

**TOWN OF FRAMINGHAM  
SUBDIVISION RULES AND REGULATIONS**

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## **SECTION I. GENERAL**

### **A. Title**

The Rules and Regulations Governing the Subdivision of Land in Framingham have been prepared and adopted by the Framingham Planning Board in accordance with Massachusetts General Laws (M.G.L.), Chapter (c.) 41, as amended. Hereinafter, these rules and regulations shall be referred to as “Regulations” and may be cited as the “Rules and Regulations Governing the Subdivision of Land in the Framingham.”

### **B. Authority**

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

### **C. Subdivision/Improvement of Land**

No land shall be subdivided, improved, and/or sold within the meaning and intent of the Subdivision Control Law, and further, in no way shall land be developed, constructed upon, and/or services installed or provided unless a Definitive Subdivision Plan has been approved by the Planning Board.

### **D. Purpose**

These Regulations have been adopted for the purposes of protecting the convenience, health, safety, morale, and welfare of Framingham residents and community. These Regulations shall facilitate, regulate, and provide guidance for the platting of lots and streets; the installation infrastructure and municipal services; and the insurance of sanitary conditions for all lots and open space within the subdivision that has been provided. Furthermore, these Regulations shall be exercised to ensure adequate water, sewerage, drainage, underground utility, fire and police safety, street lighting, and/or other associated municipal equipment and services.

### **E. Intent**

These Regulations have been adopted to ensure that subdivided land, improved, or sold with the meaning of the Subdivision Control Law complies with Framingham’s Zoning By-Laws, Master Land Use Plan, Housing Plan, Open Space and Recreation Plan, and other applicable plans prepared by the municipality. Therefore, all applications for approval by the Planning Board shall include sufficient documentation and plans that show and/or provide:

1. Adequate, safe, and convenient access to all parking lots and off street parking, traffic circulation, and access for emergency apparatus. Subdivision ways shall not be constructed to conflict with other roadways, trails, sidewalks, existing driveways, and/or other pedestrian ways within adjoining ways.
2. A reduction in traffic congestion by supporting Framingham’s efforts to encourage Complete Streets, pathways, sidewalks, trails, and/or alternative modes of transportation that create and promote an accessible, walkable, and bicycle friendly community.
3. Diversity of housing options that meet the needs of the existing and future population. New subdivisions shall support the character of existing neighborhoods while designs shall aim to

establish a strong neighborhood character as well as preserve open space land to the greatest extent possible.

4. Implementation and utilization of Best Management Practice (BMP), Low Impact Development (LID), stormwater management, and energy efficiency techniques to ensure sustainability and best land use practices. These BMPs, LIDs techniques, and/or energy efficiency technologies shall be considered for water and sewer infrastructure, stormwater, drainage, utility services, roadways, energy sources, and sidewalks/trails for all subdivisions in Framingham.
5. Safety of all residents in the event of fire, flood, panic, natural disaster, and/or other emergencies.
6. Compliance with applicable Zoning By-Laws, General By-Laws, the Master Land Use Plan, Framingham Housing Plan, Open Space & Recreation Plan, and other applicable plans and regulations set forth by Framingham.
7. Adequate resources and mitigation to assure that a new and/or redevelopment of an existing subdivision will not create a burden on water, sewerage, schools, transportation, parks, drainage, utility services, police and fire safety, and/or other essential resources and services.
8. Adequate water supply, sewage disposal, and drainage protection.
9. Protection of natural water resources and courses, flood control areas, wetland areas, animal and plant habitats, topographical features, and/or lands classified as Moderate Slopes.

#### **F. Subdivision Review Process**

These Regulations have been developed to provide a clear, detailed process for the subdivision of land, while promoting an efficient use of land.

1. Section II – Definitions and Acronyms
2. Section III – Administration: This Section provides information for the various procedural items such as compliance with the Zoning By-Laws, severability, waivers, etc.
3. Section IV – Approval Not Required: This Section of these Regulations sets forth the Plan of Land requirements for those who wish to record a Plan of Land in the South Middlesex District Registry of Deeds or the Middlesex South Registry District of the Land Court and who believe that the plan does not require approval under the Subdivision Control Law. Section IV is intended to guide an applicant through the ANR process by clearly outlining the permitting process.
4. Section V – Review Process: This Section is intended to guide an applicant through the various subdivision processes associated with the Project review. Processes for a Preliminary Subdivision and a Definitive Subdivision are clearly outlined to provide guidance through the permitting process.
5. Section VI – Preliminary Subdivision: This Section defines the submittal requirements for a preliminary subdivision application.

6. Section VII – Definitive Subdivision: This Section defines the submittal requirements for a definitive subdivision application.
7. Section VIII – Preservation Subdivision: This Section provides an alternative to the conventional subdivision while providing for the division of land and the preservation of open space.
8. Section IX - Design Standards: This Section serves as the minimum standards required to be met by a subdivision project. Projects are expected to exceed the minimum design standards but shall conform to these Regulations to ensure the best and most efficient use of land.
9. Section X – Covenants, Easements, Endorsements, and Recordings: This Section provides guidance and procedures for the covenants, easements, endorsement and recording of subdivisions and plans.
10. Section XI – Post Approval Process and Procedures (Construction): This Section provides construction and post-construction conformance guidance for applicants and Framingham Departments to follow.
11. Section XII - Performance Guarantee: This Section provides an outline for calculation to derive the amount of the performance guarantee, the posting and release of the performance bond, and conformance of the decision.
12. Section XIII – Street Acceptance: This Section provides an outline of the procedures for the review and acceptance of subdivision streets and roadways.
13. Section XIV – Miscellaneous: This Section is a miscellaneous compilation of items related to the previous sections of these Regulations. Items within this section may include but are not limited to designation of open space procedures, off-site mitigation, inclusionary housing, forms, etc.

## SECTION II. Definitions

In construing these Regulations, the following definitions, as well as the definitions contained in M.G.L. c. 41, Section 81L, as amended, shall apply, and in any one or more instances wherein the definition in these Regulations shall appear to be more comprehensive, or a contrary intention clearly appears, the following definitions shall be applicable and controlling.

**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.

**Agricultural Preservation Restriction (APR):** A restriction and agreement in perpetuity with owners of an Active Farm Parcel, in accordance with M.G.L. c. 184, § 31. An APR is a legally binding set of restrictions that is monitored and enforced by the Massachusetts Department of Agricultural Resources, a town conservation commission and/or a land trust. Owners of Active Farms may voluntarily enter into these agreements by selling the APR for a negotiated price based on the appraised value of the restriction.

**Applicant:** The owner(s) of land and such duly authorized agent(s), representative(s), assign(s), and/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.

**Architect:** A person licensed by the Board of Registration of Architects to practice as a professional architect in the Commonwealth of Massachusetts.

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

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

**Community Notice:** A notice of no less than 8.5" x 11" in a bright yellow or green color, that has been posted by the owner and/or applicant in a conspicuous location on the subject property at the street frontage. Such notice shall inform 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. Said notice shall be posted a minimum of one day prior to an application submittal to the Planning Board.

- Approval Not Required Notice: A community notice is required for an Approval Not Required Plan only when an additional buildable lot will be created. A Community Notice shall be posted for each new buildable lot created.
- Preliminary and Definitive Subdivision Plan Notice: a Community Notice shall be posted at the two edges of the proposed road or way opening.

**Conformance Review Team (CRT):** An informal working group consisting of representatives of the various Town Departments to review the construction phase of projects. The CRT meets on a regular basis to provide comments, concerns, recommendations, and construction review requirements for approved development projects. The CRT shall include the Department of Inspectional Services (Building Department), Conservation Commission, Planning Board, the Board of Health, the Department of Public Works (DPW), the Fire Department, the Police Department, and/or their designees.

**Conservation Restriction (CR):** A restriction and agreement in perpetuity for the protection of Open Space, in accordance with M.G.L. c. 184, § 31. A CR is a legally binding set of restrictions that is monitored and enforced by the Massachusetts Department of Conservation Services, the Town's Conservation Commission and/or a land trust.

**Construction Peer Review Consultant:** person who is not a Framingham employee who shall assist the Planning Board, Department of Public Works (DPW), and the Department of Inspectional Services (Building Department), in the review of a project that has been reviewed and approved and is the construction phase to ensure compliance with all constructions standards, relevant laws, and/or regulations. Such consultants shall be selected and retained by the Planning Board and/or Zoning Board of Appeals, with the actual and reasonable cost for their services to be paid by the applicant.

**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.

**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.

**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.

**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.

**Engineer:** A person licensed by the Board of Registration of Professional Engineers and of Land Surveyors to practice as a professional a professional engineer in the Commonwealth of Massachusetts.

**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.

**Land Surveyor:** A person licensed by the Board of Registration of Professional Engineers and of Land Surveyors to practice as a professional land surveyor in the Commonwealth of Massachusetts.

**Landscape Architect:** A person licensed by the Board of Registration of Landscape Architects to practice as a professional landscape architect in the Commonwealth of Massachusetts.

**Level of Service (LOS):** A traffic measurement shall be determined according to criteria set forth by the Transportation Research Board of the National Research Council.

**Lot:** A parcel of land, with definite boundaries ascertainable by recorded deed or recorded plan and used or set aside and available for use as the site of one or more buildings or for any other definite

purpose, in one ownership and not divided by a street.

**Low Impact Development:** A system and/or practice that uses and/or mimics natural processes that result in the infiltration, evapotranspiration, and/or use of stormwater and precipitation in order to protect water quality while maintaining the natural hydrology of a site. Surface flows and groundwater recharge are the key aspects of LID that consider quantity as well as quality. LID is often referenced as “green infrastructure” and the management of wet weather flows that employ these processes and refers to the patchwork of natural areas that provide habitat, flood protection, cleaner air and water. Both LID and green infrastructure practices aim to preserve, restore, and create green space using soils, vegetation, and/or rainwater harvest techniques. Examples of LID and green infrastructure include but are not limited to the following: bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

**Major Subdivision:** Any division of land that creates 6 or more lots; all Preservation Subdivisions; the creation of any new roadway or the addition of 500 feet or more to an existing roadway; or any activity requiring Definitive Subdivision Plan Review that is not listed under Section IV.F.1.a. herein.

**Massachusetts General Laws (M.G.L.):** The General Laws of the Commonwealth of Massachusetts, as amended.

**Master Plan (Master Land Use Plan):** Under the M.G.L. c. 40A, Section 81D the Planning Board shall make a master plan of the Town. The Planning Board may further create a neighborhood master plan for parts of the Town as advisable. Such master plan shall be a statement, through text, maps, illustrations, and/or other forms of communication that are designated to provide a basis for decision making regarding the long-term physical development of the Town. The master plan shall be internally consistent in its policies, forecasts and standards, and shall include: Goals and Policy statements, a Land Use Plan element, a Housing element, an Economic Development element, a Natural and Cultural Resources element, an Open Space and Recreation element, Services and Facilities element, a Circulation element, and an Implementation Program element. Such master plan shall create, and may be added to or changed from time to time, by a majority vote of the Planning Board and shall be public record.

**Minor Subdivision:** Any division of land that creates 5 or less lots that are determined to not meet the Approval Not Required (ANR) process; the addition of land to a pre-existing subdivision that was previously approved by the Planning Board where such addition of land does not create more than four new lots; modification to a previously approved definitive subdivision where such modification was determined not to be a field change; modification to a previously approved plan that was not constructed as a definitive subdivision where such changes are to bring the previously approved definitive subdivision plan into compliance with Zoning By-Law Section IV.E. Dimensional Regulations and/or other relevant section of the Framingham Zoning By-Law; the connection to an existing lot that was not part of an approved definitive subdivision but will require use of the subdivision roadway as access and frontage; the re-recording of a plat and/or Definitive Subdivision Plan where a Definitive Subdivision was previously approved but failed to be constructed and/or recorded but no changes were made to the approved plan; or the modification to an approved Definitive Subdivision Plan where the only modifications to the plan are associated with the approved roadway.

**Municipal Services:** Public services and infrastructure furnished by Framingham, including but not limited to, indoor and outdoor recreational facilities, police, fire, schools, public works, inspectional services, finance, water systems, sanitary sewerage systems, disposal plants, communication services,

and fire alarm systems.

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

**Peer Review Consultant:** A person who is not a Framingham employee who shall assist 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 consultants shall be selected and retained by the Planning Board, with the actual and reasonable cost for their services to be paid by the applicant.

**Parcel:** an area of land in one ownership, with definite boundaries, other than a Lot.

**Plan, Preliminary:** A plan of a proposed subdivision, showing sufficient information to for a clear basis for discussion and clarification of its general content and for the preparation of a definitive plan. Said plan shall be prepared in accordance with Section VI. of these Regulations

**Plan, Definitive:**

**Registry of Deeds:** The Registry of Deeds in Middlesex County

**Road or way:** 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.

**Rules and Regulations Governing the Subdivision of Land in the Framingham:** Prepared and adopted by the Framingham Planning Board in accordance with Massachusetts General Laws (M.G.L.), Chapter (c.) 41, as amended. Referred to as “Regulations” and may be cited as the “Rules and Regulations Governing the Subdivision of Land in the Framingham.”

**Streets:** For the purposes of these Regulations the established hierarchy of streets shall be classified and defined as follows:

- a. Arterial Streets are designed to carry high to moderate capacity of traffic throughout a region. Arterial streets commonly carry a variety of speeds as well as typically have limited connectivity to local streets. Examples of arterial Streets are Worcester Road (Route 9), Waverly Street (Route 135), Cochituate Road (Route 30).
- b. Collector & Mixed-use Streets have been designed to carry a moderate to low volume of both local and regional traffic to arterial, local, minor and a variety of both commercial and residential uses. These streets are designed with on-street parking, street furniture, street trees, sidewalks on both sides of the road, granite curbing, street lights, bicycle infrastructure, all of which are designed by using Best Management Practice (BMP) and current stormwater management practices. Examples of collector and mixed use streets are Concord Street, Union Avenue, Edgell Road, and Water Street.
- c. Local Streets have been designed to carry traffic collected from minor streets and other local roads. This type of street has limited connectivity to regional road network. Local streets shall be designed with street furniture, street lights, street trees, bicycle infrastructure, sidewalks on at least one side of the road, granite curbing, Low Impact Development (LID), and current stormwater management practices. Examples of local streets are Warren Road, Meadow Street, Danforth Street, and Salem End Road.
- d. Minor Streets are considered to be the lowest order of streets that may be accepted as a public

way in the street hierarchy. This type of street typically only carries traffic generated by the street itself and/or from local streets. Minor streets are designed to discourage shortcut, through traffic and typically contain fewer than 25 lots. This type of roadway shall be designed with street lights, street trees, and widths to accommodate bicycles, sidewalks on at least one side of the road, Low Impact Development (LID), and current stormwater management practices. A minor street is typically a dead end roadway or leads into another minor street. Examples of minor streets are Fox Creek Lane, Fieldstone Lane, Haleigh Lane, and Oxbow Road.

- e. Private Alleyway is a narrow, one-way vehicular and pedestrian route that is not intended for acceptance of a public way. The design of a private alley is to provide service to the rear of homes and/or commercial buildings within a neighborhood. Private alleyways are typically designed with a limited amount of curbing and stormwater management and may sometimes incorporate Low Impact Development (LID) into the design.

**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.

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

**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.

**Subdivision Control Law:** Massachusetts General Laws, Chapter 41, Sections 81-K to 81-GG, inclusive, entitled "Subdivision Control," as last amended.

**Technical Review Team (TRT):** An informal working group consisting of representatives of the various Town Departments to review pre-application projects. The TRT meets on a regular basis to provide

comments, concerns, recommendations, and a permit/license determination for pre- application projects prior to the submittal of a formal application. The TRT shall include the Building Commissioner, Conservation Commission, Planning Board, Zoning Board of Appeals, the Board of Health, Community & Economic Development, the Department of Public Works, the Disability Commission, the Fire Department, the Police Department, and/or their designees.

**Way:** A right-of-way or means of access to a lot. A public way is a way which has been accepted by, and the land owned by Framingham or by other means created as a public way. Any other way (private way) is a way over land which is owned by a private party (alleys and shared streets are always private), but which is set forth by deed covenant, deed description, or other means as a private way.

**Zoning By-Law:** The Framingham Zoning By-Law

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### **SECTION III. ADMINISTRATION**

#### **A. Adoption and Amendments to these Regulations**

These Regulations shall become effective upon the filing of this document with the Municipal Clerk of Framingham. The Planning Board may from time to time amend, modify, supplement, and/or repeal all or any portion of these Regulations, in accordance with M.G.L. c. 41, Section 81Q.

#### **B. Severability**

If at any time a section or provision of the Regulations are declared to be unconstitutional and/or invalid and thereby amended by court action. Such decision shall not affect the validity of these Regulations as a whole and/or in part thereof other than the part so decided to be unconstitutional or invalid.

#### **C. Matters Not Covered by these Regulations**

Reference shall be made to M.G.L., c. 41, Sections 81-K to 81-GG, as amended for matters not covered by these Regulations.

#### **D. Updates and Use of New Technologies**

It shall be the responsibility of the Planning Board to keep these Regulations up to date and current with advances in technology and land use. However, in the event that an applicant proposes to install and/or utilize new technologies and/or methods not commonly in practice in Framingham. It shall be the responsibility of the applicant to provide education and supporting documentation that supports such new technology. Review and approval by the Planning Board and all other applicable municipal departments shall be required prior to the application of any new technology and/or method being used within Framingham. The Planning Board at its discretion may engage peer review services of experts qualified in a respective discipline to provide additional review and education at the expense of the applicant.

#### **E. Establishment of Fees**

Pursuant to the Planning Board Rules & Regulations, the Planning Board shall establish and may periodically amend a schedule of fees for all applications. Such fees for divisions of land pursuant to these Regulations shall be referenced in the Planning Board Rules & Regulations and a copy retained in the Planning Board Office. No such application shall be considered complete and "filed" unless accompanied by the required fee.

#### **F. Minimum Standards for Project Development**

The standards set forth in these Regulations shall be considered the minimum requirements for a subdivision application approval. An applicant and/or developer should consider these minimums as a basis for best engineering practices and Best Management Practices (BMP). Therefore, it is expected that the applicant and/or developer shall exceed these Regulations.

#### **G. Compliance with the Framingham By-Laws and Plans**

No subdivision plan or Plan of Land shall be approved unless all of the lots shown on the subdivision plan or Plan of Land comply with the provisions of these Regulations, the Framingham Zoning By-Laws, the Framingham General By-Laws, the Master Land Use Plan, other applicable plans prepared

by the municipality, and regulations set forth by the Board of Health and the Department of Public Works (DPW), were applicable. Except for cases where the Zoning Board of Appeals (ZBA) has granted a dimensional variance for Good Cause and/or the Planning Board has granted a non-dimensional waiver as identified in Section III.L. of these Regulations.

#### **H. Not more than one Building on a Lot**

No more than one building, shall be designed, erected, placed, converted, and/or constructed per lot within a subdivision for use, unless it is part of a permitted use within the respective zoning district, as defined in the Table of Use (Section II.B. of the Framingham Zoning By-law) and/or development authorized in the Framingham Zoning By-Law.

#### **I. Existing Buildings**

Existing buildings may be designed as part of a subdivision and located upon its own lot through the subdivision process. In the event that an existing building is incorporated into a subdivision plan, the applicant shall provide adequate ways and access to such building along with adequate improvements and in the same manner as otherwise required for new lots within a subdivision.

#### **J. Technical Review**

##### **1. Review**

An applicant shall meet with the Technical Review Team (TRT) prior to the submittal of a Preliminary Subdivision Application Package or a Definitive Subdivision Application Package. The TRT shall meet to review the submitted draft plans and provided recommendations and development standards for the applicant to use when finalizing the plans. Approval Not Required (ANR) Plans of Land do not require TRT review unless requested by the applicant.

##### **2. Departmental Compliance**

The applicant and/or developer shall be expected to work with each respective department such as water and/or sewer, to ensure compliance with applicable rules, regulations, and/or polices set forth by the respective department. Prior to a vote by the Planning Board, the respective departments shall provide a letter stating that the plans are in compliance with the department rules, regulations, and/or policies for such municipal services.

#### **K. Stamp and Signature of Surveyor and/or Engineer**

All plans submitted to the Planning Board shall be stamped, dated, and signed by either a Land Surveyor and/or a Professional Engineer registered in the Commonwealth of Massachusetts. No such application shall be considered complete and "filed" unless it is accompanied with a date stamp, signed plan set as stated above.

#### **L. Request of Waivers from these Regulations**

1. In compliance with M.G.L. c. 41, Section 81R, the Planning Board may grant a waiver from these Regulations, if the Planning Board finds that such deviations are in the public interest and are consistent with the intent and purposes of these Regulations. Therefore, these Regulations may be waived by a four-fifth vote by the Planning Board if the Planning Board determines that such waiver from Regulations meets all the following requirements if applicable:

- a. Site plan allows for a better design, improved protection of natural and scenic resources and/or when such deviations are in the public interest.
  - b. Deviations are consistent with the intent and purpose of the Master Land Use Plan, the Framingham Zoning By-Law, and/or these Regulations.
  - c. Site plan utilizes BMPs, LID techniques, green development, and/or environmentally sustainable practices.
  - d. Site plan creates new affordable housing units and/or a diversity of housing options for various demographics.
  - e. Site plan protects and/or provides open space, agricultural lands, parkland, and/or historical features.
2. Each request for a waiver shall be accompanied by a statement of Good Cause explaining the need for such waiver. All waivers that are approved by the Planning Board shall be denoted on the approved subdivision plan as a plan note which clearly states the deviations approved by the Planning Board from these Regulations.
  3. If a waiver is granted from the requirements of these Regulations, the Planning Board may require an alternative condition that will substantially serve the same objective as the standards and/or regulations waived.
  4. Prior to granting of a waiver the Planning Board may work with the TRT, boards, departments, committees, and/or peer review consultant to ensure that such waiver is acceptable without compromising the protection of life, safety, and welfare of the Framingham community. Where a waiver is being requested from a respective department rule, regulation, and/or policy, said department must provide a letter stating approval of the requested waiver.

#### **M. Consultant Review Fees and Procedures**

In accordance with the M.G.L. c. 44, Section 53G and the Planning Board Rules and Regulations - Article 17: M.G.L. c. 44, Section 53G, Special Funds for Employing Outside Consultants. The Planning Board may require the applicant to fund a Peer Review Consultant to assist in the review of an application and/or construction, as outlined below.

1. The determination and assignment of a Peer Review Consultant for a project application shall be made during one of the times outlined as follows:
  - a. Prior to the close of the first public hearing by the Planning Board where testimony was taken;
  - b. Prior to the second public hearing a member of the TRT determines the need for peer review consultant services; and/or
  - c. Prior to the close of the 35 day comment period the Department of Public Works may make such determination.
2. The Planning Board and/or the Department of Public Works (DPW) may require the applicant to fund an on-site Peer Review Consultant to assist in the review of the construction phase of the project. The need for an on-site construction peer review shall be determined in one or all of the

following ways:

- a. During project review by the Department of Public Works (DPW);
- b. Prior to the Planning Board vote of the Decision; and/or
- c. Planning Board amendment due to violation(s) by the applicant and/or developer that have compromised Framingham's infrastructure and/or threatened the public safety and wellbeing of abutters within 300 feet of the project boundaries.

### **3. Retaining a Peer Review Consultant**

The following procedures shall be applied when retaining a Peer Review Consultant:

- a. The Planning Board shall use best business practices to contract a Peer Review Consultant with expertise in the area of review required for the specific review using a specific detailed scope of work.
- b. The Planning Board shall forward the scope of work once determined to the applicant for review and approval.
- c. The applicant shall provide payment to the Planning Board of the required fee as stated in the scope of work. No work by the Peer Review Consultant shall commence until the Planning Board has received the appropriate fee as agreed upon.
- d. If an instance occurs during the review of the project by the Peer Review Consultant that the funds allocated for review are found to be insufficient to meet the needs of the review then the Planning Board shall require the Peer Review Consultant to suspend work until an addendum scope can be provided to the Planning Board for the additional work to be funded. Upon receipt of the addendum scope of work, the Planning Board shall provide a copy to the applicant for review and approval of the addendum. If the addendum is agreed to by the applicant, then such additional fees shall be provided to the Planning Board prior to resuming the review. In the event that the applicant does not agree to the addendum submitted, then the Planning Board and the applicant shall work to resolve any issues with the Peer Review Consultant prior to work resuming by the Peer Review Consultant.

### **N. Changes and/or Alteration of Plans**

No change, extension, material corrections, additions, substitutions, alterations, and/or modification to an approval and/or endorsement shall not be made without the approval of the Planning Board, unless such change has been deemed a minor field change by the Planning Board and/or its designee. Any amendment not deemed a minor field change shall be reviewed as a Minor Definitive Subdivision under Section VII. herein and in accordance with M.G.L. c. 41, Sections 81-T and 81-W.

### **O. Recording of Plans**

All plans that have been approved or endorsed by the Planning Board in accordance with these Regulations shall be duly recorded in the Middlesex South District Registry of Deeds or the Middlesex South Registry District of the Land Court prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with M.G.L., c. 41, Section 81-BB and Section V., VII., and X., Endorsement and Recording provides the procedures for such efforts.

The Applicant shall submit proof of recording to the Planning Board within 21 days after the date of such recording (Plan Number, if any, and/or the Land Court Document Number). Failure to record the decision, Plan of Land, and/or comply with the conditions of approval herein shall render the Decision null and void.

**P. Performance Bonds (Definitive Subdivisions Only)**

**1. Performance Bond**

Prior to the release of a lot and/or the issuance of an occupancy permit by the Department of Inspectional Services (Building Department), the applicant shall provide a Performance Bond in accordance with Section XII., Performance Guarantee of these Regulations.

**2. Landscape Bond**

Prior to the release of a lot and/or the issuance of occupancy by the Department of Inspectional Services (Building Department), the applicant shall provide a Landscape Performance Bond to the Planning Board, in addition to the required Performance Bond in accordance with Section XII., Performance Guarantee of these Regulations. Such Landscape Performance Bond shall be accompanied with an approved Landscape Plan As-Built Plan and a letter outlining the condition of the landscaping.

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

Approval or endorsement of a plan by the Planning Board does not make and/or constitute any road or way shown on a subdivision plan an accepted public way. Applicants seeking an approved subdivision road or way as an accepted public way must follow the regulations found in Section XIII., Street Acceptances of these Regulations.

Draft for Review 02/20/2017

## **SECTION IV. APPROVAL NOT REQUIRED (ANR)**

### **A. Approval Not Required (ANR) Submittal Review**

An applicant who wishes to record a Plan of Land in the South Middlesex District Registry of Deeds or the Middlesex South Registry District of the Land Court and who believes that the Plan of Land does not require approval under the Subdivision Control Law, may apply to the Planning Board for a determination that the proposed division of land does not require subdivision approval.

### **B. Endorsement of an Approval Not Required (ANR)**

1. For a Plan of Land to be considered for an Approval Not Required (ANR) endorsement by the Planning Board, not requiring approval under the Subdivision Control Law will need to meet one of the requirements as outlined below and/or in accordance with M.G.L.:
  - a. Each building lot created by such division of land complies with the frontage requirements in the Framingham Zoning By-Laws, Section IV.E. Dimensional Regulations, and provides adequate and vital access as intended under M.G.L. c. 41, Sections 81K - 81GG, as amended; or
  - b. Such division of land involves the giving of land from one parcel of land to another parcel of land where the removed land is joined to an abutting parcel of land. This division of land requires a plan note stating "Parcel X is to be joined to Lot Y and is not be considered a separate lot;" or
  - c. The division of land creates a nonconforming lot that does not comply with the Framingham Zoning By-Law, Section IV.E. Dimensional Regulations. This division of land requires a plan note stating: "For the purposes of the Subdivision Control Law, parcel X shall not be construed as a buildable lot."
2. In such circumstances when a lot does not comply with zoning, the Planning 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 Planning 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, if applicable.
3. Existing Buildings  
When a building exists on a parcel of land that was constructed before the enactment of the Subdivision Control Law within Framingham, this type of division of land shall be exempt from the requirements of Section IV.B. above and shall meet the following requirements:
  - a. The parcel of land contains a building that existed prior to the adoption of the Subdivision Control Law by Framingham on February 19, 1974;
  - b. Must comply with M.G.L. c. 41, Section 81P
4. Upon the determination of the Planning Board that the division of land does not require approval under the Subdivision Control Law, the Planning Board shall forthwith and without 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.

Such endorsement shall not be withheld by the Planning Board unless such plan shows a subdivision as defined in M.G.L. c. 41, Section 81P, as amended.

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

#### **1. Fees**

The review of a project shall not commence until the required filing fee has been provided to the Planning Board.

#### **2. Local Taxes**

Prior to the submittal of an application under these Regulations, all local taxes must be paid prior to any Planning Board review.

#### **3. Number of Documents for Review**

An ANR Application Packages shall include the following:

- a. Application  
2 copies with original signatures
- b. Supplemental Documentation  
2 paper copies
- c. Plans Sheets/Sets  
1 full size paper copy, 1 full size mylar<sup>1</sup> copy, and 6 11"x17" paper copies
- d. Electronic Documents  
1 electronic copy of all documents

#### **4. Plans for Review and Signature**

All plans submitted for review shall bear the stamp and signature of the Land Surveyor and/or a Professional Engineer registered in the Commonwealth of Massachusetts.

#### **5. Submission Requirements**

An applicant who submits a Plan of Land for determination by the Planning Board, who believes that approval under the Subdivision Control Law is not required, shall file a properly executed complete ANR Application Package with the Planning Board. The ANR Application Package shall conform to requirements of M.G.L., c. 41, Section 81P and shall include the following:

- a. Properly executed application forms for an ANR Application Package that have been signed by all applicants, co-applicants, and /or authorized persons. The Planning Board may require a deed or other acceptable verification of ownership.
- b. A Plan of Land for the ANR conforming to the requirements of Section IV.D. of these Regulations.
- c. Proof that a Community Notice Sign has been posted on the property when additional building lots are being created. There shall be one Community Notice Sign posted for each

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<sup>1</sup> The full size mylar copy may be submitted after the review of the application by the Planning Board Office, to ensure that all information and plan notes are correct on the plan.

new building lot to be created. A Community Notice Sign is not required where no new buildable lots are created.

- d. A written narrative and/or summary of the proposed division of land that shall include a narrative explaining the existing conditions and the proposed division of land.

#### **D. Approval Not Required Plan of Land Requirements**

The plan submitted for determination that ANR shall contain the following information:

1. Name of record owner(s) of land, the applicant if different from the owner, and the engineer and/or land surveyor.
2. Name, date, signature, and seal of surveyor who prepared the plan.
3. A locus plan at a scale of one inch equals 100 feet (1"=100'), or such other distance as may be approved by the Planning Board, showing the entire parcel of land and its relation to existing areas, buildings and roads for a distance of 500 feet from the project boundaries, or such other distance as may be approved or required by the Planning Board. Zoning district boundaries shall be shown on the plan.
4. Names of all adjacent abutting property owners 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.
5. The name and width of the street providing frontage and access to the lots shown on the plan and the extent of the paved improvements within the right-of-way.
6. Location of all manmade structures and significant natural features upon the property or within the right-of-way, including existing buildings and structures, sidewalks, stone walls and guardrails, rock outcrops, water courses, drains, major trees (8 inch diameter or more), and other major features in order to sufficiently identify any existing impediments to access upon the land.
7. A topographic plan at two foot contours based on the National Geodetic Vertical Datum 1929, or most recent datum.
8. Locations of all wetlands, with identification of the 30' no alteration zone, 100' State buffer zone, 125' local wetland buffer zone, 125' vernal pool buffers for both potential and certified vernal pools, and areas within flood plains.
9. All easements shall be shown and identified on the plan.
10. Framingham Assessor's Parcel Identification Number.
11. Location of existing and proposed boundary lines, dimensions, and areas of all lots to which the plan relates.
12. Reference to the frontage and area of the land that shall remain under the ownership of the applicant in all cases wherein there shall result the creation of a new lot or revised lot lines and remaining land of the owners not part of the Approval Not Required Plan of Land.
13. The statement "Approval Under the Subdivision Control Law Not Required" together with

sufficient space for a signature block for the Planning Board members' signatures and date of endorsement.

14. North point, date of survey, scale, plan title, zoning district, zoning table that includes the existing required dimensional of the respective zoning district and the dimensions of each lot created, property boundaries, and property address.
15. 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.
16. Widths of both existing and proposed driveways at the street/curb cut.
17. Moderate Slopes shall be shown on the plan as defined in Section IV.E.3.e. Moderate Slope Requirement of the Framingham Zoning By-Law.
18. 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, which shall include the Case Number, date granted, and description of the variance, decision, or permit.
19. On any plan wherein the Planning Board deems it necessary or consistent with the purpose and intent of these Rules and Regulations, additional information deemed necessary for the Planning Board to make a determination of "Approval Not Required."
20. 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 Zoning By-Law, including but not limited to Irregularly-Shaped Lots, Upland Area, Buildable Lot, Lot Width, Open Space, Lot Coverage, minimum lot size, Land Disturbance, and/or Floor Area Ratio for any of the lots shown on this plan."
21. Plan notes as required under Section IV.B.1. and 2., where applicable shall be shown on the Plan of Land.

#### **E. Review of a submitted Approval Not Required Application Package**

1. Upon receiving an ANR Application Package, the Planning Board shall verify with the municipal Treasurer that all local taxes have been paid.
2. The Planning Board shall review the submitted ANR Application Package for conformity with the requirements set forth in Section IV.B.-D. of these Regulations.
3. The applicant shall be notified in writing within 14 days of any incomplete and/or deficient items that need to be corrected prior to the ANR Application Package being deemed complete. Incomplete ANR Application Packages shall be returned to the applicant with a list of deficiencies that need to be resolved and resubmitted for review. At such time the applicant shall be given an opportunity to make the application complete. If the applicant does not amend or resolve the incomplete ANR Application Package within 10 days of notification of an incomplete application, then the application shall be denied without prejudice. Incomplete applications cannot be deemed "Filed" until such deficiencies have been resolved.
4. Once an ANR Application Package has been deemed complete and has met all of the

requirements set forth in Section IV.B.-D. of these Regulations. The Planning Board shall submit the complete ANR Application Package to the municipal Clerk's office and therefore such application shall be considered "Filed."

5. Once an application has been "Filed" the applicant shall be provided copies of all documents bearing the municipal Clerk's stamp of receipt containing the date and time.
6. The Planning Board shall take action on a "Filed" ANR Application Package within 21 days of such filing. The Planning Board shall either endorse or not endorse the Plan of Land without public hearing.
7. If the Planning Board does not endorse the Plan of Land, the Planning Board shall notify the applicant and the municipal Clerk's office in writing of the reasons for not endorsing the Plan of Land.
8. If the Planning Board does not meet within 21 days of a "Filed" ANR Application Package because no Planning Board meeting is scheduled, or if a scheduled meeting is canceled or postponed due weather conditions, the Planning Board Administrator is authorized to act for the Planning Board and shall note the authorization on the plan.
  - a. In the event the Planning Board Administrator is authorized to act for the Planning Board, the Planning Board Administrator shall review the ANR Application Package with the municipal Engineer and the Planning Board Chair or in his or her absence, the Planning Board Vice-Chair.
  - b. If the Planning Board Administrator does not endorse the ANR Plan of Land, he or she shall notify the applicant and the municipal Clerk in writing of the reasons for not endorsing the Plan of Land.
9. If the Planning Board votes that the Plan of Land does not require approval then a majority of the members shall endorse the ANR Plan of Land with their signatures.
10. Endorsement of a Plan of Land shall not be considered to be an approval of any subdivision or a determination by the Planning Board as to conformance with the Framingham Zoning By-Law and/or Framingham General By-Laws but is only an endorsement that the Plan of Land does not require approval under the Subdivision Control Law.
11. If the Planning Board or the Planning Board Administrator determines that the Plan of Land does require approval under the Subdivision Control Law or that it will not endorse the plan because it does not meet the criteria for endorsement, it shall, within 21 days of receipt of a "Filed" ANR Application Package, give written notice with explanation of its determination to the applicant and file such notice with the municipal Clerk's office. Subsequently, the Plan of Land shall be returned to the applicant.
12. If the Planning Board fails to act upon a Plan of Land considered to be complete or fails to notify the municipal Clerk's office of its reason for not endorsing the plan within the required 21 day time period, then the plan shall be considered to have received constructive approval and deemed not to require approval under Subdivision Control Law as provided in M.G.L. c. 41, Section 81P, as amended. The municipal Clerk's office shall issue a certificate to the applicant who submitted the plan stating that approval of the plan under the subdivision control law is not

required as a consequence of the Planning Board not acting upon such application within the required time period under Section 81P.

**E. Miscellaneous**

1. No notice shall be required by the Planning Board of any plan endorsed under these Regulations. Any such endorsed Plan of Land bearing the endorsement of the Planning Board shall be recorded with the South Middlesex County Registry of Deeds or the Middlesex South Registry District of the Land Court within 6 months of the date of endorsement.
2. Plans not recorded with South Middlesex County Registry of Deeds or the Middlesex South Registry District of the Land Court within 6 months of the date of endorsement shall be required to re-apply to the Planning Board under Section IV. of these Regulations, prior to a piece of land being considered divided as shown on a Plan of Land.
3. A person may also file a plan in the Registry of Deeds or the Middlesex South Registry District of the Land Court under M.G.L. c. 41, Section 81X, as amended, with the following statement:

<p>I hereby certify that the property lines shown on this plan are the lines dividing ownership and that 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.</p> <hr/> <p>Signature of Registered Land Surveyor</p> <hr/> <p>Date</p>
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## **SECTION V. SUBDIVISION REVIEW PROCESS**

### **A. Overview**

This Section of these Regulations provides procedural and submittal requirements that are required for both Section VI. Preliminary Subdivision Plan and Section VII. Definitive Subdivision Plan review. Section VI. and VII. provide specific review requirements for each of the respective processes.

### **B. General Review Procedures**

#### **1. Fees**

The review of a project shall not commence until the required filing fee has been provided to the Planning Board.

#### **2. Local Taxes**

Prior to the submittal of an application under these Regulations, all local taxes must be paid prior to any Planning Board review.

#### **3. Number of Documents for Review**

All project application packages shall include the following:

- a. Application  
2 copies with original signatures
- b. Supplemental Documentation  
2 paper copies
- c. Plans Sheets/Sets  
2 full size paper copies and 6 11"x17" paper copies
- d. Electronic Documents  
1 electronic copy of all documents

### **C. Technical Review**

#### **1. Pre- Application Technical Review**

Prior to the submittal of a Preliminary or a Definitive Subdivision Application Package the applicant shall submit a Technical Review Team (TRT) Package for review upon scheduling a TRT meeting. The purpose of this meeting prior to the submittal of an application to the Planning Board is to provide applicants with an advantageous preliminary plan review by TRT departments that will render comments and information to the applicant regarding respective department development rules, regulations, policies, and/or standards. The applicant is then advised to take any comment and/or development rules, regulations, polices, and/or standards under consideration when finalizing a Preliminary or a Definitive Subdivision Application Package.

#### **2. Pre-Application Technical Review Submittal**

The applicant shall submit a TRT Package to the Planning Board office for distribution to the TRT that in turn will result in the scheduling of the TRT Meeting. The TRT Package shall include the following documents:

- a. Preliminary plans at a minimum must show the potential layout of the subdivision, roadway details, existing and proposed infrastructure, wetland boundaries, Moderate Slopes, the locations of open space, and any and all other information that would be beneficial to the preliminary review.
- b. A brief summary of the project, which may include stormwater calculations, a description of the existing and/or proposed infrastructure, the intent of the roadways (to remain private or to become public), and any additional information that would be beneficial to the review of the potential project.
- c. Any additional information that the applicant wishes to be reviewed prior to the submittal of a Preliminary or Definitive Subdivision Application Package.

### **3. Technical Report**

The TRT shall provide a Technical Report within 15 days of the TRT Meeting. The Technical Report shall provide meeting minutes, contact information for the TRT, a copy of the TRT comments, and a review of the project relative to applicable municipal By-Laws, these Regulations, and other relevant Framingham plans, policies, and/or reports.

### **D. Plans for Review and Signature Upon Approval**

1. All plans submitted for review shall bear the stamp and signature of the Land Surveyor and/or a Professional Engineer registered in the Commonwealth of Massachusetts.
2. In cases where architectural renderings are provided, the architectural plans shall bear the stamp and signature of a Professional Architect registered in the Commonwealth of Massachusetts.
3. In the case where landscape plans are provided, the landscape plans shall bear the stamp and signature of a Professional Engineer and/or Landscape Architect registered in the Commonwealth of Massachusetts.
4. **Definitive Subdivision Plan Only:** The applicant shall submit one full size paper copy and one full size mylar copy for the final plan set as amended through the public hearing process for endorsement by the Planning Board.

### **E. Approved/Endorsed Plans**

1. **Definitive Subdivision Plan Only:** Upon approval or endorsement of a plan, the applicant shall provide a complete electronic set of all plans that have been signed by the Planning Board. The Planning Board shall distribute an electronic copy of the approved or endorsed plans to the Technical Review Team (TRT).

## SECTION VI. PRELIMINARY SUBDIVISION SUBMITTAL REQUIREMENTS

### A. Application Submittal

In accordance with M.G.L. c. 41, Section 81S any applicant who wishes to apply for a preliminary subdivision plan review shall prepare and file a complete Preliminary Subdivision Application Package with the Planning Board that includes the following:

1. Properly executed application forms for a Preliminary Subdivision Application Package signed by all applicants, co-applicants, and /or authorized persons. The Planning Board may require a deed or other acceptable verification of ownership.
2. A copy of the deed for all properties involved in the Preliminary Subdivision.
3. A Preliminary Subdivision Application Package that contains the appropriate application, the Preliminary Subdivision Plan and preliminary subdivision background information shall conform to the requirements of Section V. and VI. of these Regulations.
4. A complete list of waivers being sought including a clear explanation for each waiver.
5. Proof that a Community Notice Sign has been posted on the property. One Community Notice Sign shall be posted at the existing and proposed curb cuts of the proposed subdivision.

### B. Preliminary Subdivision Plan Requirements

1. Preliminary Subdivision Application Packages shall meet **all** the requirements set forth in Section VI.A. in addition to the following **required** information:

#### a. The Development Impact Statement Report

##### i. Environmental Impact Statement (EIS)

A statement prepared for the project that specifically details all anticipated impacts that the project will have on the environment, the existing ecology and landscape features of the land, and current topography. The EIS shall also include information on stormwater flows, natural resources, topography, types of soils and water resources.

##### ii. Neighborhood Impact Statement (NIS)

A statement prepared for the project describing the following in detail:

- a) How the new subdivision will fit with the character of the abutting area
- b) How Complete Streets throughout the project will be implemented
- c) Use of Low Impact Development (LID) and Best Management Practices (BMP)
- d) Use of alternative energy sources.

##### iii. Community Impact Statement (CIS)

A statement prepared for the project that details the impacts that the project will have on the community, the local schools, public parks, and open space.

##### iv. Infrastructure Impact Statement (IIS)

A statement prepared for the project that details the impacts that the project will have

on municipal infrastructure. Where a project utilizes private wells and/or septic system the statement shall include details of such facilities.

v. Traffic Connection and Impact Statement (TCIS)

A statement prepared for the project that details the expected impacts on existing roadways as well as connections to existing and newly installed roadways. In addition, a detailed statement regarding, how new streets will impact the future flow of vehicles, and considerations for the consolidation of curb cuts and driveways.

vi. Public Health Impact Statement (PHIS)

A statement prepared for the project that details the benefits that the project will provide to the overall health of the community as well as specific amenities being provided for the landowners and the abutting neighborhoods. Furthermore, the statement shall include information relative to access to fresh foods, medical care, and fitness.

vii. Fiscal Impact Statement (FIS)

This statement is required for **nonresidential subdivisions only**. A statement prepared for the project that includes specific details regarding expected fiscal impacts and benefits that the project will have on the municipality i.e. taxes, number of jobs created (construction, part-time, and full time jobs), and/or any other items relevant to this narrative.

viii. Development Master Plan Statement (DMPS)

A required statement for **nonresidential subdivisions** only. A prepared master plan or strategic plan showing planned future growth expectations and opportunities within Framingham and neighboring communities.

**b. Preliminary Subdivision Plan**

The preliminary subdivision plan shall be drawn at a scale of one-inch equals 20 feet to one inch equals 60 feet, unless otherwise stated herein, and shall include the following information:

i. All Sheets shall include

- a) Address(es) of the proposed project
- b) Identification of the parcel by the municipal Assessor's Parcel Identification Number
- c) Project Title/Subdivision Title and "Preliminary Plan"
- d) Prepared by/Prepared for:
- e) Stamp and signature of Professional Engineer and/or Land Surveyor licensed in the Commonwealth of Massachusetts who prepared the plans
- f) Boundaries of the Project
- g) North arrow, date of plan, revision dates, scale, legend
- h) Sheet numbering and an area for the recording of revisions

ii. Cover Sheet shall include

- a) Title block in the lower right-hand corner
- b) Zoning Table showing the existing, required, and proposed dimensions in accordance with Section IV.E., Dimensional Regulations pursuant to the Framingham Zoning By-Law.
- c) Zoning District classification
- d) Date of the Zoning By-Law regulation that the preliminary subdivision plan is reviewed under.
- e) A statement as to whether the street shall remain in private ownership or if acceptance as a public way will be requested in the future.

iii. Locus Sheet

- a) Locus Plan to allow adequate consideration of the surrounding neighborhood, a plan of which adjacent properties shall be presented at a scale of not less than one inch equals 100 feet or at the same scale as the proposed site plan if practical. The plan shall show the general characteristics of all lands within a ½ mile radius around the subdivision property. The Locus Plan shall include major streets, structures, parking areas, driveways, pedestrian ways, and natural characteristics.
- b) Precise location of any structures or significant changes in topography within 50 feet of the lot line shall be shown on said plan.

iv. Other required information located appropriately

- a) 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. Names of all abutters, as defined under Section II. Definitions, herein.
- b) Existing and proposed lines and widths of streets, curb cuts, easements, and any public or common areas within the subdivision.
- c) Dimensions and areas of any and all property to be dedicated or reserved for schools, parks, playgrounds, and/or other public purposes. Proposed system of drainage (including adjacent existing natural waterways) shown in a general way including sewerage, water distribution, and any existing easements.
- d) Boundary lines of proposed lots with approximate areas and dimensions. Each lot shall be numbered.
- e) Length and width of the roadway at the street entrance.
- f) Existing and proposed drainage system in addition to details that show the drainage system equipment where applicable.
- g) Municipal streets shown on the plans that are designated as "Scenic Roads" shall be clearly indicated as scenic roads on the plan.

- h) 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, or most recent Datum.
- i) The names, approximate location, and present widths of all adjacent streets, with a designation as to whether the street is public or private and the approximate location of existing utilities to be used. Existing and proposed curbs and sidewalks shall be shown including type, dimensions, and ADA features.
- j) Delineation of major site features such as, but not limited to, buildings and structures, stone walls and guardrails, railroads, important vegetation, soil types that impact the development, major trees (8 inch in diameter, or more) in proposed excavation areas, rock outcrops, steep slopes, swamps, wetlands, water bodies, 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 or perceived illusory ways upon the land.
- k) Location of pedestrian areas, walkways, flow patterns and access points including provisions for handicapped parking and access as well as bicycle accommodations.
- l) Base flood hazard zone boundary
- m) Location and description of Low Impact Development (LID) and Best Management Practices (BMP) techniques to be used within the project.

**C. Review of a Preliminary Subdivision Application Package**

1. Upon receipt of a Preliminary Subdivision Application Package the Planning Board shall verify with the Municipal Treasurer that all local taxes have been paid.
2. The Planning Board shall review the Preliminary Subdivision Application Package to verify that it complies with the requirements set forth in Section V. and VI. of these Regulations.
3. The applicant shall be notified in writing of any incomplete and/or deficient items that need to be corrected prior to the Preliminary Subdivision Application Package being deemed complete. If the application is deemed incomplete by Planning Board, the applicant shall be notified within 14 days of the submittal of the Preliminary Subdivision Application Package that the application is not considered “Filed.” At such time the applicant shall be given the opportunity to make the application complete. If the Applicant does not amend or resolve the incomplete Preliminary Subdivision Application Package within 10 day of notification of an incomplete application, then the application shall be denied without prejudice. Notice of said denial without prejudice shall be sent by mail, postage prepaid, within 7 days of such determination and within the statutory 45 day period noted above to the applicant and the Municipal Clerk, and the original plan shall be returned to the applicant.
4. Once the application is considered complete by Planning Board, the application shall be stamped by the Municipal Clerk’s office with the date and time of filing and at such time shall be considered “Filed.”

5. Once an application has been “Filed” the applicant shall be provided copies of all documents bearing the Municipal Clerk’s stamp of receipt containing the aforesaid date and time.
6. The Planning Board staff shall distribute a copy of the completed and “Filed” application with the Technical Review Team (TRT) departments.

**D. Distribution of a Preliminary Subdivision Application Package for Review and Comment**

1. The Planning Board staff shall distribute a copy of the completed and “Filed” application to all TRT departments.
2. The applicant shall deliver a copy of the Preliminary Subdivision Application Package to the Board of Health as required by M.G.L c. 41, Section 81U, as amended. At which time the Board of Health shall stamp the cover page of the Definitive Subdivision Application Package. A copy of the stamped cover page shall be provided to the Planning Board.
3. The TRT departments and applicable boards/committees shall be given 35 days to provide comment. During which time all comments and requirements for the project shall be provided to the Planning Board for consideration when making recommendations and a decision on the project.
4. The Department of Public Works (DPW), the Fire Department, the Board of Health, and the Department of Inspectional Services (Building Department) shall be allowed to comment any time during the public hearing process when matters of public health, safety, and welfare are the subject of the review.

**E. Public Hearing and Notification**

1. The Planning Board shall hold a public hearing in accordance with M.G.L. c.41, Section 81T, as amended, prior to the approval, project modification and approval, or disapproval of the Preliminary Subdivision Application Package.
2. The Planning Board shall provide written notice of the time and place of the public hearing, the subject matter to be discussed, and sufficient notice for identification of the property by the following methods of notification in accordance with M.G.L. c. 41, Section 81T, as amended:
  - a. Advertisement in a newspaper of general circulation at the expense of the applicant.
  - b. Written mailer to all abutters and parties of interest as defined in Section II. of these Regulation.
  - c. Project webpage located on the Planning Board’s web page that provides the legal ad, Preliminary Subdivision Application Package, and any additional information submitted by the applicant for review.
3. During the public hearing process all interested parties may make inquiries, request clarification, and/or provide written or oral comments.

**F. Approval or Disapproval by the Planning Board**

1. Within 45 days after the submittal of a “Filed” Preliminary Subdivision Application Package (unless extended in writing by the applicant to a date certain, by written extension filed with the Municipal Clerk’s office), the Planning Board shall provide a written decision stating conditions

of approval of the Preliminary Subdivision Application Package as recommended by the Planning Board. Such approval, with or without conditions, is only a preliminary determination and does not constitute approval of a definitive plan of the subdivision.

2. In the case of disapproval of the Preliminary Subdivision Application Package, the Planning Board shall render a written explanation of disapproval and in turn file its determination with the Municipal Clerk's office. The Applicant shall be notified by hand delivery and/or certified mail within 7 days of such determination and within the statutory 45 day period noted above. The determination shall be filed with the Municipal Clerk's office and all original plans shall be forthwith returned to the applicant.
3. All comments received during the review process shall be taken under consideration for incorporation into the project prior to the submittal of the Definitive Subdivision Application Package.

#### **G. Preservation Subdivision Plan**

For *residential subdivisions*, a preliminary Preservation Subdivision plan shall be developed pursuant to the requirements set forth in Section VIII., at the same level of detail required for a Preliminary Subdivision Plan.

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## SECTION VII. DEFINITIVE SUBDIVISION REQUIREMENTS

### A. General

1. If the Planning Board reviewed and made a determination on a Preliminary Subdivision Plan, then the Regulations and Zoning By-Law in effect at the time of the submission of the Preliminary Subdivision Plan shall govern the Definitive Subdivision Plan, if the Definitive Subdivision Plan is submitted within seven months of the submission of the Preliminary Subdivision Plan.
2. The applicant shall stake the centerline of pavement of the proposed subdivision road or way, using three 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 Subdivision Plan. The Planning Board may require the applicant to flag the edge of pavement.

### B. Major and Minor Definitive Subdivision Plans

Both Major and Minor Definitive Subdivision Plan review shall meet the requirements set forth in Sections VII. and VIII., as applicable, as well as any other relevant sections of these Regulations. Major or Minor Definitive Subdivision Review shall be determined by the following requirements as follows:

#### 1. Minor Definitive Subdivision Plan

The following types of land use activities shall require **Minor** Definitive Subdivision Plan Review by the Planning Board:

- a. Any division of land that creates 5 or less lots that are determined to not meet the Approval Not Required (ANR) process;
- b. The addition of land to a pre-existing subdivision that was previously approved by the Planning Board where such addition of land does not create more than four new lots;
- c. Modification to a previously approved definitive subdivision where such modification was determined not to be a field change;
- d. Modification to a previously approved plan that was not constructed as a definitive subdivision where such changes are to bring the previously approved definitive subdivision plan into compliance with Zoning By-Law Section IV.E. Dimensional Regulations and/or other relevant section of the Framingham Zoning By-Law;
- e. The connection to an existing lot that was not part of an approved definitive subdivision but will require use of the subdivision roadway as access and frontage;
- f. The re-recording of a plat and/or Definitive Subdivision Plan where a Definitive Subdivision was previously approved but failed to be constructed and/or recorded but no changes were made to the approved plan; or
- g. The modification to an approved Definitive Subdivision Plan where the only modifications to the plan are associated with the approved roadway.

## **2. Major Definitive Subdivision Plan**

The following types of land use activities shall require **Major** Definitive Subdivision Plan Review by the Planning Board:

- a. Any division of land that creates 6 or more lots;
- b. All Preservation Subdivisions;
- c. The creation of any new roadway or the addition of 500 feet or more to an existing roadway;  
or
- d. Any activity requiring Definitive Subdivision Plan Review that is not listed under Section IV.F.1.a. herein.

## **C. Definitive Subdivision Application Submittal**

Applicants applying for either Major or Minor Definitive Subdivision Plan Review shall prepare and file a complete Major or Minor Definitive Subdivision Application Package with the Planning Board that includes the following:

1. Properly executed application forms for either a Major or Minor Definitive Subdivision Application Package that are signed by all applicants, co-applicants, and /or authorized persons. 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. A Major or Minor Definitive Subdivision Application Package that contains the appropriate application, the Definitive Subdivision Plan, and definitive subdivision background information shall conform to the requirements of Section VII.D. and/or E. of these Regulations.
3. A complete list of waivers approved during the Preliminary Subdivision Review (if applicable) and any new waivers being sought, along with an explanation for each waiver.
4. Proof of Community Notice Sign posting on the property. One Community Notice Sign shall be posted at the existing and proposed curb cuts for the proposed subdivision.

## **D. Minor Subdivision Application Package**

Minor Definitive Subdivision Application Packages are to be filed with the Planning Board in accordance with all directives relative to Section VII.C.; Minor Subdivision Impact Statement, in accordance with Section VII.D.; and a Minor Definitive Subdivision Plan that conforms to the requirements of Section VII.F., and any other supporting documentation deemed necessary by the Planning Board.

### **1. Minor Subdivision Impact Statement**

- a. A description of the proposed Minor Definitive Subdivision Review shall include the following:
  - i. Permitting History Narrative  
A narrative that explains the permitting history of the property relative to the proposed Minor Definitive Subdivision.

ii. Proposed Project

A narrative that explains the proposed project which may include the relationship that the land being added or removed has to the subdivision; expected impacts to surrounding neighborhoods; reasons for any proposed modifications; and relevant information necessary to make an informed decision regarding the proposed development.

iii. Preliminary Subdivision Development Impact Report

Where applicable, an applicant and/or developer applying for Minor Definitive Subdivision Review shall provide a Development Impact Report as outlined in Section VI.A. A Minor Definitive Subdivision Review may submit only the corresponding sections of the Development Impact Report that are applicable to the project.

iv. Amendments and/or Modifications Requested

A list of proposed amendments and/or modification for the Minor Definitive Subdivision Plan.

v. Design Standards

A Design Standards Report Analysis that outlines how the Minor Definitive Subdivision Plan meets the Design Standards set forth in Section IX. and the Framingham Zoning By-Law. If proposed amendments and/or modifications do not meet the Design Standards set forth in Section IX. and/or the Framingham Zoning By-Laws, then the applicant/developer shall provide documentation as to relief granted or requested waivers.

**E. Major Subdivision Application Package**

Major Definitive Subdivision Application Package are required to be filed with the Planning Board in accordance with Section IV.C.; Major Subdivision Impact Statement, in accordance with Section VII.E.; and a Major Definitive Subdivision Plan that conforms to the requirements of Section VII.F.; where applicable, a copy of the Preliminary Subdivision Plan that shows any revisions to the plan requested by the Planning Board, departments, and/or committees during the Preliminary Definitive Subdivision Plan review; and any other supporting documentation deemed necessary by the Planning Board.

**1. Major Subdivision Impact Statement**

**a. Neighborhood and Community Impact Statement**

i. The Neighborhood

- a) Provide a summary of the neighborhood within .5 mile radius of the subdivision boundaries. This summary shall include land uses, zoning districts and demographics of the area.
- b) Provide a summary of the project's proximity to public transportation, medical care, shopping, and recreational facilities that are expected to serve the project.
- c) Provide a summary that outlines the walkability of the neighborhood within .5 mile radius of the subdivision boundaries. This summary shall include a list of nearby

services, commercial centers, recreational facilities, schools, medical services, and/or schools.

ii. The Site

- a) Describe the general physical conditions of the existing site including vegetation, topography, and geological, scenic and historical features, trails, open space links, and indigenous wildlife.
- b) Provide information relative to the location and significance of any historic elements or archeological sites on or adjacent to the project.
- c) Provide a summary table showing the percentage of the tract of land to be occupied by building(s), lot coverage proposed for each lot, total number of off-street parking spaces provided and usable open space.
- d) Discuss structure heights in relationship to the surrounding area, including any architectural and landscaping techniques that will be used to ensure that visual impacts and natural views will not be negatively impacted by project structures to maintain the integrity of the neighborhood being affected.

iii. Noise

Describe any existing noise that could potentially impact the site and/or noise projected to be generated by the project. Please provide measures to be taken to mitigate noise.

iv. Construction

Describe the plan of lot development in the subdivision relative to construction phasing, expected build-out, and impacts construction will have on abutting properties and the surrounding neighborhood.

v. Impacts on Schools

Provide a statement that details the number of inhabitants expected to inhabit the proposed subdivision including the number of school age (between the ages five to 17) children anticipated to reside in the development. Please provide a statement regarding what the expected demand on municipal services that school age children will require, for example additional transportation, classroom space, etc. Please estimate the expected cost of these additional school age children on municipal services.

vi. Impacts on Emergency Services

- a) Provide a statement regarding the expected number of those ages 60 and older to inhabit the project.
- b) Provide statement regarding the proximity of the site to fire, police and other public safety facilities?
- c) Provide information as to which fire house and rescue department will respond to emergencies within the development site.

vii. Health Impacts

- a) Provide information regarding the proximity of access to supply goods and medical services.
- b) Provide information relative to access of open space within the area, open space created by the project and opportunities for the project to contribute to municipal open space.
- c) Briefly provide information as to how the project will contribute to existing sidewalk and bicycle infrastructure connecting the project. Is there an opportunity for the project to expand the existing sidewalk and bicycle infrastructure?

viii. Landscape

- a) Provide conceptual project landscape design describing and/or showing how the use of landscaping will enhance the neighborhood. Include a narrative detailing the preservation of any trees greater than 18 inches in diameter, the use of sidewalks, trails, paths, and/or pedestrian amenities that will be incorporated into the neighborhood.
- b) Describe how the project will mitigate possible impacts created through design techniques or the construction of off-site improvements.

**b. Infrastructure impact statement**

i. Impacts to Existing Public Infrastructure

- a) Provide expected water volume demand required for the proposed subdivision. In locations where there is municipal water, provide information stating adequacy of water main capacity to provide the projected water volume demand to the project without detriment to other users, i.e. water pressure, fire-flows from hydrants, etc. Explain necessary improvements to the water supply and distribution system that will be needed for the project and the timeframe required for implementation. Please estimate the cost of such improvements.
- b) Provide estimated additional sewerage load that will be created by the proposed subdivision. For subdivisions that will use the public sewer 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 municipal cost, if any, will be incurred?
- c) Estimate the gallons per day of water required to serve the project for domestic consumption and fire protection. Evaluate how and to what extent the project will affect the quality and quantity of any existing or potential public or private water supply, including watersheds, reservoirs, and groundwater.
- d) Calculate the linear feet of street drains, culverts, sanitary sewers and waterlines to be publicly maintained.
- e) Please provide a video of the existing sewer, water, and stormwater drains in

accordance with the requirements set forth by the Department of Public Work (DPW).

ii. Private Infrastructure

- a) In locations without access to the public sewerage system, provide details of what the expected environmental effects of on-site sewage disposal will be. Provide information regarding the permeability of the underlying soil. Provide information regarding proposed individual or collective sewage disposal systems and the potential impact on existing wells for potable water of dwellings either within or outside of the proposed subdivision. Provide statement regarding impacts to 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.
- b) For projects that will be serviced by private wells, please provide the well testing report. Well testing shall be conducted in the driest months (typically August) and in accordance with the Town of Framingham Board of Health Private Well Regulations.
- c) If the project will be serviced by private septic systems, then information relative to the soils, design, etc. shall be provided as part of this narrative, in addition to design plans.

iii. New Service Requirements

- a) Provide the estimated additional new service requirements, in time and cost that the proposed subdivision may place upon municipal solid waste disposal and snow removal.
- b) State possible additional impacts that the project may produce on other municipal and governmental services.
- c) Provide any draft Deeds and/or easements that will be placed on the land for the purposes of infrastructure. In addition, provide draft of any deed, easement, covenant, and/or restriction to be granted to Framingham.

**c. Environmental and Stormwater Impact Statement**

- i. Describe the groundwater resource in terms of quantity and quality. Include a description of the density of the proposed subdivision, if it will significantly lower the water table in the area as a result of the expected increased use, and any possible detrimental effect to the existing homes sharing the system.
- ii. 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.

- iii. 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. Provide explanation of expected drainage runoff from the systems of roads within the proposed subdivision specifically if it will be directed toward adjoining property. Is overload or silt up or contaminate any wetland or waterbody anticipated as a result of the project? Will it endanger any public or private potable water supply?
- iv. Describe the earthwork required to develop the subdivision with details on the extent of earthmoving, cuts and fill. Detail erosion and sedimentation control measures that will be employed during construction. Will any proposed filling, cutting or other alteration of the topography or any de-vegetating operations within the subdivision tend to alter existing natural drainage patterns so as to create drainage problems within or outside of the subdivision?
- v. Analysis, reports, and/or surveys for soils, test pits, and/or test boring. This information should include test pits and test borings that were prepared by a civil engineer licensed in the Commonwealth of Massachusetts, taken at 100 foot intervals at the proposed station points as described in the street layout and profile plans and at the proposed locations of any infiltration structures/systems, or at such other points as the Department of Public Works may request.
- vi. Describe the existing use, general topography, any unusual geologic formations and soils, and how the project will affect these features.
- vii. Indicate whether the subdivision is within any mapped Natural Heritage & Endangered Species Habitat (NHESP). If yes, describe what measures will be taken to protect said habitat, and what approvals, if any, have been received from NHESP.
- viii. Any map submitted as part of the statement may be at a scale of up to 1" = 500'. The Environmental Impact Statement may refer to the Stormwater Report or other documents submitted as part of the Definitive Subdivision Application package. The Planning Board requires that the statement be prepared by a Registered Professional Engineer licensed in the Commonwealth of Massachusetts.
- ix. An Environmental Impact Report, including a Stormwater Report and a Stormwater Management System Maintenance Report shall be submitted in accordance with Section VI.F.4.a.12) of the Framingham Zoning By-Law for projects with ten or more residential lots or for all non-residential subdivisions.
- x. A statement, if applicable as to the proposed mitigation to off-set stormwater run-off in addition to the maintenance and improvement of the flow and quality of surface water.
- xi. An Operation and Maintenance Plan shall be provided to ensure 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 appurtenant 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.

**d. Traffic Connection and Impact Statement**

- i. Provide information regarding the access roads, public or private, by which the proposed subdivision may be reached and if they are adequate in width, grades and type of construction to carry, without danger, vehicular congestion or confusion, emergency vehicles and the additional traffic that may be generated by the proposed subdivision.
- ii. For subdivisions of 10 or more lots, provide 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.
- iii. Estimate, using Trip Generation, 8<sup>th</sup> Edition: An ITE Informal Report, or another standard source or methodology, the number of vehicle trips generated by the proposed subdivision. For non-residential subdivisions, also discuss future vehicular circulation patterns including number and types of vehicles, and describe the proposed bicycle and pedestrian circulation patterns.
- iv. A traffic study in accordance with Section VI.F.4.a.11) of the Framingham Zoning By-Law is required for projects with ten or more residential lots or for all non-residential subdivisions.
- v. A statement, if applicable, as to how the applicant will mitigate the impacts on streets and services.

**e. Fiscal impact statement**

- i. Provide the existing taxable value of the entire parcel pre-subdivision. What is the estimated taxable value of each proposed lot, in addition to the buildings for the proposed subdivision?
- ii. 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 Planning Board's endorsement of the Definitive Plan, to minimize long term impacts to the municipality and abutters.
- iii. What was the purchase price of the land, and when was the land purchased?
- iv. Provide a brief description of the size, style, and type of improvements to the land, at an adequate level of detail for the Municipal Assessor to be able to provide an adequate level of review for assessing purposes.
- v. For any project that retains a homeowner's trust please provide a detailed description of the operations, monthly fees, maintenance.
- vi. Provide a description of any improvements on undeveloped land, conservation land,

and/or preserved open space.

**f. Development Master Plan Statement**

Provide a narrative of how the proposed subdivision meets and/or exceeds the expectations of the following:

- i. the Master Land Use Plan,
- ii. the Open Space & Recreation Plan,
- iii. the municipal Stormwater Management Plan,
- iv. the Housing Plan, and
- v. The municipal Traffic Plan.

**g. Preliminary Subdivision Plan, where applicable**

Where a Preliminary Subdivision Plan was filed for review by the Planning Board, the applicant shall submit a copy of the plan and a narrative regarding the comments and requested amendments to the Preliminary Subdivision Plan that were incorporated into the Definitive Subdivision Plan. Where items identified during the Preliminary Subdivision Plan Review were not incorporated into the Definitive Subdivision Plan, provide an explanation as to why and how the items were not addressed.

**F. Minor and Major Definitive Subdivision Plat Plan Requirement**

The Minor and Major Definitive Subdivision Plan shall be drawn at a scale of one-inch equals 20 feet to one inch equals 60 feet, unless otherwise stated herein, and shall include the following information:

- 1. All sheets shall include the following information** (Required for both Minor and Major Definitive Subdivision Plans)
  - a. Address(es) of the proposed project
  - b. Identification of the parcel by the Municipal Assessor's Parcel Identification Number
  - c. Project Title/Subdivision Title and "Definitive Subdivision"
  - d. Prepared by: and Prepared for:
  - e. Stamp and signature of Professional Engineer and/or Land Surveyor licensed in the Commonwealth of Massachusetts who prepared the plans
  - f. Boundaries of the Project with appropriate measurements
  - g. North arrow, date of plan, revision dates, scale, legend
  - h. Suitable space to inscribe the signatures of the Planning Board members and date of signature
  - i. All elevations shall refer to a bench mark (or bench marks) using the National Geodetic Vertical Datum (NGVD) of 1929 for base data. The location and elevation of the bench mark shall be shown on the plan, plus the location of at least one more bench mark.

- j. Area for revision dates and brief description of the revision
  - k. Name(s) of recorded owner(s)
  - l. Sheet numbers
  - m. A legend denoting any signs and symbols used on the plan, if applicable.
  - n. Suitable spaces to record the Date, Book, and Page of the recorded decision.
- 2. Cover Sheet shall at minimum include the following information** (Required for both Minor and Major Definitive Subdivision Plans)
- a. Title block in the lower right-hand corner, along with “Definitive Plan” clearly shown
  - b. Index for all sheets included in the Definitive Subdivision Plan package
  - c. Zoning Table showing the existing, required, and proposed dimensions in accordance with Section IV.E., Dimensional Regulations pursuant to the Framingham Zoning By-Law.
  - d. Zoning District and Overlay District of the area
  - e. A statement as to whether the street shall remain in private ownership or will seek acceptance as a public way in the future.
  - f. Names and addresses of all owner(s) of record, applicant(s), developer(s), subdivider(s)
  - g. Any restrictive covenants given under M.G.L. c. 41, Section 81-U, or any amendments thereto
  - h. Any conditions required by the Board of Health
  - i. If the property that comprises the subdivision or any part of boundary thereof has been examined, approved, and confirmed by the Middlesex South Registry District of the 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.
  - j. 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.
- 3. Locus Sheet shall at minimum include the following information** (Required for both Minor and Major Definitive Subdivision Plans)
- a. Locus Plan to allow adequate consideration of the surrounding neighborhood, a plan of adjacent properties shall be presented at a scale of not less than one inch equals 100 feet or at the same scale as the proposed site plan if practical. This plan shall show the general characteristics of all lands ½ mile of the proposed site boundaries and shall include structures, parking areas, driveways, pedestrian ways, and natural characteristics.
  - b. Any structures or significant change in topography within 50 feet of the lot line shall be located precisely on said plan.

- c. Names of all abutters as determined by the most recent Assessor's tax records, and as certified by the Framingham Assessor's Office.

**4. Erosion and Topography Sheet shall at minimum include the following information** (required for Major Definitive Subdivision Plans and shown on appropriate Minor Definitive Subdivision Plans where applicable)

- a. An erosion and sedimentations control plan following the "Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts", USDA-SCS, and "Erosion & Sediment Control in Site Development", USDA-SCS, latest edition.
- b. Location and the results of any soil, percolation, and water table tests.
- c. Existing and proposed topography generally at a two foot contour interval, but at a one foot contour interval for gentle slopes and at a five foot contour interval for steep slopes.
- d. All work done outside of the limits of the proposed subdivision shall be shown on a separate sheet.
- e. In any subdivision of land where earth removal will be done, the applicant shall show all areas of clearing and earth removal necessary for construction, roadways, easements, drainage basins, etc.
- f. A chart indicating lots within the wetlands or flood plain areas of the subdivision shall be provided on the first sheet or cover sheet of the definitive plan.
- g. Where applicable, a wetlands delineation, prepared by a professional wetland specialist licensed in the Commonwealth of Massachusetts, which identifies:
  - i. The wetland boundary
  - ii. The 30' No Build Area
  - iii. The 100' State Wetland Buffer
  - iv. The 125' Local Wetland Buffer
  - v. The 500' Flood Plain
  - vi. The 125' potential and certified vernal pool buffer
- h. A sheet showing all areas as defined as Moderate Slope, delineation of all wetlands, wetland buffers, riverfront zones, and flood zones. Steep slopes, shall be identified on the plan:
  - i. Slopes greater than 15 percent but less than 25 percent
  - ii. Slopes greater than 25 percent but less than 40 percent; and
  - iii. Slopes greater than 40 percent
- i. Location of natural waterways and water bodies within and existing adjacent to the subdivision.
- j. Locations of habitats of rare and endangered species
- k. Major features, such as stone walls, fences, buildings, trees 10" or larger within 50' on each

side of the proposed center line of roadways or right-of-ways, rock ridges and outcroppings, identifiable historical sites, and swamps. Special attention shall be given to noting physical features which define the boundaries of the subdivision.

**5. Construction Sheet shall at minimum include the following information** (Required for Minor and Major Definitive Subdivision)

- a. Best Management Practices (BMP) utilized during construction.
- b. Construction access routes and hours of operation.
- c. Plan showing construction details for all erosion control measures and structures to be utilized during construction.
- d. Location of all proposed stump dumps and other locations where construction debris is to be buried.
- e. Any special construction details or other pertinent information which the Planning Board may request as being necessary to evaluate the feasibility of the proposed design of the subdivision.
- f. Construction access routes and hours of operation.
- g. Plan showing construction details for all erosion control measures and structures to be utilized during construction.

**6. Community or Common Facilities Sheet shall include the following information** (required for Major Definitive Subdivision Plans and shown on appropriate Minor Definitive Subdivision Plans where applicable)

- a. Locations of snow storage areas
- b. Locations of common mail boxes, if applicable
- c. Locations of dumpster and/or garbage areas, if applicable.
- d. Any other proposed common or community facilities or structures
- e. Public health features such as fitness equipment, trails, active open space, and/or passive open space within the subdivision or abutting the subdivision. If a public health feature is on an abutting property, the plan shall show how such feature is accessed by the proposed subdivision.

**7. Landscaping Sheet shall at minimum include the following information** (Required for both Minor and Major Definitive Subdivision Plans)

- a. Identification and locations of existing trees over six inches in diameter. Trees shall be identified as follows:
  - i. The locations of trees between six inches and 12 inches in diameter, the species of the tree, the health of the tree,
  - ii. The locations of trees between 12 inches and 18 inches in diameter, the species of tree, the health of the tree

- iii. The location of trees between 18 inches and 32 inches in diameter, the species of the tree, the health of the tree, and how the tree will be incorporated into the subdivision plan if applicable.
  - iv. Trees shall be identified by species along
- b. Location of proposed street trees and other plantings as required in Section \_\_\_\_, herein.
  - c. Where a landscaped/vegetated buffer is required, the Landscaping Plan shall provide details for the buffer. Where a vegetated buffer is proposed to be provided by natural, existing vegetation, an approximate mix and location of existing species shall be shown on the plan sufficient to demonstrate to the Planning Board that existing vegetation is sufficiently dense.
  - d. Where any rain gardens or other bioengineered stormwater management techniques are proposed, detailed landscaping plans shall be included in the plans.
  - e. If applicable, detail landscaping plan for the screening of dumpster and/or garbage areas, common or community facilities or structures or common mail boxes.
  - f. Any proposed landscaping or landscaping that will be retained. One street tree shall be planted every 20-30' dependent upon size and species. The Applicant shall select trees in accordance with the Planning Board Rules and Regulation: Landscape Guidelines.
  - g. Block walkways shall be constructed that run from the front entrance of the house to the driveway and to the roadway. Where steps are required, the use of granite shall strongly be encouraged.
  - h. Where a vegetated buffer is required, the landscaping plan shall include a detailed planting schedule. Where the vegetated buffer is proposed to be provided by natural, existing vegetation, an approximate mix and location of existing species shall be shown on the plan sufficient to demonstrate to the Planning Board that the existing vegetation is sufficiently dense.
  - i. Where BMP and/or LID include rain gardens or other bioengineered stormwater management techniques are proposed a detailed landscaping plan shall be included in the Definitive Plan set.
- 8. Open Space and Management Sheet shall at minimum include the following information** (required for Major Definitive Subdivision Plans and shown on appropriate Minor Definitive Subdivision Plans where applicable)
- a. Locations of all common open space along with a table providing the total sf and/or acreage of the open space area.
  - b. Locations of trails and construction details for the trails.
- 9. Lots Boundary Sheet shall at minimum include the following information** (required for Major Definitive Subdivision Plans and shown on appropriate Minor Definitive Subdivision Plans where applicable)
- a. Existing and proposed boundary lines, parcel areas in square feet, acres, and dimensions of

all proposed lots, within all lots designated numerically and in sequence.

b. Locations, type, and dimensions of all easements.

**10. Roadway Sheet shall at minimum include the following information** (required for Major Definitive Subdivision Plans and shown on appropriate Minor Definitive Subdivision Plans where applicable)

- a. Existing profiles on the exterior lines and centerlines (to be determined by field survey) and proposed street profile at 50' stations (25' stations for vertical curves) with centerline elevations tied to a stationed based line, at horizontal scale of 1"=40' and at a vertical scale of 1"=4', or such other scales required by the Planning Board or Department of Public Works. All elevations shall refer to a bench mark (or bench marks) using Massachusetts Coast and Geodetic Survey Vertical Control for base data and the location and elevation of the bench mark, plus at least one more bench mark.
- b. Detail of typical cross-section of roadway showing all features; details of a gas trap/oil separator catch basin, manhole, headwall, sidewalk, sub-drain, and all other appurtenances, structures, and utilities.
- c. Profiles shall also indicate the location of any intersecting public or private ways, and the location, material and size of existing and proposed storm drains, water mains, and sewers and their appurtenances, fire alarm, street lighting, and other underground utilities to be placed in the right-of-way.
- d. On the same sheet there shall be drawn typical cross sections of the proposed street, properly located and identified by station number, at such intervals along the street and shall adequately indicate any variations in its section, supplemented, where necessary, by lines on the layout plan showing the width and location of proposed roadways, planting strip, gutters, sidewalks, and similar features.
- e. Traffic sight distances, vertical and horizontal, for all intersections within the subdivision and the public ways adjoining the subdivision at locations of ingress or egress shall be shown.
- f. A close traverse of the whole subdivision and of every street within the subdivision.
- g. The following note shall be inscribed on the profile sheets: 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 Framingham.
- h. Profiles of Proposed Streets (to be made on a separate sheet) Profiles shall be drawn with:
  - i. Sanitary sewer and storm drainage system lines are to be related accurately to center line stationing.
  - ii. Cross sections for proposed streets, in accordance with Framingham Department of Public Works, Minimum Construction Standards, showing municipal services, hydrants, and light poles.

- iii. Bench marks not more than 500 feet apart.
- iv. A horizontal scale of 1 inch to 40 feet.
- v. A vertical scale of 1 inch to 4 feet.
- vi. Existing centerline in fine black solid line with the elevation shown every 50 feet.
- vii. Existing right side line in fine black dash line.
- viii. Existing left side line in fine black dotted line.
- i. 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).
- j. All existing intersecting walks and driveways shown on both sides.
- k. Sufficient data including lengths, bearings, radii, and central angles to determine the exact location, direction, and length of every street and way line, lot line, boundary line, and easement, and to establish these lines on the ground.
- l. Locations of all existing and proposed permanent monuments and benchmarks, identified as to whether existing or proposed.
- m. All benchmarks shall refer to the NGVD datum system.
- n. Distance between proposed monuments shall be shown on the plan
- o. A sketch plan showing possible or prospective street layouts for any adjacent un-subdivided land owned or land controlled by the owner or applicant of the subdivision.

**11. Stormwater Sheet shall at minimum include the following information** (required for Major Definitive Subdivision Plans and shown on appropriate Minor Definitive Subdivision Plans where applicable)

- a. Storm drainage runoff calculations used for the proposed stormwater drainage system design shall be prepared by and display the seal of a registered professional engineer licensed in the Commonwealth. These calculations should be based on the rational formula (as described in Seelye's Design Data Book for Civil Engineers, Page 18-02, revised 3<sup>rd</sup> edition), based on a 10 year expectancy period, to determine necessary pipe sizes, which can be no less than 12 inches in diameter. The calculations must contain a written summary explaining the rational of the design so that a lay person can understand the basic design approach and its validity to the site in question. Furthermore, the calculations should be fully documented including copies of charts or other reference sources to make review easier. The use of computer generated reports is acceptable; however, the source of the software should be identified. These calculations shall be used to determine all drainage structures and pipe sizes.
- b. The applicant shall show the size and location of existing storm drain facilities that the new subdivision will tie into on the Definitive Plan.
- c. If surface water drains onto adjacent streets or onto adjacent properties not owned by the

applicant, in such manner as to create drainage problems, suitable provisions for handling this drainage shall be submitted to the Planning Board.

- d. If surface water drains will discharge onto adjacent existing streets or onto adjacent properties, including municipal 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 Municipal Engineer and Public Works Department (DPW) 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.
- e. 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.
- f. 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.
- g. Framingham requires the designation of buffer strip at least 50 feet in width around the surface water, wetlands, or other natural features, which may be adversely affected by erosion or stormwater runoff.
- h. Flood Hazard Areas – Subdivisions involving land designated as flood hazard areas shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements:
  - i. Prior to approval, the Planning Board and the Department of Public Works shall review the proposed development to assure that all necessary permits have been received from those government agencies from which is required by Federal and State law including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334
  - ii. Minimization of Flood Damage – Sufficient evidence (construction drawing, grading and land treatment plans) shall be submitted so as to allow the Planning Board to determine that:
    - a) All such proposals are consistent with the need to minimize flood damage;

- b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, and constructed to minimize or eliminate flood damage;
  - c) Adequate drainage is provided so as to reduce exposure to flood hazards; and
  - d) New and replacement water and sewer systems (including on-site site systems are located, designed, and constructed to minimize infiltration and avoid impairment.
- i. Stripping of vegetation, regarding or other development shall be done in such a way that will minimize soil erosion. Wherever practical, natural vegetation shall be retained, protected and supplemented.
  - j. A plan with a suitable scale, satisfactory to the Planning Board and DPW, outlining the entire watershed which includes the subject subdivision therein shall be submitted indicating surface water flows to the subdivision, within the subdivision and impact after exiting the subdivision. The plan shall cross-the drainage calculations.
  - k. The Applicant shall obtain, provide and maintain records of elevation and flood-proofing levels for all new areas that are substantially improved with structures, regardless as to whether to the structure contains a basement.

**12. Easements Sheet shall at minimum include the following information** (Required for both Minor and Major Definitive Subdivision Plans)

Indications of all easements, covenants, or restrictions applying to the land and their purpose, whether or not within the subdivision, including any decision, appeal, or variance issued by the Zoning Board of Appeals, or any other board or authority having jurisdiction and applicable to the subdivision land or any buildings thereon.

**13. Utilities & Infrastructure Sheet shall at minimum include the following information** (Required for both Minor and Major Definitive Subdivision Plans)

- a. Proposed layout of the storm drainage systems, water supply system, fire hydrants, fire call/master box systems, sewer mains and all other utilities. These layouts should be checked with the appropriate Boards and agencies. The final approval from the reviewing Boards and agencies shall be in writing and on file with the Planning Board prior to the approval of the definitive plan.
- b. Existing fire call/master boxes should be shown on the plan that appears in or immediately adjacent to the proposed subdivision.
- c. The locations, inverts, slopes, grades, stations, sizes and all other dimensions including type of pipe and materials to be used, of all utilities and appurtenances shall be clearly shown on the plan.
- d. Location of all proposed septic disposal areas within a minimum of one percolation test and two deep test holes per leach area.
- e. The locations, logs, and results of deep observation hole tests and percolation tests for groundwater recharge facilities consistent with the Department of Environmental Protection

Stormwater Management Policy.

- f. Location of all existing and proposed above ground and underground structures, including but not limited to, buildings, foundations, wells, septic systems, and underground storage tanks, within the subdivision and within 100' of the perimeter of the subdivision.
- g. If the proposed use of a lot and/or the location of a proposed use is unknown at the time of submission of the definitive plan, the applicant shall show on the plan sufficient information with respect to, existing and proposed, underground structures and septic disposal areas, to enable the Board of Health to evaluate whether a septic disposal system can be located on the lot to serve any permitted use of the lot. Where a lot(s) is to be served by public sewers or by a septic treatment plant, the application shall contain a certificate from the Board of Health stating that such public sewers or septic treatment plants are adequate to serve any permitted use of the lot(s).
- h. Standard utility construction details shall be shown on the plan.
- i. Where any utilities or stormwater management devices are proposed outside of the roadway layout, they shall be clearly marked on the plan as a separate sheet. The purpose of this will be to provide future homeowners a clear understanding of the location and purpose of any utilities for which they may be responsible.
- 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. Rates of gradient shown in red figures.
- l. 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
- m. 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.
- n. Size, materials, type, grades (as applicable) and location of all existing and proposed municipal services, their appurtenances, including fire hydrants and all easements thereto.
- o. 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.
- p. Location, materials and type of sidewalks, curbs, street signs, street tree plantings, and location and design of street lighting standards.

**14. Other required information located appropriately**

- a. 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. Names of all abutters, as defined under Section II. Definitions, herein.
- b. Existing and proposed lines and widths of streets, curb cuts, easements, and any public or common areas within the subdivision.

- c. House numbers of each house abutting the property sidewalks, lots, rights-of-ways, easements, and any public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Planning Board. Purpose of easement shall be indicated.
- d. Location, names, and present widths of street bounding, approaching, or within immediate proximity of the subdivision, showing both the roadway widths and right-of-way widths.
- e. Front, side, and rear setback lines for each lot, and proposed building footprint and driveway for each lot.
- f. House numbers on each Lot as determined by the Town Assessor, clearly distinguishable from the Lot numbers.
- g. Dimensions and areas of any and all property to be dedicated or reserved for schools, parks, playgrounds, and/or other public purposes. Proposed system of drainage (including adjacent existing natural waterways) shown in a general way, and sewerage, and water distribution, including easements.
- h. Boundary lines of proposed lots with approximate areas and dimensions. Each lot shall be numbered.
- i. Streets shown on the plans that are designated by Framingham as "Scenic Roads" shall be clearly indicated as scenic roads on the plan.
- j. 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, or most recent Datum. The names, approximate location, and present widths of all adjacent streets, with a designation as to whether the street is public or private, and the approximate location of existing utilities to be use. Existing and proposed curbs and sidewalks shall be shown, including type, dimensions, and ADA features.
- k. Delineation of major site features, manmade and natural, including existing buildings and structures, stone walls and guardrails, railroads, important vegetation, soil types that impact the development, major trees (8 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.
- l. Location of existing and proposed streets, ways, lots, easements, public and common areas, flood plain boundaries, zoning and zone lines including all overlay districts within and abutting the subdivision.
- m. Location of existing and proposed pedestrian areas, walkways, flow patterns and access points, and provisions for handicapped parking and access and bicycle accommodations. In the construction of the proposed pedestrian areas, walkways, flow patterns and access points, complete street applications would involve the removal of a public shade tree shall

be noted on the plan. In the event that a shade tree is to be removed within the public right of way, the applicant shall contact the Framingham Tree Warden.

- n. For subdivisions involving a minimum of five acres the preliminary plat shall include a base flood hazard zone boundary.
- o. Location and description of Low Impact Development (LID) and Best Management Practices (BMP) techniques uses within the project.
- p. 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 Municipal 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.
- q. 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 Municipal Engineer.
- r. 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.
- s. Profile showing the center line of the roadway, sanitary, drain, and water systems.

### **15. Detail Drawings**

Any special construction features, deviating from and/or not covered represented in the site shall be shown on detail drawings. Such detail drawings may be incorporated as part of a utility plan or profile or may be executed on a separate sheet or sheets and shall provide information as to dimensions, locations, elevations, cross sections, materials, etc., of the construction details involved. The requirements for detail drawing shall be applicable, but not limited to, bridges, culverts, structurally stabilized slopes, utility piping encased in concrete, ditches and brooks shaped or constructed to a definite cross section, dams and spillways, steps within the exterior lines of the street and similar construction features indicating surface water flows to the subdivision, within the subdivision, and impact after existing the subdivision. The plan shall cross-reference the drainage calculations included in the Stormwater Report.

### **G. Review of a Definitive Subdivision Application Package**

1. Upon receipt of a Major or Minor Definitive Subdivision Application Package the Planning Board shall verify with the Municipal Treasurer that all local taxes have been paid.
2. Once a Major or Minor Definitive Subdivision Application Packages has been submitted for review the Planning Board shall deem the application either complete or incomplete within 10 days of said filing.
3. Applicants who submit an incomplete Major or Minor Definitive Subdivision Application Package

shall be notified of said deficiency and shall be provided with a list of cited deficiencies needing to be addressed prior to the filing of an application. If the application is deemed incomplete by Planning Board staff, the applicant shall be notified within 14 days that the application is not considered "Filed." At such time the applicant shall be given the opportunity to make the application complete. If the Applicant fails to amend or resolve the incomplete Major or Minor Definitive Subdivision Application Package, then the application shall be denied without prejudice. Notice of said denial without prejudice shall be sent by mail, postage prepaid, within 7 days of such determination and within the statutory 45 day period noted above, to the applicant and the Municipal Clerk's office and the original plan shall be forthwith returned to the applicant.

4. Once the application is considered complete by Planning Board staff, the application shall be stamped by the Municipal Clerk's office with the date and time of filing and at such time shall be considered "Filed."

#### **H. Distribution of a Major or Minor Definitive Subdivision Application Package**

1. The Planning Board staff shall distribute a copy of the completed and "Filed" application to all TRT departments.
2. The Applicant shall deliver a copy of the Major or Minor Definitive Subdivision Application Package to the Board of Health, in accordance with M.G.L. c. 41, Section 81U, as amended. At which time, the Board of Health shall stamp the cover page of the Major or Minor Definitive Subdivision Application Package. A copy of the stamped cover page shall be provided to the Planning Board.

#### **I. Technical Review Team and Department Comments**

1. A second TRT meeting between the applicant and the TRT shall be scheduled prior to the first public hearing.
2. The TRT departments and respective board/committees have a 35 day comment period. During this time all comments and requirements for the project shall be provided to the Planning Board for consideration when making a decision on the project.
3. If new documents and/or plans are submitted after the 35 day comment period those members of the TRT departments and/or board/committees that commented within the 35 day period shall be given an additional 10 days to review any new submittals and provide additional comment.
4. The Department of Public Works, the Fire Department, Board of Health, and the Department of Inspectional Services (Building Department) shall be allowed to comment any time during the public hearing process when matters of public health, safety and welfare are the subject of the review.

#### **J. Review by the Board of Health**

1. At the time of submittal of the Definitive Subdivision Application Package to the Planning Board a copy of the "Filed" Definitive Subdivision Application Package shall be filed with the Framingham Board of Health as required in M.G.L., c.41, Section 81-U, as amended.

2. The Board of Health shall provide written report to the Planning Board within the specified 45 days of a "Filed" application with the Planning Board. Such report shall include a review, recommendations, requirements and findings for the project. Furthermore, such report shall provide a statement as to whether the Board of Health approves, approves with modifications/requirements, or denies the Definitive Subdivision Application Package.
3. The Board of Health can provide a written request for an extension of time to the 45 days for substantial good cause such as the applicant failing to provide additional information requested and required for review by the Board of Health, substantial changes to the documents and/or plans within the Definitive Subdivision Application Package and/or issues related to public health, Town infrastructure, or services.
4. If an applicant who presents a subdivision that is serviced by private sewer and/or wells does not provide the required and/or adequate information to the Board of Health to make a proper review and report to the Planning Board then the subdivision review will be paused and timelines outlined in Section IV.F.6. of these regulations will be frozen until such information relative to the private septic and/or well is provided. The Board of Health may in its report provide conditions that need to be satisfied prior to the issuance of a building permit from the Department of Inspectional Services (Building Department).
5. The Planning Board shall approve, approve with modification, or deny a Definitive Subdivision Application Package based on the Board of Health's report. The Planning Board cannot approve a plan that does not conform to the recommendations of the Board of Health.
6. Failure of the Board of Health to report comments and/or make recommendations within the 45 day period without a written request of extension shall be deemed as an approval. The Planning Board shall note in its Decision that the Board of Health approval was by default of failure to report comments and recommendations.
7. Any approval of a Definitive Subdivision Application Package by the Planning Board shall only be given upon the condition that no building and/or structure shall be built and/or placed upon areas designed without prior consent from the Board of Health. Therefore, the Planning Board shall only endorse a Definitive Subdivision Application Package based on such conditions, specifying the lots of land to which such conditions apply to.

#### **K. Review by the Department of Public Works**

1. The Applicant shall work with Department of Public Works (DPW) to develop plans for a road or way and/or infrastructure that are in compliance with the standards set forth by DPW and these Regulations. Where such roads or ways and/or infrastructure that do not meet the standards for construction by Department of Public Works (DPW) and these Regulations the applicant shall include a plan note on the Definitive Subdivision Plans stating that "the road or way is not intended for acceptance as a public road or way."
2. Department of Public Works (DPW) shall provide a report to the Planning Board to be reviewed and incorporated into the Definitive Subdivision decision.
3. Any approval of a Definitive Subdivision Application Package by the Planning Board shall only be given upon the condition that no road or way, and/or infrastructure shall be built and/or placed

upon areas designed without prior consent from Department of Public Works (DPW). Therefore, the Planning Board shall only endorse a Definitive Subdivision Application Package based on such conditions, specifying the lots of land to which such conditions apply to.

#### **L. Planning Board Decision Timelines**

The Planning Board shall take action within the timeframe provided under M.G.L. c. 41, Section 81-U, as follows:

1. In the case of a nonresidential subdivision plan, final action and filing of the certificate with the Municipal Clerk's office must occur within 90 days after the submission of the definitive plan.
2. 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 a complete and "Filed" Preliminary Subdivision Application Package, final action on the definitive plan and filing of the certificate with the Municipal Clerk's office must occur within 90 days after the submission of a complete and "Filed" Definitive Subdivision Application Package.
3. 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 complete and "Filed" Preliminary Subdivision Application Package and a complete Definitive Subdivision Application Package was "Filed," final action and filing of the certificate with the Municipal Clerk's office must occur within 135 days after the submission of the Definitive Subdivision Application Package.
4. At the written request of the Applicant, the time period to take final action or to file a certificate of action with the Municipal Clerk's office may be extended. Failure of the Planning Board either to take final action or to file a certificate of such action with the municipal Clerk's office 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 Municipal Clerk's office.
5. If the Planning Board makes a determination that the application and/or the plans are not a complete and/or do not contain proper submittals, the application shall be denied without prejudice. Notice of said denial without prejudice shall be sent by mail, postage prepaid, within seven days of such determination and within the statutory time period noted above, to the applicant and filed with the Municipal Clerk's office and all original plan documents shall be returned to the applicant.

#### **M. Major and Minor Definitive Subdivision Public Hearing and Notification**

Prior to any major or minor definitive subdivision public hearing and notification thereof the Planning Board shall hold a public hearing in accordance with M.G.L. c. 41, Section 81T prior to the approval, project modification and approval or disapproval of the Preliminary Subdivision Application Package.

1. The Planning Board shall make written notice of the time and place of the public hearing, the subject matter to be discussed, and sufficient legal property identification by the following methods of notification in accordance with M.G.L. c. 41, Section 81T:
  - a. Advertisement in a newspaper of general circulation at the expense of the applicant.

- b. Written mailers to all Abutters as defined in Section II. of these Regulations, abutting municipalities and other parties of interest as deemed necessary.
  - c. Notice on the Planning Board's webpage on the Project link that provides the legal ad, Preliminary Subdivision Application Package, and any additional information submitted by the applicant for review.
2. During the public hearing process Abutters, abutting municipalities and all parties of interest shall be provided an opportunity to participate in the public hearing process as is customary to all public hearings.

#### **N. Plan Revisions and Amendments during the Public Hearing Process**

The applicant is required to respond, address, and/or consider the requested revisions, modifications, and/or amendments made by the TRT, the Planning Board, and/or other departments prior to the next public hearing when the comments are submitted 48 hours in advance of the public hearing. Otherwise, the applicant shall respond prior to the following public hearing.

Any unresolved comments, development requirements, and/or unsatisfactory standards shall be addressed within the Planning Board decision with conditions of approval.

#### **O. Approval or Disapproval**

1. After all information is collected from the project review process the Planning Board shall make a determination of approval, approval with conditions, or denial. The Planning Board shall consider all the information submitted during the public hearing review process, the Board of Health report, provisions set forth in these Regulations, the Subdivision Control Law, and the Master Land Use Plan. The Planning Board shall file its decision with the Municipal Clerk.
2. In the event of disapproval, the Planning Board shall provide the applicant with a detailed written report as to the reason for denial.
3. The Planning Board shall send public notification of its decision to a newspaper of general circulation in accordance with M.G.L. c. 41, Section 81T, as amended, in addition to a legal mailing to the Abutters, abutting municipalities, and parties of interest.
4. Once all appeal periods have lapsed the Applicant shall record the decision with the South Middlesex County Registry of Deeds or the Middlesex South Registry District of the Land Court within 21 days after date of approval.

#### **P. Rescission, Modification, and Automatic Rescission of Major or Minor Definitive Subdivision Plan**

1. In accordance with M.G.L. c. 41, Section 81W, as amended, 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 Major or Minor 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 relative to the submission and approval of a plan of a subdivision shall 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.
2. The Planning Board may take action under this section where there are circumstances or new

information that causes the Planning Board to question whether the Major or Minor Definitive Subdivision as approved is or will remain in conformity with the requirements of these Regulations.

3. Circumstances in which automatic rescission of a Major or Minor Definitive Plan approval takes place include the following:
  - a. Any failure to obtain the endorsement of the Planning Board within six months from the date that the decision is filed with the Municipal Clerk's office shall result in the automatic rescission of the approval of the definitive plan;
  - b. Any failure to complete all ways and install all municipal services as shown on the approved subdivision plan within two years of the date of the decision shall result in the automatic rescission of the approval of said plan, except where the applicant has submitted a written request for an extension of time that states reasons of Good Cause. The Planning Board may grant an extension of two years to allow the applicant to complete the work; and
  - c. Any 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.

#### **Q. Issuance of Building Permits**

In accordance with M.G.L. c. 41, Section 8I-U, where approval with covenant is noted thereon, the Building Commissioner shall not issue any permit for the construction of a foundation or building on any lot within a subdivision without receipt of proof from the Planning Board in addition to a copy of the Certificate of Performance.

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 so as to prevent flooding, erosion, and depressions that will not drain and thereby create a public nuisance. Where depressions cannot be avoided, they shall be drained by means of drain pipes no smaller than 2 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 (DPW) and the Municipal Engineer prior to the issuance of a building permit.

## **SECTION VIII. PRESERVATION SUBDIVISION**

### **A. Purpose and Intent of the Preservation Subdivision**

1. The purpose of the Preservation Subdivision is to allow a construction and design alternative option for subdivision of land. A Preservation Subdivision allows a parcel of land to be divided with an alternative plan layout that can be constructed to create a neighborhood community, preserve open space, agricultural land, important natural features, wildlife habitat, water resources, ecological systems, and/or scenic vistas for present and future inhabitants of Framingham. The Preservation Subdivision has been developed to be consistent with the Master Land Use Plan and the Open Space & Recreation Plan while supporting Framingham's efforts to promote a mixture of housing options and the preservation of open space.
2. The intent of the Preservation Subdivision is to:
  - a. Encourage a neighborhood design that allows for the division of land through the conventional subdivision procedures while providing an option to preserve additional open space.
  - b. Supports the Master Land Use Plan and Open Space & Recreation Plan.
  - c. Utilize the Best Management Practices (BMP), Low Impact Development (LIP), energy preservation utilities, and other sustainable development options.
  - d. Promotes smaller lot sizes to encourage walkable and community oriented neighborhoods.

### **B. Housing Options within a Preservation Subdivision**

1. Preservation Subdivision option allows for creativity in site design with the development of single family residential units located on individual lots combined with preservation of open space land. Each residential unit shall be located upon a single lot that complies with all dimensional regulations set forth in Section IV.E. of the Framingham Zoning By-Law, unless modified in Section VIII. of these Regulations.
2. No variances are allowed for alternative styles of housing. For alternative styles of residential dwelling units on a single lot such as cluster style housing, attached townhouses, and/or multi-family residential buildings, please refer to Section V.I. Active Adult Housing, Section V.K. Neighborhood Cluster, Section V.L. Open Space Cluster Development, Section V.M. Agricultural Preservation Development, or other applicable section of the Framingham Zoning By-Law.

### **C. Preservation Subdivision Procedure**

An applicant who intends on filing under Section VIII. Preservation Subdivision of these Regulations, shall follow the requirements set forth in Section V. Review Process and Section VII. Definitive Subdivision of these Regulations. Applicant may choose to file a Preliminary Subdivision Plan pursuant to Section VI. of these Regulations.

### **D. Preservation Subdivision Dimensional and Design**

A Preservation Subdivision shall be designed to meet the requirements sets forth in this subsection and Section IV.E.2. of the Framingham Zoning By-Law, unless modified within Section VII. of these Regulations.

**1. Plotting of a Preservation Subdivision**

- a. The total number of conventional subdivision lots shall be determined as outlined under IX. Design Standards of these Regulations and Section IV.E.2. of the Framingham Zoning By-Laws.
- b. The “Total Land Area to be Preserved of the Total Land Area” and “Minimum Land Area for Preservation per Lot” shall be preliminary determined based on the total land area and number of conventional subdivision lots.
- c. A plan shall then be developed showing the number of lots as permitted under a conventional subdivision plan in accordance with Section VIII.D.3. of these Regulations and the preliminary amount of required open space in accordance with Section VIII.D.2. of these Regulations.
  - i. Lots can be increased in size in accordance with the minimum size set forth in Section VIII.D.3. of these regulations and/or the applicant can increase the number of lots as long as the design complies with the open space requirements in Section VIII.D.2 and the requirements found in Section IX. Design Standards unless modified herein.
- d. Land that has not been set aside for the required percentage of Preservation Open Space (POS) as required in accordance with Section VIII.D.2. may be used for additional building lots.
- e. Once the total percentage of open space to be preserved has been determined a Conservation Restriction (CR) or Agricultural Preservation Restriction (APR) shall be placed on the land as outlined in Section VIII.D.4. of these Regulations.

**2. Preserved Open Space Requirement**

- a. The total land area to be required as open space in perpetuity shall be dependent upon the Zoning District and the number of lots permitted under a conventional subdivision.

Zoning District	Total Open Space Land Area to be Preserved of the Total Land Area	Minimum Land Area for Preservation per Building Lot Created <sup>2</sup>	Total Preserved Open Space (POS)
Single Family Residential (R-1)	40 percent	2,000sf	(40% * total land area in sf) + (2,000sf * total number of Lots) = POS
Single Family Residential (R-2)	45 percent	3,000sf	(45% * total land area in sf) + (3,000sf * total number of Lots) = POS
Single Family Residential (R-3)	50 percent	10,000sf	(50% * total land area in sf) + (10,000sf * total number of Lots) = POS
Single Family Residential (R-4)	50 percent	20,000sf	(50% * total land area in sf) + (20,000sf * total number of Lots) = POS
General Residential (G)	40 percent	2,000sf	(40% * total land area in sf) + (2,000sf * total number of Lots) = POS

<sup>2</sup> If Affordable Housing Units are created as part of a Preservation Subdivision project, the AHU lots shall not be counted as a Building Lot Created unless the total number of AHU residential lots exceeds 5 Building Lots.

b. Preservation Open Space

- i. The POS shall be located to the rear of the residential units. Where another Preservation Subdivision and/or cluster development is allowed in V.I. Active Adult Housing, V.K. Neighborhood Cluster Development, Sections V.L. Open Space Cluster Development, and/or Section V.M. Agricultural Preservation Development of the Framingham Zoning By-Laws has been permitted, the Applicant shall make all efforts to locate the POS next to the abutting project’s open space to allow for connectivity and preservation of larger tracks of land.
- ii. Flag and/or pork chop lots shall not be permitted. Open space used to reduce the lot size shall be located to the rear of each residential unit.
- iii. Only 50 percent of the POS may be classified as wetlands, wetland buffers, potential and certified vernal pools, and protected natural habitat area.
- iv. Open space lands created under the Preservation Subdivision shall be preserved in accordance with Section VIII.E., below.

**3. Dimensional Regulations**

Lots under the Preservation Subdivision may be designed in accordance with the minimum requirements below. These requirements shall override the dimensional regulations set forth in Section IV.E.2. of the Framingham Zoning By-Law.

Zoning District	Minimum Lot Area	Minimum Lot Frontage	Minimum Front Setback	Minimum Rear Setback	Minimum Side Setback <sup>3</sup>
Single Family Residential (R-1)	5,000sf	50'	20'	20'	0-10'
Single Family Residential (R-2)	6,500sf	75'	20'	30'	0-10'
Single Family Residential (R-3)	7,500sf	80'	30'	40'	0-15'
Single Family Residential (R-4)	10,000sf	80'	30'	50'	0-20'
General Residential (G)	5,000sf	40'	15'	20'	0-10'

**4. Street/Roadway/Sidewalk Design**

- a. Roadways shall be designed to the standards of Very Low Volume Roads provided the Department of Public Works (DPW), the Framingham Fire Department, and other municipal services can safely maneuver the roadway. A Preservation Subdivision shall in no way

<sup>3</sup> A residential structure may be constructed upon a lot with a zero lot line, while the other side setback must be equal to two times the required minimum setback (for example in the R-1 Zoning District a residential structure may be located upon the side property boundary (zero lot line), while the residential structure is a minimum of 20' from the opposite side boundary).

diminish or degrade the level of essential municipal services that would otherwise be provided by a standard subdivision.

- b. One way streets are strongly encouraged to decrease the amount of impervious area and decrease speeds within the project.
- c. The use of Best Management Practices (BMPs), Low Impact Development (LID), country drainage, and pervious pavements/pavers are strongly encouraged.

The use of cul-de-sacs is discouraged for the purposes of preserving the maximum possible amount of open space. Therefore, the use of T-head, center common loops, and/or looped roadway shall be incorporated into the project design. Sidewalks shall be installed only on one side of the roadway and must meet the requirements of ADA.

- d. Sidewalks, trails, and/or pathways shall be constructed within the Preservation Subdivision. Where possible, the sidewalk, trail, and/or pathway shall connect to abutting properties to allow for neighborhood and open space connectivity and decrease automobile dependence.

## **5. Utilities/Infrastructure**

All Utilities shall be installed underground.

## **6. Landscaping**

Streets frontage shall be designed to have a mixture of street trees spaced 20 to 30 feet apart. Each residential lot shall have a minimum of one tree within the front yard and one tree within the public right of way.

## **7. Inclusionary Housing**

Projects that include Affordable Housing Units (AHU) may utilize POS in accordance with this subsection.

- a. For every 10 residential house lots created under a Preservation Subdivision there may be one Affordable Housing Unit (AHU) constructed.
- b. The AHU may be located on lands that were preserved for open space so as to not decrease the number of market rate units in the project. The number of AHU that may utilize POS shall not exceed one AHU per 10 residential house lots.
- c. The maximum total open space area that may be utilized for an AHU is the minimum lot area as identified in Section VIII.D.3. of these Regulations.
- d. The AHU shall be mixed into the project in accordance with Section V.H Inclusionary Housing By-Law of the Framingham Zoning By-Law. Furthermore, the AHU shall not be clustered together.
- e. The POS used for the AHU shall be contiguous with the land area used for the market rate units.
- f. The applicant shall follow the requirements for recording and auctioning the AHU as set forth in Section V.H Inclusionary Housing of the Framingham Zoning By-Law.

## **8. Community Open Area**

Up to 10 percent of the POS area may be used for community gardens, active recreation fields, trails, and passive recreation areas. The total area uses as community are can be spread throughout the POS but shall not exceed 10 percent of the total area.

## **E. Conservation Restriction (CR) and Agriculture Preservation Restriction (APR)**

The open space and/or agricultural lands preserved under this Section of these Regulations shall be required to meet the following requirements:

1. The municipality shall act through its Conservation Commission or Parks and Recreation Commission, a land trust, or the Commonwealth of Massachusetts and shall hold the Conservation Restriction (CR) and/or Agricultural Preservation Restriction (APR). The CR and/or the APR preserved under the Preservation Subdivision shall not remain under the ownership of the land owner and/or homeowner trust. In all cases, the terms of the CR and/or APR, including the nature and extent of public access and provisions for property maintenance is required to be reviewed and approved by the Planning Board and municipal counsel.
2. The entire open space land area preserved under the Preservation Subdivision shall be placed under a CR and/or APR in perpetuity prior to the issuance of the first building permit at the expense of the Applicant, held by the municipality in conjunction with a non-profit land trust.
3. The holder of the CR and/or APR may allow for community gardens, passive recreation, trails, and recreation fields upon agreement by the CR and/or APR holder along with the land owner and/or homeowner trust.
4. All of the above restrictions must be written into the CR and/or APR.

## SECTION IX – DESIGN STANDARDS

### A. General

#### 1. The Intent of the Design of a Development

All subdivisions planned and constructed within Framingham shall be designed to establish neighborhood character and community, enhance connectivity, ensure efficient and sustainable infrastructure, and decrease physical impacts to the natural environment by incorporating Best Management Practices (BMP), Low Impact Development (LID), and alternative energy infrastructure into the project. Subdivisions shall be sited on a parcel of land with the intent of preserving historic and natural resources, retaining contiguous tracks of open space, trees, and vegetation where possible and to minimize any adverse effects that a development may have on abutting properties and/or roadways. While these Design Standards shall be incorporated into the design of each subdivision, they shall only serve as minimum design standards. Therefore, subdivision design is expected to exceed the required standards set forth within this Section.

#### 2. Sensitive Lands and Lands Unsuitable for Development

In no way shall the design of a subdivision create a nuisance, dangerous condition, and/or harmful effect to the general health, welfare, and/or safety of the public or the parcel itself. Subdivisions shall be designed to retain natural features and environmental resources, avoid environmental degradation and sensitive areas, and minimize negative impacts that will alter natural features to the greatest extent feasible. Lands that are unsuitable for development, such as sensitive lands<sup>4</sup>, shall not be subdivided and/or developed unless adequate methods are formulated by the applicant and approved by the Planning Board upon recommendation of the Department of Public Works and/or relevant reviewing department. Land that is subject to flooding, improper drainage, steep slopes, rock formations, unsuitable soil conditions, adverse earth formations or topography, utility easements, and/or other features that, if developed, would create potentially dangerous and/or harmful conditions to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall be deemed unsuitable for development. Lands within a subdivision that are identified as sensitive or unsuitable for development shall be protected and set aside for benign uses that do not cause or present any danger or harm to public health, safety, and welfare.

#### 3. Residential and Commercial Subdivisions

The Design Standards set forth herein shall be applicable for both residential and commercial subdivisions.

#### 4. Master Land Use Plan, Framingham By-Laws, and Massachusetts General Law Compliance

All subdivisions shall conform to the Framingham Master Land Use Plan, the Framingham Zoning By-Laws, other relevant Framingham By-Laws, and Massachusetts General Laws.

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<sup>4</sup> Sensitive lands shall 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.

## **B. Multiple Municipal and/or Ownership**

1. Where a subdivision is located within both Framingham and another municipality. The applicant shall provide appropriate notarized documentation and/or a decision that certifies that the subdivision complies with all applicable regulations in the abutting municipality. Where relief has been granted by the abutting municipality, the applicant shall provide appropriate documentation to support such relief.
2. Where a subdivision is located in Framingham and requires access from an abutting parcel within Framingham or from a parcel of land located within another municipality, the applicant shall provide applicable required notarized documentation that allows access from the abutting parcels to the subdivision.

## **C. Property Lots and Boundaries**

### **1. Lots, Property Rights**

- a. All projects shall comply with the Dimensional Regulations set forth within the Framingham Zoning By-law unless otherwise modified through the Preservation Subdivision section of these Regulations.
- b. All lots shall provide adequate and safe maneuverability and circulation for pedestrians, automobiles, and emergency and oversized vehicles.
- c. All lots shall be designed to meet current dimensional zoning regulations to prevent foreseeable difficulty when obtaining a building permit. Such difficulties may include lots containing the following: unfavorable topographical conditions, soils, bedrock, improper drainage, and/or noncompliance with the dimensional regulations set forth in the Framingham Zoning By-Law.
- d. Lots within a subdivision should be laid out so as not to cross municipal boundaries to the greatest extent possible.

### **2. Bounds/Monuments and Markers**

- a. Permanent bounds/monuments and/or markers shall be verified and physically marked by a Professional Land Surveyor licensed in the Commonwealth of Massachusetts and reviewed for any discrepancies by the Department of Public Works and/or peer review consultant. Said Professional Land Surveyor shall provide a written summary regarding the installation of all permanent bounds/monuments and markers, along with a site plan showing the exact locations of each permanent bound/monument and/or marker.
- b. Permanent bounds/monuments shall be made of granite and not be less than a six inch square, four feet in length, and one inch in depth. Each permanent bound/monument shall have a one-half inch diameter drill hole in the top as a reference point. Permanent bounds/monuments shall be set in bank run gravel and flush with the surface of the ground.
- c. Permanent markers shall be either metal or iron pipe/pin, at least 36 inches in length, and imbedded in the ground as not to easily move and/or shift from the point of installation.

d. Location of Bounds/Monuments and markers

- i. Permanent bounds/monuments shall be located at the front corners of each lot, all points where there is a change of direction or curvature of streets, points of tangency, intersections at the sideline and sidelines of existing streets, and along straight lines that exceed 500 feet from the next bound/monument that abuts a road or way.
  - ii. A permanent marker shall be set at each corner of a lot, angle points, all points of any change in direction or curvature that do not abut a road or way.
- e. No permanent bound/monument shall be installed until all construction that could disturb or destroy the bounds/monuments has been completed.

**D. Easements and Restrictions**

**1. Easements**

- a. Where easements are secured for purposes of placement of utilities, the minimum width of such easement shall be 15 feet wide for one utility and 20 feet wide for two or more utilities. Where utilities span across, under, above lots, or are centered on rear or side lot lines, such easement shall be a minimum of 30 feet wide as required by the Department of Public Works.
- b. All utility easements shall be laid out and designed to allow for safe and adequate circulation and passage of maintenance and emergency vehicles.
- c. Easements for bicycle and pedestrian paths that are not within the right-of-way shall be a minimum of 20 feet wide.
- d. Where a subdivision is transverse by a watercourse, drainage way, channel, stream, and/or a stormwater storage facility, the Planning Board and/or the Department of Public Works shall require an easement of adequate width to provide protection from the possibility of flooding, protection of banks and adjacent properties, future construction and/or maintenance, and/or other necessary purposes where close proximity to the water could be potentially detrimental. In no case shall such easement be less than 15 feet in width beyond the top of the slope of any stream, drainage ditch, or other channel.
- e. No building, structure, and/or tree shall be constructed or planted over an easement. Only driveways, roads or ways, sidewalks, trails, and/or walkways shall be permitted over an easement.
- f. No section of a road or way, pedestrian path, bicycle path, water system, sanitary sewer system, storm drainage system, and/or other utilities system may be approved if such item requires a connection over land owned by another unless an appropriate easement has been obtained by the applicant. The applicant shall provide the Planning Board with a copy of the agreement. Such documentation shall be notarized.

**2. Self-Imposed Restrictions**

If an applicant places a voluntary restriction on any of the land contained within a subdivision that is greater than what is required in these Regulations or by a Technical Review Team (TRT) Department, then such restrictions or references to said voluntary restrictions shall be shown on

the subdivision plan and recorded with the Middlesex Registry of Deeds or Middlesex South Registry District of the Land Court. Furthermore, the applicant shall provide a written description of the voluntary restriction to the Planning Board.

#### **E. Municipal Services and Departmental Design and Review**

1. A subdivision proposed within Framingham shall not place an unreasonable burden, either by direct cause or subsequent effect, on Framingham's ability to provide current and future municipal services. Such public services may include but are not limited to, utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, and recreation facilities. In the event that unusual circumstances beyond the applicant's control dictate where a subdivision must inadvertently place an undue burden on municipal services, the applicant shall then be required to provide mitigation to the municipality to ensure that the expense to install all deficient utilities to an adequate level of service will be covered once the subdivision has been constructed.
2. Each subdivision being reviewed by the Planning Board will be subject to technical review by staff members of the TRT departments to allow for comment on the project and ensure compliance with specific design and development standards. Applicants are required to review and comply with the standards set forth below, unless a TRT department issues a written recommendation to waive such requirements from specific regulations and/or standards.

##### **a. Department of Inspectional Services (Building Department)**

All projects shall be designed and developed in compliance with the Massachusetts State Building Code (780 CMR) as amended. Where conflict between these Regulations and the Massachusetts State Building Code arise, the Massachusetts State Building Code shall prevail.

##### **b. Board of Health**

###### **i. Private Septic**

Projects that propose private septic systems shall comply with Septic 310 CMR 15: The State Environmental Code and Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade, and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage, as amended.

###### **ii. Private Wells**

Projects that propose private and community wells shall comply with the Town of Framingham Board of Health Private Well Regulations, as amended.

##### **c. Department of Public Works**

###### **i. Stormwater Management**

Subdivisions shall exceed compliance for all regulations that are set forth in federal, state, and local statutes and those regulations that relate to stormwater discharge and management. Such regulations may include but are not limited to the following: the Massachusetts Department of Environmental Protection (MassDEP) Stormwater

Management Standards. The revised Stormwater Management Standards have been incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a); Massachusetts Stormwater Handbook, as amended; the NPDES Municipal Separate Storm Sewer System (MS4) regulations; and local regulations set forth by the Department of Public Works (DPW), as amended.

- ii. Town of Framingham Department of Public Works Construction Standards, dated March 2009, revised March 2016, as amended.

**d. Fire Department**

All projects shall be designed in compliance with 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code, as amended.

**e. Conservation Commission**

All projects shall be designed in compliance with the Wetlands Protection Act (310 CMR 10.00), as amended.

**F. Infrastructure**

**1. Fire Infrastructure**

- a. All projects shall be designed by the applicant and reviewed by the Fire Department in accordance with 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code, as amended.

**2. Sewer and Septic Infrastructure**

**a. Public Sewer**

- i. Developments that will connect to the public sewer system in Framingham shall be designed in accordance with the Sewer Construction Standards found within the Town of Framingham, Department of Public Works Construction Standards, dated March 2009, revised in March of 2016, as amended.
- ii. 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 lots within 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 (DPW).

**b. Private Septic**

- i. In the absence of a public sewer connection to any lot or subdivision the applicant shall design a private disposal system, such as septic system or package treatment plant. The Board of Health and the Department of Public Works shall review such system and the applicant shall seek the necessary permits for construction of the system through the Board of Health. The Planning Board shall not endorse a

subdivision plan where the design of a private disposal system is not approved by the Board of Health.

- ii. Permits for any private disposal of sanitary sewer shall be obtained from the Board of Health prior to the issuance of the building permit from the Department of Inspectional Services (Building Department).
- iii. All private disposal systems shall be designed by the applicant and reviewed by the Board of Health in accordance with 310 CMR 15: The State Environmental Code and Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade, and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage, as amended.

### **3. Water Infrastructure**

#### **a. Public Water**

- i. Developments that will connect to the public water system in Framingham shall be designed in accordance with the Water Construction Standards found within the Town of Framingham, Department of Public Works Construction Standards, dated March 2009, revised in March of 2016, as amended.
- ii. 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 the future development of the subdivision, taking into consideration the impacts and servicing of other existing abutting developments.
- iii. All water mains shall be looped and shall be installed and tested according to the Department of Public Works Standards.
- iv. Wherever fire sprinkler systems have been installed each lot shall have a fire and domestic water line.
- v. All installation and connections of water infrastructure shall be reviewed and approved by the Department of Public Works (DPW).

#### **b. Private Water Systems**

- i. In the absence of a public water system connection to any lot or subdivision the applicant shall design a domestic water supply such as individual or community wells. The Board of Health and the Department of Public Works shall review such system and the applicant shall seek the necessary permits for construction of the system through the Board of Health. The Planning Board shall not endorse a subdivision plan without having first received documentation of the system approval by the Board of Health.
- ii. All private well systems shall be designed by the applicant and reviewed by the Board of Health in accordance with the Town of Framingham Board of Health Private Well Regulations, as amended.

- iii. The drilling of test wells shall not be directed into wetland resource areas unless a permit has been obtained from the Conservation Commission.

#### **4. Underground Utilities**

- a. All utilities, including pipes, electrical lines, electricity transformers, telephone, television cable, etc. shall be installed underground within easements or within dedicated public rights-of-way. Such utilities shall be installed in accordance with the Department of Public Works standards and/or the standard practices of the utility company providing such services.
- b. Any new lot or subdivision shall install such utilities underground regardless of existing utility conditions of abutting properties.
- c. In the case of a proposed road widening or extension where overhead utilities exist, such utilities shall be replaced and relocated underground.
- d. The looping of utilities shall be strongly encouraged.
- e. Transformers and/or other infrastructure shall not be placed less than two feet from the edge of the roadway or where a sidewalk has been installed not less than two feet from the edge of the sidewalk. Transformers and/or other large components of infrastructure shall be designed so as not to present any obstruction or safety hazard to a public way or its users.
- f. No waivers shall be granted for above ground utility installation.

#### **5. Private Utilities**

Materials and construction methods shall be in accordance with the requirements set forth by the utility company only after the Department of Public Works and Department of Inspectional Services (Building Department) have approved said infrastructure.

#### **G. Street Design**

1. For the purposes of these Regulations the established hierarchy of streets shall be classified and defined as follows:

##### **a. Arterials Streets**

Arterial streets are designed to carry high to moderate capacity of traffic throughout a region. Arterial streets commonly carry a variety of speeds as well as typically have limited connectivity to local streets. Examples of arterial Streets are Worcester Road (Route 9), Waverly Street (Route 135), Cochituate Road (Route 30).

##### **b. Collector & Mixed-use Streets**

Collector and Mixed-Use streets have been designed to carry a moderate to low volume of both local and regional traffic to arterial, local, minor and a variety of both commercial and residential uses. These streets are designed with on-street parking, street furniture, street trees, sidewalks on both sides of the road, granite curbing, street lights, bicycle infrastructure, all of which are designed by using Best Management Practice (BMP) and current stormwater management practices. Examples of collector and mixed use streets are Concord Street, Union Avenue, Edgell Road, and Water Street.

**c. Local Streets**

Local streets have been designed to carry traffic collected from minor streets and other local roads. This type of street has limited connectivity to regional road network. Local streets shall be designed with street furniture, street lights, street trees, bicycle infrastructure, sidewalks on at least one side of the road, granite curbing, Low Impact Development (LID), and current stormwater management practices. Examples of local streets are Warren Road, Meadow Street, Danforth Street, and Salem End Road.

**d. Minor Streets**

Minor streets are considered to be the lowest order of streets that may be accepted as a public way in the street hierarchy. This type of street typically only carries traffic generated by the street itself and/or from local streets. Minor streets are designed to discourage shortcut, through traffic and typically contain fewer than 25 lots. This type of roadway shall be designed with street lights, street trees, and widths to accommodate bicycles, sidewalks on at least one side of the road, Low Impact Development (LID), and current stormwater management practices. A minor street is typically a dead end roadway or leads into another minor street. Examples of minor streets are Fox Creek Lane, Fieldstone Lane, Haleigh Lane, and Oxbow Road.

**e. Private Alleyways**

A private alleyway is a narrow, one-way vehicular and pedestrian route that is not intended for acceptance of a public way. The design of a private alley is to provide service to the rear of homes and/or commercial buildings within a neighborhood. Private alleyways are typically designed with a limited amount of curbing and stormwater management and may sometimes incorporate Low Impact Development (LID) into the design.

**2. Adequacy of Access, Layout, and Alignment of the Street System**

All Streets within a subdivision shall be constructed in conformity with the Roadway Construction Standards found within the Town of Framingham, Department of Public Works Construction Standards, Roadway Construction Standards, dated March 2009, revised in March of 2016, as amended.

**f. Access from Streets to a Subdivision**

- i. Existing streets that provide access to new roads or ways within a subdivision shall be required to provide adequate access and such roads or ways shall be those as follows:
  - a) A State public way; or
  - b) A street that was constructed prior to the adoption of Subdivision Control Laws within Framingham; or
  - c) A street that was approved as part of another subdivision, which has been constructed in accordance with the requirements of the Town of Framingham, Department of Public Works and was formally accepted by Framingham as a public street.

- ii. The Planning Board, at its sole discretion, may require a condition of approval that the developer be required to provide adequate access to the subdivision by either creating a new access road or performing necessary improvements to an existing road or way if it is determined by the Planning Board in concurrence with the Department of Public Works that the subdivision does not contain a necessary connection or adequate access from a Town or State public way. Such access road may either be a dedicated strip of land for the purpose of widening an abutting way adjacent to or within the subdivision or the construction of physical improvements to any existing road or way that is not a public street in order to bring such existing road or way up to suitable standard that possesses adequate municipal services and circulation for emergency vehicles. All costs of any widening and/or construction shall be solely borne by the applicant. Such improvements shall be made in accordance with the Town of Framingham, Department of Public Works, Construction Standards, dated March 2009 revised through March 2016, as amended.

**g. Alignment of Streets**

- i. Streets and right-of-ways shall be designed in accordance with the Town of Framingham, Department of Public Works, Construction Standards, dated March 2009, revised through 2016, as amended.
- ii. All subdivision roads or ways shall be designed so that they will provide safe, adequate and convenient vehicular, bicycle and pedestrian travel, effective fire protection, and sufficient provisions for all utilities.
- iii. Intersection Design Standards

Characteristic	Dimension	Notes
Minimum intersection angle	70 degrees	Intersections to the greatest extent possible shall be laid out to intersect at right angles (90 degrees)
Maximum intersection angle	105 degrees	
Minimum radius – street sideline	20 feet	
Minimum Radius - Curb Radius	27 feet	
Minimum proximity to an existing intersection	125 feet	This distance shall be measured between the two centerlines of the proposed intersecting street and the existing intersection. A new subdivision street may be constructed at an intersection of two existing streets if the new subdivision road or way aligns opposite the existing street so as to create right angles for each street.
Minimum length of a tangent	200 feet	Provided between tail Point of Tangency of one curve and the Point of Curvature of any following curve. Broken-back curves are prohibited.

- iv. All roads or ways shall be contiguous, of uniform width, coordinated, and aligned with each other and with the existing street system in a manner consistent with best current traffic engineering and planning practices.
- v. Horizontal and vertical alignment shall be such that existing contours and natural features will be preserved to the maximum extent possible.

**h. Access from Roads or Ways within a Subdivision**

- i. All roads or ways within a subdivision shall be designed so as to provide safe and convenient vehicular and pedestrian access as well as adequate circulation within a subdivision. Roads and/or ways that are designed in such a way that could potentially adversely impact or create unsafe conditions, and/or cause congestion to adjacent public and/or private roads, bicycle and/or pedestrian ways will be rejected.
- ii. All roads or ways within the subdivision shall be designed to accommodate all season emergency access, delivery and collection services, and snow storage.
- iii. All roads or ways within a subdivision 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 documented legal right of access.
- iv. Any proposed street opening or point of access to a subdivision shall be designed and located to prevent traffic conflicts with existing turning movements and traffic flows and shall provide the minimum required sight distance in accordance with current best practices. 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 from 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 and/or could otherwise jeopardize traffic safety.
- v. The Level of Service (LOS) for all intersections within 1,000 feet of any access point of a subdivision and the nearest major intersections in each direction from a subdivision shall be analyzed for both pre-development and post-development build-out conditions, and shall incorporate best practice LOS analysis procedures. Whenever construction of a subdivision results in a decrease in LOS below a D, the applicant shall be required to propose and implement a feasible traffic mitigation package for Planning Board review and approval.

**i. Street Block Design**

- i. Subdivision street blocks shall be laid out to abut existing streets within Framingham. A street block shall not exceed 15 lots on one side of the road or way.
- ii. The length, width, and shape of the street block shall be designed to comply with the Framingham Zoning By-Law while ensuring fire and police access, protection, and emergency services.

- iii. Street blocks are recommended to be designed to provide two tiers of lots along a road or way. This design may be altered only when a private alleyway is utilized and lots front on a landscaped center common.

**3. Street Design**

- a. All roads or ways within a subdivision that are intended to be accepted as a public way shall be designed by the applicant and reviewed with the Department of Public Works in accordance with the Town of Framingham, Department of Public Works Construction Standards, Roadway Construction Standards, dated March 2009, revised through March 2016, as amended.
- b. Roads and/or ways within a subdivision shall be designed to offer easy and prompt access for emergency vehicles and to allow for effective delivery of municipal services (snow removal, school bus, and waste removal, etc.).
- c. Where there is more than one road or way within a subdivision. The roads and/or ways shall be looped and interconnected to the greatest extent feasible.
- d. The area outside the side lines of a road or way shall be sloped at a rate no steeper than four feet horizontally to one foot vertically to a point where it precisely coincides with the surrounding ground or the abutters’ lawns and properties. Side slopes shall be loamed, seeded, and rolled in accordance with the specifications of the Department of Public Works.
- e. Street Dimensional Standards – TO BE INSERTED

	Arterial	Collector/Mixed-use	Local Road	Minor Road	Alley Way
Maximum Grade					
Minimum Grade					
Design Speed					

**f. Driveway Layout**

- i. Driveways shall be offset from all intersections and one another to eliminate potential traffic conflicts and other circulation hazards.
- ii. The location of a driveway apron, the grade of the driveway within the right of way and the slope of the entire driveway shall be reviewed by the Department of Public Works. In no event shall the grade of the apron or the grade of the driveway create drainage issues or sheet flow onto a road or way.
- iii. All driveways shall be designed to provide proper transition between the sidewalk and the driveway for safe pedestrian passage.

**g. Dead End Streets**

- i. The developer may opt to create a dead end street by the construction of either a Y-head, hammerhead, half hammerhead, center common island loop, a U-Loop or a cul-de-sac with a planter/common green space wherever a subdivision road or way does not extend beyond the boundary of the subdivision and its continuation is not required by

the Planning Board for access to any adjoining property. Cul-de-sacs without a planter/common green space shall not be permitted as a dead end.

ii. Dead End Streets Dimensional

Characteristic	Dead End Streets	Notes
Maximum length of a dead end road	650 feet	Measured from the centerline of the intersecting street from where access to the dead end is obtained and extending to the furthest point of the turn-around right-of-way.
Minimum length of a dead end road	225 feet	
Maximum number of residential dwellings on a dead end	25	

- iii. Dead ends shall be designed to allow for adequate and safe maneuvering and circulation of emergency and municipal police, fire, and public works equipment.
- iv. The reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities shall be provided, where applicable.
- v. Dead end turnarounds may be provided only at the terminus of a dead end street to provide for sufficient circulation to reverse direction.
- vi. Allowed types of dead end terminus:
  - a) Y-head, Hammerhead, Half Hammerhead Turnaround
    - 1) Design criteria for dead end roads or ways that terminate with a Y-head or a hammerhead.

Characteristic	Dimensions	Notes
Length of single arm	Minimum of 70feet and Maximum of 100feet (maximum one house lot per side of each arm length)	Measured from the center line of the arm intersection
Width of arms	Minimum of 24feet	
Turning Radius	Minimum of 26feet	

- 2) Design criteria for dead end roads or ways that terminate with a half hammerhead.

Characteristic	Dimensions	Notes
Length of each arm	Minimum of 60feet and Maximum of 100feet (maximum one house lot per side of each arm length)	Measured from the center line of the arm intersection
Width of arms	Minimum of 24feet	
Turning Radius	Minimum of 26feet	

- 3) The shortest end of the arm shall be reserved for snow storage.
- 4) The shortest end of the arm shall be reserved for trail access, where feasible.
- 5) Sidewalks are not expected to extend along the lengths of the arms of a Y-Head, Hammer Head, or Half Hammer Head unless either a trail access at the end of an arm or a trail easement for the construction connection to an abutting subdivision is provided.

b) Center Common Island Loop

- 1) A center common island loop shall typically run the length of the dead end road or way and shall typically be longer than wider.
- 2) The end radius of the center common island loop shall be designed to meet the minimum required turning radius of the Fire Department’s largest emergency apparatus.
- 3) Roads or ways that run along a center common island loop shall circulate in one direction.
- 4) The center common island loop shall be landscaped with street trees that at a minimum run the length of the loop. Furthermore, this area may include Low Impact Development (LID) and the use of Best Management Practices for the purposes of stormwater management.
- 5) Adequate street lighting shall be provided along the edge of the center common island loop as recommended by the Planning Board.
- 6) The ends of a center common island loop may be utilized for snow storage provided snow storage does not impede lines of sight nor create adverse circulation conditions.
- 7) The homeowners association shall be responsible for the maintenance and upkeep of the center common island loop.

c) U-Loop

- 1) A landscaped U-Loop shall be designed in a tear drop or U shape formation with one-way circulation around the U-Loop.
  - 2) The center of a U-Loop shall be landscaped with street trees and may be designed with Low Impact Development (LID) and/or the use of Best Management Practices for the purposes of stormwater management.
  - 3) A minimum of two street lights shall be installed at the ends of the U-Loop.
  - 4) The homeowners association shall be responsible for the maintenance and upkeep of the U-Loop.
- d) Cul-de-sac with a Center Planter/Common Green Space
- 1) Design criteria for dead end roads or ways that terminate with a cul-de-sac.

Characteristic	Dimensions
Outside Cul-de-sac Radius	Minimum of 48 feet
Center Planter/Common	Minimum of 22 feet

- 2) Cul-de-sacs shall be designed to incorporate a Center Planter/Common Green Space for the purposes of decreasing the amount of stormwater runoff while increasing stormwater infiltration. The center island shall be planted with drought tolerant plantings and street trees in addition to the installation of decorative benches for community use.
- 3) Stormwater retention basins designed in accordance with Best Management Practice and/or Low Impact Development techniques shall be incorporated into the design of the Center Planter/Common Green Space. The Homeowners Association shall be responsible for the maintenance and upkeep of the Center Planter/Common Green Space in perpetuity.
- 4) Cul-de-sac without Center Planters/Common Green Space is strongly discouraged and shall not be permitted unless the applicant can demonstrate that an alternative type of terminus cannot be constructed.

#### 4. Future Road or Way Extension

- a. All subdivisions shall provide an easement reservation for the extension and connection to adjoining land. Wherever the Planning Board determines that land adjoining the subdivision can be developed, the subdivision plan must allow for the future expansion of the street and/or other public facilities to the adjoining lands. The subdivision plan must reserve an easement to the adjoining land for the future extension of the street and/or other public facilities.

- i. Where a road or way within the subdivision passes within 25 feet of an adjacent property, the subdivision plan must reserve an easement providing access from the way to the adjacent property.
- ii. Whenever adjoining land is later developed, the developer of that land may construct the extension of the street and utilities to the existing abutting subdivision. Such construction must include the removal of any turnaround or dead end. Any land within the right-of-way that was part of the turnaround and is no longer needed for an extended right-of-way must be landscaped and deeded to the abutters.
- iii. If a property that abuts the proposed subdivision is undeveloped, then the proposed road or way must be constructed temporarily as a dead-end road or way. Said right-of-way shall be constructed and extended to the property line as directed by the Planning Board and the Department of Public Works in order to provide for the proper continuation of the road or way and to allow for access of any possible future development of adjacent properties. If any street submitted for approval does not extend through to another street a concept plan of the possible extension must be submitted to show its connection to the nearest proposed or constructed street. The applicant 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 one-way U-Loop with a center island designed with proper stormwater management shall be constructed with adequate width on each side for maintenance and emergency vehicles to circulate and maneuver within. Such temporary U-Loop 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.
- iv. Reservation strips which would prevent further extension of developments are prohibited.

## **5. Common Driveways**

- a. Common driveways shall not service more than three lots that were created through the Approval Not Required (ANR) process or an approved definitive subdivision plan.
- b. Common driveways shall be designed in accordance with the requirements of 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code, as amended and the Framingham Fire Department.

## **6. Curbing and Gutters**

- a. Curbing and gutters shall be required along roads or ways only when storm sewers are required. Curbs and gutters may not be required along roads or ways that utilize an open drainage system that includes the use of Best Management Practices (BMPs) and Low Impact Development (LID) techniques that are utilized to allow stormwater to infiltrate into the ground.

- b. Granite curbing shall be installed for all commercial subdivisions and residential subdivisions with roads or ways classified as arterials, collector/mixed-use, and local roads in accordance with the construction specifications of the Department of Public Works. The Planning Board and the Department of Public Works shall determine the appropriateness of granite curbing on minor roads and if it is determined to be required shall then be installed in accordance with the construction specifications of the Department of Public Works.
- c. Where curbing is required curb cuts may be utilized to direct stormwater runoff from pervious roads or ways into vegetated swales, bio retention areas, rain gardens, and/or other Low Impact Development installation.
- d. All curbs and gutters that have been designed in accordance with the requirements of the Department of Public Works or with a public way shall be maintained by Framingham. All curbs, gutters, vegetated swales, bio retention areas, rain gardens, and/or other Low Impact Development (LID) installations shall be maintained and managed by the applicant until such time that a homeowners association has been established.

## **7. Complete Streets**

- a. Framingham is a Complete Street community that maintains robust efforts to increase connectivity of pedestrian and bicycle infrastructure throughout the community. All subdivisions shall be required to provide appropriate pedestrian and bicycle facilities.
- b. Subdivisions shall promote and provide connections for pedestrians and bicyclist between adjacent neighborhoods as well as provide access to public facilities.
- c. Sidewalks
  - i. Sidewalks within a subdivision shall be constructed to the following standards:
    - a) The width of a sidewalk shall be a minimum of four feet in width for residential subdivisions and five feet in width for commercial subdivisions. This width expressly excludes curbing, decorative brick, and/or landscape buffers.
    - b) All sidewalks shall be designed and constructed in accordance with Massachusetts 2010 ADA Standards for Accessible Design, compliance date of March 15, 2012, as amended. Apexes shall be constructed with handicap accessible ramps and rumble strip warnings, where applicable. All sidewalks shall be reviewed for compliance and approved by the Department of Inspectional Services (Building Department) prior to the issuance of the first building permit.
    - c) Roads and/or ways classified as minor streets or local roads shall be required to provide a sidewalk on one side of the street only unless otherwise determined and directed by the Planning Board. Roads or ways classified as arterials or collectors and mixed-use roads shall provide a sidewalk on two sides of the road or way.
    - d) A strip of grass, pervious surface, or decorative brick buffer a minimum of five feet wide shall be installed between the curb of the road or way and the sidewalk. Said buffer shall not include the width of curbing that separates the buffer from the road

or way. Where possible, an applicant is strongly encouraged to utilize pervious pavement and/or bricks.

- e) All new subdivisions shall provide connections with existing sidewalks that are in the close proximity of the project. Where an adjacent subdivision road ends near the property line of a proposed subdivision an easement shall be provided to connect the two subdivisions with a sidewalk.
- f) Alternative locations of a sidewalk: The applicant may propose or the Planning Board may require all or some of the sidewalks to be located within the easement rather than the right-of-way of a street. The width and construction of the alternative sidewalk shall be the same as if it was in the right-of-way.

d. Bicycle Infrastructure

- i. For subdivisions with road or ways classified as arterials or collectors and mixed-use streets, an applicant shall provide bicycle lanes applicable to the proposed roadway.
- ii. A bicycle rack that accommodates two bicycles shall be provided within the buffer as required in Section IX. \_\_\_c.4. of these Regulations. For residential subdivisions one bicycle rack shall be provided for every ten residential lots created. For commercial subdivisions the number of bicycle racks shall be provided in compliance with Section IV.B.7. of the Framingham Zoning By-Law as amended.

**8. Traffic Calming**

Traffic calming features shall be incorporated into the design of the subdivision roads or ways to ensure safety and the best possible quality of life for those who occupy the subdivision where determined to be required by the Planning Board. The use of traffic calming features shall be utilized to reduce vehicle speeds and the volume of cut-through traffic, where applicable. Roads or ways within the subdivision should be designed with a combination of appropriate geometric design criteria, functional classification, and traffic parameters when designing roads or ways. With proper design of a road or way within a subdivision the use of physical barriers such as speed humps and chokers shall not be required.

**9. On-street Parking**

On-street parking is prohibited on minor roads. On-street parking for commercial subdivisions and residential subdivisions on collectors or distributors/mixed-use roads and local roads shall be designed with consideration of safe passage of vehicles within the driving lanes and bicyclist.

**10. Street Names and Signage**

- a. Each road or way within the subdivision shall be different in both sound and spelling from existing streets, roads, and/or ways within Framingham.
- b. Whenever a new subdivision road or way extends from an existing street or a new subdivision road or way that will intersect with an existing street resulting in a dead end, then the new road or way may have the same name but a different suffix. Wherever a new subdivision road or way connects two existing streets, the new subdivision road or way shall either have a new name or the same name as the connecting street with a different street suffix.

- c. The applicant shall provide the names for all of the proposed roads and/or ways within a subdivision. A plan accompanied by a list of proposed street names shall be provided to the Assessing Department and the Planning Board prior to the issuance of the first building permit by the Department of Inspectional Services (Building Department).
- d. Street name signs shall be furnished and set in accordance with the Department of Public Works specifications and erected at all street intersections prior to the occupancy of any house on the street.
- e. Street numbers shall be assigned in accordance with Article II, Section 15.2 of the Framingham General By-Laws, as amended.

## **H. Stormwater Management**

### **1. Retaining Walls and Guardrails**

- a. The design and construction of a retaining wall along a road or way shall be designed and constructed in accordance with the Town of Framingham, Department of Public Works, Construction Standards for Retaining Walls, dated March 2009, revised through March 2016, as amended.
- b. Retaining walls shall be designed as to take into account the natural and built environment.
- c. Retaining walls shall not be permitted within the embankment sections of a road or way's right-of-way without review and written approval of the Planning Board and Department of Public Works.
- d. No retaining wall shall be constructed to be more than six feet above finished grade in total height. A series of retaining walls may be constructed using a terraced effect where necessary in order to provide an extended horizontal distance between the outside face of one wall that is at least four feet from the face of the next wall. The terraced area of a retaining wall shall be landscaped.

### **2. Stormwater Management**

- a. All stormwater drainage shall be designed by the applicant and reviewed by the Department of Public Works in compliance with the Town of Framingham, Department of Public Works, Construction Standards, Drainage Construction Standards, dated March 2009 revised through March 2016, as amended. Wherever subdivisions contain wetlands or a subdivision stormwater system that will flow into a wetlands buffer, an applicant will be required to comply with the Wetlands Protection Act, 310 CMR 10.00 and the requirements of the Framingham Conservation Commission.
- b. Wherever applicable, all stormwater management shall be designed with the intention of 100 percent infiltration through the use of Best Management Practices (BMP) and Low Impact Development (LID).
- c. Subdivisions shall not be designed to negatively or adversely impact abutting or downstream properties, or abutting wetlands or waterways.

- d. When a detention basin is proposed for a subdivision it shall be located away from house lots adjacent to the proposed subdivision to the greatest extent feasible. 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 and are strongly discouraged. Detention basins shall be designed utilizing landscaping and shall be maintained in perpetuity as an integral part of the streetscape. Aesthetic design will be per specifications of the Planning Board. Fencing of all or part of such retention areas may be required, at the discretion and direction of the Planning Board. Detention or retention basins shall be sited on a separate drainage lot, located away from adjacent existing house lots.

### **3. Erosion and Sediment Control Management**

- a. The developer shall employ erosion control techniques to ensure that sediment from exposed soils is stabilized during construction and other land disturbance activities. Such controls, 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*.
- b. Development shall be designed and constructed to prevent any possible adverse erosion impacts and so that there shall be no unreasonable soil erosion or reduction in the capacity of the land to accumulate standing water which could result in a potentially dangerous or unhealthy condition.
- c. During construction and land disturbance activities, soil erosion and sedimentation that may impact watercourses, water bodies, and/or wetlands shall be minimized by an active stormwater management program that exceeds the requirements of the Department of Environmental Protection Best Management Practices and shall be in accordance with any Order of Conditions issued by the Conservation Commission.
- d. Sloped areas will be terraced to avoid severe cuts and fills resulting in the need for retaining walls.

## **I. Landscape and Streetscape**

### **1. Street Lighting**

- a. The developer shall provide and install all street lighting, bases, poles, wiring and fixtures in accordance with the Town of Framingham, Department of Public Works, Construction Standards, dated March 2009, revised through March 2016, as amended.
- b. Street lighting within each subdivision shall be provided at each street intersection, along sidewalks, pedestrian crossings, and all areas intended to attract pedestrians such as trail heads, park entrances, etc.
- c. Street lights that are pole mounted shall conform to the following design standards:
  - i. shall be a maximum pole height of eighteen feet;
  - ii. may be installed upon a maximum of a 6” base above the finished grade; and
  - iii. shall be setback at a minimum of three feet from the curb line.

- d. The style of a street light shall be consistent with the neighborhood and designed to enhance the pedestrian experience and provide vehicular safety.
- e. All bases shall be set above the frost line but no higher than six inches above finished grade. The base of the pole shall be capped with galvanized material. Exposed bolts are prohibited.
- f. All street lights shall be illuminated with LED fixtures and comply with dark sky requirements.
- g. Lamp(s) of up to 1200 watts per pole mounted fixture and up to four pole mounted fixtures per luminaire are allowed.
- h. Street lighting shall be strategically placed so as not to shine within the windows of any residential unit. Wherever such condition are unable to be avoided the applicant shall use down lighting and install a shield on the light. Wherever such lighting is located on the side of the street with a sidewalk, the street light shall be located on the building side of the sidewalk.

## **2. Public Landscaping**

- a. All public landscaping shall be installed in accordance with Best Practices to ensure sustained survival of plantings.
- b. The Framingham Tree Warden shall certify compliance with these Regulations and the acceptance of all street tree plantings prior to the issuance of a Use and Occupancy Permit from the Department of Inspectional Services (Building Department).
- c. Trees and/or shrubs shall not be planted at any street corner or intersection where they would present a visual hazard to traffic by obstructing or visually minimizing sight lines.
- d. Subdivisions shall be designed to have a street tree planted every 20'-30'.
  - i. Street trees shall be planted on alternating sides of the sidewalk for sides of a road or way with a sidewalk.
  - ii. Street trees shall be planted in a staggered plane adjacent to the roadway for sides of a road or way without a sidewalk.
- e. For projects where existing trees are retained as specified in Section IX, \_\_\_18. of these Regulations, existing trees may comprise up to 50 percent of the required street trees. New street trees that would have been required shall be planted alongside the individual lot boundaries for the respective lot. When the installation of a street tree cannot be accommodated within the subdivision the applicant shall gift the unused trees to the Department of Public Works for placement within close proximity of the subdivision or within a nearby Park or Open Space area owned by Framingham.
- f. Trees shall be a minimum of 2 ½ - 3 inches caliper when planted and shall be a mixture of varieties suitable as street trees as approved by the Framingham Tree Warden.
- g. Utility and transformer boxes shall be suitably screened on all sides with shrubs at least 18 inches tall, when planted, and that are expected to grow to at least the height of the object that they are intending to screen.

- h. The developer shall be responsible for continual watering of all shrubs and trees until such time that they are deemed to be established or until the homeowner or homeowner's association assumes responsibility.
- i. Where a median center strip, center landscaped common island, U-Loop, or a landscaped 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 who is registered in the Commonwealth of Massachusetts. 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.
- j. The homeowners association shall be responsible for the upkeep and long term maintenance of the landscaping within a center common island loop, U-Loop, cul-de-sac with a center planter/common, street trees along an un-accepted street, and landscaping around utilities, where required.

### **3. Tree Removal**

- a. A no disturb zone shall be 30 feet in width around the perimeter of the subdivision property. Within this area, no tree removal or clearing shall occur.
- b. The removal of trees shall not be permitted within the side and rear setbacks of each lot as defined in Section IV.E.2. of the Framingham Zoning By-Law, unless identified by the Tree Warden to be hazardous and/or diseased. The Applicant shall retain trees greater than 10 inches in caliper within the front yard setback for each lot, as set forth in Section IV.E.2. of the Framingham Zoning By-Law. Furthermore, trees may be removed for the construction of a driveway or subdivision roadway but such removal shall be at the minimum width as required by the Department of Public Works (DPW), Fire Department, and Police Department.
- c. All trees removed that are greater than 10 inches in caliper shall be replaced with trees of the same minimum caliper. The total number of replacement trees shall be as follows: 1 tree per caliper per inch of a deciduous tree and 1 tree per inch of height for an evergreen tree. Replacement trees shall be a minimum 3 inches in caliper for deciduous trees and 5 feet tall for evergreen trees.
- d. If the applicant can demonstrate that the required number of replacement trees cannot be properly placed on-site, then the applicant may offer the Department of Public Works an equal number of trees, comparable in size, to be planted elsewhere in Framingham.
- e. An applicant shall install a protection barrier around the drip line of any trees identified to be saved post-construction. In the event that there is a cluster of trees that are to be saved post-construction, the applicant shall install a protection barrier around the drip line of the outermost trees.
- f. Land clearance shall be prohibited within 125' of a designated open space parcel of land that is protected by an Agricultural Preservation Restriction (APR) or a Conservation Restriction (CR).

### **4. Buffering and/or Fencing**

Where a residential subdivision abuts a commercial and/or manufacturing zoning parcel or use the subdivision shall be designed to include a fence along the property boundary, a landscaped berm,

and/or an additional 10' wide landscape buffer in addition to the retention of the trees within the side/rear setbacks as required in Section IX.\_\_\_\_ of these Regulations.

## **J. Open Space and Paths/Trails**

### **1. Trails**

- a. The Planning Board, at its discretion and where feasible, may require the construction of a footpath or trail that provides access to open space, recreational areas, streets, footpaths, trails, bicycle paths, or recreational paths within the subdivision or on adjoining land.
- b. All subdivisions that abut another subdivision shall be designed to provide a trail, footpath, or an easement to create said footpath or trail in the future. An applicant shall look to make non-vehicular connections to abutting neighborhoods to the greatest extent feasible.
- c. Footpaths and/or trails shall be uniquely designed to be incorporated into the area's unique natural surroundings.

### **2. Parks and/or Open Space**

- a. An applicant may be required to construction a park and/or provide maintenance within a half-mile of the subdivision when 15 lots or more are created. Such parks shall be designed for passive and/or active recreation for the purposes of public wellness and shall be under the ownership and maintenance of the Framingham Parks and Recreation Department, the Homeowners Trust, and/or other named non-profit and preserved in perpetuity. The park shall be shown on the subdivision plan and recorded as a non-buildable lot under the ownership of the Homeowners Trust; or
- b. Open space may be used for stormwater management.

## **SECTION X - COVENANTS, EASEMENTS, ENDORSEMENTS, AND RECORDINGS**

### **A. Endorsement of an Approved Definitive and Preservation Subdivision Plan**

1. Approved Definitive and Preservation Subdivision Plans are intended to be used as contract documents between the applicant, the Planning Board, and various Framingham municipal departments. Approved Definitive and Preservation Subdivision Plans shall be utilized for the purposes of project inspections to ensure plan conformance during and post construction of the subdivision.
2. Approved Definitive and Preservation Subdivision Plans shall reflect the voted Decision of the Planning Board. The Applicant shall submit one complete paper and mylar set of the approved plans to the Planning Board for endorsement.
3. Approved Definitive and Preservation Subdivision Plans shall be drawn in accordance with the requirements of Section VII. and VIII. of these Regulations.
4. Upon expiration of the appeal period and certification by the Municipal Clerk that no appeals have been made or such appeal(s) have been resolved, a majority the Planning Board shall then endorse with signatures the approved Definitive or Preservation Subdivision Plan. Once the approved Definitive or Preservation Subdivision Plan has been endorsed it shall be known as the "Endorsed Definitive Subdivision Plan" or the "Endorsed Preservation Subdivision."
5. Reference to any required documents such as the vote and date of the decision of the Planning Board, Restrictive Covenant, Easements, Easements to Framingham, conditions imposed by or any reference to a failure to report on the part of the Board of Health, etc. shall be inscribed on the Endorsed Definitive or Preservation Subdivision Plan with a note that such documents shall be recorded with the "Record Plan."
6. The developer shall submit one electronic copy of the Endorsed Definitive or Preservation Subdivision Plan in a PDF format to the Planning Board.

### **B. Recording of an Endorsed Definitive or Preservation Subdivision Plan**

1. The approved Decision, the Endorsed Definitive or Preservation Subdivision Plan, any covenant along with any other supplementary documents as required by the Planning Board or these Regulations, shall be filed with the Middlesex South District Registry of Deeds or Middlesex South Registry District of the Land Court after the required appeal period has lapsed in accordance with M.G.L., c. 41, Section 81X and 81-BB, as amended. Once the endorsed Definitive or Preservation Subdivision Plan has been recorded it shall be known as the "Record Plan."
2. The approved Decision, the Endorsed Definitive or Preservation Subdivision Plan and any covenant relative thereto, shall be recorded prior to the issuance of a building permit from the Department of Inspectional Services (Building Department).
3. The developer shall provide the Planning Board with copies of any recorded documents. Such documentation shall show the date of recording, along with the book and page number.

**C. Easements within an Approved Definitive or Preservation Subdivision Plan**

1. All deeds and/or easements shall be prepared for review and approval of Framingham's legal counsel. Upon approval of Framingham's legal counsel, the developer shall file the documents forthwith with the Middlesex South District Registry of Deeds or Middlesex South Registry District of the Land Court. Proof of such recording shall be provided to the Planning Board.
2. All easements and covenants shall be recorded at the same time as the Endorsed Plans, where applicable.

**D. Covenants for an Approved Definitive or Preservation Subdivision Plan**

1. The applicant shall provide a draft copy of the Statutory Covenant and where applicable a Supplemental Covenant for review and required approval of the Planning Board and Framingham's legal counsel.
2. Covenants shall be executed and duly recorded by the owners of record and shall run with the land.
3. Improvements shown on the Endorsed Definitive or Preservation Subdivision Plan shall be completed no later than three years from the date of endorsement of the respective plan. Failure to complete the improvements will result in the rescission of the approval of the Definitive Subdivision Plan or Preservation Subdivision Plan by the Planning Board, unless the Planning Board determines that it is reasonable to extend such time period by a finding of good cause. Such request for an extension of time shall be submitted to the Planning Board for review a minimum of 45 days prior to the expiration of the three year period.
4. Statutory Covenant: The applicant shall prepare a Statutory Covenant stating that no lot shall be sold nor building be erected within the approved Definitive or Preservation Subdivision until the improvements specified are constructed and installed in accordance with the approved original or modified respective Decision as shown on the respective Plan, ensuring that each lot is adequately serviced by said road or way, infrastructure, utilities or necessary associated site improvement.
5. Supplemental Covenant:  
The applicant shall prepare a supplemental covenant agreement to ensure perpetual maintenance of the roads or ways and utilities, including snow removal and trash pick-up, and further permit Framingham to maintain such roads or ways and utilities, if necessary, at the expenses of the owners, in addition to any condition of the Decision that is intended to survive the release of the Statutory Covenant. Such Supplemental Covenant shall require review and approval of Framingham's legal counsel and recording along with the Endorsed Plan.
6. All covenants shall be referenced in the Recorded Definitive or Preservation Subdivision Plan.

## **Section XI. Post-Approval Process and Procedures (Construction)**

### **A. Post-Approval (Construction) and Conformance Procedures and Requirements** (Definitive Subdivision and Preservation Subdivision only)

Upon lapse of the appeal period of an approved Major or Minor Definitive Subdivision Plan or a Preservation Subdivision Plan the Applicant may commence work on the construction phase of the project. Prior to the commencement of construction the applicant/developer shall comply with the construction and conformance requirements set forth in Section XI. of these Regulations.

#### **1. Pre-construction or Issuance of a Building Permit**

Once the appeal period has lapsed, Applicants may proceed with work on the construction phase of an approved Major or Minor Definitive Subdivision Plan or Preservation Subdivision Plan. Prior to the commencement of construction the applicant/developer shall do the following:

- a. Attend a pre-construction review meeting scheduled by the Planning Board. This meeting may include members of the Conformance Review Team (CRT): Department of Public Works, Board of Health, Department of Inspectional Services (Building Department), the Fire Department, and other applicable departments;
- b. Submit an electronic copy of the endorsed plans and recorded Planning Board Decision to the Planning Board;
- c. Provide name and contact information of on-site project superintendent and a 24-hour contact information;
- d. Provide a construction schedule that shall be updated throughout the construction phase of the project; and
- e. Provide any additional information cited as a condition in the Planning Board's project Decision.

#### **2. Infrastructure Fees**

- a. Prior to the issuance of a Building Permit by the Department of Inspectional Serviced (Building Department) the developer shall pay the Water Entrance, Sewer Entrance fees to the Department of Public Works.
- b. Prior to the issuance of a Use and Occupancy Permit by the Department of Inspectional Serviced (Building Department) the developer shall pay the Sewer Inflow/Infiltration fee to the Department of Public Works.

#### **3. Construction Peer Review Consultant**

- a. In accordance with Section III.L. of these Regulations and at the discretion of the Planning Board and/or Department of Public Works, a determination may be made that the project requires a Peer Review Consultant to ensure that no violation of public safety or good and project conformance during construction takes place.
- b. If a Construction Peer Review Consultant is not required during the project review and/or approval process but the applicant is in violation of Framingham's standards of construction,

then the Planning Board and/or Department of Public Works (DPW) may require a Construction Peer Review Consultant to be contracted for review of the deficiencies and/or areas of non-compliance. In cases of non-compliance of Framingham construction standards or the project decision, all work associated with the non-compliance shall be temporarily paused until such Construction Peer Review Consultant has been contracted at which time work may recommence.

#### **4. Work Notification And Inspections**

- a. In accordance with M.G.L. c. 41, Section 81CC, as amended, following notice to the project manager for the Project, members or agents of the Planning Board shall have the right to enter the Site and to gather all information, measurements, photographs and/or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations, and directives of the Applicant and the Applicant's contractors.
- b. The Department of Public Works (DPW), the Police Department, and the Planning Board, shall be notified at least 36 hours in advance of any construction with the public right-of-way. No portion of any utilities shall be backfilled until approval of such backfilling is obtained in writing from the Department of Public Works (DPW).
- c. The Fire Department shall be notified at least 36 hours in advance of installation of any work on the fire alarm system.
- d. No portion of any utilities shall be backfilled until approval of such backfilling is obtained in writing from the Department of Public Works (DPW) and/or the Fire Department in the case of the fire alarm system.
- e. 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 Municipal Engineer for approval prior to back-filling.

#### **5. Construction Reporting**

The applicant shall maintain a clear line of communication with the Planning Board, DPW, and respective municipal departments. The applicant is expected to provide the following:

- a. A written construction timeline prior to the start of construction. Such timeline shall be updated periodically and provided to the Planning Board, the Department of Public Works, Department of Inspectional Services (Building Department), the Fire Department, and all other applicable departments;
- b. A weekly construction report to the Planning Board and Department of Public Works;
- c. A written request for modification from the Planning Board's Decision, when applicable, approved Definitive Subdivision Plans or any other requirement set forth by a respective reviewing department; and
- d. Any other applicable reporting that is relevant and critical to the construction of the project.

## **6. Clean-Up of Site**

- a. No debris, junk, rubbish, or other non-biodegradable waste material may be buried, left, or burned on any land within the subdivision. Removal of such materials will be required before the final release of any covenant or surety. Tree limbs, brush, and stumps are not considered biodegradable materials and may not be buried on the site.
- b. The entire subdivision area must be cleaned as to maintain a neat and orderly appearance, free from debris, and objectionable material. Excessive slopes, deep holes, and/or stock piles shall be properly protected.
- c. The public way along the property shall be free of debris and cleaned daily.
- d. 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
- e. The entire area must be cleaned up within 30 days of the completion of construction and prior to the completion of the subdivision so as to leave a neat and orderly appearance free from debris and other objectionable materials.
- f. All catch basins shall be properly cleaned out upon completion of construction.

## **7. 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 Framingham. Any damage to these utilities and appurtenances prior to acceptance by Framingham 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 Department of Public Works (DPW) shall be replaced by the subdivider at his own expense.

## **8. Issuance of Use and Occupancy Permits from the Department of Inspectional Services (Building Department)**

Prior to the issuance of a Use and Occupancy Permit from the Department of Inspectional Services (Building Department), the applicant or developer shall provide the Planning Board the following:

- a. The required performance bonds in accordance with Section XII. of these Regulations;
- b. A list of the units, expected completion dates of each respective unit and a date that the Use and Occupancy Permit is required for the respective unit; and
- c. Covenants and other required documentation as required in the Planning Board's Decision and/or these Regulations.
- d. The subdivision's approved decision and endorsed plans have been recorded at the Middlesex County Registry of Deeds or at the Middlesex South Registry District of the Land Court.
- e. The Fire Department has verified that the subdivision meets fire flow requirements. It is

strongly suggested that the water main and related services be constructed as soon as possible, to ensure compliance with these Regulations.

- f. The Fire Department is satisfied with the results of any fire hydrant flow test(s) for any fire hydrant and/or fire system within the subdivision.

## **9. Required Final Plans**

Upon completion of the project the applicant shall provide the following plans in accordance with the Planning Board's Decision, where applicable, prior to the issuance of the final Use and Occupancy Permit issued by the Department of Inspectional Services (Building Department). All submitted plans shall be prepared, signed, and stamped by a professional engineer licensed in the Commonwealth of Massachusetts.

### **a. As-Built Plan**

An as-built plan set that shows the final constructed project shall be submitted for review and certification showing that the subdivision has been constructed in accordance with the approved/endorsed subdivision plan. Where deviations and/or approved modifications have been made the applicant shall provide a detail sheet that highlights such amendments along with a written narrative for each.

### **b. Elevation Plans**

The Applicant shall provide an Elevations Plan showing the pre-construction and the post construction elevation points to ensure that the elevations as constructed conform to the approved/endorsed plan. The Municipal Engineer reserves the right to take survey elevation shots to ensure that the project has been developed in accordance with the approved/endorsed plan. In the event that the elevations as constructed do not meet the approved/endorsed plans, the Planning Board and Municipal Engineer will determine what adjustments the Applicant will be required to make to the site to remedy such deviations.

### **c. As-Built AutoCAD Plans**

The applicant shall submit an AutoCAD as-built plan reflecting the final as-built conditions and property lines. Said AutoCAD as-built plan shall be prepared in accordance with the current form of the Mass GIS Standard for Digital Plan Submission to Municipalities or other standard requested by the Department of Public Works (DPW).

## **10. Final Review and Approval**

Prior to the issuance of the final Use and Occupancy Permit of the last unit the applicant shall provide the Planning Board and/or respective department with the following information:

- a. The Applicant shall provide a timeline for when said street is anticipated to be ready for acceptance in accordance Section XIII. of these Regulations where a subdivision street is to be accepted by Framingham.
- b. The Planning Board Administrator shall perform a final review of the entire subdivision to ensure compliance with the requirements of the Planning Board's Decision and approved Definitive Subdivision Plan, and any approved modification thereof

## **11. As-built Plan Up-dates**

- a. 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 Municipal Engineer, and shall be identified on the As-Built Plans.
- b. The applicant shall provide 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, Department of Inspectional Services (Building Department), Municipal Engineer, and/or the Department of Public Works (DPW). The Department of Inspectional Services (Building Department) and the Planning Board shall be notified in writing three days prior to the installation of said wires so that their installation may be properly supervised.
- c. As-built plan shall show the center line of the road or way and complete profile of the sanitary, drain, and water system.

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## **SECTION XII. PERFORMANCE GUARANTEES**

### **A. Performance Guarantee**

Prior to the issuance of a Use and Occupancy Permit by the Department of Inspectional Services (Building Department), the applicant shall be required to submit a Performance Guarantee to the Planning Board. The Performance Guarantee shall be held by the Planning Board to ensure that roads and/or ways, infrastructure, and/or other potential public site improvements are insured in the event that Framingham is burdened with repairs and/or construction of any of the approved subdivision roads or ways, infrastructure, and/or any other potential required public site improvements.

#### **1. Request for Cost of the Performance Guarantee**

The applicant shall provide a written request for the cost of the performance guarantee to the Planning Board three weeks prior to requesting a Use and Occupancy Permit from the Department of Inspectional Services (Building Department). The applicant's request for the cost of the performance guarantee shall include the following:

##### **a. Documentation**

- i. A detailed list of all items that have been completed and complete detailed punch list of items required for completion;
- ii. The percentage of work that needs to be complete for each incomplete item.

##### **b. Cost Estimate**

- i. The Applicant's estimated cost to complete each incomplete item;
- ii. A ten percent contingency;
- iii. Cost increases due to inflation over a five year period;
- iv. Cost estimate for the as-built and street acceptance plans.

Upon receipt of the request for the cost of the performance guarantee the Planning Board shall request that the Department of Public Works (DPW) review the applicant's proposed numbers and either verify or provide revised estimated costs. The Planning Board shall submit a copy of the DPW's proposed cost of the performance guarantee scope to the applicant for payment.

#### **2. Payment of Performance Guarantee**

A Performance Guarantee shall be provided to the Planning Board in the form of a check (made out to "Town of Framingham"), a letter of surety, or a bond. Such funds shall be deposited into a separate account and held for a minimum of 2 years after the issuance of the final Use and Occupancy Permit has been issued by the Department of Inspectional Services (Building Department) for the last building within the subdivision.

#### **3. Reduction and/or Partial Release of the Performance Guarantee**

The sum of any Performance Guarantee held by the Planning Board may be reduced from time to time so that the amount deposited and/or retained shall continue to reflect the actual expected cost of work remaining to be completed. In no event shall individual lots be released

from the covenant until the road or way has been entirely completed, in addition to all municipal services and required improvements are also completed connecting to each individual lot. Furthermore, at no time shall the amount of the performance bond held be decreased to less than 25 percent of the total value of the road or way, infrastructure, and other potential required public site improvements.

In the event that the developer is seeking a partial release of a Performance Bond or of the covenant, the developer shall submit a written request to the Planning Board detailing what work is claimed to be satisfactorily completed, an updated Request for Cost of the Performance Guarantee required in Section XII.A.1. and a list of which lots, if any, are to be released.

A request for a partial release of a Performance Bond shall be made within a minimum of three weeks prior to the request of an Occupancy and Use permit from the Department of Inspectional Services (Building Department). Such releases shall be requested for 20 percent, 40 percent, 60 percent, and 80 percent respectively of the total number of units. When such percentage results in a fractional unit, the number shall be rounded up to the next whole number of units.

#### **4. Final Release of a Performance**

Prior to final release of the Performance Guarantee the Planning Board shall determine to its satisfaction that the provisions of the approved Decision, approved modifications to the Decision and the endorsed plan are in compliance. Additionally, the developer shall submit to the Planning Board the following documents for review and approval by the appropriate reviewing authorities:

- a. A certificate from a Registered Professional Engineer licensed in the Commonwealth of Massachusetts that the roads or ways, drainage, and municipal services conform to the requirements set forth in the approved Definitive Plan, accompanied with any approved modifications. Upon receipt the Department of Public Works shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
- b. A certificate from a Registered Land Surveyor licensed in the Commonwealth of Massachusetts that all markers, bounds, and monuments as specified by these Regulations and shown on the approved Definitive Plan, are in place and are accurately located. Upon receipt the Department of Public Works shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
- c. The original and three copies of the following as-built plans and profiles prepared by a Registered Engineer or Registered Land Surveyor licensed in the Commonwealth of Massachusetts. Upon receipt the Department of Public Works shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
  - i. A plan and profile of the roads or ways 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.
- ii. A plan and profile suitable for submission to the municipality for approval process for street acceptance purposes.
  - iii. A landscape plan that shows all easements, street trees, street lighting, landscaping associated with stormwater, stormwater management systems, and any other potentially public site improvement.
- d. Written evidence that the fire alarm system conforms to the requirements of the Framingham Fire Department's regulations and specifications, in addition to the approved Definitive Subdivision Plan. Upon receipt the Framingham Fire Department shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
  - e. Written evidence of insurance from a professional landscape architect licensed within the Commonwealth of Massachusetts, arborist, horticulturalist, or tree specialist that the planting of the street trees and other potentially public plantings have been installed in accordance with best practice and that all species are in good health. Additionally, that all street tree plantings are in compliance with the approved Definitive Subdivision Plan and/or approved modification. Upon receipt the Department of Public Work's Tree Warden shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
  - f. Written evidence from the developer's legal counsel that the developer has executed an instrument in proper legal form, transferring to Framingham, without cost, valid unencumbered title to all roads, ways, 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 Framingham, 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 Department of Public Works, but shall be located so that any future excavation will not disturb any land beyond the easement. Upon receipt Framingham's legal counsel shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.

To facilitate the above described transfers, the developer shall retain the fee (ownership) in all roads or ways and other land to be transferred to Framingham 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.

- g. Written evidence from the developer that the Board of Health's requirements are in compliance. Upon receipt the Department of Public Health shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
- h. Written evidence from the developer that the Department of Public Work's requirements are in compliance. Upon receipt the Department of Public Works (DPW) shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
- i. Written evidence from the developer that the Conservation Commission that any order of conditions issued under the Wetlands Protection Act, as amended is in compliance. Upon receipt the Conservation Commission shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
- j. Written evidence from the developer that all other Local, State, and Federal Boards or agencies that required permits under these Regulations as part of this approval are in compliance.

If the road or way is to be accepted as a public way, then the final release of the Performance Bond shall be contingent on the road or way being approved by the Department of Public Works and all other municipal approvals for Street Acceptance, in accordance with Section XIII. of these Regulations, unless the Planning Board waives this provision.

#### **5. Converting a Performance Guarantee for another Guarantee**

In the event that a developer requests a final Use and Occupancy Permit for the last remaining lot of a subdivision while there are remaining improvements needing to be constructed and/or installed, then the developer shall submit a written letter stating such conversion of funds from the respective Performance Bond account held by the Planning Board. In addition, the developer shall state how those improvements have been completed and demonstrate compliance where applicable to the requirements set forth in Section XII.A.4. of these Regulations and detail what the converted funds will be covering. Additionally, the written request shall include the following information:

- a. The extent and scope of the remaining work to be completed in order to satisfy the requirements for the construction and/or installation of all the required roads or ways, infrastructure, and other potential public site improvements.
- b. The form and type of Performance Guarantee that was provided to the Planning Board that is being converted. In the event that the Performance Bond was provided in the form of a Letter of Surety, the developer shall contact the lender, make appropriate changes to the account and provide an extension of time for an additional two years.

Based on the information provided and in consultation with the Department of Public Works (DPW) and other relative departments, the Planning Board shall make a determination as to the sufficiency of the submitted information. Upon acceptance by the Planning Board of the converted Performance Guarantee the funds will be held for a minimum of two additional years or until such work has been completed at the discretion of the Planning Board.

**6. Increase in Costs of Construction**

If the specific improvements are not in compliance within the prescribed time, the Planning Board shall proceed with the enforcement as permitted in M.G.L. c. 41, Section 81Y, as amended or revise the amount of the Performance Guarantee to reflect the increase in the estimated cost to complete the items covered by the Performance Bond.

**7. Action on the Performance Bond**

If pursuant to Section XII. of these Regulations the approval of the subdivision is rescinded by the Planning Board or for some other reason automatically rescinded, the Planning Board may then enforce and apply any Performance Bond for the benefit of Framingham. The subdivision improvements and/or portions of the subdivision not completed within the required time shall be completed in accordance with the design and construction standards of these Regulations.

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## **SECTION XIII. STREET ACCEPTANCE PROCEDURES**

### **A. Overview of Street Acceptance Procedures**

These procedures are for the acceptance of roads or ways within a subdivision that has been approved by the Planning Board, constructed in compliance with the subdivision decision, and completed as set forth in these Regulations. Approval of a Definitive Subdivision Plan by the Planning Board does not constitute the acceptance of a road or way, nor does it entitle the road or way to such acceptance by Framingham. Compliance with these Rules and Regulations is necessary for a subdivision street to be considered for acceptance as a public way.

### **B. Roads or Ways Not Intended for Acceptance**

Streets depicted on an approved Definitive Subdivision Plan that were designed at a lesser standard than the requirements of these regulations at the time of approval; or which contain a plan note stating that the road or way is not intended for acceptance as a public road or way are not eligible for acceptance as public ways. If a petitioner, or its successors and assigns, should improve a street to bring it into compliance with the requirements of the Department of Public Works (DPW) and these Rules and Regulations, such street may then be eligible for the acceptance as a public way.

### **C. Financial and Legal Responsibility**

The Street Acceptance Procedures may require construction costs, fees, and/or legal review. Any construction costs and/or fees incurred during the street acceptance process will be the responsibility of those petitioning for acceptance of the road or way.

#### **1. Construction Costs**

All construction and/or maintenance costs associated with the road or way being in compliance with Framingham municipal regulations and construction standards is the responsibility of the petitioner.

#### **2. Fees**

The petitioner shall submit a Street Acceptance Fee to the Board of Selectmen at the time of the request for the acceptance of the road or way. The intent of the fee is to cover the expenses incurred by Framingham during the Street Acceptance Procedures. Expenses may include, but are not limited to site inspections and departmental review.

#### **3. Legal Review**

The review of a road or way under consideration as a public street shall require legal review on behalf of Framingham. The petitioner shall provide the Planning Board with a retainer for legal services associated with the Street Acceptance Procedures. Such retainer shall be based on a scope of work provided by Framingham's legal counsel. Such scope may cover the review and/or preparation of documentation associated with the acceptance, such as legal review, recording of deeds, fees payable to the South Middlesex Registry of Deeds or South Middlesex County Land Court, subordination of mortgages, and/or other applicable fees. Any unused funds will be returned to the petitioner within 180 days of the close of Town Meeting regardless of outcome.

#### **4. Peer Review Consultant**

As outlined in Section III.P. of these Regulations, the use of a Peer Review Consultant may be required.

#### **D. Documentation**

It is the responsibility of the petitioner to ensure that all documents are correct and comply with the requirements as agreed upon by the Board of Selectmen, Department of Public Works (DPW), the Planning Board, and Framingham's legal counsel.

#### **E. Requirements for Street Acceptance**

The road or way shall meet the following requirements before being considered for the Street Acceptance Procedures:

1. The road or way must have weathered for a minimum of two years.
2. The road or way must have been constructed in compliance with the approved Definitive Subdivision Decision and Plan, Department of Public Work's standards and these Regulations at the time of approval. The road or way must have been reviewed by the petitioner to ensure that all infrastructure and improvements are in good working condition.
3. The petitioner must have prepared the appropriate documentation as required under Section XII.G. of these Regulations.

#### **F. Required Documentation for Street Acceptance**

##### **1. Letter of Request for Street Acceptance**

- a. A formal written request from the petitioner to the Board of Selectmen requesting the acceptance of a road or way as a public way.
- b. A letter from the petitioner providing a historical review of the approval and construction of the road or way, the most current form of ownership of the lots within the subdivision, and the primary uses of the road or way.
- c. A timeline associated with the Street Acceptance Procedures for the road or way under consideration.

##### **2. Legal Descriptions, Title Certification, Deeds, & Easements**

- a. Legal description of each road or way, right-of-way, open space parcel, drainage system parcel, and easement that are intended for acceptance.
- b. A legal document prepared by the petitioner's legal counsel for the purposes of transferring the road or way, in addition to associated site improvements without cost to the Town. This shall include a valid unencumbered title to the road or way, all common sewers, storm drains, water drains, and all other appropriate infrastructure constructed and installed within the public right-of-way and road or way.
- c. Appropriate documentation showing that all liens and encumbrances are free and clear.

- d. A legal document that conveys to the municipality of Framingham without cost and free of all liens and encumbrances, perpetual right and easements to construct, inspect, repair, renew, replace, operate, and forever maintain the aforesaid underground utilities. This shall include rights to any manholes, pipes, conduits, other appurtenances, and to all acts incidental thereto, in the subdivision or portion thereof to be approved. If any such utilities that intend to be accepted by Framingham have been constructed and/or installed in land not within the road or way, then said transfer shall be provided in an easement as shown in the Definitive Subdivision Plan.
- e. A legal document that states the infrastructure and/or site improvements within the road or way that will retain under the jurisdiction of the petitioner, homeowner trust, or other type of ownership of the lots after the acceptance of the road or way.
- f. Copy of recorded deed, Conservation Restrictions (CR)/Agricultural Preservation Restrictions (APR), and other instruments for any common land or public open space, park, or other such parcels contained within the subdivision. If any of the lots have been conveyed, the applicant shall also submit a copy of all the deeds out from the developer, deeds either granting or reserving easements to the developer, and any covenants, declarations or other instruments by which the developer retains or reserves the fee and/or easement in the road or way, and appurtenant easements, if any. Unless the developer expressly states in the deed to a lot that the developer is reserving the fee and to the road, it is presumed that the lot owner owns the fee to the centerline of the road abutting the lot. If the developer owns the road and/or easements and is to deed them over to Framingham, the developer should include the form of the proposed deeds to Framingham.
- g. A title certification prepared by an attorney licensed in Massachusetts in the form substantially conforming to M.G.L. c. 93, Section 70 listing the names and address of all persons currently owning the fee and/or easements, and appurtenant easements, if any to the road or way and the lots affected by drainage, water, sewer, utility, access, buffer, and/or other related easements to be granted to Framingham.

### **3. Original Construction Reports and Documentation, where applicable**

The petitioner shall provide documentation regarding the original construction of the road or way, which may include dates of construction, materials used to construct the road or way or infrastructure, contractors used, etc.

### **4. Statement of Design Compliance**

A statement from a professional engineer licensed in the Commonwealth of Massachusetts that the road or way has been designed and constructed in compliance with Section VIII. Design Standards under the applicable Regulations at the time of approval.

### **5. Site Plans Required for Street Acceptance**

All submitted plans shall be prepared, signed, and stamped by a professional engineer licensed in the Commonwealth of Massachusetts.

a. **As-Built Plan**

A copy of the definitive subdivision As-Built Plan shall be submitted for all roads proposed for acceptance. The As-Built plan shall be submitted in accordance specifications set forth by the Municipal Engineer and these Regulations.

b. **Acceptance Site Plan**

A set of plans providing specific road or way details for review by the Department of Public Works (DPW) and the Planning Board. Such plans shall show the infrastructure, public safety amenities, easements, street trees, and other improvements within the public right-of-way and road or way, in addition to:

- i. Road or way layout width
- ii. Distance, bearing, radius, tangent length and deflection angle to define all road or way layouts and easements
- iii. Roadway baseline
- iv. Certification that all permanent monuments have been set
- v. Reference to the approved Definitive Subdivision Plan, including: date of Planning Board signature and recording information
- vi. Title block that includes the title: "Street Acceptance Layout Plan"
- vii. Plan note that states: "The road (or way or portion thereof) as laid out and the bounds have been set as shown on the plan"
- viii. Two signature blocks (each with 5 lines for signature and one line for date of signature) - one for the Planning Board and one for the Board of Selectmen.

**6. Testing and Reporting of Infrastructure**

Reports from recent testing of the water, sewer, drainage, and other utilities that the will be gifted to Framingham.

- a. The petitioner shall provide Department of Public Works (DPW) and the Planning Board all reports and applicable documentation from the testing.
- b. A report that includes a description of any updates, modifications, and/or construction since construction of the road or way.

**7. Certificates of Approval**

- a. Certificate from a registered Land Surveyor licensed within the Commonwealth documenting the boundaries and monuments.
  - b. Certificate from a registered Professional Engineer licensed within the Commonwealth stating the improvements per approved Plan.
8. Additional pertinent information as may be required by the Board of Selectmen, Department of Public Works (DPW), and/or the Planning Board shall be provided on the plan. Such plans shall

be accompanied by deeds, easements, and/or other appropriate documentation required for the conveyance of the way to Framingham.

#### **G. Review Prior to Petitioning**

1. A petitioner is strongly cautioned to examine the title to the road or way that is intended to be accepted as a public way, in addition to any lots on which Framingham needs appurtenant easements before they commence the Street Acceptance Procedures.
2. If the petitioner has reserved the entire fee and/or easements, and appurtenant easements, if any to the road or way, then such fee, easement, and/or appurtenant easements may be conveyed to Framingham by the petitioner. However, if the petitioner did not reserve the fee and/or easements, and appurtenant easements, if any, then each and every person owning the fee and/or easement to the road or way and/or the lots on which Framingham needs the fee and/or easements, and appurtenant easements, if any, then each and every person must grant Framingham such fee and/or easements along with subordinations from all mortgagees.
3. Framingham will exercise its right to acquire easements by eminent domain only under limited circumstances and in the sole and absolute discretion of the Board of Selectmen. As a condition of acquiring easements by eminent domain, all the owners of the roads or way and the lots subject to the appurtenant easement must sign a waiver of appraisal, damages, and relocation benefits. If it is Framingham's preference to acquire an easement in the road, rather than the fee; the Board of Selectmen shall, at their discretion, determine if, in any particular instance, they are willing to accept fee and/or easements, and appurtenant easements, if any, interest in the road.

#### **H. Waiver**

The Board of Selectmen, in consultation with Planning Board and the Municipal Engineer may waive some or all of the submittal requirements herein.

#### **I. Street Acceptance Procedure**

##### **1. Timeline Preparation**

The petitioner shall contact the Municipal Clerk's office to determine the date of the Town Meeting and the deadline for submitting warrant article.

##### **2. Preparation of a Warrant Article (Approximately 90-120 Days Prior to Town Meeting)**

A warrant article shall be prepared and submitted for each road or way that the Board of Selectmen has intentions to layout.

##### **3. Petition to the Board of Selectmen (Approximately 90-120 Days Prior to Town Meeting)**

A road or way may be presented to the Board of Selectmen for acceptance when a road or way in a subdivision has been completed in a manner that meets the requirements of an approved Definitive Subdivision Plan and the Regulations set forth in Section XII.G.

Upon review of the petition to the Board of Selectmen, the petition shall be placed on the Board of Selectmen's Agenda. At the meeting of which the petition was posted, the Board of Selectmen may formally vote its intention to layout the road or way as a public way. Upon vote

to refer the layout of the road or way as a public way in accordance with M.G.L. c. 41, Section 81G-81I, the Board of Selectmen shall forward the required documentation as outlined in Section VIII.G. of these Regulations to the Planning Board for review.

**4. Planning Board (Approximately 45 days Prior to Town Meeting)**

Once the Board of Selectmen has voted to refer the acceptance of a public way to the Planning Board, the Planning Board shall prepare a report in accordance with M.G.L. c. 41, Section 81G-81I. In preparation of such report, the Planning Board may solicit recommendations and/or letters of compliance and/or support from the Department of Public Works, the Police Department, the Fire Department, Municipal Engineer, Traffic Engineer, Tree Warden, Superintendent of Streets, Conservation Commission, and other applicable boards/departments.

**a. Department of Public Works, Department of Wastewater**

A letter from the Department of Public Works, Department of Wastewater certifying that the final construction and functionality of the sewer system has been appropriately installed, in full operation, and in compliance with Framingham department development standards. This letter is not required if the project is serviced by private septic systems.

**b. Department of Public Works, Department of Water**

A letter from the Department of Public Works, Department of Water certifying that the final construction and functionality of the water system has been appropriately installed, in full operation, and in compliance with Town standards. This letter is not required if the project is serviced by private wells.

**c. Fire Department**

A letter from the Fire Department certifying that the fire hydrants and applicable life safety services (master box, etc.) have been appropriately installed, in working order, and are in compliance with Framingham development standards.

**d. Department of Public Works, Tree Warden**

Letters from the Tree Warden that all trees have been installed in compliance with the approved Definitive Subdivision Plan are in good health and not a hazard to real property.

**e. Department of Public Works, Conservation Commission**

A certificate of compliance from the Conservation Commission that the conditions imposed under M.G.L. c. 131, Section 40 and the Framingham Wetlands By-Law, as applicable.

**f. Treasurer**

A letter from the Municipal Treasurer stating that all property taxes and all other fees and charges owed to Framingham for lands within the boundaries of the approved Definitive Subdivision Plan have been paid to the "Town of Framingham."

**5. Notice to Owners (approximately 40 Days prior to Town Meeting)**

The Board of Selectmen shall notify owners and abutters by certified mail, at the expense of the petitioner, of the public meeting at which the Board of Selectmen will consider whether to vote to accept the layout of the road or way as a public way. Such notice shall be given a minimum of least fourteen days prior to the public meeting.

If street acceptance by eminent domain taking is contemplated, the Board of Selectmen shall provide written notice a minimum of seven days prior to the meeting date to the affected land owners in accordance with M.G.L. c. 82, Section 22. Alternatively, the Board of Selectmen may employ the procedure set forth in Chapter 410 of the Acts of 2014, for the acceptance of subdivision roads as public ways.

**6. Order of Layout (Approximately 15-20 Days prior to Town Meeting)**

The Board of Selectmen shall hold the public hearing as referenced in Section XII.I.6. of these Regulations to determine if the road or way is ready for acceptance. At such meeting, the Board of Selectmen may vote to, either:

- a. layout the road or way as a public way,
- b. or decline to layout the road,
- c. or may continue the matter to a later meeting in order to obtain additional information, i.e. Planning Board report, site visit, etc.

Abutters will not be formally notified of the continued public hearing meeting. For the roads or ways that the Board of Selectmen votes to layout, a formal vote will be taken and a Final Order of Layout (Report of the Board of Selectmen) will be signed. The vote and the Final Order of Layout (Report of the Board of Selectmen) cannot be taken until the Planning Board has provides its report or 45 days has lapse since referral to the Planning Board, whichever is earlier and Town Meeting has voted to accept such roads or ways as public ways.

**7. Filing of the Final Layout with the Municipal Clerk (A minimum of 7 days prior to Town Meeting)**

The original signed Final Order of Layout, the Final Layout Plan, and the legal description shall be filed with the Municipal Clerk no sooner than seven days prior to the opening of Town Meeting.

**8. Town Meeting**

Town Meeting must vote as to either accept the Final Order of Layout and Final Layout Plan as a public way. Furthermore, Town Meeting shall authorize the Board of Selectmen to acquire the fee and/or easement in such way(s) and the appurtenant easements by gift, purchase, or eminent domain and appropriate funds for the easement acquisition, if needed.

- a. A majority vote is needed to accept a road or way as a public way pursuant to M.G.L. c. 82
- b. A two-thirds majority vote is needed to be needed to accept a road or way as a public way pursuant to Chapter 410 of the Acts of 2014.
- c. A two-thirds vote is needed to appropriate funds for acquisition by purchase or eminent domain, if needed.

## 9. Vote of Board of Selectmen to Accept Public Way

Upon a successful vote of Town Meeting, roads or ways do not automatically become public ways. In order to complete the street acceptance, the Board of Selectmen must vote the acceptance of such public ways at a duly notice open meeting. Streets may be accepted under the procedure in M.G.L. c. 82, Section 22-32. If street acceptance is made pursuant to M.G.L. c. 82, Section 22-32, Framingham must acquire the necessary fee and/or easements by gift, grant or eminent domain no later than 120 days of the close of the Town Meeting at which the road or way was accepted as a public way, and within 30 days of the date when the Board of Selectmen votes to accept such roads or ways was accepted as public ways. Subdivision roads may be accepted as public ways under the procedure set forth in Chapter 410, of the Acts of 2014. If street acceptance is made pursuant to Chapter 410, of the Acts of 2014, Framingham must acquire the necessary fee and/or easements by gift, grant or eminent domain no later than 30 days of the close of the Town Meeting at which the road or way was accepted as a public way, and within 30 days of the date when the Board of Selectmen votes to accept such roads or ways was accepted as a public way.

### a. Acceptance of public way pursuant to M.G.L. c. 82

- i. Acquisition by Gift or Grant: The petitioner and/or the owners of the lots must grant the Town the necessary fee and/or easement in the road or way, and appurtenant easements.

- a) Certification of Ownership (Within 14 days of the close of Town Meeting)

The developer's counsel shall prepare at the expense of the petitioner an updated certification listing that includes the names and addresses of persons then owning the fee to the road and all easement areas.

- b) Subordination of Mortgages

If the road and/or the lots to be subject to a municipal's easements, or the fee and/or easements to be conveyed to Framingham, are encumbered by a mortgage (including lines of credit, whether used or not) or other lien, it is the petitioner's responsibility to provide Framingham with a signed subordination of mortgage from each and every mortgagee, expressly subordinating their lien to the municipal's easement. If Framingham does not receive subordinations from all mortgagees, the Board of Selectmen may decide, in their sole and absolute discretion, not to accept the road or way as a public way.

- c) Vote of Acceptance

The Board of Selectmen must vote to accept such grant of fee and/or easements at a duly noticed open meeting.

- d) Recording/Filing

Instruments or documents granting fee interests and easements and the Acceptances of the same executed by the Board of Selectmen, together with final street acceptance plans must be recorded with the Middlesex South District

Registry of Deeds or filed with the Middlesex South Registry District of the Land Court, as applicable, within the 120 days of the close of Town Meeting.

ii. Acquisition by Eminent Domain

The Board of Selectmen may vote to take necessary fee and/or easement in the road or way, and appurtenant easements at a duly noticed open meeting for that purpose, pursuant to the applicable provisions of M.G.L. c. 79, and M.G.L. c. 82.

a) Certification of Ownership (Within 14 days of the close of Town Meeting)

The developer's counsel shall prepare at the expense of the petitioner an updated certification listing that includes the names and addresses of persons then owning the fee to the road and all easement areas.

b) Waiver of Appraisal, Damages, and Relocation Benefits

Before Framingham will exercise its powers of eminent domain, all persons owning the fee and/or easement to the road or way, and the lots that will be subject to Framingham's easements must sign a Waiver of Appraisal, Damages, and Relocation Benefits. The Board of Selectmen may, in their sole and absolute discretion, decide not to proceed with the Roadway Acceptance until all owners have signed such Waivers.

c) Indemnification

If the road and/or the lots are subject to mortgages (including lines of credit, whether used or not) or other lien and the developer and/or owners has not obtained Subordination of Mortgages from the mortgagees, the Board of Selectmen may, in their sole and absolute discretion, require indemnifications from the applicant and/or the lot owners, protecting Framingham from liability if the mortgagees bring a claim against Framingham. Such indemnification, if required, shall last for the period of time within which mortgagees may bring claims against Framingham for the taking.

d) Order of Taking/Report of the Board of Selectmen

The Board of Selectmen must vote to take necessary fee and/or easement in the road or way, and appurtenant easements by eminent domain and shall execute an Order of Taking (for appurtenant easements only) or a Report of the Board of Selectmen (for layout of public way, with or without acquisition of appurtenant easements) at a duly noticed open meeting for that purpose.

e) Recording/Filing

Instruments or documents granting fee interests and easements acquired under an Order of Taking/Report of the Board of Selectmen, together with final street acceptance plans must be recorded with the Middlesex south District Registry of Deeds or filed with the Middlesex South Registry District of the Land Court, as applicable, within the 120 days of the close of Town Meeting.

f) Notice of Taking

Framingham will send notice of the taking by certified mail to the owners and mortgagees affected by the taking, at the applicant's cost.

b. Acceptance of public way pursuant to Chapter 410, of the Acts of 2014

Chapter 410, of the Acts of 2014 cannot be used for street acceptance for ways not on an approved Subdivision Plan.

i. Acquisition by Gift or Grant

The Board of Selectmen may vote to acquire necessary fee and/or easement in the road or way, and appurtenant easements by gift or grant at a duly noticed open meeting for that purpose.

a) Certification of Ownership (Within 14 days of the close of Town Meeting)

The developer's counsel shall prepare at the expense of the petitioner an updated certification listing that includes the names and addresses of persons then owning the fee to the road and all easement areas.

b) Subordination of Mortgages

If the road and/or the lots to be subject to Framingham's easements, or the fee and/or easements to be conveyed to Framingham, are encumbered by a mortgage (including lines of credit, whether used or not) or other lien, it is the petitioner's responsibility to provide Framingham with a signed subordination of mortgage from each and every mortgagee, expressly subordinating their lien to the Framingham's easement. If Framingham does not receive subordinations from all mortgagees, the Board of Selectmen may decide, in their sole and absolute discretion, not to accept the road or way as a public way.

c) Vote of Acceptance

The Board of Selectmen must vote to accept such grant of fee and/or easements at a duly noticed open meeting.

d) Recording/Filing

Instruments or documents granting fee interests and easements and the Acceptances of the same executed by the Board of Selectmen, together with final street acceptance plans must be recorded with the Middlesex south District Registry of Deeds or filed with the Middlesex South Registry District of the Land Court, as applicable, within the 30 days of the close of Town Meeting.

ii. Acquisition by Eminent Domain

The Board of Selectmen may vote to take necessary fee and/or easement in the road or way, and appurtenant easements at a duly noticed open meeting for that purpose.

a) Because Chapter 410 of the Acts of 2014 authorizes reliance of municipal records to identify persons having an interest in subdivision roads, and because no claim for

damages may be made, it is not required that the petitioner provide Certification of Ownership, Waiver of Appraisal, Damages, and Relocation Benefits or Indemnification is required for acceptance of roads shown on approved Subdivision Plans pursuant to Chapter 410, of the Acts of 2014.

b) Order of Taking/Report of the Board of Selectmen

The Board of Selectmen must vote to take necessary fee and/or easement in the road or way, and appurtenant easements by eminent domain and shall execute an Order of Taking (for appurtenant easements only) or a Report of the Board of Selectmen (for layout of public way, with or without acquisition of appurtenant easements) at a duly noticed open meeting for that purpose no later than 30 days from the close of Town Meeting.

c) Recording/Filing

Instruments or documents granting fee interests and easements acquired under an Order of Taking/Report of the Board of Selectmen, together with final street acceptance plans must be also be recorded with the Middlesex south District Registry of Deeds or filed with the Middlesex South Registry District of the Land Court, as applicable, within the 30 days of the close of Town Meeting.

d) No Notice of Taking

No notice of taking need be sent to owners of mortgagees if the street acceptance procedure in Chapter 410, of the Acts of 2014 is used.

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**Appendix – to be inserted**

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