

**RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
IN THE
TOWN OF CHARLEMONT
FRANKLIN COUNTY, MASSACHUSETTS**

**Effective Date of Subdivision Control Law in Charlemont: March 15, 1979
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ARTICLE I
Authority and Purpose

§ 1-1. Statutory authority.

The Charlemont Planning Board enacted these Rules and Regulations under the authority granted by MGL C. 41 § 81-Q of the General Laws, as amended, and by all subsequent amendments thereto, to govern the subdivision of land in the Town of Charlemont. For matters not specifically covered by these Rules and Regulations, reference is made to the Subdivision Control Laws, Sections 81-K through 81-GG of Chapter 41 of the Massachusetts General Laws as most recently amended.

§ 1-2. Purpose.

- A. These Subdivision Regulations for the Town of Charlemont have been enacted for the purpose of protecting the environment, and the safety, convenience and welfare of the inhabitants of the Town of Charlemont by regulating the laying out and construction of ways in subdivisions providing access to all lots therein and by ensuring sanitary conditions in the subdivisions and, in proper cases, parks and open areas. The powers of the Planning Board and of the Board of Appeals under these regulations shall be exercised with due regard for:
- (1) The provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel.
 - (2) Minimizing congestion in such ways and in the adjacent public ways.
 - (3) Reducing danger to life and limb in the operation of motor vehicles.
 - (4) Securing safety in the case of fire, flood, panic, and other emergencies.
 - (5) Ensuring compliance with the applicable Zoning Bylaws of Charlemont. All subdivisions must fully comply with the Town Zoning Bylaw.
 - (6) Securing adequate provision for water, sewerage, drainage, underground utility service, streetlighting, police, fire and other requirements, where necessary, in a subdivision.
 - (7) Coordinating the ways in a subdivision with each other, with the public ways in the Town of Charlemont and with the ways in neighboring subdivisions.

- B. It is the intent of the Subdivision Control Law that any subdivision plan filed with the Planning Board shall receive the approval of said Board if said plan conforms to the Subdivision Control Law, the recommendations of the Board of Health, and to the rules and regulations of the Planning Board pertaining to subdivisions of land; provided, however, that such board may, when appropriate, waive, as provided for in MGL C. 41, § 81-R, such provisions of the rules and regulations as deemed advisable (MGL C. 41, § 81-M).

ARTICLE II

Definitions

§ 2-1. Terms defined.

Terms and words not defined in these regulations shall have the meanings defined in MGL C. 41, § 81-L. The following terms and words shall have the following meanings:

APPLICANT ó The person or persons who apply for approval of a proposed subdivision plan. The ðapplicantö or ðapplicantsö must be the owner or owners of all the land included in the proposed subdivision. An agent, representative or his assign may act for an owner, provided that written evidence of such fact is submitted. Evidence, in the form of a list of its officers and the designated authority to sign legal documents, shall be required for a corporation.

BOARD ó The Planning Board of the Town of Charlemont.

CLASS I SUBDIVISION ó A subdivision with ten (10) or more lots.

CLASS II SUBDIVISION ó A subdivision with four (4) to nine (9) lots.

CLASS III SUBDIVISION ó A subdivision with three (3) lots or less.

DEAD-END STREET (CUL-DE-SAC) ó A street which joins another street at only one (1) end.

ENGINEER ó A licensed professional engineer.

LOT ó An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one (1) or more buildings.

MAJOR STREET ó A street which, in the opinion of the Planning Board, is likely to carry substantial volumes of through traffic or a street serving a Class I Subdivision.

MINOR STREET ó A street which connects with Major Streets or streets serving Class II and Class III Subdivisions (less than ten (10) lots).

OWNER ó The owner of record as shown at the Franklin County Registry of Deeds or Land Court.

SUBDIVISION:

- A. The division of a tract of land into two (2) or more lots and shall include resubdivision. A division of land is not a subdivision when the division of a tract of land in two (2) or more lots if, at the time when it is made, every lot within the tract so divided has frontage on:
- (1) A public way or a way which the Town Clerk and the Board of Selectmen certify is maintained and used as a public way.
 - (2) A way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law; or
 - (3) A way in existence when the Subdivision Control Law became effective in the Town of Charlemont 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.
- B. Such frontage shall be of at least such distance as is then required by zoning or other bylaw, if any, for the erection of a building on such lot.
- C. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land in which two (2) or more buildings were standing when the Subdivision Control Law went into effect in the Town of Charlemont into separate lots on each of which one (1) such building remains standing shall not constitute a "subdivision."

SUBDIVISION CONTROL LAW ó Refers to MGL C. 41 §§ 81-K to 81GG, titled "Subdivision Control," as last amended.

SURVEYOR ó A licensed professional land surveyor.

ZONING ó The Town of Charlemont Zoning Bylaw.

ARTICLE III
General Regulations

§ 3-1. Plan believed not to require approval.

- A. Any person who wishes to record a plan of land at the Registry of Deeds or to file a plan of land with the Land Court and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application (use Form A) to the Planning Board, accompanied by the necessary evidence to show that the plan does not require approval and the appropriate filing fee (see Appendix D). One Mylar original and four (4) copies of said plan shall be furnished to the Planning Board. Said plan shall be prepared by an engineer or surveyor. Plans submitted for a determination that approval under the Subdivision Control Law is not required, shall be delivered to the Planning Board at a meeting of said Board, or shall be sent by registered mail to the Planning Board, postage prepaid. If so mailed, the date of receipt by the Planning Board, or the Town Clerk on behalf of the Planning Board, shall be the date of submission of the plan.

- B. The applicant shall provide written notice to the Town Clerk of such filing, together with a copy of the application form. Such notice shall be given by delivery or sent by registered mail and shall describe the land to which the plan relates, sufficient for identification and shall state the date on which such plan was submitted to the Planning Board, and shall include the name and address of the owner(s) of the subject land.

- C. A plan submitted under §3-2 shall be prepared in accordance with the applicable requirements of the Franklin County Registry of Deeds, and shall, at a minimum, show the following information:
 - (1) The name(s) of the record owner(s) of the subject land, and the names of the owners of all adjacent land as determined from the most recent tax records of the Town;
 - (2) The location of all existing buildings on the subject land;
 - (3) The location of all easements and rights of way located on or serving the subject land;
 - (4) The existing and proposed boundaries of the subject land and of each parcel and lot created or altered by the plan;
 - (5) The zoning classification of the subject land;

- (6) A locus plan at a scale of 1" = 100 feet, showing the subject land in relation to the nearest intersecting street(s);
- (7) The locations, widths, and names of all abutting ways;
- (8) A notation reading:

Endorsement of this Plan does not certify
compliance with the zoning required for a building lot.

D. Frontage on Ways In Existence - In determining whether an existing way or a way in existence in 1979, when the Subdivision Control Law came into effect in Charlemont, provides adequate frontage to qualify a plan as not a subdivision, the Board will consider the following:

- (1) Is the right-of-way at least 30 feet wide and of reasonable horizontal alignment?
- (2) Does the existing horizontal and vertical alignment of the roadway provide safe visibility?
- (3) Is the roadway at least sixteen (16) feet wide with an additional two (2) feet of shoulder on each side to provide space for snow removal?
- (4) Is the roadway constructed with at least 18" of gravel with adequate provisions for drainage?
- (5) Will the way provide safe year-round access?
- (5) If the road could ever service more than ten dwelling units, is it bituminous surfaced or have provisions been made for such surfacing without cost to the town?
- (6) Have provisions been made for public utilities without cost to the town?
- (7) Is the grade less than or equal to 8%?

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

- E. Frontage on a Public Way - When the lots shown on a plan presented for endorsement under §3-1 are claimed to have frontage on a public way, the way must physically exist on the ground and must provide safe and viable access to the proposed lots. Additionally, the Planning Board may require documentation evidencing the layout and acceptance of the way as a public way.
- F. Frontage on a Subdivision Way - A way shown on an approved subdivision plan will be considered as frontage for purposes of §81L only if either: (a) the way and any associated municipal services are fully constructed in accordance with the Planning Board's approval of such subdivision plan, or (b) such construction has been adequately secured in accordance with M.G.L. c. 41, §81U.
- G. Adequacy of Access - In addition to determining that all lots shown on a plan presented for endorsement under §3-1 have the required frontage on one of the three types of ways specified in M.G.L. c. 41, §81L, before endorsing a plan as "Planning Board approval under the Subdivision Control Law not required" as well as the notation of 3-1 C (8), the Planning Board must also determine that each lot shown on the plan has practical access from the way upon which the lot fronts, in that there are no legal or physical impediments which prevent present adequate access to the lot.
- H. Time Limit - Pursuant to G.L. c. 41, §81P, if the Board fails to act upon a plan submitted under §3-1, or fails to notify the Town clerk and the applicant of its action within twenty-one (21) days from the next regularly scheduled Planning Board Meeting after the plan has been submitted to the Town Clerk, the Board shall be deemed to have determined that approval under the Subdivision Control Law is not required, and shall forthwith make such endorsement on the plan. If the Board fails to make such endorsement, the Town Clerk shall issue a certificate to the same effect.
- I. If the Board determines that the plan does not require approval, it shall forthwith, at a regularly scheduled Planning Board meeting and without a public hearing, endorse on the plan the words "Planning Board approval under the Subdivision Control Law not required" in addition to the notation of 3-1 C (8). The Board shall then sign said endorsement. Said plan shall then be returned to the applicant, and the Board shall notify the Town Clerk of its action. The applicant shall provide the Board with two (2) copies of the endorsed print.
- J. If it deems necessary, the Planning Board shall have the plan reviewed by an engineer before making a determination. The cost shall be borne by the applicant.
- K. If the Planning Board determines that the Plan does require approval under the Subdivision Control Law, it will so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its action. If the Planning Board fails to act upon a plan submitted under this section within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

- L. If the Planning Board determines that the Plan does require approval, said plan may not be recorded until such subdivision approval is obtained in accordance with the provisions outlined in the following sections.

§ 3-2. Planning Board approval required for subdivision.

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

§ 3-3. Access Adequacy.

- A. General. Plans shall be endorsed as not requiring approval under the Subdivision Control Law, and subdivision plans shall be approved only if each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, MGL C. 41, § 81-K through 81-GG.
- B. Standards of Adequacy. Streets within a subdivision shall be considered to provide adequate access if, and only if, complying with the standards established in this regulation. Ways providing access to streets within a subdivision shall normally be considered to provide adequate access only if there is assurance that, prior to construction on any lots, access to the subdivision will be in compliance with the right-of-way width, pavement width, maximum grade and sight distance requirements of this regulation as applicable to ways within a subdivision.
- C. Obligations. The Board may require as a condition of its approval of a subdivision plan, that the developer dedicate a strip of land for the purpose of widening accessways to a width as required above and that he either make physical improvements within such way or compensate the town for the cost of such improvements in order to meet the standards specified above.
- D. Waivers. The Board may waive strict compliance with these access requirements only upon its determination, following consultation with the Selectmen, Superintendent of Streets, Police Chief and Fire Chief, and that the way in fact will be sufficient to serve the needs for access to serve potential uses of land abutting on or served by the way in question.

§ 3-4. Plan Submission.

- A. Plans submitted for either review and approval under the Subdivision Control Law shall be delivered to the Planning Board at a meeting of said Board, or shall be sent by registered mail to the Planning Board, postage prepaid, c/o the Town Clerk. If so mailed, the date of receipt by the Town Clerk shall be the date of submission of the plan.
- B. The applicant shall provide written notice to the Town Clerk of such filing, together with a copy of the application form. Such notice shall be given by delivery or sent by registered mail and shall describe the land to which the plan relates, sufficient for identification and shall state the date on which such plan was submitted to the Planning Board, and shall include the name and address of the owner(s) of the subject land.
- C. Submission Fees. All fees will be received and recorded by the Planning Board. Said Board, will withhold approval of the Plan until the appropriate fees are paid in full. The fees indicated in Appendix D shall accompany the submittal of the application materials and plans specified in the Rules and Regulations, to cover costs of processing the application and professional staff assistance and review.
- D. Review and Inspection Fees. The Board may assign its agent and may from time to time hire professional and technical assistance to review plans, conduct material testing, conduct property surveys of land and infrastructure, record and file documents and inspect improvements. The expenses for engaging professional and technical assistance and review in connection with a subdivision shall be borne by the applicant.

The appropriate professional and technical review fees (see Appendix D: Fee Schedule) shall be paid to the Planning Board for deposit into a special account established by the Town Treasurer under M.G.L. Chapter 44, Section 53G. The fees, except the inspection fee, shall be paid at the time of submission of Preliminary and/or Definitive Plans. The inspection fee shall be paid at the time the Board endorses the Definitive Plan. The total dollar amount of the professional and technical review fees which may ultimately be expended may exceed the amount initially deposited in this special account per Appendix D: Planning Board Fee Schedule. The applicant shall be responsible for all professional and technical review fees incurred in reviewing the applicant's plan and project. The applicant will be reimbursed any deposits, plus accrued interest, if any, which remain after all fees have been paid.

The balance of this account shall at no time be less than one-quarter (1/4) the initial review or inspection deposit, and the applicant shall deposit with the Town Treasurer such additional funds as are required to restore the account to the amount of the initial review or inspection deposit. If the applicant fails to restore the account balance and the balance is insufficient to pay incurred review and inspection fees, all

work shall cease and all approvals suspended. The Town Treasurer shall send the invoice directly to the applicant. All fees past due by one month from the date of invoice shall be subject to a monthly interest charge based on additional professional or technical work, including inspections, until outstanding invoices are paid. Upon completion of a project, any excess amount in the account attributable to that project, including any interest accrued, shall be repaid to the Applicant or the Applicant's successor in interest.

- E. Review of plans. The Planning Board may submit any plans filed for approval to any professional that they deem necessary for review. The cost of the review will be the responsibility of the applicant. In addition, the Planning Board may seek review and approval of said Plan by the Highway Superintendent, the Fire Department and other municipal departments to ensure said plan allows for adequate access to lots for municipal services.

§ 3-5. Waivers.

The Planning Board may, in special and appropriate cases, waive strict compliance with such portions of these Rules and Regulations, as provided for in Section 81-R, Chapter 41, of the General Laws, where such action is in the public interest and not inconsistent with the purpose and intent of the Subdivision Control Law. Waivers are only granted for projects, which provide, in the sole opinion of the Planning Board, clear and significant improvements to the quality of a project in comparison to a subdivision, which meets the minimum requirements of the subdivision regulations.

- A. Limited waivers may be granted when appropriate to encourage development, which is in keeping with the character of traditional neighborhood development design, as outlined in the "Traditional Neighborhood Development" publications by the Institute of Transportation Engineers, to encourage more protected open space, playgrounds, walking and bicycle paths, and affordable housing, than required by zoning.
- B. A request for a waiver of a requirement, rule, or regulation shall be made in writing by the applicant, and submitted, whenever feasible, with the submission of the Preliminary Plan. If the Planning Board approves the request for a waiver, it shall endorse the conditions of such waiver (if any) on the plan or set them forth in a separate instrument attached to and referenced to the plan, which shall be deemed a part of the plan. The Planning Board shall notify the applicant in writing of its approval, disapproval, or approval with conditions.
- C. Except as specifically provided in a written waiver from the Planning Board, all projects must be totally in compliance with the subdivision regulations. A subdivision approved and endorsed by the Planning Board must still comply with the rules and regulations for the subdivision of land unless a specific waiver is granted.

ARTICLE IV
Procedure for Submission and Review of Plans

§ 4-1. Presubmission review.

Prior to investing in extensive professional design efforts for preliminary or definitive subdivision plans, it may be beneficial for the prospective applicant to discuss his ideas with the Planning Board. It may be useful in avoiding problems at a later stage of the subdivision review process. Pencil sketches of the prospective subdivision will be helpful in the discussion.

§ 4-2. Preliminary plan requirements.

A. A preliminary plan of a residential subdivision may be submitted by the Applicant to the Planning Board and to the Board of Health for discussion and tentative approval, modification or disapproval by each Board. However, in the case of a nonresidential subdivision, a preliminary plan must be filed. The submission of such a preliminary plan will enable the Applicant, the Planning Board, the Board of Health, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in all cases. A properly executed application Form B shall be filed with the preliminary plan submitted to the Planning Board.

B. Filing procedure.

- (1) Any person who submits a preliminary plan shall do so by delivery to the Planning Board at a meeting of said Board or by certified or registered mail to the Planning Board c/o the Town Clerk. Receipt of such plan by the Planning Board from the Applicant, or by the Board, via the Town Clerk, at the next regularly scheduled meeting of the Planning Board, shall constitute the date of submission. Such plan shall be accompanied by the completed Form B and a filing fee based on the schedule described in § 3-5 D. in the form of a certified check or money order made payable to the Town of Charlemont. In addition, any person who submits a preliminary plan shall also submit the plan to the Board of Health at the same time (see 4-2.B. (2)).
- (2) The applicant shall file the original drawing(s) or suitable reproducible(s) and four (4) copies with the Planning Board and two (2) copies with the Board of Health, and two (2) copies with the Conservation Commission and shall give written notice to the Town Clerk by registered mail that such delivery has been made.

- C. Contents. The preliminary plan shall be drawn at a scale of one (1) inch to forty (40) feet on a sheet of paper twenty-four by thirty-six (24 x 36) inches. The plan shall include the following:
- (1) The subdivision name, boundaries, true North arrow, date, scale, legend and title "preliminary plan."
 - (2) The names and addresses of the owners of record, the applicant and the engineer or surveyor.
 - (3) The names of all abutters, as determined from the most recent tax list.
 - (4) Existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner.
 - (5) The proposed system of drainage, including adjacent existing natural waterways, in a general manner.
 - (6) The proposed sanitary septic/sewer system and water distribution system, in a general manner.
 - (7) The approximate boundary lines proposed, with approximate areas and dimensions.
 - (8) The names, approximate locations and widths of adjacent streets.
 - (9) Existing (broken line) and proposed (solid line) topography at ten-foot contour intervals, including the finished grade of all lots.
 - (10) An index plan at a scale of one (1) inch equals two hundred (200) feet, when multiple sheets are used.
 - (11) A locus plan at a scale of one (1) inch equals one thousand (1,000) feet.
 - (12) Initial findings, in a general way, of the environmental impact analysis required within the definitive plan.
 - (13) Natural features including stonewalls, trees exceeding ten inches diameter at breast height, floodplains and rock outcroppings trees, wetlands, rare species habitats, areas within the 100-year floodplain, areas within the inundation areas of any high or significant hazard dams.
 - (14) In the case of a subdivision covering less than all of the land owned by the subdivider, a plan showing, in a general manner, the proposed overall development of remaining land.

D. Alternative Assessment. For residential subdivisions, when a developer is not proposing an Open Space Residential Development (cluster), then the Preliminary Plan submission shall include the cluster plan as an alternative concept for developing the parcel(s). When a developer is proposing a cluster development plan, the Preliminary Plan submission shall not require an alternate plan.

E. Action by the Board

- (1) Within forty-five (45) days of submission of the preliminary plan, the Board shall act to:
 - (a) Approve the plan as presented;
 - (b) Approve the plan with modifications; or
 - (c) Disapprove the plan.

The Planning Board must file its decision with the Town Clerk and submit its decision to the applicant by certified mail within forty-five (45) days of submission of the preliminary plan.

- (2) In the case of disapproval, the reasons why shall be stated. Approval of the plan does not constitute the approval of a subdivision, and no Register of Deeds shall record a preliminary plan.

§ 4-3. Definitive Plan.

A. General.

- (1) A definitive plan shall be governed by the Subdivision Regulations in effect at the time of submission of such plan or in effect at the time of submission of a Preliminary Plan, provided that a definitive plan evolved therefrom shall have been submitted to the Planning Board within seven (7) months from the date of submission of the Preliminary Plan.
- (2) A definitive plan shall also be governed by the zoning bylaws in effect at the time of submission of such plan or a preliminary plan from which a definitive plan is evolved, in accordance with the provisions of MGL C. 40A, § 6, as amended.
- (3) All filings for any action under these regulations must be accompanied by both paper copies and electronic copies. Electronic copies must be in accordance with the most up to date version of the oMassGIS Standard

for Digital Plan Submission to Municipalities meeting the requirements for Level I submission standards. Electronic copies must be submitted on a CD-Rom and must be accompanied by the completed checklist required in the MassGIS standard.

B. Filing procedure.

- (1) Any person who submits a definitive plan shall do so by delivery to the Planning Board at a meeting of said Board or by certified or registered mail to the Planning Board c/o the Town Clerk. Receipt of such plan by the Planning Board, or the Town Clerk on behalf of the Planning Board, shall constitute the date of submission. Such plan shall be accompanied by the completed Form B and a filing fee per § 3-5 D. in the form of a certified check or money order made payable to the Town of Charlemont. In addition, any person who submits a definitive plan shall also submit the plan to the Board of Health at the same time (see 4-2.B. (2)).
- (2) The applicant shall file with the Planning Board the following:
 - (a) An original reproducible drawing of the definitive plan and three (3) contact prints thereof. The original drawing will be returned to the applicant after a decision on the plan by the Board.
 - (b) One (1) properly executed application including Form C.
 - (c) Filing fees shall follow the schedule defined in § 3.5D The filing fee shall be in the form of a certified check or money order made payable to the Town of Charlemont. Any additional expenses for professional assistance related to the application including the review of the plans, survey or inspections shall also be paid by the applicant prior to any determination by the Board.
 - (d) A certified list of abutters.
- (3) The applicant shall file with the Board of Health the following:
 - (a) At the time of the filing of the definitive plan with the Planning Board, two (2) copies shall also be filed with the Board of Health, and two (2) copies shall also be filed with the Conservation Commission.
 - (b) Two (2) copies of the application with the properly executed Form C.

C. Board of Health Review

The Board of Health shall report, in writing, to the Planning Board and subdivider its approval or disapproval of said Plan. In the event of disapproval, it shall make

specific findings as to which, if any, of the lots shown on said plan cannot be used as building sites without injury to the public health. The Board of Health shall include specific findings and the reasons therefor in such report, and, where possible, it shall make recommendations for adjustments necessary for the Plan's approval. Any approval by the Planning Board shall be on the condition that lots deemed injurious to the public health shall not be built upon without prior consent of the Board of Health. The Planning Board shall endorse on the Plan such conditions, specifying the lots to which said conditions apply. Failure by the Board of Health to report on the proposed subdivision within forty-five (45) days after the filing of the plan shall be deemed approval of the Plan by the Board of Health.

D. Review by other Town Officials

The Planning Board within ten days of the date of submission of a Definitive Plan transmit two (2) copies to the Board of Selectmen for review of the layout of the proposed improvements shown on the plans. The Board of Selectmen shall, within 45 days after filing of the plan, report in what respect, if any, the proposed streets and improvements would fail to comply with the standards for design, construction and acceptance by the Town, and may also make recommendations and suggestions to the Planning Board which in their opinion would improve the subdivision and its future development as an integral part of the entire town. If the Board of Selectmen fails to report to the Planning Board within 45 days after the filing of the plan, the plan shall be deemed as approved by the Board of Selectmen.

E. Contents of the Definitive Plan

- (1) The definitive plan shall be prepared by a registered civil engineer and/or registered land surveyor. It shall be clearly and legibly drawn in black ink upon Mylar. The plan shall be at a scale of one (1) inch to forty (40) feet, unless otherwise specified by the Planning board. Sheet size shall not exceed twenty-four by thirty-six (24 x 36) inches. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The data required below may be on separate sheets as is necessary.
- (2) The definitive plan shall have the following information:
 - (a) The subdivision name, boundaries, true North arrow, date, scale, legend and bench mark. All elevations shall be tied to the United States Geological Survey bench marks if within five hundred (500) feet of the subdivision using the Datum of 1983 (NAD83).
 - (b) The names and addresses of the owners of record, the applicant, the engineer and/or surveyor and/or their official seals.

- (c) The names of all abutters, as determined from the most recent tax list.
- (d) Existing and proposed lines of streets, rights-of-way, easements and public or common areas within the subdivision. Proposed names of new streets shall be shown in pencil until they have been approved by the Planning Board.
- (e) The location, names and present widths of street(s) bounding, approaching or within reasonable proximity of the subdivision.
- (f) Zoning districts of all the areas shown on the plan.
- (g) A locus plan showing the location of the subdivision at a scale of one (1) inch equals one thousand (1,000) feet and an index plan at a scale of one (1) inch equals two hundred (200) feet or at a scale matching that used on the Assessor's maps.
- (h) Existing (broken line) and proposed (solid line) topography at ten-foot contour intervals, including the finished grade of all lots.
- (i) A table listing lot numbers with the corresponding lot size and street frontage for every lot.
- (j) The location of all natural (perennial and intermittent) waterways and water bodies within and adjacent to the subdivision.
- (k) The location of significant site features, such as existing stonewalls, fences, buildings, trees exceeding ten inches diameter at breast height, floodplains and rock outcroppings.
- (l) The locations of all permanent monuments properly identified as to whether proposed or existing.
- (m) The location and results of all percolation tests to evaluate subsurface conditions for each lot in the prospective subdivision. The tests will be done in accordance with the State Sanitary Code.
- (n) The size and location of existing and proposed water supply facilities.
- (o) Sufficient data, including the length, bearings, radii and central angle, to determine the exact location, direction and length of every street, way, lot line and boundary line and to establish these lines on the ground. If the proposed subdivision is within five

hundred (500) feet of a monument of the Massachusetts coordinate mapping system, it shall be tied into said system.

- (p) A statement to be signed by the applicant, which is to read "All ways to be owned and maintained by the Homeowners Association, or by the sum of the owners of the lots within the subdivision."
- (q) A civil engineer's stamp and signature.
- (r) A registered land surveyor's stamp and signature.
- (s) Street profiles shall be prepared as follows:
 - [i] A horizontal scale of one (1) inch equals forty (40) feet shall be used.
 - [ii] A vertical scale of one (1) inch equals four (4) feet shall be used.
 - [iii] The existing grade of the road center line shall be drawn in a fine black solid line.
 - [iv] The existing right side line shall be drawn in a fine black dotted line.
 - [v] The existing left side line shall be drawn in a fine black dashed line.
 - [vi] All elevations shall refer to the United States Coast and Geodetic Survey bench marks if within five (500) feet of the proposed subdivision.
 - [vii] Proposed roadway center-line grades shall be drawn in heavy red lines with precise elevations at points of vertical tangency, points of vertical contact high point and low point.
 - [viii] Rates of roadway gradient shall be shown in percentage.
 - [ix] The size, location and rates of gradient of proposed stormwater drains, sewer lines, catch basins and manholes, as well as required new waterways and sizes of all pipes shall be shown.

- [x] The invert and rim elevations of each manhole or catch basin shall be shown.
 - [xi] As long as the work is related to the proposed subdivision, profiles shall be shown, even if the new work is outside said subdivision.
 - [xii] Water mains will be shown in profile to demonstrate sufficient clearance of other structures.
 - [xiii] The size and location of all other utilities to be placed in the right-of-way shall be shown. These shall be placed so as to minimize flood damage.
 - [xiv] The location of any intersected public or private way shall be shown.
- (t) Typical street cross-sections for each class of street within the subdivision, drawn at 1" = 40' showing location of all elements within the street right-of-way including street sections showing paving, crown, berm, shoulder and distance to the right-of-way line, as well as typical cross-sections of any altered drainage courses or off-street paths shall be drawn.
 - (u) Suitable space to record the action of the Board and signatures of Board members.
 - (v) Any other information that the Board may deem necessary.

F. Environmental impact report.

- (1) In order to more fully ensure the health, safety and welfare of the Town of Charlemont and its inhabitants, all prospective Class II Subdivisions of between 4 (4) and 9 (9) lots shall be required to submit a detailed environmental impact report. Further, the Board may require said report or portions of it for smaller subdivisions where the information contained in such a report would be necessary to evaluate the prospective subdivision's impact upon a particular piece of land. The report would include the following:
 - (a) A description of the topography, geology and soil characteristics of the proposed subdivision and contiguous area and an analysis of the natural land features to sustain the proposed development; an analysis of stormwater runoff, soil erosion and other potential

land capability effects of the proposed subdivision; and a description of the measures planned to protect the natural land features against potential deterioration resulting from the proposed subdivision.

- (b) Identification of surface and subsurface water features within the proposed subdivision, as well as those water features potentially affected by it, including underground aquifers, brooks, streams, rivers, lakes and wetlands, and a description of the measures planned to protect those surface and subsurface features against potential deterioration resulting from the proposed subdivision.
 - (c) A description of special physical conditions existing within the proposed subdivision, (e.g., floodplains, unique landscape features, etc.) and a description of the measures to accommodate these special conditions.
 - (d) An analysis of airborne emissions to be generated by the proposed subdivision or incident to it, in relation to state and federal air pollution standards, as well as nearby off-site emission sources potentially affecting air quality of the proposed subdivision.
 - (e) Identification of any existing or potential on- or off- site sources of noise which might significantly inhibit speech or sleep [above fifty (50) dBA] and a description of the measures to alleviate the problem.
 - (f) Identification of any notable aesthetic characteristics on or near the proposed subdivision, including features of historical, architectural, archaeological or scenic interest and a description of the measures designed to protect these aesthetic features.
- (2) A biotic study.
- (a) A description of the biotic community, listing types of vegetation and animals found within the proposed subdivision and contiguous area.
 - (b) Identification of any rare or endangered species potentially affected by the proposed subdivision, a description of any potential disruption of wildlife habitat which may result from the proposed subdivision and the methods to be taken to limit the loss of wildlife habitat.

- (3) A land use study.
 - (a) An analysis of land use within the proposed subdivision in relation to surrounding land uses and especially as it affects any loss of farmland or decrease in farm production or viability.
 - (b) An assessment of the economic impact of the proposed subdivision upon education (the number of additional children in the school system), the demand for municipal services and facilities (water, sewage treatment, solid waste management, road maintenance, fire and police protection and recreation), traffic, utilities and streetlights.

G. Development Impact Statement. In order to more fully ensure the health, safety and welfare of the Town of Charlemont and its inhabitants, all prospective Class 1 Subdivisions of ten (10) or more lots and all non-residential subdivisions shall be required to submit a detailed environmental impact report. Further, the Board may require said report or portions of it for smaller subdivisions where the information contained in such a report would be necessary to evaluate the prospective subdivision's impact upon a particular piece of land. The report would include the following:

- (1) Contents. The board may require an Applicant of a subdivision to submit a Development Impact Statement (DIS) on the effects the proposed action has or will have on: 1) the immediate neighborhood and land area; 2) surrounding neighborhoods; and 3) the community at large.

The DIS shall include a detailed assessment of the probable impacts of the proposed action on a wide variety of environmental, fiscal, and socioeconomic elements and factors.

Environmental factors shall mean any destruction, damage, or impairment, actual or probable, to any natural resources of the Town and shall include but not be limited to water pollution, air pollution, improper sewage disposal, pesticide pollution, excessive noise, impairment and eutrophication of rivers, streams, floodplains, lakes, ponds, or other surface or subsurface water resources, destruction of wetlands, open spaces, natural areas, parks, or historic districts and sites.

Fiscal and socioeconomic impacts shall mean the effects on traffic circulation and safety, neighborhood character, school enrollment, public facilities, municipal and community services, associated fiscal expenditures and revenues, and on housing and other development activity.

The DIS shall contain detailed information describing the nature and extent of the proposed work and its potential impacts; any adverse short-term and long-term consequences which cannot be avoided should the work be performed; and all measures to be utilized to minimize adverse consequences, particularly environmental damage.

The DIS shall also develop, describe, and objectively weigh alternatives to the proposed development, which are allowed by the Zoning Bylaw.

- (2) Procedure. On submission to the Board of a residential subdivision creating more than ten (10) lots or dwelling units and all nonresidential subdivisions, the applicant is required to submit a DIS (see Appendix C). The Board may require portions of the DIS to be carried out for smaller subdivisions, if in their opinion, the sensitivity of the land warrants an investigation. After a preliminary scoping session to be held between the applicant and the board or its agent, and upon submission of evidence and a written request from the applicant, the Board may waive any section(s) of the requirements which it deems non-applicable to the proposed project or may require additional information on any aspect of the requirements. The entire cost of the DIS will be the responsibility of the Applicant. The DIS shall be prepared by an interdisciplinary team of professionals qualified, experienced, and where applicable, licensed in their fields. Such team may include a civil engineer, traffic engineer, architect, landscape architect, land use planner, hydro-geologist, hydrologist, biologist, and other environmental professionals.

H. Compliance with the Wetlands Protection Act. In accordance with MGL C. 131, § 40, no person shall remove, fill, dredge or alter any watercourse, pond, floodplain or wetland without filing written intention to perform said work with the Local Conservation Commission and with the Commonwealth Department of Environmental Protection. Permission for such work must be obtained from the Conservation Commission.

I. Public hearing.

- (1) Before approval, modification, or disapproval of the definitive plan is given, a public hearing shall be held by the Board. Said public hearing shall be held after the Board of Health makes its report or after the forty-five day period to report expires. Notice of the specific time and place shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Charlemont once in each of two (2) successive weeks, the first

publication being not less than fourteen (14) days before the date of such hearing. A copy of the definitive plan shall be available to the public through the Town Clerk's office not less than fourteen (14) days before the date of the public hearing.

- (2) A copy of said notice of public hearing shall be mailed by the Board, by registered or certified mail, to all owners of land abutting the proposed subdivision and to the abutters of the abutters within three hundred (300) feet of the site. The Planning Board shall also send notice of a public hearing to the following: the Board of Selectmen, the Board of Health, the Conservation Commission, the Fire Department, the Superintendent of Schools, the Building Commissioner and the Highway Department. The expense of these notifications shall be borne by the applicant.

J. Approval, modification or disapproval. After the required public hearing but within ninety days (90) days from the date of submission, in the case of a subdivision where a preliminary plan has been filed, the Planning Board shall take final action upon the definitive plan. It shall approve the plan as submitted, approve the plan with modifications, or disapprove the plan. If the Board modifies or disapproves the plan, it shall state with its vote reasons for its action. In the case of a subdivision plan where no preliminary plan has been submitted, the Planning Board shall take final action within one hundred and thirty-five (135) days from the date of submission. Final action is the filing of the Planning Board decision with the Town Clerk and submission of its decision to the applicant by certified mail.

K. Performance guaranty. Before endorsement of the Board's approval upon a definitive plan of a subdivision, the applicant shall agree to complete the required improvements specified in Article VI of these rules and regulations for all lots within the subdivision within a specified period of time. Such construction and installation shall be secured by one, or in part by one and in part by another, of the following methods:

- (1) by a proper bond, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan, and the Planning Board may require that the applicant specify the time frame within which such construction shall be completed;
- (2) by a deposit of money or negotiable securities, sufficient in the opinion of the Planning Board, after consultation with Town Counsel, to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan, and the Planning Board may require that the applicant specify the time frame within which such construction shall be completed;

- (3) by a covenant executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years for the date of such deed; or,
- (4) by an agreement between the applicant and the lender executed after the recording of the first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender which agreement shall provide for the retention by the lender of funds sufficient in the opinion of the Planning Board to secure the construction of ways and installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available for completion.

L. Endorsement.

- (1) Upon approval of the definitive plan, a majority of the Board shall endorse it. This shall be done following the twenty-day statutory appeals periods, provided that the Town Clerk notifies the Board that no appeal has been filed within this period. After the approved definitive plan has been endorsed, the applicant shall file with the Board one (1) reproducible copy and three (3) contact prints of said definitive plan.
- (2) Approval of the definitive plan does not constitute the laying out or acceptance by the Town of Charlemont of streets or easements within a subdivision.
- (3) A failure by the applicant to request endorsement of the plan or failure by the applicant to provide an adequate performance guaranty within six months of the Planning Board's vote of approval shall result in automatic rescission of the definitive plan approval.

M. Evidence of performance and release of performance guaranty.

- (1) Requirements. Before the Board shall fully release the interest of the Town in a performance bond, deposit or covenant, the Board shall require the following:
 - (a) Written evidence from a registered civil engineer of the Board's choosing, that the streets and drainage pattern conform to the Planning Board's requirements in accordance with the definitive plan.
 - (b) Written evidence from a registered civil engineer of the Board's choosing that the water mains, sanitary sewers, storm sewers and hydrants conform to specifications and the Board's requirements in accordance with the approved definitive plan.
 - (c) Written evidence, from a registered land surveyor of the Board's choosing, that all permanent bounds and monuments on all street lines and on the lot or lots within the subdivision are in place and are accurately located in accordance with the approved definitive plan.
 - (d) Written evidence from a registered civil engineer of the Board's choosing that the streets and drainage system shall have been in use through one (1) full winter and shall have performed as designed.
 - (e) Written evidence that all fees to cover inspection for release of the performance guaranty have been paid by the applicant.
- (2) Upon completion of all said improvements and satisfaction of the above requirements, the applicant shall notify the Board and the Town Clerk, by delivery or by registered or certified mail, requesting release from the performance guaranty. The Board shall act on such request within forty-five (45) days.
- (3) The Board may grant partial release from such security for partial completion of improvements, provided that the completed portion provides a reasonable system for circulation and utilities pending completion of the rest.
- (4) Full security shall not be released until the integrity of road pavement and drainage has been verified following a full winter of use, until trees and other vegetation have been established, until either the way has been duly laid out and accepted as a public way or other provisions for their

continued maintenance have been accepted by the Board, until the record (õas builtö) plans have been received (Section 234-29) and until final clean-up has been completed (Section 234-30).

- N. Recording of the plan. The applicant shall notify the Planning Board in writing within ten (10) days after the definitive plan, as approved and endorsed, has been recorded at the Franklin County Registry of Deeds and, in the case of registered land, with the recorder of the Land Court, of such recording, noting book, page number and date of recording.
- O. Recording of the plan. Failure of the applicant to record the definitive plan at the Franklin County Registry of Deeds within six (6) months of its endorsement or to comply with the construction schedule of the performance agreement shall constitute sufficient cause for rescission of such approval, in accordance with the requirements of MGL C. 41 § 81-W, as amended.

§ 4-4. Subdivision standards in the Floodplain

All subdivision proposals shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a proposed subdivision is located within the Special Flood Hazard Area as defined by the Federal Insurance Administration (FIA) Flood Hazard Boundary Maps or within the 100-Year Floodplain as defined by the Federal Emergency Management Agency's Flood Insurance Rate (FIRM) maps, it shall be reviewed to assure compliance with the Town of Charlemont Zoning Bylaw and the following:

- A. The proposed subdivision design is consistent with the need to minimize flood damage.
- B. All public and private utilities and facilities, such as sewer, gas, electrical and water systems (as appropriate), shall be located and constructed to minimize or eliminate flood damage.
- C. Adequate drainage systems shall be provided to reduce exposure to flood hazards.
- D. Base flood elevation (the level of the one-hundred-year flood) data shall be provided for proposals greater than five (5) lots or five (5) acres, whichever is the lesser, for that portion within the Flood Hazard Area or the 100-Year Floodplain.

ARTICLE V
Design Standards

§ 5-1. Street Classifications

- A. Streets in subdivisions shall be classified as major and minor.
- (1) Major Street: A street which, in the opinion of the Planning Board, is likely to carry substantial volumes of through traffic or a street serving a Class I Subdivision..
 - (2) Minor Street: A street which connects with Major Streets or streets serving Class II and Class III Subdivisions (less than ten (10) lots).

§ 5-2. Streets

- A. The Planning Board may require higher standards than those set forth herein after for the design and construction of streets within a subdivision, provided that such requirement are necessary and are intended to benefit a substantial area outside the subdivision.

B. Location.

- (1) All streets in the subdivision shall be designed so that they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout, in order to obtain the maximum livability and amenity of the subdivision. Common driveways shall not be used to provide vehicular access to lots within a subdivision if, in the opinion of the Planning Board, they are being used to circumvent the requirements of these Subdivision Regulations.
- (2) The design and layout of the proposed subdivision shall conform, so far as is practicable, to the Development Guidelines contained in Appendix A and to the Town Master Plan, Open Space and Recreation Plan, or Community Development Plan, as adopted by the Planning Board or the Town.
- (3) Provision shall be made, which is satisfactory to the Planning Board, for the proper projection of streets or for access to adjoining property, which is not yet subdivided or developed.
- (4) Reserve strips prohibiting access to streets or to adjoining property shall not be permitted.
- (5) Dead-end streets (cul-de-sac) shall be permitted as Minor Streets only. Dead-end streets shall not be longer than six hundred (600) feet unless, in

the opinion of the Planning Board, a greater length is necessitated. Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred (100) feet and a property line diameter of at least one hundred twenty (120) feet.

D. Alignment.

- (1) Streets shall be laid out so as to intersect, as near as possible, at right angles. No street shall intersect another street at less than sixty (60°).
- (2) Streets entering on opposite sides of another street shall be laid out directly opposite each other or with a minimum offset of one hundred and fifty (150) feet between their respective centerlines.
- (3) Minimum centerline radii will be as follows: Major Street, five hundred (500) feet; Minor Street, two hundred (200) feet.
- (4) Property lines at street intersections shall be cut back to provide for curb radii as outlined in 234-11F.(1) below.
- (5) At forty-five (45) inches above the pavement at the intersection of the subdivision road with the existing street, the minimum sight distances shall be as follows: Major Streets, three hundred fifty (350) feet; Minor Streets, two hundred and fifty (250) feet.
- (6) Street jogs with center-line offsets of less than one hundred twenty-five (125) feet should be avoided.

E. Grade. The maximum grades for streets shall be as follows: Major Street, six percent (6%); and Minor Street, eight percent (8%). No grade shall be less than one percent (1%).

F. Road Width, Right of Way (R.O.W.), and Curb Radius.

- (1) The minimum width of a Right-of-Way, Road Width, and Curb Radius shall be as follows:

	R.O.W.	Road Width	Curb Radius
Class I Subdivision	60 feet	24 feet	40 feet
Class II Subdivision	55 feet	22 feet	30 feet
Class III Subdivision	55 feet	20 feet	30 feet

In addition, there must be at least a twenty (20) foot setback from any adjacent owner's property line to any edge of the right-of-way. Greater road width shall be

required by the Planning Board when deemed necessary for present and future vehicular travel.

- (2) The centerline of the roadway shall coincide with the centerline of the right-of-way unless otherwise requested by the Board.

G. Adequate Access from Public Ways.

- (1) Where the street system within a subdivision does not connect with or have, in the opinion of the Planning Board, adequate access from a public way, the Planning Board may require, as a condition of approval, that such adequate access be provided by the subdivider, or that the subdivider make physical improvements to and within such a way in accordance with the provision of these regulations from the boundary of the subdivision to a public way.
- (2) Where the physical condition or width of the public way from which a subdivision has its access is considered by the Planning Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Planning Board may require the subdivider to dedicate a strip of land for the purpose of widening the abutting way to a width at least commensurate with that required in a subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such work performed within such public way shall be made only with the permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the subdivider.

§ 5-3. Easements.

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

§ 5-4. Natural features.

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

§ 5-5. Open spaces.

Before approval of a plan, the Planning Board may also require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Board may require that no building be erected upon such area until the land is either purchased by the town or is deeded in gift to the town or to a neighborhood civic association. This land may be held in said status for a period of three (3) years, at which time, if the land is not deeded or purchased, it may be included in a new subdivision proposal.

§ 5-6. Drainage.

- A. The storm drainage system shall be designed to intercept all stormwater drainage from the particular subdivision or any additional runoff that may be created by that subdivision.
- B. The Rational Method or the Soil Conservation Service Method shall be used in determining the quantity of stormwater to be carried by the system. The system shall be designed for a minimum twenty-five year-storm frequency.
- C. Wherever possible, stormwater should be directed into the nearest part of the drainage system. Where storm drainage encroaches on privately owned land, a drainage easement shall be acquired by the developer.
- D. Stormwater shall not be permitted to cross the surface of the roadway. It must be piped underneath.
- E. Catch basins shall be placed on both sides of the street. They shall be placed at street intersections to intercept stormwater runoff.
- F. The maximum distance between catch basins shall be three hundred (300) feet.
- G. The minimum diameter of storm drainage pipes shall be twelve (12) inches.
- H. All new culverts should be placed so as to maximize stream connectivity. Culvert specifications shall reflect the Massachusetts River and Stream Crossing Standards (http://www.streamcontinuity.org/pdf_files/MA_Crossing_Stds_3-1-06.pdf).

- I. The method of construction and the materials used in construction shall conform to the most recent MassHighway Standards and Specifications for Highways, Bridges and Waterways.
- J. No open water body or wetland shall be filled unless in compliance with the Massachusetts Wetlands Protection Act.
- K. Where a portion of a subdivision lies within an aquifer recharge area, storm drainage shall be directed, when appropriate, to retention basins in order to artificially recharge the groundwater.
- L. Leaching catch basins may be required at the option of the Board. These basins shall be at least six (6) feet deep and four (4) feet in diameter (inside measurements), constructed of concrete blocks or precast concrete units. Leaching basins shall be backfilled for at least one (1) foot around all sides with one and one-half (1 ½) inches of washed stone, topped with peastone, and shall be cross-connected with a twelve-inch equalizer drainpipe. Covers on basins shall conform to industry standards. Placement of catch basins shall be such as to prevent the ponding of water.
- M. Post construction stormwater runoff shall be no greater than preconstruction levels.

§ 5-7. Sewerage.

If a public sewerage system is available and the connection is feasible the subdivision should be connected according to the requirements of the Sewer District and/or Town. Where a public sewerage system connection is not available or feasible, a private on-site sewerage system shall be designed and constructed in conformity with Title 5 of the State Environmental Code of the Massachusetts Department of Environmental Protection and subject to the approval by and in conformity with the Town of Charlemont Board of Health and its rules and regulations.

Where a cluster subdivision is proposed, a shared on-site sewerage system shall be allowed if designed and constructed in conformity with Title 5 of the State Environmental Code of the Massachusetts Department of Environmental Protection and subject to the approval by and in conformity with the Town of Charlemont Board of Health and its rules and regulations. A portion of the common land may also be used for the construction of retention and detention facilities and leaching areas, if associated with drainage or septic disposal systems serving the cluster development, and if such use, in the opinion of the Planning Board, enhances the specific purpose of the cluster development to promote better overall site planning. Easements shall be no larger than reasonably necessary and the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the lot owners within the cluster development.

§ 5-8. Water.

Private on-lot water systems shall be located and constructed in accordance with the Board of Health Regulations governing private wells in the Town of Charlemont and in accordance with the setback and other requirements of Title 5 for private septic systems. Such water systems shall be subject to the approval of the Town of Charlemont and the Charlemont Board of Health. In addition, a local water supply should be provided within the subdivision for fire fighting purposes.

**ARTICLE VI
Required Improvements for Approved Subdivisions**

The improvements required in these Rules and Regulations for the Subdivision of Land must be installed to the satisfaction of the Board of Selectmen. A schedule for the installation of improvements shall be filed with the Board of Selectmen who will provide the developer with a check list of required inspections to be made by the Highway Superintendent or the Board of Selectmen. Failure to file such a schedule, or otherwise to give adequate notice as to when such improvements can be inspected may significantly delay certification of such improvements and subsequent release of bond or covenant.

§ 6-1. Clearing and grubbing of right-of-way.

- A. No clearing or excavating shall be started on any part of the street until the Tree Warden has designated, in writing, those trees which are to remain in the tree belt. If the construction of a new subdivision road will impact a road designated as a local scenic road according to Chapter 40, Section 15C, review and approval by the Planning Board to cut or remove trees is required. Such trees to be preserved shall be protected during construction by fenders or boxes, and their root systems shall be disturbed as little as possible.
- B. No matter such as stumps, trunks, limbs of trees, brush, boulders or such material shall be buried or left within the limits of the right-of-way lines.

§ 6-2. Foundation of roadway.

- A. Subbase.
 - (1) Within the roadway area, including driveway aprons, sidewalks and grass strips, all material shall be removed to subgrade, and any unsuitable material below subgrade, in the opinion of the town-appointed engineer, shall be removed and shall be replaced with proper bankrun gravel and brought to proper compaction. The depth of the subgrade will be a

minimum of sixteen inches but may be greater based on existing conditions as specified by the town-appointed engineer.

- (2) Where fill is required, it shall be placed in uniform lift layers not deeper than eight (8) inches and shall be spread uniformly with the large stones at the bottom.
- (3) Any gravel used as fill in the subbase shall be composed of hard, durable stone and coarse sand, practically free from loam and clay and containing no stone having a dimension greater than six (6) inches, and, when spread and compacted, shall present a stable foundation.
- (4) Each layer shall be thoroughly compacted to AASHTO (American Association of State Highway and Transportation Officials) standards, and rolling shall continue until a firm, even surface true to line and grade is achieved. Any depressions shall be filled and rerolled, and any soft or unsuitable areas shall be removed and replaced with suitable material and rolled.
- (5) The subgrade shall be shaped and finish graded at the required depth below and parallel to the proposed pavement surface, in conformance with the typical street cross section.
- (6) Inspections shall be required after completion of the subbase (AASHTO).

B. Gravel base.

- (1) The gravel base course shall consist of not less than eighteen (18) inches of well-compacted gravel placed upon the subbase, for the entire width of the roadway, in layers not greater than six (6) inches deep.
- (2) When spreading the gravel, care should be taken to rake forward and distribute the largest stones so they will be at the bottom of the gravel base course and evenly distributed.
- (3) Each layer shall be thoroughly compacted to the proper density, and rolling shall continue until a firm, even surface true to line and grade is achieved. Any depression that appears during or after rolling shall be filled with gravel and rerolled.
- (4) The gravel used in the base course shall conform to AASHTO standards, except that it shall contain no stones having a dimension greater than three (3) inches.

- (5) The gravel base surface shall be shaped and finish graded at the required depth below and parallel to the proposed pavement surface, in conformance with the typical street cross section.
- (5) Inspections shall be required before commencement and after completion of the gravel base (AASHTO).

§ 6-3. Surfacing of roadway.

- A. The roadway and driveway aprons shall be paved the entire width, including under the berms, and the surface treatment shall be compacted bituminous concrete placed in two (2) layers.
- B. The first layer or binder course shall be Class I bituminous concrete pavement, Type I-1, binder course mix, laid at a thickness of two (2) inches, in accordance with Section 460 of MassHighway's Standard Specifications for Highways, Bridges and Waterways, latest edition.
- C. The second layer or surface course shall be Class I bituminous concrete pavement, Type I-1, top course mix, laid at a thickness of two (2) inches, in accordance with Section 460 of MassHighway's Standard Specifications for Highways, Bridges and Waterways, latest edition.
- D. The plant mix material shall be delivered to the site in a hot and easily workable condition when weather conditions are satisfactory so that it can be properly placed on the appropriate base. Irregularities in the existing foundation material shall be eliminated by the use of extra bituminous material, in accordance with Section 460 of MassHighway's Standard Specifications for Highways, Bridges and Waterways, latest edition.
- E. All bituminous concrete shall be spread by an approved mechanical spreader in a uniformly loose layer to the full width required and to such thickness that each course, when compacted, shall have the required thickness and shall conform to grade and the typical street cross section. Hand spreading of bituminous concrete material will be allowed only for special areas which do not permit mechanical spreading and finishing.
- F. Each course of bituminous material shall be rolled with a self-propelled, equally balanced, tandem roller weighing not less than five (5) nor more than ten (10) tons. Places inaccessible to the power roller shall be compacted by means of hand or vibratory tampers. Any displacement caused by the roller shall be corrected by raking and adding fresh mixture where required.
- G. Traverse joints shall be formed by laying and rolling against a form of the thickness of the compacted mixture placed across the entire width of the pavement. When the laying of the mixture is resumed, the exposed edge of the joint shall be painted with

a thin coat of hot asphalt or asphalt cement thinned with naphtha. The fresh mixture shall be raked against the joint and thoroughly tamped with hot tampers and rolled.

- H. The final bituminous surface shall show no deviation greater than one-fourth (1/4) inch when tested with a sixteen-foot straightedge placed parallel to the center line of the surface course.
- I. Finished roadway and driveway apron surfaces less than the required thickness or containing any soft or imperfect places will not be approved.
- J. All roadways shall be brought up to the finish grade as shown on the definitive plan, and all manhole covers, gate boxes, gas drips and other access to underground utilities shall be set flush with the surface of the road, grass strip or sidewalk.
- K. Streets and roads shall be constructed with the following minimum widths of traveled surface:
 - Major Street 6 24 feet
 - Minor Street 6 20 feet
- L. Inspections shall be required upon completion of the binder and surface courses (AASHTO).

§ 6-4. Curbs and berms.

Curbing will be required only where the Planning Board determines that special conditions of topography, drainage requirements, steep roadway grade or high traffic density so required. Unless these conditions exist, curbing will not be required, and the adjoining shoulder, grass plot and ditch shall be graded and treated so as to adequately carry the surface water runoff without erosion.

When it is the opinion of the Planning Board that curbs and or berms are required, they shall be constructed using granite curbing along both sides of major roads but will not be required along Minor Streets. Their construction shall meet requirements set forth by MassHighway in its latest volume of Standard Specifications for Highways and Bridges.

§ 6-5. Sidewalks and School Bus Stops

- A. Sidewalks of not less than five (5) feet in width shall be constructed on one (1) or both sides of the street starting at the property line when, in the opinion of the Board, such sidewalks are necessary for public safety or to support pedestrian circulation within the subdivision.
- B. Sidewalk construction shall meet requirements set forth by MassHighway in its latest volume of Standard Specifications for Highways and Bridges.

- C. All Class I Subdivisions located in an area where school busing is provided or is likely to be provided in the future must provide at least one bus waiting area for school children. This area must be between 30 square feet and 100 square feet depending on the size of the subdivision (number of students generated). The waiting area shall not include the width necessary to meet the sidewalk.

§ 6-6. Grass strips.

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

§ 6-7. Street signs.

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

§ 6-8. Streetlighting.

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

§ 6-9. Monuments and markers.

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

- D. All monuments and markers shall be installed before final release of the security for the performance guarantee.

§ 6-10. Trees and planting.

- A. All landscaping and planting within the rights-of-way will come under the supervision of the Tree Warden. A twelve-foot minimum width will be required on the utility side and a ten-foot minimum width on the opposite side for tree belts. Trees are to be planted no greater than forty (40) feet apart. Trees should be planted in locations, which avoid overhead or underground utilities. The Planning Board recommends that the following trees not be planted: all species of willow, catalpa, Norway maple poplar or other tree species considered invasive in Massachusetts. Trees approved by the Planning Board to be planted include: Red Maple, Sugar Maple, Katsura Tree, Green Ash, Ginkgo (male only), Thornless Common Honeylocust, Tupelo, Scarlet Oak, English Oak, Red Oak, London Plane Tree, Littleleaf Linden, Valley Forge Elm, Princeton Elm, Alleeø Lacebark Elm, and Japanese Zelkova.
- B. On the side of the street where overhead wires are present, large and medium growing trees should be planted within the front yard of the individual property owner, away from such wires.

§ 6-11. Utilities.

All electrical, telephone, fire alarm and other wires and cables shall be installed underground unless, in the opinion of the Board and the appropriate utility company, such installation is impractical or not in the best interest of the town. If located within a flood-prone area, as determined by the Board, transformers, switching equipment or other vital components shall be floodproofed and approved by the Board or a Board-appointed engineer at the subdividerø expense. If the Board determines that undergrounding the utilities is impractical because of ledge, high groundwater or flooding, then the utility poles must be set back at least seven feet from the edge of the road or shoulder if any.

§ 6-12. As-built plans.

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

§ 6-13. Final cleanup.

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

**ARTICLE VII
Administration**

§ 7-1. Inspections.

A. General requirement.

- (1) Inspections shall be carried out at appropriate times during the development of the subdivision when the following stages of progress have been reached.
 - (a) Before clearing and grubbing, the Tree Warden shall designate those trees which are to be preserved in the tree belt.
 - (b) The roadway shall be inspected at the stages of subbase, gravel base, binder course and surface course.
 - (c) The sanitary and storm drainage systems before the filling of utility trenches.
 - (d) Sidewalks shall be inspected upon completion of the subbase, permanent binder and finish courses.
 - (e) Curbs, loaming and seeding operations may also be inspected by a Board-appointed engineer.
- (2) At the completion of all improvements in the subdivision, the Board-appointed engineer shall make an inspection before final release of the performance guaranty.

B. A qualified engineer or surveyor chosen by the Planning Board shall carry out such inspections in behalf of the town. The subdivider shall give the proper inspector at least forty-eight (48) hours notice of the proper time for inspection.

C. Construction of streets and installation of utilities may be phased, provided that each section shall not be less than five hundred (500) feet in length.

- D. Inspection costs shall be borne by the subdivider (refer to Section 3-4 D Review and Inspection Fees and Appendix D).
- E. Each specified construction stage should be completed to the satisfaction of the inspector, in writing, before further work will be done. Further work performed without this approval will result in returning the construction to the status necessary to perform the required inspection.
- F. The developer has the responsibility to ensure that the approved construction plans are implemented and construction criteria are met. Surveillance and field revisions by town officials and inspectors cannot be construed as fulfilling this responsibility.

§ 7-2. Permission required.

No building shall be erected within a subdivision without permission from the Building Inspector.

§ 7-3. Waiver of compliance.

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

§ 7-4. Fees.

Expenses for advertising, notices, inspections and professional review will be borne by the applicant (refer to Section 3-4 D and Appendix D).

§ 7-5. Severability.

The invalidity of any of the foregoing rules, regulations and requirements shall not affect the validity of the remainder. Any part of these regulations subsequently invalidated by a new commonwealth law or modification of an existing commonwealth law shall automatically be brought into conformity with the new or amended law and shall be deemed to be effective immediately.

§ 7-6. Higher standard to govern.

Whenever these rules and regulations made under the authority hereof differ from those prescribed by any local bylaw or other local regulation, the provision which imposes the greater restriction or the higher standard shall govern.

§ 7-7. Statutory rules and regulations.

For matters not covered by these rules and regulations, reference is made to MGL C. 41, § 81-K to 81-GG, inclusive.

APPENDIX A

Development Guidelines by Landscape Type

The following provides criteria for categorizing land into four (4) landscape types, based on landform, vegetation and existing development. For each landscape type, guidelines are provided for development consistent with town goals and character. The layout and construction of ways within subdivisions should be designed to comply with these guidelines and so as to facilitate vegetative cover and building development consistent with them. Included in these guidelines are considerations beyond subdivision control, such as suggested building materials. These are included here as a reference, for possible implementation at the developer's option.

Developers who believe that alternative guidelines would better meet the general goals being sought are encouraged to state those alternative guidelines as a part of their plan submittal.

Open Plain

IDENTIFICATION -- Flat land generally cleared of trees, now cropland or fields.

OBJECTIVES -- To maintain the open sweep of the land; avoid shapeless suburbia.

BUILDING SITING -- Cluster tightly, avoid scattered structures, repetitive yard dimensions.

ROAD LOCATION -- Lanes in clusters possibly rectilinear, others curving in response to minor land features.

VEGETATIVE COVER -- Protect any existing tree belts, plant street trees within clusters; mow, plow, graze.

BUILDING DESIGN -- Strong colors and textures, wood preferred; variation in basic building designs encouraged.

OTHER CONSIDERATIONS -- Agriculture encouraged.

Wooded Plain

IDENTIFICATION -- Flat land, generally wooded.

OBJECTIVES -- To avoid "suburban" development character, protect forest ecology.

BUILDING SITING -- Cluster preferred; scattered buildings away from or on edges of clearings, screened from roads.

ROAD LOCATION -- Frequent curves, staggered intersections.

VEGETATIVE COVER -- Clear underwood, only selectively clear trees.

BUILDING DESIGN -- Less critical than in other areas.

OTHER CONSIDERATIONS -- Better suited to development than most landscape types.

Mountain

IDENTIFICATION ó Mountainous land and associated highlands, predominantly steep and wooded.

OBJECTIVES -- To protect the fragile mountain ecology, protect the visual quality of the town's backdrop.

BUILDING SITING -- Cluster on less steep portions and in land folds, away from crests.

ROAD LOCATION -- Follow contours, minimizing cuts and fills.

VEGETATIVE COVER -- Preserve existing cover to degree possible.

BUILDING DESIGN -- Low structures, slope-following; no large, light surfaces, bright paint or exposed metal; muted color, soft form; wood, earth, weathered silvers, grays, browns.

OTHER CONSIDERATIONS -- Extraordinary care necessary to avoid erosion; development generally undesirable.

Village

IDENTIFICATION -- Land in the vicinity of concentrated development, whose character is established by existing development.

OBJECTIVES -- To continue and provide consistency with the pattern and character of existing development.

BUILDING SITING -- Compact clustering; avoid scattered structures.

ROAD LOCATION -- Short rectilinear segments in clusters, others curving in response to land features.

VEGETATIVE COVER -- Retain or plant street trees, preserve other trees where feasible.

BUILDING DESIGN -- Anything consistent with scale, texture and colors of nearby structures; wood preferred; variety in basic building designs encouraged.

OTHER CONSIDERATIONS -- Better suited to development than most landscape types.

APPENDIX B

FORMS

<i>Form A</i>	<i>Application for Endorsement of Plan Believed Not to Require Approval</i>
<i>Form B</i>	<i>Application for Approval of Preliminary Plan of a Subdivision</i>
<i>Form C</i>	<i>Application for Approval of Definitive Plan of a Subdivision</i>
<i>Form D</i>	<i>Certificate of Approval Definitive Subdivision Plan</i>
<i>Form E1</i>	<i>Performance Bond – Secured by Deposit</i>
<i>Form E2</i>	<i>Performance Bond – Surety Company</i>
<i>Form F</i>	<i>Covenant</i>
<i>Form G</i>	<i>Certificate of Performance</i>

FORM A

APPLICATION FOR ENDORSEMENT
OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

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

Charlemont, Massachusetts

_____, 2_____
(Date)

To the Planning Board:

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

1. Name of Applicant _____

Address _____

2. Name of Engineer or Surveyor _____

Address _____

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

Book _____ Page _____

4. Location and Description of Property

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

If all lots meet one or the other of the following criteria, the plan is not a subdivision and approval under the subdivision control law is not required, but only a simple endorsement that it is not a subdivision. Please indicate the grounds on which you believe your plan not to be a subdivision (either A or B).

Lot Numbers

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

1. Has all the frontage required under zoning on

(a) a public way, or _____

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

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

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

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

(b) not a building lot _____

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

Signature of Owner of Record _____

Address _____

FORM B

APPLICATION FOR APPROVAL OF
PRELIMINARY PLAN OF A SUBDIVISION

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

Charlemont, Massachusetts

_____, 2
(Date)

To the Planning Board:

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

1. Name of Owner of Record _____

Address _____

2. Name of Subdivider _____

Address _____

3. Name of Engineer or Surveyor _____

Address _____

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

5. Location and Description of Property:

Signature of Owner of Record _____

Address _____

Signature of Subdivider_____

Address_____

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

All fees in town payable by Applicant are paid in full.

Mr. Michael Turley, Town of Charlemont Treasurer

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN
OF A SUBDIVISION

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

Charlemont, Massachusetts

_____, 2_____
(Date)

To the Planning Board:

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

1 - Name of Owner of Record _____

Address _____

2. Name of Subdivider _____

Address _____

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

Address _____

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

Book _____ Page _____

5. Location and Description of Property _____

Signature of Owner of Record _____

Address _____

Signature of Subdivider _____

Address _____

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

FORM D

CERTIFICATE OF APPROVAL
DEFINITIVE SUBDIVISION PLAN

Charlemont, Massachusetts

_____, 2_____
(Date)

Town Clerk

Dear Sir:

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

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

Respectfully submitted,

By _____

Planning Board

FORM E-1
PERFORMANCE BOND - SECURED BY DEPOSIT

Know all men by these presents that _____

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

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

which guarantee is required by Section 31-U of said Chapter 41; Now therefore; if the above bounden _____ (name of applicant) shall cause the ways shown on the said plan to be constructed, and shall cause the utilities shown on the said plan to be

installed, as shown on said plan and in accordance with the Rules and Regulations of the said Planning Board and in accordance with the above qualifications and time schedule, then the above written obligation shall be null and void; otherwise to remain in full force and effect and the aforesaid security for said sum shall become and be the sole property of said Town of Charlemont as liquidated damage.

Witness

Signature of Applicant

_____ seal

Date

FORM E-2

PERFORMANCE BOND - SURETY COMPANY

Know all men by these presents that _____

as Principal, and

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

and having a usual place of business in _____, _____,

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

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

Massachusetts municipal corporation, in the sum of _____

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

_____ (name of Principal) on the _____ day of

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

_____, was drawn by _____

and is dated _____; and further whereas the said _____

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

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

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

[Performance Bond, Form E-2, continued]

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

_____ day of _____, 2 _____.

Principal

by _____
(Title)

Surety

by _____
Attorney- in-Fact

FORM F

COVENANT

The undersigned _____

_____ of _____ County, Massachusetts,

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

_____ dated _____

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

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

[Performance Bond - Surety Company Form E-2, continued]

The undersigned _____

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

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

COMMONWEALTH of MASSACHUSETTS

_____ ss. _____, 2 ____

Then personally appeared _____

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

before me

NOTARY PUBLIC

File in Triplicate with THE CHARLEMONT PLANNING BOARD

FORM G

CERTIFICATE OF PERFORMANCE
(Covenant Approval Release)

Charlemont, Massachusetts

_____ 2 _____
(Date)

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

Deeds, Book _____ Page _____, (or registered in) _____
Land Registry District as Document No. _____, in Registration Book _____
Page _____ have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled _____
_____ recorded with said Deeds, Plan Book _____
Plan _____, (or registered in said Land Registry District, Plan Book _____ Plan _____) and said lots are hereby released from the restrictions as to sale and buildings specified thereon. Lots designated on said Plan as follows: _____

Majority of the Planning Board of the
Town of Charlemont

COMMONWEALTH OF MASSACHUSETTS

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

NOTARY PUBLIC

My commission expires: _____

APPENDIX C

DEVELOPMENT IMPACT STATEMENT

In accordance with Section 4.4 of the Town of Charlemont's Subdivision Rules and Regulations, the Applicant shall submit, at the request of the Planning Board, a Development Impact Statement (DIS).

It is an Applicant's responsibility to prepare and document the DIS in sufficient detail to permit an adequate evaluation by the Planning Board; however the Board may request in writing additional data. It is necessary to respond to all sections of the DIS except when the Board grants a written exemption.

The Board may waive any section(s) of the requirements when, in their opinion, and upon submission of evidence from the Applicant, the requirements are non-applicable to the proposed project.

The entire cost of the DIS shall be the responsibility of the Applicant.

Name of Project _____

Date of Submission _____

Location of Project _____

Name(s) of Applicant(s) and Owner(s), if different _____

Address(s) and Telephone Number(s) _____

Name of Individual(s) preparing this DIS _____

Address(s) and Telephone Number(s): _____

Professional Credentials _____

I. PROJECT DESCRIPTION

- A. Describe the project including the number of lots; the number and type of dwelling units (e.g., single family, two family, condominium or apartment); the number of buildings and the number of dwelling units per building, if appropriate; number of bedrooms; number and square footage of buildings and the number of parking spaces if not residential; and approximate price (rent or purchase as appropriate) per dwelling unit or per square foot if not residential.

II. EXISTING BASELINE CONDITIONS

- A. Describe the site's topography, predominate soil types and characteristics (particularly related to drainage), and significant geological features. Indicate approximate percentages of the site covered by various soil types and slopes (e.g., 0 to 3%, 3-8%, 8-15%, and greater than 15%).
- B. What is the site's total acreage? Give approximate acreage of existing land use(s) including developed areas identifying separately significant uses such as roads, residential, commercial, and industrial uses. Give the approximate acreage of the undeveloped areas identifying separately significant uses such as farmland, flood plain, forested, wetlands, and surface waters.
- C. Is any part of the site located in an area or in close proximity to an area or location that is of special concern or of special interest. Map areas such as water supply protection district, historic district or site, distinctive rock formation, trees larger than 30 inches in diameter at breast height, vernal pools, high or significant hazard dams, priority habitats, and wetlands.

III. NATURAL RESOURCES

A. Land

1. Describe the potential and probable impacts of the proposed development on the existing baseline conditions, described in Section II above.
2. Describe any limitations on the proposed project caused by subsurface conditions, and the methods to be used to address those limitations.
3. Describe procedures and findings of percolation tests conducted on the site.
4. Give the approximate acreage of land that will be permanently affected by construction of the proposed project (identifying separately significant uses such as roads, residential, commercial and industrial).
5. Describe proposed rough grading plans and highlight the differences between the existing topography and the rough grading plans.

B. Air

1. Describe possible sources and duration of significant amounts of odors, smoke and dust.
2. Describe precaution to be taken to eliminate or minimize the adverse

- environmental effects of the smoke, dust or odors generated.
3. Describe the relationship of the location of the proposed project and prevailing wind patterns to nearby residences, businesses, recreation areas, and other public areas.
 4. If incineration of any kind is proposed for the proposed project, describe the effects resultant emissions will have on air quality in the area. Include proof that the anticipated incineration will comply with the latest local and state standards.

IV. WATER AND WETLANDS

- A. Evaluate how and to what extent the project will affect any protected resource areas as defined in M.G.L. Chapter 131, Section 40.
- B. Discuss compliance with Massachusetts DEP Stormwater Management Guidelines and directives.
- C. Evaluate how and to what extent the project will affect the quality and quantity of any existing or potential public or private water supplies, reservoirs and groundwater.
- D. Describe the methods to be used during construction to control erosion, sedimentation and siltation including use of sediment basins, mulching, matting, or temporary vegetation; approximate size and location of land to be cleared at any given time and length of time to stabilization; covering of soil stockpiles; and other control methods used. Evaluate effectiveness of proposed methods on the site and the surrounding areas.
- E. Describe the permanent methods to be used to control erosion and sedimentation. Include descriptions of:
 1. Any areas subject to flooding or ponding;
 2. Proposed surface drainage system;
 3. Proposed land grading and permanent vegetation cover;
 4. Methods to be used to protect existing vegetation;
 5. The relationship of the development to the topography;
 6. Any proposed alterations of shorelines, marshes or seasonal wet areas;
 7. Estimated increase of peak runoff caused by altered surface conditions, and methods to be used to return water to the soils.
- F. Discuss proposed compliance with the EPA permit program for sedimentation control as well as the probability that the project will increase pollution or turbidity levels within receiving waterway and the precautions to be taken to minimize the effects.
- G. Discuss the project's effect on the waterway's aquatic biota and use as habitats.

- H. Discuss the project's effects on groundwater quality and supply and efforts to recharge groundwater supplies.
- I. Discuss what effect the project will have on increasing the incidence of flooding, including areas outside the subdivision.
- J. Discuss the effect of the proposed sewage disposal methods on surface and groundwater supplies and quality.
- K. Discuss the effect of the project on Estimated Rare Species Habitat Areas including Natural Communities as defined by the Massachusetts Natural Heritage Endangered Species Program (see VI-C below).
- L. Discuss the location of the project area in relation to the inundation areas of any upstream high or significant hazard dams.

V. NOISE

- A. Describe the time, duration and types of noises generated by the project (including traffic generated from the development), both during and after construction.
- B. Discuss what effect these noises will have on both humans and wildlife.
- C. Describe the controls, which will be used to eliminate or minimize the effects of these noises.

VI. LOCAL FLORA AND FAUNA

- A. Discuss the project's effects on land-based ecosystems, such as the indigenous wildlife, stream bank cover, and vegetal or wooded growth.
- A. Describe proposed types and amounts of vegetal cover.
- B. Map and discuss the existence, if any, of rare plant, wildlife or fish species in the project area including those identified by the Massachusetts Natural Heritage and Endangered Species Program:

VII. BUILT ENVIRONMENT

- A. Land Use
 - 1. Describe how the project conforms with the growth plans for the area and the Town, in general.

2. Describe the project's compatibility with adjacent or nearby existing land uses, and private development plans, if known, for adjacent or nearby areas.
3. Describe any existing or proposed public or common recreational or open areas within the subdivision.
4. Discuss the site's proximity to transportation, shopping, educational facilities, recreational facilities, etc.

B. Density

1. Provide a tabulation of proposed buildings by type, size (number of bedrooms, floor area), ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, parking and other impervious areas, and usable open space.

C. Zoning

1. Indicate the zoning designations for the site and adjacent areas. Discuss the need for a dimensional variance or special permit, if applicable.

D. Architecture

1. Describe the architectural style of the proposed buildings, including the type of materials to be used, the heights of the structures in relation to the surrounding area, and the landscaping techniques to be used.
2. Describe the location of common areas and service facilities (laundry, trash, garbage disposal) and discuss the visual impact of both.
3. Discuss the project's overall visual impact in relation to the surrounding area and possible interference with natural views.

E. Historic Buildings, Historic Sites and Archaeological Sites

1. Map the location and explain the significance of any historic buildings or sites on or adjacent to the project.

VIII. PUBLIC FACILITIES

A. Water Supply, Flow, Pressure and Distribution

1. Describe the groundwater and/or surface water supply to be used.
2. Identify where the connection(s) to the water distribution system is or are proposed, if appropriate.
3. Quantify the demands of the project for consumption and fire protection and describe the impact of such demand on the water supply and distribution system.
4. Analyze the availability of adequate flow and pressure through the water distribution system to the proposed project site.

B. Sanitary Wastewater Connection, Collection and Facilities

1. Identify the quantity and type of wastewater which will be generated by the

project.

2. Describe the proposed sewage system and identify where the connection(s) to the municipal collection system is/are proposed.
3. Quantify the average and peak daily flow rates and describe the impact of such disposal on the municipal wastewater collection and treatment system or ground water.

C. Storm Drainage Facilities/Low Impact Development Techniques Employed

1. Describe the proposed on-site storm drainage system and identify where the connection(s) to the municipal system is or are proposed.
2. Provide drainage calculations that prove compliance with Massachusetts DEP Stormwater Management Guidelines for "Best Management Practice".
3. Describe provisions for maintaining those parts of the system that will not become part of the municipal system.
4. Describe inclusion of proposed low impact development measures including:
 - a. Site Planning Process: The site planning process shall be documented and shall include the following steps: 1) identify and map critical environmental resources, 2) delineate potential building envelopes avoiding environmental resource areas and appropriate buffers, 3) develop methods to minimize impervious surfaces, and to protect and preserve open space.
 - b. No Untreated Discharges: All stormwater runoff generated from land development and land use conversion activities shall not discharge untreated stormwater runoff directly to a wetland, local water body, municipal drainage system, or abutting property, without adequate treatment.
 - c. Channel Protection: Protection of channels from bank and bed erosion and degradation shall be provided by attenuating the 24-hour extended detention storage of runoff of the post-development 1-year, 24-hour return frequency storm event or controlling the peak discharge rate from the 2-yr storm event to the pre-development rate as required by the MA DEP LID Management Policy.
 - d. Overbank Flooding Protection: Protection of channels from bank and bed erosion and degradation shall be provided by attenuating the 24-hour extended detention storage of runoff of the post-development 1-year, 24-hour return frequency storm event or controlling the peak discharge rate from the 2-yr storm event to the pre-development rate as required by the MA DEP LID Management Policy.
 - e. Downstream overbank flood and property protection shall be provided by attenuating the post-development peak discharge rate to the pre-development rate for the 10-year, 24-hour return frequency storm event as required by the MA DEP LID Management Policy.
 - f. Extreme Flooding Protection: Extreme flooding and public safety protection shall be provided by attenuating the peak discharge rate from the 100-yr, 24-hour return frequency storm event to the predevelopment rates or controlling and safely conveying the 100-

year, 24 hour return frequency storm event such that flooding is not exacerbated or evaluating the 100-year, 24-hour return frequency storm event to demonstrate no increased flooding impacts off-site, as required by the MA DEP LID Management Policy.

- g. Recharge: a) Annual groundwater recharge rates shall be maintained, by promoting infiltration and recharge through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall equal the annual recharge from pre-development site conditions. b) The stormwater runoff volume to be recharged to groundwater should be determined using the methods prescribed in the latest version of the Massachusetts DEP Stormwater Management Manual or an equivalent qualifying local manual.
- h. Structural Practices for Water Quality: Presumed Compliance with Massachusetts Water Quality Standards. All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the most recent version of the Massachusetts DEP Stormwater Management Manual. For other structural stormwater controls not included in the Massachusetts Stormwater Management Manual, structural best management practices (BMPs) must be designed to remove 80% of the average annual post development total suspended solids (TSS) and 40% for total phosphorus [TP], and [30%] for total nitrogen (TN). It is presumed that a BMP complies with this performance goal if it is: a) Sized to capture the prescribed water quality volume; b) Designed according to the specific performance criteria outlined in the Massachusetts Stormwater Management Manual or an approved local equivalent; c) Constructed properly; and d) Maintained regularly.
- i. Water Quality Volume: The prescribed water quality volume required in the sizing of a structural stormwater practice shall be calculated as $1.2 \times \text{total watershed area} \times \text{runoff coefficient (Rv)}$, where $Rv = 0.05 + 0.009 (I\%)$ and $I\% = \text{percent of impervious area or } 0.50 \text{ inches} \times \text{the total impervious area of the drainage area and } 1.0 \text{ inches} \times \text{the total impervious area of the drainage area in critical areas, as specified in the Massachusetts DEP Stormwater Policy}$.
- j. Hydrologic Basis for Design of Structural Practices: For facility sizing criteria, the basis for hydrologic and hydraulic evaluation of development sites are as follows:
 - i. Impervious cover is measured from the site plan and includes any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots, sidewalks, roof tops, driveways, patios, and paved, gravel and compacted dirt surfaced roads.
 - ii. Off-site areas shall be assessed based on their pre-developed condition for computing the water quality

volume (i.e. treatment of only on-site areas is required). However, if an offsite area drains to a proposed BMP, flow from that area must be accounted for in the sizing of a specific practice.

- iii. Off-site areas draining to a proposed facility should be modeled as "present condition" for peak-flow attenuation requirements.
- iv. The length of sheet flow used in time of concentration calculations is limited to no more than 50 feet for predevelopment conditions and 50 feet for post development conditions.
- v. Detention time for the one-year storm is defined as the center of mass of the inflow hydrograph and the center of mass of the outflow hydrograph.
- vi. The models TR-55 and TR-20 (or approved equivalent) will be used for determining peak discharge rates.
- vii. The standard for characterizing pre-development land use for on-site areas shall be woods.
- viii. For purposes of computing runoff, all pervious lands in the site shall be assumed prior to development to be in "good hydrologic condition" regardless of conditions existing at the time of computation.
- ix. If an off-site area drains to a facility, off-site areas should be modeled, assuming an "ultimate buildout condition" upstream for assessment of 100-year flows for sizing of spillways.
- x. Flooding and channel erosion impacts to receiving streams due to land development projects shall be determined at each point of discharge from the development project and such determination shall include any runoff from the balance of the watershed which also contributes to that point of discharge.
- xi. The specified design storms shall be defined as a 24-hour storm using the rainfall distribution recommended by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) or the Northeast Regional Climate Center "Atlas of Precipitation Extremes for the Northeastern United State and Southeastern Canada."
- xii. Proposed residential, commercial, or industrial subdivisions shall apply these Stormwater Management criteria to the land development as a whole. Individual lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land

development and shall be used in all engineering calculations.

- k. Sensitive Areas: Stormwater discharges to critical areas with sensitive resources (i.e., mussel beds, swimming beaches, aquifer recharge areas, water supply reservoirs) may be subject to additional criteria, or may need to utilize or restrict certain LID Management practices at the discretion of the Planning Board. The Planning Board may designate sensitive areas and specific criteria for these areas after conducting a public hearing.
- l. Hotspots: Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots," as defined in the most recent version of the MA DEP Stormwater Management Manual requiring the use of infiltration practices without pretreatment is prohibited.

D. Disposition of Stormwater

- 1. Indicate the location of any and all proposed outfalls.
- 2. Describe the effect of the outfalls and their discharge on the receiving waters, i.e., increased flows, pollution, etc.
- 3. Discuss the quantity of stormwater to be discharged.

E. Refuse Disposal

- 1. Estimate the quantity and types of refuse that will be generated by the project.
- 2. Describe the proposed methods of refuse disposal.

F. Traffic Facilities

- 1. Discuss the expected impact of traffic generated by the proposed development on area roadways. Discussion shall include existing average and peak traffic volumes and composition, projected average and peak traffic generation and composition, intersection impacts and analysis of area roadway and intersection capacities. Methodologies used to make projections shall be included. At a minimum, the analysis should include:
 - a. The existing Level of Service (LOS (see definition below) of relevant road systems including quantitative and qualitative measurements of operational factors including speed, travel delay, freedom to maneuver and safety;
 - b. The expected change in the condition of relevant road systems as a result of the proposed development;
 - c. The comparison on a per acre basis of the total vehicular traffic generation from the proposed development with:
 - i. The existing and potential vehicular traffic generation from all other developments accessing relevant road

- systems; and,
- ii. The vehicular traffic generation which would be expected to produce a LOS below LOS "C".
- d. In determining the impact of vehicular traffic generation from a development, the following standards and definitions shall be used (unless the Applicant demonstrates to the Board that given the nature of the proposed project or applicable road systems, other standards are appropriate):
 - i. Trip generation rates for land uses as listed in the most recent update of Trip Generations, Institute of Transportation Engineers, Washington D.C.
 - ii. Levels of Service (LOS) as used by traffic engineers to define the various operating conditions that occur on a roadway or intersection when accommodating various traffic volumes. Although LOS is a qualitative measure of traffic flow, it is an acceptable measurement for determining overall impact of development on roadway networks. LOS "A" is associated with relatively freeflow and average overall traffic speed in excess of thirty (30) miles per hour. LOS "B" represents stable flow with minor delays and speeds of 25 miles per hour or greater. LOS "C" corresponds to the design capacity of a road system and indicates stable flow with delays, and speeds of 20 miles per hour or more. LOS "D", "E" and "F" corresponds to decreasing abilities to travel greater than 15 miles per hour and correspond to the overcapacity of the road system.
- 2. Describe the proposed pedestrian circulation pattern.
- 3. Discuss the location and number of parking spaces proposed.

G. Electric Power and Gas

- 1. Discuss the source of the electric power and the method of supplying the project.
- 2. Discuss the source of natural gas, if available, and the method of supplying the project.
- 3. Discuss plans to underground electric.

IX. COMMUNITY SERVICES

A. Schools

- 1. Discuss the effect of the project on the school system, including number and ages of children generated by the project.
- 2. Describe the location of the schools to be affected and the capacity of those schools to accommodate the additional children generated by the project.

3. Discuss the effect that the additional children generated by the project will have on school bus routing or the need for additional bus routes.

B. Recreation

1. Describe existing recreational facilities in the area of the proposed project including active and passive types and identify the age groups participating; the general condition of the facilities; and the current level of use. Also state whether those recreational facilities, parks and open spaces are available to all residents.
2. Describe recreational facilities to be provided by the proposed development including active and passive types and identify the age groups that will likely use the new facilities. State any expected use limitations, e.g., hours of operation, and whether the facilities will be available to everyone or just residents of the project.
3. Indicate location and width of existing and proposed sidewalks, bike paths and other pedestrian ways on site and in adjacent areas.

C. Police

1. Describe the expected impact on police services, time and manpower needed to protect the proposed development and service improvements necessitated by the proposed development.

D. Fire

1. Describe the expected impact on fire services and service improvements necessitated by the proposed development.
2. Describe on-site fire fighting capabilities; on-site alarm or other warning devices; fire-flow water needs, and the source and delivery system proposed to meet those needs.

E. Public Works

1. Calculate the total linear feet of roadway to be publicly maintained and plowed.
2. Calculate the linear feet of street drains, culverts, sanitary sewers, and waterlines to be publicly maintained.
3. Analyze projected need, responsibility and costs to the Town of roadway and utility maintenance.

X. HUMAN CONSIDERATIONS

A. Aesthetics and Visual Impact

1. Discuss the likely change in the present character of the area due to the project, i.e., land use, density of development, etc.
2. Discuss the measures to be taken to minimize any adverse effects of the project, i.e., architecture, buffers, etc.
3. Describe the type, design, location, function and intensity of all exterior

lighting facilities. Attention given to safety, privacy, security, and daytime and nighttime appearance shall be detailed.

B. Parks, Forests and Recreational Areas

1. Discuss how the location and construction of the project will affect existing and potential park and recreation areas, open spaces, natural areas, and scenic vistas.

C. Public Health

1. Discuss the project's effects on residents' public health due to changes in water quality, air quality, noise levels, etc.

APPENDIX D

PLANNING BOARD FEE SCHEDULE

Type of Plan	Necessary Forms or Fee	\$ Amount	Description
Approval Not Required Plan	Form 5A	\$25 (no new lot) \$25 plus \$25 per lot	Non refundable
Preliminary Plan	Form 5B Checklist	\$100 plus \$0.50/ft. of roadway	Non refundable
	Review Fee	\$1,000 plus \$0.50/ft. of roadway	Partially Refundable*
Definitive Plan where Preliminary Plan WAS filed	Form 5C Checklist	\$250 plus \$2.00/ft. of roadway	Non refundable
	Review Fee	\$1,500 plus \$2.00/ft. of roadway	Partially Refundable*
	Inspection Fee	\$3.00/ft. of roadway	Partially Refundable*
Definitive Plan where Preliminary Plan was NOT filed	Form 5C Checklist	\$500 plus \$3.00/ft. of roadway	Non refundable
	Review Fee	\$2,500 plus \$3.00/ft. of roadway	Partially Refundable*
	Inspection Fee	\$3.00/ft. of roadway	Partially Refundable*

*Note: The balance of any and all review and inspection fees not expended to fund professional and technical assistance for a project will be refunded to the applicant.