SHERBORN PLANNING BOARD

RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND

SECTION 1  GENERAL

1.1. AUTHORITY

Pursuant to General Laws, Chapter 41, Section 81Q, the Planning Board of the Town of Sherborn has adopted the following Rules and Regulations governing the subdivision of land in the Town of Sherborn.

All subdivisions shall comply with the provisions of the Open Space Subdivision Bylaw section 4.5 unless the Planning Board allows a development that deviates from the requirements of that bylaw by Special Permit. Procedures for review and submission of a Special Permit for a Conventional Subdivision design shall be subject to the general and relevant provisions of these regulations as well as the requirements for Special Permit Requests of the Planning Board Rules and Regulations.

1.2. PURPOSE

These Rules and Regulations Governing the Subdivision of Land in Sherborn have been adopted for the purposes set forth in MGL Chapter 41, Section 81M as amended.

1.3. DEFINITIONS

Applicant: an owner, his agent or representative, or his assigns, that are responsible for submission of a subdivision development plan to town officials.

Approval Not Required (ANR): a process for creating building lots in accordance with MGL Ch. 41, Section 81-P, by division of land on an existing public way, in which each new lot fulfills the minimum frontage requirements of the relevant zoning district.

Board: the Planning Board.

Conventional Subdivision: a division of land into two or more lots in such a manner as to constitute subdivision as defined in MGL Ch. 41, Section 81-L, as amended from time to time, and in which minimum lot size is that required for a single family home in the zoning district, as defined in Zoning Bylaw 4.2.

DPW: the Department of Public Works.

General Layout: An informal sketch plan of a subdivision layout drawn on a plan of the parcel to be subdivided, showing major environmental features such as wetlands, and approximate location of proposed roads and lots.

Green Infrastructure: The natural vegetation and forests that provide services to the community such as groundwater filtering and retention, aquifer recharge, carbon sequestration and temperature control.

Groundwater Impact Assessment: a detailed analysis of existing groundwater conditions and potential impacts of a proposed development on a parcel and in the adjacent area based on existing data, on-site measurements, and projections of changes resulting from development.
Groundwater Impact Statement: a summary of groundwater conditions on a parcel and in the adjacent area, based on existing, publically-accessible data regarding soil types, location of aquifers and estimated directions of surface and ground water flow.

Homeowners Association: the corporation, trust, or association owned by the unit owners within an Open Space Subdivision and used by them to manage and regulate their affairs, including any commonly owned land or facilities.

Low Impact Development: land development and building practices that minimize environmental impacts by preserving natural vegetation including trees, and promoting groundwater retention and recharge through design features.

Low Impact Drainage System: a stormwater management system that maximizes maintenance of clean groundwater resources through natural filtering, retention and recharge.

Open Space Subdivision: a division of land into two or more lots in such a manner as to constitute subdivision as defined in MGL Ch. 41, Section 81-L, as amended from time to time, and that (a) permanently preserves at least sixty percent of the land in a natural, scenic or open condition or in agricultural, farming or forest use; (b) preserves the significant natural, cultural, and historic features of the land; (c) concentrates development, through design flexibility and reduced dimensional requirements, in order to preserve those features; and (d) calculates the amount of development allowed up-front by formula.

Owner: the owner or owners of record of all land included within the subdivision as shown by the records of the Registry of Deeds for the Southern District of Middlesex County or the Middlesex South Registry District of the Land Court.

Protected Open Space: land that is permanently preserved in a natural, scenic or open condition or in agricultural, farming or forest use, by conservation restriction or other legal means.

Residential Unit: a building, or portion thereof, with shared space and utilities designed for occupation by a single family.

Uplands: a land area that is are NOT under federal, state or local wetland or floodplain jurisdiction (e.g. wetlands and their buffer zones, floodplains and riparian areas).

Yield Plan: a calculation of the number of Residential Units allowed in a specific Open Space Subdivision, using the method described in 4.5.4 below.

1.4. GENERAL SUBDIVISION POLICIES

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

1.4.2. No subdivision shall be approved unless it complies with these Regulations and with the applicable provisions of zoning and other Town bylaws and regulations and of the General Laws of the Commonwealth of Massachusetts, or unless, in the opinion of the Board, such subdivision meets the requirements of public safety, including reasonable precautions against possible natural disasters, of traffic safety and convenience, of adequate water supply, storm water drainage and sewage disposal,
and is designed with due regard to the rights, health and welfare of Sherborn's inhabitants, including the residents of such subdivision. The health and welfare of Sherborn's inhabitants are dependent in part on maintenance of clean groundwater resources and climate-mitigating natural tree cover. Proposed subdivisions shall conform to over-all development plans adopted by the Planning Board and shall adhere to the principles of correct land use, sound planning, good engineering and environmental sustainability including but not limited to the Design Standards in Section 4 of these Regulations.

1.4.3. The approval of a subdivision by the Board does not affect any rights others may have in or over the land to be subdivided, nor does it give the Applicant the right to perform work on land owned by others. The Board is entitled to rely upon the accuracy of the information submitted by the Applicant. The acquisition of necessary rights and the presentation of complete and correct information to the Board are responsibilities of the Applicant and the failure to do so, including the failure or inability to obtain all necessary permits, licenses, releases or rights may constitute a reason for the disapproval or rescission of approval of a subdivision plan.
SECTION 2 PROCEDURES FOR THE SUBMISSION OF PLANS NOT REQUIRING APPROVAL UNDER THE SUBDIVISION CONTROL LAW (ALSO KNOWN AS APPROVAL NOT REQUIRED OR ANR PLANS).

2.1. SUBMISSION OF PLAN

Any persons who wish to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that the plan does not require approval under the subdivision control law because the plan does not constitute a subdivision, shall:

a. Schedule Planning Board review by contacting the Town Planner to be placed on the agenda of an upcoming meeting.
b. Fill out Form A as indicated on the Form (see Appendix)
c. File, by delivery or registered mail, a notice with the Town Clerk. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land.
d. Submit to the Town Planner the following:
   d1. A completed Form A
   d2. A completed original Mylar plan of land and four (4) copies at a scale of 1 -40', or at an alternate scale appropriate for the size of the property as may approved by the Planning Board.
   d3. One 1 -200' scale copy of plan of land, or an electronic copy in a form compatible with the Town’s GIS system.
   d4. One (1) copy of a plan of land showing the existing boundaries of the land at the same scale as the plan indicating the proposed changes.
   d5. Filing fee as specified in Schedule C (check payable to Town of Sherborn)

2.2. CONTENTS OF PLAN

Each plan shall contain the following information:

a. Existing and proposed boundary lines, dimensions and areas (in square feet or to the nearest 1/100 of an acre) of all lots, the boundary lines of which are to be changed or shown without change.
b. Title, north point, date of survey, date of plan and date of each revision, if any, Assessor's map number and lot number, and scale legend.
c. Name of owner of record, and name, address, signature and imprint of the seal of the registered engineer or registered land surveyor preparing the plan.
d. Names of the owners of all abutting lots from the current Assessors' records.
e. Indication of the Zoning district or districts and district boundary lines, if any, coinciding with or intersecting any lot line.
f. Existing and proposed lines of streets, ways, and easements with an indication on the plan of their intent and whether they are public or private. The width and construction materials of the traveled way from which the property derives its frontage, as well as notice as to whether or not the street is a Scenic Road, shall be indicated on the plan.
g. Existing and proposed public or common areas, if any.
h. Location of all existing buildings on proposed lots and abutting lots.
i. Indication of the floodplain district, if any, within or in close proximity to the proposed lots.
j. Existing and proposed permanent boundary markers, and existing stone walls.
k. Limits of any wetlands subject to State or local jurisdiction, located on or adjacent to the property.
l. A vicinity map showing all other adjacent land of the Applicant and other adjacent properties as far as the nearest existing street in every direction. The vicinity map may be a copy of the Assessors' maps.
m. A figure indicating total frontage, and a dimension illustrating width at the front setback line and a proposed building line shall also be shown on the plan.
n. Frontage and area of any remaining adjoining land owned by the Applicant.
o. Notice of any special permits/variances issued which affect the proposed change in lot lines.
p. Deed reference of record owner by Book and Page number and Land court Certificate number if applicable.
q. Printed legend for Planning Board endorsement in the following form:

Approval under the Subdivision Control Law not required.

SHERBORN PLANNING BOARD

____________________________________

____________________________________

____________________________________

____________________________________

Date ____________________________ 20____

q. The following statement shall appear below the space for the signature for the Planning Board: "The above endorsement is not a determination by the Planning Board as to conformance with zoning requirements."

2.3. ENDORSEMENT

If the Board finds that the plan meets the requirements of this section and does not require approval under the Subdivision control Law, at least a majority of the members of the Board shall endorse the plan without a public hearing and return the original thereof to the Applicant within the time period required by MGL Ch. 41, Section 81-P from the date of submission of the plan. If the Board shall determine that in its opinion the plan requires approval under the Subdivision Control Law, it shall give written notice of its determination to the Town Clerk and to the Applicant within such statutory period.
SECTION 3 PROCEDURES FOR THE SUBMISSION OF PLANS REQUIRING
APPROVAL UNDER THE SUBDIVISION CONTROL LAW

3.1. PRE-APPLICATION CONFERENCE

3.1.1 General Guidance
In order to ensure full compliance with these Rules and Regulations and thereby facilitate the
preparation, submission and processing of Preliminary Plans and Definitive Plans requiring
approval under the MA Subdivision Control Law and the Sherborn Open Space Subdivision
Zoning Bylaw Section 4.5, the Board invites any owner or developer intending to subdivide land
to request an informal pre-application conference with the Town Planner and representatives of
the Board early in the planning process and prior to submission of a Preliminary Plan or
Definitive Plan.

3.1.2 Purpose of the Pre-application Conference
A pre-application conference is intended to offer guidance that can facilitate and streamline the
owner/developer's preliminary planning process. It is an informal discussion that will include the
Town Planner and representatives of the Planning Board, as well as one or more representatives
of the Board of Health and Conservation Commission or their agents. At such a conference, the
Planning Board and others shall advise the applicant as to which land is likely to have the most
conservation value and be most important to preserve, and where development may be most
appropriately located. The Board may conduct site visits with the applicant to better understand
the physical features of the site.

3.1.3 General Layouts
To facilitate this discussion, the owner/developer is advised to compile publically accessible
information regarding the relevant environmental features of the parcel and surrounding area,
and to consult the regulations of the Board of Health and Conservation Commission. At the pre-
application conference the applicant should provide one or more General Layouts (conceptual
sketch plans) showing the relevant environmental features and possible layouts of the proposed
subdivision. Relevant environmental features may include wetlands, riverfront areas and
floodplains regulated by state or federal law. Special features of the natural landscape such as
steep slopes, wetland buffer zones, mature woodlands, scenic views and adjacent open space and
trails should also be noted.

Note that such General Layouts will be required later, as part of a Preliminary or Definitive Plan
submission.

- A formal Open Space subdivision application must include a hypothetical Conventional
subdivision General Layout, to establish the maximum residential unit count as specified
by Sherborn Zoning bylaw 4.5.4 A, and Section 3.2.3 f. of these Rules and Regulations.
- A formal Conventional subdivision special permit application must include a
hypothetical Open Space subdivision General Layout, to aid the Planning Board in
determining whether a special permit is justified under Sherborn Zoning bylaw 4.5.3 C.
3.2. **PRELIMINARY SUBDIVISION PLAN**

3.2.1. **Purpose of the Preliminary Plan**
The Preliminary Plan is intended to provide the Planning Board and other relevant Boards a preview of the proposed project, with sufficient detail to allow town Boards to provide the applicant with constructive feedback and concrete guidance. While submission of a Preliminary Plan is not required, it is a valuable planning step that can greatly facilitate generation and approval of a Definitive Plan and the successful completion of the project.

3.2.2. **Filing Procedures for Preliminary Plan**
Any person submitting a preliminary plan shall file **three (3)** 24 x 36 inch hard copies as well as a pdf version thereof with the Planning Board together with a fully executed Application Form B, and shall simultaneously file two (2) copies with the Board of Health and the Conservation Commission. After delivery of the plan and the above forms to the Board, the Applicant shall file by in-person delivery or registered mail a notice with the Town Clerk stating the date of submission of said plans for approval, together with a copy of Form B and a copy of the plans as submitted. Such notice shall describe the land sufficiently for identification and shall state the name and address of the owner.

3.2.3. **Contents of a Preliminary Subdivision Plan**
A Preliminary Subdivision Plan shall contain the following information:

a. Subdivision name, title: Preliminary Plan, and date.

b. Names and addresses of record owner, applicant, subdivider, and seal and signature of the engineer, surveyor or landscape architect preparing the plan.

c. Subdivision parcel boundaries, north point, assessor's map number and lot number, and scale legend.

d. Map of existing conditions, including:
   d1. Man made features, including but not limited to existing lots, buildings, existing streets, driveways, cart paths, trails, fences, walls, and stone walls and drainage systems.
   d2. Natural features including but not limited to topography at two (2) feet contour intervals showing the elevation of the tops of rises, hills or hummocks and of wetlands, water courses, certified or potential vernal pools, and other bodies of water, existing wooded areas, large trees over 12 in diameter, rock ridges and outcroppings, USDA soil types, and relevant natural features of adjacent parcels such as areas of NHESP Priority or Estimated Habitat, and any public lands.

e. Map showing delineation of floodplain districts, riparian areas, wetland areas and buffer zones as determined under Wetlands Protection Act MGL Ch. 131, Sect. 40 and regulations thereunder, and under the Town of Sherborn's Wetlands Bylaw (Ch. 17 of the Sherborn General Bylaws) and any regulations thereunder, within and adjacent to the subdivision.

f. For an Open Space Subdivision, documentation of the Yield Plan, i.e. calculation of the maximum number of allowed residential units, using the method described in Zoning Bylaw 4.5 and supported by relevant maps.

g. Map of proposed conditions, including:
   g1. Boundary lines of proposed subdivision lots with areas, dimensions, and bearings.
• In an Open Space subdivision such lots will occupy no more than the maximum percentage of the total subdivision area specified in Zoning bylaw 4.5.
• In a Conventional Subdivision each lot will conform to the minimum area required in the relevant zoning district.

g2. For an Open Space Subdivision, boundaries of the proposed protected open space area or areas, totaling the minimum or greater percentage of the total parcel area as specified in Zoning bylaw 4.5, and calculation of wetland/upland area ratio within the protected open space acreage.

g3. Proposed lines of streets, walkways and trails within the subdivision, and proposed connections, if any, with existing or proposed streets or trails on adjoining land, and the lines and grades of existing streets for a minimum of 500 feet either side of each proposed subdivision street intersection with an existing street.

g5. The boundaries of all proposed easements within the subdivision and notations indicating the purposes thereof (trails, open space connectors).

g6. Proposed drainage systems including the approximate location and size of all proposed inlets, outlets, pipes, drains, detention/retention ponds, and drainage easements within or appurtenant to the subdivision. Low impact drainage systems are encouraged.

g7. Proposed locations of municipal services and utility installations.

g8. Proposed street names.

h. The names of all abutters as determined from the most recent Assessors' list.

i. A separate transparent reproducible plan of the area at an appropriate scale showing the following:
   i1. Boundaries of existing streets and ways, easements, trails and conservation lands which bound, approach or are in reasonable proximity to the subdivision in solid lines.
   i2. Boundaries of proposed streets, ways, easements and public or common areas in broken lines.
   i3. Name of subdivision, north point and scale legend.

3.2.4. Groundwater Impact Statement
The Board may require a preliminary Groundwater Impact Statement be submitted where such information is necessary to evaluate the Preliminary Subdivision Plan because of special circumstances of the proposal or its location. Such a preliminary statement may be based on existing data regarding soil types, location of aquifers and estimated directions of surface and ground water flow.
It should be noted that a formal Groundwater Impact Assessment is required as part of a Definitive Subdivision Plan.

3.2.5. Review by Other Boards and Commissions
The Planning Board shall request review and seek recommendations regarding a completed Preliminary Plan from other town departments, commissions and boards, including but not limited to the Conservation Commission, Board of Health, Fire Department, Police Department, Building Inspector, and DPW.

3.2.6. Approval or Disapproval of Preliminary Plan
The Planning Board, in consultation with the Conservation Commission and Board of Health, shall study the Preliminary Plan and may conduct field visits. For an Open Space Subdivision, the Board shall formally determine which land should be preserved and where development may be located. The Planning Board shall make written findings supporting this determination. The Planning Board shall deny any application that does not include sufficient information to make such a decision or that does not preserve land that the Planning Board determines should be preserved from development as a result of their findings.

In the case of a proposed Preliminary Plan that deviates from the requirements of the Open Space Subdivision bylaw 4.5, such plan shall only be considered in conjunction with a special permit application for such deviation, which may be submitted simultaneously with the preliminary plan. If the Planning Board determines that the land with the greatest conservation value cannot be protected except by the use of an Open Space Subdivision plan, the Planning Board shall deny the Special Permit for the deviation. The applicant may then submit a plan that complies with the requirements for an Open Space Design Subdivision.

After submission of a Preliminary Plan and within the period set forth in Section 81-S of the Mass. General Laws, both the Planning Board and the Board of Health shall notify the Applicant by certified mail and Town Clerk in writing that the plan has been approved, or that the plan has been approved with modifications suggested by either the Board or agreed to by the Applicant, or that the plan has been disapproved. In the case of disapproval, each board shall state in detail its reasons therefor. Approval of a Preliminary Plan shall not constitute approval of the proposed subdivision.
3.3. **DEFINITIVE PLAN**

3.3.1. General

The term **Definitive Plan** as used in these Rules and Regulations shall mean a plan of a subdivision within the meaning of the Subdivision Control Law prepared by a professional engineer, land surveyor or landscape architect registered in Massachusetts.

The objectives of a Definitive Plan are:
1) presentation of detailed and specific plans, of the construction documents type, for the development of the subdivision,
2) provision of a specific plan for reference in granting a certificate of action and/or a special permit with subdivision plan approval.

The Planning Board encourages thorough analysis and resolution of design issues in the Pre-application conference and/or Preliminary Plan stage prior to submission of the Definitive Plan. A Definitive Plan for a Conventional subdivision will not be considered unless the Planning Board has conditionally approved a special permit for such a subdivision layout deviation, based on information, analysis and other requirements specified in sections 3.1.3 and 3.2.6 of these Rules & Regulations.

At the time of the filing of the Definitive Plan, it should be accurate, correct and complete on the day of submission. In addition, all features of the Definitive Plan should be consistent with the design standards described in SECTION 4 of the RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND. Any deficiencies and inaccuracies shall be grounds for denial of the Definitive Plan.

It is recommended that a licensed design professional be responsible for the coordination of the elements of the Definitive Plan, prepared by other professionals.

3.3.2. Filing Procedure for Definitive Plan

Any Applicant submitting a Definitive Plan for approval shall comply with the following filing requirements:

The Definitive Plan shall be clearly and legibly drawn in india ink or laser plotted on 4 mil double sided mylar or 3 mil single sided mylar to a scale of 1 = 40' on sheets measuring 24 X 36 and shall comply with the recording requirements of the Register of Deeds or of the filing requirements of the Land Court, in the case of registered land. If multiple sheets are used, they shall be accompanied by an index sheet of the same dimensions drawn to an appropriately reduced scale. All required plans and documents required shall also be submitted as electronic files in pdf format.

a. File with the Planning Board the following:
1. An original drawing of the Definitive Plan, and eight (8) contact prints thereof in dark lines on white background (Section 3.3.3.).
2. The original and eight (8) contact prints of the locus plan (Section 3.3.3.u).
3. The original and eight (8) contact prints of the profile plan (Section 3.3.4.).
4. Two (2) paper copies and an electronic copy of the drainage calculations and drainage run-off plan (Sections 3.3.5.).
5. Three (3) signed copies of the report of subsurface conditions and soil percolation tests (Sections 3.3.6.(a)).
6. Three (3) signed copies of the statement concerning filling or earth removal (Section 3.3.6.(b)).
7. Three (3) certified copies of certain recorded instruments and plans affecting the subdivision (Section 3.3.6.(c)).
8. Three (3) conformed copies of instruments establishing easements in contiguous land (3.3.6.(d)).
9. Three (3) properly executed copies of each of the following forms:
   (i) Application Form C
   (ii) Designer's Certificate (Form D)
   (iii) List of Abutters (Form E)
   (iv) Covenant (Form F) (1)
10. One (1) 1 = 200' scale copy of the Definitive Plan.
11. A filing fee payable to the Town of Sherborn in an amount indicated in the attached fee schedule. A statement signed by the engineer or surveyor preparing the Definitive Plan setting forth the computation of the filing fee shall accompany such payment.

b. Give written notice to the Town Clerk, by delivery or by registered mail, postage prepaid, that the Applicant has submitted such Definitive Plan to the Planning Board, together with a copy of Form C and a copy of the Definitive Plan as submitted. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land.

A Definitive Plan shall not be considered to have been submitted until the Applicant has filed with the Town Clerk a notice stating the date of submittal. If the notice is given by delivery, the Town Clerk shall give a written receipt or a dated stamp of receipt on a copy of Application Form C.

c. Such plan shall be considered submitted, unless within 21 days of such delivery the Board determines that the application is incomplete because it does not contain the information required in Sections 3.3.3, 3.3.4, 3.3.5, 3.3.6 (if applicable) and 3.3.7 of these Regulations or the proper procedure was not followed. If the application is considered incomplete, the Planning Board shall notify the Applicant and the Town Clerk in writing.

d. File with the Board of Health, at the time of filing the Definitive Plan with the Planning Board, three (3) copies of each plan and document as submitted to the Planning Board along with the Board of Health filing fee.
e. At the same time as the submission of the Definitive Plan to the Planning Board, the Applicant shall have made application for all other local, state, and federal permits or approvals required for the construction of streets, easements, utilities, and other improvements in the subdivision as provided in these Regulations. Evidence of such filing, or inquiry, in the form of a copy of such application, and of any action by other agencies, shall be submitted to the Planning Board with the application for the Definitive Plan.

f. An Applicant may withdraw a Definitive Plan upon written request which is approved by vote of the Board.

g. Subsequent submission of a revised Definitive Plan may be handled in the same manner as an original submittal, including the payment of an additional fee for review of the alternate or revised plan. Submission of a plan, which in the opinion of the Board, is so substantially revised as to constitute a new application shall be treated as a new application and will be accepted for processing only upon a written request from the Applicant for the withdrawal of an earlier application.

3.3.3. Contents of the Definitive Plan
a. The Definitive Plan shall be prepared in accordance with the the most recent edition of the Land Court Manual of Instructions. All sheets shall include the subdivision name, title, and date of plan and space for any revision dates, as well as the names and addresses of record owner, applicant, subdivider; seal and signature of the engineer, surveyor and/or landscape architect preparing the plan; and scale and north arrow as applicable.

b. In cases where a Preliminary Plan is not submitted, the Definitive Plan shall include the yield calculation from Section 4.5.4 of the Zoning Bylaw along with associated General Layout plans.

The Plan set shall contain the following:

3.3.3.1 Cover Sheet
The cover sheet shall include the following:

a. A plan view of the proposed subdivision in its entirety;

b. A locus plan indicating the location of the parcel being subdivided including abutting properties and streets within 500 feet;

c. An index of plan sheets indicating what information is found on each sheet;

d. A list of any waivers being requested;

e. Subdivision name and date;

f. Names and addresses of record owner(s), applicant(s), subdivider, and seal and signature of the engineer and surveyor (and landscape architect, if applicable) preparing the plan.

3.3.3.2 Plan of Existing Conditions
a. Man made features, including but not limited to existing lots, buildings, existing streets, driveways, cart paths, trails, fences, walls, and stone walls and drainage systems.
b. Natural features including but not limited to topography at two (2) feet contour intervals showing the elevation of the tops of rises, hills or hummocks and of wetlands, water courses, certified or potential vernal pools, and other bodies of water, existing wooded areas, large trees over 12” in diameter, rock ridges and outcroppings, USDA soil types, and relevant natural features of adjacent parcels such as areas of NHESP Priority or Estimated Habitat, and any public lands.

c. Delineation of floodplain districts, riparian areas, wetland areas and buffer zones as determined under Wetlands Protection Act MGL Ch. 131, Sect. 40 and regulations thereunder, and under the Town of Sherborn's Wetlands Bylaw (Ch. 17 of the Sherborn General Bylaws) and any regulations thereunder, within and adjacent to the subdivision.

3.3.3.3 General Subdivision Layout

a. Subdivision name, perimeter boundaries, north point, Assessor's map number.

b. Lot number, names and addresses of the record owner and the subdivider and name, address, signature and imprint of the seal of the registered civil engineer and registered land surveyor preparing the plan;

c. For an Open Space Subdivision, documentation of the Yield Plan, i.e. calculation of the maximum number of allowed residential units, using the method described in Zoning Bylaw 4.5 and supported by relevant maps.

d. Proposed boundaries, north point, date of survey, date of plan and date of each revision thereto, scale legend and land area table showing the total acreage of the subdivision and the total acreage included in each of the following categories:

d1. building lots,
d2. streets and ways, including footpaths, bicycle paths and trails.
d3. utility, drainage and other easements,
d4. recreation and conservation sites, and areas of legally protected open space.
d5. all wetland areas including water courses, certified or potential vernal pools, ponds and other water bodies, and buffer areas

d6. other categories, if relevant.

e. Names of all abutters as they appear on the most recent Assessors' list;

f. Indication of the zoning district or districts within which the subdivision is located;

g. Zoning district boundary lines and floodplain district lines, if any, located within or in close proximity to the subdivision;

h. For an Open Space subdivision, outline of proposed conservation area(s) and developed area(s).

i. For Open Space subdivisions with public access to the open space, a trail head and/or signage may be required.

3.3.3.4 Street and Lot layout

a. Side and center lines of all proposed streets, ways, trails, and passageway easements, and sidelines of proposed driveways, including connections with existing or proposed ways on adjoining land. Numbered station locations shall be marked along the center lines of all streets at fifty (50) foot intervals and at all changes in direction. If future extension of dead-end streets for future pedestrian or vehicular access to existing or previously approved streets or to adjoining land is approved by the Planning Board in accordance with Section
4.3.3d, the potential extensions shall be shown. Lines shall be indicated by bearings referred to the north point. Relative error of closure shall conform to the requirements of the most recent Land Court Manual of Instructions as amended;

b. Accurate dimensions, bearings, length and radius of arc, tangent (or chord) distances, central angles of curves and such other data as may be required to determine readily the precise location of every street and way line and width, lot boundary, easement line, common or public area boundary, and to establish these lines on the ground;

c. Permanent boundary markers properly identified as to whether existing or proposed, the number and locations of which shall comply with Section 5.11;

d. Location, names and present widths of both the rights-of-way and the paved or traveled way for streets bounding, approaching or within reasonable proximity to the subdivision;

e. Proposed street names on the original Definitive Plan and profiles;

f. A closed traverse of the whole subdivision and of every street and lot within the subdivision;

g. Proposed public ways shall be shown as separate parcels, labeled as such, and title to the parcel shall be retained by the applicant or his successor until such time as the public way is accepted by the Town at Town Meeting;

h. Boundary lines of all building lots (Open Space or Conventional). Lot dimensions shall comply with Sections 4.2 and/or 4.5 of the Zoning Bylaw as applicable. In Open Space Subdivisions, total area of all lots shall occupy no more than the maximum percentage area specified in Section 4.5 of the Zoning Bylaw.

i. Minimum building setback lines on all lots as determined by Sections 4.2 and/or 4.5 of the Zoning By-Laws;

3.3.3.5 Grading and Stormwater Management

a. Stormwater management systems shall comply with Low Impact Development and Low Impact Drainage System principles and standards to the maximum extent feasible.

b. Location, purpose, dimensions, and center line courses of all drainage and utility easements, existing or proposed, and location, purpose and dimensions of all passageways, bridlepaths, trails and other easements, existing or proposed;

c. Location and outline of all existing buildings and site features including, but not limited to, large trees (diameter 12 inches, 4.5 feet above ground level) within the proposed right of way and within 10 feet of either side of the proposed right-of-way and/or building envelope, existing walls, fences, wooded areas, rock ridges, and outcroppings; all wetland resource areas subject to local, state or federal jurisdiction (bogs, swamps, marshes, water courses, certified or potential vernal pools, ponds and floodplain areas) within or adjacent to the subdivision;

d. Location and description of all proposed and existing drainage facilities, including the size, type and location of storm sewers, manholes, catch basins, infiltration galleys, pipes, culverts, headwalls and drainage ditches, swales, detention/retention ponds, rain gardens, and other incidental and special facilities;

e. Existing and proposed topography at two (2) foot contour intervals prepared from a topographical field survey, showing the elevation of the tops of rises, hills, hummocks, and ledge outcroppings, the bottoms of all low points, bowls and swales, and boundaries of wetlands, wetland buffer areas, and riverfront area as determined under Ch. 131, Sect. 40 (Mass Wetland Protection Act) and regulations thereunder, and under the Town of
Sherborn’s Wetlands Bylaw (Ch. 17 of the Sherborn General Bylaws). Elevations and two (2) permanent bench marks shall be based on, in the same datum as, and referenced to U.S. Coast and Geodetic Survey Monuments. Existing and proposed contours on the Definitive Plan are to tie in with existing and proposed contours on individual lot plans;

f. Location of sidewalks and delineation of natural terrain features, including trees six (6) inches or more in diameter, to be preserved in areas between the proposed roadway and the right of way lines; and within 10 feet of the right of way lines;

g. Documentation of compliance with the Sherborn Stormwater Management Bylaw, Chapter 25 of the General Bylaws.

3.3.3.6 Roadway Plans and Profiles

Profiles shall be drawn in ink or laser printer on 4 mil double sided mylar or 3 mil single sided mylar at a vertical scale of 1 = 4' and a horizontal scale of 1 = 40' and corresponding sections of the street survey plan shall also be shown at the same horizontal scale on each profile sheet. Profiles shall show the following:

a. The centerline of all proposed streets, ways, drains, sewers, headwalls, and waterways, together with cross sections of all headwalls, under drains, drainage ditches, open channel brooks and other water courses. See Appendix, Schedule B, Typical Sections.

b. The existing ground surface profiles along the centerline and each sideline of proposed streets.

c. Elevations and two permanent bench marks based on, in the same datum, and referenced to U.S. Coast and Geodetic Survey monuments;

d. Proposed drainage system showing the types and sizes of all pipes, catch basins, manholes, culverts and headwalls, the invert and rim elevations of all catch basins and manholes, the approximate surface elevation at 100-foot intervals, of all waterways within the subdivision and at each point where a drainage pipe ends and the approximate depth of water at these points;

e. Rates of gradient of all streets, ways, drainage pipes, culverts and waterways shown in percentage figures at each change in grade;

f. Calculations of volumes of cuts and fills necessary to construct road, including drainage system;

g. Legend:

   g1. Existing surface at center line in fine black solid line;

   g2. Existing surface at right side line in fine black long dash line;

   g3. Existing surface at left side line in fine black short dash line;

   g4. Proposed surface at centerline in heavy line with grade elevations shown at every 50-footstation along vertical tangents and at every 25 foot station along vertical curves.

   g5. Proposed grades in percent along vertical tangents and vertical curve data.

3.3.3.7 Landscape Plan

The Landscape Plan shall include, but not be limited to the following items:

a. Street trees;

b. Center islands of cul-de-sacs;
c. Vegetative screening and selective cutting zones around the perimeter and within the subdivision lots as applicable;
d. Rain gardens, swales and detention/retention basin plantings of screenings;
e. Trails, trail heads, or other pathways of any on-site open space or connections to abutting open space.
f. Documentation of proposed species and sizes at planting and numbers of each;
g. Planting details.

3.3.3.8 Erosion and Sedimentation Control Plan
a. The erosion and sedimentation control plan shall include, but not be limited to:
   a1. a temporary drainage plan capable of handling a ten-year storm event to be used during construction,
   a2. a crushed stone construction entrance to minimize off site tracking of materials, including erosion control barriers across construction entrances when work is not active (e.g. weekends, holidays or other periods)
   a3. barriers to prevent off site washing of soil, and measures to protect components of the permanent drainage system from sedimentation, including during times when construction is not active, such as weekends and holidays,
   a4. a dust control plan,
   a5. a soil stabilization plan that ensures that disturbed areas where no work is being performed are not left unstabilized for more than 14 days,
   a6. identification of areas to be used for stockpiling materials during construction, and
   a7. any other measures that may be necessary based on specific site conditions,

b. A copy of a National Pollution Discharge Elimination System (NPDES) permit application has been filed with DEP or documentation that no NPDES permit is necessary.

3.3.3.9 Lighting Plan
The Lighting Plan shall include:
a. The location of any street lights;
b. A photometric plan documenting that there is no light spillage beyond the boundaries of the subdivision and that the lighting complies with Section 5.12.
c. Street lights shall comply with Town of Sherborn streetlight standards. Only LED lamps shall be installed and they shall be shielded to prevent light pollution as well as light spillage.

3.3.3.10 Construction Sequencing Plan
a. A limit of work area illustrating all areas to be disturbed during construction of the subdivisions, including roadway, drainage facilities, wells and septic systems and houses and yards,
b. Areas to be cleared for the start of construction,
c. Areas to be used for stockpiling materials and storing equipment and materials, including any changes as construction progresses.
d. Timing of road construction in relation to the temporary and permanent stormwater management facilities.
e. Construction of amenities including landscaping, tree planting, and paths, trails or sidewalks.

3.3.3.11 Construction Details
Construction details shall be provided for, but not be limited to, the following:
   a. Cross-sections of streets, sidewalks, trails or other pathways;
   b. All elements of the stormwater management system
   c. Any fences, walls, streetlights, other amenities

3.3.4 Signature Blocks
All plans shall include the following:
a. Printed legend for endorsement of the Board's approval in the following form:

   This plan is approved on condition that no lot in the subdivision shown hereon shall be sold until the streets, ways, municipal services and utilities are constructed in accordance with the terms and conditions of an agreement dated ____________, 20__, between the Town of Sherborn acting through its Planning Board and _________________ (1) ________________ a copy of which agreement is recorded herewith and subject to conditions imposed by the Board of Health and to the recording of this plan and said agreement with the Middlesex South District Registry of Deeds (or Land court) on or before ________________, 20__.  

   Being a majority of the Sherborn Planning Board  
   Date ____________, 20__

b. Printed legend for the Town Clerk's endorsement in the following form:

   I, Town Clerk of the Town of Sherborn, hereby certify that notice of approval of this plan has been received and recorded at this office and no notice of appeal was received during the twenty (20) days next after the receipt and recording of such notice.

   ____________________________  
   ____________________________  

   Date Town Clerk

3.3.5. Drainage Calculations and Run-off Plan
Drainage calculations and run-off plan shall be certified by a registered professional engineer to substantiate the proposed pipe sizes and adequacy of design of the subdivision drainage system prepared in compliance with Section 4.4.

3.3.6. Groundwater Impact Assessment
The Board requires that the following be submitted with the Definitive Plan. Such information is necessary to evaluate the plan because of the critical dependence of Sherborn residents on clean groundwater resources, and because each location presents unique hydrogeological circumstances.

a. Location of aquifers, recharge areas, or watersheds within and adjacent to the parcel for current or potential drinking water supplies, based on existing, publically-accessible data.

b. Maximum (i.e., historic high) groundwater table elevation and estimated direction of groundwater flow.

c. Projection of increases in nutrient and contaminant loading resulting from subdivision septic systems (collectively): at well sites within the subdivision, at abutting property lines, at wetlands and their buffer zone boundaries within or adjacent to the subdivision, and at other sensitive receptors. Projections shall be made in accordance with effluent evaluations specified by Environmental Health Impact Report and other requirements of Board of Health Regulations III.

d. Analysis of open and closed drainage system alternatives, with projected effects upon the recharge of aquifers and the quality of groundwater and surface water.

3.3.7. Accompanying Documents

a. Draft deed to convey the proposed open space parcel(s) to the appropriate entity to hold the fee interest as well as a draft conservation restriction in cases where the fee interest is not proposed to be conveyed to the Town.

b. A report in writing certified by a registered professional engineer describing the subsurface conditions within the subdivision, including locations and results of all tests made to ascertain subsurface conditions within the subdivision, and on each proposed lot in the subdivision, provide locations and results of tests made to ascertain subsurface soil, rock and groundwater conditions, depth to groundwater and locations and results of all soil percolation tests conducted in accordance with the requirements of the Board of Health;

c. A statement in writing, signed by the Applicant and by the engineer and surveyor preparing the Definitive Plan, describing in detail any recent or contemplated filling, excavation, relocation or removal of earth, (including, but not limited to soil, loam, sand, clay or gravel) within the subdivision. With respect to each such filling or removal operation within the subdivision, including all filling, cutting and grading required in the construction of the subdivision streets and ways, the statement shall indicate, by reference to the definitive survey and profile plans, the approximate perimeter of the area affected thereby, the approximate amount of earth to be placed, relocated or removed and the changes in elevation resulting therefrom. Specific explanation is required on any fill to be added, if removal is also proposed, and such fill shall be clean fill and subject to review by the Planning Board or its agent.

d. Three (3) certified copies of all instruments and plans of record, if any, describing or delineating existing easements, covenants, agreements, and restrictions affecting any land within the subdivision;

e. Three (3) copies of agreement, if any, providing for the acquisition by the record owner of the subdivision of such rights and easements in land contiguous to the
subdivision as may be necessary for the lawful discharge of water from the subdivision drainage system onto such contiguous land or for the extension to the subdivision of utilities or municipal services over, across or under such land;
f. Engineer's and surveyor's field notebooks, if requested by the Board.
g. A statement signed by the Applicant and by the engineer and surveyor preparing the Definitive Plan that either the proposed work is outside any Estimated Habitat or Priority Habitat area as defined by the most recent version of a map of such areas prepared by the Natural Heritage and Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife or any successor organization, or that permission for such work has been applied for or granted by NHESP.

3.3.8. Review by Other Boards and Commissions
a. The Planning Board shall promptly after the date a submission of a Definitive Plan is considered to be complete notify the following department and boards of such submission and request their review and recommendations.
   - Conservation Commission
   - Board of Health
   - Fire Department
   - Police Department
   - Building Inspector
   - Department of Public Works
   And such other department, boards, committees or commissions as it may consider appropriate, given the substance of the application.
b. Except for the Board of Health who shall report to the Planning Board within forty-five (45) days after receipt of the plan, all other departments and boards who are notified shall be given thirty-five (35) days after receipt of such notice to make a report to the Planning Board, in writing, of their recommendations. The Planning Board shall not render a decision on the plan until forty-five (45) days from the date of such notice has expired or earlier if all reports are received.
c. Any report submitted to the Planning Board by a reviewing department or board shall be considered by the Planning Board in making its decision on a Definitive Plan. The Board may also request any department or board to review the plan with the Planning Board and/or to provide information regarding the Definitive Plan at the public hearing.
d. A copy of any report submitted to the Planning Board, by another department, or board as part of the review of a Definitive Plan will be furnished to the Applicant upon request.

3.3.9. On-Site Inspection
a. After the application is considered complete, the Planning Board may request an on-site inspection.
b. Within 14 days of a request to do so by the Planning Board, the Applicant shall proceed to staking and preparation for the on-site inspection by the Board. Staking shall consist of placing stakes in the ground delineating the location of proposed ways, driveway centerlines and such other features as the Board may request.
c. The centerline of the proposed streets shall be marked with stakes at no more than 100 foot intervals with sufficient markings on said stakes to relate to the station locations as shown on the plan. After the staking, the Board will conduct a site inspection at a time to be arranged with the Board.

3.3.10. Public Hearing
a. Before approval, modification and approval, or disapproval, of a Definitive Plan is given, a public hearing shall be held by the Planning Board, notice of the time and place and of the subject matter, sufficient for identification and including the location of the proposed subdivision and the name of the Applicant, shall be given by the Planning Board at the expense of the Applicant by advertisement in a newspaper of general circulation in the Town of Sherborn, once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing, and by mailing a copy of such advertisement to the Applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent assessors list. (M.G.L. Chapter 41, Section 81T)
b. Prior to the endorsement of the Definitive Plan, the Applicant shall file evidence that he has paid the cost of providing required notice, and of conducting the hearing, if any. No plan shall be endorsed until such expenses have been paid.
c. The Applicant shall be given the opportunity to present his proposal at the public hearing.
d. The public shall be provided with an opportunity to be heard with respect to the proposed development, and any comments or documents submitted by the Applicant, Town Boards, Commissions or Departments, members of the public, or other relevant information shall be made a part of the public record.

3.3.11. Planning Board Action
a. The Board will either approve, approve with conditions, or disapprove the Definitive Plan within the time set for Board action by M.G.L. Ch. 41, Section 81U.
b. The action of the Board, including any conditions of approval or specific reasons for disapproval, shall be stated in a Certificate of Action and filed with the Town Clerk and a copies sent by the Board to the Applicant by certified or registered mail.
c. Unless an appeal is taken to the Superior or Land Court from the action of the Board and a written notice of such appeal is received by the Town Clerk within 20 days of the receipt by the Town Clerk of the certificate of action, the Planning Board shall endorse the approved Definitive Plan and refer thereon to any conditions of approval or to any instrument describing such conditions.
d. The approval by the Board of a Definitive Plan does not constitute a laying out or acceptance by the Town of the streets within the subdivision as public ways.
e. The Applicant shall be responsible for the expense of furnishing the Board, prior to recording, three sets of full size black or blue line prints and one set of 3 mil diazo mylars of all drawings comprising the Definitive Plan. Prior to the start of construction of a subdivision, the Planning Board shall cause to be recorded at the Applicant's expense, the Definitive Plan and all legal documents which relate thereto.
f. Unless otherwise waived, any such certificate shall be deemed to include without limitation the following:

f1. The construction of all streets and ways and the installation of all municipal services shall be completed in accordance with these Rules and Regulations, within a period of **two years** from the date that the approved plan and this Subdivision Covenant are recorded/filed at the appropriate registry. During street construction, the Applicant shall conduct compaction testing as requested by the agent appointed by the Planning Board to oversee the subdivision or, if no agent, Sherborn DPW.

f2. Any sale, transfer or other transfer of ownership of rights or interests in all, or any part of, the subdivision property described in the approved Subdivision Plan shall include a condition that successors are bound to these General Conditions. In the event of the sale of the entire subdivision: 1) the Planning Board shall be provided with the name, the address and telephone number of the new owner and of the representative, if other than the owner, responsible for the project and 2) for projects in which construction is secured by covenant, a new covenant shall be executed by the new owner and recorded/filed at the applicable registry.

f3. No construction work may be started until the Definitive Plan, the Certificate of Action, the Covenant (if applicable), and any required easements have been recorded/filed at the applicable registry.

3.3.12 Pre-Construction Requirements

After recording the documents listed above and before construction may begin, the following shall be completed:

a. Mark the proposed limit of work in the field, stake the location of the street, mark the trees to be preserved in the street rights-of-way, and schedule an appointment with the agent appointed by the Planning Board to oversee the subdivision or, if no agent, DPW for inspection by an authorized representative. The limit of work is defined as a point 5 feet beyond the extent of the cut slope, fill slope or other areas of grading necessary to construct the proposed subdivision street.

b. Make arrangements with the agent appointed by the Planning Board to oversee the subdivision or, if no agent, DPW for periodic inspections of work during the construction period.

c. The limit of work line shall remain marked until all construction is completed. The area outside the limit of work line shall be protected from damage or loss caused by construction activities by erecting barriers and avoiding stockpiles of earth materials on the root systems of trees during construction. The following is also required in relation to the limit of work line:

   c1. All workers shall be informed that no construction activity is to occur beyond this line.

   c2. The relocation of the line is not permitted without the prior written approval of the Planning Board or its representative.

   c3. The area outside the limit of work line shall be protected from damage during construction. The area outside the limit of work line shall not be used for the
storage of building or earth materials, equipment, vehicles or construction debris or as a construction staging area.

3.3.13 Construction Requirements

a. The developer shall maintain a copy of the approved Definitive Plan and of any approved change orders and a copy of the Certificate of Action (and the Covenant, if applicable) at his/her normal place of business and on the site during construction. The developer shall provide a copy of the approved plans and the Certificate to any broker, agent, development entity, builder or attorney authorized to act in the subdivision, sale or rental of property within the subdivision and they shall maintain a copy of the plans and this Certificate and the Covenant at their normal place of business and furnish them to any person interested in purchasing a lot.

b. No construction activity in the subdivision shall take place (i) prior to 7:00 a.m., (ii) after 5:00 p.m. (or sunset, whichever is later), or (iii) at any time on Sunday or on any legal holiday, without permission from the Planning Board.

c. As soon as possible during construction, all disturbed upland areas shall be brought to final finished grade and all slopes created as a result of cut or fill shall be stabilized to prevent erosion by either: (a) loaming and seeding in accordance with USDA Soil Conservation Service Guidelines for permanent stabilization, or (b) another way approved by the Conservation Commission and/or the Planning Board.

d. All debris, including stumps, and construction refuse shall be disposed of offsite, promptly and properly, and the construction site shall be maintained in clean condition.

e. Final contours, for the construction of the street, are to remain as shown on the Definitive Plan. Any desired change must be requested in writing and can be made only with the prior approval of the Board or, where authorized by the Board, the DPW. Such approvals shall not require a public hearing nor an amendment to the approved Definitive Plan.

f. Permanent bounds, as specified by the Town's standard details, shall be set at all angle points and at the beginning and end of each curve on the sidelines of the right-of-way. Permanent bounds shall be installed to delineate any easements offered to the Town in the same manner. Iron pins or equivalent permanent markers or monuments shall be set at each corner of each lot and at each change of bearing on any lot line.

g. Temporary markers at the location of all permanent bounds, markers or, monuments, as noted on the approved Definitive Plan, shall be set prior to the construction of the street and the issuance of any building permit, including a foundation permit; but permanent bounds or monuments, shall not be installed, within the limit of work line, until all construction which might damage or destroy them is completed. The markers for each Lot must be permanently installed before a Certificate of Occupancy for any dwelling unit thereon will be issued.

h. Electric, telephone, and other types of transmission wires, such as cable television, and the provision for foundations for street lights with wiring in place, shall be installed underground to one side of the pavement, as shown in the typical section but not under the pavement. Utility crossings of subdivision streets required for utility system continuity shall be laid out in a manner that minimizes the crossings.
i. Prior to the installation of the binder course for the street, all underground connections that will be placed in the right-of-way, shall be made to the limits of the right-of-way. No trenching will be allowed within the right-of-way subsequent to the installation of the binder course. No building permit, except for a foundation permit, may be issued until this work is complete.

j. No building permit, including a foundation permit, shall be issued until lots are released from the subdivision covenant as specified in Section 3.3.16 or a performance bond is in place as described in Section 3.3.15.a, and the location of the bounds on the subdivision street and on any easements are temporarily marked if the construction is not at the point where the permanent bounds may be installed. The Board reserves the right to release the lots on an individual basis in relation to the amount of work that has been completed, and provided further that, if required by the Planning Board, adequate alternative surety has been made available.

k. After the installation of the binder course, no utility structure shall be left protruding in the right-of-way if the finish course cannot be placed before winter. If utility structures are up above the binder course as winter approaches, the utility structures shall be lowered to the binder course level without the use of temporary asphalt pavement.

l. The Applicant shall prepare and update an accurate and complete set of the construction plans showing each element as built, and a signed set of the as built plans shall be delivered to the Board prior to release of final security. At the request of the Board, such as built plans shall be confirmed for accuracy by an outside engineer at the Applicant's expense. Minor changes from the approved plan may be made in the field provided there is a written change order which must have the prior written approval of the appropriate Town supervising entities, as designated by the Planning Board for such purpose. A copy of all such change orders shall be furnished to the Planning Board and shall be maintained by the Applicant. These approved changes shall be included in the as-built plans.

m. The Applicant shall be responsible for maintaining, in a healthy condition, all new trees and shrubs planted within the right-of-way of the subdivision streets for a minimum period of one year after planting, and until the street is accepted at Town Meeting. If the location and/or species of the plants is changed from the approved landscape plan, by direction of the Tree Warden, the Planning Board or their representative, the new information shall be submitted in the form of a plan to the Planning Board upon completion of the planting. After one season, trees that are dead, damaged or not likely to survive in a healthy state, shall be replaced in kind and maintained for at least one additional year.

n. If, at any time, the construction of the subdivision is not in compliance with the approved plans, or any approved change order, the Certificate, and/or the Covenant, the Board may order that work on the construction of the subdivision be stopped, and request that the Building Inspector defer the issuance of any additional building permits or certificates of occupancy until the non-complying construction is corrected and brought into compliance. If the Board issues a stop work order, the Board, or its designees, may also: 1) require that additional surety be provided to allow for the correction of the noncomplying construction. 2) suspend or rescind the release of any, or all, lots
which have not already been conveyed to a homeowner by filing a notice of such suspension or rescission in the Registry of Deeds.

3.3.14. Street Names
Street names shall be submitted to the Historical Commission for comment and be approved by the Planning Board to prevent duplication or close similarity to names of existing streets and to provide names in keeping with the character of the Town. Names reflecting geographic, natural or historical features are preferred to names of persons.

3.3.15. Performance Guarantee
No Definitive Plan will be endorsed until the Applicant has furnished surety as, required by law, to insure that all required improvements within or appurtenant to the subdivision will be made in compliance with these Rules and Regulations and in conformity to the approved Definitive Plan, as modified or amended by the Planning Board and/or the Board of Health. All such required improvements shall be secured by one, or in part by one and part by the other, of the two methods described in Sections 3.2.13 (a) and 3.2.13 (b), respectively, which the Applicant may vary from time to time at his election. (M.G.L., Chapter 41, Section 81U)

a. Method One - Performance Bond
A performance bond of the Applicant running to the Town of Sherborn secured by surety (Form H) or by money or negotiable securities deposited with the Town Treasurer (Form I or Form J) in such amount as the Board shall determine to be sufficient to cover the cost of completing the required improvements, or such portion thereof not secured by covenant under Section 3.2.13.b. Such Bond shall be conditioned upon full and satisfactory completion of all such improvements within such time as the Board shall determine, but in no event more than two years from the date of the Board's endorsement of its approval of the Definitive Plan.

b. Method Two - Covenant
A covenant running with the land duly executed by each record owner of the land within the subdivision. Such covenant shall be either inscribed on the Definitive Plan or be contained in a separate recordable document (Form F) referred to on the plan and shall provide in part that no lot shall be built upon or sold until all improvements required under these Rules and Regulations shall have been completed and approved by the Board as provided herein.

b1. If the Applicant elects to secure performance by covenant, either in whole or in part, approval of the Definitive Plan by the Board will be made conditional upon (i) the recording of the Definitive Plan with the covenant (either endorsed on the plan or contained in the separate document) not later than 60 days after the Board's endorsement of its approval of the plan and (ii) completion of all required improvements within such time as the Board shall determine but in no event more than 24 months from the date of such endorsement.

b2. The covenant, whether inscribed on the plan or contained in a separate document, shall contain a proviso that the construction of all streets and ways and the
installation of all municipal services shall be completed in accordance with the applicable Rules and Regulations of the Board within ____?____ months* from the date of the Board's endorsement of its approval of the Definitive Plan, and that failure to so complete shall automatically rescind approval of the plan.

*The number of months as determined by the Board at the time of approval (not exceeding 24 months) shall be inserted in the covenant proviso.

3.3.16. Normally, a covenant will be recorded with the Definitive Plan. Lots will be released from the covenant following execution of a preformance guarantee. This will take place following installation of the underground utilities, drainage system and binder course of the roadway.

3.4 UTILITY PLANS

Plans prepared by a Registered Engineer in compliance with Section 4.9. showing the proposed location and placement of each underground utility system, including pipes, conduits, cables, transformers, substations and other facilities appurtenant thereto shall be filed with and approved by the Board prior to the installation of such utility.
SECTION 4 DESIGN STANDARDS

4.1. GENERAL

4.1.1. Basic Requirements
The Applicant shall observe all design standards for land subdivision as hereinafter provided. These standards shall be considered minimum standards and shall not be varied from except as allowed by a waiver in accordance with Section 6.2.

4.1.2. Conformance to Master Plan
Any proposed subdivision shall conform, insofar as practicable, to the Goals and Recommendations of the 2019 Sherborn Master Plan, as amended and as in effect, and the Open Space and Recreation Plan as adopted by the Open Space Committee and approved by the State of Massachusetts.

4.1.3. Lot Size, Frontage and Setbacks
a. All lots in an Open Space Subdivision shall be of a size and dimension that is consistent with the open space design requirements of Zoning Bylaw Section 4.5. Lots on an existing road shall have the minimum frontage and setback requirements of Zoning By-Law Section 4.2. Lots on new subdivision roads may have the reduced frontage and setback requirements of Zoning Bylaw Section 4.5.

b. All lots in a Conventional Subdivision, if allowed by Special Permit, shall be of such size and dimensions to meet the minimum dimensional, frontage and house setback requirements of Zoning By-Law Section 4.2. whether on an existing road or new road created by the subdivision.

4.1.4. One Dwelling per Lot
a. In an Open Space Subdivision, only one single family residential dwelling unit may occupy each lot. Duplexes (two residential units in a single building) may be allowed by Special Permit, if their overall appearance is that of a single family house. Multiple houses on a single lot in a condominium arrangement may be allowed by Special Permit, if they fulfill the environmental goals of Open Space Design, in particular the protection of groundwater resources, as well or better than single houses on multiple lots.

b. In a Conventional Subdivision allowed by Special Permit, only one single family residential dwelling may occupy each lot, except as otherwise allowed under the Zoning Bylaws.

4.1.5. Protection of Natural Features
All natural features, such as large trees, wooded areas, water courses, wetlands and their associated buffer zones, naturally deposited soil thickness, rock outcroppings, scenic points, historic spots, and similar community assets, which will contribute to environmental resilience, minimize climate impacts, and add attractiveness and value to the subdivision, shall be preserved or enhanced.
4.1.6. Groundwater Protection

a. Design features and construction practices shall avoid groundwater impacts and shall maximize environmental sustainability by adhering to these directives:
   - avoid any encroachment within any wetland, wetland buffer area, or floodplain;
   - avoid any alteration of waterways or existing natural drainage.
   - avoid fragmentation of wildlife habitat or wildlife corridors.
   - minimize disruption of existing bedrock or ledge
   - minimize dimensions of paved areas;
   - minimize the volume of cut and fill;
   - minimize the area over which vegetation will be disturbed;
   - landscape in a manner not requiring irrigation or the use of pesticides.

b. The proposed subdivision design, in particular the placement of housing and infrastructure in relation to wetland resources, will be evaluated based on the groundwater impact assessment analyses (see Section 3.3.6.). This assessment will include a hydrogeological evaluation undertaken in accordance with BOH regulations for an Environmental Health Impact Report or an equivalent, pre-approved evaluation approach, as well as technical evidence that the proposed designs will avoid adverse cumulative impacts to groundwater and wetland resources.

c. Pollution of groundwater during and after construction shall be prevented by control devices, including provisions for contaminant removal employing detention basins, subsurface drains or perforated risers, oil and grit separator catch basins, and other appropriate devices.

d. Measures shall be taken to restrict projected nutrient and contaminant levels (resulting from septic effluent subdivision-wide) in groundwater reaching sensitive receptors to a maximum of five milligrams per liter (mg/l) nitrate-nitrogen (prior to the application of any nitrogen-reducing technologies).

e. For septic systems with a design capacity of 2,000 gallons per day or greater and for subdivisions with aggregate septic design capacity of 5,000 gallons per day or greater, the Planning Board will support determinations of the Board of Health and/or Conservation Commission to require monitoring wells at selected sensitive receptors (e.g. drinking water wells, potential sources of drinking water, wetland resources, property lines) with periodic testing (at least once every three years) to detect nutrient and contaminant loadings from subdivision septic systems.

f. Measures shall be taken to control erosion and sedimentation, as specified in an Erosion and Sedimentation Control Plan to be submitted with the Definitive Plan, through the use of construction site best management practices (BMPs). The Erosion and Sedimentation Control Plan shall emphasize phased construction, temporary and permanent ground cover, and sedimentation control devices.

g. The retention and protection of buffer zone areas around open streams or surface water in accordance with state and local wetland protection regulations.

4.2 GRADING

4.2.1. Minimum Disturbance
All excavation, filling, sloping and grading outside the right-of-way of each subdivision street shall be designed and completed to minimize disturbance to the existing natural conditions encountered.

4.2.2. Stabilization
All new slopes and areas disturbed by grading operations shall be topsoiled, seeded or sodded and planted to stabilize the finished ground forms and surfaces. Seeding and planting shall take place as soon as possible following the completion of grading. A temporary cover crop of winter rye shall be planted within 30 days on all soils disturbed during months not suitable for seeding, sodding or planting or surfaces shall be stabilized by mulch or an erosion control fabric.

4.2.3. Landscape Plan
A Landscape Plan, prepared by a Registered Landscape Architect, shall be required:
- where site clearing may affect watersheds,
- where disturbance affects more than one-half acre or is visible from an existing public way, - where significant changes in grades or topography are involved.

4.2.4. Slope Easements
The Board may require that defined slope easements be shown on the Definitive Plan and that such easements be reserved by the Applicant for future conveyance to the Town for maintenance purposes.

4.3 STREETS & DRIVEWAYS

4.3.1. Location
a. All streets and driveways in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular and pedestrian travel and an attractive street layout to obtain the maximum safety and amenity for future residents of the subdivision and the Town. Ways should run along rather than across a slope to the extent possible.
b. The proposed streets shall conform in location, so far as practicable, to any existing plans of the Planning Board and where required by the Planning Board, to the existing street system and include only a minimum number of intersections with streets classified as major arterials.
c. If deemed appropriate for the site and consistent with the goals of Sherborn Master Plan, the Planning Board may require that provision be made for the future projection of pedestrian walkways or trails, bicycle paths or streets to, or for access to, adjoining property, whether or not subdivided.
d. No subdivision shall be approved unless the streets therein connect to, and are accessible from, a public way in which the Applicant has the necessary access rights.
e. Reserve strips, prohibiting access to streets or adjoining property, shall not be permitted, except where the Board finds them to be in the public interest.
f. Driveway cuts into streets shall be prohibited until the Planning Board finds that the location, width, length, line of sight, proximity to other driveways and streets, grade and elevation will provide adequate provisions for the public safety.

g. Existing streets that will be used to access the proposed subdivision shall be of a pavement width and condition adequate for the projected traffic. The Board may require the Applicant to fund or conduct off-site improvements if the existing streets are not adequate.

4.3.2. Alignment

a. Subdivision streets shall be continuous and of uniform width.

b. Subdivision streets intersecting existing streets or other existing or proposed subdivision streets shall do so:
   i) as nearly as possible at right angles, and no less than 60 degrees or more than 120 degrees;
   ii) either directly opposite or with at least 150 feet centerline offset from existing or proposed street intersections.

c. The minimum centerline radii of curved streets shall be one hundred fifty (150) feet with greater radii on arterial streets.

d. A tangent at least on hundred fifty (150) feet in length shall separate all reverse curves except where the centerline radius of one curve is five hundred (500) feet or more.

e. Street right of way lines at intersections shall be rounded or cut back to provide for a right of way radius of not less than thirty (30) feet.

4.3.3. Width (See Appendix, Schedule A, Typical Street Cross-Sections for each of the above categories.)

a. The minimum width of street rights of way shall be forty five feet.

b. Where a subdivision street intersects an existing street, the minimum subdivision street right of way (ROW) line shall follow a 30 foot radius drawn between the subdivision street ROW line and the existing street ROW line. The curved, widened subdivision street ROW lines at such intersections shall be entirely within the subdivision property line.

c. The minimum centerline grade for any street shall not be less than one-half percent (0.5%).

b. The maximum centerline grade for streets shall not be more than eight percent (8%).

c. Where changes in grade exceed one percent (1%), vertical curves, as required by the Board shall be provided. The length of vertical curve shall be designed to provide a minimum sight distance of two hundred (200) feet to an object 4.5 feet above the roadway surface from an eye height of three feet, six inches (3.5 feet). The sight distance shall be shown on the proposed street profiles.

d. Where a grade is five percent (5%) or greater within one hundred fifty (150) feet of the intersection of street right-of-way lines, a relatively level area at least seventy-five (75) feet long, with a maximum grade of three percent (3%) shall be provided.
4.3.5. Street Trees, Planted Shrubs, and Low Impact Design for road runoff.
   a. Shade trees twelve (12) inches in diameter or larger, as measured 4.5 ft. up from ground level, shall not be removed from within street rights-of-way, unless approved by the Planning Board.
   b. Where the distance between 12 in.+ diameter trees is such that the roadway is not shaded, the Planning Board may select existing healthy trees of lesser diameter to be retained and protected during construction.
   c. The Planning Board may require that new street trees not less than six (6) feet in height and with caliper of at least two and one half (2-1/2) inches, as measured 4.5 ft. up from ground level, shall be planted at varying distances along both sides of every street and spaced on average not more than forty (40) feet on center.
   d. Roadside rights of way shall be graded and planted to maximize retention of road runoff and groundwater recharge.
   e. Curbs shall not be continuous but shall be designed to allow road runoff to drain to roadside plantings and/or swales.
   f. Street trees, shrubs and plant materials shall be selected from an approved list of native plant species supplied by the Tree Warden.
   g. A design prepared by a registered landscape architect with intent to maintain rural character of Town will be required if not included in the Plan prepared under Section 4.2.3.
   h. A continuous healthy growth for all planted trees, shrubs, plants and seeded areas shall be maintained for two growing seasons from the date of completion of all work on the street or until the street is accepted by the Town of Sherborn, whichever is later.

4.3.6. Curb Cuts
   a. Driveways shall be at least ten (10) feet wide, but no more than twenty (20) feet wide, and have a curb return at the street of three (3) feet in radius.
   b. Where no curbs exist, the driveway flare should have a three (3) foot radius.
   c. Unless otherwise allowed by the Planning Board, driveway cuts shall be permitted only at the street where the frontage requirement has been met.
   d. Shared, or common, driveways serving two dwellings shall be allowed by right.
      Common driveways serving three or more dwelling units are permitted with a special permit from the Planning Board.
   e. Driveway cuts shall not be permitted within one hundred (100) feet of the sideline of intersecting streets or railroad crossings.
   f. No more than one driveway cut shall be permitted per lot unless allowed by special permit.

4.3.7. Dead-end Streets
   a. Any proposed street which connects only with a dead-end street shall be deemed to be an extension of the dead-end street.
   b. Dead-end streets and their extensions, if allowed, shall not exceed six hundred (600) feet in length, measured from the centerline of the nearest through street with which it intersects, to the centerline of the circle or ellipse.
c. Dead-end streets shall be provided with a turn-around (see section 4.3.7.f below) at the closed end.

d. If the Planning Board determines that future extension of a dead-end street to an adjacent property is in the best longterm interest of the Town, the Definitive Plan shall show the right-of-way lines of the dead-end street projected through the turn-around to the subdivision property line. In this case street easements in the segments of a turnaround lying outside of such projected lines (including sufficient land beyond the pavement for snow storage or other street maintenance needs) shall be temporary and shall terminate pursuant to MGL Ch. 41, Sec. 81M, when the street is extended beyond the turnaround. The land between such right-of-way lines between the edge of the paved turn-around and the subdivision property line shall be designated as a separate parcel and shall be conveyed to the Town of Sherborn along with the constructed portion of the street right-of-way at the time of street acceptance. The purpose of the parcel shall be designated on the plan as future street right-of-way.

e. An Applicant who extends a dead-end street at a later date shall remove the pavement, relocate any sidewalks, extend any driveway entrance and properly grade, loam and seed the areas included within the temporary easements. All such work shall be deemed to be a part of the required improvements of the connecting development.

f. If, by reason of topography, other physical characteristics of land within or adjoining the subdivision, or by reason of the present use, conservation or development of the adjoining land, the Board is of the opinion that a particular dead-end street will not be extended beyond the turn-around, the Board may require that the outside right-of-way line of the turn-around be laid out with a radius of sixty (60) feet. A paved circle with a radius of forty-five (45) feet and a circular landscaped island having a radius of twenty two (22) feet less than the designed radius of the turn-around[specify 23 feet or maybe a smaller radius of perhaps 15 feet with input from Fire Dept.] shall be provided at the center of the turn-around. The circumference of such island shall coincide with the inside edge of the circular paved street.

g. The centerline profile grade of a turnaround from its beginning to its terminus shall not exceed 3% unless otherwise approved by the Board.

### 4.4. DRAINAGE DESIGN

4.4.1. General

The Definitive Plan shall provide adequate drainage facilities within the subdivision for collecting, conveying and disposing of storm water in a manner which will insure proper protection of the streets and the areas adjacent thereto. Drainage design shall provide for groundwater recharge to the maximum extent practicable. All drainage facilities shall be designed in compliance with these Rules and Regulations.

a. Low Impact Development (LID) site design including best management practices, and other more natural drainage design techniques such as are outlined in the Metropolitan Area Planning Council's "Low Impact Development Toolkit", are required. Those techniques may include but are not limited to bioretention areas, cisterns and rain barrels, grass filter strips, green roofs, permeable pavement, rain gardens, vegetated swales, and infiltration trenches and dry wells. In cases where soil conditions or other
factors do not allow such techniques to be used, those techniques shall be used to the maximum extent practicable in combination with conventional structural drainage systems.

b. All drainage systems must comply with the Massachusetts Department of Environmental Protection Ten Stormwater Management Standards. Waivers from these regulations will be favorably considered if needed to accommodate designs that, in the opinion of the Planning Board, provide environmental benefits while adequately managing storm water and preventing negative impacts on surrounding properties.

4.4.2. Lot drainage
a. Lots shall be laid out and graded in a manner that ensures development of one shall not result in an increase in drainage runoff onto property outside the subdivision, and with the intent that such drainage shall maximize local groundwater recharge.

b. Within the subdivision, if it is necessary to carry drainage from one lot to or across another lot, the Definitive Plan shall show a drainage easement of adequate width. A copy of the instrument creating such easement shall be made a part of the Definitive Plan submission as provided in Section 3.2.2.a.8.

c. To the extent possible, the Subdivision Plan shall retain natural patterns of drainage and storm water recharge.

4.4.3. Drainage Calculations
To substantiate the proposed subdivision drainage mitigation system, drainage calculations prepared and certified by a Registered Professional Engineer shall be filed as a part of the Definitive Plan (Section 3.2.5) and shall include the following:

a. Drainage run-off plans, prepared at an adequate scale to show the full extent of both existing and proposed contributing watershed areas, including existing and proposed contours at two (2) foot intervals, and existing and proposed drainage systems (shown schematically) with tributary areas to each inlet.

b. Back-up calculations for the approved methodology as stated in section 4.4.4.a, which include a narrative and over-all drainage design philosophy with data supporting the following:
1. Existing site conditions and drainage computations,
2. Proposed site conditions and drainage computations,
3. Impacts to adjacent properties. If surface water drains onto adjacent existing street right-of-way or onto adjacent properties not owned by the Applicant, the Applicant shall clearly indicate what course the discharge will take, and shall present to the Board and to the owner of adjacent property, evidence that such discharge is satisfactory and permitted by public or private ownership of adjacent street or property.

Back-up calculations shall reference all sources of information, supporting data and assumptions used.

4.4.4. Drainage Criteria
a. Drainage design computations shall be based on currently accepted methods (including but not necessarily limited to the Rational, SCS TR-55, SCS TR-20 methods), as appropriate for the size, characteristics, and complexity of the existing/proposed drainage system.
b. Rainfall rates shall be the National Oceanic and Atmospheric Administration Atlas 14 or another currently accepted industry standard that anticipates increased rainfall rates due to the impacts of climate change, as approved by the Planning Board.
c. A twenty-five (25) year storm frequency shall be used for street drainage components and cross-culverts.
d. To insure that no properties shall be at risk in the event of a 100 year storm condition, the impact of a greater than 100 year storm shall be assessed at the Applicant's expense including:
   1. Potential for damage to property inside and outside of the subdivision;
   2. Potential for reduction in safety inside and outside of the subdivision;
   3. Impact downstream; and
   4. Changes to offsite runoff.
e. The proposed drainage system shall be shown to allow onsite recharge equal to or greater than the amount of recharge that existed prior to the development.
f. In no case shall a drainage line of less than 12 in diameter be used.
g. All drains shall be sloped to provide for a minimum velocity of 2-1/2 feet per second at design flow for self-cleaning purposes. The maximum culvert design velocity shall be 10 feet per second (flowing full).
h. Where it appears that any street may be extended to connect with an existing or proposed street on land adjoining the subdivision, the Board may require that provision be made for extension of the drainage system to a point at or near the subdivision property line.

4.4.5. Retention/Detention Basins
a. Waiver Required
   The incorporation of retention/detention systems into the proposed drainage improvement program of the Definitive Plan shall require a waiver by the Board, which may be granted only after the Applicant has exhausted all other studies of means of accommodating stormwater run-off by natural drainage strategies. The Board may require that an outside consultant be hired to confirm these studies at the Applicant's expense (see Administration Section of these Rules).
b. Design Criteria
   Design calculations and criteria shall meet the applicable requirements of sections 4.4.3 and 4.4.4 of these Regulations and the following:
   1. Where retention/detention facilities are deemed necessary by the Board, they shall be designed to contain the diverted site run-off generated from 2 year, 10 year, and 100 year design storms. Run-off greater than that occurring from the 100 year, 24-hour storm shall be passed over an emergency spillway.
   2. Detention shall be provided such that after development, the peak rate of flow from the site shall not exceed that by similar storms prior to development.
3. Retention/detention basins shall maintain existing drainage patterns and flows and shall be located and discharged within the natural drainage area that they serve to control.

4. The design storage volume depth of basins shall not exceed four (4) feet.

5. A crushed stone berm at least twelve (12) inches in height shall be placed across the basin perpendicular to the direction of flow. The berm shall be situated no more than 1/3 of the basin length from the inlet. The purpose of the berm is to promote sediment retention and prevent the discharge of sediments from the outlet.

6. The outlet shall be a minimum of twelve (12) inches above the bottom of the detention basin and shall be located at an extreme distance from the basin inlet. Outlets shall be designed to minimize the potential for clogging by leaves or debris.

c. Basin Landscaping

1. Basins shall be provided generally within the landform and contours of undisturbed, naturally occurring topography and terrain. Basins shall not be regular geometric shapes but shall use an irregular or undulating shoreline.

2. Basin side slopes shall be as flat as possible and shall not exceed four (4) foot horizontal to one (1) foot vertical.

3. Sideslopes shall be landscaped to provide a natural appearance, using native trees and shrubs. A twelve-foot wide path shall be maintained to provide access to basins inlets and outlets.

4. Sides and bottoms of basins shall be stabilized with a perennial native grass cover. One hundred percent cover by grasses shall be required within two years after planting. One hundred percent survival of trees and shrubs shall be demonstrated two years after planting.

4.4.6. Protection

  a. All drains and related systems shall be protected from erosion and siltation at all times. Prior to construction, all disturbed soils shall be temporarily stabilized and after construction all disturbed soils shall be immediately and permanently stabilized.

  b. Any damage to these drainage systems, prior to acceptance by the Town, shall be repaired in a manner satisfactory to the Planning Board and the DPW Director, the full cost of which shall be borne by the Applicant.

4.5 EASEMENTS

4.5.1. Layout of utility and drainage easements

  a. Easements shall be continuous from lot to lot and street to street and their layout shall create as few irregularities as possible.

  b. Center lines of easements shall follow lot lines so far as practicable and shall not be less than twenty (20) feet in width.

4.5.2. Water Course Easements

Where a subdivision is traversed by a water course or stream, an emergency maintenance access easement shall be provided to encompass twenty five (25) feet on either side of the
centerline of the water course or stream or the Mean Annual High Water Line as defined by 310 CMR Chapter 10.00, whichever is greater.

4.5.3. Slope Easements
Slope easements shall be provided where necessary to ensure lateral support and protection of streets and other construction features.

4.5.4. Pedestrian Ways and Bridle Paths
a. Easements, or fee strips for pedestrian ways or footpaths, at least twenty (20) feet in width, will normally be required to provide convenient circulation and access to parks, schools, playgrounds and conservation areas.
b. Bridle path and trail easements at least twenty (20) feet in width may be required to connect with conservation areas, open spaces and existing trails within the subdivision and on adjacent lands.
c. Existing bridle paths and trails traversing the subdivision shall be preserved with as little relocation as practicable.

4.5.5. Green belt easements and conservation restrictions in Conventional Subdivisions
a. In cases where the Planning Board determines that a Conventional subdivision design will fulfill the conservation goals of Zoning Bylaw 4.5 better than an Open Space subdivision design, and a Special Permit application and Preliminary Plan for a Conventional Subdivision is submitted, the Applicant is encouraged to set aside green belt sections within the Conventional Subdivision consisting of wooded or other scenic areas to be preserved by mutual covenants and traversed by reciprocal trail easements for the benefit of each lot in the subdivision and to provide connections to trails on adjoining lands.
b. The applicant may grant to the Town or to any private, non-profit corporation devoted to conservation purposes, a conservation restriction or wildlife corridor over any portion of the subdivision in accordance with the procedure prescribed by General Laws, Ch. 184, Sects. 31 and 32.
c. Before approval of a Definitive Conventional Subdivision Plan the Planning Board may also require the plan to show a park or parks, suitably located for playground or recreation purposes or for providing light and air for the residents of the subdivision. The Board may, by appropriate endorsement on the plan, require that such park or parks may not be converted to building lots without approval of the Board.
d. No stripping of topsoil shall be permitted in a reserved area. If required by the Board, the land shall be graded as necessary for surface drainage and left in a suitable condition for the intended use.

4.6 OPEN SPACE SUBDIVISIONS; PROTECTED OPEN SPACE

The legally-protected open space within an Open Space Subdivision shall consist of an area or connected areas that provide wildlife habitat and forest ecosystem continuity, recreational trail connections within the subdivision and on adjacent properties, agricultural lands, or a combination of the above as defined in the Sherborn Zoning Bylaws.
The minimum size, allowed uses, prohibited uses, monumentation, maintenance requirements and other features of the open space shall be as required by the Open Space Subdivision Bylaw.

4.7 SIDEWALKS AND TRAILS

4.7.1. General
a. Sidewalk and trail requirements will be flexible, and shall be designed to fit subdivision layout and fulfill the anticipated needs of residents of all ages and abilities.
b. A sidewalk may be constructed on one side of some or all subdivision streets, or on frontage of existing public ways, if deemed necessary for the safety and convenience of pedestrians and cyclists, and to facilitate non-vehicular travel within the subdivision.
c. Paved sidewalks and crosswalks will conform to ADA standards.
d. Unpaved paths and connections between existing trails or bridle paths may be laid out along subdivision streets within the street right-of-way instead of, or in addition to, the sidewalk.
e. Sidewalks and trails will be laid out to optimize connections to surrounding neighborhoods, town center, and other amenities such as recreational trails and open space.

4.7.2. Sidewalk Design
a. Sidewalks shall be set back not less than six (6) feet from the edge of the paved street, but setbacks may be reduced if a meandering sidewalk is proposed. However a minimum setback of six feet will be required in the area of street trees.
b. Open areas between the sidewalk and street shall be landscaped with swales and/or plantings for retention and absorption of street runoff and recharge of groundwater resources.
c. Sidewalks need not be parallel to the street and shall be laid out along a curvelinear course within the right-of-way with a minimum disturbance of the natural terrain. Sidewalks shall be laid out and constructed so as to preserve trees having a caliper of three (3) inches or more, rock outcroppings, stone walls and other attractive features of the terrain. Prior to the start of clearing and grubbing, the Applicant shall walk the proposed street locations with the Planning Board agent or a member or members of the Board and mark all trees to be preserved within the street rights-of-way.
d. Sidewalks shall be four (4) feet in width, unless the Board shall specify a greater width.
e. Sidewalks shall be paved with bituminous concrete placed on a compacted foundation of gravel as detailed in Schedule A: Typical section, Subdivision Street.
f. Sidewalks shall fully comply with the Massachusetts Architectural Access Board requirements, including handicapped access ramps at appropriate locations, as stated in 521 CMR 21.00 and 22.00. Also, temporary accessible routes shall be provided as applicable in accordance with 521 CMR 3.10.

4.8 UTILITIES
4.8.1. General
a. Choice of energy sources for residential heating, cooling and electric power shall be consistent with the Green Community goals of the Town of Sherborn and by the Town's commitment to minimizing greenouse gas emissions and mitigating climate change. Installation of solar panels, renewable energy technologies and other energy-efficient utilities will be strongly encouraged.
b. All utilities, including house connections, shall be placed underground at the time of initial construction. Complete location plans of each utility system shall be filed with and approved by the Board in compliance with Section 3.3. prior to installation. All utility pipes and conduits and appurtenant facilities shall be located along the side of the streets preferably between the street and the sidewalk as described in section 4.8.2. If such facilities must be located under the sidewalk, they shall be installed before placement of the gravel base of the sidewalk. All manholes shall be placed along the side of the road outside the pavement area. See Appendix, Schedule B, Typical Sidewalk Cross-Section.

4.8.2. Installation
a. Electric, Telephone & Other Telecommunication Services
   a1. Exposed, above-grade pull or distribution boxes are prohibited.
   a2. Electric power supply cables and telephone cables shall be placed in a trench centered two (2) feet from the edge of the street pavement on the side of the street where the sidewalk is to be placed.
   a3. All electric and telephone service connections to be located underground shall be placed in conduit extending from the electric service transformers and telephone distribution box to the right-of-way lines on both sides of the street.
   a4. All service transformers shall be located in vaults below the finished grade unless otherwise specified by the Board and located as far from dwellings as practical given the nature of the site.
b. Gas Service
   b1. Distribution pipes for gas service, when provided in a subdivision, shall be placed in a trench centered two (2) feet from the edge of the street pavement on the side of the street opposite from the sidewalk.
   b2. Service stubs for all house lots shall be placed at the time of initial installation.
   b3. All pipes to be located under the street or sidewalk shall be installed prior to the placing of the gravel base and bituminous concrete pavement.

4.8.3. Protection
a. The subdivider shall protect all utilities and appurtenances installed from any and all damage, until the entire subdivision is completed and approved as a whole by the Planning Board.
b. Any damage to these utilities and appurtenances, prior to the approval by the Planning Board shall be repaired in a manner satisfactory to the Planning Board and Superintendent of Highways, the full cost of which shall be borne by the subdivider.
SECTION 5  REQUIRED IMPROVEMENTS

5.1  BASIC REQUIREMENTS

The Applicant shall install all of the improvements required under the Rules and Regulations except those which may be specifically waived in writing by the Board. No bond or covenant given as surety for such work under Section 3.2.10. shall be fully released until the Board has received (i) a survey plan of the improvements as built in compliance with Section 5.2.2.; (ii) a copy of such as-built plan in electronic format. Such copy shall be capable of conversion to a .DXF file and/or shall be submitted in a format approved by the Planning Board. The plan shall be referenced to Massachusetts State Plane NAD83 format, at a minimum of two (2) points on the plan, and (iii) a report in writing from its Construction Inspector giving full approval of the work.

5.2  GENERAL

5.2.1. Standard Specifications
Except as otherwise provided in these Rules and Regulations, all work and materials used in the installation of the required improvements shall conform to the requirements of the Commonwealth of Massachusetts, Standard Specifications for Highways and Bridges 1988 Edition, as amended, hereinafter referred to as the Standard Specifications.

5.2.2. Survey of Improvements as Installed
a. After all street construction is completed and before the release of any bond or covenant, the developer shall file with the Board one (1) reproduction copy and two (2) contact prints of the Definitive Plan corrected, including one (1) 1-200’ scale copy of the plan of land, and certified by a Registered Professional Engineer and Registered Land Surveyor to show the following:
   a1. Sideline locations of streets and sidewalks as built;
   a2. Centerline elevations at 50-foot intervals of all streets built;
   a3. Profiles of the drainage system as installed;
   a4. Monuments as installed;
   a5. Utilities as installed; and
   a6. Easements added.

b. A certificate, signed by the engineer and surveyor preparing such as built plan, shall be endorsed on the Plan in the following form:
   Date:__________, 20__
   I hereby certify that this Plan shows the actual as built locations, profiles and elevations of the streets, drainage facilities and utilities based upon a field survey made during the period from _________________ to ___________.

______________________  ______________________
Registered Land Surveyor  Registered Engineer

5.2.3. Acceptance of Streets by the Town

38
a. No street or way through private property shall be accepted unless it has been
constructed and completed in accordance with the Typical Section of a Subdivision
Street (Schedule A) and the specifications set forth or incorporated in these Rules and
Regulations.
b. Where a street or way or portion thereof is ready for acceptance by the Town, the
Applicant, in order to facilitate such acceptance, shall cause a Proposed Layout Plan to
be prepared by a Registered Land Surveyor and filed with the Board of Selectmen.
Such plan shall be the same as required in Section 3.2.3. (size 18 x 24 or 24 x 36) to
an appropriate scale and show the following:
   b1. Name of street or way to be accepted by the Town, or, if only a portion is to be
accepted, a description of such portion.
   b2. Widths, lengths, bearings of all boundary lines of streets and easements and radii,
tangents and central angles of all curves in street lines.
   b3. All required monuments with indication that the same have been correctly set.
   b4. Name and Assessors' list and lot number of each abutting owner appearing on the
most recent Assessors' list.
   b5. Certificate signed by the Surveyor preparing the plan shall be endorsed on the plan
in the following form:

   Date: ____________, 20___
   I hereby certify that ________________________________has been laid out
   and the bounds have been set as shown on the within plan.
   __________________________
   Registered Land Surveyor

The original of such plan shall be filed with the Board of Selectmen and three (3) copies
thereof filed with the Planning Board.

5.3. STREETS

5.3.1. General
   a. Each street or portion thereof necessary to serve each lot in a subdivision shall be
constructed and brought to finish grade as indicated on the approved Definitive Plan
and in accordance with the requirements of this section.
   b. The Applicant or his contractor shall furnish and maintain all stakes and such temporary
structures as may be necessary or required by the Planning Board or its Agent for
marking and maintaining points and lines for the installation of the street related
utilities throughout the construction of the subdivision.
   c. Streets and ways shall be constructed in accordance with the Typical Section,
   Subdivision Street attached to these Rules and Regulations and marked Schedule A.

5.3.2. Clearing and Grubbing of Streets
   Clearing and grubbing of the roadway and sidewalk locations shall be done according to
the requirements of Schedule A and shall include the removal from the Subdivision of all
stumps, brush, roots, boulders and similar materials from the subdivision property as well as all trees which have not been marked for preservation in compliance with Sections 4.3.5.(a), 6.3.2.a.1 and 6.3.2.a.3.

5.3.3. Excavation and Subgrade Preparation

a. The Street locations shall be excavated to a depth of at least eighteen and one-half (18 & 1/2) inches below the established finished grade and shall be graded and compacted to conform to Schedule A, Typical Section.

b. The conditions of the subgrade surface at the bottom of the excavation shall be inspected by the Planning Board Agent, and, if, in his opinion, such conditions are wet or spongy or otherwise unsatisfactory due to the presence of clay, sand pockets or organic materials, the bottom shall be excavated below the subgrade to a depth determined by the agent to be sufficient to insure removal of all such materials. Suitability of subgrade should also depend upon compacted field density.

c. If any portion of the street location is required to be excavated below the designed surface of the subgrade, the space so excavated shall be filled with clean, bank gravel or such other suitable material containing no stones over six (6) inches in diameter, as approved by the Planning Board Agent. The street location shall then be graded and compacted so as to conform to the Typical Section.

d. All ledge, boulders and large stones located within the full cross section of the street shall be cleared to a minimum depth of eighteen and one-half (18.5) inches below the established finish grade.

e. All drainage pipes, culverts, catch basins and manholes and all utility pipes, conduits and appurtenances thereto to be placed under the roadway and sidewalk locations shall be installed and properly back-filled prior to construction of the street and sidewalk gravel base course.

5.3.4. Gravel Base

a. The gravel base of the street shall consist of hard, durable stone and course sand, free from loam and clay, uniformly graded, containing no stone having a diameter of more than three (3) inches and conforming to the requirements of the Standard Specifications for processed gravel for subbase.

b. After the street subgrade has been graded and properly compacted to an elevation of eighteen and one-half (18.5) inches below the designed finish grade, gravel for the base shall be spread in two layers of equal thickness, each thoroughly watered and compacted true to lines and grades with a vibrating roller weighing not less than twelve (12) tons so as to yield a total depth of fourteen (14) inches after thorough compaction. Each layer shall be compacted to not less than 95 percent of the maximum dry density of the material as provided in the Standard Specifications. The gravel base shall be formed as shown on the Typical Section, Subdivision Street. Any depression that appears during or after rolling shall be filled with gravel and the area rerolled until the surface is true and even.

c. When required by the Board or by the Board's Agent, samples of the gravel to be used shall be tested for graduation by sieve analysis and the rolled gravel tested for compaction. Such tests shall be made at the expense of the Applicant.
5.3.5. **Pavement**
   a. The pavement of the street in a subdivision shall consist of Class 1 Bituminous Concrete Type I-1 constructed in two courses, binder course and the top course. The binder course shall be three (3) inches thick and the top course shall be one and one-half (1.5) inches thick after rolling so as to form a compacted final pavement depth of four and one-half (4.5) inches over the gravel base in conformity with the lines, grades and typical cross section shown on the approved Definitive Plan.

   b. Material and construction methods shall conform to the Standard Specifications. Alternative materials and methods may be considered by the Planning Board if it can be demonstrated that such alternatives provide an environmental benefit without a significant loss of function.

   c. No street pavement shall be constructed before March 30th of any year nor after November 1st of any year without written permission of the Board.

5.3.6. **Street Embankments and Retaining Walls**
   a. Embankments outside of the street right-of-way shall be evenly graded and pitched at a slope of not greater than 2 horizontal to 1 vertical in fill as shown on Schedule A.

   b. Where cuts are made in ledge, other slopes may be permitted upon written approval of the Board. Where terrain is such that greater slopes are essential, retaining walls made of stone or natural stone facing or other material as may be approved by the Planning Board. Terracing or rip-rap may be used either alone or in combination provided that plans of such proposed grading methods are filed with and approved by the Board prior to the commencement of road construction.

   c. The Board may require that defined slope easements be shown on the Definitive Plan and that such easements be reserved by the Applicant for future conveyance to the Town for maintenance purposes.

   d. All major changes in the gradients of the land and streets as shown on the approved Definitive Plan shall be completed prior to the installation of the drainage system, utilities and streets.

5.3.7. **Curbs and Berms**
   a. Sloped granite edging shall be installed at all street intersections on the curve and extending at least eight (8) feet beyond the tangent point. The method at installing the edging shall conform to the Standard Specifications.

   b. Sloped granite edging segments at least eight (8) feet in length shall be installed at all catch basins so as to extend not less than four (4) feet in either direction from the catch basin center line.

   c. Unless otherwise specified by the Board, the Cape Cod type berm as shown on the Typical Section, Subdivision Street (Schedule A) shall be installed along all streets where sloped granite edging is not required.

5.3.8 **Fire Protection**
   a. No lot within the subdivision shall be further than 1000 feet from an adequate source of water, as defined below, measured along an existing public way and/or proposed
subdivision road shown on the Definitive Subdivision Plan and the access way to the source of water.

b. A source of water shall be adequate if it is no farther (vertically or horizontally) than 10 feet from the nearest access point which can be reached by the Fire Department and is (in order of desirability):
1. A water hole having a minimum recharge rate of 500 gallons per minute, for a minimum period of two hours, or
2. A water hole containing a minimum of 40,000 gallons throughout the year.
3. Distances to and from a water hole may be measured to and from a dry hydrant connection, specifications for which shall be approved by the Fire Chief, and connected to a water hole as described in paragraph b.1. and b.2. above.

c. In the event that an adequate source of water cannot be provided by means of a water hole as specified in subparagraphs b.1. or b.2. above, then the Board may, upon the recommendation of the Fire Chief and a showing that said water holes are not feasible as a matter of engineering, approve the installation of a dry hydrant connected to a storage tank with minimum capacity of 40,000 gallons (or such other lesser minimum capacity as may be designated by the Chief of the Town Fire Department), which tank shall be automatically maintained at full capacity by recharge from a well and pump system satisfactory, as shown to the Board in writing, to the Chief of the Town Fire Department.

d. An easement shall be given to the Town to provide access from the existing public way or proposed subdivision road to the source of water and for maintenance of the water hole or dry hydrant system.

e. All equipment associated with a dry hydrant system and fencing surrounding water holes shall be given to the Town for maintenance as Town property. However, until such time as the Town accepts such equipment or fencing, it shall be maintained in good repair and working order by the developer.

5.4. STORM AND SURFACE DRAINAGE

5.4.1. General
A system of storm drains, culverts, ditches, retention/detention basins, and related installations, including catch basins, gutters and manholes, shall be designed and installed to provide adequate disposal of surface water, including control of erosion, flooding and standing water from or in the subdivision and adjacent lands. As noted in Section 3.3.3.5, Low Impact Drainage Design, including recharging stormwater on site, is encouraged to the maximum extent practicable.

5.4.2. Pipes, Culverts and Drains
a. The size of pipe shall be in accordance with the approved Definitive Plan and in any case shall not be less than twelve (12) inches in diameter.
b. Pipe for the construction of all culverts and drains shall be Class III reinforced concrete. Reinforced concrete pipe of higher class may be required where conditions warrant.
c. All pipes shall be laid out true to line and grade as shown on the approved Definitive Plan. Each section of pipe shall have a full, firm bearing throughout its length and shall
be installed in compliance with the Standard Specifications. All joints shall be made of Portland Cement Mortar with jute filler, or rubber type ring gaskets, unless otherwise directed. No backfilling of pipes or culverts shall be done until the installation has been inspected and approved by the Board or its agent. All drainage trenches except cross drains shall be filled with clean gravel borrow in accordance with the Standard Specifications. All cross drains shall be backfilled with selected bank run gravel approved by the Agent hired by the Town to monitor construction. Minimum covering of all pipe shall be not less than thirty-six (36) inches.

d. Concrete or masonry head wall or reinforced concrete flared end sections shall be constructed at the open ends of all drain pipes which serve as outlets to the drainage system. Construction of head walls and flared end sections shall conform to the Standard Specifications (see Appendix, Schedule B, Typical Sections).

e. Stream crossings shall comply with the most recent stream crossing regulations promulgated by the Massachusetts Department of Environmental Protection.

5.4.3. Catch Basins and Manholes

a. Catch basins shall be located on both sides of the street on continuous grades at intervals of not more than three hundred (300) feet, and at all low points and at the corners of intersecting streets. Intervals of less than three hundred (300) feet may be required on steep grades.

b. Catch basins and manholes shall consist of cement brick masonry, concrete block masonry, precast solid segments or precast concrete structures, all conforming to the Mass. Highway Department Standard specifications.

c. Catch basins and manholes shall have an inside diameter of not less than four (4) feet at a point two and one-half (2 1/2) feet below the bottom of the frame.

d. Catch basins shall be at least three (3) feet in depth measured from the invert of the outlet pipe.

e. Walls of catch basins and manholes shall be not less than eight (8) inches in thickness and shall be laid in mortar composed of one (1) part Portland Cement and two (2) parts sand and sufficient water to form a workable mixture if made of blocks, or 5 if made of precast concrete.

f. The base of a catch basin or manhole shall consist of one course of brick or precast concrete pies laid flat with all joints thoroughly flushed full of mortar with a twelve (12) inch weep hole left in the center.

g. Backfill shall not be applied until after inspection or within five (5) days of setting the mortar.

h. Frame castings for catch basins and manholes shall be set in full mortar beds at the pavement binder course. Manhole castings shall be set flush with the designed finish grade of the pavement, except if the finish course cannot be placed before winter, then the castings shall temporarily be set flush with the pavement binder course. When the finish course is to be placed, the manhole castings shall be raised to be flush with the finish course. In either case, the catch basin grates shall be set one (1) inch below gutter grade.

5.4.4. Responsibility for Subdivision Drainage
The responsibility for adequate drainage shall rest with the Applicant. This shall include connection with existing drainage facilities, if any, provided by the Town. When private drains are connected to Town drainage, the Town will not be responsible for any damage. If necessary to connect to Town drainage systems, the Applicant shall be responsible for any necessary upgrades of the Town systems.

5.4.5. Extension of Drains to Adjacent Property
Where property adjacent to the subdivision, but within the same watershed, is not subdivided, provision shall be made for proper projection of the drainage systems by continuing appropriate drains and easements to the exterior boundaries of the subdivision at such size and grade as will allow for such projection.

5.5. SIDEWALKS

5.5.1. Location and Width
Sidewalks four (4) feet in width, unless otherwise specified by the Board, shall be constructed along all streets as per Section 4.7.

5.5.2. Sidewalk Drainage
Areas included between the outside line of the sidewalk and the outside line of the paved street shall be graded and filled where necessary to insure adequate drainage.

5.5.3. Sidewalk Base
The sidewalk base shall consist of not less than eight (8) inches of clean gravel after thorough compaction with a five (5) ton roller.

5.5.4. Sidewalk Pavement
The sidewalk pavement shall consist of Bituminous Concrete Type I-1, laid in two courses each one and one-half (1 & 1/2) inches thick after rolling so as to form a final pavement depth of three (3) inches over the gravel base as shown on Schedule A.

5.5.5. Loaming and Seeding
All disturbed areas between the sidewalk and the paved roadway shall be loamed and seeded or planted in accordance with Section 5.8.

5.5.6. Sidewalk Pavement at Street Intersections
At street intersections, the sidewalk pavement shall be constructed flush with the outside edge of the sloped granite edging at a grade even with the top of the curbing.

5.6. UTILITIES
All utilities shall be installed underground in compliance with Section 4.8.

5.7. GUARD RAILS
Guard rails of an approved design shall be installed as required by the Board.
5.8. **GREEN STRIPS**
All cleared open areas included within the street right-of-way or within slope or drainage easements shall be suitably graded and loamed with not less than six (6) inches of good quality loam after compaction. Swales or green strips shall be planted with appropriate perennial native species to maximize retention of road runoff and groundwater recharge. Seeding or planting shall be done at appropriate times of the year and in a manner to insure the growth of plants.

5.9. **TREES**
Trees and shrubs shall be planted in accordance with Section 4.3.5.

5.10. **STREET SIGNS**
Street signs approved by the DPW shall be furnished and installed at all street intersections prior to the occupancy of any house on the street. Street signs shall be set in concrete and the location and height of each sign shall be as prescribed by DPW.

5.11. **BOUNDARY MARKS AND MONUMENTS**
- a. Markers or monuments shall be set on the right-of-way lines of each street at all angle points, at the beginning and end of all curves, at all intersections with other streets and ways and at subdivision boundary lines.
- b. Markers shall also be set along the entire perimeter of the subdivision and along the boundaries of the protected open space area(s) at intervals of not more than five hundred (500) feet pursuant to Land Court Instructions.
- c. All markers or monuments shall be of stone or reinforced concrete, shall be not less than four (4) feet in length and not less than six (6) inches in width and breadth and shall have a drill hole in the center. All bounds shall be set flush with the surface of the adjoining ground.
- d. Wrought iron rods may be used where the points fall on exposed ledge.
- e. The placement and accurate location of these markers shall be certified in writing to the Board by a Registered Land Surveyor.

5.12. **LIGHTING**
- a. The Board may require that street lighting with underground wiring be installed in the subdivision concurrently with the installation of the underground domestic electric service.
- b. Plans showing proposed locations of poles and underground cables, conduits, transformers and related equipment shall be filed with and approved by the Board before installation is commenced.
- c. LED or other energy-efficient bulbs are required.
- d. Outdoor lighting of residential walkways, entry doors or driveways shall be designed and installed to provide sufficient illumination for safety with a low glare factor.
- e. All outdoor lights must be arranged and shielded to prevent direct glare from the light source onto any street or adjacent property, and to minimize light pollution of the night sky.
5.13. **FINAL CLEANING UP**

Upon completion of the streets and other required improvements, the Developer shall remove from the highway and adjoining property all temporary structures, logs, brush, rubbish, loose stumps, loose stones and boulders, surplus earth, gravel and other materials which may have accumulated or been placed during construction and shall leave the subdivision in a neat and sightly condition.