

Town of Middleborough

Massachusetts

TOWN PLANNER
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
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January 26, 2012

Ms. Allison Ferreira
Town Clerk
Town of Middleborough
20 Center Street
Middleborough, MA 02346

RE: Amendments to Middleborough's Subdivision Rules and Regulations

Dear Ms. Ferreira,

Attached please find a copy of all of the Amendments to Middleborough's Subdivision Rules and Regulations ("the Town of Middleborough Rules and Regulations of the Planning Board Governing the Subdivision of Land and Rules and Regulations of the Planning Board as Special Permit Granting Authority") which include changes to the following sections.

1.	Table of Contents	"List of Forms"	Declaration of Reserved Easements – Form K-1	Amendment Date: 11/12/91	
2.	Section III.D.6	"Declaration of Reserved Easements"		Amendment Date: 11/12/91	Page 31
3.	Section III.E.2	"Endorsement"	Declaration of Reserved Easements	Amendment Date: 11/12/91	Page 33
4.	Section III.F	"Recording"	Declaration of Reserved Easements	Amendment Date: 11/12/91	Page 33
5.	Form K-1	"Declaration of Reserved Easements"		Amendment Date: 11/12/91	Page 104

Ms. Allison Ferreira

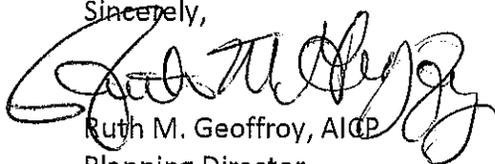
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6.	Section II.F	"Filing Fees"	Increase in Fees	Amendment Date: 7/8/03	Page 9
7.	Section IV.B.4.c	"Design Standards, Streets and Roadways, Dead-End Streets"	Cul-de-Sac Diameter	Amendment Date: 6/24/08	Page 42
8.	Section IV.E.4	"Design Standards, Stormwater Management, Construction"	Roof Drains, Septic Connections, and Catch Basin Grates	Amendment Date: 6/24/08	Pages 59 & 60
9.	Section VI.1.1	"Rules and Regulations of the Planning Board as Special Permit Granting Authority, Purpose and Authority"	Special Permit Regulations for Mobile Home Parks and Development Opportunities District	Amendment Date: 6/24/08	Page 68

When anyone requests a copy of the Town of Middleborough Subdivision Rules and Regulations, these amendments need to be attached to the original set of regulations dated January 27, 1987.

Sincerely,



Ruth M. Geoffroy, AICP
Planning Director

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AMENDMENTS TO:
SECTION III OF MIDDLEBOROUGH SUBDIVISION RULES AND REGULATIONS
CONVEYANCE OF EASEMENTS & UTILITIES
DECLARATION OF RESERVED EASEMENTS

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SECTION III PROCEDURE FOR SUBMISSION AND APPROVAL OF PLANS

D. PROCEDURE

6. DECLARATION OF RESERVED EASEMENTS

Before endorsement of its approval of a definitive plan of a subdivision by the Planning Board, the subdivision shall agree to reserve all easements as shown on the definitive subdivision plan for the benefit of the roadways owner and the owner of record of the lots and their successors and assigns. The subdivider shall file a Declaration of Reserved Easements, executed and duly recorded by the owner of record and any mortgagees whereby the designated easements are reserved.

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SECTION III

E. APPROVAL OR DISAPPROVAL

2. ENDORSEMENT

If roads and improvements are not completed in eight (8) years, the Planning Board approval of said subdivision may be revoked. At least twenty (20) days prior to endorsement, all required Covenants and Declaration of Reserved Easements shall be provided to the Board's agent along with a Designer's Certification that title to the premises shown on said plan and appurtenances thereto including any off-site easements and rights-of-way are in the Applicant's name and are free of all encumbrances or that the encumbrances set forth will not preclude any required subdivision improvements.

F. RECORDING

The Applicant shall file all approved Definitive Plans, Declaration of Reserved Easements and the Covenant, if any, at the Registry of Deeds, and shall notify the Board in writing presenting evidence of the recording of the plan, Declaration of Reserved Easements and the Covenant. The Declaration of Reserved Easements and the Covenant shall be referred to on the cover sheet of the plan. The Applicant shall deliver to the Board one (1) copy of the approved and recorded Definitive Plans.

FORM K-1

DECLARATION OF RESERVED EASEMENTS

Town of Middleborough, Massachusetts

KNOW ALL MEN BY THESE PRESENTS that the undersigned has submitted an application dated _____, to the Town of Middleborough Planning Board for approval of a Definitive Plan of a subdivision of land entitled: _____

_____ ,
consisting of _____ sheets, dated _____, revised _____, plan by

_____ ,
address _____ ,

land located _____ ,
and showing _____ proposed lots.

THE UNDERSIGNED ACKNOWLEDGES that the within described easements as shown on the above referenced Definitive Plan are integral to the subdivision's design and necessary to protect the safety, convenience and welfare of the inhabitants of the Town of Middleborough. In consideration of said Planning Board of the Town of Middleborough in the County of Plymouth approving said plan, the undersigned hereby covenant(s) and agree(s) with the inhabitants of the Town of Middleborough acting by and through its Planning Board as follows:

1. The undersigned is the owner* in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this declaration prior to its execution by the undersigned.

*NOTE: If there is more than one owner, all must sign. "Applicant" may be an owner or his agent or representative, or his assigns, but the owner(s) of record must sign the declaration.

This declaration shall be binding upon the executors, administrators, devisees, heirs, successors, and assigns of the undersigned and shall run with the land included in the subdivision and shall operate as restrictions upon the land to the extent provided under law.

2. The undersigned shall record this declaration with the Plymouth County Registry of Deeds forthwith, or pay the necessary recording fee forthwith to the said Planning Board in the event the Planning Board shall record this declaration. Reference to this declaration shall be entered upon the Definitive Subdivision Plan as approved.
3. This declaration shall be executed before endorsement of approval of the Definitive Subdivision Plan by the Planning Board and shall take effect upon the endorsement of approval.
4. The undersigned owner(s) hereby reserve the following described easement(s) in perpetuity for the benefit of the owner(s) of record of the road(s) and the owner(s) of record of the lots shown on the Definitive Subdivision Plan and their successors and assigns:

*NOTE: Each reserved easement shall be described as to purpose and location and the specific lot or lots as shown on the Definitive Subdivision Plan which are subject to each easement shall be identified.

5. For title to the property, see deed from _____, dated _____, recorded in Plymouth County Registry of Deeds, Book _____, Page _____, or registered in Plymouth County Land Registry as Document No. _____, and noted on Certificate of Title No. _____, in Registration Book _____, Page _____.
6. The present holder of a mortgage upon the property is _____ of _____. The mortgage is dated _____ and recorded in Plymouth County Registry of Deeds, Book _____, Page _____, registered in Plymouth County Land Registry as Document No. _____, and noted on Certificate of Title No. _____, in Registration Book _____, Page _____. The said mortgagee joins in this declaration and hereby agrees to hold the mortgage subject to the within declaration and agrees that the within declaration shall have the same status, force and effect as though executed and recorded before the recording of the said mortgage and further agrees that the mortgage shall be subordinate to the within declaration.

7. Any lot shown on the subdivision plan which is subject to any easement described in Paragraph 5 shall be subject to the terms of this declaration. Any lot shown on the subdivision plan which is not subject to any easement described in Paragraph 5 shall not be subject to the terms of this declaration.
8. This declaration may be amended by a document executed by the owner(s) of the subdivision road(s) provided such amendment shall not be effective unless it is assented to in writing by the owner(s) of all lots which are subject to the reserved easements described in Paragraph 5 and provided further that the amendment shall not be effective until it is approved in writing by the Town of Middleborough Planning Board and recorded in the Plymouth County Registry of Deeds.

IN WITNESS WHEREOF the undersigned hereunto set(s) my/our hands(s) and seal(s) this _____ day of _____, 19____.

Signature of Owner

Signature of Owner

(Owner)

COMMONWEALTH OF MASSACHUSETTS

_____, ss

_____, 19

Then personally appeared before me the above named _____

_____ and acknowledged the foregoing

instrument to be _____ free act and deed, before me.

Signature of Notary Public

My Commission expires _____

(Owner)

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 19__

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

Signature of Notary Public

My Commission expires _____

Signature of Mortgagee

Signature of Mortgagee

(Mortgagee)

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 19__

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

Signature of Notary Public

My Commission expires _____

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 19__

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

Signature of Notary Public

My Commission expires _____

ALTERNATE SIGNATURE AND NOTARIZATION – FOR CORPORATIONS – OWNERS AND MORTGAGEES

IN WITNESS WHEREOF, the said _____ has caused its corporate seal to
be hereto affixed and these presents to be signed, acknowledged and delivered in it name and behalf by
_____, its President, and _____
_____, its Treasurer hereto duly authorized, this _____ day of _____
in the year one thousand nine hundred and _____.

President

by _____
Treasurer

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 19__

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

Signature of Notary Public

My Commission expires _____

The within declaration is hereby accepted on this ____ day
of _____, 19 ____.

Majority of the Planning Board of
the Town of Middleborough

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 19__

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

Signature of Notary Public

My Commission expires _____

SECTION II. F. OF SUBDIVISION RULES AND REGULATIONS

FILING FEES

As Voted by the Middleborough Planning Board on July 8, 2003

Form A: \$150/lot

Finding of Sufficient Width & Grade: \$500

Form B: \$500 + \$50/lot

Form C: \$2000 + \$250/lot + \$2.5/l.f.*

Master Special Permit For Development Opportunities District: \$5000+\$200/acre

Special Permit For Development Opportunities District: \$1000+\$0.20/sq.ft.

Special Permit For Adult Mobile Home Parks: \$1000 + \$100/Acre

Definitive Phase Approval Adult Mobile Home Park: \$1000 + \$100/Mobile Home Unit

Subdivision Modification: \$1000 + \$250/lot + \$2.5/l.f.* (of area/road impacted)

DOD Master Special Permit or Adult Mobile Home Park Special Permit Modification: to be determined at time of submission based of magnitude of project change and proportion of land involved.

*Note: l.f. = linear feet of road including center line around cul-de-sac

SECTION IV.B.4.c – DESIGN STANDARDS, STREETS AND ROADWAYS, DEAD-END STREETS

Delete paragraph “4.c.” in its entirety and replace with the following:

Both twenty foot (20’) and twenty-two foot (22’) dead end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred and five feet (105’), and a property line diameter of at least one hundred thirty feet (130’). There shall be a fifty-eight foot (58’) diameter island in the center of the turnaround with curb on outside

Delete the 5th paragraph in its entirety and replace with the following:

edge of island. The island is to be loamed and seeded. The turnaround stub will be located at the property line unless the Board approves otherwise.

SECTION IV.E.4 – DESIGN STANDARDS, STORM WATER MANAGEMENT, CONTRUCTION

No drainage pipes from roof drains, driveway drains, or other on-lot sources shall be connected to the street drainage system without explicit approval of the Planning Board. Sewage piping or wastewater discharge shall not connect to storm water piping systems. Cast iron manhole covers shall be model LK-110 as manufactured by LeBaron Foundry, Inc., or approved equal. Cast iron catch basin grates shall be model LF-248 as manufactured by LeBaron Foundry, Inc., or approved equal. Cast iron double catch basins shall be model LV2448-1 as manufactured by LeBaron Foundry, Inc. or approved equal. All substitutions shall be as approved by the Middleborough Planning Board. Where catch basins are located either at the bottom of or along a roadway with a profile gradient of 5.0% or greater, cast iron frames and grates shall have cascade type grates and shall be either model LK120D-300 for a three flange frame or Model LK121D-400 for a four flange frame as manufactured by LeBaron Foundry, Inc. or approved equal.

SECTION VI.1.1 – RULES AND REGULATIONS OF THE PLANNIGN BOARD AS SPECIAL PERMIT GRANTING AUTHORITY, PURPOSE AND AUTHORITY

Delete Section 1.1 in its entirety and replace with the following:

These rules and regulations are adopted by the Planning Board, hereinafter called the Board, as the Special Permit Granting Authority provided in the Zoning By-Laws of the Town of Middleborough, and as provided in Chapter 40A of the Massachusetts Laws for the purpose of establishing uniform procedures for the granting of Special Permits for certain uses within the Development Opportunities District and for Adult Mobile Home Parks.