

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 PERMITS GRANTING AUTHORITY

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RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND,  
MIDDLEBORO, MASSACHUSETTS

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RULES AND REGULATIONS  
GOVERNING THE SUBDIVISION OF LAND  
MIDDLEBOROUGH, MASSACHUSETTS

(Adopted under the Subdivision Control Law Sections 81-K to 81-GG,  
Chapter 41,G.L.)

SECTION I.: PURPOSE AND AUTHORITY

A. PURPOSE:

"The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a Planning Board and of a Board of Appeals under the Subdivision Control Law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by way that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city

or town in which it is located and 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 recommendation of the Board of Health 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 eight-one R, such portions of the Rules and Regulations as is deemed advisable." (Section 81-M of Chapter 41, G.L.)

B. AUTHORITY:

Under the authority vested in the Planning Board of the Town of Middleborough by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these Rules and Regulations governing the subdivision of land in the Town of Middleborough.

SECTION II GENERAL

A. DEFINITIONS

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

BASE FLOOD  
ELEVATION            The "Base Flood Elevation" shall be the level of flooding having a one percent chance of being equalled or exceeded in any given year, as designated on Federal Insurance Administration (FIA) maps, or, in the absence of such designation, to be determined by the Planning Board based upon the best available information regarding flood

hazards, including any available United States Geologic Survey, Soil Conservation Service, and Corps of Engineers studies.

- BENCH MARK** A mark made in a durable object of known position and elevation as a referenced point.
- BIKEWAY** A way designed to be used principally or exclusively by a bicycle or similar unpowered vehicle.
- BOARD** The Planning Board of the Town of Middleborough.
- BRIDLE PATH** A way designed to be used principally or exclusively for equestrian purposes.
- CERTIFIED BY** Certified by (or endorsed by) the Planning Board, as applied to a plan or other instrument required or authorized by the Subdivision Control Law to be recorded, shall mean bearing a certification or endorsement signed by a majority of the members of the Planning Board. (Sec. 81-L of Chapter 41 G.L.)
- DESIGNER** A Professional Civil Engineer, Landscape Architect, or a Land Surveyor registered to practice in Massachusetts or a person working under the direct supervision of a Registered Professional Engineer, Landscape Architect or Surveyor.
- DEVELOP** To construct a street, install utilities, erect a house or other structure, or in anyway to improve a lot substantially.
- DEVELOPER** A person (as hereinafter defined) who develops a subdivision under a plan of a subdivision approved pursuant to Sec. III of these Rules and Regulations.

EASEMENT	A right acquired by public authority or other person to use or control property for a utility or other designated public or private purpose.
GENERAL LAWS	(Abbreviated G.L.) The General Laws of Massachusetts, Tercentennial Edition, and as the same may be amended.
LOT	An area of land in one (1) ownership with definite boundaries used, or available for use, as the site of one (1) or more buildings. (Sec. 81-L of Chapter 41 G.L.)
LOT AREA	The horizontal area of the lot exclusive of any area in a street or recorded way open or proposed to be open to public use.
MONUMENT	A permanent marker to indicate a boundary.
MUNICIPAL SERVICES	Sewers, water drains, water pipes, gas pipes, overhead and underground electrical lines, fire alarm system, similar systems and their respective appurtenances.
OWNER	As applied to real estate, the person holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the Land Registration Office, Registry of Deeds or Registry of Probate.
PERSON	An individual, or two or more individuals or a group or association of individuals, a partnership, trust or corporation having common or undivided interests in a tract of land.

PLAN  
PRELIMINARY

A plan of a proposed subdivision or a re-subdivision of land prepared in accord with Section III to facilitate proper preparation of a Definitive Plan.

PLAN  
DEFINITIVE

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

PLANNING  
BOARD AGENT

Town employee or consultant authorized by the Board to review subdivisions and administer the regulations.

PRIVATE  
UTILITIES

This term shall include telephones and cable television, whether installed on, above or beneath the surface of the ground.

PUBLIC

UTILITIES

This term shall include sanitary sewers, surface water drains and water pipes and their appurtenances, gas lines, overhead and underground electrical lines, and fire alarm systems which may become the property or responsibility of the Town and/or The Middleborough Gas and Electric Department.

RECORDED

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

ROADWAY	That portion of a way which is designed and constructed for vehicular travel.
SIDEWALK	A way within the right-of-way of a street normally parallel to the street, designed for use by pedestrians.
SWAMP	See "water course".
STANDARD SPECIFICATIONS	"The Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges," 1973 edition as amended.
STREET COLLECTOR	A street which carries traffic equivalent to that generated by 25 dwelling units or more, or which serves property either used or zoned for commerce or industry.
STREET LANE	A street which carries traffic equivalent to that generated by 10 or fewer dwelling units, which has no abutting property either used or zoned for commerce or industry, and which is not capable of extensions.
STREET MINOR	A street which carries traffic equivalent to that generated by more than 10 but fewer than 25 dwelling units, which has no abutting property either used or zoned for commerce or industry, and which is not capable of extension to serve more than 25 dwelling units.
SUBDIVISION	The division of a tract of land into two (2) or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a subdivision within the

meaning of the Subdivision Control Law, if at the time when it is made, every lot within the tract so divided has a frontage on (a) a public way, or a way which the Town Clerk of the Town of Middleborough certifies is maintained and used as a public way, or, (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or, (c) a way in existence February 17, 1966, having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of a least such distance as is then required by the Zoning By-law. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two (2) or more buildings were standing on February 17, 1966, into separate lots on each of which one (1) of such buildings remains standing, shall not constitute a subdivision. (Section 81-L of Chapter 41, G.L.)

SUBDIVISION  
CONTROL

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

TOWN	Town of Middleborough.
WALKWAY	A way designed for use by pedestrians, not necessarily parallel to a street.
WAY	A way is synonymous with the terms, road, street, highway and avenue and shall denote any such line or route for passage whether public or private. The width of a way shall be the width of the strip of land laid out, designated, acquired and/or dedicated for the use of such way. Such width includes the spaces for vehicular travel, sidewalks, edgestone and planting spaces where required.
WATERCOURSE	Any natural or man made stream, pond, lake, wetland, coastal wetland, swamp, or other body of water, and shall include wet meadows, marshes, swamps, bogs, and areas where ground water, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for at least five months of the year. Swamp shall mean areas where ground water is at or near the surface of the ground for a significant part of the growing season, or where runoff water from surface drainage frequently collects above the soil surface.

B. APPROVED PLAN REQUIRED

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

C. AFFIDAVIT

A copy of an affidavit filed by the owner stating that the title to the premises shown on said plan and appurtenances thereto are in the name of the applicant and free of all encumbrances or with encumbrances as set forth.

D. SOURCE OF INFORMATION REQUIRED

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

E. MORE THAN ONE BUILDING FOR DWELLING PURPOSES ON LOT

Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the Town without the consent of the Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision. (Section 81-Q of Chapter 41 G.L.)

F. FILING FEES

The minimum filing fee shall be by separate check as follows:

Non-subdivision approval plans (Form A) \$50.00 per lot.

Preliminary plans (Form B) \$10.00 per lot.

Definitive plans (Form C) \$50.00 per lot, minus any filing fee paid at the preliminary stage.

Master Permits for the Development Opportunities District \$500.00 plus \$10.00 per acre.

Special Permit (Definitive Plan) for the Development Opportunities District \$100.00 plus \$0.10 per square foot or gross building floor area.

Master Permits for the Adult Mobile Home Parks \$500.00 plus \$10.00 per acre.

Special Permits for the Adult Mobile Home Parks \$100.00 plus \$50.00 per Mobile Home.

G. CONSULTANT FEES

The fees of any professional consultants engaged by the Board to evaluate and provide information on subdivisions, Master Permits or Special Permits, shall be borne by the applicant. Costs incurred by the Planning Board's Agent to provide Engineering Review on subdivisions, Master Permits or Special Permits shall be borne by the applicant. The minimum Engineering Review fee shall be \$20.00 per acre per subdivision, Master Permit or Special Permit. This fee shall be paid by separate check.

H. OTHER COSTS AND EXPENSES

The applicant is responsible for preparing notices to abutters by Certified Mail Return Receipt Requested, delivering them to the Planning Board Agent not less than ten (10) days before the date of the hearing. The prepared notices shall be then verified by the Planning Board or its Agent before being mailed by the Planning Board's Agent. Return Receipts are to be addressed to the Planning Board for further verification.

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

I. PAYMENT

All applications shall be accompanied by a check payable to the order of the Town of Middleborough. All payments must be made within thirty days of billing date.

SECTION III PROCEDURE FOR SUBMISSION AND APPROVAL OF PLANS

A. Plan Believed Not to Require Approval

1. SUBMISSION OF PLAN

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and seven (7) contact prints thereof and two (2) copies of a properly executed Form A Application to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission to the Board for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the Town Clerk shall, if requested, give written receipt therefor. Any plan determined to not completely satisfy Section III, A-2 contents shall be deemed not to have been submitted. Such plan shall be returned to the applicant, and a notice of the Planning Board's determination sent to the Town Clerk. When brought into conformity with the requirements of Section III, A-2, such plan may be re-submitted and will be considered without prejudice.

2. CONTENTS

Said plan shall be legibly drawn in accordance with the Rules and Regulations of the Registry of Deeds, Chapter 36, Section 13A as amended pertaining to plan size, material, lettering and

related requirements. The plan scale shall preferably be forty feet (40') to the inch or such other scale as the Board may accept and contain the following:

- a. Identification of the plan by name of owner of record and location of the land in question, the scale, north point and date.
- b. The statement "Approval Under Subdivision Control Law Not Required" and sufficient space for the date and the signatures of all members of the Board.
- c. Zoning classification and location of any zoning District Boundaries that may lie within the locus of the plan.
- d. In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
- e. Notice of any decisions by the Zoning Board of Appeals, including but not limited to variances and exceptions, regarding the land or any buildings thereon.
- f. Names of abutters from the most recent local tax list unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records.
- g. Names and status of streets (private or public) and ways shown on the plan.
- h. Bearings and distances where appropriate of all lines of the lot or lots shown on the plan.
- i. Location of all existing buildings, including setback and side and rear yard designations.
- j. Location of all bounds, watercourse, fences, and walls.

- k. Locus map at appropriate scale.
- l. Area of land satisfying lot area requirements.
- 3. ENDORSEMENT OF PLAN NOT REQUIRING APPROVAL

If the Board determines that the plan does not require approval, it shall without a public hearing and within fourteen (14) days of submission endorse the plan.

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

- 4. DETERMINATION THAT PLAN REQUIRES APPROVAL

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within fourteen (14) days of the submission of the plan, so inform the applicant in writing and return the plan. The Board shall also notify the Town Clerk in writing of its action.

- 5. FAILURE OF BOARD TO ACT

If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the person submitting the plan of its action within fourteen (14) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

B. PRELIMINARY PLAN

1. SUBMISSION OF A PRELIMINARY PLAN

A Preliminary Plan of a subdivision may be submitted by the applicant.

The Preliminary Plan, seven (7) prints of it and the minimum filing fee (see Section II) shall be filed with the Board. The applicant shall also file by delivery or registered mail a notice with the Town Clerk stating the date of submission to the Board for such approval of a Preliminary Plan accompanied by a copy of a properly executed application Form B.

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

Any plan determined to not completely satisfy Section III, B-2, contents shall be deemed not to have been submitted. Such plan shall be returned to the applicant, and a notice of the Planning Board's determination sent to the Town Clerk. When brought

into conformity with the requirements of Section III, B-2 contents, such plan may be re-submitted and will be considered without prejudice.

2. CONTENTS

The Preliminary Plan shall be drawn on tracing paper or other reproducible substance at a suitable scale, preferably forty feet (40') to the inch. The applicants Engineer or Surveyor must certify on Form M-1 that the submission is complete. The plan shall be designated as a "Preliminary Plan" and to form a clear basis for discussion of the details fo the subdivision and for preparation of the Definitive Plan, the plan shall contain the following:

- a. The subdivision name, if any, boundaries, north point, date, scale, legend and title "Preliminary Plan."
- b. The locus of the land shown on the plan with sufficient information to accurately locate the plan.
- c. The existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner.
- d. Major features of the land such as swamps, water bodies and natural waterways.
- e. A general description of the type of surface drainage in a general manner including adjacent existing natural waterways.
- f. The approximate boundary lines of proposed lots, with lot numbers, approximate areas and dimensions.

- g. The names, approximate location, and pavement widths of adjacent streets, and of streets approaching or within reasonable proximity of the subdivision.
- h. The topography of the total project with a five foot (5') contour interval.
- i. Letter designation of the proposed streets in lieu of names.
- j. The zoning classification of land shown on the plan and the location of any zoning district boundaries including any overlay zoning districts, flood hazard risk zones and any "Well" or "Well Development Area."
- k. Easements and rights-of-way applicable to the area shown on the plan.

3. APPROVAL OF A PRELIMINARY PLAN

The Board may give such Preliminary Plan approval, with or suggestion, after the Board's review, and at the Board's option, review with the Board of Health, the Conservation Commission, the D.P.W. Director/Engineer, the Police Department, the Fire Department, the Middleborough Gas and Electric Department, and other Town agencies. Such approval does not constitute approval of the subdivision but facilitates the preparation of the Definitive Plan and the securing of approval thereof. The original of the Preliminary Plan will be returned to the applicant. Approval shall be effective for seven (7) months from the date of plan submittal or until a Definitive Plan evolving from the Preliminary Plan is filed, whichever comes first.

4. DISAPPROVAL OF A PRELIMINARY PLAN

In the event of disapproval of a Preliminary Plan, the Board shall state the reasons for its disapproval in accord with Section 81-U of Chapter 41, G.L.

C. DEFINITIVE PLAN

1. SUBMISSION OF A DEFINITIVE PLAN

Any person who submits a Definitive plan of a subdivision to the Board for approval shall file with the Board all items required in subsections III, C-1 and III, C-2 of this Section and the minimum filing fee (See Section II for a Definitive Plan to be "duly submitted" in accord with these Rules and Regulations and the General Laws of Massachusetts). Such submission shall be made to the Planning Board. If applicable, the applicant shall also file by delivery of registered mail a notice with the Town Clerk stating the date of submission to the Board for such approval of a Preliminary Plan accompanied by a copy of a properly executed application Form B.

- a. An original drawing of the Definitive Plan and seven (7) contact prints thereof, dark line on white background. The original drawings will be returned after approval or disapproval.

Where wetlands are involved on a Definitive Plan, the applicant must file their Definitive Plan with the Middleborough Conservation Commission simultaneously with the filing of the Definitive Plan with the Planning Board. A final decision by the Planning Board will be forthcoming only after the applicant has obtained a report

from the Conservation Commission stating that the basic location of the roadway layout can be built without being in violation of the Wetland Protection Act, MGL 131, Section 40.

- b. A properly executed application Form C Application for approval of a Definitive Plan; Form D Designer's Certificate; or Form D-1 Land Surveyor's Certificate; and Form E Certified List of Abutters. Approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed.
- c. The Definitive Plan shall be prepared by a Project Team which shall include a Professional Civil Engineer (PE) and a Registered Land Surveyor (RLS) registered in Massachusetts and Professional Personnel of other disciplines, as specified in applicable sections of these Rules and Regulations. A Definitive Plan shall contain the following:
  - (i) The classification and precision of surveys shall conform to Class A or better of the most recent Land Court Manual of Instructions, Commonwealth of Massachusetts. It is recommended that all other survey and Definitive Plan preparation, where not herein specified, be guided by the Manual of Instructions.
  - (ii) The plan shall be at a scale on one inch (1") equals forty feet (40') horizontal or such other scale as the Board may accept to show details clearly and adequately.
  - (iii) Sheet sizes shall not be greater than twenty-four by thirty-six inches (24" x 36") including a three-quarter inch (3/4") border.

(iv) All plans shall be accompanied by plat of the locus and a facsimile of a one (1) square mile section of the current Zoning Map at an appropriate scale showing the relation of the subdivision to the highway and major streets in the Town. All definitive submissions must also include a four (4) mil mylar lot layout plan, scale 1" = 200' for rural and 1" = 80' for urban, suitable for incorporation into Town's Assessors Maps.

(v) All plans involving multiple sheets shall be accompanied by a Title Sheet and Key Map.

(vi) The title block and signature space shall be drawn as shown on Schedule A.

(vii) A note shall be added to all plans as follows:

Plans subject to Covenants, conditions and restrictions set forth in a Covenant (s) Date (blank) to be recorded herewith.

(viii) All plans involving multiple sheets shall contain a location plan showing the entire subdivision layout at a suitable scale. The location plan shall show the entire subdivision layout, adjacent streets, if any, or streets within a reasonable distance, sufficient to identify the location and the access to the land, and shall be shown on the Title Sheet.

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

2. CONTENTS

The applicant's engineer or surveyor must certify on Form M-2 that the submission is complete. The Definitive plan shall contain the following information:

- a. A title, appearing in the lower right-hand corner of each sheet showing the name of the subdivision, if any; the date; scale; north arrow; the names and seals of the designer; engineer and surveyor who made the plan. See Schedule A-1.
- b. North point, whether true or magnetic, and so indicated, and the boundaries of the subdivision indicated by shading.
- c. Location and ownership of abutting property as it appears on Form E Certified List of Abutters, including all abutting land owned by the applicant not presently being subdivided. Costs incurred by the Planning Board for sending notices to abutters by certified mail shall be borne by the applicant.
- d. Major features of the land, such as existing waterways, swamps and water bodies, natural drainage courses, walls, fences, buildings, wooded areas, outcroppings and ditches which exist on or near the site at the time of survey. Where available, aerial photographs may be required. The limits of any vegetated wetlands including any swamp, wooded swamp, meadow, bog or marsh shall be established in the field by a qualified professional and shall be mapped through a field survey of the professional's markings and shown on the plan.

- e. Lines of existing and proposed streets, ways, lots, lot numbers of each lot designated numerically in sequence, existing and proposed easements, and public or common areas within the subdivision. The letter designation of proposed streets shall be shown in pencil.
- f. Sufficient data to determine the exact location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines including lot frontage on the streets, of the radii, tangents, lengths of arcs and central angles of all curves in lot lines and street lines. All angle points, or changes in directions along the street lines, shall be shown, areas of lots with lot numbers and the area and frontage on public ways as set forth in Section 81-L of Chapter 41 G.L. of adjoining lands of the applicant not included in the subdivision shall be shown.
- g. Location of all permanent monuments properly identified as to whether existing or proposed.
- h. Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both pavement widths and right-of-way widths.
- i. The zoning district classification of land shown on the plan and the location of any zoning district boundaries that lie within the locus of the plan and the applicable minimum front, side and rear yard depths for each lot as is required by

the Zoning By-laws, requirements as detailed in Section III, B-2-j.

- j. The existing and proposed location of the Base Flood Elevation (see definition) if encountered within, or within one hundred feet (100') of the subdivision.
- k. Indication of all existing and proposed easements and rights-of-way applying to the land and their purposes, whether or not within the subdivision, and any decision on appeal or any variances or exceptions made by the Zoning Board of Appeal applicable to the subdivision of the land or any buildings thereon.
- l. If the property that comprises the subdivision or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land of the applicant.
- m. Suitable space to record the action of the Board and the signatures of all members of the Board, including where appropriate, the words "Deeds of easements to be recorded herewith" or the words "Covenants to be recorded herewith".

Note: Items III, C-3 Plan and Profile, III C- 4 Contour Plan and Item III C- 5 Utility Plan, shall be submitted on separate sheets of the same size as the plan sheet. Each sheet shall bear title block and signature block. Drainage calculations shall be submitted in text and tabular form.

3. PLAN AND PROFILE

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

4. CONTOUR PLAN

Existing and proposed topography at two foot (2') contour intervals.

All benchmarks will be noted, as well as items required in Section III, E.

5. UTILITY PLAN

Size, location, current flow and PSI of existing and proposed water supply mains and their appurtenances, hydrants, gas mains, electric distribution systems, street lighting and its appurtenances, fire alarm

systems, storm drains and sewerage disposal systems and their appurtenances, and easements pertinent thereto, and curbs and curb dimensions, including data on borings and soil test pits, and method of carrying water to the nearest watercourse or easements for drainage as needed, whether or not within the subdivision.

If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the applicant, he shall clearly indicate what course the discharge will take, and shall present to the Board evidence that such discharge is satisfactory and permitted by public or private ownership of adjacent street or property.

6. DRAINAGE CALCULATIONS

Drainage calculations shall be submitted in a suitable form along with amplifying plans outlining drainage areas within and affecting the subdivision. A plan shall also be submitted showing the route followed by all drainage discharging from the subdivision to the primary receiving water course or other large body of water.

7. CROSS SECTIONS

Typical cross-sections of each street, roadway, drainage ditch and sidewalk or other features required by the Planning Board to be constructed.

8. SEDIMENTATION AND EROSION CONTROL PLAN

A Comprehensive Sedimentation and Erosion Control Plan shall be submitted if required by the Board showing the staging of construction and the measures to limit water borne and wind induced erosion, which shall include quick rooting vegetation, expeditious stabilization

of disturbed areas, hay bales, diversions, siltation fences, and sedimentation basins. The pre-development and construction stage sediment loadings in all water courses shall be calculated using the Universal Soil Loss Equation.

9. STAKING

To facilitate review of the Definitive Plan by the appropriate authorities, at the time of filing of the Definitive Plan, the applicant shall stake the center line of all proposed streets at no greater than one hundred feet (100') intervals with the center line stations.

10. SOIL SURVEY

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

- a. Test pits, borings or soundings shall be taken along the center line of each street shown on the plan at intervals of at least every two hundred feet (200') and at locations such as cut sections and areas of questionable foundation material where the subsurface conditions may be, in the opinion of the Board, factors affecting the quality and service life of the street. Test pits shall be made under the supervision of an Agent of the Planning Board, and shall not be backfilled until the applicant has been notified by the Board that all necessary inspection and sampling has been completed. Where borings are used, samples shall be taken at five foot (5') intervals and at each change in strata or as directed by the Board. Soundings shall be taken in areas of unsuitable material for

the purpose of determining the hard bottom contours. Test pits and borings, where required, shall extend to a minimum depth of five feet (5') below the street profile grade or to bedrock, whichever is less. The applicant shall indicate on the plan a proposed layout of the subsurface exploration program complete with location, spacing and type of exploration proposed.

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

D. PROCEDURE

1. REVIEW BY BOARD OF HEALTH AS TO SUITABILITY OF LAND

At the time of filing of the Definitive Plan, the applicant shall also file with the Board of Health two (2) contact prints of the Definitive Plan, dark line on white background, together with the proposed location of each lot's septic system and such information in the nature of percolation tests and deep test holes as the Board of Health may require. The Board of Health shall within forty-five (45) days after filing of the plan report to the Planning Board in writing its approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons thereof in such report, and where possible, shall make recommendations for the adjustment thereof, provided, however, if a municipal sewerage system will service the proposed subdivision, then

failure of the Board of Health to make such a report within forty-five (45) days after the plan is filed with their office shall be deemed approval by such Board. The Board of Health shall send a copy of such report, if any, to the person who submitted said plan. Every lot so located that it cannot be served by a connection to the municipal sewer system shall be provided with septic tank and drainfield satisfactory to the Board of Health and/or the Massachusetts Environmental Code minimum standards 310 CMR 15 as the Board of Health shall determine. A note shall be added to all plans as follows: "No dwelling will be constructed on any lot without first securing from the Board of Health the Disposal Works Construction Permit required by Title V of the State Environmental Code." The approval of a Definitive Subdivision Plan by the Board does not absolve the developer of any other requirements of the Board of Health or other Town Boards.

2. REVIEW BY OTHER TOWN OFFICIALS\*

It is the developer's responsibility to distribute copies of the preliminary and definitive Plan to Town Officials and obtain a dated receipt of the same as follows: (see Form Q)

- a. Copies to the Conservation Commission, Health Department, Department of Public Works, Board of Selectmen, Town Manager, Police Department, Fire Department, Building Inspector, Planning Boards Engineer, Middleboro Gas and Electric Dept., and also in the case of an industrial subdivision, to the Development and Industrial Commission.

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

- a. Conservation Commission as to potential involvement with Chapter 131, Section 40, G.L. and the effects of the subdivision on streams, wildlife and similar considerations within the scope of the Conservation Commission.
- b. The D.P.W. Director/Engineer and the Planning Boards Engineer as to the design of the street system, location of easements, monuments, drainage system, water system and, if applicable, a sewage system and their appurtenances, and relationship to existing water and drainage systems.
- c. The Middleborough Gas and Electric Company as to the design of the street lighting system, electrical system and gas system. The Gas and Electric Department must review and remove all electric and gas distribution systems including cable T.V. systems (if any).
- d. Fire Department as to location of hydrants, installation of the alarm system and emergency access.
- e. Police Department as to street safety, both vehicular and pedestrian, and access for emergency vehicles.
- f. Department of Public Works as to feasibility of snow removal from sidewalks and roadways.

\* The Planning Board may also require the developer to distribute Preliminary and/or Definitive Plans to the Zoning Board of Appeals.

3. PUBLIC HEARING

Before taking any action to approve, modify or disapprove a Definitive Plan, the Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the Town of Middleborough once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing and by mailing a copy of such advertisement to the applicant and to all owners of land abutting the land and all owners of land within three hundred feet (300') of a property line of the land shown on the plan as shown on the most recent tax list.

4. PLANNING BOARD PROCEDURE

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

Before approval of the plan, the Board shall establish that the street pattern is safe and convenient, that proper provision is made for street extension and that all other purposes of the General Law are met. The Board may, as a condition of granting approval under Section 81-U, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the Town. In such event, the Board shall endorse such

conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such plan and which shall for the purpose of the Subdivision Control Law be deemed to be a part of the plan.

5. PERFORMANCE GUARANTEE

Before endorsement of its approval of a Definitive Plan of a subdivision by the Planning Board, the subdivider shall agree to complete the required improvements (construction of ways and its installation of municipal services) specified in Section IV for any lots in a subdivision, such construction and installation to be secured on one or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant.

In addition, the subdivision shall agree to the following:

- No structure will be occupied until at least the base course of the bituminous concrete as specified in Section IV has been installed and approved by the Board.
- No more than fifty (50) percent of the lots in any subdivision will be released until the base course of the bituminous concrete as specified in Section IV has been installed and approved by the Board

a. FINAL APPROVAL WITH BONDS OR SURETY (See Forms F, G, and H-1)

The subdivider shall either file a performance bond, irrevocable letter of credit unlimited in time or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section IV not covered by a Covenant under "b" hereof. Such bond or

security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Manager and Town Treasurer and shall be contingent on the Completion of such improvements within four (4) years of the date of the bond.

b. FINAL APPROVAL WITH COVENANT (See Form H)

The subdivider shall file a Covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services as specified in Section IV not covered by bond or deposit under "a" hereof, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

c. Extensions

The period for completion in 5.a. and 5.b. may be extended by the Planning Board at the written request of the subdivider accompanied by satisfactory proof that such extension is necessary and in the public interest.

E. APPROVAL OR DISAPPROVAL

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

Rules and Regulations of the Board and resolving the specific reasons for disapproval.

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

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

The Board may extend the \_\_\_\_\_ period permitted by state statute between submission of a Definitive Plan and action thereon upon written request of the applicant.

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

I. TIME FOR COMPLETION

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

and construction standards of the Board in effect upon the expiration of such time.

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 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 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 and the Covenant. 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.

G. RELEASE OF PERFORMANCE GUARANTEE

Upon acceptance of the streets at Town Meeting and prior to the release by the Board of a surety bond or deposit, or, in the case of a Covenant, the issuance of a Release Form, the applicant shall execute an instrument, on a Form by the Board, (see Form K) transferring to the Town, without cost, valid unencumbered title to all common sewers, storm drains and water mains, electrical and gas distribution system, and appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved, and conveying to the Town without cost and free of all liens and encumbrances,

perpetual right and easements to construct, inspect, repair, renew, replace, operate and forever maintain the aforesaid underground utilities, with any manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision or portion thereof to be approved, and if any such utilities have the subdivision or portion thereof to be approved, and if any such utilities have been constructed and installed in land not within such streets, then in, through and under an easement as shown on the Definitive Plan.

H. REDUCTION OR RELEASE OF PERFORMANCE GUARANTEE

1. REDUCTION OF BOND SURETY

The penal sum of any such bond or the amount of any deposit held under clause paragraph Section III-D-5-a, may, from time to time, be reduced by the Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of Covenant, a new plan of the portion to be subject to the Covenant may be required by the Board.

2. FINAL RELEASE OF PERFORMANCE GUARANTEE

Upon completion of improvements required under Section IV Design Standards, security for the performance of which was given by bond, or irrevocable letter of credit unlimited in time, deposit or Covenant, or upon the performance of any Covenant with respect to any lot, the developer or owner, at his expense, will cause to be published in a newspaper of general circulation in the Town of Middleborough at least seven (7) days prior to the releasing of the performance, bond or surety, an announcement that such release is contemplated. He shall also send by registered mail to the Town Clerk and the Board a written statement that the said construction or installation in connection with

which such bond, deposit or Covenant has been secured, has been completed in accordance with the requirements contained under Section IV Design Standards. Such statement is to contain:

- a. Name and address of the applicant.
- b. A compliance certificate signed under oath by the developer and his Engineer that the development has been completed according to the Rules and Regulations of the Planning Board and the Town of Middleborough Zoning-By-Laws.
- c. Copies of or reference to the requisite number of Inspection Forms and Reports.
- d. Written evidence from the Planning Board's Agent or the Planning Board's Engineer as to construction of all ways and sidewalks, installation of monuments, street signs, pavement, lighting, gutters and curbs, required grading and drainage, water mains, hydrants and appurtenances, all sewer mains and appurtenances, if any, adequate lot drainage, planting and seeding, all in accordance with the Definitive Plan.
- e. Written evidence from the Board of Health as to the installation of sewage disposal facilities, if applicable, all in accordance with the Definitive Plan.
- f. Written evidence from the Chief of the Fire Department as to the installation of the fire alarm system, all in accordance with the Definitive Plan.

Prior to final release of the performance security, the Board shall hold a public meeting at which interested and involved parties may be heard.

### 3. DETERMINATION OF INCOMPLETENESS

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

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

### 4. DETERMINATION OF COMPLETENESS

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

#### I. AS-BUILT PLANS

Prior to the final release, the developer shall file with the Board as-built acceptance plan of completed street or streets. The plans shall show all plans and profiles corrected to be actual as-built locations and profiles of all streets.

ways, and utilities, including those installed by others such as electric, telephone and gas and certified by the applicants engineer. Said plans shall be prepared in a manner suitable for records at the Registry of Deeds and recorded thereof, if required.

#### SECTION IV DESIGN STANDARDS

##### A. GENERAL GUIDELINES

###### 1. DISTRICTS

Reference in the following regulations to "Rural District" shall mean the Rural Residential District as established in the then-current Middleborough Zoning By-Law. Reference to "Residential District" shall mean all other locations in Middleborough.

###### 2. CONSTRUCTION GUIDE

- a. It is the intent that no street or way through private property shall be accepted by the Town unless the same be previously constructed and completed in accordance with the Standard Cross Section (see Schedules B and C), street layout plan, profile and the following specifications.
- b. To insure high quality and uniformity of construction and unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the "Commonwealth of Massachusetts Department of Public Works, Standard Specifications for Highways and Bridges 1973 Edition", as amended, hereinafter referred to as the "Standard Specifications" and the special provisions included hereinafter. Appropriate illustrations are found in "Commonwealth of Massachusetts, Department

of Public Works, Construction Manual Part 3, 1966 as amended."

- c. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications, amendments or addenda. These specifications and special provisions shall take precedence and shall govern when they are stricter.

To facilitate reference where appropriated each paragraph in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications.

- d. The extent of work required shall be completed as shown upon approved plans, and shall be in compliance with Standard Cross Section: Schedule B and C.
- e. Improvements to minimize adverse environmental impact if required shall be installed in accordance with all details as shown on the approved Definitive Plan, and all possible measures shall be taken during construction to minimize dust and erosion.
- f. No earth shall be removed from the area shown on a Definitive Plan except in accordance with the approved plan.
- g. As each construction operation is completed, the Planning Board or its agent shall be notified at least forty eight (48) hours in advance for necessary inspections by the proper

Town authority and/or Gas and Electric Department prior to starting work on the succeeding operation.

h. FLOOD HAZARD AVOIDANCE

Any subdivision located in any part within the Flood Hazard District established under the Zoning By-Law shall comply with the following: Subdivision design shall be consistent with the need to minimize flood damage within the flood-prone area, through use of street profile design, and drainage. All public utilities and facilities, such as sewer, gas, electrical and water system shall be located and constructed to minimize or eliminate flood damage.

Drainage systems shall be designed in consideration of possible impact of flooding at the Base Flood Elevation.

B. STREETS AND ROADWAYS

1. LOCATION

- a. All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the location of the street layout in order to obtain the maximum livability and attractiveness of the subdivision.
- b. The proposed streets shall conform, so far as applicable, to the Master or Study Plan as adopted in whole or in part by the Planning Board.
- c. Provision satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.

- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- e. Street names and walkways shall be approved by the Board to provide names in keeping with the character of the Town. Proposed street names shall not duplicate nor bear phonetic resemblance to the name of existing public ways, paper street, or any other way qualified to afford frontage under Section 81-L of Chapter 41, G.L. A proposed street which is in alignment with an existing street shall bear the same name as the existing street.

## 2. ALIGNMENT

- a. Roadway Alignment. The horizontal and vertical alignment of all segments of all subdivision roadways shall provide adequate sight distance to provide a design speed of 30 miles per hour or such higher design speed as may be required by the Board in accordance with ASSHTO procedures utilizing a 3.75 foot height of observer and a 0.50 foot height of object.
- b. The minimum center line radii of curved streets shall be as follows:

	RESIDENTIAL DISTRICT	RURAL DISTRICT
Collector Street (25 + Homes)	300 ft.	250 ft.
Minor street (11-24 Homes)	200 ft.	200 ft.
Lane (1-10 Homes)	150 ft.	150 ft.
Dead-end Street (1-12 Homes)	150 ft.	150 ft.

- c. A tangent at least one hundred and fifty feet (150') in length shall separate all reverse curves on collector streets except where at least one (1) radius is five hundred feet (500') or more or where the radius of curvature of both the curves is in excess of two (2) times the minimum specified in Section IV - B-2-(b).
- d. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty degrees (60).
- e. Where possible streets shall be laid out so as to intersect with adjacent streets or adjacent unsubdivided land at intervals of from five hundred feet (500') to one thousand (1,000').
- f. The distance between curb line and property line at any intersection shall be the same as along the approach portions of the intersecting streets. Curb line radii shall be at least thirty feet (30') at an intersection.

3. WIDTH

- a. The minimum width of any street right-of-way, including dead-end streets, shall be fifty feet (50').
- b. When on a secondary or major street potential volume warrants, the Board may require a greater right-of-way than that specified above and may require construction of a divided roadway.
- c. No ON-STREET PARKING will be allowed on any subdivision roadway.

4. DEAD-END STREETS

- a. Permanent dead-end streets (a street, extension of a street, or system of streets connected to other streets only at a single point) shall not be the only frontage for more than twelve (12) potential lots under zoning applicable at the time of submittal.
- b. A paved walkway and/or bikeway which, in the opinion of the Board, provides an emergency access route for fire, police or snowplowing equipment, and contains water main connections or gas and electric underground systems to adjacent ways, will be considered by the Board as a sufficient cause for waiver of the requirements of IV, B-4 (a).
- c. Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred (100') feet, and a property line diameter of at least one hundred twenty-five (125'). There shall be a sixty (60) foot diameter island in the center of the turnaround with curb on outside 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.
- d. The Board may require a roadway easement from the end of the dead-end street to adjacent property.
- e. Temporary dead-ends shall similarly provide for a turnaround which may be located in part on easements over lots so long as contractual assurance is provided that upon extension of the street the termination turnaround will be

removed and replaced with loam and planting.

5. GRADE

- a. The centerline grade for any street shall not be less than three quarters of one percent (.075%).
- b. The maximum grade\* for streets shall be not more than six percent (6%) and preferably not more than four percent (4%).  
\*May be increased by 1% for a distance of 200 feet or less.
- c. Where algebraic changes in grade exceed two percent (2%) - (1/4" = 1'-0") vertical curves at least 100 feet in length shall be provided.
- d. Roadways shall have a cross slope at two percent (2%) - (1/4" = 1'-0").
- e. Where curves and grades combine to create potentially dangerous driving conditions, the Board may require a suitable amount of super elevation of the curves or other protection.
- f. On a street in any district where a grade is four percent (4%) or greater within one hundred and fifty feet (150') of the intersection of street right-of-way lines, there shall be provided a leveling area of at least seventy-five feet (75') with a maximum grade of plus two percent (2%).
- g. Roadway shall be designed to fit existing topography as much as possible so as to minimize the amount of cut and fill necessary within the street R.O.W.

6. ROADWAY CONSTRUCTION

\*Numbers refer to specific sections in the Standard Specifications. The Standard Specifications should be referred to for more detailed

descriptions of the work, materials and construction methods. The roadway shall be graded and prepared for pavement as follows:

- a. 101\* Clearing and grubbing shall be performed to remove all stumps, brush, roots and like material from the area of the travelled way, berms, shoulders, sidewalks, and utility trenches, but wherever feasible, existing vegetation shall be protected. Cleared materials shall be removed from the property unless otherwise approved by the Board.
- b. 120\* Earth excavation shall be the removal of all materials encountered within the area of the travelled way, berms, shoulders, and sidewalks down to the true surface of the subgrade or to suitable material in areas where unsuitable material exists, in preparation for foundation of roadway, sidewalks, driveways and berms. Approved material obtained from the excavation may be used in fills as required if, in the opinion of the Planning Board, they are suitable.
- c. 105\* When in the opinion of the Planning Board, suitable material is not available within the limits of the roadway location to form the subgrade or sub-base, the developer shall obtain suitable additional material from other sources in accordance with this section and as may be approved by the Planning Board.
- d. 170\* The subgrade surface, fifteen and one half inches (15 1/2") below the finished surface grade in residential streets, and seventeen and one half inches (17 1/2") below the finished surface grade in all streets in non-residential subdivisions shall be prepared true to the lines, grades and

cross sections given and properly rolled. All soft or spongy material below the subgrade surface shall be removed to a depth determined by the Planning Board and the space thus made shall be filled with special gravel borrow, containing no stones over six inches (6") in their largest dimension.

- e. 401\* The gravel base or foundation shall be spread in two six inch (6") layers on the surface of the subgrade. The first six inch (6") layer shall be in conformance with requirements of Section M-1.03.0 gravel borrow type A six (6") inches largest dimension standard specifications. The second six (6") inch layer shall be in conformance with requirements of Section M-1.03.0 gravel borrow Type C two inches (2") largest dimension of the Standard Specifications.

Each layer shall be thoroughly watered, rolled and compacted to 95 percent (95%) of the maximum density (ASTM D-1557) for the gravel and true to line and grade. Any depressions that appear during and after the rolling shall be filled with additional gravel and re-rolled until the surface is true. Mirafi, Supac or other geotextile fabric subgrade stability fabric may be required by the Planning Board prior to gravel placement.

- f. Final grading, rolling and finishing including the shaping, trimming, rolling and finishing of the surface of the sub-base prior to application of gravel for surfacing of the roadway base courses, for walks and berms, shall be in accordance with this section and as directed by the Planning Board. Compaction testing and soil gradations for sub-base may be

required by the Planning Board prior to placement of gravel base.

- g. Roadway pavement shall be constructed for the full length of all streets within the subdivision and shall have the alignment required in Section IV-B-2. The center line of all roadways shall coincide with the center line of the street right-of way unless a deviation is approved by the Planning Board. The minimum widths of a roadway pavement shall be as follows:

	RESIDENTIAL DISTRICT	RURAL DISTRICT
Collector Street (25 + Homes)	26'	24'
Minor Street (11-24 Homes)	24'	22'
Lane (1-10 Homes)	22'	20'
Dead-end Street (1-12 Homes)	22'	20'

- h. Pavement for roadways in subdivisions shall be Class I Bituminous Concrete Pavement Type I-I blended using only new material. The material and construction methods for laying pavement shall conform in every way to the applicable sections of Section 400 and Section M of the Standard Specifications except that no such construction shall be undertaken before March 30th of any year nor after December 1<sup>st</sup> of any year without prior written permission of the Planning Board. Pavement on minor and secondary residential subdivision streets shall be laid to a finished depth of three and one half inches (3 1/2") and laid in two (2)

courses. The base course (binder mix) shall be two inches (2") and the top course shall be one and one-half inches (1 1/2") . Pavement on non-residential subdivision streets shall be laid to a finished depth of five inches (5") and laid in three (3) courses. The base course shall be two inches (2"), binder course shall be one and one-half inches (1 1/2") and top course shall be one and one-half inches (1 1/2"). The Planning Board may require the installation of Petromat fabric or an approved equal over any areas in the sub-base, base pavement that, in their opinion, require reinforcement prior to the placement of an additional course of pavement or gravel.

- i. Existing base coat must be swept and primed with a coat of bituminous material if not in suitable condition prior to laying top coat.

7. CURB AND BERM

GENERAL REQUIREMENT

Monolithic Cape Cod Berms shall be blended new material and placed along both sides of the roadway. (see Schedule F).

CURB CUTS

- a. Driveways in subdivisions containing one (1) and/or two (2) family dwellings only shall be at least twelve feet (12') wide and shall have an opening of at least sixteen feet (16') at the gutter line.
- b. Driveways for multiple dwellings and all non-residential uses shall be at least sixteen feet (16') wide and shall have an opening of at least twenty feet (20') at the gutter line.

- c. Where rolled curbs are to be used, the driveway flare should have a three foot (3') radius. Driveway cuts shall not be within sixty-five feet (65') of the intersection of the center line of intersecting streets.
  - d. At all driveways the grade at the back of the sidewalk shall be six inches (6") higher than the grade at the gutter line.
  - e. All driveways shall be constructed to provide adequate access to all emergency vehicles.
8. OTHER STREET-RELATED REQUIREMENTS

a. EMBANKMENTS

Embankments within or adjoining the right-of-way shall be evenly graded and pitched at a slope or not greater than three (3) horizontal to one (1) vertical. Where cuts are made in ledge, other slopes may be determined with the approval of the Planning Board. Where slopes greater than 3:1 are desired, proof of slope stability must be given to the Planning Board in the form of suitable slope stability analysis. Where terrain necessitates greater slopes, retaining walls, terracing, fencing, or rip-rap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with and approved by the Planning Board. Due regard shall be given to the attractiveness of such required structures. Whenever embankments are built in such a way as to extend outside the road R.O.W., the developer must furnish to the Town duly recorded access easements free of encumbrances for maintenance of the slopes, terraces or

retaining walls. All such slopes shall be grassed or planted in accordance with these regulations.

b. GUARD RAILS

Guard rails shall be required whenever the length or steepness of the slope is determined by the Planning Board to constitute a hazardous condition. Guard rails shall be in accordance with the Standard Specifications for steel beam guard rails.

C. SIDEWALKS, BIKEWAYS AND WALKWAYS

1. REQUIRED LOCATIONS

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

	RESIDENTIAL DISTRICT	RURAL DISTRICT
Collector Street (25 + Homes)	each side	one side (MIN)
Minor Street (11-24 Homes)	one side (MIN)	one side
Lane (1-10 Homes)	one side	one side
Dead-end Street (1-12 Homes)	one side	one side

- b. Where sidewalks are required on each side of the street, they shall extend the full length of the street and completely around the turnarounds. Where sidewalks are required on one side only, the side shall be as determined by the Board. It shall extend the full length of the roadway and on streets terminating in a turnaround, the sidewalk shall terminate with a ramp out to the pavement, at the farthest end of the curbing at the turnaround, unless it is otherwise required to be extended to connect with an off-street walkway. In addition, public off-street walkways or bikeways may be

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

## 2. ALIGNMENT

Sidewalks shall be separated from the travelled way by a planting area of varying width but at no place (except intersections) to be less than four feet (4'). Sidewalks shall meander as necessary to accommodate and protect existing topography, trees, ledge, and other site features. Off-street walkways and bikeways shall have minimum centerline radius of twenty-five (25') feet and maximum gradient of five percent (5%), except six percent (6%) for segments of less than one hundred feet (100'). Levelling areas at intersections with sidewalks shall be shown in details.

The planting area between the sidewalk and the street pavement shall be planted with 4" of loam and seed where the road serves as frontage for a lot.

## 3. WIDTH

Sidewalks in the Residential District and all off-street walkways shall have a pavement width of four feet (4'). Sidewalks in the Rural District shall have pavement width of three feet (3'). Off-street walkways and bikeways shall be located in parcels with minimum

width of twenty feet (20'). Poles and hydrants shall not restrict this width at any point.

#### 4. CONSTRUCTION

All materials shall be removed for the full width of the sidewalk to subgrade ten inches (10") below the finished grade as shown on the Cross Section, Schedule B.

701\* Bituminous concrete shall be laid in two (2) courses, each at one and a half inches (1 1/2"), shall have a minimum thickness of three inches (3") after compression, and shall be constructed on an eight inch (8") well graded gravel foundation to the required lines and grades in accordance with the Standard Specifications. A one quarter inch (1/4") per foot cross-slope shall be maintained for drainage.

701\* If the applicant desires to install cement concrete sidewalks, they shall be constructed as directed by the Planning Board in conformity with Section 701 of the Standard Specifications.

#### D. UTILITIES

##### 1. GENERAL

- a. All required utilities exclusive of transformers and electric switch gear shall be placed underground at the time of initial construction. Required utilities may include sewer, water, storm drainage, telephone, electricity, gas, street lighting, fire alarm systems, and cable TV unless otherwise specified by the Board. Gas and electric distribution systems will be developed in accordance with the Gas and Electric Departments document entitled "Terms and Conditions For Overhead and Underground Line Extensions."
- b. Where adjacent property is not subdivided or where all the

property of the applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision at such grade and size which will, in the opinion of the Board, permit their proper extension at a later date. If the electric system is terminated, it must have at the termination point an appropriate piece of switch gear which allows for expansion.

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

NOTE: Under current Department of Public Utilities Rules and Regulations, Gas and Electric service line stubs cannot be installed. Any and all unused service lines and service stubs (to the property line) must be cut and capped in the main with five years of non-use. Electric connections on underground system shall be at corner of property line with an appropriate hand hole or means of servicing provided.

- d. Installation and materials unless otherwise specified shall conform to the standards of the Town of Middleborough.
- e. 140\* Excavation for structures, including foundations for drains and water pipes, walls and other structures shall be made to the depth as indicated on the Definitive Plan or

established by the Planning Board or its Agent in coordination with the Middleborough Gas and Electric Department as appropriate. Rock excavation designated as Class B encountered in trench excavation shall be removed as directed by the Planning Board or its Agent.

- f. 200\* All drain, gas and water pipes, underground utilities, and other structures shall be installed to the right-of-way line upon the completion of roadway subgrade and before the placing of the sub-base, gravel base course, sidewalks or pavement. If the pavement is removed, excavated or damaged, the trench shall be repaved to the lines, grades and dimensions approved by the Planning Board or its Agent.

## 2. SEWER SYSTEM

If the municipal sewerage system will service the proposed subdivision, sewer pipes and related equipment, such as manholes and connecting Y's, shall be furnished and installed by the subdivider in conformity with the specifications of the Town of Middleborough Public Works Department, Sewer Division. If the municipal sewerage system is not available, the subdivider must conform to the regulations of the Middleborough Board of Health (see also Section III D Procedure Item 1. Review by Board of Health as to the suitability of the land).

## 3. WATER SYSTEM

- a. Water pipes and related equipment, such as hydrants and main shutoff valves, corporation shutoff valves, service pipe to curb boxes, curb boxes and blowoffs, shall be installed within every subdivision as necessary to provide all lots on

- each street with adequate water supply for domestic and fire protection use. Such system shall be installed if it is to be connected to a public system. Public water mains, house connections, and related facilities shall be installed to the standards of the Department of Public Works Water Division Mains, shall be Class 52 cement-lined ductile iron pipe and shall not be less than eight inches (8") in diameter unless approved by the Planning Board in conjunction with the Town of Middleborough Public Works Department, Water Division. Pipe joints shall be push-on type.
- b. Where public water is provided, hydrants shall be provided every five hundred (500) running feet or part thereof on one side of each street unless a greater distance is approved by the Chief of the Fire Dept., in writing. In any case, there shall be a minimum of one (1) hydrant in each subdivision. They shall be of a style approved by the Department of Public Works. The deliverable fire flow shall meet current ISO requirements for all existing/potential structures served. Minimum flow requirements at all locations shall be 500 gpm with a residual pressure of 20 psi. Flow calculations shall be submitted based upon combined fire flow and peak domestic use and current, site specific flow tests.
- c. Each hydrant shall be served directly from the water main through a six inch (6") lateral connection. It shall be gated with a six inch (6") bottom valve and shall have two and one half inch (2 1/2") hose outlets and one (1) five inch (5") pump outlet. Water main gate valves shall be located in such

number and locations that lines by individual block may be isolated for maintenance purposes. Hydrant gates shall be located within the paved roadway surface.

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

4. ELECTRICITY AND OTHER CABLES

- a. Wiring for the fire alarm system, telephone, electrical street lighting system and, if any, cable television shall be installed underground in the same trench with vertical and/or horizontal separation as approved by the Planning Board and the Middleborough Gas and Electric Department. Service shall be provided to each lot and each street light before the subgrade is prepared. The Board and the Middleborough Gas and Electric Dept. may permit transformers, switches and other such equipment to be placed on the ground in approved location, screened from view with evergreen shrubbery.
- b. Electric street lighting and service along streets shall be provided and installed by the subdivider in conformity with the Middleboro Gas and Electric Department Specifications. Poles shall be placed in the grass strip along the road or other location at discretion of the Planning Board. Electric service should include main power supply and service.

#### 5. GAS

Gas mains shall be installed if gas connection is available. The Middleboro Gas and Electric Department shall be notified by the developer upon approval of the Definitive Plan so that installation of gas mains may be completed without undue delay. If excavation is made after the subgrade is completed and inspected, the mains shall be put in a trench covered with pavement to the lines, grades and dimensions approved by the Planning Board or its Agent.

#### 6. FIRE ALARM SYSTEM

Fire alarm system shall be provided and installed by the subdivider where required by the Middleboro Fire Department.

### E. STORM WATER MANAGEMENT

#### 1. GENERAL

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

#### 2. DESIGN GUIDES

- a. Increases in stormwater runoff resulting from development shall be minimized and retained or detained within the development, rather than being piped to existing surface waters. Calculations must be submitted and approved by the Planning Board verifying that the peak discharge after development is not more than the peak discharge from the site prior to development for the ten year storm. Satisfactory

evidence of this in the form of calculations shall be submitted to the Planning Board for verification.

- b. Storm drains and retention basins shall be designed based on a ten-year frequency storm, and cross culverts shall be based on a twenty-five year frequency storm. All stormwater shall pass through an oil separator manhole prior to outfall. The manhole shall have convenient, paved vehicular access. Prior to discharge, all stormwater shall pass through a sedimentation basin capable of removing 80 percent of the water borne sediment. All storm water shall be conveyed in ditches or storm drain lines to stormwater detention-retention basins capable of re-charging the ten year event or to permanent streams. Permanent easements and provisions for vehicular access shall be provided along the entire length of ditches and storm drain lines. No increase in stormwater runoff over pre-development conditions will be permitted for up to the 100 year event. Evidence of this shall be submitted to the Planning Board in the form of calculations for pre-development versus post development for all channels leaving the site and any other design points required by the Board.
- c. All hydrological calculations shall be determined by the procedures set forth in the current edition of the Soil Conservation Service's Urban Hydrology For Small Watershed, Technical Release Number 55 (as ammended). All assumption in regard to the type of soil cover shall be

determined from the presumptive eventual use of the land within the entire tributary area.

- d. The rainfall intensity shall be determined from the times of concentration and the associated runoff curves as referenced in Technical Release Number 55. The minimum time of concentration for street drainage shall be ten (10) minutes and for cross culverts shall be twenty (20) minutes. Water velocities in pipes and gutters shall be between two (2) and ten (10) feet per second, and not more than five (5) feet per second on paved surfaces.
- e. Water shall not be allowed to run for more than 350 feet on paved surfaces. Catchbasins shall not serve as manholes. Leaching basins, if permitted, shall be cross-connected in pairs. Storm drains within street R.O.W. shall be reinforced concrete at least twelve inches (12") inside diameter, with at least twenty-four (24") inches of cover and thirty-six (36") inches of cover in the roadway. Storm drains outside the street R.O.W. may be aluminum or plain concrete at least twelve inches (12") inside diameter.

### 3. LOT DRAINAGE

Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of a minimum width of twenty feet (20') and proper side slope shall be provided. Storm drainage shall be designed in accord with the specifications of the Board. Where required by the Planning Board or the Board of Health, the applicant shall furnish evidence that

adequate provision has been made for the proper drainage of surface and underground waters from any lot or lots. Stormwater shall not discharge overland across lot lines. Drainage conveyances and easements shall be provided to convey stormwater to the nearest permanent stream or municipal drainage system.

#### 4. CONSTRUCTION

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

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

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

260\* Where sub-drains are required they shall be constructed in conformance with Section 260 of the Standard Specifications (Mass DPW specs). Such sub-drains may be required by the Board following clearing and grubbing operations.

No drainage pipes from roof drains, driveway drains, or other on-lot sources shall be connected to the street drainage system without the explicit approval of the Planning Board. Cast iron manhole covers and catchbasin grates shall be as manufactured by or equivalent to E.L.

LeBaron Foundry Model No.'s LK-110 for manholes, L.F. 248-2 for catchbasins, or for catchbasins at the end of or on 5% gradient roads No. LK-120A (Cascade Grate).

F. NATURAL FEATURES

1. OPEN SPACE

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

## 2. PROTECTION OF NATURAL FEATURES

Every effort shall be made in both design and construction to preserve and protect all natural features, such as trees, wooded areas, water courses, scenic points, historic spots, and similar community assets, which if preserved will add attractiveness and value to the subdivision.

## 3. PLANTED TREES

- a. Trees are to be planted where necessary, as determined by the Board, to assure amenity for the subdivision. Trees shall be the equivalent of well-rooted nursery-grown, stock free of injury, harmful insects, and diseases. They shall be well-branched, and the branching structure shall be sound.
- b. Trees shall be one of the following species, unless an alternative is specifically approved by the Board:
  - Acer platanoides (Norway Maple)
  - Ailanthus altissima (Tree of Heaven)
  - Celtis occidentalis (Hackberry)
  - Fraxinus Pennsylvanica (Ash)
  - Ginkgo biloba (Ginko)
  - Platanus X acerifolia (London Plane Tree)
  - Quercus robur fastigiata (Oak)
  - Tilia cordata (Littleleaf Linden)
  - Zelkova seviata (Japanese Zelkova)
- c. Trees shall be spaced at intervals of forty-five to fifty-five feet (45-55'). Trees on one side of the street may be set either opposite or diagonally to trees on the opposite side.

- d. Minimum acceptable size of trees to be planted shall be two and one-half inches (2 1/2") trunk caliper at four feet (4') above ground.
- e. Planting operations shall be as specified in Section 8, subsections A, C, E, and F, of the Recommended Standard Specifications for Planting Trees, Shrubs, and Vines, Associated Landscape Contractors of Massachusetts. Requirements for support stakes, guy wire and cable, ground anchors, hose, and strapping material shall be those contained in Section 6 of the Recommended Standard Specifications for Planting Trees, Shrubs and Vines, compiled and issued by the Associated Landscape Contractors of Massachusetts, Inc.

One year from the time of acceptance of the roadway by the Town, the subdivider shall be responsible for maintenance of planted trees and replacement of those which have died or become diseased.

#### 4. OTHER PLANTINGS

All areas within the right-of-way which are not paved shall either be loamed and seeded for grass or, where some or all natural vegetation is retained or to be restored, shall be mulched and planted, with designation of type of treatment to be made by the Planning Board, taking into consideration the treatment of adjacent lots and the feasibility of successfully retaining existing vegetation.

Areas to be planted in grass shall have loam placed to a compacted depth of six inches (6"). The grass seed shall be Creeping Red Fescue and perennia rye grass and shall otherwise conform to Section

M-6.03.0 of the Standard Specifications. It shall be placed at the rate of four (4) pounds per one thousand (1,000) square feet and shall be properly fertilized and watered with uniform coverage to keep the seeded areas moist. After frost has started, seeded areas shall be watered regularly to a minimum depth of two inches (2") until the performance guarantee is released.

Areas to have natural vegetation shall have supplemental plantings as directed by the Planning Board or its agent, and shall be covered with clean pine bark mulch or wood chips to a depth of two inches (2"), and watered if necessary until the performance guarantee is released.

#### G. EASEMENTS

Where utilities cross lots or are centered on rear or side lot lines, easements shall be provided of a width of at least twenty feet (20'). Additional easements may be required for transformer locations. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board shall require a storm water easement or drainage right-of-way of adequate width and proper side slope as determined by the Planning Board to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for construction or other necessary purposes. In no case shall the width be less than twenty feet (20') or the side slope be steeper than two (2) horizontal on one (1) vertical.

Access easements or parcels to adjacent property shall be provided, if required, by the Board, for use by emergency vehicles and for the benefit of the Town. They shall be a minimum width of twenty feet (20').

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

#### H. OTHER REQUIREMENTS

##### 1. MONUMENTS

Granite monuments shall be installed on street lines at all points of intersections of streets with each other. Reinforced concrete monuments shall be installed at all points of curvature and at all points of change of direction. In addition, one reinforced concrete bound shall be placed so that each lot will have at least one bound where it intersects street R.O.W. and at other points where, in the opinion of the Board, permanent monuments are necessary (i.e. at easements, etc).

710\* Monuments shall be a standard permanent granite or reinforced concrete of not less than three foot six inches (3'-6") in length and not less than six (6") in width and breadth and shall have a one-half (1/2") diameter hole one and one-half inches (1 1/2") deep, drilled in the center of the top surface or a marked metal disk at the top in the center. Said monuments shall be installed at the time of final grading with the top flush with the top final graded surface. The placement and accurate location of these monuments shall be certified by a registered land surveyor and properly located on the As-Built Plans.

##### 2. STREET SIGNS

From the time of rough grading until such time as each street is accepted by the Town as a public way, the sign posts at the intersection

of such street with any other street shall have affixed thereto a sign designating such street as a private way.

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

### 3. CLEANUP

Any area disturbed by the construction and all rights-of-way shall be cleaned up so as to leave the area shown on the Plan in a neat and orderly appearance free from debris, tree stumps, loose rocks, mounds of dirt or other objectionable material. Said material shall be removed from the site and properly disposed of.

### 4. MAINTENANCE OF IMPROVEMENTS

For the purpose of protecting the safety, convenience and welfare of the Town's inhabitants for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel for reducing the danger to life and limb in the operation of motor vehicles for securing safety in the case of fire, flood, panic and other emergencies; under the authority of Chapter 41, Section 81-M as amended, the applicant or his successor shall provide for the proper maintenance and repair of improvements during the period of construction.

## SECTION V ADMINISTRATION

### A. VARIATION

Strict 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 Subdivision Control Law. Any such waiver must be made in writing by the Board as a part

of its approval or amendment thereof, otherwise all requirements contained herein are deemed applicable. It is the policy of the Middleboro Planning Board that waivers will not be granted for any of these regulations unless the applicant can first demonstrate that the entire subdivision cannot be constructed in full conformance with all remaining requirements of the Rules and Regulations. The Board may then consider waiver of certain regulations if it deems their waiver to be in the public interest.

**B. REFERENCE**

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

**C. BUILDING PERMIT**

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

**D. INSPECTION**

1. Inspections shall be arranged by the developer with the Planning Board or its Agent for that purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.
2. Inspection shall be requested of the Planning Board and its Agent at least forty-eight (48) hours in advance of the inception of any stage of the construction.
3. The Board may establish the order of the required inspection and may require satisfactory completion of one (1) step before the subdivider proceeds to the next. It may require tests to be done by

the subdivider as a condition for approval when in the opinion of the Board it is advisable.

4. The proper Planning Board's Agent shall indicate on Form 0 Inspection Form, provided by the Board, the date of inspection and the approval and shall file such form, and an inspection report, if any, with the Board subsequent to each inspection.

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

E. VALIDITY

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

F. EFFECTIVE DATE

These regulations become effective after approval by the Board, certification by the Town Clerk and filing with the Registry of Deeds and the Recorder of the Land Court. These rules and regulations shall be effective on and after the 17<sup>th</sup> day of February, 1966.

As amended July, 1975

As amended October, 1985

As amended January 27, 1987

SECTION VI RULES AND REGULATIONS OF THE PLANNING BOARD AS SPECIAL  
PERMIT GRANTING AUTHORITY

1.0 GENERAL PROVISIONS

1.1 PURPOSE AND AUTHORITY

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.

1.2 ADOPTION AND AMENDMENT

These rules and regulations may be adopted and from time to time amended by majority vote, provided such adoption is submitted in writing at a meeting of the Board and action thereon taken at a following meeting.

1.3 EFFECTIVE DATE

These rules and regulations are effective when voted. A copy shall be filed with the office of the Town Clerk, with appropriate endorsements such as:

Date of Adoption: October 7, 1982

Date filed with Town Clerk:

Amendments - dates of adoption:

Amendments - dates filed with Town Clerk, etc.

2.0 APPLICANT (Petitioner)

An application or petition for a Special Permit may be brought by a property owner, agent or prospective purchaser who submits certification of property interest and authority to file.

### 3.0 PRE-APPLICATION CONFERENCE

The Planning Board may hold pre-application conferences at any regular or special meeting of the Board. Preliminary plans may be submitted for discussion purposes and to assist in the identification of the nature of information necessary to meet the requirements of the zoning by-law for a specific use.

### 4.0 APPLICATIONS FOR SPECIAL PERMITS

The Planning Board shall submit applications for special permits to be reviewed by the Board or Selectmen, the Board of Health, the Town Manager, the Chiefs of the Police and Fire Departments, the Conservation Commission, the Industrial Development Commission and other Municipal Boards and Officials as the SPGA shall deem appropriate. Copies of such recommendations shall be sent to the Planning Board and to the Applicant, provided, however, that failure of any such Board or Agency to make recommendations within twenty-one (21) days of receipt by such Board or Agency or the Petitioner shall be deemed lack of opposition thereto. These regulations do not preclude compliance with any other State laws.

#### 4.1 OFFICIAL APPLICATION FORM

Applications for Special Permits shall be made on an official form, which shall be furnished by the Clerk of the Planning Board upon request. Any communication not on an official form shall be considered as a notice of intention to apply and not as an application. All information on the form shall be supplied by the applicant in the manner prescribed (fully and correctly). Failure to meet this requirement will be considered a failure to submit an application, and no public hearing will be scheduled.

#### 4.2 PLANS AND OTHER PERTINENT INFORMATION

For the purpose of furnishing sufficient information upon which to base a decision of the Board the petitioner shall submit plans and specifications to justify the issuance of the Special Permit.\* Such plans and specifications shall be in the form indicted in Section 4.2.2 of these rules, and in the quantities requested by the Board after a pre-application conference has identified the general nature of the application and the municipal officials with potential concerns in the proposed uses. All such plans shall be prepared by a Registered Land Surveyor, or a Professional Engineer, shall be oriented to true north and identified by date and name of the petitioner and contain such other information as the Board may request.

##### 4.2.1 LOCUS PLAN

The purpose of a locus plan is to indicate the general relationship of the special permitted uses to the Town, and the access to highways. The locus plan shall show the boundaries of the permit area and of the individual lots in relation to the boundaries of the affected zoning districts and to public and private ways. Such a plan may be on an appropriate scale approved by the Board. (1" = 200', 400', 1,000')

##### 4.2.2 SITE PLANS

The general purpose of a site plan is to assure proper drainage, safe access and egress, adequate parking, loading areas, signs, landscaping, screening, and consideration of the needs of abutting land owners. As applicable, a site plan shall furnish information consistent with that required by the Planning Board for approval of a subdivision. Such information may be shown on one or more site plans on sheets not exceeding 24" x 36". Multiple plans shall be numbered - (Example: Sheet Number 1 of 6 sheets, etc.). Site plans shall be on the scale of 1" = 40', and each site plan shall indicate the boundaries of the

permit area and of the interior lots. At least one plan shall indicate the identity of the owner of each such separate parcel and of the abutting parcels as shown on the most recent tax list of the Town of Middleborough and of the applicable adjoining municipalities. Information relating to the following existing features shall be indicated on separate or combined plans:

natural and man-made features

wetlands

wetland district boundaries

roads - public and private ways

driveways

means of access

parking area

natural and landscaped vegetation

water course

dwellings and other structures

location of public water mains, hydrants

location of public sewerage facilities

location of public utilities (including Middleborough Gas and Electric Dept. electric and gas systems).

Proposed uses shall be indicated also, including all new structures, changes in topography, landscaping, roads and ways, parking and loading facilities, water and sewerage facilities, and such other information necessary to fully describe the proposal.

#### 4.2.3 DATA AND SPECIFICATIONS RELATIVE TO SITE PLANS

A narrative report is suggested to explain features shown on site plans. Such a report is recommended to explain proposed conditions on completion of development and should address the following issues:

1. Compliance with the zoning by-law: (Present and proposed future uses shall be identified as permitted or authorized by Special Permit).
2. Protection of adjoining premises from detrimental effects from the uses of Special Permits. (Open space, landscaped buffers to protect present and possible future permitted uses may be necessary).
3. Vehicular and pedestrian movement: (The present location, width, grades, drainage, driveways and as proposed must be considered. There may be changes in the direction of traffic flow).
4. Arrangement of structures: (Buildings, towers and signs must be considered in view of light, air, solar orientation, open space).
5. Parking and loading: (Number of spaces and locations must be adequate to service proposed uses without occupying too great an area).
6. Facilities: (Adequate sewerage, refuse removal, surface drainage, sub-surface drainage).

THE APPLICANT SHALL INDICATE THE MEANS PROPOSED TO ACCOMPLISH THE  
FOLLOWING PURPOSES:

- a. Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against bright lights, sight, sound, dust and vibration, and preservation of light and air.
- b. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas by provision of adequate access to cope with projected traffic flow patterns into and upon the site for both vehicles and pedestrians based upon an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.

- c. Waste disposal by adequate methods.
- d. Protection of environment features on the site and in adjacent areas, by use of design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors.
- e. Water supply from a public water supply system, or other sources of an adequate supply of potable water, together with lagoons, ponds or stand pipes, with sufficient capacity for fire protection.
- f. Prevention of the pollution of surface or groundwater, soil erosion, excessive runoff, changes in groundwater levels, and flooding.
- g. Provision for the special needs of handicapped persons in all structures and common areas available to the public.
- h. Protection from adverse environmental impacts resulting from noise, vibration, groundwater pollution from chemicals used or stored on the premises, or from storage of petroleum products.
- i. Security of persons and property without excessive demands upon municipal police and fire departments.
- j. Drainage, including use of porous as well as impervious parking areas and retention ponds to minimize runoff.
- k. Maintain density of building areas and height consistent with the customary uses in Middleborough.

## 5.0 (OPEN)

6.0 HEARINGS6.1 JOINT PUBLIC HEARINGS

The application for a Special Permit may be considered at a public hearing held jointly and concurrently with other town boards.

6.2 PUBLIC HEARINGS

All consideration of applications shall be at hearings open to the public. Special permits shall only be issued after a public hearing which must be held within sixty-five days (65) after the effective date of filing of a special permit application with the Town Clerk, as the designated agent of the Planning Board. Failure by the Board to take final action by filing said decision in the office of the Town Clerk upon application for a special permit within ninety days (90) days following the date of the public hearing shall be deemed to be a grant of the permit requested. No hearing shall be held on an election, primary or caucus day in the Town of Middleborough. Notice of such hearing shall be given by publication in a newspaper of general circulation in the Town of Middleborough once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of the hearing, and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen days (14) before the hearing. In all cases, notice shall be delivered in hand or sent by mail by the Planning Board, postage prepaid, to the following:

Board of Selectman

Board of Health

Town Manager

Water and Sewer Commissioners

Chief of Police

Chief of Fire Department

Conservation Commission

Industrial Development Commission

Middleborough Gas and Electric Department

and such other Boards and Officials as the Board deems appropriate. Notice shall also be sent by mail, postage prepaid, to parties in interest (the petitioner, abutters, owners of land directly opposite on any public or private street or way and abutters within three-hundred (300) feet of the property line of the petitioner, and the Planning Boards of Raynham, Lakeville, Rochester, Wareham, Carver, Plympton, Halifax and Bridgewater).

### 6.3 REPRESENTATION AT HEARING

An applicant, or a party in interest, may appear in his own behalf or may be represented by an authorized agent or attorney. In the absence of an appearance on behalf of an applicant, without cause, the SPGA may deny an application or decide on the basis of available information otherwise received.

### 7.0 DISPOSITION OF APPLICATION

#### 7.1 REFERRAL TO OTHER AGENCIES

Copies of the application, together with such information as the Board deems appropriate, shall be submitted for review and recommendations to the Board of Selectmen, the Board of Health, the Town Manager, the Water and Sewer Commissioners, the Chiefs of the Police and Fire Departments, the Conservation Commission, the Industrial Development Commission, the

Middleborough Gas and Electric Department, and to such other municipal Boards and Officials as the Board determines within fourteen (14) days of the filing of the application. Failure of any such Board, Agency or Official to make recommendations with thirty-five (35) days of receipt of such notice shall be deemed lack of opposition.

#### 7.2 VOTING

The affirmative vote of at least four (4) members of the Board shall be required to authorize a Special Permit. The record shall show the vote of each member or indicate if absent or failing to vote. The decision shall state clearly the reasons for the action, and shall include each specific finding required by Chapter 40A of the General Laws and by the Zoning By-Law.

#### 7.3 WITHDRAWAL OF APPLICATION

An application may be withdrawn without prejudice by an applicant by notice in writing to the Clerk of the Board at any time prior to the first publication of the notice of the public hearing. After such public notice withdrawal of an application shall be permitted only by majority vote of the Board. Such a vote shall not constitute unfavorable action.

#### 7.4 RECONSIDERATION

No vote on an application may be reconsidered after the meeting has adjourned.

#### 7.5 APPEALS

Any person aggrieved by a decision of the Board as Special Permit Granting Authority may appeal such decision as provided in MGL 40A Section 17 within twenty days (20) after such decision has been filed in the office of the Town Clerk.

#### 7.6 REAPPLICATION

No application which has been unfavorably and finally acted upon by the Board shall be reconsidered for a Special Permit within two (2) years after the date of the said final unfavorable action unless the Board finds by vote of four (4) members, specific and material changes in the conditions upon which the previous unfavorable action was based and such changes are described in the record of the Board's proceedings, and after notice is given to parties in interest of the time and place of the proceedings to reconsider in the same manner as provided for in Section 6.2 of these Rules and Regulations.

#### 7.7 LAPSE OF SPECIAL PERMIT

No special permit shall be authorized by the Board without the express condition that it will lapse if substantial use under the permit is not commenced within two (2) years from the date of final action by the Board except for good cause or the final determination of an appeal.

#### 7.8 EXTENSION OF SPECIAL PERMIT

Prior to the expiration of the Special Permit, the applicant may apply for an extension of the Special Permit for a period not to exceed one (1) year. Requests for extension may be made on an annual basis in such form as the Planning Board shall require. The applicant may apply for an extension if a substantial use thereof has not commenced except for good cause.

#### 7.9 EFFECTIVE DATE OF SPECIAL PERMIT

No Special Permit shall take effect until a copy of the decision, bearing the certification of the Town Clerk that twenty days (20) have elapsed after the filing of the decision and no appeal has been filed, is recorded in the Registry of Deeds and indexed under the name of the record owner of the land.

## 8.0 DECISIONS

### 8.1 PERFORMANCE GUARANTEE

As a condition to a Special Permit, the applicant shall post a bond or provide other safeguards in the form of and amount or penal sum acceptable to the Board prior to the expiration of the twenty (20) day appeal period unless the Board shall specify otherwise. If the applicant is not the owner and must purchase to assume such obligations, he shall comply within twenty (20) days following the date of purchase.

### 9.0 SEVERABILITY OF PROVISIONS

The provisions of these Rules and Regulations are severable. If any provision of these Rules and Regulations is held invalid, the other provisions shall not be affected thereby. If the application of these Rules and Regulations, or any of its provisions to any person or circumstances is held invalid the application of these Rules and Regulations and their provisions to other persons and circumstances shall not be affected thereby.

### 10.0 WAIVER OF FULL COMPLIANCE

Full compliance with these regulations may be waived by the Board provided such waivers are deemed to serve the public interest and does not conflict with Chapter 40A MGL, or the provisions of this By-Law.

\*Note: In the event the Special Permit is deemed granted as the result of the failure of the Board to act (see 40A:9), the applicant should provide sufficient data to meet all requirements of the by-law and the statute.

October 7, 1982

FORM A

APPLICATION FOR ENDORSEMENT OF A PLAN BELIEVED NOT TO REQUIRE APPROVAL

MIDDLEBORO PLANNING BOARD

DATE \_\_\_\_\_

FILED FEE \_\_\_\_\_

To the Planning Board of the Town of Middleboro:

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

The undersigned believes that such approval is not required for the following reasons:

1. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage, area and depth required by the Middleboro Zoning By-Law and is on a public way, namely \_\_\_\_\_ or a private way, namely \_\_\_\_\_, Assessor's Map # \_\_\_\_\_, Parcel # \_\_\_\_\_.

2. The division of land shown on the accompanying plan is not a subdivision for the following reason (s) :

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

The owner's title to the land is derived under deed from \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_, and recorded Certificate of Title No. \_\_\_\_\_, registered in Plymouth County Book \_\_\_\_\_, Page \_\_\_\_\_.

PLANNING BOARD ACTION - APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_

COMMENTS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BY \_\_\_\_\_  
Agent for the Board

DATE \_\_\_\_\_

Received by Town Clerk

Date \_\_\_\_\_

Applicant's Signature \_\_\_\_\_

Title \_\_\_\_\_

Applicant's Address \_\_\_\_\_

Signature \_\_\_\_\_

\*Owner's Signature \_\_\_\_\_

and Address \_\_\_\_\_

\* All owners must sign

\*Owner's Signature \_\_\_\_\_

and Address \_\_\_\_\_

(Owner)  
COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
(official signature and seal of notary)

(Owner)  
COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
(official signature and seal of notary)

FORM B

APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

MIDDLEBORO PLANNING BOARD

DATE \_\_\_\_\_

SUBDIVISION NAME \_\_\_\_\_

FILING FEE \_\_\_\_\_

To the Planning Board of the Town of Middleboro:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L; for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

by \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_ being land bounded as follows;

Assessor's Map # \_\_\_\_\_, Parcel # \_\_\_\_\_ hereby submits said plan as a PRELIMINARY Subdivision plan in accordance with the Rules and Regulations of the Middleboro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from \_\_\_\_\_

BY DEED DATED \_\_\_\_\_ and recorded in the Plymouth County Registry of Deeds Book \_\_\_\_\_, Page \_\_\_\_\_, registered in the Plymouth County Registry County Land Court, Certificate of Title No. \_\_\_\_\_.

Applicant's Signature \_\_\_\_\_

Applicant's Address \_\_\_\_\_

\* Owner's Signature \_\_\_\_\_

and Address \_\_\_\_\_

(All land within proposed subdivision)

FORM B (CONT'D)

RECEIVED BY TOWN CLERK

DATE \_\_\_\_\_

TIME \_\_\_\_\_

SIGNATURE \_\_\_\_\_

Signature of Owner of any land  
across which easements must be  
taken

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

\*All owners must sign

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

FILING FEE \_\_\_\_\_

ENGINEERING FEE \_\_\_\_\_

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

\_\_\_\_\_

by \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_ being land bounded as follows:

\_\_\_\_\_

Assessor's Map # \_\_\_\_\_, Parcel # \_\_\_\_\_, hereby submits said plan as a DEFINITIVE PLAN in accordance with the Rules and Regulations of the Middleboro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from \_\_\_\_\_

\_\_\_\_\_

BY DEED DATED \_\_\_\_\_ and recorded in the Plymouth County Registry of Deeds

Book \_\_\_\_\_, Page \_\_\_\_\_, registered in the Plymouth Registry County Land

Court, Certificate of Title No. \_\_\_\_\_; and said land is free of encumbrances except for the following:

\_\_\_\_\_

Said plan has ( ) has not ( ) evolved from a preliminary plan submitted to the Board on \_\_\_\_\_, 19\_\_\_\_, and approved (with modifications) ( ) or disapproved ( ) on \_\_\_\_\_, 19\_\_\_\_.

The undersigned hereby applies for the approval of said DEFINITIVE plan by the Board, and in furtherance thereof hereby agrees to abide by the Board's Rules and Regulations. The undersigned hereby further covenants and agrees with the Town of Middleboro, upon the approval of said DEFINITIVE plan by the Board:

FORM C (CON'T)

APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

1. To install utilities in accordance with the Rules and Regulations of the Planning Board, Supt. of Public Works, the Board of Health, Middleborough Gas and Electric Department and all general as well as Zoning By-laws of the Town of Middleboro, as are applicable to the installation of utilities within the limits of ways and streets;
2. To complete and construct the streets or ways shown thereon in accordance with Section IV of the Rules and Regulations of the Planning Board and the approved Definitive Plan, profiles and cross sections of the same. Said plan, profiles, cross sections and construction specifications are specifically, by reference, incorporated herein and made a part of this application. This application and the covenants and agreements herein shall be binding upon all heirs, executors, administrators, successors, grantees of the whole or part of said land, and assigns of the undersigned; and
3. That no structure will be occupied until at least the base course of the Bituminous concrete, as specified in Section IV, has been applied to the streets which serve those structures.

RECEIVED BY TOWN CLERK \_\_\_\_\_  
 DATE \_\_\_\_\_  
 TIME \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_

APPLICANT'S SIGNATURE \_\_\_\_\_  
 APPLICANT'S ADDRESS \_\_\_\_\_  
 \*OWNER'S SIGNATURE \_\_\_\_\_  
 AND ADDRESS \_\_\_\_\_

(All land within proposed subdivisin)

SIGNATURE OF OWNER OF ANY LAND  
ACROSS WHICH EASEMENTS MUST BE  
TAKEN:

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

\*All owners must sign

FORM C-1

CERTIFICATE OF APPROVAL OF A DEFINITIVE PLAN

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

It is hereby certified by the Planning Board of the Town of Middleboro, that at a duly called and properly posted meeting of said Planning Board, held on \_\_\_\_\_, 19 \_\_, it was voted to approve a Definitive Plan entitled:

\_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_

originally filed with the Planning Board on \_\_\_\_\_

concerning the property located \_\_\_\_\_

\_\_\_\_\_

A copy of this Certificate of Approval is to be filed with the Middleboro Town Clerk and a copy sent to the applicant.

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

MIDDLEBORO PLANNING BOARD

A true copy, attest:

\_\_\_\_\_  
Clerk, Middleboro Planning Board

FORM C-2

CERTIFICATE OF DISAPPROVAL OF A DEFINITIVE PLAN

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

It is hereby certified by the Planning Board of the Town of Middleboro, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on \_\_\_\_\_, 19\_\_\_\_, it was voted to disapprove a Definitive Plan entitled: \_\_\_\_\_

submitted by: \_\_\_\_\_

originally filed with the Planning Board on \_\_\_\_\_

concerning property located \_\_\_\_\_

for the following reasons: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The Board will rescind its disapproval if, within six (6) months of this date the applicant submits revised plans and other required submittals fully conforming to the Rules and Regulations of the Board and resolving the specific reasons for disapproval.

A copy of this Certificate of Disapproval is to be filed with the Middleboro Town Clerk and a copy sent to the applicant.

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

Middleboro Planning Board

A true copy, attest:

\_\_\_\_\_  
Clerk, Middleboro Planning Board

FORM D

DESIGNER'S CERTIFICATE

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

In preparing the plan entitled \_\_\_\_\_  
I hereby certify that the above-named plan and accompanying data are true and correct in accordance with the requirements of the current Rules and Regulations governing the Subdivision of Land in Middleboro, Massachusetts, and that the designs contained herein are in accordance with commonly accepted engineering practice and in compliance with applicable laws and regulations of the Commonwealth of Massachusetts and By-laws of the Town.

1. Sources of data are listed as follows: \_\_\_\_\_  
\_\_\_\_\_

2. Oral information furnished by \_\_\_\_\_  
\_\_\_\_\_

3. Actual measurement on the ground and other field determinations \_\_\_\_\_  
\_\_\_\_\_

4. All of the information required under Section III C Contents, for a Preliminary Plan has been shown on the plans. Yes \_\_\_\_\_ No \_\_\_\_\_

5. All of the information required under Section III C Contents, for a Definitive Plan has been shown on the Plans. Yes \_\_\_\_\_ No \_\_\_\_\_

Signed: \_\_\_\_\_  
(Registered Professional Designer)

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

Address

(Seal of Designer)

FORM D-1

LAND SURVEYOR'S CERTIFICATE

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

In preparing the plan entitled \_\_\_\_\_

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

1. Deed from \_\_\_\_\_ to \_\_\_\_\_

dated \_\_\_\_\_ and recorded in the Plymouth Registry in

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

2. Other plans and sources as follows: \_\_\_\_\_

3. Oral information furnished by \_\_\_\_\_

4. Actual measurement on the ground from a starting point established by \_\_\_\_\_

5. All of the information required under Section III C Contents, for a Preliminary Plan has been shown on the Plans. Yes \_\_\_\_\_ No \_\_\_\_\_

6. All of the information required under Section III C Contents, for a Definitive Plan has been shown on the Plans. Yes \_\_\_\_\_ No \_\_\_\_\_

Signed: \_\_\_\_\_  
(Registered Land Surveyor)

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

(Seal of Land Surveyor)

Address

FORM E

CERTIFIED LIST OF ABUTTERS

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

The undersigned, being an applicant for approval of a Definitive Plan of a proposed subdivision entitled

\_\_\_\_\_ submits the following sketch of the land in the subdivision listing the names of the adjoining owners and all other owners of land within three hundred feet (300') of the boundaries of the land shown on the plan and indicating the address of each on the sketch or in a separate list.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_, Massachusetts

\_\_\_\_\_, 19\_\_\_\_\_

To the Planning Board of the Town of Middleboro:

This is to certify that at the time of the last assessment for taxation made by the Town of Middleboro, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown above and within three hundred feet (300') thereof, were written above, except as follows:

\_\_\_\_\_  
Assessor

FORM F

PERFORMANCE BOND

SURETY COMPANY

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

Know all men by these presents that \_\_\_\_\_

as Principal, and \_\_\_\_\_ a Corporation duly organized

and existing under the laws of the State of \_\_\_\_\_ and having a

usual place of business in \_\_\_\_\_ as Surety, hereby bind and

obligate themselves and their respective heirs, executors, administrators, successors and assigns, jointly and severally, to the Town of Middleboro, a Massachusetts municipal

corporation, in the sum of \_\_\_\_\_ dollars.

(\$\_\_\_\_\_).

The condition of this obligation is that if the Principal shall fully and satisfactorily observe and perform in the manner and in the time therein specified, for the below specified streets and portions of streets all of the covenants, conditions, agreements, terms and provisions contained

in the application signed by the Principal and dated \_\_\_\_\_, 19\_\_\_\_ under which approval of a

Definitive Plan of a certain subdivision entitled \_\_\_\_\_ and

dated \_\_\_\_\_, 19\_\_\_\_, has been or is hereafter granted by the Middleboro Planning Board, then this obligation shall be void, otherwise it shall remain in full force and effect and the aforesaid sum, reduced as necessary, shall be paid to the Town of Middleboro as liquidated damage.

Streets and portions of streets covered by this obligation:

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

The Surety hereby assents to any and all changes and modifications that may be made of the aforesaid covenants, conditions, terms and provisions to be observed and performed by the Principal, and waives notice thereof.

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

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

FORM F (cont'd)

Principal

\_\_\_\_\_

by \_\_\_\_\_  
(Title)

Surety

\_\_\_\_\_

\_\_\_\_\_

by \_\_\_\_\_  
Attorney-in-fact

FORM G

PERFORMANCE BOND - SECURED BY DEPOSIT

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

Know all men by these presents that \_\_\_\_\_

hereby binds and obligates himself/his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Middleboro, a Massachusetts municipal

corporation, in the sum of \_\_\_\_\_ dollars, (\$ \_\_\_\_\_),

and has secured this obligation by the deposit with the treasurer of said Town of Middleboro of said sum in money or negotiable securities with proper stock powers.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns shall fully and satisfactorily observe and perform in the manner and in the time herein specified for the below specified streets and portions of streets, all of the covenants, conditions, agreements, terms and

provisions contained in the application signed by the Principal and dated \_\_\_\_\_,

19 \_\_\_\_\_, under which approval of Definitive Plan of a certain subdivision, entitled

\_\_\_\_\_

and dated \_\_\_\_\_, 19\_\_\_\_, has been or is hereafter granted by the Middleboro

Planning Board, then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid security for said sum shall become and remain the sole property of said Town of Middleboro as liquidated damage.

Streets and portions of streets covered by this obligation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

in witness whereof the undersigned has hereunto set his hand and seal this

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Principal

by \_\_\_\_\_  
Title

FORM H  
COVENANT

DATE \_\_\_\_\_

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: \_\_\_\_\_, plan by: \_\_\_\_\_

\_\_\_\_\_ dated: \_\_\_\_\_

and owned by: \_\_\_\_\_

address: \_\_\_\_\_, land located: \_\_\_\_\_, and showing proposed lots. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

IN CONSIDERATION of said Planning Board of Town of Middleborough in the County of Plymouth approving said plan without requiring a performance bond, 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 covenant 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 covenant.

2. The undersigned shall not sell or convey any lot in the subdivision except by mortgage deed, or erect, place or build any permanent building on any lot until the construction of ways and installation of municipal services necessary to serve such lot have been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:
  - a. The Application for Approval of Definitive Plan (Form C).
  - b. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision. (as modified by paragraph 11).
  - c. The Certificate of Approval and the Conditions of Approval specified therein, issued by the Planning Board, dated \_\_\_\_\_.
  - d. The Definitive Plan as approved and as qualified by the Certificate of Approval.
  - e. The within Covenant.

## FORM H (cont'd)

f. Other document (s) namely:

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However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot shall be built upon until ways and services have been provided to serve such lot.

3. This covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.

4. Particular lots within the subdivision may be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released.

5. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.

6. The undersigned shall record this covenant with the Plymouth County Registry of Deeds forthwith, or pay the necessary recording fee to the said Planning Board in the event the Planning Board shall record this covenant forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.

7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed, as provided in Section 81-U, Chapter 41, Massachusetts General Laws.

8. This covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.

9. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before \_\_\_\_\_ the Planning Board shall release this

covenant by an appropriate instrument, duly acknowledged. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.

10. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in Chapter 41, Section 81-U, Massachusetts General Laws as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.

## FORM H (cont'd)

11. WAIVERS : The following sections of the Planning Board's Rules and Regulations are hereby modified or waived as indicated:

12. 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 \_\_\_\_\_.

13. 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 \_\_\_\_\_, or 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 covenant and hereby agrees to hold the mortgage subject to the within covenant and agrees that the within covenant 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 covenant.

IN WITNESS WHEREOF the undersigned hereunto set my/our hand (s) and seal (s)

this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

FORM H (cont'd)

(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 and deed, before me.

FORM H (cont'd)

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

My commission expires \_\_\_\_\_

The within covenant is hereby accepted:

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

\_\_\_\_\_  
Majority of the Planning Board of the  
Town of Middleborough

-----  
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 its 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

THE COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ ss:

\_\_\_\_\_ 19\_\_

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

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

My commission expires \_\_\_\_\_

BANK'S LETTERHEAD

## FORM H - 1

## IRREVOCABLE LETTER OF CREDIT

( Insert Date )

Planning Board  
 Town of Middleborough  
 Town Hall  
 Middleboro, MA 02346

re: Location of Property: ( insert location )  
 Property Owner: ( insert name )  
 Name and date of subdivision plan:  
 ( insert name and date of plan )

Dear Members:

The ( name of bank ) \* hereby opens an Irrevocable Letter of Credit in favor of the Town of Middleborough available by the draft or drafts by the Town of Middleborough for a sum or sums not to exceed ( here insert maximum amount ) in total amount.

Each draft must state that it is drawn under this letter of credit and must be accompanied by a letter signed by a majority of the Town of Middleborough Planning Board or its Town Manager requesting payment for work, labor or material, not completed pursuant to and required for the above referenced subdivision plan in accordance with applicable subdivision control rules and regulations and conditions of approval of said subdivision plan.

The ( name of bank ) hereby agrees with the Town of Middleborough acting by and through its Planning Board that drafts drawn under and in accordance with the terms of this letter of credit shall be duly honored upon presentation provided that such presentation is made on or before ( insert date ).

The ( name of bank ) hereby agrees with the drawers, endorsers, and bona fide holders of all drafts drawn under and in compliance with the terms of this letter of credit that such drafts will be honored upon presentation to ( name of bank ). The ( name of bank ) acknowledges that this letter of credit is an essential part of the approval process for the aforesaid subdivision plan and that the Town of Middleborough Planning Board has or will act in reliance on the letter of credit.

This letter of credit is under seal.

Very truly yours,

( name of bank ) by( name of bank officer and position )

FORM I

AGREEMENT BY APPLICANT AS TO PUBLIC IMPROVEMENTS TO BE MADE IN PROPOSED SUBDIVISION

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

The undersigned, being the applicant as defined under Chapter 41, Section 81-L for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

by \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_, in consideration of approval

of the aforementioned plan, the undersigned agrees, at the sole expense of the undersigned, to construct and install, within six (6) years from the date you approved the aforementioned plan or within such further time allowed by the Planning Board of the Town of Middleboro, the following public improvements in the subdivision:

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

ALL IN ACCORDANCE WITH the Rules and Regulations governing the Subdivision of Land of the Planning Board of the Town of Middleboro.

Applicant's Signature \_\_\_\_\_

Applicant's Address \_\_\_\_\_

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

FORM J  
RELEASE FORM

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

The undersigned, being a majority of the Planning Board of the Town of Middleboro hereby certify that:

The requirements for the construction of ways and municipal services required by the Performance Bond or Surety and dated \_\_\_\_\_, (and/or) by the Covenant dated \_\_\_\_\_ and recorded in Plymouth County Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, or registered in Plymouth County Land Court Registry as Document No. \_\_\_\_\_ in Registration Book \_\_\_\_\_, Page \_\_\_\_\_, have been completed/partially completed, to the satisfaction of the Planning Board to serve adequately the hereinafter enumerated lots shown on a Plan entitled " \_\_\_\_\_ " recorded in the Plymouth County Registry of Deeds, Plan Book \_\_\_\_\_, Page \_\_\_\_\_, or registered in said Land Registry Plan Book \_\_\_\_\_, and said lots are hereby released from the restrictions as to sale and building specified therein.

Lots hereby released as shown on said Plan are as follows:

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

Executed as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_.

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

Middleboro Planning Board

FORM J (cont'd)

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, \_\_\_\_\_, 19\_\_\_\_.

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

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

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

## FORM K

## CONVEYANCE OF EASEMENTS AND UTILITIES

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_, of \_\_\_\_\_

\_\_\_\_\_ County, Massachusetts, for good and adequate consideration, grant to the Town of Middleboro a municipal corporation in Plymouth County, Massachusetts, the perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain water and sewer mains and drainage systems with any manholes, pipes, conduits, gas and electric distribution systems, street lights, easements and other appurtenances thereto, and to do all acts incidental thereto, through and under the following described land:

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

appearing on a plan entitled \_\_\_\_\_

And, for the consideration of aforesaid, the said grantor does hereby give, grant, transfer and deliver unto the Town of Middleboro all water and sewer mains and drainage systems, manholes, pipes, conduits, easements, gas and electric distribution systems, street lights, and all appurtenances thereto that are now or hereafter constructed or installed in, through, or under the above described land by the grantor and the grantor's successors and assigns.

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

For grantor's title see deed from \_\_\_\_\_

dated \_\_\_\_\_, 19\_\_\_\_, and recorded in Plymouth County Registry of Deeds, Book \_\_\_\_\_,

Page \_\_\_\_\_, or under Certificate of Title No. \_\_\_\_\_, registered in Plymouth

County Land Court, Book \_\_\_\_\_, Page \_\_\_\_\_.

And (to be completed if a mortgage exists) \_\_\_\_\_

(Name and Address) \_\_\_\_\_

the present holder of a mortgage on the above described land, which mortgage is dated

\_\_\_\_\_, 19\_\_\_\_, and recorded in said Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, for

consideration paid, hereby releases unto the Town forever from the operation of said mortgage, the rights and easements hereinabove granted and assents thereto.

FORM K

CONVEYANCE OF EASEMENTS AND UTILITIES (CONT'D)

\_\_\_\_\_  
Authorized Signature of Mortgagor

\_\_\_\_\_  
Signature of Owner

IN WITNESS WHEREOF we have hereunto set our hand (s) and seal (s) this \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, SS

\_\_\_\_\_, 19\_\_.

Then personally appeared the above named \_\_\_\_\_ and

acknowledged the foregoing instrument to be \_\_\_\_\_ free act  
and deed, before me.

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

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

**FORM L**  
**RESERVED**

FORM M-1

CONTROL FORM AND PRELIMINARY PLAN CHECK LIST

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

Applicant's Name \_\_\_\_\_ Locus of Plan \_\_\_\_\_

Address \_\_\_\_\_

Engineer (Surveyor) \_\_\_\_\_

Preliminary Plan - Date Submitted (S) \_\_\_\_\_

Approval Date \_\_\_\_\_

1. Form "B" Completed: ( ) Yes ( ) No Fee Paid: ( ) Yes ( ) No

a. Date filed - Town Clerk \_\_\_\_\_

2. List all plans and supporting documents submitted with this Preliminary Plan.

\_\_\_\_\_

Identifying Number Letter \_\_\_\_\_

Title, Date \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Plans to include following information (see Sec. III B.2 - Contents)

Plan or Identifying  
Document with No/Letter

a. Subdivision name and date, boundaries, north point and scale \_\_\_\_\_

b. Name and address of developer/owner \_\_\_\_\_

c. Owners of abutting property \_\_\_\_\_

d. Existing & proposed streets, way and easements \_\_\_\_\_

e. Major features of the land \_\_\_\_\_

f. Proposed sewerage disposal systems, drainage \_\_\_\_\_

g. Bounds of proposed lots, areas and dimensions \_\_\_\_\_

FORM M-1 (CON'T)

- h. Adjacent streets \_\_\_\_\_
- i. Topography of land \_\_\_\_\_
- j. Letter designations on streets \_\_\_\_\_
- k. Adjoining land \_\_\_\_\_
- l. Zoning classification \_\_\_\_\_
- m. Town Atlas references (Assessor's) \_\_\_\_\_
- n. Wetlands \_\_\_\_\_
- o. Locus Plan \_\_\_\_\_
- p. Soil Types \_\_\_\_\_
- q. All required easements, existing and  
proposed \_\_\_\_\_

CONTROL FORM AND DEFINITIVE PLAN CHECKLIST

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

Applicant's Name \_\_\_\_\_ Locus of Plan \_\_\_\_\_

Address \_\_\_\_\_

Engineer (Surveyor) \_\_\_\_\_

Definitive Plan - Date Submitted (S) \_\_\_\_\_

Approval Date \_\_\_\_\_

1. Form "C" Completed: ( ) Yes ( ) No      Fee Paid: ( ) Yes ( ) No

a. Date filed - Town Clerk \_\_\_\_\_

2. List all plans and supporting documents submitted with this Definitive Plan.

Identifying  
Number/Letter

Title, Date

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

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

3. Plans to include following information (see Sec. III C.2 Contents )

	Plan or Document	Identifying No/ Letter
a. Title, subdivision name and date	_____	_____
b. Northpoint, scale, boundaries	_____	_____
c. Names & seals of the owner designee, engineer and surveyor	_____	_____
d. Major features of the land	_____	_____
e. Lines of existing and proposed streets, lots	_____	_____
f. Lot numbers	_____	_____
g. Lengths and bearings of street, way, lot lines, etc.	_____	_____
h. Monuments	_____	_____
i. Adjacent streets	_____	_____
j. Zoning classification	_____	_____
k. Existing and proposed location of Base Flood Elevation	_____	_____
l. Covenants, restriction, Z.B.A.	_____	_____
m. Land Court references	_____	_____
n. Assessor's Map and Parcel #'s	_____	_____
o. Space to record Board action	_____	_____
p. Profiles	_____	_____
q. Topography	_____	_____
r. Water, hydrants, street lights, fire alarm system	_____	_____
s. Proposed sewerage disposal systems, drainage	_____	_____
t. Drainage calculations	_____	_____

- u. Street trees \_\_\_\_\_
- v. Typical cross-sections \_\_\_\_\_
- w. Wetlands \_\_\_\_\_
- x. Locus Plan \_\_\_\_\_
- y. Soil test results (on the plan) \_\_\_\_\_
- z. Letter designations for streets \_\_\_\_\_
- a.a. Abutters as listed on Form E \_\_\_\_\_
- b.b. Lot layout new assessor's maps  
(various scale) \_\_\_\_\_
- c.c. Sedimentation and Erosion Control Plan \_\_\_\_\_
- d.d. Gas and Electric Plans \_\_\_\_\_
- e.e. Performance Guarantee \_\_\_\_\_

FORM N  
LEGAL NOTICE OF PUBLIC HEARING  
TOWN SEAL

The Middleboro Planning Board will hold a hearing \_\_\_\_\_  
(day) (date)  
at \_\_\_\_\_ at the Middleboro Town Hall, in the Selectmens room on the  
(time)  
application of \_\_\_\_\_  
(name) (address)  
for a \_\_\_\_\_  
(definitive plan or special permit)  
located \_\_\_\_\_

\_\_\_\_\_. A copy of this plan is on file with the Town Clerk and the  
(# of lots)

Planning Board.

Anyone desiring to be heard on this subject should appear at the time and place designated.

MIDDLEBORO PLANNING BOARD

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

(2 dates to be published)

FORM O  
INSPECTION FORM\*

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

Name of Engineer \_\_\_\_\_ From Sta. \_\_\_\_\_ to Sta. \_\_\_\_\_

Name of Applicant \_\_\_\_\_ Phone of Applicant \_\_\_\_\_

SUBJECT	RESPONSIBLE AGENCY	INITIALS OF AGENT	INSPECTION DATE
1. Right of way clearance	Town Planner	_____	_____
2. Excavation	"	_____	_____
3. Sub-grade Drain	"	_____	_____
4. Sub-grade Preparation	"	_____	_____
5. Water Installation, Testing & Disinfecting	Public works	_____	_____
6. Sewer Installation and Testing	Public works	_____	_____
7. Drainage Installation and Testing	Town Planner	_____	_____
8. Gas Installation and Testing	Middleboro Gas & Elec.	_____	_____
9. Embankment Grading	Town Planner	_____	_____
10. Filling & Compaction	"	_____	_____
11. Gravel Base	"	_____	_____
12. Curb, Curb Cut and Gutter Installation	"	_____	_____
13. Binder Course (s)	"	_____	_____
14. Electric Line Installation and Testing	Middleboro Gas & Elec.	_____	_____
15. Telephone Line Installation and Testing	N.E. Telephone	_____	_____
16. Fire Alarm Installation and Testing	Fire Dept.	_____	_____

## INSPECTION FORM O (CONT'D)

SUBJECT	RESPONSIBLE AGENCY	INITIALS OF AGENT	INSPECTION DATE
17. Street Light	Midd. Gas & Elec.	_____	_____
18. Sidewalk, Bikeway, Walkway Construction	Town Planner	_____	_____
19. Grass Plots	"	_____	_____
20. Binder Course Pavement	"	_____	_____
21. Street Trees, Plantings, Environmental Protection	"	_____	_____
22. Lot Clearance & Grading	"	_____	_____
23. Monuments	"	_____	_____
24. Street Signs	"	_____	_____
25. Final Cleanup	"	_____	_____
26. Maintenance	"	_____	_____

\*Responsible agency and Planning Board shall be notified at least forty-eight (48) hours before each required inspection as listed. No inspection may be waived except by joint approval of Planning Board and responsible agency.



FORM Q

RECEIPT OF SUBDIVISION/SPGA PLANS

MIDDLEBORO PLANNING BOARD

Name of Subdivision \_\_\_\_\_  
 Preliminary Yes \_\_\_\_\_ No \_\_\_\_\_  
 Definitive Yes \_\_\_\_\_ No \_\_\_\_\_  
 Master Plan Yes \_\_\_\_\_ No \_\_\_\_\_

The undersigned hereby certify receiving a copy of the above specified plans for their Departments/Boards review and comment.

OFFICIALS AND BOARDS \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

1. Conservation Commission \_\_\_\_\_
2. Health Department \_\_\_\_\_
3. Dept. Public Works \_\_\_\_\_
4. Middleboro Gas & Electric (3 copies) \_\_\_\_\_
5. Police Department \_\_\_\_\_
6. Fire Department \_\_\_\_\_
7. Town Manager \_\_\_\_\_
8. Board of Selectmen \_\_\_\_\_
9. Business and Industrial Comm.  
 (For Industrial Development Plans Only) \_\_\_\_\_
10. Zoning Board of Appeals \_\_\_\_\_
11. Building Inspector \_\_\_\_\_
12. Planning Board Consulting Engr. \_\_\_\_\_
13. U.S.D.A. Soil Conservation Service  
 (40-48 No. Main St., Middleboro \_\_\_\_\_  
 (By Request of the Planning Board)
14. Historical Commission \_\_\_\_\_  
 (Copy of Form "C" application only (no plans) )

It is the Developer's responsibility to DISTRIBUTE COPIES of the PRELIMINARY and DEFINITIVE SUBDIVISION plans and MASTER plans.

FORM ONE

PLANNING BOARD  
TOWN OF MIDDLEBOROUGH  
MIDDLEBOROUGH, MASSACHUSETTS 02346

APPLICATION FOR HEARING A SPECIAL PERMIT

DATE: \_\_\_\_\_

Name of Applicant or Appellant: \_\_\_\_\_

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

Location of Property : \_\_\_\_\_

Applicant is : \_\_\_\_\_  
(owner, tenant, licensee, prospective purchaser)

Nature of application or appeal : \_\_\_\_\_

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

Applicable section of Building, Zoning By-Law.

I hereby request a hearing before the Permit or Special Granting Authority with reference to the above noted application or appeal.

Signed \_\_\_\_\_

Signed \_\_\_\_\_

Title : \_\_\_\_\_

Received from the above applicant :

Filing Fees \$ \_\_\_\_\_

Engineering Fees \_\_\_\_\_

PLANNING BOARD  
TOWN OF MIDDLEBOROUGH  
MIDDLEBOROUGH, MASSACHUSETTS 02346

REQUEST FOR EXTENSION OF TIME  
SPECIAL PERMIT

1. The undersigned applicant for approval of a special permit described below hereby requests that the Town of Middleboro Planning Board extend the time, as hereinafter stated, for the said Planning Board to take final action by a decision and to file notice of such action with the Town of Middleboro Town Clerk with respect to said application pursuant to Massachusetts General Laws, Chapter 40A, as amended and applicable regulations of the Planning Board:
2. Description of Application:
  - (a) Name of applicant:
  - (b) Date of application:
  - (c) Street location of property affected by application:
  - (d) Nature of application:
3. The applicant hereby waives any and all claims that the application and special permit shall have been or shall be constructively granted pursuant to Section 9 of Chapter 40A on account of any failure of the Planning Board to take final action upon the application within ninety days following the date of the public hearing, provided that the decision is made and filed with the Town Clerk in or within the times specified hereinafter.
4. The time for the Planning Board to make a decision shall be extended to on or before \_\_\_\_\_.
5. The time for the Planning Board to file its decision with the Town Clerk shall be extended to on or before \_\_\_\_\_.

Executed under seal by the undersigned applicant this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Applicant

The within request for extension of time is hereby approved and agreed upon.

MIDDLEBORO PLANNING BOARD

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

Date \_\_\_\_\_

FORM THREE

PLANNING BOARD  
TOWN OF MIDDLEBOROUGH  
MIDDLEBOROUGH, MASSACHUSETTS 02346

SPECIAL PERMIT DECISION AND RECORD OF PROCEEDINGS :

PETITION OF : \_\_\_\_\_

FOR A SPECIAL PERMIT FOR A MASTER PLAN APPROVAL PER SECTION \_\_\_\_\_ OF  
THE MIDDLEBOROUGH ZONING BY-LAW TO :

CONSTRUCT : \_\_\_\_\_

LOCATION : \_\_\_\_\_

DATE : \_\_\_\_\_

CONTENTS :

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I.	Applicant.....	
II.	Premises.....	
III.	Permit Sought.....	
IV.	Procedure.....	
V.	Hearing.....	
VI.	Proposal.....	
VII.	Findings.....	
VIII.	Conditions.....	
IX.	Vote.....	

EXHIBITS

- A. Application
- B. Newspaper Advertisement
- C. Applicants Deed to the Premises
- D. Certificate of Vote ( applicant's Company or Corporation)
- E. Town Clerk's Certificate

TOWN OF MIDDLEBOROUGH  
MIDDLEBOROUGH, MASSACHUSETTS 02346

SPECIAL PERMIT DECISION AND RECORD OF PROCEEDINGS

DATE :

I. APPLICANT :

II. PREMISES :

The site consists of approximately \_\_\_\_\_ acres of land bounded by :

The applicant's deeds to the premises are recorded with the Plymouth County Registry of Deeds. See Exhibit "C" attached.

III. PERMIT SOUGHT :

The premises are zoned \_\_\_\_\_ under the Middleboro Zoning By-Law. The applicants need a Special Permit from the Planning Board to use the premises described above for the uses allowed in the \_\_\_\_\_ District under the Zoning By-Law Section \_\_\_\_\_

IV. PROCEDURE :

On \_\_\_\_\_ the applicant filed with \_\_\_\_\_, Town Clerk ( acting as the designated agent of the Planning Board ) an application for the foregoing permit. A true copy of the application is attached hereto as Exhibit A. A newspaper advertisement of the hearing ( a true copy of which is attached as Exhibit B ) was (i) published in the Middleboro Gazette, a newspaper of general circulation in Middleboro, on \_\_\_\_\_ and (ii) posted on the bulletin board in the Middleboro Town Hall not less than fourteen days prior to the hearing. Notices were also sent to the parties in interest specified in G.L. Ch. 40A, s. 11 ("Parties in Interest") in accordance with a certificate from the Office of the Assessors setting forth the names and addresses of such parties. No special notice to any Party in Interest was ordered to be given by the Board.

V. HEARING :

On \_\_\_\_\_, the Planning Board held a public hearing on the application at the Town Hall, Middleboro, Ma., at which an opportunity was given to all those interested to be heard in favor or in opposition to said application. No state or municipal election, caucus or primary was held in the Town on that day.

VI. PROPOSAL :

The Petitioner has submitted a Master Plan consisting of two (2) sheets dated \_\_\_\_\_ together with a Project Narrative and Application for a permit for the construction of \_\_\_\_\_

---

in accordance with the following proposals.

**VII. FINDINGS :**

Upon review of the Petitioner's submitted plans and documents as well as the comments from other Town Agencies, including the testimony presented at the public hearing, the Planning Board makes the following findings:

VIII. CONDITIONS :

The granting of this permit is subject to the following :

IX. VOTE :

At the duly called and posted special meeting of the Planning Board on \_\_\_\_\_ the Board moved, seconded and voted to grant to \_\_\_\_\_ the applicant a Special Permit under Section \_\_\_ of the Middleboro Zoning By-Law expressly subject to the conditions herein.

Planning Board members present were :

VOTING IN FAVOR OF GRANTING THE SPECIAL PERMIT :

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Members of the Board voting to deny  
the Special Permit :

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

The undersigned Clerk of the Middleborough Planning Board hereby attests that the above Record of Proceedings and Decision was adopted by the Board on the date stated and that the twenty ( 20 ) day appeal period has lapsed.

\_\_\_\_\_  
Clerk of Middleborough Planning  
Board

The undersigned Middleborough Town Clerk hereby attests that the above Record of Proceedings and Decision was filed with her on \_\_\_\_\_, 1986.

\_\_\_\_\_  
Middleborough Town Clerk

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

December 16, 1986

Then personally appeared before me Stephen Dixon, Kathleen Easterbrooks, Joseph Freitas, Lawrence Hale and Robert Roht, members of the Middleborough Planning Board, and acknowledged the foregoing instrument to be their free act and deed in said capacity.

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

My commission expires: \_\_\_\_\_

SAMPLE TITLE

SCHEDULE A

SHEET TITLE

SUBDIVISION NAME \_\_\_\_\_

OWNER \_\_\_\_\_

ADDRESS \_\_\_\_\_

DATE \_\_\_\_\_

PREPARED BY:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

KEY PLAN \_\_\_\_\_

LOT LAYOUT \_\_\_\_\_

PLAN & PROFILE: \_\_\_\_\_

STREET, NAME & STATIONS \_\_\_\_\_

CIVIL ENGINEER & LAND SURVEYOR OR COMPANY:

\_\_\_\_\_

SAMPLE NOTES

SCHEDULE A-1

1. Planning Board approval under the subdivision control law not required.

DATE: \_\_\_\_\_

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

Middleboro Planning Board

2. DATE APPROVED: \_\_\_\_\_

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

Middleboro Planning Board

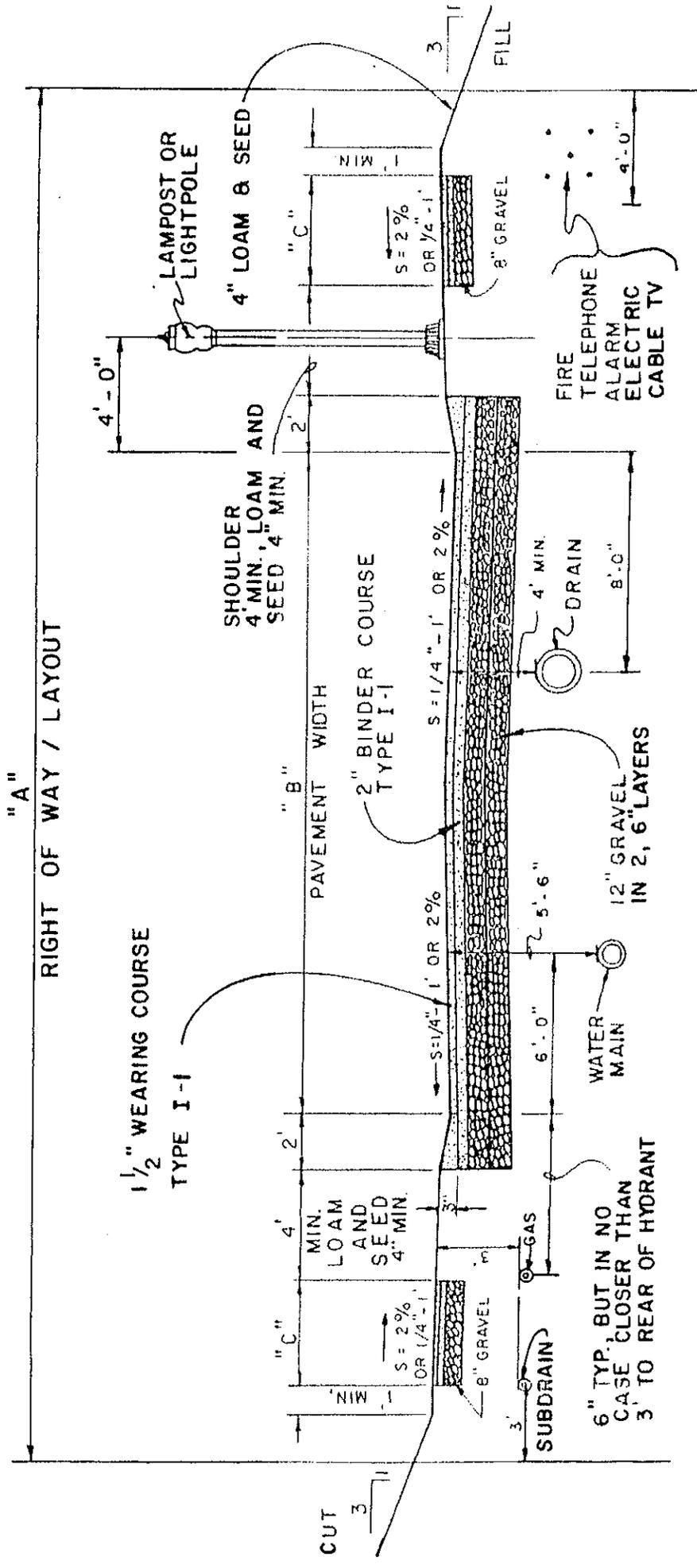
3. I certify that 20 days have elapsed since Planning Board approval and that appeal has been filed in this office: \_\_\_\_\_

Town Clerk, Middleboro, Ma.

4. Board of Health:

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

DATE



NOTE: DIMENSIONS "A," "B," & "C", ARE SHOWN ON TABLE ON FOLLOWING PAGE.

## SCHEDULE B

TYPICAL CROSS SECTION  
 DETAIL NOT TO SCALE

DIMENSIONAL KEY TO SCHEDULES B AND D.

	RIGHT OF WAY OR LAYOUT	WIDTH OF PAVEMENT	WIDTH OF SIDEWALK(S)
<u>RESIDENTIAL DISTRICT</u>			
Collector (25 + Homes)	50'	26'	2 @ 4'
Minor Street (11-24 Homes)	50'	24'	1 @ 4'
Lane (1-10 Homes)	50'	22'	1 @ 4'
Dead End Street 1-12 Homes)	50'	22'	1 @ 4'
 <u>RURAL DISTRICT</u>			
Collector Street (25 + Homes)	50'	24'	1 @ 3'
Minor Street (11 -24 Homes)	50'	22'	1 @ 3'
Lane (1-10 Homes)	50'	20'	1 @ 3'
Dead End Street (1-12Homes)	50'	20'	1 @ 3'

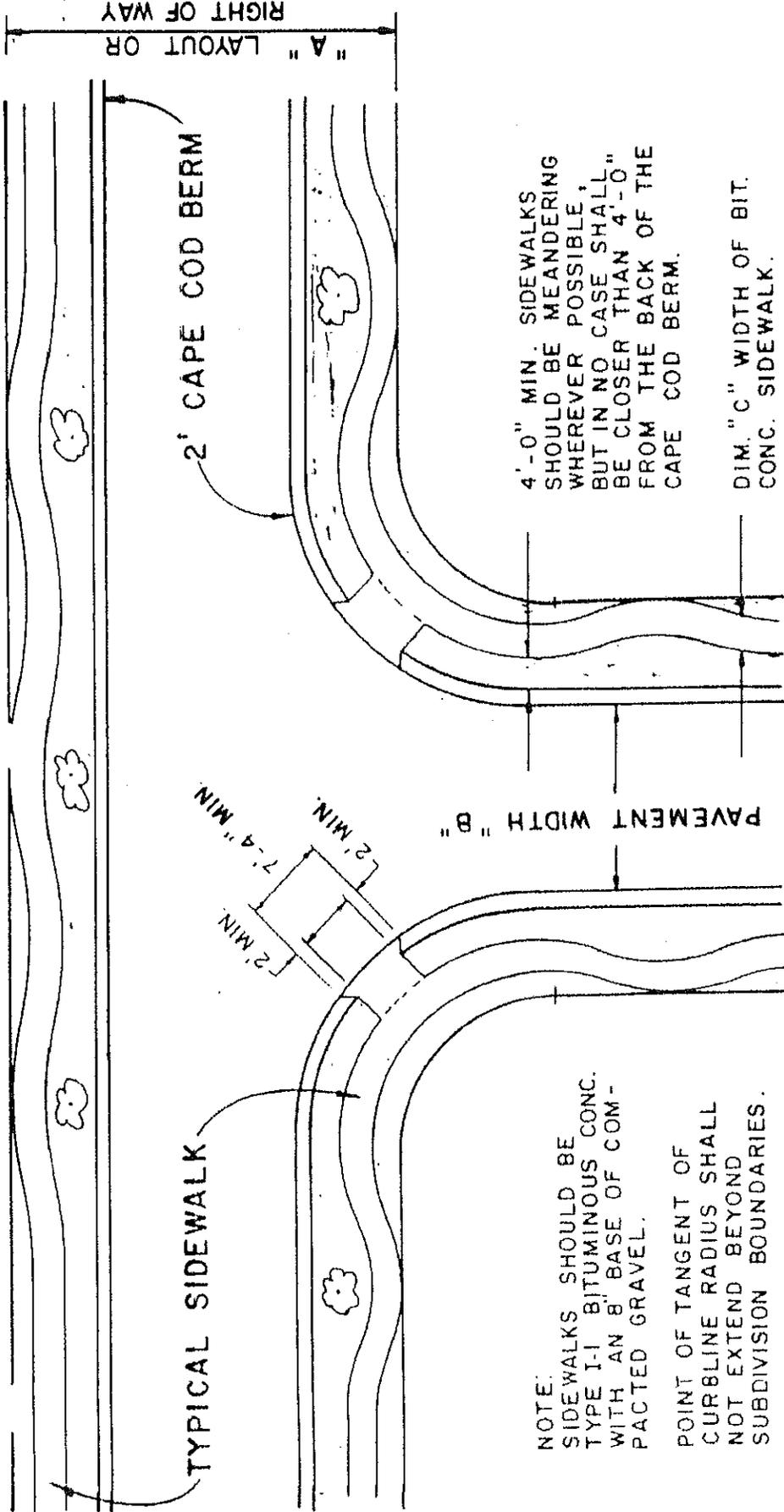
\* Sidewalks should be meandering wherever possible, but in no case shall be closer than 4'-0" from the back of the cape cod berm.

SCHEDULE C

DIMENSIONAL KEY

TO SCHEDULES B & D

MIDDLEBORO PLANNING BOARD



"A" LAYOUT OR  
RIGHT OF WAY

2' CAPE COD BERM

TYPICAL SIDEWALK

4'-0" MIN. SIDEWALKS  
SHOULD BE MEANDERING  
WHEREVER POSSIBLE,  
BUT IN NO CASE SHALL  
BE CLOSER THAN 4'-0"  
FROM THE BACK OF THE  
CAPE COD BERM.

DIM. "C" WIDTH OF BIT.  
CONC. SIDEWALK.

PAVEMENT WIDTH "B"

7:4 MIN.  
2' MIN.  
2' MIN.

NOTE:  
SIDEWALKS SHOULD BE  
TYPE I-1 BITUMINOUS CONC.  
WITH AN 8" BASE OF COM-  
PACTED GRAVEL.

POINT OF TANGENT OF  
CURBLINE RADIUS SHALL  
NOT EXTEND BEYOND  
SUBDIVISION BOUNDARIES.

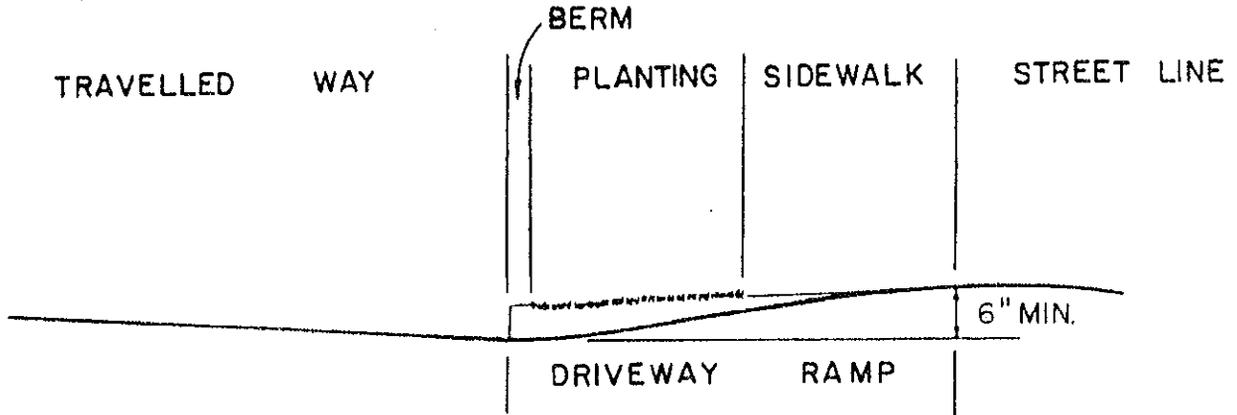
# SCHEDULE D

TYPICAL DETAIL

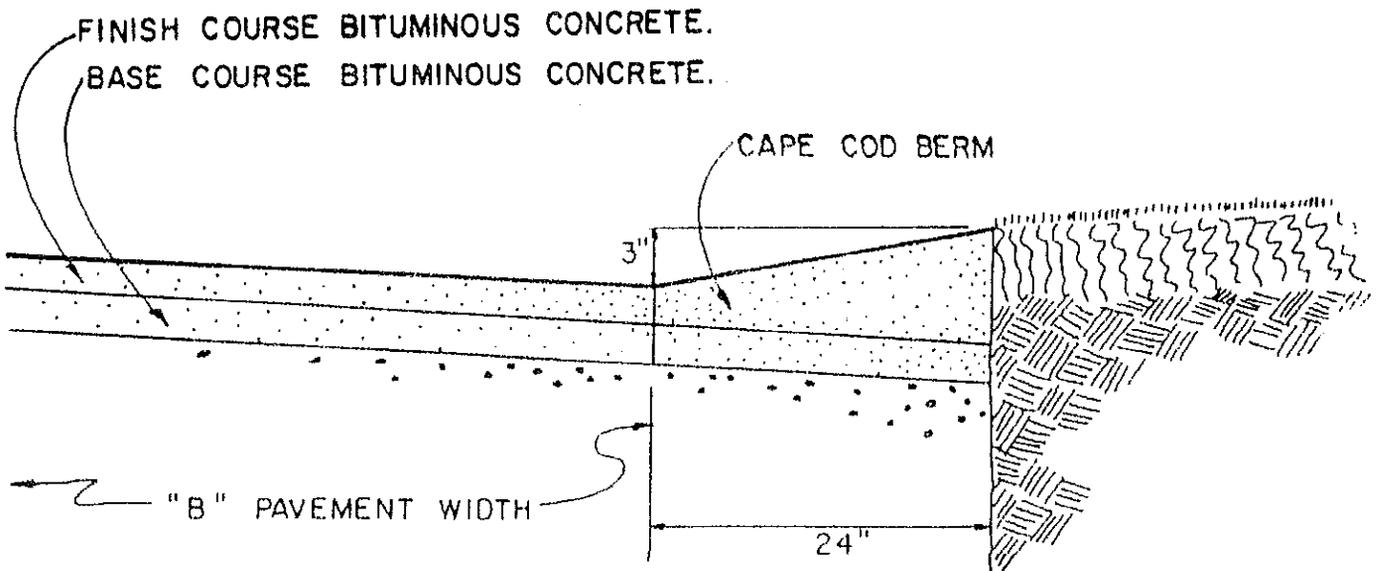
DETAIL NOT TO SCALE

MIDDLEBORO PLANNING BOARD

SCHEDULE E  
DRIVEWAY RAMP  
( NOT TO SCALE )

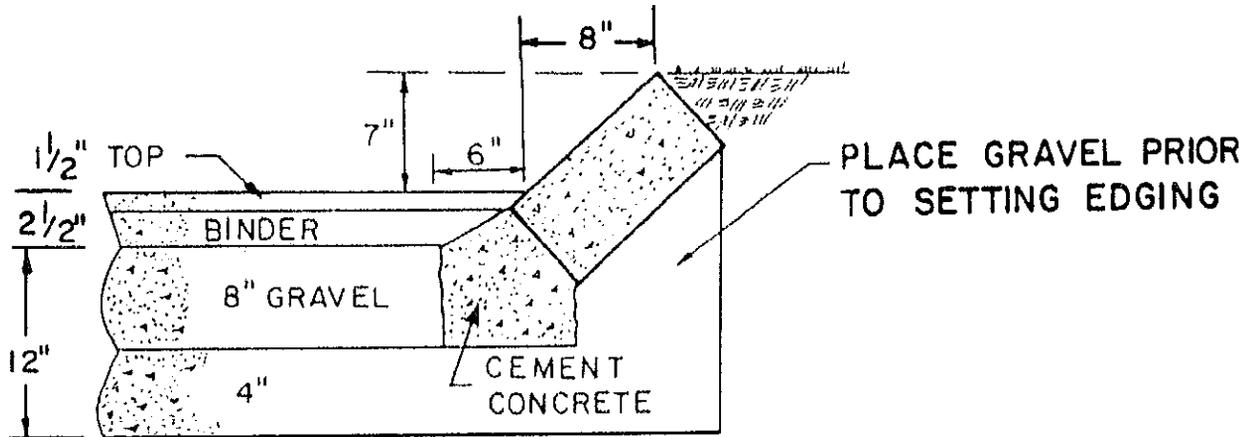


SCHEDULE F  
CAPE COD BERM  
( NOT TO SCAL E )



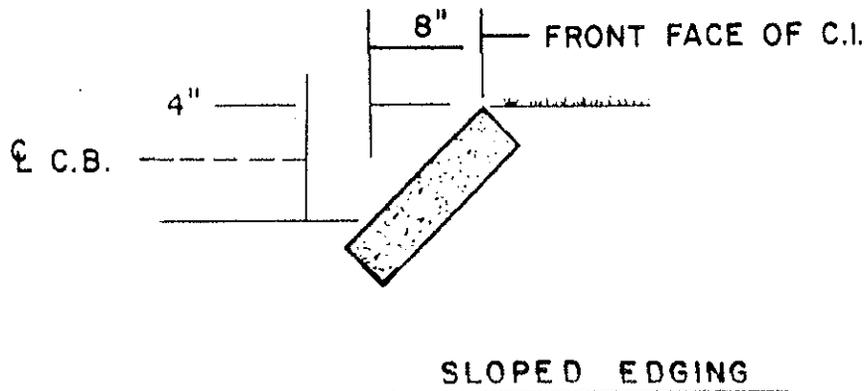
# SCHEDULE G

## METHOD OF SETTING SLOPED EDGING ( NOT TO SCALE )

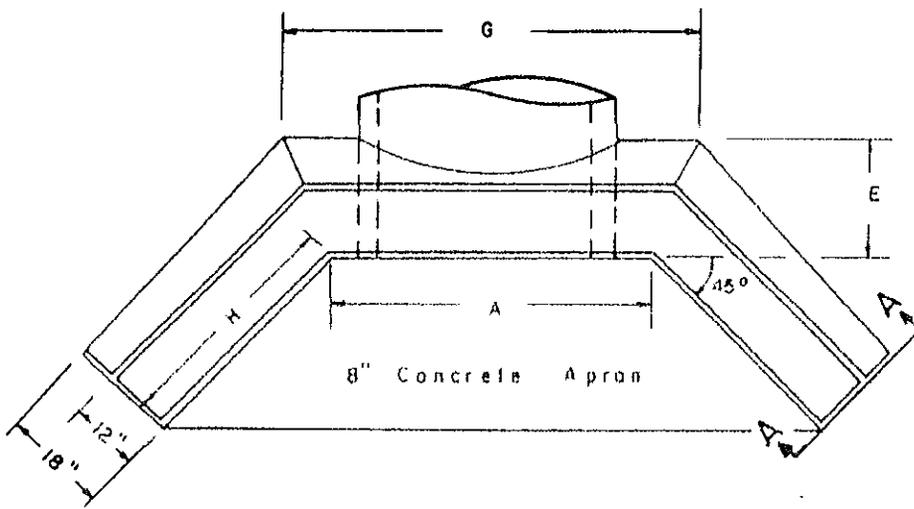
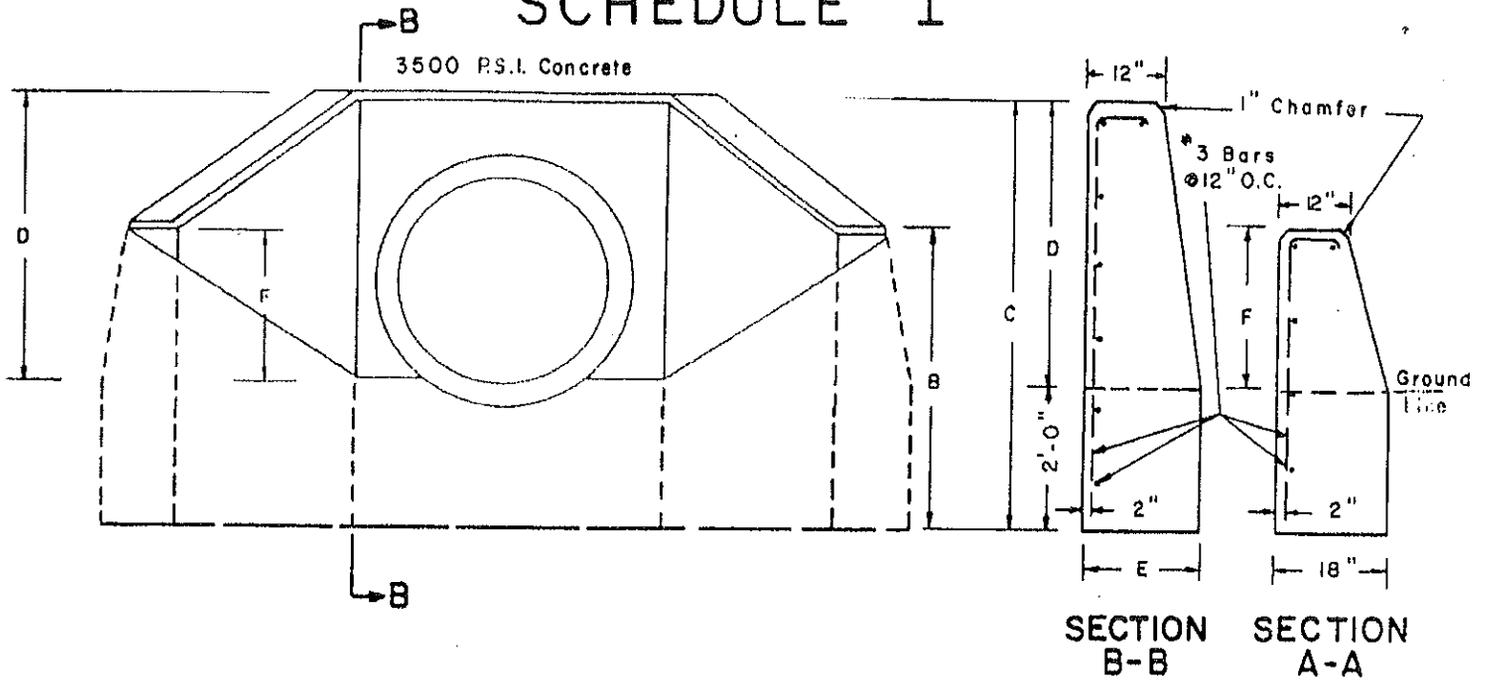


# SCHEDULE H

## METHOD OF SETTING GRANITE CURB INLET ( NOT TO SCALE )



# SCHEDULE I



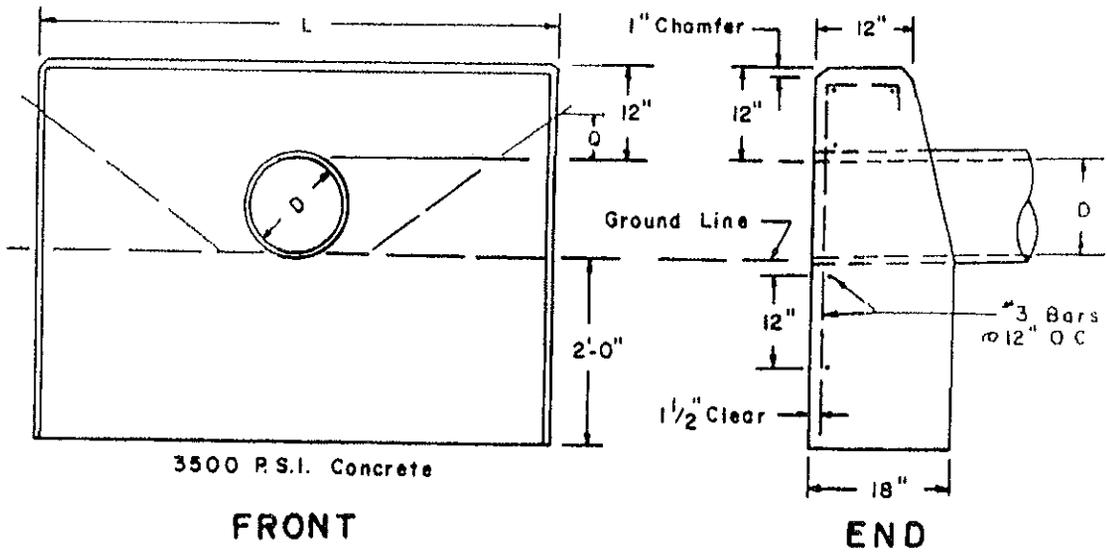
## TYPICAL HEADWALL WITH WINGWALL

( NOT TO SCALE )

### HEADWALL DIMENSIONS

DIA.	A	B	C	D	E	F	G	H
12"	2'-6"	3'-6"	4'-6"	2'-6"	1'-6"	1'-6"	4'-3"	3'-0"
15"	2'-9"	3'-6"	4'-6"	2'-6"	1'-6"	1'-6"	4'-6"	3'-3"
18"	3'-0"	3'-9"	4'-9"	2'-9"	1'-6"	1'-9"	4'-9"	3'-6"
24"	3'-6"	4'-0"	5'-0"	3'-0"	1'-6"	2'-0"	5'-3"	4'-0"
36"	4'-6"	4'-3"	6'-0"	4'-0"	1'-8"	2'-3"	5'-11"	5'-0"

# SCHEDULE J



## TYPICAL STRAIGHT HEADWALL

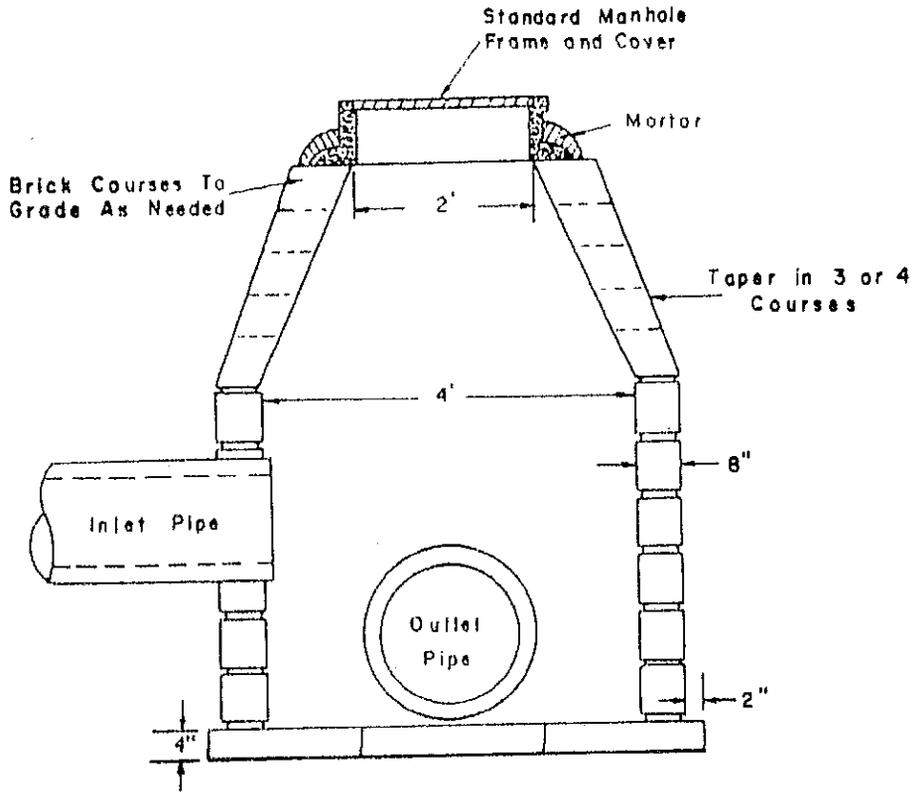
( NOT TO SCALE )

### HEADWALL DIMENSIONS

Q = 6" for 2 : 1 Slope

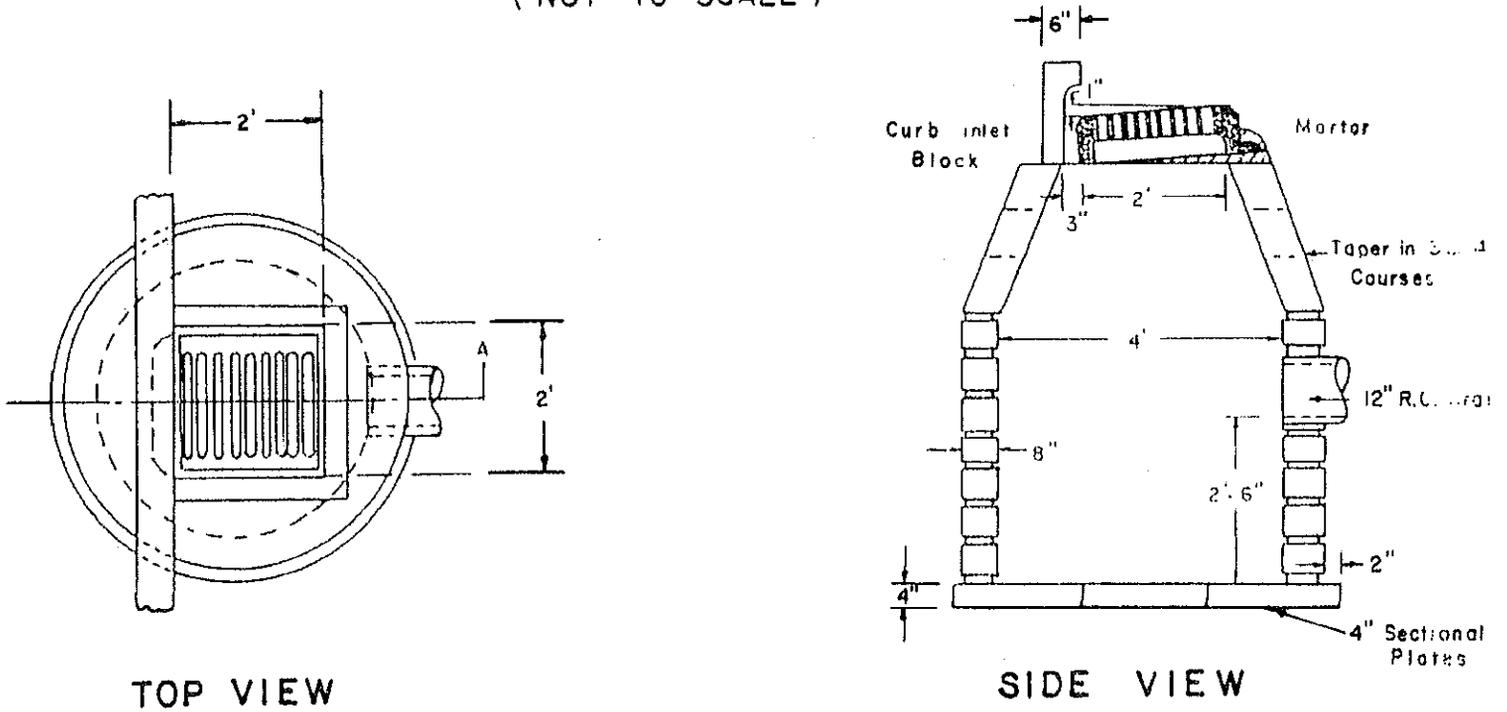
DIA.	12"	15"	18"	21"	24"	30"
L	5'-6"	6'-6"	7'-6"	8'-8"	9'-3"	10'-6"

# SCHEDULE K



**TYPICAL DRAIN MANHOLE**

( NOT TO SCALE )



**TYPICAL CATCH BASIN**

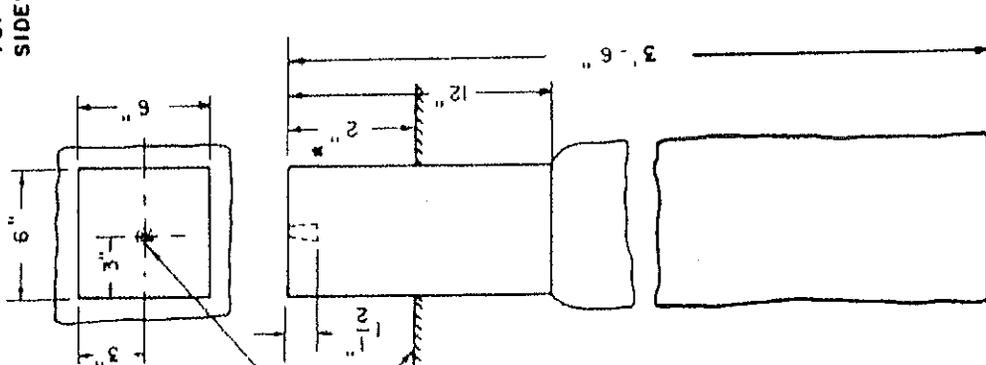
( NOT TO SCALE )

# SCHEDULE L

## BOUNDS

### GRANITE BOUNDS

TOP AND TOP 12 INCHES ON FOUR SIDES TO BE POINTED



### CONCRETE BOUNDS

CLASS "D" CEMENT CONCRETE SHALL BE USED FOR CONCRETE BOUNDS.

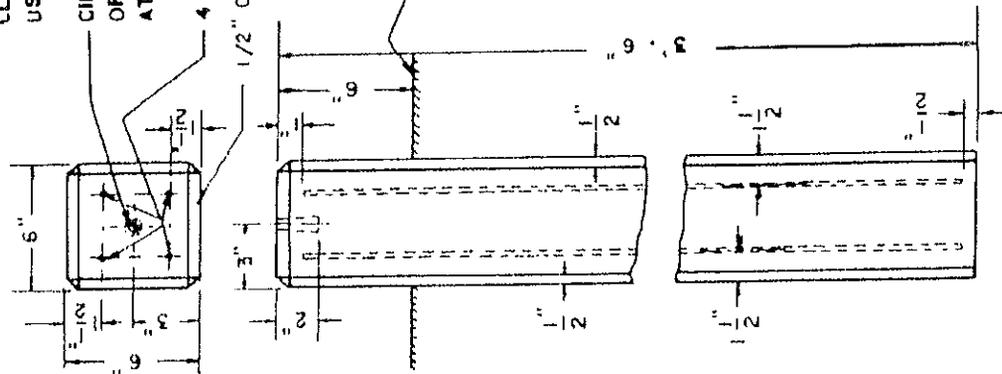
CIRCULAR LEAD PLUG 2" LONG CAST IN CENTER OF BOUND, 1/2" DIAM. AT TOP AND 5/8" DIAM. AT BOTTOM.

4 NO. 4 STEEL REINF. BARS.

1/2" CHAMFER

1/2" DIAM HOLE IN CENTER OF TOP,  
1 1/2" DEEP; FLARED AT BOTTOM;  
RAMMED WITH LEAD ROPE.

GROUND LINE



\* BOUNDS TO BE LOCATED IN LAWNS, SIDEWALKS OR DRIVES SHALL BE SET WITH TOP OF BOUND 2" BELOW GROUND LINE.

