

**RULES AND REGULATIONS GOVERNING  
SUBDIVISION OF LAND  
IN THE TOWN OF FRAMINGHAM  
COMMONWEALTH OF MASSACHUSETTS**



**FRAMINGHAM PLANNING BOARD**

**MARCH, 2008**



**RULES AND REGULATIONS GOVERNING  
SUBDIVISION OF LAND  
IN THE TOWN OF FRAMINGHAM**



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TOWN OF FRAMINGHAM
SUBDIVISION RULES AND REGULATIONS

TABLE OF CONTENTS

Section I. Authority And Purpose ..... 1
A. Authority..... 1
B. Purpose ..... 1
Section II. Definitions ..... 2
Section III. Limitations..... 4
A. Not More than one Building on a Lot..... 4
B. Compliance with Zoning Requirements ..... 4
C. Stamp And Signature Of Surveyor Or Engineer..... 4
D. Title Block ..... 4
E. Planning Board Administrative Agency ..... 4
F. Waiver of Rules and Regulations ..... 4
G. Severability..... 4
H. Changes To Rules and Regulations ..... 4
I. Forms For Submittals ..... 4
J. Recording of Plans ..... 5
K. Distribution of Plans ..... 5
L. Changes or Alteration of Plans ..... 5
M. Matters Not Covered by Rules and Regulations ..... 5
N. Approval Does Not Make Street a Public Way ..... 5
O. Establishment of Fees ..... 5
P. Consultant Review Fees and Procedures..... 5
Section IV. Plan Thought Not to Require Approval..... 7
A. Procedure for Submission of Plan Thought Not to Require Approval ..... 7
B. Requirements for Submission of Plan Thought Not to Require Approval..... 7
C. Endorsement of Plan Thought Not To Require Approval..... 8
D. Miscellaneous ..... 8
Section V. Preliminary Plan..... 10
A. General ..... 10
B. Procedure for Submission of Preliminary Plan..... 10
C. Contents of Preliminary Plan ..... 10
D. Approval or Disapproval ..... 11
Section VI. Definitive Plan ..... 12
A. General ..... 12
B. Procedure for Submission of Definitive Plan..... 12
C. Contents ..... 13
D. Impact Statement ..... 15
E. Other Permits ..... 17
F. Review By Board Of Health and Other Town Departments ..... 17
G. Public Hearing ..... 17
H. Park Areas ..... 17
I. Approval or Disapproval..... 17
J. Conditions of Approval..... 18
K. Endorsement Of Approval ..... 18
L. Rescission, Modification, and Automatic Rescission of Definitive Subdivision Plan..... 19
M. Issuance Of Building Permits ..... 19
N. Issuance Of Occupancy Permits ..... 19
O. Performance Guarantee ..... 20

P. Converting Covenant to Another Performance Guarantee .....20

Q. Schedule of Release of Lots and Reductions Of the Performance Guarantee .....21

R. Retainage For Maintenance/Defect Guarantee .....21

S. Action on the Bond .....21

T. Determination Of Completion Of The Provisions Of The Performance Guarantee Or Covenant .....21

U. Release Of Performance Guarantee Or Covenant.....22

**Section VII. Design Standards And Specifications .....23**

A. General .....23

    1. Basic Requirements.....23

    2. Master Plan .....23

    3. Limitations .....23

    4. Municipal Services.....23

    5. Subdivision Design and Protection of Natural Features and Environment .....23

    6. Character of the Land.....23

    7. Access Improvement and Dedication.....23

    8. Access Through Another Municipality .....24

B. Streets .....24

    1. Street Classification .....24

    2. Location and Alignment of Streets.....24

    3. Dead End Streets (permanent).....26

    4. Adequacy of Access.....26

    5. Curbing .....27

    6. Sidewalks .....27

    7. Walls .....27

    8. Sideslopes .....27

C. Stormwater And Surface Water Drainage and Management .....27

D. Sanitary Sewers .....30

E. Water System.....31

F. Street Construction.....32

    1. General.....32

    2. Procedure .....32

    3. Clearing and Grubbing of Right-of-Way .....33

    4. Excavation and Subgrade Preparation.....33

    5. Gravel Base .....33

G. Utility Services .....33

H. Underground Utilities .....33

I. Fire Protection .....34

J. Granite Bounds and Markers .....35

K. Street Signs .....35

L. Driveway Entrances .....35

M. Street Tree Plantings .....35

N. Exterior Lighting .....36

O. Protection Of Utilities.....36

P. Individual Water Supply And Sewerage Disposal Systems .....36

Q. Easements .....37

R. Natural Features and the Environment.....37

S. Erosion And Sediment Control .....37

T. Community Context.....37

U. Cleaning Up.....38

V. Work Notification And Inspections.....38

**APPENDICES**

**APPENDIX A-1 Grading Type 1 [All Drainage to Street] ..... A-i**  
**APPENDIX A-2 Grading Type 2 [Gentle Cross-Slope] ..... A-ii**  
**APPENDIX A-3 Grading Type 3 [Steep Cross-Slope] ..... A-iii**  
**APPENDIX A-4 Grading Type 4 [Valley Along Rear Lot Line]..... A-iv**

**APPENDIX B-1 Rainfall Curves [100 Year Storm].....B-i**  
**APPENDIX B-2 Rainfall Curves [25 Year Storm] ..... B-ii**  
**APPENDIX B-3 Rainfall Curves [10 Year Storm] ..... B-iii**  
**APPENDIX B-4 Rainfall Curves [50 Year Storm] .....B-iv**

**APPENDIX C-1 Application for Endorsement of Plan Believed Not To Require Approval ..... C-i**  
**APPENDIX C-2 Application for Approval - Preliminary Plan ..... C-vi**  
**APPENDIX C-3 Application for Approval - Definitive Plan ..... C-xiii**  
**APPENDIX C-4 Designers’ Certificates ..... C-xxii**  
**APPENDIX C-5 Certified List of Abutters ..... C-xxiii**  
**APPENDIX C-6 Approval with Covenant Contract ..... C-xxiv**  
**APPENDIX C-7 Release of Restrictions ..... C-xxvi**

**SECTION I. AUTHORITY AND PURPOSE****A. Authority**

Pursuant to the authority granted by Massachusetts General Laws, Chapter 41, as amended, and for the purposes specified in Paragraph B of this Section, the Planning Board of the Town of Framingham has adopted and approved the following Rules and Regulations governing the subdivision of land in the Town of Framingham.

These Rules and Regulations shall become effective when a copy is filed with the Town Clerk.

No land shall be subdivided, improved or sold within the meaning of the Subdivision Control Law, and no way shall be constructed or municipal or other services installed, unless a plan of such subdivision has been approved and endorsed by the Planning Board.

**B. Purpose**

These Rules and Regulations have been adopted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Framingham, by regulating and providing for the laying out and construction of streets and municipal services in subdivisions providing access to the several lots therein, and ensuring the sanitary conditions in said subdivisions, and where so permitted by said General Laws, in other areas and parks.

The powers of the Planning Board under these Rules and Regulations shall be exercised with due regard for the provision for adequate access to all lots in any subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in cases of fire, flood, panic and other emergencies; for ensuring compliance with applicable zoning by-laws; for securing adequate provision for water supply, sewage disposal, drainage protection, and the protection of natural water sources and courses, flood control areas and wetland areas; for coordinating the ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions; and such other requirements as may be deemed necessary within the purpose and intent of these Rules and Regulations.

**SECTION II. DEFINITIONS**

In construing these Rules and Regulations, the following definitions, as well as the definitions contained in Massachusetts General Laws., Chapter 41, Section 81-L, shall apply, and in any one or more instances wherein the definition in these Rules and Regulations shall appear to be more comprehensive, or a contrary intention clearly appears, the following definitions shall be applicable and controlling.

**Applicant:** The owner(s) of land and such duly authorized agent(s), representative(s), assign(s) or attorney(s). In each instance where an applicant is in addition to the owner(s), such representative shall file with the Planning Board sufficient written evidence of authority to act by or on behalf of the owner(s), such as a certificate of corporate vote, power of attorney, a list of officers, and/or such other evidence as the Planning Board may reasonably require. All owners of land within a subdivision must be co-applicants.

**Abutter:** All owners of land within three hundred feet of the boundaries of the land included in such plan, as they appear on the most recent Framingham Assessor's tax records.

**Board:** The Planning Board of the Town of Framingham.

**Board of Health:** The Board of Health of the Town of Framingham.

**Board of Public Works:** The Board of Public Works of the Town of Framingham.

**Community Notice:** A notice of no less than 2 feet by 2 feet, posted by the owner or applicant in a conspicuous location on the subject property at the street frontage, informing the public of the specific nature of the plans for the property, identifying whether the plan is an Approval Not Required Plan, a Preliminary Plan or a Definitive Plan, and informing the public that such proposal shall be brought forward to the Planning Board. A community notice is required for an Approval Not Required Plan only when an additional buildable lot will be created. Said notice shall be posted at least five days prior to an application submittal to the Planning Board, and shall be considered an application requirement.

**Cul De Sac:** A dead-end street having a circular turnaround at the end for the reversal of traffic movement.

**Dead-End:** A street or street system which has only one means of ingress from or egress to a primary, residential subcollector, or residential access street.

**Driveway:** A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

**Definitive Plan:** A plan of a proposed subdivision or re subdivision of land as required by Section 81-0 of the Subdivision Control Law and which shall be prepared in accordance with Section VI of these Rules and Regulations.

**Department of Public Works:** Public Works Division of the Town of Framingham and departments under its jurisdiction. Such references in these Rules and Regulations also mean the Board of Public Works, as applicable.

**Developer:** Such owner(s), agent(s), or representative(s) of the owner(s) of land who seeks to develop the potentialities of the real estate by the building of structures thereon and/or developed sites, or any portion thereof in a subdivision.

**Engineer or Registered Engineer:** A person duly licensed by the Board of Registration of Engineers and Land Surveyors for the Commonwealth of Massachusetts.

**General Laws (GL):** The General Laws of the Commonwealth of Massachusetts as the same may be amended from time to time.

**Homeowner's Association:** An association or organization which operates under or pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision is automatically a member as a condition of ownership and each such member is subject to an assessment for a pro-rated share of expense of the association, which may become a lien against the lot, condominium or other interest of the member. The Homeowner's Association is responsible for maintenance of common land and shared facilities, as set forth in the covenants, and may not be dissolved.

**Lot:** A distinct portion, piece or parcel of land, in one ownership, having definite boundaries ascertainable by recorded deed or recorded plan, and not divided by a street or public way, used or available for use as the site of one or more buildings or other structures, and in compliance with the By-Laws of the Town of Framingham.

**Municipal Services:** Public utilities furnished by the Town of Framingham and/or by publicly owned utility companies such as water systems, sanitary sewerage systems, storm drainage systems, gas pipes, electrical lines, telephone lines, cable television and other communication lines, fire alarm systems, and their respective appurtenances.

**Owner:** The owner of record as shown by the current records of the Middlesex South District Registry of Deeds or Land

Court.

**Preliminary Plan:** A plan of a proposed subdivision of land prepared in accordance with Section V.

**Roadway:** That portion of a street which is designed and prepared for vehicular travel.

**Right-of-Way:** A strip of land occupied or intended to be occupied by a street, sidewalk, pedestrian path, water main, sanitary or stormwater main, or for another special purpose.

**Specifications of the Department of Public Works:** The "Minimum Construction Standards" of the Department of Public Works of the Town of Framingham, as amended from time to time.

**Streets:**

**a. Primary Streets:** (See subsection VII.B.1. Street Classification, for definition.)

**b. Residential Subcollector Streets:** (See subsection VII.B.1. Street Classification, for definition.)

**c. Residential Access Streets:** (See subsection VII.B.1. Street Classification, for definition.)

**Street Width:** The entire width of a street right of way, extending from property line to property line.

**Stub Street:** A portion of a street for which a future extension has been proposed and approved.

**Subdivision:** The division of a tract of land into two or more lots, including resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or shall relate to the land subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of these Rules and Regulations and the Subdivision Control Law, if, at the time when it is made, every lot within the tract so divided has frontage on;

**a.** a public way which has been certified by the Town Clerk as having been accepted, approved, maintained, and used as a public way in the Town, or

**b.** a way shown on a plan previously approved and endorsed in accordance with the subdivision control law, or

**c.** a way in existence when the subdivision control law became effective in the Town, having, in the opinion of the Planning Board sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Such frontage shall be of at least such distance as is required by the Zoning By-Laws of the Town for the erection of a building or buildings on such lot. Conveyances or other instruments of record, changing the size and/or shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the Town, into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

**Subdivider:** Whoever shall seek to create by subdivision, two or more lots within the meaning and purposes of this Subdivision Control Law.

**Subdivision Control Law:** Massachusetts General Laws, Chapter 41, Sections 81-K to 81-GG, inclusive, as the same may be amended from time to time.

**Surveyor or Registered Land Surveyor:** A person duly licensed by the Board of Registration of Engineers and Land Surveyors for the Commonwealth of Massachusetts.

**Town:** The Town of Framingham, Massachusetts.

**SECTION III. LIMITATIONS****A. Not More than one Building on a Lot**

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

**B. Compliance with Zoning Requirements**

No plan of a subdivision shall be approved unless all of the lots shown on the plan comply with the provisions of the Zoning By-Law of the Town.

**C. Stamp And Signature Of Surveyor Or Engineer**

All plans submitted to the Board shall be stamped, dated, and signed by either a Registered Land Surveyor or a Registered Engineer, or both, as follows:

1. If surveying or property line information is shown, a Registered Land Surveyor's stamp and signature shall be placed on said plan.
2. If the design of road surfaces and/or pavements, water pipes, sewerage, utilities, street drains and/or other treatment or structures is shown, a Registered Professional Engineer's stamp and signature shall be placed on said plan.

**D. Title Block**

All plans submitted to the Planning Board under these Rules and Regulations shall have a Title Block containing such information as specified in these Rules and Regulations. Such Title Block shall also include a date and the date of any subsequent revisions as well as a brief description of such revisions.

**E. Planning Board Administrative Agency**

The Planning Board shall be the administrative agency of these Rules and Regulations. No other Board, Department, or person, shall act for the Planning Board or give approval for any provision of these Rules and Regulations without the express written permission of the Planning Board.

**F. Waiver of Rules and Regulations**

Strict compliance with these Rules and Regulations may be waived when such action is in the public interest and not inconsistent with the intent and purpose of the subdivision control law and these regulations. In waiving strict compliance the Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived. The Board encourages waivers in the public interest when such waivers will result in better design or improved protection of natural and scenic resources, or will otherwise further the public interest. The Board shall provide timely notification to other boards and/or departments when the Planning Board considers waivers to these rules and regulations which fall within that board or department's purview. The Board shall endorse or cause to be endorsed such conditions on the plan to which they relate, or set them forth in a separate instrument, attached thereto to which reference is made on such plan and which shall for the purpose of the subdivision control law be deemed to be a part of the plan. Any plan to which the Board has waived strict compliance with the subdivision control law shall have endorsed thereon the date of said waiver and a statement setting forth whether the conditions of same have been noted on the plan or on attachments thereto.

**G. Severability**

If any part or portions of these Rules and Regulations be adjudicated as invalid, the adjudication shall apply only to the material so adjudged, and the remaining Rules and Regulations shall be deemed valid and of full force and effect.

**H. Changes To Rules and Regulations**

The Board may from time to time amend, modify, supplement, and/or repeal all of any portion of these Rules and Regulations, after a public hearing, on its own motion or upon petition, and such amendment(s), modification(s), supplement(s) and other changes shall become effective in the same manner as provided in Section I. A.

**I. Forms For Submittals**

Whenever these Rules and Regulations or the administrative rules of the Board require the submission of a form or forms, such forms shall be in a form and content as provided for and approved by the Board.

**J. Recording of Plans**

All plans which have been approved by the Board in accordance with the Subdivision Control Law shall be duly recorded in the Middlesex South District Registry of Deeds or Land Court within six (6) months from the date of endorsement of approval, and the applicant thereof shall, within 21 days after the date of such recording, furnish the Board with an attested copy of said plan showing the date, book and page of said recording, the Plan Number, if any, and/or the Land Court Document Number. Failure to record such plan as above required shall render any Board approval null and void. The Board may, but shall not be required to, cause to be stamped on each such plan the notation, "Approval void unless recorded within six (6) months from date of approval hereof", or such similar stamp as the Board may determine.

**K. Distribution of Plans**

The applicant shall make copies of complete sets of all plans which have been approved and signed by the Planning Board for distribution by the Planning Board to such departments and boards as the Planning Board may determine appropriate. The applicant shall provide one (1) mylar set of plans and one set of plans in digital form to the Planning Board, for distribution to the Town Engineer.

**L. Changes or Alteration of Plans**

Modification, change, alteration, or other amendment to any part or portion of any approved plan shall not be made without the approval of the Board, and such approval shall be endorsed on said plan. No changes or alterations shall be made to any aspect of an approved Definitive Plan without re submission for approval of the Planning Board in accordance with Chapter 41, Sections 81-T and 81-W, General Laws.

**M. Matters Not Covered by Rules and Regulations**

For matters not covered by these Rules and Regulations, reference is made to Sections 81-K to 81-GG, inclusive, Mass. G.L., Chapter 41, as amended.

**N. Approval Does Not Make Street a Public Way**

Approval of a plan by the Board does not make or constitute any street shown thereon as a public way.

**O. Establishment of Fees**

The Planning Board shall establish and may periodically amend a schedule of fees for all applications under these Rules and Regulations. No such application shall be considered complete and "filed" unless accompanied by the required fee.

**P. Consultant Review Fees and Procedures**

(1) Applicability. The Planning Board, at its sole discretion, may determine that a proposed project's size, scale, complexity, potential impact or use of the land warrants the use of outside consultants (such as engineers, planners, lawyers, hydrogeologists, or others). Such consultants shall assist the Planning Board, for review and comment prior to action by the Planning Board in plan review, impact analysis, inspection or other technical or legal assistance necessary to ensure compliance with all relevant laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, providing legal counsel for decisions and covenants, and monitoring or inspecting a project or site during construction or post-construction for compliance with the Board's decisions or regulations. Such consultants shall be selected and retained by the Planning Board, with the actual and reasonable costs for their services to be paid by the applicant.

(2) Submittal. Consultant Review Fees shall be submitted upon receipt of notice of estimated consultant review cost (based upon a fee schedule of estimated consultant costs) for deposit in an account established pursuant to Chapter 593 of the Acts of 1989, M.G.L. c. 44, s. 53G (593 Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

(3) Those projects which are deemed by the Planning Board to require review by outside consultants shall be delivered to the selected consultant or consultants, who shall submit a cost for the requested consultant services to the Planning Board. To the extent possible, the Board shall select consultants that are not working for an applicant currently before the Planning Board.

(4) Replenishment. When the balance in an applicant's 593 Account falls below 25% of the initial Consultant Review Fee, as imposed above, the Planning Board may require a supplemental Consultant Review Fee to cover the cost of the remaining project review.

(5) Monitoring and Inspection Phase. As a condition of approval of a Definitive Plan or a Special Permit, the Planning Board may require a Supplemental Consultant Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

(6) Handling of Consultant Review Fees. The Consultant Review Fee is to be deposited into a special account (593 Account) as set forth in M.G.L. c. 44, s. 53G.

- a) Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from this account.
- b) Consultant Review Fees shall be turned over to the Town Treasurer by the Planning Board for deposit into a 593 Account.
- c) A copy of the latest statement from the banking institution handling the 593 Account shall be forwarded from the office of the Town Treasurer to the Planning Board Office as soon as it is received for timely and accurate accounting.
- d) The Town Treasurer shall prepare a report on activity in the 593 Account on an annual basis. This report shall be submitted to the Board of Selectmen and the Town Manager for their review. The final report on the 593 Account shall be printed in the Annual Report of the Town of Framingham.
- e) An accounting of an applicant's funds held in the 593 Account may be requested by the applicant. The Planning Board Office, through the Town Treasurer, shall respond to the request in a timely fashion.
- f) Excess consultant review fees in the 593 Account, including any accumulated interest, shall be returned to the applicant, or the applicant's documented successor in interest, at the conclusion of the review process as determined by the Planning Board.

(7) Selection Appeal. The applicant shall be notified of the consultant selection prior to initiation of consultant efforts. As provided in M.G.L. Chapter 44, § 53G, the applicant may administratively appeal the selection of the consultant to the Framingham Board of Selectmen, on grounds that the proposed consultant selected has a conflict of interest or that the proposed consultant does not possess the minimum required qualifications of an educational degree or three (3) or more years of practice in, or closely related to, the field at issue. Such an appeal may be initiated by the applicant filing notice with the Town Clerk within seven (7) calendar days of notice of the selection. The consultant selection made by the Planning Board shall stand if one (1) month passes without decision by the Board of Selectmen on said appeal. The required time limits for action upon an application by the Planning Board shall be extended by duration of the administrative appeal. This appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

(8) Remedy. Failure of an applicant to pay the consultant review fee determined by the Planning Board, or to replenish the special account when requested, may be grounds for disapproval.

**SECTION IV. PLAN THOUGHT NOT TO REQUIRE APPROVAL**

Any owner of land located in the Town who believes that a plan of said land does not constitute a subdivision, as defined herein, and thus does not require approval under the Subdivision Control Law and, who desires to record said plan with the Middlesex South District Registry of Deeds or the Land Court, may submit said plan for endorsement by the Planning Board. Three standards must be met in order for a lot shown on said plan to be entitled to endorsement as a buildable lot. At least one side of the lot must be on one of three types of ways, as specified in the definition of subdivision, herein; the lot must have minimum frontage on the way, as specified in the Zoning By-Law; and the Board must be able to determine the existence of adequate access to the portion of the lot where the building will be placed. Said plan shall be submitted in the manner following.

**A. Procedure for Submission of Plan Thought Not to Require Approval**

1. The Applicant shall file with the Planning Board the Application for a *Plan Thought Not To Require Approval* conforming to the requirements of § IV.B and as specified on the Application and such documents or instruments as may be required as set forth in said Application. All owners of any land included in such plan shall be co-applicants. The Planning Board may require a Deed or other acceptable verification of ownership.
2. The owner shall provide all of the required submissions, including the required application fee (as set forth in the fee schedule provided in the Framingham Planning Board's Administrative Rules and Regulations), the Treasurer's certification, the Town Engineer's signature, certification by the owner that a Community Notice has been posted on the subject property (See Section II. Definitions), and all other documents and instruments as required as set forth in such application (See Appendix A, Form 1), in accordance with subsection A.1 above. Such application shall be made to the Board at a regularly scheduled meeting thereof, or shall be delivered by certified mail, return receipt requested, to the Planning Board Office.
3. Once the application is considered complete by Planning Board staff, it shall be stamped with the date and time of "filing" by said Board and at such time shall be considered "filed". Incomplete applications shall be returned to the applicant.
4. Once an application is determined complete and "filed" with the Board, the owner shall forthwith file, by delivery, or by registered or certified mail postage pre-paid, with the Town Clerk, notice of said filing. Such notice shall be in the form of a copy of the application bearing the Board's stamp of receipt containing the aforesaid date and time. If the notice is given by delivery, the Town Clerk shall, if so requested, give written receipt thereof.

**B. Requirements for Submission of Plan Thought Not to Require Approval**

1. In addition to the foregoing Sections IV. A., 1 to 4 inclusive, and Form I hereinafter described, the plan shall contain the following information:
  - a. Name of record owner(s) of land shown on the plan.
  - b. Name, signature and seal of surveyor who prepared the plan.
  - c. Names of all adjacent abutters, as they appear on the latest Assessor's records, and if the applicant has knowledge of any changes subsequent to the latest Assessor's records, the names of the present owners of abutting land.
  - d. Location of all manmade structures and significant natural features, including existing buildings and structures, stone walls and guardrails, rock outcrops, steep slopes, wetlands, easements, rights of way, water courses, drains, streets, ways, Scenic Roads, major trees (12 inch diameter, or more), and such other references known to the applicant to sufficiently identify the land to which the plan relates, and to sufficiently identify any existing impediments to access upon the land. A topographic plan, at 2 foot contours, shall be provided where slopes exceeding 15% may impede access upon the land between the street and the proposed location of the structure or house.
  - e. Town of Framingham Assessors Map Number, Block Number and Lot Number.
  - f. Boundary lines, dimensions and areas of all lots to which the plan relates.
  - g. The remaining frontage and total area of the land in the ownership of the applicant in all cases wherein there shall result the creation of a new lot or revised lot lines.
  - h. The statement "Approval Under the Subdivision Control Law Not Required" together with sufficient space for the signatures of the required number of Board members and the date of endorsement.
  - i. North point, date of survey and scale.
  - j. Delineation of all streets and ways, both sides, indicating the width of pavement with a statement of whether or not all streets and ways shown or referred to are public or private ways, indicating the same as to each street or way so shown.
  - k. An appropriate reference shown on the plan to any variances granted by the Zoning Board of Appeals or other

decisions and permits affecting the land included in the plan.

- l. On any plan wherein the Board deems it necessary or consistent with the purpose and intent of these Rules and Regulations or wherein additional information is necessary for the Board to make a determination of “Approval Not Required”, such additional information as the Board may so request.
  - m. A note shall appear on the plan stating that this endorsement of the Planning Board should not be construed to be a determination of conformance with the Zoning By-Law relative to Irregularly-Shaped Lots, Upland Area, Lot Width, Open Space and Lot Coverage and Floor Area Ratio in accordance with Section IV.G.3.a., 3.c., 3.d., 4.b., 6.a-e. and 7.c. of the Zoning By-Law for all lots affected.
  - n. A note shall appear on the plan stating that this endorsement of the Planning Board should not be construed to be a determination of conformance with the Land Disturbance By-Law in accordance with Section IV.H.2. of the Zoning By-Law for all lots affected.
  - o. A note shall appear on the plan stating that this endorsement of the Planning Board should not be construed to be a determination of conformance with Zoning regulations for all lots affected.
  - p. A note shall appear on the plan stating that this endorsement of the Planning Board should not be construed to be a determination of conformance with the Framingham General By-Law in accordance with Article 5, Section 18, and its implementing wetlands protection regulations as well as the Massachusetts Wetlands Protection Act, M.G.L. Ch. 131, Section 40 and its implementing regulations, 310 CMR 10.00. for all lots affected.
2. Form “1” as hereinafter described, submitted in duplicate.
  3. Documents and instruments as may be required by the Board to support or explain any item or representation contained in Form "1" or noted on the aforesaid plan.

#### **C. Endorsement of Plan Thought Not To Require Approval**

1. Upon the determination of the Board that the plan does not require approval under the Subdivision Control Law, the Board shall forthwith and without a public hearing endorse thereon the words “Approval Under the Subdivision Control Law Not Required” and the original of said plan shall thereupon be returned to the owner or applicant upon the acknowledgment of its receipt by the owner or duly authorized representative on the aforesaid Form “1”. Such endorsement shall not be withheld by the Board unless such plan shows a subdivision, as defined herein and as provided under Section 81-P of the Subdivision Control Law.
2. Endorsement under this section may include a statement of the reason(s) approval is not required. The Board may, in any instance where it deems it to be in the public interest, or within the purpose and intent of these Rules and Regulations, cause to be endorsed on said plan, such other statement or legend as will clearly and appropriately limit such endorsement as and for the purposes so stated. In such circumstances when a lot does not comply with zoning, the Board shall require the lot to be labeled “Not A Building Lot Without Further Zoning Relief”. When a lot is to be conveyed to an abutting property owner, the Board shall require that the plans include a statement identifying to whom the lot will be conveyed, and indicating that the lot is not a buildable lot, as applicable.
3. Plans shall be endorsed as not requiring approval under the Subdivision Control Law only if each building lot to be created by such plan has adequate and vital access and required frontage as intended under the Subdivision Control Law, G.L. c.41, ss. 81K - 81GG.

#### **D. Miscellaneous**

1. No notice shall be required by the Board of any plan on which its endorsement under this section is obtained, however, except as is otherwise expressly provided, any plan on which the endorsement of the Board has been so noted shall be recorded with the appropriate Registry of Deeds, or the Land Court, within six (6) months after date of endorsement. Any plan not so recorded shall be deemed to have had said endorsement withdrawn and canceled effective six (6) months after expiration of date of endorsement.
2. If the Board shall determine that the plan requires approval, the Board shall, within 21 days after a complete application is stamped by the Board and considered “filed”, give written notice of such determination to the Town Clerk and to the applicant, setting forth in said notice, in summary form, the reason for it having so denied approval or endorsement. Notice under this section shall be determined by the date appearing thereon of the U.S. Postal Service postal or cancellation mark, and in any instance wherein a mechanical postal meter is in use, the date appearing on said metered postage imprint.

3. A person may also file a plan in the Registry of Deeds or the Land Court under Chapter 380 of the Acts of 1966 with the following statement:

**I hereby certify that the property lines shown on this plan are the lines dividing ownership, and the lines of the existing streets and ways shown are those of public or private streets or ways already established, and that no new lines for division of existing ownership or for new ways are shown.**

\_\_\_\_\_

Signature of Registered Land Surveyor

\_\_\_\_\_

Date

**SECTION V. PRELIMINARY PLAN****A. General**

Submission of a preliminary plan, with a properly executed application, is mandatory for all non-residential subdivisions, and is optional in the case of a residential subdivision. The submission of a preliminary plan will enable the applicant, the Planning Board, other municipal agencies, and owners of property abutting the subdivision to review any issues related to the subdivision before a definitive plan is prepared.

Any plan submitted by the applicant to the Board in advance of the definitive plan, which does not conform in all respects to the requirements hereof pertaining to a preliminary plan shall not be considered to be a preliminary plan; nor shall such a plan be given any approval by the Board.

**B. Procedure for Submission of Preliminary Plan**

1. The Applicant shall file with the Planning Board the Application for a preliminary plan conforming to the requirements of Section V.C. and as specified on the Application and such documents or other instruments as may be required as set forth in said Application. One (1) copy of such plan and all documents shall also be filed with the Board of Health.
2. The applicant shall provide all of the required submissions, including the required application fee (as set forth in the fee schedule provided in the Framingham Planning Board's Administrative Rules and Regulations), a certified list of abutters, Treasurer's certification, certification by the Applicant that a Community Notice has been posted on the subject property (See Section II. Definitions), a statement regarding the extent of communication with residents of the area about the proposed development, and all other documents and instruments as required as set forth in such application (See Appendix A, Form 2), in accordance with subsection B.1 above. Such application shall be made to the Board at a regularly scheduled meeting thereof, or delivered by registered or certified mail, return receipt requested, to the Planning Board Office.
3. If the application is deemed not complete by Planning Board staff, the applicant shall be notified within fourteen days that the application is not considered "filed" and the applicant shall be given the opportunity to make the application complete. An application which has not been made complete shall be returned to the applicant. Once the application is considered complete by Planning Board staff, it shall be stamped with the date and time of "filing" by said Board and at such time shall be considered "filed".
4. Once an application is determined complete and "filed" with the Board, the applicant shall forthwith file, by delivery, or by registered or certified mail postage pre-paid, with the Town Clerk, notice of said filing. Such notice shall be in the form of a copy of the application bearing a stamp of receipt from the Board of Health and containing the stamp by the Planning Board with the aforesaid date and time to indicate that the submittal is considered "filed". If the notice is given by delivery, the Town Clerk shall, if so requested, give written receipt thereof.

**C. Contents of Preliminary Plan**

The preliminary plan shall be drawn at a scale of 1 inch equals 40 feet and shall include:

1. Title block in lower right-hand corner.
2. Subdivision name, boundaries, north point, date, scale, legend, and the title "Preliminary Plan".
3. Names and addresses of owner(s) of record, applicant(s), developer(s), subdivider(s) and the name, address, signature, and seal of the surveyor and engineer responsible for preparation of the plan.
4. Names of all abutters, as defined under Section II herein, as determined from the most recent Assessor's tax records, and as certified by the Assessors of the Town of Framingham.
5. Existing and proposed lines and widths of streets, easements, and any public or common areas within the subdivision.
6. Proposed system of drainage (including adjacent existing natural waterways) shown in a general way, and sewerage, and water distribution, including easements.
7. Boundary lines of proposed lots with approximate areas and dimensions. Each lot shall be numbered.
8. Zoning classification of the area.
9. Streets shown on the plan that are designated by the Town as "Scenic Roads" shall be clearly indicated as scenic roads on the plan.
10. Existing and proposed topography of the land with two-foot contour intervals, with the exception that the contour delineating any "wetland district" boundary shall be shown accurately, based on the U.S.C. and G.S. Mean Sea Level

Datum of 1929.

11. The names, approximate location and widths of adjacent streets.
12. Delineation of major site features, manmade and natural, including existing buildings and structures, stone walls and guardrails, major trees (12 inch diameter, or more) in proposed excavation areas and along existing streets, rock outcrops, steep slopes, and swamps, water courses, bodies of water, and any areas requiring a "Notice of Intent" under "The Wetlands Protection Act", as amended, and such other references known to the applicant to sufficiently identify the land to which the plan relates, and to sufficiently identify any existing impediments to access upon the land.
13. A "Locus Plan", drawn to a scale of 1 inch equals 100 feet which shows the relation of the subdivision streets, utilities, and easements to the existing systems, for a distance of 1,000 feet from subdivision boundaries. Where the owner, developer, or subdivider also owns or controls unsubdivided land adjacent to that shown on the Preliminary Plan, the applicant shall include a possible or prospective street layout for such adjacent land.
14. A "Preliminary Open Space Residential Development (OSRD) Subdivision Plan", drawn to a scale of 1 inch equals 40 feet, which illustrates an alternative to a conventional subdivision design, and which complies with the concepts of Section IV.M. of the Zoning By-Law. This submission requirement is applicable for proposed subdivisions comprising 10 acres or more.

#### **D. Approval or Disapproval**

Within 45 days after submission of a properly executed preliminary plan, unless extended in writing by the applicant to a date certain, both the Planning Board and Board of Health shall notify, by Certified Mail, the applicant and the Town Clerk, either that the plan has been approved, or that the plan has been approved with modifications suggested by the Planning Board and/or Board of Health, or agreed upon by the applicant, or that the plan has been disapproved. In the case of disapproval, the Board shall state in detail its reasons therefore. The Planning Board shall notify the Town Clerk of its approval or disapproval, as the case may be. Upon the determination that the application or plan is not a complete or proper submittal, the application shall be denied without prejudice. Notice of said denial without prejudice shall be sent by mail, postage prepaid, within seven (7) days of such determination and within the statutory 45 day period noted above, to the applicant and the Town Clerk, and the original plan shall be returned to the applicant. Approval, if given, does not constitute approval of a definitive plan of the subdivision.

Insofar as the information submitted as part of a Preliminary Subdivision Plan permits, the criteria for approval of a Definitive Subdivision Plan shall be used in reviewing the Preliminary Subdivision.

**SECTION VI. DEFINITIVE PLAN**

**A. General**

- 1. The subdivision rules and regulations and zoning in effect at the time of the submission of the Preliminary Plan shall govern the Definitive Plan if it is duly submitted within seven (7) months of the time of submission of said Preliminary Plan.
- 2. The applicant shall stake the centerline of pavement of the proposed subdivision road(s), using 3 foot high wooden stakes on one hundred foot stations, as well as three stakes to define a radius of a curve (pvc, pvt and midpoint), in anticipation of submission of a Definitive Plan for field inspection by Town officials. If required by the Planning Board, the applicant shall also flag the edge of pavement. In addition, the applicant shall post a Community Notice in a conspicuous location on the subject property (See Section II. Definitions).

**B. Procedure for Submission of Definitive Plan**

- 1. The Applicant shall file with the Planning Board the Application for a definitive plan conforming to the requirements of Section VI.C. and as specified on the Application and such documents or instruments as may be required as set forth in said Application and as set forth below.
- 2. The applicant shall provide all of the required submissions, including the required application fee (as set forth in the fee schedule provided in the Framingham Planning Board’s Administrative Rules and Regulations), Treasurer’s certification, certification by the owner that the property has been staked as per Section VI.A.2 above, and that a Community Notice has been posted on the subject property (See Section II. Definitions), a statement regarding the extent of communication with residents of the area about the proposed development, and all other documents and instruments as required as set forth in such application, and in accordance with subsections B., C., D. and E. herein. Such application shall be made to the Board at a regularly scheduled meeting thereof, or delivered by registered or certified mail, return receipt requested, to the Planning Board Office.
- 3. In addition to the said plan and other required documents and instruments, the applicant shall file the following properly executed forms:
  - a. Application Form (See Appendix A, Form 3)
  - b. Designers Certificates (See Appendix A, Form 4)
  - c. Certified List of Abutters (See Appendix A, Form 5)
  - d. Approval Agreement (See Appendix A, Form 6) notarized in duplicate if no performance bond or certified check is to be posted.
- 4. A signed certificate must be written or printed on each copy of the Definitive Plan filed with the Board, as follows:

<b>I certify that the actual survey of this tract of land was made on the ground in accordance with the "Technical Standards for Property Surveys" of the American Congress on Surveying and Mapping on or between</b>	
_____ and _____	_____
Date	Date
_____	_____
Date	Name of Surveyor

- 5. If the application is deemed not complete by Planning Board staff, the applicant shall be notified within fourteen days of submittal that the application is not considered “filed” and the applicant shall be given the opportunity make the application complete. An application which has not been made complete shall be returned to the applicant. Once the application is considered complete by Planning Board staff in accordance with subsections B., C., D and E., herein, the required application forms shall be stamped with the date and time of “filing” by said Board and at such time shall be considered “filed”.
- 6. Once an application is determined complete and “filed” with the Board, the applicant shall forthwith file by delivery or by registered or certified mail, postage prepaid, a notice with the Town Clerk stating the date of “filing” for such approval and accompanied by a copy of the completed application, Form 3, approved by the Planning Board as to

completeness of submittal, and bearing the Board's stamp of receipt containing the aforesaid date and time, and shall file two (2) copies of said Plan with the Board of Health within 48 hours of submission. If the notice is given by delivery, the Town Clerk shall, if so requested, give written receipt thereof.

### C. Contents

The Definitive Plan shall be clearly and legibly drawn at a scale of 1 inch equals 40 feet in black waterproof ink on tracing cloth, mylar or linen and of an overall size 24" x 36" with a margin of 1 1/2" on left 24" side for binding unless otherwise directed by the Planning Board. Halfsize copies of Definitive Plans shall be provided on (11" x 17") with a bar scale on each sheet. The Definitive Plan shall consist of and include the following information:

1. Index sheet
2. Title block in lower right hand corner.
3. Subdivision name including the way or ways on which it is situated, boundaries, north point, date, scale, bench mark and datum and the title "DEFINITIVE PLAN". All elevations shall be based on the U.S.C. & G.S. mean sea level datum of 1929.
4. Names and addresses of all owner(s) of record, applicant(s), developer(s), subdivider(s) and the name, address, signature and seal of the surveyor and engineer responsible for preparation of the plan.
5. Names of all abutters, as defined under Section II herein, as determined from the most recent Assessor's tax records, and as certified by the Assessors of the Town of Framingham.
6. Zoning classification of the area.
7. Town of Framingham Assessors Plan Number, Block Number and Lot Number.
8. Existing and proposed lines of streets, ways, lots, easements, waterways, streams (perennial and intermittent) and public or common areas within the subdivision. All existing streets shall include a notation as to ownership, condition and status. All proposed streets shall include a notation as to street classification.
9. Front, side and rear setback lines for each lot, and proposed building footprint and driveway for each lot.
10. Sufficient data to determine readily the location, bearing and length of every street and way line, lot line and boundary and to reproduce same on ground; all bearings to be referred to a meridian approved by the Town Engineer. All boundary lines of the subdivision shall be coordinated to the Massachusetts Coordinate Survey System. Included shall be: the lengths and bearings of plat and boundary lines of all subdivision lot lines including lot frontage on the streets, of the boundary lines of all streets and easements, and the length, radii, tangents, and central angles of all curves in lot lines; all angle points, or intersections of tangents along the street lines; areas of all lots; widths of streets and ways.
11. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest town, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street side lines, lot lines, and boundaries, or where designated by the Town Engineer.
12. All lots or other division of land are to be designated numerically and in sequence. The lot area of all lots in the proposed subdivision, identified by square foot.
13. Designers Certificates (See Appendix A, Form 4).
14. A "Locus Plan", drawn at a scale of 1" = 100', showing the relation of the subdivision streets, municipal services, and easements to the existing systems, for a distance of at least 1,000' beyond the subdivision boundaries. It shall include location, names if any, and present width of streets and easements bounding and approaching the subdivision.
15. Suitable space to record the action of the Board and the signatures of the members of the Board on all sheets of the submittal, to be located in approximately the same location on each sheet.
16. Existing and proposed topography generally at a two (2) foot contour interval, but at a one (1) foot contour interval for gentle slopes and at a five (5) foot contour interval for steep slopes.
17. Size, materials, type, grades (as applicable) and location of all existing and proposed municipal services, their appurtenances, including fire hydrants, and all easements thereto.
18. Utility wiring plan showing the location of telephone, electric and other utility and communication wires, and showing provisions for wiring to accommodate planned street lighting.
19. Location, materials and type of sidewalks, curbs, street signs, street tree plantings, and location and design of street lighting standards.

20. A storm drainage system shown on a separate sheet. The Plan shall include invert and rim elevations of all catch basins and man-holes together with surface elevations of all waterways within the subdivision at 100 foot intervals and approximate depth of water at these points. The Plan shall include the location of all test holes with groundwater elevations noted, sufficient for consideration of road and utility design and building elevations. Plan, profile and cross-section views of all open ditches shall be shown. Surface elevation and approximate depth of water shall be shown at each point where drainage pipe ends at a waterway. Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage area and other information sufficient for the Board to determine the size of any proposed drain, culvert or bridge.
21. Sufficient documentation and plans to show how the proposed stormwater management system will meet the Stormwater Policy Standards set forth by the Massachusetts Department of Environmental Protection (DEP), as well as acceptable engineering standards in order to address water quantity and water quality through site planning, non-structural measures and Best Management Practices (BMP). Such submission shall include a completed Massachusetts Wetland Protection Act Appendix C-Stormwater Management Form.
22. Approximate locations of septic systems and wells and reserve septic locations, in the absence of public sewer or public water connections, as applicable, including sufficient documentation showing the suitability of such locations.
23. Profiles of Proposed Streets (to be made on a separate sheet)

Profiles shall be drawn with:

- a. A horizontal scale of 1 inch to 40 feet.
- b. A vertical scale of 1 inch to 4 feet.
- c. Existing centerline in fine black solid line with elevations shown every 50 feet.
- d. Existing right side line in fine black dash line.
- e. Existing left side line in fine black dotted line.
- f. Proposed center line grades and elevations in red, with elevations shown every 50-foot station, except that in vertical curves elevations shall be shown at 25-foot station and at the point of vertical curvature (PVC) and point of vertical tangency (PVT).
- g. All existing intersecting walks and driveways shown on both sides.
- h. Rates of gradient shown in red figures.
- i. All center lines, street lines and curb lines (with elevations every 25 feet) of streets for 200 feet either side of each intersection on a connecting street.
- j. Size, material, type, grades (as applicable) and location of existing and proposed municipal services, including rim elevation and invert elevation of all manholes.
- k. Sanitary sewer and storm drainage system lines are to be related accurately to center line stationing.
- l. Cross sections for proposed streets, in accordance with the Town of Framingham, Department of Public Works, Minimum Construction Standards, showing municipal services, hydrants, and light poles.
- m. Bench marks not more than 500 feet apart.
- n. The following note shall be inscribed on the profile sheets:

**Town of Framingham Public Works Department, Engineering Department, and Planning Board, shall be notified 36 hours in advance of any roadway or municipal service construction. No portion of any utilities shall be backfilled until approval for such backfilling is obtained in writing from the Public Works and Engineering Departments. Such approval does not constitute acceptance of such utilities by the Town of Framingham.**

24. A legend denoting any signs and symbols used on the plan and not otherwise explained.
25. Indication of all easements, covenants, restrictions applying to the land and their purposes, including any decision on appeal, or any variances or exceptions made by the Zoning Board of Appeals applicable to the subdivision of the land or any buildings thereon.
26. Delineation of major site features, manmade and natural, including existing buildings and structures, historic structures and landmarks, Scenic Roads, stone walls and guardrails, major trees (12 inch diameter, or more) in

- proposed excavation areas and along existing streets, rock outcrops, steep slopes, endangered wildlife habitat areas, scenic views, vistas and viewsheds, and swamps, water courses, bodies of water, and any areas requiring a “Notice of Intent” under “The Wetlands Protection Act”, as amended, and such other references known to the applicant to sufficiently identify the land to which the plan relates, and to sufficiently identify any existing impediments to access upon the land.
27. 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 plat with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land of the applicant.
  28. If surface water drains will discharge onto adjacent existing streets or onto adjacent properties, including Town property, not owned by the applicant, the course of the discharge shall be clearly indicated. Written evidence shall be presented to the Board from the Town Engineer and Public Works Department and from the owner of adjacent property thus affected that such discharge is satisfactory and permitted by the public or private owner of the adjacent street or property, as applicable.
  29. A close traverse of the whole subdivision and of every street within the subdivision.
  30. Construction access routes and hours of operation.
  31. Plan showing construction details for all erosion control measures and structures to be utilized during construction.
  32. A “Preliminary Open Space Residential Development (OSRD) Subdivision Plan”, drawn to a scale of 1 inch equals 40 feet, which illustrates an alternative to a conventional subdivision design, and which complies with the concepts of Section IV.M. of the Zoning By-Law. This submission requirement is applicable for proposed subdivisions comprising 10 acres or more.

#### **D. Impact Statement**

1. For the purposes of protecting the health, safety, convenience and welfare of the inhabitants of the town, and to protect the quality of the environment and the natural landscape, including maintaining the quality of surface waters and public and private water supplies, before approval of any subdivision, the Board shall require that the applicant submit a community and environmental impact statement as part of the application. This statement is intended to enable the Town to determine what methods are used by the applicant to promote the environmental health of the Town, and to minimize adverse impacts on the Town’s natural resources, streets and other municipal services, and to abutters.
2. The impact statement shall contain appropriate supporting data, setting forth the probable impact of the proposed subdivision on the neighborhood and the town generally, when built. In compiling such impact statement, the applicant shall consult with the various town departments having knowledge and authority in the various subjects cited below, such as the Department of Public Works, Engineering Department, Board of Health, Assessors, School Department, Fire Department, Police Department, Conservation, etc. All parts of this statement entailing technical information shall be based upon professional opinions. Said professional opinions and all technical data supporting the responses shall be appended to the statement.
3. The impact statement contents shall include at least the following subject areas contained hereunder for comparison with local, state and federal performance standards, and such other subject areas as the Board may, in particular cases, deem necessary:
  - a) Describe the subdivision and its relationship to the surrounding area.
  - b) Describe the general physical conditions of the site, including vegetation, topography, geologic, scenic and historical features, trails and open space links, and indigenous wildlife.
  - c) Describe the potential future development of lots in the subdivision and the construction phasing and buildout of the subdivision, which would include the maximum potential gross floor area for commercially zoned land;
  - d) What is the proximity of the site to transportation, shopping, and recreational facilities?
  - e) How many persons may be expected to inhabit the proposed subdivision? Of these, how many may be expected to be of school age [five (5) to 17 years of age]? Which requirements for additional transportation, classroom space, etc. is this likely to put upon the school system, over what timeframe, and at what cost to the Town? What is the proximity of the site to educational facilities? Describe the pedestrian access to such facilities.
  - f) What are the estimated additional new service requirements, in time and cost that the proposed subdivision may place upon the Town for solid waste disposal, snow removal? What other impacts might the project have on other municipal and governmental services?

- g) What is the proximity of the site to fire, police and other public safety facilities? Are there any impediments to access for public safety vehicles?
  - h) Are the access roads, public or private, by which the proposed subdivision may be reached adequate in width, grades and type of construction to carry, without danger, congestion or confusion, emergency vehicles and the additional traffic that may be generated by the proposed subdivision?
  - i) For subdivisions of 10 or more lots, what is the estimated vehicle traffic flow at peak periods on streets and intersections within 1,000 feet of the subdivision and the nearest major intersections, even if greater than 1,000 feet? Describe the likely traffic circulation patterns, traffic safety, vehicle and pedestrian access, and changes to level of service.
  - j) What is the estimated taxable value of the lots and buildings to be constructed within the proposed subdivision?
  - k) Describe the financial and technical capacity of the applicant to carry out and complete the subdivision improvements in accordance with the approved plan within two years of the Board's endorsement of the Definitive Plan, to minimize long term impacts to the town and abutters.
  - l) How much new additional water volume will be required by the proposed subdivision? In locations where there is town water, is there adequate main capacity to provide the projected added water volume to the proposed subdivision without detriment to other users, from the standpoint of pressure, fire-flows from hydrants, etc.? If not, what improvements to the water supply and distribution system will be needed and how soon. What cost, if any, will be incurred by the town?
  - m) Describe the groundwater resource in terms of quantity and quality. Will the density of the proposed subdivision significantly lower the water table in the area, as a result of the expected increased use, at the expense of or detriment to the existing homes?
  - n) In locations where a proposed subdivision, or a portion thereof, lies within the watershed or zone of contribution of a freshwater pond, within the watershed or zone of contribution of a public water supply well(s) (either existing or proposed), or within 400 feet radius of a private well, a determinant of nutrient loading shall be required and compared to the carrying capacity of receiving waters, setting forth the probable impact or effect of the proposed subdivision on the receiving waters (ground or surface) over time assuming completion of the subdivision. Said analysis shall be conducted as set forth under Appendix D
  - o) How much additional sewerage load will be created by the proposed subdivision? If the subdivision has access to a public sewerage system, is the capacity of such system (pipe sizes, treatment works, etc.) adequate to handle the additional load created by the subdivision? If not, what improvements to such public sewerage system will be needed, and how soon? What cost, if any, will be incurred by the town?
  - p) In locations without access to the public sewerage system, what are the expected environmental affects of on-site sewage disposal? What is the permeability of the underlying soil? Will proposed individual or collective sewage disposal systems endanger, in the foreseeable future, wells for potable water of dwellings either within or outside of the proposed subdivision or will it endanger any public or private water supply source or any swamp, bog, pond, stream or other body of water by introducing therein excessive nutrients, dangerous chemical substances or pathological organisms?
  - q) Describe the extent and type of existing surface drainage, water and wetland resource areas, and the proposed stormwater drainage system and control of quantity and quality of stormwater runoff from the site. Will the drainage runoff from the systems of roads within the proposed subdivision likely be directed toward adjoining property? Will it overload or silt up or contaminate any wetland or waterbody? Will it endanger any public or private potable water supply?
  - r) Describe the earthwork required to develop the subdivision with details on the extent of earthmoving, cuts and fill. What erosion and sedimentation control measures will be undertaken during construction? Will any proposed filling, cutting or other alteration of the topography or any devegetating operations within the subdivision tend to alter existing natural drainage patterns so as to create problems within or outside of the subdivision?
3. In reviewing this statement, the Planning Board shall consider, but shall not be limited to:
- a) the mitigation of impacts on streets and services;
  - b) the mitigation of stormwater run-off;
  - c) the maintenance and improvement of the flow and quality of surface water;
  - d) the extent to which the proposed subdivision is consistent with the policies of the Town's Comprehensive Plan

and the Town's Open Space Plan; and

e) the health, safety, and welfare of the inhabitants of the Town.

#### **E. Other Permits**

As part of the Definitive Subdivision application, the applicant shall confirm that all other permits, local, state and federal, essential to demonstrating vital access and egress to and within the proposed subdivision to each and every lot, have been obtained or have been filed with the appropriate authority. Evidence of such permits or filings for such permits, in the form of a copy of such permit or a copy of such application, shall be submitted to the Planning Board. Such copies of applications must include evidence that permit applications have been filed and accepted by the appropriate authority.

#### **F. Review By Board Of Health and other Town Departments**

1. At the time of submittal of the Definitive Plan to the Planning Board, a copy thereof, complete in all respects shall also be submitted to the Framingham Board of Health, as provided in Section 81-U of the Subdivision Control Law including whatever additional information is required by the Board of Health. The Board of Health shall report to the Planning Board in writing, approval or disapproval of said plan, and in the event of disapproval shall make specific findings and the reasons thereof in such report, and, where possible, shall make recommendations for the adjustment thereof. If a municipal sewerage system and a municipal water system will service the proposed subdivision, then failure of the Board of Health to make such a report within 45 days after the plan is filed with their office, shall be deemed approval by said Board. There is no time limit for Board of Health approval of those subdivisions not serviced by a municipal sewerage or a municipal water system. Where a definitive plan shows that no public sewer or public water system is to be installed, approval of the plan by the Board of Health does not mean that the Board of Health has approved a permit for the construction and use of any individual or community waste disposal system or well, nor is such approval treated as an application for a permit to construct or use an individual or community waste disposal system or well. A copy of the Board of Health report, if any, shall be sent to the applicant. The Planning Board cannot approve a plan which does not conform to the recommendations of the Board of Health.
2. Upon acceptance of the "filing" of the Definitive Plan", the Planning Board shall forthwith transmit one copy each to such departments and boards as the Planning Board may determine appropriate. Such agencies shall report to the Planning Board on the adequacy of the plans with regard to the scope of the plans required herein, and in accordance with the Design Standards and Specifications as provided under Section VII. Said agencies may recommend conditions or remedial actions to the Planning Board to accommodate or mitigate impacts of the development and to correct deficiencies.

#### **G. Public Hearing**

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board, at the expense of the applicant, by advertisement in a daily paper in general circulation in the Town of Framingham, once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing, and by mailing a copy of such advertisement to the applicant, and by mailing a copy to all Abutters, as defined under Section II. Definitions of these Rules and Regulations, and by mailing or delivering a copy to all tenants on the land included in the plan, as applicable, and to abutting tenants, when such abutting property is not owner occupied, and by mailing a copy to such others to whom notices are to be sent.

#### **H. Park Areas**

Before approval of a plan by the Planning Board, the Board shall, in proper cases, require the plan to show a park or parks suitably located for playground or recreation purposes, or for providing light and air, and not unreasonable in area in relation to the area of the land being subdivided and the prospective uses of such land. If so determined said Board shall by appropriate endorsement on the plan require that no building may be erected on such park or parks for a period of not more than three (3) years without its approval in writing, in accordance with Section 81-U of the Subdivision Control Law, Ch. 41 M.G.L. Open space and park area requirements by the Board shall be consistent with the Open Space Plan of the Town. The three (3) year limitation noted above shall be utilized by the Town and the Board to negotiate easements, ownership in fee, or donation of the property. The Planning Board shall have the option of setting aside up to 50% of the subdivision land for the purposes of creating park areas, in accordance with Section 81-U of the Subdivision Control Law, Ch. 41 M.G.L.

#### **I. Approval or Disapproval**

After the public hearing and consideration by the Planning Board of the Board of Health report, as provided in the paragraphs E. and G. above, and in accordance with the provisions of the Subdivision Control Law, the Planning Board shall approve, or, if such plan does not comply with the Subdivision Control Law or the Rules and Regulations of the

Planning Board or the recommendations of the Board of Health, shall modify and approve or shall disapprove such plan. In the event of disapproval, the Planning Board shall state in detail wherein the plan does not conform to the Rules and Regulations of the Planning Board or to the recommendations of the Board of Health and shall revoke its disapproval and approve a plan which, as amended, conforms to such rules and regulations or recommendations.

The Planning Board shall file a certificate of its action regarding the definitive plan with the Town Clerk, a copy of which shall be recorded by him in a book kept for the purpose, and shall send notice of such action by registered mail, postage prepaid, to the applicant at his address stated on the application. Such certificate of its action shall be filed within the timeframe provided under Section 81-U of the Subdivision Control Law, and noted as follows.

(a) In the case of a nonresidential subdivision plan, final action and filing of the certificate with the Town Clerk must occur within 90 days after the submission of the definitive plan.

(b) In the case of a residential subdivision plan, where a preliminary plan was acted upon or where 45 days have elapsed since the submission of the preliminary plan, final action on the definitive plan and filing of the certificate with the Town Clerk must occur within 90 days after the submission of the definitive plan.

(c) In the case of a residential plan where no preliminary plan was either filed or acted upon and 45 days had not elapsed since the filing of a preliminary plan and a definitive plan was filed, final action and filing of the certificate with the Town Clerk must occur within 135 days after the submission of the definitive plan.

At the written request of the applicant, the time period to take final action or to file a certificate of action with the Town Clerk may be extended. Failure of the Planning Board either to take final action or to file with the Town Clerk a certificate of such action regarding a plan submitted by an applicant within the statutory time period, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Planning Board with the Town Clerk.

If the Board makes a determination that the application or plan is not a complete or proper submittal, the application shall be denied without prejudice. Notice of said denial without prejudice shall be sent by mail, postage prepaid, within seven (7) days of such determination and within the statutory time period noted above, to the applicant and the Town Clerk, and the original plan shall be returned to the applicant.

## **J. Conditions of Approval**

Final approval, if granted by Planning Board vote or failure to act, shall be subject to the requirements, design criteria, and design standards and construction specifications of these Rules and Regulations, and such special conditions as may be specified by the Planning Board in its approval.

If the report of the Board of Health shall so require, the approval by the Planning Board shall be on condition that no building or structure shall be built or placed upon the areas designated without consent of the Board of Health.

In the event that approval by the Board of Health is by failure to make a report, the Planning Board shall note on the plan that health approval is by failure to report.

Where common facilities are considered within the subdivision to remain under private control, the Planning Board shall require, as a condition of approval of a plan, that the applicant provide adequate provisions for the long-term maintenance of such facilities. The Planning Board may require that the applicant establish a homeowner's association for the purpose of the perpetual maintenance of common facilities, including, but not limited to detention basins, sewage pumping stations, common open space and private ways which will serve the subdivision. A draft of said Homeowner's Association documents shall be reviewed and approved by the Planning Board, as per the recommendation of Town Counsel, prior to the approval of the subdivision.

## **K. Endorsement Of Approval**

After the expiration of 20 days without notice of appeal to the Superior Court, or if appeal has been taken after the entry of a final decree of the court sustaining the approval of such plan, the Planning Board shall cause to be made upon the plan a written endorsement of its approval. Prior to such written endorsement of its approval upon the plan, the applicant shall have secured the construction of ways and the installation of municipal services with an acceptable performance guarantee as provided under Section 81U of the Subdivision Control Law and subsection VI-O of these Rules and Regulations, and shall have obtained all permits as required in subsection VI-F of these Rules and Regulations and shall have complied with all Planning Board conditions of approval which were designated to be completed prior to endorsement of its approval.

In case of the approval of a plan by reason of the failure of the Planning Board to act within the time prescribed, the Town Clerk shall, after the expiration of 20 days without notice of appeal to the Superior Court, or, if appeal has been taken,

after receipt of certified records of the Superior Court indicating that such approval has become final, issue a certificate stating the date of the submission of the plan for approval, the fact that the Planning Board failed to take final action and that the approval resulting from such failure has become final. The plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the Planning Board, or, in the case of the certificate, by the Town Clerk, to the applicant.

Within 21 days after the Definitive Plan, as defined above, the covenant (if any), and the specifications (if any), as approved and endorsed, have been recorded at the Middlesex South District Registry of Deeds or Land Court, the applicant shall comply with Section III. J. of these Rules and Regulations, and also submit to the Planning Board nine (9) copies of the approved and recorded Definitive Plan and covenant (if any). Upon receipt of such copies, the Planning Board shall file one (1) copy of the approved and recorded Definitive Plan with the appropriate Town Officials. .

#### **L. Rescission, Modification, and Automatic Rescission of Definitive Subdivision Plan.**

1. In accordance with MGL C.41, 81W, the Planning Board, on its own motion or on the petition of any person interested, shall have the power to modify, amend or rescind its approval of a Definitive Subdivision Plan, or to require a change in a plan as a condition of retaining approval. All of the provisions of the subdivision control law relating to the submission and approval of a plan of a subdivision shall, so far as apt, be applicable to the approval of the modification, amendment or rescission of such approval and to a plan which has been changed under this section.

The Planning Board may take action under this section where there are circumstances or new information which causes the Planning Board to question whether the Definitive Subdivision as approved is or will remain in conformity with the requirements of the Subdivision Rules and Regulations.

2. Circumstances in which automatic rescission of a Definitive Plan approval takes place include the following:

- a. failure to obtain the endorsement of the Planning Board within six (6) months from the date the decision is filed with the Town Clerk shall result in the automatic rescission of the approval of the definitive plan;
- b. failure to complete all ways and install all municipal services shown on the subdivision plan within two (2) years shall result in the automatic rescission of the approval of said plan, except that the applicant may request in writing, for good cause shown, a one year extension of the time to perform such work; and
- c. failure of the developer to comply with all applicable Town Zoning By-Laws and requirements of the Board of Health and Conservation Commission, or unauthorized departure from any agreements made or plans submitted, whether or not at the direction of other public agencies, shall result in the automatic rescission of the approval of the definitive plan approval.

#### **M. Issuance Of Building Permits**

In accordance with Section 81-U of the Subdivision Control Law, where approval with covenant is noted thereon, the Building Official shall not issue any permit for the construction of a foundation or building on any lot within a subdivision without receipt from the Planning Board of a copy of the Certificate of Performance (Form 7).

Additionally, no building permit for a foundation or building in a subdivision shall be issued until a grading plan for the lot, prepared by a Registered Land Surveyor and/or a Registered Professional Engineer, has been submitted to the Planning Board and approved in writing by the Planning Board. The property shall be graded as to prevent flooding, erosion, and low spots that will not drain and create a public nuisance. (See Appendix B). Where low spots cannot be avoided, they shall be drained by means of drain pipes no smaller than 12 inches in diameter, and catch basins or other approved inlet structure, to the nearest street drains, or other approved drainage facility. A plot plan showing the proposed elevation of sewer, drain, water, driveway, entrance, and related grades must be submitted to and approved by the Department of Public Works and the Town Engineer prior to the issuance of a building permit.

#### **N. Issuance Of Occupancy Permits**

The Building Official shall not issue any occupancy permit for a building on any lot within a subdivision without receipt from the Planning Board, of a written determination that street and utility improvements are substantially complete, and of compliance with its Rules and Regulations and any other restriction imposed by the Planning Board on such subdivision. No occupancy permit for a structure in a subdivision shall be issued until an "as-built" plan of the lot, prepared by a Registered Land Surveyor, shall have been filed with and approved by the Planning Board.

Said plan shall show the location of the structure, drainage patterns, location of drainage and sanitary sewerage structures above and below ground, property lines, distances of the structure to lot lines and to other buildings on the lot, and such grades and other information as the Building Official deems necessary. The construction shall conform to all set-back requirements of the Zoning By-Law. The property shall be graded as to prevent flooding, erosion, and low spots that will not drain and create a public nuisance. Where low spots cannot be avoided, they shall be drained by means of drain pipes

no smaller than 12 inches in diameter, and catch basins or other approved inlet structure, to the nearest street drains, or other approved drainage facility.

#### **O. Performance Guarantee**

Before endorsement of its approval of a plan, the Planning Board shall require that compliance to design standards, construction specifications, and special conditions of the approved Definitive plan be secured by one, or in part by one and in part by the other, of the methods described in the following clauses (1) and (2), which method may be selected and from time to time varied by the applicant:

1. The applicant or developer shall either file a performance bond, a deposit of money, negotiable securities, or a bank passbook in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements required by the Planning Board Rules and Regulations, covenants, conditions, agreements, terms and provisions of the approved Definitive Plan, and also any Performance Guarantee requirements of the Board of Health.

The amount of the performance guarantee shall be determined by the Planning Board in consultation with the Town Engineer. Such amount shall take into consideration the Town Engineer's standard contingency and inflation factors.

Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer. Said performance guarantee shall be contingent on the completion of such improvements within two (2) years of the date of the bond.

The applicant or developer shall further agree that no structure will be occupied until, at least the base course of the bituminous concrete pavement and the utilities are completed in the streets which serve those structures, and the requirements of Section VII.C.5 of these Rules and Regulations have been complied with.

If such specified improvements are not completed within the prescribed time, the Planning Board shall proceed with enforcement thereof as provided in Section 81-Y of the Subdivision Control Law, or revise the amount of the performance guarantee to reflect increases in estimated costs for completion of construction.

2. By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land as shown on the subdivision plan or of all lots not previously released by the Planning Board. A deed of any part of the subdivision in violation thereof shall be violable by the grantee prior to the release of the covenant but not later than three (3) years from the date of such deed.

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

#### **P. Converting Covenant to Another Performance Guarantee**

1. If the applicant request that lots be released from a covenant and that the improvements remaining to be constructed or installed be secured by another form of performance guarantee, a formal written request shall be sent to the Planning Board by registered mail which sets forth and includes:
  - a. The extent and scope of remaining work to be completed to satisfy the requirements for the construction or installation of all required ways and municipal services; and,
  - b. An estimate, pursuant to these Regulations, which reflects all remaining costs related to the construction and/or repair of all required ways and installation of all required municipal services; and,
  - c. The form and type of guarantee being given to the Planning Board to secure all remaining improvements.
2. The Planning Board will make a determination as to the sufficiency of the submitted estimate, and, if such estimate is accepted, a new performance guarantee will be given to the Planning Board. Upon acceptance by the Planning Board of the new performance guarantee, all applicable lots shall be released from the covenant.

**Q. Schedule Of Release Of Lots And Reductions To The Performance Guarantee**

For a partial release of a covenant, surety, or deposit the subdivider shall submit a written request, detailing what work is claimed to be satisfactorily completed, and which lots, if any, are to be released.

When only a portion of the streets and other improvements shown on the Definitive Plan have been constructed or installed and a release of covenant is requested, the Planning Board shall consider as satisfactorily completed only such lengths and parts as will, in and of themselves, form convenient and adequate and complete systems without the necessity of further extension or improvement, and shall consider eligible for release only such lots as front on, are connected to, or otherwise served by such streets, utilities and other improvement.

No release of lots, for building or sale, from the restrictions of a covenant shall be granted by the Planning Board, unless the subdivider constructs a temporary turn-around at the end of the constructed portion of each street in the subdivision. Under no circumstances shall the Planning Board authorize the release of more than 50% of the total number of lots in the subdivision until such time that the subdivision is determined to be substantially complete, at the 85% completion level.

The schedule for reduction in performance guarantee shall be as follows:

1. The first reduction in performance guarantee may be approved by the Planning Board when 65% of the total estimated cost of subdivision improvements is certified as complete.
2. The second reduction in performance guarantee may be approved by the Planning Board when 85% of the total estimated cost of subdivision improvements are certified as complete, and at such time, the Planning Board may authorize release of the remaining subdivision lots; and
3. The final release of the performance guarantee is subject to Subsection U. Determination of Completion of the Provisions of the Performance Guarantee or Covenant.

**R. Retainage For Maintenance/Defect Guarantee**

Prior to the release of the performance guarantee or covenant, the applicant shall provide sufficient surety for a maintenance/defect guarantee, in an amount not to exceed 20% of the total cost of the improvements as determined by the Planning Board. The final release of the maintenance/defect guarantee shall be contingent on the street being approved by the Town Engineer and Town Meeting for street acceptance, unless the Planning Board waives this provision.

**S. Action On The Bond**

If pursuant to subsection L., herein the subdivision approval is rescinded by the Board or automatically rescinded, the Board may enforce such bond and apply any such deposit for the benefit of the Town. Subdivision improvement or portions thereof not completed within the time required shall thereafter be completed in accordance with the design and construction standards of the Board in effect upon the expiration of such time.

**T. Determination Of Completion Of The Provisions Of The Performance Guarantee Or Covenant**

Prior to final release of the Performance Guarantee or covenant, the Planning Board shall determine to its satisfaction that the provisions have been complied with, including a requirement that the developer or applicant submit to the Board the following items:

1. A certificate from a Registered Professional Engineer along with written evidence from the Department of Public Works and Town Engineer that the streets, drainage and municipal services conform to the Planning Board requirements in accordance with the approved Definitive Plan.
2. A certificate from a Registered Land Surveyor, approved in writing by the Town Engineer that all markers, bounds, and monuments as specified by these rules and regulations and the Definitive Plan, are in place and are accurately located.
3. The original and three (3) copies of the following as-built plans and profiles, prepared by a Registered Engineer or Registered Land Surveyor and approved in writing by the Town Engineer, shall be submitted to the Planning Board.
  - a. A plan and profile of the streets and easements, detailing the location, elevation and pipe size of all utilities and showing appurtenances, such as, but not limited to, manholes and valves, and including rim and invert grades of manholes, and percent of slope for sewer and drain line.
  - b. A plan and profile, suitable for submission to the Town Meeting for street acceptance purposes.
4. Written evidence from the Fire Chief that the fire alarm system conforms to the Planning Board specifications and the Definitive Plan.

5. Written evidence from the Tree Warden that the street tree planting requirements of the Rules and Regulations and the Definitive Plan have been complied with.
6. Written evidence from Town Counsel that the applicant or developer has executed an instrument in proper legal form, transferring to the Town, without cost, valid unencumbered title to all streets and public ways, common sanitary sewers, storm drains, water mains, and other applicable municipal services, and appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved, and conveying to the Town, without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain sewers, water mains, storm drains, including open channel brooks, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision or portion thereof to be approved, and if any such services have been constructed and installed in land not within such streets, then in, through and under a strip of land extending at least 10 feet in width beyond the center line of any pipeline or conduit and at least 10 feet beyond the top of slope of any stream, drainage ditch, or other open channel and the water, sewer and/or drain lines shall be placed in this easement as instructed by the board of Public Works, but shall be located so that any future excavation will not disturb any land beyond the easement.  
  
To facilitate the above described transfers, the developer shall retain the fee (ownership) in all streets, ways and other land to be transferred to the town during the development of and sale of or other encumbrances of any lot in the development. The developer shall also make certain that all required easements are properly recorded on each and every lot on which an easement is to be placed.
7. Written evidence from the Board of Health that the Board's requirements have been complied with.
8. Written evidence from the Conservation Commission that any order of conditions issued under the Wetlands Protection Act, as amended, has been complied with.
9. Written evidence from all other Local, State, and Federal Boards or agencies that required permits under Part VI.E. of these Rules and Regulations that their requirement have been complied with.

#### **U. Release Of Performance Guarantee Or Covenant**

The penal sum of any such bond, or the amount of any deposit held under clause (1) of Subsection O., above, may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part.

Upon completion of the provisions of the performance guarantee or covenant with respect to any lot, pursuant to Subsections Q. and R., herein, the applicant shall send by registered mail to the Town Clerk and the Planning Board a written statement that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with said rules and regulations, such statement to contain the address of the applicant. If the Planning Board determines that said construction or installation has been completed, it shall release the interest of the Town in such bond and return the bond or the deposit to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded. If the Board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the Town Clerk the details wherein said construction or installation fails to comply with its rules and regulations and upon failure so to do within 45 days after the receipt by said clerk of said statement all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said 45 day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the said clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

Following the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, the Planning Board may, at its option, release lots from the operation of the covenant given pursuant to clause (2) above, without receipt of a bond or deposit of money upon delivery to the Planning Board of an agreement with the Planning Board, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of sufficient funds otherwise due the applicant to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available for completion.

**SECTION VII. DESIGN STANDARDS AND SPECIFICATIONS****A. General****1. Basic Requirements**

A subdivision shall be designed and constructed in accordance with these Rules and Regulations and with the applicable provisions of the Zoning By-Law and other Town By-Laws and regulations and with the General Laws of the Commonwealth of Massachusetts and in accordance with the design standards as hereinafter provided. These standards shall be considered minimum standards and shall be varied or waived only as provided in Section III, F, of these Rules and Regulations.

**2. Master Plan**

A subdivision shall conform to the Comprehensive Land Use development policies and plans and/or Master Plan adopted in whole or in part by the Planning Board and shall conform to and adhere to the principles of correct land use, sound planning and good engineering practice and judgment.

**3. Limitations**

A subdivision shall be subject to the limitations of Section III of these Rules and Regulations.

**4. Municipal Services**

The development shall not place an unreasonable burden, by either direct cause or subsequent effect, on the ability of the Town to provide current or future municipal services. Such services include, but are not limited to, utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, and recreation facilities.

**5. Subdivision Design and Protection of Natural Features and Environment**

Design of the development shall be based upon a site analysis of the existing conditions and major site features, as shown on the plans, to ensure that the development will not create a nuisance or be dangerous or harmful to the general health, welfare and safety of the public. To the maximum extent practicable and feasible, consistent with the reasonable utilization of land, and in accordance with applicable federal, state or local regulations, development shall be located to preserve the natural features and environmental resources of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts that alter or degrade natural features. Features to be preserved and which add attractiveness and value to the property and the Town include watercourses and waterbodies, unique and/or fragile areas including wetlands and endangered wildlife habitat areas, significant trees or stands of trees, as well as species of trees which are rare to the area or of particular horticultural or landscape value, historic structures and landmarks, scenic views, vistas and viewsheds, and similar community assets.

**6. Character of the Land**

Land that is unsuitable for subdivision or development, i.e. land that is subject to flooding, improper drainage, steep slopes, rock formations, unsuitable soil conditions, adverse earth formations or topography, utility easements, or other features that, if developed, will reasonably be dangerous or harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the subdivider or developer and approved by the Planning Board, upon recommendation of the Town Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses that shall not cause or present any danger or harm to public health, safety and welfare.

**7. Access Improvement and Dedication**

Where the street system within a subdivision does not connect with or have, in the opinion of the Planning Board, adequate access from a Town, County or State (public) way, the Planning Board may require, as a condition of approval of a plan, that the developer provide adequate access to the development by creating a new access road, by dedicating a strip of land for the purpose of widening the abutting way to a width at least commensurate with that required within the subdivision, or by making physical improvements to any existing way in order to bring such existing way to a suitable standard commensurate with that required within the subdivision, such that access to the proposed development is made adequate for all municipal services and emergency vehicles. All costs of any such widening or construction shall be borne by the applicant. Such improvements shall be made in accordance with the provisions of subsection O of the previous Section, and Section VII, herein.

## 8. Access Through Another Municipality

In cases where access to a subdivision crosses land in another municipality, or where land in another municipality is included in the subdivision, the Planning Board shall require certification from appropriate authorities, that such access is legally established and is in accordance with the Master Plan and subdivision requirements of such municipality, and that such access is adequately improved to handle prospective traffic.

## B. Streets

### 1. Street Classification

For the purposes of these Regulations, streets shall be classified as follows:

- a. Residential Access:** Residential Access Streets are the lowest order streets in the street hierarchy. They provide frontage and access to residential lots and generally carry only traffic generated on the street itself. Residential Access Streets are designed to accommodate up to a maximum average daily traffic of 250 trip ends (effectively 25 single family houses on the street) or up to a maximum average daily traffic of 500 trip ends (effectively 50 single family houses on the street) where the street loops or has two points of access, provided the traffic will not exceed 250 trip ends at any point of traffic concentration.
- b. Residential Subcollector:** Residential Subcollector Streets also provide access and frontage to residential lots. They are designed to carry traffic collected from intersecting Residential Access Streets and the traffic generated from the street itself. Residential Subcollector Streets should be designed to discourage shortcutting of through traffic by laying out such streets as loops or in patterns that are unappealing as shortcuts. Residential Subcollector Streets are designed to accommodate a maximum average daily traffic of a 1000 trip ends (effectively up to 100 single family houses served by the street), or up to a maximum average daily traffic of 2,000 trip ends (effectively up to 200 single family houses served by the street) where the street loops or has two points of access to a higher order street, provided the traffic will not exceed 1000 trip ends at any point of traffic concentration.
- c. Primary:** Primary Streets shall include all higher order streets in the street hierarchy, including Residential Collector Streets (which carry traffic between lower order residential streets or local streets, as classified above, and higher order streets), Non-Residential Streets and Arterials.

### 2. Location and Alignment of Streets

- a.** All streets shall be designed so that they will provide safe and convenient vehicular, bicycle and pedestrian travel, effective fire protection, and efficient provision for utilities.
- b.** All streets shall be continuous, of uniform width, and coordinated and aligned with each other and the existing street system in a manner consistent with good traffic engineering and planning practices.
- c.** Horizontal and vertical alignment shall be such that existing contours and natural features will be preserved to the maximum extent possible.
- d.** 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 70 degrees.
- e.** If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended and constructed to the property line as directed by the Planning Board in order to provide for the proper continuation of the street and for access for possible future development of adjacent properties. If any street submitted for approval does not extend through to another street, possible extension must be shown to the nearest proposed or constructed street. The developer, and subsequently, the homeowner's association (once established) shall be responsible for maintenance of the right of way devoted to the future extension. A temporary cul-de-sac turnaround shall be provided on all temporary dead-end streets. Such temporary cul-de-sac shall have a curb radius of 35 feet, and a right of way radius of 45 feet. A notation on the subdivision plan shall show that land outside the normal street right-of-way in a temporary cul-de-sac turnaround shall revert to abutters whenever the street is continued. The Planning Board may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
- f.** Reservation strips which would prevent further extension of developments are prohibited.

- g. Street design minimum standards for Primary Streets shall be designed according to best accepted traffic design as recommended by the Institute of Traffic Engineer’s Street and Highway Design Manual, in consultation with the Department of Public Works. Street design minimum standards for Residential Sub-collector and Residential Access Streets shall be in accordance with Table 1, below.

TABLE 1  
STREET DESIGN MINIMUM STANDARDS

Characteristic	Street	
	Residential Subcollector	Residential Access
Maximum Grade	6%	8%
Minimum Grade	1%	1%
Maximum Grade of leveling area at approach of intersection (negative grade required)	2% for 100 feet	2% for 50 feet
Horizontal Alignment:		
• Minimum radius at centerline	500 feet	200 feet
Vertical Alignment:		
• K-Value	30 feet per percent change in grade, 100 feet min.	25 feet per percent change in grade, 100 feet min.
Width in all Zoning Districts except R-4:		
• Street Width (see § B.2.j. below)	60 feet	60 feet
• Roadway Width	28 feet	24 feet
Width in Zoning District R-4		
• Street Width (see § B.2.j. below)	80 feet	70 feet
• Roadway Width	26 feet	24 feet
Intersections		
• Minimum intersection angle	70 degrees	70 degrees
• Minimum distance between entering streets not directly opposite each other	275 feet	275 feet
• Minimum radius:		
• Street Sideline	25 feet	20 feet
• Curb Radius	32 feet	27 feet
• Stopping Sight Distance	see § B.2.i. below	see § B.2.i. below
Sidewalk Width	5 feet	5 feet
Dead-End Streets		
• Maximum length		500 feet
• Minimum length		225 feet
• Maximum radius of Cul-De-Sac		
• Street Sideline Radius		70 feet
• Minimum radius of Cul-De-Sac:		
• Street Sideline Radius		60 feet
• Curb Radius		45 feet
• Island Radius		20 feet

- h. A minimum 200 foot length tangent shall be provided between tale Point of Tangency of one curve and the Point of Curvature of any following curve. Broken-back curves shall not be permitted.
- i. Stopping sight distance, measured 25 feet from the edge of the intersected traveled way, shall be provided. The stopping sight distance requirement shall be calculated using a hypothetical travel speed that is 10 m.p.h. greater than the posted or design speed. A clear sight distance at 3.75 feet above pavement to 0.5 feet above pavement shall be maintained. Landscaping, fencing and other structures may not be sited where they could obstruct the required sight distances or could otherwise jeopardize traffic safety.
- j. Right-of-way widths in excess of the standard street widths designated in Table 1, above, shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of four-to-one.

### 3. Dead End Streets (permanent)

- a.. Where a street does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Board for access to adjoining property, its terminus shall normally not be nearer to such boundary than 50 feet. However, the Planning Board may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.
- b. Dead end streets and dead end street systems shall not be permitted to serve more than 25 dwelling units, nor shall existing dead ends be extended to serve more than 25 dwelling units.
- c. Dead end streets shall be designed in accordance with the design standards for a residential access streets as provided in these regulations..
- d. Dead end streets and dead end street systems shall not be more than 500 feet in length, as measured from the centerline of the intersecting street from which access to the dead end is obtained and extending to the furthest point of the turn-around right-of-way. This limit may be waived when the block plan of the area clearly indicates future extension. This limit to the length of a dead end may also be waived up to a maximum of 700 feet provided that the 25 dwelling unit limit is not exceeded, an easement from the turnaround to another street provides a looped water system or the system is otherwise looped, and the fire chief has provided his approval in writing to the Planning Board that the proposed development will meet all fire department requirements.
- e. An open cul-de-sac turnaround with a central island shall be provided at the end of a permanent dead-end street in accordance with the design standards of these regulations.
- f. Cul-de-sac turnarounds may be provided only at the terminus of a dead end street to provide for sufficient circulation to reverse direction. Dead end streets shall not be less than 225 feet in length, as measured from the centerline of the intersecting street from which access to the dead end is obtained and extending to the furthest point of the turn-around right-of-way. Cul-de-sac turnarounds shall not be permitted when used as a mechanism to create additional lots which are not at the terminus of a dead end street.

### 4. Adequacy of Access

- a. Ways providing access to streets within a subdivision shall be considered to provide adequate access where, prior to construction on any lots, the applicant ensures that such access will be in compliance with the Subdivision Regulations for right-of-way width, pavement width, maximum grade, and sight distance requirements applicable to ways within a subdivision. The Board may require, as a condition of its approval of a subdivision plan, that the developer construct access ways to a width as required in these regulations, and that applicants make physical improvements within such way and/or ways leading to said subdivision, or compensate the town for the cost of such improvements in order to meet the standards specified above.
- b. All streets in the subdivision shall be designed so that they will provide safe and convenient vehicular and pedestrian access, and so that adverse impacts causing congestion or unsafe conditions to public and private roads and to bicycle and pedestrian pathways will be minimized.
- c. The road network shall be designed for all season emergency access, snow storage, and delivery and collection services.
- d. All streets shall connect to and be accessible from a public way or an existing private way open to the public and in which the applicant has legal right of access.
- e. Any proposed street opening or point of access shall be so designed and located to prevent hazardous traffic conflicts with existing turning movements and traffic flows providing the minimum required sight distance.
- f. The subdivision plan shall provide for a system of pedestrian circulation within and to the subdivision. This system shall connect with existing sidewalks if they exist in the vicinity of the project.
- g. The carrying capacity of all intersections in the development site and within 1,000 feet of the development site, as well as the nearest major intersections in each direction from the subdivision shall be analyzed under both pre-development and post-development build-out conditions, using Level of Service (LOS) analysis procedures. Level of Service analysis procedures shall be as determined by the criteria set forth by the Transportation Research Board of the National Research Council, as detailed in their publication *Highway Capacity Manual*, Special Report 209, 1985, or the most recent subsequent edition or revision. Where traffic carrying capacity for any of these intersections will be below a level of service of D, following completion and build-out of the subdivision, the applicant shall propose and construct approved traffic mitigation measures.

**5. Curbing**

Granite curbing shall be installed in accordance with the construction specifications of the Department of Public Works on all sides of all streets including primary, residential subcollectors, and residential access streets, in all zoning districts. All granite curbing shall be vertical granite curb (VA-4). Granite curbing shall be installed prior to installation of finish course of bituminous concrete pavement.

**6. Sidewalks**

a. Sidewalks, of width as specified under Section VII.B.2.g. herein, shall be constructed on both sides of all streets in all zoning districts within the dedicated right-of-way, except residential access streets in the R-4 district. Sidewalks in residential access streets in the R-4 district shall be constructed on one side of all such streets within the dedicated right of way, such side to be determined by the Planning Board. A strip of grassed or landscaped areas at least three (3) feet wide, not including curbing, shall separate all sidewalks from adjacent curbs. Sidewalks shall be constructed of cement concrete only. Wheelchair ramps shall be installed in accordance with Massachusetts State Law. Sidewalk construction shall be in accordance with the construction specifications of the Department of Public Works.

b. In order to facilitate pedestrian circulation and access from the subdivision street(s) to schools, parks, playgrounds, other community facilities or other nearby streets, the Planning Board may require perpetual unobstructed easements at least 20 feet in width to accommodate sidewalks or walking paths. Easements shall be indicated on the Plan.

**7. Walls**

Where retaining walls are to be constructed along streets to support adjacent properties, the face of such shall be constructed outside the exterior street line and such construction shall be in accordance with the construction specifications of the Department of Public Works. Retaining walls shall not be permitted within the right-of-way embankment sections of streets without the written approval of the Planning Board and Department of Public Works. Retaining walls shall be designed, taking into account the natural and built environment, with cemented stone masonry walls preferred.

**8. Sideslopes**

The area outside the side lines of the street shall be sloped at a rate no steeper than the ratio of four (4) to one (1), four (4) feet horizontally to one (1) foot vertically, to a point where it precisely coincides with the surrounding ground or the abutters lawns and properties. Such sideslopes shall be loamed, seeded and rolled in accordance with the specifications of the Department of Public Works.

**C. Stormwater And Surface Water Drainage and Management**

1. A system of storm drains, culverts, ditches, and related installations, including catch basins, gutters, and manholes, and other stormwater controls, shall be designed and installed to provide adequate disposal of surface water with regard to quantity and quality, including control of erosion, sedimentation, flooding, and standing water from or in the subdivision and adjacent lands, and shall be subject to approval by the Planning Board.
2. Adequate provision using site planning, source controls and pollution prevention, as well as DEP Best Management Practices shall be made for the disposal of all stormwater collected on streets, roofs or other impervious surfaces through a storm drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.
3. The Massachusetts DEP Stormwater Management Policy Handbook and Stormwater Management Standards adopted by the DEP for controlling stormwater are incorporated into these Subdivision Rules and Regulations, by reference. The Stormwater Management Standards apply, as contained in the Wetlands Protection Act, 310 CMR 10.00.
4. The proposed subdivision will not increase the rates, concentration or velocity of runoff, and it will minimize the volume increase of runoff from the subdivision to adjoining properties, to the satisfaction of the Town Engineer and the Department of Public Works. The plan will detain stormwater on the land at the site of the development to the maximum extent practicable utilizing the wise use of the natural features of the site and Best Management Practices, including groundwater infiltration. These standards shall apply, as provided in item 3, above.
5. Technical design and construction standards for detention/retention basins and infiltration structures, including but not limited to groundwater separation, allowable outlet control structures, sediment forebays, emergency overflow spillways, waterways and splashpads, as well as sizing for basin, outlet and spillways shall be in accordance with the specifications, design assumptions and standards of the Department of Public Works, consistent with DEP Stormwater Management Standards.

6. When, in the opinion of the Planning Board, development of an area would increase runoff to downstream properties, it shall require that a detention area be constructed. Such detention area will be designed to handle the 100 year storm and such size shall be determined by the flood routing procedure as described in the U.S.D.A., Soil Conservation Service National Engineering Handbook, HYDROLOGY, Section 4. Sideslopes shall be not greater than three (3) to one (1) and shall be loamed, seeded, rolled and designed in accordance with the technical specification of the Department of Public Works.
7. In addition to control of stormwater runoff, basic aesthetics should be considered in the design of detention basins. Detention basins shall be located, to the maximum extent feasible, away from house lots adjacent to the proposed subdivision. Design which conveys a more natural appearance such as a freeform shape with flat side slopes is preferable to a "swimming pool" shape. Box configurations should be avoided. When viewed from the street, detention basins shall be landscaped and made and maintained as an integral part of the streetscape. Aesthetic design will be per the specifications of the Planning Board. Fencing of all or part of such retention areas may be required, as directed by the Planning Board. Detention or retention basins shall be sited on a separate drainage lot, located away from adjacent existing house lots.
8. An Operation and Maintenance Plan shall be provided for the proper maintenance of the stormwater drainage system and to ensure that systems function as designed, in accordance with DEP Best Management Practices. All detention or retention basins shall be the responsibility of the developer, and subsequently, the homeowner's association, once established, as to its long term maintenance, and maintenance of the landscaping. Said detention and retention basins with appurtenants shall be guaranteed from defect in construction and operation by the posting of a performance or defect guarantee for a minimum period of three years in an amount not to exceed twenty percent of the value of said improvements.
9. The biological and chemical properties of the receiving waters will not be degraded by the stormwater run-off from the development site, using the best practicable measures. Provision for attenuation of runoff pollutants and for ground water recharge shall be incorporated into the stormwater management design. These standards shall apply, as provided in item 3, above.
10. Proper connections shall be made with any existing drains in adjacent streets or easements. Connections shall be made to stormwater facilities which are deemed adequate by the Department of Public Works, and to which the Town has adequate maintenance access. Where property adjacent to the subdivision is not subdivided, provision shall be made for the proper projection of the drainage system by continuing appropriate drains to the exterior boundaries of the subdivision at such size and grade as will allow for such projection.

The applicant shall show the size and location of existing storm drain facilities that the new subdivision will tie into on the Definitive Plan. If, during construction of a subdivision, any drainage provisions should be found to be inadequate or omitted, because of conditions encountered during actual construction, the Planning Board shall require that such additional drainage facilities as are necessary be constructed by the developer at his expense. All stormwater field changes must be approved by the Department of Public Works and the Town Engineer, and shall be identified on the As-Built Plans
11. Infiltration structures shall be placed only in type A or type B soils as designated by the United States Soil Conservation Service. The systems shall be sized using permeability rates attained in the field only.
12. All construction shall be in accordance with the current specifications of the Department of Public Works.
13. The size of any drain pipe shall be in accordance with the approved Definitive Plan and in any case shall not be less than twelve (12) inches in diameter, except as provided in Paragraph 5 of this Section.
14. Double catch basin gratings, with single frame, shall be installed where the roadway slope directly above such basin is four (4) percent or greater, or as designated by the Planning Board. Catch basin gratings shall be installed such that the gratings will not be hazardous to bicycle traffic. All catch basin gratings shall be designed on the assumption that they are 50% clogged and the height of water above them will not exceed five (5) inches.
15. Lots shall be graded as to prevent low spots that will not drain and create a public nuisance and to prevent excessive erosion. Where low spots cannot be avoided, they shall be drained by means of a drain pipe no smaller than 12 inches in diameter, and catch basins or other approved inlet structure, to the nearest street drains. An easement, thirty feet in width minimum shall be provided in the interest of the Town. Lot grading shall be in accordance with Appendix B.

Sufficient test holes shall be dug to determine the high ground water elevation pattern throughout the subdivision for considerations of road and utility design and building elevation.

Structures on land subject to seasonal flooding or high water table, if built upon, shall be built at an elevation in accordance with requirements of the Board of Health, the Town Engineer, and the Building Department.

- 16. Catch basins shall be located so that the maximum distance which water will have to flow over the surface shall not be greater than 250 feet. Catch basins shall be closer than 250 feet when, in the opinion of the Planning Board, it is so required.

A manhole shall be located at any change in direction or slope of a drain pipe. Catch basins shall be installed on both sides of the roadway, at low points in the roadway, and near the upper point of curvature of the curb roundings of intersecting streets. Catch basins shall not be installed at driveways. Catch basins shall be connected to manholes and not to other catch basins.

- 17. Portland cement concrete or stone masonry headwalls shall be constructed at the open ends of any drain pipes, and shall be constructed in accordance with the specifications of the Department of Public Works.

- 18. Brooks or tributary ditches that are left open within the subdivision shall be shaped to a cross-section and gradient as approved by the Planning Board. Sideslopes shall be no steeper than a rate of three to one, and shall be loamed, seeded, and rolled in accordance with the specifications of the Department of Public Works. Riprap throughout shall be required where flow velocity is expected to exceed four (4) feet per second. Riprap shall be required on sideslopes on outer sides of curvature, at changes in directions, and alongside headwalls. Riprap shall be placed, not dumped, where visible to the public.

- 19. Drainpipe slopes shall be designed to afford the following minimum velocities for the pipes flowing full.

Pipe Diameter (inches)	Minimum Design Velocity (feet per Second)
12 - 42	3
48 - 54	4
60 - 66	5
72 and larger	6

- 20. The quantity of storm water to be carried by the drainage system shall be based on the following criteria.

a.. Method of estimation of runoff shall be made as follows (not withstanding requirements of DEP Stormwater Management Policy, when necessary):

- 1. Method of estimation of runoff for retention/detention basins, open drainage, and for pre-development versus post-development runoff comparisons shall use United States Department of Agriculture, Soil Conservation Service, National Engineering Field Manual, Chapter 2, Revised 1971, based on 24 hour rainfalls using a one-hundred year design storm frequency or return period.

- 2. Method of estimation of runoff for drain piping, infiltration structures, and other closed drainage systems shall use the “**Rational Method**” using a twenty-five year design storm frequency or return period based on the following:

(a) Percent Roofs and Pavements

LAND USE AND ZONING	% ROOFS AND PAVEMENTS
Business, General Industrial, Light Industrial	95
Apartments	80
Garden Apartments	60
Single and Two Family Residential (R-1,G)	40
Single Family Residential (R-2, R-3)	25
Single Family Residential (R-4)	20
Recreation, Conservation, Open Space, Agriculture	5

(b) Inlet time and time of concentration shall be determined in accordance with current engineering practice as outlined in the “**American Society of Civil Engineers Manual of Practice No. 37**” or similar accepted method.

(c) Rate of runoff shall be determined for the appropriate conditions as specified in the previous paragraphs from the intensity and Ci curves in Appendix C of these Rules and Regulations.

**21. Building Grades:** No cellar floor, garage floor, or basement floor connected to the public drainage system shall be set at an elevation lower than two and twenty-five one-hundredths (2.25) feet above the top of the main drain line. Such floors shall be a minimum of one foot above the high ground water table. Pipe size shall be a minimum of six (6) inches with a pipe slope of 2%.

**22. Foundation Drains:** Foundation drains must be provided and connected to the Town's storm drainage system or open outlet on the lot. No foundation drainage shall be directed to the street.

#### **D. Sanitary Sewers**

- 1.** When consistent with the Sewer Master Plan or other comprehensive plan adopted by the Board of Public Works, provision shall be made for proper projection of the sanitary sewer system, by extending sewers to the exterior boundaries of the subdivision where the subdivision is adjacent to land not currently on the municipal sewer system.
- 2.** Sanitary sewers, including all appurtenances, shall be constructed according to the standards of the Sewer Master Plan and as shown on the approved subdivision plan to provide adequate sewage disposal capacity for all of the lots in the subdivision and to provide adequate connection to the municipal sewerage system. Pipe sizes, materials, grades and locations shall be shown on the plan. All sanitary sewer construction methods, materials and testing requirements shall be in accordance with the specifications of the Department of Public Works.
- 3.** There shall be adequate capacity in the sewer system for discharge from all future development of the subdivision, taking into account the servicing of other developments which have already received approval.
- 4.** The standards for the quality of wastewater that will be accepted into the sanitary sewer system shall be in accordance with the specifications of the Department of Public Works and shall meet all applicable Massachusetts Water Resources Authority and Department of Environmental Protection Standards.
- 5.** Where a connection to the municipal system requires an easement over land of other owners, evidence that such easement has been obtained shall be required prior to approval of such affected portions of a sewerage system.
- 6.** All service connection permitting shall require application to the Department of Public Works and payment of a fee. The proposed discharge and treatment works will conform to effluent limitations specified in the permit, local regulations, receiving water standards and any comprehensive plans adopted by the Board of Public Works.
- 7.** House connections shall have a minimum slope of 2%.
- 8.** Manholes shall be constructed at all changes in slope or direction, and shall not be greater than 250 feet apart.
- 9.** Prior to approval of the system, an internal TV inspection will be required, at the developer's expense, as directed by the Department of Public Works. Manholes shall be vacuum tested to assure compliance with current standards for water tightness.
- 10.** Infiltration allowance for the sewerage system shall meet applicable Massachusetts Water Resources Authority and Department of Environmental Protection Standards.
- 11. Dry Sewers:** Dry sewers, shall be planned and installed in a subdivision when required by the Planning Board and the Department of Public Works.
- 12.** Pipe sizes and location shall be designed in accordance with standard engineering practice such as the American Society of Civil Engineers Manual of Practice No. 37 as approved by the Planning Board and the Department of Public Works. Minimum pipe size allowable shall be eight (8) inches.

13. The minimum allowable slopes for sanitary sewers shall be as follows:

Pipe Size (inches)	Minimum Slope (feet per foot)
8	see table below
10	0.003
12	0.002
15	0.0015
18	0.0012
21	0.0009
24	0.0008
27	0.0007
30	0.0006
36	0.0005

Minimum Slope For 8 Inch Pipe	Number of Service Connections
0.030	10 or less
0.020	11-20
as directed by D.P.W.	21 or greater

13. Increasing Size: When sewers are increased in size, or when a smaller sewer joins a larger one, the invert of the larger sewer should be lowered sufficiently to maintain the same energy gradient. An approximate method for securing these results is to place the 0.8 depth point of both sewers at the same elevations.

14. Alignment: Sewers must be laid with uniform slope and alignment between manholes.

15. High Velocity Protection: In the case of sewers where the slope and volume are such that velocities of 15 feet per second are realized at average flow, special provisions shall be made to protect against erosion and shock.

16. Drop Type Manhole: A drop pipe should be provided for a sewer entering a manhole at an elevation above the manhole invert.

17. Sewer pump/lift stations shall be designed in accordance with the current standards and specifications of the Department of Public Works. Sewer pump stations shall be placed on a separate lot (without a house), and shall be the responsibility of the developer and subsequently the homeowner’s association, once established, as to its long term maintenance. Said pump stations with appurtenances shall be guaranteed from defect in construction and operation by the posting of a performance or defect guarantee for a minimum period of twenty years in an amount not to exceed twenty percent of the value of said improvements.

18. Inverted Siphons: Inverted siphons shall not be permitted unless approved by the Department of Public Works.

**E. Water System**

1. Water mains, laterals, hydrants, gate valves, and other fittings and appurtenances shall be constructed and installed within the subdivision as necessary to provide all lots therein with adequate water supply for domestic and fire protection use. Water supply shall be adequate in terms of quantity, quality, flow and pressure, for future development of the subdivision, taking into consideration the servicing of other developments which have already received approval.

2. Provision shall be made for proper projection of the system, by continuing appropriate water mains to the exterior boundaries of the subdivision. The size and arrangement thereof shall be designed and approved by the Planning Board, and the Department of Public Works.

3. All water mains, laterals, hydrants, service connections, gate valves and appurtenances shall comply with the latest applicable American Water Works Association standards and with the standards and specifications for water installation construction and materials as set forth by the Department of Public Works.

4. Hydrants shall be no greater than 500 feet apart, and shall be located as near the street sideline as possible and behind the sidewalk if such is to be constructed. Hydrants shall be located on lot boundary lines insofar as such is practicable. Hydrants shall be painted according to Public Works Standards.

5. All water mains shall be looped and shall be installed and tested according to the Department of Public Works Standards. The Department of Public Works may waive the requirement for looping of water mains and may require other water distribution system improvements to assure reliability of supply and adequacy of fireflow.

6. The adequacy of the water supply shall be determined by the Department of Public Works with the concurrence of the Planning Board.
7. Dry Water System: Dry water pipes, shall be planned and installed in a subdivision when required by the Planning Board and the Department of Public Works.”.

## **F. Street Construction**

All Streets within a subdivision shall be constructed in conformity with the typical cross sections on file in the Planning Board office and with the Construction Specifications of the Department of Public Works and shall not deviate from such specifications without the special and specific permission, in writing, from the Department of Public Works and the Planning Board.

### **1. General**

Each street or portion thereof necessary to serve each lot in a subdivision shall be constructed and brought to finish grade as indicated on the approved Definitive Plan and in accordance with the requirements of this section.

The subdivider or his contractor shall furnish and maintain all stakes and such temporary structures as may be necessary or required by the Planning Board or its agent for marking and maintaining points and lines for the installation of the roadway and related utilities throughout the period of construction of the subdivision.

All public utilities, developers, or contractors must notify the Department of Public Works, Engineering Department, and Planning Board, in writing, at least three (3) days prior to the commencement of a job and by telephone call to the Town Yard on the morning actual work starts.

### **2. Procedure**

It is assumed that under normal conditions work will proceed in accordance with the following schedule. Major shifts in the schedule must be approved by the Department of Public Works or their designate. Each step must be approved by the Public Works inspector on the job.

- a. Clearing and cleaning: including excavating or stripping poor material
- b. Preparation of sub-base including necessary cuts and fills.
- c. Installation of sewer mains.
- d. Installations of water mains.
- e. Installations-of drainage mains.
- f. Installation of other underground utilities.
- g. Installation of road subdrain where conditions warrant.
- h. Application of material sub-base.
- i. Test water and sewer mains.
- j. Installation of sewer services.
- k. Installation of water services.
- l. Gravel approved by Town Engineer.
- m. Application of gravel in or above sub-base.
- n. Compaction testing.
- o. Certification of gravel grades by Professional Engineer or Surveyor.
- p. Application of gravel in sidewalks.
- q. Application of base course.
- r. Installation of granite curbing.
- s. Removal or application of material for slopes.
- t. Application of bituminous concrete base and top courses for sidewalks and aprons.
- u. Application of bituminous concrete top courses for roadway, and restoration of the public way per Department of Public Works requirements.

- t. Application of loam for lawns and slopes.
- u. Installation of stone bounds and lot corner points.
- v. Installation of street lights.

### 3. Clearing and Grubbing of Right-of-Way

The right-of-way shall be cleared according to the requirements of the standard road cross-section, prior to any other work except that trees of aesthetic value and over four (4) inch caliper may be allowed to remain provided that they are located at least five (5) feet from the proposed side line of the finished roadway and are approved by the Tree Warden and the Planning Board Agent. If fill is to be placed around trees, a tree well shall be constructed to the specifications of the Department of Public Works prior to placement of the fill.

### 4. Excavation and Subgrade Preparation

All loam and other yielding material shall be removed or stripped from the roadway area of each street or way to a depth of four (4) feet below the finished sub-grade and to a greater depth as may be required by the Department of Public Works or their designate and replaced with an approved material. No loam, peat, organic matter, or other soft material shall be used below sub-grade and the sub-grade shall be thoroughly compacted before applying the gravel surface. Ledge and large boulders occurring anywhere in the full cross-section of the roadway must be cleared to a minimum depth of 18 inches below the finish surface.

Excavate or fill and fine grade the sub-grade to conform to the approved cross-section on the approved plan, for the entire street width and sidewalk width. The sub-grade and particularly all trenches shall be thoroughly compacted by rolling or water tamped as directed by the Public Works inspector, before any gravel surface is applied.

All roadways shall be brought to a finish grade as shown on the Typical Cross Section Plans and on the profile of the approved plan with at least the top 12 inches consisting of gravel base, properly compacted, as specified herein. Bituminous concrete mixture shall be applied to the above described surface in the following manner: A binder course two and one half (2 1/2) inches thick after compaction shall be applied, followed by a finish course one and one-half (1 1/2) inches thick, after compaction. The bituminous concrete mixture shall conform to the specifications for Class I Bituminous Concrete pavement of the Massachusetts Highway Department both in quality of materials and methods of application.

### 5. Gravel Base

Gravel base shall consist of crusher-run gravel conforming to Massachusetts Highway Department Standard Specification for Processed Gravel, M1.03.1. Before the gravel is spread, the roadbed shall be shaped to a true surface conforming to the proposed cross-section of the road. Bank gravel for the base shall be spread in two layers and rolled true to lines and grades with an approved three wheel roller or approved equal, weighing not less than 10 tons so as to yield a ten inch (10") depth after rolling. All layers shall be compacted to not less than 95% of the maximum dry density of the material as determined by the Standard A.A.S.H.T.O. Test Designation T99 compaction test :method C. at optimum moisture content. Any depression that appears during or after the rolling shall be filled with bank gravel and be re-rolled until the surface is true and even. When required by the Department of Public Works, samples of the gravel to be used shall be tested for gradation by a sieve analyses and the compacted gravel shall be tested for compaction. All tests are at the expense of the developer.

### G. Utility Services

All utility services, including drain, shall be installed to a point two (2) feet beyond the street sideline prior to placement of asphalt concrete course. A plan showing the location of utility stubs shall be provided.

### H. Underground Utilities

1. All utilities, including electricity transformers, telephone, television cable, and other communication lines, both main and servicing connections, servicing new developments shall be provided by underground wiring within easements or within the proposed dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.
2. Lots that abut existing easements or proposed public rights-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

3. Where overhead lines are permitted as a waiver, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Alignments and pole locations shall be carefully routed to avoid locations along horizons; clearing swaths through treed areas shall be avoided by selective cutting and a staggered alignment of trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments; and the alignments shall follow rear lot lines and other alignments.
4. The looping of utilities shall be encouraged.
5. A separate plan showing the location of telephone, electric, and other utility wires, and showing provisions for wiring to accommodate planned street lighting shall be furnished to the Planning Board, Building and Wiring Inspectors, Town Engineer and Department of Public Works. The Wiring Inspector and the Planning Board shall be notified in writing three (3) days prior to the installation of said wires so that their installation may be properly supervised.

## **I. Fire Protection**

### **1. Fire Alarm System**

A fire alarm system shall be installed underground in accordance with the specifications and requirements of the Framingham Fire Department as promulgated and amended from time to time.

### **2. Fire Protection Water Supply**

- a. In the case where a proposed dead-end street exceeds 500 feet in length, each dwelling at a minimum will be required to have a residential sprinkler system in accordance with the requirements of the Framingham Fire Department.
- b. Where a public water system and hydrants are not available for fire protection, the developer shall install a fire protection water supply in accordance with the requirements of the Framingham Fire Department and as provided in subsection VII.I.3. below.
- c. The number, location and maintenance of fire hydrants shall be as prescribed by the Framingham Fire Department.
- d. Water pressure and volume must meet minimum Federal and State standards for fire protection.

### **3. Additional Requirements If No Municipal Water Supply**

- a. No lot within the subdivision shall be further than 1000 feet from an adequate source of water, as defined below, measured along an existing public way and/or proposed subdivision road shown on the Definitive Subdivision Plan and the access way to the source of water.
- b. A source of water shall be adequate if it is no farther (vertically or horizontally) than 10 feet from the nearest access point which can be reached by the Framingham Fire Department and is (in order of desirability):
  1. A water hole having a minimum recharge rate of 500 gallons per minute, for a minimum period of two hours, or
  2. A water hole containing a minimum of 40,000 gallons throughout the year.

Distances to and from a water hole may be measured to and from a dry hydrant connection, specifications for which shall be approved by the Fire Chief, and connected to a water hole as described in paragraph b.1. and b.2. above.

- c. In the event that an adequate source of water can not be provided by means of a water hole as specified in paragraphs b.1. and b.2. above, due to documented engineering unfeasibility, then the Planning Board may, upon the written recommendation of the Framingham Fire Chief, approve the installation of a dry hydrant connected to a storage tank with minimum capacity of 40,000 gallons or such other lesser minimum capacity as may be designated by the Fire Chief, which tank shall be automatically maintained at full capacity by recharge from a well and pump system satisfactory to the Fire Chief.
- d. A five (5) foot high chain link fence with locking gate shall be provided to enclose each water hole.
- e. An easement shall be given to the Town to provide access from the existing public way or proposed subdivision road to the source of water and for maintenance of the water hole or dry hydrant system.
- f. All equipment associated with a dry hydrant system and fencing surrounding water holes shall be given to the Town for maintenance as Town property. However, until such time as the Town accepts such equipment or fencing, it shall be maintained in good repair and working order by the developer.”

**J. Granite Bounds and Markers**

Granite bounds 6" x 6" x 4' with a 3/8 inch drill hole in the center are to be furnished and set on both sidelines of all points of change of direction or curvature of streets, and points of tangency, and at the intersection of the sideline and sidelines of existing streets. In addition, all lot corners shall be delineated with three (3) foot high iron pins of no. 8 re-bar. All granite bounds and iron pins along the right-of-way sidelines shall be set to the satisfaction of the Town Engineer.

Granite bounds shall be accurately set in the ground with the top flush with the finish grade of the surface of the ground adjacent to the location in which they are to be placed, unless otherwise specified by the Town Engineer. The developer shall excavate a hole sufficiently large to properly place these stones and thoroughly tamp around them sufficient excavated material to hold them securely in position. If the excavated material is not satisfactory for backfill, in the opinion of the Town Engineer, then said holes shall be filled with gravel.

**K. Street Signs**

Street name signs shall be furnished and set in accordance with Department of Public Works specifications and erected at all street intersections prior to the occupancy of any house on the street.

**L. Driveway Entrances**

Driveways shall be offset from each other and from all intersections to eliminate potential traffic conflicts and other hazards. The apron shall be constructed to the specifications of the Department of Public Works. The grade shall be as determined by the Department of Public Works, but in no case shall the slope of the driveway cause adverse impact due to drainage sheeting onto the subdivision roadway. The driveway shall be designed to provide proper transition between the sidewalk and the driveway for safe pedestrian passage. All proposed driveway entrances and proposed grading shall be shown on the approved Plan and shall be constructed as shown. In no case shall the surface be laid until the sub-base has been inspected and approved.

**M. Street Tree Plantings**

1. Existing trees over four (4) inches in diameter within the proposed right-of-way shall be retained to the greatest extent feasible.
2. One tree shall be planted, on each side of the street, for each 30 linear feet of street frontage, but not less than two trees per residential house lot. The Planning Board may grant a waiver to this requirement only if there are shade trees growing along the right of way or on the abutting property, which in the opinion of the Planning Board meet the intent of these regulations.
3. The distance apart shall not exceed 45 feet.
4. No trees or shrubs shall be planted at any street corner or intersection where they could become a traffic hazard by obstructing vision or otherwise preventing highway safety.
5. Final grades shall be established before plantings are installed.
6. Trees shall be a minimum of 2 1/2 - 3 inches caliper when planted and shall be a mixture of varieties suitable as street trees.
7. All trees are to be planted approximately 10-12 feet, but not more than 20 feet, from the street line, and or in the berm in Zoning District R-4. Whenever possible, trees should be planted no closer than four (4) feet from a paved surface.
8. The Tree Warden shall be notified when the planting is to be installed.
9. The tree pit shall be dug one-third larger than the earth ball of each plant. All spoil shall be removed and organic topsoil shall be used for the planting medium.
10. All trees shall be staked in three directions with #12 wire using an insulating material where the wire encircles the tree.
11. Utility and transformer boxes shall be suitably screened on all sides with shrubs at least 18 inches tall, when planted, and which are expected to grow to at least the height of the object they are screening.
12. The developer shall be responsible for watering all shrubs and trees until established or until the homeowner or homeowner's association assumes responsibility.
13. Where a median center strip or cul-de-sac island is proposed, or required by the Planning Board, the applicant shall provide a planting plan designed and stamped by a registered landscape architect. Said landscape architect shall certify that the islands or median strip have been planted in accordance with the plan within thirty days of the planting.

14. The developer shall guarantee the health and good condition of all trees and required landscaping so planted for two (2) years after the time of planting. To ensure such landscaping, the developer shall post a landscape bond for two years following planting. The landscape maintenance/defect bond shall be set at an amount equal to 20% of the value of the landscaping improvements, for a period of two years. Should seasonal conditions prevent installation of plantings prior to a request for lot release, the developer shall post a landscape bond for the full cost and installation of the plantings required. Performance guarantees and maintenance/defect guarantees shall be in accordance with Section VI, herein.
15. The Tree Warden shall certify compliance with this section and the acceptability of the street tree plantings prior to the acceptance of a street by the Town.

#### **N. Exterior Lighting**

1. The developer shall provide and install all street lighting, bases, poles, wiring and fixtures, as shown on the Plan. Adequate exterior lighting shall be provided for the safe use of the subdivision in nighttime hours in accordance with the standards set forth in the latest applicable edition of the Illuminating Engineering Society "Lighting Handbook".
  - a. Lighting shall be provided at a minimum for street intersections, pedestrian walkways and crossings and recreation areas.
  - b. Spacing of standards shall be equal to approximately eight to ten times the height of the standard, unless otherwise directed by the Planning Board, on the advice of the Town Engineer. Such standards shall be located on the projections of lot sidelines, where possible, terminating with a standard at the end of a cul-de-sac, where applicable.
  - c. The maximum height of standards shall not exceed 25 feet.
  - d. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents.
  - e. The design of lighting standards shall be of a type consistent with the character of the development and the Town, as directed by the Planning Board.

#### **O. Protection Of Utilities**

A subdivider shall protect all utilities and appurtenances installed under these standards from any and all damage until the ways are accepted by the Town. Any damage to these utilities and appurtenances prior to acceptance by the Town shall be repaired in a manner satisfactory to the Department of Public Works and the full cost of such repair shall be borne by the subdivider. Any material used which does not meet the standards of the Framingham Department of Public Works shall be replaced by the subdivider at his own expense.

#### **P. Individual Water Supply And Sewerage Disposal Systems**

Where existing public sewer and water mains are not accessible or of an adequate size, the installation of the required sewer and water facilities respectively may be waived at the discretion of the Planning Board. The Planning Board shall consider such waiver upon the clear demonstration by the applicant, as provided in the Impact Statement under Section VI.D., that the water resources (surface and ground) are adequate both in terms of quantity and quality, and that the soil conditions are adequate to provide for on-site sewerage systems with no adverse impact to project or individual water supplies or to the environment through increased nitrate loading or via other pollutants. The Planning Board shall not approve the plan unless:

1. In the absence of a public sewer connection to any lot either the sub-divider agrees to provide for the collection and disposal of sanitary sewage from such lots by means of a disposal works satisfactory to the Planning Board as specified above and the Board of Health. The Planning Board shall endorse on the plan the condition that such lots shall not be built upon without the prior consent of the Board of Health. Permit for any private disposal of sanitary sewer, including septic systems and package treatment plants, must be obtained by the Board of Health. Such systems must meet all local and Massachusetts Department of Environmental Protection standards. Appropriate screening and design shall be provided so that all structures shall blend in with the surrounding area. Associated noise and noxious odors shall be appropriately mitigated.
2. In the absence of a public water system connection to any lots, either the sub-divider agrees to provide for domestic water supply to such lots by project or individual water systems satisfactory to the Planning Board as specified above and the Board of Health. The Planning Board shall endorse on the plan the condition that such lots shall not be built upon without the prior consent of the Board of Health. Water quality and water quantity test results shall be supplied to the Board of Health prior to the issuance of a Building Permit.

3. In the absence of a public hydrant system to serve any lot, the subdivider agrees to provide for water supply for fire protection purposes for such lots by such facilities, as required under Section VII.I., and as is deemed necessary by the Chief of the Fire Department.

#### **Q. Easements**

Easements for utilities across, under or above lots or centered on rear or side lot lines shall be provided where necessary as determined by the Planning Board and shall be at least 30 feet wide and shall be wider if required by the Department of Public Works. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board shall require that there be provided an easement of adequate width to conform substantially to the lines of such, and to provide for its construction and maintenance, and in no case shall be less than 15 feet in width beyond the center line of any pipeline or conduit and at least 10 feet beyond the top of slope of any stream, drainage ditch, or other channel, and shall be as specified in Paragraph VI.T.6 of these Rules and Regulations. Easement layout shall be of such grade and size as to allow passage of Town of Framingham maintenance vehicles.

#### **R. Natural Features and the Environment**

1. The landscape will be preserved in its natural state insofar as practical during construction, and all natural features which will add attractiveness and value to the property, shall be preserved to the extent feasible.
  - a. The development shall be designed to preserve the natural topography and landscaping, and to minimize grading and filling to the maximum extent possible.
  - b. The development plan will take into account and preserve to the maximum extent possible the scenic or natural beauty of the area, significant trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.
  - c. Buildings shall be sited, where possible, to take maximum advantage of solar exposure, and due care shall be used to protect solar access of existing and new structures.
2. The plan for the development will reflect the natural capabilities of the site to support development. Environmentally sensitive areas, wetlands, watercourses, steep slopes, floodplains, wildlife habitat areas and unique natural features will be maintained and preserved to the maximum extent.
  - a. The development will not cause adverse impacts including pollution of air, soils and surface or ground water resources.
  - b. The development will cause no adverse impacts that affect any water body, water course or wetland and wildlife habitat in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water tables so that a dangerous or unhealthy condition result.
  - c. The development will not cause the natural resource carrying capacity for fresh and drinking water resources to be exceeded.

#### **S. Erosion And Sediment Control**

1. The developer shall control erosion and sediment and shall stabilize exposed soils during construction and land disturbance activities. Such control, where applicable, shall follow practices and procedures as required by Municipal Boards and State agencies, and as set forth in the Massachusetts EOE document, *The Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas.*
2. Development shall be designed and constructed so that it shall cause no adverse erosion impacts and, so that there shall be no unreasonable soil erosion or reduction in the capacity of the land to hold water, which would result in a dangerous or unhealthy condition.
3. During construction and land disturbance activities, soil erosion and sedimentation to watercourses and water bodies or wetlands will be minimized by an active program meeting the requirements of the Department of Environmental Protection Best Management Practices, and shall be in accordance with any Order of Conditions of the Conservation Commission.
4. Sloped areas will be terraced to avoid severe cuts and fills, and the need for retaining walls.

#### **T. Community Context**

1. Supplemental landscaping and perimeter buffer yards shall be provided for a physical and visual separation of the subdivision from adjacent uses, to define street edges, to enhance the appearance of the subdivision, and to protect abutting properties from adverse impacts of the subdivision, including visual impact, as necessary. The Planning Board may require a no-development, no-cut zone of up to 30 feet.

2. The subdivision shall be designed with sensitivity to the existing development pattern of abutting properties, in order to minimize the impact to such abutting uses.
3. Supplemental landscape plantings and treatments shall be provided to screen utility boxes, pump stations and similar structures, and to make detention basins and other drainage systems an integral part of the aesthetics of the subdivision.
4. Where appropriate, walking trails shall be established or preserved, and incorporated into the subdivision plan to provide linkages to an existing or potential trail network.

**U. Cleaning Up**

The entire subdivision area must be cleaned up so as to maintain a neat and orderly appearance, free from debris, excessive slopes, deep holes, and objectionable materials. Upon completion of the work, the developer shall remove from the roadway and adjoining property all temporary structures, surplus material, and rubbish which may have accumulated during the performance of the work, and shall leave the subdivision in a neat and orderly condition.

**V. Work Notification And Inspections**

The Town of Framingham Public Works Dept., Engineering Department, Planning Board, shall be notified at least 36 hours in advance of any roadway of municipal service or any utility construction. The Fire Department shall be notified at least three (3) days before the start of installation of any work on the fire alarm system. No portion of any utilities shall be backfilled until approval for such backfilling is obtained in writing from the Public Works and Engineering Department or the Fire Department in the case of the fire alarm system. Such approval does not constitute acceptance of such utilities by the Town of Framingham. Prior to backfilling, the developer shall, at his own expense, have the utilities located, including determination of elevation by a Registered Land Surveyor or Professional Engineer, and proof of such location, such as field notes, shall be presented to the Town Engineer for approval prior to back-filling. Such will enable the developer to provide the "As-built" plans with ties to all utility structures required in Section VI-T of these Rules and Regulations.

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# SUBDIVISION RULES AND REGULATIONS

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This Section Contains the Following:

**APPENDIX A-1**

Grading Type 1 [All Drainage to Street]

**APPENDIX A-2**

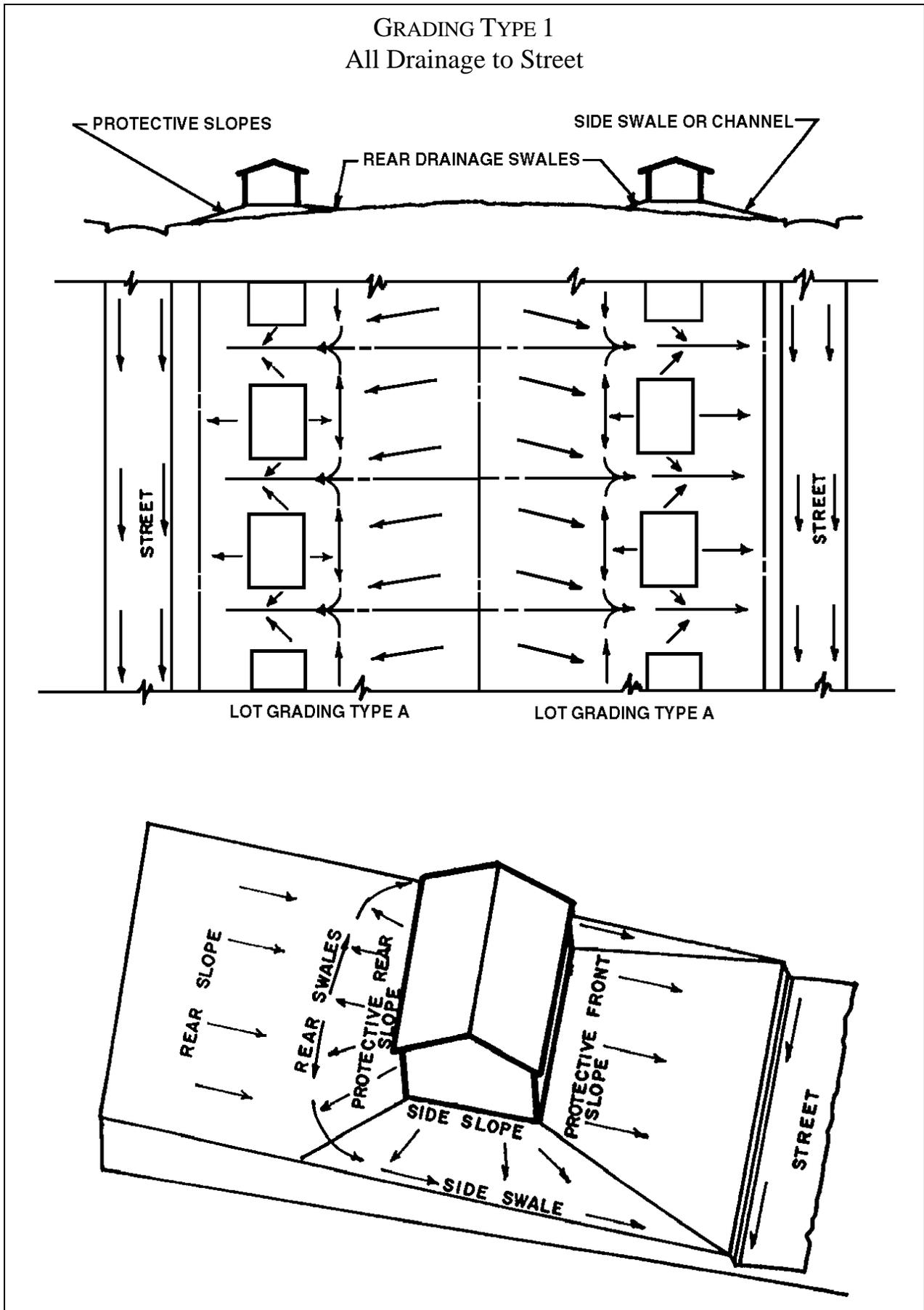
Grading Type 2 [Gentle Cross-Slope]

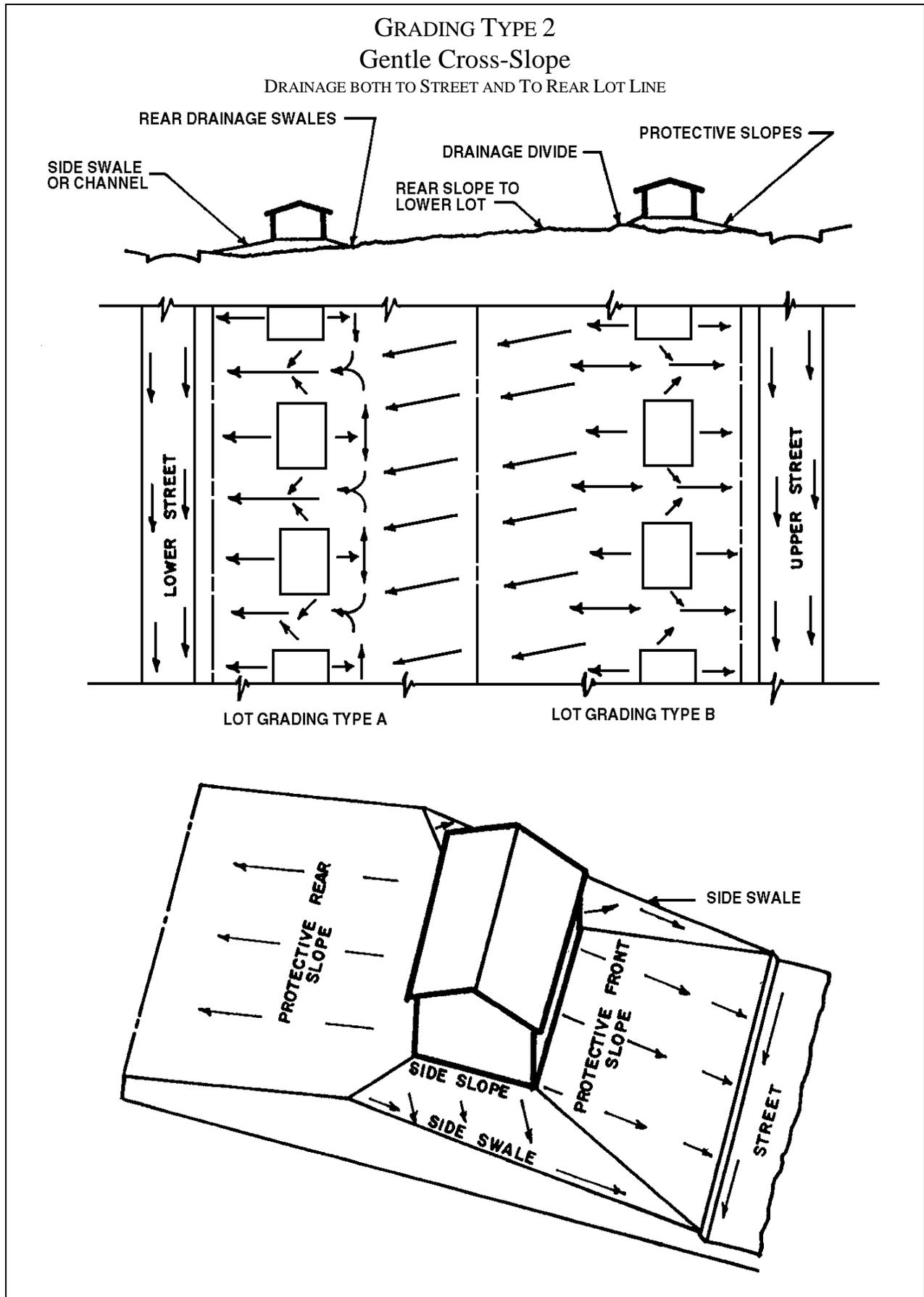
**APPENDIX A-3**

Grading Type 3 [Steep Cross-Slope]

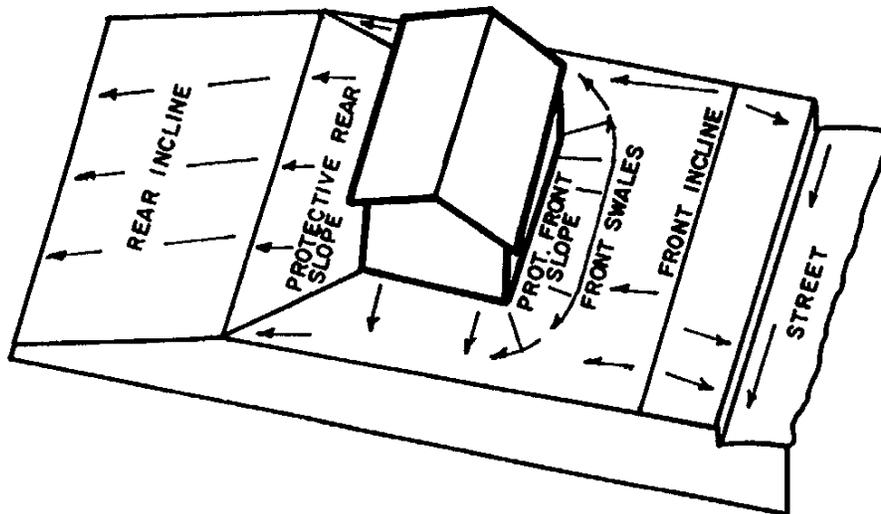
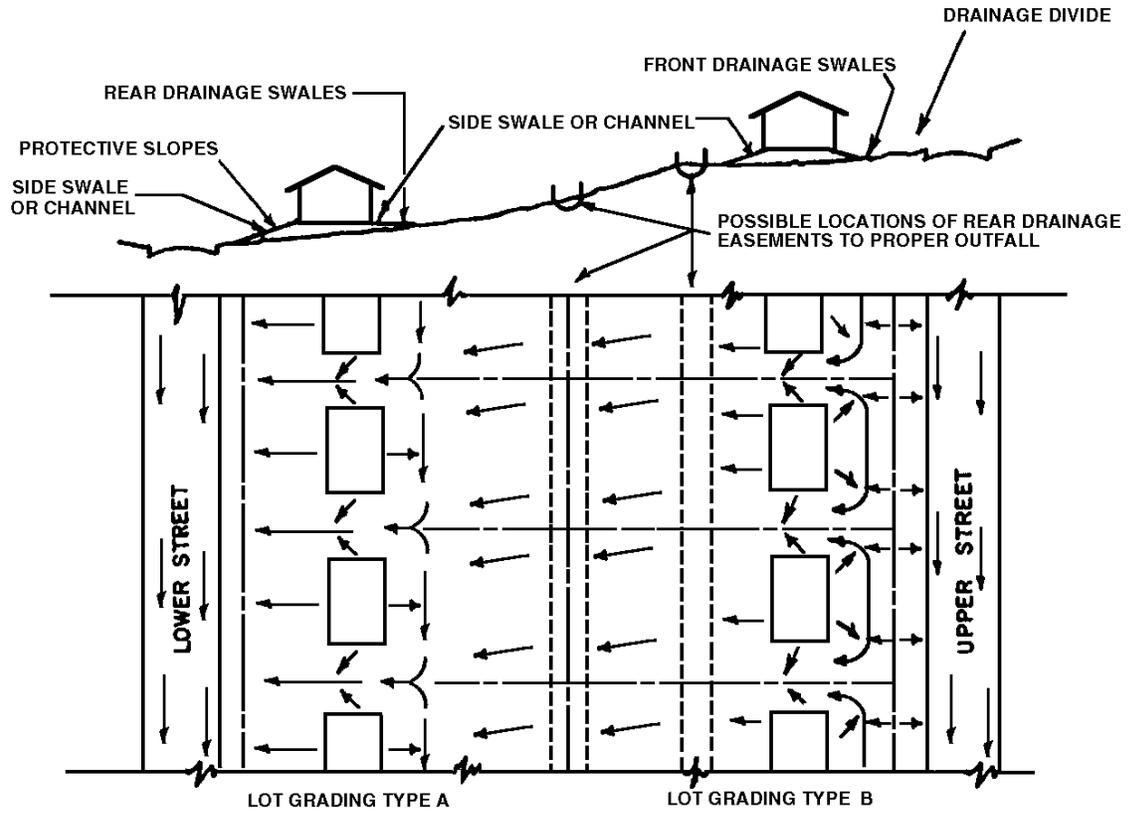
**APPENDIX A-4**

Grading Type 4 [Valley Along Rear Lot Line]



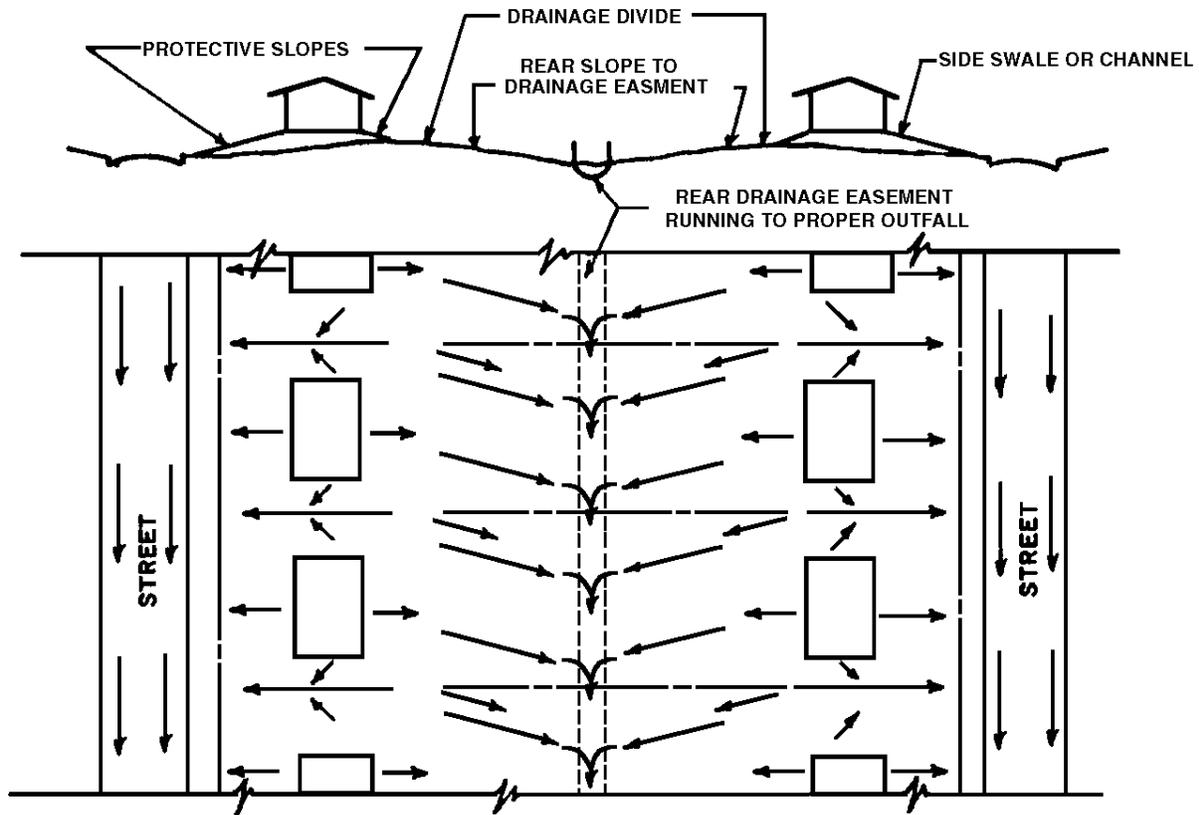


### GRADING TYPE 3 Steep Cross-Slope



### GRADING TYPE 4

#### Valley Along Rear Lot Lines



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# SUBDIVISION RULES AND REGULATIONS

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This Section Contains the Following:

**APPENDIX B-1**

Rainfall Curves [100 Year Storm]

**APPENDIX B-2**

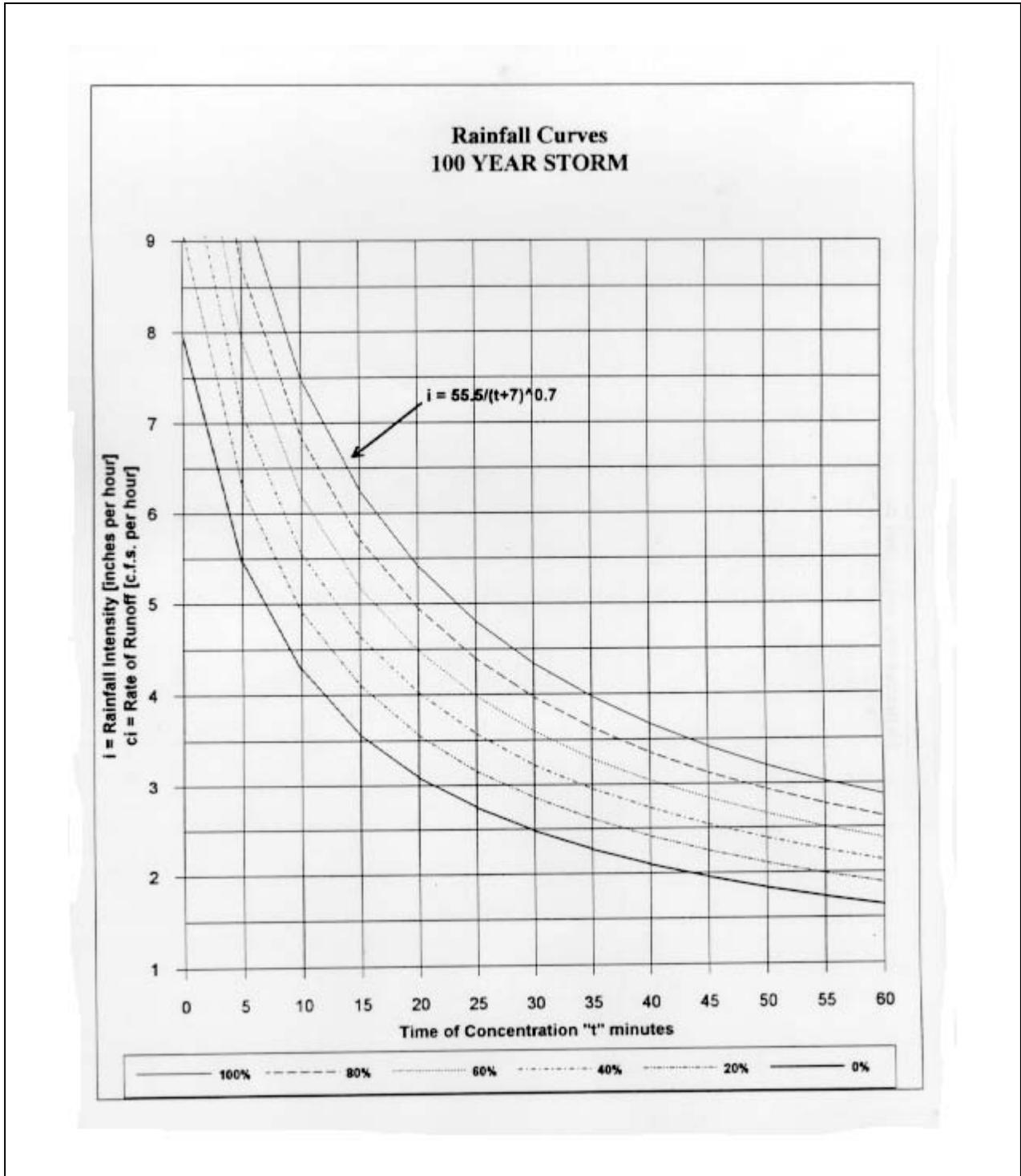
Rainfall Curves[25 Year Storm]

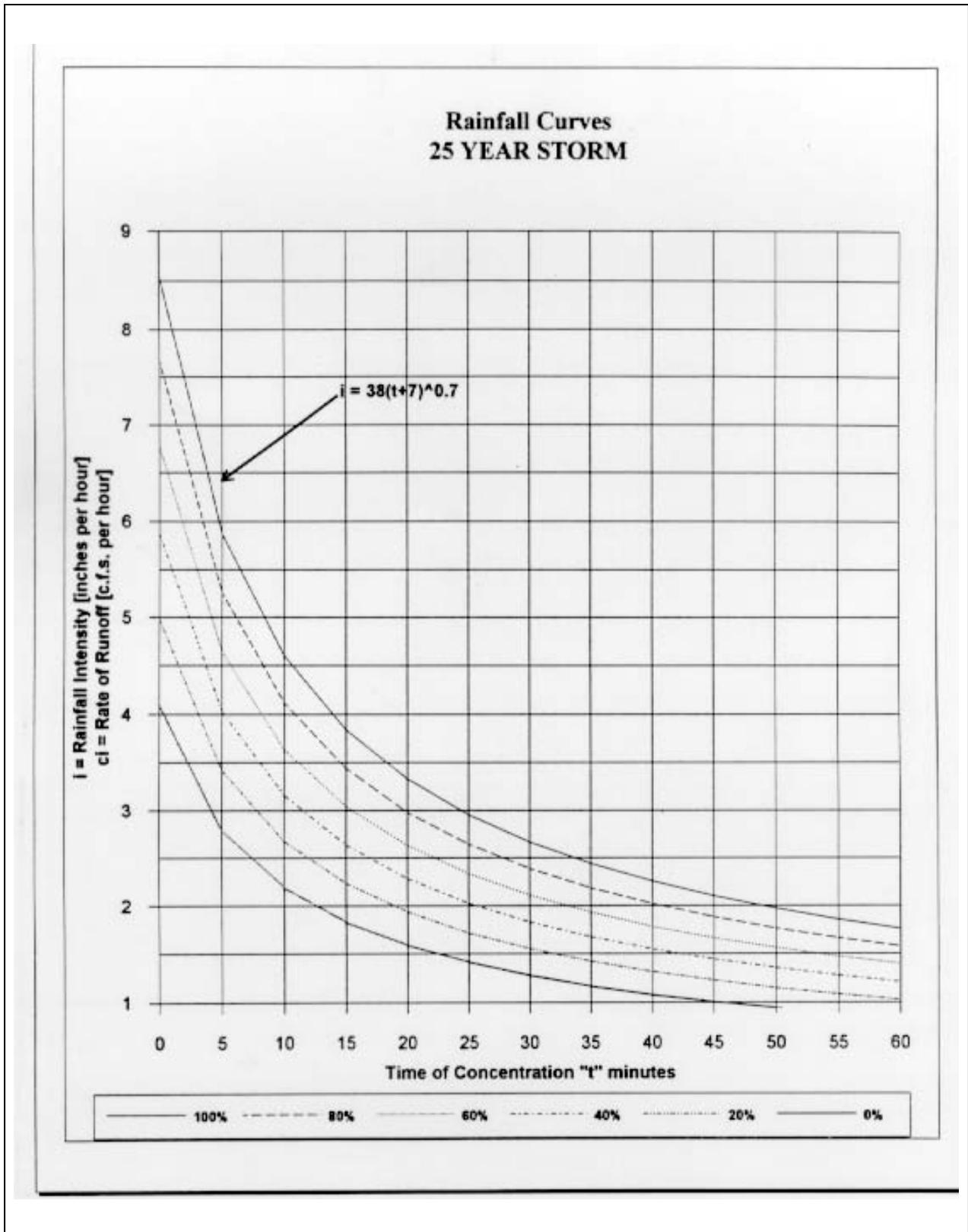
**APPENDIX B-3**

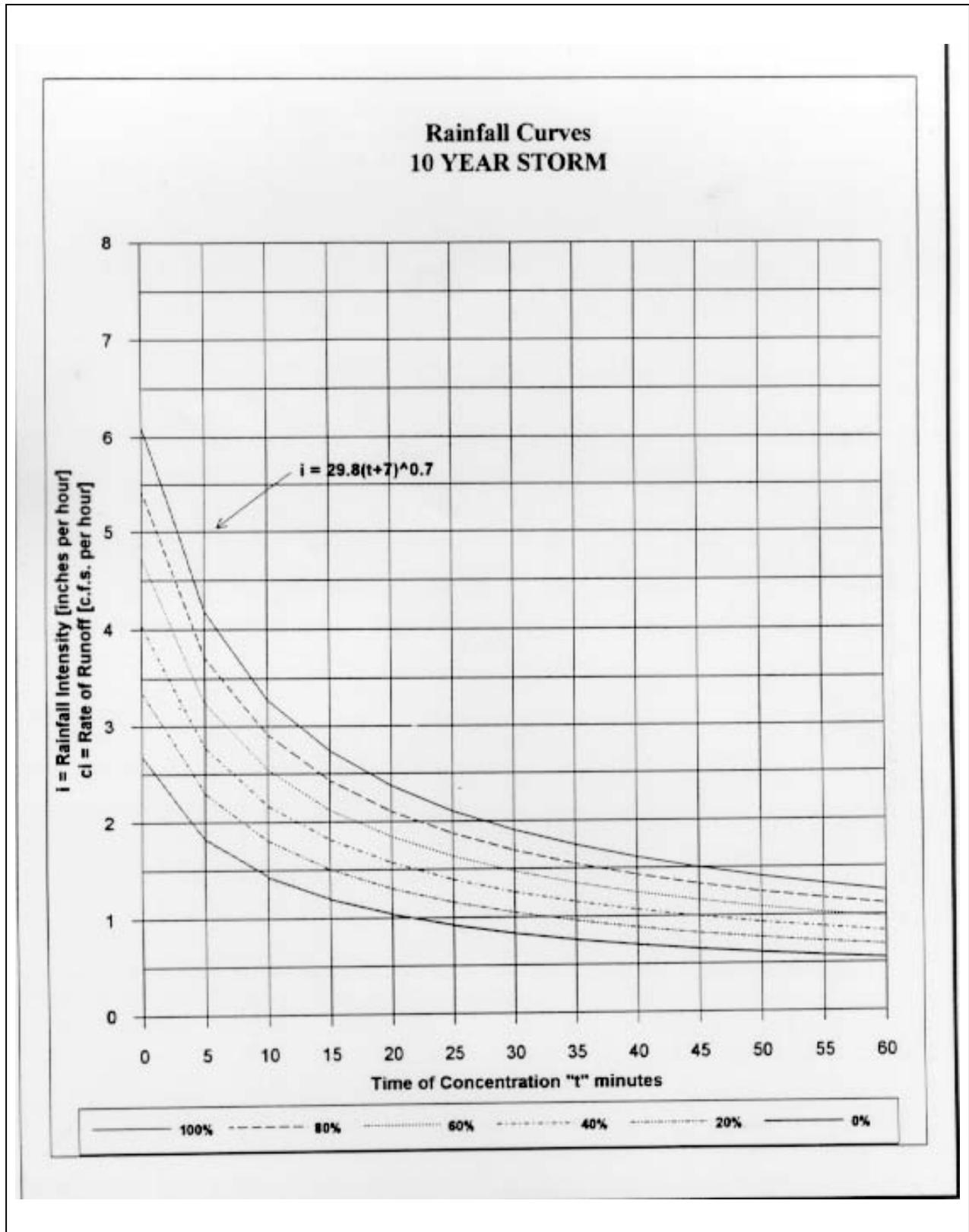
Rainfall Curves [10 Year Storm]

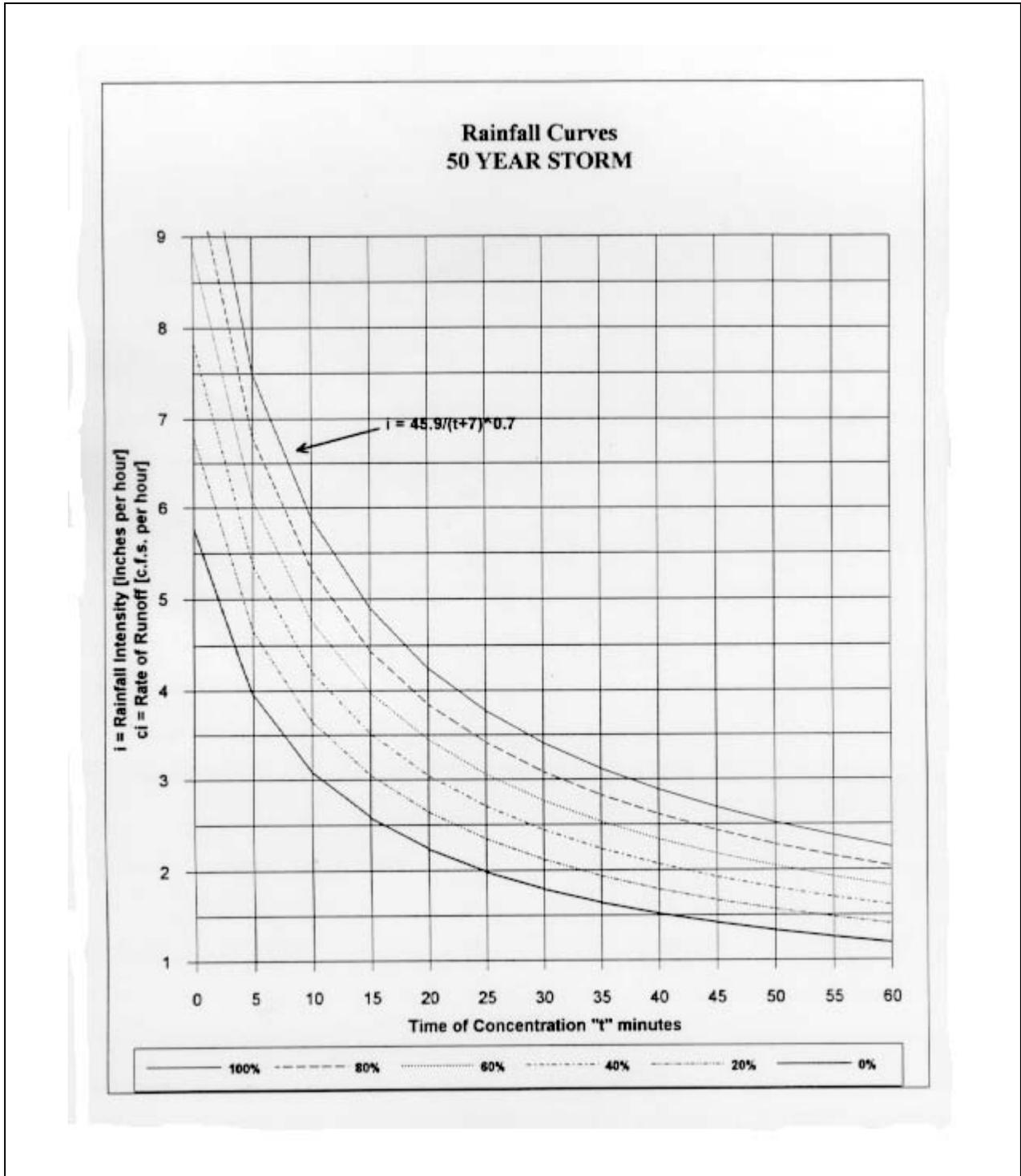
**APPENDIX B-4**

Rainfall Curves [50 Year Storm]









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# SUBDIVISION RULES AND REGULATIONS

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This Section Contains the Following:

**APPENDIX C-1**

Application for Endorsement of Plan Believed Not To Require Approval

**APPENDIX C-2**

Application for Approval - Preliminary Plan

**APPENDIX C-3**

Application for Approval - Definitive Plan

**APPENDIX C-4**

Designer's Certificate

**APPENDIX C-5**

Certified List of Abutters

**APPENDIX C-6**

Approval With Covenant Contract

**APPENDIX C-7**

Release of Restrictions

**NOTE:**

Forms are modified from time to time. Consequently, you are encouraged to contact the Planning Board Office to obtain the most recent version of any of the forms illustrated in this Section.



## FRAMINGHAM PLANNING BOARD

## APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

### INSTRUCTIONS TO OWNER/APPLICANT

**Please complete this entire form and submit the application to the Planning Board.**

**The application *must* be accompanied by the following:**

- One (1) original and ten (10) copies of the application,
- One (1) mylar and ten (10) copies of the plan,
- The Treasurer's Certification form (see page 3 of this form) (applicant to **complete** form only),
- Treasurer's certification that no municipal charges are outstanding, and
- Full payment of Application Fee.

When *all* information is submitted and deemed complete, the application will be date and time stamped by the Planning Board. Incomplete applications will *not* be accepted by the Planning Board.

Where appropriate, separate paragraphs are used below to indicate alternate provisions. Please select and complete the pertinent paragraph(s). Please read Section IV of the "RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF FRAMINGHAM" pertaining to an APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL before filing this form and the attached description of the review process.

You or your duly authorized agent will be expected to appear before the Planning Board to answer any questions and/or submit such additional information as the Board may request in connection with this application. Your absence may result in a delay in review or disapproval of the application before the Board.

**Please Note:** All plans must contain a signature block for the Planning Board's endorsement which shall include five signature lines and a date line succeeded by the following statement - *'This endorsement of the Planning Board should not be construed to be a determination of conformance with zoning regulations.'*

If the application is endorsed and the plan signed by the Planning Board, the applicant shall then be required to deliver to the Planning Board eleven (11) copies of the signed plan. The applicant will be responsible to file the original mylar with the Registry of Deeds.

Date of Application: \_\_\_\_\_

Name of Owner: \_\_\_\_\_

Owners Address: \_\_\_\_\_ Phone Number \_\_\_\_\_

Address of Lot or Parcel: \_\_\_\_\_  
(lot/parcel subject to this application)

Precinct # \_\_\_\_\_

Project Contact's Name (if different from above): \_\_\_\_\_

Project Contact's Phone Number: \_\_\_\_\_

Name (and Company) of Surveyor: \_\_\_\_\_

Surveyor's Address: \_\_\_\_\_ Phone # \_\_\_\_\_  
(Number and Street, Town or City, State, Zip Code)

**To the Planning Board, Town of Framingham:**

The undersigned, being the owner of the land described on the accompanying plan, hereby requests a determination by the Planning Board of the Town of Framingham that its approval under the *Subdivision Control Law* (MGL Chapter 41) is not required. It is acknowledged that if the endorsement of said Planning Board is so received, the original of said plan as endorsed will be duly recorded in the Middlesex South Registry of Deeds, or Land Court, within six (6) months from the date of endorsement. It is understood that failure to record said plan within the specified time shall render any such endorsement null and void.

**The undersigned believes that approval under the Subdivision Control Law is not required for the following reasons:**

The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the frontage, area and depth required by the Zoning By-Laws of the Town of Framingham, is on a public way, namely \_\_\_\_\_, or is on a private way, namely \_\_\_\_\_.

The division of land shown on the accompanying plan is not a subdivision for the following reasons:  
 \_\_\_\_\_  
 \_\_\_\_\_ [attach additional pages if necessary]

The owner's title to the land is derived under deed from \_\_\_\_\_ dated \_\_\_\_\_, \_\_\_\_\_, and recorded in the Middlesex South District Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, or Land Court Certificate of Title Number \_\_\_\_\_, Land Court Case Number \_\_\_\_\_, registered in the Middlesex Land Registry District Book \_\_\_\_\_, Page \_\_\_\_\_.

The parcel or parcels shown on the accompanying plan are noted in the Town of Framingham Assessor's Map Number \_\_\_\_\_, Block Number \_\_\_\_\_, Lot Number \_\_\_\_\_.

The purpose for this application, and any explanation or details thereof, are as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_ [attach additional pages if necessary]

- Yes  No Structures (walls, fences, guardrails, etc.), significant topographical features (wetlands, slopes, ledge, etc.), easements or other conditions are present that could limit or impede access to the lot. If yes attach topographical information for the site at five foot (5') intervals.
- Yes  No This plan has been reviewed by the Office of the Town Engineer. If yes, please identify the date of such review: \_\_\_\_\_.
- Yes  No The parcel or lots shown on the accompanying plan have been included, in whole or in part, on a prior application as an APPROVAL NOT REQUIRED PLAN previously submitted to the Planning Board. If yes please identify the plan and application dates: \_\_\_\_\_.
- Yes  No The lot is on a Scenic Road? [A list of scenic roads is available in the Planning Board Office]
- Yes  No The project involves alteration or demolition of buildings which are at least 50 years old? If yes, the applicant must obtain a determination of historical or architectural significance from the Framingham Historical Commission in conformance with §17A of Article V. of the Town of Framingham's By-Laws (See Appendix IX of the Zoning By-Law).
- Yes  No Is the lot situated in a Historic District? (See Art V. §5 of the Town of Framingham's By-Laws and Appendix IX of the Zoning By-Law)
- Yes  No The Community Notice sign was posted five days prior to an application submittal if no why? \_\_\_\_\_
- Yes  No The applicant is the owner
- Yes  No The applicant is the duly authorized agent for the owner [such evidence is attached].

*The Planning Board is entitled to rely on this representation as being the full and complete statement of the owner/applicant. Therefore, the undersigned certifies that the information provided on the plan and this application is a true and accurate representation of facts pertinent to the subject parcel of land.*

\_\_\_\_\_  
*Signature of Owner/Applicant*

☞ **NOTE:** An Endorsement hereunder does not encompass requirements for any other permit from the Town, including building permits or permits for sewer and water connections or street openings, which may otherwise be required in conjunction with proposed development.

☞ **APPROVAL NOT REQUIRED PLAN REVIEW FEE: SEE ATTACHED FEE SCHEDULE** ☞

☞ **NOTE:** In accordance with Article IX of the By-Laws of the Town of Framingham, the Planning Board may withhold permits and approvals in the event that an applicant has neglected to pay local taxes, fees, assessments or other municipal charges. In order to satisfy the objective of this By-Law, please obtain the Town Treasurer's signature below to verify that no such outstanding charges have accrued relative to this application. This application will not be accepted without the following confirmation:

The signature below confirms that the applicant/owner has paid all local taxes, fees, assessments or other municipal charges and has no outstanding obligations due the Town of Framingham.

\_\_\_\_\_  
**TOWN TREASURER**

\_\_\_\_\_  
DATE OF SIGNATURE

**TO BE COMPLETED BY THE FRAMINGHAM TOWN ENGINEER**

- 1 I **do** recommend endorsement of this application as a PLAN BELIEVED NOT TO REQUIRE APPROVAL.
  - 1 I **do not** recommend endorsement of this application as a PLAN BELIEVED NOT TO REQUIRE APPROVAL for the following reasons: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- Date: \_\_\_\_\_  
 Signature of Town Engineer: \_\_\_\_\_

**TO BE COMPLETED BY THE FRAMINGHAM PLANNING BOARD**

Fee paid on: \_\_\_\_\_ Amount: \$ \_\_\_\_\_  
 Received by the Planning Board in accordance with its RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF FRAMINGHAM, for consideration as an application accompanying a PLAN BELIEVED NOT TO REQUIRE APPROVAL.  
 Received by: \_\_\_\_\_

**13.2.3 Schedule of Administrative Fees.** The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the Zoning By-Laws, the Rules and Regulations for the Subdivision of Land, and any listings which may have been compiled from time to time for the benefit of applicants.

- A. Approval Not Required (ANR) Plans - \$200.00.
- B. Preliminary Plans - \$1000.00.
- C. Definitive Plans - \$1,500.00, plus \$300.00 for each acre; or \$750.00, plus \$300.00 for each acre, when a preliminary plan has been filed within the last seven months and the Preliminary Plan fee associated with such filing, as set forth above, was received by the Board.
- D. Amend or Modify an Approved Definitive Plan (81W) or a **previously submitted Definitive Plan** - \$200.00 plus \$100.00 for each building lot affected. In addition, a fee of \$50.00 shall be required for the consideration of a modification of a road and a fee of \$50.00 shall be required for the modification of a drainage structure. The total fee required shall be the addition of all fees outlined above.
- E. Application to Modify A Scenic Way - \$250.00.
- F. Site Plan Review - Review of Site Plans shall require the following application fees:
  - 1. Major Site Plan - \$2,000.00 plus \$0.06 per square foot of gross floor area.
  - 2. Minor Site Plan (IV.I.2.a)- \$1,000.00 plus \$0.03 per square foot of gross floor area
  - 3. Site Plan Modification - \$1,000.00 plus \$0.03 per square foot of **new** gross floor area.
- G. Special Permits shall require the following application fees, which are in addition to any applicable fees set forth above:
  - 1. Special Permits, including Special Permits for Use, Dimensional Special Permits and Special Permits related to Parking - \$500.00 for a single Special Permit application or a first Special Permit application and \$200.00 for each concurrent Special Permit application, whether concurrent with a first Special Permit or concurrent with a Site Plan Review application.
  - 2. Modification or extension of Special Permit - \$200.00
  - 3. Special Permit for PUD - \$5,000.00 + \$15.00/unit at Prelim.  
plus - \$35.00/unit at Definitive Submittal
- H. Repetitive Petition - \$200.00.
- I. Public Way Access Permit - \$200.00
- J. Application to Modify Zoning District - \$500.00

### **Procedure for Submission of Plan Thought Not to Require Approval**

1. The owner shall file with the Planning Board one (1) mylar original of said plan together with ten (10) copies of the plan and, one (1) original and ten (10) copies of the application
2. The application will be forwarded to the Treasurer's Office for the Treasurer's certification, which takes up to ten (ten) days.
3. Once the application is considered complete by Planning Board staff, it shall be stamped with the date and time of "filing" by said Board and at such time shall be considered "filed". Incomplete applications shall be returned to the applicant.
4. Once an application is determined complete and "filed" with the Board, the owner shall forthwith file, by delivery, or by registered or certified mail postage pre-paid, with the Town Clerk, notice of said filing. Such notice shall be in the form of a copy of the application bearing the Board's stamp of receipt containing the aforesaid date and time. If the notice is given by delivery, the Town Clerk shall, if so requested, give written receipt therefor.
5. The application and plan will be forwarded to the Town Engineer for the Town Engineer's recommendation.
6. After the Town Engineer's recommendation is received by the Planning Board the application and plan will be scheduled for the next available Planning Board Meeting.



## FRAMINGHAM PLANNING BOARD

### APPLICATION FOR APPROVAL PRELIMINARY PLAN

#### ☞ INSTRUCTIONS TO OWNER/APPLICANT ☜

Please complete this **entire** form, including the checklist on page 3 of this form, and submit the original to the Planning Board. The application **must** be accompanied by the following:

- Eighteen (18) copies of the application together with one original mylar, ten (10) full size copies of the subdivision plan, and eight (8) halfsize, legible sets of the subdivision plans (with a bar scale) and eighteen (18) copies of all supporting documents accompany the application.
- The Treasurer’s Certification that no municipal charges are outstanding (see page 3 of this form).
- A Certified List of the Abutters
- A Statement of Communication with residents in the vicinity of the subject property.
- Certification herein, that a Community Notice has been posted on the subject property.
- Full payment of Application Fee

When **all** information is submitted and deemed complete, the application will be date and time stamped by the Planning Board. Incomplete applications will **not** be accepted by the Planning Board. Please read Section V. of the “RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF FRAMINGHAM” pertaining to an APPLICATION FOR PRELIMINARY PLAN and the attached description of the review process before filing this form. After the application is date/time stamped by the Planning Board, the applicant shall be responsible to file one copy of the application with the Office of the Town Clerk in accordance with the requirements of Section 41 of the Massachusetts General Laws.

Where appropriate, separate paragraphs are used below to indicate alternate provisions. Please select and complete the pertinent paragraph(s). Please read Section V of the “RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF FRAMINGHAM”.

You or your duly authorized agent will be expected to appear before the Planning Board to answer any questions and/or submit such additional information as the Board may request in connection with this application. You are encouraged to attend the Planning Board meeting that will be scheduled to consider your application and your absence may result in a delay in its review or its disapproval.

Date of Application: \_\_\_\_\_

Owner of Record Title’s Name: \_\_\_\_\_

Owner/Applicant’s Address: \_\_\_\_\_ Owner/Applicant’s Phone Number: \_\_\_\_\_  
(Number and Street, Town or City, State, Zip Code)

Co-Applicant’s Name: \_\_\_\_\_

Co-Applicant’s Address: \_\_\_\_\_ Co-Applicant’s Phone Number: \_\_\_\_\_  
(Number and Street, Town or City, State, Zip Code)

Project Contact’s Name: \_\_\_\_\_

Project Contact’s Address: \_\_\_\_\_  
(Number and Street, Town or City, State, Zip Code)

Project Contact’s Phone Number: \_\_\_\_\_ Project Contact’s Fax Number: \_\_\_\_\_

The undersigned applicant being the owner, agent, or representative of the owner of all the land included within a proposed subdivision shown on a plan **entitled** \_\_\_\_\_  
**prepared by** \_\_\_\_\_  
**and dated** \_\_\_\_\_, located at (**address**) \_\_\_\_\_ and shown on Framingham Assessor’s Plan Sheet # \_\_\_\_\_, Block # \_\_\_\_\_, Lot(s) # \_\_\_\_\_ and Framingham Assessor’s Plan Sheet # \_\_\_\_\_, Block # \_\_\_\_\_, Lot(s) # \_\_\_\_\_, with number of lots proposed \_\_\_\_\_ on total acreage of tract (acres/sq.ft.) \_\_\_\_\_,

hereby submits said plan as a Preliminary Subdivision Plan in accordance with the Rules and Regulations of the Framingham Planning Board and makes application to the Board for approval of said plan.

The **Owner's title to the land** being subdivided is derived under deed from \_\_\_\_\_, dated \_\_\_\_\_ and recorded in the Middlesex District Registry of Deeds Book# \_\_\_\_\_, Page# \_\_\_\_\_, or under Certificate of Title # \_\_\_\_\_ registered in the Middlesex Land Registry District, Book# \_\_\_\_\_, Page# \_\_\_\_\_.

Precinct # \_\_\_\_\_ Current zoning of property: \_\_\_\_\_  
Current use of property: \_\_\_\_\_  
Number of Lots Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_

Zoning and use of surrounding properties:

	ZONING DESIGNATION	LAND USE
Parcel(s) to the North↑:	_____	_____
Parcel(s) to the South↓:	_____	_____
Parcel(s) to the East⇒:	_____	_____
Parcel(s) to the West⇐:	_____	_____

Brief description of project (e.g.: proposed use of property, number of lots being created, significant features and current condition of the site): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1.  Yes  No The land within the proposed subdivision is subject to easements and restrictions. If yes, attach documentation and show such easements and restrictions on the Plan, as applicable.
2.  Yes  No There are easement restrictions over the land of others applicable to the proposed subdivision. If yes, attach documentation and show such easements and restrictions on the Plan, as applicable.
3.  Yes  No Structures (walls, fences, guardrails, etc.), significant topographical features (wetlands, slopes, ledge, etc.), easements or other conditions are present that could limit or impede access to the proposed subdivision or to individual lots within the subdivision. If yes, please explain.  
\_\_\_\_\_  
\_\_\_\_\_
4.  Yes  No The owner/co-applicant(s) request waivers for the proposed subdivision. If yes, the waivers requested are listed herein with a justification for each waiver requested.  
\_\_\_\_\_  
\_\_\_\_\_
5.  Yes  No The owner/co-applicant(s) certify that **no waivers** are being requested for completion of the subdivision.
6.  Yes  No This Plan **has** been submitted to the Framingham Board of Health. If yes please identify the date of submission. \_\_\_\_\_
7.  Yes  No A Community Notice (min. 2ft. by 2ft.), specifying plans for the property has been posted, as required.
8.  Yes  No A statement regarding the extent of communication with residents of the area about the proposed development is included with this application.
9.  Yes  No The lot is on a Scenic Road? [A list of scenic roads is available in the Planning Board Office]
10.  Yes  No The project involves alteration or demolition of buildings which are at least 50 years old? If yes, the applicant must obtain a determination of historical or architectural significance from the Framingham Historical Commission in conformance with §17A of Article V. of the Town of Framingham's By-Laws (See Appendix IX of the Zoning By-Law).
11.  Yes  No The lot is located in an Historic District? (See Article V. §5 of the Town of Framingham's By-Laws and Appendix IX of the Zoning By-Law)

**Application Checklist**

The following plans, reports and information must be submitted with this application form, in accordance with "RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF FRAMINGHAM", Section V. Preliminary Plan. Please complete the following checklist  to ensure completeness.

1 Title Block, Lower Right Corner	1 Subdivision Name and "Preliminary" Plan Title	1 Subdivision Boundaries
1 North Point	1 Date	1 Scale
1 Legend	1 Zoning Classification	1 Halfsize Prints of Plans
1 Name(s) and address(es) of Owner(s), Applicant(s)	1 Surveyor's Seal, Name, Address, Signature	1 Engineer's Name, Address, Signature, Seal
1 Existing and proposed lines and widths of Streets and Easements in Subdivision	1 Names, approximate location and widths of adjacent streets	1 Lot Boundaries and approximate dimensions, with each lot numbered
1 Abutters names	1 Locus Plan	1 Identification of Scenic Roads
1 Major Site Features	1 Existing Topography	1 Proposed Topography
1 Existing and proposed public or common areas	1 Sewerage and Water Distribution Systems	1 Wetland delineation and upland area calcs. for proposed lots
1 Preliminary OSRD Plan	1 Drainage Systems	1 Copy sent to Board of Health

Provide an explanation for any information which has not been checked above as included in the application:

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*The Planning Board is entitled to rely on this representation as being the full and complete statement of the owner(s) and applicant(s). Therefore, the undersigned certifies that the information provided on the plan and this application is a true and accurate representation of facts pertinent to the subject parcel of land.*

---

***Signature(s) of Owner(s) (Applicant)***

---

**Signature of Co-Applicant**

**☞ The Preliminary Plan Review Fee: See Attached Schedule of Fees ☞**  
**🔔 NOTE:** You will be billed for publication of required public notices.

**☐NOTE:** In accordance with Article IX of the By-Laws of the Town of Framingham, the Planning Board may withhold permits and approvals in the event that an applicant has neglected to pay local taxes, fees, assessments or other municipal charges. In order to satisfy the objective of this By-Law, please obtain the Town Treasurer’s signature below to verify that no such outstanding charges have accrued relative to this application. This application will not be accepted without the following confirmation:

The signature below confirms that the applicant/owner has paid all local taxes, fees, assessments or other municipal charges and has no outstanding obligations due the Town of Framingham.

\_\_\_\_\_

**TOWN TREASURER**

\_\_\_\_\_

DATE OF SIGNATURE

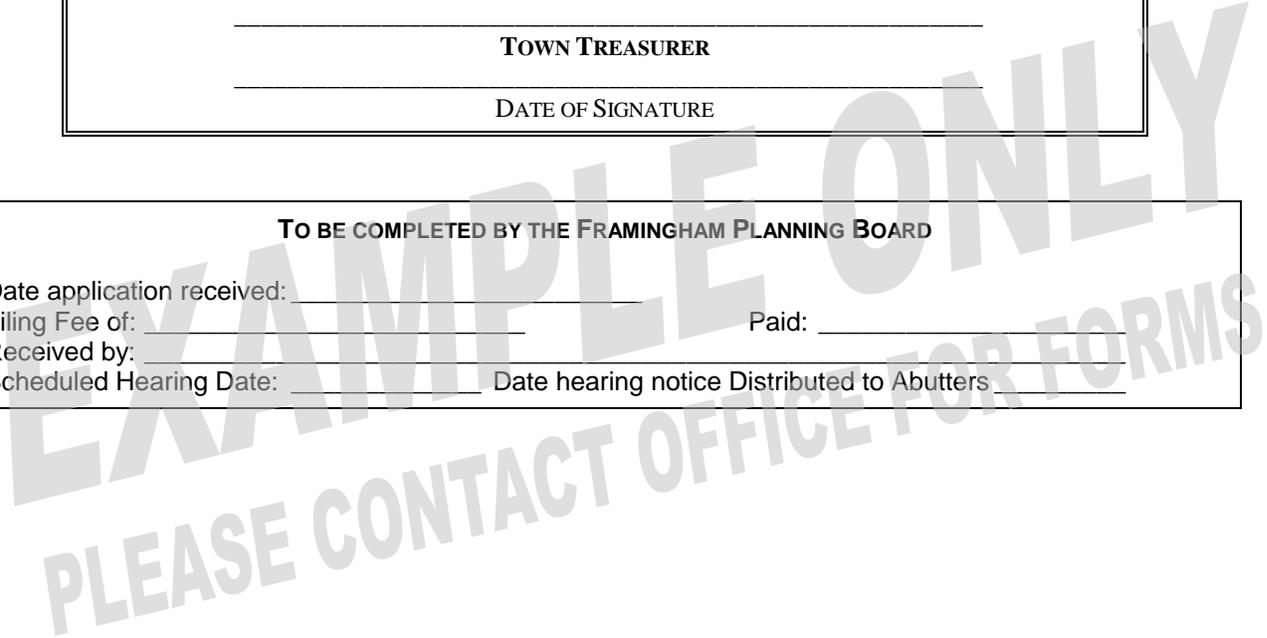
**TO BE COMPLETED BY THE FRAMINGHAM PLANNING BOARD**

Date application received: \_\_\_\_\_

Filing Fee of: \_\_\_\_\_ Paid: \_\_\_\_\_

Received by: \_\_\_\_\_

Scheduled Hearing Date: \_\_\_\_\_ Date hearing notice Distributed to Abutters \_\_\_\_\_



**13.2.3 Schedule of Administrative Fees.** The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the Zoning By-Laws, the Rules and Regulations for the Subdivision of Land, and any listings which may have been compiled from time to time for the benefit of applicants.

- A. Approval Not Required (ANR) Plans - \$200.00.
- B. Preliminary Plans - \$1000.00.
- C. Definitive Plans - \$1,500.00, plus \$300.00 for each acre;  
or \$750.00, plus \$300.00 for each acre, when a preliminary plan has been filed within the last seven months and the Preliminary Plan fee associated with such filing, as set forth above, was received by the Board.
- D. Amend or Modify an Approved Definitive Plan (81W) **or a previously submitted Definitive Plan** - \$200.00 plus \$100.00 for each building lot affected. In addition, a fee of \$50.00 shall be required for the consideration of a modification of a road and a fee of \$50.00 shall be required for the modification of a drainage structure. The total fee required shall be the addition of all fees outlined above.
- E. Application to Modify A Scenic Way - \$250.00.
- F. Site Plan Review - Review of Site Plans shall require the following application fees:
  - 1. Major Site Plan - \$2,000.00. plus \$0.06 per square foot of gross floor area.
  - 2. Minor Site Plan (IV.I.2.a)- \$1,000.00. plus \$0.03 per square foot of gross floor area.
  - 3. Site Plan Modification - \$1,000.00. plus \$0.03 per square foot of **new** gross floor area.
- G. Special Permits shall require the following application fees, which are in addition to any applicable fees set forth above:
  - 1. Special Permits, including Special Permits for Use, Dimensional Special Permits and Special Permits related to Parking - \$500.00 for a single Special Permit application or a first Special Permit application and \$200.00 for each concurrent Special Permit application, whether concurrent with a first Special Permit or concurrent with a Site Plan Review application.
  - 2. Modification or extension of Special Permit - \$200.00
  - 3. Special Permit for PUD - \$5,000.00 + \$15.00/unit at Prelim.  
plus - \$35.00/unit at Definitive Submittal
- H. Repetitive Petition - \$200.00.
- I. Public Way Access Permit - \$200.00
- J. Application to Modify Zoning District. - \$500.00

## **Consultant Review Fees and Procedures**

(1) **Applicability.** The Planning Board, at its sole discretion, may determine that a proposed project's size, scale, complexity, potential impact or use of the land warrants the use of outside consultants (such as engineers, planners, lawyers, hydrogeologists, or others). Such consultants shall assist the Planning Board, for review and comment prior to action by the Planning Board in plan review, impact analysis, inspection or other technical or legal assistance necessary to ensure compliance with all relevant laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, providing legal counsel for decisions and covenants, and monitoring or inspecting a project or site during construction or post-construction for compliance with the Board's decisions or regulations. Such consultants shall be selected and retained by the Planning Board, with the actual and reasonable costs for their services to be paid by the applicant.

(2) **Submittal.** Consultant Review Fees shall be submitted upon receipt of notice of estimated consultant review cost (based upon a fee schedule of estimated consultant costs) for deposit in an account established pursuant to Chapter 593 of the Acts of 1989, M.G.L. c. 44, s. 53G (593 Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

(3) Those projects which are deemed by the Planning Board to require review by outside consultants shall be delivered to the selected consultant or consultants, who shall submit a cost for the requested consultant services to the Planning Board. To the extent possible, the Board shall select consultants that are not working for an applicant currently before the Planning Board.

(4) **Replenishment.** When the balance in an applicant's 593 Account falls below twenty-five percent (25%) of the initial Consultant Review Fee, as imposed above, the Planning Board may require a supplemental Consultant Review Fee to cover the cost of the remaining project review.

(5) **Monitoring and Inspection Phase.** As a condition of approval of a Definitive Plan or a Special Permit, the Planning Board may require a Supplemental Consultant Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

(6) **Handling of Consultant Review Fees.** The Consultant Review Fee is to be deposited into a special account (593 Account) as set forth in G.L. c. 44, s. 53G.

- a) Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from this account.
- b) Consultant Review Fees shall be turned over to the Town Treasurer by the Planning Board for deposit into a 593 Account.
- c) A copy of the latest statement from the banking institution handling the 593 Account shall be forwarded from the office of the Town Treasurer to the Planning Board Office as soon as it is received for timely and accurate accounting.
- d) The Town Treasurer shall prepare a report on activity in the 593 Account on an annual basis. This report shall be submitted to the Board of Selectmen and the Town Manager for their review. The final report on the 593 Account shall be printed in the Annual Report of the Town of Framingham.
- e) An accounting of an applicant's funds held in the 593 Account may be requested by the applicant. The Planning Board Office, through the Town Treasurer, shall respond to the request in a timely fashion.
- f) Excess consultant review fees in the 593 Account, including any accumulated interest, shall be returned to the applicant, or the applicant's documented successor in interest, at the conclusion of the review process as determined by the Planning Board.

(7) **Selection Appeal.** The applicant shall be notified of the consultant selection prior to initiation of consultant efforts. As provided in M.G.L. Chapter 44, § 53G, the applicant may administratively appeal the selection of the consultant to the Framingham Board of Selectmen, on grounds that the proposed consultant selected has a conflict of interest or that the proposed consultant does not possess the minimum required qualifications of an educational degree or three (3) or more years of practice in, or closely related to, the field at issue. Such an appeal may be

initiated by the applicant filing notice with the Town Clerk within seven (7) calendar days of notice of the selection. The consultant selection made by the Planning Board shall stand if one (1) month passes without decision by the Board of Selectmen on said appeal. The required time limits for action upon an application by the Planning Board shall be extended by duration of the administrative appeal. This appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

(8) Remedy. Failure of an applicant to pay the consultant review fee determined by the Planning Board, or to replenish the special account when requested, may be grounds for disapproval.

## **Subdivision Plan Review Procedures**

### **Preliminary Plan Submission**

- Step 1.** Preliminary Application submitted to Planning Board. Twelve (12) sets [original plus eleven copies] of all application materials must be provided by the applicant. The contents of the Preliminary Application are described in Section V. C. of the Town of Framingham's Subdivision Rules and Regulations. Application must include signature of owner(s) and be accompanied by a certified list of abutters and signature of owner.
- Step 2.** Applicant submits preliminary Application to the Town Clerk and Board of Health
- Step 3.** Applicant pays 50% of fee when the preliminary application is submitted.
- Step 4.** Application submitted to Town Treasurer for confirmation of payment of taxes, fees, assessments and other municipal charges.
- Step 5.** Plans and Applications are time stamped.
- Step 6.** Prepare Staff Review distribution cover letter, schedule Planning Board review no later than 35 days after submission of application, schedule departmental review and staff meeting date (at least 3 weeks prior to the Planning Board's Public Hearing).
- Step 7.** Distribute plans and application to all departments.
- Step 8.** Departments submit review letters within 35 days to Planning Board, copies of all letters are provided to the applicant.
- Step 9.** Staff meeting is conducted.
- Step 10.** Applicant submits technical revisions to the Planning Board.
- Step 11.** Revised plans are re-distributed to all Departments to enable modification of staff review letters.
- Step 12.** No later than 45 days after date of submission the Planning Board conducts hearing on Preliminary Plan and makes a Determination.



**FRAMINGHAM PLANNING BOARD**  
**APPLICATION FOR APPROVAL**  
**DEFINITIVE PLAN**

☞ INSTRUCTIONS TO OWNER/APPLICANT ☞

Please complete this *entire* form, including the checklist on page 4 of this form, and submit the original to the Planning Board. The application *must* be accompanied by the following:

- Eighteen (18) copies of the application together with one original mylar, ten (10) full size copies of the subdivision plan, and eight (8) halfsize, legible sets of the subdivision plans (with a bar scale) and eighteen (18) copies of all supporting documents accompany the application.
- The Treasurer's Certification that no municipal charges are outstanding (see page 3 of this form).
- A Statement of Communication with residents in the vicinity of the subject property.
- Certification herein, that a Community Notice has been posted on the subject property.
- Designers Certificates – Form 4
- A Certified List of the Abutters - Form 5
- Full payment of Application Fee

When *all* information is submitted and deemed complete, the application will be date and time stamped by the Planning Board. Incomplete applications will *not* be accepted by the Planning Board.

After the application is date/time stamped by the Planning Board, the applicant shall be responsible to file one copy of the application with the Office of the Town Clerk in accordance with the requirements of Section 41 of the Massachusetts General Laws.

Where appropriate, separate paragraphs are used below to indicate alternate provisions. Please select and complete the pertinent paragraph(s). Please read Section VI of the "RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF FRAMINGHAM" and the attached description of the review process before filing this form.

You or your duly authorized agent will be expected to appear before the Planning Board to answer any questions and/or submit such additional information as the Board may request in connection with this application. You are encouraged to attend the Planning Board meeting that will be scheduled to consider your application and your absence may result in a delay in its review or its disapproval.

Date of Application: \_\_\_\_\_

Owner of Record Title's Name: \_\_\_\_\_

Owner/Applicant's Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
 (Number and Street, Town or City, State, Zip Code)

Co-Applicant's Name: \_\_\_\_\_

Co-Applicant's Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
 (Number and Street, Town or City, State, Zip Code)

Project Contact's Name: \_\_\_\_\_

Project Contact's Address: \_\_\_\_\_  
 (Number and Street, Town or City, State, Zip Code)

Project Contact's Phone Number: \_\_\_\_\_ Project Contact's Fax Number: \_\_\_\_\_

The undersigned applicant being the owner, agent, or representative of the owner of all the land included within a proposed subdivision shown on a plan **entitled** \_\_\_\_\_

\_\_\_\_\_ **prepared by** \_\_\_\_\_

and **dated** \_\_\_\_\_, located at (**address**) \_\_\_\_\_ and shown on

Framingham Assessor's Plan Sheet # \_\_\_\_\_, Block # \_\_\_\_\_, Lot(s) # \_\_\_\_\_ and

Framingham Assessor's Plan Sheet # \_\_\_\_\_, Block # \_\_\_\_\_, Lot(s) # \_\_\_\_\_,

with number of lots proposed \_\_\_\_\_ on total acreage of tract (acres/sq.ft.) \_\_\_\_\_,

hereby submits said plan as a Definitive Subdivision Plan in accordance with the Rules and Regulations of the Framingham Planning Board and makes application to the Board for approval of said plan.

The **Owner's title to the land** being subdivided is derived under deed from \_\_\_\_\_, by deed dated \_\_\_\_\_ and recorded in the Middlesex District Registry of Deeds Book # \_\_\_\_\_, Page # \_\_\_\_\_, or under Certificate of Title # \_\_\_\_\_ registered in the Middlesex Land Registry District, Book# \_\_\_\_\_, Page# \_\_\_\_\_.

Precinct # \_\_\_\_\_ Current zoning of property: \_\_\_\_\_

Current use of property: \_\_\_\_\_

Number of Lots Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_

Zoning and use of surrounding properties:

	ZONING DESIGNATION	LAND USE
Parcel(s) to the North↑:	_____	_____
Parcel(s) to the South↓:	_____	_____
Parcel(s) to the East⇨:	_____	_____
Parcel(s) to the West⇧:	_____	_____

Brief Description of project (e.g.: proposed use of property, number of lots being created, significant features and current condition of the site, attach additional pages as necessary):

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

1.  Yes  No The land within the proposed subdivision is subject to easements and restrictions. If yes, attach documentation and show such easements and restrictions on the Plan, as applicable.

2.  Yes  No There are easement restrictions over the land of others applicable to the proposed subdivision. If yes, attach documentation and show such easements and restrictions on the Plan, as applicable.

3.  Yes  No Structures (walls, fences, guardrails, etc.), significant topographical features (wetlands, slopes, ledge, etc.), easements or other conditions are present that could limit or impede access to the proposed subdivision or to individual lots within the subdivision. If yes, please explain.

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

4.  Yes  No The owner/co-applicant(s) request waivers for the proposed subdivision. If yes, the waivers requested are listed herein with a justification for each waiver requested.

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

5.  Yes  No The owner/co-applicant(s) certify that **no waivers** are being requested for completion of the subdivision.

6.  Yes  No This Plan **has** been submitted to the Framingham Board of Health. If yes please identify the date of submission. \_\_\_\_\_. If no, please file two copies of said plan

7. Check as appropriate

a.  Yes  No A preliminary plan of the proposed subdivision, to which the accompanying plan conforms, has been submitted and was approved by the Planning Board on \_\_\_\_\_.

b.  Yes  No A preliminary plan of the proposed subdivision has been submitted and was approved by the Planning Board on \_\_\_\_\_ with modifications, which modifications have been incorporated in the accompanying plan.

c.  Yes  No A preliminary plan of the proposed subdivision has not been submitted to the Planning Board.

8.  Yes  No List all other required permits (local, state and federal) already in hand, or which will be in hand prior to final occupancy and necessary for construction (i.e. NPDES, Conservation Commission, Board of Health, Public Works, Board of Selectmen etc). \_\_\_\_\_

\_\_\_\_\_

9.  Yes  No A Community Notice (min. 2ft. by 2ft.), specifying plans for the property has been posted, as required.

10.  Yes  No A statement regarding the extent of communications with residents of the area about the proposed development is included with this application.
11.  Yes  No The lot is on a Scenic Road? [A list of scenic roads is available in the Planning Board Office]
12.  Yes  No The project involves alteration or demolition of buildings which are at least 50 years old? If yes, the applicant must obtain a determination of historical or architectural significance from the Framingham Historical Commission in conformance with §17A of Article V. of the Town of Framingham's By-Laws (*See Appendix IX of the Zoning By-Law*).
13.  Yes  No The lot is located in an Historic District? (*See Article V. §5 of the Town of Framingham's By-Laws and Appendix IX of the Zoning By-Law*)
14. The applicant agrees, if the definitive plan is approved, to perform and complete all work on the ground within the proposed subdivision required by the "RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF FRAMINGHAM" as in force on the date of this application (or if applicable on the date of an application of a Preliminary Plan) and as modified and supplemented by the specifications and other requirements of the Board set forth in the statements attached hereto.
15. The applicant further agrees to complete all said required work on the ground within two years from the date of the final endorsement of the definitive plan by the Board, unless an application is filed with and approved by the Board extending such time.
16. The applicant further agrees, if the definitive plan is approved, to cause said plan to be endorsed within six (6) months thereafter and to cause said plan to be recorded or registered in the Middlesex South District Registry of Deeds within thirty (30) days after the endorsement and return of said plan to the applicant by the Board, and agrees not to sell, or offer to sell, any of the lots within the subdivision until said plan is so recorded or registered.
17. The applicant further agrees, if the definitive plan is approved, to convey to the Town, promptly, at any time thereafter when requested to do so by the Board, in a form deemed satisfactory by the Board, title to water mains and sewers and the prescribed easements therefor.
- 18.a. The applicant further agrees, before final approval of the definitive plan, to cause to be filed with the Board a bank passbook solely in the name of the Town, negotiable securities or a bond, in a form deemed satisfactory by the Board, or a deposit of money, conditioned on the completion of all required work on the ground in the time and manner prescribed, in a penal sum sufficient, in the opinion of the Board, to cover the cost of such work. A bond form of security shall be executed by the applicant as principal and an indemnity or surety company authorized to do business in the Commonwealth and satisfactory to the Board as surety, or secured by the deposit with the Town Treasurer of cash or United States Government Bonds in an amount equal to the penal sum of the bond. A bank passbook shall be accompanied by an Agreement in a form to be provided by the Board and executed by the Board, the developer and the bank in which the account is established.

**OR**

- 18.b. The applicant requests the Board to approve the definitive plan on condition that no lot in the subdivision shall be sold and no building shall be erected or placed on any lot until the required work on the ground necessary to serve such lot adequately has been completed to the satisfaction of the Board.
19. This application is accompanied by an original drawing of the proposed definitive plan in accordance with the requirements of the "RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF FRAMINGHAM", designer's certificates and approved cost estimates of all work to be covered by a bond, or bank passbook.

**Application Checklist**

The following plans, reports and information must be submitted with this application form, in accordance with "RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF FRAMINGHAM", Section VI. Definitive Plan. Please complete the following checklist  to ensure completeness.

1 Title Block, Lower Right Corner	1 Subdivision Name and "Definitive Plan" Title	1 Subdivision Boundaries
1 Index Sheet	1 North Point and Scale	1 Date
1 Legend of Symbols	1 Benchmark and Datum	1 Zoning Classification
1 Name(s) and address(es) of Owner(s), Applicant(s)	1 Surveyor's Seal, Name, Address, Signature	1 Engineer's Name, Address, Signature, Seal
1 Assessor's Map-Block-Lot(s)	1 Names of abutters	1 Halfsize Prints of Plans
1 Existing and proposed Streets, Ways and Easements	1 Existing and proposed public or common areas	1 Consistent space to record Board action on all sheets
1 Ownership, condition and status of Existing Streets	1 Street Classification of Proposed Streets	1 Existing and proposed Lot Boundaries and Dimensions
1 Front and side setback lines for each lot	1 Proposed building footprint and driveways	1 Location, bearing and length of streets, ways, lots, boundaries
1 Numerical designation and area of all lots and divisions	1 Location of all existing and proposed permanent monuments	1 Location, materials, type of sidewalks, curbs, street signs, lighting and trees
1 Existing Topography	1 Proposed Topography	1 Street Profiles with Note
1 Storm Drainage Systems, Plans, Elevations	1 Stormwater Management Documentation	1 Existing and Proposed Municipal Services/Easements
1 Hydrological Calculations	1 Septic & Well Locations	1 Utility Wiring Plan
1 Sewerage and Water Distribution Systems	1 Easements, covenants, restrictions on Land	1 Decisions on appeal, or applicable variances
1 Sewer Profiles	1 Major Site Features	1 Wetland delineation and upland area calcs. for proposed lots
1 Off-Site Surface Water Discharge & Written Evidence of Acceptance	1 A close traverse of the whole subdivision and every street therein	1 Notation of property confirmed by Mass. Land Court with case numbers, as applicable
1 Construction Access Routes and hours of operation	1 Construction details for erosion control measures	1 Preliminary OSRD Subdivision Plan
1 Complete Impact Statement	1 Locus Plan	1 Evidence of Other Permits
1 Designers' Certificates	1 Certified List of Abutters	1 Approval Agreement

Provide an explanation for any information which has not been checked above as included in the application: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*The Planning Board is entitled to rely on this representation as being the full and complete statement of the owner(s) and applicant. Therefore, the undersigned certifies that the information provided on the*

plan and this application is a true and accurate representation of facts pertinent to the subject parcel of land.

\_\_\_\_\_  
*Signature(s) of Owner(s) (Applicant)*

\_\_\_\_\_  
*Signature of Co-Applicant*

**☛The Definitive Plan Review Fee: See Attached Schedule of Fees☛**  
🔔 **NOTE:** You will be billed for publication of required public notices.

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The signature below confirms that the applicant/owner has paid all local taxes, fees, assessments or other municipal charges and has no outstanding obligations due the Town of Framingham.  
  
\_\_\_\_\_  
**TOWN TREASURER**  
  
\_\_\_\_\_  
DATE OF SIGNATURE

**TO BE COMPLETED BY THE FRAMINGHAM PLANNING BOARD**  
  
Date application received: \_\_\_\_\_  
Filing Fee of: \_\_\_\_\_ Paid: \_\_\_\_\_  
Scheduled Hearing Date: \_\_\_\_\_ Date hearing notice Distributed to Abutters \_\_\_\_\_  
Received by: \_\_\_\_\_

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or \$750.00, plus \$300.00 for each acre, when a preliminary plan has been filed within the last seven months and the Preliminary Plan fee associated with such filing, as set forth above, was received by the Board.
- D. Amend or Modify an Approved Definitive Plan (81W) **or a previously submitted Definitive Plan** - \$200.00 plus \$100.00 for each building lot affected. In addition, a fee of \$50.00 shall be required for the consideration of a modification of a road and a fee of \$50.00 shall be required for the modification of a drainage structure. The total fee required shall be the addition of all fees outlined above.
- E. Application to Modify A Scenic Way - \$250.00.
- F. Site Plan Review - Review of Site Plans shall require the following application fees:
  - 1. Major Site Plan - \$2,000.00. plus \$0.06 per square foot of gross floor area.
  - 2. Minor Site Plan (IV.I.2.a)- \$1,000.00. plus \$0.03 per square foot of gross floor area.
  - 3. Site Plan Modification - \$1,000.00. plus \$0.03 per square foot of **new** gross floor area.
- G. Special Permits shall require the following application fees, which are in addition to any applicable fees set forth above:
  - 1. Special Permits, including Special Permits for Use, Dimensional Special Permits and Special Permits related to Parking - \$500.00 for a single Special Permit application or a first Special Permit application and \$200.00 for each concurrent Special Permit application, whether concurrent with a first Special Permit or concurrent with a Site Plan Review application.
  - 2. Modification or extension of Special Permit - \$200.00
  - 3. Special Permit for PUD - \$5,000.00 + \$15.00/unit at Prelim.  
plus - \$35.00/unit at Definitive Submittal
- H. Repetitive Petition - \$200.00.
- I. Public Way Access Permit - \$200.00
- J. Application to Modify Zoning District. - \$500.00

Consultant Review Fees and Procedures

(1) **Applicability.** The Planning Board, at its sole discretion, may determine that a proposed project's size, scale, complexity, potential impact or use of the land warrants the use of outside consultants (such as engineers, planners, lawyers, hydrogeologists, or others). Such consultants shall assist the Planning Board, for review and comment prior to action by the Planning Board in plan review, impact analysis, inspection or other technical or legal assistance necessary to ensure compliance with all relevant laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, providing legal counsel for decisions and covenants, and monitoring or inspecting a project or site during construction or post-construction for compliance with the Board's decisions or regulations. Such consultants shall be selected and retained by the Planning Board, with the actual and reasonable costs for their services to be paid by the applicant.

(2) **Submittal.** Consultant Review Fees shall be submitted upon receipt of notice of estimated consultant review cost (based upon a fee schedule of estimated consultant costs) for deposit in an account established pursuant to Chapter 593 of the Acts of 1989, M.G.L. c. 44, s. 53G (593 Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

(3) Those projects which are deemed by the Planning Board to require review by outside consultants shall be delivered to the selected consultant or consultants, who shall submit a cost for the requested consultant services to the Planning Board. To the extent possible, the Board shall select consultants that are not working for an applicant currently before the Planning Board.

(4) **Replenishment.** When the balance in an applicant's 593 Account falls below twenty-five percent (25%) of the initial Consultant Review Fee, as imposed above, the Planning Board may require a supplemental Consultant Review Fee to cover the cost of the remaining project review.

(5) **Monitoring and Inspection Phase.** As a condition of approval of a Definitive Plan or a Special Permit, the Planning Board may require a Supplemental Consultant Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

(6) **Handling of Consultant Review Fees.** The Consultant Review Fee is to be deposited into a special account (593 Account) as set forth in G.L. c. 44, s. 53G.

- a) Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from this account.
- b) Consultant Review Fees shall be turned over to the Town Treasurer by the Planning Board for deposit into a 593 Account.
- c) A copy of the latest statement from the banking institution handling the 593 Account shall be forwarded from the office of the Town Treasurer to the Planning Board Office as soon as it is received for timely and accurate accounting.
- d) The Town Treasurer shall prepare a report on activity in the 593 Account on an annual basis. This report shall be submitted to the Board of Selectmen and the Town Manager for their review. The final report on the 593 Account shall be printed in the Annual Report of the Town of Framingham.
- e) An accounting of an applicant's funds held in the 593 Account may be requested by the applicant. The Planning Board Office, through the Town Treasurer, shall respond to the request in a timely fashion.
- f) Excess consultant review fees in the 593 Account, including any accumulated interest, shall be returned to the applicant, or the applicant's documented successor in interest, at the conclusion of the review process as determined by the Planning Board.

(7) **Selection Appeal.** The applicant shall be notified of the consultant selection prior to initiation of consultant efforts. As provided in M.G.L. Chapter 44, § 53G, the applicant may administratively appeal the selection of the consultant to the Framingham Board of Selectmen, on grounds that the proposed consultant selected has a conflict of interest or that the proposed consultant does not possess the minimum required qualifications of an educational degree or three (3) or more years of practice in, or closely related to, the field at issue. Such an appeal may be

initiated by the applicant filing notice with the Town Clerk within seven (7) calendar days of notice of the selection. The consultant selection made by the Planning Board shall stand if one (1) month passes without decision by the Board of Selectmen on said appeal. The required time limits for action upon an application by the Planning Board shall be extended by duration of the administrative appeal. This appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

(8) Remedy. Failure of an applicant to pay the consultant review fee determined by the Planning Board, or to replenish the special account when requested, may be grounds for disapproval.

### ***Definitive Plan Submission***

- Step 1.** Definitive Application submitted to Planning Board. Twelve (12) sets (original plus eleven copies) of all application materials be provided by the applicant. The contents of the Definitive Application are described in Section VI. C. of the Town's Subdivision Rules and Regulations. Application must include signature of owner(s) and be accompanied by a certified list of abutters.
- Step 2.** Applicant submits Application to Board of Health.
- Step 3.** Applicant pays remaining 50% of fee when the definitive application is submitted
- Step 4.** Application submitted to Town Treasurer for confirmation of payment of taxes, fees, assessments and other municipal charges.
- Step 5.** Plans and Applications are time stamped.
- Step 6.** Prepare distribution cover letter, schedule Planning Board's Public Hearing to occur no later than 90 days from date of the submission of the application, or 135 days for the date of submission where no preliminary plan has been submitted and acted upon.
- Step 7.** Three weeks prior to date of the Planning Board's Public Hearing send hearing advertisement to the local newspaper (Tab or Middlesex News) to be published two times, 14 and 7 days prior to the Public Hearing (*Cover letter and hearing notice format attached*). Notice of Hearing must be posted in Town Clerk's Office and Planning Board's Bulletin Board. Notice of hearings is distributed to abutters and affected Precinct members.
- Step 8.** Departments submit review letters within 35 days to Planning Board, copies of all letters are provided to the applicant.
- Step 9.** A staff meeting is conducted.
- Step 10.** If necessary applicant submits technical revisions to the Planning Board based on staff comments.
- Step 11.** Revised plans are re-distributed to all Departments to enable modification of staff review letters.
- Step 12.** Planning Board holds Public Hearing, renders decision.
- Step 13.** Immediately following the Public Hearing send notice of the amount due for the publication of legal notices to the applicant for payment.
- Step 14.** If plan is approved, a draft decision and covenant contract is submitted to the Planning Board review, approval and signature.
- Step 15.** Approved decision is filed with the Town Clerk.

**Step 16.** Following appeals period (20 days after date filed with Town Clerk) the Planning Board signs the plans and covenants.

**Step 17.** Applicant can choose to complete all improvements and then request a release of lots for sale and/or construction or post an improvement security and request such release.

**EXAMPLE ONLY**  
**PLEASE CONTACT OFFICE FOR FORMS**



**TOWN OF FRAMINGHAM PLANNING BOARD**

**Designers Certificate**

\_\_\_\_\_, 20\_\_

(ONE COPY OF THIS FORM, FILLED OUT AND SIGNED BY THE APPLICANT, SHOULD BE SUBMITTED WITH FORM 3.)

**To: *The Framingham Planning Board:***

In preparing the plan entitled \_\_\_\_\_, and dated \_\_\_\_\_, I hereby certify that the above name definitive subdivision plan and accompanying data is true and correct to the accuracy required by the current ***Subdivision Rules and Regulations*** of the Town of Framingham and required by the Rules of the Massachusetts Registry of Deeds, 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 Middlesex South Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_.
2. Actual measures on the ground from a starting point established by \_\_\_\_\_
3. Other deeds, plans, and/or sources, as follows: \_\_\_\_\_

Seal of Surveyor

Signed: \_\_\_\_\_  
Massachusetts Registration Number \_\_\_\_\_  
Name and Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone Number \_\_\_\_\_

Seal of Professional Engineer

Signed: \_\_\_\_\_  
Massachusetts Registration Number \_\_\_\_\_  
Name and Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone Number \_\_\_\_\_

**NOTE**

This form will not be considered submitted until the following endorsement has been completed:

*Received this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ as duly submitted under the Subdivision Rules and Regulations.*

**FRAMINGHAM PLANNING BOARD** by: \_\_\_\_\_



TOWN OF FRAMINGHAM, MASSACHUSETTS 01702

**BOARD OF ASSESSORS**

MEMORIAL BUILDING, 150 CONCORD STREET, TEL: (508) 620-4858 FAX: (508) 620-4857

# ***Abutter Request***

***\*\*Please Note\*\****

***Bring this form to the PLANNING BOARD office to be signed and then submit with the fee to the Assessors Department. The abutter lists are valid for only 90 days from the date completed.***

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

• Applicant name: \_\_\_\_\_

• Applicant address: \_\_\_\_\_

• Phone: \_\_\_\_\_

• Subject property  
Address: \_\_\_\_\_

• Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

• Radius: \_\_\_\_\_

• **Planning Board**  
**Authorization Signature:** \_\_\_\_\_

• **Fee \$45.00** to be paid at the Assessing Department

• *Signed under the pains and penalties of perjury*



## TOWN OF FRAMINGHAM PLANNING BOARD

### APPROVAL WITH COVENANT CONTRACT

Know all men by these presents that whereas the undersigned has submitted an application dated \_\_\_\_\_, 19\_\_, to the Framingham Planning Board for approval of a definitive plan of a certain subdivision entitled and dated 19\_\_, and has requested the Board to approve such plan without requiring a performance bond,

NOW THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Framingham Planning Board approving said plan without requiring a performance bond, and in consideration of one dollar in hand paid, receipt whereof is hereby acknowledged, the undersigned covenants and agrees with the Town of Framingham as follows:

1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the work on the ground necessary to serve **adequately such lot** has been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions thereof.
2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of said Planning Board and enumerating the specific lots to be so re-leased.

3. The undersigned represents and covenants that undersigned is the owner<sup>1</sup> in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.
4. The undersigned agrees that all construction in the subdivision shall be completed within a time period of two years from the date of endorsement of approval of the definitive plan.

Failure to so complete the construction shall render such approval of the sub-division null and void.

*In witness whereof, the undersigned, applicant as aforesaid, does hereunto set her/his hand and seal this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.*

If there is more than one owner, all individuals must sign this form

\_\_\_\_\_  
**Applicant**

\_\_\_\_\_  
**Applicant's Address**

Description of Mortgages:

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

**EXAMPLE ONLY**  
**PLEASE CONTACT OFFICE FOR FORMS**

<b>COMMONWEALTH OF MASSACHUSETTS</b>	
MIDDLESEX, ss.	<b>Date</b>
Then personally appeared the above named _____ and acknowledged that foregoing has been executed before me as a free act and deed and the free act and deed.	
<b>Notary Public</b>	My commission expires: _____ <b>Date</b>
<b>NOTE: If executed by or on behalf of a corporation or other entity, attach proper jurat therefor and a Certificate of Corporate Vote and/or other certificate of authority.</b>	



**FRAMINGHAM PLANNING BOARD**

**RELEASE OF RESTRICTIONS**

**Project Name:** \_\_\_\_\_

**Project Number:** \_\_\_\_\_

**Name:** \_\_\_\_\_

\_\_\_\_\_  
[Signature] [Date]

The undersigned, being a majority of the Planning Board of the Town of Framingham, Massachusetts, hereby certify that adequate security has been provided in connection with the work to be performed under a certain covenant contract dated \_\_\_\_\_ and recorded with the Middlesex South District Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_, and that therefore, conditions restricting the sale of the land shown on said plan, including the sale of individual lots and the construction thereon, are hereby released as to the following enumerated lots:

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

*No conditions contained in the covenants, other than the sale of and construction upon the lots herein above enumerated are hereby released.*

**FRAMINGHAM PLANNING BOARD**

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

**COMMONWEALTH OF MASSACHUSETTS**

MIDDLESEX, ss. \_\_\_\_\_ **Date**

Then personally appeared \_\_\_\_\_ one of the above named members of the Planning Board of the Town of Framingham, Massachusetts and acknowledged before me that the foregoing instrument is a free act and deed of said Planning Board.

\_\_\_\_\_  
**Notary Public** My commission expires: \_\_\_\_\_ **Date**