, acting through its Planning Board, in the sum of _____ dollars, and having secured this obligation by
 depositing with the Treasurer of said Town of Norton, a deposit of money for the above sum represented by Bank Passbook No.
 _____ with an order drawn on the _____ Bank of _____
 payable to the order of the Planning Board of the Town of Norton, said sum to be used to insure the performance by the applicant
 of all covenants, conditions, agreements, terms and provisions contained in the following:

1. The Application for Approval of Definitive Plan (Form C)
2. The Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in Norton Massachusetts.
3. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated _____
4. The definitive plan as approved and as qualified by the certificate of approval.
5. Other document(s) specifying construction to be completed namely:

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations, or
 has elected to provide another method of securing performance as provided in M.G.L. Chapter 41 Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before _____, or such later date as
 may be specified by vote of the Planning Board with a written concurrence of the applicant and the bank, the bank passbook shall
 be returned to the applicant by the town and this agreement shall become void. In the event the applicant should fail to complete
 the construction of ways and the installation of municipal services as specified in this agreement and within the time herein
 specified, the funds on deposit in the account represented by the aforesaid bank passbook and order drawn thereon may be
 applied, in whole, or in part, by the Planning Board for the benefit of the Town of Norton to the extent of the reasonable cost to
 the Town of completing such construction or installation as specified in this agreement. Any unused funds and the bank
 passbook will be returned to the applicant upon completion of the work by said town.

The Town of Norton acting by and through its Planning Board hereby agrees to accept the aforesaid bank passbook and order drawn thereon as security for the performance of this project; and

The _____ Bank of _____ hereby agrees not to release any funds from the account represented by the aforesaid bank passbook or otherwise amend or make a change to the aforesaid bank passbook or to the order drawn thereon without written agreement by the Planning Board.

Any amendments to this agreement and/or the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF we have hereunto set our hands and seals this the _____ day of _____

applicant

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named persons aforesaid and acknowledged the foregoing instrument to be their free act and deed, before me,

Notary Public

My commission expires

authorized representative of the bank

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named person aforesaid and acknowledged the foregoing instrument to be this/her free act and deed, before me,

Notary Public

My commission expires

NORTON PLANNING BOARD

_____, Chairman

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named members of the Norton Planning Board aforesaid and acknowledged the foregoing instrument to be the free act and deed, of The Norton Planning Board, before me,

Notary Public

My commission expires

FORM K

TOWN OF NORTON MASSACHUSETTS

PERFORMANCE SECURED BY

LENDERS AGREEMENT

AGREEMENT made this date between the Town of Norton Massachusetts and _____ hereinafter referred to as the "applicant" of _____ ; and _____ hereinafter referred as "the lender" of _____ , to secure the construction of ways and the installation of municipal services in the subdivision of land shown on a plan entitled: _____ by: _____ dated: _____ owned by: _____ address: _____ land located: _____ and showing _____ proposed lots.

KNOW ALL MEN by these presents that the applicant has recorded a first mortgage with the lender dated _____ recorded in the Bristol County Northern District Registry of Deeds Book, _____ , Page, _____ , covering _____ as shown on the above referenced plan as security for the payment of a certain note in the principal sum of _____ dollars and that the applicant and the lender hereby bind and obligate themselves, their, or its executors, administrators, devisees, heirs, successors and assigns, jointly and severally to the Town of Norton a Massachusetts Municipal Corporation acting through its Planning Board, in the sum of _____ dollars, and having secured this obligation by the lender retaining said sum of money of said principal sum otherwise due the applicant to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

- 1. The Application for Approval of Definitive Plan (Form C)
2. The Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in Norton Massachusetts.
3. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated _____
4. The definitive plan as approved and as qualified by the certificate of approval.
5. Other document(s) specifying construction to be completed namely:

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations, or has elected to provide another method of securing performance as provided in M.G.L. Chapter 41 Section 81-U.

Upon completion by the applicant of all obligations as specified in the following schedule:

Table with 4 columns: Item Number, SUM TO BE RETAINED BY LENDER, STAGE OF CONSTRUCTION COMPLETED, DATE WHEN CONSTRUCTION COMPLETED. Rows 1-4.

the interest of the Town of Norton in such funds retained by the lender shall be released, that portion of the agreement covering a specific stage of the work shall become void, and the lender may disburse such funds which have been held as security for a specific stage of work, to the applicant In the event the applicant should fail to complete any stage of construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, any funds remaining undisbursed shall be made available in whole, or in part, by the lender to the Planning Board for the benefit of the Town of Norton to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this agreement. Any unused portion of such funds will be released by the Planning Board and may be disbursed by the lender to the

The lender hereby agrees that none of the funds retained as security, as specified herein, shall be disbursed to the applicant without prior written release of said funds by the Planning Board.

Any amendments to this agreement and/or the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF we have hereunto set our hands and seals this the _____ day of _____

applicant

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named persons aforesaid and acknowledged the foregoing instrument to be their free act and deed, before me,

Notary Public

My commission expires

authorized representative of the lender

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named person aforesaid and acknowledged the foregoing instrument to be this/her free act and deed, before me,

Notary Public

My commission expires

NORTON PLANNING BOARD

_____, Chairman

The Commonwealth of Massachusetts

Bristol ss. _____

Then personally appeared the above named members of the Norton Planning Board aforesaid and acknowledged the foregoing instrument to be the free act and deed, of The Norton Planning Board, before me,

Notary Public

My commission expires

FORM M

NORTON PLANNING BOARD

PLAN REVIEW REFERRAL FORM

To:

_____ Building Inspector

_____ Highway Superintendent

_____ Water & Sewer Commissioners

_____ Board of Selectmen

_____ Conservation Commission

_____ Handicapped Commission

_____ Police Department

_____ Cable Advisory Commission

_____ Fire Department

_____ Board of Assessors

_____ Town Engineer

_____ Historic District Commission

A Definitive Subdivision Plan entitled " _____ " and dated _____ located at _____, was submitted to the Planning Board on _____ by _____, of _____ in accordance with Section 4 of the Rules and Regulations Governing the Subdivision of Land in Norton Massachusetts, this plan has been submitted to your agency for review and recommendations. Please consider the following subject areas, among others, in your review of this plan:

Planning Board to check off applicable subject areas to be reviewed.

_____ Water System

_____ Police Protection

_____ Sewer System

_____ Health

_____ Road Design and Layout

_____ Utility system

_____ Wetlands, floodplains

_____ Other _____

_____ Fire Protection

Please make any comments and recommendations regarding this plan in written form, and submit to the Planning Board no later than _____

Planning Board Clerk

For your informatio: A public hearing has been scheduled for _____ PM on _____ at _____ to discuss this plan. The Planning Board may disaprove the plan only if it fails to conform to the Rules and Regulations of the Planning Board or the recommendations of the Board of Health.

Approval Deadline Date
Hearing Date
Date of Letters to Abutters
Date of Publication
Approval or Disapproval Date
Appeal Deadline Date
Date of Performance Guarantee Agreement
Description of Performance Guarantee
Date Record Plans Endorsed
Date Plans and Performance Guarantee Recorded
Book No. _____ Page No. _____
Date of Amendments or Extensions to Performance Guarantee
Date of Modification, Amendment or Rescission
Other _____

Releases

Lot Numbers	Date of Lot Releases
_____	_____
_____	_____
_____	_____
_____	_____

Description of Performance Guarantee

Description of Surety Release

Surety Release Date

Date of Final Release
Date of Certificate of Completion

Inspection Log

	Item	Authorization	Date	Signature	Inspector
1.	Grubbing	_____	_____	_____	Highway Superintendent
2.	Drainage System	_____	_____	_____	Highway Superintendent
3.	Water Piping	_____	_____	_____	Water Superintendent
4.	Sewer Piping	_____	_____	_____	Water Superintendent
5.	Utilities	_____	_____	_____	Highway Superintendent
6.	Subgrade	_____	_____	_____	Highway Superintendent
7.	Gravel Base	_____	_____	_____	Highway Superintendent
8.	Processed Base	_____	_____	_____	Highway Superintendent
9.	Binder Course	_____	_____	_____	Highway Superintendent
10.	Curbing	_____	_____	_____	Highway Superintendent
11.	Surface Course	_____	_____	_____	Highway Superintendent
12.	Sidewalks	_____	_____	_____	Highway Superintendent
13.	Grass Plots	_____	_____	_____	Planning Board
14.	Shade Trees	_____	_____	_____	Planning Board
15.	Road Signs	_____	_____	_____	Highway Superintendent
16.	Fire Hydrants	_____	_____	_____	Water Superintendent
17.	Fire Alarm	_____	_____	_____	Fire Chief
18.	Bounds	_____	_____	_____	Town Engineer
19.	As Built Plans	_____	_____	_____	Planning Board
20.	Final Inspection	_____	_____	_____	Town Engineer
21.	Clean-Up	_____	_____	_____	Planning Board

FORM O

CERTIFICATE OF EXTENSION OF TIME FOR
PERFORMANCE OF WORK IN A SUBDIVISION

NORTON, MA _____

The undersigned, being a majority of the Planning board of the Town of Norton, Massachusetts, hereby certify that the time for the performance of the Covenant dated _____, 19____ and recorded in the _____ District Deeds Book _____, Page _____, (or registered in _____ Land Registry District as Document No. _____, and noted on Certificate of Title No. _____, in Registration Book _____, Page _____,) is hereby extended until _____.

Majority of the Planning
Board of the Town of Norton

THE COMMONWEALTH OF MASSACHUSETTS

_____, ss.

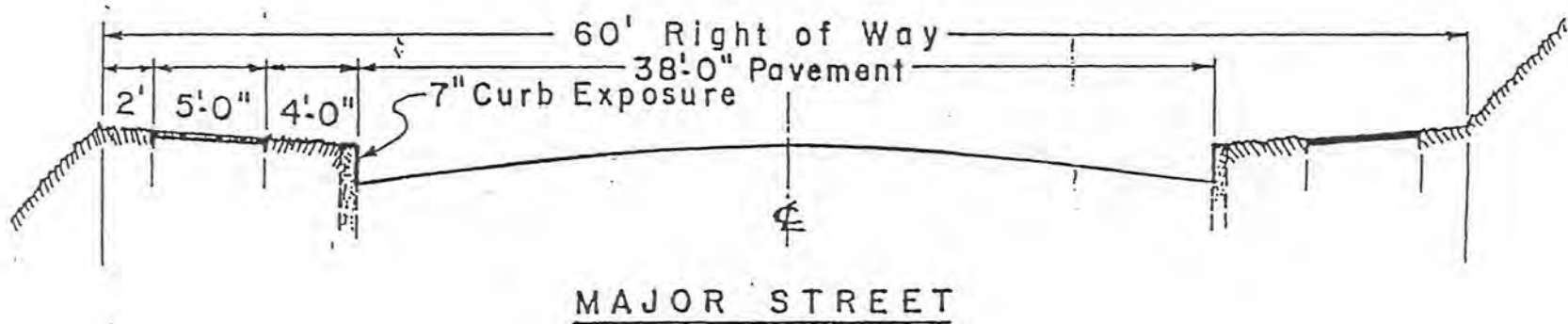
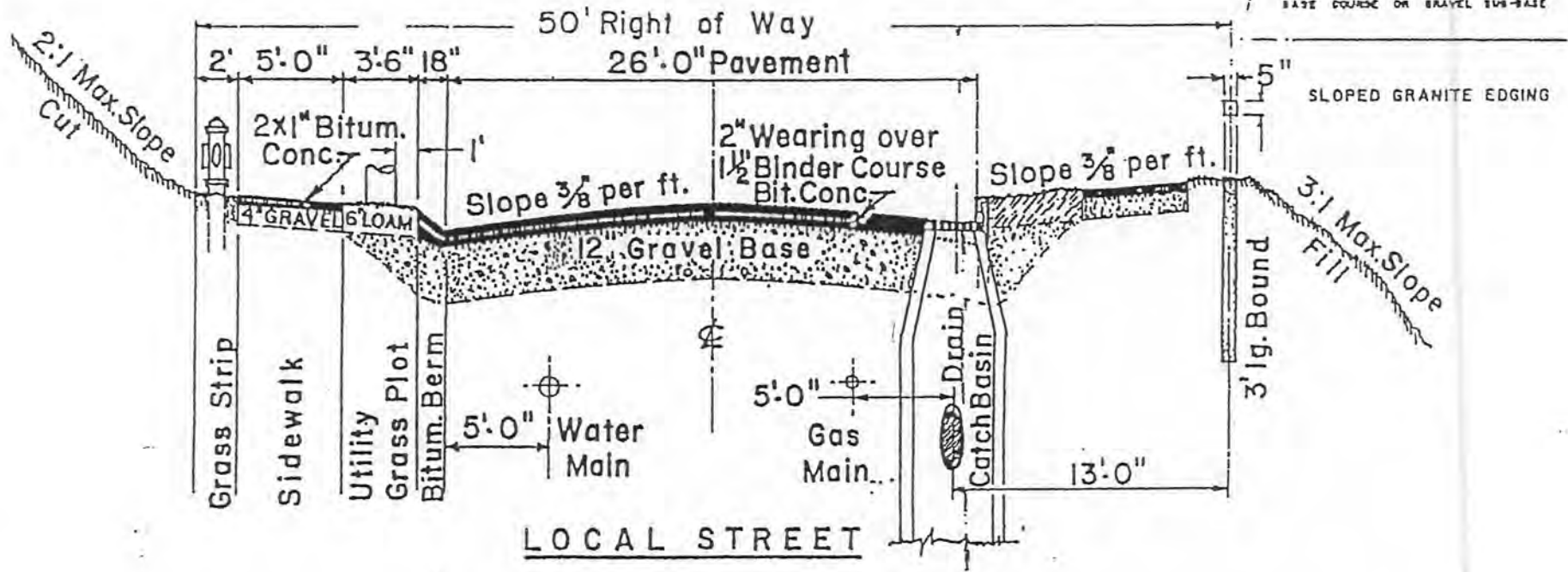
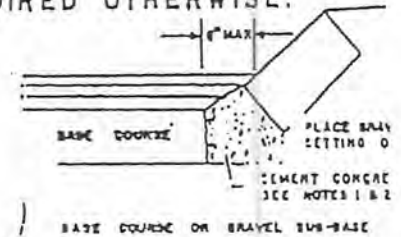
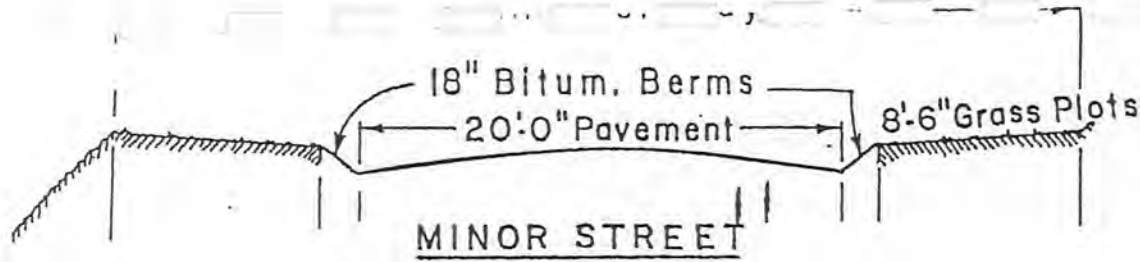
Then personally appeared _____, one of the above named members of the Planning Board of the Town of Norton, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

Notary Public

My commission expires _____

TYPICAL STREET CROSS SECTION

MINOR AND MAJOR STREET CONSTRUCTION SIMILAR TO LOCAL STREET, EXCEPT AS INDICATED OR REQUIRED OTHERWISE.





Town of Norton, Massachusetts Planning Board

TYPICAL TITLE BLOCK LAYOUT

DEFINITIVE PLAN (or Preliminary Plan) of the Subdivision of Land in the Town of Norton, situated off Street.	
DATE OF PLAN	
Owner's name and address	<i>John Doe</i> Any St., Norton, Mass.
Developer's name & address	<i>Doe Estates, Inc.</i> Any St., Boston Mass.
Engineer or Surveyor's name & address	<i>A Citizen</i> Any St., Anytown Mass.
Sheet #1 of X Sheets	Preliminary Plan Approved: <i>May 10, 1966</i>
Vertical Scale: 1 inch = 4 feet	Definitive Plan filed: <i>Sept. 10, 1966</i>
Horizontal Scale: 1 inch = 40 feet	Revisions dated: <i>Sept. 30, 1966</i>
	<i>Oct. 16, 1966</i>

6 Inches
 ←-----→

4 Inches
 ↑-----↓

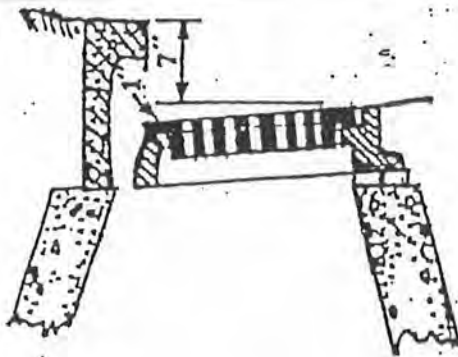
3/4 inch
 ←-----→
 to edge
 Sheet

3/4 inches
 ↑-----↓
 to edge of
 Sheet

- (SEAL)

All abbreviations and/or symbols shall be shown in a legend.

The following forms are for the convenience of an applicant and shall in no way vary the construction of the Subdivision Regulations and Procedural Rules of the Planning Board of the Town of Norton, by implication or otherwise.



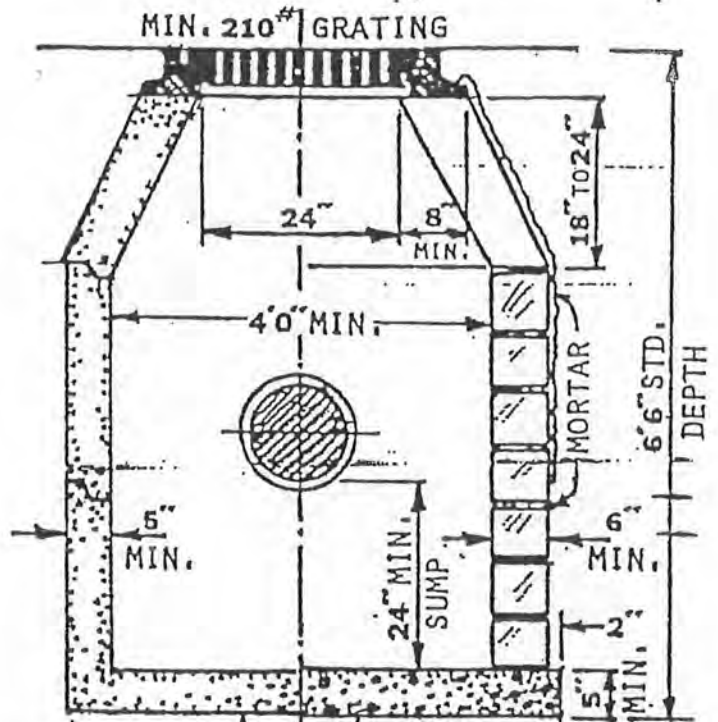
TYPICAL CURB INLET

NO. MORTAR IN JOINTS

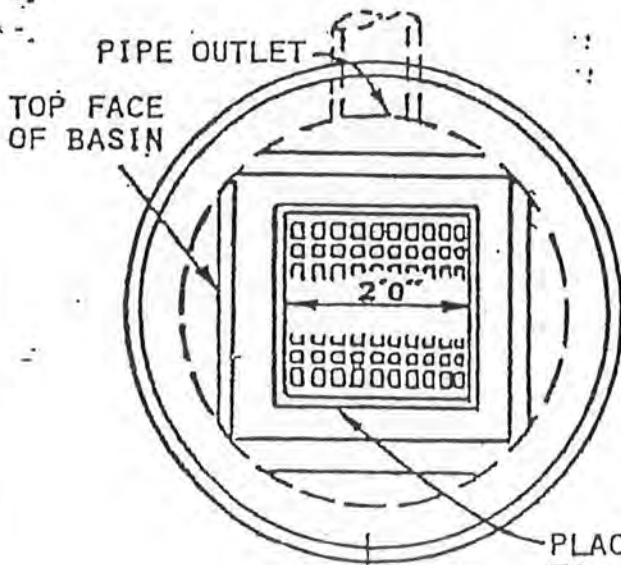


FILL KEYWAYS WITH MORTAR

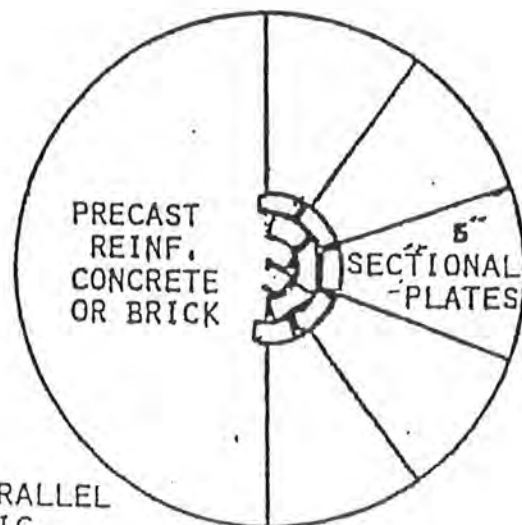
CONC. BLOCK SECTION



TYPICAL CATCH BASIN



TOP



BASE

SCALE: 1/4" = 1'0"

