

**Town of Huntington, Massachusetts**  
***Subdivision Rules & Regulations***

Table of Contents

<b>1.00 AUTHORITY AND PURPOSE</b>	4
<b>2.00 DEFINITIONS</b>	5
<b>3.00 PLANNING BOARD PROCEDURES</b>	7
3.01 Procedure for Requesting a Meeting With The Board	
3.02 Rules of Conduct for Public Hearings	
3.03 Rules of Conduct for Meetings	
3.04 Records of Action of the Board	
3.05 Amendments	
3.06 Validity	
3.07 Coordination with Municipal Departments and Other Agencies	
<b>4.00 FORMING A SUBDIVISION</b>	8
4.01 Effect of Prior Recording of Subdivision of Land	
4.02 Compliance with Zoning Bylaws	
4.03 Requirements for More Stringent Standards	
4.04 Requests for Waivers	
<b>5.00 PLANS BELIEVED NOT TO REQUIRE SUBDIVISION CONTROL APPROVAL (ANR's)</b>	9
5.01 General	
5.02 Determination Criteria	
5.03 Procedure for Plans Found not to Require Approval	
5.04 Exceptions on Plans Found not to Require Approval	
5.05 Filing Requirements	
5.06 Procedure for Plans Requiring Approval Under Subdivision Control Law	
5.07 Failure of the Board to Act	
<b>6.00 PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS</b>	11
6.01 Pre-Submission Conference	
6.02 Preliminary Subdivision Plan	
6.03 Filing Procedures	
6.04 Contents	
6.05 Planning Board Action	12
<b>7.00 DEFINITIVE PLAN</b>	14
7.01 General	
7.02 Submission	
7.03 Contents	15
7.04 Additional Subdivision Submittal Requirements	17
7.05 Review Fees Required	20
7.06 Approval of Definitive Plan	21
7.07 Release of Performance Guarantee	26
7.08 Deviation From Approved Plan	28

7.09 Submission of Revised Plans, Additional Materials, etc.	28
<b>8.00 DESIGN STANDARDS</b>	30
8.01 General	
8.02 Relation of Design to Town Plans	
8.03 Lot Size and Frontage	
8.04 Protection of Natural Features	
8.05 Access Through Another Municipality	
8.06 Streets	
<b>9.00 CONSTRUCTION STANDARDS</b>	34
9.01 General	
9.02 Staking	
9.03 Streets and Ways	
<i>fig. 1;</i> Typical Cul-de-Sac “Teardrop” Turnaround	35
<i>fig. 2;</i> Typical Cul-de-Sac “Hammerhead” Turnaround	
<i>fig. 3;</i> Typical Cul-de-Sac “L” Turnaround	36
<i>fig. 4;</i> Typical street cross-section	
9.04 Curbs	37
9.05 Utilities	
9.06 Sidewalks	38
9.07 Monuments	39
9.08 Landscaping, Street Trees and Tree Belts	
9.09 Street Signs	40
9.10 Street Lights	
9.11 Certification	
<b>10.00 INSPECTIONS</b>	41
10.01 General	
10.02 Payment for Inspections	
10.03 Schedule of Inspections	
<b>11.00 ADMINISTRATION</b>	42
11.01 Authority	
11.02 Surrogate Authority	
11.03 Amendments to Plans	
11.04 Interpretation	
11.05 Enforcement by Denial of Building Permits	
11.06 Fees	
<b>APPENDICES</b>	43
Appendix 1, Fees	43
Form A Endorsement of Approval Not Required (ANR) Plans	44
Form B Application for approval of Preliminary Plan	45
Form C Application for Approval of Definitive Plan	46
Form E Departmental Review of Subdivision Plan	48
Form F Notice of Subdivision Approval or Disapproval	49
Form G Request for Release of Letter of Credit, Three-Party Lender Agreement, Bond, Surety or Covenant	50
Form I Covenant	51
<b>APPENDICES, Continued</b>	

Form J Release of Conditions or Certificate of Performance	52
Form K Application for Submission of Additional Materials, Information, Etc. and for an Extension of Time Period	53

## **1.00 AUTHORITY AND PURPOSE**

### 1.01 Authority

These Rules and Regulations are hereby adopted by the Planning Board of the Town of Huntington under authority granted in Chapter 41, §81-Q of the General Laws of Massachusetts.

### 1.02 Purpose

These Subdivision Regulations have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and, in proper cases, parks and open areas. The powers of the Planning Board and of the Board of Appeals under these Regulations shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for minimizing congestion in such ways and in the adjacent public ways for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning by-laws; for securing provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other, with the public ways in the Town and with the ways in neighboring subdivisions.

It is the intent of these Rules and Regulations that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendation of the Board of Health and to these Rules and Regulations; provided, however, that the Planning Board may, when appropriate, waive, as provided for in §3.02, such portions of these Rules and Regulations as is deemed advisable, in the public interest, and consonant with the purposes of the Subdivision Control Law. (MGL Ch. 41, §81-M & §81-R.)

## **2.00 DEFINITIONS**

In administering these Regulations, the definitions in MGL Ch. 41, §81-L shall apply (unless a contrary intention clearly appears). In addition, the following words shall have the following meanings:

1. Applicant- The person who applies for the approval of a Plan of a proposed Subdivision. The applicant or applicants must be the owner or owners of all the land included in the proposed subdivision. An agent, representative or his assigns may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of the officers and designated authority to sign legal documents shall be required for a corporation.
2. Board- The Planning Board of the Town of Huntington.
3. Building- A dwelling, shed, or garage, etc. Not to be interpreted as a sewer, water, or other utility.
4. Certified by (or Endorsed by) a Planning Board- As applied to a plan or other instrument required or authorized by the Subdivision Control Law to be recorded shall mean bearing a certification or endorsement signed by a majority of the members of the Planning Board or any other person authorized by the Planning Board to certify or endorse its approval or other action and named in a written statement to the Register of Deeds and Recorder of the Land Court, signed by a majority of the Planning Board.
5. Developer or Subdivider- The owner of land being subdivided, acting directly or through an authorized agent or attorney or assigns.
6. Development Impact Statement (DIS)- A documented, written analysis of a proposed subdivision which provides the Planning Board and its agents with information necessary for plan review. Prepared by the applicant, a DIS shall be prepared in a format which is clear, concise and complete. Any intentional effort to create confusion or otherwise mislead the Planning Board may be deemed grounds for rejection of the application and loss of all fees attached.
7. Engineer- Any person who is registered or otherwise legally authorized by the State of Massachusetts to perform professional civil engineering services.
8. General Laws (abbreviated MGL)- The General Laws of the Commonwealth of Massachusetts, as amended.
9. Municipal services- Sewers, water drains, water pipes, gas pipes, electrical lines, telephone lines, fire alarm lines, and their respective appurtenances.
10. Owner- The owner of record as shown by the records in the Hampshire County Registry of Deeds or Land Court.
11. Plan, Definitive- A proposed, detailed plan of a subdivision submitted by the applicant to be recorded in the Registry of Deeds or Land Court when approved by the Planning Board.
12. Plan, Preliminary- A plan of a subdivision submitted by the applicant showing sufficient information to form a clear basis for discussion and clarification of its general contents and for the preparation of a definitive Plan.
13. Subdivision-
  - a. The act of dividing a tract of land into two or more lots, including re-subdivision.
  - b. The product of the act of subdividing (i.e. the completed development).(Subdivision and divisions of land that do not constitute a subdivision are further defined in the Massachusetts Subdivision Control Law and applicable case law.)
14. Subdivision Control Law- §81-K to §81-GG, inclusive, of Chapter 41, of the General Laws of the Commonwealth of Massachusetts, entitled "Subdivision Control", as last amended.
15. Streets ("Major, Secondary and Minor" further defined in §8.06 (2) of these Rules)-
  - a. Major Streets – a street which, in the opinion of the Board, is likely to carry substantial volumes of through traffic.

- b. Secondary Streets – a street other than a major street which, in the opinion of the Board, is likely to carry traffic other than just to or from lots on that street.
  - c. Minor Streets – a street which is likely to be used only by vehicles traveling to or from lots on that street.
  - d. Dead End Streets/Cul-de-sac – a public or private vehicular right-of-way which affords the principal means of access to abutting property and which has no exit and intersects with another street only at its entrance.
16. Surveyor- Any person who is registered or otherwise legally authorized by the State of Massachusetts to perform land surveying services.
17. Turnaround- A widening and/or other alteration of a street to enable vehicles to reverse direction, normally at the dead end of a street.
18. USGS- United States Geological Survey. Refers to most recent data set readily available.
19. Way- A right-of-way or means of access to a lot. A public way is one which has been accepted by the Town of Huntington or has otherwise been created as a public street. Any other way over land which is privately owned, but which is set forth by deed covenant, deed description, or other means is a private way.

### **3.00 PLANNING BOARD PROCEDURES**

Regular meetings of the Board are held on dates and times posted in Town Hall. Except for executive sessions as provided for in MGL Ch.39, §32-A, meetings of the Board shall be open to the public.

#### **3.01 Procedure for Requesting a Meeting With The Board**

Any person desiring to meet with the Board may do so by appointment, obtained by notifying the Chairman or the Secretary of the Board. Such notice shall contain the name and address of the person and a brief outline of the nature of the business to be discussed with the Board.

#### **3.02 Rules of Conduct for Public Hearings**

Any person attending an advertised public hearing conducted by the Board may address the Board at the pleasure of the Chairman without prior notice and in so doing shall state his or her name, address, and person represented, if any.

#### **3.03 Rules of Conduct for Meetings**

Meetings of the Board shall be conducted by the Chairman, or, in the absence of the Chairman, by the Vice Chairman. A majority of the Board shall constitute a quorum, but less than a majority may vote to adjourn, in which case the Chairman shall reschedule a meeting as soon as practicable. All other action of the Board at a meeting shall require a majority vote of all the members present.

#### **3.04 Records of Actions of the Board**

The records of the Board shall be kept as set forth in MGL Ch. 39, §23-A, and may contain such other matters as the Board may deem appropriate.

#### **3.05 Amendments**

These Rules and Regulations or any portion thereof may be amended from time to time in accordance with §81-Q of the Subdivision Control Law.

#### **3.06 Validity**

The invalidity of any section, paragraph, clause or provision of these Rules and Regulations shall not invalidate any other section, paragraph, clause or provision therein.

#### **3.07 Coordination with Municipal Departments and Other Agencies**

In the Town of Huntington, certain services are provided to subdivisions under the jurisdiction of various Town boards. Compliance with the applicable regulations and requirements of these boards shall be required before a plan is approved by the Planning Board, and certification of performance relative to the proper construction and installation of respective utilities shall be required before the performance guarantee can be reduced or released.

#### **4.00 FORMING A SUBDIVISION**

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, approved and endorsed by, the Planning Board as hereinafter provided, and recorded at the Hampshire County Registry of Deeds.

##### 4.01 Effect of Prior Recording of Subdivision of Land

The recording of a plan of land within the Town in the Registry of Deeds of Hampshire County prior to the effective date of the Subdivision Control Law in the Town of Huntington, showing the division thereof into existing or proposed lots, sites or other divisions and ways furnishing access thereto, shall not exempt such land from the application and operation of these Rules and Regulations, except as specifically exempt by §81-FF of the Subdivision Control Law.

##### 4.02 Compliance with Zoning Bylaws

No plan of a subdivision shall be approved unless all of the building lots shown on the plan comply with the Zoning Bylaws of the Town of Huntington, Massachusetts.

##### 4.03 Requirements for More Stringent Standards

The Planning Board may, in special and appropriate cases, require the developer to follow more stringent standards than the ones mentioned in these Rules and Regulations. In doing so, the Planning Board shall notify the developer in writing of said standards and the reason they are required.

##### 4.04 Requests for Waivers

A request for a waiver of a requirement, rule, or regulation shall be made in writing by the applicant and developer jointly, if not the same person, and submitted, whenever feasible, with the submission of the Preliminary Plan.

If the Planning Board approves the request for a waiver, it shall endorse conditions of such waiver (if any) on the plan or set them forth in a separate instrument attached to and referenced to the plan, which shall be deemed a part of the plan. The Planning Board shall notify the applicant in writing of its approval, disapproval, or approval with conditions. Unless a waiver is specifically requested and granted, all the standards in these regulations must be met, notwithstanding anything shown on the subdivision plans submitted to the Planning Board.



**5.00 PLANS BELIEVED NOT TO REQUIRE SUBDIVISION CONTROL APPROVAL (ANR's)**

**5.01 General**

Any person who wishes 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 may submit the plan to the Planning Board or to the Town Clerk, with the necessary evidence to show that the plan does not require approval. (MGL Ch. 41, §81-P & §81-T).

**5.02 Determination Criteria**

Generally, a plan which shows the dividing of one lot into two or more lots, but which relies entirely on frontage on existing ways to satisfy zoning requirements, whether as drawn or in combination with parcel(s) directly adjacent to the parcel(s) being created does not require approval under Subdivision Control Law. It is the subdivider's responsibility to demonstrate that the proposed subdivision does not require that approval.

**5.03 Procedure for Plans found not to Require Approval**

If the Board determines that the plan does not require approval, it shall forthwith, without a public hearing, endorse on the plan the words "Approval under the Subdivision Control Law not required," and may add to such endorsement a statement of the reason approval is not required. The Planning Board may authorize less than a majority of its members to make such an endorsement, in which case the Board shall send a written statement to the register of deeds and the land court, signed by a majority of the Board, giving the name(s) of the person(s) so authorized. After endorsement the plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action. Any such authorization of less than a majority to act on behalf of the majority is not intended to be a durable condition. Such authorization should be given on a case-by-case basis and should end once the particular situation that required it is resolved.

**5.04 Exceptions on Plans found not to Require Approval**

If the Board determines that the plan presented does not require approval under Subdivision Control, but the resulting lot(s) do not meet Zoning Dimensional Requirements for building lots (for example, if the subdivider is conveying one of the resulting parcels to be added to an abutting parcel, which, when combined will satisfy zoning, but which, as shown on the plan lacks either sufficient frontage or acreage for a legal building lot), it should add to the endorsement described in §5.02 of these rules a statement to the effect that the lot (identify which lot or lots are referred to) is not a legal building lot.

**5.05 Filing Requirements**

The applicant shall submit to the Planning Board a mylar and seven (7) prints of the plans accompanied by seven (7) copies of a completed application Form A (see Appendix A) and the appropriate fee, together with any necessary evidence to show that the plan does not require approval. Plans must show all land in common ownership within 300 feet, wells & septic system locations. ANR's are subject to a filing fee (as specified in §11.06 of these Rules) for each new parcel created.

**5.06 Procedure on Plans Requiring Approval Under Subdivision Control Law**

If the Board determines that the plan does require approval under the Subdivision Control Law, it will so inform the applicant in writing and notify the Town Clerk of its action. Applicant may appeal such action, as provided in MGL Ch. 41, §81-BB.

5.07 Failure of the Board to Act

If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the person submitting the plan of its action within twenty-one days after submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, as further provided in MGL Ch. 41, §81-P.

## **6.00 PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS**

### **6.01 Pre-Submission Conference**

It is recommended, but not required, that before preparing a preliminary subdivision plan, applicants schedule a pre-submission conference with the Board by the procedure outlined in §3.01 of these Rules. The intent of this conference is to facilitate the preparation of subdivision plans that are consistent with the documented vision of the residents of the Town of Huntington. The applicant would have the opportunity to describe the proposed subdivision in broad terms, without having to go to the expense of engineering and other plans that would be necessary for a preliminary plan. The Board would inform the applicant of its regulatory procedures, as well as other mitigating factors that should serve to shape the proposed subdivision, such as Community Development Plans, Open Space Plans, Master or Comprehensive Plans, or other relevant, town-accepted planning documents.

### **6.02 Preliminary Subdivision Plan**

A Preliminary Plan of a residential subdivision may be submitted by the applicant to the Board of Health and to the Planning Board for discussion and approval by the Planning Board. Preliminary Plans are required for non-residential subdivisions and must be submitted by the applicant to the Board of Health and to the Planning Board for discussion and approval by the Planning Board. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board and other municipal agencies to discuss and clarify relevant issues of the proposed subdivision before a Definitive Plan is prepared. The degree of review and effectiveness of a Planning Board's comments will be directly proportional to the accuracy and amount of information provided by the applicant on the Preliminary Plan.

### **6.03 Filing Procedures**

Applicants shall prepare seven copies of the preliminary plan, and submit two of these to the Board and one each to the Board of Health, Conservation Commission, Board of Water Commissioners, Fire Chief, and the Sanitary Sewer Commission. In addition, application form B (see appendix), obtained from the Board or Town Clerk, shall be filed with the Board. A second copy of form B shall be filed with the Town Clerk by hand delivery or registered mail, as provided in MGL Ch. 41, §81-S.

For residential subdivisions, when a developer is not proposing an Open Space Residential Development (Cluster), then the Preliminary Plan submission shall include at least three (3) alternative concepts for developing the parcel(s). Said alternative concepts shall include at least one concept showing the parcel developed in accordance with the Open Space Communities requirements of §IV N of the Huntington Zoning Bylaws.

### **6.04 Contents**

The Preliminary Plan shall be drawn at an appropriate scale (1" = 40' to 1" = 100') on 24" by 36" sheets. The plan must show sufficient information about the subdivision to form a clear basis for discussion and for the preparation of the Definitive Plan. In addition, the plan shall show at least the following information:

1. The subdivision name, boundaries, true north arrow, date of submission, scale, legend and title "Preliminary Plan".
2. The names and addresses of the owner(s) of record, the applicant and the names, addresses and professional seals of the registered Civil Engineer and Land Surveyor.
3. The names and addresses of all abutters and abutters-to-abutters within 300 feet, as determined from the most recent tax list.

4. Existing and proposed lines of street, rights-of-way, easements, and any public or common areas within the subdivision. Purpose of easements must be indicated.
5. Location, names and present widths of streets bounding, approaching, or within reasonable proximity to the subdivision.
6. Location of natural waterways and water bodies on the subdivision parcel(s) and within 200 feet of the subdivision. The plan should indicate whether streams are shown by the USGS as perennial or intermittent unless the Conservation Commission has made a determination regarding them, in which case, that determination should be indicated.
7. Boundary lines of all proposed lots with approximate dimensions and lot areas in square feet.
8. Location of all permanent monuments identified as existing or proposed.
9. Location of all existing and proposed structures on, and existing structures within 100 feet of the proposed subdivision.
10. The existing and proposed topography at a five (5) foot contour interval or better. Datum must be relative to USGS Mean Sea Level.
11. Major site features, such as existing stone walls, fences, buildings, large trees, rock ridges and ledge, swamps, historic features and wooded areas.
12. Whenever applicable and in a general manner, the proposed and existing storm drainage, sanitary sewer or septic, and water systems.
13. A sketch of the applicant's (and other) parcels of contiguous un-subdivided land, showing possible or contemplated development and street layout, if applicable.
14. Any zoning or district boundary established by the Town Zoning By-Law which divides or bounds the areas to be subdivided.
15. Any portion of the proposed subdivision which falls within the limits of the 100 year flood line, as shown on Federal Insurance Rate Maps.
16. When multiple sheets are necessary, match lines shall be used and referenced. An index plan graphically indicating the arrangement of said standard (24' x 36") sheets at a suitable scale shall be provided.
17. During a discussion of the Preliminary Plan, the complete information required by the Definitive Plan, §7.00, may be developed.
18. A locus or location plan at USGS scale (1:25,000) showing the subdivision and its location to the surrounding roadways and physical features and drainage boundaries for watersheds & streams
19. The applicant shall request, in writing to the Planning Board, any proposed waivers of a requirement, rule or regulation he/she/they may require.
20. Location of all planned or potential future roads.

#### 6.05 Planning Board Action

After submission, the Preliminary Plan will be reviewed by the Planning Board, and forwarded for review by the Planning Board to the Board of Health, Chief of the Fire Department, Conservation Commission, the Highway Superintendent and other municipal agencies and departments to determine whether it is in compliance with the design standards as set forth in these Rules and Regulations and with any additional requirements of the above-mentioned Boards, municipal agencies and departments.

The Board shall, where appropriate, consult with other concerned Boards and Commissions about the plan's contents.

The Preliminary Plan, being voluntary, does not require a public hearing, and therefore does not require notice of abutters by certified mail. Every reasonable effort should be made, though, to notify abutters and allow their concerns to be heard, both for their protection and to avoid the likelihood of substantial revisions at the Definitive Plan stage, at the expense of the subdivider. Any Preliminary Plan which is submitted shall be acted on in accordance with the procedure and timeline outlined in MGL Ch. 41 §81S or most current legislation. As of November, 2004, the procedure is as follows:

Section 81S. In the case of a subdivision showing lots in a residential zone, any person, before submitting his definitive plan for approval, may submit to the planning board and to the board of health, a preliminary plan, and shall give written notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such plan.

In the case of a nonresidential subdivision, any person before submitting his definitive plan for approval shall submit to the planning board and the board of health, a preliminary plan, and shall give notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such plan.

In either case, if the notice is given by delivery, the city or town clerk shall, if requested, give a written receipt therefor. Within forty-five days after submission of a preliminary plan, each board shall

notify the applicant and the clerk of the city or town, by certified mail, either that the plan has been approved, or that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plan, or that the plan has been disapproved and in the case of disapproval, the board shall state in detail its reasons therefor. The planning board shall notify the city or town clerk of its approval or disapproval, as the case may be. Except as is otherwise provided, the provisions of the subdivision control law relating to a plan shall not be applicable to a preliminary plan, and no register or deeds shall record a preliminary plan.

Approval of the Preliminary Plan by the Planning Board does not constitute approval of a subdivision, but does facilitate the procedure in securing approval of the Definitive Plan. In addition, such approval does not in any way authorize the owner to proceed with construction of roadways and/or other work in the subdivision.

The Planning Board will not approve plans until issues relating to road layout, road alignment, intersections with existing streets, vehicular and non-vehicular connections to adjoining properties, and general project issues have been satisfactorily addressed. Other engineering issues, such as detailed drainage, water and sewer engineering, may be addressed at the definitive stage. If the applicant does not provide engineering analysis at the preliminary stage, however, the Planning Board will not be able to provide feedback, and any approval is based on the applicant being able to satisfactorily address these issues at the Definitive Plan stage.

## **7.00 Definitive Plan**

### 7.01 General

A Definitive Plan of a subdivision must be submitted to the Planning Board. Said plan shall be governed by the Subdivision Regulations in effect at the time of submission of such plan, or in effect at the time of submission of a Preliminary Plan, provided that a Definitive Plan evolved therefrom shall have been submitted to the Planning Board within seven (7) months from the date of submission of the Preliminary Plan.

A Definitive Plan shall also be governed by the zoning in effect at the time of submission of such plan or at the time of submission of a Preliminary Plan from which a Definitive Plan is evolved, in accordance with the appropriate provisions of Chapter 40A of the General Laws of Massachusetts, as amended.

### 7.02 Submission

The plan, accompanying forms, documentation and the applicable fee, shall be submitted by hand delivery or certified mail (return receipt requested) first to the Town Clerk (for date stamping) and then (minus one copy held by the Town Clerk) to the Planning Board. In addition, written notice (Appendix, Form C) shall be filed by hand-delivery or registered mail with the Town Clerk, who will certify the date of submission of the plan. The Town Clerk shall give a written receipt, if requested, to the person who delivered such notice.

The full submission shall consist of:

1. Sixteen copies of the properly executed application (see Appendix, Form C).
2. Sixteen (16) prints (dark line on white background) of the Definitive Plan (including all plans, maps and cross sections, and documents required in §7.03 and §7.04), together with all other information and documentation, as required in these Rules and Regulations and seven (7) additional copies of the preliminary plan page showing wetlands (these additional copies may be 11" by 17" reduced scale copies). Fold each copy of the plan and attach the Form C application and associated material to each copy. The Planning Board shall file prints with the Board of Health, the Fire Department, the Conservation Commission, and the Highway Superintendent. At least one of these prints shall have the significant features illustrated according to the following color scheme:
  - 1.1. Roads - dark gray;
  - 1.2. Streams and water-bodies - blue;
  - 1.3. Wetlands - solid red;
  - 1.4. One hundred year floodplains - orange;
  - 1.5. Dedicated Open Space and recreation areas - green;
  - 1.6. Pedestrian and bicycle paths - brown;
  - 1.7. Subdivision boundaries - black.
3. The appropriate fee (See §11.06).
4. A sketch plan showing a possible prospective street layout for any adjacent un-subdivided land owned or controlled by the owner or applicant of the subdivision and also showing topography, unless such a plan has already been submitted to the Planning Board.
5. Plans may be required to be accompanied by a digital CAD (Computer Assisted Design) File and a digital graphic file. After final approval by the Planning Board a digital CAD file in both model and paper space versions may be required to be submitted to the Selectboard and Planning Board.

### 7.03 Contents

The Definitive Plan shall bear the seal of a Massachusetts Registered Land Surveyor and a Registered Professional Engineer. The plan shall be at a scale of one (1) inch equals forty (40) feet, unless otherwise specified by the Planning Board, and of a sheet size 24 inches by 36 inches outside dimensions. If multiple sheets are used, they shall include matchlines, and be accompanied by an index sheet showing the entire subdivision, and all plans, layouts, profiles, cross sections and application shall be deemed to constitute the Definitive Plan. The Definitive Plan shall contain the following information:

1. A single location plan of the subdivision, showing the proposed lot lines, the right-of-way lines of all proposed streets in the subdivision and their location in relation to one or more existing streets or portions thereof. An inset at a scale of 1" = 1,200' shall be included on the location plan showing the location of the subdivision within the town.
2. The subdivision name, boundaries, the coordinate north arrow, date, scale, legend and title, "Definitive Plan".
3. The names of owners of record, the applicant and the Registered Land Surveyor and Registered Professional Engineer, and official seals. Certification by the Surveyor that all surveying conforms to the technical standards for property surveyors of the American Congress on Surveying and Mapping shall appear on the plan.
4. Names, addresses and plan location of all abutters indicating limits of contiguous boundaries (within 200 feet of the boundary of the subdivision) and those owners of land separated from the subdivision only by a street.
5. Existing and proposed lines of streets, lots, rights-of-way, easements, and any public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Planning Board.) Purpose of easement shall be indicated.
6. Location, names and present widths of streets bounding, approaching, or within reasonable proximity of the subdivision.
7. Location of wetlands, perennial and intermittent streams, vernal pools, vernal pool upland habitat areas, waterways and water bodies within and adjacent to the subdivision.
8. Major site features, such as existing stone walls, fences, buildings, large trees, rock ridges and ledge, swamps, flood plains, historic features, and wooded areas on and within 100 feet of the proposed subdivision. The plan shall identify which of the above shall remain undisturbed.
9. Sufficient data, including lengths, bearings, and curve data to determine the exact location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. All surveys must tie to the Massachusetts State Plane coordinate System (NAD 1983 Datum), using said published control points or the global positioning system.
10. Location of all permanent monuments and control points identified as to whether existing or proposed, and identified according to the Massachusetts State Plane coordinate system (NAD 1983 Datum). At least two permanent concrete or granite monuments must be placed on site and shown in the plans prior to construction. Bounds are required at all intersections of street lines, angle points and changes of curvature of street lines. All control points shall be tied to and employ NAVD 1988 AND the Massachusetts State Plane Coordinate System (NAD 1983 Horizontal Datum), with horizontal control using said published control points or the global positioning system (with horizontal coordinates provided in metric). Vertical benchmarks separate from horizontal control points may be provided, provided these points are also tied to permanent concrete or granite monuments.

11. Boundary lines, areas in square feet, and dimensions of all proposed lots, with all lots designated numerically and in sequence.
12. Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board on each sheet of the Definitive Plan and reference to separate certificate by the Town Clerk.

The following items shall be submitted on separate sheets:

13. Existing and proposed topography (sufficiently differentiated) with two (2) foot contour intervals for the entire parcel, unless the Planning Board agrees that the natural surface of the ground may be adequately represented by contours with larger intervals or by figures of elevation. (The existing and proposed topographical information presented shall be sufficient to define the grading of each proposed lot and street.) Datum to be NAVD 1988 or later.
14. Where a storm drainage line, or any type of drainage structure discharges within 200 feet of a brook, stream, or drainage area, a profile will be shown of the brook, stream, or drainage area to determine condition, and proposed method of stabilization.
15. A street layout plan on a separate 24" x 36" sheet, horizontal scale 1" = 40', for each street in the subdivision showing exterior lines, roadway lines, partial lot lines, curb lines, intersection angles, points of tangency, and radii of curves. Also included on the street layout plan shall be location, size, type of construction, elevations and invert, whenever applicable, of all pipes and conduits of the:
  - a. Water Supply System, including pumps, valves, stubs, gates, hydrants, and similar equipment;
  - b. Storm Drainage System, including manholes, pipes, culverts, catch basins, detention ponds, and appurtenant structures;
  - c. Sanitary Sewerage System, including piping, manholes, pumps, community septic tanks, and any other related equipment;
  - d. Electric and Telephone Wiring, in conduits, including allowance for cable TV and emerging technologies, such as fibre-optic cables, to be installed after construction;
16. A Profile Plan on the same sheet located directly below and coordinated with the street layout plan, indicating existing profiles on the exterior and center lines (using light weight lines) and proposed profile on the center line (using heavy weight lines) of each proposed street, at a horizontal scale of 1" = 40' and a vertical scale of 1" = 4'. All elevations shall refer to U.S.G.S. Mean Sea Level datum (NAVD 1988 or later). Profiles shall show existing and proposed street grades, rates of gradient on percentages, ground and proposed elevations at center line of each fifty (50) foot station, and grades of intersection streets and ways shall be clearly indicated.
17. The Profile Plan shall show location of existing and proposed water, drainage and sanitary sewer lines, slopes and types (material and class) of all storm and sanitary sewer lines, invert, rim elevations and station of each manhole or catch basin.
18. A typical cross section for the full width of the proposed right-of-way shall be shown in accordance with the "Street Cross Section" illustrated in fig. 4 on pg. 35 of these Rules, showing foundation material, wearing surface, crown and width of traveled way, curbing, grass strips, sidewalks, utility locations, etc.
19. Construction details for catch basins, manholes, end-walls, head-walls, rip-rap, and energy dissipators, detention ponds, access rows, level lip spreaders, etc.
20. Proposed layout and design of any and all parks, pools, or similar community improvements, including all water, drainage and electrical layouts, if any, designed to service such community improvements.



21. Any other pertinent information which the Planning Board may request.
22. Every plan shall have at least four survey-quality points on each sheet tied into the Massachusetts State Plane Coordinate System (most current NAD datum), using said published control points or the global positioning system. The plan must note the coordinates of the four tie-in points, the datum, and the source and location of monuments used for data.
23. A table listing lot numbers with the corresponding lot size and street frontage for every lot.

#### **7.04 Additional Subdivision Submittal Requirements**

In addition to the above plans, submission of definitive plans must include the following:

1. **Hydrology Study and Drainage Calculation.**

The applicant shall submit drainage calculations, including rational method and TR-55 or TR-20, showing (a) that any proposed drainage system has been designed according to the standards set forth in these rules; and (b) any impact said drainage system would have on existing drainage systems downstream from the proposed point of discharge.

2. **Sanitary Sewer Study.**

The applicant shall submit calculations showing (a) that any proposed sanitary sewer system has been designed according to the standards set forth in these rules; and (b) any impact said sanitary system would have on existing sanitary systems downstream from the proposed point of discharge.

3. **Water Study.**

The applicant shall submit a study certified by a professional engineer with demonstrated qualifications as a water consultant, showing, where applicable, that the proposed water system would provide the development with adequate fire flows and demonstrate that each service connection shall have a minimum residual water pressure at street level of 20 psi under all design conditions of flow. The standard for fire flows will be determined by these regulations and the recommendations of the Insurance Services Office (ISO), the National Fire Protection Association (Fire Protection Handbook), and the (National Fire Code, Vol. 8, §1231, as amended ). The standards for residual water pressure and potential impact on the area within 2000 feet of the proposed subdivision are set forth in these regulations. Conclusions of the study shall demonstrate how to mitigate the impact of a fire emergency within the development on the water pressures in the surrounding area.

Where the proposed development will be served by private wells, the applicant shall submit a study certified by a professional engineer with demonstrated qualifications, showing a plan to provide sufficient water supply, under normal rainfall conditions, to provide adequate fire protection to the development, as judged by the Town's Fire Chief, adequacy of the aquifer to provide household water to existing and proposed homes, and potential impact on the surrounding area.

4. **Environmental Impact Analysis.**

In order to insure the protection of the general public against any possible undesirable impact of the development on natural resources, the developer shall submit analysis demonstrating potential of impact and proposing mitigation measures. Said analysis shall be conducted by a qualified professional and include a summary table detailing impacts and proposed mitigation of the following:

- a. Wetlands and Floodplains
- b. Open Space and Recreation
- c. Historical Archeological features
- d. Fisheries and Wildlife
- e. Surface and/or Ground Water Pollution
- f. Air Pollution

- g. Water Supply
- h. Viewshed

6. Development Impact Statements.

The developer shall submit an analysis of the impact of the proposed development by professionals qualified in each of the sections of said analysis (water, sewer, etc.). Each analysis shall be presented as a separate document so that it can be forwarded by the Planning Board to the appropriate Town department for review. The purpose of said analysis is to assist the Town in assessing the cumulative impact of development on the Town. Regardless of the above, the Planning Board's decision shall be based on criteria set in these regulations:

- a. Water and Sewer: Projected generation of sewage based on standards in 314-CMR by the Massachusetts Department of Environmental Protection. Projected consumption of water based on standards in "DESIGN", latest edition, Elwyn E. Seelye. Fire flow standards cited in these regulations. Explain impacts of project on sewerage facilities, public water facilities (including impacts on fire flow requirements), and/or on private facilities.
- b. Municipal services such as public works, police, fire, libraries, recreation,
- c. Schools: For purposes of planning likely changes in enrollment, the school impact analysis should utilize the ratio of .75 children/unit for each proposed home.
- d. The standards used in calculating impacts should be carefully documented and fully referenced.

7. Traffic Study: Traffic Analysis and Mitigation.

The applicant shall submit a traffic study using "Trip Generation Standards" by Institute of Transportation Engineers. Explain traffic impacts in terms of types of streets and impacts on vehicle, pedestrian, and bicycle circulation, including the following:

- a. Estimated daily and peak hour vehicle trips generated by the proposed use, traffic patterns for vehicles and pedestrians showing adequate access to and from the site, and adequate vehicular and pedestrian circulation within the site. If available, previously generated data may be used, if not more than two years old.
- b. Traffic flow patterns at the site including entrances, egresses and curb cuts on site and within two hundred (200) feet of the site.
- c. A plan to minimize traffic safety impacts of the proposed project through design and layout concepts.
- d. A detailed assessment of the traffic safety impacts of the proposed project or use on the carrying capacity of any adjacent highway or road, including the projected number of motor vehicles to enter or leave the site, to allow estimating impacts on intersections, as well as daily-hour and peak-hour traffic levels in comparison to adjacent road capacities. Analysis shall also include a plan, where necessary, to mitigate projected impacts. Mitigation measures may include construction of improvements, "payment in-lieu of" for the proportional share of improvements to Town roads to accommodate traffic generated by the proposed development, or other solutions agreed upon by the Town and the applicant.
- e. An interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems within the proposed development.
- f. Adequate pedestrian access, including, if requested by the Planning Board, provisions for sidewalks to provide access to adjacent properties within a residential development, and between individual businesses within a commercial development.
- g. Safe provision for school bus stops.

8. Easements.

Prior to the final plan endorsement, any and all easements to be granted by the developer to the Town of Huntington shall be shown on the subdivision plans with bearings and distances, and their purpose shall

be clearly stated. In addition, the applicant shall submit easement documents, suitable for recording, deeding said easements to the Town. The easements shall be submitted by the Planning Board to the Selectboard and the Town's legal counsel, whose response shall be given in writing within thirty (30) days of the date of submittal.

9. Restrictive Covenants.

The applicant shall submit all documents including, but not limited to, master deeds, restrictive covenants, deed restrictions, shared land, detention pond, open space, and recreation areas. A homeowner association must be established to maintain streets and infrastructure until and unless the streets are accepted by the Town. Covenants must include the requirement that the homeowners/landowners association or other entity accept all responsibility for maintenance of roads and infrastructure to the standards outlined in these rules and regulations, and any conditions attached to the Definitive Plan, as approved by the Planning Board. This requirement shall apply even if omitted from said covenant.

10. On-Site Sewage Disposal System.

Where sewage disposal is to be by individual on-site sewage disposal system (septic system), the Definitive Plan shall be accompanied by a report which includes the following:

- h. The results of percolation and deep hole soil tests performed on each lot, in accordance with Title 5 of the State Environmental Code and Huntington Board of Health Regulations.
- i. A map which locates the soil test sites on each lot.
- j. Other data, including topographic conditions, natural drainage patterns, soil characteristics, maximum ground water elevations.
- k. When on-site water supplies are to be used, the location of those supplies must be shown on a map along with proposed on-site sewage disposal systems and any existing off-site sewage disposal systems within 100 feet, beyond the property line, whether within the proposed development or outside it.
- l. A statement by a Registered Professional Engineer or registered sanitarian as to the suitability of the area for the installation of subsurface sewage disposal systems of the general type and size as indicated in the Massachusetts Environmental Code.

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

The Board of Health shall, within forty-five (45) days after filing of the plan, report to the Planning Board in writing its approval or disapproval of said plan. A copy of such report shall be sent to the applicant. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and reasons therefore in such report, and, where possible, shall make recommendations for adjustment thereof. Any approval of the plan by the Planning Board shall subsequently only be given on condition that the designated lot(s) or land shall not be built upon or served with any utilities (including cesspools, septic tanks and drainage) without prior consent of the Board of Health. The Planning Board shall endorse such condition on the plan, specifying the lot(s) or land to which such condition applies. Failure of the Board of Health to report within the specified time shall be deemed approval by that board, but will not exempt the applicant from the subsequent approval of the Board of Health of the individual lots created.

12. Wetlands Protection.

In accordance with Massachusetts General Laws Chapter 131, §40 and relevant Huntington Bylaw, no person shall remove, fill, dredge, or alter any bank, beach, dune, flat, marsh or swamp bordering on any existing creek, river, stream, pond, lake or any land under said waters or subject to flooding without receiving a negative determination of applicability or an order or conditions from the local Conservation Commission and/or Department of Environmental Protection.

Failure of the Conservation Commission to report to the Planning Board within thirty (30) days after receipt of a Definitive Plan shall not exempt the proposed plan from wetland regulations established pursuant to the M.G.L. Chapter 131, §40 and local bylaws.

13. Special Water Protection Districts.

All subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Town's Aquifer Protection District, Floodplain District or River Protection District established under the Zoning Bylaw, it shall be reviewed to assure that the proposal is designed consistent with the conditions of the relevant Bylaw(s). Approval of the Definitive Plan by the Planning Board will be contingent on the approval of any special permits required by these or any other Huntington Zoning Bylaws.

14. Construction Quantities.

The applicant shall submit a detailed estimate for all materials to be used for construction within the proposed roadway layout and/or public utility easements, certified by the project's Registered Professional Engineer. Said estimate shall be based on the current edition of the "Standard Specifications for Highways and Bridges" of the Commonwealth of Massachusetts, and shall include:

- m. Quantity, item number, unit price and total amount for each construction item
- n. Total amount for cost of completion of project.
- o. Costs adjusted to account for municipal prevailing wages rates
- p. Costs adjusted to add a 20% inflation/safety factor
- q. Engineering inspection, materials testing, legal and other soft costs.

15. Lighting System.

The applicant shall, if required by the Planning Board (see §9.10), include a complete street lighting system for the proposed street(s) in the Definitive Plans. Said system shall be in conformance with existing systems in the Town. The applicant is responsible for purchasing and installing all equipment for said system. The Homeowners' Association will be responsible for electric costs incurred and maintenance of the system unless and until the street is accepted by the Town. Said Association may petition the Planning Board for modification of this condition by a majority vote of its members, as provided in the bylaws of that Association.

16. Erosion/Sedimentation Control Plan

In order to prevent and/or mitigate erosion/sedimentation of disturbed areas during and after construction activities, the developer shall submit a plan showing detailed control measures, and outlining when such measures will be implemented and whether said measures are temporary or permanent. All such plans shall be reviewed by the Conservation Commission of the Town of Huntington, and shall be subject to that Board's findings and conditions.

7.05 Review Fees Required

2. If after receiving a subdivision application the Planning Board determines that it requires technical advice unavailable from municipal employees and departments to review the application, it may employ outside consultants. The Planning Board may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Planning Board alone.

3. A review fee may be imposed only if:

- a. the work of the consultant consists of review of studies prepared on behalf of the applicant, and not of independent studies on behalf of the Planning Board,
- b. the board finds that an adequate review can not be performed by Town board members or employees,

- c. the work is in connection with the applicant's specific project, and
- d. all written results and reports are made part of the record before the Planning Board.
- 3. Before a fee is imposed:
  - a. the applicant shall be given five business days notice and opportunity to submit written comments relative to the invitation for bids or request for proposals,
  - b. the applicant shall be given five business days notice and opportunity to comment on all bids or proposals prior to the selection of the consultant and the award of a contract.
  - c. the applicant shall be given five business days notice and the opportunity to file an appeal of the selection of the outside consultant with the Selectboard. Grounds for said appeal are limited to written claims, with written documentation, that the consultant selected has a conflict of interest or does not possess the minimum required qualification in accordance with MGL Ch. 44, §53G. If the Selectboard does not act within thirty days the Planning Boards decision shall stand.
  - d. All time limits for action shall be extended during administrative appeals and processes detailed in paragraphs a, b, and c above.
- 4. Any invitation for bids or request for proposals shall indicate that award of the contract is contingent upon payment of a review fee. If the applicant fails to pay the review fee within ten days of receiving written notification of the execution of a contract with a consultant, the board may deny the subdivision approval.
- 5. Each review fee shall be deposited in a special account established by the Town Treasurer pursuant to MGL Ch. 44, §53G.
  - a. Funds from the special account may be expended only for the purposes described above, and in compliance with municipal procurement requirements.
  - b. Within sixty days of the completion of the project or of such time as the applicant formally withdraws the proposal, the applicant shall receive a final report of funds in the special account and shall be paid any unspent excess in the account, including accrued interest (if any).

#### 7.06 Approval of Definitive Plan

##### 1. Public Hearing.

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 of the hearing, and of the subject matter, sufficient for identification, shall be posted by the Planning Board in Town Hall and at all normal posting locations in town. A legal notice shall also be posted in a newspaper of general circulation in the Town of Huntington, at the expense of the applicant, once in each of two successive weeks. The first publication of said legal notice shall not be less than fourteen (14) days prior to said hearing. Notice shall be mailed to the applicant and, by certified mail, at the expense of the applicant, to all owners of land abutting upon the subdivision and abutters to abutters within 300 feet. The applicant, or his or her representative must be present at the hearing.

##### 2. Approval, Modification or Disapproval.

After the required hearing, but within the period specified, the Planning Board shall take action thereon. The Board shall take final action on such plan in accordance with the following schedule:

- a. Within ninety (90) days of the filing of a non-residential Definitive Subdivision Plan.
- b. Within ninety (90) days of the filing of a residential Definitive Subdivision Plan.
- c. Within one hundred thirty-five (135) days of the filing of a residential Definitive Subdivision Plan where no Preliminary Plan was filed.

The Board may approve, modify and approve, or disapprove said plan, as provided by statute. Any approval of the plan by the Planning Board shall only be given on condition that the designated lots or land shall not be built upon or served with any utilities, such as septic tanks or cesspools, and drainage without prior consent of the Board of Health. The Planning Board shall endorse on the plan such conditions as set forth by the Board of Health and the lots and land affected by such conditions. The action of the Planning Board in respect to such plan shall be certified and filed with the Town Clerk and sent by mail, postage prepaid, to the applicant at his address as stated on the application (see Appendix, Form F).

In the event of disapproval, the Planning Board shall state in detail wherein the plan does not conform to these Rules and Regulations or to the recommendations of the Board of Health or its officer, and shall revoke its disapproval and approve of a plan which, as amended, conforms to these Rules and Regulations or recommendations. Any amended plans which are resubmitted for approval shall follow the same procedures as the original submission (Filing Fee, Public Hearing, etc.). Any amended plans submitted later than three (3) months following the date of the expiration of the appeal period or appeal(s) on the disapproval of the originally submitted plan must conform to the Subdivision Rules and Regulations and procedures (Filing Fee, Public Hearing, etc.) that are in effect at the time of the amended plan's filing.

Final approval, if granted, shall be endorsed on the reproducible drawings of the Definitive Plan by the signatures of the majority of the Planning Board, but not until the statutory 20-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the City Clerk and said Clerk has notified the Planning Board that no appeal has been filed, or if appeal has been taken, not until the entry of a final decree of the court sustaining the approval of such plan.

Final approval of the Definitive Plan does not constitute an agreement by the Town, for the laying out or acceptance of streets within a subdivision. Such laying out or acceptance shall be by action of Town Meeting, upon the recommendation of the Planning Board and the Selectboard.

### 3. Endorsement.

An approved, or approved with modifications, plan shall not be endorsed until after the mandatory twenty (20) day appeal period has elapsed and not until the applicant has:

- a. Posted the necessary performance guarantee. The monetary value of said guarantee, using any method other than a covenant, shall be based on a revised construction quantity estimate (see §7.04 (14)) if conditional approval of the subdivision was given and if said approval changed the original quantities. In addition, the monetary value of the performance guarantee shall be adequate to cover all costs the Town would incur to complete the project at the expiration of said guarantee, including but not limited to construction costs at State (or, if required, Federal) "prevailing" wages, record plans, street acceptance plans, and legal costs.
- b. Made necessary corrections, where applicable, on the plan, easements, master deeds, restrictive covenants, etc., if conditional approval was given by the Planning Board.
- c. Submitted to the Planning Board any additional information required as part of a conditional approval, and received approval of said information from that board.
- d. Paid any necessary inspection fee.

- e. Presented to the Planning Board for their approval, two sets of plans showing the complete electrical, telephone and cable TV supply systems (including pipes, pumps, valves, gates, hand-holes, transformer padmounts and other relevant equipment). Said plans will be accompanied by endorsements from the respective utilities that the plans have received their approval.
- f. Presented to the Planning Board for their approval, if applicable, two sets of a complete street lighting system for the proposed subdivision.
- g. Delivered to the Planning Board two (2) sets of reproducible drawings of the Definitive Plan with the necessary corrections. After endorsement by the Planning Board, the applicant shall deliver to that board, six (6) sets of copies (unless the Board specifies fewer copies) of the endorsed Definitive Plan.
- h. Delivered an Irrevocable Offer of Dedication of all facilities to be dedicated to the public. Said offer must be accompanied by a lawyer's title opinion that the offer is free of any liens and encumbrances and all mortgages must be subordinated to the Offer. The Offer shall be irrevocable, except the offer can be withdrawn if the project proponent does not proceed with the project and requests that the subdivision approval be rescinded or otherwise amended such that the dedication is no longer necessary.
- i. Failure of the applicant to meet the above requirements shall be full and sufficient reason to withhold endorsement.
- j. If the applicant fails to submit the required Performance Guarantees, easements and other documentation, and the endorsement of the Plan by the Planning Board is delayed more than six (6) months after the expiration of the twenty (20) day appeal period, the Planning Board, on its own motion, shall exercise its power to modify, amend, or rescind its approval of the subdivision plan or to require a change in the plan as a condition of said plan retaining the status of an approved plan.

4. Performance Guarantee.

Before endorsement of the Planning Board's approval of a Definitive Plan of a subdivision, the applicant shall agree to complete the required improvements specified in §8.00 and §9.00 for all lots in the subdivision, with such construction and installation to be secured in accordance with §81U of the Subdivision Control Law by one, or in part by the other, of the following methods which may from time to time be varied with the applicant:

- a. Approval with Financial Performance Guarantees (Surety Bonds, Money, Three Party Lender Agreement, or Letters of Credit). The applicant shall either file a surety company performance bond or provide a deposit of money or negotiable securities, including letters of credit, in an amount determined by the Planning Board (see §7.04 (14) and §7.06 (3a)) in consultation with the appropriate Town departments, to be sufficient to cover the cost of all or any part of the improvements specified in these regulations at State (or, if applicable, Federal) "prevailing wage rates" not covered by a covenant under §7.06 (4b) below, and to cover the costs of inspections, record plans, street acceptance plans, and legal work, and a 20% contingency/inflation factor. Warranty principal shall be not less than 15% of the estimated cost of those components of the entire project which shall be dedicated for public use and shall cover workmanship and materials.

If financial performance guarantees are used, at least two lots in a subdivision which can be built on must be covered by a covenant (under §7.06 (4b) below) to insure that all work, including legal work, is completed.

Letters of Credit, three-party agreement for lender retention of funds, surety bonds and other financial performance guarantees must be drafted so that the only requirement that must be met for the Planning Board to draw on the letter is to notify the financial institution (grantor) that:

"We have incurred liability by reason of the failure of the applicant/developer/owner, within ninety days of the expiration of this letter, to complete the construction of their project (insert name of subdivision and plans) in accordance with the definitive subdivision plans and submittal, the subdivision approval, the Huntington Zoning Bylaw, and the Rules and Regulations Governing the Subdivision of Land in Huntington. The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is otherwise let and the work paid for. Any excess, over the cost of completing the work will be returned to the grantor."

Such bond, deposit of money or negotiable securities, shall be approved as to form, the surety or financial institution, and manner of execution by the Planning Board.

For any surety bond:

- 1) The surety must agree that any litigation stemming out of the bond will take place in Massachusetts.
- 2) The bond must include the name and address of the person to be served for any legal action.
- 3) The bond must specifically include the terms above.
- 4) No expiration date may be allowed in the bond (the bond must be valid until the work is complete) and the warranty performance period has been completed..

b. Approval with Covenant. Instead of filing a bond or depositing money, the applicant may fulfill a covenant (see Appendix, Form I), executed and duly recorded concurrent with recording the subdivision approval by the owner of record, running with the land, that no lot in the subdivision shall be sold and no building erected thereon until such ways, services and, whenever applicable, temporary turnarounds are constructed and installed, and until record plans, street acceptance plans, and other required work are accepted by the Planning Board in accordance with these Rules and Regulations so as to adequately serve the lots.

Such covenant shall be inscribed on the Definitive Plan or on a separate document referred to on the plan and delivered to the Planning Board. The Planning Board shall turn over the covenant agreement to the Town's Legal Counsel, who shall review its contents and forward his comments in writing to the Planning Board. Upon approval of the covenant by the Planning Board, the applicant shall note the Planning Board's action on the Definitive Plan (see §7.04 (9)) and the Planning Board shall record the covenant, endorsed Definitive Plan, and other appropriate documents at the Hampshire County Registry of Deeds (see §7.06(6)).

5. Completion Time Schedule.

The Performance Guarantee, whether by bond, deposit of money, letter of credit, or covenant, as previously described herein, shall be contingent upon the completion of such improvements, and the required one year warranty or as required in these Rules and Regulations within a maximum period of three (3) years of the date of such bond, deposit of money, or covenant. There shall be at least a three (3) month period between the completion date of all improvements and the one year warranty period and the expiration date of any bond, deposit of money, or letter of credit. Said three (3) month period shall give the Town the opportunity to collect the financial performance guarantee so that it will be able to complete the necessary improvements in case (a) the developer is unable to do so; and/or (b) the



Planning Board denies any requests for an extension of time. "Warranty" shall include all workmanship and materials.

Upon written request from the applicant, the Planning Board may, at its discretion, grant an extension of time (see Appendix, Form K), and such agreement shall be executed and affixed to the financial performance guarantee or covenant.

In the case of a surety company bond, such an agreement for an extension shall not be effective until the surety delivers to the Planning Board a written statement that the surety agrees to the proposed alteration of the completion schedule and that such alteration shall not relieve or affect the liability of the surety company.

Failure to complete all improvements as required by these Rules and Regulations within the time allotted shall cause the Planning Board (a) to draw upon the performance guarantee (surety bond, deposit of money, letter of credit) in order to complete said improvements; and/or (b) schedule a Public Hearing in order to rescind approval of the subdivision in accordance with appropriate sections of MGL Ch. 41, §81.

6. Recording of Plan.

The Developer, with a representative of the Planning Board present, shall, within ten (10) days after the Definitive Plan has been endorsed, record said plan, Form F, and, whenever applicable, the Planning Board's Order of Conditions, public easements (plans and documents), restrictive covenants, master deeds, etc., at the Hampshire County Registry of Deeds, and in the case of registered land, with the recorder of the Land Court. The cost of said recording shall be borne by the developer.

7. Pre-Construction Conference

Prior to construction, the developer and the contractor must meet with the Building Inspector and Planning Board to review the subdivision permit and conditions. The applicant must provide evidence that all required documents have been recorded.

Subsequent to said recording and prior to any Building Permit being issued, the Project Applicant shall file within seven (7) calendar days one (1) print of the Definitive Plan with the Building Inspector. Further, in accordance with the statute, where approval with covenant is noted thereon, the Inspector shall issue no permit for the construction of a building on any lot within the subdivision, except upon receipt from the Planning Board of a copy of the Certificate of Performance releasing the lot in question.

7.07 Release of Performance Guarantee

1. Procedures for Partial Release.

The subdivider may, upon partial completion and installation of required improvements in a subdivision, as specified in §8.00 and §9.00 of these Rules and Regulations, the security for the performance of which was given by bond, deposit of money, letter of credit, or covenant, make formal application, in writing, to the Planning Board for partial release of his Performance Guarantee, in accordance with the procedures set forth herein:

a. Financial Performance Guarantee. The amount of such a bond, or deposit of money, or letter of credit or three-party agreement for lender fund retention held, may, from time to time, be reduced by the Planning Board. The applicant shall present to the Planning Board a list of all construction items

performed and/or completed, said list to be based on the subdivision approval, and the subdivision regulations in their entirety. The amount to be reduced by the Planning Board, after consultation with the Building Inspector and Selectboard, shall be based upon Federal or State prevailing wage construction costs at the time the application for reduction is made. The Planning Board shall withhold adequate funds to complete the project, as described in §7.06(3a) and §7.06(4a), but shall withhold no less than twenty (20%) percent of the original approved cost estimate or fifty thousand dollars (\$50,000), whichever is greater. At the completion of the project (based on a written acceptance from the Planning Board that the project has been completed) and a one-year warranty period, the amount withheld shall be released under §7.07(2).

b. Covenant. The subdivider may request a Release of Conditions (see Appendix, Form G) for lots where the required improvements have been completed for that section of roadway beginning at any intersection with a Town road and abutting lots up through the last lot to be released. Lots may only be released if they abut the completed portion of the road. No partial release from the covenants will be approved if the total length of roadway, including a temporary turnaround, abutting said designated lots, exceeds the Town's maximum allowable length for dead-end streets, as specified in §8.06(4), unless the Planning Board has already approved within the boundaries of the development, a dead-end street exceeding said limits.

In the absence of financial performance guarantees, adequate covenants will be held to insure completion of the project, including, as applicable, record plans, street acceptance plans, site inspections, and legal work. In addition, a covenant on two lots which can be built on will be held until all work in the subdivision, including the signing of all necessary legal documents, has been completed.

2. Procedures for Full Release.

The subdivider may, upon completion and installation of required improvements in a subdivision, the completion of record plans and street acceptance plans, as specified in these Rules and Regulations, and the completion of a one-year labor and materials warranty period make formal application, in writing, to the Planning Board for full release of any outstanding performance guarantee. Before the Planning Board releases the full interest of the Town in said performance guarantee, the Planning Board shall:

- a. Obtain in writing from the project's registered professional engineer, a certificate of statement (see Appendix, Form G) that all work required by these Rules and Regulations has been constructed in conformance with the approved construction plans.
- b. The applicant shall present the Planning Board with letters from all applicable utilities, including the electric, telephone and cable TV companies, stating that the underground systems have been installed to the satisfaction of their respective utilities.
- c. Obtain from the applicant a set of record construction plans. Said plans shall be derived from the Definitive Plan, but show all features "as built". The Planning Board may hire a consultant at the applicant's expense, as outlined in §7.05, to review these plans prior to their approval.
- d. The applicant may be required to execute an instrument, in a form approved by the Planning Board, transferring to the Town, or to an approved public utility company, without cost, valid unencumbered title to all sanitary sewers, water mains, and appurtenances thereto, and other utilities constructed and installed in the subdivision of approved portion thereof, and conveying to the Town or to an approved public utility company without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers, water mains and other utilities, with any manholes, conduits, and other appurtenances, and to do

all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or approved portion thereof, and if any such sewers or water mains have been constructed and installed in land not within such streets, then in, through, and under a strip of land extending fifteen (15) feet in width on each side of the centerline of all such sewers and water mains. The Planning Board may require greater than fifteen (15) feet in width on each side of the centerline where it deems necessary.

- e. If the Planning Board determines that all improvements as shown on the endorsed Definitive Plan and all required plans and legal documents have been completed satisfactorily, it shall release all the interest of the Town in such performance guarantee and return the bond to the person who furnished the same, or release the covenant, by appropriate instrument, duly acknowledged, which may be recorded.
- f. If the Planning Board determines after inspection that said construction or installation has not been completed, or wherein said construction or installation fails to comply with these Rules and Regulations, the Planning Board shall send by registered mail to the applicant and to the Town Clerk, the details wherein said construction or installation fails to comply with its rules.
- g. The applicant shall have thirty (30) days after receipt of such notice to correct all problems mentioned in the above section. Failure of the applicant to finish all the necessary work within said thirty (30) days shall cause the Planning Board to draw upon the bond or deposit of money as mentioned below.
- h. Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town of Huntington, as provided in MGL Chapter 41, §81 upon failure of the performance for which any bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction and installation.

3. Release of Lots from Covenant in Exchange for Bond or Deposit of Money.

The subdivider may request a Release of Lots from Covenant in exchange for a financial guarantee provided that:

- a. The lots run consecutively and are released on both sides of the road simultaneously, beginning with the lots nearest any intersection of the subdivision road and a Town road.
- b. The amount of the financial guarantee and the financial guarantee process shall be determined by the Planning Board, as described above.

7.08 Deviation from Approved Plan

- 1. After approval of any Definitive Plan, the location and width of ways shown thereon, or any street or way subject to the Subdivision Control Law, shall not be changed unless the plan is amended in accordance with the provisions set forth in MGL Ch. 41, §81-W, as amended, and approved by the Planning Board.
- 2. In the event the applicant desires to alter or change the grade of a street or the size, location or layout of a storm sanitary or water line or appurtenant structure, he shall:
  - a. Provide the Planning Board with a written statement requesting such alteration or change.
  - b. Provide the Planning Board with three (3) prints of the original Definitive Plan with the proposed changes drawn on said prints in red.
  - c. No change or alteration shall be permitted unless such change or alteration has been approved by the Planning Board.
  - d. After approval of a change or alteration, the applicant shall cause such approved changes to be shown on the record plans (see §7.07 (2c)).
  - e. Deviations from material and construction specifications shall not be allowed, except as specifically authorized by the Planning Board.

7.09 Submission of Revised Plans, Additional Materials, etc.

Any revised plans and other additional materials submitted by the developer after the original submission, must be accompanied by a Form K and the appropriate Fee and the developer must provide the number of copies and the format required for the original submittal.

The Planning Board may elect not to consider such revised plans or other additional materials if such plans/materials are not filed with the Planning Office at least fourteen (14) days prior to the date of the Public Hearing or meeting at which the developer wishes them to be considered. This is to ensure that the Town boards and the public have adequate time to review and comment on said materials.

1. After approval of any Definitive Plan, the location and width of ways shown thereon, or any street or way subject to the Subdivision Control Law, shall not be changed unless the plan is amended in accordance with the provisions set forth in MGL Ch. 41, §81-W, as amended, and approved by the Planning Board.
2. In the event the applicant desires to alter or change the grade of a street or the size, location or layout of a storm sanitary or water line or appurtenant structure, he shall:
  - a. Provide the Planning Board with a written statement requesting such alteration or change.
  - b. Provide the Planning Board with three (3) prints of the original Definitive Plan with the proposed changes drawn on said prints in red.
  - c. No change or alteration shall be permitted unless approved by the Planning Board.
  - d. After approval of a change or alteration, the applicant shall cause such approved changes to be shown on the record plans (see §7.07 (2c)).
  - e. Deviations from material and construction specifications shall not be allowed, except as specifically authorized by the Planning Board.
  - f. The Planning Board shall have thirty (30) days to respond to the applicant's request for said change or alteration.



## **8.00 DESIGN STANDARDS**

### 8.01 General

The subdivider shall observe all design standards as hereinafter provided. These shall be considered minimum standards and shall be waived or modified only for the purposes of improved subdivision design or the preservation and enhancement of natural features.

### 8.02 Relation of Design to Town Plans

The design and layout of a proposed subdivision must be guided by the goals and objectives of any plan which has been endorsed by a Town Meeting or by the Selectboard, and which is in place in the Town of Huntington at the time of submission of the Preliminary Plan, if submitted, or the Definitive Plan, in cases where there is no Preliminary Plan. This shall include, but not be limited to, a Master or Comprehensive Plan.

### 8.03 Lot Size and Frontage

All lots created within the proposed subdivision shall comply with the dimensional requirements of the Zoning Bylaws of the Town of Huntington for the zoning district(s) which contain the land being subdivided.

### 8.04 Protection of Natural Features

Unless the subdivider can demonstrate, to the Planning Board's satisfaction, good reason to do otherwise, the subdivision must be designed to retain as much of the natural topography, drainage, and vegetation as possible. The intention of this requirement is to minimize impact on the surrounding neighborhood of the subdivision and on the overall character of the Town of Huntington. To this end, the Board may require that the subdivider use the services of a registered landscape architect. The subdivider shall design the development in such a way as to preserve and protect features of cultural significance, such as historic and scenic sites.

### 8.05 Access Through Another Municipality

In any case where access to the proposed subdivision is by a private road which is situated in another municipality, certification shall be provided by the applicant showing that said road is in compliance with the Subdivision Rules and Regulations and any Master or Comprehensive Plan in place in that municipality, and that a legally adequate performance bond has been duly posted or that said access is adequate for current and projected traffic.

### 8.06 Streets

#### 1. Location and Alignment

- a. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- b. The proposed streets shall conform to any current Master, Comprehensive or other duly adopted Town Plan, as provided in §8.02 of these Rules.
- c. Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.

- e. Streets entering opposite sides of another street shall be laid out either directly opposite one another, or with a minimum offset of one hundred twenty-five (125) feet between their centerlines.
- f. The minimum centerline radii of curved streets shall be seventy-five feet. Greater radii may be required for principal streets.
- g. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect another at less than sixty (60) degrees. The vertical grade of the street shall not exceed a slope of four (4) percent for a minimum distance of one hundred (100) feet from the intersection.
- h. Property and pavement edge-lines at street intersections shall be rounded or cut back to provide for a curb radius of at least twenty feet.

## 2. Width

The minimum width of street rights-of-way shall be forty (40) feet for minor streets, forty-four (44) feet for secondary streets and forty-eight (48) feet for major streets. Greater width shall be required by the Board when deemed necessary for present or future needs. In any case, the developer will clear the right-of-way as specified in §9.02, and only to the extent necessary for the roadway, drainage, utilities, and public safety, consistent with §8.00 (Design Standards) of these Rules.

Street width shall mean the width of the top course of pavement, not including curbs, and shall be based on projected traffic volume generated by the development, using the formula of ten (10) average daily trips (ADT) per dwelling unit and the following:

- a. Not more than 300 ADT                      Minor street: twenty (20) foot minimum width
- b. Not more than 500 ADT                    Secondary street: twenty two (22) foot minimum width
- c. More than 500 ADT                        Major street: twenty four (24) foot minimum width

## 3. Grade

- a. The maximum linear grade for streets, measured at the centerline, shall be as follows: major streets, five percent; secondary streets, eight percent; and minor streets, ten percent.
- b. All vertical curves shall be designed to provide a minimum sight distance of 200 feet on major streets, 150 feet on secondary streets and 100 feet on minor streets, measured at three and one-half (3 1/2) feet above the pavement.

## 4. Deadend Streets

- a. Deadend streets shall not be longer than eight hundred (800) feet unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions.
- b. Deadend streets shall be provided at the closed end with a turnaround having a radius of at least fifty (50) feet, measured at the pavement edge, and a property line radius of at least sixty-five (65) feet, which line shall be used to compute street frontage.
- c. Temporary deadends, where further extension of the street or connection with another street is planned or projected, shall be provided with a temporary turnarounds, either "L" shaped or "hammerhead" shaped, with an inside radius of at least twenty feet and a depth of at least thirty feet from the street centerline. Temporary easements shall be provided as needed. When the street is extended or connected, the temporary easement shall be terminated, the temporary turnaround removed, and the landscape restored. Temporary turnarounds may not be used in computing street frontage to meet zoning dimensional requirements. The Town shall not release the performance bond or covenant for a development until any temporary deadend street(s) have either been extended to the proposed final length and connected to another street or the temporary turnaround has been replace with a permanent turnaround as described in §8.06 (4b). In no case shall a temporary turnaround remain in place for longer than five (5) years.

## 5. Easements

- a. Easements for utilities shall be at least twenty (20) feet wide.

b. Where a subdivision is traversed by a water course, drainage way, channel, or stream, the subdivider shall convey to the Town of Huntington, a storm water easement or drainage right-of-way which conforms substantially to the lines of water course, drainage way, channel, or stream. Said easement shall be within boundaries which are no closer than five (5) feet, measured horizontally, from the annual high water line. In no case shall said easement have a width of less than twenty (20) feet.

c. Wherever possible, easements shall be continuous from lot to lot and street to street, shall be along rear or side lot lines, and shall create a minimum number of irregularities

#### 6. Curb Cuts

a. Driveways shall be at least nine feet wide and have a curb return at the roadway with a three (3) foot radius.

b. Where rolled curbs or no curbs exist, the driveway flare shall have a three foot radius.

c. Driveway cuts shall be at least fifty (50) feet from any intersection, measured between nearest edge-lines, irrespective of radii.

#### 7. Guard Rails

Guard rails shall be provided at any hazardous points along any streets within the subdivision, including, for example, high fills or fills on sharp curves or along deep ditches. Guard rails should be of a type which does not detract from the attractiveness of its surroundings, such as Core-10 or other context-sensitive designs.

#### 7. Utilities

All utilities shall be installed underground at the time of initial construction.

#### 8. Site Maintenance

Work sites shall be kept reasonably clear of debris at all times. Prior to the issuance of a Certificate of Occupancy of a house within a subdivision, the roadway base pavement, berms, and sidewalk base, at a minimum, shall be installed from the nearest town road, or completed subdivision street, to the farthest property line of the lot on which said house is located. During subsequent construction, paved surfaces servicing houses for which Certificates of Occupancy have been issued shall be kept free of dirt and other debris. During all phases of construction, all drainage ditches, pipes, and related structures for control of stormwater shall be kept open and clear of debris.

Upon completion of the subdivision, the subdivider shall remove all temporary structures, rubbish, and surplus materials from the area within thirty (30) days. All paved surfaces shall be swept clean and catch basins shall be cleared of any debris.

#### 9. Asset Preservation; Conflicts

As provided in §8.04 of these Rules, due regard shall be shown for all natural features, such as topography, ridgeline features, large trees, wooded areas, water courses, scenic points, historic spots, and similar community assets which, if preserved, will add attractiveness and value to the subdivision. The Planning Board may require that it be given limited site development control in particularly sensitive areas of town, such as near the town center or on ridgelines which are visible from significant portions of the surrounding area.

Where any standards in §8.06 are in conflict with §8.04 in the context of the plan for a proposed subdivision, the Planning Board may deviate from the standards to the extent that safety of the residents of the subdivision and the Town of Huntington is not significantly compromised.



In all cases, it shall be the goal of the subdivider and the Planning Board to design a subdivision which is in harmony with the character of its immediate surroundings and the Town of Huntington.

## **9.00 CONSTRUCTION STANDARDS**

### **9.01 General**

It is the policy of the Planning Board to encourage the use of the natural topography, swales, and drainage, if adequate under normal circumstances, to carry surface runoff and storm waters from roadways in a subdivision. Where natural features aren't adequate to provide sufficient drainage, the Board may require other measures, such as swales, drainage channels, and storm water holding basins for areas of moderate concern and culverts, catch basins, paved drainage channels, curbs, and berms for areas prone to flooding.

Streets, sidewalks, water systems, sanitary sewers, storm drain systems, public and private utilities and other infrastructure shall be constructed in accordance with this chapter and the current editions of the Commonwealth of Massachusetts Department of Public Works (a) "Standard Specifications for Highways, Bridges and Waterways," (to be referred to herein as the "Standard Specifications"), (b) "Construction Standards" (to be referred to herein as the "Construction Standards"), and (c) "Massachusetts Erosion and Sedimentation Control Guidelines for Urban and Suburban Areas" in effect on the date of submission of the subdivision application,

Except where written waiver is issued by the Board, the following minimum specifications shall govern the installation of all roadways, utilities, and other improvements in all subdivisions as designated on the definitive plan and as otherwise approved by the Board. No applicable bond, deposit, or covenant shall be released except as specified in §7.07 of these Rules, until inspection has been completed and the Board has issued written approval of all work done under this section.

### **9.02 Staking**

Subdividers shall employ, at their own expense, a professional engineer or registered land surveyor to set all lines and grades in accordance with the provisions of §5:07 of the Standard Specifications.

### **9.03 Streets and Ways**

1. An area within the right-of-way lines, of a width to be determined by the Planning Board based on local conditions of the site, except for trees and other vegetation intended to be preserved, shall be cleared and grubbed of all stumps, brush, roots, and like material. In all cases, the cleared area shall be equal to, at a minimum, the width of the proposed street plus six (6) feet on either side, and at a maximum of the entire width of the right-of-way. All rock or masonry with a maximum dimension over three inches and within six inches of the top of sub-grade shall be removed. Trees intended to be preserved shall be protected by suitable boxes, fenders, or wells as appropriate.
2. The centerline of all streets shall coincide as nearly as possible with that of the full right-of-way and shall in no case vary more than four feet in either direction.
3. In a cut area all material shall be removed to sub-grade. All unsuitable material, such as peat, highly organic silt or clay, or any other material that, based on results of test borings, is considered to be detrimental to the sub-grade, shall be removed and replaced by bank-run gravel, which shall be compacted with a ten-ton roller.
4. Topsoil, defined as fertile, friable, natural material which has demonstrated vegetative growth, and found on the site, can be used within the right-of-way, provided it conforms with the relative provisions of §751 of the Standard Specifications.
5. In fill areas the embankment shall be ordinary borrow specified and placed, as in the relevant

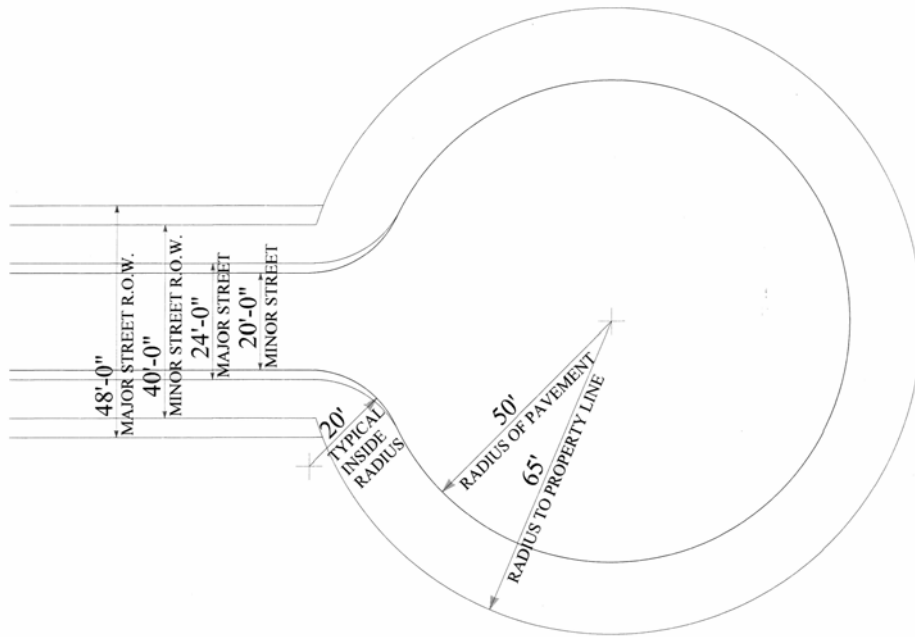


fig. 1; Typical Cul-de-Sac "Teardrop" Turnaround

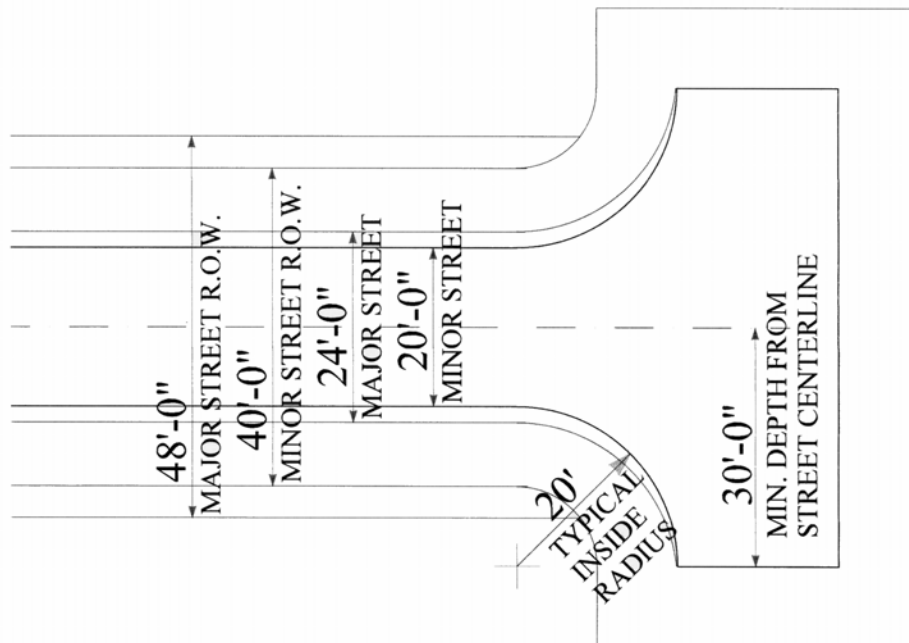


fig. 2; Typical Cul-de-Sac "Hammerhead" Turnaround

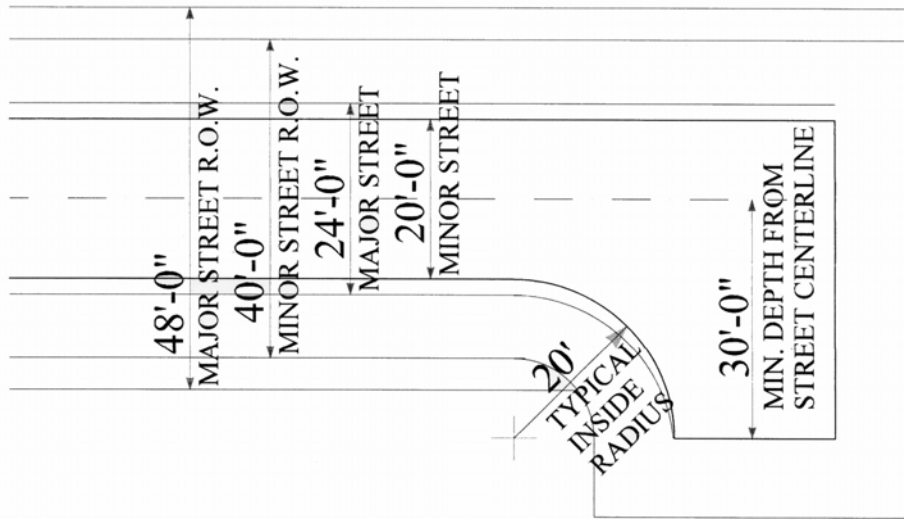


fig. 3; Typical Cul-de-Sac "L" Turnaround

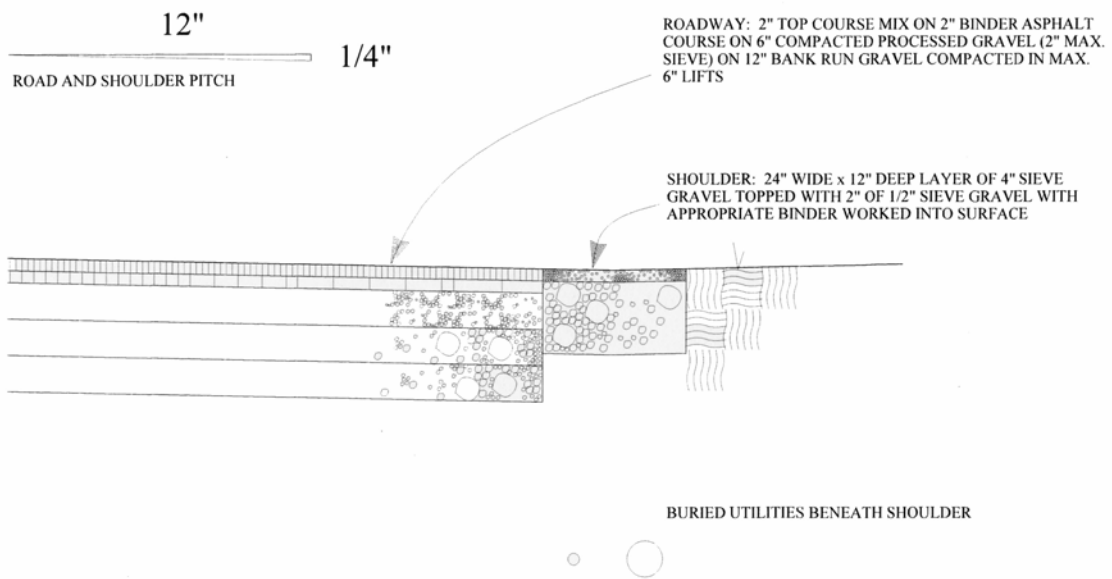


fig. 4; Typical street cross-section

provisions of §150 of the Standard Specifications.

2. Before the ground base course is spread, the sub-grade shall be shaped to a true surface conforming to the proposed cross section of the road. Where fill is required, it shall be placed in layers not deeper than twelve (12) inches loose, except that the last layer shall not exceed four (4) inches in depth. The fill shall be ordinary borrow, specified and placed as in the relevant provisions of §150 of the Standard Specifications. A tolerance of one-half (1/2) inch above or below finished sub-grade will be permitted, provided this difference is not maintained over fifty (50) feet and the required cross section is maintained.

3. All streets shall be crowned at the centerline, at a pitch of one quarter inch per foot. A completed street shall include the following:

a. Twelve inches of bank run gravel, consisting of durable stone and coarse sand, free from loam, clay, and rubble or bio-degradable material. Maximum size of stone shall be four inches in largest dimension. Gravel shall be installed in two layers of six inches each, each layer being compacted by a roller weighing at least six tons.

b. Six inches of processed gravel, which shall meet the requirements of §7.a. above, except that the maximum size stone shall be two inches in largest dimension. Gravel may be installed in one layer.

c. A two inch base course, which shall be asphalt concrete, in accordance with §420, Class I Bituminous Concrete Pavement type I-1 (Binder Course Mix). Paving material shall be placed directly over a gravel base having a compacted thickness of at least eighteen inches. Pavement shall be put down with straight edges and shall be compacted by a ten-ton roller. Paving material shall be placed by paving machine.

d. A two inch (2") top course of asphalt concrete, in accordance with §460, Class I Bituminous Concrete Pavement Type I-1 (Top Course Mix). The top course shall be compacted as required in 7.c. above. Paving shall be placed by paving machine.

#### 9.04 Curbs

All subdivision streets shall be constructed with curbs of the same type and construction as the street to which it is a tributary. All bituminous curbs shall be placed on the bituminous binder course, which shall be widened to accommodate them. Where curbs or berms are not required, all streets shall have a shoulder on each side consisting of compacted twelve (12) inches of four (4) inch sieve gravel topped with two (2) inches of half (1/2) inch sieve gravel, which shall have an appropriate binder worked into the surface. The shoulder width shall be two (2) feet for minor streets and three (3) feet for secondary streets.

#### 9.05 Utilities

1. Where a subdivision is within reasonable distance of an existing sewer line, a complete sanitary sewer system shall be installed and connected to the existing town or district sewers by the subdivider.

Where a subdivision is located beyond the range of an existing sewer, but in an area planned to be served by a future extension of the sewer system, the subdivider shall make provision for future connections from each dwelling to the sewer in the street, and under such conditions septic tanks shall be used.

Where a subdivision is located in an area to which extension of the sewer system is not planned, septic tanks shall be used. All septic tanks and disposal systems shall conform with the regulations of the Board of Health and the State Sanitary Code.

2. Adequate disposal of surface water shall be provided consistent with §9.01 of these Rules. Catch basins shall be built in conformity with specifications of the Superintendent of Roads or Town Engineer on both sides of the roadway on continuous grades at intervals of not more than four hundred feet, at low points and sags in the roadway, and near the corners of the roadway at intersecting streets.
3. Where a subdivision is within reasonable distance of an existing water line, a complete water system, including hydrants, mainline valves, and related appurtenances shall be constructed to serve all lots, in conformity with Town regulations.

Hydrants shall be installed by the subdivider so that all dwellings in the subdivision are within three hundred feet of a hydrant, unless a greater distance is approved by the Town Fire Chief and/or Water Department in writing, which document shall be submitted as part of the Definitive Plan or its revisions.

4. Culverts shall be installed at driveway/road intersections where deemed necessary by the Building Inspector and/or Superintendent of Roads. Culverts must meet standards established by the Superintendent of Roads as to material and size.
5. All electric and telephone wiring shall be installed underground in the subdivision, in accordance with the plan required in §7.03 (15D) of these Rules.

#### 9.06 Sidewalks

Sidewalks shall be constructed on one or both sides of any street in conformity with the street to which it connects, unless in the opinion of the Board such sidewalks are not necessary. If sidewalks are not contemplated, a statement to that effect should appear on the Definitive Plan. Where possible and practical, sidewalks shall be provided outside of the street right-of-way within an easement conveyed to the Town. Such sidewalk easement shall be continuous and shall follow the contour of the street, even though the street may be located in a cut or fill, which cut or fill shall be widened to accommodate it. Said easement shall be eight (8) feet wide with a four (4) foot wide wearing surface as described below; and shall connect with the street right-of-way line at various points as required by the Board.

The four (4) foot wide wearing surface shall be constructed of asphalt concrete, gravel or stone dust, as determined by the Board and to the following standards:

1. Whatever the wearing surface material, the foundation shall be at least ten inches of approved gravel placed in two five inch layers and well compacted.
2. When asphalt concrete is required, It shall be Class I Bituminous Concrete Pavement type I-1 (Binder Course Mix) laid and rolled to a one and a half inch (1 1/2") thickness and topped with a finished course of Class I Bituminous Concrete Pavement Type I-1 (Top Course Mix) rolled to a 1 inch thickness.
3. When the wearing surface is gravel, it shall be no coarser than one-half (1/2) inch laid to a depth of two (2) inches.
4. When the wearing surface is stone dust, it shall be laid to a depth of two (2) inches.
5. When the wearing surface is either gravel or stone dust, it shall be applied on top of filter fabric and finished by working an appropriate binder into the surface stone or dust, followed by rolling.

#### 9.07 Monuments

Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets, and at other points as shown on the definitive plan and where, in the opinion of the Planning Board, permanent monuments are necessary. Such monuments shall be a minimum of four (4) inches by four (4) inches by six (6) feet in size and shall be constructed of reinforced concrete or granite. No permanent monuments shall be installed until all construction which could destroy or disturb the monuments is completed. Permanent monuments shall be installed to extend below frost line and be of such construction as to resist easy removal. All monuments shall be installed under the direction of a Massachusetts registered land surveyor.

9.08 Landscaping, Street Trees and Tree Belts

1. Tree belts a minimum of six (6) feet wide shall be provided on each side of the roadway. Tree belts shall be between the curb or shoulder and the sidewalk, if required, or the edge of the right-of-way when there are no sidewalks. Trees shall be planted along the center line of the tree belt. The finished grade of such tree belts shall have a slope of one-half (1/2) inch per foot toward the roadway. Where unusual physical land characteristics of topographic conditions exists, and where no sidewalk is to be constructed, the Planning Board may approve the construction of a tree belt of a greater slope with the finished slope not projecting above a plane sloped four (4) horizontal to one (1) vertical from the back of the curb or edge of the shoulder.
2. The top six (6) inches of tree belt shall consist of good quality loam extending to the right-of-way, screened, raked, and rolled with lawn grass seed applied in sufficient quantity to assure adequate coverage, rolled when the loam is moist. Spreading of loam and seed shall be in accordance with Sections 751 and 765 of the Standard Specifications.
3. Street shade trees shall be on both sides of subdivision streets, within the right-of-way, but with a minimum setback of ten (10) feet from the edge of the pavement . There shall be one tree planted an average of every thirty (30) feet of street frontage along each lot and not less than two trees per lot. Any mature deciduous shade trees preserved may be applied toward this average.
4. Trees shall be mature deciduous trees or newly planted trees no less than three inch (3") caliper at time of installation. Clumping is permitted in order to frame or enhance a view. The center of the tree should be four feet from pavement or curbs.
5. Street trees shall be deciduous shade trees, including, but not limited to, those listed in the table below. No more than 35% of any one species shall be used throughout the subdivision.
6. Street trees shall have a minimum caliper of three inches (3") measured six inches (6") above soil root ball. They shall be single-stemmed with a single, straight leader. All tree species must meet American Association of Nurserymen Standards for the types and sizes specified. These standards shall be included on the detail sheets.
7. The developer shall install on each lot the street trees specified on the approved plans prior to the issuance of the final Certificate of Occupancy. Trees must survive one year after planting prior to the release of warranty performance guarantees.
8. Planting operations and requirements for street trees shall be in accordance with the American Association of Nurserymen Standards for Planting and shall have a two (2) year growth warranty. These standards shall be indicated on detail sheets.

A Selection of Approved Street Tree Species

<b>Botanical Name</b>	<b>Common Name</b>	<b>Notes</b>
<i>Acer rubrum</i>	Red Maple	Low salt areas
<i>Acer saccharum</i>	Sugar Maple	In special circumstances, low salt, wide root zone areas
<i>Fraxinus pennsylvanica</i>	Green Ash	
<i>Gleditsia triacanthos</i> var. <i>inermis</i>	Thornless Common Honeylocust	
<i>Nyssa sylvatica</i>	Black Gum, Tupelo	Moist soils
<i>Quercus coccinea</i>	Scarlet Oak	
<i>Quercus robur</i>	English Oak	
<i>Quercus rubra</i>	Red Oak	Will tolerate poor, sandy soils
<i>Platanus x acerifolia</i>	London Plane Tree	
<i>Tilia cordata</i>	Littleleaf Linden	
<i>Ulmus americana</i> ‘Valley Forge’	Valley Forge Elm	
<i>Ulmus americana</i> ‘Princeton’	Princeton Elm	
<i>Ulmus parvifolia</i> ‘Allee’	‘Allee’ Lacebark Elm	

9.09 Street Signs

Street name signs shall be furnished by the developer, and erected at all street intersections prior to the occupancy of any building on the street in order that occupied houses be in compliance with the “911” emergency response system. All streets not accepted by the Town shall be so indicated by a sign stating “Private Way”. Signs shall be approved by the Board to prevent duplication and to insure that names are in keeping with the character of the town.

9.10 Street Lights

If required by the Board, street lights shall conform to the type and style in use in immediate vicinity of the subdivision, unless otherwise specified by the Board. Street lights shall be installed according to the lighting plan submitted as part of the Definitive Plan in §7.04 (15) of these Rules. Required lights shall be located in the tree belt specified in §9.08 (1).

9.11 Certification

On completion of the subdivision, the subdivider shall submit to the Board a certificate from a Surveyor or Engineer that the plan and profile of the subdivision are according to the approved plan and that all bounds and monuments are set correctly and according to plan.



## **10.00 INSPECTIONS**

### 10.01 General

All work done in a subdivision pursuant to a definitive plan shall be inspected as it proceeds, by a person appointed or authorized by the Planning Board, and at the expense of the subdivider. The Board shall not approve work done in a subdivision, or release bonds or covenants, unless all inspections have been performed and certified in writing as specified by these rules and regulations or as otherwise required by the Board.

### 10.02 Payment for Inspections

Payment for all inspections, including those done on the Board's behalf, but at the subdividers expense, shall be required before the Board shall release the subdivider's bond, deposit, or covenant. If the Board requires that inspections be made by an Engineer named by the Town, said Engineer shall be chosen and payment handled according to §7.05 (3-5) of these Rules. Separate fees may be assessed by the Board of Health and/or the Sewer and Water Commission.

### 10.03 Schedule of Inspections

1. The Board shall require the following inspections and may require satisfactory completion of one step before the subdivider proceeds to the next. It may require tests to be done at the expense of the subdivider as a condition for approval when in the opinion of the Board such tests are advisable.
2. Inspections shall be arranged by written request of the subdivider to the proper official(s). Such request shall be made at least two working days prior to the time when the subdivider plans to be ready for inspection. A copy of each request shall be sent to the Board by the subdivider.
3. Unless otherwise stipulated by the Board, inspections shall be for the following:

INSPECTION #1: Clearing of Right-of-way,

INSPECTION #2: Subgrade Preparation

INSPECTION #3: Drainage (Below Grade) Installation

INSPECTION #4: Water (mains and related equipment including fire hydrants) Installation (if applicable)

INSPECTION #5: Gravel Road Base Installation

INSPECTION #6: Curb Installation (if applicable)

INSPECTION #7: Pavement Binder Course Application

INSPECTION #8: Surface Drainage Installation

INSPECTION #9: Berm Installation (if applicable)

INSPECTION #10: Pavement Finish Course Application

INSPECTION # 11: Sidewalk Construction (if applicable)

INSPECTION # 12: Street Trees and Planting

INSPECTION # 13: Street Signs and Monuments

INSPECTION # 14: Street Lights (if applicable)

INSPECTION # 15: Final Cleanup

## **11.00 ADMINISTRATION**

### 11.01 Authority

The Board shall be the administrative agency of these regulations and shall have all the powers assigned them by MGL Ch. 41, §81-A through §81-GG.

### 11.02 Surrogate Authority

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

### 11.03 Amendments to Plans

The Board on its own motion or on the petition of any person shall have the power to modify, amend, or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan, as further provided in MGL Ch. 41, §81-W.

### 11.04 Interpretation

Whenever these Rules and Regulations, made under the authority hereof, differ from those prescribed by any local Ordinance or other local regulations, the provision which imposes the greater restriction or the higher standard shall govern.

### 11.05 Enforcement by Denial of Building Permits

The Building Inspector of the Town of Huntington shall issue no building permits for any of the lots of any subdivision unless notified in writing by the Planning Board that the approved subdivision plans and documents have been recorded at the Hampshire County Registry of Deeds. Said notice shall be sent to the Building Inspector within seven (7) calendar days after the date of said recording.

No land shall be occupied or used, and no building or structure hereinafter erected or structurally altered shall be occupied or used unless a Certificate of Occupancy has been issued by the Building Inspector. Such certificate shall state that the structure and use of structure and land comply in every respect with the provisions of these rules and regulations or with a decision of the Board of Appeals.

A Certificate of Occupancy shall be conditional on the maintenance of full compliance with the provisions of the subdivision rules and regulations in effect at the time of issuance or with restrictions imposed in a decision of the Board of Appeals, and shall become void if such compliance fails.

### 11.06 Fees

See Appendix 1.

## **APPENDICES**

### **APPENDIX 1, FEES**

1. Approval Not Required (ANR): \$50 per newly-created parcel, not including original lot.
2. Preliminary Subdivision Plan: \$50.00 per unit. The Planning Board may reduce this fee for projects or parts of projects designed to provide affordable housing, as defined by the Massachusetts Dept. of Housing and Community Development (DHCD).
3. Definitive Subdivision Plan: \$500, plus the current registered mail fee for each abutter and abutter-to-abutter within three-hundred (300) feet, according to Town Assessors maps. For residential subdivisions with at least five percent affordable housing (as defined by DHCD) the fee shall be half that calculated herein. The Planning Board may further reduce this fee for projects or parts of projects designed to provide additional affordable housing.
4. Definitive Plan if no preliminary plan filed: \$750, plus \$50 per unit, plus the current registered mail fee for each abutter and abutter-to-abutter within three-hundred (300) feet, according to Town Assessors maps. For residential subdivisions with at least five percent affordable housing (as defined by DHCD) the fee shall be half that calculated herein. The Planning Board may further reduce this fee for projects or parts of projects designed to provide additional affordable housing.
5. Inspection Fee: The Inspection Fee in effect during construction, which is subject to change, shall apply.

Note: A separate fee may apply for review of stormwater/drainage analysis.

## **FORMS**

Attached are usable samples of the forms used for the administration of these regulations. The administrative content of these forms may be revised from time to time by administrative action of the Planning Board. Copies of these forms are available in the Office of the Town Clerk. Changes to the forms are filed with the Town Clerk.

**ENDORSEMENT OF APPROVAL NOT REQUIRED (ANR) PLAN—Form A**

File with the Planning Board, Town of Huntington, Massachusetts

1. Deed recorded in Hampshire County Registry of Deeds or Land Court: Book \_\_\_\_\_ Page \_\_\_\_\_.
2. Street Address: \_\_\_\_\_
3. Assessor's Map: \_\_\_\_\_ Lot(s): \_\_\_\_\_ Additional property description: \_\_\_\_\_
4. Number of newly created lots: \_\_\_\_\_
5. Check list of filing requirements (check the supplied items. Applications MUST have these items.)
  - Original, reproducible (mylar) Plan, with endorsed Seal of a Massachusetts Registered Professional Land Surveyor.
  - Six (6) prints of the Plan.
  - Original and Six (6) copies of the fully completed and endorsed ANR Application form.
  - Check in the appropriate amount (\$50 for each newly created lot, payable to "Town of Huntington").

We believe and understand that:

1. The attached plan is not a division as defined in the Subdivision Control Law and we submit it for endorsement that Planning Board approval under this Law is not required; and
2. We have provided all the information required in the checklist above; and
3. The plans submitted are now in the public domain and may be copied freely in any form.

Applicant (print or type): \_\_\_\_\_

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

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

\_\_\_\_\_ Phone: \_\_\_\_\_

Owner (print or type): \_\_\_\_\_

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

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

\_\_\_\_\_ Phone: \_\_\_\_\_

Surveyor (print or type): \_\_\_\_\_ Signature: \_\_\_\_\_

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

Allow 21 days for processing. It is the applicant's responsibility to pick up the original drawing and record it at the Registry of Deeds or Land Court within the time limits established by the Registry. All copies and forms remain with the Town. Applicants may file one copy of this ANR form with the Town Clerk to protect their appeal rights.

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

Date Decision Filed: \_\_\_\_\_

Town Clerk (signature): \_\_\_\_\_

Town Clerk (signature): \_\_\_\_\_

**APPLICATION FOR APPROVAL OF PRELIMINARY PLAN--Form B**

File with the Planning Board, Town of Huntington, Massachusetts

File sixteen completed forms and plans and file seven additional copies, showing wetlands, which may be 11" x17" reduced scale plans, with the Town Clerk and the Planning Board, in accordance with the requirements of § 6:02. All plans must be folded and a copy of this application attached to each plan.

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of Property located in the Town of Huntington for approval as allowed under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Huntington. We further grant the Planning Board and its agents the right to enter our property for the purpose of evaluating this application.

1. Applicant \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

2. Owner \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

3. Engineer \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

4. Surveyor \_\_\_\_\_ Signature \_\_\_\_\_

5. Deed of property recorded in Hampshire County Registry or Land Court (circle one),

Book \_\_\_\_\_ Page \_\_\_\_\_

6. Location and Description of Property:

# of Lots: \_\_\_\_\_

7. Assessor's Map ID: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Date submitted to Planning Board: \_\_\_\_\_ Date Decision Filed: \_\_\_\_\_

Town Clerk: \_\_\_\_\_  
(Signature)

Town Clerk: \_\_\_\_\_  
(Signature)

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN—Form C

File with the Planning Board, Town of Huntington, Massachusetts

File sixteen completed forms and plans and file seven additional copies, showing wetlands, which may be 11" x17" reduced scale plans, with the City Clerk and the Planning Board, in accordance with the requirements of § 6:02. All plans must be folded and a copy of the application attached to each plan.

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of Property located in the Town of Huntington for approval as allowed under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Huntington. We further grant the Planning Board and its agents the right to enter our property for the purpose of evaluating this application.

1. Applicant \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

2. Owner \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

3. Engineer \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

4. Surveyor \_\_\_\_\_ Signature \_\_\_\_\_

5. Deed of property recorded in Hampshire County Registry or Land Court (circle one),

Book \_\_\_\_\_ Page \_\_\_\_\_

6. Location and Description of Property:

# of Lots: \_\_\_\_\_

7. Assessor's Map ID: \_\_\_\_\_ Lot(s): \_\_\_\_\_

The following are all the mortgages and other liens or encumbrances on the whole or any part of the above described property:

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

The undersigned hereby covenants and agrees with the Town of Huntington upon approval of the Definitive Plan:

1. To construct the ways and install the municipal services as finally approved by the Planning Board.
2. To design and construct the ways and design and install the municipal services in accordance with the Rules and Regulations Governing the Subdivision of Land, Town of Huntington, Massachusetts, with the rules and instruction of the Board of Health, appropriate departments, and with the Definitive Plan and its accompanying material as finally approved by the Planning Board.

3. At the laying out and acceptance of said ways all municipal services within the ways will become the property of the Town of Huntington at no cost to said Town, unless otherwise agreed upon.

This agreement shall be binding upon the heirs, executors, administrators, successors, and assigns of the undersigned.

Owner of Record \_\_\_\_\_  
Print or type name Signature

\_\_\_\_\_  
Address Phone

Before me appeared \_\_\_\_\_, Owner of Record, and made oath that the above statements subscribed to be him/her are true.

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

Commission Expires: \_\_\_\_\_

Date of Submission: \_\_\_\_\_

Town Clerk: \_\_\_\_\_  
(signature)

Create checklist of all design and submittal requirements and include with filing.





**NOTICE OF SUBDIVISION APPROVAL OR DISAPPROVAL-Form F**  
File with the Planning Board, Town of Huntington, Massachusetts

**To: Town Clerk**

The Planning Board on \_\_\_\_\_ by \_\_\_\_\_ vote  
date

DISAPPROVED/APPROVED (cross out one) the following subdivision plan:

Name or description \_\_\_\_\_

New street names \_\_\_\_\_

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

Submitted by \_\_\_\_\_

Address \_\_\_\_\_

On \_\_\_\_\_ pending termination of the statutory twenty day appeal period.  
Date

Signed \_\_\_\_\_  
Chair, Huntington Planning Board

This vote of the Planning Board is duly recorded in the minutes of their meeting.

- |      |                         |                               |
|------|-------------------------|-------------------------------|
| c.c. | Applicant               | Selectboard                   |
|      | Zoning Board of Appeals | Police Department             |
|      | Building Inspector      | Board of Assessors            |
|      | Highway Department      | Register of Voters            |
|      | Fire Department         | Planning and Development File |
|      | Board of Health         | Conservation Commission       |

After twenty (20) days without notice of appeal, revised plans showing all Planning Board conditions shall be submitted to the Planning Board for final endorsement. The applicant shall then transmit copies of the signed plans to: Planning Board, Register of Voters, Highway Superintendent (paper and mylar copy), Police Department, Assessors, Fire Department, and Building Inspector.

**REQUEST FOR RELEASE OF LETTER OF CREDIT, THREE-PARTY LENDER  
AGREEMENT, BOND, SURETY OR COVENANT—Form G**  
File with the Planning Board, Town of Huntington, Massachusetts

To: Board of Selectmen

From: Huntington Planning Board

Subject: \_\_\_\_\_  
(description and name, if any)

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

The improvements specified in the Planning Board Rules and Regulations are believed to have been completed on the below described subdivision. Please indicate your approval or disapproval of release of bonds, surety or conditions insofar as the requirements of your authority as Highway Superintendents are concerned. If release of conditions is indicated, specify for which lot(s) you approve release.

Signed: \_\_\_\_\_  
Chair, Huntington Planning Board

\*\*\*\*\*(do not detach)\*\*\*\*\*

To: Planning Board

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

Subject: \_\_\_\_\_  
(description and name, if any)

Insofar as the requirements of this department are concerned, the release of bonds, surety or conditions for the above described subdivision is:

APPROVED    DISAPPROVED (cross out one)

If disapproved, state reason: \_\_\_\_\_

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

Department \_\_\_\_\_

Signed \_\_\_\_\_

**COVENANT—Form I**  
File with the Planning Board, Town of Huntington, Massachusetts

The undersigned \_\_\_\_\_ of  
Print or type name(s)

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
No. and Street City State

hereinafter called the "Covenantor", having submitted to the Huntington Planning Board the Definitive Plan of a subdivision,

Name of subdivision: \_\_\_\_\_ dated: \_\_\_\_\_

does hereby covenant to and agree with said Planning Board and the successors in office of said Board, pursuant to Mass. General Laws, Chapter 41, § 81U, as amended, that:

1. The Covenantor is the owner of record of the premise shown on said plan;
2. This covenant shall run with the land on lot number \_\_\_\_\_ and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan.
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Planning Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon the approval of said plan;
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

The undersigned \_\_\_\_\_ (wife, husband) of the covenantor hereby agrees that such interest as (I, we) may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead, and other interest therein:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness (Print Name) Signature Witness (Print Name) Signature

**Notary Acknowledgement**

Commonwealth of Massachusetts County of \_\_\_\_\_.

On this \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_.  
day month year

Before me, the undersigned Notary Public, personally appeared \_\_\_\_\_,  
Print Name of signer

who proved to me through satisfactory evidence of identification, which was/were

\_\_\_\_\_  
Description of evidence of identification

to be the person whose name is signed on this document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

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

\_\_\_\_\_  
Printed name of Notary Public

My Commission Expires: \_\_\_\_\_  
Date

Place notary seal and/or stamp above

RELEASE OF CONDITIONS or CERTIFICATE OF PERFORMANCE—Form J

Certification is herewith given that \_\_\_\_\_ has complied with the conditions imposed by the Planning Board of the Town of Huntington under Rules and Regulations

Governing the Subdivision of Land on Lot No. \_\_\_\_\_, or Lots No. \_\_\_\_\_ as shown on plan entitled \_\_\_\_\_

\_\_\_\_\_ and recorded in Hampshire County Registry of Deeds Plan

Book \_\_\_\_\_, Page \_\_\_\_\_ .

By: \_\_\_\_\_  
Chair, Huntington Planning Board

COMMONWEALTH OF MASSACHUSETTS

**Notary Acknowledgement**

Commonwealth of Massachusetts County of Hampshire.

On this \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_  
day month year

Before me, the undersigned Notary Public, personally appeared \_\_\_\_\_,  
Chair,

Print Name of signer

Huntington Planning Board, who proved to me through satisfactory evidence of identification, which was/were

\_\_\_\_\_  
Description of evidence of identification

to be the person whose name is signed on this document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

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

\_\_\_\_\_  
Printed name of Notary Public

My Commission Expires: \_\_\_\_\_  
Date

Place notary seal and/or stamp above

**APPLICATION FOR SUBMISSION OF ADDITIONAL PLANS, MATERIALS,  
INFORMATION, ETC. AND FOR AN EXTENSION OF TIME PERIOD—Form K**  
File with the Planning Board, Town of Huntington, Massachusetts

File sixteen completed forms and plans and file seven additional copies, showing wetlands, which may be 11" x17" reduced scale plans, with the City Clerk and the Planning Board, in accordance with the requirements of § 7.02. All plans must be folded and a copy of this application attached to each plan.

To the Planning Board:

The undersigned herewith submits/resubmits the accompanying additional plan, materials, information, etc., relative to the previously filed Definitive Subdivision Plan entitled \_\_\_\_\_

and originally filed on \_\_\_\_\_, for approval under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Huntington.

Submitted/Resubmitted Plans, Materials, Information:

\_\_\_\_\_  
(Title) (Sheet(s)) (Dated)

\_\_\_\_\_  
(Title) (Sheet(s)) (Dated)

\_\_\_\_\_  
(Title) (Sheet(s)) (Dated)

With this Submission/Resubmission of the above listed additional plans, materials, information, I am also hereby requesting a sixty (60) day extension, from the date of this filing, to the Planning Board's Decision Deadline Date for the Approval or Disapproval of this Definitive Subdivision Plan.

Applicant \_\_\_\_\_

(Print or type name)

(Signature)

**COMMONWEALTH OF MASSACHUSETTS**

Before me appeared \_\_\_\_\_, the Applicant, and acknowledged the foregoing to be his/her free act and deed before me. \_\_\_\_\_ Notary Public

Commission Expires: \_\_\_\_\_

Date of Submission: \_\_\_\_\_

Town Clerk: \_\_\_\_\_

(Signature)