

RULES AND REGULATIONS
OF THE
PLANNING BOARD
OF THE
TOWN OF MILTON, MASSACHUSETTS
GOVERNING THE SUBDIVISION OF LAND
AND
THE LAYING OUT OF WAYS

ADOPTED MAY 11, 1966

LATEST AMENDMENT

APRIL 1, 2004

Experience has shown that economies of time and materials can be realized if any person desiring to make a subdivision first familiarizes himself with the provisions of the zoning bylaws of the Town of Milton and of these rules and regulations governing subdivisions.

April 5, 2004

I HEREBY CERTIFY THAT THE WITHIN IS A TRUE COPY OF THE RULES AND REGULATIONS OF THE PLANNING BOARD OF THE TOWN OF MILTON.

A TRUE COPY, ATTEST

JAMES G. MULLEN, JR.
TOWN CLERK

At a meeting of the Planning Board of the Town of Milton held on April 5, 2004 it was unanimously

VOTED That under the provisions of General Laws, Chapter 41, Section 81, as amended by Chapter 674 of the Acts of 1953, the following rules are established governing the submission and approval of plats in connection with subdivisions of land in the Town of Milton. From and after this date Rules and Regulations of the Planning Board of the Town of Milton established February 3, 1994 and prior thereto are no longer in force with respect to applications for the approval of subdivisions hereafter filed.

PLANNING BOARD OF THE
TOWN OF MILTON

Alexander Whiteside, Chairman
Edward Duffy, Secretary
J. William Dolan, M.D.
Bernard J. Lynch, III
Michael Zimmer

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RULES AND REGULATIONS OF THE PLANNING BOARD
OF
MILTON, MASSACHUSETTS
GOVERNING THE SUBDIVISION OF LAND
AND THE LAYING OUT OF WAYS

SECTION 1.0 PURPOSE AND AUTHORITY

The following rules and regulations shall, from and after the effective date thereof, govern the subdivision of land and the laying out of ways within the Town of Milton and no person shall subdivide land or lay out a way for eventual acceptance as a public way in the Town of Milton, or for otherwise providing access to and frontage for lots after such effective date without first obtaining from the Planning Board approval of the plan for the proposed subdivision or endorsement upon such plan "Approval Under the Subdivision Control Law Not Required".

1.1 Purpose

The General Laws of the Commonwealth of Massachusetts, Chapter 41, Section 81-M, as amended, provide as follows:

The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provisions for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. Such powers may also be exercised with due regard for the policy of the Commonwealth to encourage the use of solar energy and protect the access to direct sunlight of solar energy systems. It is the intent of the subdivision control law that any subdivision plan filed with the planning board shall receive the approval of such board if said plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the

Section 1.0 Purpose and Authority

planning board pertaining to subdivisions of land; provided, however, that such board may, when appropriate, waive, as provided for in Section 81-R, such portions of the rules and regulations as is deemed advisable.

1.2 Authority

These rules and regulations have been adopted under authority vested in the Planning Board of the Town of Milton by General Laws, Chapter 41, Section 81-Q, as amended.

1.3 Variation

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

1.4 Reference

For matters not covered by these Rules and Regulations, reference is made to Sections 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws as amended, hereafter referred to as the Subdivision Control Law.

1.5 Conformity

These regulations shall be considered as revised to conform with any mandatory amendment of Chapter 41 of the General Laws made after January 1, 1960.

1.6 Definitions

In construing these regulations, the definitions in Section 81-L of Chapter 41 of the General Laws and in Section I of Chapter 10 of the General Bylaws known as the Zoning Bylaw shall apply unless a contrary intention clearly appears.

The word "subdivision" shall be as defined in Section 81-L see Appendix A;

The word "Board" shall mean the Planning Board of the Town of Milton;

The word "Town" shall mean the Town of Milton;

The word "applicant" shall include the following definition:

APPLICANT - The person who applies for the approval of a plan of a proposed subdivision or construction of a way. An applicant or applicants must be the owner or owners of all the land included in the proposed subdivision. An agent, representative or his assigns may act for an owner, providing that written evidence of such fact is submitted. Evidence in the form of a list of the officers and designated authority to sign legal documents shall be required for a corporation.

1.7 Filing Fees

Filing fees are to be used for the reasonable costs incurred during the filing and plan review period including secretarial, engineering, surveying and professional plan review.

In addition to the filing fee, the applicant shall pay for advertising and notification costs associated with public hearings, if any.

Approval Not Required Plans - Applications shall be accompanied by a filing fee of \$500.00 per plan plus \$500.00 for each buildable lot shown on the plan.

Preliminary Subdivision Plans - Applications shall be accompanied by a filing fee of \$500.00 per plan plus \$100.00 for each parcel shown.

Definitive Subdivision Plans – Applications shall be accompanied by a filing fee of \$2,000 per plan plus \$300 for each parcel shown, minus any fees associated with its preliminary plan, provided said plan was approved in the seven-month period preceding the filing of the Definitive Plan.

Lot Releases - Applications shall be accompanied by a filing fee of \$100 per lot.

Modification, Amendment or Rescission – A filing fee of \$250 shall accompany applications for modifications, amendments or rescissions to Definitive Plans, Site Plan Approvals or Special Permits.

Site Plan Approval – Applications shall be accompanied by a filing fee of \$500 per plan plus \$0.10 per square foot of the gross floor area of either the proposed building (in the case of new construction) or both the existing building plus the proposed addition(s) as shown on the submitted site plan.

Scenic Roads – Applications shall be accompanied by a filing fee of \$200.

Special Permits – A filing fee of \$2,000 plus \$200 per dwelling unit shall accompany applications for a Special Permit.

SECTION 2.0 PLAN BELIEVED NOT TO REQUIRE SUBDIVISION APPROVAL

2.1 Submission and Notice

Any person who wishes to cause to be recorded with the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, may submit a definitive plan and two other contact prints thereof accompanied by the necessary evidence to show that the plan does not require approval under the subdivision control law. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination.

Section 2.0 Plan Believed Not to Require Subdivision Approval

2.2 Endorsement by Board of Plan Not Requiring Approval

If the Board determines that the plan does not require approval, the Board or its agent shall without a public hearing and within twenty-one (21) days or such further time as permitted by law or agreed to in writing by the Board and the applicant, endorse on the plan the words "Approval Under the Subdivision Control Law Not Required", or words of similar import, with appropriate name or names signed thereto. Such endorsement shall not be withheld unless such plan shows a subdivision. The Board may add to its endorsement a statement of the reasons approval is not required. The Board may require the plan to identify non-buildable lots. The original tracing of the plan shall be returned to the applicant after completion of the endorsement.

2.3 Determination by Board that Plan Requires Approval

If the Board shall determine that in its opinion the plan requires approval, it shall give written notice of its determination to the Town Clerk and to the person submitting the plan. Such person may then submit his plan for approval as provided by law and these rules and regulations, or he may appeal from such determination to the Superior Court in accordance with the provisions of General Laws, Chapter 41, Section 81-BB, as amended.

2.4 Contents of Plan

The plan shall show all the contiguous land of each owner whose parcel is being affected. The location of all buildings within said parcels shall be accurately shown with setback dimensions providing evidence as to conformity with zoning requirements. Any zoning violation should be clearly noted on the plan. The meters and bounds of all said parcels shall be shown on the plan with a table of closure for each parcel to be submitted on a separate sheet. In situations where large tracts of land are involved the applicant may request relief from this section.

If advice from the Conservation Commission has not been sought, a note shall be part of every plan and it shall so state that "the applicant has not sought the determination of the Conservation Commission regarding the need if any for the filing of a Notice of Intent."

SECTION 3.0 SUBDIVISION APPROVAL - GENERAL REQUIREMENTS

3.1 Limitation of One Dwelling Per Lot

Not more than one building designed or available for use as a dwelling or for dwelling purposes shall be erected or placed in use or converted to use as such on any lot in a subdivision or elsewhere in the Town of Milton without the consent of the Board. Such consent shall be conditional upon the providing of adequate ways furnishing access to each site for such building and upon compliance with the Zoning Bylaw.

Section 3.0 Subdivision Approval - General Requirements

3.2 Unapproved Subdivisions and Ways Prohibited

No person shall make a subdivision of any land within the Town, or proceed with the improvement or sale of lots in a subdivision, or the construction of any way or the installation of municipal services therein, unless and until a Definitive Plan of such subdivision or way has been submitted to and approved by the Board as hereinafter provided.

3.3 Compliance With These Rules and Regulations

All plans and all procedures relating thereto shall in all respects comply with the provisions of these rules and regulations, unless the Board authorizes a variation therefrom in specified instances.

3.4 Compliance With Zoning Bylaw

The Board will not approve or modify and approve any plan of a subdivision of land unless all buildings, structures and lots shown on said plan comply with the Zoning Bylaw of the Town or unless a variance from the terms thereof has been properly granted by the Board of Appeals.

3.5 Criteria for Board Action

The Board, in considering any proposed subdivision plan, will be concerned with the requirements of the community and the best use of the land being subdivided. Particular attention will be given to width, arrangement and location of streets, sanitation, drainage, sizes and arrangement of lots, open areas and parks. Adequate street connections will be required whenever feasible to ensure access to adjoining subdivisions and lands. The Planning Board may for cause disapprove a Definitive Plan if it violates sound land use planning principles and design. No subdivision shall be approved if the Planning Board determines that the access roads and/or utility services connecting with the proposed subdivision will fail to meet acceptable engineering standards for capability to handle the expected additional traffic and/or service demand from such subdivision.

3.6 Inclusion of Wetlands

Wetlands, flood plain, marshes, ponds, water courses or seasonal wet areas may be included as part of a lot subject to the approval of the Board, but may not without approval of the Conservation Commission be altered, filled, drained or relocated and may not, without such approval, be used for building sites, sewage disposal areas, or ways. The developer shall comply with all pertinent provisions of the Town's bylaws, the Massachusetts General Laws and all other laws and regulations relative thereto.

3.7 Alteration of Water Courses and Ponds Prohibited

Natural water courses and ponds may not be altered, filled, drained or relocated. Any pond that has been in existence for over 25 years shall be deemed to be a natural pond subject to these regulations.

Section 3.0 Subdivision Approval - General Requirements

3.8 Subdivision Standards in the Flood Plain District

All subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Flood Plain District established under the Zoning Bylaw, it shall be reflected in a technically adequate plan and shall be reviewed to assure compliance with the following:

- 3.8.1 the proposal is designed consistent with the need to minimize flood damage;
- 3.8.2 all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage;
- 3.8.3 adequate drainage systems shall be provided to reduce exposure to flood hazards, and
- 3.8.4 base flood elevation (the level of the 100-year flood) data shall be provided for proposals with 5 or more acres, within the Flood Plain District.

3.9 Recommended Steps for Obtaining Approval of a Subdivision Plan

The Board recommends the following procedure to applicants seeking approval of a subdivision:

- 3.9.1 acquaint yourself with the zoning provisions applicable to the site and with the requirements of these rules and regulations;
- 3.9.2 identify any wetlands on the site;
- 3.9.3 informally discuss any problems involved in the subdivision with the Town Engineer, Planning Director, Agent of Public Health, Conservation Commission and/or Historical Commission, as appropriate, in order to identify the best solution or solutions as early as possible in the planning process;
- 3.9.4 submit a preliminary plan to the Board and give written notice to the Town Clerk that the plan has been submitted;
- 3.9.5 discuss the preliminary plan with the Board and with the Board of Health, the Conservation Commission and Historical Commission, if appropriate. The discussion should attempt to resolve any outstanding issues. After receiving the decision of the Planning Board on the preliminary plan, make any necessary or appropriate changes in preparing the Definitive Plan;
- 3.9.6 submit a Definitive Plan to the Board and file copies with the Board of Health and Conservation Commission and give written notice to the Town Clerk;

- 3.9.7 Prior to the public hearing on the Definitive Plan or at such other time as the Board may permit, prepare and submit bonds or other performance guarantees to Town Counsel for review and, once approved by Town Counsel as to form, to the Board.

SECTION 4.0 PRELIMINARY PLAN

4.1 Purpose

A Preliminary Plan of a subdivision or a proposed way may be submitted by the applicant to the Board for discussion and approval, modification, or disapproval by the Board. The submission of a Preliminary Plan will enable the applicant, the Board, other Town agencies and owners of property abutting the subdivision to discuss and clarify the problems of the subdivision before a Definitive Plan is prepared. The applicant may thus avoid the expense and delays which may be necessitated by changes in a Definitive Plan. Therefore, it is recommended that a Preliminary Plan be filed in every case, allowing the Board adequate time in which to study the plan and to make recommendations for necessary or appropriate change.

4.2 Submission

A preliminary Plan of a subdivision or a proposed way may be submitted by an applicant to the Board. If there are matters which involve the Board of Health, the Conservation Commission or Historical Commission, applicants are encouraged to submit a copy of the plan to the board or commission involved and to discuss such matters with that board or commission. Applicants are also encouraged to discuss the Preliminary Plan with abutting owners in order to identify their concerns at an early stage of the planning process. Upon submission of the Preliminary Plan to the Board, the applicant shall give notice to the Town Clerk, by delivery or by registered mail, that applicant has submitted the preliminary plan, stating the date of submission.

4.3 Contents

The preliminary Plan for a subdivision shall be legible and produced at a scale of one inch equals forty feet and shall be clearly designated "Preliminary Plan" and shall show:

- 4.3.1 the subdivision name, boundaries, north point, date and scale;
- 4.3.2 name and address of record owner, applicant and designer, engineer or surveyor;
- 4.3.3 names of all abutters, as determined from the most recent Town tax list;
- 4.3.4 existing and proposed lines of streets, ways, easements, and public areas within the subdivision;
- 4.3.5 location, names and present widths of streets, bounding, approaching or near the subdivision;

- 4.3.6 location of all wetland areas, flood plains, streams and water bodies within or adjacent to the subdivision;
- 4.3.7 location of all utility lines and sewers within or adjacent to the subdivision;
- 4.3.8 major site features such as existing stone walls, fences, buildings, large trees or wooded areas, rock ridges and outcroppings;
- 4.3.9 topography of the land showing existing and proposed two-foot contours;
- 4.3.10 proposed system of drainage, including existing natural waterways, in a general manner, both within and adjacent to the subdivision;
- 4.3.11 approximate boundary lines of proposed lots, with approximate areas and dimensions; each lot shall be numbered;
- 4.3.12 profiles of proposed streets when required by the Board.

The Preliminary Plan should be accompanied by a statement of any easements, covenants or restrictions applying to the area proposed to be subdivided. In the event that the Preliminary Plan covers more than one sheet, there shall be an index sheet showing the entire subdivision.

4.4 Planning Board Action

Within 45 days of submission of a Preliminary Plan or such further time, to which applicant and the Board may agree in writing, the Board shall approve, approve with modifications, or disapprove the Preliminary Plan. Failure to act within 45 days shall not be deemed approval of the Preliminary Plan.

Approval of a Preliminary Plan does not constitute approval of a subdivision and does not require that the Board approve a subsequent Definitive Plan based on the Preliminary Plan.

SECTION 5.0 DEFINITIVE PLAN

5.1 Submission

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

- 5.1.1 An original drawing of the Definitive Plan in waterproof drawing ink on linen, mylar, or the equivalent, five (5) contact prints thereof (dark line on white background), and any additional prints as may thereafter be requested by the Board.
- 5.1.2 Accompanying text and material which is reasonably necessary for understanding the contents of the Definitive Plan or which is otherwise required by the Subdivision Control Law, the Zoning Bylaws, these Rules and Regulations, and any other pertinent legal requirements.

- 5.1.3 A properly executed Application Form accompanied by the appropriate fee as specified on a schedule established by the Board.

The applicant shall file two (2) contact prints of the Definitive Plan with the Board of Health and shall file a notice with the Town Clerk by delivery or registered mail. The notice shall describe the land to which the plan relates sufficiently for identification, shall state the date when the plan was submitted to the Board, and the name and address of the owner of such land. If appropriate, the applicant also should submit a copy of the Definitive Plan to the Conservation Commission and to the Historical Commission.

5.2 Contents

The Definitive Plan shall be prepared by a Registered Professional Engineer and/or Land Surveyor and shall be clearly and legibly drawn in waterproof drawing ink on linen, mylar, or the equivalent, in a form suitable for recording and shall be either 18 X 24 inches or 24 X 36 inches in overall dimensions. There shall be a one-inch margin for filing purposes left on one 24-inch edge of each sheet. The plan shall be at a scale of one inch equals forty (40) feet or such other scale as the Board may prescribe to show details clearly and adequately. Profiles of proposed streets shall be drawn to the same horizontal scale as the plan and with vertical scale ten times larger unless otherwise authorized, either on the same sheet as the plan or on separate sheets of the same dimensions as the plan. If multiple sheets are used, they shall be appropriately numbered and accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

- 5.2.1 Subdivision name, boundaries, north point, date and scale.
- 5.2.2 Name and address of record owner, applicant, and engineer or surveyor.
- 5.2.3 Boundary lines of contiguous and adjacent land and names of owners thereof as determined from the most recent Town tax list.
- 5.2.4 Lengths and bearings of definitive plan boundary lines with a table of the traverse closure.
- 5.2.5 Lengths and bearings of all subdivision lot lines, including lot frontages on the streets.
- 5.2.6 Lengths and bearings of all straight centerlines of streets.
- 5.2.7 Lengths, radii, and central angles of all curves in lot lines and street centerlines.
- 5.2.8 All angle points or intersections of tangents along the centerline of the street with computed coordinates using the Town system. (Information regarding Town traverse lines and coordinated points may be obtained at the office of the Town Engineer).

- 5.2.9 Existing and proposed lines of streets, ways, easements, and any public or common areas within the subdivision. (The proposed names of proposed streets will be shown in pencil until they have been approved by the Board).
- 5.2.10 Location, direction, name and present width and grade of each street and public or private way bounding, approaching or within reasonable proximity of the subdivision.
- 5.2.11 Location and outline of all existing buildings and site features such as stone walls, fences, large trees or wooded areas, rock ridges and outcroppings, ponds, streams, and water bodies within or adjacent to the proposed subdivision.
- 5.2.12 Topography with existing and proposed two-foot contours.
- 5.2.13 Area of each lot in square feet; each lot shall be numbered.
- 5.2.14 Size and locations of existing and proposed utilities, including water pipes, sewers, electric, telephone and gas lines, wells, septic systems and the like within and appurtenant to the subdivision.
- 5.2.15 Park or open areas suitably located for playground or recreation purposes within the proposed subdivision, if any.
- 5.2.16 Proposed storm drainage, including existing and proposed storm drains, gutters, channels, waterways, detention ponds and any other means proposed for water disposal or dispersal.
- 5.2.17 Easements at least twenty (20) feet wide over adjoining property for the maintenance of utilities or drains where necessary.
- 5.2.18 Locations, species and size of proposed street trees and/or individual trees or wooded areas to be retained.
- 5.2.19 Street plans and profiles must show the percent slope of each grade, and the radius length, point of curvature and point of tangency of each curve.
- 5.2.20 Street plans and profiles must show, in addition to the proposed grades, elevations of the centerline and both sides of each proposed street at fifty (50) foot stations, except in vertical curves, which shall be at every twenty-five (25) foot station. All elevations must refer to the Milton Base.
- 5.2.21 Subsurface conditions on the tract, location and results and dates of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water and location and results of soil percolation tests (on a separate sheet). Percolation tests satisfactory to the Board of Health are to be taken on each lot within the subdivision if not served by a sewer.

- 5.2.22 Minimum building setback lines on all lots.
- 5.2.23 Location of all wetlands, flood plains, and seasonal wet areas. The base flood elevation (the level of the 100-year flood) data shall be provided for subdivision proposals for that portion within the flood plain district as designated on Milton Flood Insurance Rate Maps. The base flood elevation shall also be determined for after-development conditions assuming all land within the drainage area has been fully developed as permitted by zoning.
- 5.2.24 Location of other proposed improvements, such as curbs, curbing, paving, sidewalks, fire and police boxes, streetlights, hydrants, street signs, retaining walls, and the like.
- 5.2.25 Suitable space to record the action of the Board and the signatures of the members of the Board including, where appropriate, a reference to any covenant between the applicant and the Board.

5.3 Accompanying Statements and Data

The applicant shall submit with the Definitive Plan statements and data providing the information listed below.

- 5.3.1 Any easements, covenants and restrictions applying to the area proposed to be subdivided.
- 5.3.2 Data establishing the suitability of each lot for sewage disposal, including plans and profiles of sewers and their design.
- 5.3.3 Proposed arrangements for water supply with supporting data.
- 5.3.4 Proposed arrangements for storm and surface drainage, with supporting data and design analysis, including plans and profiles showing location and size of drain lines and culverts, design of catch basins and manholes, and such other information as may be required to define the drainage provisions.
- 5.3.5 Sight lines for entering and merging traffic at street intersections.
- 5.3.6 A locational map at the scale 1 inch equals 200 feet showing the location of the proposed subdivision or way on such sheet.

5.4 Statement of Development Effect (SDE)

In the Board's discretion the Board may require that sections of the following be required when the definitive plan submittal fails to properly describe the proposed improvements and impacts.

The applicant shall also submit five (5) copies of a statement of the effect of the development, the purpose of which is to enable the Board to determine whether applicant has employed reasonable measures to mitigate adverse effects of the development.

The Board may waive any section, or sections, of the SDE, which it deems inapplicable to the proposed project. The developer should discuss the requirements with the Board prior to the preparation of the SDE and prior to the submission of the plan.

The SDE shall include the following:

5.4.1 Physical Environment

- 5.4.1.1 Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, scenic and historical features, trails and open space links, and indigenous wildlife.
- 5.4.1.2 Describe how the project will affect these features.
- 5.4.1.3 Describe the physical characteristics of the project, and its relationship to the surrounding area.

5.4.2 Surface Water and Wetlands

- 5.4.2.1 Describe location, extent and type of existing water conditions and wetlands, including existing surface drainage characteristics, both within and adjacent to the subdivision.
- 5.4.2.2 Describe the temporary methods to be used during construction to control erosion and sedimentation.
- 5.4.2.3 Describe the permanent methods to be used to control erosion and sedimentation. Include description of:
 - 5.4.2.3.1 Any areas subject to flooding or ponding;
 - 5.4.2.3.2 Proposed surface drainage system;
 - 5.4.2.3.3 Proposed land grading and permanent vegetative cover;
 - 5.4.2.3.4 Methods to be used to protect existing trees and vegetation during and as a result of construction;
 - 5.4.2.3.5 The relationship of the development to the topography;
 - 5.4.2.3.6 Any proposed alterations of wetlands, water bodies or seasonal wet areas;
 - 5.4.2.3.7 Any existing or proposed flood control or wetland easements;
 - 5.4.2.3.8 Estimated increase of peak run-off caused by altered surface conditions, and methods to be used to return water to the soil.
- 5.4.2.4 Describe sewage disposal methods.

5.4.2.5 Describe any limitations on proposed project caused by sub-surface soil and water conditions, and methods to be used to overcome them.

5.4.3 Town Services

5.4.3.1 Describe estimated traffic flow at peak periods and adequacy of proposed circulation pattern at intersections with existing streets. A traffic study may be required by the Board.

5.4.3.2 Describe effect of project on police and fire protection services.

5.4.3.3 Describe effect of project on public works department services.

5.4.4 Overall Impact

Specify the various benefits and detriments to the Town of Milton as a result of construction of the project.

5.5 Soil Surveys

Where appropriate, the Board may require soil surveys to establish the suitability of the land for the proposed storm and sanitary drainage installations.

5.6 Additional Professional Services

The Board may require the applicant to obtain at his expense such additional professional engineering advice, as it deems necessary or desirable in order for it to determine to approve, to modify and approve, or to disapprove the Definitive Plan. When reviewing an application, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Board may require that applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of any application. See Section 12 for additional information concerning "review fee".

5.7 Review By Board of Health

At the time the Definitive Plan is submitted, the applicant shall file two contact prints thereof with the Board of Health. Within 45 days after the plan is so filed or as otherwise provided by law, the Board of Health shall report approval or disapproval of the plan to the Board in writing. If the Board of Health disapproves the plan, it shall specify which of the lots shown cannot be used for building sites without injury to the public health because of unsuitable conditions for disposal of septage or for proper drainage and specify the reason in its report, and shall make recommendations for adjustment thereof, where possible. Any lot so located that it cannot be served by a connection to a sewer system shall be provided with a septic tank and leaching field, satisfactory to the Board of Health.

5.8 Review By Conservation Commission

In the event that a development requires the alteration or filling of wetlands or other construction requiring an order of conditions from the Conservation Commission, prior to submitting the Definitive Subdivision Plan, the developer is expected to consult with the Conservation Commission to discuss ways to eliminate or minimize adverse effects to wetlands. The Board shall make approval of any plan requiring alteration or filling of wetlands subject to the condition that an order of conditions shall be secured from the Conservation Commission. With respect to any Definitive Subdivision Plan, the Planning Board may request that the Conservation Commission make a wetlands determination with respect to some part or all of the site.

5.9 Engineering Review

The Board will obtain appropriate review of the engineering and survey information shown on the plan. Such review may require the Board to secure outside professional services at the applicant's expense.

5.10 Public Hearing

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Board. Notice of such hearing shall be given by the applicant at least fourteen (14) days prior thereto by advertisement in an official publication of the Town, or by publication once in each of two successive weeks in a newspaper of general circulation in the Town. The first such advertisement shall be at least fourteen (14) days before the hearing. Such notice shall name the applicant and describe the subdivision, including the address and number of proposed lots. A copy of said notice shall be mailed by certified mail, return receipt requested by the applicant to all owners of land abutting the subdivision as they appear in the most recent tax list.

5.11 Performance Guarantee

Before approval or conditional approval of a Definitive Plan of a subdivision, the subdivider shall agree to meet the conditions and to complete the required improvements specified in Section 7 for all lots in the subdivision. Such construction and installation shall be secured by one, or partly by one and partly by the other, of the following methods, which may from time to time be varied at the option of the subdivider.

5.11.1 Bonds or Surety

The subdivider shall file either a performance bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section 7 not covered by a covenant under subsection 5.11.2. Such bond or security shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer. Release of the bond or deposit shall be contingent on the completion of such improvements within two years of the date of the bond.

5.11.2 Covenant

The subdivider may file a covenant acceptable to the Planning Board, executed by the owner of record and duly recorded, running with the land, whereby conditions specified in the Board's certificate of approval shall be met, and whereby such ways and services as specified in Section 7 shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed.

5.12 Planning Board Action and Certificate of Approval

The action of the Board in respect to any Definitive Plan shall be by vote, copies of which shall be filed with the Town Clerk and sent by certified mail to the applicant. If the Board modifies and approves or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board (or by the signature of a person officially authorized by the Board) but not until the statutory twenty-day appeal period following the filing of the certificate of the action of the Board with the Town Clerk has elapsed and the Clerk has notified the Board that no appeal has been filed.

Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within the subdivision so approved.

5.13 Evidence of Satisfactory Performance - Record Plans

The applicant shall employ, at his own expense, a Massachusetts Registered Professional Engineer, regularly engaged in private practice for at least five years, who shall have in his employ qualified field survey parties. Said Engineer shall establish all lines and grades necessary for the construction of subdivision improvements in strict accord with the approved Definitive Plan, and shall take accurate measurements of all completed work and neatly record this information in hard-bound field books which shall be dated, sealed, and turned over to the Town Engineer.

The applicant's Registered Professional Engineer shall prepare and turn over to the Town Engineer a set of reproducible record plans within two months following the completion of the improvements. The record plans shall be individually signed, sealed, dated and certified as to accuracy and completeness.

The record plans shall be drawn with black India ink on mylar or similar quality material. Submittal of the original plans revised to show actual record conditions will be acceptable.

Submitted with the plans shall be a separate statement that certifies that all sidewalks, and other street accessories including all utilities are properly located within the intended roads or easements.

The record plans shall accurately show the location, grades, inverts, elevations and other significant information regarding municipal utilities, roads, private utility systems and other subdivision improvements. A grade table shall be provided which shall give as-built elevations of all cross-section elements at intervals not to exceed 50 feet.

The record plans shall also show the extent of the wetlands throughout the development as certified by the Conservation Commission. Said wetlands shall be properly dimensioned so they can be accurately located in the field.

Measurements providing the location of all Fire and Police Alarm hand holes, all individual and main water shut-offs, and all sewer services installed to the side line, and the associated mains shall be submitted one month from the date of their installation.

The Board will withhold the final release of security for the subdivision until the plans and survey notes have been approved by the Town Engineer.

5.14 Additional Professional Advice

Before the Board releases the interest of the Town in any performance bond or deposit (or in the case of approval with covenant, issues a release of covenant), the Board may at its discretion require the applicant to obtain, at his own expense, additional professional engineering advice to provide evidence to the Board as to the satisfactory completion of the construction of each street or way in the subdivision, storm drains, water mains and their appurtenances, and installation of all other services required according to the Definitive Plan.

5.15 Release of Performance Guarantee

Upon completion of the improvements, the applicant shall send to the Town Clerk by registered mail a written statement in duplicate that the construction or installation in connection with which a bond, deposit or covenant has been given meets the requirements of Section 7; this statement should contain the address of the applicant. The Clerk shall furnish a copy of the statement to the Board forthwith. If the Board determines that the construction or installation has been completed, it shall release the interest of the Town in the bond, deposit or covenant, and return the bond or the deposit to the person who furnished it, or issue a release of covenant in a form for recording. If the Board determines that the construction or installation has not been completed, it shall specify to the applicant in writing wherein the construction and installation fails to comply with the requirements of Section 7.

The Planning Board shall retain a certain percentage of the surety, bond or covenant for one year subsequent to the release date. At the end of the one-year period, the Board shall request an Engineer's follow-up Certificate of Performance verifying satisfactory functioning of all work in the subdivision and shall either approve the work and release the remainder of the surety or the lots or state wherein the work fails to comply with these Rules and Regulations. If the Engineer determines improper functioning of any work, the surety or lots shall be retained by the Board until the Engineer submits to the Board a satisfactory report.

SECTION 6.0 DESIGN STANDARDS

6.1 Street Design

All streets in the subdivision shall be designed of adequate dimension and quality so that, in the opinion of the Board, they will provide safe vehicular and pedestrian travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.

6.1.1 Design Speeds

Radius of curves and lengths of vertical curves should be selected to provide safe sight distances (either passing or stopping) for the design speed of the road. The design speed for streets shall be 30 miles per hour.

6.1.2 Location and Alignment

6.1.3 Master Plan

The proposed streets and off-street footpaths shall conform, so far as practicable, to the Master or Study Plan as adopted in whole or in part by the Board.

6.1.4 Projections

Provision satisfactory to the Board shall be made for the proper projection of streets for access to adjoining property that is not yet subdivided, or for connection with future streets.

6.1.5 Reserve Strips

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

6.1.6 Jogs

Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall not be permitted.

6.1.7 Curves

The minimum centerline radii of curved streets shall be one hundred and fifty (150) feet.

6.1.8 Intersection

Streets shall be laid out so as to intersect at right angles.

6.1.9 Handicapped Ramps

Handicapped ramps shall be installed at all intersections with curbing according to Town of Milton specifications.

6.1.10 Right of Way Widths

Except as hereinafter provided, streets shall be not less than fifty feet (50') in width and there shall be sidewalks within the limits of such streets not less than four and one-half feet (4 1/2') in width.

6.1.11 Cross Streets

Cross streets shall be located at intervals of not more than 900 feet.

6.1.12 Dead Ends

Dead end streets shall not be longer than five hundred (500) feet in Residence A, B and C districts, and six hundred fifty (650) feet in a Residence AA district. Dead end streets shall terminate in a 50 foot radius where the street is unlikely to be extended or a temporary 50 foot radius where there is a possibility of an extension. A circle will not be required on cross streets laid out for planning needs.

Where a future street is projected beyond the circle, the circle shall be designed in such relation to the projection of the right of way that the additional land used for the circle may be relinquished to the adjacent properties at the time the road is constructed over the projected route.

The ownership of the fee in land lying within the projection of any road shall remain with the adjacent properties until the road is constructed over the projected route. Any such fee shall not be included in determining the conformity of the area of any lot to the minimum requirements under the Zoning By-Laws of the Town.

For the purpose of this Section, a dead end street shall be deemed to include any street which has only one outside public vehicular access notwithstanding whether such street ends in (1) a circle or cul-de-sac, (2) an intersection with a street, streets or combination of streets, of which none has another outside public vehicular access, (3) a loop, or (4) any other configuration without another outside public vehicular access.

The length of a dead-end street shall be measured from the point where there is more than one outside public vehicular access to the end or most far distant point of the dead-end street, as measured by the distance that must be traveled by street between these points. The length of a dead-end street opening off another dead-end street shall be the distance on both streets from the point where there is more than one outside public vehicular access to the end or most far distant point of the street being measured.

6.1.13 Grades

6.1.14 Longitudinal Grades

Grades of streets shall not be less than 1.0%. Grades of streets shall not exceed 8% on straightaway or 6% on curves.

6.1.15 Superelevation

Where curves and grades combine to create potentially dangerous driving conditions, the Board may require a suitable amount of superelevation of the curves and/or other protection.

6.1.16 Intersections

Where streets intersect within a subdivision or at the juncture of a subdivision street with an existing street, the Board will require that a sufficient length of each street approaching the intersection shall be made substantially level.

6.2 Easements

6.2.1 Utility Easements

Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty (20) feet wide.

6.2.2 Drainage Easements

Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require that there be provided a storm water easement or drainage right of way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes. The minimum width of any such easement shall be twenty (20) feet. Where necessary, drainage easements on adjoining property shall be secured for the benefit of the subdivision.

6.2.3 Access Easements

If necessary for access, easements to park and conservation land shall be secured for the benefit of the Town and shall be twenty (20) feet in width.

6.2.4 Footpath Easements

Unless otherwise permitted, easements for off-street footpaths shall be twenty (20) feet in width.

6.3 Open Space/Parks

Before approval of a plan, the Planning Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land.

6.4 Protection of Natural Features

The Board will require that the subdivider make every reasonable effort consistent with sound planning to preserve natural features such as large trees, water courses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

SECTION 7.0 REQUIRED IMPROVEMENTS

7.1 Design and Materials Conference

The Planning Board may call for a design and materials conference in order that the subdivider may be informed as to the acceptability of the materials, methods, and standards of construction to be employed. The subdivider may be accompanied or represented by his engineer or contractor, or both, at the conference. A sufficient inspection fee shall be established at this meeting that will permit the Town Engineer to hire a private construction inspector to review the proposed construction at the direction of the Town Engineer.

7.2 Notice Required Before Construction

Any person intending to commence construction in any subdivision or of any way, shall give at least 10 days advance written notice to the Board before commencing construction.

7.3 Protection of Archaeological Artifacts

The Board may require the subdivider to allow monitoring of his excavation and site work in general by a qualified person approved by the Board when there is reason to believe that archaeological artifacts may be in the area. If artifacts or other items of archaeological interest are discovered, whether the site is monitored or not, the subdivider shall immediately notify the Board and/or the Town Engineer and obtain guidance and direction as to how to proceed with his work.

7.4 Standards of Construction

7.4.1 Cross Sections

Streets shall be constructed when required in accordance with the following specifications and in accordance with the appropriate Typical Cross-Section Plan.

7.4.2 Construction Approval

As each construction operation is completed it shall be approved by the Town Engineer previous to the start of work on the succeeding operation.

7.4.3 Preparation of the Roadway

7.4.3.1 All material shall be removed for the full length and width of the roadway, to a depth of at least sixteen (16) inches below the finished surface as shown on the profile plan; provided, however, that if the soil is soft and spongy, or contains undesirable material, such as clay, sand pockets, tree stumps, stones over six (6) inches in diameter, or any other material detrimental to the subgrade, such soil or undesirable material shall be removed by a deeper excavation below the subgrade, as required by the Town Engineer.

7.4.3.2 At this point of preparation, all pipes shall be laid in a manner satisfactory to the Town Engineer.

7.4.3.3 The excavated area below the subgrade shall be filled to subgrade with well compacted material satisfactory to the Town Engineer.

7.4.3.4 The entire roadway then shall be rolled, forming the subgrade with a five (5) inch crown as required on the cross-section plan.

7.4.3.5 Sub-Base Course. A good quality leaching gravel shall be spread over the subgrade to a depth of twelve (12) inches, and rolled and compacted. This gravel forms the base of the roadway, and when rolled shall conform to the cross-section plan with a five (5) inch crown, four (4) inches below finished grade surface; provided, however, that other types of base course may be substituted for that specified above, at the discretion of the Town Engineer.

7.4.3.6 The shoulders and curbs, if any, shall be carried along with the base course so that the gravel will not spread at the sides.

7.4.3.7 Surface Treatment. The completed roadway base shall be treated for the full width of the roadway with a bituminous material satisfactory to the Town Engineer and covered with sand evenly distributed. After being subjected to the action of traffic for a time period specified by the Town Engineer, but not in excess of thirty (30) days, a binder course of bituminous concrete, Class 1, Type 1, shall be applied and compacted and

rolled to thickness of two and one-half (2 1/2) inches with a true surface conforming to the cross section of the road. A second course consisting of bituminous concrete top, Class 1, shall then be applied and compacted and rolled to a thickness of one and one-half (1 1/2) inches with a true surface conforming to the cross sections of the road. Specifications for the composition of material workmanship, and the method of applying pavement material shall conform to the specifications of the Massachusetts Department of Public Works.

7.4.4 Monuments, Curbing, and Retaining Walls

- 7.4.4.1 Monuments. Granite monuments four (4) feet in length, dressed to six (6) inches square at the top with a 3/8-inch drill hole in the center, and not less than six (6) inches square at the bottom, shall be set to finish grade.
- 7.4.4.2 Curbing. Curbs shall be installed in accordance with the following minimum requirements and the construction specifications enumerated herein. Curbing shall be installed in accordance with the construction standards set out in "Standard Specifications for Highways and Bridges" as amended. The profile of the curb is subject to Planning Board approval. The construction methods and material specifications shall conform to "Standard Specifications for Highways and Bridges" as amended. "Type VA granite curbs as specified in 'Standard Specifications for Highways and Bridges' as amended shall be required on both sides of all roadways including the extension of same five feet beyond the P.C. of the curve of existing streets that the new street or streets intersect."
- 7.4.4.3 Sloping. Unless otherwise directed by the Planning Board the area outside the street lines of a development shall be sloped at a rate not greater than two feet horizontally to one foot vertically to a point where it coincides with the surrounding ground.
- 7.4.4.4 Retaining Walls. Where the final grade of the exterior street line is above or below the grade of the adjacent land, and sloping as stated above, does not meet existing ground prior to its interception with adjacent land under separate ownership, a retaining wall of reinforced concrete faced with stone or other suitable material satisfactory to the Planning Board shall be constructed outside the street lines of a development in order to support the street or the adjacent land as the case may be. The construction of retaining walls shall be in accordance with the standards of the Massachusetts Department of Public Works and satisfactory to the Town Engineer. When necessary, by mutual agreement, walls on land in separate ownership may be built or land sloped onto such land. A wall may be built within the street limits only with the express consent of the Planning Board.

7.4.5 Sidewalks

- 7.4.5.1 Unless not required by the Board there shall be a sidewalk with a width of four feet six inches (4'6") on each side of the street.
- 7.4.5.2 Preparation. All materials shall be removed for the full width of the sidewalk to a subgrade ten (10) inches below the finished grade, as shown on cross-section plan; and also all soft spots and other undesirable material below such subgrade shall be replaced with a good binding material and rolled. This excavated area then shall be filled with eight (8) inches of a good quality gravel containing some binding material, and rolled with a 3/8 inch to the foot pitch toward the gutter.
- 7.4.5.3 Surface. Forms shall be set to grade, filled with two (2) inches of asphaltic concrete, or other approved material, and rolled; provided, however, that if a granolithic surface is desired, specifications of the Massachusetts Department of Public Works shall be complied with.

7.4.6 Planting Space

- 7.4.6.1 When a sidewalk is required, a planting space four feet six inches (4'6") in width shall be placed between the sidewalk and roadway curb as designated on the cross section plan.
- 7.4.6.2 There shall be not less than eight (8) inches of good quality loam seeded with lawn grass seed and rolled.
- 7.4.6.3 Street shade trees of a variety appropriate for the specific location as approved by the Tree Warden shall be planted at the developer's expense on each side of every street in such development in an 18" depth of loam. All trees thus installed shall be a minimum of 12 feet in height and a minimum of 3 inches in diameter measured one foot above the ground and spaced approximately 50 feet apart and approximately 3 feet behind the street line within an easement of 5 feet in width shown on the plan as a "5' easement reserved for shade trees." The Board may in some cases choose to locate the shade trees in the grass strip adjacent to the traveled way. Proposed street shade trees are to be shown on the subdivision plan for approval by the Board.

7.5 Water System

All lots in a subdivision shall be provided with access to a water main along their legal frontage. Where new mains are to be laid in a public or private way and where such way has more than one proposed or existing entrance, mains shall where feasible be connected to form a loop rather than dead-ended.

7.5.1 General Requirements

The size of water mains on any street shall not be less than 8" inside diameter. Mains of larger diameter shall be provided when required by the Board. Hydrant connections shall be six (6) inches inside diameter.

7.5.2 Location of Mains

Mains shall be located fourteen (14) feet off the street line on the opposite side of the street from the drainage system (see "Exhibit C" for typical layout).

7.5.3 Hydrants

Hydrants shall be located along all mains at intervals not greater than five hundred (500) feet. Hydrants shall be located at the termination of all mains. A hydrant shall be located on each new main within five hundred (500) feet of the nearest hydrant on the supply main or, if no hydrant exists within five hundred (500) feet, at the connection. Each hydrant shall be provided with a gate valve.

7.5.4 Gate Valves

Gate valves shall be located at intervals not greater than five hundred (500) feet in any new main, at the point of connection of any new main with an existing Town main, and in each main supplied at any junction of mains.

7.5.5 Service Connections

Each lot shall be provided with a service connection having a shutoff and brought to the edge of the right of way (staying within the roadway). Service connections shall be located for convenient accessibility to the house sites. A corporation cock shall be provided at the main.

7.6 Materials

7.6.1 Handling and Storage

Pipe and accessories shall be handled with care to avoid damage. Damaged pipe may be rejected by the Water Superintendent.

The interior of all pipe and accessories shall be kept free from dirt and foreign matter at all times. Valves and fittings shall be kept drained and stored before installation in a manner protecting them from damage due to freezing and trapped water.

7.6.2 Pipe and Fittings

All water pipe shall be ductile iron and shall conform to the latest revision of Federal Specification WP-421 and shall be of a strength suitable for a working pressure of 150 ANSI A21-4 and seal coated inside and outside with coal tar pitch.

Fittings for use with ductile iron pipe shall be cast iron conforming to Federal Specification WW-P-421 or to AWWA Standard of equivalent strength.

7.6.3 Hydrants

Hydrants shall be 6" inside diameter, right hand opening as approved by the Water Department.

7.6.4 Gate Valves

Gate valves shall be iron body, fully bronze mounted, with ends to fit the type of pipe used. All buried valves shall have two (2) inch square operating nuts and adjustable cast iron valve boxes and covers.

Gate valves shall be right hand opening and of 250-pounds-per-square inch design. Valve boxes shall consist of cast iron base, center section, and top section with cover marked "Water". The top section shall be adjustable for elevation.

Fittings and valves shall be at the required locations with joints centered, spigots home and all valve stems plumb. Valve box top sections shall be set to allow equal movement above and below finished grade. The base shall be centered over the valve and shall rest on compacted backfill. The top of the base section shall be approximately on line with nut at top of valve stem, and the entire assembly shall be plumb.

7.7 Service Connections

Service connections shall be type K copper and provided with bronze stop and waste valves and service boxes. The minimum size shall be three-quarters (3/4) inch. The connection to the main shall be by means of a saddle and corporation cock.

7.7.1 Installation

7.7.2 Excavation and Bedding

A trench shall be excavated to a depth sufficient to give the pipe a cover of five (5) feet. Rock shall be removed to a depth of six (6) inches below the bottom of the pipe and replaced with sand.

7.7.3 Laying Pipe and Installing Fittings

Pipes shall be laid to the alignment and grade shown in the definitive plan. Pipes shall be installed on wood block in accordance with the manufacturer's installation instructions.

Tight bulkheads shall be used to prevent entry into the pipe of dirt or water from the trench. Pipes may be angled from the straight by a maximum of 13 degrees at any joint. Ells will be used for larger angles.

7.8 Hydrant Installation

Hydrants shall be installed in accordance with the typical hydrant installations shown as Exhibit F.

7.9 Sterilization

Before being placed in service the entire line shall be flushed and chlorinated. Chlorine shall be applied in a manner approved by the Superintendent of the Water Department under the guidance of the Town Engineer.

Water shall be fed slowly into the new line with chlorine applied in amounts to produce dosage of 40 to 50 p.p.m. Mains previously filled shall be treated to a concentrated dosage at intervals along the line and retained for a period of eight hours or more. A residual of not less than 5 p.p.m. shall be produced in all parts of the line.

During the chlorination process all valves and accessories shall be operated. After chlorination, the water shall be flushed from the line at its extremities and all hydrants until the replacement water tests are equal chemically and bacteriologically to those of the permanent source of supply.

7.10 Pressure Testing

The completed water line shall be subjected to a water test pressure of 300 psi for a period of one hour. Any measurable leakage shall be repaired. Tests shall be repeated following any repairs.

7.11 Back Filling

Selected material containing no lumps or stones over two (2) inches in diameter shall be used up to a level one (1) foot above the top of the pipe, and shall be tamped as placed. The remainder of the backfill to the top of the trench shall be compacted by puddling, tamping or rolling; it shall contain no stones weighing over fifty (50) pounds.

7.12 Connections

Connections to existing water mains shall be made with the tapping sleeve valve without interruption of service on the existing main. Connections shall be made under the supervision of the Superintendent of the Water Department under the guidance of the Town Engineer.

SECTION 8.0 STORM DRAINAGE

8.1 Function and Capacity

Storm drains, culverts, ditches and related installations, including catch basins, gutters and manholes shall be installed as necessary in the Board's opinion, to provide adequate disposal of surface and sub-surface water, including control of erosion, flooding, and standing water, from or in the subdivision and adjacent land. The drainage system shall be designed by the rational method for a storm frequency of 100 years. The Planning Board may require a less frequent or more intense design storm to be used in any situation, which in its judgment requires that a greater degree of protection should be afforded to public or private property, or for portions of the system not economically susceptible to future relief. The applicant shall contact the Town Engineer prior to the design of the drainage system to ascertain the required form and content of the drainage analysis to be signed and stamped by the applicant's Registered Professional Engineer.

8.2 Pipe

Drain pipe shall be at least twelve (12) inches in diameter and shall be of good quality, vitrified clay, concrete, or bituminous coated corrugated metal pipe. Concrete pipe twelve (12) inches and larger in diameter and pipe located under roadways shall be reinforced. At least three (3) feet of cover will be required over drains. Where special conditions of topography and/or hydrology require pipe to be laid with less than three (3) feet of cover, the Board may require other materials or methods of construction to meet such conditions.

8.3 Catch Basins and Manholes

Catch basins, curb inlets and manholes shall be located as required to maintain the drainage area free of temporarily impounded runoff and to avoid excessive accumulations of surface flow on or adjacent to public ways. They shall be constructed of precast reinforced concrete sections or of 8" radial concrete blocks or bricks set in a full mortar joint struck smooth with a trowel. The Board may direct that any of all catch basins within a given drainage area shall be of any one of the three types of construction. Where required by the Board vertical joints between blocks shall be filled with mortar to form a keyed joint. Catch basins shall be constructed as shown in Exhibit E. Manholes shall be spaced not over three hundred (300) feet apart on straight runs and at all changes in alignment or grade.

8.4 Continuity of System

Proper connections, as determined by the Planning Board, shall be made with any existing storm drains in adjacent streets or easements. Where adjacent property is not subdivided or where all the property of the applicant is not being subdivided at the same time, provisions should be made for the extension of the drainage system and other utilities by continuing mains the full length of streets to the exterior limits of the subdivision at such grade and size which will, in the opinion of the Planning Board, permit their proper extension.

SECTION 9.0 FIRE ALARM SYSTEM

A fire and police alarm system approved by the Wire Inspector under the guidance of the Town Engineer shall be installed. Such system shall include one fire and police alarm box for each 1000 feet of way or any fraction thereof within the subdivision. Duct to be buried 24" deep under sidewalk with fine fill. Street crossings to be encased in concrete. Hand holes not to exceed 500 feet between pedestals.

SECTION 10.0 UTILITIES

10.1 Underground Services

The required utilities within the limits of a way include public sewers, surface water drains, water and gas pipes, electric and telephone facilities (exclusive of transformers) and fire and police alarm wires. These required utilities shall be placed underground and shall be installed after the way has been excavated to subgrade.

10.2 Sewerage System

In each subdivision a public sewer shall be constructed within the limits of a way and so located as to take sewage from all fixtures by gravity for every building now existing or hereafter erected. The applicant shall contact the Town Engineer prior to the design of the sewer system to ascertain the required form and content of the sewer analysis to be signed and stamped by the applicant's Registered Professional Engineer. The public sewer system shall be constructed in accordance with sound engineering practices and approved by the Milton Engineering Department. The completed sewer lines shall be subject to a camera inspection as well as pressure and leakage tests. All manholes shall be given leakage tests. This work shall be done at the direction of the Town Engineer and at the expense of the subdivider.

When extension of the existing Town sanitary sewer system is not practicable, private on-lot sewerage treatment systems shall be provided. The Board may, in such cases, require the provision of a complete "dry" sanitary sewer system to provide for future extension of the Town sanitary sewer system.

The sanitary sewer system within a subdivision shall conform to the requirements of any sanitary sewerage study or master plan, which may be adopted in whole or in part by the Board. When, in the opinion of the Board, adjacent areas can be served by connection to sanitary sewer lines within a subdivision, the capacity of the sewer lines within the subdivision shall be adequate to serve these adjacent areas.

10.3 Connections

Connections for sewer, drain, water, gas, electric and telephone service from the main structure in the way to the exterior line of the way, shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement, in whole or in part, in the case

of a lot to be used for a park, playground or for any other purpose for which in the opinion of the Board, such connections shall not be required.

10.4 Street Lighting

The developer shall supply street lighting, which will be located on a suitable post, which may be of concrete, aluminum, or square cross section creosote-treated wood having a height of 15 feet or more as approved by the Board. The street lighting shall be designed in accordance with the current edition of the I.E.S. Lighting Handbook, or to design standards deemed acceptable to the Board. Luminaries shall be of the indirect shielded type.

10.5 Signs

At all intersections street signs, of design approved by the Board, shall be installed. Until such time as each street is accepted by the Town as a public way, the sign posts at the intersection of such street with any other street shall have affixed thereto a sign designating such street as a private way.

10.6 Inspection

Inspection shall be requested by the applicant at least 24 hours in advance by notice to the Board and its Engineer.

10.7 Inspection by Board or its Representative

No water main, drain, catch basin, road subgrade or foundation or any other item of work designated for inspection shall be backfilled or paved over until inspected by the Board or its representative.

The Board may require that applicants pay an "inspection fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the inspection of any subdivision construction. The "inspection fee" procedure shall be similar to the procedure for application review fees outlined in Section 12. Please see the Milton Water and Sewer Department for fees associated with the inspection of water and sewer.

10.8 Final Release

The Board may withhold final release of the subdivider's bond or delivery of a certificate of performance on the subdivider's covenant until satisfied as to:

10.8.1 Pavement integrity intact after one winter.

10.8.2 Trees successfully established.

10.8.3 Permanent type grass on all seeded areas.

10.8.4 Shoulders and embankments intact.

10.8.5 Functional integrity of all parts of the drainage system.

10.8.6 Satisfactory installation of utilities as required by the Board.

SECTION 11.0 SITE PLAN APPROVAL

In circumstances where a development requires a Site Plan pursuant to the provisions of Subsection D of Section VIII of the Zoning Bylaws, the Site Plan shall be contained in one or more plans prepared in a form suitable for recording by a Registered Professional Engineer or a Registered Land Surveyor and in accompanying text and material. Applicants are encouraged to secure the assistance of a Registered Architect or Landscape Architect in preparation of the Site Plan. The Site Plan shall show:

- 11.1 The existing topography of the land showing existing and proposed two-foot contours.
- 11.2 A mapping of major site features such as large trees, wooded areas, rock ridges and outcroppings, water bodies, meadows, stone walls, and buildings, a description of these features, and any proposed removal or changes in these features.
- 11.3 The siting, grading, and landscape plan for all proposed and existing buildings, open areas, streets, parking areas, paths, walkways, driveways, tennis courts, basketball courts, ball fields, swimming pools, any other athletic facility, playgrounds, gardens and fences.
- 11.4 A written description of the landscape characteristics of the site and its contiguous neighborhood and of the effect of the development on such characteristics, including the passage of water through the site and to and from contiguous property, and of the efforts made to preserve such characteristics.
- 11.5 A written description of the site's current uses, such as watershed, wildlife habitat, woodland, or meadowland and of the effects of the development on such uses and of the effort made to minimize adverse effects.
- 11.6 A statement of all significant impacts, which the development is likely to cause, and a description of any measures proposed to deal with these impacts including at least the following:

11.6.1 Runoff and Erosion Control

Describe the methods to be used during construction to control erosion and sedimentation: i.e. use of sediment basins and type of mulching, matting, or temporary vegetation; describe approximate size and location of land to be cleared at any given time and length of time and exposure; covering of soil stockpiles; and other control methods used. Evaluate effectiveness of proposed methods on the site and on the surrounding areas.

Describe the permanent methods to be used to control erosion and sedimentation. Include description of:

- 11.6.1.1 Any areas subject to flooding or ponding;
- 11.6.1.2 Proposed land grading and permanent vegetative cover;
- 11.6.1.3 Methods to be used to protect existing vegetation;
- 11.6.1.4 The relationship of the development to the topography;
- 11.6.1.5 Any proposed alterations of shorelines, marshes or seasonal wet areas;
- 11.6.1.6 Any existing or proposed flood control or wetland easements;
- 11.6.1.7 Estimated increase of peak runoff caused by altered surface conditions, and methods to be used to return water to the soils and avoid projected increase in runoff.

11.6.2 Sewage

Completely describe sewage disposal methods. Evaluate impact of disposal methods and impact of any sewer on existing sewer system to which it will connect.

11.6.3 Sub-surface Conditions

- 11.6.3.1 Describe any limitations on proposed project caused by subsurface soil and water conditions and methods to be used to overcome them.
- 11.6.3.2 Describe procedures and findings of percolation tests conducted on the site.
- 11.6.3.3 Evaluate impact of on-site sewage disposal methods on quality of sub-surface water.

11.6.4 Town Services

- 11.6.4.1 Describe estimated traffic flow at peak periods, proposed circulation pattern, and effect on existing streets.
- 11.6.4.2 Describe locations and number of vehicles accommodated in parking areas and projected parking requirements.
- 11.6.4.3 Describe requirements of project for additional police and fire protection services and the ability of the Town to provide them.
- 11.6.4.4 Describe requirements of project for additional public works department services and the ability of the Town to provide them.
- 11.6.4.5 Describe requirements of project for additional educational services and the ability of the Town to provide them.
- 11.6.4.6 Describe the effect of the project on the town water supply and distribution system.

11.6.5 Human Environment

- 11.6.5.1 Provide elevations and plans for the proposed buildings.

- 11.6.5.2 Provide a tabulation of proposed buildings by type, size (number of bedrooms, floor area), ground coverage, and a summary showing the percentages of the tract to be occupied by buildings, parking and other paved vehicular areas, and usable open space.
- 11.6.5.3 Describe type of construction, building materials to be used, location of common areas, location and type of service facilities (laundry, trash, garbage disposal).
- 11.6.5.4 Describe transportation services.
- 11.6.5.5 Describe proposed recreational facilities, including active and passive types, and age groups participating, and state whether recreational facilities and open space are available to all residents and, if not, to whom they will be available.

11.6.6 General Impact

- 11.6.6.1 Summarize briefly the positive and negative impacts with supporting reasons for concluding that the proposed development maximizes positive impacts and minimizes the negative impacts.

SECTION 12.0 APPLICATION REVIEW FEES

12.1 Review Fees for Large or Complex Projects

When reviewing an application for subdivision approval or an application for a special permit, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Board may require that applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application.

12.2 Board May Hire Outside Consultants

In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, bylaws, regulations, and other legal requirements.

12.3 Use of Funds and Penalty for Nonpayment

Funds received by the Board pursuant to this section shall be deposited with the Town treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of the specific project for which the review fee has been collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the application.

12.4 Return of Excess Funds to Applicant

Review fees may only be spent for services rendered in connection with the specific project from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

12.5 Applicant's Right of Appeal

Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

SECTION 13.0 SCENIC ROADS

13.1 Definitions

In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L. Chapter 40 s. 15C, the following terms contained in that statute shall be defined as follows:

13.1.1 "Cutting or Removal of Trees"

"Cutting or removal of trees" shall mean the removal of one or more trees, trimming of major branches or cutting of roots.

13.1.2 "Repair, Maintenance, Reconstruction, or Paving Work"

"Repair, maintenance, reconstruction, or paving work" shall mean any work done within the right-of-way which was not physically commenced at the time the road was designated as a scenic road. Construction in so far as it takes place within the right-of-way.

13.1.3 "Road"

"Road" shall mean a right-of-way of any way used and maintained as a public way including the vehicular traveled way plus necessary appurtenances within the right-of-way such as bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks, but not intersecting streets. When the boundary of the right-

of-way is in issue so that a dispute arises as to whether or not certain trees or stonewalls or portions thereof are within or without the way, the trees or stone walls shall be presumed to be within the way until the contrary is shown.

13.1.4 "Tearing Down or Destruction of Stone Walls"

"Tearing down or destruction of stone walls" shall mean the destruction of more than eighteen linear feet of stonewall involving more than one cubic foot of wall material per linear foot above existing grade, but shall not be construed to include temporary removal and replacement at the same location with the same materials if a bond has been posted to guarantee replacement within 90 days of removal.

13.1.5 "Trees"

"Trees" shall include any tree whose trunk has a diameter of four inches or more as measured one foot above the ground.

13.2 Requirements

Ways designated as scenic roads will not be altered by the decision of any person, organization, or agency other than the Planning Board after consulting with the Conservation and Historical Commission in accordance with the procedures specified herein.

13.3 Procedures for Filing

Any person, organization, state or municipal agency seeking the written consent of the Planning Board, regarding the cutting or removal of trees or the tearing down or destruction of stonewalls, or portions thereof on a scenic road shall file a request with the Planning Board with copies to the Conservation and Historical Commissions together with the following:

13.3.1 The text of a legal notice identifying the location of the proposed action in terms enabling readers to locate it with reasonable specificity on the ground without need for additional plats or references, and describing in reasonable detail the proposed changes to trees and stone walls;

13.3.2 A statement of the purpose, or purposes, for the changes proposed;

13.3.3 A list of owners of properties located in whole or in part within 100 feet of the proposed action;

13.3.4 Except in the case of Town agencies, a deposit sufficient to cover the cost of advertising and notification; and

13.3.5 Any further explanatory material useful to adequately inform the Planning Board.

13.4 Notice

The Planning Board shall, as required by statute, give notice of its public hearing by advertising twice in a newspaper of general circulation in the area. This notice shall contain a statement as to the time, date, place, and purpose of the hearing with a reasonable description of the action proposed by the applicant. Copies of this notice shall also be sent to the Selectmen, the Conservation Commission, the Historical Commission, the Town Engineer, the Tree Warden, the Department of Public Works, and the owners of property within 100 feet of the proposed action.

13.5 Timing of Notice

The first publication of the notice shall be as soon as feasible after the Planning Board receives the request from the applicant, and shall in all cases be at least 14 days before the hearing. The last publication shall occur, as required by statute, at least seven days prior to the hearing.

13.6 Timing of Hearing

The Planning Board shall hold a public hearing within 30 days of the Planning Board meeting at which a properly filed request is received. The date and time of the public hearing shall be set outside of normal weekday work hours (8:00 a.m. - 5:00 p.m., Monday-Friday) so as to encourage maximum citizen participation.

13.7 Timing of Decision

The Planning Board shall make a decision on the request within 21 days of the public hearing.

13.8 Public Shade Tree Act

Whenever feasible, notice shall be given and planning board hearings shall be held in conjunction with those held by the Tree Warden acting under M.G.L. Ch. 87. The consent of the planning board to a proposed action shall not be regarded as inferring consent by the Tree Warden, or vice versa. The Planning Board decision shall contain a condition that no work should be done until all applicable provisions of the Public Shade Tree Law, M.G.L. Ch. 87, have been complied with.

13.9 Considerations

The Planning Board's decision on the application for proposed action effecting scenic roads shall be based on consideration of the following:

- 13.9.1 preservation of natural resources;
- 13.9.2 environmental values;
- 13.9.3 historical values;
- 13.9.4 scenic and aesthetic characteristics;

13.9.5 public safety;

13.9.6 compensatory actions proposed, such as replacement of trees or walls;

13.9.7 other sound planning considerations

13.10 General

The Planning Board may adopt more detailed regulations for carrying out provisions hereunder.