

**RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
SHARON, MASSACHUSETTS
(Adopted under the Subdivision Control Law
Section 81-K to 81-GG inclusive, Chapter 41, G.L.)**

SECTION 1.0 PURPOSE AND AUTHORITY

1.1 Purpose

These subdivision regulations are adopted under the provisions of Chapter 41 of the General Laws for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Sharon 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 Appeal under the Subdivision Control Law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger of 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 Zoning By-Law; for securing adequate 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 and with the public ways in the Town and with the ways in neighboring subdivisions."

1.2 Authority

Under the authority vested in the Planning Board of the Town of Sharon by Section 81-Q of Chapter 41 of the General Laws, said Board has hereby adopted these rules and regulations governing the subdivision of land in the Town of Sharon.

SECTION 2.0 GENERAL

2.1 Definitions

APPLICANT A person (as hereinafter defined) who applies for the approval of a plan of a subdivision or a person who applies under Section 3. "Applicant" shall include an owner, or his agent or representative, or his assigns.

BASE FLOOD ELEVATION The "Base Flood Elevation" shall be the level of flooding having a one percent chance of being equaled or exceeded in any given year, as designated on Federal Insurance Administration (FIA) maps cited at Section 1, Item (9) of the Zoning By-Law, or, in the absence of such designation, to be determined by the Planning Board based upon the best available information regarding flood hazards, including any available United States Geologic Survey, Soil Conservation Service, and

Corps of Engineers studies.

BENCH MARK A mark made in a durable object of known position and elevation as a reference point.

BIKEWAY A way designed to be used principally or exclusively by a bicycle or similar unpowered vehicle.

BOARD The Planning Board of the Town of Sharon.

BRIDLE PATH A way designed to be used principally or exclusively for equestrian purposes.

CERTIFIED BY Certified by (or endorsed by) the 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 by its chairman or clerk or any other person authorized by it 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 Board. (Sec. 81-L of Chapter 41 G.L.)

DESIGNER A Professional Civil Engineer and a Land Surveyor registered to practice in Massachusetts or a person working under the direct supervision of a registered professional engineer or surveyor.

DETENTION/RETENTION BASIN Storm water detention and retention areas shall be defined to include the land lying within the contour of the discharge elevation and a buffer zone of 25' beyond. The 100' wetland buffer zone and the 125' leaching field setback shall be set from the contour of the detention/retention basin discharge elevation.

DEVELOP To construct a street, install utilities, erect a house or other structure, or in any way to improve a lot substantially.

DEVELOPER A person (as hereinafter defined) who develops a subdivision under a plan of a subdivision approved pursuant to Sect. 3 of these Rules and Regulations.

EASEMENT A right acquired by public authority or other person to use or control property for a utility or other designated public purpose.

GENERAL LAWS (Abbreviated G.L.) The General Laws of Massachusetts, Tercentennial Edition, and as the same may be amended.

LOT An area of land in one (1) ownership with definite boundaries used, or available for use, as the site of one (1) or more buildings. (Sec. 81-L of Chapter 41 G.L.).

LOT AREA The horizontal area of the lot exclusive of any area in a street or recorded way open or proposed to be open to public use. For lots created subsequent to April 9,

1979, at least ninety percent (90%) of the lot area required for zoning compliance shall be land other than that under any body of water, including watercourses, or any bog, swamp, wet meadow, or marsh, as defined in Section 40, Chapter 131, General Laws, and implementing Regulations of the Massachusetts Department of Environmental Protection (310 CMR 10.00 et al). The limits of any vegetated wetlands including all bogs, swamps, meadows and marshes shall be established in the field by a professional wetlands ecologist or botanist conforming to the minimum requirements of 3.3.1.3 and shall be mapped through a field survey of the wetland ecologist's or botanist's markings.

LOT DEFINITION Parcels of land created that do not comply with Zoning By-Laws for building use or are deemed unbuildable by the Planning Board for other reasons shall be labeled "Not a Buildable Lot."

MONUMENT A permanent marker to indicate a boundary.

MUNICIPAL SERVICES Sewers, water drains, water pipes, gas pipes, electrical lines, telephone lines, fire alarm systems, similar systems and their respective appurtenances.

OWNER As applied to real estate, the person holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the Land Registration Office, Registry of Deeds or Registry of Probate.

PERSON An individual, or two or more individuals or a group or association of individuals, a partnership, trust or corporation having common or undivided interests in a tract of land.

PLAN-PRELIMINARY A plan of a proposed subdivision or a resubdivision of land prepared in accord with Section 3 to facilitate proper preparation of a definitive plan.

PLAN-DEFINITIVE The plan of a subdivision as duly submitted with appropriate application to the Board for approval, to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board, and such plan when approved and recorded; all as distinguished from a preliminary plan.

PLANNING BOARD AGENT Town employee or consultant authorized by the Planning Board to review subdivisions and administer the regulations.

PRIVATE UTILITIES This term shall include telephones, cable television, electric light power, and gas lines whether installed on, above or beneath the surface of the ground.

PUBLIC UTILITIES This term shall include only sanitary sewers, surface water drains and water pipes and their appurtenances, which may become the property or responsibilities of the Town.

RECORDED Recorded shall mean recorded in the Registry of Deeds of Norfolk County, except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court. (Section 81-L of Chapter 41 G.L.).

ROADWAY That portion of a way which is designed and constructed for vehicular travel.

SIDEWALK A way within the right-of-way of a street normally parallel to the street, designed for use by pedestrians.

STANDARD SPECIFICATION "The Commonwealth of Massachusetts, Department of Public Works Standard Specifications for Highways and Bridges," 1973 edition as amended.

STEEP GRADE A steep grade shall be considered any slope in excess of 10%.

STREET--COLLECTOR A street which carries traffic equivalent to that generated by fifty (50) dwelling units or more, or which serves property either used or zoned for commerce or industry.

STREET--LANE A street which carries traffic equivalent to that generated by twelve (12) or fewer dwelling units, which has no abutting property either used or zoned for commerce or industry, and which is not capable of extensions.

STREET--MINOR A street which carries traffic equivalent to that generated by more than twelve (12) but fewer than fifty (50) dwelling units, which has no abutting property either used or zoned for commerce or industry, and which is not capable of extension to serve more than 50 dwelling units.

SUBDIVISION The division of a tract of land into two (2) or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law, if at the time when it is made, every lot within the tract so divided has a frontage on (a) a public way, or a way which the Town Clerk of the Town of Sharon certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence February 14, 1954, having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning By-Law. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two (2) or more buildings were standing on February 14, 1954, into separate lots on each of which one (1) of such buildings remains standing, shall not constitute a subdivision. (Section 81-L of Chapter 41, G.L.).

SUBDIVISION CONTROL The power of regulating the subdivision of land granted by the Subdivision Control Law, Chapter 41, Sections 81-A through GG inclusive, as

hereinafter amended.

TOWN Town of Sharon.

WALKWAY A way designed for use by pedestrians, not necessarily parallel to a street.

WAY A way is synonymous with the term road, street, highway and avenue and shall denote any such line or route for passage whether public or private. The width of a way shall be the width of the strip of land laid out, designated, acquired and/or dedicated for the use of such way. Such width includes the spaces for vehicular travel, sidewalks, edge stone and planting spaces where required.

2.2 Approved Plan Required

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 for sale of lots in a subdivision, or the construction of ways, or preparation therefor or the installation of utilities and municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted and approved by the Board as hereinafter provided.

2.3 Source of Information Required

In those cases in which the land shown on the plan is abutted by land of an owner not the owner of the land as shown, the Board may require a statement from the person who prepared the plan as to the source or sources of the information about the location of boundaries. A separate form for such statement will be furnished by the Board, see Form D - Engineer's Certificate.

2.4 More Than One Building for Dwelling Purpose on a Lot

Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the Town, without the consent of the Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision.

2.5 Filing Fees

The actual fees of any professional consultants engaged by the Board to evaluate and provide information on the subdivision.

The minimum filing fee shall be as follows:

- Non-Subdivision Approval Plans (Form A) - \$150.00 per plan.
- For preliminary plans \$100.00 per lot plus \$0.50 per linear foot of street

centerline created.

- For definitive plans \$1,000.00 base fee plus \$200.00 per lot plus \$2.20 per linear foot of street centerline created, minus any filing fee paid at the preliminary stage.

Costs incurred by the Planning Board for publishing legal advertisements and sending notices to abutters by certified or regular mail shall be borne by the Applicant.

All other expenses including, without limitation recording fees and filing fees for documents, and costs for sampling and/or testing required by the Board or its agent shall be paid solely by the Applicant.

The Applicant shall pay the cost of professional consultants retained by the Town to oversee and inspect actual construction and to ensure conformance to these regulations.

The Applicant's engineer or surveyor must certify on Form M-2 that the submission is complete. Plans that do not address all checklist items will be returned to the applicant without further review. The applicant may contact the Town Engineer in writing to explain circumstances that prevent addressing all checklist items. In the event that more than two (2) plan reviews are required in order to determine administrative completeness, a \$500 review fee will be added to the submittal fee.

2.6 Zoning and Other Regulations

All subdivision plans shall comply with the requirements of the General By-Laws and revised Zoning By-Laws of the Town of Sharon, and with all Rules and Regulations of the Planning Board, Board of Selectmen, Board of Health, Conservation Commission, Fire, Highway and Water Departments and other boards and commissions in the Town of Sharon.

2.7 Application Review Fees

2.7.1. When reviewing an application for permit/approval, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts.

The Board may require that the applicant pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application.

2.7.2. In hiring outside consultants, the Board may engage engineers, planners, lawyers,

urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/by-laws and regulations.

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

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

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

SECTION 3.0 PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

3.1. Plan Believed Not To Require Approval

3.1.1. Submission of Plan

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 his plan does not require approval under the Subdivision Control Law may submit his plan and two (2) contact prints thereof and two (2) copies of a properly executed Form A and one copy of the proposed plan in electronic format (as described in Section 3.1.2.4) at a meeting of the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the

Town Clerk stating the date of submission to the Board for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently or identification. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor. Any plan determined to not completely satisfy 3.1.2 Contents shall be deemed not to have been submitted. Such plan shall be returned to the Applicant, and a notice of the Planning Board's determination sent to the Town Clerk. When brought into conformity with the requirements of 3.1.2 Contents, such plan may be resubmitted and will be considered without prejudice.

3.1.2. Contents

Said plan shall be legibly drawn in accordance with the rules and regulations of the Registry of Deeds, Chapter 36, Section 13A as amended, pertaining to plan size, material, lettering and related requirements. The plan scale shall be forty feet (40') to the inch or such other scale as the Board may accept and contain the following:

3.1.2.1. Identification of the plan by name and address of owner of record and name of surveyor and/or professional engineer who prepared the plan, and the name and address of the person for whom the plan has been prepared, location of the land in question, the scale, north point and date.

3.1.2.2. The statement "Approval Under Subdivision Control Law Not Required," and sufficient space for the date and the signatures of all members of the Board.

3.1.2.3. Zoning classification and location of any Zoning District Boundaries including any groundwater protection overlays that may lie within the locus of the Plan. Also identify any portion of the property that lies within the "Zone 2" protection area for any Town well or well development area.

3.1.2.4. In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown. For parcels in excess of 20 acres, the remaining land may be shown on a map of scale not less than 1" = 200'.

3.1.2.5. Notice of any decisions by the Zoning Board of Appeal, including but not limited to variances and exceptions, regarding the land or any building thereon. If none, so state.

3.1.2.6. Names of abutters from the most recent local tax list unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records.

3.1.2.7. Names and status (private or public) of streets and ways shown on the plan. Also note whether State, County or Town layout.

3.1.2.8. Bearings and distances of all lines of the lot or lots shown on the plan.

3.1.2.9. Location of all existing buildings, including setback distances from front, side and rear yard boundaries.

3.1.2.10. Location of all bounds, brooks, fences, and walls. A locus map at one thousand (1000) feet to the inch. North orientation of the locus plan to be the same as the 1"=40' plan.

3.1.2.11. Location and area of dry land satisfying lot area requirements (see definition) and 100' and 125' setback lines from any wetland on or proximate to the land.

3.1.2.12. A plat of the locus on a facsimile copy of a one square mile portion of the Town's Water Distribution Master Plan.

3.1.2.13. Wetland boundaries shall be clearly delineated 150' beyond the property line in questions. Any wetland boundaries on abutting properties within 150' of the property line in question shall also be clearly delineated.

3.1.2.14. Prior to endorsement by the Planning Board, the applicant shall submit the approved version of the Plan on 3-1/2 diskettes (or other media transfer approved by the Town of Sharon, Town Engineer) in DWG/DXF format (the Town presently uses AutoCAD R-1314 or AutoCAD Land Development) to the Town Engineer for review and approval. The computer version of the Plans shall be identical, full size and shall contain all information included on the plan print. Layer (Level) names shall conform to Town of Sharon, Subdivision Regulations (see attached layered format). A transmittal letter from the Town Engineer verifying receipt of media, and compliance with the Town of Sharon, Subdivision Regulations shall be submitted to the Planning Board. Failure to submit such media to the Town of Sharon, Town Engineer, and obtain a compliance letter, shall be cause for the Planning Board to rescind approval or not to endorse said plans.

All DWG/DXF files shall be purged by the Engineer/Surveyor of all unused Layers/Levels, Line types, Blocks, Dim. Styles, Shapes and Styles, prior to transmittal to the Town Engineer to ensure minimal file size. The size of any transmitted file will not exceed 4 megabytes without prior discussion with the Town Engineer.

All diskettes shall be high-density, double-sided, free from any and all defects and labeled as to their contents. Diskettes shall be prepared with a backup and be sequentially numbered.

The Engineer/Surveyor will provide a descriptive list of all files submitted to the Town Engineer which documents contents and intended use. The plans shall also be accompanied with Meta data stating the origin of all data. The Lot Layout plans shall be tied to the Massachusetts State Plan Coordinate, North American Datum (NAD)1983 in metersfeet. Plots will accompany all DWG/DXF files which meet the requirements of the Town of Sharon Subdivision Regulations.

3.1.3. Endorsement of Plan Not Requiring Approval

If the Board or its authorized agent determines that the plan does not require approval, it

shall without a public hearing and within twenty-one (21) days of submission endorse the plan.

The Board may add to such endorsement a statement of the reason approval is not required. The original plan shall be returned to the Applicant, and the Board shall also notify the Town Clerk in writing of its action.

3.1.4. Determination That Plan Requires Approval

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty-one (21) days of the submission of the plan, so inform the Applicant in writing and return the plan. The Board shall also notify the Town Clerk in writing of its action.

3.1.5. Failure of 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 (21) days after its 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, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

3.1.6. Determination of Frontage

In determining whether each and every lot shown on the plan has adequate frontage, the Board will determine first, whether the lot directly abuts a public or private way; and second, whether the lot has direct, traversibletraversable access from the abutting way.

3.1.6.1. In determining whether an existing private way is adequate to qualify a plan as not constituting a subdivision, the Board shall consider the following:

- a. Is the right-of-way at least fifty (50') feet wide and of reasonable horizontal alignment?
- b. Does the existing horizontal and vertical alignment of the traveled way provide safe visibility?
- c. Is the traveled way constructed at least eighteen (18') feet wide, with at least eight (8") inches depth of gravel, and with adequate provisions for drainage?
- d. Is the surface of the roadway adequate to handle the anticipated traffic?
- e. If the road could ever service more than five dwellings, is it bituminous surfaced or have provisions been made for such surfacing without cost to the Town?
- f. Have provisions been made for public utilities without cost to the Town?

3.1.6.2. In determining whether a way has been used and maintained as a public way,

the Board shall require that written evidence be submitted by the Town Clerk of public maintenance under vote of the Town and of continued substantial use by the general public without permission of the landowners for at least twenty (20) years. Sporadic use, use by a few persons, or use by agreement of the abutters shall not suffice.

3.1.6.3. Where direct access to a lot from the abutting street is not possible due to steep grades, wetlands, watercourses or other physical constructs, the Planning Board shall not consider the lot as having sufficient frontage to allow a division of land without approval under the Subdivision Control Law.

3.2. Preliminary Plan

3.2.1. Submission of a Preliminary Plan

A Preliminary Plan of a subdivision may be submitted by the Applicant. The Preliminary Plan, twelve (12) prints of it and the minimum filing fee (see section 2.5) shall be filed at a meeting of the Planning Board. The applicant shall also file by delivery or registered mail a notice with the Town Clerk stating the date of submission to the Board for such approval of a Preliminary Plan accompanied by a copy of a properly executed application Form B.

The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Conservation Commission, the Town Engineer, the Police Department, the Fire Department, and other Town agencies and owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. A properly executed Form B - Application for Approval of a Preliminary Plan; Form D - Engineer's Certificate and form D-1 - Land Surveyor's Certificate, shall be filed with the Preliminary Plans submitted to the Planning Board.

The Applicant shall deliver copies of the plans as follows: to the Board of Health and Conservation Commission, by delivering said plans at the first meeting of each Board following the Planning Board filing; by delivering plans to the Town Engineer, the Fire Department, the Police Department and other town entities as deemed necessary by the Board. The applicant shall have each department acknowledge receipt of said plans by obtaining the department head's signature on the Checklist Sheet (see attached) and providing said Checklist Sheet to the Planning Board. Acknowledged receipt of such plans does not in and of itself constitute acceptance of such plans for review and approval purposes. Such plans shall be accepted for the approval process following a decision by the Board that the submitted plans are administratively complete in accordance with the requirements of this Section and Section 3.2.2, Contents.

Any plan determined to not completely satisfy 3.2.2. Contents shall be deemed not to have been submitted. Such plan shall be returned to the Applicant, and a notice of the Planning Board's determination sent to the Town Clerk. When brought into conformity

with the requirements of 3.2.2. Contents, such plan may be resubmitted and will be considered without prejudice.

3.2.2. Contents

The Preliminary Plan shall be drawn on 4 mil mylar or other reproducible substance at a suitable scale, preferably forty feet (40') to the inch. In addition to all other plans, the entire subdivision shall be shown at as large a scale as possible on a single plan sheet not exceeding 42" by 60". The Applicant's engineer or surveyor must certify on Form M1 that the submission is complete. The plan shall be designated as a "Preliminary Plan" and to form a clear basis for discussion of the details of the subdivision and for preparation of the Definitive Plan, the plan shall contain the following:

3.2.2.1. For all subdivisions of ten (10) or more lots, two (2) or more substantially different alternative development plans, one of which shall utilize flexible development.

3.2.2.2. The subdivision name, if any, boundaries, north point, date, scale, legend and title "Preliminary Plan."

3.2.2.3. The names and addresses of the record owner of the land and the subdivider and the name, seal, and addresses of the designer, engineer and surveyor who made the plan, which shall appear in the lower right hand corner.

3.2.2.4. The names of all abutters, as determined from the most recent local tax list, unless the Applicant shall have more recent knowledge of such abutters.

3.2.2.5. The locus of the land shown on the plan with sufficient information to accurately locate the plan.

3.2.2.6. The existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner.

3.2.2.7. Major features of the land such as existing walls, fences, monuments, buildings, wooded areas, outcroppings, ditches, swamps, water bodies and natural waterways. Where available, aerial photographs may be required. Location and area of dry land satisfying lot area requirements (see definition).

3.2.2.8. A general description of the type of systems of sewage disposal; water installation and surface drainage in a general manner including adjacent existing natural waterways on the plan.

3.2.2.9. The approximate boundary lines of proposed lots, with lot numbers, approximate areas and dimensions.

3.2.2.10. The names, approximate location and widths both right-of-way and pavement of adjacent streets, and of streets approaching or within reasonable proximity of the subdivision.

3.2.2.11. The topography of the land with a two foot (2') contour interval based on the Town Datum (National Geodetic Vertical Datum of 1929 [NGVD]). Water bodies and their maximum annual elevations shall be shown with the date of measurement.

3.2.2.12. Soil types based on the May, 1966, Sharon report of United States Department of Agriculture, Soil Conservation Service "Soils and Their Interpretations for Various Land Uses."

3.2.2.13. Letter designation of the proposed streets in lieu of names.

3.2.2.14. The profiles of existing grades and approximate proposed finished grades of the roadway, and drain and sewer utilities, together with a cross-section of any open channel streams. Size and location of retention/detention basins shall be included.

3.2.2.15. Area of contiguous land and water of the Applicant not presently being subdivided, with a sketch plan showing a feasible future street layout for such contiguous land, if any.

3.2.2.16. The zoning classification of land shown on the plan and the location of any zoning district boundaries including any overlay zoning districts, flood hazard risk zones, "Wetland Setback Lines," and any "Well" or "Well Development Area." The location and area of lands meeting the definition of "Natural Vegetation Area" should be delineated on the plan. For lots within the Water Resources Protection District, the number of bedrooms permitted by 4532(d) of the 1989 Zoning By-Laws shall be noted. The maximum percent of impervious material coverage shall be indicated for each lot.

3.2.2.17. Easements and rights-of-way applicable to the area shown on the plan.

3.2.2.18. Preliminary findings from the Environmental Assessments as required at

3.3.2.20. The Board encourages the submittal of other design alternatives which may be of value in achieving the best use of land.

3.2.3. Approval of a Preliminary Plan

The Board may give such Preliminary Plan approval, with or without modification or suggestion, after the Board's review, and at the Board's option, review with the Board of Health, the Conservation Commission, the Town Engineer, Police Department, Fire Department and other Town agencies. Such approval does not constitute approval of the subdivision but facilitates the preparation of the Definitive Plan and the securing of approval thereof. The original of the Preliminary Plan will be returned to the Applicant. Approval shall be effective for seven (7) months from the date of plan submittal or until a Definitive Plan evolving from the Preliminary Plan is filed, whichever comes first.

3.2.4. Disapproval of a Preliminary Plan

In the event of disapproval of a Preliminary Plan, the Board shall state the reasons for its

disapproval in accord with Section 81-U of Chapter 41, G.L.

3.3 DEFINITIVE PLAN

3.3.1. Submission of a Definitive Plan

Any person who submits a Definitive Plan of subdivision to the Board for approval shall file with the Board all items required in subsections 3.3.1. and 3.3.2. of this Section and the minimum filing fee (see section 2.5) for a Definitive Plan to be "duly submitted" in accord with these Rules and Regulations and the General Laws of Massachusetts. Such submission shall be made at a meeting of the Planning Board. Original drawings must be submitted.

Acknowledged receipt of such plans does not in and of itself constitute acceptance of such plans for review and approval purposes.

Such plans shall be accepted for the approval process following a decision by the Board that the submitted plans are administratively complete in accordance with the requirements of this Section and Section 3.3.2 Contents.

Any plan determined to not completely satisfy the requirements of 3.3.1. shall be deemed not to have been submitted. Such plan shall be returned to the Applicant, and a notice of the Planning Board's determination sent to the Town Clerk. The filing fee shall either be returned or retained to be applied to a resubmission, at the Applicant's option. When completely satisfying the requirements of 3.3.1., such plan may be resubmitted and will be considered without prejudice.

The Applicant shall also file by delivery or registered mail a notice with the Town Clerk stating the date of submission to the Board for such approval of a Preliminary Plan accompanied by a copy of a properly executed application Form B.

3.3.1.1. An original drawing of the Definitive Plan and an electronic version of the Plan (as described in Section 3.3.1.3.4) and twelve (12) six (6) contact prints thereof, dark line on white background. The original drawings will be returned after approval or disapproval upon request of the applicant. The applicant shall also provide a completed copy of Form L to the Planning Board demonstrating that other reviewing Town Officials have received the submittal.

Where wetlands are involved on a Definitive Plan, the Applicant must file his Definitive Plan with the Sharon Conservation Commission simultaneously with the filing of the Definitive Plan with the Planning Board. A final decision by the Planning Board will be forthcoming only after the Applicant has obtained a report from the Conservation Commission stating that the basic location of the roadway layout can be built without being in violation of the Wetlands Protection Act, MGL 131, Section 40.

The plan presented must contain wetlands delineations accepted by the Town's Conservation Commission. Wetland boundaries shall be clearly delineated 150' beyond the property line in question. Any wetland boundaries on abutting properties within

150' of the property line in question shall also be clearly delineated.

Failure to include accepted delineations shall not satisfy the content requirements and the plan shall be deemed not to have been submitted.

3.3.1.2. A properly executed application Form C - Application for Approval of a Definitive Plan; Form D - Engineer's Certificate; or Form D-1 - Land Surveyor's Certificate; and Form E - Certified List of Abutters. Approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified.

3.3.1.3. The Definitive Plan shall be prepared by a Project Team which shall include a Professional Civil Engineer (PE) and a Registered Land Surveyor (RLS) registered in Massachusetts and Professional Personnel of other disciplines as specified in applicable sections of these Rules and Regulations. All Professional Personnel shall maintain current registration or certification if available for that discipline in Massachusetts or in lieu thereof shall have a Bachelor's Degree from an accredited university and a minimum of five years of responsible professional experience in the specific discipline. It shall contain the following:

3.3.1.3.1. The classification and precision of surveys shall conform to Class A or better of the most recent Land Court Manual of Instructions, Commonwealth of Massachusetts. It is recommended that all other survey and Definitive Plan preparation, where not herein specified, be guided by the Manual of Instructions. All features of the land required by 3.3.2.5 shall be established by an on-the-ground topographic survey. All field survey and mapping, including fieldwork, shall be performed within eighteen (18) months prior to submission of the Definitive Plan. The survey shall locate all features of the land and in addition shall include field location of proposed roadway cross sections at fifty (50') foot intervals and elsewhere as special conditions warrant. Cross-section data shall include the horizontal and vertical location of points located on the centerline, curb lines, back of sidewalk and edge of right-of-way of all proposed roadways.

3.3.1.3.2. The plan shall be at a scale of one inch (1") equals forty feet (40') or such other scale as the Board may accept to show details clearly and adequately.

3.3.1.3.3. Sheet sizes shall be twenty-four by thirty-six inches (24" x 36") including a three-quarter inch (3/4") border.

3.3.1.3.4. All plans shall be accompanied by plat of the locus and a facsimile of a one (1) square mile section of the current Zoning Map at a scale of one (1") inch equals one thousand (1000') feet showing the relation of the subdivision to the highway and major streets in the Town. All definitive submissions must also include a four (4) mil mylar lot layout plan (Scale 1" = 100') suitable for incorporation into the Town's Assessors' Maps. In addition to all other plans, the entire subdivision shall be shown at as large a scale as possible on a single plan sheet not exceeding 42" by 60".

Prior to endorsement by the Planning Board, the applicant shall submit the approved

version of the Definitive Plan on 3-1/2 diskettes (or other media transfer approved by the Town of Sharon, Town Engineer) in DXF/DWG format (the Town presently uses Auto CAD R-1314) to the Town Engineer for review and approval. The computer version of the Definitive Plans shall be identical, full size and shall contain all information included on the plan print. Layer (Level) names shall conform to Town of Sharon, Subdivision Regulations (see attached layered format). A transmittal letter from the Town such media to the Town of Sharon, Town Engineer, and obtain a compliance letter shall be cause for the Planning Board to rescind approval or not to endorse said plans.

All DXF/DWG files shall be purged by the Engineer/Surveyor of all unused Layers/Levels, Line types, Blocks, Dim. Styles, Shapes and Styles, prior to transmittal to the Town Engineer to ensure minimal file size. The size of any transmitted file will not exceed 4 megabytes without prior discussion with the Town Engineer. All diskettes shall be high-density, double-sided, free from any and all defects and labeled as to their contents. Diskettes shall be prepared with a back up and be sequentially numbered.

The Engineer/Surveyor will provide a descriptive list of all files submitted to the Town Engineer which documents contents and intended use. The plans shall also be accompanied with Meta data stating the original of all Data. The Lot Layout plans shall be tied to the Mass. State Plan Coordinate, North American Datum (NAD) 1983 in feet. Plots will accompany all DXF/DWG files which meet the requirements of the Town of Sharon Subdivision Regulations. The Lot Layout plans shall be tied to the Massachusetts State Plan Coordinate, North American Datum (NAD) 1983 in meters. Plots will accompany all DWG/DXF files which meet the requirements of the Town of Sharon Subdivision Regulations.

3.3.1.3.5. All plans shall be accompanied by a Title Sheet and Key Map.

3.3.1.3.6. The title block and signature space shall be drawn as shown on Schedule A.

3.3.1.3.7. All plans shall contain a location plan at a scale of between one inch (1") to one hundred feet (100') and one inch (1") to four hundred feet (400') depending on the size of the subdivision. The location plan shall show the entire subdivision layout, adjacent streets, if any, or streets within a reasonable distance, sufficient to identify the location and the access to the land, and shall be shown on the Title Sheet.

3.3.1.3.8. A plat of the locus on a facsimile copy of a one mile square portion of the Town's Water Distribution Master Plan.

3.3.1.4. The Applicant shall also file by delivery or registered mail a notice with the Town Clerk stating the date of submission to the Board for such approval accompanied by a copy of the completed Form C - Application for Approval of Definitive Plan.

3.3.2. Contents

The Applicant's engineer or surveyor must certify on Form M-2 that the submission is complete. Plans that do not address all checklist items will be returned to the applicant without further review. The applicant may contact the Town Engineer in writing to explain circumstances that prevent addressing all checklist items. In the event that more than two (2) plan reviews are required in order to determine administrative completeness, a \$500 review fee will be added to the submittal fee. The Definitive Plan shall contain the following information:

3.3.2.1. For all subdivisions of ten (10) or more lots, two (2) or more substantially different alternative development plans, one of which shall utilize flexible development. The alternative plans shall conform to the content requirements of a preliminary plan as defined in Sect. 3.2.2. and in addition, shall demonstrate conformance to Title 5 for the suitability of on-lot septic disposal, and shall also demonstrate conformance with the roadway and utility design requirements of Sect. 4.0.

3.3.2.2. A title block, appearing in the lower right-hand corner of each sheet showing the name of the subdivision, if any; the date; scale; north arrow; the names and seals of the designer, engineer and surveyor who made the plan. See Schedule A.

3.3.2.3. North point, whether true, magnetic, or grid benchmark and so indicated, and the boundaries of the subdivision indicated by shading.

3.3.2.4. Location and ownership of abutting property as it appears on Form E - Certified List of Abutters unless the Applicant shall have more recent knowledge of such abutters, so indicated, including all abutting land owned by the Applicant not presently being subdivided and all other land within five hundred feet (500') of the boundaries of the land shown in the subdivision. Costs incurred by the Planning Board for sending notices to abutters by certified mail shall be borne by the applicant.

3.3.2.5. As a minimum, all features of the land on the locus and within five hundred (500') feet thereof shall be shown based on an actual on-the-ground field survey as required by 3.3.1.3.1. Aerial photographs may also be required.

3.3.2.6. Lines of existing and proposed streets, ways, lots, lot numbers of each lot designated numerically in sequence, easements, and public or common areas within the subdivision. The letter designation of proposed streets shall be shown in pencil.

3.3.2.7. Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines including lot frontage on the streets, of the radii, tangents, and central angles of all curves, in lot lines and street lines. All angle points, or intersections of tangents along the street lines, shall be shown, areas of lots with lot numbers and the area and frontage on public ways as set forth in Section 81-L of Chapter 41 G.L. of adjoining lands of the Applicant not included in the subdivision shall be shown. The engineer or surveyor shall have the mathematical computations available to present to the Board (and/or Town Engineer), for a matter of record. It is recommended that traverse computations be placed on a separate or subsequent sheet.

3.3.2.8. Location of all permanent monuments properly identified as to whether existing or proposed.

3.3.2.9. Location, names and present right-of-way and pavement widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both pavement widths and right-of-way widths.

3.3.2.10. The zoning district classification of land shown on the plan and the location of any zoning district boundaries that lie within the locus of the plan and the applicable minimum front, side and rear yard depths for each lot as is required by the Zoning By-Laws, requirements as detailed in 3.2.2.15. The existing and proposed location of the Base Flood Elevation (see definition) if encountered within, or within 100 feet of, the subdivision.

3.3.2.11. Indication of all existing and proposed easements and rights-of-way applying to the land and their purposes, whether or not within the subdivision, and any decision on appeal or any variances or exceptions made by the Zoning Board of Appeal applicable to the subdivision of the land or any buildings thereon.

3.3.2.12. If the property that comprises the subdivision or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent reference to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land of the Applicant.

3.3.2.13. Suitable space to record the action of the Board and the signatures of all members of the Board and all members of the Board of Health, including where appropriate the words "Deeds or easements to be recorded herewith" or the words "Covenants to be recorded herewith."

(Items 3.3.2.13. through 3.3.2.18. shall be submitted on separate sheets of the same size and material as the plan sheet. Each sheet shall bear title block and signature block as required in paragraphs 3.3.2.1. and 12 above. Item 3.3.2.19. shall be submitted in text and tabular form.)

3.3.2.14. Plan and Profile - Existing profiles of the exterior lines and center-line drawn in fine black line, dot dash for left, dot dot for right side, and dash for center-line, and proposed profile on the finished center-line drawn in fine black solid line of proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'), or such other scales acceptable to the Board. At least two (2) benchmarks are to be shown on plan profile sheets and grade elevations at every fifty foot (50') station except in vertical curves which shall be at every twenty-five foot (25') station. All existing and proposed intersections and sidewalks, wheelchair ramps, bikeways and walkways shall be shown with all proposed grade elevations calculated. Elevations are to be referred to the Town Datum) (National Geodetic Vertical Datum of 1929 [NGVD]). Gradients shall be shown by figures expressed in percent.

3.3.2.15. Contour Plan - Existing and proposed topography at two feet (2') contour

intervals and by symbols the highest known high water mark to the last five (5) years. There shall also be indicated by differentiating symbols the contour line four feet (4') above said high water mark. All benchmarks will be noted, as well as items required in Section 3.3.4. It shall be the designer's responsibility to verify any information from the Town's Topographical Maps and to note any discrepancies on the plan.

3.3.2.16. Utility Plan - Size and location of existing and proposed water supply mains and their appurtenances, hydrants, street lighting and its appurtenances and easements pertinent thereto, and curbs and curb dimensions, including data on borings and soil test pits, and easements for drainage as needed, whether or not within the subdivision.

3.3.2.17. Drainage Calculations - Drainage calculations shall be submitted in a suitable form along with plans outlining drainage areas within and affecting the subdivision.

3.3.2.18. Tree Plan - For the area within the proposed street right-of-way and ten feet (10') beyond and parallel thereto, show the following superimposed on the contour plan:

(a) Existing trees if having a trunk in excess of six inches (6") in diameter measured four feet (4') above grade or if of special importance because of species or distance from other trees, or if field-marked for location by the Planning Board or its agent; in each case, indicating whether such tree is to be retained or removed. Trees that are required to be removed will be replaced according to the provisions of 4.6.4. Replacement trees will be shown on the plan.

(b) Plan to show location and species of new trees to be planted to meet the requirements of 4.6.4.

3.3.2.19. Cross Sections - Typical cross-sections of each street, roadway, surface water drainage systems and open channel streams.

3.3.2.20. Environmental Assessment - A comparative Environmental Assessment Report (EAR) shall be submitted for any subdivision creating frontage potentially allowing twenty (20) or more dwelling units or more than five (5) acres of non-residential land. The scope of the EAR, including the nature and extent of alternatives, environmental analysis, components of environmental quality, and composition of the interdisciplinary Project Team shall meet the requirements of 3.3.1.3. and shall be approved by the Board in advance on "Form P - Scope of Environmental Assessment."

Alternatives to developed and evaluated shall include the Proposed Plan (preferred alternative) and may include up to two (2) additional build alternatives including a flexible plan. Environmental baseline conditions (i.e., the No-Build Alternative) shall be established by projecting existing conditions and trends to the analysis year(s). The primary (short/long term) and secondary (short/long term) environmental impacts, the changes in environmental baselines caused by implementation of a build alternative, shall be identified, measured (magnitude), qualified (beneficial or adverse), and classified (significance) for each component of environmental quality in the analysis year(s). The impacts of each build alternative shall be analyzed in equal depth and shall be presented in comparative form. The level of effort expended in the analysis for each

component shall be proportional to the significance of the environmental impact. The analysis shall encompass the components of the Biophysical, Socioeconomic and Cultural environments identified on Form P.

All measures to mitigate adverse impacts shall be identified whether or not the Applicant intends to implement them.

The EAR shall be prepared by an experienced interdisciplinary Project Team. The individual responsible for performing each task shall be identified by the Board on Form P and shall meet the minimum qualifications of 3.3.1.3.

The contents of the Environmental Assessment Report (EAR) shall include Summary, Description of Alternatives, Environmental Analysis, Mitigating Measures, and Unavoidable Adverse Impacts.

The EAR shall be distributed by the applicant at the time of submittal of the Definitive Subdivision Plan to the Board (five [5] copies), Town Officials (3.3.5.2.), Historical Commission, Sharon Advocate, Patriot Ledger, Public Library, (three [3]one [1] copy eachies), other parties specified on Form P and public request without charge.

A summary (one [1] page maximum) of the EAR as approved by the Board and information on where copies of the EAR may be obtained shall be included in the Notice for the public hearing (Section 3.3.5.3.). The Board may require that an EAR supplement be prepared to address issues raised in comments on the EAR.

3.3.2.21. Sedimentation and Erosion Control Plan A Comprehensive Sedimentation and Erosion Control Plan shall be submitted showing the staging of construction and the measures to limit water borne and wind induced erosion, which shall include quick rooting vegetation, expeditious stabilization of disturbed areas, hay bales, diversions, siltation fences, and sedimentation basins. The predevelopment and construction stage sediment loadings in all water courses shall be calculated using the Universal Soil Loss Equation.

3.3.2.22. Groundwater Certification

Within the Water Resources Protection District, certification stating the maximum spring high groundwater elevations on each lot.

3.3.2.23. Traffic Control and Signage Plan

A Traffic Control and Signage Plan shall be provided showing pavement markings, signs and, where appropriate, channelization and traffic signal controls.

3.3.3. Staking

To facilitate review of the Definitive Plan by the appropriate authorities, at the time of filing of the Definitive Plan, the Applicant shall stake the center line of all proposed streets at a minimum of every one hundred feet (100') with the center line stations.

3.3.4. Soil Survey and Percolation Tests

The Board or its agent may shall require soil surveys and/or test pits or borings which are to be prepared at the expense of the Applicant to establish the suitability of the land for the proposed storm drainage system and, proposed street construction and proposed septic systems.

3.3.4.1. Test pits, borings or soundings shall be taken along the center line of each street shown on the plan at intervals of at least every two one hundred feet (2100') and at locations such as cut sections and areas of questionable foundation material where the subsurface conditions may be, in the opinion of the Board or its Agent, factors affecting the quality and service life of the street. Test pits shall be made under the supervision of an Agent of the Planning Board, and shall not be backfilled until the applicant has been notified by the Board or its Agent that all necessary inspection and sampling has been completed. Where borings are used, samples shall be taken at five foot (5') intervals and at each change in strata. Soundings shall be taken in areas of unsuitable material for the purpose of determining the hard bottom contours. Test pits and borings, where required, shall extend to a minimum depth of five feet (5') below the street profile grade or to bedrock, whichever is less. The applicant shall indicate on the plan a proposed layout of the subsurface exploration program complete with location, spacing, and type of exploration proposed.

3.3.4.2. Soil surveys to determine suitability for septic systems when required by the Board or its Agent shall include: a test excavation not less than seven feet (7') below finished grade at a frequency of one (1) two (2) to be located at least fifty feet (50') apart per every proposed building lot and one (1) for each proposed stormwater detention and infiltration area,, the locations of which must be shown on the contour plan, and a report thereon;; aa percolation test at a frequency of one (1) two (2) per every proposed building lot and one (1) for each proposed stormwater detention and infiltration area, the locations of which must be shown on the contour plan, and a report thereon. Percolation tests shall be in accordance with Title 5 of the Commonwealth of Massachusetts State Environmental Code.

3.3.4.3. All information concerning the test pits, borings or soundings (location, depth, soil stratas, depth of water table) shall be submitted to the Board in a written report to be made, evaluated and stamped by a Registered Professional Engineer.

3.3.5. Procedure

3.3.5.1. Review by Board of Health as to Suitability of Land At the time of filing of the Definitive Plan, the Applicant shall also file with the Board of Health two (2) contact prints of the Definitive Plan, dark line on white background, together with the proposed location of each lot's septic system and such information on the nature of percolation tests and deep test holes as the Board of Health may require. 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. 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 the reasons therefor in such report, and where possible, shall make recommendations for the adjustments thereof, provided, however, if a municipal sewerage system will service the proposed subdivision, then failure of the Board of Health to make such a report within forty-five (45) days after the plan is filed with their office shall be deemed approval by such Board. The Board of Health shall send a copy of such report, if any, to the person who submitted said plan. Every lot so located that it cannot be served by a connection to the municipal sewer system shall be provided with septic tank and drain-field satisfactory to the Board of Health and the Commonwealth of Massachusetts Sanitary Code minimum standards as the Board of Health shall determine. A note shall be added to all plans as follows: 'No dwelling will be constructed on any lot without first securing from the Board of Health the Disposal Works Construction Permit required by Title 5 of the State Environmental Code.' The approval of a Definitive Subdivision Plan by the Board does not absolve the developer of any other requirements of the Board of Health or other Town Boards.

3.3.5.2. Review by Other Town Officials - The Planning Board Agent applicant will transmit copies of the Definitive Plan to Town Officials other than the Board of Health according to Form L and as follows:

Three (3) copies to the Conservation Commission; one copy each to the Town Engineer, the Department of Public Works, the Board of Selectmen, the Police Department and the Fire Department; and also in the case of an industrial subdivision, to the Development and Industrial Commission.

Before the Definitive Plan is approved, the Board will request written statements from the above officials with regard to the proposed improvements in the following respect:

3.3.5.2.1. Conservation Commission as to potential involvement with Chapter 131, Section 40, G.L. and the effects of the subdivision on streams, wildlife and similar considerations within the scope of the Conservation Commission.

3.3.5.2.2. The Town Engineer as to the design of the street system, location of easements, monuments, drainage system, water system and, if applicable, a sewage system and their appurtenances, and relationship to existing water and drainage systems.

3.3.5.2.3. Fire Department as to location of hydrants, installation of the alarm system and emergency access.

3.3.5.2.4. Police Department as to street safety, both vehicular and pedestrian, and access for emergency vehicles.

3.3.5.2.5. Department of Public Works as to maintaining of streets, drainage systems, sizing and location of the water system, and feasibility of snow removal from sidewalks and roadways.

3.3.5.3. Public Hearing

Before taking any action to approve, modify and approve or disapprove a Definitive

Plan, the Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and of the subject matter, sufficient for identification shall be published in a newspaper of general circulation in the Town of Sharon once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing and by mailing a copy of such advertisement to the Applicant and to all owners of land abutting the land and all owners of land within five hundred feet (500') of a property line of the land shown on the plan as shown on the most recent tax list.

3.3.5.4. Planning Board Procedure

The procedure that the Board will follow with regard to approval, disapproval or modification of the Definitive Plan submitted by the Applicant will be that as set forth in Chapter 41, Section 81-U of the General Laws, as amended. In summary, the Board, after receiving the Plan and profiles, will review the same to determine whether they are in compliance with its adopted Rules and Regulations.

Before approval of the plan, the Board shall establish that the street pattern is safe and convenient, that proper provision is made for street extension and that all other purposes of the General Law are met. The Board may, as a condition of granting a building permit under Section 81-Y, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the Town. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such plan and which shall for the purpose of the Subdivision Control Law be deemed to be a part of the plan.

3.3.6. Performance Guarantee

Before endorsement of the Board's approval of any Definitive Subdivision Plan, the applicant shall agree (i) to complete (except in the case of any portion of the subdivision for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.3.6.1.) the required improvements for the subdivision, specified in Section 5.0, within four (4) years of the date of such approval, (ii) to complete the required improvements for any portion of the subdivision, for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.3.6.1. within two (2) years of the date of the performance bond or within four (4) years of the date of the Board's approval of the Definitive Plan, whichever date shall occur the earlier, and (iii) that no structure will be occupied until at least the base course of the bituminous concrete, as specified in Section 5.0 has been applied to the streets which serve those structures. Such construction and installation shall be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant with the written consent of the Board, and (iv) all of the improvements and the maintenance of said improvements that will be guaranteed by the Applicant shall be completed by said

Applicant. In no case will a successive owner, unless said owner acquires the entire subdivided parcel of land, become responsible for the completion of said improvements and maintenance. Exception shall be made only in the guarantee as provided in Section 3.3.6.3.

3.3.6.1. Approval With Bonds or Surety

By a proper bond, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan and maintenance thereof, and the Planning Board may require that the Applicant specify the time within which such construction shall be completed.

3.3.6.2. By a deposit of money or negotiable securities, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan and maintenance thereof, and the Planning Board may require that the Applicant specify the time within which such construction shall be completed.

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

3.3.6.4. By delivery to the Planning Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the Applicant by the lender, which agreement shall be executed by the Applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the Planning Board and otherwise due the Applicant, to secure the construction of ways and the installation of municipal services and maintenance thereof. Said agreement shall also provide for a schedule of disbursements which may be made to the Applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the Applicant, any funds remaining undisbursed shall be available for completion.

3.3.6.5. A note shall be added to all plans as follows: "Plans subject to covenants/covenants, conditions and restrictions set forth in a covenant(s) dated (blank) to be recorded herewith."

3.3.6.6. The Planning Board shall require as a condition for approving a bond or surety under the foregoing subsections that the owner or applicant reimburse the Planning Board for attorney's fees incurred by the Planning Board in the course of its determination of whether the bond or surety is acceptable, or any other issue that requires legal interpretations.

3.3.7. Approval or Disapproval

The action of the Board in respect to such plan shall be by vote, copies of which shall be filed with the Town Clerk and sent to the Applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Failure of the Applicant to submit revised plans and other required submittals within six (6) months of approval with modifications shall automatically rescind approval of the plan. The Board shall rescind its disapproval if, within six (6) months of such disapproval, the Applicant submits revised plans and other required submittals fully conforming to the Rules and Regulations of the Board and resolving the specific reasons for disapproval.

Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory twenty (20) day appeal period has elapsed following the filing of the Board's certificate of approval or disapproval, as the case may be (see Forms C-1 and C-2), with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal has been made, said endorsement shall be made after the entry of a final decree of the court sustaining the approval of such plan. Final approval shall be subject to the construction specifications contained herein and to the rules and requirements of the Town Engineer and the Board of Health. After the Definitive Plan has been approved and endorsed, the Board shall return the original to the Applicant.

The Board may extend the period permitted by statute (ninety days [90] if derived from a Preliminary Plan; one hundred forty-five days [145] without Preliminary Plan submission) between submission of a Definitive Plan and action thereon upon written request of the Applicant.

Approval of the Definitive Plan does not constitute the laying out of acceptance by the Town of streets shown on the plan. See Section 3.3.11.

3.3.7.1. Time for Completion. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the Applicant or so required by the Board, and such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town. Ways or portions thereof not completed within the time required shall thereafter be completed in accordance with the design and construction standards of the Board in effect upon the expiration of such time.

3.3.7.2. Endorsement. The endorsement of the plan approval by the Board shall be valid for a period of four (4) years from the date of said endorsement. Prior to the expiration of the four (4) year approval period, the developer and/or owner shall request in writing to the Board an extension of time, if necessary. Failure to request an

extension of time prior to the expiration of the four (4) year approval period shall result in the Board's notifying the Building Inspector that no additional building permits shall be issued in said development. The request for an extension shall state the reasons for the requested extension and also the length of time requested. Any extension shall not exceed two (2) years.

Additional extensions after the first may be applied for but not until at least ten (10) months have expired on the extension in effect.

At least eight (8) days prior to endorsement, all required covenants shall be provided to the Board's agent along with a Designer's certification that title to the premises shown on said plan and appurtenances thereto including any off-site easements and rights-of-way are in the Applicant's name and are free of all encumbrances or that the encumbrances set forth will not preclude any required subdivision improvements.

No extensions will be granted that will bring the development beyond its eighth year. Beyond eight (8) years following the date of endorsement of the Definitive Plan, any undeveloped areas must conform to the current Zoning By-Laws and the Rules and Regulations.

3.3.8. Recording

The applicant shall file the approved Definitive Plan and Covenant, if any, at the Registry of Deeds, and shall notify the Board in writing presenting evidence of the recording of the plan and the covenant. The applicant shall deliver to the Board one (1) copy of the approved and recorded Definitive Plans, and a copy of an affidavit filed by the owner stating that the title to the premises shown on said plan and appurtenances thereto are in the Applicant and free of all encumbrances or with encumbrances as set forth.

3.3.9. Conveyance of Utilities and Easements to the Town

Prior to the release by the Board of a surety bond or deposit, or, in the case of a covenant, the issuance of a Release Form, the Applicant shall execute an instrument, on a Form approved by the Board, (see Form K) transferring to the Town, without cost, valid unencumbered title to all common sewers, storm drains, storm water retention and detention areas, storm water infiltrators and water mains, and appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved, and conveying to the Town without cost and free of all liens and encumbrances, perpetual right and easements to construct, inspect, repair, renew, replace, operate and forever maintain the aforesaid underground utilities, with any manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision or portion thereof to be approved, and if any such utilities have been constructed and installed in land not within such streets, then in, through and under an easement as shown on the Definitive Plan.

3.3.10. Reduction or Release of Performance Guarantee

3.3.10.1. Reduction of Bond Surety. The penal sum of any such bond or the amount of any deposit held under clause paragraph 3.3.6.1., may, from time to time, be reduced by the Board and the obligations of the parties thereto released by said Board in whole or part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required by the Board.

3.3.10.2. The Final Surety held by the Board may be released subject to a vote by the Planning Board after the street has been accepted as a public way within the Town of Sharon by Town Meeting.

3.3.10.3. Determination of Incompleteness. If the Board determines that said construction, installation, or filing of "as-built" plans has not been completed, it shall specify to the Town Clerk and to the developer, in writing, by registered mail, the details wherein said construction and installation shall have failed to comply with the requirements contained under Section 5.0. Upon failure of the Board to act on such application within forty-five (45) days after the receipt of the application by the Town Clerk and the Board, all obligations under the bond shall cease and terminate by operation of law, and any deposits shall be returned and any such covenants shall become void.

In the event that said forty-five (45) day period expires without such specification, or without the release and return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

3.3.10.4. Determination of Completeness. If the Board determines that said construction, installation, or filing of "as-built" plans has been completed, it shall notify the Town Treasurer within forty-five (45) days on a properly executed Form J - Release Form, that it releases the interest of the Town in such bond or deposit and that it shall be returned to the person or persons who furnished same, or, in the case of covenant it shall issue a written release of the covenant on a properly executed Release Form.

3.3.11. As-Built Plans

Prior to the final release, the developer shall file with the Board an as-built acceptance Plan of completed street or streets. The plan shall show all plans and profiles corrected and certified by the Applicant's engineer to be actual as-built locations and profiles of all streets, ways, and utilities, including those installed by others such as power, telephone, and gas. Said plans shall be prepared in a manner suitable for records at the Registry of Deeds.

SECTION 4.0 REQUIREMENTS

4.1 General

4.1.1. Districts

Reference in the following Regulations to "Rural District" shall mean either the Rural-1

or Rural-2 District as established in the then-current Sharon Zoning By-Law. Reference to "Residential District" shall mean all other locations in Sharon.

4.1.2. Design Objectives

Design, including consideration of the resulting locations of building sites, shall:

(a) Reduce, to the extent reasonably possible, the following:

- 1) Vvolume of cut and fill;
- 2) Aarea over which existing vegetation will be distributed, especially if within two hundred feet (200') of a river, pond, or stream, or having a slope of more than 15%;
- 3) Nnumber of mature trees removed;
- 4) Eextent of waterways altered or relocated;
- 5) Vvisual prominence of man-made elements not necessary for safety or orientation;
- 6) Iincrease in peak rates of stormwater transport from the site;
- 7) Bbuilding site frontages or driveway egresses onto collector streets;
- 8) Aalteration in ground water or surface water levels or chemical constituents, including phosphates and nitrates;
- 9) Ddisturbance of important wildlife habitats, outstanding botanical features, and scenic or historic environs;
- 10) Ssoil loss or instability during and after construction;

(b) Increase, to the extent reasonably possible, the following:

- 1) Vvehicular use of collector streets to avoid traffic on streets providing house frontages;
- 2) Vvisual prominence of natural features of the landscape;
- 3) Llegal and physical protection of views from public ways.

4.1.3. Construction Guides

4.1.3.1. It is the intent that no street or way through private property shall be accepted by the Town unless the same be previously constructed and completed in accordance

with the Standard Cross Section (see Schedules B and C), Street Layout Plan, Profile and the following specifications.

4.1.3.2. No street, way, lot, utility or other subdivision improvement shall be approved or constructed which is not in conformance in all respects with all provisions of the Sharon Zoning By-Law; nor shall any such subdivision improvement be approved or constructed which causes any existing conforming structure, lot, use or other element to become non-conforming, nor shall any such subdivision improvement be approved or constructed which increases the non-conformity of any existing non-conforming structure, lot, use or other element.

4.1.3.3. No street, way, lot, utility or other subdivision improvement shall be constructed which is not in conformance with all applicable laws, codes, ordinances, permit requirements and regulations of the Town of Sharon including the Shade Tree By-Law, the Scenic Roads By-Law, Underground Tank By-Law, Wetlands By-Law and Sign ByLaw.

4.1.3.4. No street, way, lot, utility or other subdivision improvement, which is subject to the Massachusetts Wetlands Protection Act (MGL, Ch. 131, S. 40), shall be constructed, unless an Order of Conditions has been issued by the Sharon Conservation Commission or unless a Superseding Order of Conditions has been issued by the Massachusetts Department of Environmental Protection.

4.1.3.5. No street, way, lot, utility or other subdivision improvement shall be constructed which is not in conformance with all applicable laws, codes, ordinances, permit requirements, regulations and environmental documentation requirements as follows:

- (a) The National Environmental Policy Act and implementing regulations (40 CFR 1500 et al);
- (b) The Clean Air Act (42 USC 7401);
- (c) The Clean Water Act;
- (d) U.S. Resource Conservation and Recovery Act (42 USC 3251);
- (e) The Federal Water Pollution Control Act;
- (f) Department of the Army, Corps of Engineers Section 404 (FWPCA) Permits;
- (g) The Massachusetts Environmental Policy Act (MGL, Ch. 30, S. 62, 62-62H) and implementing regulations (301 CMR 10.00);
- (h) The Massachusetts Department of Environmental Protection (DEP) New Sources of Air Contaminants (Fossil Fuel) Permits;
- (i) DEP Open Burning Permits;

- (j) DEP Hazardous Waste License Program;
- (k) DEP Waste Disposal Facility Permit;
- (l) DEP Discharge to Ground Permit;
- (m) DEP National Pollution Discharge Elimination System (NPDES) Permit;
- (n) Massachusetts Water Quality Standards;
- (o) DEP Sewer Extension or Connection Permit;
- (p) DEP Water Quality Certification Program;
- (q) DEP Subsurface Sewage Disposal Permit;
- (r) DEP Public Water System Permit;
- (s) DEP Outdoor Advertising Board Sign Permit;
- (t) Executive Office of Transportation and Construction Abandoned Railroad Right of Way Consent;
- (u) DEP Superseding Order of Conditions or extension thereof;
- (v) Massachusetts Department of Public Works (MDPW) New Street Approach Permit;
- (w) MDPW Brush Cutting Permit;
- (x) MDPW Curb Cut Permit;
- (y) MDPW Utility Line Permit;
- (z) MDPW Sidewalk Permit;
- (aa) MDPW Storm Drainage Permit;
- (bb) MDPW Tree Removal Permit;
- (cc) MDPW Underground Utility Installation Permit.

4.1.3.6. Within six months of endorsement, Applicant must submit Geotechnical Design Report (based on borings and test pits), Working Drawings and Project Manual which must be approved by the Planning Board prior to construction.

4.1.3.7. As each construction is completed, it shall be approved by the proper Town authority and/or utility company prior to starting work on the succeeding operation.

4.2. Streets and Roadways

4.2.1. Location and Street Names

4.2.1.1. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular and pedestrian travel and an attractive street pattern through curvilinear street layout whenever possible, they will obtain the maximum safety and amenity for future residents of a residential subdivision and of future employees or visitors to a non-residential subdivision, and they shall be in accord with the Rules and Regulations of the Planning Board.

4.2.1.2. The proposed streets shall conform in location, so far as practicable, to the official map, to any existing and proposed plans of the Board, to the Master Plan or parts thereof adopted by the Board and, where required by the Board, to the existing and proposed street system.

4.2.1.3. Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property, whether or not subdivided.

4.2.1.4. 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.

4.2.1.5. Street names and walkways shall be approved by the Board to provide names in keeping with the character of the Town. Proposed street names shall not duplicate nor bear phonetic resemblance to the name of existing public ways, paper streets, or any other way qualified to afford frontage under Sec. 81-L of Chapter 41, G.L. A proposed street which is in alignment with an existing street shall bear the same name as the existing street.

4.2.2. Alignment

4.2.2.1. Roadway Alignment. The horizontal and vertical alignment of all segments of all roads serving as access points to or constructed as part of the subdivision roadways shall conform to the values given in the following Roadway Alignment Table tables (based on a 3.75 foot height of observer and a six (6") inch height of object).

Roadway Alignment Tables

I.	<u>General</u>				
	<u>Type of Street</u>	<u>Lane</u>	<u>Minor</u>	<u>Collector</u>	<u>Non-Residential</u>
	Design Speed	25 MPH	30 MPH	35 MPH	30 MPH
	Assumed Travel Speed	20 MPH	25 MPH	30 MPH	25 MPH
	Stopping Sight Distance	160 Ft.	200 Ft.	250 Ft.	200 Ft.
II.	<u>Horizontal</u>				
	Minimum Centerline Radius	200 Ft.	275 Ft.	400 Ft.	275 Ft.
	Minimum Middle Ordinate Centerline Inside Lane to Sight Obstruction	16 Ft.	18 Ft.	20 Ft.	18 Ft.
	Minimum Tangent Between Reverse Curves	175 Ft.	200 Ft.	225 Ft.	200 Ft.
	Width of Right of Way				
	Rural District	50 Ft.	60 Ft.	70 Ft.	70 Ft.
	Residential District	50 Ft.	50 Ft.	60 Ft.	70 Ft.
	Pavement Width	22 Ft.	24 Ft.	26 Ft.	28 Ft.
	Minimum Centerline Offset	150 Ft.	150 Ft.	150 Ft.	150 Ft.
	Minimum Intersection Angle	60°	60°	60°	60°
III.	<u>Vertical</u>				
	Minimum Grade	0.8%	0.8%	0.8%	0.8%
	Maximum Grade	8%	7%	6%	6%
	Transition Areas:				
	Maximum Grade within 100 feet of an Intersection				
	Intersecting Street	2%	2%	2%	2%
	Main Street	4%	4%	4%	4%
	Crest Vertical Curve*	K=18	K=28	K=40	K=28
	Sag Vertical Curve*	K=18	K=36	K=49	K=36
	* Minimum K = Length of vertical Curve in Feet/Algebraic difference in grade in %				

4.2.2.2. Roadway Alignment. The horizontal and vertical alignment of all segments of all subdivision roadways shall provide adequate sight distance to provide a higher design speed should such higher design speed be required by the Board.

4.2.2.3. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees.

4.2.2.4. Streets shall be laid out so as to intersect with adjacent streets or adjacent unsubdivided land within the proposed subdivision at intervals of from five hundred feet (500') to one thousand feet (1,000').

4.2.2.5. Roadways accessing the subdivision shall be laid out to be at least five hundred feet (500') from the nearest adjacent street. As much as possible, streets accessing the subdivision shall allow for all unsubdivided land to have access points at intervals of five hundred (500') to one thousand feet (1,000').

4.2.2.56. A paved walkway (see 4.3) which, in the opinion of the Board, provides an emergency access route to an adjacent way for fire, police or snowplowing equipment and contains, where appropriate, water main connections, will be considered by the Board as sufficient cause for waiver of the requirements of 4.2.4.1.

4.2.2.67. The distance between curb line and property line at any intersection shall be the same as the approach portions of the intersecting streets. Curb line radii shall be thirty feet (30') at an intersection involving a collector street in the residence district and twenty feet (20') at all other intersections.

4.2.3. Width

4.2.3.1. The minimum width of right-of-way shall be as follows:

	<u>Residential District</u>	<u>Rural District</u>
Collector Street	60 ft.	70 ft.
Minor Street	50 ft.	60 ft.
Lane	50 ft.	50 ft.

4.2.3.2. When a minor street will provide the only access for lots fronting on a length in excess of five hundred feet (500') or where, on a secondary or major street potential volume warrants, the Board may require a greater right-of-way than that specified above and may require construction of a divided roadway.

4.2.4. Dead-End Streets

4.2.4.1. To ensure consistency with the purpose of these regulations as enumerated in Sect. 1.1, permanent dead-end streets (a street, extension of a street, or system of streets connected to other streets only at a single point) shall not be the only frontage for more than ten (10) potential lots under zoning applicable at the time of submittal. In determining the number of lots on a dead-end street, the enumeration of lots shall begin at the closest intersection whether within or without the subdivision where two (2)

distinct means of access to the Town's public street system are provided.

4.2.4.2. A paved walkway or bikeway (Sect. 4.3) not exceeding one thousand feet (1,000') in length, which in the opinion of the Board, provides an emergency access route for fire, police or snowplowing equipment and contains watermain connections to adjacent ways may be considered by the Board as a sufficient cause for a waiver of the requirements of 4.2.4.1 when it is not possible to construct a roadway that conforms to the Regulations. This emergency access must be at least twenty feet (20') wide, on a separate parcel to be deeded to the Town and cannot have a grade in excess of ten percent (10%). The emergency access must be outside of the system of dead-end streets described in Section 4.2.4.1.

A paved walkway and/or bikeway (sec. 4.3) not exceeding 1000' in length, which, in the opinion of the Board, provides an emergency access route for fire, police or snowplowing equipment, and contains water main connections to adjacent ways, will be considered by the Board as a sufficient cause for waiver of the requirements of 4.2.4.1. The emergency access must connect to the public street system at a location outside of the system of dead-end streets described in 4.2.4.1.

4.2.4.3. Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred and fourteenthirty feet (11430') for a minor road, unless otherwise specified by the Board (See Schedule Q for details). There shall be a traffic island in the center having a diameter of forty feet (4052'). , if the dead-end street is not intended to connect with another street at some future time. The turnaround or stub will be located at the property line unless the Board approves otherwise.

4.2.4.4. The Board may require a roadway parcel from the end of the dead-end street to adjacent property.

4.2.4.5. Temporary dead-ends shall similarly provide for a turnaround, which may be located in part on easements over lots so long as contractual assurance is provided that upon extension of the street the termination turnaround will be removed and replaced with loam and planting.

4.2.5. Grade

4.2.5.1. The centerline grade for any street shall not be less than 1.2%.

4.2.5.2. Where changes in grade exceed one-half of one percent (0.5%), vertical curves at least fifty (50') feet in length shall be provided.

Roadways shall have a cross slope at two percent (2%) or one-quarter inch (1/4") per foot.

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

4.2.5.4. The grade of any street in special instances shall be so designed that the surface runoff of water shall be from the building line to the street. Where one side of a street drops off so that surface water runoff cannot drain into the street, provision must be shown for drainage tiles and catch basins, with any easement needed, to prevent overflow onto neighboring lots or erosion of banks.

4.2.5.5. The centerline grade of roadways shall not deviate from existing ground (as defined by the Town's Topographical Plans dated May, 1979) by more than ten (10.0') feet and the average of the absolute value of the deviation shall not be more than three (3.0') feet. The Applicant may, in instances where deviations from Town topographic maps are discovered in subsequent surveys, supply the Board with road profiles showing both the Town topographic maps and a more accurate topographical map of the area, providing no significant changes in topography have been made to the area since 1979.

4.2.6. Construction

The roadway shall be graded and prepared for pavement as follows:

4.2.6.1. 101* Clearing and grubbing shall be performed to remove all stumps, brush, roots and like material from the area of the travelled way, berms, shoulders, sidewalks, and utility trenches, but wherever feasible, existing vegetation shall be protected. Cleared materials shall be removed from the property unless otherwise approved by the Board or its Agent. Appropriate erosion control measures will be installed prior to proceeding with excavation.

4.2.6.2. 120* Earth excavation shall be the removal of all materials encountered within the area of the travelled way, berms, shoulders, and sidewalks down to the true surface of the subgrade or to suitable material in areas where unsuitable material exists, in preparation for foundation of roadway, sidewalks, driveways and berms. Approved material obtained from the excavation may be used in fills as required if, in the opinion of the Town Engineer, they are suitable.

4.2.6.3. 150* When in the opinion of the Town Engineer suitable material is not available within the limits of the roadway location to form the subgrade or sub-base, the developer shall obtain suitable additional material from other sources in accordance with this section and as may be approved by the Town Engineer.

4.2.6.4. 170* The subgrade surface, sixteen inches (16") below the finished surface grade in minor and secondary streets, and eighteen inches (18") below the finished surface grade in all streets in non-residential subdivisions, shall be prepared true to the lines, grades and cross-sections given and properly rolled. If existing soils on new roads are not suitable for use as a roadway subgrade (such as peat and clay), the soils will either have to be removed and replaced with compacted gravel or reinforced with a suitable geotextile reinforcement, as per the Town Engineer.

All soft or spongy material below the subgrade surface shall be removed to a depth determined by the Town Engineer and the space thus made shall be filled with special

gravel borrow, containing no stones over six inches (6") in their largest dimension.

*Numbers refer to specific sections in the Standard Specifications. The Standard Specifications should be referred to for more detailed descriptions of the work, materials and construction methods.

4.2.6.5. 401* Gravel sub-base or foundation containing no stones having any dimensions greater than three inches (3") shall be spread in two (2) equal layers on the surface of the subgrade to a minimum depth of twelve inches (12") in conformity with requirements of Section ML.030, Type B of the Massachusetts Department of Public Works Standard Specifications for Roadways and Bridges, 199276 edition, as currently amended. Each layer shall be thoroughly watered, rolled and compacted true to line and grade. Any depressions that appear during and after the rolling shall be filled with additional gravel and re-rolled until the surface is true. Mirafi, Supac or other subgrade stabilizing geotextile fabric may be required by the Town Engineer prior to gravel placement.

Final grading, rolling and finishing including the shaping, trimming, rolling and finishing of the surface of the sub-base prior to application of gravel for surfacing of the roadway and base courses for walks and berms shall be in accordance with this section and as directed by the Town Engineer. Compaction testing and soil gradations shall be performed as required by the Town Engineer or his representative. Each layer shall be compacted to not less than ninety-five percent (95%) of the maximum dry density of the material, as provided in the Standard Specifications. The rolled gravel shall be tested for compaction. All such tests shall be made at the expense of the developer, when requested by the Town Engineer.

Required Pavement Structure:

For Lanes and Minor Streets Only:

12" Compacted Gravel Base ML .030, Type B (Dependent on subgrade soils)

2-1/2" Bituminous Conc. Binder Course

1-1/2" Bituminous Conc. Surface Course

For Collector and Non-Residential Streets Only:

12" Compacted Gravel Base ML .030, Type B (Dependent on subgrade soils)

2" Bituminous Conc. Binder I Course

2" Bituminous Conc. Binder II Course

2" Bituminous Conc. Surface Course

4.2.6.6. 4.2.6.6. Pavement for roadways in subdivisions shall be Class I Bituminous Concrete Pavement Type I-1. The material and construction methods for laying pavement shall conform in every way to the applicable sections of Sect. 400 and Section M of the Standard Specifications except that no such construction shall be undertaken before March 31st of any year nor after December 1st of any year without written permission of the Town Engineer.

4.2.6.6. a).

Paving will not be allowed if it is raining the roadway is wet, if frost is present, or when air temperature is below forty degrees Fahrenheit (40 F.). The temperature of the bituminous concrete mixture shall be a minimum of 290° F (not to exceed 300° F.) prior to being placed and a minimum of 170° after immediate rolling, all in accordance with standard specifications.

b). All roadways will be prepared in such a manner that all manholes, catch basins, gate valves or other structures are installed with bituminous paving around the perimeter of each structure, so that a smooth transition is maintained between the top of each structure and the road surface.

4.2.6.7. Pavement on minor streets and lanes in residential subdivisions shall be laid to a finished depth of four inches (4") and laid in two (2) courses. The binder course shall be two and one-half inches (2-1/2") and the surface course shall be one and one-half inches (1-1/2").

Pavement on collector streets in residential subdivision and non-residential subdivision streets shall be laid to a finished depth of six (6") inches and laid in three (3) courses. The Binder I Course shall be two (2") inches, the Binder II Course shall be two (2") inches and the Surface Course shall be two (2") inches.

The Town Engineer may require the installation of a geosynthetic material Petromat fabric or an approved equal over any areas in the sub-base pavement that, in his opinion, require reinforcement prior to the placement of an additional course of pavement.

If existing soils on new roads are not suitable for use as a roadway subgrade (such as peat and clay), the soils will either have to be removed and replaced with a compacted gravel or reinforced with a suitable geotextile reinforcement, as per the Town Engineer. (double- delete?)

4.2.7. Curb and Berm

4.2.7.1. General Requirements

Curbing shall be placed along both sides of the roadway. Granite Curbing Type VA4 Type VB with six inch (6") reveal is required, installed as per Massachusetts Department of Public Works Specification M9.04.1 B.. Curbing shall be placed after the binder course and before the finish course of bituminous concrete. See Schedule N.

4.2.7.2. Curb Cuts

(a) Driveways in subdivisions containing one (1) and/or two (2) family dwellings only shall be at least ten feet (10') wide and shall have an opening of at least sixteen feet (16') at the gutter line.

(b) Driveways for multiple dwellings and all non-residential uses shall be at least

sixteen feet (16') wide and shall have an opening of at least twenty feet (20') at the gutter line.

- (c) Where rolled curbs are to be used, the driveway flare should have a three foot (3') radius. Driveway cuts shall not be within sixty-five feet (65') of the intersection of the centerline of intersecting streets.
- (d) At all driveways the grade at the back of the sidewalk shall be six inches (6") higher than the grade at the gutter line. See Schedule E.
- (e) At every curb step down there shall be a ramp three feet (3') wide adjacent to the granite curb sections. See Schedule D. All ramps must meet Massachusetts Architectural Access Board requirements regarding slope, dimensions and locations. See Schedules D and O.
- (f) All driveways shall be constructed to provide adequate access of all emergency vehicles as determined by the Town Engineer and the Fire Chief.

4.2.8. Other Street-Related Requirements

4.2.8.1. Embankments

Embankments within or adjoining the right-of-way shall be evenly graded and pitched at a slope of not greater than four (4) horizontal to one (1) vertical, or 2 to 1 with a retaining wall. (See Schedule B). Where cuts are made in ledge, other slopes may be determined with the approval of the Town Engineer. Where terrain necessitates greater slopes, retaining walls, terracing, fencing, or rip-rap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with and approved by the Planning Board. Retaining walls shall normally be constructed of stone, with wall thickness at any point not less than one-third (1/3) the depth below retained grade, or in accordance with MHD requirements. Whenever embankments are built in such a way as to require approval by the Board, the developer must furnish to the Town duly recorded access easements free of encumbrances for maintenance of the slopes, terraces or retaining walls. All such slopes shall be grassed or planted in accordance with Section 4.6.5.

4.2.8.2. Guard Rails

Guard rails shall be required whenever the slope is greater than four (4) horizontal to one (1) vertical downhill, and the length of the slope is determined by the Board or Town Engineer to constitute a hazardous condition. Guard rails shall be in accordance with the Mass Highway Construction Standards. (See schedule P for an example of one accepted guard rail). Specifications for wooden guardrail (M9.05.3), pressure treated with Timber Preservative (M9.05.5).

4.2.9. Covenant, Private Road

As a condition for approval of a subdivision plan, the Board will require the owner to

enter into a Declaration of Property

Restrictions and covenants concerning the maintenance of private roadways servicing the subdivision, drainage overflow depressions serving more than one lot of the subdivision and other requirements which affect more than one lot of the subdivision or which are intended to remain in force permanently or for an extended period of time. A model Declaration of Property Restrictions and Covenants is appended hereto as Form H-1. Said form may be modified in order to meet the particular characteristics or features of the subdivision plan.

4.3. Sidewalks, Bikeways and Walkways

4.3.1. Required Locations

Sidewalks within the street right-of-way shall be provided as follows:

Collector Street Both Sides 5'
Minor Street Both Sides 5'
Lane Both Sides 5'

Where sidewalks are required on each side of the street, they shall extend the full length of the street and completely around the turnarounds.

In addition, public off-street walkways or bikeways may be required by the Board to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space, or community facilities, or for such other reasons as the Board may determine. Such ways may or may not be part of normal sidewalk provisions, but they shall not be a part of any lot in the subdivision. The Planning Board may authorize substitution of a bikeway for one sidewalk where two are required.

4.3.2. Alignment

Sidewalks shall be separated from the travelled way by a grass area at least two (2') feet in width. Off-street walkways and bikeways shall have minimum centerline radius of twenty-five (25') feet and maximum gradient of eight (8%) percent for segments of one hundred (100') feet or less. LevellingLeveling areas at intersections with sidewalks shall be shown in detail.

The planting area between the sidewalk and the street pavement shall be planted with four (4") inch sod where the street serves as frontage for a lot. Where no buildable lot exists, the Town Engineer may allow a substitution of four (4") inches of loam and seed.

4.3.3 Width

Width of sidewalks, off-street walkways and bikeways shall be five (5') feet. Off-street walkways and bikeways shall be located in parcels with minimum width of twenty (20') feet. Poles and hydrants and utility boxes shall not restrict this width at any point.

4.3.4. Construction

All materials shall be removed for the full width of the sidewalk to subgrade fourteen inches (14") below the finished grade as shown on the Cross-Section, Schedule B.

4.3.4.2. All sidewalks shall be six inches (6") thick 3,000 p.s.i. Cement Concrete Masonry with six inch (6") by six inch (6") welded wire mesh reinforcing placed two inches (2") below the top of sidewalk. Control joints shall be provided at a maximum spacing of five feet (15') on center. Expansion joints shall be provided at a maximum spacing of twenty-five feet (2530') on center. The sidewalk shall be constructed on an eight inch (8") thick gravel foundation to the required lines and grades in accordance with the Standard Specifications. A one and one-half percent (1.52%) cross-slope shall be maintained for drainage. In the driveway areas, the sidewalk and apron pavement shall be a total of three inches (3") in thickness after compaction.

4.4. Utilities

4.4.1. General

All required utilities exclusive of transformers shall be placed underground at the time of initial construction. Required utilities may include water, storm drainage, telephone, electricity, gas, street lighting, fire alarm systems and cable television unless otherwise specified by the Board.

4.4.1.1. Where adjacent property is not subdivided or where all the property of the Applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision at such grade and size which will, in the opinion of the Board, permit their proper extension at a later date.

4.4.1.2. Connections for drain, water, gas, oil, electric and telephone service from the main structure in the way to the exterior line of the way shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement, in whole or in part, in the case of a lot to be used for a park, playground or for any other purpose for which, in the opinion of the Board, such connections shall not be required.

4.4.1.3. Installation and materials unless otherwise specified shall conform to the standards of the Town of Sharon.

4.4.1.4. 140 Excavation for structures, including foundations for drains and water pipes, walls and other structures shall be made to the depth as indicated on the Definitive Plan or established by the Town Engineer as appropriate. Rock excavation designated as Class B encountered in trench excavation shall be removed as directed by the Town

Engineer.

4.4.1.5. 200 All drain, gas and water pipes, underground utilities, and other structures shall be installed to the right-of-way line upon the completion of roadway subgrade and before the placing of the sub-base, gravel base course, sidewalks or pavement. If the pavement is removed, excavated or damaged, the trench shall be covered with a poured reinforced concrete slab to the lines, grades and dimensions approved by the Town Engineer.

4.4.2. Water System

4.4.2.1. Every subdivision shall be connected to the public water system by the developer unless otherwise approved by the Planning Board and the Board of Health. Where connection to the public system is not feasible, a subdivision plan shall be approved only upon presentation of evidence satisfactory to the Board, upon advice of the Board of Health, that adequate and suitable supply of potable water is available, and upon evidence satisfactory to the Board, upon advice of the Fire Chief, that adequate provisions for fire fighting have been made.

4.4.2.2. Water pipes and related equipment, such as hydrants and main shutoff valves, corporation shutoff valves, service pipe to curb boxes, curb boxes and blowoffs, shall be installed within every subdivision as necessary to provide all lots on each street with adequate water supply for domestic and fire protection use. Such system shall be installed regardless of whether it is to be connected to a public system, or private on-site systems are to be initially relied upon. Dead-end water mains exceeding five hundred (500') feet in length are not permitted. The parallel mains of any loop shall be no closer than two hundred (200') feet.

4.4.2.3. Public water mains, house connections, and related facilities shall be installed to the standards of the Department of Public Works. Mains shall be Class 52 cement-lined ductile iron pipe and shall not be less than eight inches (8") in diameter unless approved by the Planning Board in conjunction with the Town of Sharon Public Works Department, Water Division. Pipe joints shall be push-on type.

4.4.2.4. Where public water is provided, hydrants shall be provided every five hundred running feet (500') or part thereof on one side of each street unless a greater distance is approved by the Chief of the Fire Department in writing. In any case, there shall be a minimum of one (1) hydrant in each subdivision. They shall be of a style approved by the Department of Public Works. The deliverable fire flow shall meet current ISO requirements for all existing/potential structures served. Minimum flow requirements at all locations shall be 500 gpm with a residual pressure of 20 psi. Flow calculations shall be submitted based upon combined fire flow and peak domestic use and current, site specific flow tests.

4.4.2.5. Each hydrant shall be served directly from the water main through a six inch (6") lateral connection. It shall be gated with a six inch (6") bottom valve and shall have two and one half inch (2 1/2") hose outlets and one (1) four-and-one-half inch (4-1/2"5") pump outlet. Hydrants shall open to the right. Water main gate valves shall be

located in such number and locations that lines by individual block may be isolated for maintenance purposes, and should open to the left. Hydrant gates shall be located within the paved roadway surface.

4.4.2.6. The entire system shall be pressure tested and disinfected in accordance with American Waterworks Association Standards (AWWA) and approved by the Department of Public Works prior to acceptance.

4.4.2.7. If the Planning Board and the Board of Health approve a private well or private water system, the requirements of the Board of Health shall govern the design of the well or system.

4.4.3. Electricity and Other Cables

Wiring for the fire alarm system, telephone, electricity, street lighting system and, if any, cable television shall be installed underground in the same trench with vertical and/or horizontal separation as approved by the Town Engineer. Service shall be provided to each lot and each street light before the subgrade is prepared. The Board may permit transformers, switches and other such equipment to be placed on the ground in approved locations, screened from view with evergreen shrubbery.

4.4.4. Street Lighting System

4.4.4.1. Street Lighting System shall be supplied, installed and operated by the developer until such time as the system is accepted by the Town. The street lighting system shall be designed by a registered professional electrical engineer. The layout and design of the system shall be incorporated in the submission of the Definitive Plan.

4.4.4.2. Fixtures and Lamps

Streets and sidewalks shall be illuminated by pedestrian scale spherical lanterns with the specifications listed hereunder. The following specifications apply only to lanes and minor streets and sidewalks in residential subdivisions. Collector streets and non-residential subdivision streets shall be supplied with standard Boston Edison "cobra" type street lights.

- a) The lamp shall be a 35 watt 240 volt high pressure sodium. Ballast shall be 35 watt 240 volt c.w.a linear case mounted in pole. Lampholder shall be medium base porcelain.
- b) The globe shall be 16" diameter clear smooth seamless polycarbonate; refractor shall be borosilicate glass; fitter shall be cast aluminum twist lock.
- c) Pole shall be ten foot (10') high round straight aluminum 4.5" diameter x .125" wall. Base shall be two (2) piece cast aluminum 9" dia. x 4" high. Anchorage shall consist of four (4) 5/8" x 16" x 2" galvanized steel anchor bolts on a 7" bolt circle.

- d) Base to be poured concrete 12" x 12" x 24" deep.
- e) The luminaire shall be finished with Factory applied tropic black baked acrylic enamel. The pole shall be anodic coffee black.

4.4.4.3. Layout

- a) Lights on one side of the street shall be located in front of each proposed lot. The light should not be closer than within fifteen (15') feet from of each anticipated driveway location and two (2') feet in back of the curb in the grass strip.
- b) Additional lights shall be positioned so that the maximum distance between lights is one hundred fifty (150') feet.
- c) In addition, a light shall be placed on each side of the street at the point where a new street intersects an existing one at the entrance to a new subdivision.
- d) Hand holes shall be positioned at an interval of one per every other light in the grass strip.

4.4.4.4. Conduit and Wiring

- a) All wiring for street lighting shall be installed in conduit located under the grass strips unless approved otherwise by the Town Engineer.
- b) Sheath in appropriate PVC conduit except within one (1) foot of finished grade. Aluminum conduit shall be used within one (1) foot of finished grade to resist damage from impact.

4.4.4.5. Controller Cabinet

- a) The control cabinet shall be constructed of cast aluminum and contain a hinged, gasketed, weatherproof cast aluminum door with a conventional police lock and key. Two (2) keys shall be furnished.
- b) The cabinet shall have a photocell activated on/off control.
- c) The cabinet shall be mounted on a concrete base.
- d) The cabinet shall contain:
 - 1. Circuit breaker over-current protection.
 - 2. Seven (7) day calendar type time switch with astronomical dial. Provision for continuous charging battery backup for time-switch motor desirable.
- e) Meter socket and meter shall be mounted externally as required by Boston Edison Company.

f) The cabinet shall be approximately four (4') feet high by two feet six (2'6") inches wide by one foot six (1'6") inches deep. Cabinet color shall be dark green.

g) Cabinet shall be Crouse Hinds CAC Series or equal.

4.4.4.6. Installation, Ownership and Operation

a) The developer shall purchase and install an approved street lighting system. Prior to the occupancy of any dwelling, the complete lighting system shall be operated and maintained by the developer at the developer's expense daily from dusk to dawn, and such operation will include all light fixtures from the access to an existing public way to the furthest occupied dwelling.

b) The installation shall conform to the applicable provisions of the Massachusetts Electric Code, and as required by Boston Edison Company and the Town of Sharon. Power shall be supplied through a meter furnished and installed by Boston Edison Company.

c) Properly operating fixtures shall become the property of the Town of Sharon upon street acceptance.

d) The developer shall purchase extra light fixture(s) to be turned over to the Town of Sharon prior to street acceptance. The quantity of extra (spare) fixtures shall be 5% of the total number of fixtures installed, rounded up to the nearest integer, with a minimum of one for any subdivision.

4.4.5. Gas

4.4.5.1. Gas mains shall be installed if gas connection is available.

4.4.5.2. The Bay State Gas Company shall be notified by the developer upon approval of the Definitive Plan so that installation of gas mains may be completed without undue delay. If excavation is made after the subgrade is completed and inspected, the mains shall be put in a trench covered with a poured reinforced concrete slab to the lines, grades and dimensions approved by the Town Engineer.

4.4.6. Fire Alarm

4.4.6.1. Fire alarms shall be required in any subdivision and/or other residential and industrial complexes in the Town of Sharon. No installation shall be accepted unless accepted by review of plans prior to installation. Construction and design shall be approved by the Chief of the Sharon Fire Department or Fire Alarm Superintendent. All installations of overhead or underground wiring for fire alarm installation and circuits shall be done by a qualified Fire Alarm Systems Contractor.

4.4.6.2. There shall be no direct burial of fire alarm systems in the Town of Sharon. All installations shall meet the requirements of the National Board of Underwriters, the National Fire Protection Association, Rules and Practices of the New England Section

of the International Municipal Signal Association, the National Electric Code and the Massachusetts Electric Code.

4.4.6.3. All necessary precautions shall be taken for the protection of persons and property; permits to dig or close streets shall be secured by the contractor and all Town departments and utility companies having interest in the work shall be properly notified.

4.4.6.4. The underground alarm system for fire alarms to be installed in new developments, residential or commercial, shall be as follows: Schedule 40--two (2") inch PVC conduit, all lengths should be bonded to be watertight. A drawstring shall be installed in the conduit to pull in wire. The conduit shall be in a trench at a depth of sixteen (16") to twenty-two (22") inches. The conduit shall be at the deepest where it lays at road crossings, heavy traffic areas or any other locations where damage is likely to occur. There shall be at least twelve (12") inches of sand roughly tamped between power lines and fire alarm conduits and four (4") inches above the cable. Once installed, if the underground system differs from the original plans, a new "as is" plan must be submitted to the Fire Department for final acceptance.

4.4.6.5. All underground fire alarm wire must be I.M.S.A. 20-5, 4 conductor #14 A.W.G. There should be no splices within conduit whenever it is possible. If splices are absolutely necessary, all connections must be watertight and approved by Chief or Fire Alarm Superintendent before concealed. All cable must be color coded and meet I.M.S.A. specifications. Underground cable must be run to the closest pole carrying municipal fire alarm wire and must be in sufficient pairs for future expansion of the development. A sweep shall be installed where the wire comes out of the ground bonded to conduit at the pole. A moisture-proof terminal box with lightning arrester shall be furnished by contractor. The lightning arrester shall be a #317B installed in the fire alarm box by Fire Alarm Superintendent. A continuity test shall be done before the installation of box to assure the condition of the wire. A connection of wire and fire alarm box will be done at the expense of the contractor.

4.4.6.6. All fire alarm boxes shall be Gamewell Brand Master Type Box for internal system within a building and street box for pull boxes on a street location. All boxes will be three-fold non-interfering type, one half (1/2) second timing. All boxes shall be grounded with a #7240 ground rod, shall be installed on a utility pole or pedestal as designated by Chief or Fire Alarm Superintendent. All boxes shall be Local Energy Type.

4.4.6.7. All fire alarm boxes shall be installed no more than fifteen hundred (1500') feet apart and no more than fifteen hundred (1500') feet from existing boxes. A base must be installed at the location of a fire alarm box by the contractor. The pedestal to be secured to the base must be a Gamewell P.C. Type Catalog #7512 and have terminal block accommodations for incoming and outgoing cable. Location of base, pedestal and box to be approved by Chief or Fire Alarm Superintendent. If box is to be mounted on utility pole, pole brackets must be used.

4.4.6.8. Manholes or handholes for underground installation shall be installed every five hundred (500') feet or at every intersection of road where there is a ninety (90)

degree turn. The handhole pull box shall be a #P.C. 1118BB precast type or equivalent and should have the fire department logo on cover. Where underground fire alarm wires are to be a split loop, a fiberglass pedestal #B.B.-2 shall be used for this purpose. All cable pulled through a manhole or handhole shall have a sufficient amount of slack to allow for reaching around perimeter of handholes and a sufficient amount of cable should be allowed at pedestals for connection of fire alarm boxes.

4.4.6.9. Connecting a street or master fire alarm box to the municipal circuits shall be made at the expense of the owner, lessee or builder. All ties from new systems to the municipal circuits shall be made by the Fire Alarm Division of the Sharon Fire Department.

4.4.6.10. All plans for installations shall be presented to and approved by the Fire Alarm Division of the Sharon Fire Department before installation is started.

4.4.6.11. All fire alarm box installations shall meet the requirements of the National Board of Underwriters, National Fire Protection Association, Rules and Practices of the New England Section of the International Municipal Signal Association, the National Electric Code and the Massachusetts Electric Code.

4.4.6.12. All installations of fire alarm boxes and circuits by private contractors shall be tested and approved by the Fire Alarm Division before such boxes and/or circuits are tied into the municipal circuits. Tying-in of such systems to the municipal circuits shall be done by Fire Alarm Division only. All materials and labor shall be at the expense of contractor or person responsible for completion of this system.

4.4.6.13. THE FOLLOWING REQUIREMENTS SHALL BE COMPLIED WITH WHEN CONNECTING A FIRE ALARM BOX (MASTER TYPE OR STREET TYPE) INTO THE SHARON FIRE DEPARTMENT FIRE ALARM CIRCUITS.

4.4.6.14. Connecting a fire alarm box (Master Type or Street Type) to the Sharon Fire Department Alarm Circuits shall be made at the expense of the owner, builder or lessee.

4.4.6.15. All fire alarm boxes (Master Type or Street Type) shall be new Gamewell Three Fold Non-Interfering Succession type boxes. All Master boxes shall be local energy type. All boxes shall be installed at a location designated by the Chief of the Sharon Fire Department.

4.4.6.16. All fire alarm boxes must be set for four (4) rounds at 1/2 seconds timing and must be properly grounded. 4.4.6.17. A lightning arrestor shall be provided and installed by the contractor at a point designated by the Fire Alarm Division when installing a Master Box.

4.4.6.18. All private Fire Detection or Fire Prevention Systems must be tested and approved by the Sharon Fire Department Fire Alarm Division before being connected into the Fire Alarm circuits.

4.4.6.19. All sprinkler systems of the wet pipe type, connected directly into the fire

alarm circuits (Municipal) shall be equipped with an excess pressure pump (wet kit) to prevent the transmission of needless alarms in cases of variances in town water pressure.

4.4.6.20. All installations of municipal fire alarm systems must be complete and operational prior to request for bond release approval. If the system is not complete, a sufficient amount of money will be held pending the completion of the system and acceptance by the Fire Department.

4.4.6.21. ALL INSIDE FIRE PROTECTION SYSTEMS, WET OR DRY, DETECTOR SYSTEMS OR ANY COMBINATIONS OF SAME, ARE REQUIRED TO HAVE THE FOLLOWING EQUIPMENT IN ORDER TO BE CONNECTED TO THE TOWN OF SHARON MUNICIPAL ALARM CIRCUITS. ALL SYSTEMS SHALL BE TESTED AND APPROVED BY A.F.A. DIVISION PRIOR TO BEING PUT ON MUNICIPAL CIRCUITS.

- (a) Master Type New Gamewell Fire Alarm Box.
- (b) Main control panel with battery backup system for not less than 72 hours.
- (c) An annunciator panel, with zones clearly designated, shall be provided in all systems having more than a single zone.
- (d) Control Panel shall be labeled with name and telephone number of person or corporation responsible for service or maintenance and repairs to system. (e) Pull station to egress doors, audible and visual sounding device located by Fire Department within structure.
- (e) Lock Box installed on building at location of fire alarm box; or if on central office alarm, Lock Box shall be located at front of building at entrance doors.

4.5. Storm Water Management

4.5.1. General

Subdivision design, grading, and storm drainage facilities shall be designed to prevent significant loss of life and property due to runoff from any foreseeable rainfall event, to provide an acceptable degree of convenient access to property during and following frequent storms, and to avoid environmental damage from either storms or the management system itself.

4.5.1.1. The detention/retention basin as described in Section 4.5.2.2. shall be contained on a separate parcel or lot. That said parcel or lot shall be deeded to the Town of Sharon upon completion of the subdivision.

4.5.2. Design Guides

4.5.2.1. Increases in stormwater runoff resulting from development shall be minimized

and retained or detained within the development. Calculations must be submitted and approved by the Town Engineer verifying that the peak discharge after development is no more than the peak discharge from the site prior to development for the two, ten and twenty-five year frequency storm events. The total volume of the one-year frequency storm event shall be retained. Connection to off-site storm drain lines may be permitted only upon verification of suitable use to capacity ratio, and compliance with NPDES standards. Satisfactory evidence of this in the form of calculations shall be submitted to the Town Engineer for verification. In the Water Resource Protection District and in Wetlands Setback see also 3324(d) and 4534 of and the 199889 Zoning By-Laws.

4.5.2.2. Storm drains and retention basins shall be designed based on a ten-year (10) frequency storm, and cross culverts shall be based on a twenty-five year (25) frequency storm, with consideration given to damage avoidance for a one hundred year storm. All stormwater shall pass through an oil/gas separator manhole prior to outfall. (Please see Schedule L detail provided in the appendix). The manhole shall have convenient, paved vehicular access. Prior to discharge, all stormwater shall pass through a sedimentation basin capable of removing eighty (80%) percent of the water borne sediment (Section 3352 of the 199889 Zoning By-Laws). All stormwater shall be conveyed in storm drain lines to stormwater detention/retention basins capable of recharging the ten-year (10) event. The bottom of the detention basin must be at least four feet (42') above the seasonal high water table. Permanent easements and provisions for vehicular access shall be provided along the entire length of the storm drain lines. No increased down-gradient damage or erosion from stormwater caused by construction of the subdivision will be permitted for the one hundred year (100) event. Evidence of this shall be submitted to the Town Engineer in the form of calculations for pre-development versus post-development for all channels leaving the site and any other design points required by the Board.

4.5.2.3. All hydrological calculations shall be determined by the procedures set forth in the current edition of the Soil Conservation Service's URBAN HYDROLOGY FOR SMALL WATERSHEDS, TECHNICAL RELEASE NUMBER 55 (MOSOCOCO). All assumptions in regard to the type of soil cover shall be determined from the presumptive eventual use of the land within the entire tributary area.

4.5.2.4. The rainfall intensity shall be determined from the times of concentration and the Yarnell curves. The minimum time of concentration for street drainage shall be ten (10) minutes and for cross culverts shall be twenty (20) minutes. Water velocities in pipes and gutters shall be between two (2') and ten (10') feet per second, and not more than five (5') feet per second on unpaved surfaces.

4.5.2.5. Water shall not be allowed to run for more than three hundred (300') feet on paved surfaces. Catchbasins shall not serve as manholes. Leaching basins, if permitted, shall be cross-connected in pairs, and must include percolation test results with the design plans. Storm drains shall be at least twelve inches (12") inside diameter, with at least twenty-four inches (24") of cover.

4.5.3. Lot Drainage

Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of a minimum width of twenty feet (20') and proper side slopes shall be provided. Storm drainage shall be designed in accord with the specifications of the Board. Where required by the Planning Board or the Board of Health, the applicant shall furnish evidence that adequate provision has been made for the proper drainage of surface and underground waters from any lot or lots. Stormwater shall not discharge overland across lot lines. Drainage conveyances and easements shall be provided to convey stormwater to the nearest permanent natural drainage system or municipal drainage system and must meet National Pollution Discharge Elimination System standards..

4.5.4. Construction

200, 220, 230 Drainage facilities shall be provided as indicated on the plan and in conformity with the requirements of Sections 200, 220, 230 of the Standard Specifications.

4.5.4.1. The standard depth of catch basins shall be two and one-half feet (2 1/2') below the invert of the outlet. Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in conformity with the requirements of Section 230 for installation of pipes.

4.5.4.2. All drain pipes except sub-drains shall be reinforced concrete pipe and shall be installed according to the size as shown on the plans. No backfilling of pipes shall be done until the installation has been inspected by the Town Engineer. All drainage trenches shall be filled with clean gravel borrow in accordance with Section 150.

4.5.4.3. Where sub-drains are required they shall be constructed in conformance with Section 260 of the Standard Specifications (Mass. DPW specs). Such sub-drains may be required by the Board following clearing and grubbing operations. 4.5.4.3. Sub-drains cannot be used to lower the water table according to 7.02.10 of Article 7.

4.5.4.4. No drainage pipes from roof drains, driveway drains, or other on-lot sources shall be connected to the street drainage system without the explicit approval of the Planning Board.

4.5.4.5. Cast iron manhole covers and catchbasin grates shall be as manufactured by or equivalent to E.L. LeBaron Foundry model No.'s LK-110 for manholes, L.F. 248-2 for catchbasins or for catchbasins at the end of or on 5% gradient roads No. LK-120A (Cascade Grate).

4.6. Natural Features

4.6.1. Open Space

Before approval of a plan, the Board may also, in proper cases, require the plan to show a park or parks, suitably located for playground or recreation purposes or for providing

light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land and shall be at least equal to one (1) acre of land for each twenty (20) single family dwelling units or fraction thereof shown on the plan. It shall be equal to three (3) times the floor area of all other dwelling units, and ten (10%) per cent of the land area for all non-residential subdivisions. The Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval for a period of three (3) years. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purposes of a park and/or playground. The area or areas shall be so located as to serve adequately all parts of the subdivision as approved by the Board. The Board may require that the area or areas reserved shall be located and laid out so they may as to be used in conjunction with similar areas of adjoining subdivisions, or of probable subdivisions. Any land so reserved shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the Board. Compensation shall be made for land acquired in this manner as provided in Section 81-Q of Chapter 41 of the G.L.

4.6.2. Protection of Natural Features

Every effort shall be made in both design and construction to preserve and protect all natural features, such as trees, wooded areas, water courses, scenic points, historic spots, and similar community assets, which if preserved will add attractiveness and value to the subdivision. Any clearance, backfilling, cutting, thinning or other disturbance to trees in excess of twelve inches (12") in diameter, measured four feet (4') above grade, located within the street layout or in areas marked on the plan to remain natural and within an area ten feet (10') from and parallel to the street line, shall be prohibited, unless, deemed both proper by the Board and not in conflict with the intent of Section 4.6. Any such proposed clearance of trees shall be shown on the plan and written reasons therefor for tree clearance, may be requested by the Board. The reasons for tree clearance should be provided to the Board in writing.

4.6.3. Retained Trees

Existing trees to be retained within the right-of-way plus the ten foot (10') strip parallel thereto shall be marked in the field to avoid accidental damage. Grade within the drip line of such trees shall not be changed more than six inches (6"), and not less than twenty-five percent (25%) of that area shall be retained within four inches (4") of present grade. Tree wells or retaining walls shall be used where necessary to accomplish this, and shall be of fieldstone with a thickness at any point of not less than one-third (1/3) the depth below retained grade, unless an alternative is detailed in the plan submittals and approved by the Planning Board. (See Schedule B).

Dead or diseased limbs shall be removed. Retained trees within the street right-of-way shall normally have branches removed to provided six feet (6') clear height above

finished grade.

4.6.4. Planted Trees

a) There shall be one (1) tree on the average of thirty-five (35') feet apart on each side of the proposed roadway. Trees are to be planted where necessary, as determined by the Board., to assure amenity for the sub-division. Trees shall be the equivalent of well-rooted nursery grown stock free of injury, harmful insects and diseases. They shall be well-branched, and the branching structure shall be sound. The caliper at four (4') feet above grade shall be two-and-one-half (2-1/2") inches. Trees not meeting the 2-1/2" caliper will not be accepted by the Tree Warden, and will require removal and replacement by the contractor.

b) Trees shall be one of the following species:

- ACER PSEUDOPLATANUS (SYCAMORE MAPLE)
- AESCULUS HIPPOCASTANUM (HORSE CHESTNUT)
- GINKGO (MAIDENHAIR TREE)
- GLEDITSIA TRIACANTHUS (HONEY LOCUST)
- PLATANUS ACERIFOLIA (LONDON PLANETREE)
- QUESCUS PALUSTRIS (PIN OAK)
- QUESCUS ROBUR (ENGLISH OAK)
- QUERCUS RUBRA (RED OAK)
- TILIA CORDATA (LINDEN)
- ULMUS CARPINIFOLIA (ELM)
- SOPHORA JAPONICA (SCHOLAR TREE)

c) Trees shall be spaced at the average of one (1) tree per every thirty-five (35') feet on each side of the proposed roadway. Trees on one side of the street may be set either opposite or diagonally to trees on the opposite side of the roadway.d) Minimum acceptable size of trees to be planted shall be two and one-half inches (2 1/2") trunk diameter, caliper at four feet (4') above ground.

de) Planting operations shall be as specified in Section 8, Subsections A, C, E, and F, of the Recommended Standard Specifications for Planting Trees, Shrubs, and Vines, Associated Landscape Contractors of Massachusetts, Inc.

ef) Requirements for support stakes, guy wire and cable, ground anchors, hose, and wrapping material shall be those contained in Section 6 of the Recommended Standard Specifications for Planting Trees, Shrubs, and Vines, compiled and issued by the Associated Landscape Contractors of Massachusetts, Inc.

fg) From the time of planting through one full growing season after the issuance of the occupancy permit for the structure or structures on the lot in front of which the tree(s) is/are located, the subdivider shall be responsible for maintenance of planted trees and replacement of those which have died or become diseased. See Schedule B.

4.6.5. Other Plantings

4.6.5.1. All areas within the right-of-way including cul-de-sac islands as well as unbuildable parcels along road right-of-ways which are not paved shall either be loamed and seeded for grass or, where some or all natural vegetation is retained or to be restored, shall be mulched and planted, with designation of type of treatment to be made by the Planning Board, taking into consideration the designated treatment of adjacent lots, the long term maintenance of the planting and the feasibility of successfully retaining existing vegetation.

In general, durable, low maintenance plantings are preferred over loam and seed treatments.

4.6.5.2. Areas to be planted in grass shall have loam placed to a compacted depth of six inches (6"). The grass seed shall be Creeping Red Fescue and Perennial Rye Grass and shall otherwise conform to Section M6.03.0 of the Standard Specifications. It shall be placed at the rate of four (4) pounds per one thousand (1,000) square feet and shall be properly fertilized and watered with uniform coverage to keep the seeded areas moist. After growth has started, seeded areas shall be watered regularly to a minimum depth of two inches (2") until the performance guarantee is released.

4.6.5.3. Areas to have natural vegetation shall have supplemental plantings as directed by the Planning Board or its agent, and shall be covered with clean pine bark mulch or other appropriate mulch material, to a depth of at least three (3") inches, and watered if necessary until the performance guarantee is released.

4.6.6. Revegetation

4.6.6.1. To minimize erosion, all disturbed areas shall be stabilized within fourteen (14) days. Permanent revegetation or paving shall be completed within sixty (60) days following first disturbance.

4.7. Easements

4.7.1. Where utilities cross lots or are centered on rear or side lot lines, easements shall be provided of a width of at least twenty feet (20').

4.7.2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board shall require a storm water easement or drainage right-of-way of adequate width and proper side slope as determined by the Town Engineer to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for construction or other necessary purposes. In no case shall the width be less than twenty feet (20') or the side slope be steeper than two (2) horizontal on one (1) vertical.

4.7.3. Access easements or parcels to adjacent property shall be provided, if required by

the Board, for use by emergency vehicles and for the benefit of the Town. They shall be a minimum width of twenty feet (20').

4.7.4. Wherever possible easements along rear lot lines shall be continuous to the street at the end of the block to connect with the adjoining blocks in the shortest direct line.

4.8. Other Requirements

4.8.1. Monuments

4.8.1.1. Monuments shall be installed on street lines at all points of intersections of streets with each other and at all points of curvature and at all points of change in direction.

4.8.1.2. Monuments shall be a standard permanent granite of not less than three foot six inches (3'6") in length and not less than six inches (6") in width and breadth and shall have a one-half inch (1/2") diameter hole one and one-half inches (1 1/2") deep, drilled in the center of the top surface. Said monuments shall be installed at the time of final grading with the top flush with the top final graded surface.

4.8.1.3. The placement and accurate location of these monuments shall be certified by a registered land surveyor and properly located on the As-Built Plans. See Section 3.3.11.

4.8.2. Street Signs

4.8.2.1. From the time of rough grading until such time as each street is accepted by the Town as a public way, the sign posts at the intersection of such street with any other street shall have affixed thereto a sign designating such street as a private way.

4.8.2.2. Street signs for each intersecting street shall be installed at each intersection to conform to those used by the Sharon Public Works Department and installed at a location as approved by the Public Works Department.

4.8.2.3. In the event street signs, once erected, are damaged or vandalized, the developer shall within seven (7) days repair and/or replace such signs. This requirement shall remain in force until such street and its appurtenances are accepted by the Town.

4.8.3. Walls

4.8.3.1. All exposed surfaces of headwalls and retaining walls shall be faced with fieldstone masonry.

4.8.3.2. All headwalls and retaining walls shall be designed by a registered structural engineer using geotechnical design criteria obtained from a site specific soils investigation.

4.8.4. Cleanup

Any area disturbed by construction and all rights-of-way shall be cleaned up so as to

leave the area shown on the Plan in a neat and orderly appearance, free from debris, tree stumps, loose rocks, mounds of dirt or other objectionable material. Said material shall be removed from the site and properly disposed of.

4.8.5. Maintenance of Improvements

For the purpose of protecting the safety, convenience and welfare of the Town's inhabitants, 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 reducing the danger to life and limb in the operation of motor vehicles, for securing safety in the case of fire, flood, panic and other emergencies; under the authority of Chapter 41, Section 81-M as amended, the

Applicant or his/her successor shall provide for the proper maintenance and repair of improvements until ownership of such improvements is accepted by the Town.

As a minimum, maintenance shall include the following:

(a) Snow and Ice Control

(1) Sand/salt shall be applied to all streets on which a dwelling(s) is/are occupied so as to provide safe access to an existing public way. Sand/salt shall be applied in a manner consistent with the then current policies and procedures of the Department of Public Works. (2) Occupied streets shall be plowed to provide safe access to an existing public way whenever the Department of Public Works plows similar accepted town ways. Generally the Department of Public Works will plow all streets whenever snowfall exceeds three (3") inches in depth.

(3) It shall be the developer's responsibility prior to November 1st of each year to prepare and coordinate a snow/ice control plan with the Superintendent of Public Works. Upon approval of such plan by the Superintendent of Public Works, the developer shall file copies with the Planning Board and the Department of Public Works.

(b) Street Sweeping. As a minimum, the developer shall cause all streets on which a dwelling(s) is/are occupied to be swept monthly. The developer shall maintain an accurate record of all street sweeping activity in his/her development and shall provide copies of same to the Town Engineer. A final sweeping shall be performed at least two (2) weeks but not more than four (4) weeks prior to consideration for acceptance of every street by Town Meeting.

4.8.6. Flood Hazard Avoidance

4.8.6.1. Any subdivision located in any part within the Flood Hazard District established under the Zoning By-Law shall comply with the following:

4.8.6.2. Subdivision design shall be consistent with the need to minimize flood damage within the flood-prone area, through use of clustering, open space reservation, street profile design, and drainage.

4.8.6.3. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.

4.8.6.4. Drainage systems shall be designed in consideration of possible flooding to the Base Flood Elevation.

4.8.7 Maintenance of Improvements

Stop signs and stop bars on the pavement shall be installed by the developer at those intersections, whether public or private, where the warrants for stop signs are satisfied. Stop signs shall be erected and maintained as specified for Street Signs per Section 4.8.2 of these Rules and Regulations. Stop signs shall conform to the Manual for Uniform Traffic Control Devices and be placed as determined by the Superintendent of Public Works. All intersections, roadways and roadway systems shall include a "Traffic Control Plan," prepared by a registered traffic engineer, which shall include pavement markings, signage and lighting. Any intersection meeting the warrants for signalization as set forth in the Manual for Uniform Traffic Control Devices shall be provided with a complete traffic control system.

SECTION 5.0 ADMINISTRATION

5.1. Variation

Strict compliance with the requirements of these Rules and Regulations may be waived when in the judgement of the Board such action is in the public interest and not inconsistent with the Subdivision Control Law. A waiver request must be submitted in writing by the applicant. The request should state the applicable Section of the Rules and Regulations and the exact nature of the waiver requested.

It is the policy of the Sharon Planning Board that waivers will not be granted for any of these regulations, unless the applicant can first demonstrate that the entire subdivision can be constructed in full conformance with all requirements of the Rules and Regulations. The Board may then consider waiver of certain regulations if it deems their waiver to be in the public interest.

5.2. Reference

For matters not covered by these Rules and Regulations, reference is made to Section 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws.

5.3. Building Permit

5.3.1. No building shall be erected within a subdivision without written permission from the Board by Form J - Release Form.

5.3.2. The Building Inspector shall not issue any permit for the erection of a building until he is first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under Chapter 41, Section 81-X, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board. In the event that more than one (1) building for dwelling purposes be erected or placed or converted to use as such on any lot, that the Building Inspector is satisfied that consent has been obtained from the Board in accord with Section 2.4 of these Rules and Regulations, Chapter 41, Section 81-Y, and amendments thereto.

5.3.3. No structure shall be occupied until at least the binder course of bituminous concrete as specified in Section 4.2.6 has been applied to streets which serve the structure and, further, no structure shall be occupied until the street lighting system has been installed and is in working order at least from the intersection of the nearest existing public way and the structure and furthest lot line to be served. See Section 4.4.4.6.

5.4. Inspection

5.4.1. Inspection shall be arranged by the developer with the Town Engineer for that purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.

5.4.2. Inspection shall be requested of the Town Engineer at least forty-eight (48) hours in advance of the inception of any stage of the construction.

5.4.3. The Board may establish the order of the required inspection and may require satisfactory completion of one (1) step before the subdivider proceeds to the next. It may require tests to be done by the subdivider as a condition for approval when in the opinion of the Board it is advisable.

5.4.4. The proper Town Official shall indicate on Form P - Inspection Form, provided by the Board, the date of inspection and the approval and shall file such form, and an inspection report, if any, with the Board subsequent to each inspection.

5.4.5. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the applicant or rescission of the approval of the plan in accord with Chapter 41, Section 81-W, of the General Laws of Massachusetts.

5.5. Validity

If, in any respect, any provision of these Rules and Regulations, in whole or in part,

shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be invalid and in all other respects these Rules and Regulations shall stand as if such invalid provision had not been made, and they shall fail to the extent, and only to the extent, of such invalid provision, and no other provision of these Rules and Regulations shall be invalidated, impaired or affected thereby.

5.6. Effective Date These regulations become effective after approval by the Board, certification by the Town Clerk and filing with the Registry of Deeds and the Recorder of the Land Court.

LIST OF FORMS

Form A Application for Endorsement of Plan Believed Not to Require Approval

Form B Application for Approval of Preliminary Plan

Form C* Application for Approval of a Definitive Plan

Form C1 Certificate of Approval of a Definitive Plan

Form C2 Certificate of Disapproval of a Definitive Plan

Form D* Engineer's Certificate

Form D1* Land Surveyor's Certificate

Form E* Certified List of Abutters

Form F Performance Bond - Surety Company

Form G Performance Bond - Secured by Deposit

Form H Covenant

Form I Agreement by Applicant as to Public Improvements

Form J Release Form

Form K Conveyance of Easements and Utilities

Form L Referral Form

Form M1 Control Form and Preliminary Plan Checklist

Form M2 Control Form and Definitive Plan Checklist

Form N Legal Notice of Public Hearing

Form O Inspection Form

Form P Scope of Environmental Assessment

Note: Forms A-E and I are part of these Rules and Regulations. All other forms are for ease of administration and may be changed from time to time by the Planning Board or its Agent.

*accompanies submission of a Definitive Plan