

Rules and Regulations
Governing the
Subdivision of Land

In
Winchendon, Massachusetts

Revision Adopted January 15, 2013

Winchendon Planning Board

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Section 1. Subdivision Control

Section 1.1. Authority

The following rules and regulations governing the subdivision of land are hereby adopted by the Planning Board of the Town of Winchendon under the authority of Section 81Q, of Chapter 41, Massachusetts General Laws, as amended, to be effective on and after January 15, 2013.

Section 1.2. Purpose

The Winchendon Planning Board has authority under the General Laws of Massachusetts, the Winchendon Home Rule Charter, and the zoning and other bylaws adopted thereunder to regulate the location and development of lots and laying out and construction of ways in all subdivisions providing access to the several lots therein, but which have not become public ways, to ensure the safety, convenience and welfare of present and future inhabitants of Winchendon and for other purposes described in M. G. L. Chapter 41, section 81M, the Winchendon Home Rule Charter and the Winchendon bylaws such as the preservation of open space, ensuring convenient access to and sanitary conditions in subdivisions and in proper cases parks and open areas. The Board's powers 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 adjacent public ways, for reducing danger to life and limb in the operation of motor vehicles, for securing safety in the case of fire, flood, panic and other emergencies, for ensuring compliance with the applicable zoning by-laws, for securing adequate provision for water, sewerage, drainage, utility services, fire, police and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision, and for coordinating the ways in a subdivision with each other and with the public ways in the town and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the requirements of the Winchendon zoning bylaw, the recommendations of the Winchendon Board of Health and the Winchendon Conservation Commission, the requirements of the Winchendon Department of Public Works, 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 81R. such portions of the rules and regulations as is deemed advisable. The Board exercises the said authority with due regard for the Subdivision Control Law, the Winchendon Zoning Bylaw, and the Wetlands Protection Act, M. G. L. Chapter 131, Section 40.

In considering a proposed subdivision the Planning Board solicits the opinions of other town boards, committees and officials and technical professionals as they pertain to the activities of subdivision control.

The Rules and Regulations provide procedures and standards for a developer or subdivider to follow in order to secure the approval of the Planning Board for a proposed subdivision or other approvals allowed under the Subdivision Control Law.

Section 1.3. Definitions In construing the meanings of these regulations, the definitions in Section 81L, of Chapter 41 of the general laws and the Winchendon zoning bylaw shall apply

unless a contrary intention clearly appears. Words and meanings subject to question but not addressed herein, in the zoning bylaw, or in Section 81L of Chapter 41 of the MGL will be defined by the Board.

Abutter Owner of property contiguous to lots being developed under the subdivision control rules and regulations.

ANR Approval Not Required. Refers to plans submitted under the provisions of M. G. L. chapter 81, section 81P.

Applicant The person who applies for approval or endorsement of a plan. The applicant must be the owner of all the land in the plan for which approval by the Board is required. By providing proof of designated authority, an agent, representative, or his or her assigns may act for the owner.

Approval After receiving submitted plans, the Board may vote to approve them. Such action by the Board requires a e majority vote of the Board, unless specified otherwise in the general laws or the zoning bylaw. In the case of final approval on a definitive plan, only those board members present at the public hearing or otherwise fully conversant with the plan and the information gathered at the hearing may vote. [Note: Board members who have missed one session of a hearing may vote on that matter pursuant to section 23D of chapter 39 of the M. G. L. as voted by the town meeting May 22, 2007. As provided in the open meeting law and regulations adopted by the Selectmen, members may participate in meetings by electronic communication.

B M P Best Management Practices as are determined by the Massachusetts Department of Environmental Protection or other environmental groups.

Certified Mail Mail sent certified mail, return receipt requested, via the United States Postal Service.

CMR Code of Massachusetts Regulations

Current Fee Schedule The schedule of Fees as most recently adopted by the Board.

Dbh (diameter breast high) The diameter of a tree at breast height, normally 4 feet above the ground.

Determination A decision made by the Board [Added January 2013]

Definitive Plan The final version of an engineered plan of a proposed subdivision, prepared in accordance with the provisions of these rules and regulations.

Developer or Subdivider The owner of the land being subdivided, acting directly or through an authorized agent, representative or assignee.

Drainage The control of surface water within the tract of land to be subdivided.

Drawn Showing Scale When plans are to be *drawn showing scale*, each sheet shall show a line marked at intervals to show the distance on the earth which the distance on

the scale represents divided into appropriate units so that it will be possible to accurately scale copies of plans that are reproduced electronically or optically. [Added January 2013]

Earth Sod, loam, clay, sand, gravel, stone, or peat. [Added January 2013]

Lot An area of land in one ownership, with definitive boundaries, used, or available for use, as the site for one or more buildings or for any other purpose.

M. G. L. The General Laws of Massachusetts as are currently in force

Owner The owner of record as shown by the records of the Worcester South Registry of Deeds or Land Court. An owner, other than a natural person or persons, must submit evidence that the person actually signing the application is authorized to sign on behalf of the owner.

Parties in Interest The petitioner(s), abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300' of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, and the planning board of every city or town abutting Winchendon.

Person A natural person, a partnership, a corporation, a trust or any other entity that has a right to contract, convey land, sue or be sued under the laws of the Commonwealth. [Added January 2013]

Planning Board or Board The Planning Board of the Town of Winchendon, established under M. G. L. chapter 41, Section 81A. [Revised January 2013]

Preliminary Plan A map or plan of the initial version of a proposed subdivision prepared in accordance with the provisions of these rules and regulations.

Receipt Receipt by the Planning Board of either a preliminary or definitive plan establishes the date upon which the time limitation for processing begins.

Recorded A document, plan, deed, etc. which has been recorded in the Worcester South Registry of Deeds in Worcester, Massachusetts, except that, as affecting registered land, it shall mean filed with the recorder of the land court.

Register of Deeds The Register of Deeds of the County in which the land in question, or the city or town in question, is situated, and, when appropriate, shall include the recorder of the land court.

Registry of Deeds The Worcester South District Registry of Deeds located in Worcester, Massachusetts, and, when appropriate, shall include the Land Court. [Revised January 2013]

Slope The ratio of vertical rise over horizontal distance. It may be expressed as a ratio, *1:2* or as a percentage, *vertical rise / horizontal distance * 100*.

Specimen tree a native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic/cultural landscape or its

value in enhancing the effects of wildlife habitat. Only trees with a diameter breast high (dbh) of 6 inches or larger will be considered specimen trees except trees that have a small height at maturity or are slow growing, such as flowering dogwood or American holly with a dbh of 4 inches or larger will be considered specimen trees.

Street: Principal Street A street or portion thereof, which in the opinion of the Board, is likely to carry a substantial volume of through vehicular traffic.

Street: Secondary Street A street or portion thereof, other than a principal street, which, in the opinion of the Board, is likely to carry through traffic other than just to or from lots on that street

Street: Minor Street A street or portion thereof which is likely to be used only by vehicles traveling to or from lots on that street.

Subdivision The division of a tract of land into two or more lots, including re-subdivision. The division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the Town of Winchendon, having, in the opinion of the 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 and served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the zoning bylaw of the Town of Winchendon for erection of a building on such lot. Conveyances or other instruments adding to, taking away from or changing the size and shape of lots in such manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect into separate lots, on each of which one of such buildings remains standing, shall not constitute a subdivision. [From M. G. L. chapter 41, section 81L]

Subdivision Control Law The power regulating the subdivision of land granted by the subdivision control law.

Tax Certified Certification by the Winchendon Collector-Treasurer that no debt is owned to the Town by the applicant or the owner of record of the property for a period of time greater than twelve months.

Turnaround A paved, partially paved, or unpaved circular area at the end of a dead end street or cul-de-sac. See requirements in section 4.10 . [Revised January 2013]

Wetlands Those areas subject to the provisions of Massachusetts General Laws, chapter 131, section 40, the state regulations issued thereunder, or the Winchendon Wetlands By-law whichever is the most restrictive. [Added January 2013]

Section 1.4. Unapproved Subdivision Prohibited No person shall make a subdivision of any land or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a definitive plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided.

Section 2. Identification of Subdivisions, Streets and Lots

Section 2.1 Establishing names for new Subdivisions

A. A proposal for the name of a new subdivision shall be submitted to the Department of Planning and Development. The proposal shall be accompanied by a sketch showing the location of the proposed subdivision and nearby streets. This may be part of the submittal of a sketch plan submitted under section 11.11.1.1 of the zoning bylaw. [Added January 2013]

B. The department will review the proposal to determine that the proposed name is not the same as or similar to that of a proposed or existing subdivision or other geographical designation already in common use. [Added January 2013]

C. A proposed name should be reasonably descriptive of the proposal and its location. Names which may connote inappropriate relationships will be rejected. [Added January 2013]

D. The name finally chosen must be acceptable to the Board. [Added January 2013]

Section 2.2 Establishing names for new streets

A. Proposals for names for new streets shall be submitted to the Department of Planning and Development. The proposal shall be accompanied by a sketch showing the location of the proposed street and other nearby streets.

B. The department may establish and maintain a list of possible new street names and such list will be available to developers.

C. The department will review the proposal to determine that the proposed name is not the same as or so similar to that of an existing street, including “paper” streets that it might be confused with the existing street particularly in emergency communications. No new street shall differ only in suffix from that of an existing street. Should the proposed name be found the same or too similar, the department will notify the person submitting the proposal and that person should submit another name.

D. If the department finds no problem with the proposed name, it will refer the proposed street name (email is suggested) to the members of the Planning Board, the town clerk, the assessors, the superintendent of public works, the police chief, the fire chief and the supervisor of the emergency dispatch service (if that is a separate position). Recipients will be asked to respond within five working days. If no adverse responses are received, the applicant will be advised that the name is acceptable for the new street.

E. In all instances the department will endeavor to respond to the request within ten working days.

Section 2.3 Guidelines for street names.

A. It is strongly suggested that street names be not longer than 20 letters to include spaces and suffix. Names reflecting the history of the town or the section of town where the street is

located will be most appropriate. Names memorializing a person are acceptable. Names that suggest location in a different part of town from that proposed will not be acceptable.

B. Street name suffixes should be appropriate for the location or layout of the street; e.g. “Brook” should be by a brook, “Heights” should be on high ground, “Circle” should have a generally circular shape. “Passage” and “Way” would indicate short and perhaps pedestrian only streets.

C. The following suffix names will be considered appropriate only for minor streets: Brook, Circle, Court, Cove, Crescent, Drive, Estate, Field, Flat, Forest, Garden(s), Glen, Green, Haven, Hill, Lane, Meadow(s), Passage, Place, Ridge, Run, Vista.

D. The following street name suffixes should be reserved for principal streets: Boulevard, Highway.

E. Other acceptable street name suffixes are: Avenue, Bypass, Center, Common, Crossing, Loop, Park, Road, Square, Street, Walk, Way.

Section 2.4 Assignment of Street Numbers

Section 2.4.1 Street Numbers for streets without numbers, including new streets. Numbers will be assigned starting at the end of the street nearest Blair Square measured along the most commonly traveled roads. Odd numbers will be assigned on the right hand side, even numbers on the left. Numbers shall be assigned at intervals of 20 feet between successive odd or even numbers. One number shall initially be assigned to each lot. The number assigned shall be that for the center of the buildable portion of the lot projected perpendicularly to the center line of the street (or by radius line if the street is laid out on a curve). In those cases where the buildable portion of the lot is more than 100 feet from the front property line, the center line of the driveway may be used instead. If no buildable portion of the lot is shown, the center line of the lot frontage shall be used. If a plan shows multiple building entrances on the lot each intended for a separate occupancy, multiple numbers may be assigned. Lots having no street frontage shall be assigned the appropriate number with a “R” (for rear) designation on the street which appears most appropriate.

Section 2.4.2 New street numbers on streets which are partially numbered. Generally, the numbering scheme already in use for the street shall be applied if it is inconsistent with the scheme laid out for newly numbered streets. Where numbered addresses exist on both sides of the lot(s) to be numbered, the distance between successive numbers shall be adjusted to assign numbers evenly along the street. If no separate number is available for a lot, letter suffixes, e. g. “A” or “B”, to the next lower number may be used. If use of such suffixes becomes necessary, the Planning Board will consider renumbering all or part of the street so as to provide more usable numbers.

Section 2.4.3 Assigning numbers to lots. Each plan showing new lots shall be submitted in duplicate to the Department of Planning and Development. This submission shall be for the assignment of street numbers only and shall not be considered a submission of a subdivision or a plan for approval not required lots. The plan shall show each lot, and, if any street numbered properties exist on the street, the numbers of those properties and the exact relation of those properties to the new lots so that numbers can be assigned in accordance with the above

provisions. The department will, within fifteen working days, assign numbers to the lots and return one copy of the plan to the person submitting the plan. The second copy will be similarly marked and retained by the department.

Section 2.4.4 Street numbers required on plans. Every plan formally submitted to the Planning Board as a proposed subdivision or for endorsement as an Approval Not Required plan shall have each of the lots thereon prominently identified by the street number(s) assigned to that lot under the provisions of the previous paragraph. No new designations by lot number may be shown. The street numbers so assigned shall thereafter be used as identification of the lots. No plan will be approved or endorsed on which the lots are not designated by street number.

Section 3. Submission and Approval of Plans

Section 3.1. Approval not Required Plans

Section 3.1.1. Purpose A plan showing a division of land into two or more lots where vital access is reasonably guaranteed to each of the lots shown on the plan may be entitled to recording by the Register of Deeds without approval under the Subdivision Control Law. This regulation provides the means by which the Planning Board will make that determination. ANR endorsement does not convey the right to develop the lots created nor does it constitute compliance with zoning for building purposes.

Section 3.1.2. Submission of Plan Any person wishing to record in the Registry of Deeds or to file with the Land Court a plan of land or a plan showing a division of land and who believes that such plan does not require Planning Board Approval under the Subdivision Control Law shall prepare a plan that conforms to the requirements of section 3.1.3. of these Regulations; and

A. Deliver a properly completed tax certified form A, the original mylar of the proposed plan and 2 or more paper copies full size (the exact number being determined by the Department of Planning and Development) and an electronic copy in PDF or other acceptable format of the plan to the department of planning and development and pay the fee as required by the current fee schedule.

B. File notice of submission of the plan with the town clerk as required by M. G. L. Chapter 41, section 81T. [Section 81T: Every person submitting a definitive plan of land to the planning board of a city or town for its approval or for a determination that approval is not required shall give written notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such a plan. If the notice is given by delivery the clerk shall, if requested, give a written receipt therefor to the person who delivered such notice. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land; and the facts stated in such notice shall be taken by the city or town clerk as true, unless the contrary is made to appear...]

C. If requested, accompany the Planning Board or the planning agent on site visit of the property.

Section 3.1.2.1 Waiver of Exemption An owner of lots qualified for development as ANR lots may waive the exemption and have the lots developed under the provisions of article 11 of the zoning bylaw. [Added January 2013]

Section 3.1.3. Form and Contents of the Plan

A. The plan shall be prepared in black India ink upon mylar of dimensions which will conform to the requirements of the registry of deeds, to a scale not smaller than 1 inch = 40 feet or other scale acceptable to the Board. The plan shall conform to the following: [Revised January 2013]

1. Title of the plan shall include the name of the landowner, name of applicant, name(s) of surveyor and/or engineer, date of plan and an ID block of 1/2 inch by three inches, blank, for Planning Board use.

2. Deed book and page number (from Registry of Deeds) and Assessor's map and parcel number of the original parcel shall be shown on the plan.

3. The following statements shall appear on the plans: "Approval Under the Subdivision Control Law Not Required" and "ANR endorsement does not signify compliance with zoning for land use or building purposes nor does it convey the right to develop the property."

4. Sufficient space for the date and endorsement of the Board shall be provided. This block shall be just below the required ID block and both shall be within 6 inches of the right side of the plan

B. Parcel(s) and proposed lot(s) shall be shown on a locus plan at a scale of 1 inch = 1000 feet, or other suitable scale. The locus plan shall also show the intersection of at least two public ways which shall be named on the locus plan. [Revised January 2013]

C. The zoning classification of any zoning district boundaries, which may lie within the locus of the plan and the zoning district(s) in which the property is located shall be shown on the plan.

D. The location and names of all abutters as determined from the most recent tax list or lists shall be shown on the plan.

E. There shall be a north point shown on the plan.

F. A statement that permanent monuments are installed at all property corners.

G. The location of all existing structures, streets, ways, easements, the extent of any residual land and any other information requested by the Planning Board in order that the Planning Board may ascertain the status of the frontage and accessibility of the residual land shall be shown on the plan.

H. A Registered Professional Surveyor's stamp and signature shall be shown on the plan.

I. The status of the access road and the means of access to each proposed lot shall be shown on the plan.

J. All watercourses, bodies of water and wetlands shall be shown on the plan.

K. The sum total of frontage per lot shall be shown on the plan.

L. The area of each lot shall be shown.

M. An indication on the plan and on the ground of the general location of the buildable portion of each lot.

N. The assigned street number of each lot shall be shown on the plan.

O. If the plan shows one or more parcels that do not qualify as buildable lots and appear intended for conveyance to an abutter, the plan shall be accompanied by (a) pro-forma deed(s) by which the parcel(s) will be conveyed to the abutter(s).

Section 3.1.4 Agency Review The Department will immediately forward an electronic copy (or a paper copy if such is requested by the agency) of each plan to the Board of Health, the Conservation Commission, the Land Use Department, and the Department of Public Works. [Added January 2013]

A. The Department of Planning and Development and each agency receiving a plan is requested to review the plan with regard to the requirements of the agency and to report any problems or other comments both to the Planning Board and to the applicant or submit a statement to the Board that it has no concerns. The object of this review is to identify possible problems at the earliest possible date and inform the applicant as well as the Board.

B. The reports requested above should be received by the Planning Board not more than fourteen days after the plan was submitted. If an agency fails to report, it will be assumed that the agency has no concerns with the submitted plan. [Added January 2013]

Section 3.1.5 Review Period It will be the policy of the Board to review ANR plans at the last meeting that will fall within the review period allowed by law so as to give the various agencies the maximum time for review.

A. If the meeting is less than fourteen days after submission of the plan and all agencies have not yet responded, the Board will review the plan and may make a tentative judgment on its endorsability. At the end of the fourteen day period the board members may sign the plan even if the signing takes place outside of a Board meeting..

Section 3.1.6 Determining ANR Endorsement. In determining whether a plan is entitled to be endorsed “approval under the Subdivision Control Law not required”, the Planning Board will consider the following questions: [Revised January 2013]

A. Do the proposed lots shown on the plan front on one of the following types of ways?

1 . A public way or a way, which the municipal clerk certifies, is maintained and used as a public way.

2 . A way shown on a plan which has been previously approved in accordance with the subdivision control law (provided the way has been built to standards or the town holds adequate security to insure it will be so built.)

3 . A way in existence when the subdivision control law took effect in the municipality, which in the opinion of the Planning Board is suitable for the proposed use of the lots.

B. Do the proposed lots shown on the plan meet the minimum frontage requirements of the zoning district in which they are located?

C. Can each lot access onto the way from the frontage shown on the plan?

1. Limited access highways do not constitute frontage for ANR purposes.
2. Driveway safe sight distance.

D. Does the way on which the proposed lots front provide adequate access?

1. Paper street?
2. Pavement comparable to other ways in the area?
3. Way suitable to accommodate motor vehicles and public safety equipment?
4. Does the way provide year-round access?

E. Does each lot have practical access from the way to the buildable portion of the lot?

1. Pipestem access narrower than required frontage?
2. Guardrails present?
3. Wetlands?
4. Steep slopes: If, after the site visit, the Planning Board is concerned that steep slopes may prevent “practical access” to the buildable portion of the lot, the Board may require an engineering review of the plan, to be paid for by the applicant.

F. Unless the plan or documentation supplied with the plan clearly indicates that the purpose of any lot which has less than the minimum frontage for the zoning district or otherwise would be an unbuildable lot, whether newly created or not, the plan may be disapproved. [Added January 2013]

G. The Planning Board will make a finding as to whether the proposed access to the proposed lot shown on an ANR plan has safe sight distance in accordance with section 4.3.12 so as to reduce the number of "blind driveways" in our town. Lots lacking safe access will not qualify for ANR endorsement. Plans will be referred to the town's safety officer if there is a need for safe sight distance confirmation following a site visit by the Board or its agent. See the standards for safe site distance in section 4.3.12. [Revised January 2013]

H. Are the property boundaries shown on the plan adequately delineated so as to be clear to future owners and others?

I. Are any required supporting documents provided?

Section 3.1.7 Incomplete Plan If the Board or its designated agent finds that the submitted plan does not meet the requirements listed above, the Board will return the plan to the applicant without endorsement as being an incomplete plan. The Town Clerk shall be so notified. If such a plan is later resubmitted with corrections, the Board may waive all or part of a new filing fee.

Section 3.1.8 Plan entitled to be recorded under a surveyor's certificate It will be the policy of the Board to decline to endorse a plan which shows only property lines dividing existing ownerships, lines of streets and ways which are those of public or private ways already established, has no new lines for division of existing ownerships or for new ways, and is thereby entitled to a surveyor's certificate as provided in M. G. L. chapter 41, section 81X. The town clerk will be notified in such cases.

[. . . Notwithstanding the foregoing provisions of this section, the register of deeds shall accept for recording and the land court shall accept with a petition for registration or confirmation of title any plan bearing a certificate by a registered land surveyor that the property lines shown are the lines dividing existing ownerships, and the lines of streets and ways shown are those of public or private streets or ways already established, and that no new lines for division of existing ownership or for new ways are shown. The recording of any such plan shall not relieve any owner from compliance with the provisions of the subdivision control law or of any other applicable provision of law . . . — from M. G. L. Chapter 41, section 81X.]

Section 3.1.9 Endorsement If the Board finds that the plan does not require approval, it shall forthwith endorse the plan under the title, 'Approval Under the Subdivision Control Law Not Required'. The Board may add to such endorsement a statement of the reason(s) approval is not required. If the Board does not act within twenty-one (21) days after submission of the plan to the Planning Board, (provided endorsement has not been declined under the provisions of section 3.1.6. or 3.1.7.) the plan is deemed to be approved and a certificate to that effect may be obtained from the Town Clerk. However, if the Board determines that the plan does require approval as a subdivision, it shall notify the Town Clerk and the applicant of its action forthwith in writing.

Section 3.1.10 Endorsing ANR Plans Showing Zoning Violations A plan showing proposed lots with sufficient frontage and access, but shown as having insufficient size or non conforming shape or some other zoning violation, may be entitled to an endorsement that “approval under the Subdivision Control Law is not required.” Endorsement under this section may include a statement of the reason approval is not required. The Planning Board will exercise its powers in a way that protects persons who will rely on the ANR endorsement. A statement will be placed on the plan indicating that the deficient lot(s) does (do) not conform with the present Winchendon Zoning Bylaw. The Building Commissioner should also be alerted to these plans.

Section 3.1.11 Site Inspection Site or other work on any ANR lot herein created shall not commence without a site inspection by the Conservation Commission or its agent. The applicant is responsible for arranging the site inspection with the Conservation Agent.

Section 3.1.12 Plan Must Be Recorded Upon delivery of the endorsed plan to the applicant, the applicant shall cause the plan to be recorded in the registry of deeds. The applicant shall then bring the recording receipt to the Planning Agent who shall make a copy thereof and only then may distribute copies of the plans to the assessors, building commissioner, the Conservation Commission and the Board of Health. The building commissioner will issue no building permits until he has received his copy of the plan.

Section 3.1.13. Use of Land When an ANR plan has been submitted to the Planning Board and proper notice has been given to the Town Clerk, the use of the land shall have such protection from future zoning changes as is provided by the Massachusetts General Laws.

Section 3.2. Procedure for Submission of Residential Development Plans

Section 3.2.1. Site Work Prohibited before approval of a plan No work, including but not limited to, brush removal, tree cutting, and grading, shall be done on a development site until a definitive subdivision plan has been approved by the Planning Board. Should a subdivision plan not be required for the project, site plan review and approval is required. Cutting of vegetation necessary for surveys and soil testing is permitted. [Added January 2013]

Section 3.2.2 Phased project It will not be necessary to complete a residential development as a single project. A developer with substantial land who only wishes to develop part of the land may submit only the required sketch plan showing the whole of the eventual development. The wetlands should be flagged. The site visit will be required. The open space to be preserved must be agreed upon. Thereafter the houses and lots may be tentatively located. When additional phases are undertaken, these steps will not have to be repeated. Once these steps are accomplished, the applicant may file a subdivision plan that shows only the part of the project he intends to complete in the first phase. A suitable road must be located. If only three or fewer dwelling units are proposed, this may be initially built as a driveway or common driveway. When additional phase(s) are proposed, any road built as a driveway or common driveway must be upgraded to regular subdivision standards. Similarly, underground utilities and stormwater controls may initially be built only for the road and units being developed but must be upgraded, if necessary, should additional phases extend the project. [Added January 2013]

Section 3.2.3. Required Steps in the Process This section is only an outline of the required steps. More detailed requirements are provided in the sections that follow.

- A.** Prepare a plan to scale showing the whole site, boundaries, wetlands and other significant features and submit it to the Planning Board. [Added January 2013]
- B.** The Board will arrange a site visit with the developer so that it may understand the site. [Added January 2013]
- C.** The Board will meet with the developer at a Board meeting and decide on what portion of the site is to be preserved as open space. [Added January 2013]
- D.** The developer, with consideration for any suggestions from the Board, will decide on house locations, road locations and lot lines. It is suggested the developer informally submit a plan showing these features to the Board for its comments. [Added January 2013]
- E.** The developer will prepare and submit a definitive subdivision plan, or a site plan if the proposal does not constitute a subdivision. [Added January 2013]
- F.** The normal subdivision review process will be followed. [Added January 2013]

Section 3.2.4. Application Anyone who proposes to create a residential development must submit a plan in accordance with section 11.11.1.1. Such person shall: [Added January 2013]

- A.** Prepare a sketch plan that conforms to the requirements of section 11.11.1.1.1. of the zoning bylaw [Added January 2013]

1. The project shall be named. The provisions of section 2.1 regarding subdivision names shall be followed. [Added January 2013]

2. The plan shall be drawn showing scale and shall include the whole tract or tracts which will comprise the development or the tract on which the development will occur even if only part of the tract is to be developed. The scale of the plan shall be sufficiently large to adequately show the various details required to be shown on the plan. The scale shall be clearly marked on the plan. A locus plan shall also be submitted showing the development tract in relation to at least two intersecting public ways. A north arrow shall be shown. No single sheet shall be larger than 36 X 48 inches. If necessary, multiple sheets may be submitted. [Added January 2013]

3. This plan may be drawn on a topographic map, an assessors' map or some other existing map or plan. [Added January 2013]

4. The plan should show all the existing features of the development tract and the area to a distance of at least 300 feet around the development tract. [Added January 2013]

5. Features that must be shown on the sketch plan shall include: streams, ponds, wetlands, hills and steep slopes, the various types of vegetation or ground cover, rock outcrops, specimen trees, stone walls, and existing structures. Other notable features of the site should be shown. The exact placement of these objects is not necessary but they should be located in a general manner. The plan need not be prepared by a registered land surveyor or a professional engineer. [Added January 2013]

6. The Board will expect more precision on a plan covering a small area or on land located in the PD or R10 zones than it will for a plan covering a larger area in the R80 zone. [Added January 2013]

B. The Department of Planning and Development will issue a receipt therefor showing the Planning Board's assigned ID number as all future submittals must include that number. This same number will be used throughout the process including the definitive subdivision consideration or the site plan review as may be applicable. [Added January 2013]

C. The application shall be filed with the Department of Planning and Development, by hand delivery or by certified mail, postage prepaid. It shall include 2 or more paper copies full size (the exact number being determined by the Department of Planning and Development) and an electronic copy in PDF or other format acceptable to the department of planning and development and pay the fee as required by the current fee schedule. [Added January 2013]

D. Should the application and sketch plan fail to show required information that is deemed necessary for proper consideration of the proposal, it will be returned to the applicant for completion. No further action will be taken until a complete plan is submitted. [Added January 2013]

Section 3.2.5. Agency Review The Department will immediately forward an electronic copy (or a paper copy if such is requested by the agency) of each plan to the Board of Health, the Conservation Commission, the Land Use Department, and the Department of Public Works. [Added January 2013]

A. The Department of Planning and Development and each agency receiving a plan is requested to review the plan with regard to the requirements of the agency and to report any problems or other comments both to the Planning Board and to the applicant or submit a statement to the Board that it has no concerns. The object of this review is to identify possible problems at the earliest possible date and inform the applicant as well as the Board. [Added January 2013]

B. The reports requested above should be received by the Planning Board not more than thirty days after the plan was submitted. If an agency fails to report, it will be assumed that the agency has no concerns with the submitted plan. [Added January 2013]

Section 3.2.6. Site Visit At its next regular meeting of the Board, the applicant is requested to appear. At this time a site visit will be arranged. Ordinarily this visit will be by the Board members. The applicant and any other persons familiar with the project shall be expected to attend. The purpose of the site visit is to allow the Board to become familiar with the site and understand how it may best be developed. The site visit may be posted as a special meeting of the Board since questions and comments by Board members and others that may constitute deliberation are likely. Consideration will be given to whether citizens that are legally allowed to observe public meetings are allowed on the site. [Added January 2013]

Section 3.2.7. Board Discussion with the Developer The Board will then meet with the developer at a regular or special meeting and discuss which land is most appropriately preserved as open space, which are the locations most suitable for houses and other factors that may enter into the choice of open space. This part of the development process should be very informal. The developer, the Board, and any interested parties may offer information and argument as part of the discussion. Should they elect to do so, representatives of the Conservation Commission, the Board of Health, and/or any other town department shall be accorded full rights to participate in the discussion. Any plan showing house lots or new roads that may be presented at this time will be disregarded by the Board and will not enter into its determination. The discussion may be continued through as many meetings as may be necessary to reach an agreement. [Added January 2013]

A. The Board shall give notice of this meeting

1. By advertisement in a newspaper of general circulation in Winchendon at the expense of the applicant, once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing, Prepayment of the advertising charge will be required before such publication. [Added January 2013]

2. By posting a notice in a conspicuous place in the town hall for a period of not less than fourteen days before the day of such hearing, [Added January 2013]

3. By mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list and

to all other interested parties as is required by statute for a definitive subdivision plan.
[Added January 2013]

Section 3.2.8 Agreement on the Open Space Required An agreement between the Board and the developer on the land to be preserved is required as a condition of moving forward. Its agreement will be in the form of a finding by the Board (majority of those voting, a quorum being present) that the proposed open space conforms to the requirements of the zoning bylaw. This finding will not extend to the approval of the whole plan as the configuration of houses, roads, and lots will not yet have been considered. [Added January 2013]

Section 3.2.9 Timelines for the Residential Development Process The zoning bylaw provides no time frame for the residential development process. Since no subdivision plan has yet been filed, neither do the statutory timelines apply. It will be the policy of the Board to consider all applications in a timely fashion, it will schedule site visits and meetings as promptly as is practicable, and will not unreasonably delay its consideration of the proposal. The need for additional information may, however, necessitate delay in the process. [Added January 2013]

Section 3.2.10 Procedure upon failure to agree Should the developer and the Board be unable to agree on a residential development plan, the following avenues may be pursued: [Added January 2013]

A. The Board and the developer may submit the question to the Montachusett Regional Planning Commission or some other agreed entity for mediation or arbitration. The costs of such mediation or arbitration will be borne equally by the parties. [Added January 2013]

B. The developer may submit a plan for a conventional subdivision under the special permit procedure in accordance with section 11.13.2 of the zoning bylaw. [Added January 2013]

Section 3.2.11 Layout of houses, roads, and lots It is suggested that the developer present a plan at a Board meeting showing houses, road(s), and lots to the Board for further informal discussion before submitting a formal definitive subdivision plan or a formal site plan. Any action by the Board at this time will be considered advisory and shall not bind the Board to the material presented or agreed upon. [Added January 2013]

Section 3.2.12 Filing of the Formal Plan When the developer and the Board have agreed on the open space and the developer has located the houses, road(s) and lot lines, the developer shall file a formal plan, either a definitive subdivision plan or a site plan, as is required for the project, and a low impact development plan if required by bylaw. The entire record of the completed residential development process shall be considered part of the application(s) and the material already considered need not be repeated in the formal application(s). The fee for a subdivision plan shall be as specified in the current fee schedule for definitive subdivision plans submitted as part of a residential development plan. [Added January 2013]

Section 3.3. Procedure for Submission and Approval of Preliminary Subdivision Plans

Section 3.3.1. Application Anyone who proposes to create a non residential subdivision must and anyone who proposes to create a residential subdivision may submit a preliminary plan for review. An applicant who has complied with the development procedures of section 11.11 of the zoning bylaw should not submit a preliminary plan. Other persons shall: **[Revised January 2013]**

A. Prepare a plan that conforms to the requirements of section 3.3.3. of these Rules and Regulations.

B. File with the Department of Planning and Development, by hand delivery or by certified mail, postage prepaid, a properly completed, tax certified Form B, 2 or more paper copies full size (the exact number being determined by the Department of Planning and Development) and an electronic copy in .PDF or other acceptable format of the plan to the department of planning and development and pay the fee as required by the current fee schedule. **[Revised January 2013]**

C. Attend next regular meeting of the Planning Board or another meeting if such is so arranged to present plans.

D. Be held responsible for any engineering fees incurred by the Planning Board in its review of the Plan.

1. The Board or the Planning Agent may require a deposit to the Town sufficient to pay the projected cost of these charges.

Section 3.3.2 Agency Review The Department will immediately forward an electronic copy (or a paper copy if such is requested by the agency) of each plan to the Board of Health, the Conservation Commission, the Land Use Department, and the Department of Public Works. **[Added January 2013]**

A. The Department of Planning and Development and each agency receiving a plan is requested to review the plan with regard to the requirements of the agency and to report any problems or other comments both to the Planning Board and to the applicant or submit a statement to the Board that it has no concerns. The object of this review is to identify possible problems at the earliest possible date and inform the applicant as well as the Board. **[Added January 2013]**

B. The reports requested above should be received by the Planning Board not more than thirty days after the plan was submitted. If an agency fails to report, it will be assumed that the agency has no concerns with the submitted plan. **[Added January 2013]**

Section 3.3.3. Form and Contents of Preliminary Plan The "preliminary plan" shall be capital drawn showing scale on paper showing:

A. The subdivision name, boundaries, north point, date, scale, legend, and title "Preliminary Plan";

- B.** The names of the record owner and the applicant and the name of the designer, engineer or surveyor;
- C.** The names of all abutters, as determined from the most recent local tax list;
- D.** The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision in a general manner;
- E.** The proposed system of drainage, including adjacent existing natural waterways, in a general manner;
- F.** The approximate boundary lines of proposed lots, with approximate areas and dimensions;
- G.** The names, approximate location and widths of adjacent streets;
- H.** A full delineation of all wetlands on the property;
- I.** All existing buildings and other manmade structures; and
- J.** The topography of the land in a general manner.
- K.** The applicant is encouraged but not required to submit a preliminary Impact Statement (see section 3.4.3) and a preliminary existing conditions statement (see section 3.4.4) covering the various elements that are required in those statements both of which will be required with a definitive plan. The filing of such statements will enable the Board to give the applicant direction as to what will be required in the definitive plan and the proposed subdivision.
- L.** The applicant may apply for preliminary waivers from specific requirements of these regulations and such preliminary waivers, if granted, will create a reasonable expectation that equivalent formal waivers will be granted during the hearing on the definitive plan provided the definitive plan reasonably conforms to the preliminary plan and is filed within six months after the preliminary plan.

Section 3.3.4 Development Review Meeting The Department of Planning and Development is requested to hold a Development Review Meeting which should be held prior to the Planning Board's review of the subdivision for all commercial or mixed use subdivisions and those residential subdivisions that consist of more than six units. [Revised January 2013]

- A.** The applicant and a representative of each listed agency are requested to attend this meeting.
- B.** The purpose of the meeting will be to discuss the proposed subdivision and for the various agencies to offer suggestions and comments in regard to needed changes or other matters that should be known to the applicant and the Planning Board or be addressed in a definitive plan.

C. The Department of Planning and Development should present notes from the Development Review Meeting to the members of the Planning Board prior to its review of the subdivision. [Added January 2013]

Section 3.3.5 Preliminary Plan Review and Decision Should the application and plan fail to provide the information required by these regulations and is deemed necessary for proper consideration of the proposal, it will be returned to the applicant for completion. Unless a fully completed plan is filed prior to its next meeting which is held more than fourteen days after such return or such greater time as the Board has allowed, it will be the policy of the Board to disapprove the plan as an incomplete plan. [Revised January 2013]

A. Within 45 days after submission, the Planning Board, with due consideration of the reports submitted by the Board of Health, and the Conservation Commission, shall notify the applicant and the town clerk, by certified mail, either

1. That the plan appears to meet the requirements of the zoning bylaw and the board's regulations and is otherwise acceptable to the Board, OR [Revised January 2013]
2. That the plan has been approved with modifications suggested by the Board or agreed upon by the person submitting the plan, OR
3. That the plan has been disapproved, in which case, the Board shall state in detail its reasons therefor.

Section 3.3.6 Preliminary Plans Not Recordable Except as otherwise provided, the provisions of the subdivision control law relating to a plan shall not be applicable to a preliminary plan, and no register of deeds will record a preliminary plan.

Section 3.3.7 Record of preliminary plan The Board shall cause one copy of the preliminary plan as acted upon by the Board and with each page thereof signed by the board chair to be filed in the Department of Planning and Development as part of its official record of the Board's action thereon. [Added January 2013]

Section 3.4. Procedure for Submission and Approval of a Definitive Plan

Section 3.4.1. Application Any person who desires, approval of a definitive plan for a subdivision of land shall:

Section 3.4.1.1 The developer of a project submitted and approved under the residential zoning bylaw (article 11) and section 3.2 of these regulations may omit from the application those materials that have already been covered in the earlier stages of the development review. [Added January 2013]

Section 3.4.1.2 File with the Planning Board, at a regular meeting of the Board, a properly completed, tax certified Form C, Application for Approval of a Definitive Subdivision Plan, and pay the filing fee and consultant review deposit required by the current fee schedule. The Board will issue a receipt therefor showing the Planning Board's assigned ID number. All future submittals must include that number. [Revised January 2013]

Section 3.4.1.3 If an application is signed other than by the property owner of record, the applicant's interest in the property and her/his authority to sign shall be clearly indicated. Supporting documentation shall be provided if the Board so requires. If an applicant signs in more than one capacity, each capacity shall be clearly indicated. If some person, other than the applicant, is authorized to sign other documents related to the matter, that authority shall be clearly indicated in the application or in a separate document. [Added January 2013]

Section 3.4.1.4 File notice of submission of the plan with the town clerk as required by M. G. L. Chapter 41, section 81T. [Section 81T. Every person submitting a definitive plan of land to the planning board of a city or town for its approval or for a determination that approval is not required shall give written notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such a plan. If the notice is given by delivery the clerk shall, if requested, give a written receipt therefor to the person who delivered such notice. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land; and the facts stated in such notice shall be taken by the city or town clerk as true, unless the contrary is made to appear. . .]

Section 3.4.1.5 Submit with the application a list prepared by the Assessors showing the Assessor's parcel numbers, names and addresses of all owners of property abutting upon the land included in the subdivision plan as they appear on the most recent tax assessors' list. [Revised January 2013]

Section 3.4.1.6 Submit with the application in one or more documents:

A. The book and page number of the document filed in the Registry of Deeds which shows the listed owner's title to the property. [Added January 2013]

B. The names and full contact information for every person involved in developing the plan and who may have to be contacted for clarifications or additions. Such information must include mail address, land line phone number, fax number and email address. A cellular phone number should be included, if available. [Added January 2013]

Section 3.4.2 In addition to the above information the application shall consist of a *development impact statement* (See section 3.4.3), a narrative describing the *existing conditions* (See section 3.4.4), an *existing conditions plan* (See section 3.4.5), *proposed improvements plan(s)* (See section 3.4.6), and a detailed *description of the proposed improvements* (See section 3.4.7). [Added January 2013]

A. Planning Board ID Number Every sheet of every plan in the initial application shall include a block for the Planning Board's ID number. This shall be located within 6 inches of the right side of the sheet. [Added January 2013]

B. Identification of Amended or Supplemental Information For all amended or supplemental narratives and plans submitted after the initial application, the applicant shall include the assigned ID number on each plan sheet and at the beginning of each narrative submittal. Each such plan or statement shall also include a revision date so that no two submittals will be identical. This date must be conspicuously shown in characters not smaller than 12 point type. [Added January 2013]

C. Form of Required Plans Two paper copies of each sheet of each plan is required. The plan shall also be provided in Portable Document Format (.PDF) or other acceptable format for distribution to the board and various town agencies. Each plan sheet shall include the name, address, seal, signature, and date of signing of the registered professional engineer or registered land surveyor as appropriate to the data. The plan shall be size 36 X 48 inches. The drawing shall be at a scale of one inch to forty feet (1"=40') or such other scale as the Board may approve. Where a plan is drawn on multiple sheets, it must be accompanied by an index sheet showing the entire parcel involved and in such case for ease of reading, matching lines and consecutive numbering shall be provided. Additional paper copies of the plans in either full scale or reduced scale shall be provided at the request of the planning agent. [Added January 2013]

D. Application in Electronic Format The above data shall also be submitted on compact disk in Portable Document Format (.PDF) Data should be related to state plane coordinates. Data in AUTO CAD format will be an acceptable alternative. The Board may modify this requirement for small projects prepared by firms that do not have electronic formatting capabilities. Narrative and tables may be in WORD or EXCEL format. [Revised January 2013]

E. Other Information The application may contain such additional information the applicant feels is necessary to inform the Board properly about the development including legal opinions, copies of deeds, historical data, studies, and reports. [Added January 2013]

F. Possible Omissions The planning agent after consultation with the board chairman may allow the applicant to omit from the application such of the listed materials that will not be needed to adequately evaluate the proposal. If the board later finds that such materials are needed, the applicant shall then supply them. [Added January 2013]

Section 3.4.3 A **development impact statement** shall be provided which clearly and methodically assesses the relationship of the proposed development to the natural and man-made environment of the Town. This shall be divided into elements as specified below: [Revised January 2013]

1. It is intended that the statement be a guide to the Planning Board in its judgment and deliberation on the proposed subdivision and its compatibility with existing conditions and planning efforts of the Town. While reviewing the Statement, the Board will consider the degree to which the applicant has proposed to sustain the environmental health of the community, minimize adverse effects on the natural resources, promote safety of the inhabitants of the area, and preserve the character of the Town. Failure of the plans, narratives, and impact statement for the proposed development to show such compatibility may require revision of the proposal if so determined by the Planning Board. [Revised January 2013]

2. **Professional Preparation** When required by the Board, the elements of the impact statement shall be prepared by professionals registered in Massachusetts to practice in their fields or by authorities recognized in their field who have reached a professional status or its recognized equal. [Revised January 2013]

A. Soils Element The impact statement shall describe the compatibility of existing soils and terrain with the proposed development. The results of any available soil testing shall be included. [Revised January 2013]

B. Natural and Existing Features This element must discuss the preservation or promotion of wildlife refuges, historic sites, unique geological, botanical and archeological features, existing or potential trails and accesses to open space areas, and the health and safety of the inhabitants of the area. [Revised January 2013]

1. **Visual** The impact statement shall give attention to views into the site and from the site. Included shall be long-distance views as well as to and from adjacent properties. Visual impact may be related to the other elements concerning the overall aesthetics of the proposed development. [Revised January 2013]

C. Construction Element This element may reference the development plan provided as part of the application and shall include the following:

1. **Estimated Construction Schedule** This shall including phasing (if phasing is proposed), the clearing schedule, hours of operation, and exposure time

2. **Estimates of the construction cost** of the roadways, stormwater control, and utilities. (This will be considered in determining the amount of any performance bond or cash security that may be required.) [Revised January 2013]

D. Water Supply and Distribution - If water will be supplied to the subdivision by a public or a common water supply system, the average daily and peak demand and its effects on the source. Coordination with the Town Water Department, and if deemed advisable, appropriate State agencies, is strongly recommended. [Revised January 2013]

E. Sewage Treatment The average daily and peak demand; and any unusual composition or concentration of component flows into the proposed system(s), the method to serve the proposed buildings. Coordination with the Board of Health, the Department of Public Works, and if deemed advisable, appropriate State agencies, is strongly recommended. If sewage

systems other than an on-site sewage disposal systems are proposed, adequate capacity of the off-site system must be demonstrated. [Revised January 2013]

F. Waste Generation and Disposal Element The types and volumes of solid waste other than normal household waste likely to be generated by the proposed subdivision shall be listed. The means of handling these wastes shall be given in detail. If hazardous wastes will be produced, full detail as to their nature and means of disposal shall be provided. [Revised January 2013]

G. Sustainable Energy Element This element shall discuss the effects of the proposed development on the production and consumption of energy; on the generation and absorption of greenhouse gasses and other conditions which will affect the sustainability of our community in the rapidly changing environment. The Board will welcome proposals that will reduce net effects on global warming. [Added January 2013]

H. A Neighborhood and Community Element to consist of the following:

1. Schools Discuss the expected impact on the school system pre-kindergarten, elementary, middle school, and secondary levels, by type of housing (single-family, garden apartment, townhouse, high rise, etc.), and by bedroom (one-bedroom, two-bedroom, etc.) the number of students; and school bus routing changes if found necessary. Coordination with the Superintendent of Schools is recommended, particularly for large residential developments.

2. Police - The expected impact on police service, time and manpower needed to protect the proposed development; provision for special alarm or warning devices or agents and other needs shall be presented. Coordination with the Police Department is recommended.

3. Fire - Expected fire protection needs, on-site fire fighting capabilities, on-site alarm or other warning devices, water flow needs, source and delivery system and other needs shall be presented. Coordination with the Fire Department is recommended.

4. Existing Neighborhood Land Use Discuss compatibility with adjacent or nearby existing land uses, or approved private development plans, if known, for adjacent or nearby land use changes to occur during the life of the proposed development. If the proposed uses are not compatible, the reasons therefore shall be detailed. Consultation with the Planning Agent is strongly recommended. [Revised January 2013]

I. Social-Economic Element to consist of the following:

1. Housing If housing is proposed, expected family size by housing type and bedroom count; ranges in expected income and other relevant social data shall be estimated.

a. Low/Moderate Income Housing — In developments which include residential units, any provisions for low and/or moderate income housing shall be identified as to type of housing and bedroom count; State or Federal subsidies proposed to be applied for; and indication, if any, from the appropriate agencies including the Winchendon

Housing Authority as to its desirability and feasibility in regard to its location, financing, and any operating subsidy.

2. Employment In all nonresidential developments and in large residential developments the number and types of job skills to be employed shall be detailed. This shall include both construction labor and full-time work force when the development is in operation; employment by shift; estimates as to the amount of local labor which is intended to be used.

J. Municipal Benefit/Cost Element A primary part of this element shall be an analysis of the net benefit or cost to the Town in dollars, as complete as is practicable. This municipal benefit/cost analysis should follow standard and usual procedures and parameters for measuring both the benefits to be derived and costs to be incurred by the Town of Winchendon as a result of the implementation of the proposed development. It will be helpful to provide one or more benefit/cost analyses for alternative uses to provide for a basis for comparison. Except in unusual cases, or when the construction of a proposed development is scheduled to take place in distinct and separate phases and each phase may be functional and operable without any or all of the others, the municipal benefit/cost analysis may assume full and complete development and occupancy. In phased development or in other unusual cases, the Planning Board may require more than one analysis (an analysis for each phase) and/or more than one impact statement. This element may also estimate net benefit or costs of non-qualifiable environmental impacts.

K. Master Plan Element - The statement shall detail the compatibility of the proposed development and its alternatives to any established plans of the Planning Board, Conservation Commission, Department of Public Works and other Town and State agencies as applicable. If the proposal is not compatible, the reasons therefore shall be detailed.

Section 3.4.4 Existing Conditions Narrative The application shall include in narrative format complete information on the following: [Added January 2013]

A. Existing Use A detailed description of the existing use. [Added January 2013]

B. General Ecology - Describe the relation of the proposed development to the major botanical, zoological, geological and hydrological resources of the site. Consideration of those resources adjacent to the site shall also be made where deemed appropriate by the Planning Board. Describe any rare or endangered species of plants and wildlife that may be found on the site. [Revised January 2013]

C. Surface Water and Wetlands Describe the location, extent and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to, the project including existing surface drainage characteristics. [Added January 2013]

D. Subsurface Conditions Describe any limitations on the proposed project caused by subsurface soil and water conditions, and methods to be used to overcome them. Describe the procedures and findings of test borings, test pits, and any percolation tests conducted on the site. [Revised January 2013]

E. Easements Describe any existing flood control or wetland easements. If other easements exist, show how such easements will or will not impact the proposed development. [Revised January 2013]

F. Environmental Site Assessments Unless the property has never been previously developed, a copy of all environmental site assessments that have been done on the property or any part that is to be developed. If no previous environmental site assessment has been done on property being redeveloped, the board may require a level I environmental site assessment. If the level I assessment indicates the possibility of contamination, a level II assessment will be required. [Added January 2013]

G. Special Site Characteristics Describe any unique site characteristics, including but not limited to, features deemed important by the Massachusetts's Historical Commission, Natural Heritage, and FEMA.

H. Tanks If existing underground storage tanks are present at the site, their location, size, capacities, type and date of installation shall be given. The Fire Chief will determine whether the tanks may be reused or must be removed. [Added January 2013]

Section 3.4.5 Existing Conditions Plan The existing conditions plan shall be drawn showing scale and show the following:

A. All bearings which shall be true, magnetic, or grid, and the needle shown on the plan shall indicate this clearly; scale and legend; and date of the plan

B. The location and elevation of the starting bench mark as well as at least one other bench mark. All elevations should preferably refer to US Coast and Geodetic Survey bench marks. However, if no such bench mark is convenient to the site, an assumed bench mark may be used. One such benchmark shall be outside of the area to be disturbed. [Revised January 2013]

C. Locus map A locus plan at an appropriate scale which may be one inch equals one thousand feet (1' =1000') shall be submitted showing the development tract in relation to at least two intersecting public ways. This must show the location of the site in relation to roads, etc. This may be a copy of part of the zoning map or the assessors' map. [Revised January 2013]

D. Existing streets The location, names and present widths of streets bounding, approaching or within reasonable proximity to the subdivision including all streets through which primary access to the subdivision will be obtained. [Added January 2013]

E. Site Boundaries as determined by a registered land surveyor. [Added January 2013]

F. Existing topography The existing conditions plan shall show the site topography with contour lines at not greater than 10 foot intervals. Street and lot lines shall be shown to facilitate orientation. The surface elevation of all water bodies and wetlands within the tract shall be given, and ground surface shall be identified as to type, such as dense woods, open woods, brush, swamp, flowages, etc. All wetlands should have been properly flagged and the locations thereof shown. Brooks, ditches, walls and spot elevations of high and low points should be shown and identified. If any of the site is within the 100 year flood plain, its limits shall

be clearly indicated. Any additional information required by the Conservation Commission or the Board of Health shall also be shown. [Added January 2013]

G. Existing Improvements Data showing the location of all existing improvements to the site, including structures, underground infrastructure, roads, driveways, walks, parking areas, existing signs and landscaping. [Added January 2013]

Section 3.4.6 Proposed Improvements Plan(s) The plan shall contain the following information:

A. Bearings All bearings shall be true, magnetic, or grid, and the needle as shown on the plan shall indicate this clearly. [Added January 2013]

B. Proposed Topography The proposed finished topography with contour lines at two foot (2') intervals. The surface elevation of all water bodies and wetlands within the tract shall be given, All wetlands shall have been properly flagged and the locations thereof clearly shown. Street and lot lines shall be shown to facilitate orientation. Benchmarks shall be shown and designated. Sufficient data to determine readily the location, direction and length of every street and way line, lot line, and boundary line; sufficient also to reproduce the same on the ground. In addition, the centerline of the proposed streets, easements and major boundaries of the tract being subdivided shall be staked out or otherwise marked on the ground and the location of said stakes shall be shown. [Added January 2013]

C. Proposed Improvements The proposed improvement plan(s) shall duplicate material shown on the existing condition plan(s) with sufficient additional data to determine readily the location of [Added January 2013]

1. The location, areas and dimensions of all proposed lots, and open space, if any. After approval of a definitive plan any change in lot lines or other details will require an amendment to the plan, or may constitute a new subdivision. Such an amendment or new plan will be subject to all procedural requirements and fees. [Revised January 2013]

2. All existing improvements to be retained and the proposed new improvements, including dwelling units and other structures, roads, driveways, walks, loading areas, parking areas and landscaping; sufficient also to reproduce the same on the ground. [Added January 2013]

3. The plan must include typical sections of roadways showing widths and grades of street lines, bicycle lanes, roadway pavement, sidewalks, grass strips and side slopes, location and size of water, sewer, drain and gas lines. The depth of roadway pavement, sidewalks, base courses and all underground or aboveground utilities must be shown.

4. All fire hydrants on the site and off the site but within 500 feet of the site shall be shown. [Added January 2013]

5. If the site is to utilize on-site wells, the proposed locations must be shown in addition to its setback from any buildings, structures, or sewage disposal systems. The location of wells on abutting properties should be shown on the plan. [Added January 2013]

6. The Board may require that the proposed improvements be staked out or otherwise appropriately marked on the ground. [Added January 2013]

7. The assigned street number of each lot shall be shown; lot numbers shall not be used;

8. The location of all permanent existing or proposed monuments, natural objects and surfaces such as waterways, natural drainage courses, large boulders or ledge outcroppings, stone walls and specimen trees.

D. Open Space Clear identification of each area intended to be used as OPEN SPACE on the site with the square footage of each such area shown. A separate sheet may be necessary to show these areas adequately. [Revised January 2013]

E. Profile Plan a profile plan at a horizontal scale of forty feet to the inch showing the size and location of existing and proposed roadways, water mains, fire hydrants, sewer lines, their appurtenances, stormwater management structures, and any other underground utilities including but not limited to electric, gas, telephone, or cable television services within and adjacent to the site. For all roadways, the proposed finished center line grades with elevations at every fifty foot (50 ') station, location of vertical curves and gradient of even grades shall be shown. [Revised January 2013]

F. Stormwater Management Facilities The location and types of stormwater drainage facilities including notes on the construction materials of any pipes, culverts, catch basins or any other system component. Sufficient information relating to placement of the drainage system components (rim and invert elevations, pipe slopes, amount of cover, etc.) shall be shown so that the operation of the system can be evaluated. Any detention basins, retention basins, or drainage ponds intended to be constructed shall be shown, fully dimensioned. [Revised January 2013]

1. Detail Drawings A typical detail of a proposed catch basin, diversion box, emergency sluice gate, manhole, headwall, retaining wall, walkway, raingarden, subdrain, waterway, leaching basin, drainage pond, or other similar structures, if any. Where a retaining wall is required to be designed by a registered structural engineer, such design shall bear the stamp and signature of the structural engineer. [Revised January 2013]

G. Limits of Work Any areas where existing conditions may reasonably be expected to be disturbed during construction shall be shown and identified on the plan. [Added January 2013]

H. Perimeter of Trees The perimeter of any existing wooded areas on the site shall be shown. Existing wooded areas intended for preservation shall be noted. The location, size, and proposed fate of any existing trees larger than 16 inches Dbh within the area to be disturbed shall be shown. [Added January 2013]

I. Sewage Disposal The perimeter outline of any existing or proposed on-site sewage disposal systems including any required reserve areas. The type of sewage disposal system shall be identified by a simple notation. Design and construction specifications for sewage disposal system(s) must comply with Board of Health regulations. If the proposed development includes the construction of a sewage treatment plant, then the location of the plant and the sewer main to serve the facility in question must be shown. If a sewage system other than

an on-site sewage disposal system is to be used, the location of any sewer mains to be installed on site must be shown. If the development will require the installation of sewers off the site, plans therefor shall be provided. [Revised January 2013]

J. Landscape Plans Required A landscape plan as required by section 4.13.11 must be included. In the case of a residential development, a typical landscape plan for a home should be provided. This may be on a separate plan sheet or sheets. Any separate plan shall include general site features such as lot lines, structures, so that it may be easily related to the other plans. Landscape plans for common areas in subdivisions shall be provided. [Revised January 2013]

1. Landscaping Details: A typical detail of a tree well, tree planting, and specialty planting area, if applicable, shall be shown. [Adopted Nov. 19, 1998]

K. Notes shall be included on the plan that: (1) forbid the use of fill containing hazardous materials (2) require the marking of the limits of work in the field before the start of construction or site clearing, (3) require the cleaning of catch basins, sumps and stormwater basins following construction and annually thereafter, (4) restrict the hauling of earth materials to or from the site to the hours between 7 a.m. and 5 p.m. on weekdays, (5) describe the materials to be used in the construction of impermeable surfaces such as sidewalks and driveways.

1. Additional Material Required The text of sections 5.2.1 through section 5.2.5 of these regulations shall be included in the final plan so that all contractors will be aware of these requirements. [Added January 2013]

L. Phased Projects If the project is to be built in phases, a plan or series of plans showing specific limits of construction for each phase and detailing the work to be accomplished in each phase shall be provided. Interim curbing and landscaping shall be shown as needed between phases. [Added January 2013]

M Board Signatures Suitable space shall be provided to record the action of the Board and the signatures of the members of the Board (or officially authorized person). Directly above this space shall be the words, "Approval of this plan is granted on the conditions listed in a separate Statement of Conditions which is part of the approval of this definitive subdivision." This block shall be just below the required ID block and both shall be within 6 inches of the right side of the plan.

Section 3.4.7 Text Description of Proposed Improvements A narrative or tabular statement or statements providing further information regarding the proposed development which shall include the following:

A. Proposed Use A detailed description of the proposed use(s) of the subdivision. [Added January 2013]

B. If licenses, permits, orders of conditions and other approvals will be needed in connection with the project, they shall be described fully. If such have already been issued by any public authority, copies of such documents shall be furnished. The applicant shall also provide copies of any such approvals issued during the pendency of the application. [Added January 2013]

C. Site Improvement Requirements and Proposal A table shall show the legal requirements (minimums, maximums) of the zoning district (where applicable), existing conditions (where applicable) and the proposed site conditions for the following characteristics: number of residential lots, number of other lots, lot sizes, total lot coverage, total impervious area, total area of disturbance, open space, area reserved for recreation, parks or other open land, percent wetlands, percent flood plain, developable site area, area dedicated to stormwater control and other utilities,. [Added January 2013]

D. Stormwater Management – There shall be a description of existing surface drainage characteristics of the site and surrounding areas. This shall include the Methodology of post-developed storm water management, a detailed explanation of how the proposed storm water management system complies with Massachusetts Stormwater Handbook and the Winchendon Low Impact Development bylaw and regulations. [Revised January 2013]

1. Impact of Runoff The Water quality impact from run-off on adjacent and downstream land and surface water bodies and subsurface ground water and the water table shall be detailed. Coordination with State and Town water quality agencies including that Board of Health and Conservation Commission is recommended so that necessary agreements and responsibilities can be included in the study of the proposed development and its alternatives. The relationship of the proposed development to navigable streams, flood plains, and municipal water supply impoundments and reservations shall be described . [Added January 2013]

2. Storm drainage runoff calculations used for the drainage system design must be prepared by and display the seal of a Registered Professional Engineer. These calculations must be based on a recognized standard method (usually the Rational Formula or Soil Conservation Service Method). The calculations must contain a written summary explaining the rationale of the design so that a lay person can understand the basic design approach and its validity for the site in question. Furthermore, the calculations should be fully documented including a plan showing subcatchment areas, copies of charts or other reference sources to make review possible. The pre- and post-development runoff rates must be provided. The source of the software used for computer generated reports should be identified. [Revised January 2013]

3. Water Balance Calculations for sites all or partly within a Groundwater Protection Overlay District: The portion of the site in each Groundwater Protection Overlay District shall be noted. A yearly hydrologic water balance calculation for pre- and post-development conditions based on annual precipitation that quantifies evapotranspiration, runoff, recharge and septic flow shall be included. Compliance with applicable portions of section 4.11 of the Bylaw shall be demonstrated.

4. The application must evaluate the impact of sewerage disposal methods to be used on the quality of subsurface water. [Added January 2013]

5. In reviewing the stormwater management proposals, the Board will consider the degree to which water is recycled back into the ground, the maintenance and improvement of the flow and quality of surface waters, If the site lies within a *known aquifer* or potential area the Board may require a hydrogeological study based on the most current groundwater survey.

E. Temporary Erosion Control The application must 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 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 and their effect on the site and on the surrounding area.

F. Permanent Erosion Control The application must describe permanent methods to be used to control erosion and sedimentation. Include description of:

1. any areas subject to flooding or ponding
2. proposed land grading and permanent vegetative cover
3. the relationship of the development to the topography
4. any proposed alterations of shorelines, marshes or seasonal wet areas

G. Earth Removal The volume of "earth" as defined in the Winchendon Zoning Bylaw to be removed if applicable, or a statement indicating that "no earth is to be removed" An estimate of proposed cut and fill volumes, Calculations for determining the amount of earth to be removed and/or the amount of fill to be brought to the site shall be prepared by and show the signature and seal of a Registered Professional Engineer. This is a critical parameter since earth removal operations in Winchendon are severely constrained. [Revised January 2013]

H. Architecture - The style of architecture of the proposed buildings shall be described and their compatibility with the function of and the architectural style of adjacent buildings. Sketches, photos, elevations and renderings are encouraged to illustrate architectural appropriateness as well as innovation. Consultation with the Building Commissioner is recommended.

I Typical House Plans In a residential subdivision, typical plans and elevation drawings for proposed houses shall be provided. The sill height and peak height of each house shall be shown referenced to the street pavement level in front of the house. [Added January 2013]

J. Roadways, Driveways and Parking Description of all proposed roadways and other travel areas, including pavement width, right of way width, total length, means of egress, and maximum grade shall be clearly shown on the plan or in the narrative. [Revised January 2013]

1. Traffic Generation – A comparison of the estimated pre-developed traffic to post-developed traffic. Including: volume, overall average daily traffic generation, composition, peak hour levels, directional flows and street capacities. The methodology used to derive these predictions shall be included. A traffic study by a qualified traffic engineer showing the likely effects of the development on the roads which will serve the site, either directly or indirectly, may be required at the discretion of the Board. [Added January 2013]

K. Recreational Facilities and Open Space A statement shall be included as to any proposed recreational facilities/open space, and indication of intended owner(s) and as to whether the recreational facilities/open space will be available to the public. [Added January 2013]

L. Lighting - The type, design, location, function and intensity of all exterior lighting facilities, existing and proposed shall be detailed. Fixture manufacturer specifications will be helpful showing light output and direction. Attention must be given to safety, privacy, security, avoidance of light pollution, and daytime and nighttime appearance.

M. Landscaping - Provisions being proposed for landscaping shall be described including type, location and function.

1. Planting Table: A planting table must be provided. It shall include the botanical and common name of each species, its height (at planting), its spread (at maturity) and the quantity intended to be planted shall be listed in a table along with the symbols used to represent the plants on the plan. [Adopted Nov. 19, 1998]

N. Mail Delivery A description of how mail is to be distributed to the occupants of the subdivision. The written approval of the postmaster must be included. If the method will require structures (such as cluster mailboxes) the location of the same shall be shown on the proposed improvements plan together with any safety measures that may be necessary. [Added January 2013]

O. The application shall indicate all **easements, covenants or restrictions** applying to the land including zoning setbacks, sideyards and rear yards. [Revised January 2013]

P. The Board is empowered by the Bylaw to **require information in addition** to that specifically required by the Bylaw. The Board will require the applicant to supply additional information if it finds that such information is necessary to act properly upon the application.

Section 3.5 Agency Review

Section 3.5.1. Board of Health Review The Board of Health shall, within forty-five (45) days following receipt of a definitive plan, report to the Planning Board, in writing, its approval or disapproval of said plan. In the event of disapproval, it shall make specific findings as to which, if any, lots shown on such plan cannot be used for building sites without injury to the public health, and it shall include such specific findings and the reasons therefor in its report. Failure to so report shall be deemed approval by the Board of Health. Should the Board of Health be unable to complete a full review of the project within the statutory 45 day window, it shall file a preliminary statement indicating any problems found within the 45 days and a completed statement as soon as possible thereafter. [See M. G. L. chapter 41, section 81U.]

A. Every acceptable lot so situated that it cannot be served by a connection to the municipal sewer system shall undergo a percolation test carried out under the supervision of the Board of Health's Septic Inspector, according to the procedures required by state law and Title V of the regulations. Such lot shall be provided with a septic tank and drain field whose design and placement are satisfactory to the Septic Inspector.

1. Extreme care shall be practiced in the layout of a subdivision in unsewered areas. The extent of soil evaluation should be determined by the Winchendon Board of Health based on the Town of Winchendon soils map and whatever other soil information is available.

2. Required testing should include deep test holes, percolation tests and test borings, and the number of tests required shall be determined by the Board of Health investigator.

3. Notwithstanding the above, a permit to construct an individual subsurface absorption area must be obtained from the Board of Health for each individual lot not served by the Winchendon sewerage system, and a condition shall be inscribed on the plan as follows: "No building or structure shall be built or placed on any lot without a permit from the Board of Health."

B. Alternately, and with the approval of the Board of Health, a community wastewater disposal system may be installed. If such a system is to be installed, appropriate conditions which have been accepted by the Board of Health shall be added to the definitive plan approval.

Section 3.5.2. Conservation Commission and other Reviews The Conservation Commission, Department of Public Works, Town Engineer and any other agency designated to receive and review a definitive plan shall, within forty-five (45) days following receipt of such plan, report their findings in writing to the Planning Board, and shall make recommendations thereon. Should the agency be unable to complete a full review of the project within the statutory 45 day window, it shall file a preliminary statement indicating any problems found within the 45 days and a completed statement as soon as possible thereafter. Failure to so report shall be deemed a favorable recommendation on said plan.

Section 3.5.3 Approval of Water Mains and Hydrants If water mains and hydrants are to be installed, the written approval of the Department of Public Works and the Fire Department shall be required before subdivision approval is granted.

Section 3.5.4. Report of the Consulting Engineer The plan will be reviewed by a consulting engineer retained by the Board at the expense of the applicant. The cost and payments will be handled in accordance with M. G. L. Chapter 44, section 53G. This review will include the following items:

A. The proposed locations, sizes and grades of streets, right-of-ways, easements, water mains, sanitary sewer mains and stormwater control system drainage facilities;

B. Any deviations from the design and work requirements specified in these Rules and Regulations or the Town of Winchendon's Design Standards and Construction Specifications, if any, issued by the Town Engineer or Department of Public Works, the applicant's detailed specifications for performing the required work and all special construction requirements, if any, applicable to the subdivision;

C. Comments as to the accuracy of the applicant's estimates of the cost of performing the various items of required work. (This is for consideration in determining the amount of performance bond or cash security as required in Section 3.9)

D. Such other items as the board, in its sole judgment, shall deem necessary for the proper evaluation of the plan and any changes or conditions which should be included in its decision.

Section 3.5.5 Review by the Planning Agent The Planning Agent shall review the plan to insure its completeness and to highlight parts of the plan that particularly further the intent of the Winchendon Master Plan, the Open Space and Recreation Plan, any other plans that have been approved by the Planning Board, and any policies of other departments of the town government; or which diverge from the provisions of those plans and policies. Specific attention is to be paid to:

- A. That copies of the plan have been properly submitted to the Board of Health, the Conservation Commission, and that a consulting engineer has been engaged, and
- B. That the applicant is the owner of record of all the property shown on the plan or has legal authority from the owner to submit the plan, and
- C. That the submitted abutters list is correct, that the abutters have been properly notified and the hearing has been properly advertised, and
- D. That the plan shows the entire lot or lots on which the plan is located, and
- E. That street numbers have been properly assigned to the various lots, and
- F. That each of the elements and sub elements of the impact statement have been addressed unless waivers have been applied for to omit those elements as unnecessary, and
- G. Provide comments to the Board on the effects and proposals that she/he has highlighted in the impact statement and any other statements that have been required

Section 3.5.6 Site Visit It will be the policy of the Board to conduct a site visit, unless such a site visit has already occurred. The applicant, his/her engineer or surveyor, and any other professionals that have contributed to the plan will be expected to attend unless excused by the Board. This visit will be arranged at the convenience of the Board either before or during the public hearing process. The purpose of the visit is to acquaint the Board members with details of the site, access to the site, and to envision the proposed development. This will enable the members to more accurately assess the proposal. Site visits will not be scheduled or held when the site is obscured by snow, ice or water. If necessary site visits will be rescheduled. The site visit may be posted as a special meeting of the Board since questions and comments by Board members and others that may constitute deliberation are likely. Consideration will be given to whether citizens that are legally allowed to observe public meetings are allowed on the site. [Revised January 2013]

Section 3.6 Public Hearing

Section 3.6.1. Schedule for Hearing The Board shall set a date for the Public Hearing within 14 days after receipt of the application. Since the time limit for a public hearing is based on the filing date, the hearing will be scheduled and advertised even if the application is believed to be incomplete. [Revised January 2013]

- A. The date of the hearing shall be not more than 45 days after the receipt of the application.
- B. Notice of the time and place and the subject matter, sufficient for identification, of the hearing shall be given:

1. By the planning board, at the expense of the applicant, by advertisement in a newspaper of general circulation in Winchendon once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing, Prepayment of the advertising charge will be required with the application.
2. By posting a notice in a conspicuous place in the town hall for a period of not less than fourteen days before the day of such hearing,
3. By mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list and to all other interested parties as is required by statute.
4. By providing notice of the hearing to the conservation commission, the board of health, the agricultural commission, the parks and recreation commission, the land use office, the department of public works, the fire department and the police department.
[Added January 2013]

3.6.2 Delay Because Site Cannot be Viewed The time allowed for any review of the application will be extended by the time during which the part of the site proposed for development is covered with water, snow, ice, or excessive debris. Such time will be determined by the Board. Until the site can be properly viewed, the application will be considered incomplete. [Added January 2013]

Section 3.6.3 Incomplete Application Should the application and plan(s), in the opinion of the Board, fail to provide required information that is deemed necessary for proper consideration of the proposal and the applicant so requests, the Board will continue the hearing to allow the applicant time to complete his application for such number of days as the applicant may request provided the applicant also agrees in writing to an extension of the time in which the Board must take final action on the application by thirty days more than the requested continuance. The Board will, however, require that the hearing be readvertised in accordance with the requirements of section 3.6.1 B, all at the expense of the applicant. Additional submittals may also incur additional submittal charges as provided in the current fee schedule. All these charges must be prepaid. This requirement is to assure all interested parties are aware of the date and time of the continued hearing. This process will be repeated as many times as is necessary to secure a complete application. Should such a request and agreement not be made, it will be the policy of the Board to deny the application as incomplete without further proceedings. Resubmission of the application thereafter will require a new application fee and advertising charge. [Revised January 2013]

Section 3.6.4 Hearing Procedures An applicant may appear on his/her own behalf or be represented by an agent or attorney. It is the responsibility of the applicant or the agent of the applicant to present the application to the Board and to the public. If the applicant is not represented, the Board may decide the matter using the information it has received. [Added January 2013]

A. Presentation of the application by the applicant should not exceed 20 minutes in duration except for good reason. The applicant may be requested to answer questions raised by the Board or the public. [Added January 2013]

B. At the beginning of the hearing, the Board will consider any requests by the applicant that specific information be omitted from the application as unnecessary. A grant of such requests shall not preclude the Board from requiring that such material be submitted at a later date if the Board then finds such material essential to its consideration of the application. [Added January 2013]

C. The applicant should also present at this time any requests for waivers from the design standards and constructions standards required by these regulations. These requests will be considered during the course of the hearing. Action on the requests will normally occur at the end of the hearing. [Added January 2013]

D. The Board will retain any evidence that has been introduced at the hearing for reference in its deliberations on the application and as is required by the open meeting law. [Added January 2013]

E. In no case will the Board allow new information or evidence to be admitted after the close of the public hearing unless this information or evidence was specifically requested by the Board before the close of the public hearing. [Added January 2013]

F. Any application for subdivision approval submitted hereunder may be withdrawn without prejudice by notice in writing to the Board before the notice of public hearing is posted or mailed pursuant to Section 4.1 above. Withdrawal of any application thereafter requires Board approval. No refund of fees will be provided if an application is withdrawn. [Added January 2013]

Section 3.6.5 Continuation of Hearing The period within which final action shall be taken may be extended for a defined period of time by written agreement between the Board and the applicant. If the Board determines that the application is inadequate for the Board to make a decision, the Board may, at its discretion, continue the hearing to a later date to permit the applicant to submit a revised application provided the applicant agrees to a time extension. [Added January 2013]

A. If a hearing is continued to another date in order for the applicant to submit additional information, that additional material must be submitted to the office of the Planning Agent not less than ten days prior to the continuation date so that it may be reviewed by the Board's consultant(s) and by the Board prior to the actual continued hearing. Applicants should note that additional submittals of material may incur an additional submittal fee. [Revised January 2013]

B. The Board's consultant is instructed to submit copies of his reports directly to the applicant at the same time they are provided to the Board through the planning agent. The applicant and the consultant(s) are encouraged to consult directly so that all issues may be resolved as quickly as possible. The Board, through the Planning Agent, must be informed of the substance of such direct consultations. [Added January 2013]

Section 3.6.6 Board Evaluation of the Plan **The Board's consideration of a subdivision application is intended to be a cooperative process, not an adjudicatory process.** The Board intends to work with the applicant to develop a final plan that will serve the interests of the applicant and be beneficial or at least not unduly harmful to the environment and the citizens of Winchendon. The Board will evaluate the plan based on its conformity to the requirements of the

statutes, local bylaws, the zoning bylaw, the Board of Health report, the Conservation Commission report, the findings of the Consulting Engineer, and the willingness of the applicant to address, and if necessary to mitigate, the various impacts shown by the impact statement. The Board will work with the applicant in an effort to achieve a project that will meet the needs of the developer and those of the town. [Revised January 2013]

A. In its evaluation of a subdivision plan, the board will consider the past performance record of the applicant and its principals. The board must be satisfied as to the ability of the applicant to complete the subdivision in accordance with the plan and the regulations. Prior instances of poor performance locally or elsewhere will weigh against the application. [Added January 2013]

Section 3.6.7 Approval of the Plan

A. Residential Development Plans Plans originally filed under article 11 of the zoning bylaw require a finding by the Board that the plan as it may have been amended or revised meets the minimum requirements for preservation of open space and the location thereof, contains no more than the maximum number of dwelling units, meets the requirements of its subdivision regulations for a definitive residential subdivision (or of its site plan regulations if it is not a subdivision), a Low Impact Development Plan for the site has been approved (if such plan is required), the required open space has been fully protected by conveyance or easement, an Order of Conditions has been issued by the Conservation Commission (if required), and the Board of Health has approved the septic systems (if required). A preliminary finding to this effect may be made at the conclusion of the hearing pending the completion of the documents protecting the open space. A final finding of compliance will be made only after the execution of the documents protecting the open space. The subdivision plan and accompanying statement of conditions for recording will not be released to the developer until this finding has been made. The subdivision plan, the statement of conditions, and the documents protecting the open space must be filed concurrently at the registry of deeds. [Added January 2013]

B. Other definitive subdivision plans After the reports from the Board of Health, the Conservation Commission, and the Consulting Engineer have been received, or after the lapse of forty-five days with no such report(s), and after the public hearing, the Board shall approve or (if the plan does not comply with the Winchendon zoning and other bylaws, the Winchendon Subdivision Control Rules and Regulations or with the recommendations of the Board of Health or the Conservation Commission) shall modify and approve, or disapprove such plan, shall file a certificate of its action with the Town Clerk, and shall send notice of its said action by registered or certified mail, postage prepaid, to the applicant at his/her address stated on the application. Approval of a plan requires the approval of a majority of the total membership of the Board.

Section 3.6.8 Approval will not constitute street acceptance Final approval of the definitive plan will not constitute acceptance by the Town of streets within a subdivision. The developer shall retain title to the ways shown on the definitive plan and shall deed same to the Town of Winchendon after acceptance.

Section 3.7 Conditions of Approval

Section 3.7.1 Standard Conditions The following standard conditions will be applied to all plans unless particular sections are waived by the Board:

A. Any officer, agent or employee of the Planning Board, Conservation Commission, Zoning Board of Appeals or Board of Health may enter upon the site in pursuit of official duties, such as examinations and surveys, and placement or maintenance or boundary monuments and marks, at reasonable times prior to the final acceptance of the completed subdivision, with or without prior notice to the applicant. (Massachusetts General Laws Chapter 41, Section 81CC; Chapter 131, Section 40; Chapter 111, Sections 31, 122 and 127A)

B. The time allowed for any inspection required under these conditions, the Planning Board's regulations, or the town bylaws will be extended by the time during which the site is covered with water, snow, or ice. Such time will be determined by the Board.

C. A performance guarantee in a form as provided for in the Massachusetts General Laws, Chapter 40, Section 81U, is required to assure completion of the construction of ways and the installation of municipal services. Such guarantee shall be filed with the town collector/treasurer within thirty (30) days from the date of this definitive plan approval, unless an extension of time is mutually agreed upon in writing by the developer and the Planning Board. A copy of the receipt issued by the Town Treasurer for this guarantee shall be filed with the Planning Board forthwith. The plan and the list of conditions to be recorded in the registry of deeds will not be released by the Board until the required security is in place. [Revised January 2013]

D. This definitive plan approval, together with this list of conditions and the performance guarantee, or covenant must be filed at the Worcester South Registry of Deeds forthwith, but not later than thirty days after the expiration of the appeals period plus such time as may be consumed in any appeals process. A copy of the receipt from the Registry must be filed with the Planning Board forthwith. No removal of vegetation, other site work, or construction may be started until there has been such filing. If these required documents are not filed within the required time, this definitive plan approval shall be void. [Revised January 2013]

E. Upon completion of the construction of ways and the installation of municipal services, notice shall be given as provided for in Massachusetts General Laws, Chapter 41, Section 81U and section 6.5.1 of these regulations.

F. The developer shall be responsible for the maintenance of the streets and roadways within the subdivision until such time as those ways are accepted as public town ways. This shall include snow and obstruction removal and ice control. [Added January 2013]

G. Construction shall be in full conformity with the "Rules and Regulations Governing the Subdivision of Land" as issued by the Planning Board, unless an exemption is granted by the Planning Board. Such exemption, if granted, is stated below as one of the conditions. (Massachusetts General Laws, Chapter 41, Section 81R)

H. The clearing, excavation or removal of vegetation or the excavation or removal of sand, soil, loam, sod, gravel, or other natural or quarried earth products is allowed only in accor-

dance with section 10.6 of the Winchendon Zoning Bylaw and specific conditions for such removal or redistribution are included in the special conditions appended to these general conditions.

I. No sand, loam, sod, gravel, or other natural or quarried earth product may be removed from the site, until the entire parcel has been graded and the stormwater control system is completed in a manner acceptable to the Planning Board. The Permittee shall notify the Department of Planning and Development by certified mail that the grading and drainage has been completed and may be inspected. The Planning Board shall act within forty-five (45) days of such notification. Failure of the Planning Board to act shall be construed as approval of the stormwater controls construction. [Revised January 2013]

J. Loam must be stockpiled and covered so as to be protected from erosion. [Added January 2013]

K. Not less than four inches of loam as described in section 5.6 of the subdivision regulations, seeded with a suitable crop cover such as a quick-growing grass mixture, shall be left or placed on all lots, other than on areas covered by undisturbed natural vegetation, buildings, parking areas, walkways, driveways and other paved areas, except as removal is specifically required for reasons of public health or safety. This condition must be satisfied within three (3) years from the date of this definitive plan approval, unless an extension of time is mutually agreed upon in writing by the Permittee and the Planning Board. If this work is not completed within the required time including approved extensions, this definitive plan approval shall lapse and become void. [Revised January 2013]

L. All ways must be completed to the satisfaction of the Planning Board within two (2) years from the date of this definitive plan approval, and prior to the sale of any lots, unless an extension of time is mutually agreed upon in writing by the applicant and the Planning Board. If this work is not completed within the required time including approved extensions, this definitive plan approval shall lapse and become void.

M. If the site contains pond, lake, brook, stream, river, standing water, or any indication of the presence of wetlands, the applicant must comply with all Wetlands Protection regulations, including those found in Sections 4.3 and 4.4 of the Town of Winchendon Zoning Bylaw.

N. The applicant must comply with all orders of the Winchendon Conservation Commission.

O. Lots sold shall be deeded by the developer with a clear reservation of an easement for highway purposes in the proposed ways. Failure to include such reservation in any deed shall cause this definitive plan approval to become void. The developer shall execute an easement deed to the town before the Board will recommend acceptance of such ways as public town ways. Such easement shall be at no cost to the town.

P. Work under this definitive subdivision plan shall be commenced within six months of the date of its approval increased by any time consumed by appeals of the approval and shall be diligently pursued thereafter until the completion of the work. The Planning Board may extend this period if so requested by the permittee without a formal hearing. If the work is not

so commenced and pursued, this definitive plan approval shall lapse and become void. [Revised January 2013]

Q. This approval and conditions are in addition to other permits and approvals. Nothing in this decision shall be deemed to relieve the applicant from its obligation to obtain other permits and approvals required by law or regulation.

R. Any substantive error or omission in the application or any subsequent filing by the applicant or his successor shall be cause for revocation of the Board's approval. Due notice and hearing shall be required prior to any Board action.

S. The Board on its own motion or on the petition of any interested person reserves the power to modify, amend or rescind its approval of this plan or to require a change in the plan after due notice and opportunity to the applicant to be heard in accordance with M. G. L. Chapter 41, Section 81W.

T. Failure by the applicant to file the plan, the statement of conditions, and all documents required to protect open space in the registry of deeds (or properly file the same with the recorder of the Land Court if the land is registered land) within thirty days after the Board endorses its approval on the plan will render the subdivision approval null and void. [Added January 2013]

Section 3.7.2. Special Conditions The Board may attach special conditions to the approval of the definitive subdivision. Such special conditions may include such waivers as may be granted from the design and construction standards of these regulations and inclusion of any other conditions the Board may deem necessary. The special conditions will be appended to the general conditions stated in section 3.7.1.

Section 3.8 Legal Protection of the Open Space in Residential Developments

A. All land dedicated as open space under article 11 shall be protected in a manner that will afford it maximum protection under the law. The dedicated open space shall be protected from development by one of the following means [Added January 2013]

1. Fee ownership by the Winchendon Conservation Commission, by a state or federal agency whose ownership will permanently legally protect the land as open space, or by an incorporated land trust which is dedicated to the preservation of open space. Such open space shall be conveyed free of any mortgage interest, security interest, liens or other encumbrances. [Added January 2013]

a. It shall be the duty of the developer to arrange for such a transfer of ownership. A transfer will require acceptance by the transferee which acceptance shall include responsibility for the initial assessment and annual monitoring of the property as specified in section 11.9.4 of the bylaw. Any conditions of such transfer must be approved by the Board. All costs, e.g. document preparation or recording fees, involved in such a transfer shall be paid by the developer. If the transfer is to the Town and will require acceptance by the town meeting, the Board will waive the acceptance requirement and undertake to have the acceptance placed on the warrant for the next town meeting. [Added January 2013]

B. Open space may be owned by any other entity including owners of individual building lots or other property within the subdivision provided it is protected by a suitable conservation easement which will protect the land from development or uses, except uses provided for in article 11 of the zoning bylaw, in perpetuity. All the conditions of such easement must be acceptable to the Planning Board. [Added January 2013]

1. A single parcel may include both protected open space and land for other uses. The subdivision plan to be recorded shall show the boundary line between the protected open space and the unprotected area. An easement document to secure the protection of the required open space which is acceptable to the Board and includes an adequate description of the protected area must be recorded in the registry of deeds not later than the recording of the subdivision plan. The Board will undertake to have a model easement form drafted for use in these situations. [Added January 2013]

a. Generally the Board will not grant special permits for uses in the protected open space of the lot which could reasonably be located in the unprotected area of such a tract. [Added January 2013]

C. The title or easement holder other than a governmental unit of each parcel accepted as protected open space under this bylaw shall and governmental units should, within six months after its dedication as open space, complete an assessment of the property detailing its location, boundaries, the condition of the vegetation, streams, wetlands walls, roads, improvements and other features; and any restrictions or requirements for its future use or development. Thereafter not less than annually the title or easement holder shall physically view the property and prepare a detailed statement as to the present condition of the property with particular reference to the features recorded in the initial assessment. Copies of each such report shall be filed with the planning board. Any failure to file such reports shall be a violation of the zoning bylaw and shall be subject to the penalties therefor. [Zoning bylaw Section 11.9.4, adopted May 2011.] [Added January 2013]

Section 3.9 Performance Guarantee

A. Filing of the Performance Guarantee The required performance guarantee must be filed with the Board within thirty days after the expiration of the appeal period of the approval or the subdivision approval shall be void. [Added January 2013]

B. Form of Guarantee Before endorsement of its approval of a plan, a planning board shall require that the construction of ways and the installation of municipal services in accordance with the approved plan. be secured by one, or in part by one and in part by another, of the methods described in the following subsections 1, 2, 3 and 4 which method or combination of methods may be selected and from time to time varied by the applicant:

1. By a proper bond, sufficient in the opinion of the planning board to secure performance of the construction of ways and the installation of municipal services in accordance with the approved plan, and the planning board may require that the applicant specify a time acceptable to the Board within which such construction shall be completed. Each bond filed shall be approved as to form, manner of execution and sureties by the Town Treasurer and all deposit agreements and securities shall be approved as to form and manner of execution by the Town Treasurer.

2. By a deposit of money or negotiable securities, sufficient in the opinion of the planning board to secure performance of the construction of ways and the installation of municipal services required for the lots in the subdivision in accordance with the approved plan, and the planning board may require that the applicant specify a time acceptable to the Board within which such construction shall be completed. [Use Form G.]

If the Board shall decide at any time during the term of the performance that:

- a. improvements have been installed in a satisfactory manner in sufficient amount to warrant reductions in the security, or,
- b. the character and extent of the subdivision require additional improvements, previously waived,

then the Board may modify its requirements for any or all such performance bond, or amount of deposit of money or value of securities, which may thereupon be reduced or increased respectively by an appropriate amount after suitable notice to the applicant.

3. By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided in accordance with the approved plan to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the planning board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed. The Board will release from such covenants only those lots for which installation of ways and services has been completed in accordance with the approved plan. [Form D should be used for the covenant. Form F may be submitted when applying for release of a lot or lots. Use Form E for releases.]

4. By delivery to the planning board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the planning board and otherwise due the applicant, to secure the construction of ways and the installation of municipal services in accordance with the approved plan. The Planning Board should include a specified sum to cover any costs that may occur due to inflation. 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 a time acceptable to the Board and specified in the agreement, any funds remaining undisbursed shall be available for completion.

Section 3.10 Endorsement and Recording

A. Plan for Endorsement Upon approval of the plan by the Board, the applicant shall submit a complete plan which includes any changes that were made during the approval process drawn in India Ink on mylar, as meets the requirements of the Registry of Deeds, and one paper copy of each sheet of each plan. The plan shall also be provided in Portable Document Format (.PDF) for distribution to the board and various town agencies. Each plan sheet shall include the name, address, seal, signature, and date of signing of the registered professional engineer or registered land surveyor as appropriate to the data. The plan shall be size 36 x 48 inches. The drawing shall be at a scale of one inch to forty feet (1"=40') or such other scale as the Board may approve. Where a plan is drawn on multiple sheets, it must be accompanied by an index sheet showing the entire parcel involved and in such case for ease of reading, matching lines and consecutive numbering shall be provided. Each sheet of these plans together with supporting narratives and tables when signed by the chairman of the Board shall be filed in the Department of Planning and Development as the official approved plan. This submission may be made during the appeal period. [Revised January 2013]

Section 3.10.1. Endorsement of the Plan The plan having been approved by the Board and no appeal having been taken within twenty (20) days after notice to the Town Clerk or after the entry of a final decree sustaining approval of the plan, and after the applicant has met the requirements of the performance guarantee and the documents necessary to secure the preservation of the open space have been executed, if protected open space is shown on the plan, the Board shall make upon the mylar plan submitted as required in section 3.10.A. its written endorsement of approval and the plan and its appended statement of conditions shall be delivered to the applicant.

Section 3.10.2 Duties of the Applicant

A. The applicant shall submit the plan and the statement of conditions for recording together with any documents protecting the open space in the Worcester South Registry of Deeds (or properly file the same with the recorder of the Land Court if the land is registered land) and shall obtain receipts therefor.

B. The applicant shall present the receipt(s) to the Department of Planning and Development which will make a copy thereof and shall then distribute copies of the approved plans to the various town departments according to the policy of the department.

C. Failure to make a complete filing in the registry of deeds as specified in this section within thirty days after the Board endorses its approval on the plan will render the subdivision approval null and void. [Added January 2013]

D. The Building Commissioner will not issue any permits until he has received these plans.

Section 4. Required Improvements for an Approved Subdivision

Section 4.1 Preserved Open Space

Section 4.1.1 As provided in section 11.4 of the zoning bylaw, open space must be preserved as a condition for most residential developments. The zoning bylaw provides:

A. Open space in larger tracts will be preferred, as will open space contiguous with other already preserved open space. Open space shall not have a width of less than 100 feet. Except land reserved as public parkland or playgrounds in the PD and R10 zones, no parcel smaller than two acres that is not contiguous with such other open space may be counted as part of the required open space in projects larger than ten acres. [Section 11.4.1.1]

B. The open space should protect valuable natural and cultural elements including waterbodies, streams, wetland buffers, unfragmented forest, wildlife habitat, open fields, scenic views, trails, stone walls, archeological sites and to avoid development in hazardous areas such as floodplains and on steep slopes. In areas where public sewage disposal is not available, consideration shall be given to the suitability of soils for on site disposal systems both within and outside the protected open space. Particular consideration for will be given to land that expands land that is already protected or which is recommended for protection under the town master plan or opens space and recreation plan, or will tend to expand or complete wildlife or recreational corridors between such parcels [Section 11.4.1.2]

C. The Board considers the determination of the exact amount of open space to be preserved as well as its location are matters for discussion and negotiation. The Board will endeavor to understand the developer's position in these matters. The Board, however, has no right to allow a lesser amount of open space than required by the zoning bylaw and any proposal to do so will be rejected. [Added January 2013]

Section 4.1.2 Area of Open Space The proportion of a tract that are to be preserved as stated in the zoning bylaw and these regulations will be considered as the minimum open space which must be protected. In some cases because of specific features of a site, it may be appropriate to preserve more open space than the minimum. [Added January 2013]

Section 4.1.3 To conform to the requirements of section 11.1.1 of the zoning bylaw

A. In the R80 and C2 zones, not less than 17% of the total tract area that is not wetlands related area shall be included in the open space.

B. In the R40 zone, not less than 8% of the total tract area that is not wetlands related area shall be included in the open space.

C. In the R10 and PD zones, not less than 10% of the total tract area that is not wetlands related area shall be included in the open space.

D. The term wetlands related area used in the preceding three subsections shall include streams, ponds, vegetated wetlands as defined by law and vernal pools. [Added January 2013]

Section 4.1.4 Locating the Required Open Space

A. In its evaluation of which land in a proposed development should best be preserved, the Board will also consider:

1. The land that will best be used as building sites because of its location, its accessibility, the relative ease of development, and views from and to the property.
2. Land that may return an economic benefit to its owner should probably be kept in private hands subject to an appropriate easement rather than being transferred to the town or a conservation entity for whom it will have little value.
3. Open space should be dedicated to its highest and best use within the confines of its being kept undeveloped. This may be agriculture. Land well suited for agricultural purposes should probably be included in the open space. Land that was once tillage or pasture land but has been allowed to revert to woods should be considered for preservation. The question of suitability of land for agricultural purposes may be referred to the Winchendon Agricultural Commission for its opinion.
4. It may be advantageous to include protected open space and developable land in a single parcel if such a combined parcel will have greater value for agricultural or commercial recreational uses. A community center combined with protected open recreational space to be owned by a homeowners association will be considered. The addition of protected open space to an individual house lot simply to produce a larger lot for strictly residential purposes will not be allowed.
5. The availability of access to open space will be a consideration in its selection.
6. Generally commercial forestry or woodlot uses should be allowed on conserved open space. Such uses should be in accordance with best management practices for long term open space preservation. Particular efforts shall be made to preserve rare plant species. Winchendon is not particularly interested in preserving land as “wilderness.”
7. Hiking, hunting, fishing, and other similar outdoor activities should be encouraged in land preserved for conservation purposes. A commitment not to restrict public access for such uses will be viewed favorably.
8. In considering land for recreational uses, the Board will look at the whole proposal to see that the proposal will ensure that development will not encroach on the space that should remain open and undeveloped. In the case of land proposed for commercial recreation, attention will be given to the economic viability of the proposal.
9. Land that is particularly steep, rough, has substantial ledge, or numerous large boulders may better be included in the preserved open space. [Added January 2013]

Section 4.2 Laying Out the Site

Section 4.2.1 Preserve the Existing Conditions

- A.** Site/building design shall preserve natural topography outside of the development footprint to reduce unnecessary land disturbance and to preserve natural drainage channels on the site.
- B.** In the design of a development, priority shall be given to retention of existing stands of trees, trees at the site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.
- C.** Sites shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.
- D.** Whenever possible forested areas shall be preserved if they are associated with:
 - 1. significant forest communities;
 - 2. wetlands, water bodies and their buffers;
 - 3. critical wildlife habitat areas;
 - 4. slopes over 15 percent.
- E.** Open space and specimen trees on the site shall be preserved insofar as possible.
- F.** Hilltops and/or scenic views within the town of Winchendon shall be protected.

Section 4.2.2 New Construction

- A.** Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape. Building sites shall be directed away from the crest of hills, and foundations shall be constructed to reflect the natural terrain.
- B.** Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designed to limit clearing and grading.
- C.** Cut and fill in site development shall be minimized. Finished grades in disturbed areas should be limited to no greater than a 1:2 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible.

Section 4.2.3 Other Considerations

- A.** Runoff from impervious surfaces shall be recharged on the site by stormwater by using best management practices in accordance with the Winchendon Low Impact Development bylaw. Runoff shall not be discharged directly to rivers, streams, or other surface water bodies. All such basins and wells shall be preceded by oil, grease, and sediment traps as may be required. [Added January 2013]

B. Impacts to archaeological resources shall be avoided.

C. The site and all buildings thereon should be designed so as to enhance the use of sustainable energy principles including the use of renewable energy (including solar energy, wind energy, and biofuels), the conservation of energy of all types, the limitation of carbon dioxide and other greenhouse gas production, and enhancement of carbon absorption from the atmosphere. The use of 'green' construction materials is encouraged. The Board will consider tradeoffs in other areas when so doing will better accomplish these purposes. [Added January 2013]

D. Applicants shall submit a response from the Massachusetts Historical Commission (MHC) regarding the potential for archaeological or historical resources on the site.

Section 4.2.4 Adequate Access from Public Way When the physical condition or width of the public ways by which a subdivision will be accessed is inadequate for access to such subdivision in the opinion of the Board, the Board may require the Applicant dedicate a strip of land for the purpose of widening the abutting public way to a width at least as great as that required within the subdivision, and to make physical improvements to and within such public way(s) to the same standards required within the subdivision for streets likely to carry traffic similar to that of the access road. This may include drainage improvements, utility improvements, improvement of intersections, signage, signalization, or other amenities necessary for safety and orderly traffic flow. Any such dedication of land for the purpose of such a way and any such work performed within such public way(s) shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the developer.

A. As an alternative to the developer's making the actual required improvements, the board may require the developer pay to the town the estimated cost of such improvements which money shall be used only toward the cost thereof. The timing of any such payment shall be as the board directs. [Section added Jan. 15, 2008]

Section 4.3 Street and Roadway Design

Section 4.3.1 Basic Requirements: All streets The applicant shall observe all design standards for land division as hereinafter provided. These standards shall be considered minimum standards and may be varied from or waived only as provided in Section 7.6. The Town of Winchendon's Design Standards and Construction Specifications must be followed.

A. The design speed for streets in commercial subdivisions and principal streets in residential subdivisions shall be 25 miles per hour. [Added January 2013]

B. The design speed for secondary and minor streets in residential subdivisions shall be 20 miles per hour. [Added January 2013]

C. Interconnection of streets at both ends is preferred. Dead end streets with or without turn-arounds are discouraged unless no other arrangement will allow reasonable use of the land. [Added January 2013]

Section 4.3.2 Streets to provide safe travel All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel and be of sufficient design and construction to adequately handle the traffic load anticipated.

Section 4.3.3 Subdivisions to have two exits Any new subdivision which will include more than six dwelling units and any non residential subdivision which includes more than 500 feet of roadway shall have two or more regular exits to public ways. The public way(s) used for such access shall also provide two or more exits. This provision is to ensure access for emergency vehicles in case an access is blocked.

A. The Board may consider waivers of this provision if adequate second access is provided over roads other than public ways.

Section 4.3.4 Street Extensions Provision satisfactory to the Board such as an easement for roadway purposes shall be granted to the town to provide for the proper extension of streets, or other access to adjoining property which is not yet subdivided.

Section 4.3.5 Streets in Planned Development, Commercial or Industrial Zones The Board will determine the design standards for new or improved streets in Planned Development, Commercial and Industrial zones based on the prospective traffic load in number and types of vehicles and pedestrian use. These may exceed the standards shown in section 4.10. These standards may be based on recommendations of the Institute of Transportation Engineers. [Revised January 2013]

Section 4.3.6 New streets Providing Access to Commercial and Industrial Zones Traffic on streets in residential zones that provide access to non residential zones should not create a nuisance to the residences in the residential zone. To accomplish this, the following standards shall apply:

A. No new street shall be built or access be allowed by way of existing streets in residential areas unless no other means of access to the non residential zone is practicable.

B. If such a new street is required, the right of way shall be not less than 150' wide. There shall be a buffer of at least 50' of dense vegetation on each side of the street within the right of way. Such vegetation is not to obstruct views at intersections. If suitable vegetation does not exist, fast growing native or non invasive species shall be planted before any other street construction is started in order to create the required buffer. If, in the opinion of the Board, noise or other nuisance from the street is likely to be a problem to residences, suitable barriers may be required on the street side of the buffer. The board may require upgrade of existing street(s) at the expense of the developer to, as nearly as possible, conform to these requirements.

C. If a new street is to be built in a residence zone that will connect two existing streets but, in the opinion of the Board, is likely to carry some traffic to the commercial or industrial zone, the street plan shall include such traffic calming or other measures that will minimize the commercial/industrial use as the Board may require. The Board may also designate that street as a principal street.

Section 4.3.7 No reserve strips Reserve strips prohibiting access to streets from adjoining property shall not be permitted, except where, in the opinion of the Board, such strips will be in the public interest.

Section 4.3.8 Street offsets and jogs If the centerline of a new street is not directly across the intersection from the right-of-way of another street, it shall have a centerline offset of no less than 125 feet.

A. Any new street shall be offset from any other street on the same side of the road by at least 300 feet, measured at the centerline of the streets. [Revised January 2013]

Section 4.3.9 Intersections Streets shall be laid out so as to intersect as nearly as possible at right angles.

A. A safe sight distance of 155 feet shall be maintained at all intersections on commercial and principal residential streets. No structures or vegetation shall be permitted to interfere with sight at this distance. [Added January 2013]

B. A safe sight distance of 115 feet shall be maintained at all intersections of secondary and minor residential streets. No structures or vegetation shall be permitted to interfere with sight at this distance. [Added January 2013]

Section 4.3.10 Cutbacks at Intersections Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than 25 feet. A greater radius may be required in commercial and industrial areas where large vehicle access is more likely.

Section 4.3.11 Traffic Calming In residential subdivisions, curved streets, streets following natural topography, offsets, roundabouts, and other traffic calming measures will be viewed favorably by the Board.

Section 4.3.12 Safe Sight Distances

A. No curve shall have a centerline radius of less than 50 feet. Safe sight distances of 115 feet shall be maintained. [Added January 2013]

B. Generally, tree trunks under 18 inches, utility poles and traffic signs will not interfere with safe sight lines. Other vegetation higher than 30 inches or tree branches within 7 feet of the ground will be presumed to interfere with safe sight lines. [Added January 2013]

C. Required sight lines should be within the street right of way. It may be appropriate to widen the right of way at sharp corners or where other obstacles interfere with the sight lines so that the sight lines will remain within the rights of way. [Added January 2013]

D. If a safe sight line will be over private property, a recorded easement to assure this distance remains unobstructed may be required. [Added January 2013]

Section 4.3.13 Driveway Connections The developer or property owner shall be responsible for connecting each individual driveway to the travel surface of the street. All such connections shall be built according to the requirements of the Department of Public Works. This may in-

clude a requirement for paving and/or installation of a culvert under the driveway connection.
[Added January 2013]

Section 4.4. Common Driveways in Residential Zones

Section 4.4.1 Common Driveways Permitted The Board may, without any obligation to so do, allow a common driveway in place of a minor street provided the common driveway is allowed by the zoning bylaw [see zoning bylaw section 7.4.1 C] and will not serve as potential access to other property, either property of the applicant or abutting property..

Section 4.4.2 Required Deed Language Before it allows a common driveway, the Board will require that the applicant provide acceptable language that will be incorporated into the deeds for the lots affected which will guarantee in perpetuity access to all of the lots and proper maintenance of the common driveway(s). Further a special condition will be added to the definitive plan to provide for guaranteed access to the lots and guaranteed maintenance of the common driveway(s).

Section 4.4.3 Not Principal Access Commercial & Industrial zones Common driveways as the principal access to lots will not be authorized in planned development, commercial or industrial zones.

Section 4.4.4 Standards for Common Driveways The detailed standards for common driveways are included in section 4.10. All common driveways shall also meet the standards established by section 8.8 of the zoning bylaw.

Section 4.5 Individual Driveways No principal building on a lot shall be located so as to require a driveway longer than 500 feet measured from the roadway to the nearest point on the principal building except by a waiver granted by the Board upon a finding that a shorter access is impracticable.

Section 4.6 Accessibility All streets, curb cuts, walkways, ramps, parking spaces, passenger loading zones and other outdoor improvements shall be designed to conform to the requirements of the Massachusetts Architectural Access Board as provided in 521 CMR. This includes making provision for accessible parking spaces.

Section 4.7 Curbs and Curb Cuts

Section 4.7.1 Curb Specifications Where curbing is required, whether it be granite or berms it shall be installed in accordance with the specifications of the Department of Public Works. Where low impact disposal of stormwater is provided, appropriate curb cuts for drainage shall be provided.

Section 4.7.2 Curb Cuts for single and two family residences Curb cuts for access to the lots shall be located so as to provide safe sight distances as determined by the Board. The location of curb cuts shall be shown on the subdivision plan. [Revised January 2013]

A. One 25 foot curb cut per lot is permitted. Additional curb cuts will be allowed only as the Board may see fit . Generally no more than one curb cut will be allowed for each 200 feet of lot frontage. [Added January 2013]

Section 4.7.3 Other Curb Cuts . For other uses the Board will determine curb cuts as part of the site plan approval process.

Section 4.8 Sidewalks, Walkways and Bicycle Paths in a Subdivision

- A.** Sidewalks which are constructed next to roadways should preferably be separated by a grassed strip not less than 2 feet wide. This strip may include trees, utility poles (if allowed) and signs. [Added January 2013]
- B.** All lots in areas requiring sidewalks must be served by sidewalks or walkways As an alternative to sidewalks alongside roadways, Walkways may be constructed at different locations, as the Board may allow. [Revised January 2013]
- C.** The inclusion of dedicated bicycle paths is encouraged and may be substituted for required bike lanes. [Added January 2013]
- D.** The locations, design and construction of sidewalks, walkways and bicycle paths shall be in conformity with the specifications of the Department of Public Works [Added January 2013]
- E.** Walkways and bicycle paths other than those in roadway rights of way shall require that appropriate easements be established. [Added January 2013]

Section 4.9 Bikeways or Bike lanes On new or reconstructed commercial/industrial or primary residential streets, bike lanes will be required. If on street parking areas are not provided, the bike lane should be adjacent to the curb. If street parking is provided the bike lane shall be between the parking area and the travel lanes. The bike lane must be 4 feet wide and must be separated from the travel lane by a 6 inch wide white pavement stripe. The construction shall be smooth with drains and manholes flush to the pavement and the same design and height as for the adjacent roadway. Signage to meet state standards shall be provided on the pavement and on the roadside. [Added January 2013]

Section 4.10 Design Standards for Streets and Driveways

	Commercial/ Industrial Streets	A. Primary Resi- dential Streets	B. Secondary Residential Streets	C. Minor Streets	D. Common Drive- ways
1. Definition	A street in the C1, PD, or I zone which is likely to regularly handle large commercial vehicles	A street which, in the opinion of the Board, is likely to carry a substantial volume of through traffic	A street or portion thereof other than a through street which, in the opinion of the Board is likely to carry through traffic other than just to and from the lots on that street	A street or portion thereof which is likely to be used only by vehicles traveling to of from lots on the street.	Driveways allowed by special permit under section 7.4.1 C of the zoning bylaw
2. Minimum Width of Right of Way	80 feet	50 feet	50 feet	50 feet	Not applicable
3. Minimum Width of Paved Way, if not ending in a turnaround	Two 11 foot travel lanes plus bike lane widths	Two 11 foot travel lanes plus bike lane widths	20 feet plus bike lane if provided	20 feet	20 feet; paving required only if special permit so requires
4. Minimum Width of Paved Way, if ending in a turnaround	Two 11 foot travel lanes plus bike land width	Two 11 foot travel lanes plus bike land width	20 feet plus bike lane if provided	20 feet	20 feet ; paving required only if special permit so requires
5. Shoulders or parking lane, each side	8 feet; outer edge shall be not less than 2" lower than pavement	2 feet	2 feet	2 feet	Not required
6. Maximum grade of roadway	8%	8%	10%	10%	10%
7. Leveling area	Maximum 2% grade within 100' of intersection	Maximum 2% grade within 100' of intersection	Maximum 2% grade within 25' of intersection	Maximum 2% grade within 25' of intersection	Maximum 2% grade within 25' of intersection
8. Curbing	Granite curb to specifications of Dept. Of Public Works	Granite curb to specifications of Dept. Of Public Works	Cape Cod berm (see appendix)	Not required	Not required

	Commercial/ Industrial Streets	A. Primary Residential Streets	B. Secondary Residential Streets	C. Minor Streets	D. Common Driveways
9. Sidewalks	5' wide, both sides of street	4' wide, both sides of street	4' wide, one side of street	4' wide, 1 side unless street less than 500' long	4' wide on one side if driveway length exceeds 500'
10. Bike Lane or Bikeway	Required	Required	Optional	Not required	Not required
11. Abutting slope in cut	1:2	1:2	1:2	1:2	1:2
12. Abutting slope filled	1:3	1:3	1:3	1:3	1:3
13. Dead Ends in commercial and industrial zones	500' or 3 times the minimum lot frontage, whichever is less ¹	Not applicable ¹	Not applicable ²	Not applicable	Not applicable
14. Maximum length of dead end street not ending in a turnaround	Not applicable ¹	Not applicable ¹	Not applicable ²	300' in all zones	500' in all zones
15. Maximum length of dead end street ending in a turnaround	500 feet ¹	Not applicable ¹	Not applicable ²	700' in R80 zone 600' in R40 zone 500' in R10 zone	Not applicable
16. Minimum turnaround radius, right of way	150 feet	Not applicable	Not applicable	75 feet ³	Not applicable
17. Minimum turnaround radius, outside of pavement	60 feet pavement 12' wide	Not applicable	Not applicable	60 feet, pavement 12' feet wide ³	Not applicable
18 Center area of turnaround	May be paved	Not applicable	Not applicable	Vegetated Island ³	Not applicable

¹ If, in the opinion of the Board, the street may be extended in the future, the requirements for a principal street shall apply.

² If, in the opinion of the Board, the street may be extended in the future, the requirements for a secondary street shall apply

³ A Hammerhead turnaround may be substituted. [Table revised January 2013]

Section 4.11 Stormwater Disposal

Section 4.11.1 Roadway Drainage Insofar as possible stormwater disposal shall be accomplished through the use of structures and facilities that return the stormwater to the soil as expeditiously as possible such as grassed swales or bioretention basins. The requirements of the Winchendon Low Impact Development bylaw must be met. Current state standards for low impact development must be followed. It is expected that in many instances there will be adequate space within the right of way for such structures. The construction of systems that will discharge storm water into a stream or wetland may be permitted only when no other feasible option is available.

Section 4.11.2 Stormwater management, including methods of maintaining existing drainage patterns, shall comply with the Massachusetts Stormwater Handbook.

Section 4.11.3. If catch basins and underground piping are to be installed for stormwater disposal, catch basins shall be constructed in conformity with specifications of the Department of Public Works and shall be located on both sides of the roadway on continuous grades at intervals of not more than 400 feet, at low points and sags in the roadway and near the corners of the roadway at intersecting streets. The developer shall reimburse the Town for the cost of repairs to such pipes, manholes, and fittings that are required within five years after the street has been paved. A guarantee bond may be required.

A. If a stormwater management plan includes detention basins or retention ponds, sedimentation markers shall be installed in such areas and additionally in any forebays thereof which will show the amount of accumulated sediment so that such basins will be cleaned when necessary. [Added January 2013]

Section 4.11.4. All stormwater disposal systems shall be designed and built so as to prevent the discharge of stormwater onto adjacent properties in greater amounts or at greater flow rates than existed prior to the development. Stormwater from one lot or a roadway shall not be discharged onto another lot so as to create a nuisance. Remediation of existing nuisances may be required.

Section 4.11.5 Wetlands Protection The Wetlands Protection Act, MGL Chapter 131, Section 40, provides:

no person shall remove, fill dredge, or alter any bank, beach, flat, marsh, meadow, or swamp bordering ... on any ... creek, river, stream, pond, or lake, or any land under said waters ... without filing written notice of his intention to so remove, fill, dredge, or alter, including such plans as may be necessary to describe such proposed activity and its effect upon the environment, at least sixty days prior to any such removing, filling, dredging, or altering. Said notice shall be sent by certified mail to the Conservation Commission. No such notice shall be sent before all permits, variances, and approval required by local bylaw, with respect to the proposed activity have been obtained.

The Board will condition its approval of the plan upon issuance of an “Order of Conditions” by the Conservation Commission if such an order is required. Developers are reminded that the Conservation Commission will not conduct site visits when the land is obscured by snow.

Section 4.12 Utilities

Section 4.12.1 Water Supply If a new subdivision is within 1500 feet of the existing town water distribution system, the applicant shall connect all properties in the subdivision with the town system. The distance shall be measured along town ways, public or not public and ways in any authorized subdivision from a town water main of at least 6 inches in diameter to the centerline of the nearest lot in the subdivision.

A. All pipes and fittings installed shall become town property from the time it is found free of defects and is placed in normal service . The developer shall also install fire hydrants, provisions to connect existing and authorized streets, and for connecting properties abutting those streets in which the water main is laid. The developer shall reimburse the Town for the cost of repairs to such pipes and fittings that are required within five years after being placed in normal service. A guarantee bond may be required.

B. If water mains are installed in streets in another uncompleted subdivision, the installing developer shall have a claim for the cost of that part of the installation against that other developer.

C. If the Department of Public Works determines that an existing water main to which connection will be made is too small to serve its existing customer load, the load which will be imposed by the new subdivision, and any likely future subdivision between the existing main and the new subdivision, the developer shall replace those parts of the existing water mains that are deemed inadequate with mains of adequate diameter.

E. Water pipes and related equipment such as hydrants and main shutoff valves shall be constructed to serve all lots on each street in the subdivision in conformity with specifications of the Department of Public Works and Fire Department. Hydrants shall be provided and placed at intervals of not more than four hundred (400') feet along each street. Pipe and fitting sizes and materials shall be as determined by the Department of Public Works. [Revised January 2013]

F. In a subdivision of more than 12 lots which will not be served by the town water supply under the preceding section, the developer may be required to install a common water supply system. Such system shall consist of a water supply of adequate quantity and quality to meet public water supply standards, a distributions system serving all lots in the subdivision with pipes and fittings of sufficient size to meet Department of Public Works standards for the town system. If the developer owns or controls other property contiguous with the proposed subdivision, the number of possible lots in that parcel or parcels shall be added to the number of lots in the proposed subdivision to determine whether the 12 lot threshold is meet.

Section 4.12.2 Sanitary sewer If a subdivision is located within 1500 feet of the town sanitary sewer system, the developer shall connect to the town system. The distance shall be measured along town ways, public or not public and ways in any authorized subdivision from the town sewer system to the centerline of the nearest lot in the subdivision. The actual sewer need not follow town ways. The design shall require approval by the Board of Health and the Department of

Public Works. The Board will not waive this requirement simply because lift stations or individual unit pumps will be required in order to discharge into the town system

A. All manholes, pipes, and fittings installed shall become town property from the time it is found free of defects and is placed in normal service. The developer shall also install provisions to connect existing and authorized streets, and for connecting all properties abutting the streets in which the sewer is laid. The developer shall reimburse the Town for the cost of repairs to such pipes, manholes, and fittings that are required within five years after being placed in normal service. A guarantee bond may be required.

B. If sewers are installed in streets in another uncompleted subdivision, the installing developer shall have a claim for the other developer's share of the proportional cost of the installation against that other developer.

C. If the Department of Public Works determines that an existing sewer to which connection will be made is too small to serve its existing customer load, that which will be imposed by the new subdivision, and any likely future subdivision between the existing main and the new subdivision, the developer shall replace those parts of the existing sewer that are deemed inadequate to make the entire system adequate.

D. Sewer pipes, manholes, connecting Y s and related equipment shall conform to the specifications of the Department of Public Works.

E. If the subdivision is not required to be connected to the municipal sewer system, the developer may, with the approval of the Board of Health, install a system of common sewers and disposal works. In such a system, all underground piping, manholes, connections, and other appurtenances shall meet the standards of the Department of Public Works for the municipal system. The system shall be designed so that it may be connected to the municipal system should that become feasible. The Board will require adequate provisions for the operation and maintenance of the system

Section 4.13 Other Site Requirements

Section 4.13.1 Open Spaces Before approval of a subdivision plan- the Board may also, in proper cases, require the plan to show areas suitably located for playground or recreation purposes, or for providing light and air. The area(s) shall not be unreasonable in area in relation to the land in the site and to the prospective uses of such land. Such parks shall be conveniently located. Such parks shall be provided with appropriate access to streets and pedestrian ways.

Section 4.13.2 Parking Requirements Off-street parking shall be provided in accordance with the zoning bylaw. [See zoning bylaw, article 8.]

Section 4.13.3 Other Utilities Gas, Electric, Telephone, etc. shall, if situated in a flood prone area, be flood-proofed and approved by the Department of Public Works or the Board's consulting engineer. Developers will be encouraged and may be required to install utility services, including electricity, telephone and cable antenna television services underground, and will be required to follow an approved distribution plan.. Any associated overhead structures shall be in

conformity with Town standards. Any related equipment, such as transformers, switching mechanisms, or other vital components shall, if situated in a flood prone area, be flood-proofed and approved by the Department of Public Works or the Board's consulting engineer. [Revised January 2013]

Section 4.13.4 Overlay Districts Land located within all overlay districts is subject to the provisions of the Winchendon Zoning Bylaw, which in general restricts the use of land in such district. The Board may modify these regulations as necessary for subdivisions in those districts.

Section 4.13.5 Protection of Town Property No natural feature within a road right of way or other property of the Town, such as trees, stone walls, etc. may be removed or disturbed until approval is obtained by the Winchendon Tree Warden and the Department of Public Works. Stone walls which abut the public right-of-way are included in this section. If the road is designated as a scenic road, the permit and other requirements for work on scenic roads shall be followed.

Section 4.13.6 Easements

A. Utility Easements Easements for utilities across lots or centered on road or side lot lines shall be provided where necessary and shall be at least twenty feet wide.

B. Stormwater Easements Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that a storm water easement to the Town be provided for a drainage right-of-way of adequate width that conforms substantially to the lines of such water course, and the boundary of which shall be no closer than 12 feet from the high water line, drainage way channel or stream, to provide for construction, repair, or other necessary purposes.

Section 4.13.7 School Bus Stops In areas where transportation of school students will be required, the developer shall consult with the school department as to likely school bus stop locations and shall make sure such locations will provide safe access for students. Student shelter(s) may be required. Appropriate markings will be required. The results of such consultation shall be reported to the Board. [Revised January 2013]

Section 4.13.8 Fire Protection

A. Each new dwelling unit should be provided with a residential sprinkler system designed and installed in accordance with the code promulgated by the National Fire Protection Association as interpreted by the chief of the Winchendon Fire Department. This includes the provision of an adequate water supply for dwellings not served by the town water system. [Added January 2013]

B. New non residential or mixed use buildings shall be provided with fire protection systems including automatic fire alarm systems as required by the Massachusetts Building Code or the requirements of the Winchendon Fire Department. [Added January 2013]

C. Unless residential sprinkler systems are installed as suggested in subsection A. Supra and/or suitable systems are installed as required in subsection B, A water supply for fire protection shall be provided according to the provisions of section 5.8. [Added January 2013]

Section 4.13.9 Monuments Monuments shall be installed on both sides of the street at all street intersections, at all points of change of direction or curvatures of streets at one thousand (1000') foot intervals maximum on curves, on property corners of all new lots and at other points where, in the opinion of the Board, permanent monuments are necessary. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed. Placement and location of bounds are to be certified by a registered professional engineer or registered land surveyor after installation of the way, and shall be shown on the as-built drawings.

A. Monuments shall be a standard granite marker of not less than four feet in length and not less than 6 inches in width and breadth and shall have a metal bar installed at the exact location of the boundary point. In areas where a protruding marker may constitute a hazard, Monuments shall be set flush with final grades. Otherwise the tops of monuments should be 6 to 12 inches above ground level so they can be more easily located. The metal bar is must be installed so that the monument may be found with a metal detector.

Section 4.13.10 Street Signs

A. **Signs at Intersections** street signs shall be installed by the developer at all intersections in conformity with the specifications of the Department of Public Works. [Revised January 2013]

B. **Private way Signs** Until such time as a street is accepted by the Town of Winchendon as a public way, the sign posts at the intersection of such street with any other street shall have affixed thereto by the developer a sign designating such street as not being a public way.

Section 4.13.11 Landscaping

A. **Landscape Plan Required** The applicant, shall submit as part of the subdivision application a landscape plan prepared by a registered landscape architect which shall specify the number, location, and type of trees to be planted in the subdivision. .

B. **Existing Trees** Should suitable trees to meet the requirements of this section exist within the right of way or within 20 feet thereof on the abutting lot, the retention of such trees, if healthy, will be considered preferable to the planting of new trees. If such trees exist and are identified on the landscape plan, the Board will waive the planting of new trees in that area. [Added January 2013]

C. **New Trees** Trees shall be planted at the developer's expense along or within the right-of-way on both sides at intervals of approximately 50 feet, but no closer than 35 feet. along roads within the entire tract being subdivided, unless specifically exempted by the Board. All trees shall be of native or non invasive species and be the equivalent of well-rooted nursery-grown stock not less than one inch dbh in good condition and free of injury, harmful insects

and diseases. Large trees and shrubs within rain gardens may be counted toward meeting the requirements of this section. [Revised January 2013]

Section 4.13.12 Retaining Walls Retaining walls with height measured from base ground level to the top of the structure of greater than 5 feet shall be designed by a registered structural engineer. A profile plan, soil analyses, and complete engineering calculations shall be provided. [Added January 2013]

Section 4.14 Dwelling Units in a Residential Subdivision

Section 4.14.1 Article 11 of the zoning bylaw regulates the number of dwelling units in a residential subdivision. Unless a lot is legally restricted for some other purpose, each lot will be considered to have the potential for at least one dwelling unit. Lots which are restricted for other purposes, except in the protected open space, will be allowed only at the discretion of the Board. [Added January 2013]

Section 4.14.2 In general it is expected that the residences in a subdivision will be clustered. This arrangement is facilitated by the reduced lot sizes, frontage requirements, and setbacks allowed. Using the minimums allowed for area, setbacks, and frontage may not provide the best and most marketable design; and developers may elect for greater spacing. It is understood by the Board that developers will want to build easily marketable properties. The Board will generally accede to the wishes of the developer in this regard. [Added January 2013]

Section 4.14.3 The construction of a cluster of homes around some interest point, either existing or to be constructed, will be viewed favorably by the Board. [Added January 2013]

Section 4.14.4 While three family buildings are permitted in the R80, R40 and C2 zones, it is expected that most buildings will be single or two family residences. [Added January 2013]

Section 4.14.5 In the R10 and PD zones the construction of multifamily buildings to provide rental housing or condominium ownership are encouraged. More than one residential building per lot is permitted. The inclusion of units restricted to occupants of low or moderate income is strongly encouraged. [Added January 2013]

Section 4.14.6 When it is expected that a residential lot will be used in conjunction with agricultural land in the protected open space as a farm, it may be located close to the agricultural land and not as part of a residential cluster. It is expected that some such owners may supplement their agricultural activities with non agricultural occupations. [Added January 2013]

Section 4.15 Unusual Features

Section 4.15.1 Features provided in the Site Plan Regulations If unusual features are proposed in a subdivision that are covered by design standards in the *Rules and Regulations for the Review and Approval of Site Plans and Site Development* but are not otherwise covered in these regulations, the design standards included in the Site Plan Regulations shall apply. [Added January 2013]

Section 5 Subdivision Construction Standards

Section 5.1 Notice of Commencement of Construction

Section 5.1.1 Notice of Construction Any person intending to commence land clearing, excavations, or construction in any uncompleted subdivision or in any way within a subdivision shall give ten (10) days advance notice to the Board's compliance official, if any, otherwise to the building commissioner/zoning enforcement agent before commencing such activity..

A. If construction activity is suspended for a period longer than 6 months, the developer will give the Board a notice of its intention to resume construction activities. [Added January 2013]

Section 5.1.2 No Nuisance The Board will require adequate measures including, without limitation, barriers and restricted hours of operation to insure that the work does not become a nuisance to abutters.

Section 5.1.3 Use of Existing Ways

A. Construction equipment including trucks which, because of its size or weight, may damage public or other ways will not be allowed to use existing ways. Track type equipment or other equipment which may damage pavements will not be allowed on paved ways. The developer will be responsible to the town or the private way owner for any damage to such ways or pavements caused by such use. [Added January 2013]

B. Measures that prevent construction vehicles from tracking dirt, mud, or dust from constructions sites onto the public ways will be required at all access points. [Added January 2013]

C. The board may require a bond or security deposit to reimburse the town for any damage that may occur from vehicles using town ways. [Added January 2013]

Section 5.1.4 Hours of Operation All construction work shall be performed within the hours from 7 A. M. and 5 P. M. on Monday through Friday unless otherwise permitted by the Board. This time restriction also includes heavy trucks traveling to and from the site other than on state numbered routes outside the PD zones. The Board reserves the right to further restrict operating hours should neighborhood considerations warrant such action. [Added January 2013]

A. All subcontractors must be notified of this requirement and must comply therewith. [Added January 2013]

Section 5.1.5 Contact Information The developer shall provide full contact information about the contractor actually doing the work to the police department/emergency dispatch center prior to the start of work. This shall include the name of the contractor, address, phone numbers and phone numbers of key personnel that may be reached at any time if needed in an emergency. Information shall be updated when necessary. This provision is waived for sites where there are ordinarily actual persons on the site 24 hours a day, seven days a week. [Added January 2013]

A. The developer shall also erect a sign on the site which is easily visible from the street showing the name, address and telephone number of the developer, the general contractor, and major subcontractors. [Added January 2013]

Section 5.2 Construction Standards: Land Clearing.

Section 5.2.1 Required Measures The applicant shall employ the following measures in development of the site:

A. Protection of Natural Resources 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. Before approval the Board may require the staking out of all natural features not to be disturbed in the process of construction. [Added January 2013]

B. Must Minimize Site Alteration, Clearing and Grading BMPs and other efforts to minimize the clearing and grading on a site associated with construction activities shall be employed, such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, etc. in areas already planned for permanent structures. Earth materials shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers.

C. Unless an approved plan allows a greater area, clearing of vegetation and alteration of topography shall be limited to 10% of the site with native vegetation planted in disturbed areas as needed to maximize absorption of rainwater and reduce runoff, and enhance or restore wildlife habitat.

D. Clearing for utility trenching shall be limited to the minimum area necessary to maneuver trenching or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling or routing along driveways for utilities installation should be utilized wherever feasible to protect root systems of trees.

E. Open space and specimen trees on the site shall be preserved insofar as possible.

F. Understory vegetation beneath the dripline of preserved trees shall also be retained in an undisturbed state. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and such measures shall be maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.

Section 5.2.2 Site Management Techniques Proper site management techniques shall be employed during construction:

A. The extent of a site exposed at any one time shall be limited through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.

B. Trees, stumps, brush, and similar material may be left or buried on the site only with the advance approval of the Board. This requirement is to prevent future erosion and sinkholes.

Section 5.2.3 Site Protection during Construction The developer must protect the site during construction through adequate erosion and sedimentation controls:

A. Temporary or permanent diversions, berms, grassed waterways, special culverts, shoulder dikes or such other mechanical measures as are necessary may be required by the Board to intercept and divert surface water runoff. Runoff flow shall not be routed through areas of protected vegetation or revegetated slopes and other areas. Temporary runoff from erosion and sedimentation controls shall be directed to BMPs such as vegetated swales. Retaining walls may be required where side slopes are steeper than a ratio of 1:2.

B. Erosion and sedimentation controls shall be constructed in accordance with the Massachusetts Stormwater Handbook.

C. Erosion control measures shall include the use of erosion control matting, mulches and/or temporary or permanent cover crops. Mulch areas damaged from heavy rainfalls, severe storms and construction activity shall be repaired immediately.

D. Erosion control matting or mulch shall be anchored where plantings are on areas subject to mulch removal by wind or water flows or where side slopes are steeper than 1:2 or exceed 10 feet in height. During the months of October through April when seeding and sodding may be impractical, anchored mulch may be applied at the Board's discretion.

E. The mouths of all catch basins shall be fitted with filter fabric during the entire construction process to minimize siltation or such basins shall be designed as temporary siltation basins with provisions made for final cleaning.

F. The developer is required to conduct weekly inspections of all erosion and sedimentation control measures on the site to ensure that they are properly functioning as well as to conduct inspections after severe storm events.

Section 5.2.4 Revegetation The developer shall revegetate the site promptly after grading:

A. Stabilization of cleared sites shall occur within seven calendar days of final grading.

B. Proper revegetation techniques shall be employed using native plant species, proper seed bed preparation, fertilizer and mulching to protect germinating plants. Grassed Areas shall be sodded or loamed with not less than four (4") inches compacted depth of loam as specified in section 5.6, and seeded with turf grass seed of a mixture approved by the Board. Plantings shall be made during the season appropriate to the selected plant species.

C. Finished grade shall be no higher than the trunk flare(s) of trees to be retained. If a grade change of 6" or more at the base of the tree is proposed, a retaining wall or tree well may be required.

Section 5.2.5 Protection of Abutters An increase in the volume of surface drainage from the properties under construction onto abutting properties is not permitted.

Section 5.2.6 Monitoring and Inspections

A. Prior to commencement of construction, the applicant, land owner, contractor and construction crew, zoning enforcement officer, and site engineer shall conduct a meeting to review the proposed construction phasing and number and timing of site inspections.

B. Initial site inspection of erosion and sedimentation controls and placement of tree protection measures shall occur after installation of barriers around preserved areas and construction of all structural erosion and sedimentation controls, but before any clearing or grading has begun.

Section 5.2.7 Site Security in developed areas If any active part of a development site, is within 300 feet of an occupied home, school, playground, street commonly used by school children who walk to school, retail establishment, place of assembly or other location frequented by members of the public and particularly by children, the developer shall protect such active work areas with a suitable security fence and such other measures as the board may require for the protection of the public. If an open excavation deeper than 2 feet or an uncapped foundation is allowed to remain for more than 30 days, it shall be surrounded by a chain link fence until the hazard has been removed. It will be a particular duty of the compliance monitor to enforce this provision. [Added January 2013]

Section 5.2.8 Required Performance Security In addition to the security statutorily required for the construction of roads, The Planning Board may require a performance guarantee in a form acceptable to the Board to cover the costs associated with compliance with the regulations concerning site construction. [Revised January 2013]

A. The required performance guarantee in the amount of 150% of the cost of site restoration shall be posted prior to the issuance of a permit to start construction of the subdivision.

B. The performance guarantee shall be held for the duration of any prescribed maintenance period required by the Planning Board to ensure establishment and rooting of all new plantings, and may be reduced from time to time to reflect completed work. Plantings which die within the prescribed maintenance period shall be replaced. Securities shall not be fully released without a final inspection and approval of vegetation replacement by the town.

Section 5.3 Construction Standards: Streets and Ways

A. All areas of roadways and walkways, including areas not to be paved, shall be cleared of all stumps, brush, roots, boulders, or like material and all trees not intended for preservation. [Revised January 2013]

B. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.

C. All roadways shall be brought to finished grade as shown on the profiles of the Definitive Plan. The roadway shall be surfaced with at least the top twelve inches consisting of two six-inch layers of well-compacted binding gravel to the specified width and location.

D. Unless paving is not required, The completed gravel surface of the travel lanes of all streets shall be treated for the full width of the roadway with a minimum of 1 1/2 inches of bituminous concrete wearing course pavement, over a minimum 2 1/2 inch binder course of bituminous concrete. [Revised January 2013]

E. The workmanship of all street and municipal service installations shall be tested by exposure, after installation, during the consecutive interval December 1 to the following April 30. The compliance official shall inspect the installation after said exposure to determine if the installation is adequate and completed.

F. Temporary access roads and storage areas for use during construction may be constructed if necessary. Such road(s) shall be adequately safe for the purposes to which they may be put. Such road(s) shall be shown on the plans. All such roads shall be removed and the land restored to its original condition before the end of construction. Such temporary roads and storage areas shall not be located in protected open space. [Revised January 2013]

G. All cleared areas of a right-of-way, not to be planted with groundcover plantings, including all disturbed areas within public easements, shall be sodded or loamed as provided in section 5.6 and seeded with turf grass seed of a mixture approved by the Board. Plantings shall be made during the season appropriate to the selected plant species. [Revised January 2013]

Section 5.4 Construction Standards: Utilities

Section 5.4.1 All materials used, including pipe and fittings, shall be manufactured by firms and be models thereof approved by the Department of Public Works.

Section 5.4.2 All construction without limitation including trenches, excavations, the backfilling thereof and subsurface masonry shall be performed according to standards approved by the Department of Public Works.

Section 5.4.3 Any such subsurface work in a roadway shall be performed before the gravel surface or pavement is laid.

Section 5.4.4 In the event that an open cut of pavement is required after binder is in place, backfill with controlled density fill (CDF) is required.

Section 5.4.5 If television cables are to be installed in a subdivision, the developer shall give the local television cable franchisee not less than 90 days notice before such installation will be needed. [Added January 2013]

Section 5.5 Construction Standards: Trees and Other Plantings

The applicant shall plant trees as provided in the landscape plan submitted as part of the subdivision application in accordance with any specific provisions included in the plan. The developer

shall provide for the inspection of stock and planting operations shall be in accordance with good horticultural practice. The developer shall provide a one year warranty on all stock.

Section 5.6 Construction Standards: Loam

Loam shall consist of fertile, friable, natural topsoil typical of the locality without admixture of subsoil, refuse or other foreign materials and shall be obtained from a well-drained arable site. It shall be of such a mixture of sand, silt and clay particles as to exhibit sandy and clayey properties in about equal proportions. It shall be reasonably free of stumps, roots, heavy or stiff clay, stones larger than ¾ inch diameter, lumps, coarse sand, noxious weeds, sticks, brush or other litter. Topsoil as delivered to the site or stockpiled shall have pH between 6.0 and 7.0 and shall contain no less than 5 percent or more than 8 percent organic matter as determined by loss of ignition of moisture free samples dried at 100 degrees Celsius. The topsoil shall meet the following mechanical analysis:

	PERCENTAGE FINER THAN
¾ inch opening	100
No. 10 mesh	90 to 95
No. 270 mesh	35 to 75
0.002 mm.*	5 to 25

* Clay size fraction determined by pipette or hydrometer analysis.

A. A minimum of four inches of loam shall be required in all locations specifying topsoil.
[Added January 2013]

Section 5.7 Slopes Planting, Grading of Lots, Preservation of Vegetation

Section 5.7.1 Erosion Control All cut or fill slopes subject to erosion shall be planted with suitable plant materials. Transplants shall be well-rooted, properly set and watered as necessary. Perennial grasses shall be suited to the landscape and located to provide adequate cover as determined by the Board on advice of its engineers. In areas subject to potential serious erosion, the Board may require the planting of sod and the use of additional erosion control measures. A wood chip or comparable mulch shall be used with ground cover plants to minimize erosion. Any plantings which do not survive for one year shall be replanted.

Section 5.7.2 Slope Stabilization Slope is defined as the ratio of vertical rise over horizontal distance. Upon completion of grading and replacement of topsoil, slopes shall be appropriately stabilized to prevent erosion. Excessively steep slopes shall not be permitted. An adequate slope stabilization plan shall be approved by the Board.

A. **Slope Stabilization** Effective stabilization of revegetated areas must be approved by the compliance monitor before erosion and sedimentation controls are removed. The compliance

monitor shall complete an inspection prior to removal of temporary erosion and sedimentation controls. [Revised January 2013]

B. Guide for Slope Stabilization The following guide for slope stabilization is recommended:

1. Slopes steeper than 1:2: Rip rap or terracing.
2. Slopes of 1:8 to 1:2 Sod or establish vegetation or seedlings in association with webbing or an approved mulch placed over the soil.
3. Slopes of 1:20 to 1:8 Sod or plant seed in association with webbing or approved mulch placed over the soil.

Section 5.7.3 Temporary Measures Appropriate temporary measures shall be taken to prevent erosion of bankings and slopes during construction.

Section 5.8 Fire Protection Water Supply Regulations

following Fire Protection Water Supply Regulations shall apply to all new unsprinklered residential developments that provide for more than six new residential units and all unsprinklered commercial and industrial developments with buildings aggregating more than 15,000 square feet gross floor area: [Revised January 2013]

A. GENERAL REQUIREMENTS

1. In accordance with Winchendon's Subdivision Regulations, and Massachusetts General Law Chapter 148, Section 28, the Winchendon Fire Department has adopted the following regulations with regard to Water Supply for the purposes of fire protection.
2. Anyone fulfilling the enclosed regulations are to meet all requirements specified by other boards and departments as they may relate to the work performed.
3. Any development under Winchendon's Subdivision Regulations, that is within 1500 feet of the current geographical area serviced by the municipal water system shall provide municipal water supply for fire protection. (See Section 4.11.1.)
4. In those areas where the extension of the municipal water system is not required and is technically unfeasible, the developer shall be required to install residential sprinkler systems in each dwelling or provide a water supply for fire protection commensurate to the hazard, as approved by the fire department.
5. In the case that the developer is required to or wishes to install a fire protection water supply and neither extending the hydrant system nor installing a cistern is feasible, a dry hydrant system into an existing water supply or new water supply may be installed for fire protection purposes. (See Section 5.11 D.)
6. The term Fire Chief in this section shall mean the Fire Chief or his designee.

B HYDRANT REQUIREMENTS

1. GENERAL HYDRANT REQUIREMENTS

- a. Any development occurring within 1500 feet of an existing water main shall extend the system to provide fire hydrants for fire protection purposes.
- b. Fire hydrant type and installation will be in accordance with the requirements of the Department of Public Works.
- c. The fire chief shall review all fire hydrant locations.

2. TESTING AND INSPECTION

- a. All public hydrants shall be tested and inspected by the Town of Winchendon Water Department prior to acceptance.
- b. All private hydrants shall be tested and inspected in accordance with the Town of Winchendon Private Fire Hydrant Regulations.

C. FIRE CISTERN REQUIREMENTS

1. GENERAL FIRE CISTERN REQUIREMENTS

- a. Fire cisterns shall be located no more than 1,200 feet road way/driveway travel distance from any structure on the furthestmost lot within a development.
- b. The design of the fire cistern shall provide for a trouble-free life expectation of 20 years.
- c. The capacity of the cistern will be based on the size of the largest home/building to be constructed within the development. However no fire cistern shall be smaller than 30,000 gallon water capacity.
- d. The design of the fire cistern shall be submitted to the Fire Chief for approval prior to construction. All plans must be signed and stamped by Structural or Fire Protection licensed/registered engineer in the State of Massachusetts
- e. The entire fire cistern shall be rated for H-20 highway loading unless specifically exempted by the Fire Chief.
- f. Each cistern shall be sited to the particular location by a Registered Engineer and approved by the Fire Chief. All appropriate easements to the Town shall be in place at the time of Fire Department Acceptance.
- g. Precast concrete shall achieve a 28-day strength of 4,000 PSIG. Poured concrete should be placed with a minimum of 4" slump and vibrated in a professional manner.

- h. The concrete shall be mixed, placed and cured without the use of calcium chloride. Winter placement and curing shall follow the accepted American Concrete Institute (ACI) codes.
- i. All piping shall be American Society for Testing and Material (ASTM) D 2665 SCH 40 180 PSIPVC DWV with glued joints.
- j. All connections shall be clean and the appropriate sealing material used according to manufacturer's specifications so as to ensure all joints are airtight. All connections must be anchored to the cistern to resist movement.
- k. The entire cistern shall be completely piped and inspected prior to any backfilling.
- l. All backfill materials shall be screened gravel with no stone larger than 1.5" (inches) and shall be compacted to 95% ASTM 1557.
- m. Bedding for the cistern shall consist of a minimum of 12" (inches) of .75" to 1.5" (inch), crushed washed stone, compacted. No fill shall be used under the stone.
- n. The cistern shall be designed and installed so it will not float when empty.
- o. The entire tank will be guaranteed to be watertight (leak proof) by the installer for one year.
- p. The design engineer for the cistern will inspect all steps of the installation and provide a report of conformity with the specifications to the Fire Department.
- q. All cisterns shall be equipped with a raised 32" (inch) watertight manhole with a blank cover and secured with a Knox exterior padlock Model 3753. There is to be access to the manhole cover after backfilling and site work. Access must be provided to all sections of the tank.
- r. Perimeter of tank at floor/wall joint should be sealed with 8" PVC Waterstop.

2. SUCTION CONNECTION

- a. The suction connection shall be factory supplied painted aluminum, threaded male connection 6" (inches) in diameter, with NH thread and provided with fixed strainer and a suitable cap.
- b. The suction piping system shall be 6" (inches) in diameter and capable of delivering 1,000 gallons per minute, for three quarters of the cistern's rated capacity.
- c. The suction pipe connection shall be 36 inches above the level of the grade where the vehicle wheels will be located when the cistern is in use.
- d. Suction piping shall be supported on top of the tank and to the bottom of the cistern with a space of 8" from the floor of the tank to prevent vertical or horizontal

movement, using non-corrosive hardware. Supports at top of tank shall be located so as not to be affected by frost.

e. The bottom of the suction pipe to the pumper connection shall not exceed 14 feet vertical distance.

f. Suction piping should be designed to minimize whirlpooling.

g. The suction pipe connection shall terminate not more than 8 feet from the edge of the pavement.

h. All above the tank suction piping shall be pitched slightly back towards the tank for proper drainage.

3. VEHICLE PARKING AREA

a. The shoulder and vehicle pad should be of a sufficient length to permit convenient access to the suction connection when the pumper is set at 45 degrees to the road.

b. The pitch of shoulder and vehicle pad from edge of pavement to pumper suction connection shall be 1 % to 3% downgrade.

4. FILLER CONNECTION

a. The filler pipe shall be 6" in diameter.

b. The filler connection shall have one, Siamese fitting with two 2-1/2" (inch) connections, with NH thread with two Knox FDC Cap Model 3012 - Matte Gray Stainless locking covers attached to a 45 degree downward sweep elbow. The filler connection shall be supported vertically to the cistern.

c. The filler pipe connection shall be 36 inches above the final grade.

d. Filler piping shall be supported on top of the tank to prevent vertical or horizontal movement.

5. VENT PIPE

a. The vent pipe shall be 8 inches in diameter.

b. The vent pipe shall terminate not less than 36 inches above the final grade, with the opening to the pipe facing downward.

c. Vent piping shall have screen covers installed to prevent access by wildlife.

6. BACKFILLING OF CISTERN

a. 4 feet of fill; or.

- b. The top and highest 2 feet of the cistern shall be insulated with vermin resistant foam insulation, and 2 feet of fill.
- c. Backfill shall extend 10 feet beyond the edge of the cistern and then have a maximum 1:3 slope, loamed and seeded or sodded.
- d. All construction, backfill, and grading material should be in accordance with proper construction practices and acceptable to the Fire Chief.

7. SITE WORK

- a. After backfilling, the cistern and piping shall be protected from potential vehicular damage, by;
 - i. Steel, concrete filled, pipe bollards no less than 8" in diameter set in the ground below the frost line, or
 - ii. Large rocks, or
 - iii. By fencing, or any combination of bollards, rocks, or fence.
- b. The installer is responsible for completely filling the cistern prior to acceptance by the authority having jurisdiction. The water level is not to drop more than 1 inch in 24 hours initially and not more than 1 inch additionally in 30 days.
- c. The installer is responsible to supply and install identification signs as directed by the fire chief. (See Appendix)
- d. The installer is responsible to install a deep well and pump, in accordance with Chapter 255-2A of the Winchendon Board of Health Water Supply Regulations that will automatically maintain a full water level in the tank. The well/pump combination must be capable of delivering a minimum of 5 gallons per minute. If the well is determined capable of delivering higher volume, equipment will be installed to provide the higher volume.
- e. The installer is responsible to install a water fill notification light that will flash a red light when the well pump is operating. The light will be mounted at least 5' above the surface of the ground.

8. GENERAL CONDITIONS

- a. **NO BUILDING PERMITS WILL BE ISSUED UNTIL CISTERN IS INSTALLED, TESTED, AND ACCEPTED BY THE FIRE DEPARTMENT**
- b. The Installer shall be required to post a 1-year bond in the amount of \$5,000 per 10,000 gallons for maintenance and repair prior to final acceptance.

c. The Installer is responsible to convey to the town a one-time sum in the amount of \$10,000 for perpetual maintenance and repair.

9. FIRE DEPARTMENT ACCEPTANCE SEQUENCE:

a. The Fire Department will review all cistern plans and engineering data prior start of construction.

b. The Fire Department will be notified and provided the opportunity to inspect at the following mid points of construction.

i. Site Preparation prior to tank installation

ii. Prior to backfill

c. The developer will notify the Fire Department when all site work is complete and tank is operational and ready for operational acceptance, and provide evidence of bond for one-year maintenance.

d. The Fire Department performs functional test including water recovery at minimum of 5 gpm and validates operation of cistern.

e. Developer provides town with perpetual maintenance fee.

f. The Fire Department provides operational acceptance and turns off well pump to start 30-day stability test.

g. Building Permits can now be processed if being held for cistern completion.

h. 30 days after operational acceptance the Fire Department will inspect the cistern to see that water level has been maintained, and if any functional issues exist the developer will be notified to resolve issues.

i. Within 1-year the developer will convey any easements to the town with regard to the cistern.

j. During the first 12 months the Fire Department will perform inspections and tests of cistern and notify developer to resolve any issues.

k. Twelve months from the Fire Department's operational acceptance they will perform one final inspection and test of cistern to validate operation and will notify the developer if any issues need to be resolved. If no issues exist the Fire Department will notify the developer of final acceptance and release any claims against the bond.

D. DRY HYDRANT REQUIREMENTS GENERAL

1. The design of the dry hydrants shall be for trouble-free service that will last a lifetime.

2. The dry hydrant water supply capacity shall be based on the largest home/building being protected. However no dry hydrant water supply shall be smaller than 30,000 gallons of water. The water supply capacity calculation shall be made by a professional engineer utilizing 50 year drought records.
3. The design of the dry hydrants shall be submitted to the Fire Chief for approval prior to construction.
4. Each dry hydrant shall be sited to the particular location and approved by the Fire Chief.
5. All piping shall be American Society for Testing and Material (ASTM) D 2665 SCH 40 180 PSIPVC DWV with glued joints.
6. All connections shall be clean and the appropriate sealing material used according to manufacturer's specifications so as to ensure all joints are airtight.
7. The suction connection shall be factory supplied painted aluminum, threaded male connection 6" (inches) in diameter, with NH thread and provided with fixed strainer and a suitable cap.
8. The entire dry hydrant shall be completely piped and inspected prior to any backfilling.
9. All backfill materials shall be screened gravel with no stone larger than 1.5 by 1 inches and shall be compacted to 95% ASTM 1557.
10. Bedding for the dry hydrant piping shall consist of a minimum of 12 inches of screened gravel with no stone larger than 1.5" (inches.) and be fully compacted.
11. The suction pipe connection shall be between 20 and 24 inches above the level of the grade when the hydrant is in use, and the 90-degree elbow in the ground is to be supported by a large flat rock or concrete pad.
12. After backfilling, the piping shall be protected from potential vehicular damage, by;
 - a. Steel, concrete filled, pipe bollards no less than 8" in diameter set in the ground below the frost line, or
 - b. Large rocks, or
 - c. By fencing, or any combination of bollards, rocks, or fence.
13. The end of the suction pipe shall be protected by a screen equipped with a removable cover.
14. The pitch of shoulder and vehicle pad from edge of pavement to pumper suction connection shall be 1 % to 3% downgrade.

15. The shoulder and vehicle pad should be of a sufficient length to permit convenient access to the suction connection when the pumper is set at 45 degrees to the road.

16. The suction pipe connection shall terminate not more than 8' (feet) from the edge of vehicle access.

E. The installer is responsible to supply and install signage as directed by the fire chief.

6. Construction, Compliance, Plan Modification, Completion

Section 6.1 Construction Construction shall be carried out in compliance with the approved subdivision plan and these rules and regulations. All work shall be completed within the time limits specified in the conditions of the plan and any extensions that may be granted by the Board. The Board may grant a time extension for good cause shown without a formal hearing.

Section 6.2 Compliance Monitoring

A. Prior to commencement of construction, the applicant, land owner, contractor and construction crew, zoning enforcement officer, and site engineer shall conduct a meeting to review the proposed construction phasing and number and timing of site inspections. [Added January 2013]

B. Initial site inspection of erosion and sedimentation controls and placement of tree protection measures shall occur after installation of barriers around preserved areas and construction of all structural erosion and sedimentation controls, but before any clearing or grading has begun. [Added January 2013]

Section 6.2.1 Monitoring During Construction All subdivisions shall be monitored during construction to insure compliance as required by section 6.1. A fee deposit under the provisions of M. G. L. chapter 44, section 53G will be required to cover the cost of monitoring. (See section 7.5.) [Added January 2013]

Section 6.2.2 Monitoring Procedures Monitoring to insure compliance shall be carried out at appropriate times during the development of the Subdivision. The frequency and level of monitoring shall be determined by the monitor. Monitoring will be done by a compliance official who may be a consultant engaged by the Board, the building commissioner, or other town official as determined by the Board. The monitor shall report to the Board if any serious problem arises and report not less often than quarterly the status of the subdivision and any compliance problems. Any compliance official is authorized to halt all work or any part of the work by means of a stop work order if such becomes necessary because the plan and standards are not being followed or because of a significant public safety issue. [Revised January 2013]

A. If the board finds that the past performance of the developer in Winchendon or elsewhere has been less than satisfactory, the board will impose a specific monitoring schedule to assure that the work on the subdivision is done according to the approved plan and the regulations. It will require frequent reports both as to the quantity and quality of the work accomplished and will act promptly if such reports indicate less than satisfactory work. [Added January 2013]

Section 6.3 Developer's Responsibility The developer has full and enforceable responsibility to insure that the approved construction plans are implemented. The developer shall use qualified persons to furnish adequate and timely engineering supervision during construction

Monitoring, surveillance, and field supervision by Town officials will not be construed as fulfilling this responsibility.

Section 6.4 Modification of the Approved Subdivision Plan Should the developer or any other interested party desire a modification of the approved plan, he shall make application therefore to the Board. The Board may also propose modification of a plan on its own motion. Upon receipt of an application or on its own action, the Board shall hold a public hearing thereon with notice as required in section 3.6.1. At the conclusion of the hearing, the Board may modify the plan and shall cause the modification to be recorded as required by Mass. General Laws, chapter 41 section 81W.

A. Minor modifications to the project that will have no effect on abutting property may be approved by the board without a public hearing. [Added January 2013]

Section 6.4.1 Failure to Diligently Pursue the Project Should a period of six months elapse in which the developer has done no significant work at the site and has not obtained an extension from the Board, he will have failed to diligently pursue the project as required in the conditions of approval. The approval will have lapsed and become void. [Added January 2013]

A. If it appears to the Board or to its compliance monitor that work on the project has ceased and no request for an extension has been received, the developer shall be notified and the compliance monitor shall undertake site inspections at least monthly and report thereon to the Board. [Added January 2013]

B. The Board will thereupon use such security as may be available to (first) secure the site by removing safety hazards, unused construction materials, attractive nuisances and preventing unauthorized access to the site and (second) to complete the construction of drainage, roadways and other amenities as were required in the subdivision approval and these regulations. [Added January 2013]

Section 6.5 Completion of the Subdivision

Section 6.5.1 Notice of Completion Upon completion of all work, the developer shall submit to the board notice that the work has been completed and therein shall state under the penalties of perjury that the subdivision has been completed according to the approved plan and any approved modifications thereto.

Section 6.5.2 As-Built Plans Upon completion of all work, the developer shall furnish the Board with two (2) prints of "as-built" plans, showing the Error of Closure, location of all monuments, driveway aprons, walk-offs, utilities and structures and the location by "ties" of all important parts of buried utilities such as water or gas valves, sewer ties, corporation cocks, house connection shut-offs, and any other special details identifying any departures from the approved plan as to the location, depth, dimensions, thickness, slope grade or materials, and certified as to correctness by a Registered Professional Engineer (civil). It is recommended that a sepia print of the approved plans be appropriately marked as "as-built plans" and be submitted with two (2) full size prints thereof. "As-built" plans must be submitted before performance guarantees are released.

Section 6.5.3 Conveyance of Easements and Utilities Unless the subdivision approval was granted with the express stipulation that the ways within the subdivision not become public ways. Before the Board will release all security or all lots from the operation of a Covenant, the developer shall execute an instrument (see Form F) transferring to the Town of Winchendon a valid easement to use the ways in the subdivision as public town ways with unencumbered title to all water mains, sanitary sewers, and all appurtenances thereto, any drainage facilities 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, replace, operate and forever maintain storm water drains, water mains, sanitary sewers, and all appurtenances thereto, and do all acts incidental thereto, in, through, and under the whole of the streets and easements in the subdivision as shown on the approved definitive plan and in any other areas where work was done in pursuance of the plan. [Revised January 2013]

Section 6.5.4 Release of Security Upon receipt of the notice of completion, the as built plans and the conveyance of easements and utilities, the Board will review these materials and the reports of the construction monitor to insure that the subdivision has been constructed according to the approved plan. If open space is being protected under the residential development provisions of the zoning bylaw, the Board shall also ascertain that the open space has been protected as required by these regulations. Upon a satisfactory review, the Board shall release all remaining security and covenants and, unless the approved plan otherwise provides, recommend to the Selectmen and town meeting that the streets within the subdivision be accepted as public town ways.

Section 6.6 No Claim for Layout of Streets The developer and his successors shall have no claim for damages when the town accepts the streets shown on the approved plan as public ways.

Section 6.7 Developers Continuing Responsibility The above conveyances shall not be construed to relieve the developer and his successors of responsibility to complete all construction, as required by developer's covenants and agreements with the Town, to honor all required guarantees, and to thereafter maintain all streets and utilities in a satisfactory condition until they are formally accepted by the Town. The developer shall promptly execute a proper easement to the newly accepted ways. [Revised January 2013]

A. Unless a different provision has been made in the approved plan, it shall be the developer's responsibility to repair and otherwise maintain the ways within the subdivision, including snow removal and ice control, until such time as those ways are accepted as public town ways. [Revised January 2013]

Section 7 Miscellaneous Provisions

Section 7.1 Forms In the Appendix are sample forms and diagrams for the administration of these Rules and Regulations. The administrative content of this appendix may be revised from time to time by administrative action of the Board without hearing. Copies of these forms may be obtained at the Building Department or Department of Planning and Development at Town Hall.

Section 7.2 Authority The Board shall be the agency responsible for administration of these regulations and shall have all the powers assigned to it by Sections 81A to 81GG of Chapter 41 of the General Laws.

Section 7.3 Enforcement These Rules and Regulations and the conditions and stipulations of permits and waivers issued thereunder, shall be enforced by the Board's compliance official, the building commissioner acting as the Zoning Enforcement Officer, or other official so authorized. Any such officer may take any or all action necessary to enforce full compliance, as prescribed by the rules and regulations of the Planning Board, the bylaws of the town, the Massachusetts General Laws, and applicable state regulations. This shall include notifications of non-compliance together with requests for legal action through the Town Manager to the Town Counsel.

A. The town shall take enforcement action when immediate danger exists to the public or adjacent property, as determined by the Building Commissioner or compliance official. [Added January 2013]

B. The Building Commissioner or compliance officer may post the site with a Stop Work order directing that work that is not authorized under the subdivision approval cease immediately. The issuance of a Stop Work order may include remediation or other requirements which must be met before development activities may resume. Any such order may be appealed to the Board. On receipt of a written appeal the Board shall hold a hearing within ten town hall working days with notice to all interested parties at which all the parties will be heard. The Board will then vacate the order or continue the order with conditions. [Revised January 2013]

C. The Board may, after written notice is provided to the developer, or after the site has been posted with a Stop Work order, suspend or revoke the subdivision approval. A public hearing will be required prior to such action. [Revised January 2013]

D. Securities described in Section 5.2.8 may be used by the town in carrying out any necessary enforcement or remedial actions. [Added January 2013]

Section 7.4 Agents of the Board The Board may assign as its agents appropriate town agencies or officials and may from time to time engage professional assistance to review plans and inspect improvements all at the cost of the applicant or developer. [Revised January 2013]

Section 7.5 Consultant fees A fee under the provisions of Mass. General Laws chapter 44, section 53G will be required to cover the cost of consultants performing review of preliminary plans, review of definitive plans, review of plan modifications, and compliance monitoring of approved subdivisions. The initial fee deposit will be as specified in the fee schedule as most recently adopted by the Board. Payment of the initial fee will be required with the application. An additional amount as determined by the Board will be required before any on site work is started. In the case of a phased project, the deposit fee may be phased as well with payment due prior to the start of each phase. Should the actual cost of consultants exceed the amount on deposit with the town, the developer shall pay an additional amount as the Board or the Planning Agent may determine. Any excess, including accrued interest, held by the Town at the end of the project will be returned.

[M. G. L chapter 44, Section 53G: Notwithstanding section 53, any city or town that provides by rules promulgated under section 9 or 12 of chapter 40A, section 21 of chapter 40B, section 81Q of chapter 41 . . . for the imposition of reasonable fees for the employment of outside consultants may deposit such fees in a special account. Such rules shall provide for an administrative appeal from the selection of the outside consultant to the city council or town board of selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by a municipal permit granting board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the city council or the town board of selectmen within one month following the filing of the appeal, the selection made by the municipal permit granting authority shall stand. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section. Any such account shall be established by the municipal treasurer in the municipal treasury and shall be kept separate and apart from other moneys. The special account, including accrued interest, if any, shall be expended at the direction of the authorized board or authority without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account shall be made available to the applicant or to the applicant's successor in interest. . .]

Section 7.6 Waiver of Compliance Compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the intent of the Subdivision Control Rules and Regulations. In waiving strict compliance the Board may require such alternative conditions as will serve substantially the same objectives as the standards or regulations waived.

Section 7.7 Severability If any section, paragraph, sentence, clause, or provision of these Rules and Regulations shall be adjudged invalid or illegal the adjudication shall apply only to the material so adjudged and the remainder of these Rules and Regulations shall be deemed to be valid and effective.

Section 7.8 Invalidation by State Law Any part of these Rules and Regulations subsequently invalidated by a new state law or modification of an existing law shall automatically

be brought into conformity with the new or amended law, and shall be deemed to be effective immediately, without recourse to a Public Hearing and the customary procedures for amendment or repeal of such regulations.

Section 7.9 Amendments These Rules and 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 as provided in Mass. General Laws, chapter 41, section 81Q. All such amendments shall be filed with the town clerk and the registry of deeds as is required by law.