

# Amendments to the Subdivision of Land Chapter 231 Town of Westminster

Approved by a majority of the Planning Board on January 31, 2005

## **Chapter 231**

### **SUBDIVISION OF LAND**

#### **ARTICLE I. – General Provisions**

- § 231-1. Statutory authority.
- § 231-2. Compliance with zoning regulations required.
- § 231-3. Number of dwellings per lot.
- § 231-4. Matters not covered.
- § 231-5. Board of Health restrictions on lots.
- § 231-6. Severability

#### **ARTICLE II. - Plans Thought Not To Require Approval**

##### **§ 231-7. Submission; fee.**

- A. Any person wishing to record in the Registry of Deeds or to file with the Land Court a plan of land or a plan showing division of land and who believes such plan does not require Planning Board approval under Subdivision Control Law<sup>1</sup> shall submit to the Planning Board office the printing master and four (4) copies of the plan and two (2) copies of application Form A (see appendix),<sup>2</sup> for determination that the plan is complete. The plan will not be marked received until the next regularly scheduled meeting of the Planning Board after such plan is deemed complete for review.
- B. All such submissions shall include the proper filing fee as determined by the most recent Planning Board Fee Schedule.
- C. The Planning Board will endorse such plan within twenty-one (21) days of submission at a regularly scheduled meeting. If the plan was prepared using a CAD program, the Board may require an electronic submittal of the plan compatible with the town's current hardware and software.

##### **§ 231-8. Validation of submission (No Change)**

##### **§ 231-9. Determination of planning board (No Change)**

##### **§ 231-10. ANR plan requirements.**

The plan shall be prepared by a registered land surveyor and shall contain the following information:

- A. North point, date of survey, scale and locus map indicating the relation of the parcel (s) to neighboring roads.
- B. The statement "Approval Under the Subdivision Control Law Not Required" together with sufficient space for the signatures of the required number of Board members and the date of endorsement.
- C. Name and address of owner, subdivider, designer and engineer or surveyor.
- D. Names and address of all owners of abutting land as they appear in the most recent town tax list.

- E. Town of Westminster Assessors' Map and Lot Number
- F. Boundary lines of all proposed lots or divisions of land, with their areas and dimensions in square feet or acres, and with all of the lots designated numerically in sequence.
- G. Names, widths, and status (public or private) of streets and ways shown on the plan.
- H. Zoning classification of the subject property and location of any zoning district boundaries running through or along the property.
- I. Notation clearly stating the purpose of the plan.
- J. Location of all existing buildings and significant structures, stone walls, easements, cemeteries, public or private burial grounds, rights of way, streets, ways, and such other references as are known to the applicant or Board and as shall sufficiently identify the land to which the plan relates.
- K. Location of all water courses and any bodies of water including wetlands as defined by MGL ch 131, § 40, and the local Wetlands Bylaw. The area of the lot outside of the wetlands and the 100 foot buffer zone.
- L. Notation stating that "No determination of compliance with zoning requirements has been made or intended."
- M. Deed reference of record owner by book and page number.

## **ARTICLE III -Procedures for Submission and Approval of Plans**

### **§231-11. Preliminary plan.**

Revise section A. (1) as follows:

- (1) Any person wishing to submit a definitive plan of land to the Planning Board for its approval shall submit to the Planning Board a copy of Form B-1 (see appendix). A Preliminary Plan may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval... A Preliminary Plan shall be submitted for any non-residential subdivision.
- (2) Such a plan shall be submitted with eight (8) prints at a regular Planning Board meeting. Notice...

### **§ 231-12. Definitive plan.**

#### **A. General.**

Any person submitting a Definitive Plan of a subdivision for approval by the Planning Board shall either at a regularly scheduled meeting of the Board or by registered mail, file the following and shall comply with the requirements listed

below. The Planning Board may require that all submission items, including plans, be submitted in electronic format compatible with the town's current hardware and software:

- (1) Submission.
  - (a) Any person wishing to submit a definitive plan of land to the Planning Board shall submit to the Planning Board a copy of Form B. Every Applicant, after submitting a definitive plan to the Planning Board for approval, shall send to the Town Clerk a written notice, which may be Form B by registered mail, postage prepaid, or by delivery, stating that he has submitted such plan, describing the land to which the plan relates sufficiently for identification and stating the date in the notice when the final plan was filed with the Planning Board, along with the name and address of the owner of such land. The Town Clerk shall, if requested, give written receipt thereof.
  - (b) The Form B (see Appendix) shall be signed and submitted by the owner or owners of all of the land within the proposed plan to the Planning Board at a regularly scheduled meeting.
  - (c) The application shall also state all easements and restrictions to which the land within the plan is subject and all easements and restrictions appurtenant to such land or over the land of others. The application shall be accompanied by a plan on tracing cloth or Mylar with black permanent ink, together with eight (8) black and white prints of the plan prepared by a land surveyor and engineer registered in the Commonwealth of Massachusetts.
  - (d) A filing fee as determined by the most recent Fee Schedule (see Appendix A.)
  - (e) An Environmental and Community Impact Analysis (if required).
  - (f) All drafts of proposed easements for utility, drainage and right-of-way purposes.
  - (g) A list of names and addresses of all abutters within 100 feet, certified by the town assessor that they appear as such on the most recent tax list.
  - (h) Drainage calculations certified by the engineer who prepared them. Groundwater levels and percolation rates within the proposed detention or retention basins.
  - (i) A list of all requested waivers from these Regulations.
- B. The definitive plan shall not be deemed to have been submitted to the Board until the above referenced items, together with the definitive plan and prints, have been delivered to the Board at a regular or special meeting thereof, and all are fully completed in accordance with these Rules and Regulations.
- C. Public Hearing. Upon determination by the Board that the application for approval of the Definitive Plan is complete, the Board shall set a date for the public hearing and so notify the Applicant. Notice of the hearing shall be arranged by the Board, at the Applicant's expense, by advertisement in a newspaper of general circulation in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing. Notice of the hearing shall be given to all owners of real estate abutting upon the land included in such plan or lying within one-hundred

(100) feet of any tract of land of the applicant, any part of which is included in the proposed plan, all as appearing on the most recent tax list, also to all mortgages of record, if any, of the land within the proposed plan. The Planning Board shall arrange for the publication and transmission of the notices of the hearing. Actual costs will be billed to the applicant. Final endorsements will not be made until all hearing fees have been paid.

Section III §231-12 D. (2) Contents of plan. Add the following:

- (a) Change Typical Subdivision Development Plan to Figures 1-8.  
(l) The location and area of wetlands and the 100-foot buffer zone.

(m) The zoning classification of the property, including the delineation of all overlay districts, and the base flood elevations for all lots or parcels within the flood plain.

(n) There shall be a table prepared and displayed in a convenient place on the plan showing the following:

- Zoning district(s) in which the land is located.
- The total area of the entire subdivision.
- The number of building lots within the subdivision and the total area of all such lots.
- The total area of all ways within the subdivision.
- The total number of linear feet, measured along the centerline, of all roadways and cul-de-sacs proposed on the plan.
- The total area of wetlands within the subdivision.
- The total area of open space within the subdivision (all land not included in ways or building lots).
- The total number of bounds to be set.

Revise D.(2) (k) so that it reads: (k) Size and location of existing and proposed electric, telephone and cable facilities.

§231-12 E. Approval.

- (1) The Planning Board, after the hearing, shall vote to approve, modify and approve or disapprove the plan within the time prescribed by law, or such greater time as has been agreed upon, and shall file forthwith a certificate of the vote with the Town Clerk and mail a copy forthwith to the applicant. If the Definitive Plan is prepared using a computer aided drafting program, an electronic copy of the final definitive plan (on a medium and in a format as directed by the Town Planner,) shall be filed with the Planning Board at the time of endorsement.
- (2) The approval of the definitive plan...

§231-12 F. Performance guaranty.

Revise (b) Release of Performance Guarantee as follows:

(2) Release of Performance Guarantee. When the applicant has completed the required improvements specified in these Regulations, the applicant shall send, by registered mail to the Town Clerk and the Planning Board, a written statement that the required improvements have been completed, such statement to contain the address of the applicant. Such statement shall be accompanied by two copies of a certificate by a designer, engineer, or land surveyor, as the case is appropriate, that the work has been completed to the extent described in the certificate and conforms in all details with the approved subdivision plan and these rules and regulations; or, if it

does not so conform, such nonconformity shall be accurately described in the certificate. No bond, deposit, or covenant, or any portion or part thereof, shall be released by the Planning Board until it has been established that the work required has been completed in accordance with the approved plans and has been inspected and found satisfactory according to the standards of the Planning Board.

When the foregoing requirements have been satisfied, the Board will release all or part of the interest of the Town in such bond and return the bond or the deposit or execute and deliver to the applicant a Release, which shall be in form for recording in the Registry of Deeds. Thereafter the conditions relating to such lots and so released shall terminate. Fifteen percent (15%) of the total cost of the road improvements, as determined by the Planning Board's engineer, shall be retained to guarantee the integrity of the road after being completed for one full year. If the Board determines that the required improvements have not been satisfactorily completed it shall specify in a notice sent by registered mail to the applicant and the Town Clerk, the details wherein improvements fail to comply; but, upon failure by the Board to so notify the applicant within forty-five days after receipt by the Town Clerk of the written statement from the applicant, obligations under the bond shall cease, any deposit shall be returned, and any such covenant shall become void, to the extent that it or they apply to the portion of the subdivision or lots for which a release was requested.

The applicant shall retain title to the fee of each street, path or easement in, or appurtenant to, the subdivision until conveyed to the Town. Prior to final release of security, the applicant shall submit all necessary documentation for street acceptance; including a metes and bounds description of the road and all easements; an "as built plan," and a draft of the proposed deed and any easements.

§231-12 G. Expenditure of Bonds. If deemed necessary by the Planning Board, the proceeds of any such bond or deposit shall be made available to the Town for expenditure to meet the cost and expenses of the municipality in completing the work as specified in the approved plan. If such proceeds do not exceed one-hundred thousand dollars, the expenditure may be made without specific appropriation under MGL c. 44, section 53; provided, that such expenditure is approved by the Board of Selectmen.

§231-12 H. As Built Plans. An "as built" plan and profile together with three copies thereof shall be submitted to the Planning Board after completion of construction, or at such times or stages as required by the Planning Board. Such plan shall show drainage lines and structures, water mains, if any, underground gas, electric, telephone, and cable lines, and other appurtenances as actually installed with sufficient ties for proper identification. Street numbers shall be shown near the lots numbers, and circled. On the "as built plan" the following must also be shown:

(1) A diagram in ink shall show in plan view the complete drainage system, and municipal water and sewerage system, if any, as constructed in the subdivision. This plan shall show the stationing of all structures, such as manholes, catch basins, y's etc. the invert elevations of all pipes at their outlets as well as the pipe sizes and the type of pipe are to be given.

(2) On the plan view of the street, and the true line relative position of all drainage structures, the mainline drain and its appurtenances shall be shown.

(3) On the profile view of the street and true relative position of the mainline drain, its structures and appurtenances in profile shall be shown. The invert elevation and percentage of grade of the pipe shall be shown.

(4) On the respective portions of the street and profile plan the applicant should show any additional information which would more clearly explain or indicate his drainage and other utilities systems.

## ARTICLE IV. - Design Criteria and Requirements.

### §231-13. Suitability of system of ways.

- A.
- B. If adjoining property is not yet subdivided , the applicant shall provide, in a manner acceptable to the Planning Board, a way or ways to said adjoining property. The plans should show such access as an extension of a right-of-way. The Planning Board may require that the extension be paved.
- C.
- D.
- E.

### §231-14. Width and grade of ways.

- A. Roadways shall be designed in accordance with Table 1 Roadway Design Standards

Table 1 Roadway Design Standards

Requirement	Residential Roadway	Industrial-Commercial Roadway
Maximum Grade	6%	6%
Minimum Grade	1%	1%
Pavement Width	26'	36'
Minimum Centerline Radius of Horizontal Curvature	140'	300'
Stopping Sight Distance	200'	300'
Curve Radius at Intersections	20'	20'
R.O.W Width *	54'	80'
Shoulder Width	4'	4'

\* The Planning Board may require a greater width of right-of-way where deemed necessary to handle either the traffic from within or outside of the subdivision.

**§231-15. Dead end streets.**

- A. A dead-end street shall not be longer than five hundred linear feet (500') in combined total length unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions, excluding financial considerations, or there are clear and compelling benefits to the Town for granting a greater length. For the purpose of these subdivision rules and regulations, a "dead-end street" is defined as any street, extension of a street, or systems of streets, connected to a through street only at a single point. Any such street shall be considered a dead-end street regardless of size or internal circulation patterns. Any street, segment of street, or system of streets which intersects only with a dead-end street shall be deemed to be an extension of the dead-end street. The length of a dead-end street shall be measured along its centerline from the edge of the pavement of the intersecting through street to the midpoint of the circular turnaround.
- B. The number of dwelling units served by a dead-end street shall not exceed ten (10). Subdivisions containing more than ten (10) lots shall provide a minimum of two means of vehicular access to and from the subdivision onto previously existing public ways.
- C. A dead-end street or an extension of a dead-end street shall be provided at its closed end with a circular turnaround having a minimum and maximum dimension as shown below in Figure 1 and 1A:

**Deleted:** The Planning Board may grant a waiver to a maximum of 1,000 feet provided that the applicant has provided adequate fire protection, in accordance with the Westminster Fire Department Fire Protection Policy.

**FIGURE 1**

**OFFSET CUL-DE-SAC TURNAROUND**

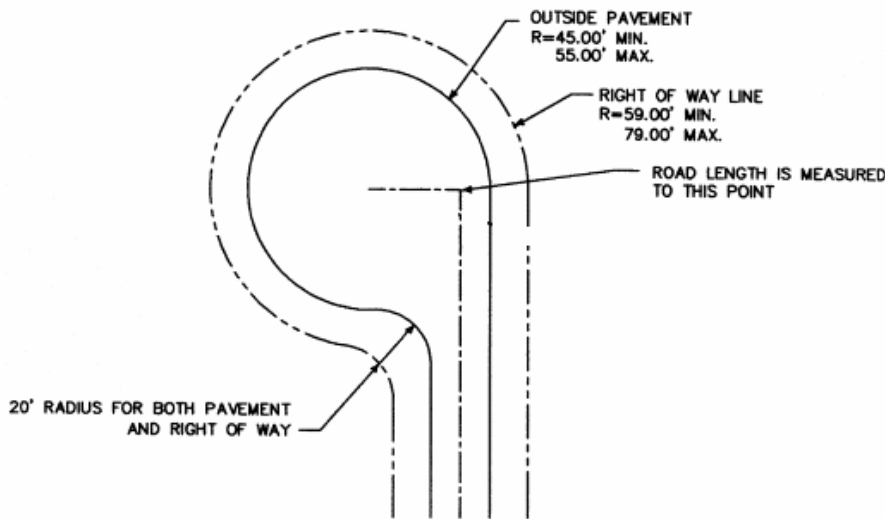
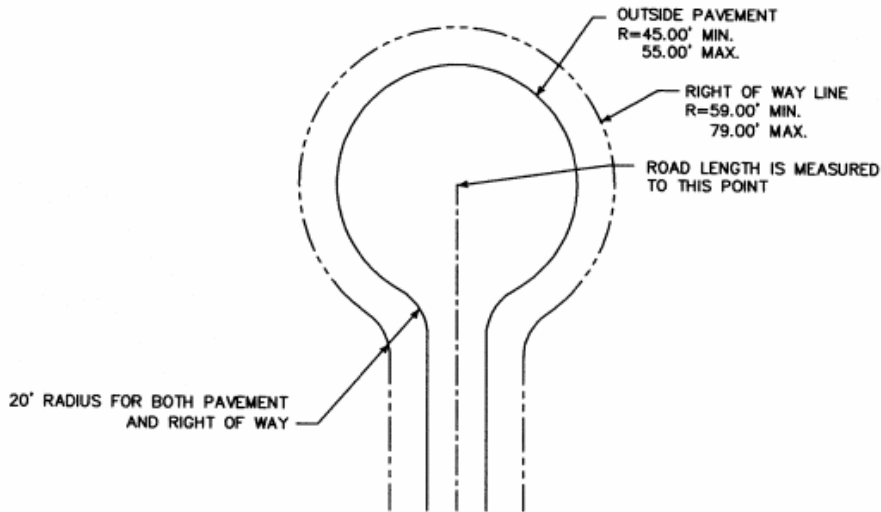




FIGURE 1A  
CUL-DE-SAC TURNAROUND



**§231-16. Intersection of ways.**

- A. No change
- B. No change
- C. Grades at intersection shall be designed to be no greater than two percent (2%) for the first forty (40) feet and no greater than four percent (4%) for the next thirty (30) feet. Adequate sight lines for vehicles and pedestrians shall be provided for and maintained at all street intersections.
- D. No change
- E. No change

**§231-17. Reservation strips.**

**§231-18. Utilities.**

- A. No change
- B. No change
- C. Design Analysis. A design analysis shall be submitted with each definitive plan submitted for approval. The design analysis shall include at least the following information:
  - (1) Sanitary sewer system.
    - (a) The calculations used in designing the sewerage system, including the method of estimating average flows...
    - (b) Sanitary sewers shall be such...
  - (2) Interceptor drains must be installed as conditions require.
- D. Stormwater management.

(1). General

A Stormwater Management Plan shall be designed in accordance with the guidelines established in the publication entitled: Stormwater Management: Volume One: Stormwater Policy Handbook; and Volume Two: Stormwater Technical Handbook, prepared by The Department of Environmental Protection (DEP) and the Office of Coastal Zone Management (CZM), dated March 1997. This publication is hereby incorporated by reference.

The plan shall include a detailed design certified by a professional engineer registered in the Commonwealth of Massachusetts that will adequately dispose of surface water. Drainage improvements shall be designed so that there will be no adverse effects created by the proposed rates of runoff for the 2-year, 10-year, and 100-year storms. The location of the proposed development site within the regional watershed, and the hydrologic characteristics of the regional watershed shall be considered in the design and evaluation of the stormwater management system. Calculations shall be performed using the USDA SCS TR20 or TR55 methodologies. Pre-development and Post-development drainage divides shall be shown on a diagram incorporated within the calculations. Off-site runoff entering the subdivision shall be properly considered, and shall be calculated based on existing conditions, assuming all culverts and other restrictions are functioning properly. To the maximum extent feasible, storm water shall be recharged rather than piped to surface water.

All surface retention and detention facilities shall be integrated into the grading and landscaping plan so as to minimize the visual impacts.

(2) Infiltration or Recharge

Infiltration measures to recharge groundwater shall be designed to control increased peak rates of runoff due to development conditions. Infiltration basins, infiltration trenches, dry wells and vegetated swales shall be used as appropriate.

Design shall be based upon storage and infiltration of the increase in runoff due to the proposed development based upon the 10 year frequency storm as determined by SCS methodology.

The bottom of infiltration measures shall be a minimum of two (2) feet above average high groundwater.

Design of infiltration measures shall provide for controlling the excess runoff from storms greater than the design storm up to and including the 100 year storm event. The overflow shall be directed so that no increase in flooding of adjacent properties occurs or that access to roadways is made impassable.

Design shall be based upon the methodologies of the Standards and Specifications for Infiltration Practices, developed by the State of Maryland Department of the Environment, dated February 1984. Runoff volumes shall be determined using the SCS methodology.

(3) Detention Basins

Head-vs-discharge calculations shall be furnished for the detention outlet control. The outlet control shall be designed to minimize the possibility of clogging, and shall permit reasonable access for cleaning. The detention basins shall have an emergency overflow provision in case

of clogged outlet, or greater than 100 year storm. The detention basin shall have 3:1 maximum side slope, finished with a 6 inch layer of loam, and seeded.

#### (4) Stormwater Quality

Best management practices (BMP) for urban runoff quality should be implemented wherever possible in order to minimize the impact development will have on the quality of runoff.

The development should incorporate as many individual treatment devices as practicable. The use of vegetated swales and overland flows is encouraged where appropriate in order to reduce the amount of directly connected impervious surfaces throughout the proposed development.

Following is a list of BMP's which may be utilized and minimum guidelines for their design.

a) Vegetated Swales. Swales should have side slopes equal to or greater than three feet horizontal to one foot vertical and be constructed at minimum slopes to reduce flow velocities and encourage infiltration. The swales should only hold water during and immediately after rainfall events and should be planted with vegetation suitable for soil stabilization, stormwater treatment and nutrient uptake. The water quality benefits provided by swales are limited due to short residence times.

b) Retention. Retention areas may be designed to infiltrate the first flush volume of stormwater. They should be designed to retain the first one-half inch of runoff or the runoff created by 1" of rainfall whichever is greater.

Retention areas should have grassed bottoms and sides to reduce maintenance and maintain soil infiltration properties. A minimum of two (2) feet should be maintained between the bottom of the basin and the seasonal high groundwater table.

Retention facilities should be located "off-line" meaning only runoff from small storms and the first flush volume of large storms should be directed to and stored in the facility. The system must be designed in a manner which prevents large storm volumes from damaging the basin or resuspending previously settled pollutants.

c) Wet Detention. Wet detention ponds consist of a permanent water pool, a zone where stormwater runoff is temporarily stored and treated, and a shallow littoral zone for biological quality enhancement. The basin should be designed to provide extended detention times of 24 to 48 hours for small storm events (first one-half inch of runoff or the runoff generated by a 1" rainfall whichever is greater). Approximately 30% of the pond surface area shall be littoral with bottom slopes of 6:1 or flatter and planted with appropriate aquatic vegetation. The littoral zone shall be established around a minimum of 50% of the pond perimeter. The flow length between inlets and the pond outlet should be maximized to prevent short circuiting. A length to width ratio of at least 3:1 is recommended, diversion baffles, dikes or peninsulas may be utilized to increase the flow length. The outlet structure of the pond should be designed to retain oil, grease and floatable pollutants in the pond.

These recommendations are presented as guidelines only and are not intended to limit the innovation or implementation of new technology and designs. The burden shall be upon

the engineer to demonstrate the effectiveness of the system in improving the quality of stormwater runoff quality.

**§231-19. Access on State highways.**

Where access to a State Highway is necessary, evidence of State permission must be presented to the Board with submission of the Preliminary Plan or Definitive Plan, as the case may be.

**§231-20. Adequate access from a public way (Move existing section 231-27 here)...**

**§231-21. Subdivisions straddling municipal boundaries.**

The Planning Board will not approve a subdivision of land where sole access to the subdivision tract in Westminster is through another town, unless the access is through an accepted public way at the time the subdivision is submitted. In general, lot lines should be laid out so as not to cross municipal boundaries.

**§231-22. Open spaces.**

Before approval of a plan the Planning Board may 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 the land. The Board may by appropriate endorsement on the plan require that no building be erected upon such park or parks for a period of not more than three years without its approval. This land shall be made available for purchase by the town. Failure to purchase within three years shall free the owners from restrictions.

**§231-23. Protection of natural features.**

- A. Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, and similar community assets, which, if preserved will add attractiveness and value to the subdivision, and protect the natural resources of the Town.
- B. Existing contours shall be preserved insofar as it is practical to do so. No change shall be made in the contour of the land that adversely affects the land abutting the proposed subdivision.
- C. To be more attractive and economical, subdivisions shall closely adhere to the topography of the land, with streets designed so as to minimize the necessity for excessive cut and fill.
- D. Building envelopes which restrict the placement of buildings within approved lots will be required when necessary to protect significant natural features or scenic viewpoints which might otherwise be adversely impacted from construction.

**§231-24. Street names.**

Street names shall be submitted to the Historical Commission for comment and be approved by the Fire Department to prevent duplication or close similarity to names of existing streets and to provide names in keeping with the character of the Town. Names reflecting geographic, natural or historical features are preferred to names of persons.

**§231-25. House numbers.**

Prior to plan endorsements, Lot numbers, as assigned by the Fire Department, shall be shown on the plan.

**§231-26. Lot Grading and Drainage.**

Lots shall be prepared and graded in such a manner that development of one lot does not cause detrimental drainage onto another lot, on areas outside the subdivision, onto roadways, or onto wetlands.

**ARTICLE V. - Required improvements for an approved subdivision.**

**§231-27. Construction of ways.**

A

B. All underground utilities , including surface water drains, shall be installed and all ways shall be constructed by the subdivider at his own expense, in accordance with the grades approved by the Planning Board. Subdividers shall comply with the details and specifications shown on Figures 2-8 and to any other specification as indicated on the approved plan.

C. Residential Roads shall consist of at least eighteen (18) inches of gravel after compaction in accordance with the Massachusetts Department of Public Works, 1967 Standard Specifications, Sections 401 and 405, or as amended, and treated with a prime coat of MC-1, applied at a rate of three-tenths (0.3) gallons per square yard, the binder course shall be 2 ½” inches thick and the top course shall be 1 ½” inches thick after rolling so as to form a compacted final pavement depth of 4” as shown on in Figure 2. Commercial Roads shall be designed to the same specifications as Residential Roads except for a 2” base, after compaction, should be applied before the binder course and final course so as to form a compacted final pavement width of 6” as shown in Figure 2A.

D. Granite Curb Inlets conforming to Figure 4 will be required at every catch basin.

E. No change

F. Add to end (Figure 8)

G-I. No change

J. Curbing shall be sloped granite edging on all intersections, cul-de-sac and all other radii. Cape Cod berm Type I dense mix shall be allowed in all remaining sections. (Figure 5)

**§231-28. Bituminous pavement.**

A.

B. (Add to the end of B the following: All drainage structures shall be coated with 3,000 psi air entrained concrete and coated with asphalt cement, in accordance with the Westminster DPW requirements, before final paving.

C. Before application of the finish coat, the Bituminous Concrete base shall have been in place for a minimum of twelve (12) months or for a lesser period as may be determined by the Board. A machine applied tack coat shall be applied over a cleaned bituminous binder course prior to installation of final paving course.

**§231-29. Sidewalks.**

(formerly 231-20). Add: All sidewalks shall be designed meeting all applicable accessibility requirements; constructed as shown on Figures 2 & 2A; and shall be of bituminous concrete. (No changes after this sentence)

**§231-30. Driveways.**

There shall be constructed for each lot a driveway ramp not less than 14 feet in width at the gutter line as shown on the plan entitled: "Typical Driveway Cross Section." (Figure 3) All driveways shall be designed to meet the specifications of the Westminster DPW. In addition, driveway cuts into streets shall be prohibited until the Planning Board finds that the location, width, length, line of sight, grades, proximity to other driveways and streets, grade and elevation will provide adequate provisions for the public safety. Driveway cuts shall not be permitted within one hundred (100) feet of the sideline of intersecting streets or railroad crossings. No more than one driveway cut shall be permitted per lot.

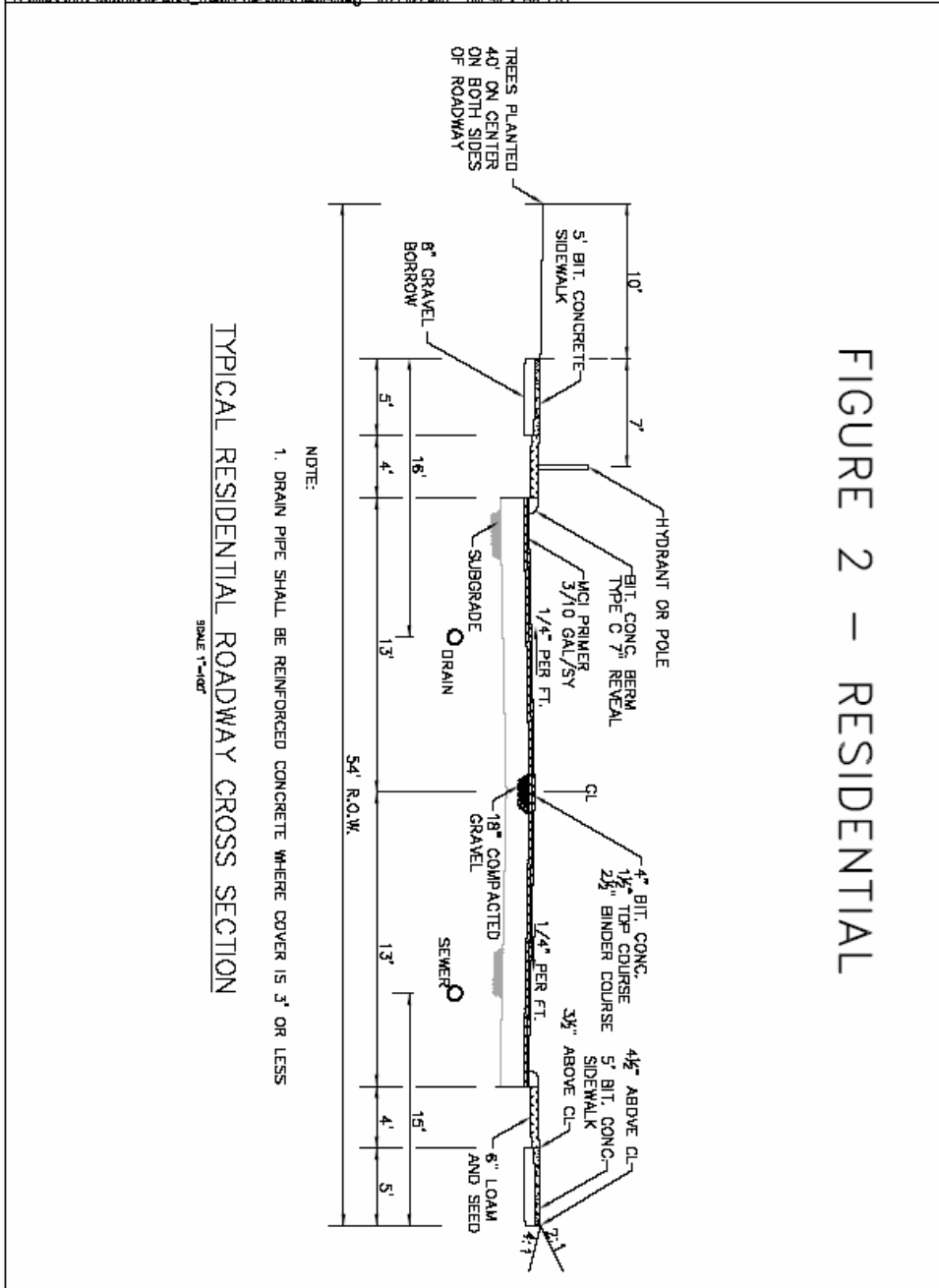
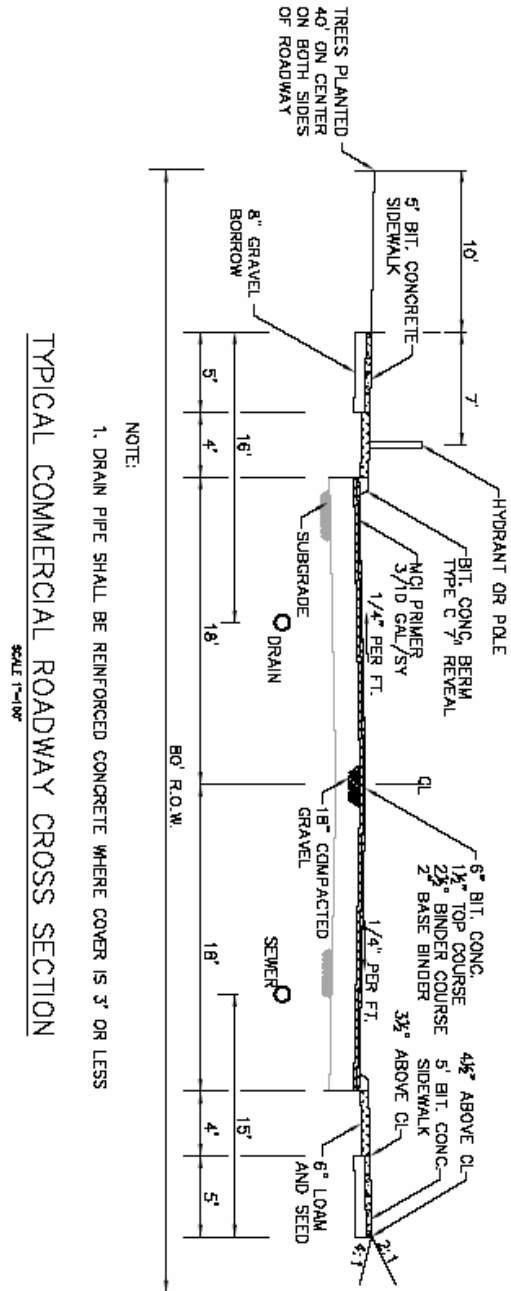


FIGURE 2 – RESIDENTIAL

FIGURE 2A - COMMERCIAL

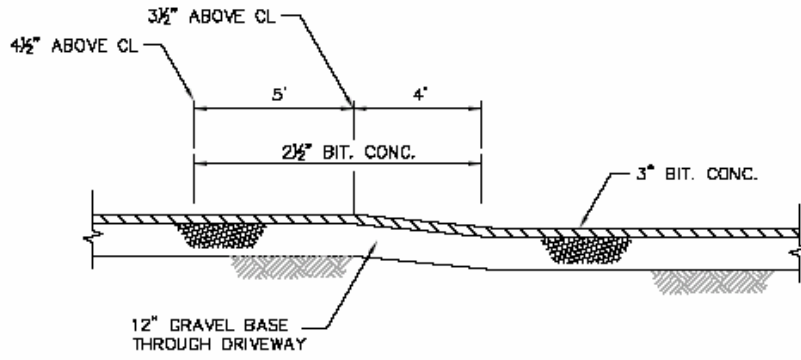


NOTE:  
1. DRAIN PIPE SHALL BE REINFORCED CONCRETE WHERE COVER IS 3' OR LESS

TYPICAL COMMERCIAL ROADWAY CROSS SECTION  
SCALE 1"=10'

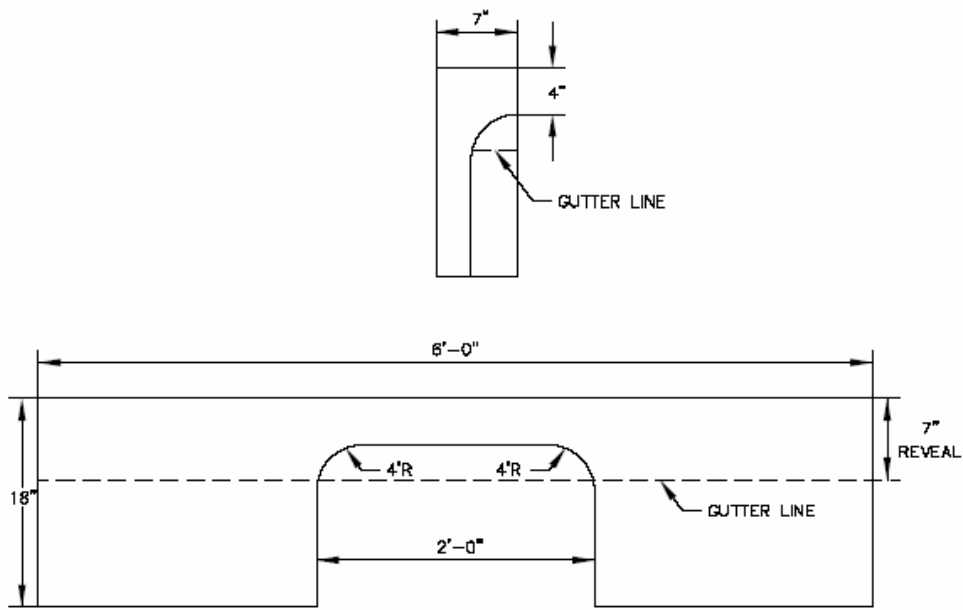


FIGURE 3



TYPICAL SECTION ALONG DRIVEWAY  
N75

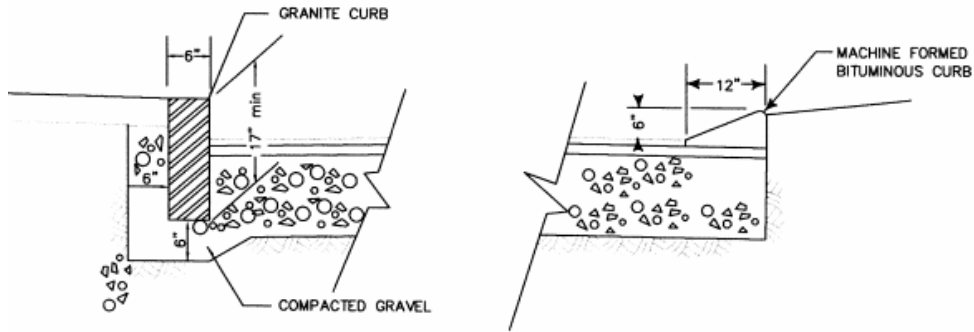
FIGURE 4



GRANITE CURB INLET DETAIL

NTS

FIGURE 5

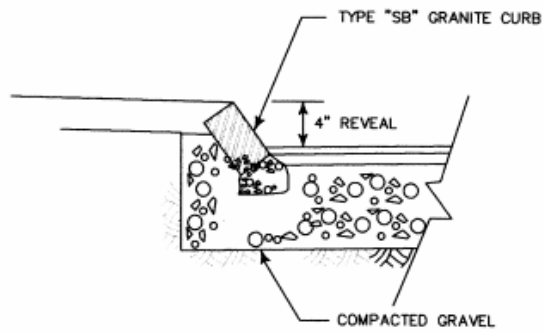


GRANITE CURB DETAIL

NTS

BITUMINOUS CURB DETAIL

NTS



SLOPED GRANITE CURB DETAIL

NTS

FIGURE 6

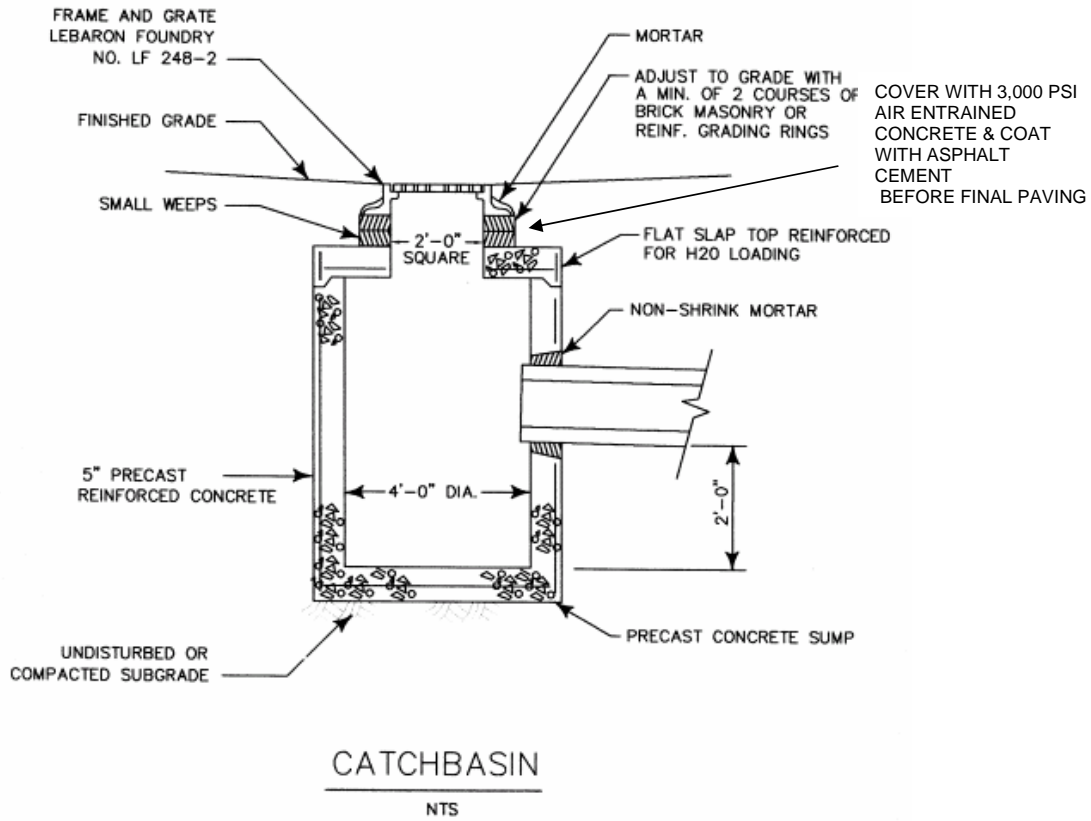
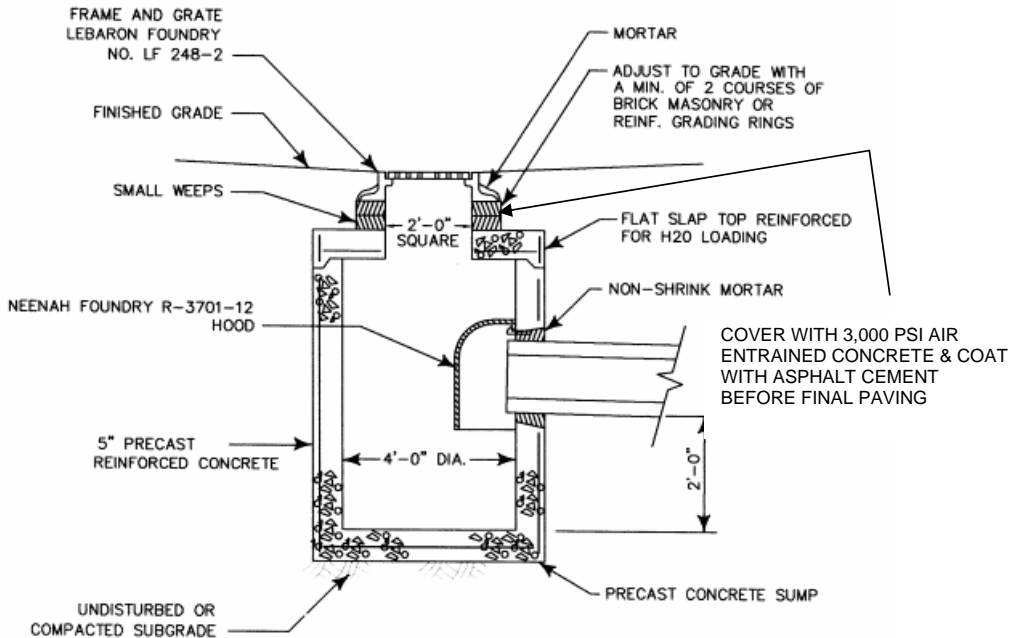


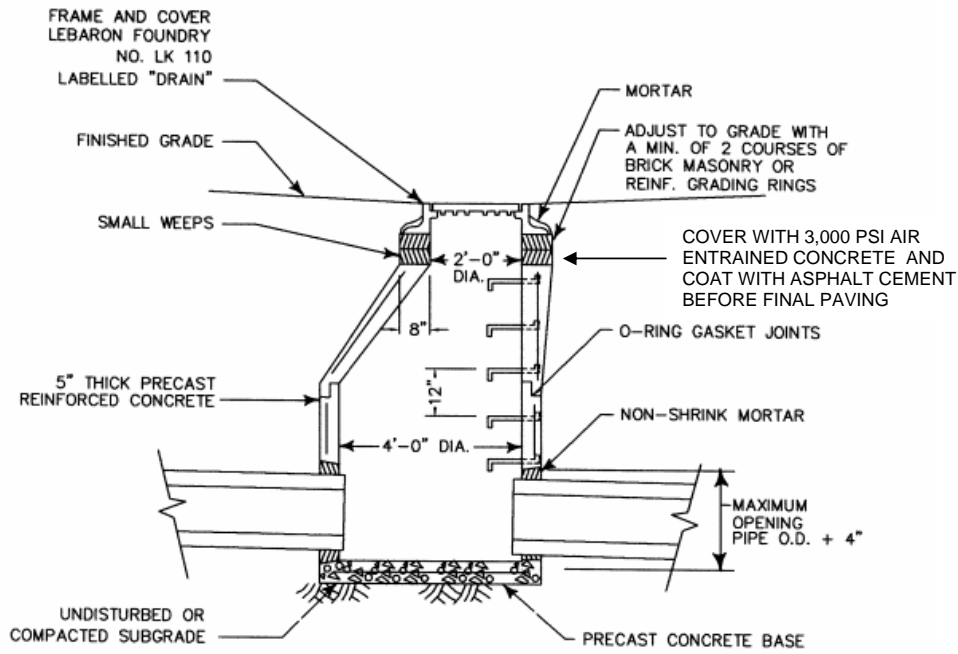
FIGURE 6A



CATCHBASIN WITH OIL TRAP HOOD

NTS

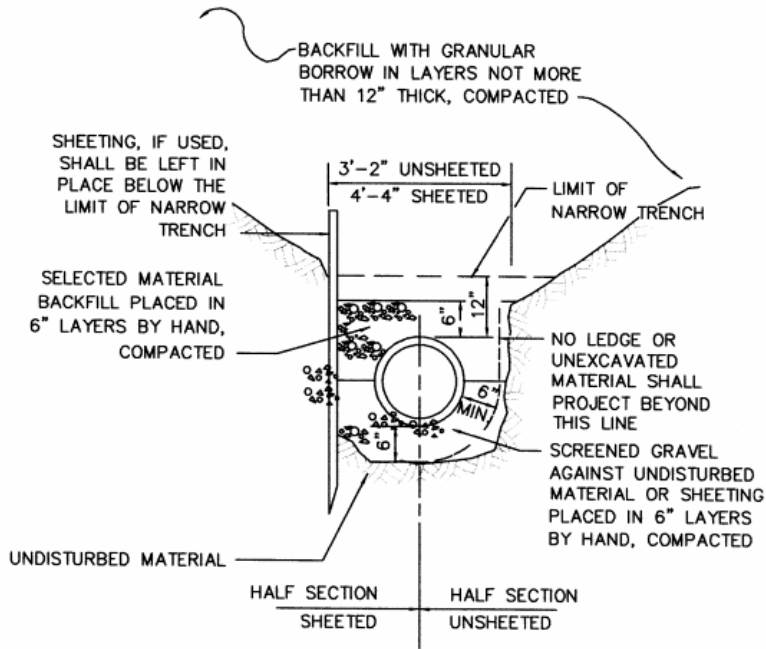
FIGURE 7



DRAIN MANHOLE

NTS

FIGURE 8



TRENCH SECTION - R.C. PIPE

NTS

**§231-31. Signs.**

All signage, street signs, STOP signs, STOP bars, and crosswalks, in accordance with the US Department of Transportation Manual of Uniform Traffic Control Devices, shall be installed within the subdivision.

**§231-32. Trees.**

A. Trees shall be Sugar Maple (or other species approved by the Planning Board) with a diameter of two to three inches measured...

**§231-33. Fire protection.**

All subdivisions shall be provided with adequate fire protection installation and maintenance in accordance with the requirements of the Westminster Fire Department entitled: "Fire Protection Water Supply Regulations."

**§231-34. Cleaning up.**

During construction, a slightly appearance shall be maintained. Upon completion of all work on the ground, the applicant shall remove all temporary structures and all surplus material and rubbish and shall leave the work in a neat and orderly condition. Waste materials, debris, and discards shall be removed to and disposed of at a place and in a manner approved by the Board of Health and the Planning Board.

**§231-35. Maintenance.**

The applicant shall maintain the roads for vehicular travel in a manner satisfactory to the Board. Further, the applicant shall maintain the road and all other improvements within the subdivision, in a condition which meets all the above requirements to the satisfaction of the Board wither until acceptance of such roads by vote of the Town.

**§231-36. Erosion and sedimentation control.**

The applicant shall control erosion and sedimentation during construction according to the objectives, principles and design considerations set forth in the following publications: "Residential Erosion and Sediment Control," published by the Urban Land Institute, the American Society of Civil Engineers, and the National Association of Home Builders, 1978; and "Soil and Water Conservation in Urbanized Areas of Massachusetts," published by the USDA Soil Conservation Service, Amherst, 1975. These publications are hereby incorporated as part of these regulations. If it is determined by the Conservation Commission or the DPW that the erosion control plan is not working, then the plan shall be revised. Failure to respond shall result in "cease and desist" of all site activity until the revised plan is approved.

When directed by the Town the applicant shall clean up, in a timely manner, any sand, dirt, or debris which erodes from the subdivision onto any public street or private property; and to remove any silt or debris that enters any existing drainage system including catch basins, sumps, pipe lines, manholes, and ditches.



**§231-37. Requirements for earth removal within the context of subdivision approval.**

All earth removal incidental to the subdivision of land shall receive an Earth Removal Permit from the Board of Selectmen before the commencement of any earth removal activity.

**§231-38. Environmental and community impact analysis.**

- A. Any submission of a subdivision requiring substantial cuts, earth removal in excess of 3,000 cubic yards, creating 1,000 feet or more of roadway/street, or creating more than 10 lots, and all non-residential subdivisions shall be accompanied by four (4) copies of an environmental and community impact analysis, as determined during the preliminary plan process. The environmental and community impact analysis shall assess the relationship of the proposed development to the natural and man-made environment of Westminster. This report shall be prepared by an interdisciplinary team of professionals qualified and experienced and, where applicable, licensed in their field. Such teams shall typically consist of registered professional engineers, traffic engineers, architects, landscape architects, land-use planners, hydro-geologists, hydrologists, and other environmental professionals.
- B. It is intended...
- C. For each of the components...  
(a)-(d) change to (1) – (4)
- D. The Planning Board as part of a review for a preliminary subdivision plan, submitted in accordance with the requirements of §231-11, shall specify which of the following topics shall be evaluated and the level of detail required for each topic in the environmental and community impact analysis and submitted with the definitive plan. If no preliminary plan is submitted, the environmental and community impact analysis shall evaluate all of the following topics.
  - (1) Traffic analysis. A complete analysis of the traffic flow of the proposed development and impacts of traffic on levels of service on effected intersections.
  - (2) Community impact analysis. Describe the effect of the project on community services including public safety (police and fire protection), public water and sewer, drainage and stormwater management, roadways, waste disposal, and educational services.
  - (3) Natural environment.
    - (a) Air and noise pollution...
    - (b) Water pollution...
    - (c) Land...
    - (d) Water supply...
    - (e) Sewage disposal...
  - (4) Man-made environment.
    - (a) Existing neighborhood land use...
    - (b) Zoning...

**ARTICLE VI. -Administration.**

**§231-39. Variation.**

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Planning Board such action is in the public interest and not inconsistent with the Subdivision Control Law.

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 of the Commonwealth of Massachusetts.

**§231-40. Project Review Fees**

To assist the Board in its review of the Plan and at its discretion to serve as its agent during the course of construction, the Board may hire at the developer's expense, an engineer or other professional to act as consultant to the Board.

**§231-41. Inspection**

- A. An Engineer, reporting to and designated by the Planning Board, but paid by the applicant, shall be required. The Engineer shall not authorize any changes from these regulations or from the approved Definitive Plan for the subdivision without specific approval of the Planning Board.
- B. As each construction phase listed below is completed, the applicant shall notify the Planning Board and the Planning Board's engineer, and no succeeding operation shall commence until the work has been inspected by the Board or their authorized agent.
- C. The applicant shall furnish all data relative to baselines and grade stakes on the ground, stake sheets, ties and other information which is needed, in the opinion of the Board, to accomplish such checking as is required for the requested approval and certification. Charges for such inspections shall be paid for by the applicant as outlined above.
- D. Inspections shall be required at the following stages of construction:
  - (1) After clearing, grubbing, stump removal, excavation to subgrade and excavation of ditches for utilities.
  - (2) After drainage system (pipe, manholes, catch basins and other drainage structures) is installed, but before it is covered. Inspector shall sight drainage pipe runs to adjacent basins. Any defective runs shall be corrected before approval is given.
  - (3) After surface gravel is in and compacted the inspector shall also re-inspect pipe runs from catch basins as above.
  - (4) After bituminous concrete is installed.
  - (5) Before acceptance by the Town of Westminster at an Annual Town Meeting or at a Special Town Meeting.
  - (6) At other specific times deemed necessary by the Board or Engineer.
- E. The applicant shall give 72 hours notice to the Planning Board whenever an inspection is indicated.
- F. The applicant is responsible for requesting inspections at the proper stage in the process of installation of improvements. No work will be accepted that has been covered before inspection.

**§231-42. Engineering Costs.**

- A. Engineering costs incurred by the Planning Board during the consideration of the Preliminary Plan and or the Definitive Plan, and during the preparation and recording of an approved Definitive Plan will be billed to the applicant, at cost, by the Town of Westminster.
- B. Engineering costs will be billed by the Town to the applicant to cover the actual costs to the Town for the engineering services performed in connection with the subdivision being considered. Normal services will include the following:
  - (1) Checking Definitive Plans for accuracy of data and for sound engineering practice.
  - (2) Checking Record Plans for accuracy of data and for sound engineering practice.
  - (3) Inspections, as required.
- C. Other services beyond those outlined above and performed on behalf of the applicant by the engineers of the Planning Board will be billed to the applicant by the Town at cost. These extra services will not be performed unless specifically agreed upon by the Planning Board and the applicant.

**§231-43. Acceptance of Roads.**

- A. When a road or way in a subdivision has been constructed in a manner fulfilling the requirements of the Planning Board and these regulations, and the binder course has been exposed to a full year of weathering, before the application of the final course, and the final course has also been exposed to a full year of weathering, the applicant may request the Board to inspect the road in order to make a recommendation to the Board of Selectmen and Town Meeting on the question of accepting said way or road. Subdivision road acceptances are the financial and legal responsibility of the applicant. All road acceptance requests shall follow the Town of Westminster's Road Acceptance Policy and Procedures. The following information will be required before the Board makes a recommendation on road acceptance:
  - (1) A mylar plus two copies of the plan of the road "as built," at a scale of 1"=40'. The center line profile shall be shown at 4 feet per inch on the vertical scale and 40 feet per inch on the horizontal scale taken at fifty foot intervals along the road or way as it has been completed. The plan shall show the monuments with the dates they were set and the traverse and fixed points on the subdivision perimeter used to establish the bound locations, all with bearings, distances, or coordinate values sufficient to reestablish these points.
  - (2) All utilities, including water lines, gas lines, cable lines, drainage systems, electric poles and lines, and telephone poles and lines, shall be shown on the plan as they exist.
  - (3) Two typewritten copies and one electronic copy of the proposed article for the Town Meeting covering the road or way which is to be considered for acceptance by the Town.
  - (4) If applicable, a Certificate of Compliance from the Conservation Commission under M.G.L. ch. 131 Section 40 and the Westminster Wetlands Bylaw.

**§231-44. Lot release/Building permits**

The roadway area within the frontage of a lot shall have all utilities, including fire protection, and the Bituminous Concrete base installed and approved by the appropriate agency before said lot can be released or built upon.

**§231-45. Appeals.**

Appeals may be taken from the determination of the Board to Superior Court in accordance with MGL Ch. 41 Section 81BB.

Remove existing references in the text of the Rules and Regulations and add a new Planning Board Fee Schedule as follows:

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## PLANNING BOARD FEE SCHEDULE

Adopted: 1/31/2005

### PLANNING BOARD SUBMISSION FEES:

These fees are non-refundable filing fees to cover the cost of processing applications. All expenses for advertising, publication of notices, engineering, professional planning review, plans, inspection of construction, recording and filing of documents required by the Planning Board or its agent shall be borne solely by the applicant.

1. Approval Not Required Plan:
  - \$100 per plan of 2 or fewer lots
  - \$100 plus \$100 per lot for plan of 3 or more lots
2. Preliminary Subdivision Plan:
  - \$500 plus \$50 per lot (counted toward the Definitive Plan if filed within 7 months)
  - Planning Board to prepare abutter notification of hearing by first class mail to each name on the abutter list provided by the Board of Assessor's
  - Cost of legal advertising shall be paid by the applicant directly to the newspaper publishing the notice.
3. Definitive Subdivision Plan:
  - \$1,500 + \$5.00 for each linear foot roadway.
  - Planning Board to prepare abutter notification of hearing by first class mail to each name on the abutters list provided by the Board of Assessor's.
  - Cost of legal advertising shall be paid by the applicant directly to the newspaper publishing the notice.
4. Modification to Approved Plan:
  - \$500 plus \$1.00 per linear foot of modified roadway plus \$5.00 per linear foot of additional roadway.
  - Planning Board to prepare abutter notification of hearing by first class mail to each name listed on the abutters list provided by the Board of Assessor's.
  - Cost of legal advertising shall be paid by the applicant directly to the newspaper publishing the notice.
5. Request for extension of time to complete road: \$200
6. Planning Board Special Permit:
  - \$200
  - Planning Board to prepare abutter notification of hearing by first class mail to each name on the abutters list provided by the Board of Assessor's.
  - Cost of legal advertising shall be paid by the applicant directly to the newspaper publishing the notice.
7. Request for Lot Release: \$75

**NOTE:** Preliminary Plans, Definitive Plans, and Special Permit Plans may also require Project Review Fees.

The Planning Board may not endorse its approval unless the fees as noted above have been paid.

### PUBLICATION FEES

Zoning Bylaws: \$20.00 per copy.

Subdivision Rules and Regulations: \$20.00 per copy.

**FORM A**

**APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL**

Two (2) copies of this form, filled out and signed, should be included with the original and four (4) copies of the plan in question. (Please type or print information in blanks below)

Westminster, Massachusetts \_\_\_\_\_, 20\_\_\*  
(Date of Filing)

The undersigned, believing that the accompanying plan of his property in the Town of Westminster does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

Name of Applicant: \_\_\_\_\_ Phone # \_\_\_\_\_

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

Name of Owner: \_\_\_\_\_ Phone # \_\_\_\_\_

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

Name of Surveyor:

Address: \_\_\_\_\_ Phone # \_\_\_\_\_

Deed of property recorded in \_\_\_\_\_ Registry.

Book No. \_\_\_\_\_ Page No. \_\_\_\_\_

Location and Description of Property: \_\_Map\_\_ Group\_\_ Parcel\_\_\_\_\_

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

Zoning District: \_\_\_\_\_

List any Board of Appeals decisions pertaining to this site: \_\_\_\_\_

\_\_\_\_\_

Reason plan does not constitute a subdivision: \_\_\_\_\_

\_\_\_\_\_

No. of lots proposed: \_\_\_\_\_ Acreage: \_\_\_\_\_

Signature of owner: \_\_\_\_\_

(all applications shall be signed by the owner of the property or if the applicant is represented by an agent, written evidence shall be submitted with the application accompanying the plan that the agent has the authority to submit such application for each owner involved. If the applicant is a corporation, it shall submit with the application a list of its officers, and a duly authenticated certificate of vote authorizing said officers to file the application and plan, and to represent the corporation in all further proceedings incident thereto.)

\*The date entered above shall be the date of the Planning Board meeting at which the Plan is submitted.

Fee Received By: \_\_\_\_\_ Date: \_\_\_\_\_

NOTE: All ANR Plans shall be accompanied by a filing fee as determined by the most recent Planning Board Fee Schedule.

## Checklist for Receiving Approval Not Required (ANR) Plans:

Plan Reference: \_\_\_\_\_

Owner: \_\_\_\_\_

Location: \_\_\_\_\_

Plan date: \_\_\_\_\_

- \_\_\_\_\_ Form A Application (2 copies)
- \_\_\_\_\_ Filing Fee (See most recent Planning Board Fee Schedule)
- \_\_\_\_\_ Application signed by the owner, or has letter of authorization from the owner
- \_\_\_\_\_ Plans (4 copies)
- \_\_\_\_\_ Plan contains all items listed in the Rules and Regulations
- \_\_\_\_\_ Updated wetlands delineation
- \_\_\_\_\_ Upland lot area calculations to determine zoning conformance
- \_\_\_\_\_ Owner is not on the Delinquent Tax List
- \_\_\_\_\_ If an existing lot proposed to be divided contains an existing dwelling already located on the lot, Title 5 Regulations require that the septic system must be inspected and the results submitted to the Board of Health within 30 days of the inspection date.

\_\_\_\_\_  
Health Agent Sign-off

ANR Plans will be put on the Planning Board agenda after the Town Planner verifies that all filing information has been submitted and the application is deemed complete. The application will not be deemed complete until all items on the above checklist have been submitted, and the Board of Health signs off that the plan does not require a Title 5 inspection. If the Health Agent determines that the plan does require Board of Health Approval, such approval must be obtained prior to the application being deemed complete. Once the application is deemed complete, the ANR Plan will be marked "received" at a regularly scheduled meeting of the Planning Board. The Planning Board will act on the ANR plan within 21 days after the plan is received.

**FORM B - 1**  
**APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN**

Two (2) copies of this form, filled out and signed, should be included with the original and eight (8) copies of the plan in question. (Please type or print information in blanks below)

Westminster, Massachusetts \_\_\_\_\_, 20\_\_\*  
(Date of Filing)

The undersigned herewith submits the accompanying Definitive Plan of the property in the Town of Westminster for approval as a subdivision under the requirements of the Subdivision Control Law in the Town of Westminster.

Name of Applicant: \_\_\_\_\_ Phone # \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Owner: \_\_\_\_\_ Phone # \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Surveyor: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone # \_\_\_\_\_

Deed of property recorded in \_\_\_\_\_ Registry.

Book No. \_\_\_\_\_ Page No. \_\_\_\_\_

Location and Description of Property: \_\_\_Map\_\_\_ Group\_\_\_ Parcel\_\_\_\_\_

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

Zoning District: \_\_\_\_\_

Acreege \_\_\_\_\_ # of Lots \_\_\_\_\_ Length of Road \_\_\_\_\_

Signature of owner: \_\_\_\_\_

(all applications shall be signed by the owner of the property or if the applicant is represented by an agent, written evidence shall be submitted with the application accompanying the plan that the agent has the authority to submit such application for each owner involved. If the applicant is a corporation, it shall submit with the application a list of its officers, and a duly authenticated certificate of vote authorizing said officers to file the application and plan, and to represent the corporation in all further proceedings incident thereto.)

\*The date entered above shall be the date of the Planning Board meeting at which the Plan is submitted.

Fee Received By: \_\_\_\_\_ Date: \_\_\_\_\_

NOTE: All Plans shall be accompanied by a filing fee as determined by the most recent Planning Board Fee Schedule.



**FORM B**  
**APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN**

Two (2) copies of this form, filled out and signed, should be included with the original and eight (8) copies of the plan in question. (Please type or print information in blanks below)

Westminster, Massachusetts \_\_\_\_\_, 20\_\_\*  
(Date of Filing)

The undersigned herewith submits the accompanying Definitive Plan of the property in the Town of Westminster for approval as a subdivision under the requirements of the Subdivision Control Law in the Town of Westminster.

Name of Applicant: \_\_\_\_\_ Phone # \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Owner: \_\_\_\_\_ Phone # \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Surveyor: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone # \_\_\_\_\_

Deed of property recorded in \_\_\_\_\_ Registry.

Book No. \_\_\_\_\_ Page No. \_\_\_\_\_

Location and Description of Property: \_\_Map\_\_ Group\_\_ Parcel\_\_\_\_\_

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

Zoning District: \_\_\_\_\_

Acreege \_\_\_\_\_ # of Lots \_\_\_\_\_ Length of Road \_\_\_\_\_

Signature of owner: \_\_\_\_\_

(all applications shall be signed by the owner of the property or if the applicant is represented by an agent, written evidence shall be submitted with the application accompanying the plan that the agent has the authority to submit such application for each owner involved. If the applicant is a corporation, it shall submit with the application a list of its officers, and a duly authenticated certificate of vote authorizing said officers to file the application and plan, and to represent the corporation in all further proceedings incident thereto.)

\*The date entered above shall be the date of the Planning Board meeting at which the Plan is submitted.

Fee Received By: \_\_\_\_\_ Date: \_\_\_\_\_

NOTE: All Plans shall be accompanied by a filing fee as determined by the most recent Planning Board Fee Schedule.

## Checklist for Receiving Definitive Plans:

Plan Reference: \_\_\_\_\_

Applicant: \_\_\_\_\_

Plan Location: \_\_\_\_\_

- \_\_\_\_\_ Form B Application signed by owner, and/or letter of authorization from owner
- \_\_\_\_\_ Certified list of abutters within 100' of perimeter of entire parcel.
- \_\_\_\_\_ Filing Fee (\$0.40 per linear foot of roadway, plus \$40/lot)
- \_\_\_\_\_ Deposit (returned to applicant after bounds set) of \$100/bound.
- \_\_\_\_\_ Plans (at least 4 copies)
- \_\_\_\_\_ Stormwater Management – drainage calculations
- \_\_\_\_\_ Environmental and community impact analysis
- \_\_\_\_\_ Updated wetlands delineation
- \_\_\_\_\_ Upland lot area calculations to determine zoning conformance
- \_\_\_\_\_ Owner is not on Delinquent Tax list

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*Amendments to the Subdivision of Land Chapter 231* ii

*Approved by a majority of the Planning Board on January 31, 2005*

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