

# **TOWN OF STOCKBRIDGE SUBDIVISION REGULATIONS**

ADOPTED BY  
THE PLANNING BOARD  
APRIL 24, 1979

AMENDED  
JULY 14, 1998



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**RULES AND REGULATIONS GOVERNING THE SUBDIVISION  
OF LAND  
IN STOCKBRIDGE, MASSACHUSETTS**

**SECTION 1.0      PURPOSE**

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

**SECTION 2.0      AUTHORITY**

Under the authority vested in the Planning Board of the Town of Stockbridge by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Stockbridge.

**SECTION 3.0      GENERAL**

**3.10 Definitions**

- a. Applicant. The person or legal entity who applies for approval or endorsement of a subdivision plan. The Applicant must be the owner of the land that is the subject of a plan or have legal consent from the owner to act on the owner's behalf.
- b. Easement. A right of use over the property of another.
- c. Lot. An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings. The term "lot" includes the term "parcel."
- d. Preliminary plan. A plan of a proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof, showing (a) the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan"; (b) the names of the record owner and the applicant and the name of the designer, engineer or surveyor; (c) the names of all abutters as determined from the most recent local tax list; (d) the existing and proposed

lines of streets, ways, easements and any public areas within the subdivision in a general manner; (e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner; (f) the approximate boundary lines of proposed lots, with approximate areas and dimensions; (g) the names, approximate location and widths of adjacent streets; (h) and the topography of the land in a general manner.

e. Right-of-way. A strip of land occupied or intended to be occupied by a street, sidewalks, if any, drainage catch basins or culverts, if any, and all utilities, either above or below ground. The right-of-way is to be separate and distinct from the lots and parcels adjoining such right-of-way and not included within the area or dimensions of such lots and parcels.

f. Sketch Plan. May be a simple free-hand sketch, preferably on topographic survey, showing proposed layout of street, lots, and other features in relation to existing conditions.

g. Street. A public way, or private way either shown on a plan approved by the Planning board in accordance with Subdivision Control Law, or otherwise qualifying a lot for frontage under the Subdivision Control Law. The term "street" includes the term "road."

h. Street, Collector. A street that collects traffic from minor streets and connects with other collector streets and major streets.

i. Street, Major. A street with stop signs at important intersections that distributes traffic to and from minor and collector streets.

j. Street, Minor. A street designed to provide vehicular access to abutting property and to discourage through traffic.

k. Subdivision. The division of a tract of land into two or more lots and shall include resubdivision, and when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law, if at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the town certifies is maintained and used as a public way, or (b) a way shown on a plan therefore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the town in which the land lies, 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.

Such frontage shall be of at least such distance as is then required by zoning or other ordinance or bylaw, if any, of said town for erection of building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in

such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the town in which the land lies into separate lots on each of which one of such buildings remains standing shall not constitute a subdivision.

1. Subdivision Control Law. M.G.L. c.41, 81K-81GG.

### **3.20 Plan Believed Not to Require Approval**

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan prepared and certified by a land surveyor registered in Massachusetts and who believes that this plan does not require approval under the Subdivision Control Law may submit his plan and application Form A (see Appendix) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or certified mail, a determination and accompanied by a copy of said application. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefore.

In addition to requirements of the Registry of Deeds, the plan must clearly delineate the following information to enable action by the Planning Board:

- a. Boundary lines, areas and dimensions of each proposed parcel shown.
- b. Intended disposition of each parcel shown; for example: "Parcels A, B, & C are to be conveyed as building lots."

Parcel D is to be added to property now owned by \_\_\_\_\_, an abutter, and is never to be conveyed as a separate building lot."

- c. Area and street frontage of land remaining after parcel (s) shown on plan is/are cut out of said land.
- d. Total new area and road frontage of land to which any parcel is to be joined.

If the Planning Board determines that the plan does not require approval, it shall without a public hearing and without unnecessary delay endorse on the plan the words "Approval under the Subdivision Control Law not required." The Planning Board may add to such endorsement a statement of the reason why approval is not required.

If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will also inform the applicant and return the plan. The Planning Board will 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.

### **3.30 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 approved and endorsed by the Planning Board as hereinafter provided.

#### **SECTION 4.0 PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS**

Before preparation of an official subdivision plan it is strongly recommended that the subdivider submit a sketch plan of the proposed subdivision to the Planning Board and consult with the Board informally regarding procedures, design standards and required improvements in order to save time and avoid costly mistakes.

A subdivision plan shall be considered as submitted to the Planning Board when delivered at a meeting of the board or when sent by certified or registered mail to the Planning Board, care of the Town Clerk, together with properly filled out application form, fee and supporting documents.

If the Planning Board believes it necessary to hire professional consultants to review the plan or to review construction cost estimates or to review and report on construction or to determine the amount of bond or surety required, the cost of such consultation shall be paid as directed by the Planning Board by the developer, into a special account administered by the Town Treasurer, from which the Planning Board's consultant shall be paid. The developer may appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field of issue or a related field. The required time limits for action of the appeal to the Board of Selectmen is 30 days. In the event that no decision is made by the Board of Selectmen within one month following the appeal, the selection of consultants made by the Planning Board shall stand. Such appeal to the Board of Selectmen shall not preclude further judicial review, if otherwise permitted by law, on the grounds permitted by the section.

Any such account established by the Town Treasurer shall be kept separate and apart from other moneys. This special account, including accrued interest, if any, shall be expended at the direction of the Planning Board without further appropriation; provided, however, that such funds are to be expended by the Planning Board only in connection with carrying out the Planning Board's responsibilities under the law. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the developer or to the developer's successor in interest and a final report of said account shall be made available to the developer or the developer's successor in interest. The Town Accountant shall submit annually a report of said special account to the Board of Selectmen for their review. Said report shall be published in the annual Town Report. The Town Accountant shall submit a copy of said report to the Director of the Bureau of Accounts.

## **4.10 Preliminary Plan**

### **4.101 General**

A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board, the Board of Health and the Conservation Commission for discussion and approval, modification or disapproval by each board. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Conservation Commission, other municipal agencies and owners of land within 500 feet of the boundary of the parcel being subdivided to discuss and clarify the problems of subdivisions before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. A properly executed application Form B (see Appendix) shall be filed with the Preliminary Plan submitted to the Planning Board. The boards and agencies involved should have a joint meeting to discuss the Preliminary Plan.

The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval of a Preliminary Plan and accompanied by a copy of the completed application (Form B).

### **Receipt of a Preliminary Plan shall not constitute approval of the Plan.**

### **4.102 Contents**

The Preliminary Plan shall be drawn at a suitable scale and seven copies shall be filed at the office of the Town Clerk for distribution to the Planning Board, the Board of Health, and the Conservation Commission. The Planning Board may require submission of additional copies at its discretion. Said plan shall be identified as a Preliminary Plan and shall show the proposed names of streets or ways as well as all information described under the definition of the Preliminary Plan so as to form a clear basis for discussion of its problems and for preparation of the Definitive Plan. During discussion of the Preliminary Plan (Section 4.202, Contents) and the financial arrangements (Section 4.206, Performance Guarantee) will be developed.

### **4.103 Entry on Land**

In the course of its review, the Planning Board, its officers and agents, may enter upon any lands and there make examinations and surveys and place and maintain monuments and marks; but any person injured in his property by such entry or other acts without his consent may recover the damages so caused.

### **4.104 Action on Preliminary Plan**

Within forty-five days after submission of a preliminary plan, the Planning Board shall notify the applicant and the town clerk, by certified mail, that the plan has been approved, or that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plan, or that the plan has been disapproved and in the case of disapproval 1, the board shall state in detail its reasons therefore. Approval or



approval with modifications of a preliminary plan does not constitute approval of a definitive plan or a subdivision.

#### **4.20 Definitive Plan**

##### **4.201 General**

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

- a. An original drawing of the Definitive Plan and three copies thereof, dark line on white background. the Planning Board may require submission of additional copies at its discretion. The original drawing will be returned after approval or disapproval.
- b. A properly executed application Form C (see Appendix).
- c. An application fee, as determined by the Board of Selectman, payable to the Town of Stockbridge, to cover the cost of advertising and notices, and inspections by the Planning Board.

At the same time the filing is made with the Planning Board, the applicant shall file with the Conservation Commission two copies of the Definitive Plan, dark line on white. The Conservation Commission may require submission of additional copies at its discretion.

The applicant shall file by delivery or certified mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application (Form C).

#### **Receipt of a Definitive Plan shall not constitute approval of the Plan.**

##### **4.202 Contents**

The Definitive Plan shall be prepared by a Professional Civil Engineer or Land Surveyor registered in Massachusetts and shall be clearly and legibly drawn. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

- a. Subdivision name, boundaries, north point, date and scale.
- b. Name and address of record owner, subdivider and engineer or surveyor.
- c. Locus map showing property boundaries and names of owners of land within 500 feet of the boundary of the parcel being subdivided as they appear on the most recent tax list.
- d. Lines and widths of existing and proposed streets, ways, easements and public or common areas within the subdivision, and the approved (for purposes of 911 emergency location) names of proposed streets.

- e. Boundary lines, areas, and dimensions of all proposed lots and remaining property in the subdivision, designated numerically and in sequence.
- f. Sufficient data to determine the location, direction, and length of every road and way line, lot line and boundary line, and to establish these lines on the ground.
- g. Location of all permanent monuments properly identified as to whether existing or proposed.
- h. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- i. Indication of the purpose of easements and/or restrictions.
- j. Suitable space to record the action of the Planning Board, Board of Health, Conservation Commission and Town Clerk.

Note: The following items may be required by the Planning Board and, if so, may be submitted on separate sheets.

- k. Existing and proposed topography at a suitable contour interval, generally five (5) feet, or two (2) feet in areas where construction is proposed or where grades exceed 15 percent.
- l. General description of soil types.
- m. Location of flood hazard areas, wetlands, groundwater recharge areas, and areas within 200 feet of a river as defined by the Rivers Protection Act (M. G. L.c. 13 1, § 40, as amended by St. 1996, c. 258 §§, 17-20) or within 150 feet of the mean high water mark of any waterbody listed in the Lake and Pond Overlay District of the Stockbridge Zoning Bylaws (Section 6.5). Any plan of a proposed subdivision in a Flood Plain District, as delineated in the Town's zoning bylaw, greater than 50 lots or 5 acres, whichever is lesser, shall provide base flood elevation data.
- n. Overall plan for drainage of surface water, including plans and specifications for the control of erosion and sedimentation both of temporary and permanent nature including compliance with the Commonwealth of Massachusetts Stormwater Management Policy. Drainage shall be analyzed utilizing either the TR-20 or TR-55 method, the method to be determined by the board.
- o. Directly above or below the layout plan of each street a profile showing existing and proposed grades along the centerline and sidelines of that street, together with figures of elevation at the top and bottom of all even grades and at 25-foot intervals along vertical curves. Intersecting streets shall be clearly indicated on the profile. The horizontal scale of the profiles shall be 40 feet to one (1) inch and the vertical scale should be four (4) feet to one (1) inch. Only

one (1) street plan profile shall be drawn on a sheet except by permission of the Planning Board.

- p. The location of private wells and public water supplies and surface water supplies within four hundred (400) feet of property boundaries.
- q. Soil and percolation tests demonstrating the suitability of a specific location(s) on each lot for sub-surface sewage disposal in compliance with the State Sanitary Code.
- r. Test well results or other data suitable to demonstrate the presence of an adequate water supply.
- s. Location and species of trees intended for preservation within the road rights of way.
- t. Any other information pertaining to the natural characteristics of the site that may be needed in the opinion of the Planning Board, Conservation Commission, or the Board of Health for determination of the suitability of the land for proposed purposes shall be furnished at the developer's expense.
- u. Evidence of the ability of Town government to provide necessary services, including, but not limited to, fire and police protection. Such evidence may be in the form of review letters from appropriate Town department heads.

#### 4.203 Impact Statement

Any land subdivision plan consisting of ten (10) or more lots must be accompanied by an impact statement which details the probable effects of the proposed subdivision on the following aspects of concern to the Town:

- a. Increases in vehicular traffic on adjacent public ways.
- b. Changes in surface drainage in surrounding area.
- c. Land erosion or loss of tree cover.
- d. Disturbance to other aspects of the natural ecology.
- e. Demands on public services and utilities.
- f. Attendance at public schools.

Such impact statements shall be prepared and reviewed according to the procedures found in the Massachusetts Environmental Protection Act (M.G.L.c.30, §§61-62H).

#### 4.204 Plan Approval by Board of Health

At the time of filing of the Definitive Plan, the subdivider shall also file with the Board of Health two copies of the Definitive Plan, dark line on white background. The Board of Health may require submission of additional copies at its discretion. The Board of Health shall within 45 days after the filing of the plan report to the Planning Board and applicant, in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report, and, where possible, shall make recommendations for the adjustment thereof. Failure of the Board of Health to make such a report within 45 days after the plan is filed with its office shall be deemed approval by such Board.

When the Definitive Plan shows that no public or community sewer is to be installed to serve any lot thereon, approval by a Board of Health or officer shall not be treated as, nor deemed to be approval of a permit for the construction and use of any lot of an individual sewage system; and approval of a definitive plan for a subdivision by a Board of Health or officer shall not be treated as nor deemed to be, an application for a permit to construct or use an individual sewage system on any lot contained therein.

Every lot not serviced by a municipal water supply and sewage disposal system shall be provided with water supply and sewage disposal installations in compliance with the provisions of the State Sanitary Code subject to the approval of the Board of Health.

The Board of Health may approve the plan on condition that prior to the issuance of a building permit for a dwelling on any lot, soil and percolation tests be made as to suitability of a specific location for sub-surface sewage disposal installation in compliance with the State Sanitary Code.

Based on the recommendation of the State Department of Public Health or the Town's Board of Health, where due to restrictive water, soil, topographic, geologic, or other natural conditions, the proposed development is of a density which exceeds the sustaining capacity of the proposed lots in terms of individual sewage disposal systems and wells on each lot the Planning Board may require that the developer revise his plan to either provide for:

1. A consolidated water supply system;
2. A consolidated sewage disposal system;
3. An increase in lot size so that individual wells and sewage disposal systems may have adequate areas in which to function properly on same lot.

The Board of Health may require as a condition of the subdivision approval that performance bond or deposit of money or negotiable securities be furnished by the subdivider to guarantee the construction of surface drainage improvements recommended by the Board, and that all required improvements shall be made without undue erosion, siltation or flooding of traveled ways, and without causing any condition of public nuisance through dust or surface drainage or any act of negligence by the subdivider or his agent during the period of construction. Such performance guarantee may be released

only after completion of the work to the satisfaction of the Board of Health. In viewing possible drainage problems, the Board is not limited to lots as shown on the subdivision plan but may in appropriate cases consider areas outside the subdivision.

Land subject to flooding and wetland areas as shown on the Town map, or land deemed by the Board of Health to be not suitable for building sites shall not be approved by the Planning Board for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard. Such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board and the Board of Health to remedy said hazardous condition.

#### 4.205 Public Hearing

Before action on the Definitive Plan is taken, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Planning Board at least 14 days prior thereto by advertisement in a newspaper of general circulation in the town once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing, or if there is no such newspaper in the Town, then by posting such notice in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of such hearing and by mailing a copy of such advertisement to the applicant and to all owners of land within 500 feet of the boundary of the parcel being subdivided appearing on the most recent tax list.

The applicant and his engineer and surveyor shall be present at the public hearing.

A hearing by the Conservation Commission may be required under the provisions of the Wetlands Protection Act, Chapter 131, Section 40 of the General Laws. Before approval or the Definitive Plan is given, the Conservation Commission shall annotate on the plan whether or not the applicant may be required, and under what conditions, to take action pursuant to Section 6.4 of the Zoning Bylaws and/or Chapter 13 1, Section 40 of the General Laws.

Before final action, a joint meeting of representatives of interested town boards and agencies to discuss all views should be held.

#### 4.206 Review and Decision

In reviewing and determining whether to approve, approve with modifications, or deny a Definitive Plan, the Planning Board may consider whether the definitive plan is in conformance with the design standards in Section 5 of these regulations, and with all of the substantive and procedural provisions of the Planning Boards rules and regulations. The Planning Board may impose such restrictions as it determines are necessary to promote public safety or protect the environment or carry out the provisions of the Board's rules and regulations.

#### 4.207 Performance Guarantee

Before endorsement of the Planning Board's approval of a Definitive Plan of a subdivision, the subdivider shall agree to complete the required improvements specified in Section 6 for any lots in a subdivision.

Approval of the Definitive Plan by the Planning Board in no way releases the applicant from fulfilling outlined by the Board of Health and Conservation Commission. Approval by the Planning Board may be made subject to condition that such approval shall automatically rescind after a period of time set by the Planning Board unless all required improvements as specified in these regulations and in the recommendations of the Board of Health and Conservation Commission have been completed within that period of time.

The construction and installation of required improvements shall be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant:

a. Approval with bonds or surety

The subdivider shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified in Section 6 not covered by a covenant under "b" hereof. The Planning Board may hire professional consultants to determine the amount of bond or surety required.

Such bond or security, if filed and deposited, shall be approved as to form and manner of execution by Town Counsel, and shall be contingent on the completion of such improvements within the period of time, the Planning Board may require an estimate of the cost of the remaining work, increase the amount of performance bond, and establish a new date for the completion of said improvements within the set period of time or any extension thereof shall not relieve the developer from his obligation to pay for increased costs for completing the improvements in excess of his performance bond.

b. Approval with covenant

The subdivider shall file a covenant, executed and duly recorded by the owner or record, running with the land, whereby such ways, services and improvements as specified in Section 6 not covered by bond or deposit under "a" hereof shall be provided to serve any lot before such lot may be built upon or conveyed, other than be mortgage deed. Said covenant shall be approved as to content and form by Town Counsel.

c. Tri- Party Agreement

Said Agreement shall be approved as to content and form by Town Counsel.

#### 4.208 Reduction of Bond or Surety

The penal sum of any such bond, or the amount of any deposit held under clause "a" above, may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by the Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.

#### 4.209 Release of Performance Guarantee

Upon the completion of improvements required under Section 6, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the subdivider may orally request and agree upon terms of release with the Planning Board, or he shall send by certified mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance to the requirements contained under Section 6, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has not been completed, it shall specify in a notice sent by certified mail to the applicant and to the Town Clerk the details wherein said construction and installation fails to comply with the requirements under Section 6. Upon failure of the Planning Board to act within 45 days after receipt by the Town Clerk of the applicant's said statement all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said 45 day period expires without such specification, or without the release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

Before the final release by the Planning Board of the town's interest in a performance bond, deposit or covenant, the applicant shall file with the Board a certificate (Form F) by a registered Massachusetts Professional Civil Engineer and Land Surveyor declaring that streets, storm drains and all other required construction and improvements on the ground have been properly completed in accordance with the approved plan and subdivision regulations of the Planning Board, and with the recommendations by the Board of Health.

#### 4.210 Certificate of Approval

After the hearing required in Section 4.205 and after the report of any other boards or commissions; or the lapse of forty-five days without such report, the Planning Board shall approve, or if such plan does not comply with the subdivision control law or the rules and regulations of the Planning Board or the recommendations of the Board of Health, shall modify and approve or shall disapprove the plan. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for this action. The action of the Planning Board in respect to such plan shall be by vote and noted on Form G, Certificate of Approval, copies of which shall be certified and filed with the Town Clerk and sent to the subdivider. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory 20-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk, provided that the

Town Clerk has not received notice of appeal to the Superior Court, and provided further that other conditions of approval, if a part of the Board's action, are transmitted or corrected to the satisfaction of the Board.

Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision, nor does it indicate in any way compliance with the provisions of the Wetlands Protection Act, Chapter 131, Section 40 of the General Laws.

#### 4.211 Submission of Documents

Easements, and bond and/or covenant, shall be submitted within 20 days from the date of approval of the Definitive Plan to the Planning Board which then shall submit the documents to Town Counsel for approval as to form and legality.

#### 4.212 Filing of Plans in Registry of Deeds or Land Court

Approval of all subdivisions is subject to the condition that, unless an appeal has been taken from such approval as provided by statute, the subdivider will record the subdivision plan in the Berkshire Middle District Registry of Deeds, or the Land Court, within six (6) months from the date of its approval, and furnish a copy of the recorded plan to the Planning Board. If the applicant delays recording of such plan past the required six (6) month period, such plan shall not be accepted for recording by the Registry of Deeds of Land Court unless and until it has endorsed thereon or recorded therewith and referred to thereon, a certificate of the Planning Board, or the Town Clerk, dated within 30 days of such recording, that the approval has not been modified, amended or rescinded, nor the plan changed. Such certificate shall, upon application, be made by the Board or the Town Clerk receiving the application show that there has been such modification, amendment, rescission or change.

### **SECTION 5.0: DESIGN STANDARDS**

#### **5.10 Streets**

##### 5.101 Location and Alignment

All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, 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. Curvilinear street design will be encouraged.

The proposed street shall conform, so far as practicable, to any master or study plan as adopted in whole or in part by the Planning Board.

Provision satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided, if deemed necessary by the Board.



Reserve strips prohibiting access to street or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the Public interest.

Street jogs with centerline offsets of less than 125 feet should be avoided.

The minimum centerline radii of curved street shall be 200 feet. Greater radii may be required for principal streets.

Streets shall be laid out so as to intersect as nearly as possible at right angles. No road shall intersect any other road at less than 60 degrees.

Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than 20 feet.

Cross (four cornered) street intersections shall be avoided where possible, with the exception of major street crossings.

All ways shown on a preliminary plan shall be named in pencil and shall have names rather than numbers or letters (such as First Street or Avenue A). Names shall be substantially different from names or existing ways in the Town or nearby communities.

#### 5.102 Width

The minimum width of a street right-of-way shall be as follows: Minor street: 40 feet; Collector street: 50 feet; Major street: 60 feet. Greater width may be required by the Planning Board when deemed necessary due to anticipated vehicular traffic or other considerations.

#### 5.103 Grade

Grades of streets shall be not less than 0.5%. Grades shall not be more than 5.0% for major streets nor more than 10.0% for minor or collector streets. The grade of a street within 50 feet of a street intersection shall not exceed 1.0% to provide a level area for traffic safety.

#### 5.104 Dead End Streets

Dead end streets shall not be longer than 500 feet, unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions.

Dead end streets shall be provided at the closed end with a turn around having an outside roadway diameter of at least 150 feet and a property line diameter of at least 170 feet.

At the end of a dead end street, the Board may require the reservation of an easement twenty (20) feet wide to provide for the continuation of pedestrian traffic and/or utilities.

## **5.20 Easements**

### **5.201 Easements for Utilities**

Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 12 feet wide.

### **5.202 Stormwater Easements**

Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require that there be provided a stormwater easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

## **5.30 Open Spaces**

Before approval of a plan, the Planning Board may also in proper cases 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 Planning Board may make an appropriate endorsement on the plan requiring that no building be erected upon such park or parks without its approval.

## **5.40 Protection of Natural Features**

Due regard shall be shown for all natural features, such as large trees, stone walls or fences, water courses, scenic points, historic spots and similar community assets which, if preserved, will add attractiveness and value to the subdivision. The developer shall make every attempt to adapt his subdivision to the site with a minimum of clearing, cutting and filling operations, and shall take whatever protective measures are needed to control erosion, siltation or flooding along drainage ways and adjacent lands.

## **SECTION 6.0: REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION**

### **6.10 Streets and Rights-of-Way**

#### **6.101 Clearing for Right-of-Way**

The entire area of each street right-of-way shall be cleared of all stumps, brush, roots, boulders and like material, and all trees not intended for preservation. No trees may be preserved within eight (8) feet of the edge of the traveled way.

#### **6.102 Excavation and Filling of Roadway**

The full length and width of the traveled way shall be excavated or filled, as necessary, to a depth of at least twelve (12) inches below the finished surface as shown on the profile. However, if the soil is soft and spongy or contains undesirable material such as clay,

sandpockets, peat or any other material detrimental to the subgrade, such material shall be removed and replaced with suitable well-compacted material.

#### 6.103 Finishing of Traveled Way

All parts of the traveled way shall be brought to a finished grade as shown on the profile of the Definitive Plan with at least the top twelve (12) inches consisting of well-compacted gravel to a width of at least 24 feet, to be located centrally within the street right-of-way. At each side there shall be a shoulder three (3) feet wide also consisting of well-compacted ending gravel at least twelve (12) inches deep. The gravel shall be spread and rolled in two (2) layers of about six (6) inches each. All stones larger than four (4) inches shall be removed before layers are rolled. Rolling shall be done with a self-propelled roller weighing not less than eight (8) tons and shall continue until a firm, even surface, true to line and grade, is obtained.

#### 6.104 Paving

Where, in the opinion of the Planning Board, the anticipated volume of traffic or grades of the finished traveled way or other conditions require it, streets shall be paved.

For paved streets a bituminous-penetration-type surface shall be applied as follows: Over compacted gravel base not less than twelve (12) inches deep spread a layer of three-eighths inch crushed stone at the rate of twenty (20) pounds per square yard. Roll with a five (5) to eight (8) ton roller. Over this surface apply MC3 emulsified asphalt at the rate of 0.33 gallons per square yard. Apply emulsified asphalt again at the rate of 0.33 gallons per square yard. Cover this with three-eighths inch stone and roll again. Apply emulsified asphalt again at the rate of 0.33 gallons per square yard. Dress off top at completion of construction work with three-eighths inch stone chips applied at the rate of fifteen (15) pounds per square yard. Compact surface with a five (5) to eight (8) ton roller, leaving finished pavement free from holes, rolls or other unsightly imperfections. Grades must be run true and even with an instrument.

The subdivider shall repair any settlement or imperfections in this work during a period of one year from the date of final installation of pavement.

### **6.11 Surface Drainage**

#### 6.111 Stormwater Management

Drainage improvements shall comply with the Commonwealth of Massachusetts Stormwater Management Policy. Adequate disposal of surface water shall be provided. Catch basins and culverts shall be built in conformity with specifications of the Selectmen on both sides of the street on continuous grades at intervals of not more than 400 feet, at low points and sags in the streets and near the corners of the street at intersecting streets.

#### 6.112 Spring or Surface Water Drainage

The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements or appropriate width, and shall be designed so as to prevent any erosion, siltation or flooding of traveled ways or adjacent property.

#### 6.113 Potential Runoff

A culvert or other drainage facility shall, in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Selectmen or the Highway Superintendent shall approve the design and size of facility based on anticipated run-off from a "twenty-five-year" storm under conditions of total potential development permitted by the Zoning Bylaw in the watershed.

#### 6.114 Possible Downstream Improvements

The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Selectmen of the Highway superintendent. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload any existing downstream drainage facility, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

#### 6.115 Flood Plain District Requirements

Any proposed subdivision in a Flood Plain District, as delineated in the Town's Zoning Bylaws, shall be designed to provide adequate drainage and minimize any potential flood damage. Public utilities and facilities in flood hazard areas shall be so located and constructed as to minimize or eliminate flood damage and avoid impairment from flood waters.

### **6.12 Utility Wires**

#### 6.121 Burying of Utility Lines

All utility wiring as well as transformers and other distribution and control devices shall be buried in the ground unless, in the opinion of the Planning Board, estimates made by utility companies indicate that an unreasonable cost would be imposed on the subdivider.

#### 6.122 Location of Buried Lines

Utility wires or cables, other than those going across streets and those leading directly to individual consumer installations, shall be buried within the street right-of-way in a strip 4 1/2 feet wide running parallel to the edge of the right-of-way, unless soil or terrain

require a different location. No wires or cables may be installed under the traveled portion of the right-of-way except where crossing a street and there ducts must be used.

#### 6.123 Plans for Buried Utility Lines

Copies of all plans showing the location of all buried wires or cables are to be presented by the subdivider before any paving of streets is started, one copy to be filed with the Planning Board, one with the town Clerk, and one with the Selectmen.

#### 6.124 Exceptions

If underground installation is found by the Planning Board to be unreasonably costly to the developer, all overhead utility wires and related equipment shall be centered as much as possible on rear or side lot lines, unless this provision is waived by the Board. Easements shall be provided as outlined in Section 5.20.

#### 6.125 Public Safety/Municipal Equipment

Poles and any associated structures used for police and fire alarm boxes, and for street lighting, and other similar municipal equipment, shall be installed where deemed necessary by the Planning Board, and shall be of a design approved by the Planning Board.

### **6.13 Monuments**

#### 6.131 Permanent Monuments

Permanent monuments shall be installed at all street intersections, at all points of change in the direction or curvature of streets, and at other points where, in the opinion of the Planning Board, permanent monuments may be necessary.

#### 6.132 Construction of Permanent Monuments

The permanent monuments shall be of 3,000 p.s.i. reinforced concrete or granite, and shall measure 5"x6"x6" and shall have a suitable reference marker on the top.

#### 6.133 Installation of Monuments

No permanent monuments shall be installed until all construction that would destroy or disturb them is completed. The tops of monuments shall be set to the established grades, and backfill material shall be carefully placed around each monument and thoroughly tamped.

### **6.14 Street-Name Signs**

Posts with signs carrying the names of streets or other ways shall be installed at the beginning of all new ways and at the intersection of all ways whether existing or proposed within a subdivision. There shall be at least one such sign and sign post at each intersection. Said signs and sign post shall follow the specifications of the Selectmen.

### **6.15 Sidewalks and Curbing**

The Planning Board may require construction of curbing and sidewalks on one or both sides of the streets to be built if deemed necessary. Design and construction to be approved by the Planning Board.

### **6.16 Work Standards**

Unless otherwise specified, all construction work under these regulations shall conform to the requirements and standards of the town of Stockbridge Highway Department and to the specifications for highways which may be adopted by the Selectmen.

### **6.17 Grading and Construction Inspections**

The Planning Board shall be notified by the subdivider prior to the commencement of each of the major phases of construction, and as each phase is completed, it shall be inspected and approved by the Planning Board prior to starting work in the succeeding phase. The Planning Board may designate, in cooperation with the Board of Selectmen, the Town Highway Superintendent or any other qualified person, as the inspector for the construction done under the Subdivision Rules and Regulations, including the inspection of control measures employed and their effectiveness, for the prevention of erosion and siltation.

### **6.18 Shade Trees**

Unless at least two (2) shade trees per lot, of species recommended by the Tree Warden or Conservation Commission and having a diameter of at least one (1) inch at a point one (1) foot above the finished grade, exist and can be preserved within the road right-of-way or within twenty (20) feet of the edge of the right-of-way, the subdivider shall procure and plant at least two (2) nursery-grown shade trees per lot within twenty (20) feet of the edge of the right-of-way, said trees to be species recommended by the Conservation Commission and measuring at least one (1) inch in diameter at a point approximately four (4) feet above the root collar.

### **6.19 Topsoil**

Topsoil shall be placed to a depth of four (4) inches and thoroughly compacted on side slopes within the road right-of-way and over land exposed during grading operations. Grading shall be done carefully to avoid unnecessary damage to existing vegetation. Except when necessary to conform to road, driveway and drainage standards or to eliminate blind intersection or poor sight lines at curves, major earth movements shall be avoided. Drainage ditches wherever possible shall be graded to resemble natural streams. Topsoil shall not be removed from the site except where so authorized by the Planning Board.

## **6.20 Seeding**

To prevent erosion, shoulders and graded slopes shall be seeded on completion or planted with shrubs or similar approved landscape treatment recommended by the Conservation Commission. Seed and planting specifications shall be in accordance with Section H-3 of the Standard Specifications for Highways and Bridges of the Commonwealth. All new planting within the street right-of-way shall be with good nursery stock and will be subject to inspection after one (1) year. Trees, shrubs or grass found by the Planning Board to be dead or in an unsatisfactory condition within one (1) year from the time of planting may be required to be replaced by the developer if so required.

## **6.21 Side Slopes**

The slope of the area from right-of-way line to the finished grade of abutting lots shall not be greater than at the rate of two (2) feet horizontal to one (1) foot vertical.

Whenever the approved street grade differs substantially from the grade of adjacent land or where otherwise necessary for public safety, the applicant shall be required to erect retaining walls or guard rails, of the type and size approved by the Planning Board.

## **6.22 Clean-up**

The entire area of the subdivision must be cleaned up so as to leave a neat and orderly appearance, free from debris and other objectionable materials. The subdivider shall be responsible for providing thoroughly clean and unsilted storm-drain lines within the subdivision.

## **SECTION 7.0: ADMINISTRATION**

### **7.10 Variation**

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

### **7.20 Reference**

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

### **7.30 One Dwelling Per Lot**

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town, without the consent of the Board, and that such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision.

