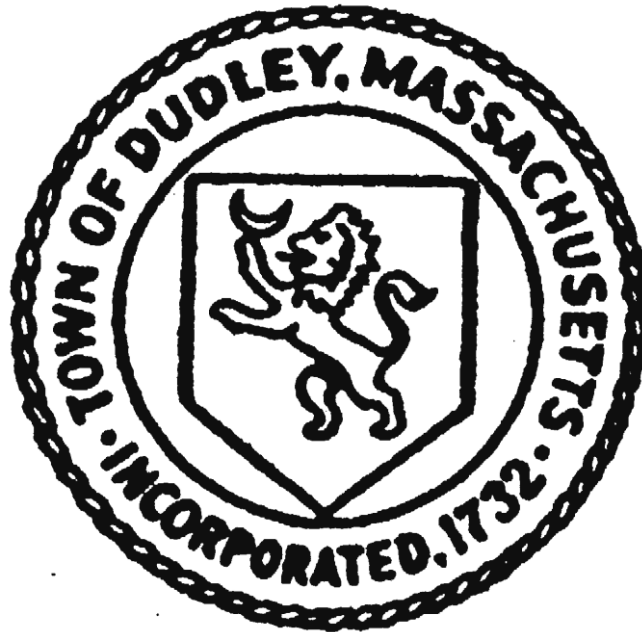


TOWN OF DUDLEY RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND



Includes Amendments through February 22, 2017

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RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN DUDLEY, MASSACHUSETTS

*(Adopted under the Subdivision Control Law Sections 81-L – 81-GG inclusive,
Chapter 41 M.G.L.)*

PURPOSE

These Rules and Regulations Governing the Subdivision of Land in the Town of Dudley, Massachusetts, have been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants and to preserve the suburban character of the Town by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open spaces. The powers of a Planning Board and of a Board of Appeal under the Subdivision Control Law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or bylaws; 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 city or town in which it is located and the ways in the neighboring subdivisions. It is the intent of the Subdivisions Control Law that any subdivision plan filed with The Planning Board shall receive the approval of such Board if said plan conforms to the recommendations of the appropriate Town Boards and to the reasonable rules and regulations of The Planning Board pertaining to subdivisions of land; provided, however, that such Board may, when appropriate, waive, as provided for in Section 81-R, Chapter 41, M.G.L., such portions of the rules and regulations as is deemed advisable.

SECTION I AUTHORITY

Under the authority vested in The Planning Board of the Town of Dudley by Section 81-A of Chapter 41 of the General Laws said Board hereby adopts these Rules and Regulations Governing the Subdivision of Land in the Town of Dudley.

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

The Board on its own motion or on the petition of any interested persons shall have the power to rescind its own approval. Likewise, the Board can modify or amend a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan.

SECTION II GENERAL

A. Definitions

Applicant - Either the owner of the land stated in the application for subdivision or all the owners where title is held jointly, in common, or in tenancy by the entirety, including corporations. An agent, representative, or designee may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of their officers and designated authority to sign legal documents shall be required for a corporation.

Block - An area of land enclosed on two or more sides by street rights-of-way.

Board - The Planning Board of the Town of Dudley.

Board's Designee - The person appointed by the Planning Board

Definitive Plan (Plan) - The plan of a subdivision as 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 distinguished from a Preliminary Plan.

Developer - A person (as hereinafter defined) who develops under a plan of a subdivision approved under Section III C of these Rules and Regulations.

Easement - A right conveyed to a public authority or other person or organization to use and/or control property for a utility or other designated purpose. All easements shown on plans approved under the Subdivision Control Law shall be recorded in the Registry of Deeds.

Engineer - Any person who is registered or otherwise legally authorized by the Commonwealth of Massachusetts to perform professional civil engineering services.

General Laws - (abbreviated M.G.L.) - The General Laws of Massachusetts. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

Owner - As applied to real estate, the person holding the ultimate fee simple title to a parcel, track or lot of land, as shown by the record in the appropriate 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 or a corporation having common or undivided interests in a tract of land.

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

Right-of-Way - That land dedicated for public use within which will be located the roadway, sidewalks, grass plots and utilities which will serve the subdivision.

Shall - Where used, shall to be understood as mandatory.

Should - Where used, should to be understood as advisory.

Street - A public or private way either shown on a plan approved in accordance with the Subdivision Control Law, or otherwise qualifying a lot for frontage under the Subdivision Control Law.

Street, Major Collector - Provides service to any activity center or other towns not directly served by an arterial route and to other traffic generators of equivalent interregional importance, such as schools, goods distribution centers, regional recreational areas, etc.

Street, Minor Collector - Streets spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a major collector road and normally including a principal entrance street for a group of subdivisions.

Street, Major Local - A street intercepting one (1) or more minor local streets and which is used or will be used to carry a substantial volume of traffic from such minor street to a collector street, and normally including a principal entrance street of a subdivision and any principal circulation street within such subdivision.

Street Minor Local - A street which is being used or will be used primarily to provide access to abutting lots and which will not be used for through traffic.

Subdivider - A person who follows the procedures under Sections III C to procure approval under said section with respect to a tract of land.

Subdivision - Subdivision shall mean the division or re-subdivision of a tract of land into two or more lots, or to the process of subdivision, or to the land or territory subdivided. The division of a tract of land into two or more lots shall not constitute a subdivision if, at the time it was made, every lot within said tract has frontage, in compliance with the Zoning Bylaws of the Town of Dudley, as amended, on (1) a public way (as laid out by the Selectmen or a way which the Town Clerk certifies is maintained and used as a public way), (2) a way shown on a plan previously approved and endorsed under subdivision control, or (3) a way in existence when the Subdivision Control Law became effective in the Town, having in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in

which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

Surveyor - Any person who is registered or otherwise legally authorized by the Commonwealth of Massachusetts to perform land surveying services.

Town - Town of Dudley, Massachusetts.

Wetland - Area that includes watercourses, waterbodies, banks or bordering vegetated wetland as defined by M.G.L., Chapter 131, Section 40.

B. Subdivision

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

C. Limitation of One Dwelling on Any Lot

Not more than one building designed or available for use for dwelling 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.

D. Variation in Building Designs

Developers shall vary the exterior design of buildings in subdivisions to avoid a monotonous appearance.

E. Build Factor

Lots recorded or endorsed after May 20, 1991 shall be subject to a maximum Build Factor of 23. A lot recorded or endorsed after this date which does not comply with this requirement shall not be considered a buildable lot. This Build Factor shall mean a ratio of lot perimeter to lot area which limits the degree to which a lot may have an irregular shape according to the following formula:

Lot Perimeter Squared / Actual Lot Area

Actual Lot Area / Minimum Lot Area

SECTION III

PROCEDURE FOR THE SUBMISSION & APPROVAL OF PLANS

A. Plan Believed Not to Require Approval

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 to the Planning Board, at a regularly scheduled meeting, the plan, a properly executed Application Form A, ANR Checklist and filing fee (see Forms) for such determination.

1. Contents

All plans submitted for ANR endorsement shall contain the following information:

- a. A data table indicating the:
 - Zoning district of the respective lot(s) and/or parcel(s);
 - Frontage requirement of the Zoning District;
 - Minimum lot area required of the Zoning District;
 - Setback requirements of the Zoning District;
 - Scenic Road designation, if any;
 - Lot area(s) and/or total parcel area; and
 - Percentage of buildable area of each respective lot.
- b. One original ANR Mylar Plan and five (5) copies thereof showing:
 - The ANR name, boundaries, north point, date, scale (1" = 40'), legend and title "ANR Plan";
 - The name and address of the owner of record and the name and address of the applicant (if different than that of the owner of record);
 - The name, address and official seal of the land surveyor, designer or engineer;
 - The names of all abutters, as determined from the most recent local tax list;
 - The topography of the land at a contour interval of two (2) feet. Elevations shall be referred to mean sea level (an applicant may ask the Planning Board for a waiver from this requirement);
 - The frontage and lot area of the remaining land from which the proposed lot(s) has been created;
 - Location of wetland resource area boundaries within the proposed lot(s) and all Uplands Calculations;
 - The approximate boundary lines of proposed lots, with approximate areas and dimensions in square feet;
 - Build Factor that conforms with these Regulations;
 - Evidence that each building lot to be created by such plan has adequate access including access road to the site. Access to two or more lots using the same egress requires a common drive and shall be labeled as such and clearly shown;
 - A profile of the existing grade(s) of the proposed access to the lot (See Dudley Zoning Bylaws as amended for design requirements for a driveway curb cut);
 - All evidence on plan showing that the submitted ANR plan does NOT require approval of the Planning Board;

- Words "Planning Board approval under the Subdivision Control Law not required";
- Suitable space to record the action of the Planning Board and the signatures of its members.

2. Endorsement of Plan Not Requiring Approval

If the Planning Board determines that the plan does not require approval, it shall without a public hearing and within 21 days from the date of submission of such plan endorse on the plan the words "Approval under the Subdivision Control Law not required." The Planning Board may add to such endorsement a statement of the reason(s) approval is not required. The Planning Board shall deliver the plan bearing such endorsement to the applicant and notify the Town Clerk in writing of its action.

3. Determination that Plan Requires Approval

If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it shall within 21 days from the date of submission of such plan so inform the applicant and the Town Clerk in writing of its action and return the plan. The applicant may then submit such plan for approval as provided by law and these Rules and Regulations, or may appeal the determination of the Board in the manner provided in Section 81-BB of the Subdivision Control Law.

4. If A Plan Requires Approval by the Planning Board, Work Must Stop Until Approved

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with improvement for sale of lots in a subdivision, or land clearing, or excavation, or installation of wells, or cutting of trees, or removal of stone walls, or displacement of any natural or historic resources, or construction of ways, or preparation for the installation of utilities and municipal services therein, unless and until a Definitive Plan of subdivision has been submitted and approved by the Planning Board as hereinafter provided. Should work commence on a lot without the proper approvals, a fine of \$100 per day/per violation shall be assessed to the landowner and/or applicant.

5. Failure of Board to Act

If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the person submitting the plan of its action within twenty-one days (21) 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. On its failure to do so, the Town Clerk shall issue a certificate to the same effect.

6. More Than One Dwelling on a Lot

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lots in a subdivision, or elsewhere in the Town, without the consent of the Planning Board. Such consent may be conditioned upon the provision of adequate ways furnishing access to each such building and

adequate improvements in the same manner as otherwise required for lots within the subdivision.

7. Application for Multi-Family Development (Deleted 6/03/04)

8. Fee Delinquencies

The Planning Board may refuse to accept for filing or approval any plan submitted by a person or entity that has outstanding and delinquent fees in connection with any subdivision and/or plan previously submitted to the Planning Board or taxes and/or fees owed to the town.

9. Adequate Access

No Plan shall be endorsed as “A plan not requiring approval under the Subdivision Control Law” and no subdivision plans shall be approved unless each building lot to be created by such plan has adequate access, including an access road to the site.

10. Proper Frontage on a Way

No Plan shall be endorsed as “A plan not requiring approval under the Subdivision Control Law” and no subdivision plans shall be approved unless each building lot to be created by such plan has the proper frontage on a way.

B. Preliminary Plan, Conventional Subdivision

1. General

In the case of a conventional subdivision showing lots in a residential zoning district, the applicant may, before submitting a definitive plan for approval, submit a Preliminary Plan of a conventional subdivision to the Planning Board and Board of Health for discussion and approval, modification or disapproval by each board. In the case of a nonresidential subdivision, the applicant shall, before submitting a definitive plan for approval, submit a Preliminary Plan to the Planning Board and Board of Health for discussion and approval, modification or disapproval by each board. The submission of such a Preliminary Plan, which is not a binding commitment, will enable the applicant, Planning Board, Board of Health, Departments of Highway, Water and Sewer, Building Inspector, and other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, the submission of a Preliminary Plan is strongly recommended.

At a regularly scheduled Planning Board meeting, the applicant shall submit eight (8) copies of the Preliminary Plan, the Preliminary Plan Checklist, properly executed application Form B, appropriate fees (see Forms), and a receipt from the Board of Health that a copy of the Plan has been received by their board. The applicant shall give written notice to the Town Clerk by delivery or certified mail that such Plan has been submitted. In either case, if the notice is given by delivery, the city or town clerk shall, if requested, give a written receipt therefor.

During the review of the Preliminary Plan, the complete information required for the Definitive Plan (e.g. Section III B-2, Contents) and the financial arrangements (e.g. Performance Guarantee) will be finalized.

2. **Contents**

The Preliminary Plan shall be drawn in black line on white bond paper, preferably at a scale of forty feet (40') to the inch (1"). If multiple sheets are used, they shall be accompanied by an index sheet at a scale of one inch (1") equals four hundred feet (400') showing the entire subdivision and adjacent streets.

All preliminary plans submitted for review shall contain the following information:

- a. A data table indicating the:
 - Zoning District of the respective lot(s) and/or parcel(s);
 - Frontage requirement of the Zoning District;
 - Minimum lot area required of the Zoning District;
 - Setback requirements of the Zoning District;
 - Scenic Road designation, if any;
 - Lot area(s) and total parcel area; and
 - Percentage of buildable area of each respective lot. The following table shall be titled and shown on the index sheet or equivalent of the subdivision plan as submitted (the values listed below are for example only):

Calculated Buildable Area Per Lot

	A	B	C	D	E
Lot No.	Total Area Square Feet	Area in Wetlands Square Feet	Area in Easement Square Feet*	Area in Wetland & Easement SF	% Buildable (A-D)/A = E
1	40,000	0	2,000	2,000	95%
2	50,000	8,000	2,500	10,500	79%
.* Easement values to include access and/or drainage easements only.					

- b. Subdivision name, boundaries, north point, date, scale, legend, and title "Preliminary Plan, Conventional";
- c. Name and address of the owner of record and the name and address of the applicant (if different than that of the owner of record);
- d. The name, address and official seal of the land surveyor, designer or engineer;
- e. The names of all abutters, as determined from the most recent local tax list;
- f. The topography of the land in a general manner;
- g. Major features of the land such as existing walls, fences, buildings, large trees, wooded areas, outcroppings, ditches, waterways, natural drainage courses and wetlands that exist in or near the site at the time of survey;
- h. The existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner;
- i. The proposed system of drainage, including adjacent existing natural waterways, in a general manner;

- j. The profiles of existing grades and approximate proposed finished grades of the roadways, drainage, and water facilities;
- k. The proposed system for the supply of water and sewer / subsurface sewage disposal, in a general manner;
- l. The proposed system for fire protection;
- m. Provision for open space in accordance with these rules and regulations;
- n. The approximate boundary lines of proposed lots, with approximate areas and dimensions;
- o. The names, approximate location and widths of adjacent streets;
- p. A list of waivers from specific subdivision requirements that will be requested;
- q. Such other documents and information as the Planning Board may request.

3. More Than One Dwelling 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 lots in a subdivision, or elsewhere in the Town, without the consent of the Planning Board. Such consent may be conditioned upon the providing of adequate ways furnishing access to each such building and adequate improvements in the same manner as otherwise required for lots within the subdivision. If more than one (1) house or residential unit is anticipated on any lot, now or in the future, on such preliminary plan, those details need to be shown. It is expressly understood that the approval of any lot on a preliminary subdivision plan is implied for one (1) residential unit unless otherwise stated.

4. Application for Multi-Family Development (Deleted 6/03/04)

5. Adequate Access

No preliminary plan shall be accepted that does not have an entrance or proper road frontage on a way. No subdivision plans shall be approved unless each building lot to be created by such plan has adequate access - including adequate access to the entire site.

6. Fees

In accordance with the Fee Schedule (see Forms), a non-refundable filing fee will be paid to the Town of Dudley. Any person who files a Preliminary Plan with the Planning Board shall pay an engineering review fee (see Forms) at the time of application. The unexpended balance shall be returned to the applicant within thirty (30) days from issuance of approval or disapproval. To the extent that the engineering review fees paid upon filing of a Preliminary Plan shall prove to be insufficient to pay for the evaluation and review of the Preliminary Plan by independent engineers hired by the Planning Board, and/or pay for clerical, publication, and all other related costs, the charges, if any, will be billed to the applicant. The applicant shall pay all invoices submitted to him by the Planning Board within thirty (30) days.

7. Fee Delinquencies

The Planning Board may refuse to accept for filing or approval any plan submitted by a person or entity that has outstanding and delinquent fees in connection with any other

subdivision and/or plan previously submitted to the Planning Board or taxes and/or fees owed to the town.

8. Approval

Within forty-five (45) days after the submission of a preliminary plan, both the Planning Board and the Board of Health shall notify the applicant and the Town Clerk by certified mail, either that the plan has been approved, or that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plan, or that the plan has been disapproved and in the case of disapproval, the board shall state in detail its reasons therefor. The Planning Board shall notify the city or town clerk of its approval or disapproval, as the case may be-with or without modification or suggestion, or disapproval, stating in detail the reasons for such disapproval. Approval does not constitute approval of the subdivision but facilitates the procedures for preparing and securing final approval of the Definitive Plan. Failure of the Planning Board to act within that time shall not mean approval of the preliminary plan. One (1) copy of the Preliminary Plan will be returned to the subdivider. Except as is otherwise provided, the provisions of the subdivision control law relating to a plan shall not be applicable to a preliminary plan, and the register or deeds shall not record a preliminary plan.

9. Work Must Stop Until Approved

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with improvement for sale of lots in a subdivision, or land clearing, or excavation, or installation of wells, or cutting of trees, or removal of stone walls, or displacement of any natural or historic resources, or construction of ways, or preparation for the installation of utilities and municipal services therein, unless and until a Definitive Plan of subdivision has been submitted and approved by the Planning Board as hereinafter provided. Should work commence on a lot without the proper approvals, a fine of \$100 per day/per violation shall be assessed to the landowner and/or applicant.

C. Definitive Plan, Conventional Subdivision and Open Space Residential Development Subdivision

1. General

The applicant may submit a Definitive Plan of a conventional subdivision to the Planning Board and Board of Health for discussion and approval, modification or disapproval by each board. At a regularly scheduled Planning Board meeting, the applicant shall submit an original drawing and eight (8) contact prints of the Definitive Plan, the Definitive Plan Checklist, a properly executed application form (Form C), Designer's Certificate (Form D), the appropriate fees (See Forms), and a receipt from the Board of Health stating their board has received an original drawing of the plan. Any person submitting a Definitive Plan shall give written notice thereof to the Town Clerk by delivery or certified mail.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with improvement for sale of lots in a

subdivision, or land clearing, or excavation, or installation of wells, or cutting of trees, or removal of stone walls, or displacement of any natural or historic resources, or construction of ways, or preparation for the installation of utilities and municipal services therein, unless and until a Definitive Plan of subdivision has been submitted and approved by the Planning Board as hereinafter provided. Should work commence on a lot without the proper approvals, a fine of \$100 per day/per violation shall be assessed to the landowner and/or applicant.

2. **Contents**

A professional engineer or land surveyor, within their areas of jurisdiction as appropriate, registered in Massachusetts shall prepare the Definitive Plan. The plan shall be clearly and legibly drawn in black line on white bond paper and drawn at a scale of one-inch (1") equals forty feet (40') or such other scale as the Planning Board may deem acceptable to show details clearly and adequately. Sheet sizes shall not exceed twenty-four inches by thirty-six inches (24" x 36"). If multiple sheets are used, they shall be accompanied by an index sheet at a scale of one inch (1") equals four hundred (400'), showing the entire subdivision and adjacent streets with dimensions of the lots and streets.

All definitive plans submitted for review shall contain the following information:

- a. A data table indicating the:
 - Zoning District of the respective lot(s) and/or parcel(s);
 - Frontage requirement of the Zoning District;
 - Minimum lot area required of the Zoning District;
 - Setback requirements of the Zoning District;
 - Scenic Road designation, if any;
 - Lot area(s) and total parcel area; and
 - Percentage of buildable area of each respective lot. In order to assist in the determination of buildable lots, the following table shall be titled and shown on the index sheet or equivalent of the subdivision plan as submitted (the values listed below are for example only):

Calculated Buildable Area Per Lot

	A	B	C	D	E
Lot No.	Total Area Square Feet	Area in Wetlands Square Feet	Area in Easement Square Feet*	Area in Wetland & Easement Square Feet	% Buildable (A-D)/A = E
1	40,000	0	2,000	2,000	95%
2	50,000	8,000	2,500	10,500	79%
*Easement values to include access and/or drainage easements only.					

- b. The following information shall appear in tabular form on each sheet of the subdivision plan as submitted:
 1. The total parcel area which is being subdivided;
 2. The total area of lots;

3. The areas dedicated or to be used for street purposes, drainage, sewer or utility easements on each side;
4. The areas reserved for parks, schools, open space, etc.
- c. Subdivision name, boundaries, benchmark, north point, date, scale, legend, and title "Definitive Plan, Conventional" or "Definitive Plan, Open Space Residential Development Subdivision";
- d. Name and address of the owner of record and name and address of the applicant (if different than that of the owner of record);
- e. The name, address and official seal of the land surveyor, designer or engineer;
- f. Names and location of all abutters as they appear on the most recent tax list;
- g. Existing and proposed topography at a two (2) foot contour interval;
- h. Location of natural waterways and water bodies within and adjacent to the subdivision;
- i. Location of major land features such as existing walls, fences, buildings, trees of more than eight (8) inch caliper, wooded areas, rock ridges and outcroppings;
- j. Proposed lines of streets, ways, easements, and public or common areas within the subdivision. The proposed names of the proposed streets shall be shown in pencil until the Planning Board has approved them;
- k. 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 the plat and boundary lines of all subdivision lot lines including lot frontage on the streets, of the boundary lines of all streets and easements, and the length, radii, tangents and central angles of all curves in lot lines, street lines and easements. All angle points or intersections of tangents along the street lines shall be shown. Adjoining land that is owned by the applicant but not included in the subdivision will be shown;
- l. Location of all permanent monuments properly identified as to whether existing or proposed;
- m. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision, showing both roadway and right-of-way widths;
- n. Existing and proposed profiles on the centerline 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 Planning Board. At least two (2) benchmarks are to be shown on the plans and profiles, and grade elevations at every fifty foot (50') station, except on vertical curves, which shall be at twenty-five foot (25') stations. All existing and proposed intersections shall be shown with all proposed grade elevations calculated. Topographic elevations shall be based upon the most recent FEMA standard (NAVD 88), and so stated on the plan. The horizontal survey shall be coordinated to the Massachusetts State Grid (NAD 83) for incorporation into the Town's GIS. Additionally, topographic elevation benchmarks shall be established and shown on the plans — at least two shall be included on each sheet and scattered throughout the project area. Rates of gradient shall be shown in percentages.

- o. Cross-section typical of each street or roadway to be constructed. At least one (1) cross-section shall be provided for each one hundred feet (100') of road length where cuts or fills exceed eight feet (8') in depth.
- p. Indication of all easements, covenants or restrictions applying to the land and their purposes, whether or not within the subdivision;
- q. If the property that comprises the subdivision or any part of boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with the case number and other pertinent reference to Land Court Procedure, and the same requirements shall apply to any adjoining parcels of land;
- r. To substantiate proposed drainage structures, a comprehensive drainage report shall be prepared by a Massachusetts registered professional engineer with his/her name, stamp and signature on the report cover and submitted to the Board for review and approval. The report shall demonstrate that the rates of runoff from the site after development of the subdivision will closely match or match those of the pre-development condition, for the 2, 10, 25 and 100 year design storms. Storm water drainage facilities shall be designed to replicate, to the extent possible, the pre-development characteristics of storm water runoff currently flowing onto the site, whether from inside or outside the subdivision, as well as the storm water runoff which may be expected to flow onto the site under conditions of full development permitted under the Zoning Bylaws in effect at the time of the submission of the Definitive Subdivision Plan application, in the post-development condition. The drainage design shall be in accordance with the latest Department of Environmental Protection "Storm Water Management Policy", as amended, in effect at the time of plan submission, unless otherwise specified herein. In order to minimize impact to downstream drainage facilities, increase the environmental quality of storm water runoff, and to provide for water conservation and increased groundwater recharge measures, Low Impact Development (LID) methods as defined in the latest edition of the Department of Environmental Protection "Storm Water Management Policy", as amended, shall be incorporated into the storm water design for the subdivision if practicable. The hydrologic method used in estimating the peak discharge should be based on National Resource Conservation Service (NRCS) methods or other equivalent hydrologic computational techniques. Other methods of estimating the peak discharge may be used if approved by the Board. For design of culverts, the Manning Equation shall be used. Other methods of drainage design may be used if approved by the Board. The engineer shall design the drainage system piping in accordance with the natural drainage boundaries of the total contributing drainage area (watershed), using a minimum of a 25 year design frequency storm. A 50 year design frequency storm shall be used for all bridge openings or major culverts. A 100 year design frequency storm shall be used for all detention and/or retention basins. The report shall demonstrate that the drainage design of the subdivision will meet the construction and performance requirements of these Regulations. The entire drainage system must implement "Best Management Practices" and meet the latest Department of Environmental Protection "Storm Water Management Policy", as amended. A detailed "Operation and Maintenance Plan" shall be submitted with each drainage design. All drainage structures shall meet the Town of Dudley Highway Department

- standards. Detention and retention basins shall not have side slopes greater than a three to one (3:1) ratio;
- s. Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewer pipes and their appurtenances and/or sewage disposal systems including data on boring and percolation tests made (and date), storm drains and their appurtenances and easements relative thereto, dimensions of gutters, and method of carrying water to the nearest water course or easement for drainage as needed, whether or not within the subdivision. If the surface water drains will discharge into adjacent existing streets or onto adjacent properties not owned by the petitioner or subdivider, the latter shall clearly indicate what course the discharge will take, and shall present evidence from the Water Department or the owner of adjacent property that such discharge is permitted;
 - t. Existing and proposed layout of gas and underground electrical distribution systems;
 - u. The proposed system for fire protection;
 - v. Location of proposed streetlights and sidewalks;
 - w. Size, spacing and species of proposed street trees and trees to be retained with trunks over eight inches (8") in diameter, measured six inches (6") above the finished ground level, located within twenty feet (20') of the street right-of-way line of existing or proposed streets;
 - x. Location and identification of areas where trees are to be removed in the course of site preparation, construction, or landscaping;
 - y. All lot numbers;
 - z. Provision for open space in accordance with these rules and regulations or in accordance with Section 3.05.00 of the Zoning Bylaws of the Town of Dudley Massachusetts;
 - aa. Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board (or officially authorized person).

3. Development Impact Statement

The applicant shall submit a Development Impact Statement, which provides the Planning Board and town officials with the information necessary for effective plan review.

In preparing the impact statement, the applicant shall state the reference source and the criteria used in calculating projected traffic impacts, and the water, sewer and drainage amounts.

In reviewing the statement, the Planning Board will consider the degree to which impact on Town roads and utilities is mitigated, to which storm water is recycled back into the ground, the maintenance and improvement of the flow and quality of surface water, the preservation or promotion of wildlife refuges, historic sites, unique geological, botanical and archaeological features, existing or potential trails, access to open space areas, and the health and safety of the inhabitants of the area.

The Planning Board may waive any section, or sections, of the statement that it deems inapplicable to the proposed subdivision. The applicant is urged to contact the Planning Board Office to discuss the requirements prior to preparation of the statement.

The statement shall describe the following:

a. Physical Environment and the Proposed Subdivision

1. Describe the subdivision and its relationship to the surrounding area.
2. Provide a tabulation of the total area being subdivided, the total area of lots, the total area dedicated for streets, drainage or utilities, and the total area reserved for recreation, parks or other open land.
3. Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, scenic and historical features, trails and open space links, indigenous wildlife, and how the subdivision will affect these features.
4. Describe the nature and extent of the proposed work and its impact on environmental and historical resources, including the habitat of rare and endangered species; all measures being utilized to minimize damage; any adverse short-term or long-term environmental consequences which cannot be avoided should the work be performed; as well as alternatives to the proposed action and their effects on environmental and historic resources. For commercially zoned land, the maximum potential gross floor area shall be given.
5. Describe any proposed recreational facilities, including active and passive types, and whether such recreational facilities and open space are available to all residents.

b. Surface Water and Soils

1. Describe the location, extent and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the project.
2. Describe the methods to be used during construction to control erosion and sedimentation; i.e. use of sediment basins and type of mulching, matting, or temporary vegetation; describe the approximate size and location of land to be cleared at any given time and length of time of exposure; covering of soil stockpiles; and other control methods used. Evaluate the effectiveness of the proposed methods and their effect on the surrounding areas.
3. Describe the permanent methods to be used to control erosion and sedimentation. Include descriptions of:
 - a) Any areas subject to flooding or ponding;
 - b) Proposed surface drainage system;
 - c) Proposed land grading and permanent vegetative cover;
 - d) Methods to be used to protect existing vegetation;
 - e) The relationship of the development to the topography;
 - f) Any proposed alterations of seasonal wet areas;
 - g) Any existing or proposed flood control or wetland easements;
 - h) Estimate increase of peak runoff caused by altered surface conditions, and methods to be used to return water to the soils.

c. Sub-Surface Condition

1. Describe any limitations on the proposed project caused by subsurface soil and water conditions, and methods to be used to overcome them.

2. Describe the procedures and findings of percolation tests conducted on the site.

d. Town Services

1. Describe the estimated traffic flow at peak periods, the likely circulation pattern, and changes in level of service or safety for vehicles and pedestrians. The scope of the area evaluated for traffic impacts should be related to the volume of traffic that could be generated by future developments in said subdivision, and by what routes in the roadway systems that traffic will likely use. The report shall contain information about the proposed access points and characteristics of adjacent public streets including, but not limited to: capacity, width, sight distances, alignment, turning data, accident information, and condition of pavement (including shoulders).
2. Describe the effect of the project on public sewer system. If the proposed subdivision will contain dwelling units, state the number of bedrooms proposed for each house. If the subdivision will consist of a commercial development, provide estimates for the amount of sewage that will be discharged per day.
3. Describe the effect of the project on the Town water supply and distribution system.
4. Describe any special impact on municipal and governmental services.
5. Provide an estimate of the number of new school children generated by the subdivision, and number of total new persons added to the Town's population. In addition, projected net tax and other revenues over anticipated municipal costs are strongly encouraged to be submitted to assist the Planning Board in obtaining an understanding of the total fiscal impact of the proposed subdivision upon Town resources.

4. More than One Dwelling on a Lot

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lots in a subdivision, or elsewhere in the Town, without the consent of the Planning Board. Such consent may be conditioned upon the providing of adequate ways furnishing access to each such building and adequate improvements in the same manner as otherwise required for lots within the subdivision. If more than one house or residential unit is anticipated on any lot, now or in the future, on such definitive plan, those details need to be shown. It is expressly understood that the approval of any lot on a definitive subdivision plan is implied for one residential unit unless otherwise stated.

5. Application for Multi-Family Development (Deleted 6/03/04)

6. Adequate Access

No Definitive plan shall be accepted that does not have an entrance or proper road frontage on a way. No subdivision plans shall be approved unless each building lot to be created by such plan has adequate access- including adequate access to the entire site.

7. Filing and Project Review Fees

a. Filing Fee

In accordance with the Fee Schedule (See Forms), a non-refundable filing fee will be paid to the Town of Dudley by any person who files a Definitive Plan with the Planning Board at the time of application. To the extent that the filing fees paid upon filing of a Definitive Plan shall prove to be insufficient to pay for clerical, publication, and all other related costs, the charges, if any, will be billed to the applicant. The applicant shall pay all invoices submitted to him by the Planning Board within thirty (30) days.

b. Project Review Fees

Any applicant who submits a Definitive Subdivision Plan for approval may be required to submit project review fees in accordance with the following provisions of this section:

- i. When reviewing an application for Definitive Subdivision Plan Approval, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Planning Board may require that applicants pay a "project review fee" consisting of the reasonable costs incurred by the Planning Board for the employment of outside consultants engaged by the Planning Board to assist in the review of a proposed project.
- ii. In hiring outside consultants, the Planning Board may engage engineers, planners, lawyers, urban designers, or other appropriate professionals who can assist the Planning Board in analyzing a project to ensure compliance with these Rules and Regulations. Such assistance may include, but not be limited to, analyzing the application, inspecting the project during construction or implementation, and monitoring the project for compliance with the Planning Board's decision. In most cases this will include the services of an engineering consultant retained by the Board for engineering/inspection services, but the Board may hire outside consultants from other professional fields as well if deemed necessary to fulfill the purposes of this section.
- iii. Funds received by the Planning Board pursuant to this section shall be deposited with the Town Treasurer who shall establish a special accost for this purpose. Expenditures from this special accost may be made at the direction of the Planning Board without further appropriation. Expenditures from this special accost shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a project review fee shall be grounds for denial of the application.
- iv. At the completion of the Planning 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 Planning Board with documentation establishing such succession in interest.

- v. Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and shall be taken only within twenty (20) days after the Planning Board has mailed or hand delivered notice to the applicant of the selection. 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 education 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 Planning 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 Planning Board shall stand.

8. Fee Delinquencies and Previous Defaults

The Planning Board may refuse to accept for filing or approval a plan submitted by a person or entity that has outstanding and delinquent fees in connection with any other subdivision and/or plan previously submitted to the Planning Board or taxes and/or fees owed to the Town. At the time of application, the person or entity shall supply proof that all Dudley taxes and fees have been paid in full.

9. Review by Town Boards

a. Review by Board of Health

At the time of filing of the Definitive Plan, the applicant shall also file with the Board of Health one (1) contact print of the Definitive Plan. Within forty-five (45) days after receiving the plan, the Board of Health shall report approval or disapproval of said plan in writing to the Planning Board. 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 therefore in such report, and, where possible, shall make recommendations for the adjustment thereof. Such Board shall send a copy of such report to the person who submitted said plan. Failure of such board to report shall be deemed approval by such board.

Every lot shall be provided with a sewerage system satisfactory to the Board of Health before a building on it is occupied.

b. Review by Other Town Officials

The Planning Department will transmit one copy of the Definitive Plan to appropriate town officials, boards and committees (other than the Board of Health) as follows: Planning Board Engineer, Department of Inspections and Permitting, Conservation Commission, Highway Department, Water Department, Sewer Department, and Fire Department. The original drawing will be reserved for signatures and returned to the applicant after approval or disapproval by the Planning Board. The specified town

officials, boards and committees shall transmit written statements to the Planning Board attesting that the proposed improvements are laid out to their satisfaction. If the specified town officials, boards and committees have not submitted written statements within thirty-five (35) days of receiving the Definitive Plan from the Planning Department, approval will be assumed.

10. Public Hearing

Before approval, modification and approval, or disapproval of the Definitive Plan is given, the Planning Board shall hold a public hearing. At the applicant's expense, the Board shall publish notice of the time and place of such hearing and of the subject matter, sufficient for identification, in a newspaper of general circulation in the Town of Dudley once in each of two (2) successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing. At least fourteen (14) days prior to the public hearing, the Board shall mail by certified mail return receipt requested a copy of said notice to the applicant. At least fourteen (14) days prior to the public hearing, the applicant shall mail by certified mail return receipt requested a copy of said notice to all owners of land within three hundred (300) feet of the property line of the proposed subdivision. The Town Assessor of Taxes will generate the abutter list from the most recent tax list. Prior to the start of the public hearing, the applicant shall submit the abutter's list to the Planning Board, as well as the certified mail return receipts from the public hearing notice mailing.

11. Certificate of Approval

The Board shall take final action on such plan in accordance with the following schedule:

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

Failure of the Planning Board to take such action shall be deemed approval thereof.

The Board may extend the time permitted by Chapter 41, Section 81-U, between submission of a Definitive Plan and action thereon, upon written request of the applicant. The Planning Board shall file notice of such extension of time with the Town Clerk.

The action of the Planning Board in respect to such plan shall be by vote, copies of such final action shall be certified and filed with the Town Clerk and sent by certified mail return receipt requested to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the rules, regulations and recommendations of the Planning Board. The Board may, as a condition of granting approval under M.G.L., Chapter 41, 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 or shall provide a separate instrument describing such conditions, which shall be recorded with such plan, 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.

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. Unless an appeal is taken from the action of the Planning Board to the Massachusetts Courts, and a written notice of such appeal is received by the Town Clerk within twenty (20) days of the Town Clerk receiving written determination of the Planning Board's final action, the Town Clerk shall endorse the Definitive Subdivision Plan with a certificate that no appeal has been filed. The Planning Board shall endorse an approved Definitive Subdivision Plan only after the Town Clerk has certified that no appeal has been filed. The Planning Board shall require that the Definitive Subdivision Plan contain reference to its Conditions of Approval

If an appeal is filed, the Planning Board shall endorse the plan only if the appeal is not successful in overturning the approval and no further Court appeal is initiated within the permitted time limits.

If a Definitive Subdivision Plan is approved by the failure of the Planning Board to act within the required time, the Town Clerk shall issue a certificate stating the date of submission of the plan, any extensions to that time period that were recorded with the Town Clerk, that the Planning Board has failed to file notice of final action with the Town Clerk within the required time and that the approval by failure of the Planning Board to act has occurred. If twenty (20) days following the issuance of the certificate pass without notice of an appeal, the Town Clerk shall at the request of the applicant endorse the subdivision plan certifying that no appeal has been received.

After the Definitive Plan has been approved and endorsed, the Planning Board shall return the original drawing to the applicant.

Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets and easements within a subdivision.

12. Provision of Performance Guarantee

Prior to endorsement by the Planning Board of a Definitive Subdivision Plan, the subdivider shall provide for long-term provisions for the maintenance of proposed streets within the subdivision. Such provisions shall be in the form of a recordable instrument. The subdivider, or any heir or successor, shall be bound by such provisions until such time as the street or streets are formally accepted by the Town.

Before endorsing an approved Definitive Subdivision Plan the Planning Board shall require that the subdivider file with the Planning Board a performance guarantee to secure the construction of ways and the installation of municipal services. The following section outlines the kinds of performance guarantees permitted under M.G.L Chapter 41, Section 81-U. The guarantees are of two kinds: a covenant as described in Section III.C.12.(1) and sureties as described in Section III.C.12.(2) and III.C.12.(3). While the method may be selected and varied from time to time by the subdivider or successor in

interest, the Planning Board prefers the use of a covenant and may submit other forms of performance guarantee to Town Counsel for review as to form, and manner of execution.

Listed below are the methods by which the installation of ways and municipal services are secured, and which are allowed and specified in M.G.L Chapter 41, Section 81-U:

- (1) By a covenant, executed and duly recorded by the owner of record and running with the land, providing that the ways and services shall be constructed to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed. However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises 01' 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 Definitive 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. See Form F for covenant format.

This covenant shall be referred to on the Definitive Subdivision Plan as follows:

"A Conditional Approval Covenant between the Dudley Planning Board and _____, (the subdivider and owner) to secure the completion of required ways and utilities has been executed and is recorded at the Worcester District Registry of Deeds with this plan, at Book_____, Page_____."

- (2) By a deposit of money or negotiable securities, or by 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, each bond or deposit shall be contingent upon the construction and such installation within such period as the Planning Board shall determine.

All cost estimates submitted by the subdivider shall be reviewed by the Planning Board Engineer for adequacy. The bond amount submitted to the Planning Board shall include 25% of the subtotal taken as contingency against any damages to the subdivision and estimated inflation, and 10% of the subtotal taken as contingency to cover administrative overhead, and bidding for the completion of the outstanding subdivision improvements in the event that the subdivision is declared in default.

If the Planning Board shall decide at any time during the term of the performance guarantee that the character and extent of the subdivision requires additional improvements, previously waived, then the Planning Board may modify its requirements in accordance with M.G.L Chapter 41, Section 81-W for any or all such improvements and the face value of such performance bond, or amount of deposit of money or value of securities may be increased by an appropriate amount. Such

increase may be requested by the Planning Board and consented to by the applicant, or imposed through the procedure for amending an approved Definitive Subdivision Plan, set forth in M.G.L. Chapter 41 Section 81W and these Rules and Regulations.

- (3) 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 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. 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 to the Town of Dudley Planning Board for completion of the required ways and utilities.

13. Time Period and Extensions for Construction of Required Improvements

Construction of all required improvements shall be completed within two (2) years of the date of recordation of the approved Definitive Subdivision Plan.

A subdivider may request an extension to the two (2) year period in which the required improvements must be constructed. The request must be submitted in writing to the Planning Board stating what further time period to complete the required improvements is required and the reasons why an extension is requested. The Planning Board may grant an extension of not more than one (1) year. More than one (1) extension may be granted.

As a condition of permitting the extension, the Planning Board shall have the right to revise the amount of sureties to ensure that sufficient adequate funds to insure the completion of the required improvements are retained and shall have the right to revise the covenant to reflect the increased construction period and any additional conditions to ensure satisfactory completion of the subdivision improvements. The cost estimate to complete the required improvements shall be reviewed by the Planning Board Engineer, and any bonds held by the Planning Board shall be adjusted as necessary to reflect any increased cost of construction, and to require that the bond amount include 25% of the subtotal taken as contingency against any damages to the subdivision and estimated inflation, and 10% of the subtotal taken as contingency to cover administrative overhead, and bidding for the completion of the outstanding subdivision improvements in the event that the subdivision is declared in default.

14. Recording of the Plan

After the Definitive Subdivision Plan has been endorsed and an acceptable performance guarantee has been provided to the Planning Board, the applicant shall record the endorsed plan together with any related easements, covenants, Conditional Approval Covenant, and any other required documents. The applicant is responsible for paying the cost of such recordation. Proof of such recordation shall be provided to the Planning Board within thirty (30) days of recordation.

Following the recordation, the applicant shall provide to the Planning Board a mylar copy of the recorded plan, eight (8) black line or blue line copies of the plan, and duplicate certified copies of any documents recorded by the subdivider with the Registry of Deeds. Upon receipt of the mylar and copies of the subdivision, the Planning Board shall file one print of the Definitive Subdivision Plan with each of the following:

- Building Inspector
- Planning Board Engineer
- Assessor
- Board of Health
- Conservation Commission
- Fire Department.

Where the subdivision has been approved subject to a Conditional Approval Covenant as noted on the Definitive Subdivision Plan, the Inspector of Buildings shall not issue a permit for the construction of a building on any lot within the subdivision until receipt from the Planning Board of a copy of Form E, releasing the lot from the building and transfer of title restrictions of the Covenant.

15. Calculation of Amount of Performance Guarantee

The amount of a bond or deposit of money required shall include, but shall not be limited to:

1. The estimated costs of all materials to be used in the construction of proposed ways and other public improvements calculated by linear foot, cubic yard, square foot, and other appropriate itemizations of quantities. All other related installation and construction costs, including but not limited to engineering fees, construction management, supervision fees, contingencies, and any increased cost due to inflation over the proposed construction period, and
2. Amount of estimated cost to complete as-built plans, and street acceptance plans for ways proposed to be offered for acceptance as public ways, plus
3. Amount of increased construction and contingency costs estimated for a period of twice the proposed construction completion date, plus one year.

The amount of such guarantee shall be recalculated in the manner provided herein when the applicant may request this or when the construction completion date is requested to be extended by the applicant, and the agreement shall be amended accordingly.

The sum of any such financial guarantee may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part.

16. Use of Performance Guarantee In Case of Default

If the developer fails to complete such work to the satisfaction of the Planning Board and in accordance with all applicable agreements, plans, regulations, and specifications, the Planning Board shall be entitled to enforce such bond or to use such deposit or other securities for the benefit of the Town to the extent necessary to complete all such required work without delay. The performance guarantees shall be used to cover all costs to the Town of completing such construction and installation. Any such bond may be enforced and/or such deposit may be applied by the Board for the benefit of the Town, as provided in Section 81-Y of the General Laws upon failure of the performance for which any such bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction and installation.

The Town, at its option, may enter upon the premises and itself or through others supply whatever materials and perform whatever work it deems necessary to remedy such failure and complete all work called for to be performed by the applicant. If the financial guarantee posted by the applicant is not sufficient to complete the required subdivision improvements and/or to remedy any failure of installed improvements, the Town at its option may initiate proceedings to recover the additional costs necessary from the subdivider to correct and complete all required work. The proceedings shall include an amendment to the approved subdivision plan in accordance with M.G.L. Chapter 41 Section 81W to increase the amount of the financial security. If the subdivider does not provide the additional security, the Planning Board may initiate action in the Massachusetts Courts to ensure compliance.

17. Procedures for Release or Reduction In Performance Guarantee

Upon completion of some or all of the improvements for which a performance guarantee was given, the subdivider may request a full or partial release of the bond, deposit, or covenant by sending a statement of completion and a request for release by registered mail to the Planning Board and Town Clerk.

Such written request shall be accompanied by two (2) copies of a certificate by a Registered Professional Engineer which shall describe work completed in the subdivision and its conformity with the approved Definitive Subdivision Plan. The Planning Board, upon receipt of such written notice and certificate, shall consult with the professional staff, Planning Board Engineer, or other designee of the Board, to determine whether the subdivider or developer has complied with all requirements of the Approved Definitive Subdivision Plan and these Rules and Regulations.

In the event of deviation from the Approved Definitive Subdivision Plan, such deviation shall be described in the certificate from the Registered Professional Engineer, and shall be accompanied by two (2) copies of the street layout plan and road profile showing the deviation. Any such deviation shall be reviewed in the manner described in Section III.C.7 of these Rules and Regulations.

If the Planning Board determines that said construction or installation has been completed in accordance with these Rules and Regulations, it shall release the full or partial interest of the Town in such land, or deposit to the person who furnished the same, or release the covenant or specific lots within the covenant by an appropriate instrument, duly acknowledged, which may be recorded (see Form E).

If the Planning Board determines that required construction or installation has not been completed, it will specify the details wherein the construction or installation fails to comply with its Rules and Regulations in a notice sent by registered mail to the applicant and delivered to the Town Clerk. If the Planning Board fails to so notify the Town Clerk and the applicant within forty-five (45) days of receipt of a request for release of security, as described above, the deposit or bond shall be returned and any covenant shall become void. In the event that the forty-five (45) day period expires without such specification or without release of the security, the Town Clerk shall issue a certificate to such effect, duly acknowledged.

18. Requirements for a Partial Release of a Covenant

a. Request

For a partial release of a covenant, surety, or deposit, the subdivider shall submit a written request as set forth in Section III.C.17, detailing what work is claimed to be satisfactorily completed, and which lots, if any, are to be released.

The subdivider or developer shall also provide a detailed estimate, specifying the remaining incomplete improvements and their construction costs, and shall calculate the amount of guarantee to secure the remaining work.

b. Partial Release of a Surety

The Planning Board, if satisfied that the work has been satisfactorily completed as specified in the subdivider's / developer's request, and satisfied that the proposed reduced amount of surety is sufficient to cover the cost of completing the remaining work, shall accept a new surety in the revised amount and release the previously provided surety.

c. Partial Release of Lots from a Covenant

When only a portion of the streets and other improvements shown on the Definitive Subdivision Plan have been constructed or installed and a release of covenant is requested, the Planning Board shall consider as satisfactorily completed only such lengths and parts as will in and of themselves form convenient and adequate systems without the necessity of further extension or improvement, and shall consider as eligible for release only such lots as front on, are connected, or are otherwise served by such streets, utilities, and other improvements. Work on the ground adjacent to a particular lot will normally be considered by the Planning Board as work necessary to

adequately serve such lot, regardless of the degree to which the lot is dependent on said work for its access or utility service.

No release of lots from the restrictions of a covenant shall be granted by the Planning Board, unless the subdivider constructs a temporary turn-around at the end of the constructed portion of each street in the subdivision (except where such street ends in a junction with another existing street) and such other interim facilities as are necessary to provide a reasonable operating system of streets and utilities. The subdivider shall also propose appropriate arrangements for later disposition of such interim facilities as temporary turn-arounds which must be acceptable to the Planning Board as part of the partial release.

19. Conversion of a Covenant to Another Performance Guarantee

If the developer desires that lots be released from a covenant and secure by means of another form of guarantee or surety the remaining public improvements related to a subdivision, a formal written request shall be given to the Planning Board which sets forth and includes:

- a. The extent and scope of remaining work to be completed to satisfy the requirements for the installation of all proposed ways and municipal services,
- b. An estimate, pursuant to Section III.C.15 of these Regulations, which reflects all remaining costs related to the construction of all proposed ways and the installation of municipal services, and
- c. The form and type of guarantee being given to the Planning Board to secure all remaining improvements.

The Planning Board, in consultation with its professional staff, consulting engineer, and other municipal departments, will make a determination on the sufficiency of the submitted estimate, and, if such estimate is accepted, a new performance guarantee will be given to the Planning Board. Upon acceptance by the Planning Board of the new performance guarantee, all applicable lots shall be released from the covenant.

20. Conversion of a Surety to a Covenant

If the developer desires to secure, by means of a covenant, the construction of ways and the installation of municipal services in a portion of a subdivision for which no building permits have been granted nor any lots have been sold, and to have the Planning Board release the bond, deposits, or negotiable securities previously furnished to secure such construction and installation, the developer shall submit to the Planning Board a cloth tracing and three (3) copies of the Definitive Subdivision Plan, limited only to that part of the Plan which is to be subject to such covenant. Upon approval of the covenant by the Planning Board, reference thereto shall be inscribed on such section of the Plan, and it shall be endorsed by the Planning Board and recorded with the covenant at the expense of the developer. Certified copies of all documents which the developer/ subdivider records

at the Registry of Deeds shall be provided to the Planning Board as set forth in Section III.C.14 of these Rules and Regulations.

21. Requirements for Final Release and Durability of Required Improvements

No subdivision shall be accepted and no final release of a performance guarantee shall be given by the Planning Board until:

- a. The integrity of road pavement and drainage has been verified following a full winter in place. The Planning Board shall retain a surety in the sum of fifteen (15%) percent of the total cost of improvements which shall be released following the verification that the utilities have withstood the winter or have been repaired to the Planning Board's satisfaction.
- b. Any required planting areas have been installed for a sufficient time and are in a healthy condition so that the Planning Board may be satisfied that the vegetation has been established. The required time period shall be one (1) year plus whatever time through to July 1st for grassed area and two (2) years plus whatever time through to July 1st for shrubs and trees. The Planning Board shall retain a surety in the amount of five (5%) percent of the total cost of improvements to ensure the establishment of the vegetation.
- c. All improvements proposed in the Definitive Subdivision Plan have been completed and have been verified as completed by the Planning Board's Consultant Engineer or other designee.

22. Conveyance of Utilities and Services

Before the Planning Board will release a surety bond or deposit, or in the case of a covenant, issue a Certificate of Performance, for subdivisions in which the ways and utilities are proposed to be offered for acceptance as public ways, the developer shall execute an instrument transferring to the Town valid, unencumbered title to all sanitary sewers, storm water drains, water mains and all appurtenances thereto constructed and installed in the subdivision and conveying to the Town, without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate, and forever maintain such sanitary sewers, storm water drains, water mains, and all appurtenances thereto and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision, and if such sewers, storm water drains, water drains, and water mains have been constructed and installed in land not within such streets, then in, through and under the easements, as shown on the Definitive Subdivision Plan, and where no easements are shown, in, through, and under a strip of land extending ten (10) feet in width on each side of the centerline of all such sewer drains and water mains. The above shall not be construed to relieve the developer and his successors in title to a portion of land or street in the subdivision of responsibility to complete all construction, as required by developer's covenants and agreements with the Town, and to thereafter maintain all streets and utilities in a satisfactory condition until they are accepted by the Town. (See Form G.)

Acceptance by the Planning Board of the improvements required for a Definitive Subdivision Plan does not constitute the laying out or acceptance of by the Town of any streets, bikeways, or footpaths within a subdivision.

The subdivider shall retain title to the fee of each street, path, or easement in or appurtenant to the subdivision until conveyed to the Town and accordingly accepted; and the subdivider shall maintain and repair the roads and drainage facilities in a manner satisfactory to the Planning Board during that period.

If the subdivider chooses not to offer the right-of-way and other access easements in fee to the Town, this shall be noted on the Definitive Subdivision Plan and the subdivider will have proposed and implemented mechanisms for perpetual maintenance.

If the subdivider declared the intent to offer the right-of-way and other access easements to the Town, the subdivider shall submit all necessary documentation for street acceptance, including "Street Acceptance" Plans in a form acceptable to the Registry of Deeds and the Planning Board Engineer, legal descriptions, easements, list of owners and mortgagees of lots having rights in the street, and any grants of rights necessary, for use by the Town for formal acceptance of the way by Town Meeting. A Street Acceptance Plan shall be prepared pursuant to the requirements of Section III.C.24. An "As-built Plan" prepared pursuant to Section III.C.23 can be used as a Street Acceptance Plan, provided it shows the correct metes and bounds boundaries of the roads as built and the easement areas.

Where a portion of a subdivision is serviced by an on-lot sewerage system or systems, the Planning Board shall not release the subdivision until satisfied that such system or systems were installed in accordance with the requirements of Title 5 of the Environmental Code of the Commonwealth of Massachusetts and the Dudley Board of Health.

23. Progress and Final As-Built Plan

a. Progress As-Built Plan:

Upon installation of the sewer, water, gas, and / or underground electrical systems and prior to the installation of the pavement binder course, the subdivider shall submit to the Planning Board Engineer or other designee of the Board and the Planning Board office, definitive data identifying the location and elevation of all structures and services for such sewer, water, gas and/or electrical systems, including clean-outs, shut-off valves, and lateral stubs serving each lot in the subdivision. This information shall be presented as a "Progress As-Built Plan", which shall indicate the actual location of the subdivision improvements completed to date.

b. Final As-Built Plan:

Upon completion of construction, and before release of a performance guarantee, the subdivider shall have prepared and submitted "Final As-Built Plans" at the same scale as the street plans, which shall indicate the actual location of all of the following:

- i. Boundaries of the right of way;
- ii. Boundaries of roadway improvements;
- iii. Driveway locations;
- iv. Permanent monuments;
- v. Location and inverts, with elevation, of the required utilities, hydrants and drainage including the location, with ties, and depth of sewer and water laterals serving each lot;
- vi. Location of any other underground utilities, such as natural gas, electricity, telephone lines, and street lighting;
- vii. Lot boundaries; and,
- viii. Centerline stationing.

A Registered Land Surveyor or Registered Professional Engineer retained by the developer/subdivider shall certify the completion of the construction of the ways and services as shown in the Final As-Built Plans and certify the accuracy of the Final As-Built Plans themselves. The Final As-Built Plans must be to the satisfaction of the Planning Board in terms of their content and form. Certification of monumentation, as required in Sections III.C.23.b.iv. and V.J, may be made upon the Final As-Built Plan. Upon determination by the Planning Board that the Final As-Built Plan is satisfactory, the Developer shall submit to the Planning Board a CAD drawing file or files of such plan, for incorporation into the Town's GIS.

24. Street Acceptance Plan

For ways proposed to be offered to the Town as public ways, the subdivider shall have prepared and submitted a "Street Acceptance Plan" prior to the final release of the performance guarantee. Such plans shall be suitable for recording at the Registry of Deeds. At a minimum, Street Acceptance Plans shall contain the following information:

- a. Title block indicating the name of the subdivision, the name of the way, the name and address of the subdivider, the name and address of the engineer and/or surveyor, and the date of preparation;
- b. Locus map;

- c. The boundaries and area of the right of way; and
- d. The location and identification of the owners of lots and all properties abutting the way.

Additional pertinent information as may be required by the Planning Board Engineer or the Planning Board shall be provided on the plan. Such plan shall be accompanied by deeds, easements, and other appropriate documentation required for the conveyance of the way or an easement in the way to the Town. Additionally, such plan shall be prepared and submitted in accordance with the applicable provisions of the Town of Dudley By-Laws, Article 16, and Acceptance of New Streets. An "As-built Plan" prepared pursuant to Section III.C.23 can be used as a Street Acceptance Plan, provided it shows the correct metes and bounds boundaries of the roads as built and the easement areas.

SECTION IV DESIGN STANDARDS

A. Streets

1. Location and Alignment

- a. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- b. Provision satisfactory to the Board shall be made for the proper projection of streets, utilities and drainage ways, or for access to adjoining property which is not yet subdivided.
- c. 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.
- d. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
- e. The minimum centerline radii of curved streets shall be two hundred (200) feet. Greater radii may be required for major streets.
- f. 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.
- g. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than thirty (30) feet.
- h. Street patterns derived solely for the purpose of providing maximum lot development will be cause for disapproval.
- i. Cuts or fills in excess of eight (8) feet or roadway locations resulting in lots being more than eight (8) feet above or below the grade of the roadway shall be substantiated by the submission of cross sections showing the proposed grading within two hundred (200) feet of the roadway on both sides.
- j. Roadway cross sections shall be in accordance with the Typical Roadway Section that appears in Appendix A.

2. Width

The minimum width of street right of ways shall be fifty (50) feet. Greater width may be required by the Board when deemed necessary for collector streets. The minimum width of pavement shall be twenty-six (26) feet.

3. Grade

Grade of streets shall not be less than 0.73%. Grades shall not be more than six percent (6.0%) for collector streets nor more than twelve percent (12.0%) for local streets.

4. Dead-End Streets

- a. Dead-end streets shall not exceed six hundred (600) feet in length, shall be provided with a turnaround having an outside roadway diameter of at least one hundred (100) feet and a property line diameter of at least one hundred and twenty (120) feet, and shall not provide access to more than twelve (12) lots.
- b. Any easement obtained for turnaround purposes at the end of a temporary dead-end street shall terminate upon construction of an extension.
- c. Dead-end streets shall not provide egress to another dead-end street or to another street whose egress and return is to a dead-end street.
- d. Dead-end streets shall not be extended to provide egress to itself.
- e. A twenty-five (25) foot easement may be required at the end of cul-de-sacs to provide for continuation of pedestrian traffic and/or utilities to the next street.

B. Easements

1. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty-five (25) feet wide.
2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board shall require that there be provided a storm water easement or drainage right of way of adequate width (twenty-five (25) foot minimum) to provide access for construction, maintenance or other necessary purposes.

C. Open Space, Parks and Playgrounds

Areas for open space, parks and/or playgrounds shall be of reasonable size, but generally not less than five percent (5%), depending upon the location and quality of the land being set aside. The minimum area acceptable, for later public acquisition, shall be one (1) acre. No building shall be erected or placed on such an area for a period of three (3) years without the approval of the Board.

Any open space, park or playground shall provide at least fifty (50) feet of continuous frontage on a street, and pedestrian ways will normally be required to provide access from each of the surrounding streets, if any, to which the open space, park or playground has no frontage. Further, such parks and/or playgrounds shall be required to have maintenance provided for by covenants and agreements acceptable to the Board, until public acquisition by the community.

D. Protection of Natural Features

Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, and similar community assets which if preserved, will add attractiveness and value to the subdivision.

E. Lot Sizes

Proposed lots shall be in conformance with the Town's Zoning Bylaw for the zoning districts in which the subdivision is located. Lots listed without frontage are non-buildable lots.

F. Utilities - General

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

G. Storm Drainage Systems

Storm drainage systems shall be designed on the basis of a storm occurring once in twenty-five (25) years, and the resulting runoff shall be calculated by the Rational Formula ($Q=Aci$). Values of “c” less three-tenths (0.30) are not to be used in the computations.

All existing waterways, whether they are permanent or intermittent, shall be connected into the drainage system by closed culverts, unless otherwise stated by the Planning Board, and shall terminate with concrete headwalls of an approved design to provide a maximum ground slope of one (1) on three (3). All open waterways shall have side slope that does not exceed one (1) on three (3).

H. Sanitary Sewers

Whenever the existing sanitary sewers are within one thousand (1,000) feet of a proposed (or deemed reasonable based on topography) subdivision, the developer shall make all necessary arrangements and shall construct the connecting sewer. Before connecting to any Town sewer, the developer must enter into an agreement with the Sewer Commissioners for this right. Lack of authorization or permission to tie into the Town's sanitary sewer system does not constitute a waiver from construction.

When the Town's sanitary sewer system is not available to the proposed subdivision, the developer may be required to install a sanitary sewer system and connect it to a temporary sewage treatment facility to be located on a lot or lots, depending upon the size of the development. This system must be approved by the local Board of Health and the Massachusetts Department of Public Health.

I. Water Distribution System

Water mains shall be ductile iron, eight (8) inches in diameter on dead-end streets not exceeding six hundred (600) feet in length and eight (8) inches or larger for all other streets, as approved by the Water Department. Before connecting to the Town's water system, the developer must enter into an agreement with the Board of Selectmen for this right. Lack of authorization or permission to tie into the Town's water system does not constitute a waiver from construction.

J. Fire Protection

Whenever a proposed subdivision is within five hundred (500) feet of active municipal water lines, the developer shall connect to the municipal water system and install water mains and fire hydrants as per the specifications of the Dudley Water Commissioners/Fire Chief.

Hydrants, as approved by the Water Commissioners, shall be provided every five hundred (500) feet on one (1) side of each street unless a greater distance is approved. Hydrants shall be in conformance with the Typical Hydrant Detail that appears in Appendix A.

Fire protection within subdivisions not serviced by municipal water mains and fire hydrants shall involve installation of underground water cisterns as per the current National Fire Protection Standard - 1231 "Standard on Water Supplies for Suburban and Rural Fire

Fighting". The number, size and locations of cisterns shall be determined as per direction of the Fire Chief, based upon a review of the subdivision plan prior to endorsement by the Planning Board.

K. Access Through Another Municipality

In case access to a subdivision crosses land in another municipality; the Board shall require certification from appropriate authorities that such access is in accordance with the subdivision requirements of such municipality and that a legally adequate performance bond has been duly posted or that such access is adequate to handle prospective traffic.

SECTION V
REQUIRED IMPROVEMENTS AND CONSTRUCTION
PROCEDURES FOR AN APPROVED SUBDIVISION

A. Line and Grade Control

1. All survey work shall be done under the direction of a registered professional engineer or land surveyor.
2. Before any roadway excavations are started, the roadway right-of-way shall be witnessed at fifty (50) foot intervals on both sides, and the proposed finished grades shall be marked thereon. Before any lots are built upon, the corners of the lots shall be witnessed. The aforementioned witness stakes shall be preserved throughout all the construction procedures.
3. All proposed underground utility work shall be controlled with respect to line and grade by offset stakes, and laser instruments, or as approved by the Board's Designee.
4. All easements shall be witnessed before any lot on which they are located is built upon.
5. Monument locations shall be staked and witnessed by at least four (4) reference points.

B. Street and Roadway

1. The entire area of each street or way shall be cleared of all stumps, brush and roots. Boulders shall be buried and all brush shall be removed from the site. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.
2. The plane of the bottom of the excavation and the top of the fill, when completed, shall be known as the subgrade. Before gravel is spread, the subgrade shall be shaped to a true surface, conforming to the proposed cross section of the street and rolled by a self-propelled roller weighing not less than twelve (12) tons. No gravel shall be placed on the finished subgrade until approval is given by the Board's Designee.
3. All roadways shall be brought to a finished top of gravel grade as shown on the profiles of the Definitive Plan with a minimum of twelve (12) inches of gravel spread and rolled in layers not exceeding eight (8) inches in depth. Any stone with a dimension greater than six (6) inches shall be removed before it is rolled. Rolling shall be done with a self-propelled roller weighing not less than twelve (12) tons. Gravel shall consist of hard, durable stone and coarse sand, practically free from loam and clay and uniformly graded.
4. No bituminous concrete shall be applied until the Board's Designee inspects and approves the finished gravel base.
5. Pavement thickness shall be four (4) inches and shall be placed in two (2) courses. The bottom course shall be two (2) inches thick and the top shall be two (2) inches thick. The top course shall not be placed until all utility connections have been made to each lot.
6. Berms shall be of a dense mix, machine formed of an approved "Cape Cod Style" on both sides of the roadway in conformance with Massachusetts Department of Public Works Standard Specifications for Highways, Bridges and Waterways and shall be coated to binder course. Berms shall be installed on the base coat of asphalt just prior to installation of the finish coat. The removal of existing berms along a Town-accepted roadway must be approved by the Highway Department.
7. Certifications as to conformance with the specified materials shall be furnished to the Board's Designee prior to placement of any pavement and upon completion of the work

as to the quantity placed. Unless otherwise specified, all materials and workmanship shall conform to the requirements of the standard Specifications for Highways, Bridges and Waterways by the Department of Public Works of the Commonwealth of Massachusetts.

8. The bituminous concrete binder course and all Items 1-10 on Form H shall be placed before any lot is released for building purposes. The bituminous concrete binder course shall be in at least through one winter before the top course can be placed.

*The Town will not plow any subdivision street that does not have a binder course.

C. Sidewalks

Sidewalks shall be installed on both sides of all ways. The subgrade for a five (5) foot wide sidewalk shall be compacted, shaped and rolled on both sides of the road. A foundation of not less than six (6) inches gravel conforming to the requirements for roadway base shall be placed on the subgrade and rolled to a grade two (2) inches below finish top to work. The gravel foundation shall be increased to twelve (12) inches at driveways. Two, two (2) inch (four (4) inches total) compacted layers of top and bottom bituminous concrete shall be placed and thoroughly rolled on the graded gravel foundation. All rolling shall be done with a self-propelled roller weighing not less than three (3) tons.

D. Grass Plots

A four and one-half (4 1/2) foot wide grass plot shall be constructed between the back edge of the berm and front edge of the sidewalk. Loam topsoil shall be placed to a depth of four (4) inches after rolling with a hand roller weighing not less than one hundred (100) pounds per foot of width. The source of loam shall be inspected and approved by the Board's Designee before placing. It shall have a normal amount of organic matter and be reasonably free from roots, hard dirt, heavy or stiff clay, stones larger than one (1) inch, lumps, coarse and noxious weeds, stick brush or other litter. Ground limestone, where necessary, shall be spread and thoroughly incorporated into the loam. Fertilizer shall be spread at the rate of two-tenths (0.2) of a pound per square yard and thoroughly incorporated into loam. Seed shall conform to the following proportions:

Red Fescue or Chewing's Fescue	60%
Red Top	20%
Kentucky Blue	20%

And shall be spread at the rate of three and six-tenths (3.6) pounds to each one hundred (100) square yards. After raking a fine layer of loam over seed, the area shall be rolled with a hand roller weighing not less than one hundred (100) pounds per foot of width.

E. Monuments

Concrete monuments with a center bar shall be installed at all intersections, at all points of change in direction or curvatures of streets, and at other points where, in the opinion of the Board's Designee, permanent monuments are necessary. No permanent monument shall be installed until all construction which could destroy or disturb the monuments is completed. The bounds shall be set at the depth and position as directed, and they shall not project above the ground more than two (2) inches. Bounds to be located in lawns, sidewalks, or drives may be set with the top of bound flush with the finished surface. Material for backfilling

shall consist of suitable excavated material or borrow carefully placed about the bound and thoroughly tamped.

Granite monuments shall be four (4) feet long with the top surface and top twelve (12) inches on the four (4) sides pointed. The top twelve (12) inches shall be six (6) inches square with one-half (1/2) inch diameter hole one (1) inch deep in the center of the top surface. The Board's Designee shall approve setting procedures before any bounds are set, and all excavators. When the bound points fall on ledge, the use of a wrought iron rod may be directed by the Board's Designee, in which case a one and one-half (1 1/2) inch hole shall be drilled to a depth of eight (8) inches and one (1) inch wrought iron rod shall be driven and wedged in the hole and then securely grouted. Re-enforced concrete bounds of the same dimensions as for granite bounds shall be installed at angle points on all easements.

F. Street Signs

Street signs of the same design and quality as presently being installed by the Dudley Highway Department shall be installed at each street intersection prior to the occupation of any dwelling. Street sign lettering shall be white on a green background, and the letters shall be six inches (6") in height. The location of street signs shall be subject to the approval of the Board's Designee.

G. Trees

Trees shall be installed at an average spacing of seventy (70) feet on both sides of the proposed roadways. All trees must be one and one-half (1 1/2) or two (2) inches in caliper, with a minimum height of twelve (12) feet, with good straight stems. These trees shall be planted within the grass plots. All locations and species shall be subject to the approval of the Board's Designee.

The planting cavity shall be of sufficient depth and width to accommodate the root system without cramping. A minimum of one (1) foot of loam and sufficient peat moss shall be placed at each planting, and a minimum of three (3) foot circles, two (2) inches deep of woodchip mulch shall surround each tree at the surface. The trees shall be well watered when planted. Each tree shall be supported with two 2" x 2" x 8' wooden stakes and shall be fastened at the top with a loop of rubber or suitable fabric hosing. All trees shall be subject to a one (1) year guarantee.

The Planning Board may waive the tree planting specifications if they interfere with Title 5 requirements and/or the Dudley Board of Health regulations regarding the leach field.

H. Utilities

1. Sanitary-Sewers

Collector sewers shall be P.V.C. Schedule 35 pipe, or as specified by the Sewer Commissioners, at least eight (8) inches laid to a minimum slope of one-half (1/2) foot per one hundred (100) feet and shall be deep enough to drain basement fixtures and prevent freezing. Precast concrete manholes shall be constructed at the ends of each line, and at all changes in grade, size and alignment. They shall not exceed a spacing of three

hundred (300) feet, and shall be in accordance with the typical details for same (See Appendix A).

Line and grade shall be controlled by the use of laser instruments. Upon completion of pipe laying operations, the contractor shall subject the pipe line and partial service connections therefrom to a low-pressure air test. Following the low-pressure air test, the contractor shall then perform an exfiltration test to determine the tightness of the sewer manholes. The developer shall be responsible for furnishing all necessary materials, equipment and labor to conduct the tests, which must be witnessed by a duly authorized representative of the Sewer Commission.

House services shall be at least six (6) inches in diameter, laid at a minimum pitch of one-quarter (1/4) inch per foot. All sewers, including house services, shall be laid in an envelope of three-quarter (3/4) inch washed gravel. Deflections in line or grade in excess of one-half (1/2) inch will be cause for rejection.

Any lift stations must be built to specifications provided by the Sewer Commissioners and must be maintained by the developer until the Town accepts the streets, lift station and any required easements. An emergency generator with an automatic transfer switch must be on site so that electrical service will not be interrupted in the event of power failure.

2. Storm Drains

All drain pipe shall be reinforced concrete or polyethylene conforming to A.S.T.M. Designation C76, Class III pipe, or such higher class as may be required by depth of trench, or as approved by the Board's Designee and shall be at least twelve (12) inches in diameter and shall be laid to a slope which will maintain a velocity of three (3) feet per second when flowing full using $N = .015$.

Manholes shall be constructed at the end of each line, catch basin connections, at changes in grade, size and alignment, and shall not exceed a spacing of three hundred (300) feet.

Catch basins with three (3) foot sumps shall be built at all low points and on continuous upward grades at a spacing not to exceed three hundred (300) feet from the low point or proceeding catch basins. Drains shall be laid with open bottom joints in a three-quarter (3/4) inch washed gravel cradle. Provisions shall be made to collect and remove silt from the drainage system during the construction period.

3. Water

Water mains shall be laid to provide a minimum cover of five (5) feet from the finished grade, and shall not be deeper than eight (8) feet. All piping shall be designed for an internal working pressure of at least one hundred and fifty (150) psi. Fittings shall be cement lined and designed for the same internal working pressure. All fittings and hydrants shall have properly designed concrete thrust blocks installed behind them. Gate valves shall be installed on each outlet of all tees and crosses; every one thousand (1,000) feet of main; on hydrant branches; and at dead ends.

Hydrants shall be located every five hundred (500) feet, and shall have a one (1) inch washed stone drainage sump one-half (1/2) cubic yard in volume at its base.

Gate Valves, road boxes, curb stops, hydrants, and water service materials shall be equal in quality to those presently being purchased by the Water Commissioners.

House service connections shall be installed by the developer in the presence of a duly authorized representative of the Water Commissioners. In addition, there will be a connection charge payable to the Town of Dudley for the installation of meters and outside registers which must be installed on all new housing.

Upon completion of the water main construction and prior to putting into service, a pressure and leakage test will be conducted. Any defects found shall be corrected immediately. Once a successful test has been run, the lines shall be chlorinated before they are put into service. The developer shall be responsible for providing all necessary equipment and labor to conduct the tests and chlorination, which must be witnessed by a duly authorized representative of the Water Department.

4. Electric and Telephone Wiring and Street Lighting

All electric, telephone and other utility wires shall be placed underground, beneath the sidewalk when available or at the Board's discretion, in all subdivisions in strict conformity with the requirements of the particular utility company for such installations. Street lighting shall be provided in all subdivisions in accordance with the following requirements:

STREET LIGHTS: The developer of any subdivision within the boundaries of the Town of Dudley will provide street lights which will be purchased and installed by the developer and their ownership will be transferred to the Town when the Town accepts ownership of the road. The number, style and placement of streetlights will be directed by the duly elected officials of the Town of Dudley's Planning Board. Other departments and committees' input will be taken under advisement at the time of the subdivision's Public Hearing.

Street Light specifications:

- Electrical service will be provided via underground utilities.
- Street light mast will be installed within two (2) to four (4) feet from the berm.
- If the Planning Board does not specify a style, the default street light will consist of each of the following items: precast concrete base with a minimum length of five (5) feet. This base will also have four (4) mounting bolts and one (1) service hole. Note: A five (5) foot long precast base is needed so that the base is below the frost line and to help guard against wind shear damage. Tapered aluminum mast twenty (20) feet high with a service port and four (4) mounting holes. Aluminum arm six (6) feet long. Aluminum lamp housing with integral ballast. Note: integral ballast eliminates the need for a base crown. Fifty (50)-Watt high-pressure sodium (HPS) lamp which will produce four thousand (4000) lumens or

an approved substitute as directed by the Dudley Planning Board. Photoelectric cell will be twist lock and weatherproof type of control. Wiring No. 12 THHN (1) White, (1) Black, (1) No. 6 Bare Copper Aluminum top cap is required to help weather proof the mast.

- Type 3 Placement of the arm and lamp housing to the mast: eighty percent (80%) of the illumination will be directed to the center of the roadway. Approximately ten percent (10%) to the rear of the aluminum arm. Approximately ten percent (10%) to the opposite or opposing side of the road.
- Streetlights will be installed by Massachusetts Electric Company or their approved contractor.
- The above material and workmanship will meet all electrical codes as directed by the Town of Dudley's Electrical Inspector.

5. Gas Transmission

If gas is to be installed in the subdivision, the gas company must obtain a location in the right-of-way from the Board's Designee.

6. General

All utility services to each lot must be installed before the gravel base course is constructed.

All utility trenches shall be compacted by mechanical means or hydraulic jetting to ninety-five percent (95%) proctor density prior to placement of bituminous concrete binder.

All utility layouts shall be shown on the Definitive Plan and are subject to the approval of the Board.

No backfilling or covering of any pipe shall be permitted until approved by the Board's Designee. Selected materials shall be tamped under and around pipes in six (6) inch layers to a point twelve (12) inches above the top of the pipe (see Standard Details - Appendix A).

The developer shall be responsible for the repair to any of his work for a period of one (1) year following original approval of same.

I. Clean-Up During Construction

The work sites shall be kept reasonably clear of debris at all times. During additional house construction, existing paved surfaces shall be kept clear of dirt and dust nuisances shall be kept abated. All drainage ditches, pipes, and structures shall be kept clear of debris and open for control of storm water.

Upon completion of the subdivision, the developer shall remove all temporary structures, rubbish and surplus materials from the area. All pavement shall be swept clean and catch basin sumps shall have all accumulated debris removed therefrom.

J. Record Drawings (As- Built Plan) and Acceptance Plans

Upon completion of the roadways, the developer shall have the original plans and profiles, which were approved by the Board, corrected and certified by his/her/its engineer to show the actual as built locations and grades of all utilities and roadway profiles and any changes authorized by the Planning Board. These plans shall be drawn according to Section III.C.23. This plan will be known as the record drawing or As-Built Plan. Ties to all gate valves, tees, service connection shutoffs, sewers, etc., shall be superimposed thereon. This plan shall be drawn showing street widths, distances, bearings and complete curve data for all street lines and easements. All stone bounds set during the construction and any existing prior thereto shall be shown. A blank space four (4) inches by eight (8) inches shall be provided on the lower right-hand corner of the plan for a title block, to be filled in under the direction of the Planning Board. The surveyor shall place a certification on the plan stating that the monuments have been set as shown. The plan shall be signed by the surveyor and his/her stamp shall be affixed thereto.

In addition to the record drawing, an acceptance plan shall be prepared and certified by a registered land surveyor. This plan shall be drawn according to Section III.C.24.

K. Maintenance of Roadways

The owner and/or applicant shall be responsible for maintaining in good repair all roads in a subdivision until they are accepted at Town Meeting. Any maintenance that the Town of Dudley must perform during this span will be charged to the owner/applicant. This maintenance shall include sweeping, sanding, snow plowing, cleaning of catch basins, repair of any settlements or cracking and adjustment of castings within the pavement.

Upon the occasion of a snow and/or ice event, the owner and/or applicant shall snow plow and/or sand unaccepted public ways within their subdivision in a timely fashion and periodically throughout the duration of the storm event. In the event that the owner and/or applicant fails to snow plow and/or sand unaccepted public ways within their subdivision in a timely fashion, the Town may do so at the owner's and/or applicant's expense when so ordered by a Town Selectman or when in the opinion of the DPW Director, Police Chief, Fire Chief, or Planning Board member it becomes a matter of public safety.

Upon the occupancy of one or more single family residences or residence units within a subdivision, it is the responsibility of the owner and/or applicant to ensure that arrangements are made to snow plow and/or sand unaccepted public ways [roads] within their subdivision in a timely fashion to ensure that the residents and emergency vehicles have safe, unimpeded access to and from an existing Town accepted public way. The surface area of the unaccepted public way shall be maintained at a condition equal to or better than Town accepted public ways.

In the event the Town deems it necessary to snow plow and/or sand the unaccepted public ways, the owner and/or applicant will be charged as follows: the minimum charge will be **\$275.00** per event and the maximum charge shall be the number of lots on the unaccepted public way multiplied by \$250/lot per event.

L. Non-Residential Subdivisions

Non-residential subdivisions shall conform to all requirements applicable to residential subdivisions except as follows:

1. Sidewalks will be required on both sides.
2. Four (4) inches compacted thickness of Class 1 bituminous concrete pavement, Type I-1 shall be placed on all roadways. A base course of two (2) inches and a topcoat of two (2) inches shall be provided.
3. Pavement width shall be thirty (30) feet between berms.
4. Berm radii at street intersections shall be fifty- (50) feet minimum.
5. Roadway grades shall not exceed ten (10) percent.
6. Looping streets and second exits should be provided to avoid cul-de-sac type turnarounds.
7. Travel lanes shall be marked in accordance with the latest Manual on Uniform Traffic Control Devices, Commonwealth of Massachusetts, Department of Public Works.

SECTION VI ADMINISTRATION

A. Authority

The Board shall be the administrative agency of these regulations and shall have all the powers assigned them by Section 81A to GG of Chapter 41 of the General Laws.

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

The Board, on its own motion or on the petition of any interested person, shall have the power to rescind its own approval in accordance with Section 81W of Chapter 41 of the General Laws. Likewise, the Board can modify or amend a plan of a subdivision or to require a change in a plan as a condition of its retaining the status of an approved plan.

B. Variation

1. Waiver of Compliance

Strict compliance with the requirements of these rules and regulations may be waived only when, in the judgement of the Board, such an action is in the public interest and not inconsistent with the Subdivision Control Law. In waiving strict compliance, the Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived.

2. Open Space Residential Development

The Board will give consideration to suggestions offered by the subdivider that will tend to provide for the most efficient use of land in harmony with its natural features, particularly those utilizing the Open Space Residential Development provisions in the Zoning Bylaws of the Town.

C. Reference

For matters that may arise during subdivision procedures that are not covered by these regulations, the following are accepted as standards in their applicable portions, “Standard Specifications for Highways and Bridges, Massachusetts Department of Public Works” and Sections 81K to 81GG of Chapter 41 of the General Laws” each as amended or updated from time-to-time.

D. Inspection and Control

1. At the points hereinafter indicated, the construction of required streets and other improvements shall be inspected:
 - a. The installation of underground utilities and services shall be inspected by the Board’s Designee or his appointed representative before the backfilling of trenches or other covering of structure.

- b. The roadway shall be inspected by the Board's Designee upon completion of the subgrade, base course, binder and surface course prior to each required construction step.
 - c. The sidewalk shall be inspected by the Board's Designee upon completion of the subgrade, base course, finish surface and loam strip prior to each required construction step.
 - d. Following the completion of all the improvements required, the subdivision shall be inspected by the Board's Designee.
- 2. Unless the approval of the work completed, including approval of materials used to each point, has been given, no further work shall be done until such work is subsequently completed to the satisfaction of the Board.
 - 3. Inspections shall be requested by the developer at least forty-eight (48) hours in advance (excluding weekends), by written notice to the Planning Board Clerk.
 - 4. All time spent conducting inspections and testing shall be billed to the developer.

E. Enforcement

The enforcement of the provisions of these Regulations, or any approval or condition of approval granted by the Planning Board under the provisions of these Regulations may be enforced by the Town Planner by non-criminal complaint pursuant to the provisions of Chapter 40, Section 21D. The fine for any violation disposed of through this procedure shall be three hundred dollars (**\$300.00**) for each offense. Each day such violation continues shall be deemed a separate offense and each provision of the Regulations or subdivision approval that is violated shall constitute a separate offense.

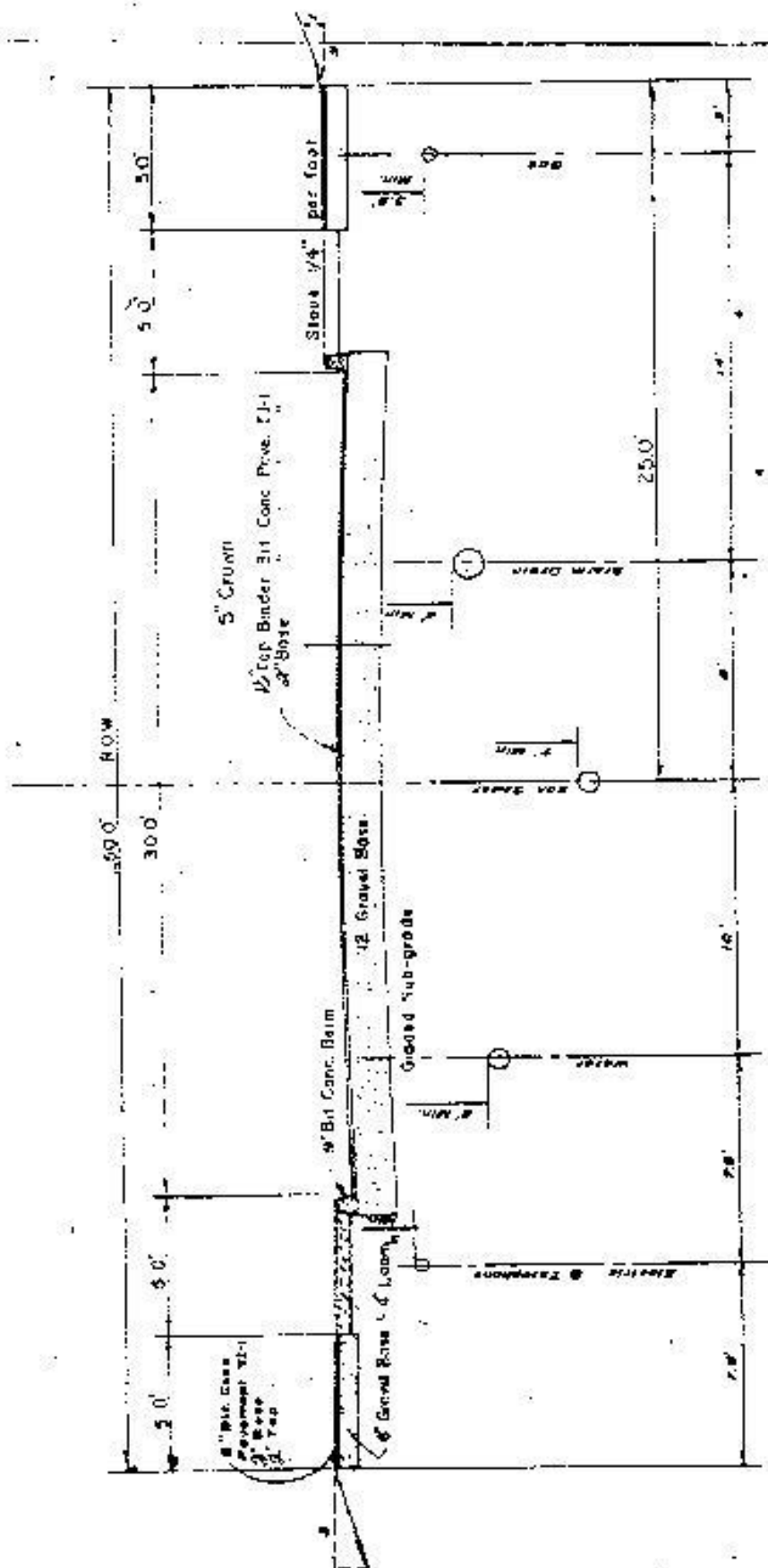
F. Severability

If any section, paragraph, sentence, clause or provision of these regulations shall be adjudged invalid, the adjudication shall apply only to the material so adjudged, and the remainder of these regulations shall be deemed valid and effective.

G. Amendments

These regulations or any portion thereof may be amended, supplemented or repealed from time-to-time by the Board after a public hearing on its own motion or by petition.

APPENDIX A – ENGINEERING DETAILS



TYPICAL ROADWAY SECTION

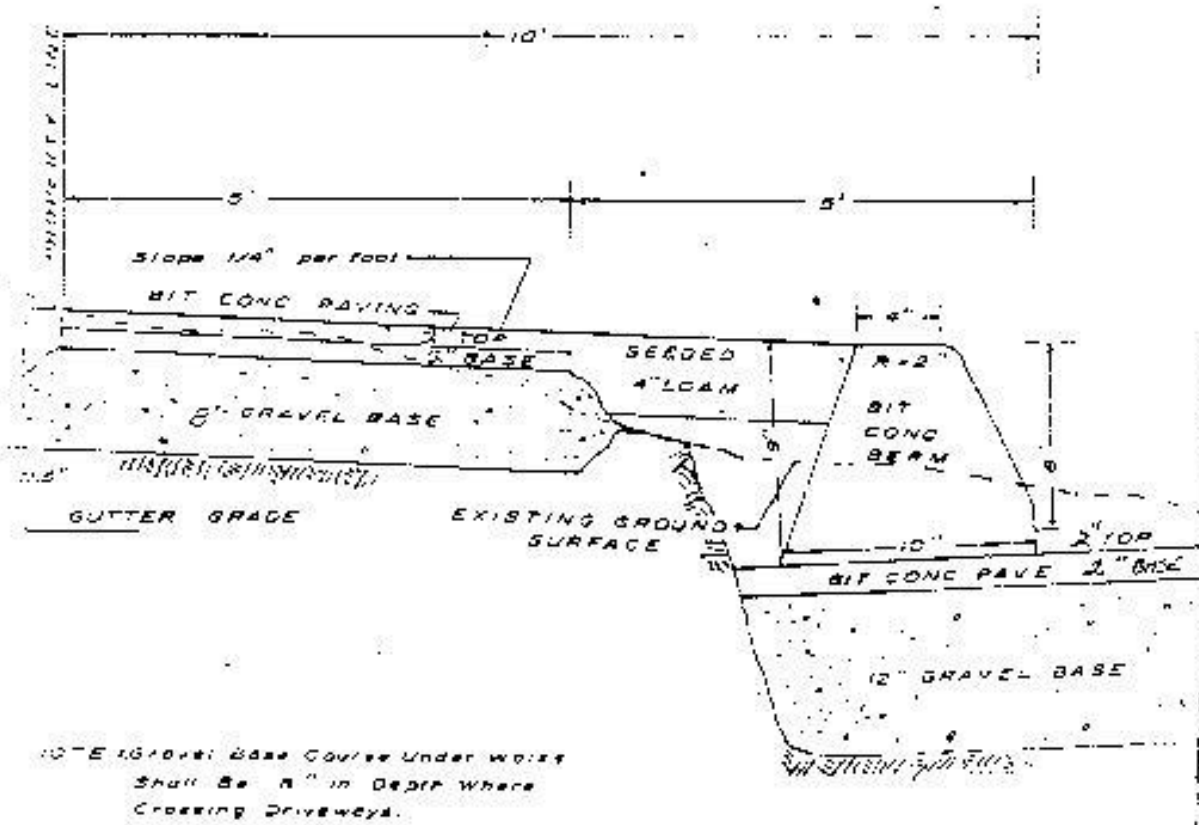
No Scale
Proposed R.O.W.

Proposed R.O.W.

Prepared by

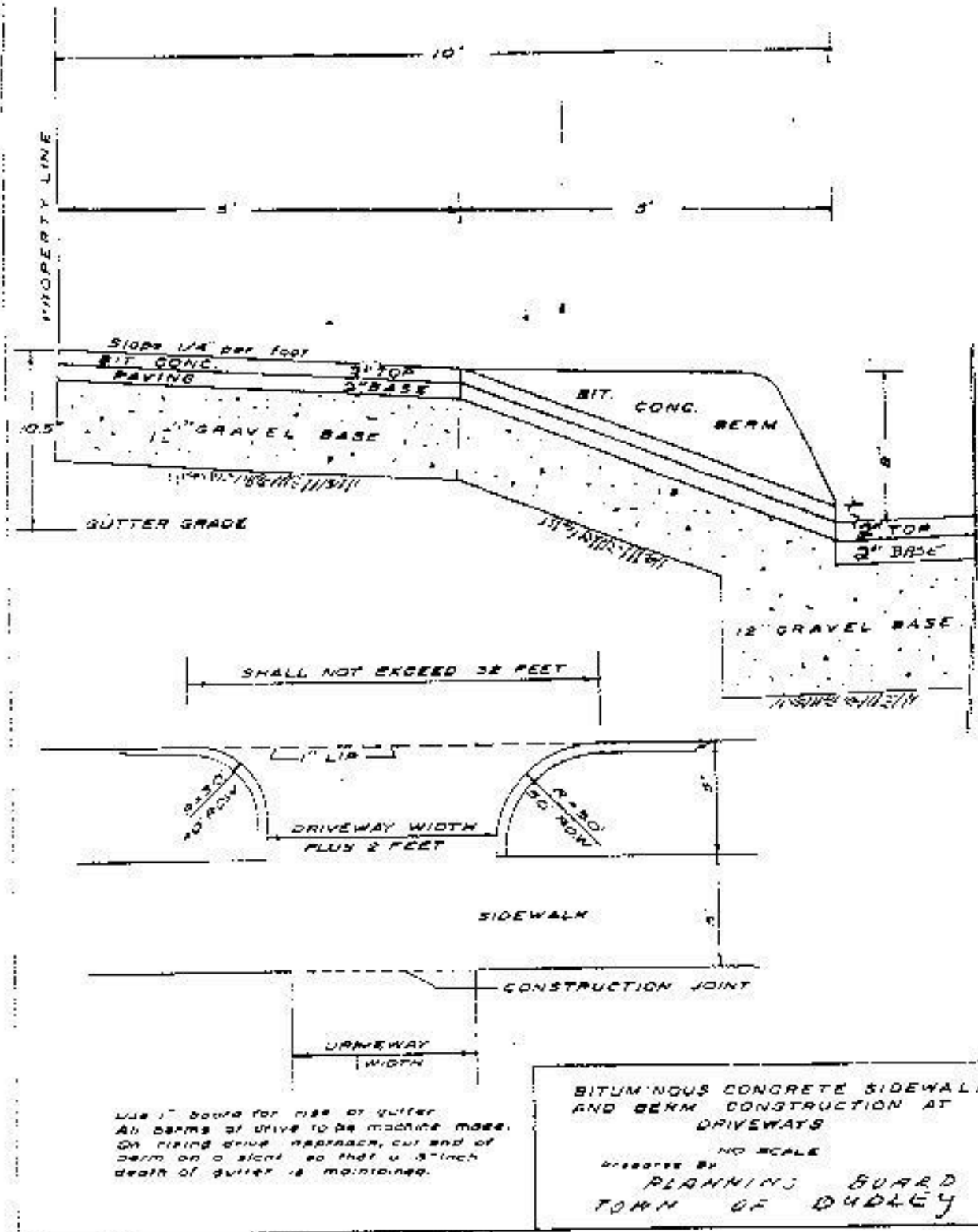
PLANNING BOARD
TOWN OF DUDLEY

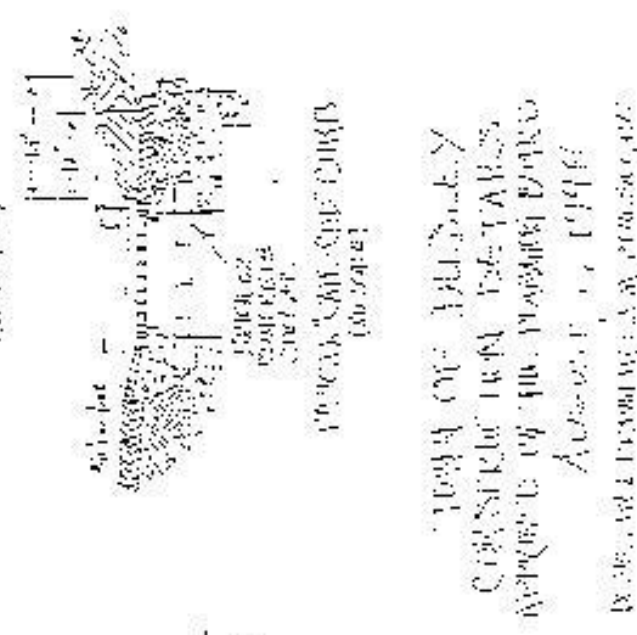
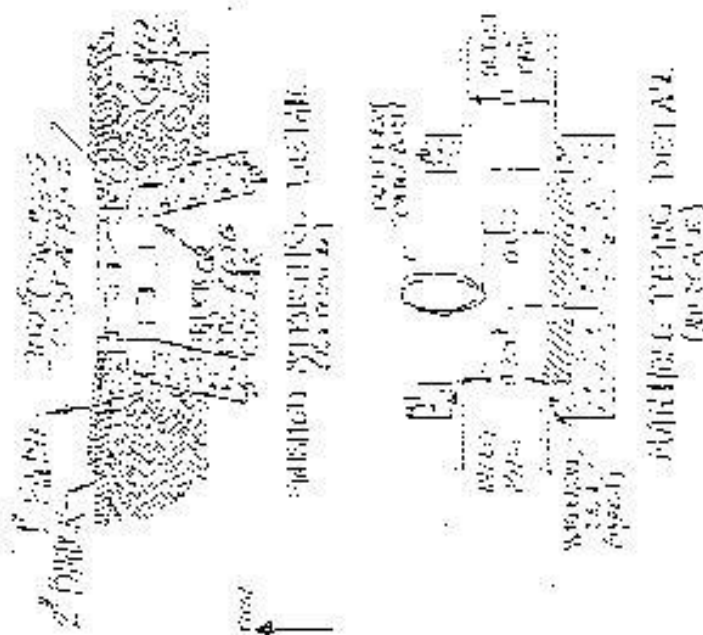
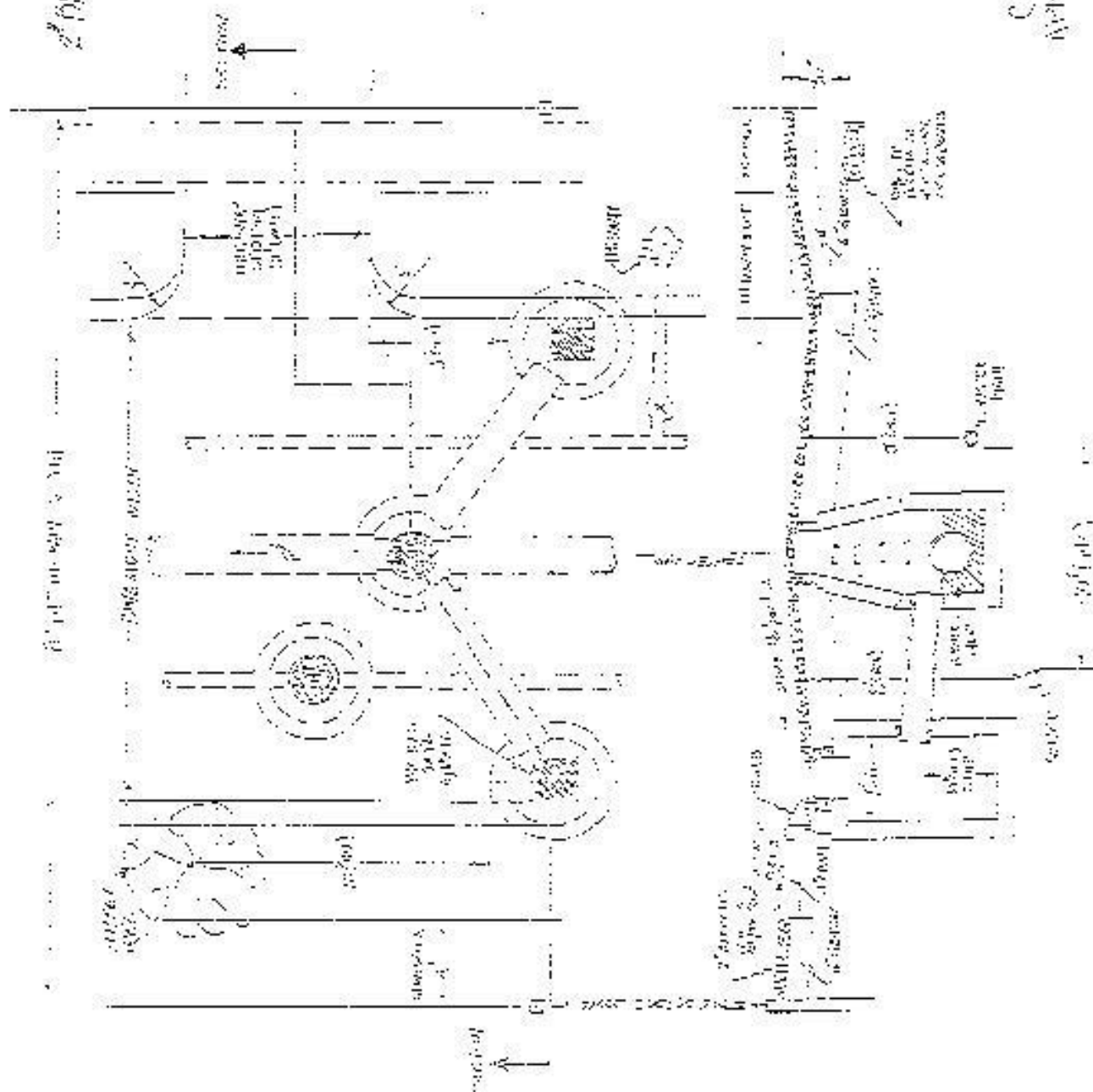
TOWN OF DUNDY

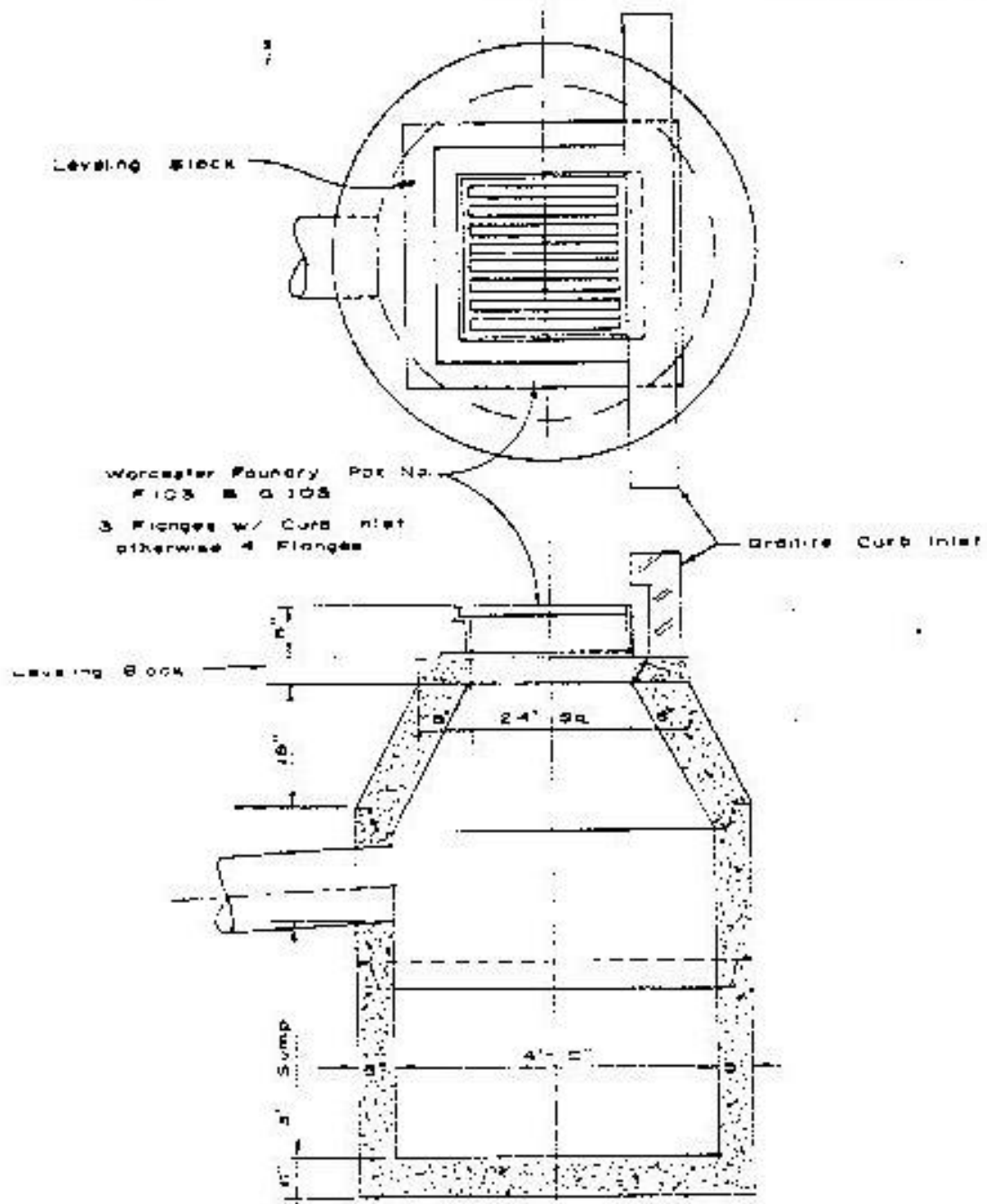


NOTE: 12" Gravel Base Course Under wheel shall be 8" in depth where crossing Driveways.
 2 Bit Conc Beam shall be placed on the Base Pavement prior to the placement of the Finish Course

BITUMINOUS CONCRETE
 SIDEWALK AND BEAM
 CONSTRUCTION
 NO SCALE
 PREPARED BY
 PLANNING BOARD
 TOWN OF DUDLEY





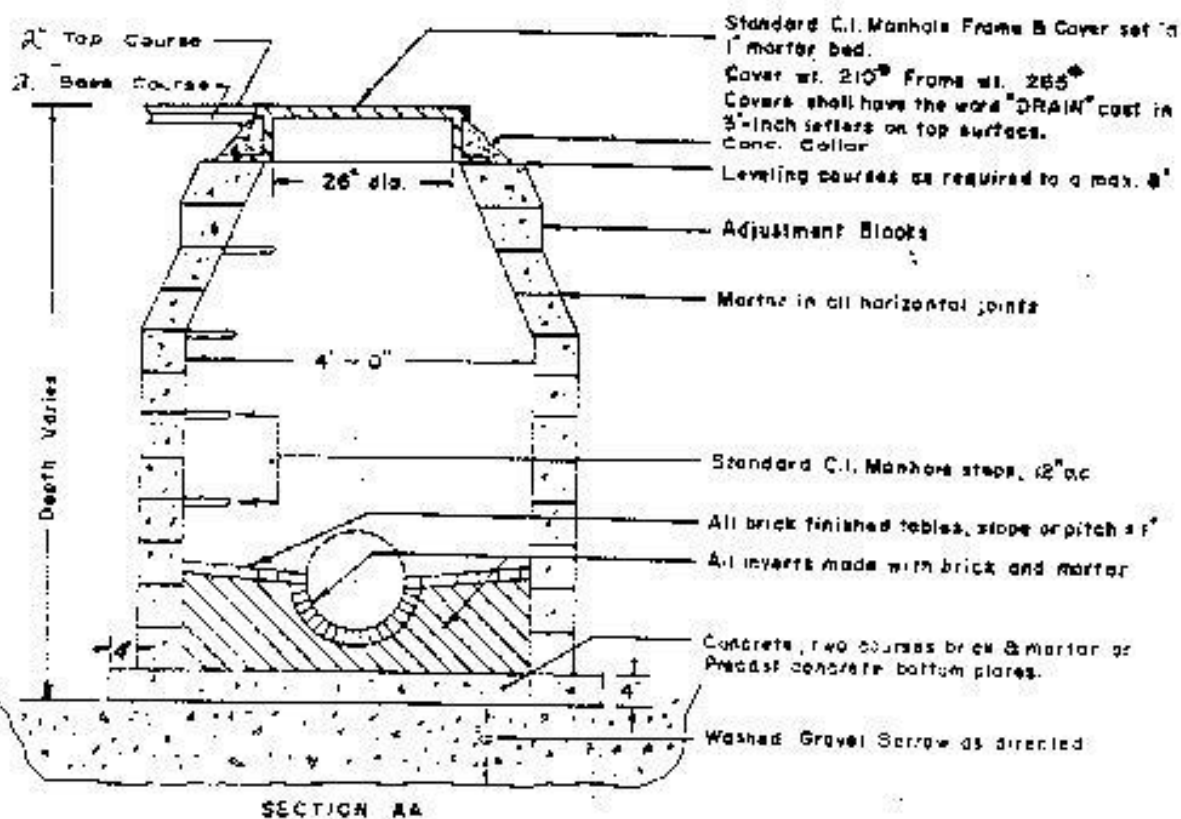
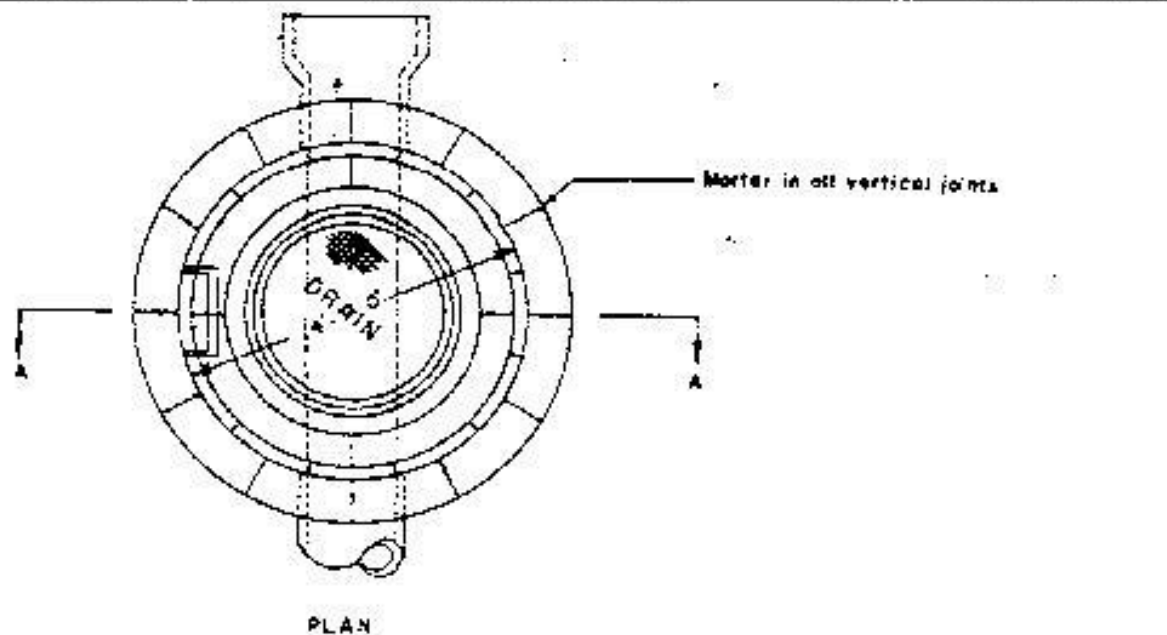


NOTES:

- 1 Top of Frame 1\"/>
- 2 Alternate Designs accepted upon approval of Town Engineer

TYPICAL PRECAST CONCRETE
CATCH BASIN

PLANNING BOARD
TOWN OF DUDLEY



NOTE: Precast Conc. D.M.H. or an Approved Design may be Substituted.

TYPICAL DRAIN MANHOLE
SCALE: 1/2" = 1'-0"

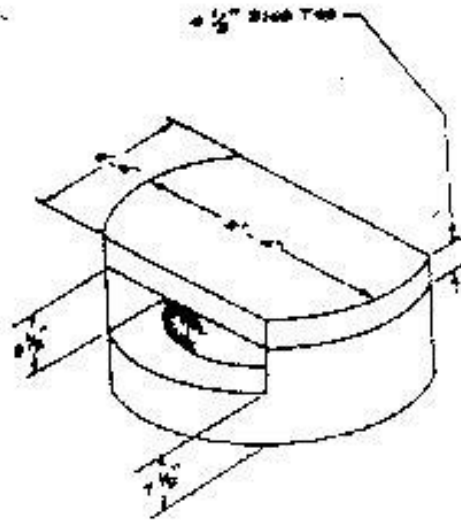
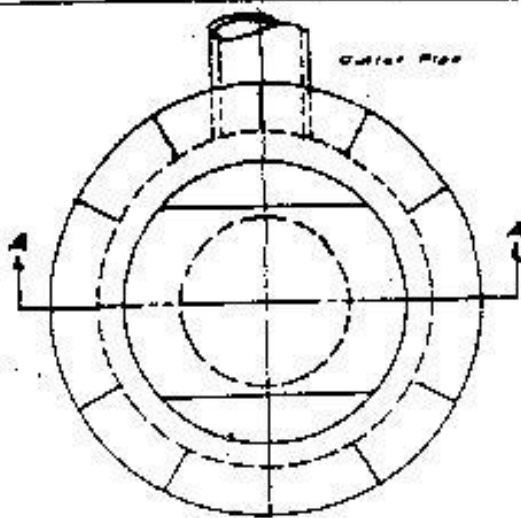
Prepared by
PLANNING BOARD
TOWN OF DUDLEY



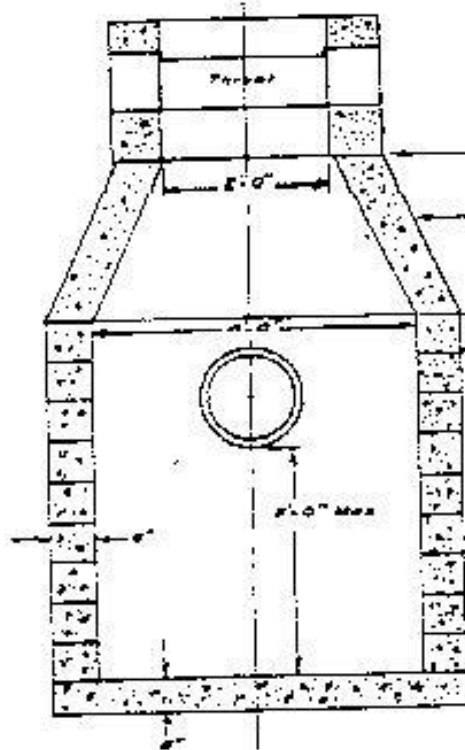
Diam.	1 L	Cu Yds.
12"	2'-0"	1.02
18"	2'-0"	1.24
24"	2'-0"	1.51
30"	2'-0"	1.78
36"	2'-0"	2.05

TYPICAL CONCRETE
HEADWALL.
1/2" x 1'-0"

1. ...
2. ...
3. ...
4. ...



Product Drop Inlets are Manufactured by
Maurice Concrete Products or Equal



SECTION A-A

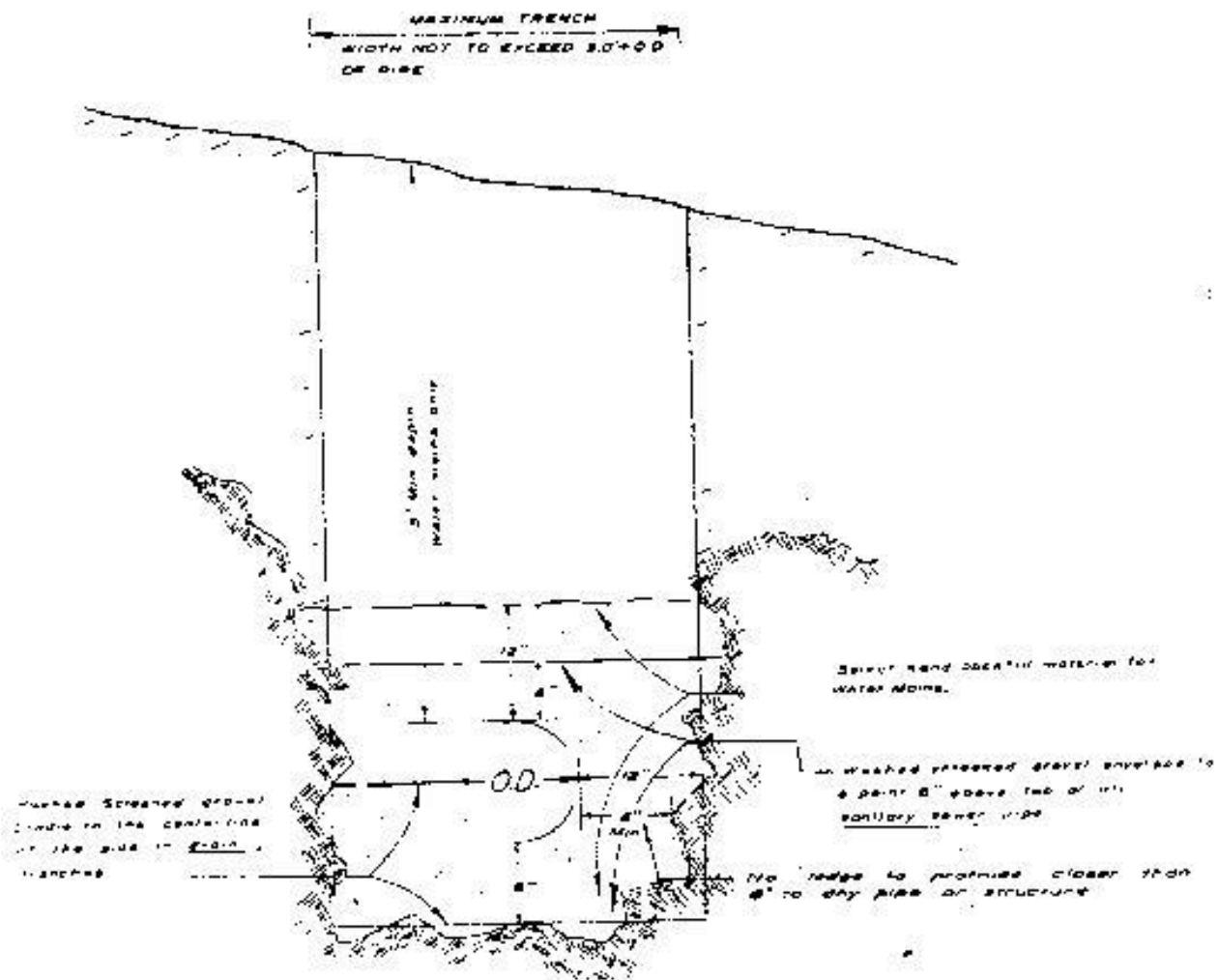
Leveling courses as required to 6 max. 6"

Taper in 3 or 4 courses

Water in 10' radius and 10' vertical joint

TYPICAL DROP INLET
SCALE: 1/2" = 1'-0"

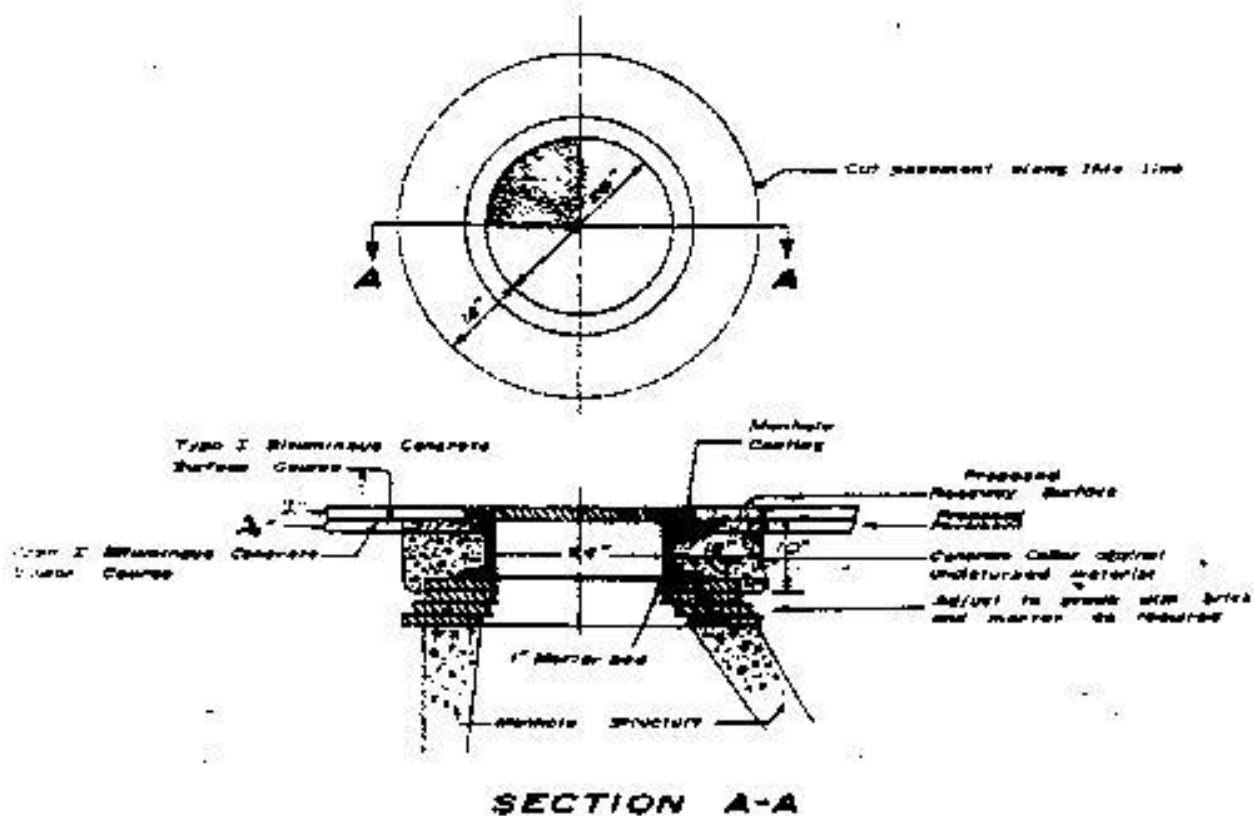
Prepared by
PLANNING BOARD
TOWN OF DUDLEY



TYPICAL TRENCH SECTION

NO. 87-018

PLANNING BOARD
TOWN OF DUDLEY

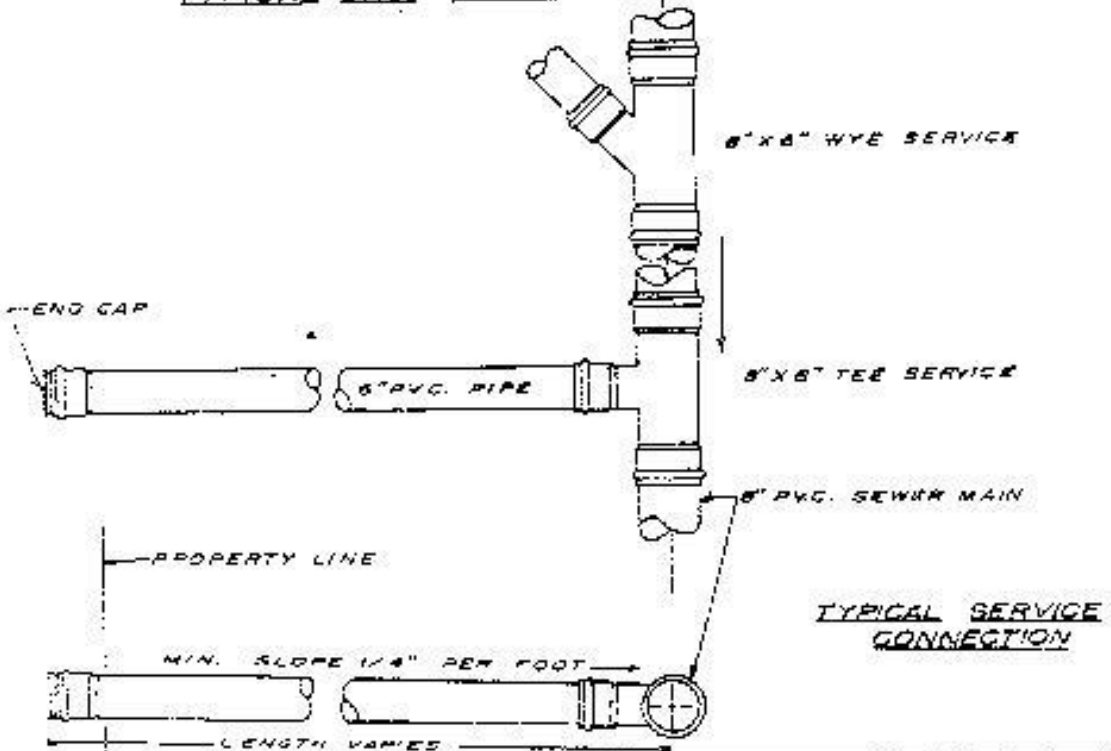
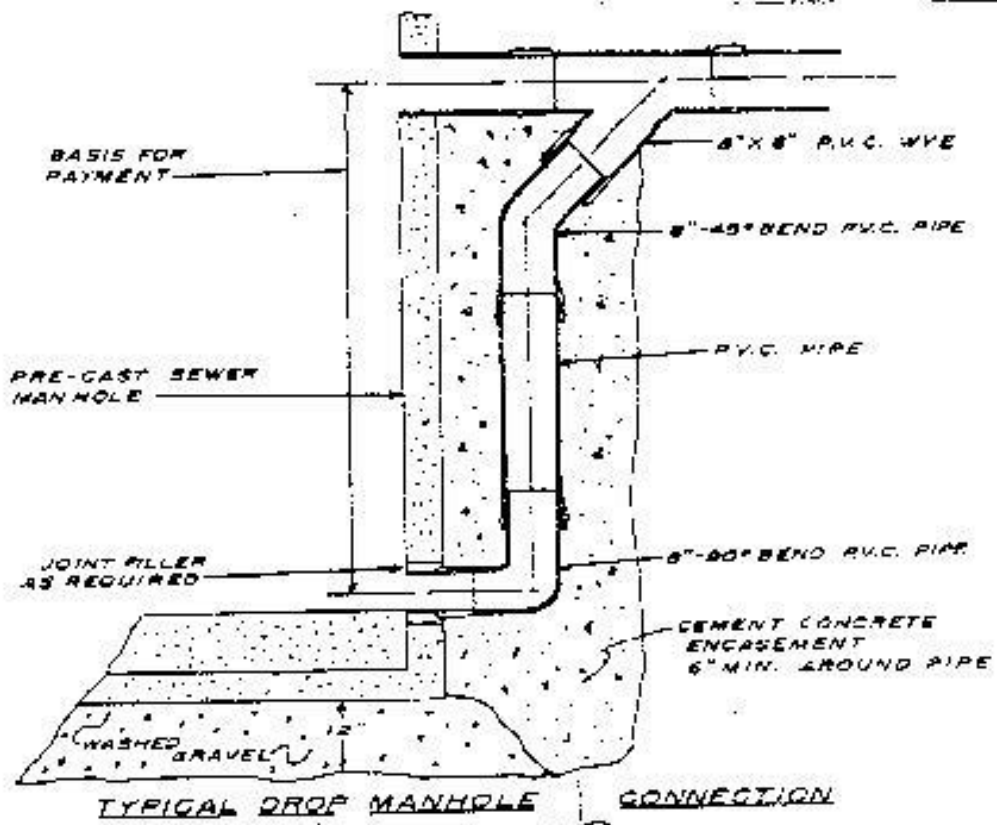


- NOTE: 1. COLLARS TO BE CEMENT CONCRETE MASONRY**
2. All Structures to be Set to Proposed Finish Grade
after Installation of Base Pavement.
3. S.M.H. & D.M.H. Covers to be set Level with Proposed Top Course.

**TYPICAL DETAIL FOR
 ADJUSTMENT OF MANHOLE
 FRAMES AND COVERS TO GRADE**

Prepared by:

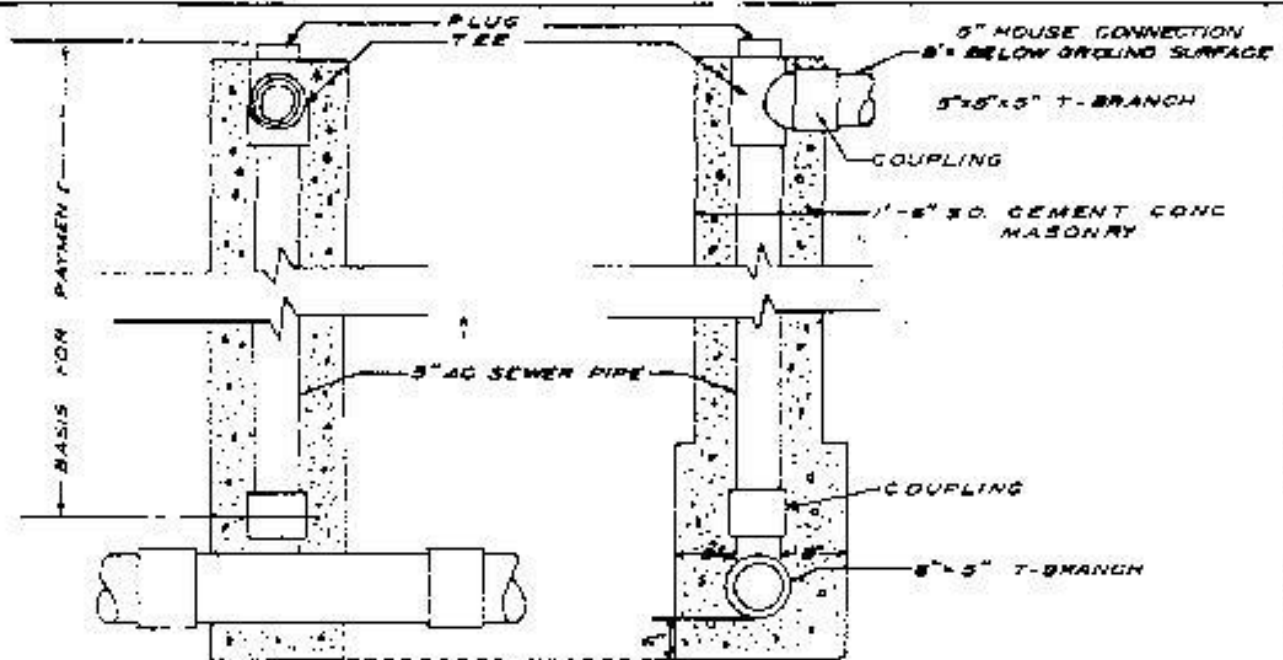
PLANNING BOARD
 TOWN OF DUDLEY



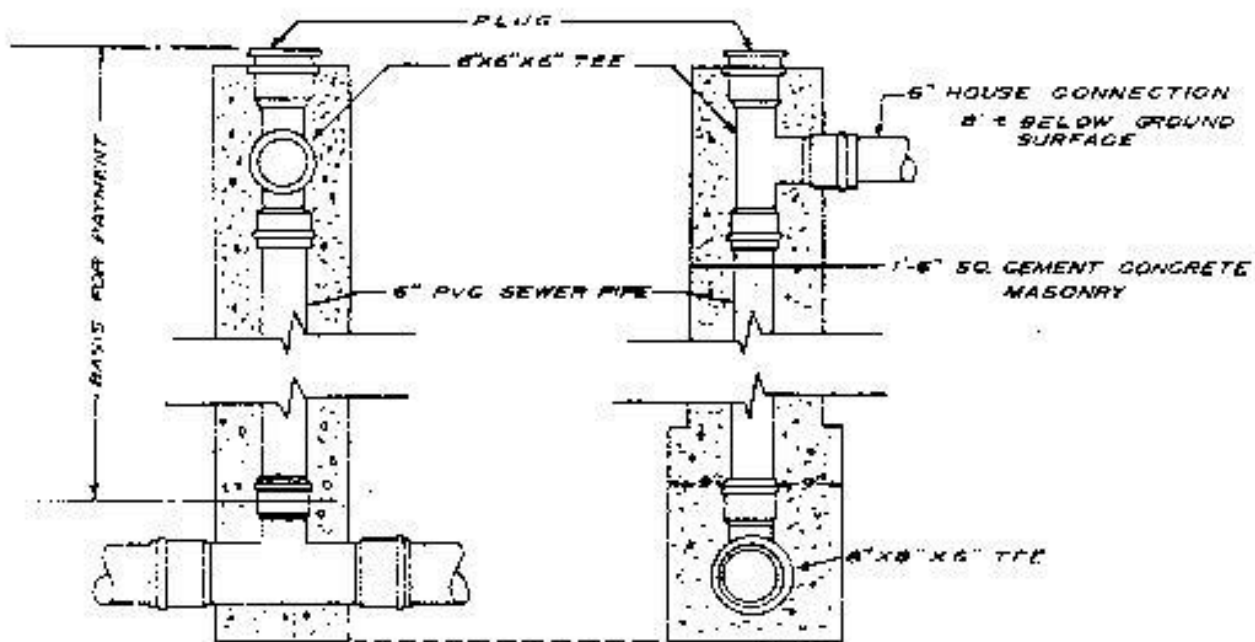
TYPICAL DROP MANHOLE AND 6" SERVICE CONNECTION

Prepared By:

PLANNING BOARD
TOWN OF DUDLEY



A.C.



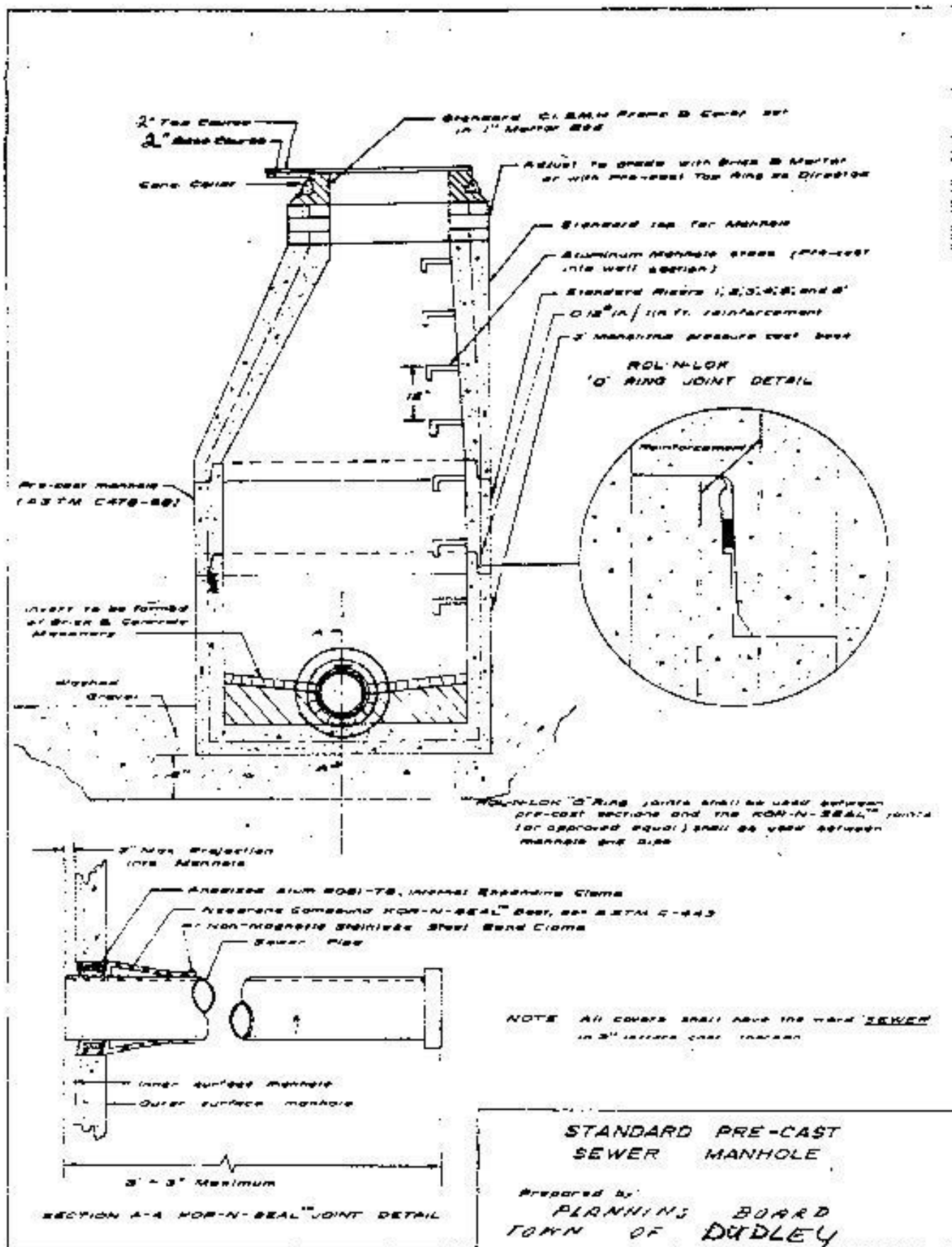
P.V.C.

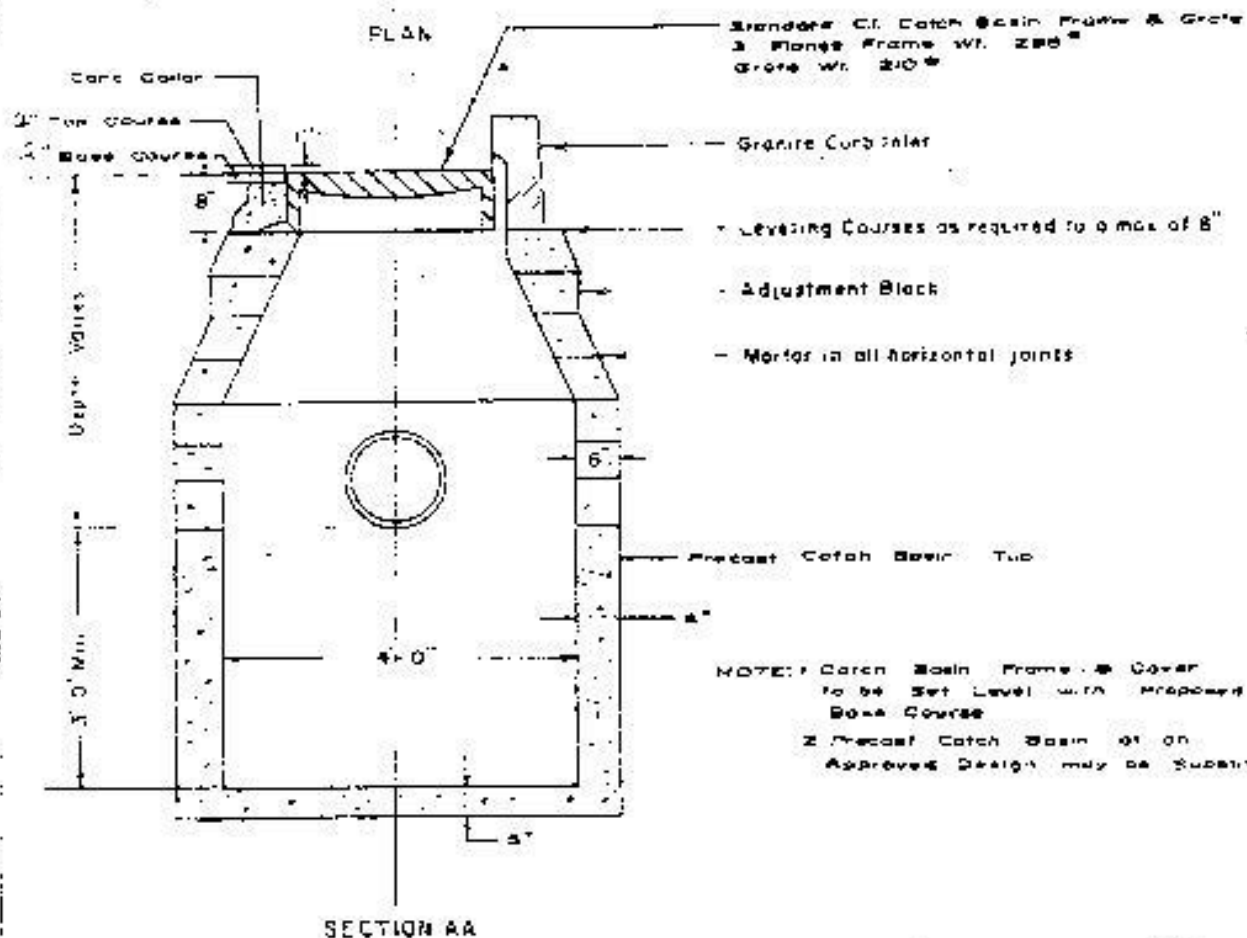
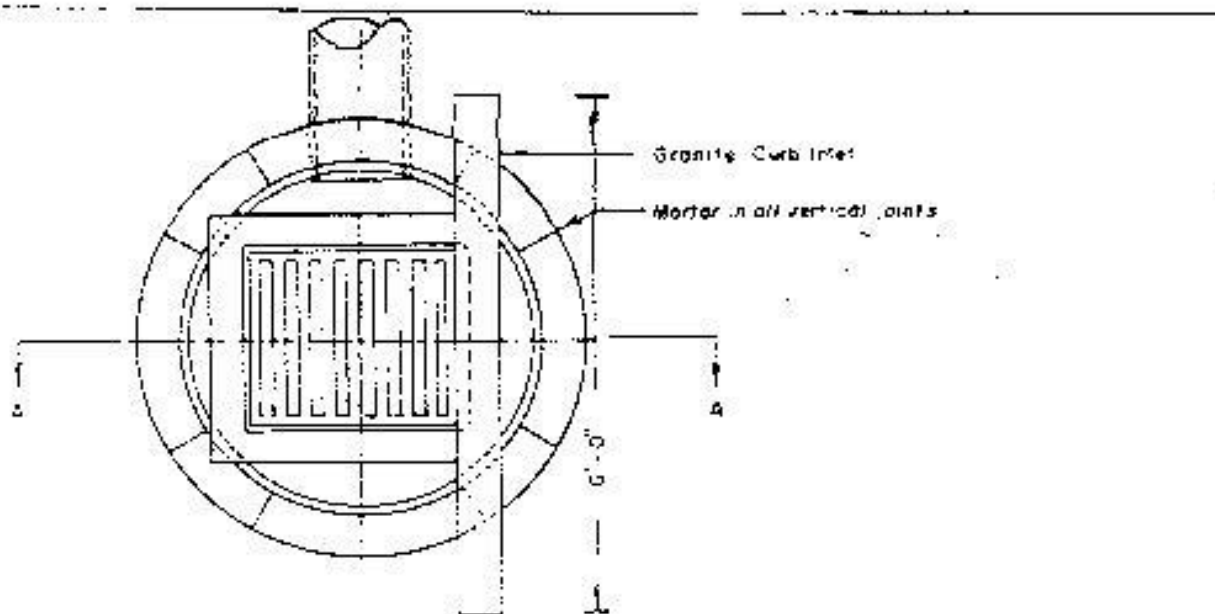
**TYPICAL CHIMNEY
DETAIL**

SCALE: 1/2" = 1'-0"

Prepared by:

PLANNING BOARD
TOWN OF DUDLEY





TYPICAL CATCH BASIN

SCALE: 1/2" = 1'-0"

Prepared by:
PLANNING BOARD
TOWN OF DUDLEY

APPENDIX B – FORMS

FORM A
APPLICATION FOR ENDORSEMENT OF
PLAN BELIEVED NOT TO REQUIRE APPROVAL (ANR)

INSTRUCTIONS: Your complete ANR (Approval Not Required) submission shall include TWO SIGNED ORIGINALS of this completed Form A, one copy of the "ANR Receipt Checklist" with the top portion completed, your original reproducible ANR plan (mylar), five prints of that plan, a digital copy emailed to the Planning Office prior to the meeting, and a check for the submission fee. Submit your complete package to the Planning Board Office by the Friday prior to the Wednesday meeting at which the ANR will be presented.

Date: _____

To the Planning Board of the Town of Dudley, Massachusetts:

The undersigned wishes to record the accompanying plan and requests a determination by said Board that approval by it under Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons:

1. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage and area required by the Town of Dudley Zoning Bylaw and is on a public/private way, namely _____ which qualifies a lot for frontage under the Subdivision Control Law,
OR is a PERIMETER PLAN.

2. If lots do not have the required frontage and area, please explain:

3. Engineer's Name: _____ Mass Prof Lic # _____

Address: _____

4. The owner's title to the land is derived under a deed recorded in Worcester District Registry of Deeds Book _____, Page _____, and is presently shown in whole or part on Dudley Assessors' Tax Plate (Map #) _____, Plot (Parcel #) _____. (Use the back if more space is needed)

OWNER'S NAME (PLEASE PRINT)

OWNERS' SIGNATURES (ALL OWNERS MUST SIGN)

OWNER'S STREET ADDRESS

OWNER'S TOWN, STATE, ZIP

APPLICANT'S NAME (IF NOT OWNER)

APPLICANT'S STREET ADDRESS

APPLICANT'S TOWN, STATE, ZIP

APPLICANT'S PHONE #

APPLICANT'S EMAIL ADDRESS

APPROVAL UNDER
SUBDIVISION CONTROL LAW
NOT REQUIRED
DUDLEY PLANNING BOARD

CHAIRMAN

DATE

Acceptance by Dudley Planning Board of Submission of ANR PLAN:

NOTE: Submit TWO Originals of this form along with TWO SIGNED ORIGINAL "Form A's" with your plans and check.

ANR Plan Name: _____ Deed Date: _____

Location Address: _____ Deed Book & Page: _____

Owner/Applicant Name (if not Owner): _____ Plan Book & Page: _____

Owner/Applicant Address: _____ Dudley Tax Map # _____ Parcel # _____

Owner/Applicant Email Address: _____ Owner/Applicant Phone: _____

The Dudley Planning Board has received the submission of the above ANR Plan. This document certifies that, as currently submitted, the "Approval Not Required" (ANR) Plan meets the minimum submission guidelines as set forth by the Commonwealth of Massachusetts and the Town of Dudley Rules and Regulations Governing the Subdivision of Land. This document certifies that the ANR Plan is officially submitted for Planning Board review and consideration. It does not constitute acceptance of the ANR Plan.

Submission Checklist (Applicant, Please Print a "W" for "Waiver" beside the items for which you request a waiver):

- _____ 1) Two signed original and properly executed Form A's and one ANR Checklist.
- _____ 2) Submission Fee of \$_____ (\$100 per lot affected) Made Payable to the Town of Dudley for each ANR Plan.
- _____ 3) The Plan shall be submitted by delivery at a regularly scheduled meeting of the Planning Board: ____/____/____
- _____ 4) Property Taxes Paid.
- _____ 5) One original (mylar) ANR Plan, five (5) copies, and one digital plan thereof showing:
 - _____ a) A data table indicating: the *zoning district* of the respective lot(s) and/or parcel(s); *frontage requirement* of the Zoning District; *minimum lot area requirement* of the Zoning District; *setback requirements* of the Zoning District; *Scenic Road designation*, if any; *lot area (s) and/or total parcel area*; *percentage of buildable area* of each respective lot (as shown in table entitled "Calculated Buildable Area Per Lot"); and *FIRM designation*.
 - _____ b) The ANR name, boundaries, north point, date, scale (1" = 40'), legend, and title "ANR Plan".
 - _____ c) The name and address of the owner of record and the name and address of the applicant (if different than that of the owner of record). Also, the name, address, phone number and official seal of the land surveyor, designer, or engineer.
 - _____ d) The names and street numbers of all abutters, as determined from the most recent local tax list or Data Vision..
 - _____ e) The topography of the land at a contour interval of two (2) feet. Elevations shall be referred to mean sea level.
 - _____ f) The frontage and lot area of the remaining land from which the proposed lot(s) has been created.
 - _____ g) Location of wetland resource area boundaries within the proposed lot(s) and all uplands calculations. If there are none, then the statement "There are no wetlands on lot number ____" must appear in the plan notes.
 - _____ h) The approximate boundary lines of proposed lots, with approximate areas and dimensions in sq. feet and build factors that conform with Regulations.
 - _____ i) Evidence that each building lot to be created has adequate access, including access road to the site.
 - _____ j) A profile of the existing grade(s) of the proposed access to the lot.
 - _____ k) All evidence on plan showing that the submitted ANR plan does NOT require approval under the Subdivision Control Law.
 - _____ l) Words "Planning Board approval under Subdivision Control Law not required".
 - _____ m) Suitable space to record the action of the Planning Board and the signatures of its five members.

Date of regularly scheduled meeting in which ANR submission was accepted by Planning Board: ____/____/____

Town of Dudley Planning Board:

Town of Dudley Town Clerk:

Member Signature

Clerk Signature

Date

Date

FORM B
APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

INSTRUCTIONS: Your complete PRELIMINARY PLAN submission starts by submitting TWO signed originals of this form TO THE DUDLEY TOWN CLERK for signature with one print of the plan. One copy of this form will be retained by the Town Clerk, the other is to be signed by the Town Clerk below and submitted by the applicant to the Planning Board along with two "Receipt of Preliminary Plan Checklists," one mylar, EIGHT prints, a receipt from the Board of Health, and TWO SEPARATE CHECKS—One for the Filing Fee and a separate check for the Engineering Review Fee. Submit your complete package to the Planning Board Office by the Thursday prior to the Wednesday meeting at which the PRELIMINARY PLAN will be presented.

Date: _____

To the Planning Board of the Town of Dudley, Massachusetts:

The undersigned submits this PRELIMINARY SUBDIVISION PLAN in accordance with the Subdivision Rules and Regulations of the Dudley Planning Board and makes application to the Board for approval of said plan.

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, seeks approval of a proposed subdivision entitled

the plan of which is dated _____ designed by (Engineer's Name) _____
(Engineer's Mass Prof Lic #) _____ (Engineer's Firm/Address) _____

with access to be from the following public/private way(s) _____
and Total Land Area (in acres) _____ (in square feet) _____ proposed to be divided in to (Number of Lots) _____.

The undersigned's interest in said land is as follows: _____
_____.

The owner's title to the land is derived under a deed recorded in Worcester District Registry of Deeds Book _____, Page _____, and is presently shown in whole or part on Dudley Assessors' Tax Plate (Map #) _____, Plot (Parcel #) _____.

OWNER'S NAME (PLEASE PRINT)

OWNERS' SIGNATURES (ALL OWNERS MUST SIGN)

OWNER'S STREET ADDRESS

OWNER'S TOWN, STATE, ZIP

APPLICANT'S NAME (IF NOT OWNER)

APPLICANT'S STREET ADDRESS

APPLICANT'S TOWN, STATE, ZIP

APPLICANT'S PHONE #

APPLICANT'S EMAIL ADDRESS

RECEIVED BY DUDLEY TOWN CLERK:

DATE _____ TIME _____
SIGNATURE _____

TO BE COMPLETED BY THE PLANNING BOARD:

DATE OF MEETING: _____

FILING FEE RECEIVED:

\$ _____

REVIEW FEE RECEIVED:

\$ _____

APPROVED BY DUDLEY PLANNING
BOARD

CHAIRMAN

DATE

Official Receipt by Dudley Planning Board

of Accurate Submission of PRELIMINARY SUBDIVISION PLAN

INSTRUCTIONS: Submit TWO Originals of this form along with TWO SIGNED ORIGINAL "Form B's" with your plans and checks payable to the "Town of Dudley"—one check is for the FILING FEE and one check is for the ENGINEERING REVIEW FEE.

Preliminary Plan Name: _____ Deed Date: _____
Location Address: _____ Deed Book & Page: _____
Owner/Applicant Name (if not Owner): _____ Plan Book & Page: _____
Owner/Applicant Address: _____ Dudley Tax Map # _____ Parcel # _____
Owner/Applicant eMail Address: _____ Owner/Applicant Phone: _____

The Dudley Planning Board has received the submission of the above Preliminary Plan. This document certifies that, as currently submitted, the Plan meets the minimum submission guidelines as set forth by the Commonwealth of Massachusetts and the Town of Dudley Rules and Regulations Governing the Subdivision of Land. This document certifies that the ANR Plan is officially submitted for Planning Board review and consideration. It does not constitute acceptance nor can it be inferred that acceptance or approval of the Preliminary Plan will occur.

Submission Checklist (Applicant, Please Print a "W" for "Waiver" beside the items for which you request a waiver):

Date of regularly scheduled meeting in which Plan was submitted to Planning Board:

- ____ 1) Receipt from Dudley Board of Health that 1 (one) copy of Preliminary Plan has been received by them.
____ 2) Property Taxes Paid.
____ 3) Two ORIGINAL properly executed "Form B's" are submitted with the Preliminary Plan.
____ 4) Checks for the submission Fee of \$_____ and Engineering Review Fee of \$_____ made Payable to the Town of Dudley for each Preliminary Plan
____ 5) One original Preliminary Plan and eight (8) copies thereof submitted showing:
____ a) A data table indicating: the *zoning district* of the respective lot(s) and/or parcel(s); *frontage requirement* of the Zoning District; *minimum lot area requirement* of the Zoning District; *setback requirements* of the Zoning District; *Scenic Road designation*, if any; *lot area (s) and/or total parcel area*; *percentage of buildable area* of each respective lot (as shown in table entitled "Calculated Buildable Area Per Lot"); and *FIRM designation*.
____ b) The Subdivision name, boundaries, north point, date, scale (1" = 40'), legend and title "Preliminary Plan, Conventional".
____ c) The name, address and phone number of the owner of record and the name, address and phone number of the applicant (if different than that of the owner of record). Also, the name, address, phone number and official seal of the land surveyor, designer and engineer.
____ d) A data table indicating: the *zoning district* of the respective lot(s) and/or parcel(s); *frontage requirement* of the Zoning District; *minimum lot area requirement* of the Zoning District; *setback requirements* of the Zoning District; *Scenic Road designation*, if any; *lot area (s) and/or total parcel area*; *percentage of buildable area* of each respective lot (as shown in table entitled "Calculated Buildable Area Per Lot"); and *FIRM designation*.
____ e) The existing and proposed lines of streets, ways, easements and any parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved by Deed convenient for use of all property owners in the subdivision, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the subdivision in a general manner.
____ f) The proposed system of drainage including adjacent natural waterways, sewers, water mains, culverts and other underground structures within the tract or adjacent thereto, and in a general manner, proposed water, sewer and other underground utilities.

(CONTINUED NEXT PAGE)

- _____ g) The approximate boundary lines of proposed lots, with approximate areas and dimensions in sq. feet, build factors and uplands.
- _____ h) The names, approximate location and widths of adjacent streets and adjacent structures and physical features such as fences, pools etc.
- _____ i) The topography of the land at a contour interval of two (2) feet. Elevations shall be referred to mean sea level.
- _____ j) Profiles of existing grades and approximate proposed finished grades of the roadways, drainage and water facilities.
- _____ k) Major features of the land such as existing walls, fences, building, large trees, wooded areas, outcroppings, ditches, waterways, natural drainage courses, and wetlands that exist in or near the site at the time of survey.
- _____ l) The proposed system for fire protection, in a general manner.
- _____ m) Location of wetland resource area boundaries within the proposed lot(s). If there are none, then the statement "There are no wetlands on lot number ____" must appear in the plan notes.
- _____ n) Provision for open space in accordance with these rules and regulations.
- _____ o) A list of waivers from specific subdivision requirements that will be requested.
- _____ p) Suitable space to record the action of the Planning Board and the signatures of its members.

Signed: **Town of Dudley Planning Board:**

Signature: **Town of Dudley Town Clerk**

Member

Town Clerk Signature

Date

Date

FORM C
APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

INSTRUCTIONS: Your complete CONVENTIONAL DEFINITIVE PLAN submission starts by submitting TWO signed originals of this form TO THE DUDLEY TOWN CLERK for signature with one print of the plan. One copy of this form will be retained by the Town Clerk, the other is to be submitted by the applicant to the Planning Board along with two "Receipt of Preliminary Plan Checklists," one mylar, EIGHT prints, a receipt from the Board of Health, and TWO SEPARATE CHECKS—One for Filing Fee and a separate check for the Engineering Review Fee.

Date: _____

To the Planning Board of the Town of Dudley, Massachusetts:

The undersigned submits this CONVENTIONAL DEFINITIVE SUBDIVISION PLAN in accordance with the Subdivision Rules and Regulations of the Dudley Planning Board and makes application to the Board for approval of said plan.

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, seeks approval of a proposed subdivision entitled

_____ the plan of which is dated _____ designed by (Engineer's Name) _____
(Engineer's Mass Prof Lic #) _____ (Engineer's Firm/Address) _____
(Engineer's eM _____

with access to be from the following public/private way(s) _____
and Total Land Area (in acres) _____ (in square feet) _____ proposed to be divided in to (Number of Lots) _____
_____ with roadway lengths being (in feet, per road) _____.

_____ hereby submits said plan as a CONVENTIONAL DEFINITIVE SUBDIVISION PLAN in accordance with the Subdivision Rules and Regulations of the Dudley Planning Board and makes application to the Board for approval of said plan.

The undersigned's interest in said land is as follows: _____
_____.

The owner's title to said land is by deed dated _____
And recorded in the Worcester District Registry of Deeds Book _____,
Page _____, and is shown on Assessors' Tax Plate _____, Plot _____.

Said plan (has/has not) evolved from a Preliminary Plan submitted to the Board on
Date: _____, and was (approved with modification/disapproved)
On Date: _____.

The undersigned hereby applies for the approval of said DEFINITIVE Plan by the Board, and in furtherance thereof hereby agrees to abide by the Board's Subdivision Rules and Regulations.

Owner's Name (s) _____

Owner's Signature(s) _____

Owner's Mailing Address _____

Fees
Received Date:

Applicant's Name, If Not Owner _____

Applicant's Signature _____

Applicant's Mailing Address _____

Received by Town Clerk

* \$2,500 Filing Fee & \$225/lot Engineering Review Fee OR \$1,000 Filing Fee & \$375/lot Engineering Review Fee
TWO SEPARATE CHECKS PLEASE—ONE FOR FILING FEE AND ONE FOR REVIEW FEE.

Official Receipt by Dudley Planning Board

of Accurate Submission of DEFINITIVE SUBDIVISION PLAN

Definitive Plan Name: _____ **Deed Date:** _____
Location Address: _____ **Book:** _____
Owner / Applicant's Name (if not Owner): _____ **Page:** _____
Applicants Address: _____ **Tax Plate** _____, **Plot** _____

This document certifies that the Dudley Planning Board officially accepted the Definitive Subdivision Plan mentioned above for review and consideration. It does not constitute approval of the Definitive Plan nor can it be inferred that approval will occur. Approval of the Plan is governed by the Town of Dudley, Rules and Regulations Governing the Subdivision of Land.

Submission Checklist:

- _____ 1) Receipt from Dudley Board of Health that 1 copy of Definitive Plan has been received by them.
- _____ 2) Properly Executed Form C is attached to the Definitive Plan.
- _____ 3) Properly Executed Form D (Designer's Certificate) is attached to the Definitive Plan.
- _____ 4) Submission Fee of \$_____ made payable to the Town of Dudley.
- _____ 5) Escrow deposit of \$_____ for professional reviews.
- _____ 6) All requirements specified below are met.

6) Submission of one (1) original drawing and eight (8) copies showing:

- a) Data table indicating: the zoning district of the respective lot(s) and/or parcel(s); frontage requirement; minimum lot area requirement; setback requirements; Scenic Road designation, if any; lot area(s) and/or total parcel area; and percentage of buildable area of each respective lot (as shown in table entitled "Calculated Buildable Area Per Lot").
- b) Data table showing total parcel area; total area of lots, areas dedicated or used for street purposes, drainage, sewer or utility easements; areas reserved for parks, schools, open space, etc.
- c) Subdivision name, boundaries, benchmark, north point, date, scale (1" = 40'), legend, and title "Definitive Subdivision Plan, Conventional".
- d) Name and address of owner of record and applicant; name, address and official seal of the land surveyor, designer and engineer.
- e) Names of all abutters, as determined from the most recent local tax list.
- f) Topography of the land.
- g) Location of natural waterways and water bodies.
- h) Location of major land features.
- i) Proposed lines of streets, ways, easements, and public or common areas within the subdivision.
- j) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line.
- k) Location of all permanent monuments.
- l) Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- m) Existing and proposed profiles on the centerline of proposed streets.
- n) Cross-section typical of each street or roadway to be constructed.

- o) Indication of all easements, covenants or restrictions.
- p) Case number and other pertinent reference information if property in and/or abutting subdivision examined, approved and confirmed by Massachusetts Land Court.
- q) Calculations by Registered Professional Engineer to substantiate proposed drainage structures.
- r) Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewer pipes and their appurtenances and/or sewage disposal systems, storm drains and their appurtenances and easements relative thereto, dimensions of gutters, and method of carrying water to the nearest water course or easement for drainage.
- s) Existing and proposed layout of gas and underground electrical distribution systems.
- t) Proposed system for fire protection.
- u) Location of proposed streetlights and sidewalks.
- v) Size, spacing and species of new street trees and trees to be retained.
- w) Location and identification of areas where trees are to be removed.
- x) All lot numbers.
- y) Provision for open space.
- z) Suitable space to record action of Planning Board.
- aa) Development Impact Statement.

If Missing any item(s) above, the plan will be rejected for submission until such item is completed and plan is resubmitted.

Missing items are: _____

Date of regularly scheduled meeting in which Plan was submitted to Planning Board: _____

Signed: **Town of Dudley Planning Board:**

X _____ Date _____
Name of Member

Signature: **Town of Dudley Town Clerk**

X _____ Date _____
Clerk

FORM D
DESIGNER'S CERTIFICATE

Date: _____

To the Planning Board of the Town of Dudley, Massachusetts

In preparing the plan entitled _____

I hereby certify that the above named plan and accompanying data is true and correct to the accuracy required by the current Rules and Regulations Governing the Subdivision of Land in Dudley, Massachusetts, and my source of information about the location of boundaries shown on said plan were one or more of the following:

1. Deed from _____
to _____ dated _____
and recorded in the Worcester District Registry of Deeds in Book _____,
Page _____.
2. Other plans, as follows _____

3. Details and topography has been established by aerial survey _____; on
ground survey _____; other _____.
4. Actual measurement on the ground from a starting point established by _____
_____.
5. Other sources _____

_____.

Signed _____

(Registered Professional Engineer or Registered Land Surveyor)

Address

(Seal of Engineer
or Surveyor)

FORM E
CERTIFICATE OF PERFORMANCE
(Covenant Approval Released)

TOWN OF DUDLEY, MASSACHUSETTS

Date _____

The undersigned, being a majority of the Planning Board of the Town of Dudley, Massachusetts, hereby certify that the requirements for work on the ground called for by the covenant dated _____ and recorded in Worcester District Deeds, Book _____, Page _____, (or registered on Certificate of Title No. _____, in Registration Book _____, Page _____) have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled _____, recorded with said Deeds, Plan Book _____, Plan _____, (or registered in said Land Registry District, Plan Book _____, Plan _____, and said lots are hereby released from the restrictions as to sale building specified thereon.

Lots designated on said Plan as follows:

_____ Majority of the Planning Board of the
Town of Dudley, Massachusetts

COMMONWEALTH OF MASSACHUSETTS

Worcester, Mass.

Date _____

Then personally appeared _____, one of the above named members of the Planning Board of the Town of Dudley, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of the said Planning Board, before me.

Notary Public

My Commission Expires

S A M P L E F O R M F S A M P L E
COVENANT

This Covenant is an agreement between the DUDLEY PLANNING BOARD (hereinafter referred to as "The Planning Board"), acting for and on behalf of the residents of the Town of Dudley, Massachusetts, AND

OWNER: _____

Hereinafter referred to as "The Developer".

In consideration of conditional approval of The Developer's plan by said Planning Board for the development of land located in the Town of Dudley, conditionally approving said plan without requiring a performance bond; both the Developer and The Planning Board mutually hereby agree and covenant that:

1. This covenant shall encumber and encompass all of the land shown on a Definitive Plan for the subdivision of land entitled:

Said plan having been drawn by:

Said plan being dated:

Said land on plan being owned by:

NAMES OF OWNER(S): _____

Owner's title from deed recorded at:

REGISTRY: _____ BOOK: _____ PAGE: _____

2. No lot shown on said plan, or, on said plan as it may be revised and subsequently approved by The Planning Board in the future, shall be built upon or conveyed other than by mortgage deed, until the construction of the ways and installation of the municipal services serving said lots are completed in accordance with the Town of Dudley Subdivision Rules and Regulations as are in effect at the time of The Planning Board approval; or, a bond, cash and/or other securities acceptable to The Planning Board have been provided by The Developer to The Planning Board.
3. Any lot or section of lots may be released from this covenant by The Planning Board upon the receipt of a bond, cash, and/or other securities acceptable to The Planning Board in an amount sufficient to secure the performance of the construction of ways and the installation of municipal

utilities required for said lot or section of lots. It is herein agreed that the minimum lot release amount shall be:

_____ DOLLARS (\$ _____) Per Lot.

4. All of the preceding notwithstanding, nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to the foregoing, of either the entire parcel of land shown on said plans or of all lots not previously released by The Planning Board.
 5. It is hereby expressly agreed by both Developer and The Planning Board that all of the ways and municipal utilities required by the approved plan shall be completed by:
-
6. It is hereby expressly agreed by both Developer and The Planning Board that if the subdivision is not completed as per Item 5 (above), or at a later date if extended by vote of The Planning Board, that all the lot release amounts paid and/or other securities such as bonds, to The Planning Board shall be forfeited to The Planning Board and utilized by The Planning Board for completion of the way and municipal utilities as required by the approved plan. In the event that these lot release amounts are not sufficient to complete said ways and utilities, Developer hereby agrees to be responsible for any deficiency thereto related and authorizes The Planning Board, The Town of Dudley, and/or their agents and assigns to take whatever action they may deem necessary to collect said amount including, without limitation, the placing of liens on Developer's Property wherever it may be located.
 7. Developer hereby further agrees that failure to complete the subdivision as per Item 5 (above), or at a later date if extended by vote of The Planning Board, shall result in the automatic rescission of the approval of the plan. Any request for an extension of the deadline set for completion of the ways and municipalities must be filed and acted upon by the Planning Board prior to the original date of completion. It is expressly understood that in consideration of granting the approval of this subdivision approval shall automatically expire without further action by the Planning Board if the infrastructure is not completed by the date written in Item (5) above.
 8. Developer agrees to be bound to all conditions of plan approval as may be required by the Town of Dudley Conservation Commission, Board of Health, Highway Department, Water Commission and Department, Sewer Commission and Department and all other official commissions and departments of the Town of Dudley.
 9. Developer hereby agrees to complete the requirements of the Town of Dudley Subdivision Rules and Regulations including, without limitation, the construction of roadways, sidewalks, public sewers, surface sewers, water mains, installation of bounds, installation of electric, telephone and television cable distribution systems, installation of street lights, trees, and all other incidental work for such projects as required by the Town of Dudley and as shown on said plans.

The only exceptions are as follows as noted on the Plan:

10. Developer hereby agrees to pay reasonable fees for the inspection of the construction of the ways and municipal utilities in the development.
11. Developer hereby agrees that all drainage and easements, drainage manholes, catch basins, headwalls and related structures shall be constructed in accordance with the Town of Dudley requirements.
12. Developer hereby agrees that all structures and buildings within the development shall be constructed in conformity with the State Building Code.
13. Developer hereby agrees that, upon completion of the ways and municipal utilities in accordance with the approval of the Definitive Plan, Developer shall, forthwith, make application to the Planning Board and the Town of Dudley for acceptance of said streets and utilities. Said application shall include an "as built" layout and acceptance plan and roadway easement deed. Failure by the Developer to comply with these requirements shall be cause for the Planning Board to utilize any and all lot release funds to secure such compliance or to obtain such material.
14. Developer hereby agrees that this covenant shall be binding upon the executors, administrators, devisees, heirs, successors, and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
15. Developer agrees to record this covenant with the Worcester District Registry of Deeds, forthwith, or to pay the necessary recording and courier fees to The Planning Board in the event that the Planning Board shall record this agreement.
16. Developer agrees that the recorded reference to this covenant (as per #15 above) shall be entered on the Definitive Subdivision Plan as approved.
17. Developer shall be responsible for the plowing, removal of snow and/or the sanding on all the roads in a subdivision for a period of two (2) years following the Board's acceptance of the "as built plans" (as per Item 13) or until the roads are accepted by the Town, whichever time is shorter.

Developer further agrees that should it be determined by The Planning Board, Highway Department, Police Department, or Fire Department that the constructed ways within the development are not plowed and/or sanded in a timely and/or adequate manner, consistent with the requirements of public safety, that Developer hereby authorizes the Highway Department to plow and/or sand said ways at Developers' expense.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day
of

Month _____ Year _____.

PLANNING BOARD SIGNATURES

Acceptance by a majority of
The Planning Board of
Dudley, Massachusetts

OWNER(S) (DEVELOPER) SIGNATURES

L. COMMONWEALTH OF MASSACHUSETTS

Worcester, MA.

Date: _____

Then personally appeared _____, one of the above named members of
the Planning Board of the Town of Dudley, Massachusetts and acknowledged the foregoing instrument to
be the free act and deed of the said Planning Board, before me.

Notary Public

My Commission Expires: _____

FORM G
CONVEYANCE OF EASEMENTS AND UTILITIES

_____ of _____
_____ County, Massachusetts for good and adequate
consideration, grant to the Town of Dudley, a municipal corporation in Worcester County, Massachusetts,
and perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever
maintain systems of water mains, sanitary sewers, storm drainage and appurtenances thereto, and to do all
acts incidental thereto, in, through and under the following described land: _____

_____ appearing on a plan entitled _____

And for the consideration aforesaid, the grantor does hereby give, grant, transfer and deliver unto the
Town of Dudley all water distribution, sanitary sewer and storm drainage systems including related
easements, and all appurtenances thereto that are now or hereafter constructed or installed in, through, or
under the above described land by the grantor and the grantor's successors and assigns.

The Grantor warrants that the aforesaid easements are free and clear of all liens or encumbrances, that he
(it) has good title to transfer the same, and that he will defend the same against claims of all persons.

For grantor's title see deed from _____
dated _____, and recorded in Worcester
District Registry of Deeds, Book _____, Page _____.

And (to be completed if a mortgage exists) _____ (name and
address) _____

_____ the present holder of a mortgage on the above described land, which mortgage is dated
_____, and recorded in said Deeds, Book _____, Page _____
for consideration paid, hereby releases unto the Town of Dudley forever from the operation of said
mortgage, the rights and easements herein above granted and assents thereto.

Authorized Signature of Mortgagor _____ Owner _____

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____
day of _____ year _____

COMMONWEALTH OF MASSACHUSETTS

_____ SS _____

Then personally appeared the above named _____
_____ and acknowledged the foregoing to be _____
free act and deed, before me.

Notary Public _____
My Commission Expires _____

FORM H

INSPECTION FORM – DUDLEY, MASSACHUSETTS

Name of Subdivision

From Sta. _____ To Sta. _____

M. Name of Applicant

Phone of Applicant _____

Subject	Initials of Agent	Date of Inspection
1. Clearing of Right of Way	_____	_____
2. Sub-grade Preparation	_____	_____
3. Sanitary Sewers	_____	_____
4. Drainage (Below Grade)	_____	_____
5. Water and Utility Installation (elec. gas, telephone, cable)	_____	_____
6. Gravel Base	_____	_____
7. No Longer Applicable	_____	_____
8. Binder Course (Roadway & Sidewalk)	_____	_____
9. Drainage (at surface) Installation	_____	_____
10. Street Signs	_____	_____
11. Street Lights	_____	_____
12. Berm and Curb Installation	_____	_____
13. Finish Course (Roadway & Sidewalk)	_____	_____
*Lot Release Available Here	_____	_____
14. Grass Strips	_____	_____
15. Street Trees and Monuments	_____	_____
16. Monuments	_____	_____
17. Final Clean Up	_____	_____
18. Maintenance	_____	_____

The developer shall notify in writing the Highway Department and the Planning Board at least 48 hours (excluding weekends and holidays) before each required inspection as listed. The Highway Department and the Planning Board reserve the right for further time if needed for extra consultation and/or information to be supplied by the developer or agent of the Board and/or the Highway Department. All reasonable costs incurred for these inspections shall be incurred by the developer. It will be the responsibility of the developer to make sure that the Planning Board has signed copies of these inspections.

FORM I

APPLICATION FOR MODIFICATION OF A PREVIOUSLY APPROVED SUBDIVISION

Date of request: _____

To the Planning Board of the Town of Dudley:

_____ hereby makes application for approval of a
modification to the subdivision plan entitled:

dated _____
and recorded at the Worcester County Registry of Deeds, Book _____, Page _____ ,
OR
under Certificate of Title No. _____
and recorded at the Worcester County Registry of Deeds, Book _____, Page _____ .

The modification requested is:

The modification will also result in a change in lot number(s): _____ ,
but the lot(s) as changed will comply with the Dudley zoning bylaws.

Benefits to be gained by this modification:

The applicant certifies that the undersigned is/are the owner(s) (all owners must sign) of all the land involved in
the aforesaid requested modifications and that the only mortgage of said land is
_____, whose assent is noted hereon.

Applicant	Owner
Signature: _____	Signature: _____

Applicant Printed	Owner Printed
Name: _____	Name: _____

Applicant	Owner
Address: _____	Address: _____
_____	_____

_____, as mortgagee of the land involved in the above-
requested modification, hereby assents thereto.

Presented at the Dudley Planning Board meeting of: _____

Determined to be a ☐ Major ☐ Minor Modification

If determined to be a Major Modification to a previously approved subdivision, the Public Hearing is scheduled for:

FORM J

**CERTIFICATE OF COMPLETION
AND
RELEASE OF MUNICIPAL INTEREST IN
SUBDIVISION PERFORMANCE SECURITY**

Pursuant to MGL, Chapter 41, Section 81-U and in consideration of completion of said construction and installation, THE PLANNING BOARD OF THE TOWN OF DUDLEY, hereby releases its interest in the performance security referred to below, as it affects all the Lots shown on the plan entitled _____, prepared by _____, dated _____, which plan is recorded in the Worcester Registry of Deeds Plan Book _____, Plan _____.

Type of Performance Security (*Circle one*):

- A. Covenant, dated: _____ and recorded in Worcester District Registry of Deeds, Book _____, Page _____, or registered in Worcester Land Registry District as Document No. _____, and noted on Certificate of Title No. _____, in Book _____, Page _____.
- B. Bond, agreement dated: _____
Surety Company: _____
Address of Surety: _____
- C. Deposit of money, agreement dated: _____
Bank, if bank passbook: _____
Address of Bank: _____
- D. Letter of Credit, agreement dated: _____
Bank: _____
Address of Bank: _____

The undersigned, being a majority of the Dudley Planning Board have determined that the construction of ways and installation of municipal services to serve all lots shown on the subdivision plan referred to above have been fully and satisfactorily completed by the applicant in accordance with the Town of Dudley Rules and Regulations Governing the Subdivision of Land.

IN WITNESS WHEREOF, this instrument has been executed in the name and on behalf of the Town of Dudley by a majority of its Planning Board this _____ day of _____, 20__.

PLANNING BOARD OF THE TOWN OF DUDLEY

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. _____, 20__

Then personally appeared _____ known to be one of the members of the Planning Board of the Town of Dudley and acknowledged the foregoing instrument to be to be his free act and deed and the free act and deed of the Planning Board and the Town of Dudley, before me.

Notary Public

My commission expires: _____

FORM K
REQUEST FOR REDUCTION
OR
RELEASE OF SURETY AMOUNT

Date of request: _____

Project/Development Name: _____

The undersigned, developer of the following described subdivision, hereby requests a:
_____ Reduction in the amount of funds held as surety for the completion of this subdivision;
_____ Release of all remaining funds held as surety for the completion of this subdivision

Plan entitled " _____ ,"
dated _____ ;

Applicant/Owner: _____ ;
Engineer: _____ ;

Recorded with Worcester Registry of Deeds, Book _____, Page _____.
Approved by the Planning Board of the Town of Dudley on _____ ;

Amount and Type of Surety:

\$ _____ by Performance Bond--Secured by Deposit, dated _____ ,
\$ _____ by Performance Bond--Surety company, dated _____ ,
\$ _____ by Deposit of Money or Negotiable Securities _____ ,
\$ _____ by Three-Party Agreement, dated _____ .

Date of latest reduction of the surety amount: _____ ,

Amount of remaining surety funds held: _____ .

Description of work completed since the latest reduction:

Developer's signature: _____

Typed or Printed Developer's Name: _____

Planning Board/Planning Board Engineer's recommended reduction or release amount:
\$ _____

Such that the following amount will still be held for completion: \$ _____
by vote of the board on (date): _____ .

The developer may present this form, signed below, to the holder of above funds as evidence of authorized reduction or release.

FORM L

APPLICATION FOR APPROVAL OF A SPECIAL PERMIT FOR OPEN SPACE RESIDENTIAL SUBDIVISION

Date: _____

To the Planning Board of the Town of Dudley, Massachusetts

Pursuant to the provision of Section 3.05.00 of the Zoning Bylaw, the undersigned hereby makes application for a Special Permit for Open Space Residential Development shown on a plan entitled:

NAME OF APPLICANT: _____
ADDRESS: _____
TELEPHONE NUMBER: _____

NAME OF PROPERTY OWNER: _____
ADDRESS: _____
TELEPHONE NUMBER: _____

NAME OF LANDSCAPE ARCHITECT: _____
ADDRESS: _____
TELEPHONE NUMBER: _____

Property Information:

Assessor's Map/Block/Lot Number: _____

Zoning District(s): _____

Total Land Area: _____ (square feet) _____ (acres)

Number of Proposed Lots: _____

Number of Lots Allowed under Conventional Subdivision Rules and Regulations: _____

Acreage of Open Space: _____

Percentage of Open Space: _____

Percentage of Open Space that is Wetlands: _____

Open Space will be Conveyed to: _____

Linear Feet of Proposed Roadway(s): _____

Access to the Property is from the Following Public Way(s): _____

Recording Information:

The owner's title to the land is derived under deed from _____,
dated _____, and recorded in Worcester District Registry of Deeds, Book _____, Page _____, or
under Certificate of Title No. _____, and registered in Worcester Registry District, Book _____, Page
_____.

Waivers:

The following waivers are requested:

Signature of Applicant(s)

Signature of Property Owner(s)

Official Receipt by Dudley Planning Board

of Accurate Submission of OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD) CONCEPT PLAN

Concept Plan Name: _____ Deed Date: _____
Location Address: _____ Book: _____
Owner / Applicant's Name (if not Owner): _____ Page: _____
Applicants Address: _____ Tax Plate _____, Plot _____

This document certifies that the Dudley Planning Board officially accepted the above mentioned Concept Plan for review and consideration. It does not constitute approval of the Concept Plan nor can it be inferred that approval will occur. Approval of the Plan is governed by the Town of Dudley Zoning Bylaws.

Date of regularly scheduled meeting at which the Planning Board accepted Plan submission: _____

Submission Checklist:

- _____ 1) Properly Executed Form L is attached to the Concept Plan.
- _____ 2) Submission Fee of \$_____ made payable to the Town of Dudley.
- _____ 3) One original Concept Plan and eight (8) copies thereof showing:
 - _____ a) Sketch Plan containing:
 - _____ 1) OSRD name, boundaries, north point, date, legend, title "Concept Plan" and scale (1" = 40').
 - _____ 2) Names and addresses of the owner of record and applicant, and the name, address and official seal of the Landscape Architect who prepared the plan.
 - _____ 3) Names, approximate location and widths of adjacent streets.
 - _____ 4) Existing and proposed topographical lines at two (2) foot intervals.
 - _____ 5) Locations of existing landscape features.
 - _____ 6) All on-site local, state and federal regulatory resource boundaries and buffer zones.
 - _____ 7) Lines showing proposed residential lots with approximate areas and frontage dimensions.
 - _____ 8) Locations of all existing and proposed features and amenities.
 - _____ 9) Existing and proposed lines of streets, ways, common driveways, easements and any parcel intended to be dedicated for public use or reserved by deed covenant for homeowners.
 - _____ 10) Proposed roadway grades.
 - _____ 11) Narrative explanation detailing proposed waterway systems and its likely impacts.
 - _____ 12) Narrative explanation proposing systems for stormwater drainage.
 - _____ 13) Narrative explanation proposing systems for proposed water distribution system.
 - _____ 14) Narrative explanation of proposed quality, quantity, use and ownership of common open space.
 - _____ 15) Proposed landscaped and buffer areas.
 - _____ 16) List of legal documents.
 - _____ 17) Narrative indicating all requested waivers, reductions, and/or modifications.
 - _____ b) Yield Plan showing maximum number of dwelling units that could be placed upon the site in full conformance with applicable regulations.

Signed: **Town of Dudley Planning Board:**

Signature: **Town of Dudley Town Clerk**

Recipient

Town Clerk

Date

Date

APPENDIX C – TABLE OF AMENDMENTS

Hearing Date	Description of Changes	Action
2/22/17	<p>Amend the INDEX to be in compliance with the Rules and Regulations as amended</p> <p>In the heading to the Rules and Regulations, which is located at the top of the first page of the text, correct the reference to the Subdivision Control Law.</p> <p>In the PURPOSE section, correct grammatical and spelling errors</p> <p>SECTION II. GENERAL:</p> <p>A. Definitions:</p> <p>correct grammatical, spelling and scrivener's errors throughout, update references to laws and regulations throughout, and amend the definition of Subdivision</p> <p>SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS:</p> <p>A. Plan Believed NOT to Require Approval:</p> <p>correct grammatical, spelling and scrivener's errors throughout, update references to laws and regulations throughout</p> <p>B. Preliminary Plan, Conventional Subdivision:</p> <p>correct grammatical, spelling and scrivener's errors throughout, update references to laws and regulations throughout</p> <p>C. Definitive Plan, Conventional Subdivision and Open Space Residential Development Subdivision:</p> <p>correct grammatical, spelling and scrivener's errors throughout, update references to laws and regulations throughout</p> <p>Subsection 2., Contents:</p> <p>Paragraph g: remove reference to 5 foot contour intervals</p> <p>Paragraph m: change required datum reference from NGVD of 1929 to NAVD 88, require coordination of the horizontal survey to the Massachusetts State Grid (NAD 83), and require that topographic elevation benchmarks shall be established and shown on the plans — at least two shall be included on each sheet</p> <p>Paragraph r: require submittal of a comprehensive drainage report prepared by a Massachusetts registered professional engineer, according to criteria put forth in the paragraph, to control runoff for particular design storms and to replicate to the extent possible the pre-development characteristics of storm water runoff currently flowing onto the site (including Low Impact Development (LID) methods if practicable), preferred hydrologic methods used in estimating the peak discharge and design of culverts and retention and detention basins, to design the drainage system piping using a minimum of a 25 year design frequency storm [presently all drainpipe sizes shall be designed for a fifty (50) year frequency storm], an amendment to allow retention basins [which presently are not permitted unless specifically requested by the Planning Board], and change the present requirement that detention and retention basins shall not have side slopes greater than a 4:1 ratio to a 3:1 ratio</p> <p>Subsection 7., Fees: Change the heading to Filing and Project Review Fees, modify the existing paragraph to a paragraph a. specific to Filing Fees, and add a paragraph b. specific to Project Review Fees</p> <p>Remove the existing Subsections 11. Performance Guarantee, 12. Certificate of Approval, 13. Recording of Plan and Notification of Board, 14. Reduction of Bond or Surety, 15. Transfer of Infrastructure, 16. Release from Performance Guarantee, and 17. Release of Lots if Lender Guarantees Construction in their entirety; and insert in their place the Subsections 11. Certificate of Approval, 12. Provision of Performance Guarantee, 13. Time Period and Extensions for Construction of Required Improvements, 14. Recording of the Plan, 15. Calculation of Amount of Performance</p>	Approved 2/22/17

	<p>Guarantee, 16. Use of Performance Guarantee In Case of Default, 17. Procedures for Release or Reduction In Performance Guarantee, 18. Requirements for a Partial Release of a Covenant, 19. Conversion of a Covenant to Another Performance Guarantee, 20. Conversion of a Surety to a Covenant, 21. Requirements for Final Release and Durability of Required Improvements, 22. Conveyance of Utilities and Services, 23. Progress and Final As-Built Plan, and 24. Street Acceptance Plan, and incorporate the text of the existing Subsection 18. Failure of Performance into Subsection 16. Use of Performance Guarantee In Case of Default.</p> <p>SECTION IV. DESIGN STANDARDS:</p> <p>Storm Drainage Systems: Change the phrase “fifty (50)” to “twenty-five (25)”</p> <p>SECTION V. REQUIRED IMPROVEMENTS AND CONSTRUCTION PROCEDURES FOR AN APPROVED SUBDIVISION</p> <p>Record Drawings and As Built Acceptance Plans: change the heading to read “Record Drawings (As- Built Plan) and Acceptance Plans”, and modify the text of this section to define the distinction between an As-Built Plan referred to in Section III.C.23 and a street acceptance plan referred to in Section III.C.24</p> <p>SECTION VI. ADMINISTRATION:</p> <p>F. Separability: misspelled word; change to Severability</p>	
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