

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

**ADOPTED BY THE WESTBOROUGH PLANNING BOARD**

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OF LAND  
IN WESTBOROUGH, MASSACHUSETTS

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RULES AND REGULATIONS  
GOVERNING THE SUBDIVISION OF LAND IN  
WESTBOROUGH, MASSACHUSETTS

(Adopted under the Subdivision Control Law  
Sections 81-F to 81-GG inclusive, Chapter 41, G.L.)

PURPOSE

These Subdivision Rules and Regulations governing the subdivision of land in the Town of Westborough, Massachusetts, have been enacted for the purpose of-protecting the safety, convenience, and welfare of the inhabitants and to preserve the rural and suburban character of the Town by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open spaces. 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, underground utility services, fire, police and other similar municipal equipment, and street lighting 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 the neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the Planning Board shall receive the approval of such board if said plan conforms to the recommendations of the board of health and to the reasonable 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 section eighty-one R, such portions of the rules and regulations as is deemed advisable.'1

SECTION I. AUTHORITY

Under the authority vested in the Planning Board of the Town of Westborough by Section 81-0 of Chapter 41 of the General Laws said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Westborough. Such rules and regulations shall be effective on and after June 19, 1991, amending such rules and regulations effective December 12, 1990 (amended from Rules & Regulations effective June 9, 1975), including all amendments thereto.

## SECTION II. GENERAL

### A. Definitions:

Applicant - Either the owner of the land stated in the application for subdivision or all the owners where title is held jointly, in common, or in tenancy by the entirety, including corporations. An agent, representative, or his assigns may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of their officers and designated authority to sign legal documents shall be required for a corporation.

Block - An area of land enclosed on two or more sides by street rights-of-way.

Board - The Planning Board of the Town of Westborough.

Cul-de-sac - A cul-de-sac is the portion of a dead-end roadway provided for turn around purposes. It shall have dimensions as described in Section IV.

Corner Lot - A lot which meets the definition provided in Westborough's Zoning Bylaw.

Common Driveway - The primary means of access and egress, which is not considered a local Town road or way of public access, serving two (2) or more detached single family dwellings.

Definitive Plan (Plan) - The plan of a subdivision as submitted (with appropriate application) to the Board for approval, to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board, and such plan when approved and recorded; all as distinguished from a preliminary plan. The definitive plan shall include a plan (or plans) depicting a lot layout (the "lotting plan") together with plans depicting site design and construction improvements (the "definitive design plans").

Developer - A person (as hereinafter defined) who develops under a plan of a subdivision approved under Section III of these Rules and Regulations.

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

Engineer - Any person who is registered or otherwise legally authorized by the State of Massachusetts to perform professional civil engineering services.

Fiscal Impact Analysis: A projection of the current primary public costs, and immediate revenues associated with residential and non-residential growth for the Town.

- a) Current: As if completed and operating at the time of the analysis.
- b) Primary: The tangible costs directly related to the development involved. (e.g. property value loss/gains are considered only in that lands primary fiscal impact - not in the secondary impact to surrounding properties).
- c) Public Costs: Operating expenditures (salaries, statutory and material costs) and capital outlays (and debt service) either directly incurred by the Town, or paid to others as a result of specific development. Public costs are categorized into public service categories.
- d) Public Service Categories:  
Five shared residential and non-residential categories include: 1) Public safety (Police and Fire protection), 2) Transportation (roadways, railways), 3) Utilities (sewer, water, electric), 4) Miscellaneous (Public Health, Recreation, Culture) and, 5) General Government (administrative costs). One exclusive residential category: Education
- e) Immediate Revenues: All monies that the Town receives as a result of a specific development. Revenues include municipal and school district taxes, user charges and miscellaneous fees, as well as Federal and State intergovernmental transfers.
- f) Taxes: Real property, personal property, income, sales, property transfer, occupation and business privilege, per capita, transient occupancy, etc.
- g) User charges: Recreation, health and property services, water, sewerage and solid waste charges, etc.

h) Miscellaneous revenues:

Interest earnings, fees and permit revenue, fines, forfeitures, and penalty revenues, etc.

i) Intergovernmental transfers:

State tax redistributions, aid, rebates, grants and subsidies, etc. and Federal- State/Federal Assistance Act (Federal Revenue Sharing), Community Development Block Grants, Educational Assistance in Federal Impact Areas, etc

General Laws - (abbreviated G.L.) The General Laws of Massachusetts. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

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

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

Roadway - That portion of a way which is designed and constructed for vehicular travel.

Right-of-Way - That land dedicated for public use within which will be located the roadway, sidewalks, grass plots and utilities which will serve the subdivision.

Shall - Where used, shall to be understood as mandatory.

Should - Where used, shall to be understood as advisory.

Street - A public or private way either shown on a plan approved in accordance with the subdivision control law, or otherwise qualifying a lot for frontage under the subdivision control law.

Street. Major Collector - Provides service to any activity center or other towns not Directly served by an arterial route and to other traffic generators of equivalent intra-regional importance, such as schools, goods distribution centers, regional recreational areas and

Street, Minor Collector – Streets spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a major collector road and normally including a principle entrance street for a group of subdivisions.

Street, Major Local – A street intercepting one (1) or more minor local streets and which is used or will be used to carry substantial volume of traffic from such a minor street to a collector street, and normally including a principal entrance street of a subdivision and any principal circulation street within such subdivision.

Street, Minor Local – A street which is being used or will be used primarily to provide access to an abutting lots and which will not be used for through traffic.

Subdivider – A person who follows the procedures under Section III to procure Approval under said section with respect to a tract of land.

Subdivision – Subdivision shall mean the division or re-subdivision of a tract of land Into two or more lots, or to the process of subdivision, or to the land or territory subdivided.

The division of a tract of land into two or more lots shall not constitute a subdivision if, at the time it was made, every lot within said tract has frontage, in compliance with the Zoning By-Law, on (i) a public way (as laid out by the selectmen or a way which the Town Clerk certifies is maintained and used as a public way), (2) a way shown on a plan previously approved and endorsed under subdivision control, or (3) a way in existence when the subdivision control law became effective in the Town, having in the opinion of the Planning Board, sufficient width, suitable graded, and adequate construction to provide for the needs of vehicular and pedestrian traffic and municipal services in relation to the proposed use of the land abutting thereon or served.

Conveyance of 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, into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

Surveyor – Any person who is registered or otherwise legally authorized by the State Of Massachusetts to perform land surveying services.

## Town of Westborough, Massachusetts

### B. Subdivision

subdivision within a residential zoning district is a residential subdivision. The standard type of residential subdivision is referred to as a conventional subdivision; its dimensional regulations are defined by section 2600 of the zoning bylaw. A special, and variant type of residential subdivision is the Open Space Community and is defined by Section 4300 of the Zoning Bylaws. A subdivision within an industrial zoning district is an industrial subdivision. Each of these different types of subdivision shall be governed by the applicable zoning bylaws and regulations as herein provided.

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 Board as hereinafter provided.

### C. Limitation of One Dwelling on Any Lot - Residential Zones

Not more than one building designed or available for use for dwelling purpose 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. 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.

## SECTION III

### PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS AND DOCUMENTS

Land owners and applicants shall have option of and are encouraged to have a presubmittal, informal discussion with the Planning Board for the purpose of discussing their plans, questions, and proposals.

No application for "Approval Not Required", Preliminary Subdivision or Definitive Subdivision action is complete until the filing fees have been received by the Town.

Filing of any application by or for the Town of Westborough is exempt from filing fees established in Section III. All other governmental bodies are required to meet the fee requirements of Section III.

A. Plan Believed Not to Require Approval - (ANR)

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, should submit his plan and application Form A at a regular scheduled meeting of the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application. An administrative filing fee of two hundred (\$200.00) dollars plus fifty (\$50.00) dollars per new lot created is required for processing at the time of plan submittal. Within 90 days of endorsement of an ANR by the Planning Board, if it becomes necessary to resubmit the ANR to the Planning Board for approval of changes, an administrative filing and review fee of seventy-five (\$75) dollars shall be required. After 90 days, the full filing fee of two hundred (\$200) dollars, plus fifty (\$50) dollars per new lot created shall be required.

If the Board determines that the plan does not require approval, it shall, without a public hearing and within twenty-one days of submission, endorse on the plan the words "Planning Board approval under Subdivision Control Law not required." Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty-one days of submission of said plan, so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination.

In cases where the ANR plan pertains to land that is also the subject of a definitive plan approved by the Board within seven years prior to submission of the ANR plan,

the Board may require that the ANR plan and that affected portion of the approved definitive subdivision be consistent. In the cases, the endorsement of the ANR plan by the Board does not constitute a lot release for construction purposes as discussed in Section VI of these Rules and Regulations.

## B. Concept Plan

### 1. General

A concept plan of a subdivision may be submitted by the applicant to the Board for discussion. The concept plan is intended to allow the applicant, the Board and other municipal agencies an opportunity to review the proposed development in general terms, before a preliminary and/or definitive plan is prepared.

For Open Space Communities, as defined in the Zoning Bylaw Section 4300, the concept plan shall be submitted to the Board and be prepared by a professional Landscape Architect registered in Massachusetts, who should have experience in land planning.

The concept plan should address the general features of the land, and give approximate configurations of the lots and roadways. Imaginative and creative land use planning should be applied, with the aim of preventing damage to the landscape, topography and valuable and nonrenewable natural resources of the Town and inhabitants therein.

A cover letter shall accompany the concept plan and include: the name of the proposed development, the name and address of the designer of the concept plan, the date of the plan, the total land area, the number of lots and length (feet) of Roadway proposed, the owners name and address, the Assessors tax map and parcel numbers for the property, the applicants name and address (if different from the owner), and signature(s) of the party submitting the cover letter. For Open Space Communities, the cover letter shall also describe how the open space is proposed to be maintained in perpetuity; e.g. does the applicant wish to transfer the open space parcel(s) to the Town, or to a homeowners association subject to a restriction, etc.

There is an administrative filing fee of three hundred (\$300.00) dollars and is required for processing at the time of plan submittal. In addition, there is an escrow deposit of seventy five (\$75.00) dollars per lot required to cover the cost for Planning Board staff and/or outside consultants to review plans, unused funds to be returned to the subdivider.

If the concept plan is submitted as part of an application for a Special Permit for an Open Space Community, then written notice shall be given by the applicant to the Town Clerk (by delivery or by registered or certified mail), said notice stating such a plan has been submitted.

Seven (7) prints of the concept plan, black line or blue line on white background, shall be submitted.

2. Contents - The Concept Plan shall include the following:

- a. The subdivision name, boundaries, north point, date, legend, title "Concept Plan", and scale. The scale shall vary as necessary to allow the designer to present the project on one sheet no larger than 24" x 36".
- b. The names of the record owner and the applicant, and the name of the Landscape Architect and engineer or surveyor that prepared the plan.
- c. The names, approximate location and widths of adjacent streets.
- d. The topography of the land shown at a contour interval no greater than ten (10) feet. Elevations shall be referred to mean sea level.
- e. Existing landscape features including forests, farm fields, meadows, wetlands, springs, lakes and ponds, streams, archeological and historic structures or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major long views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife.

All on-site wetland boundaries and wetland buffer zone limits shall be clearly identified on the project plans. All Wetland flag locations shall be numbered and placed upon all concept, preliminary and definitive subdivision plans. A one hundred (1 DO') foot buffer setback shall be maintained from all wetlands.

- f. Lines showing proposed private residential lots, with approximate area's and frontage dimensions.
- g. The existing and proposed lines of streets, ways, easements and any parcels of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the subdivision in a general manner.
- h. Proposed roadway grades (%).

- i. The proposed system of drainage including adjacent existing natural waterways, sewers, water mains, culverts and other underground structures within the tract or adjacent thereto, and in a general manner, proposed water, sewer and other underground utilities.
- j. The proposed concept for phasing and soil erosion and sediment control to be identified.

### 3. Continuity between concept plan and preliminary or definitive plan

The Open Space Community Special Permit Concept Plan shall be reconsidered if there is substantial variation between the preliminary or definitive plan and the concept plan. A substantial variation shall be defined as an increase in the number of building lots, a decrease in the open space acreage, a change in the layout which causes dwelling units or roadways to be placed significantly closer to a dwelling unit within 500 ft. of the project, and/or a change in the general development pattern. If the Planning Board finds that a substantial variation exists, it shall hold a public hearing on the modifications of the concept plan.

### C. Preliminary Plan. documents. and fees

#### 1. General

A preliminary plan of a subdivision should be submitted by the applicant to the Board for discussion and approval. The Planning Board shall submit said plan to the Board of Health and other municipal agencies for discussion and review. The submission of such a preliminary plan will enable the subdivider, the Board of Health, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivisions before a definitive plan is prepared.

A properly executed application Form B (See Appendix) shall be filed with the preliminary plan submitted to the Board.

Request for any waivers from the requirements of these subdivision Rules and Regulations shall be submitted in writing with submission of the Preliminary Plan and Form B.

A draft Environmental Assessment Report (see Definitive Plan under "General") should also be submitted.

A draft Fiscal Impact Analysis (see definitive plan under "General") shall be submitted to the Planning Board.

An administrative filing fee of five hundred (\$500.00) plus fifty (\$50.00) dollars per lot is required for processing at the time of plan submittal. In addition, There is an escrow deposit of two hundred (\$200.00) dollars per lot to cover the cost for

Planning Board staff and/or outside consultants to review plans, unused funds to be returned to the subdivider.

The plan shall be submitted by delivery at a regularly scheduled meeting of the Board. In addition, written notice shall be given by the applicant to the Town Clerk by delivery or by registered or certified mail, that he has submitted such a plan. The Town Clerk shall give a written receipt, if requested, to the person who delivered such notice.

Twelve (12) prints of the Preliminary Plan, dark line on white background, shall be submitted; sheet size(s) shall be twenty-four by thirty-six inches (24" x 36") including a three-quarter inch (3/4") border.

2. Contents - The Preliminary Plan shall include the following:

- a. The subdivision name, boundaries, north point, date, scale one inch equals forty feet (1" = 40'), legend and title "Preliminary Plan." Each sheet must contain in the lower right-hand corner the subdivision name, the sheet number and space for Planning Board action.  
If the subdivision plan requires two (2) or more sheets, a plan that is at a scale of one inch (1 ") equals one hundred feet (100') or two hundred feet (200') shall also be provided to show the entire subdivision on one (1) sheet.
- b. The names of the record owner and the applicant, and the name of the designer, engineer or surveyor.
- c. The locus of the land shown on the plan, preferably at a scale of one thousand feet (1000') to the inch, with sufficient information to accurately locate the subdivision.
- d. The names of all abutters, as determined from the most recent local tax list.
- e. The existing and proposed lines of streets, ways, easements and any parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved by deed covenant for use of all property owners in the subdivision, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the subdivision in a general manner.
- f. The approximate boundary lines of proposed lots, with lot numbers, approximate areas, and dimensions.
- g. The names, approximate location and widths of adjacent streets, adjacent structures and physical features such as fences, pools, etc.

- h. If connection is proposed to public water or sewerage, then a general description of the connection from the point of the existing water or sewerage system to the property line of the proposed subdivision, including water and sewer lines, pump and booster stations, force mains, etc. shall be provided.
- i. The proposed system of drainage including adjacent existing natural waterways, sewers, water mains, culverts and other underground structures within the tract or adjacent thereto, and in a general manner, proposed water, sewer and other underground utilities.
- j. The topography of the land at a contour interval of two (2) feet. Elevations shall be referred to mean sea level. Water bodies and their elevations shall be shown.
- k. Major features of the land such as existing walls, fences, trails, monuments, buildings, large trees or wooded areas, rock ridges and out-cropping, ditches, swamps, water bodies and water courses. Where available, aerial photographs may be required. Proposals for all site features to be retained, demolished or moved should be so noted.
- l. Soil types based on the latest applicable report of United States Department of Agriculture, Soil Conservation Service.
- m. Plans and Profiles for proposed streets shall be submitted at a scale of 1" = 40' horizontal and 1" = 4' vertical, and include proposed center line grades and elevations, with elevations shown at every fifty (50) foot station, except that in vertical curves, elevations shall be shown at twenty-five (25) foot stations and at every PVC and PVT.
- n. The preliminary phasing plan is to incorporate aspects of lot development, roadway construction, utility construction and operation, and soil erosion and sediment control measures.

### 3. Action by Board

The Board may give such preliminary plan its approval with or without modification. Such approval does not constitute approval of a subdivision but does facilitate the procedure in securing approval of the definitive plan.

The Board may also disapprove the plan. A disapproval will be accompanied by a detailed statement of reasons for the action.

Notice of its action must be given by the Board to the applicant and the Town Clerk within forty-five (45) days of the date of filing. Failure to act within that time shall be considered as approval of the preliminary plan.

D. Definitive Plan. documents. and fees

1. General: documents

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

- a. A properly executed application Form C (See Appendix) in duplicate.
- b. Properly executed Designer's Certificate (Form D)
- c. A written declaration that the roadway( s) proposed are intended to be and remain private ways or are intended to be built and subsequently accepted by the Town as public ways; together with, a written summary of all requested waivers from the Subdivision Rules and Regulations.
- d. An Environmental Assessment Report, as defined below: An Environmental Assessment Report shall be submitted for all subdivisions which create frontage for six or more lots. The Board may require an Environmental Assessment for subdivisions which create less than six (6) lots as well, because of special circumstances relating to the location, natural features, or the proposal itself.

The purpose of a Fiscal Impact Analysis is for the Town to have the necessary information at the onset of a new residential or non-residential project to enable it to plan for the public services which support development and to implement them as needed. These analyses are used to project the economic impact of major development proposals.

The Fiscal Impact Analysis shall be provided by the applicant, and submitted as part of the preliminary and definitive plan. The approval granting authority, may determine the scope and appropriateness of said analysis on a case-by-case basis. Seven (7) copies will be submitted to the approval granting authority for review and approval.

A Standard Fiscal Impact Evaluation Method, as approved by the Planning Board, shall be used to project the costs and revenues associated with the proposed development. The prepared analysis is to include the method used, calculations, results and a comparison of costs to revenues, of the proposed development, showing total fiscal impact on each public service category, and, on

the Town as a whole. It shall include other standard requirements of a Fiscal Impact Analysis as deemed appropriate by the approval granting authority.

Sufficient information shall be filed to provide a basis for general conclusions about the affect of the proposed subdivision plan. These studies shall be prepared at the expense of the applicant by a qualified professional acceptable to/or employed by the Planning Board. If such a document has been filed with the Preliminary Plan, and accepted by the Board, it shall constitute a submission under this section.

Coordination with Town Officials is recommended and the sources of information for each impact shall be indicated.

The report shall address the probable impact on Town facilities, services and resources directly attributable to the uses as proposed on the subdivision plan. The following items, as a minimum, must be included:

1. Traffic - average daily traffic generation (trips per day) and vehicular circulation in and around the proposed subdivision as well as existing traffic.
2. School Enrollment - total students at full development, to include impact on transportation.
3. Water usage, wastewater (sewage) flow - average daily and peak demands and flows.
4. Police and Fire protection - man hours and equipment.
5. Street maintenance, including drainage and other improvements.
6. Soils map, based on the latest report of the U.S. Dept, of Agriculture Soil Conservation Service, showing soil types within the subject locus.
7. Physical environment - to include underground aquifers, surface water features and other geological features potentially impacted by the development. In addition, a statement in writing shall be submitted concerning the status of the proposed project in relationship to the removal, fill or dredge of any bank, flat marsh, meadow or swamp bordering on any inland water (Wetlands Protection Act, Massachusetts General Law Chapter 131, Section 40).

- e. Drainage calculations and drainage plan, prepared by a professional engineer registered in Massachusetts, together with a program for the future maintenance of any detention
- f. Open Space Maintenance Program:
  - 1. For all proposed subdivisions, the applicant shall propose a maintenance program which provides a mechanism, acceptable to the Planning Board, Public Works Manager, and Town Engineer for the future maintenance of any public open space, park, or playground which are proposed as part of the Definitive Plan.
  - 2. For an Open Space Community subdivision, the applicant shall submit an Open Space Ownership and Maintenance Program, which shall describe how the open space will be owned and maintained in perpetuity, and meet standards acceptable to the Planning Board and as specified in the Special Permit for the Open Space Community.

When restrictions are involved, as may be the case where open space is proposed to be in private ownership of individual lot owners, such restrictions should conform to standards of the State Division of Conservation Services for Conservation Restrictions. Such restrictions included in the Maintenance Program must require that the open space shall be kept in its natural state, or acceptable recreational uses, or used for woodland or agricultural operations, (including but not limited to the cultivation of crops, flowers, fruit, hay, planting of trees, shrubs, mowing grass or other activities necessary to and appropriate for good woodland and agricultural practices), or any combination there of.

If the open space, or a portion of the open space, is to be conveyed to a homeowners association, acceptable proof that all owners of building lots in the development shall be bound to maintain in perpetuity the common open land or community facilities shall be submitted with the definitive plan, guaranteeing continuing maintenance of such common land and facilities, and assessing each lot a share of maintenance expenses. Such a "homeowner's association agreement" shall be subject to the review and approval of the Planning Board. Provisions shall be included in the agreement that in the event the lot owners fail to maintain the open space, the lot owners shall be bound by deed to permit the Town, or a non-profit conservation corporation acceptable to the Board of.

Selectmen, to maintain the common open land in accordance with the Maintenance Program and Homeowners Association Agreement. The Cost of such work by the Town shall be borne by the lot owners as a lien upon their lots. Provision for future revision of the Open Space Ownership and Maintenance Program should also be included.

- g. Access Through Another Municipality: In case access to a subdivision crosses land in another municipality, the Board shall require certification, from appropriate authorities, that such access is in accordance with the Westborough and/or regional Master Plan and the subdivision requirements of such other municipality, and that a legally adequate performance bond has been duly posted or that such access is adequately improved to handle prospective traffic.
- h. An administrative filing fee of one thousand (\$1,000.00) dollars plus one hundred (\$100.00) dollars per lot is required for processing at the time of plan submittal. However, if a definitive plan is filed within nine (9) months of the preliminary filing, the administrative filing fee shall be reduced to five hundred (\$500.00) dollars plus fifty (\$50.00) dollars per lot. The Planning Board shall cause (via the applicant) the public notice requirements of M.G.L. Chapter 41, Section 81T to be fulfilled. The Board shall approve prior to publication the form and content of the required public notice including the certified list of abutters and shall set the date, place and time of public hearing.
- l. An escrow deposit of two hundred and fifty (\$250.00) dollars per lot is required to cover the cost for Planning Board staff and/or outside consultants to review plans, unused funds to be returned to the subdivider.
- j. Re-submittal: If during the Definitive application review period or following the decision by the Planning Board on any Definitive Plan, the applicant files a new, revised, Definitive plan, then fees for resubmittal will be required as follows: An administrative filing fee of three hundred (\$300.00) dollars for processing is required at the time of plan re-submittal. A deposit of a per-lot-fee of one hundred (\$100.00) dollars per lot is also required to cover the cost of Planning Board staff or consultants to review plans, with the unused funds to be returned to the subdivider.

- k. Twelve (12) prints of the definitive plan on sheets 24" x 36", dark line on white background of the original mylar drawing for distribution to the Board of Health and Town Officials. The original mylar shall be retained by the applicant until requested by the Planning Board.
- l. One (1) set of reproducible reductions of the definitive plan(s), on sheets not to exceed eleven by seventeen inches (11 " x 17").

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

- m. To facilitate review of the Definitive Plan by the appropriate Town Officials, at the time of filing the Definitive Plan, the Applicant shall stake the center line of all proposed streets at a minimum of every one hundred feet (100') with the center line stations and the cut or fill dimensions to finish grade marked on the stakes, and also the lot frontage with numbers. (Note for m: This item would help the reviewers become familiar with the site and proposed road network, including cuts and fills).
- n. Soil surveys and/or test pits or borings are to be prepared at the expense of the Applicant to establish the suitability of the land for the proposed sewerage and/or drainage system and proposed street construction.

All information concerning the test pits, borings or soundings (location, depth, soil stratas, and depth of water table) shall be submitted to the Board in a written report to be made, evaluated and stamped by a registered professional engineer.

Test pits, borings or soundings shall be taken along the center line of each street shown on the plan at intervals of at least every two hundred feet (200') and at locations such as cut sections and areas of questionable foundation material, where the subsurface conditions may be, in the opinion of the Town Engineer, factors affecting the quality and service life of the street.

Test pits shall not be back filled until the Applicant has been notified by the Town Engineer that all necessary inspection and sampling has been completed. The Applicant shall be responsible for maintaining the holes in a safe manner, restrict and protect the perimeter so as to prevent unauthorized access or possible accident. Where borings are used, samples shall be taken at five foot (5') intervals and at each change in strata. Soundings shall be taken in areas of unsuitable material for purpose of determining the unsuitable material and for the purpose of determining the hard bottom contours. Test pits and borings where required, shall extend to a minimum depth of five feet (5') below the invert of the proposed sewer and/or drain, whichever is greater, or to bedrock if encountered.

The Applicant shall indicate on the plan a proposed layout of the subsurface exploration program complete with location, spacing, and type of exploration proposed. Failure to inspect within fourteen (14) days of the Applicant's written request for inspection shall be deemed approval.

(Note for n: This item would ensure that proper testing is done during design. Are septic systems adequate or are sewers needed? Will detention basins be placed above groundwater? Will infiltration basins be placed above groundwater? Will retention basins be placed with at least 4' standing water for a viable ecosystem? Is the road being placed on peat or clay?)

## 2. Definitive Plan Contents

The definitive plan shall be prepared by a professional engineer and surveyor, each registered in Massachusetts. All sheets shall be clearly and legibly drawn in black ink on mylar in accordance with the Rules and Regulations of the Worcester County Registry of Deeds, as amended, pertaining to plan size, material, lettering and related requirements and shall be labeled as "Definitive Plan". The plan shall be at a scale of 1" = 40' or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes shall be 24" x 36" and include a 3/4" border. If multiple sheets are used, they shall be accompanied by an index, on the title sheet, and indicate what information is to be found on each sheet. If the definitive plan requires two (2) or more sheets, a plan that is at a scale of one inch (1") equals one hundred feet (100') or two hundred feet (200') shall also

be provided to show the entire subdivision on one (1) sheet.

The definitive plan shall contain the following information:

- a. A title, appearing in the lower right hand corner of each sheet showing the name of the subdivision, the date, scale, record owner, subdivider, the names and seals of the designer, engineer and surveyor who made the plan, and suitable space to include the dates of all revisions to the plan.
- b. The boundaries of the subdivision indicated by heavy line or shading. North point, whether true, magnetic, or grid benchmark and  $\$0$  indicated.
- c. A locus map at a scale of one inch (1") equals one thousand feet (1000') showing the relationship of the subdivision to highways and streets in the Town. The map shall show the entire subdivision layout, remaining portion of land of the applicant which is not presently being subdivided, adjacent streets, or streets within a reasonable distance, sufficient to identify the location and the access to the land. The locus map shall be included on the definitive plan or imposed on the title/index sheet when multiple sheets are involved.
- d. Location and names of all abutters as it appears in the most recent tax list.
- e. Lines of existing and proposed streets, ways, lots, easements and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board of Selectmen.

Lots shall be numbered and show the area and frontage. Open space(s) shall also be similarly identified. The 'proposed ownership and use of the open space parcel(s) shall also be noted.

Sufficient data to determine the location, direction and length of every street and way line, lot line, easement line, and boundary line, and to establish these. lines on the ground. Data shall include the boundary lines of all streets and easements and the length, the radii, tangents and central angles of all curves in lot lines and street lines and all angle points or intersections of tangents along street lines.

- f. Location of all permanent monuments properly identified as to whether existing or proposed.

- g. Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both pavement widths and ROW widths.
- h. Identification and purpose of easements and rights-of-way applying to the land, both within and adjacent to the subdivision.
- i. Notes as appropriate: Note(s) referencing any variance or exception made-by the Zoning Board of Appeals applicable to the subdivision or any buildings thereon.  
The words "Deeds of Easements to be recorded herewith", or words "covenants to be recorded herewith", and space for Registry references.  
If the property that comprises the subdivision or any part of boundary thereof has been examined, approved and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure.
- j. Suitable space on all sheets to record the action of the Planning Board and the signatures of the members of the Board. Suitable space on the lotting plans for the Town Clerk to certify that the statutory twenty (20) days appeal period has elapsed with no appeal. (See Form F)

The following shall be submitted as definitive design plans, and may be submitted on the same sheet(s) as the previous portions of the definitive plan or on separate sheets:

**k. Contour Plan-**

Existing and proposed topography at two feet (2') contour intervals; and, by symbols the highest known high water mark of the last one hundred (100) years. All elevations shall refer to the U.S.C. & G.S. datum, mean sea level. Where zone boundaries shown on the most recently approved Federal Emergency Management Agency Flood Insurance Rate Maps, Town Flood Plain Map, or the Soil Conservation Services Flood Hazard Analysis (for the Upper Assabet River Tributaries or for the Upper Sudbury River) lie within the locus of the plan, they shall be referenced. The flood boundaries which have the most significant impact on the proposed development are to be shown and appropriately labeled.

**Buildings, building envelopes, driveway location and proposed lot grading with related elevations, shall be shown on the Definitive Plan.**

**The limit of working for clearing, grubbing, and/or grading shall be shown on the Contour Plan. No work is to be performed beyond these limits without Planning Board approval. Limits of work are to be shown on the plans and marked in the field with silt fence or other means as approved by the Planning Board prior to commencement of construction.**

- I. Existing Conditions plan (may be combined with the contour plan)  
Major features of the land, such as existing waterways, swamps, and water bodies, natural drainage courses, stone walls, fences, trails, buildings, large trees or wooded areas, rock ridges, outcroppings, and ditches which exist on or near the site at the time of survey. Aerial photographs may be required. Trees within one hundred feet (100') of the center line of the proposed roadways with a diameter at breast height greater than eight inches (8") shall be located and identified.
  
- m. Roadway Plan and Profile
  1. Existing profiles of the exterior lines and center line (drawn in fine black line, dot dash for left, dot dot dash for right side, and dash for center line), and proposed profile of the finished center line drawn in fine black solid line of proposed streets at a horizontal scale of one inch equals forty feet (1"= 40') and vertical scale of one inch equals four feet (1"=4'), or such other scale acceptable to the Board.
  2. At least two (2) benchmarks are to be shown on plan and profile sheets; and, grade elevations shown at every fifty foot (50') station except in vertical curves which shall be at every twenty-five foot (25') station.
  3. All existing and proposed intersections and sidewalks, trails, bikeways and walkways shall be shown, with all proposed grade elevations calculated. Street trees and proposed location(s) of group mailboxes shall be shown.
  4. Cross section(s) of any open channel stream shall be included.
  5. Gradients shall be shown by figures expressed in percent.

**6. Buildings, building envelopes, driveway location with related elevations, shall be shown on the Definitive Plan.**

n. Utility Plan and Profile-

Whenever possible, for the purpose of clarity, the utility plan and profile should be on a separate sheet(s). It shall show:

1. Size and location of existing and proposed water supply mains and their appurtenances, sewage disposal systems, storm drains and their appurtenances and easements pertinent thereto; the one hundred (100) year, surface high water mark; data Oh borings and soil test pits of percolation tests made; and, method of carrying water to the nearest water course or easements for drainage as needed, whether within or not within the subdivision.
  2. All other utilities, eg. gas, electric, telephone, cable, fire alarm.
- o. Where sanitary sewers are not available, the result of percolation tests and the level of the water table for each lot proposed within the subdivision. These tests shall be executed in accordance with the regulations currently in use by the Board of Health.
- p. A storm drainage plan will be shown on a separate drawing or sheet. The plan shall include all catch basins and drain manholes together with surface elevations of all waterways within the subdivision at 100' intervals and approximate depth of water at these points. Surface elevation and approximate depth of water shall be shown at each point where drainage pipe ends at a waterway. It shall give a clear indication of what course the storm water discharge will take, accompanied by evidence from the owners of adjacent property that if surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the applicant, such discharge is satisfactory and permitted by those abutters.
- q. Soil Erosion and Sediment Control Plan
1. A soil erosion and sediment control plan shall be submitted to the Planning Board and shall contain the following:
    - a. Location and description of existing natural and manmade features on and surrounding the site including general topography and soil characteristics, and soil types based on the most recent **Natural Resources Conservation Service** soil survey and available site soil samples.

- b. Location and description of proposed changes to the site.
- c. Location and description of measures for soil erosion and sediment control which shall be equivalent to or exceed the standards set by **the US Environmental Protection Agency Stormwater Management Program, the MA Department of Environmental Protection Stormwater Management Policy, and the USDA, Natural Resources Conservation Service** and published in Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts.
- d. A schedule of the sequence of installation of planned erosion and sediment control measures as related to the progress of the project including anticipated starting and completion dates or an ordering of sequential steps. **The soil erosion and sediment control plan shall address each step of the phasing plan, addressing lot development, roadway construction, utility construction, and operation, etc. The sequencing of curb installation, catch basin capture efficiency prior to top course paving, etc. shall be addressed. The use of measures such as temporary settling basins and the subsequent abandonment of these measures shall be addressed for each phase.**
- e. All proposed revisions of data required shall be submitted for approval.
- f. As applicable, the soil erosion and sediment control plan shall be developed in accordance with the requirements of the Conservation Commission of the Town.
  
- r. Typical cross-sections of each street, roadway, curbing, drainage ditch and sidewalk to be constructed, showing all details, including manholes, catch basins and headwalls
- s. **All plans shall be submitted in Auto Cad.dxf files and in a release format compatible with the Town's version following final definitive plan approval.**

t. **Building Envelopes:**

**At the time of Definitive Plan submittal, the applicant shall show all building envelopes on the plans, including house footprints and driveway locations, with grading plans for each building lot for Planning Board review and approval. During construction, houses shall be built within the envelopes as shown on the plans and with driveways and yards substantially graded as shown. This is required to plan for proper erosion control, drainage patterns and to protect homeowners from drainage problems. Any change or deviation from the approved plans desired or planned by the site developer or house developer, shall require approval by the Planning Board after the proponent has submitted a plan showing proposed changes to buildings, building envelopes, driveways and grading plans.**

3. Review by Board of Health as to Suitability of the Land

When a definitive plan of a subdivision is submitted to the Planning Board, as provided in Section III, a copy thereof shall also be filed with the Board of Health or board or officer having like powers and duties. Such health board or officer shall, within forty-five days after the plan is so filed, report to the Planning Board in writing, approval or disapproval of said plan, and, in the event of disapproval, shall make specific findings as to which, if any, areas 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 adjustments thereof. Failure of such board or officer to report shall be deemed approval by such board or officer. Such health board or officer shall send a copy of such report, if any, to the person who submitted said plan. 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.

4. Approval under Massachusetts General Law. Chapter 131, Section 40. (Wetlands Protection Act)

Any person submitting a subdivision for approval by the Board, said subdivision to be built upon any bank, flat, marsh, meadow or swamp bordering on any inland waterways, shall file for a permit to perform such activity under the Inland Wetlands Act (Chapter 131, Massachusetts General Laws.) This permit must be obtained before any development work commences.

5. Public Hearing

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

To facilitate review of the proposed subdivision, prior to the public hearing, the Applicant shall stake the center line of all proposed streets at a minimum of every one hundred feet (1 DO') with the center line stations and the cut or fill dimensions to finish grade marked on the stakes.

6. Certificate of Approval/Disapproval:

Where a Preliminary Plan has been duly submitted and acted upon or where forty-five (45) days elapsed without action on said Preliminary Plan, the Board shall file with the Town Clerk a certificate of its action on the Definitive Plan within ninety (90) days of receipt of the Definitive Plan application, and shall send notice of its action by certified mail to the Applicant.

In the case of a residential subdivision, where no Preliminary Plan has been submitted or where forty-five (45) days did not elapse between submission of a Preliminary Plan and submission of the Definitive Plan, the Board shall file with the Town Clerk a certificate of its action on the Definitive Plan within one-hundred and thirty-five (135) days of receipt of the Definitive Plan application, and shall send notice of its action by certified mail to the Applicant.

7. Performance Guarantee

Before the endorsement of approval, the Board shall require that timely one and in part by another, of the methods described in Sections 7.a, band c, which methods(s) may be selected and from time to time be varied by the Applicant. The sufficiency of the amount of security shall be determined by the Board. The alternative methods are:

- a. by a Covenant, executed and duly recorded by the owner of record, running with the land, whereby such streets 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 streets 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 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 from the date of such deed. (See Form E in the Appendix for suggested form.)

Any Covenant given under the preceding paragraph and any condition required by the Board of Health or officer shall be either inscribed on the Definitive Plan or contained in a separate document, referred to on the plan.

- b. by a deposit of money or negotiable securities, or other form acceptable to the Board such as a performance bond, in an amount determined by the Board to be sufficient to cover the cost of the construction of ways and installation of municipal services. Each deposit or bond shall be contingent upon such construction and installation being completed within such period as the Board shall determine. All deposit agreements, securities and performance bonds shall be approved as to criteria, form and manner of execution by the Town Counsel and the Town Treasurer. (See Forms I, J, and K in the Appendix for suggested form.)
  
- c. by delivery to the Board of an agreement executed by the Applicant and the lender after recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the Applicant by the lender. This agreement shall provide for retention by the lender of funds sufficient in the opinion of the Board to secure the construction of ways and the installation of municipal services. The agreement shall provide for a schedule of disbursements which may be made to the Applicant upon completion of various stages of work and shall also provide that in the event the work is not completed within the time agreed to by the Applicant that any funds remaining shall be available to the Town for completion of the outstanding work. Each agreement shall be approved as to criteria, form and manner of execution by the Town Counsel and the Town Treasurer. (See Form H in the Appendix for suggested form).

8. Form of Performance Guarantee

Performance guarantees shall be filed with the Planning Board and shall be subject to the following requirements:

- a. If performance is guaranteed by means of a Covenant pursuant to Paragraph 111.D.1.a., such Covenant shall be in the form and contain the language as shown in Form E Covenant or as otherwise required or approved by the Board.
- b. If performance is guaranteed by means of a bond (Paragraph III D.1.b.), a deposit of money or negotiable securities (Paragraph 111.D.1.b.) or an agreement whereby the construction lender retains loan funds (Paragraph III D.1.c.) the performance guarantee shall comply with the following:
  - 1) It shall define the developers' obligation as "the construction of streets and ways, the installation of municipal services and the construction of certain other improvements for lots as shown in the \_\_\_\_\_ subdivision \_\_\_\_\_ plan \_\_\_\_\_ entitled \_\_\_\_\_, dated \_\_\_\_\_, and approved by the Board on \_\_\_\_\_ including without limitation the work described in attached Schedule A" (Paragraph III D.8.b.6)
  - 2) It shall specify a scheduled completion date on which the construction of the approved subdivision streets and improvements shall be completed by the developer. The Board may extend such time as it deems appropriate after receipt of a written request received by the Board sixty (60) days prior to the scheduled date of completion.
  - 3) It shall state that it shall not expire until the Board upon request certifies that all road work and improvements have been completed according to the approved plan and that the performance guarantee is released.
  - 4) It shall state that it applies in full to all successors of the applicant/developer whose performance is guaranteed.
  - 5) It shall state that the full amount of the guarantee shall be due and payable the Town of Westborough in case of the default of the developer or his/her successor in constructing the streets and ways, municipal services and other improvements in accordance with the approved subdivision plan. Default of the developer or successor shall be defined in the performance guarantee as meaning:

- a) failure to complete all roadways according to the approved subdivision plan by the scheduled completion date, or;
- b) bankruptcy of the developer or the foreclosure of any mortgage on all or part of the land of the approved subdivision before the scheduled completion date, or;
- c) notice to the Board of the withdrawal or termination of any performance guarantee given hereunder, or;

An escrow account of a reasonable amount as determined by the Planning Board, shall be established by the applicant prior to construction to cover the cost of operation and maintenance uses during construction.

- d) any other condition or circumstance that constitutes default in the opinion of the Board.
- 6) The performance guarantee shall include a detailed scope of work to be completed under the performance guarantee. (Construction Completion Schedule)
- c. The performance guarantee shall not contain any language which contradicts the above stated requirements.

9. Subdivision Security Schedule:

A Subdivision Security Schedule shall be prepared by the applicant and submitted to the Planning Board for review and approval prior to commencement of any construction. Each item in this schedule shall have a date for completion and dollar value assigned. The schedule, and any revisions thereto, once approved by the Planning Board, shall become part of the Performance Guarantee requirements.

10. Endorsement

Approval, if granted, shall be endorsed on the original drawing(s) of the definitive plan by the signatures of a majority of the Board (or by the signature of the person officially authorized by the Board,) but not until: (a) the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk, and said Clerk has notified the Board that no appeal has been filed, and (b) not until necessary revisions have been made to the definitive plans as required by conditions incorporated in the approval by the Planning Board of said plan.

Following certification by the Town Clerk that no appeal has been filed, the applicant shall provide the Planning Board with one set of reduced definitive lotting plans of the approved subdivision, at a scale of one inch equals two hundred feet (1" = 200'); and one (1) copy of the recorded covenant(s) associated with the approved subdivision. References of said covenant shall be placed upon the definitive plan prior to endorsement.

The Planning Board may confirm with the DPW, Town Engineer and other Town officials that revisions made by the applicant to the definitive design plans adequately resolve conditions of the subdivision approval, prior to endorsement by the Board. After the definitive plan has been endorsed, the applicant shall furnish the Board with:

- a. seven (7) sets of prints thereof; and,
- b. two (2) sets of reproducible reductions of the approved and endorsed definitive plan at a scale of 1" = 200'.

Approval of the definitive plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.

SECTION IV  
DESIGN STANDARDS

A. General

Public Streets vs. Private ways:

The following design standards and the required improvements and construction procedures specified in Section V, shall be followed and satisfactorily completed for all subdivisions where it is the intent of the applicant/subdivider to have the Town accept and/or maintain the proposed streets, their right-of-ways, and related infrastructure, as the Town's. Where it is the intent of the applicant/subdivider to keep and maintain proposed streets as private ways, lessor roadway design standards, roadway improvements and construction procedures may be proposed by the applicant and approved by the Board in accordance with the procedures defined in Section III. It shall be the responsibility of the applicant to design proposed private roadways to be safe, convenient, free of congestion or hazard, and in conformance with other applicable requirements.

Erosion and Sedimentation Control Plan:

Any subdivision or construction project requiring Planning Board approval shall prepare Erosion and Sedimentation Control Plans. These plans shall be submitted to the Planning Board for review and approval prior to the commencement of any construction activities. The applicant is responsible for guaranteeing that the plans conform with the standards established by the USDA-SCS (United States Department of Agriculture-Soil Conservation Service).

B. Conventional Subdivision Design Standards

1. Streets

a. Location and Alignment

1. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular and pedestrian travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
2. The proposed streets shall conform, so far as practicable, to the Master or Study Plan as adopted in whole or in part by the Board.

3. Provision satisfactory to the Board shall be made for the proper projection of streets, utilities and drainage ways, or for access to adjoining property which is not yet subdivided.
4. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where in the opinion of the Board, such strips shall be in the public interest.
5. Street jogs with centerline offsets of less than 125 feet should be avoided.
6. The minimum centerline radii of curved streets shall be 200 feet. Greater radii may be required for major streets.
7. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60 degrees.
8. Property lines at street intersections shall be rounded and have a radius of thirty (30) feet.
9. Street patterns derived solely for the purpose of providing maximum lot development will be cause for disapproval.
10. Streets shall be designed to conform as closely as possible to the original topography of the site so as to minimize cuts and fills but, at the same time, a combination of steep grades and curves shall be avoided. Cuts or fills in excess of eight (8) feet or roadway locations resulting in lots being more than eight (8) feet above or below the grade of the roadway shall be substantiated by the submission of cross sections showing the proposed grading within 200 feet of the roadway on both sides.
11. Roadway cross sections shall be in accordance with the Typical Roadway Section at the end of these design standards for conventional subdivisions.
12. Streets intersecting a way from the same side of said way shall be no closer than four hundred (400') feet measured between centerlines at the point of intersection of said way.

13. A tangent at least one hundred and fifty feet (150') in length shall separate all curves on all streets except where at least one (1) radius is five hundred feet (SOD') or more or where the radius of curvature of both the curves is in excess of two (2) times the minimum specified elsewhere. (Note: This item is an attempt to eliminate "S" curves)".
14. All streets and/or common driveways in a subdivision wholly or partially within the Town of Westborough must be able to be accessed directly (without leaving the Town of Westborough) from a public way or ways within the Town of Westborough. No streets or common drives, public or private, within the Town of Westborough, shall be allowed, whose sole access originates outside of the Town of Westborough geographic borders".

b. Width

The minimum width of street right-of-ways shall be fifty (50) feet. Greater width may be required by the Board when deemed necessary for collector streets. The minimum width of pavement in all proposed streets shall be thirty (30) feet, except with turn-arounds at the end of a dead-end street as defined below.

c. Grade

Grades of streets shall be not less than 1 % or more than 6%. The maximum grade within one hundred (100) feet of an intersection shall be two (2%) percent. Measurements of the 100' leveling area shall be taken along the side street(s) from the line where the side street(s) meet( s) the thorough roadway. Where changes in grade exceed one-half of one percent (0.5%) vertical curves will be provided. The minimum length of vertical curves shall be designed in accordance with the following:

$$L = K (G1 - G2)$$

G = Grade in percent  
L = Length in feet

The minimum value for K are 30 for crests and 35 for sags.

d. Dead-End Streets

1. Dead-end streets (1) shall not exceed 600 feet in length; (2) shall be provided with a turn-around; and (3) shall not provide access to more than 12 lots.

2. Any easement obtained for turn-around purposes at the end of a temporary dead-end street shall terminate upon construction of an extension.
3. Shall not provide egress to another dead-end street or to another street whose egress and return is to a dead-end street.
4. Shall not be extended to provide egress to itself.
5. A 25-foot easement may be required at the end of cul-de-sacs to provide for continuation of pedestrian traffic and/or utilities to the next street.
6. Dead end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of one hundred and twenty feet (120'), and an outside pavement diameter of not less than one hundred feet (100'), unless otherwise specified by the Board. The Planning Board may, at its option, allow an outside roadway diameter of at least one hundred sixty feet (160') and the placement of a circular landscaped island with radius of at least forty feet (40') at the center of the turnaround, if the dead end street is not intended to connect with another street at some future point in time.

**In an effort to have circular landscaped islands larger than 40' diameter, the Board may entertain proposals of larger islands. The island is not to include any land protected by the Wetland Protection Act or land in a flood zone. The island is not to be considered a build able lot. The island configuration shall be approved by the Planning Board after recommendation from the Department of Public Works.**

The applicant shall develop a homeowners association or other private mechanism, acceptable to the Planning Board, DPW Manager, and Town Engineer for the future maintenance of any' landscaped islands which are proposed by the applicant. The applicant shall develop this association or mechanism and submit it to the Planning Board with the Definitive Plan. The Town shall not be responsible for any maintenance, replacement or other improvements to the landscape or other surface conditions of the cul-de-sac island."

7. The minimum length of a dead-end street shall be not less than one hundred fifty feet (150').

d. Sight Distance. Intersections and Curvatures

At intersections, an unobstructed line of sight measured four (4) feet above the centreline of the roadway pavement shall not be less than four hundred (400) feet. With horizontal and vertical curves, lines of sight shall be based on roadway design speeds but in no instance shall be less than two hundred and seventy five feet (275').

f. Improvements to Adjacent Streets

1. In cases where the streets are the access to and are within 2,600 feet of the proposed subdivision, townhouse, garden apartment, condominium or planned parcel development do not appear, in the discretion of the Planning Board, to be adequate to handle the traffic to be created by the proposed development, the Planning Board may require the developer to widen or otherwise improve the adjacent streets, at the developer's expense.
2. The Board may require that the developer make physical improvements to such an adjacent way of access and abutting property thereto, (which is under the control of the Town or developer), in areas of new intersections with adjacent ways, in accordance with the design and construction requirements of these Rules and Regulations.

g. Street Names

Proposed street names shall not duplicate nor bear phonetic resemblance to the name of an existing public way, paper street, or any other way qualified to afford frontage. A proposed street which is in alignment with an existing street shall bear the same name as the existing street.

h. Group Mailboxes

When proposed, centralized mailboxes should be in a location acceptable to the post office and Planning Board and be so located to be convenient but not impede traffic.

2. Driveways and Common Driveways

Grades for detached single family house driveways and all common driveways shall comply with the following requirements:

Driveway layouts and configurations shall promote vehicular safety and shall avoid excessive curves and slopes. The maximum allowable driveway slope shall not exceed 10%. A levelling area shall be provided for all driveways where the slope of the driveway exceeds 5%. The maximum slope of the levelling area shall be 3% for a minimum distance of 20 feet starting at the edge of the public way layout or driveway entrance to garage (or other parking area) and shall be measured along the centre line of the driveway. The orientation of the driveway at the edge of the public way layout shall be aligned to provide optimal safety for use of the public way. The driveway and curb cut within the public way shall be aligned at 90 degrees to the public way layout. The minimum radius for the curvature of a driveway shall be 15 feet on the inside edge of the curve. Driveways which intersect a public way at an angle and without the minimum radius curvature shall not be allowed. All driveway locations, layouts, necessary associated improvements and proposed slopes shall be shown on the subdivision plans or building lot plans, and shall be reviewed and approved by the Westborough Department of Public Works.

For additional requirements regarding driveway curb cuts refer to Section IV, Subsection B.13 "Driveway Curb cuts".

In all districts in the Town of Westborough, Common driveways serving more than two (2) detached single family dwellings shall be reviewed and approved by the Planning Board. In no case shall a common driveway serve more than five (5) detached single family dwellings.

In approving a common driveway, the Planning Board shall require that the following standards be met:

- a. The design of common driveways shall assure adequate safety for emergency vehicles, water and sewer service, if available, including hydrants, and adequate drainage for surface waters and provision for turnaround for use in all seasons by emergency vehicles.
- b. The design standards for common driveways except as defined below, shall conform to those of the Town's requirements for Open Space Subdivision Streets as defined in Section C. Part 2.A. "Minor Local Streets" of the "Rules and Regulations Governing the Subdivision of Land in Westborough, Massachusetts", revised February 10, 1993.
- c. For all common driveways, the rate of post-development runoff shall not exceed the rate of pre-development runoff. The drainage system shall be approved by the Planning Board. Run-off from a common drive shall not be directed onto a public way.

- c. All house lots served by a common driveway shall have access on the street providing frontage for that particular lot. All common drives shall enter from the street providing frontage for each lot served by the common drive.
- d. House numbers shall be placed on a clearly visible permanent sign located at the entrance to the common driveway on the street providing frontage.
- e. A declaration of covenants, easements and restrictions for the use and maintenance of said common driveways shall be required by the Planning Board and shall include arrangements satisfactory to the Board concerning roadway maintenance, snow plowing, and rubbish collection. Said covenants, easements and restrictions shall be recorded at the Registry of Deeds.
- f. No occupancy permit for a residence to be served by a common driveway shall be issued until the Planning Board certifies in writing that the common driveway has been completed to the satisfaction of the Planning Board in accordance with the Town's Subdivision Rules and Regulations.
- g. Common driveways shall meet the following standards:
  - 1.) Minimum width: paved width of twenty (20) feet and a minimum easement width of thirty (30) feet.
  - 2.) Maximum grade: 10 percent (10%) and within 100 feet of an intersection shall be five percent (5%).
  - 3.) Curb cut/intersections: common driveways intersecting a way from the same side of the way as another common driveway or street shall be no closer than four hundred feet (400') measured between centrelines at the point of intersection of said way.
  - 4.) Minimum centerline radius: sixty feet (60').
  - 5.) The minimum sight distance for a common driveway entering onto a roadway shall be a minimum of four hundred feet (400').
  - 6.) Common driveways shall be laid out so as to intersect public streets, as well as individual driveways served, as nearly as possible at right angles. No common driveway shall intersect a street or driveway at less than sixty (60) degrees.

## 2. Easements

All easements which are required for roadways, utilities, drainage, public access, and all other easement purposes which are intended to be accepted

by the Town shall be shown on the subdivision plans. These easements shall remain free and clear of any permanent structures, landscaping, fences and trees. The Town will not accept easements containing obstructions to access or which interfere with any of the easement's intended purposes. In all cases, the developer is responsible for maintaining these easements, in a manner acceptable to the Town, as explained above, prior to conveyance to the Town.

- a. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least thirty (30) feet wide.
- b. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board shall require that there be provided a storm water easement or drainage right of way of adequate width (30 foot minimum) to provide access for construction, maintenance or other necessary purposes.
- c. All easements for drain, water or sewer shall be utility easements and not specifically limited to the utility proposed for the subdivision.

4. Open Space. Parks and Playgrounds

Areas for open space, parks and/or playgrounds will normally be required to be set aside in accordance with the proposals and intents of the Master .Plan and Chapter 41, Section 81 U of the General Laws as amended. Such areas shall be of reasonable size, but generally not less than five percent of the total parcel area, depending upon the location and quality of the land being set aside. The minimum area acceptable, for later neighbourhood or public acquisition, shall be 50,000 sq. ft. The land shall be of a character and location suitable for use as a playground, playing field, or for recreational purposes, and shall be relatively level and dry. No building shall be erected or placed on such an area for a period of three years without the approval of the Board.

The Planning Board shall determine the utility and appropriateness of all open space areas within a proposed subdivision. Open space parcels created simply to avoid zoning violations or conflicts (for example: corner lot requirements) shall not be permitted. Designation of a parcel of land as "open space" will only be permitted upon approval of the Planning Board. Open space parcels must serve a purpose. This purpose shall be determined based upon parcel size, location within the subdivision, and

utility (i.e. landscape amenities, recreational use, scenic value, etc.). In all subdivisions, the Planning Board shall make the final determination regarding open space parcels. This shall include the location, size, shape and use of all proposed open space. If the land set aside for public use is excessively steep or wet, is not safely accessible, or is not dry for at least 9 months out the year, the Board may consider this an inappropriate contribution of open space, and may require additional land to satisfy this requirement.

Before approval of a plan the Board shall require it to show parks, playground, recreation areas, or other open spaces to serve the future residents of the subdivision and by appropriate endorsement require that no building shall be erected on such site for three years without the approval of the Planning Board.

Any open space park or playground shall provide at least two hundred feet of continuous frontage on a street, and pedestrian ways will normally be required to provide access from each of the surrounding streets, if any, to which the open space, park or playground has no frontage. Further, such parks and/or playgrounds shall be required to have maintenance provided for by covenants and agreements acceptable to the Board, until acquisition by a homeowners association or the Town.

In areas designated as open spaces in a definitive plan, if such areas have been environmentally damaged prior to the completion of the development as a result of soil or gravel removal, harvesting of trees, refuse disposal, or any other activity deemed inappropriate with proposed uses of the open space, the Planning Board may require the developer to restore or improve the condition and appearance of the open space area, and may require the posting of a performance guarantee to ensure such restoration or improvement.

Subdivision proponents shall first offer all open space parcels within the subdivision as approved by the Planning Board to the Westborough Community Land Trust for ownership and management prior to commencement of construction. Transfer of ownership to the Land Trust or other entity as approved by the Planning Board shall be completed prior to release of building lots from the project covenant.

## 5. Protection of Natural Features

Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, stone walls, historic spots, and similar community assets which, if preserved, will add attractiveness and value to the subdivision. The Planning Board shall determine the level of preservation of each natural feature.

- a. Soil Erosion and Sediment Control Plans shall be reviewed by the Planning Board and approved when in conformance with the standards established by the USDA-SCS. The Planning Board may seek the assistance of the Conservation Commission and the Public Works Manager in the review of such plans.
- b. Tree Preservation- Every effort shall be made through the design, layout, and construction of a subdivision to save as many existing trees as possible. Considerable damage to or the death of trees may result if more than six (6) inches of soil is added around the base of a tree, more than thirty (30%) percent of circumferential bark is removed or more than thirty (30%) percent of the root system is removed. In addition, asphalt paving, building construction, and soil compaction too close to trees may cause their destruction. Accordingly, the developer shall institute alternative site designs to assure the best chance of tree survival whenever these criteria can not be adhered to.

Within proposed subdivisions, no person shall cut, destroy, or remove any living, disease-free tree of any species having a trunk with a diameter of eight (8) inches or larger, measured four and one-half (4 1/2) feet from the base, until such time that the soil erosion and sediment control plan has been approved by the Board. Trees in the street ROW or within twenty-five feet (25') of the ROW designated for preservation, may be counted toward street tree improvements required in Section V.

6. Lot Sizes

Proposed lots shall be in conformance with the Town's Zoning Bylaw for the zoning districts in which the subdivision is located.

Building lots or parcels of land with frontage on existing public ways and/or proposed subdivision ways, must observe minimum frontage on each street providing frontage as required in the Town's Zoning Bylaws. The creation of open space parcels solely to avoid corner lot requirements, regardless of their intended disposition or ownership, is not permitted. Parcels of land designated as open space at the intersection of two roadways shall be permitted only in compliance with zoning and only if approved by the Planning Board. If an open space parcel is created to avoid corner lot requirements of zoning, the Planning Board shall allow this creation only upon their determination that the parcel's size and utility is beneficial to the Town and/or the subdivision.

7. Utilities - General

- a. All required utilities exclusive of transformers shall be placed underground at the time of initial construction in accordance with the typical roadway section. Required utilities include water, sewer, storm drainage, telephone, electricity, gas, street lights and wiring for street lights, fire alarm systems and cable TV unless otherwise specified by the Board. Drain, sewer and water systems are to be designed in accordance with the provisions contained here-in and the specifications and details available from the Town Engineer or Department of Public Works as referenced in Section V.
- b. All utilities shall have a minimum of two feet (2') of cover or greater as indicated elsewhere in these Rules and Regulations.
- c. Where adjacent property is not subdivided, or where all the property of the Applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision at such grade and size which will, in the opinion of the Board, permit their proper extension at a later date.
- d. Connections for drain, water, gas, if any, electric and telephone service from the primary utility structure in the way to the exterior line of the way shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement, in whole, or in part, in the case of a lot to be used for a park, playground or for any other purpose for which, in the opinion of the Board, such connections shall not be required.

8. Storm Drainage Systems

- a. Drainage design shall be based on the rational formula ( $Q=CiA$ ). The runoff coefficient "C" shall be determined from the proposed use of land within the watersheds with a minimum value of 0.30 to be used. The rainfall intensity shall be determined from the times of concentration and Yarnell curves. A fifty (50) year frequency storm shall be used for street drainage and one hundred (100) year frequency storm for cross culverts. The minimum time of concentration for street drainage shall be ten (10) minutes and for cross culverts. shall be twenty (20) minutes.

The design shall address, at a minimum, the two (2) year, ten (10) year, and one hundred (100) year twenty-four (24) hour rainfall storms. A sensitivity analysis as to whether the 24 hour rainfall storm or storms such as a 6 or 12 hour rainfall storm should be performed. The 6 or 12 hour rainfall storm should be used in lieu of the 24 hour storm if the sensitivity analysis so indicates. The engineer shall

address how the 100 year flow gets from the roadway network to the detention basin. The applicant shall provide a mechanism, acceptable to the Planning Board, DPW Manager, and Town Engineer for the future maintenance of any detention basins which are proposed by the applicant.

The design of detention basins shall be based on the methods contained in the United States Soil Conservation Service Urban Hydrology for Small Watersheds, Technical Release Number 55.

- b. Storm drains, culverts, ditches and related installations, including catch basins, gutters and manholes shall be installed as needed, in the opinion of the Board, to provide adequate disposal of surface and subsurface water, including control of erosion, and flooding, from or in the subdivision and adjacent land.
- c. Catch basins, curb inlets and manholes shall be located as required to maintain the roadway free of temporarily ponded runoff and to avoid excessive accumulations of surface flow on or adjacent to public ways or off existing ways onto the proposed way. In no instance shall catch basins be located along a driveway cut. Manholes shall be spaced not over three hundred feet (300') apart on straight runs and at changes in alignment or grade.
- d. Proper connections shall be made with any existing drains in adjacent streets or easements. Where property adjacent to the subdivision has not been subdivided, and could someday be developed, drains installed within the subdivision shall be of such design as to make feasible their connection with drains installed in such adjacent property when subdivided.
- e. Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another lot or onto streets and in such manner that drainage from other lots, either within the subdivision or abutting lots, is addressed to the approval of the Planning Board; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of way of a minimum width of twenty-five feet (25') and proper side slope shall be provided.
- f. The runoff from the roof of each house is to be directed to one or more properly designed dry wells. Dry wells are to be designed to be above the seasonal high ground water elevation and sized to accommodate the first 1" minimum (unless otherwise specified by agency such as the DEP or Conservation Commission) of rainfall. Road drainage is to be designed conservatively to accommodate 100% of the rainfall.

9. Sanitary Sewers

- a. Whenever the existing sanitary sewers are within 2,600 feet of a proposed subdivision, the developer shall make all necessary arrangements and shall construct the connecting sewer. Before connecting to any Town sewer, the developer must enter into an agreement with the Board of Selectmen for this right.

Design flows are to address separately the domestic, commercial, industrial and infiltration flows. Domestic flows are to be based upon sixty (60) gallons per day (gpd) average. Infiltration flows are to be based upon seven hundred (700) gpd/in. dia./mi. of tributary sewers with a peaking factor of 1.5.

- b. When the Town's sanitary sewer system is not available to the proposed subdivision, the developer may be required to install a sanitary sewer system and connect it to a temporary or private sewage treatment facility to be located on a lot or lots, within the development or lands adjacent thereto. This system must be approved by the local Board of Health and the Massachusetts Department of Environmental Protection.

An operation and maintenance plan is to be submitted by the Applicant for approval. A trust fund to provide operating and maintenance monies is to be established prior to any construction.

- c. If the Town master sewerage plans show larger mains or other improvements or extensions to be installed in the locus in the future than are required to serve the proposed subdivision, the developer shall install such mains or other improvements at his own cost, and/or provide easements to the Town for such future work. The design and installation of sewers shall be in conformance with the standards of, and conditional upon approval by the Public Works Manager and Town Engineer.

10. Water Distribution System

- a. Whenever the Town's water system exists within one thousand (1000) feet of a proposed subdivision, the developer shall construct and install municipal water service of sufficient volume and pressure to service the subdivision.
- b. Water mains shall be cement lined cast-iron or ductile iron pipe at least 8 inches in diameter on dead-end streets not exceeding 600 feet

in length and 8 inches or larger for all other streets, as approved by the Department of Public Works. Before connecting to the Town's water system, the developer must enter into an agreement with the Board of Selectmen for this right.

- c. Water main gate valves shall be located in such number and locations that lines by an individual block may be isolated for maintenance purposes.
- d. If the Planning Board and the Board of Health approve a private well or private water system, the requirements of the Board of Health shall govern the design of the well or system.
- e. No underground sprinklers shall be allowed, or approved, or installed which are attached to Town water system. If desired, the developer or homeowner shall install, at their own expense, a private well for lawn irrigation. The well shall satisfy all requirements of the Westborough Board of Health.

11. Fire Hydrants

Hydrants as approved by the D.P.W. shall be provided every five hundred (500) running feet on one (1) side of each street unless a greater or lesser distance is required by the Fire Chief. Specifications as to type, size, make and alignment shall be approved by the Fire Chief.

A hydrant shall be located on each new main within five hundred feet (500') of the nearest supply main or, if no hydrants exist, within two hundred feet (200') of the connecting point and, where practical, at all road intersections. Each hydrant shall be served directly from the water main by a lateral connection with not less than six inch (6") inside diameter.

All hydrants along the subdivision road shall be of sufficient pressure and shall be operational prior to lot releases of any building lots on the roadway providing frontage and access for said lots. All hydrants shall be certified by the developer for operation to the Planning Board prior to lot releases.

12. Sidewalks

"Sidewalks within residential subdivisions shall be installed only on one side of proposed roadways, unless otherwise specifically approved by the Planning Board. All sidewalks shall include ramps for wheelchairs, bicycles, and baby strollers in locations as approved by the Planning Board.

## Crosswalks:

Crosswalks shall be located and shown on the Definitive Plans at all road intersections and handicap ramps or as otherwise directed by the Planning Board. Crosswalks shall be painted with thermoplastic paint.

### 13. Driveway Curb cuts

Single width driveways serving a family dwelling shall have a minimum width of 10 feet for the driveway and a maximum width of 16 feet for the curb cut. Double width driveways serving a one (1) or two (2) family dwelling shall have a minimum width of 16 feet for the driveway and a maximum width of 24 feet for the curb cut. The maximum length of double width driveways shall be 50 feet unless approved by Department of Public Works and Fire Department. Driveways and curb cuts for multiple family dwellings and for 'all non-residential uses shall be of widths as approved by the Department of Public Works Manager. The width of curb cuts will be measured along the gutter line or the edge of travelled way and will also be the widest portion of the driveway within the right-of-way.

Where the curb cut intersects a public way at the location of a granite or concrete bound, said bound shall be installed at the time of the driveway construction. The bound shall be covered with a casting such as stone bound frame and cover as made by LeBaron Foundry, Inc. or equal as approved by the Department of Public Works Manager.

Driveway curb cuts shall not be within sixty-five feet (65') of the intersection of the centerline of intersecting streets.

Driveways serving more than two dwellings shall conform to the standards for Common Driveways as defined under the heading "Common Driveways" Sections (a) through (h) in the Rules and Regulations governing the Subdivision of Land in Westborough, Massachusetts.

TYPICAL ROADWAY SECTION FOR ARTERIAL ROADWAYS  
AND CONVENTIONAL SUBDIVISIONS  
(See Attachments)

## C. Open Space Community Subdivision Design Standards

All design standards for conventional subdivisions shall govern the design of Open Space Communities unless specifically superseded below:

### 1. Open Space

- a. Land within an Open Space Community that is not utilized for building lots, ways, common driveways, or parking shall be maintained as open space as provided by Section 4300 of the zoning bylaw.

The open space will be kept in its natural state, or may be regarded as conservation land, or with the approval of the Planning Board be used for woodland, agriculture, or recreation, including but not limited to, the cultivation and harvesting of crops, flowers, hay, fruit, or lumber, the planting of trees and shrubs, the mowing of grass and the grazing of livestock, and access to such resource lands for hiking and jogging trails, bike paths, and other recreation activities that are consistent with these preservation and conservation goals.

The Planning Board shall determine the utility and appropriateness of all open space areas within a proposed subdivision. Open space parcels created simply to avoid zoning violations or conflicts (for example: corner lot requirements) shall not be permitted. Designation of a parcel of land as "open space" will only be permitted upon approval of the Planning Board. Open space parcels must serve a purpose. This purpose shall be determined based upon parcel size, location within the subdivision, and utility (i.e. landscape amenities, recreational use, scenic value, etc.). In all subdivisions, the Planning Board shall make the final determination regarding open space parcels. This shall include the location, size, shape and use of all proposed open space. If the land set aside for public use is excessively steep or wet, is not safely accessible, or is not dry for at least 9 months out the year, the Board may consider this an inappropriate contribution of open space, and may require additional land to satisfy this requirement.

- b. The open space shall be designed and maintained in accordance with the following standards:
  1. Areas to remain as naturally existing woods, fields, meadows and wetlands shall be conserved and may be improved in accordance with good conservation practices.

2. Open space may consist of one or two parcel(s) and shall be planned as large, contiguous or connected parcels whenever possible. The size, shape, and location of such open space parcels should be suitable for the intended uses; eg. orchard, forests, woodlot, nursery, agricultural field, recreational field, meadow, stream valley, pond, marsh, trail corridor, bike path, etc.
3. Open space shall be located in places where it abuts or is in proximity to adjacent open space land, so that the open space parcels thus located may combine as wildlife corridors, green ways or park systems.
4. The lots for building purposes should be grouped in a cluster or clusters, and within each cluster the building lots shall be generally continuous.
5. A buffer of natural vegetation of at least 100 feet in width shall be maintained or created adjacent to surface waters and wetlands and be free of roads and residential dwelling structures.
6. Provision for public access to open space parcel(s) is to be based upon the open space ownership approach proposed by the applicant and as acceptable to the Board.
7. Each open space parcel shall have at least 40 feet of frontage, and in the case of a "pork chop" open space parcel configuration, shall include an access "leg" (starting at said frontage) having at least 40 feet of width.
8. Trail easements may be required by the Board in situations where adjacent pedestrian trails or points of general public interest may be linked. The pedestrian circulation system should be designed to assure that pedestrians can move safely and easily on the site and between properties and activities within the site and neighbourhood.
9. Further subdivision of the open space parcel(s) within an open space community for uses other than those open space or natural uses stated in Zoning Bylaw, Section 4300 is prohibited.

10. In any case where the open space or portions thereof is not conveyed to the Town, a restriction enforceable by the Town shall be recorded to ensure that such land be kept in an open or natural state and not be developed or improved in a manner inconsistent with the intent of Section 4300 of the zoning bylaw, or built for residential use, or developed for accessory uses such as parking or roadways. Such restrictions shall further provide for maintenance for the open space land in a , manner which will ensure its suitability for its function, appearance, cleanliness, and proper maintenance of fields or pastures through periodic plowing or mowing and appropriate attention given to meet the requirements of existing animal or plant species.
11. Subdivision proponents shall first offer all open space parcels within the subdivision as approved by the Planning Board to the Westborough Community Land Trust for ownership and management prior to commencement of construction. Transfer of ownership to the Land Trust or other entity as approved by the Planning Board shall be completed prior to release of building lots from the project covenant.

2. Streets

a. Hierarchy: paved surface widths

Streets shall be permitted with paved widths less than that required for conventional subdivisions, as follows:

Minor Local Street - minimum paved surface width of twenty-six feet (26'), if it will carry no more than 200 average daily trips, and prohibit on-street parking.

Major Local Street - minimum paved surface width of twenty-six feet (26'), if it will carry no more than 350 average daily trips and prohibit on-street parking.

Divided street - with paved surface widths as appropriate to major or minor local streets with two street segments combined.

The following chart shall be used to determine the anticipated average daily traffic levels of proposed residential development:

| <u>Housing Types</u>            | <u>Average Weekday Trip Generation Rates</u> |
|---------------------------------|--|
| Single Family detached          | 10.0 Trips/Dwelling Unit D.U.)               |
| Duplex, Multiplex,<br>Townhouse | 8.1 Trips/D.U.                               |
| Apartments                      | .4 Trips/D.U.                                |
| Mobile Home                     | 5.38 Trips/D.U.                              |
| Retirement Village              | 3.3 Trips/D.U.                               |

b. Location and alignment

1. Reserve strips prohibiting access to streets or adjoining property are permitted.
2. The minimum centerline radii of curved streets shall be one hundred feet (100') for minor local streets and one hundred fifty feet (150') major local streets.
3. Streets entirely within the Open Space Community may intersect each other at an angle less than 90 degrees but not less than 60 degree's.
4. The minimum curb or edge or pavement radius shall be thirty feet (30') for both minor local streets and major local streets.
5. Roadway cross sections shall be in accordance with the Open Space Community typical roadway Section at the end of these Open Space Community design standards.
6. Within the Open Space Community, streets intersecting a way from the same side of said way shall be no closer than three hundred feet (300') measured between centrelines at the point of intersection of said way.

c. Right -of-way

The minimum width for street right-of-ways shall be fifty feet (50') though wider variable ROW widths shall be permitted to facilitate more gracious open space and pedestrian trail features.

d. Grades

Street grades shall be not less than 1 % or more than 8%.

e. Dead End Streets

Dead end streets may be allowed up to but not exceed one thousand feet (1000') in length, and provide access to no more than twelve (12) lots. Pavement width within the turn-around at the end of dead end streets shall be consistent with minor or major local street pavement widths as utilized.

Sight Distance. Intersections and Curvatures

An unobstructed line of sight measured four (4) feet above the centerline of the roadway pavement shall not be less than a minimum of four-hundred (400') feet or more if required by AASHTO and MHD guidelines.

3. Compatibility with the Site and the Community

Prior to the granting of approval of a definitive plan of an open space community, the applicant shall demonstrate that the following development requirements have been met:

- a. The development will not cause unreasonable traffic congestion or unsafe conditions both within and outside the development.
- b. The development will provide for and maintain convenient and safe access to all buildings and structures for emergency vehicles at all times.
- c. The nature of the soils and sub-soils shall be suited for the intended purposes based upon Soil Conservation Service guidelines and good engineering practices. This determination shall focus upon, but shall not be limited to the location, design, and constructions of roadways, buildings, and surface water drainage systems.
- d. The site design shall preserve, and where possible, enhance the natural features of the property, including scenic views, by adapting the location and placement of structures and ways to the existing topography in order to minimize the amount of soil removal, tree cutting, and general disturbance to the landscape and surrounding properties.
- e. Within an open space community, no construction, dredging or filling shall be allowed within a wetlands buffer zone or in a floodplain. At the discretion of the Board, a common driveway and/or road may be allowed within the wetlands buffer zone only as an option of last resort.

- f. No more than three (3%) percent of the open space shall be covered by structures or impervious surfaces.

4. Lot Sizes

Proposed lots shall be in conformance with the provisions of the Zoning Bylaw, Section 4300.

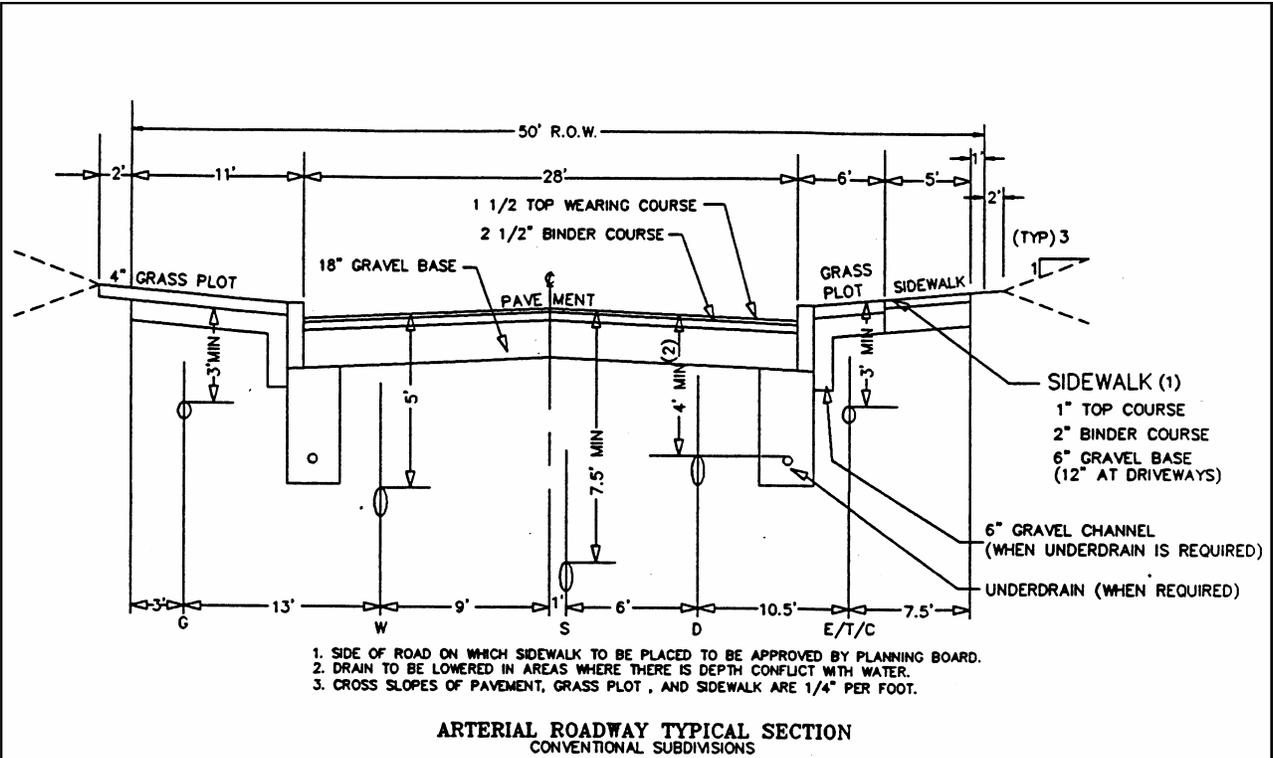
5. Storm Drainage Systems

Drainage systems may be designed to encourage infiltration of run-off and ground water recharge, especially within large open space areas, and thereby reduce the size and extent of storm drains required.

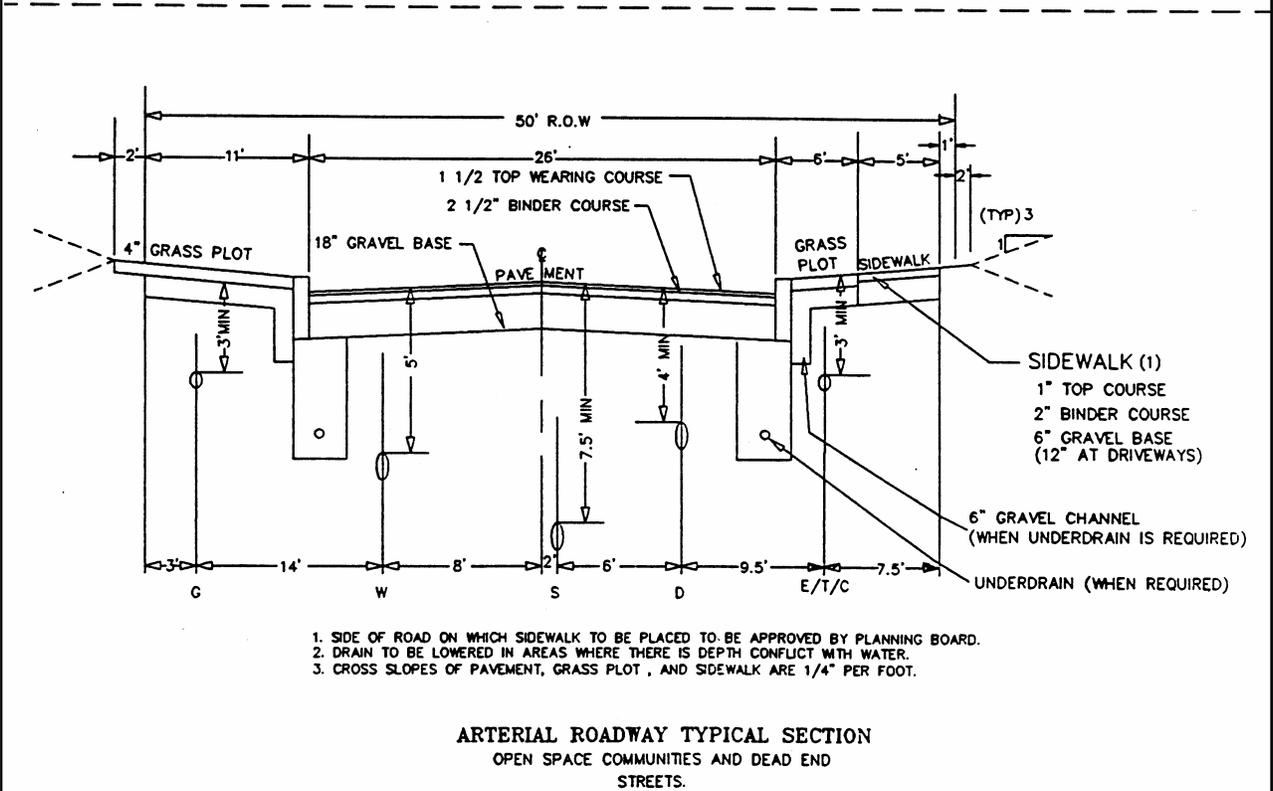
6. Sidewalks

The location of sidewalks, walkways and/or bike paths may be at a varying distance from the edge of roadway pavement.

**TYPICAL ROADWAY SECTIONS FOR CUL-DE-SACS  
AND OPEN SPACE COMMUNITY SUBDIVISIONS**



1. SIDE OF ROAD ON WHICH SIDEWALK TO BE PLACED TO BE APPROVED BY PLANNING BOARD.
2. DRAIN TO BE LOWERED IN AREAS WHERE THERE IS DEPTH CONFLICT WITH WATER.
3. CROSS SLOPES OF PAVEMENT, GRASS PLOT, AND SIDEWALK ARE 1/4" PER FOOT.



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pavemntdwg.dwg

**TOWN OF WESTBOROUGH  
DPW ENGINEERING DIV.**

ARTERIAL ROADWAY TYPICAL SECTIONS

57.

SCALE: N.T.S.

D. Industrial Subdivisions Design Standards

Industrial subdivisions shall conform to all design standards applicable conventional residential subdivisions except the following:

1. Streets

a. Alignment

1. The berm radii at street intersections shall be minimum of fifty (50) feet.
2. Looping streets and second exists shall be provided to avoid cul-de-sac type turn arounds.

b. Width

1. The minimum width of street right-of-ways shall be fifty feet (50').
2. The minimum width of pavement in all proposed streets shall be thirty-six (36') feet.

c. Grade

Roadway grades shall not exceed six (6%) percent

d. Traffic Control Devices

Travel lanes shall be marked in accordance with the latest manual on Uniform Traffic Control Devices, Commonwealth of Massachusetts, Department of Public Works.

2. Sidewalks

Sidewalks will be required on one (1) side only.

SECTION V  
REQUIRED IMPROVEMENTS AND CONSTRUCTION PROCEDURES  
FOR AN APPROVED SUBDIVISION

A. General

1. The extent of work required shall be completed as shown upon the approved, endorsed definitive plans, and shall be in compliance with the typical roadway section, and the requirements or specifications hereinafter itemized or included by reference.
2. Specifications included by reference which shall govern the work to be done, the workmanship and materials used are, unless otherwise specified, contained in:
  - a. The "Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges, 1988 Edition", as from time to time amended, hereinafter referred to as the "Mass DPW Standard Specifications";
  - b. The "Westborough Department of Public Works Standard Specifications and Details", September, 1990 Edition, as from time to time amended, hereinafter referred to as the "Westborough DPW Standard Specifications and Details". When there is a conflict between the requirements of either of these referenced specifications, the stricter standard shall govern.
3. A pre-construction conference is to be held prior to any construction. In attendance are to be the Developer, the Contractor and his superintendent, and the appropriate representatives of the Town.
4. Provision for Competent Supervision

The Developer shall provide competent full-time supervision during the development of his subdivision: If at any time it becomes apparent to the Public Works Manager and/or Town Engineer that the supervision is not satisfactory, he may request the Planning Board to order the discontinuance of the development until competent supervision is provided.

Dependent on the work schedule and the scope of the work, the Public Works Manager may require that the Developer provide a full-time inspector on site during the critical construction phases, such as laying pipe, compacting backfilling, laying finish surfaces and other operations as determined by the Public Works Manager and/or Town Engineer. The onsite inspector shall be hired by the Public Works Manager and paid for by the Developer.

5. Soil Erosion and Sedimentation Control measures shall apply to all aspects of the proposed site development involving land disturbance and shall be in operation during all stages of the disturbance activity. All possible measures shall be taken during construction to minimize dust, and/or erosion. The following principles shall apply to the soil erosion and sediment control methods and procedures:
  - a. Stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion.
  - b. Whenever feasible, natural vegetation shall be retained and protected.
  - c. The extent of the disturbed area and the duration of its exposure shall be kept within practical limits.
  - d. Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbance.
  - e. Drainage provisions shall accommodate all increased runoff resulting from modifications of soil and surface conditions during and after development or disturbance. Such provisions shall be in addition to existing requirements, and shall not allow any increase in rate of runoff.
  - f. Additional water runoff shall be minimized to maintain existing ground water recharge.
  - g. Sediment shall be retained on site.
  - h. Diversions, sediment basins, and similar required structures shall be installed prior to any on-site grading or disturbance.

All necessary soil erosion and sediment control measures installed shall be adequately maintained for one year after completion of the construction improvements or until such measures are deemed no longer necessary by the Zoning Enforcement Officer in consultation with the Public Works Manager.

If during site development the Public Works Manager and/or Town Engineer finds problems with erosion and sediment control, he may refuse to approve further work and may require necessary erosion and sedimentation control measures to be promptly installed.

6. No earth shall be delivered to or removed from the subdivision except in accordance with the approved definitive plan.

B. Line and Grade Control

1. All survey work shall be done under the direction of a registered professional engineer or land surveyor.
2. Before any roadway excavations are started, the roadway right-of-way shall be witnessed at fifty (50) foot intervals on both sides, and the proposed finished grades shall be marked thereon. Before any lots are built upon, the corners of the lots shall be witnessed. The aforementioned witness stakes shall be preserved throughout all the construction procedures. Lot corner witness stakes shall be replaced by 18" long 1" diameter steel or iron rods driven to WITHIN three (3) inches of finish grade when individual lot finish grade is completed or prior to acceptance of the subdivision by the Town.
3. All proposed underground utility work shall be controlled with respect to line and grade by offset stakes, and laser instruments, or as approved by the Public Works Manager and/or Town Engineer.
4. All easements shall be witnessed before any lot on which they are located is built upon.
5. Monument locations shall be staked and witnessed by at least four (4) reference points.
6. Upon completion of the subgrade work but prior to the placement of any gravel, the registered professional surveyor shall certify that the lines and grades are in accordance with the approved plan.
7. Upon completion of the construction but before the Town's approval of work, permanent benchmarks are to be established by the Developer's Registered Land Surveyor. The locations and type of benchmarks are to be approved by the Town Engineer before this establishment. At a minimum, permanent benchmarks are to be provided at each street intersection or every 1000', whichever represents the least distance. All benchmarks shall be shown on the As-Built Plans and shall be placed consistent with U.S.C. & G.S. datum, mean sea level.

C. Street and Roadway

1. The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like materials and trees not intended for preservation. Stumps, roots and boulders shall be buried on site and all brush shall be chipped on site. Burial locations for stumps, roots and boulders shall be designated on the definitive plan. All loam and other yielding material shall be removed from the roadway area. When, in the opinion of the Public

Works Manager and/or Town Engineer, suitable material is not available within the limits of the roadway location to form the subgrade or sub-base, the Developer shall obtain suitable additional material from other sources and as may be approved by the Public Works Manager and/or Town Engineer.

2. The plane of the bottom of the excavation and the top of the fill when completed shall be known as the subgrade. Before gravel is spread, the subgrade shall be shaped to a true surface, conforming to the proposed cross section of the street and rolled by a self-propelled vibratory roller weighing not less than twelve (12) tons. No gravel shall be placed on the , finished subgrade until approval is given by the Public Works Manager and/or Town Engineer.
3. Embankments within or adjoining the right-of-way shall be evenly graded and pitched at a slope of not greater than three (3) horizontal to one (1) vertical, and be vegetated. Where cuts are made in ledge, other slopes may be determined with the approval of the Town Engineer. Where terrain necessitates greater slopes, retaining walls, terracing, fencing or rip-rap may be used but must be done in accordance with plans approved by the Planning Board.
4. All roadways shall be brought to a finished top of gravel grade as shown on the profiles of the definitive plan and shall be a minimum of twelve (12) inches and a maximum of eighteen (18) inches, the exact amount to be determined and approved by the Department of Public Works Manager, of processed gravel spread and rolled in layers not exceeding eight (8) inches in depth. Rolling shall be done with a self-propelled vibratory roller weighing not less than twelve (12) tons. Processed gravel utilized in roadway construction shall meet the Mass. DPW Standard Specifications, specification M 1.03.1, processed gravel for sub-base. At the conclusion of this step, the roadway shall be staked in all locations where permanent monuments are to be installed.
5. .No bituminous concrete shall be applied until the Public Works Manager and/or Town Engineer inspects and approves the finished gravel base.
6. A four (4) inch compacted thickness of Class 1 bituminous concrete pavement, Type 1-1 shall be placed on all roadways in conformance with the Mass. DPW Standard Specifications. Two and one half (2 1/2") inches of coarse mix (binder) bituminous concrete shall be laid, then upon which shall be laid a one and one half (1 1/2") inch course of fine mix (top) bituminous concrete.

7. Berms shall be granite vertical curbing for the entire length of the roadway unless otherwise approved by the Planning Board and Department of Public Works Manager. Granite curbs shall be in conformance with Massachusetts Department of Public Works Standard Specifications, Specification M9.04.1, Type VA4. At intersections with existing streets, granite curbing shall extend the distance of the arcs plus a straight section of eight (8) feet along the existing pavement. All curbing shall be finished to six (6") inches in height.
8. Certifications as to conformance with the specified materials shall be furnished the Public Works Manager prior to placement of any pavement and upon completion of the work as to the quantity placed. The bituminous concrete binder course shall be placed before any lot is released for building purposes.
9. The bituminous concrete binder course shall be in at least through one winter before the top course can be placed. The top course shall not be placed until the structural foundations of the buildings for at least one half (1/2) the lots in the subdivision have been completed along the road in question.
10. The material and construction methods for laying pavement shall conform to the Massachusetts Department of Public Works Standard Specifications except that no such construction shall be undertaken when the pavement foundation is frozen or saturated and in no instance before April 15th of any year nor after November 15th of any year without written permission of the Public Works Manager and Town Engineer.

D. Sidewalks

The subgrade for five (5) foot wide sidewalks shall be compacted, shaped and rolled. A foundation of not less than six (6) inches of gravel conforming to the requirements for roadway base shall be placed on the subgrade and rolled to a grade three (3) inches below finish top of walk. The gravel foundation shall be increased to twelve (12) inches at driveways. One two inch (2") and one one inch (1") compacted layer each of bottom and top (respectively) bituminous concrete shall be placed and thoroughly rolled on the graded gravel foundation. All rolling shall be done with a self-propelled roller weighing not less than three (3) tons. The cross slope shall be one-fourth of an inch (1/4") per foot of width to provide for proper drainage; and a level area at least two feet (2') in width shall be provided between sidewalks and embankment edges in situations where the embankment slopes downward or upward from the sidewalk. Wheelchair/bicycle ramps at least four feet (4') in width, shall be sloped in accordance with applicable handicapped access guidelines.

E. Grass Plots

All area within the street ROW not paved, bermed, or under sidewalk shall be vegetated.

Between the back edge of berm and front edge of sidewalk a four (4) foot wide grass plot shall be constructed. Loam topsoil shall be placed to a depth of four (4) inches after rolling with a hand roller weighing not less than one hundred (100) pounds per foot of width. The source of loam shall be inspected and approved by the Public Works Manager before placing. It shall have a normal amount of organic matter and be reasonably free from roots, hard dirt, heavy or stiff clay, stones larger than one (1) inch, lumps, coarse and noxious weeds, stick brush or other litter. Ground limestone, where necessary, shall be spread and thoroughly incorporated into the loam. Fertilizer shall be spread at the rate of two-tenths (0.2) of a pound per square yard and thoroughly incorporated into the loam. Seed conforming to the following proportions:

|                                 |     |
|---------------------------------|-----|
| Red Fescue or Cheewing's Fescue | 60% |
| Red Top                         | 20% |
| Kentucky Blue                   | 20% |

shall be spread at the rate of three and six-tenths (3.6) pounds to each one hundred (100) square yards. After raking a fine layer of loam over seed, the area shall be rolled with a hand roller weighing not less than one hundred (100) pounds per foot of width.

All grassed areas shall be subject to at least a one (1) year guarantee, and be in good health and form at the time the roads are accepted by the Town.

F. Monuments

Granite monuments shall be installed at all street intersections, at all points of change in direction or curvatures of streets, and at other points where, in the opinion of the Public Works Manager and/or Town Engineer, permanent monuments are necessary. No permanent monument shall be installed until all construction which would destroy or disturb the monuments is completed. The bounds shall be set at the depth and position as directed, and they shall not project above the ground more than two (2) inches. Bounds to be located in lawns, sidewalks, or drives may be set with the top of bound flush with the finished surface. Material for backfilling shall consist of suitable excavated material or borrow carefully placed about the bound and thoroughly tamped.

Granite monuments shall be four (4) feet long with the top surface and top twelve (12) inches on the four sides pointed. The top twelve (12) inches shall be six (6) inches square with a one-half (1/2) inch diameter hole one (1) inch deep in the center of the top surface. The Public Works Manager and/or Town Engineer shall approve setting procedures before any bounds are set, and all excavations shall be made using hand tools, or approved auger-type excavators. When the bound points fall on ledge, the use of a wrought iron rod may be approved, in which case a

one and one-half (1 1/2) inch hole shall be drilled to a depth of eight (8) inches and a one (1) inch wrought iron rod shall be driven and wedged in the hole and then securely grouted.

Reinforced concrete bounds of the same dimensions as for granite bounds shall be installed at angle points on all easements.

G. Street Signs. Addresses and Mailboxes:

Street Signs:

1. Street signs of the same design and quality ~s presently being installed by the Westborough Highway Department shall be installed at each street intersection prior to the occupation of any dwelling. The location of street signs shall be subject to the approval of the Public Works Manager.
2. "In the case of private ways, the sign posts shall have affixed thereto a sign designating such street as a private way".

(Note: Occasionally people purchase houses in subdivisions and expect the Town to maintain the road and utilities. The sign would be removed upon acceptance at Town Meeting)".

Street Addresses:

"Street Addresses/house numbers shall be completely visible from the street side of each house lot. House numbers shall be placed upon the post lamps for each house lot or upon some other marking device as approved by the Planning Board. This is necessary to promote easy identification of each house in the event of an emergency".

Mailboxes:

"Congregate mailbox banks shall be required and located at the direction and to the satisfaction of the Planning Board. Mailbox locations shall be placed on the Definitive Plans. Lighting shall be provided at each mailbox bank. This lighting shall be designed, located and constructed to the satisfaction of the Planning Board".

H. Trees

Trees existing prior to roadway construction which are 5-feet to 15-feet from the **ROW** that are designated for preservation, shall be marked with ribbons and protected with snow fence or other materials acceptable to the DPW Manager or representative.

Where site conditions or grading activities associated with roadway construction make tree preservation infeasible, new street trees shall be installed and have at an

average spacing of 40 feet on both sides of the proposed roadways. All trees must be at least two and one half (2 1/2) inches in calliper, (when measured 4 feet above the ground) a minimum height of twelve (12) feet, with good straight stems. These trees shall be planted **at least 5-feet but no further than 15-feet beyond the ROW.** The species of street trees selected shall be of Zone 6 hardiness (see Appendix B for suggested species) and shall be subject to the approval of the Public Works Manager.

The planting cavity shall be of sufficient depth and width to accommodate the root system without cramping. A minimum of one (1) foot of loam and sufficient peat moss shall be placed at each planting, and a minimum of a three (3) foot circle, two (2) inches deep of woodchip mulch shall surround each tree at the surface. The trees shall be well watered when planted.

Each tree shall be supported with two 2" x 2" X 8' wooden stakes and shall be fastened at the top with a loop of rubber or suitable fabric hosing.

All trees shall be subject to at least a one (1) year guarantee, and be in good health and form at the time the roads are proposed for Town acceptance.

**Street trees shall be planted on each applicable lot before the occupancy permit is issued for the house. For open space areas, street trees shall be planted before the occupancy permit is issued for abutting lots. These requirements may be waived under extenuating circumstances at the discretion of the Planning Board.**

I. Utilities

1. General

- a. Unless otherwise specified, all materials and installation methods used shall conform to the standards of the Westborough DPW Standard Specification and Details;
- b. All drain, sewer, gas, water pipes and other underground utilities and other structures shall be installed to the outside of the ROW prior to placing the sidewalk sub-base, gravel base course, sidewalks or pavement.
- c. Excavation for structures, including foundations for drains, sewers, gas and water pipes, walls and other structures shall be made to the depth indicated on the Definitive Plan or established by the Public Works Manager and/or Town Engineer as appropriate. Rocks (to a point five feet (5') beyond the edge of the pipe at the property lines

and encountered in trench excavation to a minimum depth of six inches (6") below the bottom of pipes) shall be removed as directed by the Public Works Manager and/or Town Engineer.

- d. All backfilling shall consist of suitable materials uniformly distributed and thoroughly compacted. When suitable backfilling materials cannot be obtained from excavation, the material shall consist of satisfactory borrow.

Mechanical tampers shall be used in compacting backfill for trenches, and in hard to reach areas around masonry.

No backfill whatever shall be placed on or against structures, pipes, or other masonry, until permitted by the Public Works Manager. Fill shall be formed of successive layers not more than six inches (6") in depth, uniformly distributed and each layer thoroughly compacted.

No load greater than eight (8) tons shall be moved over any pipe until a fully compacted backfill of at least two feet (2') has been placed over the top of the pipe. Compliance with this requirement is not to be construed as relieving the Contractor of any responsibility concerning damage to the pipe. Material used for backfilling to a point two feet (2') over the pipe shall contain no stones larger than three inches (3") in greatest dimension.

- 6. The developer shall be responsible for the repair to any of his work for a period of one (1) year following original approval of same or Town meeting acceptance, whichever is later.

## 2. **Storm Drains**

All drain pipe shall be reinforced concrete conforming at A.S. T.M. Designation C76, Class III pipe, or such higher class as may be required by depth of trench, or as approved by the Public Works Manager and/or Town Engineer, and shall be at least twelve (12) inches in diameter, and shall be laid to a slope which will maintain a velocity of three (3) feet per second when flowing full using  $N = 0.013$ .

Manholes shall be constructed at the end of each line, catch basin connections, at changes in grade, size and alignment, and shall not exceed a spacing of 300 feet.

**Catch basins with four (4) foot sumps** shall be built at all low points and on continuous upward grades at a spacing not to exceed 300 feet from the low point or preceding catch basins. The minimum size and slope of the

connection pipe between manhole and catch basin is 12 inch and 0.02 respectively. Catch basins are to be connected to manholes, not other catch basins.

Provisions shall be made to collect and remove silt from the drainage system during the construction period.

3. Sanitary Sewers

Collector sewers shall be P.V.C. or as specified by the Public Works Manager; at least eight (8) inches in diameter laid to a minimum slope of one-half (1/2) foot per 100 feet and shall be deep enough to drain basement fixtures and prevent freezing. The minimum slope of the uppermost segment (sewer manhole to sewer manhole) of pipe shall be one foot per 100 feet. Pre-cast concrete manholes shall be constructed at the ends of each line, and at all changes in grade, size and alignment. They shall not exceed a spacing of 300 feet.

Line and grade shall be controlled by the use of laser instruments. Upon completion of pipe laying operations, the contractor shall subject the pipe line and partial service connections therefrom to a low pressure air test. Following the low pressure air test, the contractor shall then perform an exfiltration or vacuum test to determine the tightness of the sewer manholes. The developer shall be responsible for furnishing all necessary materials, equipment and labor to conduct the tests which must be witnessed by a duly authorized representative of the Department of Public Works.

4. Water

Water mains shall be laid to provide a cover of five (5) feet from the finished grade. All piping shall be cement-lined cast iron, or ductile iron pipe designed for an internal working pressure of at least 150 psi. Fittings shall be cement lined and designed for the same internal working pressure. All fittings and hydrants shall have properly designed concrete thrust blocks installed behind them.

Gate valves shall be installed on each outlet of all tees and crosses; every 1,000 feet of main; on hydrant branches; and at dead-ends.

Hydrants shall be located every 500 feet, and shall have a one (1) inch washed stone drainage sump one-half (1/2) cubic yard in volume at its base and be installed as determined by the Fire Chief.

Gate valves, road boxes, curb stops, hydrants, and water service materials shall be equal in quality to those presently being purchased by the Department of Public Works Division of Water.

House service connections shall be installed by the developer, in the presence of a duly authorized representative of the Department of Public Works Division of Water. In addition, there will be a connection charge payable to the Town of Westborough for the installation of meters and outside registers which must be installed on all new housing.

Upon completion of the water main construction and prior to putting into service, a pressure and leakage test will be made. Any defects found shall be corrected immediately. Once a successful test has been run, the lines shall be chlorinated before they are put into service. The developer shall be responsible for providing all necessary equipment and labor to conduct the tests and chlorination which must be witnessed by a duly authorized representative of the Department of Public Works.

5. Electric, Telephone, and Fire Alarm Wiring: and. Street Lighting

All electric, telephone and other utility wires shall be placed underground in all subdivisions in conformity with the requirements .of the particular utility company for such installations.

Street lighting shall be provided in all subdivisions in accordance with the following requirements:

- a. Streetlights shall be required only at street intersections or where otherwise specifically required by the Planning Board.
- b. 4,000 Lumen intensity.
- c. Standard Luminair (20 foot aluminum pole).
- d. Individual post lamps shall be installed at the street end of each house lot driveway. The post lamp shall be installed outside of the public right-of-way as determined by the Subdivision Rules and Regulations. All post lamp locations shall be approved in the field during construction by the Department of Public Works Inspector. Each post lamp shall be controlled by the individual homeowner. All utility and maintenance expenses associated with the post lamps shall be the responsibility of the individual homeowner.
- e. Street lights shall be located in the grass plot not nearer than twenty-five feet (25') from the intersection of two streets, measured from the intersection of the tangents extended off the intersecting street curb lines

There shall be installed within a Subdivision Development fire alarm wires

with a sufficient number of fire alarm telegraph boxes, the type, number and location to be established by the Chief of the Fire Department.

Where electric, telephone and other utilities involving placing cables underground are installed within the right-of-way, these utilities shall be installed in conduit(s). Said conduit(s) is to be installed with tracer tape.

6. Gas Transmission

If gas is to be installed, the Gas Company must obtain a location in the right of-way from the Public Works Manager.

J. Clean Up During Construction

The work sites shall be kept reasonably clear of debris at all times. Prior to the occupation of any house, the roadway base pavement, berms and sidewalk base shall have been installed, extending to and fronting the lot on which said house is located. During additional house construction, existing paved surfaces shall be kept clear of dirt, and dust nuisances shall be kept abated. All drainage ditches, pipes and structures shall be kept clear of debris and open for control of storm water.

Upon completion of the subdivision, the developer shall remove all temporary structures, rubbish and surplus materials from the area. All pavements shall be swept clean and catch basin sumps shall have all accumulated debris removed therefrom.

K. Record Drawings and Acceptance Plans

Upon completion of the roadways, the developer shall have the original plans and profiles, which were approved by the Board, corrected and certified by his engineer to show the actual as-built locations and grades of all utilities (including those installed by others such as gas, electric, telephone or cable) and roadway profiles and any changes authorized by the Board, Town Engineer, or the Public Works Manager. These plans shall be drawn with black ink on mylar. This plan will be known as the record drawing. Ties to all gate valves, tees, service connection shut offs, sewer's, manholes, catch basins, hydrants, ends of sewer service laterals at property lines, etc. and, the stationing of sewer eye's and corporation stops and the assigned house number for each dwelling or lot shall be superimposed thereon. A minimum of three (3) swing ties from permanent structures shall be used. Houses shall be used for ties to service connection shut-offs and end of sewer service laterals at property lines.

In addition to the record drawing, an acceptance plan shall be prepared and certified by a registered land surveyor. This plan shall be drawn with black ink on mylar, showing the street widths, distances, bearings and complete curve data for

all street lines and easements. All stone bounds set during the construction and any existing prior thereto shall be shown.

A blank space four (4) inches by eight (8) inches shall be provided on the lower right-hand corner of the plan for a title block, to be filled in under the direction of the Public Works Manager. The surveyor shall place a certification on the plan stating that the street or streets or portions thereof shown have been laid out and the monuments have been set as shown. The plan shall be signed by the surveyor and his stamp shall be affixed thereto.

The Record Drawing and Acceptance Plan are to be submitted on mylar and **in Auto Cad.dxf files and in a release format compatible with the Town's version.**

L. Maintenance of Roadways: 21 E Report

The developer shall be responsible for maintaining in good repair all roads in a subdivision for a period of two (2) years following their completion, or until they are accepted by the Town Meeting, whichever time is shorter. Roads are not complete until they totally comply with conditions of the definitive subdivision approval and these Rules and Regulations, including improvements of the right-of-ways and approval of record drawings and acceptance plans.

This maintenance shall include sweeping, cleaning of catch basins, repair of any settlements or cracking and adjustment of castings within the pavement. Prior to the acceptance by the Town of any lands including, but not limited to roadways, the developer shall provide proof that the land be free from hazardous materials pursuant to Chapter 21 E. -MGLA.

M. Improvements for Open Space Community Subdivisions

Open Space communities shall conform to all requirements applicable to conventional, residential subdivisions (including A-L above), unless specifically superseded below:

1. Grass Plot

The width of the grass plot may vary according to the location of the sidewalk. It may be seeded with rye grass or other low vegetation characteristic of rural New England meadows.

2. Trees

Where existing trees have been preserved along the new roadway I and are judged to be in good health by the DPW Manager or his appointee, the planting of new trees along these portions of said roadway is not required.

N. Improvements for Industrial Subdivisions

Industrial subdivisions shall conform to all requirements applicable to conventional residential subdivisions except as follows:

1. Street and Roadways - Construction Details

- a. The gravel base course shall be eighteen (18) inches thick. It shall be placed in three (3) to six (6) inch layers. Each layer shall be compacted to meet the Mass. DPW Standard Specifications, Section 401.60 and of the satisfaction of the Public Works Manager of the Town of Westborough or his appointed representative.
- b. The Class I bituminous concrete ~ course- Type I - I shall be (4) inches thick, placed in one (1) layer and properly compacted. (See Section 420 of the Mass. DPW Standard Specifications.)
- c. The Class I bituminous concrete ~ course Type I - I shall be 1 1/2 inches thick, placed in one (1) layer and properly compacted. (See Section 460 of the Mass. DPW Standard Specifications.)
- d. The Class I bituminous concrete top course shall be 1 1/4 inches thick, placed in one (1) layer and properly compacted. (See Section 460 of the Mass. DPW Standard Specifications.)

O. Sale of Lots or Parcels Prior To Construction:

**If the developer or applicant to whom the Planning Board grants Definitive Approval wishes to sell any of the approved building lots or non-buildable parcels to another party prior to house construction on the buildable lots, or prior to the approved transfer of ownership for management of non-buildable parcels, the developer shall remain responsible for the project roadway, utilities, easements and completion of all their public elements as required by the Planning Board approval unless the Planning Board decides otherwise.**

**P. Completion of Building Lot Elements:**

**Prior to the release of building lots from the project covenant, the developer shall place a performance bond for each lot or parcel to guarantee that the building lots, are graded according to the approved subdivision plan or other plan approved by the Board, that the driveways have been constructed as approved by the Board in conformance with the Subdivision Rules and Regulations and that all elements of the lot, including installation of street trees, grass, drainage requirements and any elements along the lot frontage are complete and acceptable to the Planning Board. These bonds shall be individually released by the Planning Board after the developer certifies to the Board's satisfaction that the bonded elements have been completed according to the approved plan**

**The Planning Board establishes the following schedule for building lot Performance Bonds. Bond amounts shall be determined by lot size category as follows:**

- 1. Open Space Community Lots (maximum 15,000 sf),**
- 2. Conventional Subdivision Lots (minimum 50,000 sf),**
- 3. Large Lots which exceed two (2) acres.**

**Fees shall be assigned by the Board based upon the complexity of each lot's development and its various elements during the Definitive Plan Approval review.**

SECTION VI  
ADMINISTRATION

A. Authority

The Board shall be the administrative agency of these regulations and shall have all the powers assigned them by Section 81A to GG of Chapter 41 of the General Laws.

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

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

B. Variation

1. Waiver of Compliance

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

2. Open Space Community or Planned Parcel Development

The Board will give consideration to suggestions offered by the subdivider that will tend to provide for the most efficient use of land in harmony with its natural features, particularly those utilizing Open Space Community or Planned Parcel Development (PPD) provisions in the Zoning Bylaw of the Town.

C. Revision of Aporoved Definitive Subdivision Plan

Upon the request of the subdivider, the Board may consider proposals to revise the approved definitive plan.

D. Inspection and Control

1. At the points hereinafter indicated, the construction of required streets and other improvements shall be inspected:

- a. The installation of underground utilities and services shall be inspected by the Public Works Manager or his appointed representative before the backfilling of trenches or other covering of structures.
  - b. The roadway shall be inspected by the Public Works Manager and/or Town Engineer upon completion of the sub grade, base course, binder and surface course prior to each required construction step.
  - c. The sidewalk shall be inspected by the Public Works Manager and/or Town Engineer upon completion of the sub grade, base course, finish surface and loam strip prior to each required construction step.
  - d. Following the completion of all the improvements required, the Subdivision shall be inspected by the Public Works Manager and Town Engineer. Refer to Form G, sample Inspection Form.
2. As each construction operation is completed, it shall be approved by the Proper Town authority and/or utility company and the Planning Board, Department of Public Works Manager, and Town Engineer prior to starting work on the succeeding operation.
  3. Inspections shall be requested by the developer at least twenty-four (24) Hours in advance by notice to the Public Works Manager.
  4. When inspection or testing time exceeds one (1) hour in any week, the Excess time will be billed the developer based on the employee's actual hourly rate of pay plus ten percent (10%) added for administrative expenses. Fractions of hours will be considered as a whole hour. Billing will be done monthly by the Public Works Manager.

E. Written Request for Performance Guarantee Release

Upon completion of improvements required by these regulations, the Applicant may request either partial or full release of the deposit, bond or Covenant by sending a statement of completion and a request for release by registered mail to the Planning Board and to the Town Clerk. The statement will include:

1. Written evidence from the Town Engineer that the streets and drainage Conform to the Board's requirements in accordance with the approved Definitive Plan.

2. Written evidence from the Town Engineer that the underground wiring, water mains, sanitary sewers, storm sewers, hydrants and fire alarms conform to specifications and the Board's requirements in accordance with the approved Definitive Plan.
3. Written evidence from the Town Engineer that as-built drawings have been Submitted and accepted.
4. Written evidence from the Town Engineer that the improvements have been Exposed to one complete winter environment (December 1 - April 30) without damage, or that damage, if incurred, has been repaired to the satisfaction of the Town Engineer.
5. Written evidence from the Tree Warden that installation of street trees and Other plantings as described in Section V.H have been completed satisfactorily and that the warranty has been assigned to the Town.
6. Written evidence from the Town Engineer and Town Counsel that Easements and deeds have been received and approved for all easements associated with the lots to be released shall be presented to the Planning Board prior to request for releases. The deeds shall be in the Developer's name until the appropriate time for transfer to the Town or other entity as approved by the Planning Board.

F. Partial Release of Performance Guarantee

Prior to final release of security, the Board may, at its discretion, grant up to three (3) partial releases from the required security for partial completion of improvements provided that:

1. No reduction shall reduce the deposit, bond or covenant to a value below The estimated cost of completing the unfinished portions of the improvements.
2. No lots shall be released from a covenant unless construction of ways and installation of services for those lots have been completed or another form of security has been substituted sufficient to complete said way and services. (Form L, with its attached Exhibit A, in the Appendix shall be submitted when applying for a release of lots from a Covenant).
3. No partial release of security shall be granted until the Board has received written verification from the Town Engineer that substantially more than fifty (50) percent of the required improvements have been completed satisfactorily.

4. No partial release shall reduce the security by more than fifty (50) percent of the amount being held at the time the release is requested.

G. Final Release of Performance Guarantee

If the Board determines that the required improvements have been completed in accordance with these Rules and Regulations, it will release the interest of the Town in any deposit or bond and will return the deposit, or bond to the Applicant, or release the covenant by appropriate instrument, duly acknowledged.

However, even though all improvements covered by a deposit, bond or Covenant have been completed, the Board may, upon recommendation of the Town Engineer, refuse to release the security if completion of construction on any remaining undeveloped or partially developed lots poses a substantial risk or injury to the covered improvements.

H. Refusal of Performance Guarantee Release

If the Board determines that required construction or installation has not been completed, it will specify the details wherein the construction or installation fails to comply with its Rules and Regulations in a notice sent by registered mail to the applicant and delivered to the Town Clerk. If the Board fails to so notify the Town Clerk and the Applicant within forty-five days of receipt of request for release of security as described in Section VI.E the deposit or bond shall be returned and any Covenant shall be become void. In the event that the forty-five (45) day period expires without such specification or without release of the security, the Town Clerk shall issue a certificate to such effect, duly acknowledged.

I. Failure of Performance

Any performance bond may be enforced and/or such deposit may be applied by the Board for the benefit of the Town, as provided in Section 81 Y of the General Laws upon failure of the performance for which any such bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction and installation.

J. Enforcement by denial of Building Permit

Building on any lot shall not commence without appropriate permits and written permission (a lot release) from the Planning Board. The Board reserves the right to rescind prior permission to build for cause.

K. Separability

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

L. Amendments

Lot Releases:

Lot releases shall be granted subject to the conditions outlined above in Section VI, and, subject to a one hundred (\$100.00) dollar administrative filing fee required for processing at the time of lot releases.

These regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board after a public hearing on its own motion or by petition.

WESTBOROUGH PLANNING BOARD  
Edward Newton, Jr., Chairman  
Ralph Keyes, Vice-Chairman  
Richard Hero  
Brian Bush

December 12, 1990

Revised, June 19, 1991  
Revised, February 10, 1993  
Revised, January 19, 1994  
Revised, November 15, 1995  
Revised, February 5, 1997  
Revised, November 28, 2000

## APPENDIX A - STANDARD FORMS

FORM A  
APPLICATION FOR ENDORSEMENT ON PLAN BELIEVED NOT TO REQUIRE  
APPROVAL (ANR)

(File three (3) completed forms together with the original plan and three (3) prints thereof with the Planning Board. If the ANR plan proposes changes to a definitive subdivision plan, file four (4) prints). \_\_\_\_\_ 19 \_\_\_\_\_ .

To the Planning Board of the Town of Westborough, Massachusetts:

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

1. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage and area required by the Town of Westborough Zoning Bylaw and is on a public/private way, namely, \_\_\_\_\_  
\_\_\_\_\_ which qualifies a lot for frontage under the Subdivision Control Law.
2. If lots do not have required frontage and area, explain: \_\_\_\_\_  
\_\_\_\_\_
3. Engineer's Name and Address: \_\_\_\_\_  
\_\_\_\_\_
4. The owner's title to the land is derived under a deed recorded in Worcester District Registry of Deeds, Book , \_\_\_\_\_ Page \_\_\_\_\_, and is presently shown in whole or part on Assessors' Tax Map , Parcel \_\_\_\_\_ .

Administrative Filing Fee of \$200.00 plus \$50.00 for each new lot created (has/has not) been received.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED  
WESTBOROUGH PLANNING BOARD

Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Applicant's Name, if not owner: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

FORM B

APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

(File one (1) completed copy with the Town Clerk and one (1) copy together with twelve (12) copies of the preliminary plans with the Planning Board)

\_\_\_\_\_ 19\_\_\_\_\_.

To the Planning Board of the Town of West borough, Massachusetts:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L for approval of a proposed Subdivision entitled:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.by  
(engineer) \_\_\_\_\_  
\_\_\_\_\_ dated \_\_\_\_\_ 19\_\_\_\_\_

Access will be from the following streets: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Land Area \_\_\_\_\_ ; No. Lots \_\_\_\_\_ ; Feet of Roadway \_\_\_\_\_  
hereby submits said plan as a PRELIMINARY SUBDIVISION PLAN in accordance with the Subdivision Rules and Regulations of the Westborough Planning Board and makes application to the Board for approval of said plan.

The undersigned's interest in said land is as follows: \_\_\_\_\_

The owner's title to said land is by deed dated \_\_\_\_\_ 19\_\_\_\_\_ and recorded in the Worcester District Registry of Deeds Book \_\_\_\_\_, Page \_\_\_\_\_ and is shown on Assessors' Tax Map \_\_\_\_\_, Parcel \_\_\_\_\_

Owner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Applicant's Signature: \_\_\_\_\_  
Applicant's Name, if not owner: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_  
\_\_\_\_\_

Administrative Filing Fee of \$500.00 plus \$50.00 per lot (has/has not) been received. In addition, an escrow deposit of \$200.00 per lot (has/has not) been received.

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

(File one (1) completed copy with the Town Clerk and one (1) copy together with twelve (12) copies of the plans to the Planning Board.

\_\_\_\_\_ 19 \_\_\_\_\_

To the Planning Board of the Town of West borough, Massachusetts:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled

\_\_\_\_\_

by (engineer) \_\_\_\_\_

dated \_\_\_\_\_ 19 \_\_\_\_\_

Access will be from the following streets: \_\_\_\_\_

\_\_\_\_\_

Total Land Area \_\_\_\_\_ Acres; No. Lots \_\_\_\_\_ ; Feet of Roadway \_\_\_\_\_ hereby submits said plan as a DEFINITIVE SUBDIVISION PLAN in accordance with the Subdivision Rules and Regulations of the Westborough Planning Board and makes application to the Board for approval of said plan.

The undersigned's interest in said land is as follows \_\_\_\_\_

The owner's title to said land is by deed dated \_\_\_\_\_ 19 \_\_\_\_\_ and recorded in the Worcester District Registry of Deeds Book \_\_\_\_\_ , Page \_\_\_\_\_ and is shown on Assessors' Tax Map \_\_\_\_\_ , Parcel \_\_\_\_\_

Said plan (has/has not) evolved from a preliminary plan submitted to the Board on \_\_\_\_\_ 19 \_\_\_\_\_ and was (approved with modifications/ disapproved) on \_\_\_\_\_ 19 \_\_\_\_\_

The undersigned hereby applies for the approval of said DEFINITIVE plan by the Board, and in furtherance thereof hereby agrees to abide by the Board's Subdivision Rules and Regulations.

Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Applicant's Name, if not owner: \_\_\_\_\_

Address: \_\_\_\_\_

Filing Fee of \$1,000.00 plus \$100.00 per lot (has/has not) been received. An Escrow Fee of \$250.00 per lot (has/has not) been received.

FORM D  
DESIGNER'S CERTIFICATE

\_\_\_\_\_ 19 \_\_\_\_\_

To the Planning Board of the Town of Westborough, Massachusetts:

In preparing the plan entitled: \_\_\_\_\_  
\_\_\_\_\_

I hereby certify that the above named plan and accompanying data is true and correct to the accuracy required by the current Rules and Regulations Governing the Subdivision of Land in Westborough, Massachusetts, and my source of information about the location of boundaries shown on said plan were one or more of the following:

1. Deed from \_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_ dated \_\_\_\_\_ and recorded in the  
Worcester District Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ .
2. Other plans, as follows: \_\_\_\_\_  
\_\_\_\_\_
3. Detail and topography has been established by aerial survey \_\_\_\_\_ ; on ground  
survey \_\_\_\_\_ ; Other \_\_\_\_\_
4. Actual measurement on the ground from a starting point established by \_\_\_\_\_
5. Other sources: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

(Professional Engineer or Land Surveyor Registered in Massachusetts)

Address: \_\_\_\_\_  
\_\_\_\_\_

(Seal of Engineer or Surveyor)

WESTBOROUGH PLANNING BOARD

FORM E

C O V E N A N T

Two copies of this form, filled out and signed by the owner of record, should be submitted before endorsement of the approved plan.

\_\_\_\_\_, 19\_\_\_\_\_  
(Date of Instrument)

To the Planning Board:

The undersigned, hereinafter called the "Covenantor" having submitted to the Westborough Planning Board for approval a definitive plan of a subdivision

Entitled \_\_\_\_\_

Plan by \_\_\_\_\_

Dated \_\_\_\_\_ owned by \_\_\_\_\_

Address \_\_\_\_\_

land located \_\_\_\_\_

and showing \_\_\_\_\_ proposed lots, does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to M.G.L. Chapter 41, Section 81-U, as amended that:

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

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

2. The undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:

a. The application for Approval of Definitive Subdivision Plan (Form C), dated \_\_\_\_\_.

b. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision.

c. The Certificate of Approval and the conditions of Approval specified therein, issued by the Planning Board, dated \_\_\_\_\_.

- d. The Definitive Plan as qualified by the Certificate of Approval.
- e. Other document( s) specifying construction or installation to be completed, namely: \_\_\_\_\_  
\_\_\_\_\_

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

- 3. This covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
- 4. Particular lots within the subdivision shall be released from the foregoing conditions only upon the recording of a release of covenant executed by the Planning Board and enumerating the specific lots to be released.
- 5. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
- 6. The undersigned agrees to record this covenant with the Worcester District Registry of Deeds, forthwith. Reference to this covenant shall be entered upon the Definitive Plan as approved, prior to endorsement by the Planning Board.
- 7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed, as provided in Section 81-U, Chapter 41, M.G. L.
- 8. This covenant shall be executed before endorsement of approval of the Definitive Plan by the Planning Board and shall take effect upon the endorsement of approval.
- 9. Upon determination by the Planning Board that the construction of ways and installation of municipal services, as specified herein, have been satisfactorily completed on or before \_\_\_\_\_19\_\_\_\_\_ the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board, shall result in automatic rescission of the approval of the plan.

10. No lot shall be built upon until such time as it has been approved by the Westborough Board of Health.
11. No loam or top soil shall be removed from the area until the subdivision is completed, and then only surplus matter, if any, until a lot by lot permit is first obtained from the Building Inspector.
12. The covenantor hereby agrees to remain solely responsible for maintaining the access to any lots released from this covenant. This includes but is not limited to snow removal and sanding. This agreement will remain in effect unless otherwise changed by acceptance of the way by Town Meeting vote.
13. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G. L., Chapter 41, Section 8)-V, as long as such security is sufficient in the opinion of the Planning Board to secure full performance of the construction and installation.

For title to the property, see deed from \_\_\_\_\_ dated \_\_\_\_\_, recorded in \_\_\_\_\_ Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, or registered in Land Registry as Document No. \_\_\_\_\_ and noted on certificate of title No. \_\_\_\_\_, in Registry Book \_\_\_\_\_, Page \_\_\_\_\_.

The present holder of a mortgage upon the property is \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_

The mortgage is dated \_\_\_\_\_ and recorded in \_\_\_\_\_ Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, or registered in \_\_\_\_\_ Land Registry as Document No. \_\_\_\_\_, and noted on certificate of title No. \_\_\_\_\_, in Registration Book \_\_\_\_\_, Page \_\_\_\_\_. The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the status, force and effect as though executed and recorded before taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

IN WITNESS WHEREOF we hereunto set our hands and seals this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_\_ .

\_\_\_\_\_  
Signature of Owner or Owners

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. \_\_\_\_\_ 19 \_\_\_\_\_  
Date

Then personally appeared before me the above named \_\_\_\_\_  
and acknowledged the foregoing instrument to be his/her/its free act and deed.

\_\_\_\_\_  
Signature of Notary Public

My commission expires \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Signature of Mortgagee or  
Authorized Representative

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ ss \_\_\_\_\_, 19\_\_\_\_\_.

Then personally appeared before me the above named \_\_\_\_\_  
and acknowledged the foregoing instrument to be his/her/its free act and deed.

\_\_\_\_\_  
Signature of Notary Public

My commission expires \_\_\_\_\_, 19\_\_\_\_\_.

Acceptance by the West borough Planning Board:

\_\_\_\_\_  
For the Westborough Planning Board

FORM F

ENDORSEMENTS AND NOTES TO BE ON DEFINITIVE PLANS:

CONDITIONALLY  
APPROVED  
WESTBOROUGH PLANNING BOARD

| Chairman | Date |
|----------|------|
|          |      |
|          |      |
|          |      |
|          |      |

CERTIFICATE OF NO  
APPEAL

Decision of WEST BOROUGH PLANNING BOARD  
Approving this plan recorded in Office  
Town Clerk \_\_\_\_\_ 19 \_\_\_\_\_

No Notice of Appeal Therefrom received  
by Town Clerk during the 20 days following.

| Town Clerk | Date |
|------------|------|
|            |      |

This plan recorded with Covenant under General Laws, Chapter 41, Section 81 U as amended and which Covenant also includes the Following conditions:

No building or structure shall be built upon any lot without the consent of the Board of Health.

No lot shall be built upon until released by the Planning Board.

COVENANT recorded in WORCESTER DISTRICT REGISTRY OF DEEDS  
BOOK \_\_\_\_\_ PAGE \_\_\_\_\_.

WESTBOROUGH PLANNING BOARD  
Form H  
Assignment of Security  
(Performance Secured By Lender's Agreement)

TRI-PARTY AGREEMENT

Five copies, signed and notarized, must be submitted.

\_\_\_\_\_, 19\_\_\_\_\_  
(Date of Instrument)

AGREEMENT made this date between the Town of Westborough; and \_\_\_\_\_, hereinafter referred to as the "Applicant" of \_\_\_\_\_ and \_\_\_\_\_ hereinafter referred to as "the Lender" of \_\_\_\_\_, to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled: \_\_\_\_\_ by : \_\_\_\_\_ dated: \_\_\_\_\_, owned by \_\_\_\_\_, address: \_\_\_\_\_, land located: \_\_\_\_\_, and showing \_\_\_\_\_ lots. The applicant and the Planning Board of the Town of West borough have executed a covenant, dated \_\_\_\_\_, 19\_\_\_\_\_, recorded in the Worcester Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_ the applicant has recorded a first mortgage with the lender dated \_\_\_\_\_, 19\_\_\_\_\_, recorded in the Worcester Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, covering \_\_\_\_\_ as shown on the above referenced plan as security for the payment of a certain note in the principal sum of \_\_\_\_\_ dollars; and the applicant and lender hereby bind and obligate themselves, their, or its executors, administrators, devisees, heirs, successors and assigns, jointly and severally to the Town of West borough, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of \_\_\_\_\_, dollars. Said sum of money is to be retained by the lender to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval of Definitive Subdivision Plan (Form C), dated \_\_\_\_\_
2. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision.
3. The Certificate of Approval and the conditions of approval specified therein, issued by the Planning Board and dated \_\_\_\_\_.
4. The Covenant and the conditions specified therein, dated \_\_\_\_\_.
5. The Definitive Plan as qualified and conditioned by the Certificate of Approval and the Covenant.

6. Other document(s) specifying construction or installation to be completed, namely: (specify other documents, if any, and list lots secured if only part of the subdivision is secured by a lender's agreement) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations.

Upon determination by the Planning Board that the applicant has completed the obligations as specified in the following schedule:

| SUM TO BE<br>RETAINED BY<br>LENDER | STAGE OF<br>CONSTRUCTION OR<br>INSTALLATION TO<br>BE COMPLETED | DATE WHEN<br>CONSTRUCTION AND<br>INSTALLATION<br>MUST BE COMPLETE |
|------------------------------------|--|---|
| 1. \$                              |  |   |
| 2. \$                              |  |   |
| 3. \$                              |  |   |

the interest of the Town in such funds retained by the lender shall be released, and the lender may disburse such funds which have been held as security for a specific stage of work, to the applicant. In the event the applicant should fail to complete any stage of construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, any funds remaining shall be made available by the lender to the Planning Board for the benefit of the Town of Westborough to the extent of the actual cost to the Town associated with completing such construction or installation as specified in this agreement. Any unused portion of such funds will be released by the Planning Board and may be disbursed by the lender to the applicant upon notification by the Town to the lender that all work has been completed.

The Town of West borough acting by and through its Planning Board hereby agrees to release the following lots \_\_\_\_\_ from the operation of the above-referenced covenant given pursuant to Section 81-U of Chapter 41, the Subdivision Control Law, and further to accept this agreement and the funds in the amount specified herein to be retained by the lender as security for performance. Upon delivery of this agreement to the Planning Board, said lots shall be released as hereinafter specified.

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

Any amendments to this agreement shall be agreed upon in writing by all parties.

IN WITNESS WHEREOF we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ .

\_\_\_\_\_  
Signature of Authorized  
Representative of the Lender

\*\*\*\*\*

COMMONWEAL TH OF MASSACHUSETTS

\_\_\_\_\_ ss. \_\_\_\_\_ 19\_\_\_\_ ,

Then personally appeared before me \_\_\_\_\_  
and stated that he/she is authorized to sign this document as a representative of the lender, and  
acknowledged the foregoing instrument to be the free act and deed of said lender.

\_\_\_\_\_  
Signature of Notary Public

My Commission expires \_\_\_\_\_ 19 \_\_\_\_\_,

\_\_\_\_\_  
Signature of Applicant,

\*\*\*\*\*

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ ss. \_\_\_\_\_, 19 \_\_\_\_\_,

Then personally appeared before me the applicant and acknowledge the foregoing instrument to be  
his/her free act and deed.

\_\_\_\_\_  
Signature of Notary Public

My Commission expires \_\_\_\_\_ 19 \_\_\_\_\_,

\*\*\*\*\*

WESTBOROUGH PLANNING BOARD

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ ss \_\_\_\_\_, 19\_\_\_\_\_

Then personally appeared before me \_\_\_\_\_ of the Westborough Planning Board and acknowledged the foregoing instrument to be the Planning Board's free act and deed.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_ 19 \_\_\_\_\_,

The applicant has deposited a Lender's Agreement in the amount of \$\_\_\_\_\_ with the Town of Westborough.

\_\_\_\_\_  
Signature of the Town Treasurer

Approved As To form: \_\_\_\_\_  
Town Counsel

- Duplicate copy to :   Applicant  
                                  Lender  
                                  Town Treasurer  
                                  Town Counsel

WESTBOROUGH PLANNING BOARD  
Form I  
Assignment of Security'  
(Performance Secured by Deposit of Money)

Three copies, filled out, signed by the Town Treasurer, signed by the applicant and notarized should be submitted.

\_\_\_\_\_, 19\_\_\_\_  
(Date of Instrument)

AGREEMENT made this date between the Town of Westborough and \_\_\_\_\_, hereinafter referred to as the "Applicant" of to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled: \_\_\_\_\_ by: \_\_\_\_\_

dated: \_\_\_\_\_, owned by: \_\_\_\_\_, land located: \_\_\_\_\_, and showing \_\_\_\_\_ lots.

The applicant hereby binds and obligates himself, his or her executors, administrators, devisees, heirs, successors and assigns to the Town of Westborough, a Massachusetts municipal corporation, acting through its Planning Board, in the amount of \_\_\_\_\_ dollars, and has secured this obligation by depositing with the Town Treasurer of said Town of Westborough a deposit of money in the above amount to be deposited in a subdivision escrow account solely in the name of the Town. The deposit of money is to be used to insure performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval of Definitive Subdivision Plan (Form C),  
Dated \_\_\_\_\_
2. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision.
3. The Certificate of Approval and the conditions of approval specified therein, issued by the Planning Board, dated \_\_\_\_\_.
4. The Covenant and the conditions specified therein, dated \_\_\_\_\_.
5. The definitive plan as qualified and conditioned by the Certificate of Approval and the Covenant.
6. Construction Completion Schedule, dated \_\_\_\_\_.
7. Other document(s) specifying construction or installation to be completed, namely: (specify other documents, if any, and list lots secured if only part of the subdivision is secured by a deposit of money) \_\_\_\_\_

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

Upon determination by the Planning Board that the applicant has completed the obligations specified herein, on or before \_\_\_\_\_, or such later date as may be specified by the vote of the Planning Board, the deposit of money including all interest accrued thereon shall be returned to the applicant and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time period specified, the deposit of money may be applied in whole or in part by the Planning Board for the benefit of the Town of Westborough to the extent of the actual cost to the Town associated with completing such construction or installation. Any unused money and the interest accrued on the deposit of money shall be returned to the applicant upon completion of the work by the Town.

The Town of Westborough acting by and through its Planning Board hereby agrees to accept the aforesaid deposit of money in the amount specified in this agreement as security for performance.

IN WITNESS WHEREOF we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ ss. \_\_\_\_\_, 19\_\_\_\_\_

Then personally appeared before me \_\_\_\_\_

of \_\_\_\_\_ and acknowledged the foregoing instrument to be his/her free act and deed.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_ 19 \_\_\_\_\_,

WESTBOROUGH PLANNING BOARD

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COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ ss. \_\_\_\_\_, 19 \_\_\_\_\_

Then personally appeared before me \_\_\_\_\_  
\_\_\_\_\_ of the Westborough Planning Board and  
acknowledged the foregoing instrument to be the Planning Board's free act and deed.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_ 19 \_\_\_\_\_,

The applicant has deposited the sum of \$ \_\_\_\_\_ with the Town of  
Westborough.

\_\_\_\_\_  
Signature of the Town Treasurer

Duplicate copy to:    Applicant  
                                  Town Treasurer

**WESTBOROUGH PLANNING BOARD**

**FORM J**

**Assignment of Security  
(Performance Secured by a Surety Company)**

Four copies, filled out and executed by the Surety Company and the applicant should be submitted.

\_\_\_\_\_, 19\_\_\_\_\_  
(Date of Instrument)

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

The applicant and the surety hereby bind and obligate themselves, their, or its executors, administrators, devisees, successors and assigns, jointly and severally to the Town of Westborough, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of \_\_\_\_\_ dollars, and have secured this obligation by depositing with the Town Treasurer of said Town of Westborough a surety bond to secure the above sum of money, said surety bond to be used to insure performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval of dated Definitive Subdivision Plan (Form C), dated \_\_\_\_\_ .
2. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision.
3. The Certificate of Approval and the conditions of approval specified therein, issued by the Planning Board, dated \_\_\_\_\_ .
4. The Covenant and the conditions specified therein, dated \_\_\_\_\_.
5. The definitive plan as qualified and conditioned by the Certificate of Approval and the Covenant.
6. Construction Completion Schedule, dated \_\_\_\_\_.

7. Other document(s) specifying construction or installation to be completed, namely: (specify other documents, if any, and list lots secured if only part of the subdivision is secured by a surety company) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Upon determination by the Planning Board that the applicant has completed the obligation specified herein, on or before \_\_\_\_\_, or such later date as may be specified by the vote of the Planning Board with the written concurrence of the surety, the interest of the Town in such surety bond shall be released, and the surety bond shall be returned to the surety. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time period specified, the surety bond may be enforced in whole or in part by the Planning Board for the benefit of the Town of West borough to the extent of the actual cost to the Town of completing such construction or installation.

The Town of West borough acting by and through its Planning Board hereby agrees to accept the aforesaid surety bond in the amount specified in this agreement as security for performance.

IN WITNESS WHEREOF we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Authorized Representative of Surety

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ ss. \_\_\_\_\_, 19\_\_\_\_\_

Then personally appeared before me the applicant and the authorized representative of the surety and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_ 19 \_\_\_\_\_,

WESTBOROUGH PLANNING BOARD

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ ss. \_\_\_\_\_, 19 \_\_\_\_\_

Then personally appeared before me \_\_\_\_\_  
\_\_\_\_\_ a member of the Westborough Planning  
Board and acknowledged the foregoing instrument to be the Planning Board's free act and deed.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_ 19 \_\_\_\_\_,

The applicant has deposited the sum of \$ \_\_\_\_\_ with the Town of  
Westborough.

\_\_\_\_\_  
Signature of the Town Treasurer

Approved As To Form: \_\_\_\_\_  
Town Counsel

Duplicate copy to: Applicant  
Town Treasurer  
Town Counsel

**WESTBOROUGH PLANNING BOARD  
FORM K**

**Assignment of Security  
(Secured by a Pass Book)**

Four copies, filled out and executed by the bank and the applicant and notarized should be submitted.

\_\_\_\_\_, 19\_\_\_\_.  
(Date of Instrument)

AGREEMENT made this date between the Town of Westborough and \_\_\_\_\_, hereinafter referred to as the "Applicant" of \_\_\_\_\_ to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled: \_\_\_\_\_ by: \_\_\_\_\_.  
dated: \_\_\_\_\_. owned by: \_\_\_\_\_,  
and showing \_\_\_\_\_ lots.

The applicant hereby binds and obligates himself, his or its executors, administrators, devisees, heirs, successors and assigns to the Town of West borough, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of \_\_\_\_\_ dollars, and has secured this obligation by deposit with the Town Treasurer of said Town of West borough a deposit of money for the above sum represented by Passbook No. \_\_\_\_\_ with an order drawn on the \_\_\_\_\_, payable to the Town of West borough, said sum to be used to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval of Definitive dated Subdivision Plan (Form C),  
date \_\_\_\_\_.
2. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision.
3. The Certificate of Approval and the conditions of approval specified therein, issued by the Planning Board, dated \_\_\_\_\_.
4. The Covenant and the conditions specified therein, dated \_\_\_\_\_.
5. The definitive plan as qualified and conditioned by the Certificate of Approval and the Covenant.
6. Construction Completion Schedule, dated \_\_\_\_\_.
7. Other document(s) specifying construction or installation to be completed, namely: (specify other documents, if any, and list lots secured if only part of the subdivision is secured by a bank passbook) \_\_\_\_\_  
\_\_\_\_\_

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

Upon determination by the Planning Board that the applicant has completed all obligations specified herein, on or before - or such later date as may be specified by the vote of the Planning Board, the bank passbook shall be returned to the applicant by the Town. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the funds on deposit in the account represented by the aforesaid bank passbook and order drawn thereon may be applied in whole or in whole or in part by the Planning Board for the benefit of the Town of Westborough to the extent of the actual cost to the Town for completing such construction or installation. Any unused funds will be returned to the applicant upon completion of the work.

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

The Town of Westborough acting by and through its Planning Board hereby agrees to accept the aforesaid bank passbooks and order drawn thereon as security for performance.

IN WITNESS WHEREOF we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_ .

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Authorized Representative of Bank.

COMMONWEAL TH OF MASSACHUSETTS

\_\_\_\_\_ SS. \_\_\_\_\_ 19\_\_\_\_\_ .

FORM K

Page 3.

Then personally appeared before me the applicant and the authorized representative of the Bank, and acknowledged the foregoing instrument to be the free act and deed of said parties.

\_\_\_\_\_  
Notary Public

My Commission expires , 19  
WESTBOROUGH PLANNING BOARD

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEAL TH OF MASSACHUSETTS

\_\_\_\_\_ ss. \_\_\_\_\_, 19\_\_\_\_\_

Then personally appeared before me \_\_\_\_\_  
\_\_\_\_\_ a member of the Westborough Planning  
Board and acknowledged the foregoing instrument to be the Planning Board's free act and deed.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_ 19 \_\_\_\_\_,

The applicant has deposited with the Town a Bank Passbook No. \_\_\_\_\_ drawn on the  
\_\_\_\_\_ Bank with an order drawn thereon payable to the order of the  
Town of Westborough, representing the amount of \$ \_\_\_\_\_ .

\_\_\_\_\_  
Signature of the Town Treasurer

Approved As To Form: \_\_\_\_\_  
Town Counsel

Duplicate copy to: Applicant  
Town Treasurer  
T own Counsel

FORM L  
PARTIAL RELEASE OF COVENANT

The WESTBOROUGH PLANNING BOARD, the Obligee under a Covenant from

\_\_\_\_\_ to said Planning Board, dated \_\_\_\_\_, 19\_\_\_\_ and recorded with the Worcester Registry of Deeds on \_\_\_\_\_, 19\_\_\_\_ Book \_\_\_\_Page \_\_\_\_\_, for consideration paid, releases to \_\_\_\_\_ its successors and assigns its rights acquired under said Covenant which prohibits building and sale in the premises described on Exhibit A, attached hereto. The remaining components and conditions of the Covenant described above, shall remain in full force and effect until released by the Planning Board.

Executed under seal and on behalf of the Westborough Planning Board this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ ss. \_\_\_\_\_, 19\_\_\_\_\_

Then personally appeared before me the above named \_\_\_\_\_, a member of said Planning Board and acknowledged the foregoing to be his free act and deed, before me,

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_ 19 \_\_\_\_\_,

EXHIBIT A

That certain land in Westborough, Massachusetts more particularly described as Lot \_\_\_\_\_(comprising \_\_\_\_\_  $\pm$  acres) and Lot (comprising  $\pm$  acres) shown on a Plan titled \_\_\_\_\_ prepared for \_\_\_\_\_ by \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_ and recorded with the Worcester District Registry of Deeds on \_\_\_\_\_, 19\_\_\_\_ as Plan \_\_\_\_\_ in Plan Book \_\_\_\_\_

Attached to Release Form dated \_\_\_\_\_ 19\_\_\_\_\_.

APPENDIX B

**APPENDIX WITH SUBDIVISION RULES AND REGULATIONS  
A PARTIAL LIST OF ACCEPTABLE STREET  
AND LAWN TREES.**

LARGE GROWING TREES (60-90 FEET)  
(Minimum size 2 1/2 inch trunk diameter,  
caliper at four feet above ground).

| <b>SPECIES</b>   | <b>Height</b> | <b>Width</b> | <b>Remarks</b>   |
|--|---------------|--------------|--|
| Pin Oak ( <i>Quercus palustris</i> )                                     | 40'           |              | Excellent Specimen tree for lawn.  |
| Red Oak ( <i>Quercus rubra</i> )   | 80'           | 35'          | Difficult to transplant, excellent tree.   |
| White Oak ( <i>Quercus alba</i> )  | 90'           | 60'          | One of the best trees.   |
| Sugar Maple ( <i>Acer saccharum</i> )                                    | 75'           | 25'          | One of the best trees, subject to salt damage.                                     |
| Columnar Sugar Maple<br>( <i>Acer saccharum</i> , var. <i>columnar</i> ) | 75'           | 25'          | Excellent choice for narrow areas.   |
| Sycamore Maple<br>( <i>Acer pseudoplatanus</i> )                         | 60'           | 40'          | Good specimen tree.  |
| London Planetree<br>( <i>Platanus occidentalis</i> )                     | 80'           | 45'          | Excellent specimen tree, resists leaf specimen tree, blight, wide spreading crown. |
| American Sycamore<br>( <i>Platanus occidentalis</i> )                    | 80'           | 45'          | Excellent lawn tree, grows to considerable size.                                   |
| Black Tupelo ( <i>Nyssa sylvatica</i> )                                  | 60'           | 30'          | Good in poorly drained soil. Excellent Fall color.                                 |
| Thornless Honeylocust<br>( <i>Gleditsia triacanthus inermis</i> )        | 60'           | 30'          | Tolerant to city conditions.   |
| White Ash ( <i>Frainus Americana</i> )                                   | 80'           | 35'          | Good all around tree.  |
| Kentucky Coffee Tree<br>( <i>Gymnocladus dioicus</i> )                   | 90'           | 35'          | Good spec. tree, purplish-brown seed pods.   |

**APPENDIX B - TREE LISTING OF SPECIES**