

# **Planning Board Rules and Regulations**

## **Town of Salisbury, Massachusetts**

**Adopted by the Planning Board October 9, 2013**

**EFFECTIVE DATE:**

**NOVEMBER 1, 2013**

### **Salisbury Planning Board**

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## **Table of Contents**

<b>Introduction</b>	<b>1</b>
<hr/>	
<b>I. Organization</b>	<b>2</b>
<hr/>	
<b>II. Planning Board Fees</b>	<b>4</b>
<b>A. Application Fees</b>	<b>4</b>
<b>B. Project Review Fees</b>	<b>6</b>
<b>C. Project Inspection Fees</b>	<b>7</b>
<hr/>	
<b>III. Site Plan Review</b>	<b>9</b>
<b>A. Review Procedure</b>	<b>9</b>
<b>B. Site Plan Requirements</b>	<b>9</b>
<b>1. Materials for Review</b>	<b>9</b>
<b>2. Plan Content</b>	<b>9</b>
<b>3. Major Project Narrative Submittals</b>	<b>11</b>
<b>C. Site Plan Performance and Design Standards</b>	<b>13</b>
<hr/>	
<b>IV. Flexible Residential Development Plan</b>	<b>22</b>
<b>A. Pre-Application</b>	<b>22</b>
<b>B. Sketch Plan</b>	<b>23</b>
<b>C. Conventional Subdivision Yield Plan</b>	<b>24</b>
<b>D. General Design Standards</b>	<b>25</b>
<b>E. Site Specific Design Standards</b>	<b>26</b>
<hr/>	
<b>Appendix A: Subdivision Control Regulations</b>	<b>28</b>

## **Introduction**

The Planning Board's Rules and Regulations are divided into four sections: the first section covers the organization of Planning Board meetings; the second covers fees for Planning Board submittals. The third and fourth sections provide design guidelines for residential and commercial/industrial areas in the Town of Salisbury, Massachusetts which are subject to Site Plan Review, Special Permits, the Subdivision Control Law, or a combination of any of these. The Planning Board's Subdivision Control Regulations, adopted June 1, 1975 and amended December 10, 2008, and most recently, October 9, 2013, are included as "Appendix A". We hope your use of these guidelines will facilitate your planning and our review of your project and lead to an improved design for you and the community.

This document was created by the Planning Department and the Planning Board. These rules and regulations are intended to:

- ❖ To maintain the integrity of Salisbury's physical environment
- ❖ To improve the quality of residential and commercial design in Salisbury
- ❖ To streamline the permitting process for those seeking to invest in Salisbury.

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# I. Organization

## Duties

The duties and responsibilities of the Planning Board are to make careful studies of the resources, possibilities and needs of the town, particularly with respect to conditions injurious to the public health or otherwise in and about rented dwellings, and make plans for the development of the municipality, with special reference to proper housing of its inhabitants (Mass General Law Ch. 41, Section 70). The Planning Board is also responsible for executing and administering the Master Plan (Mass General Law Ch. 41, Section 81D).

## Members and Officers

The Planning Board shall consist of five members and one associate (alternate) member, appointed by the Board of Selectmen. “The associate member’s term shall run for a period of two years” (Salisbury Zoning By-Laws, Article XIV). The members shall annually elect a chairman, vice-chairman and clerk at the start of each fiscal year.

## Meetings

Meetings are held the second and fourth Wednesday of each month. Workshops and other meetings can be held in addition to the scheduled planning board meetings. Meeting and workshop agendas are filed with the Town Clerk and posted in Town Hall and on the town’s website 48 hours prior to meetings, not counting Sundays or holidays. A quorum is necessary for decisions to be made.

## Minutes

Minutes are to be taken by the planning board secretary as well as the planning board clerk. The minutes are public record and can be viewed in the planning department, town clerk’s office and the town library. Minutes are sent to the planning board members to be read and then voted on at the following meeting.

## Conduct

Robert’s Rules of Order are the established rules of conduct for Planning Board meetings.

## Attendance

The Town of Salisbury Charter, as amended through May 2010, Section 7-11 states:  
*If any person appointed to serve as a member of a multiple member body shall fail to attend four or more consecutive meetings, or one-half or more of all of the meetings of such body held in one calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten days prior to the date said vote is scheduled to be taken the body has given in hand, or mailed by registered or certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.*

## **Voting**

Members must attend all portions of public hearings to be eligible to vote. “The chairman of the Planning Board may designate the associate member to sit for the purposes of acting on any application before the Board in the case of absence, inability to act, conflict of interest on the part of any regular member of the Board, and/or in the event of a vacancy” (Salisbury Zoning By-Laws, Article XIV). Article 18 of October 23, 2006 Town Meeting allowed the Town to adopt Mass. General Law, Chapter 39, Section 23D. “A member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member’s absence from one session of such hearing, provided that certain conditions are met. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing.”

## **Conflict of Interest**

All board members should disqualify themselves if they or a relative could gain by the board’s decision. The wise course of action upon disqualification is to leave the room (Mass. General Law, Chapter 268A).

## II. Planning Board Fees

### A. Application Fees

The fees detailed below are payable at the time of an application’s submission to the planning department. An application will not be stamped as received by the Town Clerk without evidence that the fee has been paid.

#### Schedule of Application Fees (amended 7/08)

Type of Application	Fee
Approval Not Required (ANR) Plan	\$100 plus \$100 per new lot line.
Preliminary Subdivision Plan	\$250 plus \$100 per lot.
Definitive Subdivision Plan submitted within 7 months of a preliminary plan	\$1,250 plus \$325 per lot
Definitive Subdivision Plan (without a preliminary)	\$1,500 plus \$625 per lot
Modification of an Approved Definitive Subdivision Plan	\$500 plus \$100 per lot
Planning Board Special Permit	\$150 Residential \$250 Commercial
Site Plan Review	Minor: \$100 Major: \$200 up to 5,000 square feet of new improvements, over 5,000 square feet includes \$0.10 per square foot to a maximum fee of \$1,500. All major applications are also to include \$1 per abutter.

**Notes:**

1. The above schedule of application fees supersedes all previous schedules as they may have appeared in the Salisbury Zoning By-laws, the Rules and Regulations for the Subdivision of Land, and any listings that may have been compiled from time to time for the benefit of applicants.
2. All fees for Planning Board applications are subject to approval from the Board of Selectmen.
3. Revised Applications: Where an Application Fee has been calculated by the number of lots, units or square footage of the total site, and the application is revised after payment of said fee, the following rules shall apply:
  - A. If the number of proposed lots, units or square footage of the site increases,

the applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these additional lots, units or square footage of the site. No review of these additional lots, units or square footage of the site shall take place until this additional fee is paid to the Town of Salisbury. Failure to make this payment after requesting additional lots, units or square footage shall be grounds for denial of the application.

- B.** If the number of proposed lots, units or square footage of the site decreases, a refund of that portion of the application fee predicated on those lots, units or square footage of the site shall be granted if, the Planning Board finds that, no cost associated with the review of those lots or units has been incurred.

**Waivers:** The Planning Board may waive or reduce an Application Fee, if, in the opinion of the Board, unusual circumstances exist regarding the application.

**Refund:** Subsequent to the commencement of the application review process by the Planning Board, application fees shall not be refunded for any reason, including withdrawal of the application.

**B. Project Review Fees**

**Applicability:** In addition to an Application Fee, in accordance with Massachusetts General Law Chapter 44, Section 53G, the Planning Board shall impose a Project Review Fee on those applications which require, in the judgment of the Planning Board, review by outside consultants due to the size, scale or complexity of a proposed project, the project’s potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, by-laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application.

**Schedule of Project Review Fees:** The following schedule of fees applies to the types of applications to the Planning Board set forth below.

**Schedule of Project Review Fees**

Type of Plan	Size	Fee
Preliminary Subdivision Modification of a Preliminary Subdivision Modification of an Approved Definitive Subdivision Modification of a Special Permit	1-15 Lots or Units	\$ 2,000
	16-20 Lots or Units	\$ 3,000
	21-25 Lots or Units	\$ 4,250
	26 or more Lots or Units	\$ 5,000
	1-10 parking spaces where no units or lots are created	\$ 1,000
	11 or more parking spaces where no units or lots are created	\$ 1,500
Definitive Subdivision Plan Special Permit Site Plan	<b>Size</b>	<b>Fee</b>
	1-15 Lots or Units	\$ 4,000
	16-20 Lots or Units	\$ 6,000
	21-25 Lots or Units	\$ 10,000
	26 or more Lots or Units	\$ 20,000
	1-10 parking spaces where no units or lots are created or disturbance of one acre or more of land	\$ 2,500
	11 or more parking spaces where no units or lots are created	\$ 5,000

**Notes:**

1. This schedule supersedes all previous schedules as they may have appeared in the Salisbury Zoning By-laws, Salisbury Subdivision Control Regulation, and any listings that may have been compiled from time to time for the benefit of applicants.

2. Where more than one type of application has been submitted for Planning Board action, only the largest of the applicable Project Review Fees shall be required, and not the sum of those fees.
3. The project review fee is due prior to the application being date stamped in by the Town Clerk.
4. **Replenishment:** When the balance in an applicant's account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed above, the Planning Board shall consider whether to require a supplemental Project Review Fee to cover the cost of the remaining project review.
5. **Refund:** Any unused balance of the project review fees will be returned to the applicant after the planning board grants a certificate of completion and/or the work is completed.

**C. Project Inspection Fees**

Applicability: In addition to Application and Review fees, in accordance with Massachusetts General Law Chapter 44, Section 53G, the Planning Board shall impose a Project Inspection Fee on those applications which require, in the judgment of the Planning Board, inspection by an outside consultant due to size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the inspection work related to the permit or approval. In hiring the outside consultants, the Board may engage specialists, engineers, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure the compliance with all relevant laws, by-laws and regulations. Such assistance may include, but shall not be limited to, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, and inspecting a project during construction or implementation.

Schedule of Project Inspection: The following schedule of stormwater inspections applies to the types of inspections ordered by the Planning Board and set forth below.

Schedule of Project Inspection:

Type of Inspection	Project Milestone/Frequency
Pre-construction	Prior to start of construction.
Construction	Monthly throughout construction or until site restoration is complete.
Project completion	After construction and site restoration is complete.
Post-stabilization	One year from date of Certificate of Completion.

Site Plan Review Inspections-Refer to §20.d.Inspections Required

**Notes:**

1. The above schedule of inspections supersedes all previous schedules as they may have appeared in the Salisbury Zoning By-laws, the Rules and Regulations for the Subdivision of Land, and any listings that may have been compiled from time to time for the benefit of applications.

**Waivers:** The Planning Board may waive or reduce the Inspection schedule if, in the opinion of the Board, unusual circumstances exist regarding the inspections.

**Hiatus:** Should construction or implementation of a project be delayed or otherwise shut down for a period greater than three months for seasonal or non-seasonal reasons, the Applicant may submit a written request to the Planning Department for a project hiatus during which inspections may be suspended, providing that the site is properly stabilized by the Applicant prior to the hiatus. The Planning Department shall determine on a project-specific basis, and present to the Applicant in writing, the proposed reduction in inspections.

**Refunds:** Any unused balance of the project inspection fees will be returned to the applicant after the Planning Board grants a Certificate of Completion and/or the work is completed.

### III. Site Plan Review Requirements

The Planning Board is the Site Plan Review Authority for Article XVIII of the Town of Salisbury Zoning By-laws. This By-law allows the Planning Board to adopt rules and regulations to implement the provisions of the By-law, including but not limited to specifying the content and number of required plans, application procedures, filing and review fees, design criteria, development standards, and other general requirements consistent with the By-law. In any case where the Rules and Regulations found below contradict the actual Zoning By-law, the Zoning By-law shall supersede.

#### A. Review Procedures

The procedures for submitting a Site Plan Review application are outlined in Section XVIII of the Town of Salisbury Zoning By-laws. The following is a summary of that procedure:

1. *All applicants are encouraged to review the application with the Planning Department prior to filing.*
2. *Public Hearings for Major Projects, which has been noticed according to M.G.L Chapter 40A, Section 11, will be held within thirty (30) days of the date the complete application was stamped in by the Town Clerk. Minor Projects will be reviewed by the Planning Board under General Business.*
3. *Planning Board will make a final decision within 60 days of the commencement of the Public Hearing, or if no Public Hearing is required, within 45 days from the date of submission.*
4. *The Planning Department must issue a Certificate of Completion before occupancy permits are issued. Planning Department will check any filing for completeness before filing with the Town Clerk.*

**Entire text of Site Plan Procedure may be found in Article XVIII of the Salisbury Zoning By-laws.**

#### B. Site Plan Requirements

1. **Materials for review:** A registered architect, landscape architect, or professional engineer shall sign and date and place their seal upon all pertinent documents and plans. All original site plans shall be prepared on standard 24" x 36" plan sheets at a minimum scale of 1" = 40'. A minor site plan may submit plans on smaller sheets of paper, so long as they are still at a proper scale. Elevations, drawings, where required, shall be drawn at a minimum scale of 1/8" = 1'. Applicants are encouraged to also submit plans digitally, in a format as determined by the Planning Department.
2. **Plan Content:** The following information shall be included on the site plan for a major or minor project. Any of the following information submitted to another Town board or commission in connection with the proposed project, may be submitted to the board in lieu of the following:
  - a. **Location and boundaries:** The location and boundaries of the lot, zoning district, adjacent streets or ways, applicable information from Article IV, Dimensional Regulations, the location and owners' names of all adjacent

properties. Plans shall also show any deeds of easement, right-of-ways, covenants and any other agreements affecting the use of the site.

- b. **Structures:** Existing and proposed structures, including dimensions, footprint, total gross floor area, number of stories, floor elevations, and building height(s). See Article I, Definitions.
- c. **Signage:** The location, dimensions, height, lighting, and other characteristics of all proposed signs.
- d. **Landscaping:** Proposed landscape features including the locations and a description of buffer areas, screening, fencing, and a planting plan. The planning board may require a registered landscape architect shall prepare a planting plan, unless the Planning Board deems a licensed plant nursery person or landscape designer appropriate for small projects such as minor additions or alterations.
- e. **Traffic:** The plan shall show pedestrian, bicycle, and vehicular traffic flow patterns and show adequate access to and from the site and adequate circulation within the site. The Planning Board encourages accommodation of public transportation and/or private vanpooling arrangements.
- f. **Parking:** The location of parking and loading areas, driveways, access and egress points, bicycle racks, and bus stops or drop-off areas.
- g. **Public access:** The location and description of proposed public access areas, including parks, conservation areas, gardens, bikeways, pathways or sidewalk areas. Riverfront sites shall include indications of compliance with state and federal regulations.
- h. **Lighting:** Existing and proposed exterior lighting, including locations, lighting source, and fixture types. A photometric analysis of proposed lighting will be required.
- i. **Topography:** Existing and proposed topography of the site including contours (two foot intervals), the location of wetlands streams, water bodies, aquifers, aquifer recharge areas, drainage swales, areas subject to flooding, and unique natural land features, including all stonewalls, trees over eight (8) inches in caliper, and the general location of the tree line.
- j. **Water and waste disposal, drainage and other utilities:** The locations and description of all existing and proposed septic systems, sanitary sewer water supply, storm drainage systems (including method and calculations for 10- and 100-year storm events), utilities, refuse, recycling and other waste disposal methods.

- 3. Project Narrative Submittals:** The Planning Board may require the materials or information listed below, as it deems necessary. If not requested at the time of the first meeting, this information shall be requested not more than 30 days from the date of commencement and will not extend the review period, unless mutually agreed upon in writing.
- a. Surface and ground water pollution:** A report on the impact of storm water runoff on adjacent and downstream water bodies, subsurface ground water, and water tables.
  - b. Soils:** A report on the potential erosion and sedimentation caused by the operation and maintenance of the proposed development and the mitigation efforts proposed. To this end, high intensity soil mapping, i.e., test borings and analysis, may be required.
  - c. Environmental and community impact analysis:** For projects with significant environmental impact to wetlands, floodplains, or other sensitive resources the board may request a report following the submission requirements of the Planning Board's Rules and Regulations, including a report on the relationship of the proposed development to the natural and man-made environment, and compatibility of the proposed development with adjacent or surrounding land uses and neighborhoods. This analysis shall be a guide to the Planning Board in its deliberations and will build into the board's decision-making process consideration of the environment and community impacts of the proposed development. An EIR required through the MEPA process, which addresses the Planning Board's concerns, may be substituted in lieu of this report.
  - d. Traffic impacts:** A report on existing pedestrian and vehicular traffic volume, composition, peak hour levels, and existing street and sidewalk capabilities, analysis of existing and resulting level of services (LOS) for the following:
    - 1) The nearest and/or most impacted public roadway intersection.
    - 2) The estimated average daily traffic generation, including composition and peak hour levels.
    - 3) The directional flows resulting from the proposed development.
    - 4) Any proposed methods to mitigate the estimated traffic impact such as promoting the use of public transportation, or other appropriate means.
    - 5) The methodology and sources used to derive existing data and estimations.
    - 6) The feasibility of traffic calming measures such as textured crosswalks, bike lanes, roundabouts, rumble strips, street trees, or bulb-outs.
    - 7) A detailed traffic access and impact study may also be required for the project. At the applicant's expense, the Planning Board may engage a traffic consultant to review said report and make its recommendations to the Planning Board thirty (30) days before final action is required.

- e. **Architectural style:** Plans and other drawings shall include architectural elevations of all sides of all new buildings and of those sides of existing buildings that are proposed to be altered in any way. A registered architect who shall sign the plan and place his/her seal upon it shall prepare the renderings or elevations.

The drawings shall be prepared at a minimum scale of 1/8" = 1' and shall show the following:

- 1) Exterior material, including trim, and colors.
- 2) Type, pitch, and material of roofs.
- 3) Size, type, and spacing of windows, doors and other openings.
- 4) Size, location, colors, and copy of signs affixed to or hanging from the building.
- 5) The relationship in massing, scale, and height to other existing structures in the immediate vicinity.
- 6) Elevations or renderings of new construction, renovation or expansions (or model may be provided at the option of the applicant).
- 7) Cross-sections of the site and buildings.
- 8) Product literature on proposed light fixtures.

**f. Other permits required:**

- 1) All completed or pending local permits necessary, relative to the application, including an estimated schedule of application and approval.
- 2) A listing of state and federal permits, licenses, and approvals necessary, including Chapter 91.
- 3)

**4. Changes to Approved Site Plans**

- a. In accordance with §300-114 of the Zoning Bylaws, changes to an approved site plan deemed by the Building Inspector to require Planning Board review will first be reviewed by the Planning Department to determine if the requested change constitutes a Minor or Major change, as defined in §4.b, below. Changes that the Planning Department considers to be Minor shall be submitted to the Planning Board for its approval at the Board's next regularly scheduled meeting. Changes that are considered Major will require a public hearing before the Board, which the Planning Department will schedule as soon as practicable.

**b. Definitions**

- (1) Minor Change: Changes to the approved Plan which, in the opinion of THE BOARD, do not substantially alter the concept of the approved Plan in terms of the qualities of the specific location, the proposed land use, the design of building form and approved building details and materials, site grading or egress points including but not limited to small changes in site layout, topography, architectural plans, landscaping plans, traffic circulation, parking, lighting plan, signage, open space or other criteria set forth in MGL
- (2) Major Change Substantial additions, deletions or deviations from the approved Plan including but not limited to large changes in site layout, topography, architectural plans, landscaping plans, traffic circulation, parking, lighting plan, signage, open space or other

criteria set forth in MGL are subject to a Public Hearing and vote by the Planning Board.

(Note: Approval of the major modification shall be grounds for reconsideration of the Site Plan application and Special Permits. Denial of proposed major modification shall not invalidate the Site Plan in conformance with previously approved Plan.)

### **C. Site Plan Performance and Design Standards**

Site Plans shall be prepared in compliance with the following list of design standards, the Salisbury Zoning By-laws and the Salisbury Planning Board Rules and Regulations, as well as all applicable site plan standards of the Architectural Access Board, American Disabilities Act, AASHTO and any other local, state, and federal standards not specifically enumerated herein. In the event there is a conflict in standards, the jurisdictional standard shall apply, unless otherwise waived.

- 1. Architectural/Building Design:** Consideration shall be given to ensure that buildings are appropriate in scale, massing, height, roofline, and building materials to ensure that the architecture shall be in harmony with the surrounding neighborhood and the Town
- 2. Landscaping:** Landscaping and screening shall be provided with regard to the impact of the adjacent properties, the public highway and to the site itself. Plant materials that are selected for the site should be non-invasive and indigenous to the area or be able to survive New England winters.
- 3. Lighting:** The goals of exterior lighting shall be to make development safe and to identify and accent key elements in the project's design. Fixtures shall be of the cutoff luminaire type and be consistent with the overall architectural theme of the development. Access ways, parking areas, and pedestrian walkways shall have adequate lighting for security and safety reasons. Flood and area lighting is prohibited.
- 4. Pedestrian and vehicular access and traffic impacts:** Applicants must demonstrate that the project will minimize pedestrian and vehicular traffic and safety impacts on town roads. In the case of multi-tenant properties, these requirements are directed at the immediate vicinity of the proposed renovation, addition, expansion, or new building rather than the site as a whole. Sidewalks shall be constructed in accordance with Section 7.0 Design Standards of the Salisbury Subdivision Rules and Regulations. When an existing sidewalk abuts the parcel project, the applicant shall connect the proposed sidewalk to the existing sidewalk. The material shall match what is existing, per DPW standards, or may be another material, per DPW review.
- 5. Drainage:** The drainage system shall be designed so that there is no net increase in the pre v. post peak rates of storm water discharge for the two (2), ten (10) and one hundred (100) year storm events and rates. The applicant shall demonstrate to the satisfaction of the Planning Board that the project is designed to have no measurable or significant impact as to existing vegetation, topography, wetlands, and other natural or manmade features. The system shall be designed to treat storm water to all

applicable standards of town, state and federal agencies. The system design shall promote on-site infiltration and minimize the discharge of pollutants to the ground and surface water. Drainage systems shall have an emergency overflow for events above and beyond the one hundred (100) year storm event. Regardless of their proximity to wetland resource areas, new developments of one or more acres shall comply with Standards 3-6 of the Massachusetts Stormwater Management Standards, and redevelopments of one or more shall comply with Massachusetts Stormwater Managements Standard 7. Additionally, all drainage systems will be designed in accordance with Stormwater Management Volume I and II prepared by: MA Department of Environmental Protection and MA Office of Coastal Zone Management as most recently revised. In special cases, the site drainage can utilize the Town's drainage system with the approval of the Department of Public Works. The Planning Board requires that proper calculations be submitted. A minimum of one (1) foot of freeboard shall be provided for all detention/retention structures.

## **6. Parking and Loading:**

- a. Parking lots and access drives shall be designed to prevent motorists from stacking onto the public way. Parking lanes shall be sized according to the internal circulation pattern. Parking shall be prohibited between buildings and street layout, except for handicap access if required by the ADA. Parking for large trucks shall be provided as determined by the Planning Board.
- b. All parking lots, drives and loading areas shall be paved, unless otherwise prohibited by state or local regulations.
- c. The installation of alternative surfaces in low traffic areas may be allowed, provided that a determination is made that the alternative surface will not lead to dust or erosion, having an adverse impact on adjacent properties or users of the site.
- d. Parking should be located to the side or rear of the building. Parking under buildings in areas shall only be permitted to the extent that provision has been made for the front elevation to be no higher than the minimum, required by state and local regulations. The buildings shall include neighborhood friendly elements, such as decks and porches at sidewalk level, fronting the highest use pedestrian or public way.
- e. Curb cuts for parking access shall not exceed 24 feet or 25% of the property's frontage on a public way, whichever is greater.
- f. Screening of ground floor parking from pedestrian view with appropriate doors, building elements or landscaping features, is required for parking along public ways. Parking lots shall be designed to include median strips and landscape islands to improve internal circulation. Additionally, landscaped or naturally vegetated islands should interrupt rows of parking. Loading shall be designed to be convenient to the loading and unloading of vehicles and to avoid conflicts with the internal circulation pattern. Curbing shall be vertical granite at the access drive radii. Each site shall have only one curb cut per street frontage, except where is it deemed that more than one curb cut is necessary for emergency access purposes or to enhance the site.
- g. **Large-Scale Ground-Mounted Solar Photovoltaic Projects:** The applicant shall demonstrate that adequate access, parking and circulation are provided for service and emergency vehicles as determined by the Board. Pull-off spots along the roadway/driveway may be utilized for additional parking for

service vehicle.

7. **Service Facilities:** Service facilities such as garbage collection, recycling containers, refrigeration units, utility areas and other facilities not specifically identified shall be screened around their perimeters. Screening may consist of fencing and/or natural vegetation. Screening shall have an effective height and width to screen from public view said service facility.

Snow storage location shall be depicted on the plan.

8. **Construction:** Construction requirements for roads, parking, streets, and drainage shall be in accordance with the Massachusetts Highway Standards, as published by the State of Massachusetts. Upon request, the Planning Board may allow alternative construction specifications if deemed appropriate for the proposed use by the Board, or if mandated by the Conservation Commission; subject to the issuance of a variance from the Board of Appeals, if needed.

- a. All access drives and parking areas shall be graded, paved, and drained in accordance with standards enumerated in this section, unless the Planning Board allows an alternative to pavement as described above.
- b. Granite curbing shall be placed at the edges of all paved surfaces, and also at the edges of graveled parking areas and access drives. Wheel stops shall be placed where parking spaces abut sidewalks and/or walkways for pedestrians. Guardrails shall be placed along parking spaces and drive aisles where slopes exceed 3:1. Curbing shall not be bituminous concrete.
- c. All utility connections shall be underground and constructed in accordance with the requirements of the town and other utility companies.
- d. Bollards shall be placed along the sides of the building exposed to vehicle traffic.
- e. Construction of structural best management practices to be performed by licensed drain layers.

#### 9. Access Connections

- a. Separation between access connections on all collector and arterials shall be based on the posted speed limit in accordance with the following table:

<i>Posted Speed Limit (MPH)</i>	<i>Access Connection Spacing (Feet)</i>
20	140
30	210
40	280
50	350

- b. The width of the access connections at the property line of the development shall not exceed 25 feet, unless the traffic impact study identifies, and the Planning Board agrees to, the need for turning lanes from the development onto the adjacent public road.

- c. The access connection shall provide a minimum distance of 40 feet in depth between the property line and the beginning of any parking areas, turning areas and/or stacking lanes within the development.
- d. For a site at an intersection where no alternatives exist, such as joint or cross access, the Planning Board may allow construction of an access connection at a location suitably removed from the intersection. In such cases, the applicant shall provide directional restrictions (i.e. right in/right out only and/or a restrictive median) as required by the Planning Board.

**10. Shared Driveways:** A system of joint use driveways and cross access easements shall be established wherever feasible and the proposed development shall incorporate the following:

- a. A service driveway or cross access corridor extending the width of the parcel.
- b. A design speed of ten mph and sufficient width to accommodate two-way travel aisles.
- c. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive. (A leveling area shall be provided having a grade of minus one percent for a distance of 30 feet, measured from the nearest exterior line of the intersecting street, to the point of vertical curvature.)

### **11. Drive-Through Facilities**

- a. Drive-through facilities shall provide a minimum of eight (8) stacking spaces (within the site) before the order board. The facility shall provide another four (4) stacking spaces between the order board and the transaction window. If the facility has two transaction windows the four (4) stacking spaces may be split between each of the windows. An additional stacking space shall be provided after the last transaction window(s).
- b. Each stacking space shall be a minimum of twenty (20) feet in length and ten (10) feet in width along straight portions. Stacking spaces and stacking lanes shall be a minimum of twelve (12) feet in width along curved segments.
- c. Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians.
- d. Entrances to stacking lane(s) shall be clearly marked and a minimum of sixty (60) feet from the intersection with the public street. The distance shall be measured from the property line along the street to the beginning of the entrance.
- e. Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent public streets. The circulation shall: (a) separate drive-through traffic from site circulation, (b) not impede or impair access into or out of parking spaces, (c) not impede or impair vehicle or pedestrian traffic movement, and (d) minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two. Stacking lanes shall not interfere with required loading and trash storage areas and loading or

trash operations shall not impede or impair vehicle movement. If said separate stacking lane is curbed, an emergency by-pass or exit shall be provided.

- f. Stacking lanes shall not enter or exit directly into a public right-of-way. Stacking lanes shall be integrated with the on-site circulation pattern.
- g. The intersection of stacking lanes and walk-in customer access shall be a minimum of fifty (50) feet from any access connections and/or transaction windows. Said intersections shall be provided with a crosswalk. These crosswalks shall use enriched paving and striping and include warning signage aimed at both the pedestrian and vehicle.
- h. Any outdoor service facilities (including menu boards, speakers, etc.) shall be a minimum of one hundred (100) feet from the property line of residential uses.
- i. Menu boards shall be a maximum of thirty (30) square feet with a maximum height of six (6) feet in height and shall be shielded from any public street and residential properties.

## 12. Utilities

- a. Except for preexisting overhead connections, all electric, telephone, cable TV and other such utilities shall be underground from the roadway utilities.
- b. In order to minimize design and permitting conflicts, the applicant must demonstrate that the proposed development will be permitted to connect to the public sewer, water, and other service systems. If sewerage is not currently installed, dry sewer will be required for all development located east of Interstate-95. If sewerage is to be treated on site, the application shall include, if completed, a copy of the plan submitted in accordance with the regulations of the Board of Health.
- c. Rooftop mechanical equipment shall be screened from view by roof forms or other appropriate screening devices.
- d. For all new utilities of sewer and water, they shall be brought to the furthest point of the subject property line on the right of way.
- e. The hydrant locations shall be approved by the Salisbury Fire Chief.

**13. Storm water runoff:** The site plan shall include adequate provisions for measures to prevent pollution of surface or groundwater, minimizing erosion and sedimentation, and measures to prevent changes in groundwater levels, increased run-off, and potential for flooding. Neighboring properties shall not be adversely affected by excessive run-off. The plan shall include:

- a. A plan consistent with the Massachusetts Stormwater Management Policy (SWMP), where the rate of surface water run-off from the site shall not be increased after construction. If needed to meet this requirement and maximize groundwater recharge, increased run-off from impervious surfaces shall be recharged on site by being diverted to vegetated surfaces for infiltration or through the use of subsurface infiltration systems, retention or detention ponds. Dry wells shall be used only where other methods are unfeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants

b. A detailed stormwater management plan will also be required.

**14. Water quality:** Groundwater recharge shall be maximized and groundwater quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drainpipes, reduction of paved areas, and reduction of building coverage. Installing grease traps, and/or gas/oil separators to improve water quality may also be required. Where the groundwater elevation is close to the surface extra site grading precautions may be taken to maintain the protective function of the overburden.

**15. Wetlands:** In order to minimize design and permitting conflicts, when wetland replacement or mitigation is required, the application shall include, a copy of the plan submitted in accordance with the regulations of the Salisbury Conservation Commission.

**16. Erosion Control:** Erosion and sedimentation control measures presented in the plan shall be adequate to retain all sediment within the site and away from wetlands, watercourses, and water bodies, both during and after construction.

### **17. Environmental Impact Assessment**

**Purpose:** To describe the impacts of the proposed development with respect to on-site and off-site environmental quality.  
To enable Town officials to determine and evaluate those methods to be used by the applicant to promote the environmental health of the community and to minimize the environmental degradation of the Town's natural resources

**Scope:** A written description of existing, general physical conditions of the site and a description of proposed measures for mitigation of any potential adverse impacts on the natural environment.

#### **Standards:**

- Emissions
- Soil runoff
- Earth removal
- Tree removal
- Noise Pollution
- Light Pollution

The Planning Board may waive in part or in whole any requirements contained in the Assessment, which it deems inapplicable to the project proposal. The applicant may wish to discuss the requirements with the Planning Board for preparation of the Statement prior to submission of a plan. The Planning Board can waive the EIS for projects that require a Massachusetts Environmental Policy Act (MEPA) review; however, the Planning Board may require specific information in the EIS that the Board deems was not adequately addressed in the MEPA review.

### **18. Community Impact Assessment**

**Purpose:** To evaluate the impact of the proposed project on Town services and surrounding neighborhood and the fiscal and economic impacts of the proposed development on the Town

**Scope:** A written description of:

- Site design and neighborhood impact

- Pedestrian impact
- Historic impact
- Infrastructure impact
- Proposed methods of mitigation for any adverse impacts
- Projections of costs arising from increased demands for public services and infrastructure
- Projections of benefits from increased tax revenues, employment (construction and permanent), and value of public infrastructure to be provided
- Projections of the impacts of the proposed development on the values of adjoining properties
- Five-year projection of Town revenues and costs resulting from the proposed development
- How the proposed project is in keeping with the Town of Salisbury Master Plan.

**Standards:** Design elements shall be compatible with the character and scale of neighboring properties and structures, existing local plans (if any):

- Location and configuration of proposed structures, parking areas and open space
- Outdoor lighting

## **19. Traffic Impact Assessment**

**Purpose:** To evaluate the impact of the proposed project on traffic patterns in the surrounding neighborhood.

**Scope:** Document the methodology and sources used to provide existing data and estimations:

- Existing traffic conditions
- Projected traffic conditions
- Projected traffic impact generated by the development
- Proposed mitigation

## **20. Appurtenant Structures for Large-Scale Ground-Mounted Solar Photovoltaic Structures**

**Height:** The height of appurtenant structures shall not exceed 20 feet.

**Setbacks:** Setbacks for appurtenant structures shall comply with the requirements of the underlying zoning districts.

**Building Coverage:** No more than 5% of the gross site area shall be occupied by enclosed buildings or appurtenant structures.

### **Screening**

Screening of appurtenant structure shall be provided where said structures abut a public way or are adjacent to a residential use zone but shall not be required where said structures are located on the interior of the facility. Screening shall not be required in such a manner as to inhibit access and maintenance of appurtenant structures.

#### D. After Approval

1. The Planning Board decision shall be recorded at the Registry of Deeds
2. Prior to Any Site Work permitted from the Site Plan Approval, the Applicant shall coordinate with the Planning Department a pre-construction meeting with the Town staff prior to the start of any construction to review any conditions posed and any and all final construction sequencing, details, and/or plans for the approval project. Commencement of construction includes any site clearing or grading. The limit of work lime for the particular area or phase being developed shall be demarcated at this time through the placement of temporary snow fence material and erosion control barriers. Periodic status reports (agreed upon at said pre-construction meeting) shall be submitted to the Town outlining the general status of the construction ad major milestones completed. Pre-construction meetings are to be done prior to each phase with updated construction schedules. If applicable, the Applicant shall furnish the following at the pre-construction meeting:
  - a. The centerline of the proposed roadway shall be staked.
  - b. The proposed limits of tree cutting are to be staked by applicant and inspected by the Town prior to any work on site. Trees marked “to be saved” shall have snow fencing around the perimeter of the drip line of each tree.
  - c. The Applicant shall provide a Construction Sequencing Plan, subject to the approval of the Town Engineering Consultant or designee.
  - d. Applicant shall have any of their required bonding in place.
  - e. Applicant shall furnish the Town with the MassDOT permit.

#### 2. Inspections Required

The Applicant shall contact the Planning Board and its duly authorized representative for inspections by the Planning Board’s Engineer regarding the following aspects, at the specified times:

1. Inspections shall be made of the project, as necessary, upon completion of all clearing, grubbing and excavation and all work incidental thereto, as may be required or implied herein. No fill shall have been placed at the time of this inspection.
2. An inspection shall be made of the completed drainage system as required or implied herein or on the approved definitive plan including: drain pipe, culverts, catch basins and all related construction. Backfill of any portion of the drainage system shall not be made until after receipt of satisfaction of approval or acceptance by the Planning Board’s Engineer and the Town’s Director of Public Works.
3. Inspections and testing shall be made of the completed water distribution system by the Town’s Water Department or its representative. The timing and number of inspections shall be determined by the Town’s Water Department.
4. Inspections and testing shall be made of the sewer system including but not limited to pipe installations and testing prior to tying into town system. The timing and number of inspections shall be determined by the Department of Public Works.
5. The inspection of the construction of the way shall include the inspection of the backfilling and compaction of all utility trenches including gas, electric and telephone, as may be installed by utility companies, and such work shall

be performed in the manner required by the Regulations. It shall be the Applicant's responsibility to ensure compliance with these requirements. If, in the opinion of the Planning Board, the backfilling and compaction of utility trenches have not been performed properly, including without limitation the use of frozen unsuitable material, the Planning Board may refuse to release the applicable subdivision surety until such work has been performed to the satisfaction of the Planning Board.

6. Inspections shall be made of the compacted fill as specified herein and shall be required to bring the site to the proposed grades. The Applicant shall certify the source of gravel for fill to the Planning Board's Engineer as soon as this information is known, so that samples may be taken and analyzed by the Planning Board's Engineer. The Applicant shall not proceed with filling operations until such time as the fill is determined by the Planning Board's Engineer, in writing, as acceptable. If the Applicant proceeds with filling prior to such determination, it shall be at the Applicant's risk that the Applicant shall be ordered to remove and replace the fill. The Applicant shall not use a gravel source other than the one designated without prior notice to the Planning Board's Engineer.
7. An inspection shall be made of the compacted roadway foundation as specified herein and gravel samples may be taken by the Planning Board's Engineer. An inspection shall be made of the bituminous concrete pavement for the roadway surface. Samples of the mix may be taken by the Planning Board's Engineer for purpose of performing an extraction test in order to compare samples with the job-mix formula provided on the trucker tickets.
8. An inspection shall be made of all work regarding sidewalks, curbing, grass plots, side slopes, monuments, bounds and street signs.
9. A final inspection shall be made to ensure that all work required by the endorsed definitive plan, the conditions of subdivision approval and the Regulations has been satisfactorily completed prior to final release of the subdivision surety. Soil testing as determined by the Planning Board's Engineer will be at the Applicant's expense.

This list is not exhaustive and other inspections may be required.

#### E. Certificate of Completion-Close-out

##### 1. As-Built Requirements

- a. Utilities shown, including description, size and type
- b. Benchmarks
- c. Granite bounds with pin (level at ground) shown at corners
- d. Footprint of building, other structures
- e. Location and elevation of catchbasin rims and inverts, manholes, drains.

## IV. Flexible Residential Design Requirements

The Planning Board is the Special Permit Granting Authority for the Flexible Residential Development Special Permit (FRD) found in Article X of the Town of Salisbury Zoning By-laws. The FRD By-law allows the Planning Board to adopt rules and regulations to implement the provisions of the By-law, including but not limited to specifying the content and number of required plans, application procedures, filing and review fees, design criteria, development standards, and other general requirements consistent with the By-law. In any case where the Rules and Regulations found below conflict with the actual Zoning, the Zoning By-law governs.

### Submission of Plans and Documents for Flexible Residential Design (FRD)

- A. Pre-Application:** For Flexible Residential Development (FRD) under Article X of the Zoning By-law, applicants are strongly encouraged to submit the following information to facilitate review and discussion of the FRD at the pre-application stage:
- 1. Site Context Map:** This map illustrates the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it should show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.
  - 2. Existing Conditions/Site Analysis Map:** This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map locates and describes noteworthy resources that should be left protected through sensitive subdivision layouts. These resources include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature un-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. By overlaying this plan onto a development plan the parties involved can clearly see where conservation priorities and desired development overlap or conflict.
  - 3. Site Visit:** Applicants are encouraged to request a site visit by the Planning Board and/or its agents in order to facilitate pre-application review of the FRD. If one is requested, the Planning Board shall invite the Conservation Commission and the Board of Health.
  - 4. Pre-application Conference:** If one is requested, the Planning Board shall invite a representative of the Conservation Commission, Board of Health, Department of Public Works and any Open Space Committee. The purpose of a pre-application review is to attempt to streamline the formal application process, to minimize the applicant's costs of engineering and other technical experts, and to commence discussions with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed FRD and the yield based on a conventional subdivision buildout, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application.

5. **Design Standards:** The design process and standards set forth below in Section 5 should be discussed by the parties at the pre-application conference and site visit.

## **B. Sketch Plan**

The Sketch Plan, submitted as part of the FRD Special Permit Plan under §300-49 of the FRD By-law, shall follow the quality standards and include the components listed below:

1. The Sketch Plan shall be prepared by a certified landscape architect or Qualified Design Team, and shall identify the Primary Conservation Areas, Secondary Conservation Areas, general features of the land, approximate configurations of the lots, open space, and roadways, and shall also include the information listed in the Subdivision Rules and Regulations to the extent applicable. The proposed development as identified on the Sketch Plan shall reflect and incorporate the Four-Step Design Process set forth in §300-48 of the Town of Salisbury's Zoning By-Law, and the design standards set forth in Subsections D & E below.
2. The **Sketch Plan** shall include the following:
  - a. The subdivision name, boundaries, north point, date, legend, title "Sketch Plan," and scale.
  - b. The names of the record owner and the applicant, and the name of the Landscape Architect and/or Qualified Design Team that prepared the plan.
  - c. The names, approximate location, and widths of adjacent streets.
  - d. The proposed topography of the land shown at a contour interval no greater than 5 feet. Elevations shall be referred to mean sea level.
  - e. The location of existing landscape features including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archeological and historic structures/remains or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major long views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as primary and secondary resources according to §300-48.A of the FRD in the Salisbury Zoning By-law. Proposals for all site features to be preserved, demolished, or moved shall be noted on the Sketch Plan.
  - f. All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified and all wetland flag locations shall be numbered and placed upon the Sketch Plan.
  - g. Lines showing proposed private residential lots, as located during Step-Four, §300-48.D of the Salisbury Zoning By-law, with approximate areas and frontage dimensions.
  - h. All existing and proposed features and amenities including trails, recreation areas, pedestrian and bicycle paths, community buildings, off-street parking areas, shall be shown on the plan and described in a brief narrative explanation where appropriate.

- i. The existing and proposed lines of streets, ways, common driveways, easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the subdivision in a general manner.
- j. Proposed roadway grades.
- k. Official soil percolation tests for the purpose of locating wastewater treatment options are not required for the Special Permit Plan. However, a narrative explanation shall be prepared by a certified Professional Engineer detailing the proposed wastewater systems that will be utilized by the development and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether individual on-site or off-site systems, shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized.
- l. A narrative explanation prepared by a certified Professional Engineer proposing systems for stormwater drainage and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether soft or hard engineering methods will be used and the number of any detention/retention basins or infiltrating catch basins; it is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. The approximate location of any stormwater management detention/retention basins shall be shown on the plan and accompanied by a conceptual landscaping plan.
- m. A narrative explanation prepared by a certified Professional Engineer, detailing the proposed drinking water supply system.
- n. A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Open space parcels shall be clearly shown on the plan.
- o. All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.
- p. A list of all legal documents necessary for implementation of the proposed development, including any Individual Deed Restrictions, Conservation Restrictions, land transfers, and Master Deeds, with an accompanying narrative explaining their general purpose.
- q. A narrative indicating all requested waivers, reductions, and/or modifications as permitted under the FRD of the Salisbury Zoning By-law.

**C. Conventional Subdivision Yield Plan**

1. The Conventional Subdivision Yield Plan (Yield Plan) shall depict the basic number of lots/dwelling units as described in §300-50 of the Salisbury Zoning By-law (Basic Maximum Number of lots/units/bedrooms). The applicant shall submit a narrative explanation detailing the results of the determination of any proposed allocation of yield.
2. The **Yield Plan** shall include the following:

- a. The subdivision name, boundaries, north point, date, legend, title “Yield Plan,” and scale. The names of the record owner and the applicant, and the name of the Engineer, Surveyor, and/or Qualified Design Team that prepared the plan.
- b. Names of all abutters as they appear in the most recent Assessor's records, including owners of land separated from the subdivision by a street.
- c. Assessor's Map and Parcel Numbers for all land shown on the plan.
- d. Zoning District Boundaries and the zoning dimensional requirements for each zone shown on the plan.
- e. The names, approximate location, and widths of adjacent existing streets.
- f. The proposed topography of the land shown at a contour interval no greater than 5 feet. Elevations shall be referred to mean sea level.
- g. All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified and all wetland flag locations shall be numbered and placed upon the Sketch Plan.
- h. The existing and proposed lines of streets, lots, rights-of-ways, easements, and public or common areas within the subdivision.
- i. Proposed roadway grades.
- j. Official soil percolation tests for the purpose of locating wastewater treatment options may be required at the discretion of the Planning Board on certain parcels where the feasibility of locating wastewater treatment systems may be uncertain.
- k. A narrative indicating all requested waivers, reductions, and/or modifications as permitted by the various By-laws and regulations governing the subdivision.

**D. General Design Standards:**

- 1. The landscape should be preserved in its natural state in so far as practical. Tree and soil removal shall be minimized. Native and non-invasive trees with a caliper greater than twenty (20) inches (measured at four feet) shall not be removed unless such removal is consistent with the purposes and intent of this Section. Any grade changes shall be in keeping with the general appearance of the neighboring undeveloped and developed areas. Individual building sites shall be oriented so as to maintain maximum natural topography and to take advantage of natural drainage patterns.
- 2. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel. Particular attention shall be paid to seamlessly integrating new streets into the existing street pattern as appropriate.
- 3. All proposed landscaping shall be designed to complement and add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties and public ways.

4. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized, whether these exist on the site or on adjacent properties.

**E. Site Specific Design Standards:**

1. **Mix of Housing Types:** The FRD may consist of a combination of single-family and multi-family residential structures. Except for those FRD's composed of the housing type specified in §300-55.C of Salisbury's Zoning FRD By-law, multifamily structures shall not contain more than two (2) dwelling units and shall be of the townhouse style and be designed to appear to be single family homes by limiting each elevation to a maximum of one main entrance, and two garage doors.
2. **Parking:** Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation. All parking areas with greater than four (4) spaces shall be screened from public view.
3. **Buffer Areas:** A buffer area of at least twenty-five (25) feet shall be provided at the perimeter of the development tract where it abuts residentially zoned or residentially occupied properties. A buffer area of at least one hundred (100) feet shall be provided from natural and/or recreational resource areas such as wetlands, intermittent streams, agricultural or recreational fields, and land held for conservation purposes, except as noted below. A two hundred (200) foot buffer must be maintained from perennial streams, except to the extent otherwise permitted by the Salisbury Conservation Commission. Driveways necessary for access and egress to and from the tract may cross such buffer areas. No native or non-invasive vegetation in this buffer area shall be disturbed, destroyed, or removed, except for normal maintenance of structures or in connection with landscaping approved by the Planning Board as part of the project. The Planning Board may waive these buffer requirements to the extent it determines that a smaller buffer (or no buffer) will substantially further the goals of this Section and otherwise be in the best interests of the community. Any such waiver decisions shall be made in consultation with the Conservation Commission where the Commission's jurisdiction is applicable.
4. **Drainage:** The Planning Board shall encourage the use of "soft" (non-structural) natural stormwater management techniques (such as rain gardens and open grass and bio-retention swales) and other drainage techniques that do not create impervious surface and that enable infiltration where appropriate. Stormwater should be treated at the source to limit nonsource pollution. Water conservation measures, including but not limited to the use of rainwater retention systems, such as rain barrels and cisterns for water irrigation purposes, are also strongly encouraged.
5. **Screening and Landscaping:** All structural surface stormwater management facilities shall be accompanied by a landscape plan. The landscape plan shall not include invasive plant species and shall include species that are drought tolerant and provide habitat value. Native plant species are strongly encouraged. In ground sprinkler systems are strongly discouraged.
6. **Common/Shared Driveways:** A common or shared driveway may serve a maximum number of 4 dwelling units. The Planning Board may increase this number if it

determines that a larger number will substantially further the purposes and intent of the FRD of the Zoning By-law and otherwise be in the best interests of the community.

7. **On-site Pedestrian and Bicycle Circulation:** Walkways and bicycle paths shall be provided to link residences with parking areas, existing trails and streets, recreation facilities (including parkland and open space) and adjacent land uses where appropriate.
8. **Disturbed Areas:** Not more than fifty percent (50%) of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state. The Planning Board may allow a greater area of temporary disturbance to the extent it determines that doing so will substantially further the purposes and intent of the FRD in the Zoning By-law and otherwise be in the best interests of the community.

**SALISBURY PLANNING BOARD  
RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND  
October 9, 2013**

## TABLE OF CONTENTS

<b>Section 1.0.</b>	<b>PURPOSE AND AUTHORITY</b>	<b>30</b>
<b>Section 2.0</b>	<b>DEFINITIONS</b>	<b>31</b>
<b>Section 3.0</b>	<b>GENERAL REGULATIONS</b>	<b>35</b>
<b>Section 4.0</b>	<b>APPROVAL NOT REQUIRED PLANS</b>	<b>39</b>
<b>Section 5.0</b>	<b>PRELIMINARY PLANS</b>	<b>43</b>
<b>Section 6.0</b>	<b>DEFINITIVE PLANS</b>	<b>46</b>
<b>Section 7.0</b>	<b>DESIGN STANDARDS FOR DEFINITIVE PLANS</b>	<b>59</b>
<b>Section 8.0</b>	<b>CONSTRUCTION OF DEFINITIVE SUBDIVISIONS</b>	<b>73</b>
<b>Section 9.0</b>	<b>MANDATORY CONDITIONS OF APPROVAL</b>	<b>79</b>
<b>Section 10.0</b>	<b>SUBDIVISION SURETY</b>	<b>83</b>
<b>Section 11.0</b>	<b>SUPERVISION OF CONSTRUCTION</b>	<b>87</b>
<b>Tables</b>		
<b>Appendix A</b>	<b>Street Suffix Designations</b>	<b>98</b>
<b>Appendix B</b>	<b>Applications/Forms</b>	<b>99</b>
<b>Appendix C</b>	<b>Checklists</b>	<b>125</b>
<b>Appendix D</b>	<b>Surety Forms</b>	<b>130</b>
<b>Appendix E</b>	<b>Inclusionary Zoning Documents</b>	<b>143</b>
<b>Appendix F</b>	<b>Procedure</b>	<b>147</b>
<b>Appendix G</b>	<b>Salisbury Street Acceptance Procedure</b>	<b>140</b>

## **SECTION 1.0 PURPOSE AND AUTHORITY**

**1.1 PURPOSE.** These Subdivision Rules and Regulations (the “Regulations”) are enacted in accordance with the provisions of the Subdivision Control Law, G.L. c. 41, §81M and §81Q, and for all of the purposes stated therein, including but not limited to protecting the safety, convenience, and welfare of the inhabitants of the Town of Salisbury, by regulating the laying out and construction of ways in subdivisions which provide 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 Planning Board shall exercise its powers under the Regulations and the Subdivision Control Law with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for the lessening of congestion in such ways and in the adjacent public ways; for securing safety in the case of fire, flood, panic, and other emergencies; for insuring compliance with the Town of Salisbury’s Zoning By-law; for securing adequate provisions for water, sewerage, drainage, underground utility services, fire, police, and other municipal equipment and services; and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the town, and with the ways in neighboring subdivisions.

**1.2 AUTHORITY.** The Regulations have been adopted under G.L. c. 41, §81Q. The Planning Board shall administer the Regulations and have all of the powers assigned to it under G.L. c. 41, §§81K to 81GG, inclusive (the “Subdivision Control Law”).

**1.3 AMENDMENTS.** The Regulations or any portion may be amended, supplemented, or repealed from time to time by the Planning Board under G.L. c. 41, §81Q.

**1.4 SEVERABILITY.** The final determination of the invalidity of any section, subsection or provision of the Regulations shall not invalidate any other section, subsection or provision thereof. If any provision of the Regulations is finally determined by a court of competent jurisdiction to be invalid as applied in a particular case, all other applications of such provisions to other cases shall not be affected thereby.

## SECTION 2.0 DEFINITIONS

For the purposes of the Regulations the following words and terms used herein shall have the meanings set forth below. Where a term is defined in the Subdivision Control Law or the Salisbury Zoning By-Law and not herein, such definition shall be incorporated by reference herein. Other terms or words or phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such other terms or phrases as may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

**AASHTO:** Standard Specifications for highway materials and methods of sampling testing adopted by the American Association of State Highway Transportation Officials.

**Abutter:** (a) an owner of land that shares a common property line with the owner(s) of land that is the subject of a subdivision application; and (b) an owner of land that is directly across a way from the land that is the subject of a subdivision application.

**ACI:** The American Concrete Institute.

**Applicant:** The individual or individuals seeking definitive subdivision approval or endorsement that subdivision approval is not required from the Planning Board. The term “Applicant” shall include the Applicant’s successor in interest, and the Applicant’s agents, servants and employees and shall include any engineer, contractor and subcontractor engaged by the Applicant.

**Approval Not Required Plan (ANR):** A plan of a proposed division of land submitted to the Planning Board for its endorsement under G.L. c. 41, §81L and §81P and prepared in accordance with the requirements set forth under Regulation §4.0.

**ASTM:** The American Society for Testing Materials.

**Board of Health:** The Town of Salisbury Board of Health.

**Building Code:** Most recent Massachusetts Building Code (780 CMR) and Massachusetts Highway Construction Code.

**Conservation Commission:** The Town of Salisbury Conservation Commission.

**Construction Management Plan:** See §6.4.4.

**Dwelling:** As defined in the Salisbury Zoning By-law

**Definitive Plan:** The plan of a proposed subdivision, prepared under Regulation §6.0, submitted to the Planning Board for approval under the Subdivision Control Law.

**Department of Public Works:** The Town of Salisbury Department of Public Works.

**Easement:** A right acquired for the use or control of property of another for designated purposes.

**Engineer:** A professional civil engineer who is registered to practice in the Commonwealth of Massachusetts.

**Frontage:** As defined and regulated under the Salisbury Zoning By-law.

**Homeowners Association:** A homeowners association trust formed to accept and hold interests in real property, and perform certain obligations with respect to such real property, for the benefit of the lot owners of a subdivision, as set forth herein.

**Land Surveyor:** A professional land surveyor who is licensed to practice in the Commonwealth of Massachusetts.

**Level of Service (“LOS”):** The measurement of the efficiency and adequacy of a roadway segment or intersection to handle the existing or proposed traffic flows, based upon existing or expected trip generation. The LOS shall be calculated based on the methodology of the most recent edition of the Transportation Research Board “Highway Capacity Manual.” An “Adequate LOS” shall be (1) LOS “D” or better on every approach for residential roadways; (2) LOS “C” or better for residential roadways; or (3) as otherwise designated by the Town.

**Lot:** As defined and regulated under the Salisbury Zoning By-law.

**Lot, corner:** As defined and regulated under the Salisbury Zoning By-law and which shall include a lot which has legal frontage on both a public or private way and on a proposed subdivision way, and which shall be shown on any proposed subdivision plan and shall be considered a part of said plan.

**MCP:** The most recent Manual of Concrete Practice published by the American Concrete Institute.

**Massachusetts General Laws or G.L.:** The General Laws of the Commonwealth of Massachusetts, with all additions thereto and amendments thereof. In the case of a rearrangement of the General Laws, any citation of particular sections herein set forth shall be applicable to the corresponding sections in the new codification.

**Municipal Services:** Public utilities furnished by the Town of Salisbury and proposed for a subdivision, including but not limited to sanitary sewers or septic systems, surface and subsurface water drains, water pipes, gas pipes, electric lines, street lighting, telephone lines, fire alarm lines, communication cables, and their respective appurtenances.

**Owner:** All of the persons holding the ultimate fee simple title to the land depicted on a definitive subdivision plan or approval not required plan, as shown by the record in the

appropriate Land Registration Office, Registry of Deeds, or Registry of Probate. The term “owner” shall include any successor in interest.

**Person:** An individual, partnership, trust, corporation, or two or more individuals or a group or association of individuals or other legal entity.

**Planning Board:** The Planning Board of the Town of Salisbury.

**Planning Board’s Engineer/Surveyor:** A professional civil engineer/land surveyor who is licensed to practice in the Commonwealth of Massachusetts, designated by the Planning Board to act as its technical consultant and to provide the Planning Board with engineering assistance or data as requested by the Planning Board.

**Potable Water Supply:** Water provided by the Town of Salisbury.

**Preliminary Plan:** A plan for a proposed subdivision or resubdivision of land prepared in accordance with Regulation §5.0.

**Print:** A clear contact print, dark line on a white background.

**Professional Civil Engineer:** A professional civil engineer who is licensed to practice in the Commonwealth of Massachusetts.

**Regulations or Rules and Regulations:** The Rules and Regulations promulgated and adopted by the Planning Board under G.L. c. 41, §81Q.

**Roadway or Street:** That portion of any way, right-of-way or street layout which has been designed and constructed to serve vehicular traffic for one or more lots. This term shall not include a driveway or common driveway or any other way that is not a public way or a way that has not been approved under the Subdivision Control Law.

**Roadway or Street Categories:**

Commercial or Industrial Street: A street, which is being used or will be used to serve as access to a business or industrial subdivision.

Dead-End Street: A street or a combination of streets with only one means of through ingress or egress to a public way or through intersecting way and with a maximum length of not more than 550 feet as measured from the centerline of the intersection of the nearest through public way to the furthest edge of pavement, except in the case of a cul de sac, to the center point of the cul de sac.

Private or Unaccepted Way: A street, which has not been accepted as a public way.

Residential Street: A street, which is being used or will be used to serve a residential subdivision.

**Sanitary Sewer Supply:** Municipal sewer piping network routed to the Waste Water Treatment Plant (WWTP).

**Sewer Commission:** The Town of Salisbury Sewer Commission.

**State Highway Standards:** The most recent Massachusetts Standard Specifications for Highways, Bridges and Waterways as adopted by the Massachusetts Department of Public Works or Massachusetts Highway Department.

**Structure:** As defined and regulated under the Salisbury Zoning By-law.

**Subdivision:** As defined under G.L. c.41, §81L.

**Subdivision Control Law:** G.L. c. 41, §§81K to 81GG, inclusive, and any amendments thereof, additions thereto, or substitutions therefore.

**Town:** The Town of Salisbury.

**Trip Generation:** The expected number of vehicular trips to and from any given type of land use activity or development. Trip generation figures shall be calculated using the methodology and statistics presented in the most recent edition of the Institute of Transportation Engineers “Trip Generation.”

**Way:** The full strip of land designated as a way, including the full right of way layout and any planting strips or sidewalks. A designated way shall be available only for such uses as are customary for ways in the Town, and shall not be available for any private construction such as buildings, fuel tanks, septic systems, fences, or walls.

**Wetlands:** All land protected pursuant to G.L. c. 131, §40 and all land protected under the Town’s Zoning By-law and the Town’s Wetlands Protection By-law.

**Zoning By-Law:** The Zoning By-law of the Town of Salisbury.

## SECTION 3.0 GENERAL REGULATIONS

The following regulations shall apply in all circumstances governed by the Subdivision Control Law.

**3.1 Applicability.** Any person desiring to divide or subdivide land shall, before proceeding with the improvement or sale of lots in the division or subdivision, or the construction of ways or the installation of Municipal Services therein, submit to the Planning Board a plan of such division or subdivision pursuant to the Subdivision Control Law and the Regulations and secure approval or endorsement by the Planning Board as hereinafter provided.

**3.2 Applications and Submittals.** Any application for approval or endorsement, required plan, required submittal, and required fee shall comply in all respects with the provisions of the Regulations. No plan shall be approved or endorsed by the Planning Board until said plan, together with all required applications, forms, fees, lists and other items have been duly submitted by the Applicant, and are properly executed and fully completed in accordance with the Regulations. Where the Applicant fails to comply with the Regulations, the Planning Board may reject the application after detailing the ways in which said application and plan do not conform as required under G.L. c.41, §§81P and 81U.

**3.3 Compliance with the Planning Board's Rules and Regulations.** Any proposed division and any proposed subdivision of land shall comply in all respects with the Regulations, unless the Planning Board authorizes an express waiver therefrom in specified and authorized instances in accordance with the requirements set forth under G.L. c.41, §81R and does so in writing.

**3.4 Waivers.** Strict compliance with the Regulations governing the subdivision of land may be waived under G.L. c.41, §81R, provided that the Planning Board determines that, in its judgment, in the particular case at issue, waiver of strict compliance would be in the public interest and not inconsistent with the Subdivision Control Law.

**3.5 Issuance of Building Permits.** As mandated under G.L. c.41, §81Y, ¶2, the Building Inspector shall not issue any permit for erection of a building until first satisfied that:

- (a) The lot on which the building is to be erected is not within a subdivision that requires approval under the Subdivision Control Law; or
- (b) The way, which furnishes the access to the lot within a subdivision as required by the subdivision control law, is shown on a recorded plan or entitled to be recorded under G.L. c.41, §81X; and
- (c) Any conditions endorsed on a subdivision plan that limit the right to erect or maintain buildings on such lot have been satisfied or waived by the Planning Board; and

(d) In the event that the Planning Board has by rule or regulation required that not more than one building for dwelling purposes be erected or placed or converted to use as such on any lot without its consent, until the Building Inspector is satisfied that such consent has been obtained.

(e) All other conditions imposed by the Town are satisfactorily satisfied

**3.6 Planning Board Procedures.** The Planning Board shall be responsible for the division or subdivision of land, as set forth in G.L. c. 41, §81N.

**3.6.1 Scheduling of Meetings.** The Planning Board shall schedule and hold meetings at such a place and on such dates and times as may be designated by notice filed with the Town Clerk at least 48 hours in advance as required under G.L. c.39, §23B.

**3.6.2 Public Meeting Procedures.** All meetings of the Planning Board shall be public, unless conducted in executive session, and shall be conducted formally under the direction of the Chair or the Chair's designee and only when a quorum of the Board is in attendance. Less than a quorum of the Planning Board may reschedule meetings or take action that is required to indicate that a quorum was not present.

All Applicants and all other persons desiring to submit a petition or to be heard, shall address the Planning Board only upon being properly recognized by the Chair and shall direct all testimony to the Chair. All spectators at a meeting of the Planning Board shall respect the desire of the Chair to conduct business in an orderly manner. No person shall address a public meeting of the Planning Board without permission of the presiding officer. All persons shall, at the request of the presiding officer, be silent. If, after warning from the presiding officer, a person persists in disorderly behavior, the presiding officer may order that person to withdraw from the meeting and, if the disorderly person does not withdraw, the presiding officer may order a law enforcement officer or any other person to remove the disorderly person and confine said person in some convenient place until the meeting is adjourned. G.L. c.39, §23C.

**3.6.3.1 Executive Sessions.** Executive sessions of the Planning Board may be held as authorized by the Open Meeting Law, G.L. c.39, §23B.

**3.6.4 Public Hearing Procedures.** All comments or information, documents, plans and letters received during a public hearing shall be taken into consideration by the Planning Board in making a decision on a pending matter.

**3.6.5 Records.** The records of the Planning Board shall be public records as provided for under state law. Maintenance of such records shall be consistent with the requirements of G. L. c. 39, §§ 23A and 23B.

**3.7 Professional and Technical Assistance.** Pursuant to G.L. c. 41, §81Q and G.L. c.44, §53G, the Planning Board may assign as its agents appropriate Town officials and/or may hire professional technical consultants for the purpose of reviewing plans and inspecting improvements at the cost of the Applicant. The selection of an outside

consultant shall be subject to an administrative appeal to the Board of Selectmen, but such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications as set forth under G.L. c.44, §53G.

**3.8 Fees.** The fees, Part 1 Rules and Regulations, Article II Fees, are hereby adopted under G.L. c.41 and G.L. c.44, §53G and shall apply to the submittal of application materials of the various plans specified in the Regulations, to cover the Planning Board's costs of processing applications, obtaining expert technical review, and inspecting work.

**3.9 Modification, Amendment or Rescission of Subdivisions.** The Planning Board, on its own motion or on the petition of any interested person, shall have the power to modify, amend, or rescind its approval of a definitive plan of a subdivision, or to require a change in a definitive plan of a subdivision as a condition of its retaining the status of an approved plan, after due notice and opportunity to the owner to be heard in accordance with G.L. c. 41, §81W.

No modification, amendment or rescission of the approval of a plan of a subdivision or changes in such plan shall affect the lots in such subdivision which have been sold or mortgaged in good faith and for a valuable consideration subsequent to the approval of such plan, or any rights appurtenant thereto, without the consent of the owner of such lots, and of the holder of the mortgage or mortgages, if any, thereon; provided, however, that nothing herein shall be deemed to prohibit such modification, amendment or rescission when there has been a sale to a single grantee of either the entire parcel of land shown on the subdivision plan or of all the lots not previously released by the Planning Board.

**3.10 Dwelling Limitation.** Not more than one dwelling shall be erected, or placed, or converted to use as a dwelling on any lot in a subdivision or elsewhere in the Town without the consent of the Planning Board and such consent shall be conditioned upon provision of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision. G.L. c.41, §81Q, ¶1 and §81Y, ¶2. This regulation applies to all land in the Town, even if it is not being subdivided.

**3.10.1 Lot Limitation.** No lot may be added to an approved subdivision without obtaining further subdivision approval under G.L. c.41, §81W.

**3.11. Access Adequacy Regulations.** Plans shall be endorsed as not requiring approval under the Subdivision Control Law and definitive subdivision plans shall be approved only if each building lot to be created by such plan has adequate access and egress as intended under the Subdivision Control Law.

**3.11.1. Standards of Adequacy of Access.** The following standards of adequacy of access shall be followed

- 1) **ANR Site.** A way providing access to lots proposed on a plan submitted pursuant to G.L. c. 41, §81P shall be considered adequate access only if said way meets the requirements of G.L. c. 41 §81L ¶13 .
- 2) **Within a Subdivision.** A street depicted on a proposed subdivision plan shall be considered adequate access only if it complies with the standards established in the Regulations or has received proper waivers therefrom.
- 3) **To a Subdivision.** Adjacent, existing ways that would provide access to streets within a proposed subdivision shall be considered to provide adequate access to the proposed subdivision only if such adjacent, existing ways meet the standards set forth herein for width of right of way, construction, drainage, pavement width, sight distance, and maximum grade.

**3.11.2. Obligations of Applicant to Make Improvements.** The Planning Board may require appropriate and reasonable improvements in adjacent streets and ways to minimize congestion, to insure safe and adequate access to the proposed subdivision and to insure safe and adequate vehicular and pedestrian travel in a coordinated system of streets and ways in Salisbury and connecting to adjacent municipalities. The Planning Board may require, as a condition of its approval of a definitive subdivision plan, that the Applicant shall dedicate or acquire and then dedicate an easement or a strip of land for the purpose of widening existing ways to a width as required in the Regulations and that the Applicant shall make physical improvements within such way or compensate the Town for the cost of such improvements in order to meet the standards specified above.

## **SECTION 4.0 APPROVAL NOT REQUIRED PLANS**

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, or the Town if the Town so requires, and who believes that such plan does not require approval under the Subdivision Control Law, pursuant to G.L. c. 41, §81L and §81P, may submit such an Approval Not Required or ANR Plan to the Planning Board and request that the plan be endorsed “Approval Not Required Under the Subdivision Control Law.”

**4.1 Application Requirements.** An Applicant submitting an ANR Plan to the Planning Board for consideration shall provide an application to the Planning Board as set forth below.

**4.1.1 Application Form and Copies.** An ANR Plan Applicant shall submit an application on Planning Board Form A (Appendix B. Form A.), together with:

- (a) One original and two copies of the application and deed;
- (b) Four copies of the ANR Plan
- (c) A Mylar of the ANR Plan capable of being reproduced, and containing the stamp and signature of the appropriate professional; and
- (d) All the necessary evidence to show that said ANR Plan does not require subdivision approval.

**4.1.2 Required Signatures on Application.** The Form A (ANR) application shall be signed by the Applicant and the owner(s) of record of all the land proposed to be divided by the ANR Plan. The application shall be signed under oath and shall certify that all of the owners of record have executed the application. In addition, the professional engineer and/or surveyor who prepared the plan shall sign the application and certify that the plan (referring to the date and last revision date of the plan submitted), as prepared, to the best of his/her knowledge, conforms to all of requirements of the Regulations.

**4.1.3 Required Application Fee.** An ANR Plan Applicant shall submit the required fee, as set forth in Part 1 Rules and Regulations Article II FEES, with the Form A Application.

**4.1.4 Delivery of Application.** An ANR Plan shall be submitted to the Planning Board (See, G.L. c.41, §§81O, 81P and 81T.)

**4.1.5 Filing with Town Clerk.** An ANR Plan Applicant may file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission of such a plan to the Planning Board under G.L. c.41, §81T.

**4.1.6 Effective Date of Subdivision Control Law.** The Town accepted the provisions of the Subdivision Control Law on January 1, 2009.

**4.2 ANR Plan Requirements.** An ANR Plan shall satisfy all of the requirements set forth as follows:

**4.2.1 Preparation.** An ANR Plan shall be twenty-four inches by thirty six inches (24" x 36") provided, that if determined to be appropriate by the Planning Director size may be reduced to eighteen inches by twenty four inches (18" X 24"), and shall be drawn at a minimum scale of one inch equals forty feet (1"=40').

**4.2.2 Contents.** An ANR Plan shall contain, but shall not necessarily be limited to, the following information and shall be based upon an on the ground survey:

1. Name, address, telephone number and e-mail address of the Applicant and each owner of record for the land to be divided under the ANR Plan.
2. North point.
3. Date of ground survey performed and stamp and signature of the registered professional who prepared said plan.
4. Name, address and seal of the Professional Civil Engineer or Land Surveyor who prepared, signed and stamped said plan.
5. Names and addresses of all abutters from the most recent Town tax list.
6. The Assessors Map reference for the land proposed to be divided.
7. Existing and proposed boundary lines, dimensions and areas of each of the parcels and lots shown on said plan, with all bounds, keyed into the Massachusetts State Plane Coordinate System. If the division is within 500 feet of a highway or road which has been laid out by the Town of Salisbury, Essex County Commissioners, or the Massachusetts Department of Public Works, the division shall also be tied into two or more permanent points or bounds of the existing highway or road by bearing and distance.
8. Existing and proposed lines of streets, ways and easements and whether each is a public or private way.
9. Zoning classification and location of any zoning district boundaries that may lie within the locus.
10. Any present or proposed public areas within the property.
11. Location of all existing buildings or structures, if any, including setback and side and rear yard designations of any existing structures on any remaining adjoining land owned by the Applicant and dimensions of yards relating to such structures. A note shall be placed on the plan as follows:  
Endorsement of this plan shall not be deemed to be a verification of the location of the structures shown or setbacks indicated.
12. Proposed or existing permanent monuments.
13. A locus map at a minimum scale of 1" = 1000' extending a minimum of one-half mile beyond the property limits.
14. Remaining land in the ownership of the Applicant, if any; if applicable, the Applicant shall furnish evidence on the plan indicating that the

adjoining land has adequate frontage for later development. If the remaining land does not have adequate frontage, a note saying “Not to be considered a building lot for the purpose of the Subdivision Control Laws and no building shall occur on the lot until further approval is obtained from the Planning Board pursuant to Subdivision Control Law.”

15. Location of any easement, public or private, across the land, with a designation as to the use of the same.
16. A signature block shall be placed on the plan that provides sufficient space for the date of endorsement and the signatures of the members of the Planning Board.
17. In any instance in which ANR endorsement of a plan is sought based upon the assertion that the plan show a division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect into separate lots on each of which one of such buildings remains standing, under G.L. c.41, §81L, ¶13, the Applicant shall provide information to satisfy the Planning Board that:
  - A. The buildings are presently substantial in nature.
  - B. The buildings were substantial in nature and in existence on or before February 9, 1953.
  - C. The buildings were on the same tract of land on or before February 9, 1953.
  - D. Each of the new parcels to be created for each of the buildings will qualify as a “lot” within the meaning of G.L. c.41, §81L.

In the event that the Planning Board votes to endorse such an ANR Plan, a note shall be placed on each of the new parcels created as follows:

This parcel was created as a separate parcel under G.L. c.41, §81L, ¶13 and that endorsement does not indicate compliance with zoning requirements.

18. A note shall be placed on every ANR Plan as follows: “Approval Under the Subdivision Control Law Not Required”.
19. A note shall be placed on every ANR Plan as follows: “Endorsement of this plan shall not be an indication, express or implied, that the parcels or structures shown on this plan conform to applicable zoning, Conservation Commission or Board of Health requirements.”
20. If a parcel is shown on the plan is to be severed from or joined with an existing lot, leaving both with the required frontage, a note should be placed on the plan stating that the parcel is to be “conveyed and combined” with the subject parcel.

**4.3 Planning Board Action.** The Planning Board or its authorized agent shall review the ANR Plan to determine whether it is a subdivision within the meaning of the Subdivision Control Law and whether it conforms to the standards for endorsement of an ANR Plan.

**4.3.1 Endorsement.** If the Planning Board or its authorized agent determines that the ANR Plan does not require approval under the Subdivision Control Law, a majority of the Planning Board or its Clerk or authorized agent shall, without a public hearing and within twenty-one (21) days of submission, endorse on the plan the words “Approval under the Subdivision Control Law Not Required,” together with any reasonable notations to indicate that: (1) endorsement shall not constitute a determination as to zoning compliance; (2) in particular cases, that zoning relief shall be required.

**4.3.2 Denial of Endorsement.** If the Planning Board or its authorized agent determines that an ANR Plan does require approval under the Subdivision Control Law or does not conform to the standards for endorsement hereunder, it shall within 21 days of submission of said plan, notify the Applicant and the Town Clerk in writing that in the Planning Board’s or its authorized agent’s opinion the plan requires approval under the Subdivision Control Laws or does not conform to the applicable Regulations and cannot be endorsed and return the Mylar plan to the Applicant.

**4.3.3 Constructive Endorsement.** The failure of the Planning Board or its authorized agent to take final action to endorse or refuse endorsement for a plan submitted under G.L. c.41, §§81L and 81P may result in a constructive endorsement as provided for by state law.

**4.4 Distribution of Prints and Original Tracing.** One copy of the endorsed ANR Plan shall be retained by the Planning Board for its files and a copy shall be forwarded to each of the Assessor and Building Departments. The Mylar shall be returned to the Applicant for recording in the Southern Essex District of Deeds or for registration with the Land Court. No construction shall commence in accordance with the endorsed ANR Plan until it has been duly recorded and the Planning Board notified of recording.

## **SECTION 5.0 PRELIMINARY SUBDIVISION PLANS**

A preliminary subdivision plan may be submitted by an Applicant, pursuant to G.L. c. 41, §81S, to the Planning Board for discussion and approval, modification, or disapproval. All nonresidential subdivisions must submit a preliminary plan.

**5.1 Purpose.** The purpose of a preliminary plan is to provide a prospective Applicant with an opportunity to acquaint the Planning Board with the Applicant's intentions and allow an informal discussion of the plan. This procedure allows recommended changes to be conveniently incorporated into the preliminary plan prior to the development of the final plans. It is recommended that a preliminary plan be filed in every case and is required for a nonresidential subdivision under G.L. c. 41, §81S, ¶2.

**5.2 Pre-Application.** Prior to investing in extensive professional design costs for preparation of a preliminary plan, the Applicant may review the proposed development of the parcel of land with the Planning Board at a public meeting, in order to explore general conditions involving the site and to discuss potential problems. Pencil sketches, which need not be professionally prepared, will assist in this discussion, and should show the critical features of the preliminary plan. Neither the Applicant nor the Planning Board shall be bound by the discussions and no binding waivers of the Regulations can be made.

**5.3 Effect.** The submission of a preliminary plan to the Planning Board shall not be deemed submission of a definitive subdivision plan for approval by the Planning Board under G.L. c.41, §81U.

**5.4 Preliminary Plan Application Requirements.** An Applicant submitting a preliminary plan of a subdivision for consideration shall provide an application as set forth below.

**5.4.1 Application Form and Copies.** An Applicant shall submit an application in duplicate on Planning Board Form B (Appendix B. Forms. Preliminary Subdivision Form B), together with eight (8) copies of the preliminary plan signed and stamped by a Land Surveyor or Professional Civil Engineer to the Planning Board.

**5.4.2 Required Signatures on Application.** The Form B application shall contain the original signatures of the Applicant and all record owners of the land that is proposed to be subdivided, indicating that all owners of record are aware of the application and have assented to the application.

**5.4.3 Required Application Fee.** An Applicant shall submit the required fee for a preliminary plan as set forth in Part 1 Rules and Regulations Article II FEES.

**5.4.4 Delivery of Application.** The preliminary plan shall be deemed submitted when the Form B and preliminary plan are stamped received by the Town Clerk.

**5.5 Preliminary Plan Requirements.** A preliminary plan shall be prepared and contain information and documentation as set forth below.

**5.5.1 Preparation.** The preliminary plan shall be on paper with clearly legible lines, at a scale of one inch equals forty feet. The preliminary plan shall be clearly labeled: "Preliminary Plan." A preliminary plan shall be prepared by a Land Surveyor and a Professional Civil Engineer.

**5.5.2 Contents.** A preliminary plan shall contain the following documentation and information.

1. The subdivision name, boundaries, north designation, date and scale.
2. Name, address, telephone number and signature of the Applicant and each record owner of the land proposed to be subdivided.
3. Name, address, e-mail address, license number and telephone number of the Applicant's Professional Civil Engineer and Land Surveyor.
4. Names of all abutters, as determined from the most recent Town tax list.
5. Assessing Map/Lot reference information.
6. Lines of existing and proposed streets, ways, easements and common or public areas within the subdivision, including sidewalks, drainage and open space.
7. Location, names, and present width of streets abutting, approaching or near the subdivision.
8. Existing and proposed boundary lines, dimensions and areas of lots.
9. All existing bodies of water, brooks and streams and wetlands, with direction of flow and the proposed disposition of watercourses.
10. Existing highway drainage within the frontage area of the subdivision and for a sufficient distance beyond as required by the Planning Board.
11. The boundary lines of proposed lots with areas and dimensions indicated.
12. Profile of streets including details of typical road and sidewalk cross-sections full storm drainage details, and location and size of all utilities.
13. Where the owner or Applicant also owns or controls land adjacent to or across the street from the land shown on the preliminary plan, the Applicant shall submit a sketch plan showing a possible or prospective street layout for such adjacent land. The sketch may be submitted separately from the preliminary plan.
14. Evidence that all lots and other aspects of such plan conform to the Zoning By-law or evidence that a variance has been granted.
15. A written list of any waivers from the Regulations requested.
16. The location of the general soil classification boundaries identified by the Natural Resources Conservation Service.
17. The proposed roadway centerline should be staked at 50-foot intervals at the time of submission. Additional staking of drainage facilities, easements and other areas may be required by the Planning Board.

18. The Applicant shall demonstrate that development of the site shall be balanced relative to earthwork and result in no net loss of earth materials. Calculations of anticipated cut and fill volumes shall be provided.

**5.6 REVIEW BY MUNICIPAL AGENCIES.** Copies of the preliminary plan will be submitted to the Board of Health, Building Inspector, Conservation Commission, Fire Department, Economic Development Director, Department of Public Works, Police Department, and Assessor for their review and comment.

**5.7 SITE VISIT.** The Planning Board and/or its agent may schedule a site visit to the proposed subdivision, with or without the Applicant and the Applicant's agents or representatives under G.L. c.41, §81CC. To facilitate review of the proposed subdivision site, temporary staking may be required along the center line of all proposed roads in the subdivision before the site visit; or, if staking is impractical, the Planning Board may permit a suitable alternative procedure.

**5.8 PLANNING BOARD ACTION.** The Planning Board shall, under G.L. c.41, §81S, approve a preliminary plan, approve it with modifications or disapprove it with the detailed reasons stated therefore in writing.

**5.8.1 Disapproval.** In case of disapproval, the Planning Board shall state in detail its reasons for disapproval, enabling the Applicant to resubmit the plan after correcting it to comply with the Regulations and the Zoning By-Laws.

**5.8.2 Effect of Preliminary Plan Action.** Approval of a preliminary plan, with or without modifications, shall not constitute approval of a definitive subdivision. Planning Board action regarding a preliminary plan shall not prejudice action as to any later filed definitive plan.

**5.8.3 Notice to Town Clerk.** The Planning Board shall notify the Applicant and the Town Clerk in writing of its action on a preliminary plan within forty-five (45) days of the date of submittal of the application, under G.L. c.41, §81S, unless the time for action is otherwise extended.

## **SECTION 6.0 DEFINITIVE PLANS**

**6.1 PURPOSE.** The purpose of the definitive subdivision approval process is to ensure that formal divisions of land conform to the Regulations, the Subdivision Control Law and the Zoning By-law.

**6.2 PRE-APPLICATION CONFERENCE.** Prior to investing in extensive professional design costs for preparation of definitive subdivision plans, the Applicant may submit an informal sketchplan to the Planning Department to informally explore general conditions involving the site and to discuss potential problems with the Planning Department. The Planning Board shall not participate in, nor be bound in any way, by such informal discussions.

**6.3 APPLICATION REQUIREMENTS.** An Applicant submitting a definitive subdivision plan shall provide the following documentation and information.

### **6.3.1 Application Form and Copies.**

An Applicant for definitive subdivision approval or modification of subdivision approval shall submit an application to the Planning Board in duplicate on Planning Board Form C (See Appendix B. Forms, Form C), together with eight (8) copies of the proposed definitive plan to be filed with the Planning Board [one for the Planning Board's file; one for each of the six Planning Board Members; one for the Planning Board's technical consultant. The Applicant shall deliver one or more copies of the Form C application and the proposed definitive plan to Town departments and boards as required in §6.8.1 (See G.L. c.41, §81O and §81T.)

Whenever a drainage calculation report is submitted, the Applicant shall provide the Planning Board a minimum of three (3) full reports and six (6) copies of any summary report.

**6.3.2 Certified Abutters List.** An Applicant for definitive subdivision plan approval or modification of definitive subdivision plan approval shall file for a certified Abutters List with the Assessor and then submit the certified abutters list, and labels with the Form C Application.

**6.3.3 Required Signatures on Application.** The Form C application shall be signed by the Applicant and all record owners of the land shown on the definitive plan that is proposed to be subdivided. If the definitive plan shows a connection with a private way, the Applicant shall document to the Planning Board that the Applicant has the legal right to make the proposed connection. The application shall be signed under oath and shall certify that all of the owners of record have executed the application. In addition, the engineer and/or surveyor who prepared the plan shall sign the application and certify that the subdivision plan (referring to the last revision date of the specific plan submitted), as prepared, conforms to all of the Town's Zoning By-laws and all of the Regulations, except for those provisions that are expressly identified on a written list which shall be

submitted as an exhibit to the application. The application shall include a signed statement of the Planning Director that the application is complete.

**6.3.4 Required Fee.** A definitive subdivision plan Applicant shall submit the required fee as set forth in Part 1 Rules and Regulations Article II FEES, together with the fully executed Form C application and required Plans.

**6.3.5 Filing with Town Clerk.** A definitive subdivision plan Applicant shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for subdivision approval, with a copy of the completed application Form C and a copy of the definitive plan.

**6.3.6 Delivery of Application.** The definitive plan shall be deemed submitted when the Form C and definitive plan are stamped received by the Town Clerk.

**6.4 DEFINITIVE PLAN REQUIREMENTS.** A definitive plan shall conform to the following requirements.

**6.4.1 Preparation of Definitive Plan.** A definitive plan shall be prepared by a Professional Civil Engineer and Land Surveyor, and each separate plan sheet shall bear the appropriate stamp and signature of the Professional Civil Engineer and Land Surveyor who prepared the plan sheet.

**6.4.2 Survey to Support Definitive Plan.** A definitive plan shall be based upon an on the ground survey that was performed by a Land Surveyor:

- All non registered land shall meet the required standards for Cadastral, Original and Retracement surveys as defined by 250 CMR 6.01.
- All registered land surveys shall conform to the requirements of the Land Court, Class A, as set forth in the manual of the Land Court, as may from time to time be changed. The plan shall contain a note that indicates the method of surveying, the date of the survey and a certification that the survey as performed conformed to the requirements of the Land Court. The sheet containing this note shall be signed and stamped by the professional land surveyor who performed the survey.

**6.4.3 Definitive Plan Details.** A definitive plan shall be clearly and legibly drawn and shall be drawn at a scale of one (1) inch equals forty (40) feet, profiles at a horizontal scale of 1"= 40 ft and a vertical scale at 1"=4 ft, each plan sheet shall be twenty-four (24) inches wide and thirty-six (36) inches long, with a one-inch border, except on the left side where the border shall be three quarter (3/4) inches. If multiple sheets are required, they shall be numbered consecutively in the lower right hand corner and set forth a title and be accompanied by an index sheet that shows the proposed layout of the entire subdivision and lists the title of each subsequent sheet. The index sheet shall contain a key plan at one (1) inch equals one hundred (100) feet or as otherwise approved by the Planning Board, indicating the location of each sheet. A glossary of terms and symbols that explains the terms and symbols used in the plan set shall be provided on the title sheet.

**6.4.4 Definitive Plan Contents.** A definitive plan shall contain, but not limited to the following:

1. A title block on each plan sheet that sets forth the following:
  - (i) The name of the proposed subdivision;
  - (ii) The date of the plan and each revision date;
  - (iii) The scale of the plan;
  - (iv) The name and address of the subdivision Applicant;
  - (v) The name and address of each owner of record;
  - (vi) The name and address and telephone number of the Professional Civil Engineer and Land Surveyor who prepared the plan;
  - (vii) A north delineation;
  - (viii) NGVD of 1929 or NAVD88 Bench marks;
  - (ix) The name of the plan sheet; and
  - (x) The number of the plan sheet (e.g., "1 of 1").
2. Adequate space above the title block for the Planning Board's endorsement on each sheet.
3. A locus map at a scale not greater than one (1) inch equals one thousand (1000) feet showing the streets in the immediate vicinity on the title sheet.
4. Names of all abutters, including those separated from the subdivision by only a street, as they appear on the most recent tax list, and approximate intersecting boundary lines of the abutting lands.
5. Assessor's Map and parcel reference information for the locus.
6. The Zoning Classification (and requirements) shall be detailed in a note and any zoning boundary(s) shall be shown.
7. Lines of existing and proposed streets, ways, lots, easements, and public or common areas within the subdivision, including sidewalks, drainage and open space.
8. The proposed names of the proposed streets shall be shown, but shall not be final until approved by the Planning Board.
9. Existing and proposed boundary lines, dimensions and areas of lots shall be shown, with all bounds keyed into the Massachusetts State Plane Coordinate System and at least two Massachusetts State Plane Coordinate System points shown on the plan. If the subdivision is within 500 feet of a highway or road which has been laid out by the Town of Salisbury, Essex County Commissioners, or the Massachusetts Department of Public Works, the subdivision shall also be tied into two or more permanent points or bounds of the existing highway or road by bearing and distance.
10. Sufficient data to determine the location, direction, and length of every street and way line, lot line, and boundary line shown on the plan so as to establish these lines on the ground. Closure information shall be provided to indicate all street corners with a relative error of closure of property line traverse that shall be less than 1 part in 12,000. All monuments referenced in the closure calculations shall be indicated on the plan. A closure certification shall appear on the surveyor's drawing and be signed and stamped by the surveyor. A copy of traverse notes shall be furnished to the Planning Board upon request.

11. Acreage including total upland areas on the subject property and total wetland areas on the property and within 100 feet of each lot line, with bearings and length thereof in conformity with the Zoning By-Law in each case.
12. Location of all permanent monuments as defined in §8.2.14 properly identified as to whether existing or proposed.
13. Location, names and present widths and grades of public and private ways bounding, approaching, or within reasonable proximity of the subdivision, with existing water, electrical, cable, gas, telephone, fire hydrants, and drainage facilities.
14. Location of existing roadways and driveways opposite or adjacent to the site within 500 feet of the property limits.
15. So that drainage calculations and impacts can be properly understood and evaluated, the plan shall depict the location of major site features, such as existing stone walls, fences, buildings and all buildings within 100 feet of property limits; large trees, rock ridges and outcropping, bodies of water, natural waterways, the limits of all wetlands on and within 100 feet of the subdivision; all streams, including perennial and intermittent streams and other water bodies, located on the property and within 200 feet of the subdivision, as approved by the Conservation Commission or Department of Environmental Protection; flood plains located on the property and within 200 feet of the subdivision; and all existing culverts and drains on the property and within 200 feet of the subdivision.
16. Size and location of existing and proposed storm drains, water mains, utilities, and their appurtenances, including hydrants, within and adjacent to the subdivision. All existing and proposed utilities (water, sewer, drainage and gas) must be sized and class designated. Manholes must include rim and invert and sump elevations. Size and available capacity for all existing and proposed utilities (water, sewer and drainage) must be determined and shown in a chart format [existing utilization, proposed additional utilization and remaining capacity].
17. Profile plans of proposed streets, drawn as follows:
  - a. A horizontal scale of one inch (1") equals forty feet (40').
  - b. A vertical scale of one inch (1") equals four feet (4').
  - c. Existing center line in fine solid black line.
  - d. Existing right side line in fine dotted black line.
  - e. Existing left side line in fine dashed black line.
  - f. Proposed center line grades in heavy lines, all appropriately designated showing grade elevations at every fifty (50) foot station, except on vertical curves where they shall be shown at every twenty-five (25) foot station and at P.V.C. and P.V.T.
  - g. Proposed system of drainage, including, but not limited to, catch basins, manholes and proposed rim elevations, inverts, sumps and pipe sizes, and stormwater management systems such as detention or retention basins and under drains.
  - h. All existing intersecting walks and driveways.

- i. Elevations referred to mean sea level as referred to by NGVD of 1929 or NAVD88
  - j. Rates of gradient (% slope) shown by figures for roadways and drainage.
- 18. Typical section of proposed streets shall be shown on a profile plan in accordance with the typical cross-sections as shown in Appendix II.
- 19. Profiles and cross-sections of drainage easements, existing water bodies, natural water-ways, swamps and flood plains within and adjacent to the subdivision.
- 20. Existing and proposed topography shall be depicted on separate plan sheets as follows:
  - a. The contour intervals shall be one foot (1') where slopes are less than 5% and two feet (2') on slopes 5% or greater.
  - b. Existing contours shall be shown as dashed lines and proposed final contours as dark solid lines.
  - c. Contours shall extend beyond the boundaries of the property a sufficient distance to indicate the effect of the subdivision on abutting property, at least 100 feet and such greater distance as the Planning Board may reasonably require in a particular instance.
  - d. A note shall be placed on the plan indicating that the existing contours were determined pursuant to an on the ground survey and provide the date of the survey and the note shall be certified by the registered land surveyor who shall sign and stamp the sheet on which this note appears.
- 21. When sewer is not available, soil evaluations and percolation tests are required. Soil test data should be provided for each proposed lot. Test locations shall be indicated on the plans and standard soil evaluation logs and percolation test forms provided. A minimum of two soil tests including percolation tests at the location of stormwater management systems shall be performed. Soil permeability testing may be required in infiltration systems. Soil testing at a minimum of every fifty (50) feet along the roadway and at locations requested by the Planning Board, in order to demonstrate suitable soils for roadway construction. Soil testing shall be witnessed or confirmed by the Planning Board's technical consultant or by another person designated by the Planning Board within thirty (30) days of the submission of a definitive plan.
- 22. Each subdivision, regardless of size, shall be designed to meet the performance standards of the Department of Environmental Protection's Stormwater Management Policy. There shall be no net increase in runoff allowed and the storm drainage capacity shall be designed to handle two-year through 100-year storm events without creating a net increase in runoff.
- 24. The stormwater management system design shall be documented in a report submitted at the time of application. This report shall include all drainage calculations, proposed maintenance and operation requirements and provide a copy of the instrument(s) that are proposed to be used to

- create a home owners association that will maintain swales, retention ponds and landscaping on cul de sacs to allow the Planning Board to evaluate the adequacy of the proposed design.
25. The subdivision submission shall include a plan in the plan set that indicates the maximum build-out of the property. This plan shall indicate proposed buildings, driveways, lot grading including grading and design of septic systems, limits of clearing, and any other pertinent data. This plan will be utilized to evaluate the proposed stormwater management system. The plan and associated drainage design shall demonstrate that no increase in runoff rate or flooding of adjacent properties or streets will result post-construction. All water runoff and flooding shall be controlled on site in any instance in which downstream receiving waters are not adequate to handle any portion of the runoff from a two-year through a 100-year storm event.
  26. The proposed roadway centerline shall be staked at 50-foot intervals and be in place at the time of the Planning Board's site visit. Additional staking of drainage facilities, easements, and other areas may be required at the discretion of the Planning Board.
  27. It shall be demonstrated through a volume calculation that there shall be no net loss of soil materials from the site. This calculation shall be set forth in a note on the post-construction conditions sheet and shall be certified and signed and stamped by the professional registered engineer.
  28. Construction details and specifications shall be shown on a separate sheet as part of the subdivision submission and shall be certified and signed and stamped by the Professional Civil Engineer.
  29. A Construction Management Plan which shall contain an overall soil, drainage and water management plan prepared in accordance with §6.4.4, that shall be followed during construction and a maintenance schedule that shall be followed after completion of the project.

**6.4.5 Other Submittal Requirements.** The following additional documents shall be submitted with the Form C Application and the definitive plan:

1. If the Applicant or owner(s) of the land to be subdivided owns or controls land adjacent to or across the street from that shown on the definitive plan, the Applicant shall submit a sketch plan showing a possible or prospective street layout for such adjacent land, unless such a plan has already been submitted to the Planning Board with a preliminary plan.
2. Construction Plan per §6.4.6.
3. Traffic Analysis per §6.4.7.
4. The report of one percolation test per two lots in the area of the proposed septic systems, performed in accordance with the requirements of the Salisbury Board of Health and Title V of the State Environmental Code.
5. A written list of any waivers requested from the Regulations.

**6.4.6 Construction Plan.** An Applicant for definitive subdivision plan approval shall submit a Construction Plan and eight (8) copies for approval by the Planning Board before the close of the public hearing and it shall be imposed as a condition of approval.

The Construction Plan shall contain the following information and requirements:

- A. The location of any and all construction areas shall be delineated.
- B. The location of vehicle parking and location of equipment storage during construction, together with the location for wash down of vehicles and equipment.
- C. Construction equipment shall not be parked or stored adjacent to any drainage channel, drainage inlet, or wetland buffer area. Maintenance of construction equipment involving transfer of fluids and fuels shall be conducted in areas away from drainage channels and inlets and wetland buffer areas.
- D. Limits of clearing and grading in relation to the existing trees and the property lines shall be shown on the plan.
- E. The calculations for stormwater run-off from the property for all storm events, up to and including 100-year storm events, shall be provided and the runoff for same shall be shown to be fully contained on site during construction so as to eliminate flooding runoff and runoff.
- F. Methods for construction within a flood plain to flood-proof all structures and replace all flood storage capacity to control runoff and runoff in the event of two-year through 100-year storm events so as to result in no net increase in runoff during such events.
- G. Methods for the preservation and protection of waterways, flood plains, open space/conservation areas.
- H. Location of all other conservation measures, permanent and temporary, including, but not limited to, dikes, water diversions, terraces, dams, reservoirs, water conduits, grassed waterways and plantings of drought resistant grass, shrubs and trees, temporary seeding, mulching, dust control, diversion dams, sediment traps, snow fence, silt fence, hay bales, filter fabric or filter bags in catch basins and stabilized construction entrance.
- I. Location of specific major structures controls (i.e., where the stabilization practices will be placed, surface water locations, soil disturbance areas, drainage patterns and during and following grading).
- J. The location for the stockpiling of topsoil, loam, gravel and any other materials, together with a plan to contain same so as to prevent erosion and runoff in the event of two-year through 100-year storm events. Earth material stockpiles shall not be allowed immediately adjacent to perimeter siltation barriers or drain inlets or outlets. All stockpiles should be shaped stabilized and circled by siltation fence or hay bales. Long term stockpiles (i.e., over ninety (90) days) shall also be stabilized by temporary seeding or netting. Such stockpiling shall not exceed a duration of more than three (3) years from the date of endorsement.
- K. Any soil or earth material brought to the property during construction shall be subject to approval by the Planning Board's Engineer, prior to its arrival.
- L. All earth removal shall comply with the Regulations and the Town of Salisbury's By-law requirements.

- M. Satisfactory inlet protection shall be provided for the drainage system until all work has been completed and vegetation satisfactorily established.
- N. All stormwater management basins shall be constructed and stabilized to contain the runoff from a two-year storm even through and including a 100-year storm event prior to paving and connection of the storm drain system. This requirement shall be a mandatory condition of subdivision approval and a note setting forth this requirement shall be placed upon the definitive plan.
- O. The following notes shall be placed on the Construction Plan:
- ❖ In the event that a temporary stormwater management basin is proposed, it shall be shown in detail on the plan and shall be constructed and stabilized to contain the runoff before paving of any roadway that will contribute to the runoff occurs. This requirement shall be a mandatory condition of subdivision approval and a note setting forth this requirement shall be placed upon the definitive plan.
  - ❖ Tree stumps, limbs, brush and all construction debris shall be legally disposed of, off-site.
  - ❖ Hours of construction shall occur only during the following times, exceptions may be made with prior authorization from the Town:
    - Monday – Friday: 7 a.m. to 6 p.m., or dusk whichever is earlier
    - Saturday: 8 a.m. to 5 p.m., or dusk whichever is earlier
    - Sunday and Holidays: None.
  - ❖ Any blasting operations shall require all proper permits and approval of the Town Fire and Police Departments and shall not be undertaken on any weekend or holiday.
  - ❖ Prior to the start of any road construction, a standard Town of Salisbury street sign shall be erected indicating the approved street name.
  - ❖ Excavation dewatering shall be in a workmanlike manner and such water shall be free of suspended solids before being discharged into either a wetland or any stormwater drainage system. This condition applies to all forms of dewatering including pumping and trenching.
  - ❖ The Subdivision Plan endorsement and approval shall be exercised in compliance with all applicable provisions of the Salisbury Conservation Commission Order of Conditions. If there is any inconsistency between the Subdivision Plan, as approved by the Planning Board, and the plans approved by the Conservation Commission, the Applicant shall apply for subdivision modification under G.L. c.41, §81W. The amended plan shall be accompanied by a report detailing changes from the prior approved subdivision plan and include revised drainage calculations, if applicable.
  - ❖ Catch basin grates shall be set flush with the binder course and then reset so as to be flush with the topcoat when installed.
  - ❖ Once paved, the subdivision street shall be kept clear and passable at all times. No equipment shall be parked in such a manner as to render the street impassable, and no refuse containers, trailers, or construction materials of any kind shall be placed or stored upon the street.
  - ❖ A program for sweeping of the streets, cleaning and repairing of catch basins and other drainage structures and mowing of all drainage

structures that are to be stabilized with seeding must be approved by the Department of Public Works. All construction activities associated with the endorsed plan shall be conducted in a workmanlike manner in accordance with current approved practices. During construction all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads.

❖ Construction, once commenced, shall progress through to completion of the development as approved as continuously and expeditiously as possible and in accordance with the construction sequence and timetable approved at the pre-construction meeting.

❖ No occupancy permit for any new dwelling unit shall be granted by the Building Inspector until all drainage facilities and associated structures including pipes, underground utilities, such as electric, telephone and cable television, have been completed to the satisfaction of the Planning Board. No building permit for any new dwelling unit shall be granted by the Building Inspector until the base course of the roadway pavement to serve each unit has been completed to the satisfaction of the Planning Board.

**6.4.7 Traffic Impact Analysis.** At the time of submission of the Form C and definitive plan, the Applicant shall provide a traffic impact analysis report for projects with a trip generation greater than sixty (60) trips a day. The report shall document and assess existing traffic conditions, including the current level of service, document the increased traffic that would be generated by the proposed subdivision development and analyze the impact of the proposed development, including the level of service, on existing conditions. The Planning Board, upon written request by the Applicant, may waive this requirement, if it finds that the traffic impact that would be caused by the proposed development would be insignificant and that the existing level of service is satisfactory and the current satisfactory level of service would be maintained or improved as a result of the project.

**6.4.8 Site Development Plan.** The Planning Board may require a site development plan for individual lots shown on the plan where, in its opinion, such lots are located on steep slopes, high groundwater or have other similar development constraints.

**6.5 Public Hearing.** Before approval, modification, or disapproval of a definitive plan is granted, a public hearing shall be held by the Planning Board after posting and advertising the public hearing as required under the Subdivision Control Law. Procedure for the Scheduling of the Public Hearing. Prior to the opening of the public hearing, the application shall be technically complete (i.e., all required items and fees shall have been received) and the application shall be subject to denial at the opening of the public hearing if it is not.

The Applicant should coordinate with the Planning Staff to arrange a meeting between the Applicant's engineer, the Planning Board's Engineer and the Planning Department Staff, prior to the opening of the public hearing, to review the Planning Board Engineer's

initial report. The purpose of this meeting shall be for the respective staff to review the application and the definitive plan for compliance with the Regulations and the Zoning By-laws and provide the Applicant with an opportunity to cure any defects in the application prior to the opening of the public hearing.

**6.6.1 Conducting the Public Hearing.** The Planning Board shall conduct the public hearing in accordance with state law and procedures set forth under Regulation §3. The Planning Board shall allow the Applicant an opportunity to present the plan at the public hearing and shall allow the public an opportunity to comment and file documents in support of and in opposition to the application. In the event that the Applicant submits revised plans, the Applicant shall allow the Planning Board (and the public) sufficient time to obtain review and comments on the revised plans from other Town agencies and the Planning Board's Engineer. In the event that the Planning Board does not have sufficient time to obtain the required review of plan revisions before the deadline for final action expires, the Planning Board shall deny the plan.

**6.7 Site Visit.** The Planning Board and/or its agent may schedule a site visit to the proposed subdivision under G.L. c.41, §81CC. In order to facilitate inspection and review of the site of the proposed subdivision, the Planning Board may require temporary staking along the center line of all proposed roads in the subdivision before said site visit, or if impractical, the Planning Board may permit a suitable alternative procedure.

**6.8 REVIEW OF DEFINITIVE PLANS.** The Planning Board shall review the Form C Application and definitive plan and submittals for compliance with these Regulations and the Zoning By-law, in consultation with other Town agencies and the Planning Board's Engineer and the interested members of the public.

**6.8.1 Review by Municipal Agencies.** As part of the Form C Application, the Applicant shall provide a signed form showing that they have provided copies of the plans and Form C application to the Board of Health, Economic Development Director, Conservation Commission, Fire Department, Director of Public Works (three (3) sets), Police Department, Housing Partnership and Assessor and request their review and comment. The Planning Board may request comment and advice regarding the Form C application and definitive plan from other parties as well, including consultants and Town Counsel. In addition, the Applicant shall file a copy of the definitive plan with the Board of Health as required under G.L. c.41, §81U, ¶1 and provide evidence of the date of submittal to the Planning Board.

**6.8.2 Board of Health Report.** The Board of Health, within forty-five (45) days after submission of the definitive plan with the Board of Health by the Applicant under G.L. c.41, §81U, ¶1, shall report to the Planning Board in writing and provide its approval or disapproval of the plan and, in the event of disapproval, shall make specific findings as to which, if any, of the proposed lots shown on such plan cannot be used for building sites without injury to the public health and include such specific findings and the reasons therefore in such report and, where possible, shall make recommendations for the adjustments thereof. Failure of the Board of Health or its officer to report shall be

deemed approval. The Board of Health shall send a copy of its report to the Applicant or the Applicant's representative who filed the plan with the Board of Health. G.L. c.41, §81U, ¶1.

In the event that the Board of Health so requires, subdivision approval shall be conditioned on the requirement that no building or structure shall be built or placed upon designated areas without consent by the Board of Health or Health Officer. In the event that approval by the Board of Health or Officer is by failure to make a report, a note to this effect shall be placed on the definitive plan before endorsement. G.L. c.41, §81U, ¶3.

Notwithstanding this provision, a permit to construct an individual sewage disposal system for sanitary wastewater disposal shall be obtained from the Board of Health for each individual lot prior to the issuance of a building permit. A note shall be placed on the definitive plan prior to endorsement as follows: "No building or structure shall be built or placed upon any lot without a permit from the Board of Health."

**6.8.3 Timing of Review by Municipal Agencies.** Except for the Board of Health comments from other Town boards and departments should be made to the Planning Board within fourteen (14) days of the Planning Board's request.

**6.8.4 Closing of the Public Hearing.** After the public hearing is closed, the Planning Board shall not take any further evidence from the Applicant, Town boards and departments, members of the public or any other source; except that the Planning Board may seek legal advice from Town Counsel and may accept draft decisions prepared by staff at the Planning Board's direction.

**6.9 Planning Board Action.** Following the close of the public hearing, the Planning Board in due course shall approve, approve with conditions or disapprove the definitive plan. The Planning Board shall approve the definitive plan if the plan conforms in all respects to the Regulations (including conformance to applicable zoning requirements) and the recommendations of the Town boards and departments. If the definitive plan does not conform in all respects to the Regulations (including zoning requirements) and/or the recommendations of the Town boards and departments, the Planning Board may either approve the definitive plan with conditions or deny the plan.

**6.10 Planning Board Decision.** The final action of the Planning Board with respect to any definitive plan shall be by vote, which shall be reduced to writing in the form of a Planning Board decision. In the event of a disapproval, the Planning Board shall state in detail wherein the plan does not conform to the Regulations or the recommendations of the Board of Health. The Planning Board shall file the decision with the Town Clerk and send notice of said action to the Applicant at the address stated on the application.

**6.11 Notice to Town Clerk.** The Planning Board shall notify the Applicant and the Town Clerk in writing of its action on a non residential definitive subdivision plan within ninety (90) days of the date of submittal of the application, for a residential definitive subdivision plan which has first filed a preliminary plan within ninety (90) days and a

residential definitive subdivision plan without a preliminary plan within one hundred & thirty-five (135) days under G.L. c.41, §81U, unless the time for action is otherwise extended.

**6.12 Amendment, Modification or Rescission of Approval.** Pursuant to G.L. c. 41, §81W, the Planning Board may, upon its own motion or upon the request of the Applicant, amend, modify or rescind the approval of a definitive plan.

**6.13 Modification of Definitive Plan.** A modification of a definitive plan shall adhere to the following requirements.

**6.13.1. Procedure.** The procedure for the modification of a definitive plan, pursuant to G.L. c. 41, §81W, shall conform to the requirements for approval of an original definitive plan as set forth herein.

**6.13.2 Change of Lot Lines.** Pursuant to G.L. c. 41, §81O, certain changes of lot lines may be approved by the Planning Board without a public hearing.

**6.13.3 Effect.** The modification of a previously approved definitive plan shall not affect lots sold or mortgaged by the Applicant except as provided for under G. L. c. 41, §81W.

#### **6.14. Endorsement and Recording**

**6.14.1. Endorsement.** Following approval of a definitive plan and the expiration of the appeal period without an appeal or following termination of litigation in favor of the Applicant, the Applicant shall revise the definitive plan to reflect all required revisions and conditions of approval and to add as a note to the definitive plan the text of all conditions of approval, as set forth in the Planning Board's decision, and provide a copy of the revised plan to the Planning Board and to the Planning Board's technical consultant for review prior to endorsement. Endorsement shall be sought and obtained within 120 days of the final action taken by the Planning Board to approve the subdivision plan (i.e., filing of the certificate of vote with the Town Clerk.) Once the Planning Board is satisfied that its decision is final and that all conditions of approval have been added to the definitive plan and that all required revisions have been made, the Planning Board shall endorse the original Mylar drawing of the definitive plan, by placing the signatures of a majority of the Board upon such plan.

**6.14.2 Endorsement Copies.** After the definitive plan has been finally approved and revised to show all required revisions and conditions of approval and is ready for endorsement, the Applicant shall furnish the Board with the original updated and signed Mylar, and five (5) additional copies, which the Board shall distribute following endorsement to: the Applicant, Assessor, Building Inspector, Department of Public Works and Planning Board file.

**6.14.3 Effect.** Final approval of the definitive plan does not constitute the laying out or acceptance by the Town of streets within a subdivision nor does final approval constitute

approval of the lots shown on the plan as to zoning requirements or other applicable local, state and federal requirements.

**6.14.4 Recording.** Within thirty (30) days after the endorsement of an approved plan, the Applicant shall cause said endorsed plan to be recorded in the Southern Essex District Registry of Deeds, and in the case of registered land to be filed with the Land Court. Following recording of the endorsed plan, the Applicant shall provide the Planning Board with one print of the endorsed plan that has been certified by the Registry of Deeds as having been recorded or by the Land Court as having been filed. In the event that the Planning Board's decision was required to be recorded or filed, the Applicant shall also provide the Board with evidence of the decision's recording or filing.

The cost of all Registry recording or filing will be borne by the Applicant. Removal of trees, grading or any form of construction shall not proceed until the endorsed definitive subdivision plan (and decision, if required) has/have been duly recorded or filed.

## **SECTION 7.0 DESIGN STANDARDS**

A definitive subdivision plan shall conform to all of the following design standards requirements, unless an express, written waiver is granted by the Planning Board under G.L. c.41, §81R.

### **7A STREET DESIGN.**

All streets shall be designed and located so as to be continuous and in alignment with existing streets and with other proposed streets and so as to provide adequate access to all lots in the subdivision via ways that are safe and convenient for travel and so as to satisfy all of the purposes set forth under G.L. c.41, §81M. No grant of approval for any definitive subdivision shall occur unless the Planning Board first determines that the adjacent private and public ways to which the subdivision streets are proposed to connect will provide adequate access that is safe and convenient for travel and satisfy all of the purposes set forth under G.L. c.41, §81M and Regulation 3.11.

**7A.1. General.** Streets shall be designed and constructed so as to be continuous, of uniform width, and in alignment with existing streets and shall conform to the following specific requirements.

**7A.2 Typical Street Cross-Section.** Street and roadway construction shall conform to the typical street cross-sections and details shown in Tables 1, 2 & 3 of the Regulations, which shall be considered part of the Regulations.

**7A.3 Street Width of Right-of-Way.** The minimum width of a street right-of-way shall be fifty (50) feet. A greater width may be required for streets that serve commercial or industrial uses.

**7A.4 Street Width of Pavement.** Streets shall be constructed in the manner described herein with a minimum paved surface width of twenty-six (26) feet for all residential streets and a minimum paved surface width of thirty-two (32) feet for all commercial and industrial streets. Each street shall be constructed on the centerline of the way. The Planning Board may require, for commercial and industrial development, that the traveled way shall be separated by a raised median strip with a width of to be determined by the Planning Board. In this case, the traveled way shall consist of two roadways each with a minimum width of twenty (20) feet or such greater width as the Planning Board may specify.

**7A.5 Projection of Streets and Easements.** Provisions satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property that is not yet subdivided, including a condition that such a through connection shall not occur without further subdivision approval, including modification of the original subdivision. If such a projection is required, then, except as otherwise provided by law, projection of streets shall be included within the street layout and provision made to deed an easement interest to the Town at the time of street acceptance although not

constructed. Sufficient easements for construction of the way(s) shall be included in the plans and deeds for abutting lots. Easements shall be located to the property boundary for future utility connections, water main looping, etc. to the satisfaction of the Planning Board and applicable utility purveyors. Alignment for roadways across the street shall be provided.

**7A.6 Reserve Strips Prohibited.** 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.

**7A.7 Street Intersection Design.** Street intersections shall be laid out either directly opposite one another, or be separated by a minimum offset of 200 feet from centerline to centerline, unless otherwise specified by the Planning Board. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees. Street intersections on the same side of the roadway shall be separated by a minimum of 350 feet from centerline to centerline.

**7A.8 Driveway Intersections.** The centerline of new subdivision way intersections shall be separated from all existing and proposed driveways (both within and outside of the subdivision) by a minimum of seventy-five (75) feet.

**7A.9 Curb Radius.** Street right-of-way lines at intersections shall have a minimum curb radius of not less than thirty (30) feet. Where the angle of intersection between two streets varies more than ten (10) degrees from a right angle, the radius of the curve at the gutter line curb lines at the obtuse angle shall be less and at the acute angle shall be correspondingly greater than the radius specified herein to the extent approved by the Planning Board.

**7A.10 Minimum Centerline Radii.** The minimum centerline radii of curved streets shall be 150-200 feet for residential streets, and 500 feet for commercial streets. All curved streets shall be designed to ensure safe vehicular travel.

**7A.11 Minimum Length of Tangent Between Reverse Curves.** The minimum length of the tangent between reverse curves shall not be less than 150 feet.

**7A.12 Minimum Centerline Grade.** The centerline grade of any street shall not be less than 1 percent (1%).

**7A.13 Maximum Centerline Grade.** The maximum centerline grade shall not exceed 5 percent (5%).

**7A.14 Vertical Curves.** All changes in grade exceeding five-tenths of one percent (0.5%) shall be connected by vertical curves of sufficient length to afford a suitable sight distance. For purpose of design calculations a minimum K value of 30 on a crest curve and 35 on a sag curve shall be provided.

**7A.15 Leveling Area and Maximum Gradient at Intersections.** A profile shall be provided for a distance of 200 feet on each side of layout lines. Where the gradient of any street is 5 percent (5%) or greater within 150 feet of the intersection of street right-of-way lines, a leveling area of at least 75 feet with a maximum gradient of 3 percent (3%) shall be provided. No street shall intersect another street at a gradient in excess of 3 percent (3%).

**7A.16 Maximum Gradient on Dead-Ends.** No centerline gradient shall exceed 5 percent (5%) within 500 feet of a dead end.

**7A.17 Retaining Walls, Guard Fences and Slopes.** Whenever the approved street grade differs substantially from the grade of adjacent land, or where otherwise determined by the Planning Board to be reasonably necessary for public safety, the Applicant shall be required to erect retaining walls and guard rail fences or provide slopes with proper plantings to retain the slope, not steeper than 3:1. The Planning Board shall approve the type and dimensions of such retaining walls, fences or slopes and all work shall conform to the "Standard Specifications" of the Town of Salisbury. Construction of retaining walls shall conform to the standards established by the Massachusetts Highway Department. No work shall be performed in any public right of way other than to tie the pavement of a new subdivision way into the public way at grade level without obtaining the necessary easement interest to do so from Town Meeting. No work shall be performed in any private right of way other than to tie the pavement of a new subdivision way into the private way at grade level without providing evidence of the legal right to do so.

**7A.19 Shoulders.** Improved shoulders shall slope toward the paved surface at one and one-half (1 1/2) percent slope. They shall be covered with six (6) inches of loam and shall be raked, seeded and rolled and watered. Deviation from the above shall occur only with the written approval of the Planning Board. Improved shoulders on all roads shall be a minimum of four (4) feet wide. In the event that the sidewalk requirement is waived, the improved shoulder shall be a minimum of five (5) feet in width.

**7A.20 Curbs/Berms.** Curbing may be required throughout the subdivision. Granite curbing shall be installed at such points as required by the Planning Board. Vertical granite curbing shall be required at all street corners along the circumference of the roadway for the full length of the rounded curve plus a straight section at each end of the curve for at least six (6) feet in length. Vertical granite curbing may also be required on both sides of streets where the grade exceeds three percent (3%). Additional areas may require vertical granite curbing if, in the opinion of the Planning Board, it would contribute to the proper control of drainage, traffic or pedestrian safety. Driveway cuts shall be at least ten (10) feet wide and have a curb return at the roadway of three (3) feet in radius. Vertical granite curbing shall be installed at the edge of the pavement wherever the street sideline is laid out on a curve of sixty (60) feet or less radius and at all drain catch basin inlets as specified in Appendix II. Sloped granite curbing may be allowed only with approval of the Department of Public Works.

Granite curbing shall be cut to the following dimensions: minimum length: six (6) feet; width at top: six (6) inches; depth: seventeen (17) to nineteen (19) inches; minimum width at bottom: four (4) inches; projection above pavement: six (6) inches. All curbing shall be set in concrete and installed as per Department of Public Works requirements.

**7A.21 Way Lines Parallel.** Way lines shall be parallel.

**7A.22 Free Flow of Traffic.** At principal intersections, extra space shall be required to allow for traffic circles and other devices to expedite the free flow of traffic and to provide for adequate sight distance at the proposed curb cut.

**7A.23 Traffic Standard.** New development shall be permitted only when the projected traffic that would be generated by the proposed development can be accommodated either by existing roadway capacity or proposed improvements that will ensure public safety.

**7A.24 Extension of Streets.** Subdivision streets shall be laid out so as to safely connect to existing ways. No subdivision shall be approved unless the proposed streets connect to and are accessible from a public way or a private way that is open and dedicated to public use, having in the opinion of the Planning Board adequate construction, lines, width and grades.

**7A.25 Intersection Sight Distance.** Adequate sight distance shall be provided at all intersections with existing and proposed roadways and as set forth as follows:

**7A.25.1 Required Stopping Distance.** The required stopping sight distance shall be calculated under the Stopping Sight Distance of the American Association of State Highway and Transportation Officials, "A Policy On Geometric Design of Highways and Streets 2001," most recent edition, based on the 85th-percentile speed of the major roadway. The 85<sup>th</sup>- percentile speed shall be determined from an acceptable engineering speed study with a minimum of twenty (20) speed observations in each direction.

**7A.25.2 Calculation of Sight Distance.** Available intersection sight distance shall be measured a minimum of fifteen (15) feet from the edge of pavement along the centerline of the proposed roadway. For all calculations, the height of the driver's eye shall be considered to be 3.5 feet above the road surface and the height of the object shall be considered to be 2.0 feet above the road surface in accordance with the most recent AASHTO policy. If this policy is changed after the date of this document the developer shall conform with the policy that is the most safe.

**7A.25.3 Required Plan Details to Allow Sight Distance Evaluation.** The definitive plan shall detail existing trees (of a caliper greater than 6 inches), stone walls, fences, topography, driveways and streets within 350 feet and pavement limits so as to allow the Planning Board's technical consultant to adequately evaluate intersection sight distance. The definitive plan shall include the measured sight distance triangles and any applicable approach grades. Sufficient sight easements shall be provided before a plan is approved.

**7B. DEAD-END STREET DESIGN.** A dead-end street shall mean any street that is closed to through traffic at one end and shall adhere to the following requirements.

**7B.1. Maximum Length of Dead-End Streets.** No dead-end street shall exceed 550 feet in length. The length of a dead-end street shall be measured from the centerline of the nearest intersecting through street to the end of the subdivision way. A cul-de-sac shall be deemed a dead end street. A hammerhead or T-shaped arrangement of streets shall not be considered an ‘intersecting through street’ for purposes of this section.

**7B.2. Turn-Around Dimensions.** A dead-end street shall be designed and constructed with a turn-around cul-de-sac at the closed end that has an outside roadway diameter of at least 100 feet and a property line diameter of at least 124 feet. A fifty (50) feet minimum island diameter shall be provided in the center of the turn-around.

**7B.3. Fire Lane.** A dead-end street, having in the opinion of the Planning Board a potential hazard to public safety, shall have a fire lane easement for the travel of emergency vehicles connecting the dead end street with the nearest possible way in existence. The fire lane shall be kept clear of all obstructions and shall be properly graded for its intended use.

**7B.4. Grade.** The last one hundred (100) feet of a dead-end street shall not have a grade greater than three percent (3%).

**7B.5. Termination of Dead-End Turn-Around.** Upon construction of an extension to a dead end street that makes it a through way, the easement for the existing turn-around shall terminate and the turn-around shall be removed by the Applicant extending the street as a condition of subdivision approval.

**7C. DRAINAGE DESIGN.** All drainage systems, including, but not limited to storm drains, culverts, swales, paved waterways, ditches, ponds, basins, check dams, drainage systems, and related construction, grading and installation including, but not limited to, riprap, fore bays, catch basins, gutters, manholes and drain pipes shall be designed, installed, maintained and replaced, in accordance with the Regulations herein and the approval of the Department of Public Works in order to provide adequate disposal of surface and subsurface water, including control of erosion, flooding, and standing water from or in the subdivision and adjacent land. All drainage systems shall adhere to the standards set forth below.

**7.C.1. General.**

- a. Massachusetts Department of Environmental Protection Stormwater Standards.

All stormwater management systems shall be designed to meet the performance standards of the Massachusetts Department of Environmental Protection, known as 310 CMR 10.05 (6) (k)-(q), or most recent amendment except as set forth below.

b. American Society of Civil Engineers Standards.

All stormwater management systems shall be designed to be consistent with the most recent technical references published by the American Society of Civil Engineers, as applicable. The design of every stormwater management system shall demonstrate that no increase in off-site runoff rate or flooding for the 2, 10 and 100-year storm events shall occur. Every stormwater management system shall demonstrate that it shall provide 80%. If this standard is not consistent with the Conservation Commission Stormwater Standard the Conservation Commission Standard will prevail.

c. Hydrologic Design: Cornell Storm water Standard, Not TP40.

Hydrologic designs shall be based on NRCS TR55 and TR20 methodology except that the Northeast Regional Climate Center's "Atlas of Precipitation Extremes for the Northeastern United States and Southeastern Canada," Publication No. RR 93-5 (Cornell University, Ithaca, NY: September 1993)(the "Cornell Standard") shall be used for rainfall, not the Technical Paper 40 Standard ("TP40"). If this standard is not consistent with the Town of Salisbury's Conservation Commission's Stormwater Standard the Conservation Commission Standard will prevail.

d. Emergency Overflow Requirements for Systems that Use Infiltration.

All stormwater management systems, which are designed to rely upon infiltration, shall be designed to provide safe and controlled emergency overflow in a 100-year storm event, as defined under the Cornell Standard, when Antecedent Moisture Condition III (i.e., saturated surface and groundwater conditions) exists. Safe and controlled emergency overflow shall mean that no increase in off-site runoff rate or flooding shall occur, post-construction. If this standard is not consistent with the Conservation Commission's Stormwater Standard the Conservation Commission Standard will prevail.

**7.C.2 Stormwater Data Submission.** An Applicant shall provide three copies of the following data to the Planning Board to allow the Planning Board's engineer and the Department of Public Works to evaluate the proposed stormwater runoff designs:

1. Sub area delineation at a minimum scale of 1 inch = 100 feet. A minimum scale of 1 inch = 40 feet or less shall be required for smaller sites or if plans are found to be unclear by the Town at 1 inch = 100 feet.
2. The Sub area plan shall include any offsite area, which flows onto the site and shall include a downstream area to a defined control point.
3. Pre and post construction cover types shall be identified on the sub area plan.
4. Post construction site design shall be indicated on the post construction sub area plan.

5. The plan shall indicate conceptual proposed buildings, drives, grading, clearing limits, etc, for the maximum build out of the lots.
6. Test pit logs and test pit locations shall be provided.
7. Test pits shall be required at the location of stormwater management systems to determine seasonal high groundwater and soil type.
8. NRCS soil types shall be identified on the sub area plan.
9. Soil type divides shall be modified if appropriate based on actual field test data.
10. Pre and post development runoff flow paths and control points shall be indicated on the sub area plans.
11. Drainage reports shall be provided as follows:
  - Reports shall be bound and clearly present all assumptions used to develop the data together with final results.
  - References used to develop the report and justify assumptions used shall be included in the report.
  - Runoff hydrographs together with input data shall be provided for both pre and post construction.
  - Routing hydrographs with all structure data, (i.e., stage, storage and discharge) shall be provided to justify the assumptions for structures.
  - A summary table indicating pre and post development peak discharge rates and total volume of runoff at each control point and flood elevations as applicable shall be included in the report.
  - TSS Form.
12. Three copies of the proposed Operations and Maintenance Plan for the proposed stormwater drainage system shall be provided by the Applicant with the drainage report.

**7C.3 Minimum Design Criteria for Stormwater Basins.** The minimum design and construction requirements for stormwater basins include but not limited to the following:

1. Side slopes for stormwater basins shall be constructed with 3:1 side slopes per ASCE Design and Construction of Urban Stormwater Management.
2. The top of the berm width shall be eight (8) feet per ASCE Design and Construction of Urban Stormwater Management.
3. Clogging protection – Trash grates per ASCE Design and Construction of Urban Stormwater Management shall be used and no outlet smaller than two (2) inches shall be used.
4. Maximum depth in a two-year storm event shall not exceed two (2) feet.
5. Maximum depth in a 100-year storm event shall not exceed four (4) feet.
6. Berms shall be built into natural landscape if possible and as much as possible.
7. Excavation shall be prohibited if the water table is within two (2) feet of existing grade except for the construction of wetlands and stormwater management.
8. An interim as-built of drainage system, including basins, shall be completed prior to the sub-base for the roadway being laid.

**7C.4 Minimum Design Criteria for Drainage Pipes.** The minimum design and construction requirements for drainage pipes shall be as follows:

1. Cover – Shall be a minimum of 2.5 feet and have a maximum depth of eight (8) feet.
2. Slope – Shall have a minimum slope of 0.5% and not exceed a maximum of fifteen (15) feet per second velocity.
3. Design Calculations – No surcharge in system shall be allowed.
4. Downstream system determination shall be made and reviewed and approved by the Planning Board’s Engineer. If the downstream system is inadequate to handle the proposed runoff or the existing runoff, the system shall be upgraded.
5. Minimum actual velocity in all lines shall be two (2) feet per second.
6. Maximum actual velocity in pipes shall not exceed twelve (12) feet per second.
7. Pipe Characteristics (type and class) must be approved by the DPW.

**7C.5 Drainage Easements.** Easements for all surface and subsurface drainage structures shall be provided, as necessary and in a form that is acceptable to the Planning Board in consultation with Town Counsel, and shall be recorded prior to or simultaneously with the endorsed definitive plan to ensure that individual lot owners shall properly maintain or allow proper maintenance, repair and replacement of said structures and shall run to a Homeowners Association.

**7C.6 Homeowners Association Required to Maintain all swales, retention ponds or landscaping within the right-of-way or cul de sac.** If any of the above are approved in the subdivision, then a Homeowners Association shall be created in a form satisfactory to Town Counsel and satisfy the following minimum requirements.

**7C.6.1 Mandatory Beneficiaries.** All owners of land within the subdivision shall be required by deed to be beneficiaries of the Homeowners Association as a condition of subdivision approval.

**7C.6.2. Ownership of Drainage Improvements.** The Homeowners Association shall be the owner of the drainage structures and shall hold all of the necessary easements and fees to all of the drainage structures, including detention basins or ponds, catch basins, pipes, swales, berms, riprap, check dams, drainage catchment areas and other drainage structures and equipment and to all areas that must be used to access the drainage systems and equipment to effect maintenance, repairs and replacement.

**7C.6.3. Management of Drainage.** The Homeowners Association shall be responsible for repairing, maintaining and replacing the drainage systems within a subdivision. The Homeowners Association will be responsible for the maintenance of the swales and retention ponds. As a condition of approval, the Homeowners Association, in the opinion of the Planning Board, shall be sufficiently funded initially and then require monthly or yearly funding by the beneficiaries (all owners of land within the subdivision) to allow for sufficient funding of initial and projected repair, maintenance and replacement costs.

**7C.6.4. Status Reports.** The Homeowners Association shall be responsible for writing to the beneficiaries twice per year to provide a report on the status of funding, including:

(1) the yearly cost of maintenance and repairs for that calendar year; (2) the yearly cost of maintenance and repairs projected for the following ten (10) calendar years; and (3) the projected date for replacement of equipment and the projected cost of same. In addition, at the same time, the Homeowners Association shall write to the beneficiaries and remind the beneficiaries of any obligations that the owners may have to maintain drainage swales or berms or other structures located on their individual lots, whether by periodic mowing or clean outs and by not planting trees and other landscaping in drainage swales. Beneficiaries shall also be instructed as to best management practices that require the subdivision streets to be maintained in a clear, swept condition to avoid damage to drainage structures.

**7C.6.5. Installation.** Installation of approved drainage shall be under the supervision of the Planning Board Engineer and the Department of Public Works.

**7C.6.6. Gas and Sand Traps.** Approved gas sumps and sand traps shall be required by the Planning Board to prevent pollution of ponds, lakes, rivers, and/or streams.

**7C.7. Excavation.** No excavation or removal of gravel, topsoil, or other matter shall take place within a subdivision except:

1. Within the right of way for normal roadway construction.
2. For the digging of a cellar hole, water well, or trench for normal utility installation.
3. Normal grading and filling around the houses to beautify the lot or to satisfy Board of Health requirements.

**7C.8. Gravel Removal Permit.** No gravel or other earth materials shall be removed from any site without an Earth Removal Permit under Article XVII of the Zoning By-Law.

**7D WATER PROVISION.** An adequate supply of water, via water mains and related equipment such as hydrants, shut-off valves and other fittings, shall be installed in all streets within the subdivision as necessary to provide adequate water supply for domestic use and fire protection.

**7D.1. Connection to Public Water System.** Proper connections shall be made with the existing public water system whenever available. Where a public water system is not accessible, the Applicant shall install water mains or provide easements to allow for future connections, at the Planning Board's direction.

**7D.2. Design and Installation.** The design and installation of the water system shall be in accordance with the Rules and Regulations of the Department of Public Works, In no case shall a water main be within five (5) feet (5'-0") Horizontal and two (2) inches vertical of a catch basin or a sanitary sewer. Where water mains and sewers cross, they shall be encased in concrete a minimum of six (6) feet on each side of the crossing centerline. Applicant shall provide testing results to assure adequate fire flow water in the event of an emergency and adequate potable water to any proposed project.

**7D.3. Fire Chief Approval.** The hydrant locations shall be approved by the Salisbury Fire Chief prior to approval of the definitive plan.

**7D.4. Dead-End Water Mains.** Dead-end water mains shall be avoided and all water mains shall be looped to eliminate standing water, except upon the express written recommendation of the Department of Public Works. Easements for future extension or looping of the water system shall be provided to the Town, except upon the express written recommendation of the Department of Public Works, as well as all flushing and air release valves may be required by the Department of Public Works.

**7D.5. Supervision of Installation.** Installation of water mains and connections to existing systems shall be done only under the supervision of the Department of Public Works or designee and the Planning Board's Engineer at the applicant's expense.

**7E SEWER PROVISION.** In the event that Town sewer is located within an existing public way within 400' measured along the existing public way or proposed roadway of the subdivision, the subdivider shall be responsible for connecting all lots to the sewerage system. Connection to the system shall require approval from the Sewer Commission, the Department of Public Works and any other required approvals.

**7E.1. Connection to Public Sewer System.** Proper connections shall be made with the existing public sewer system whenever available. Where a sewer system is not accessible, the Applicant shall install dry sewer mains and provide easements to the Town to allow for future connections. Dry capped system shall be approved by the Department of Public Works.

**7E.2. Design and Installation.** The design and installation of the sewer system shall be in accordance with the Rules and Regulations of the Department of Public Works. Applicant shall provide testing results to assure adequate sanitary sewer flow if available.

**7E.5. Supervision of Installation.** Installation of all sewer lines, pump stations and connection to existing system shall be done under the supervision of the Department of Public Works or designee and the Planning Board's Engineer at the Applicant's expense.

**7F. OTHER UTILITIES.** All other utilities shall conform to the following requirements.

**7F.1. Utilities shall be underground.** Utility poles, above ground wires and guy wires shall not be permitted in subdivisions. All utilities including, but not limited to, water lines, sewer lines, drainage, fire alarm, electricity, gas, computer cables, telephone and cable television shall be installed underground, including service to the individual dwellings. Placement of utilities in streets and roadways shall be installed as shown on the typical street cross-sections set forth in Table 1. The location of all equipment shall be approved by the Planning Board and shown on the definitive plan.

**7F.2. Primary and Secondary Electric Lines.** Primary and secondary lines shall run on the same side of the road. All road crossings shall be in conduit and shall be perpendicular to the road centerline at that point. Location of telephone cables and primary and secondary power lines shall be approved by the Town's Department of Public Works and a copy of the definitive plan so endorsed and provided to the Planning Board.

**7F.3. Warning Strips.** All electrical cable shall be protected with a safety located strip and warning tape.

**7F.4 Gas Pressure Reducers and Meters.** If a dwelling is served by gas, then pressure reducers and meters shall be installed outside the dwelling. A dresser type connection shall be placed in the gas line outside of the dwelling, but within six (6) feet of it.

**7F.5. Standards.** Minimum standards for installation of utilities shall be those prescribed by nationally recognized authorities such as the National Electric Corp. (N.E.C.), American Water Works Association (A.W.W.A.), and American Gas Association (A.G.A.). Requirements of local inspectors shall prevail.

**7F.6. Installation and Inspection.** Installation and inspection of all underground utilities shall be performed while trenches are open and written approval obtained before construction of the roadway base course begins.

**7G. EASEMENTS FOR UTILITIES.** The necessary easements to support utilities that are to be installed in a subdivision shall be provided as follows.

**7G.1 Location.** It is recommended that easements shall be permitted to straddle lot lines. Easement language shall be reviewed by the Planning Department prior to occupancy permit.

**7G.2. Width.** Easements shall be a minimum of twenty (20) feet in width.

**7G.3. Recording.** Easements shall be recorded before deeds for individual lots are conveyed and shall run initially to the Homeowners Association and then be conveyed to lot owners.

**7G.4. Water Courses and Drainage Ways.** Where a subdivision is traversed by a water course, drainage way, channel or stream, the Applicant shall provide to the Homeowners Association a stormwater easement or drainage right of way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for construction or other necessary activities. The necessary fee and easement interests in drainage structures shall be conveyed to and held by the Homeowners Association. Large drainage structures such as detention or retention basins or ponds shall be segregated on separate parcels that are owned by the Homeowners Association.

**7G.5. Easements for Maintenance.** Adequate easements for the maintenance of slopes, bodies of water or land-locked areas shall be provided to allow for mowing, tree maintenance and other landscaping needs and mosquito and pest control.

**7H. STREET LIGHT DESIGN.** Street lights shall be provided by the Applicant at street intersections, dead ends or turn-arounds and at all vertical and/or horizontal curves as may be required by the Planning Board.

**7H.1. Street light standard.** Street lights shall be standard National Grid issued. All lighting shall be controlled so as to be directed down and prevent light pollution. Street lights shall be turned on prior to issuance of occupancy permit for first building. The applicant is responsible for the cost and installation of the street lights. The Town will assume the monthly electrical cost, provided the Town has accepted the road at Town Meeting.

**7I. SIDEWALKS AND PLANTINGS.** Sidewalks and plantings shall be required in all subdivisions on both sides of every subdivision way as follows.

**7I.1. Sidewalks.** Sidewalks shall be a minimum of five (5) feet wide and located along the sideline of the roadway layout in such a manner as to blend in with the natural land features and terrain. The areas between the sidewalk and the road surface shall be finished as directed by the Planning Board so as to maintain a natural appearance.

**7I.2. Pedestrian Ways/Walkways.** Pedestrian ways or walkways shall be provided to allow convenient circulation or access within the subdivision to area schools, playgrounds, shopping, churches, transportation, parks, conservation areas and/or other facilities. An easement of proper width and length shall be provided to the Homeowners Association.

**7I.3. Construction Requirements.** Construction shall consist of eight (8) inches of gravel that is consistent with the roadway cross-section and, after having been brought to sub-grade by the necessary excavation and filling, shall receive two (2) inches, compacted depth, of approved bituminous concrete. The areas between the sidewalk and the roadway, if to be loamed, shall have at least six (6) inches of screened loam. The loam shall be spread to grade, seeded and rolled. Once gravel is laid for a sidewalk it shall remain undisturbed. (i.e., utility crossings should be installed prior to laying of sub-base.) Sidewalk construction shall be inspected by the Planning Board's Engineer at each stage of construction.

**7I.4. Sidewalks, Along Existing Highways.** Sidewalk construction shall be required along existing highways when adjacent land is subdivided. Guardrails may be required.

**7I.5. Trees and Plantings.** Existing trees and shrubs, and the limbs of existing trees and shrubs, standing within the limits of any proposed way or public way, which, because of their location, species and/or condition are suitable for preservation, shall be shown on the definitive plan and shall be preserved by the Applicant, provided that to do so shall

not interfere with installation and future maintenance of underground utilities. Furthermore, all sight line requirements shall prevail over preservation of existing trees and vegetation. The definitive plan shall adhere to the following requirements.

- Trees shall be planted by the Applicant along subdivision streets at intervals of fifty (50) feet, subject to the location of proposed driveways, street intersections or other features of the subdivision and shall be planted so that they will not interfere as they grow with proposed utility services and sidewalk construction.
- New trees shall be nursery grown and comply with the Association of American Nurseries specifications and be at least three (3) inches in caliper.
- The preservation of existing trees and the varieties of new trees for planting shall be subject to the approval of the Planning Board which shall be guided by the recommendations of the Town's Director of Lands and Natural Resources as to the number, location, condition and species of such trees and under Appendix III.Detail B.
- No tree shall be allowed within four (4) feet of the edge of pavement for a way, nor shall a tree be allowed within five (5) feet from the edge of an underground utility that exists or is to be installed.
- The Applicant shall show on the definitive plan the size placement and type of trees to be preserved and planted as set forth in this section of the Regulations and under Appendix III.Detail B.

**7I.6. Grass Plots and Slopes.** Embankments outside the shoulders shall be evenly graded and pitched at a rate not steeper than 3:1. The Planning Board may require such banks and all other disturbed areas adjacent to the traveled way to be loamed and seeded with grass. It is recommended that consideration be given to the surrounding growth and terrain. Roadsides should be made to blend with the woods or natural surroundings that exist and plantings in such areas should be chosen accordingly.

**7I.7. Parks and Open Spaces.** Before approval of a definitive plan, the Planning Board may also, in proper cases, under G.L. c.41, §81U, ¶14, require that the plan 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 the prospective uses of such land, the Planning Board may, by appropriate endorsement on the plan, require that no buildings be erected upon such park or parks without its approval for a period of not more than three years. Such action is to be taken in accordance with that portion of Section 81-Q of G.L.c. 41, which states that: "No rule or regulation shall require, and no Planning Board shall impose as a condition for approval of a plan of a subdivision, that any land within said subdivision be dedicated to the public use, or conveyed or released to the Commonwealth or the County, City or Town in which the subdivision is located, for use as a public way, public park or playground, or for any other purpose, without just compensation to the owner thereof."

**71.8. Use of Conservation Grants and Easements.** The Planning Board encourages Applicants to investigate and make use of conservation grants and easements, particularly in wet areas. Information can be obtained from the Conservation Commission

## **8.0 CONSTRUCTION REQUIREMENTS.**

An Applicant shall conform to the following construction requirements following subdivision approval and endorsement of the definitive plan.

**8.1.1 Pre-construction Requirements.** An Applicant shall provide the following information and then arrange a pre-construction meeting with the Planning Board's Engineer, Planning Department staff, Department of Public Works and Conservation Commission agent.

**8.1.2 Pre-Construction Submittals.** At least seven (7) days prior to the proposed construction start date and before the pre-construction meeting takes place, an Applicant shall provide the Planning Board and the Planning Board's Engineer with the following information:

- A. An affidavit certifying that the Applicant is the owner of record of all of the property shown on the endorsed definitive plan or documentation signed by the owner(s) of record that the Applicant has authorization to act on all matters pertaining to the construction of the development.
- B. An affidavit certifying that the Applicant has reviewed all of the conditions of subdivision approval and has taken all of the required steps to satisfy the conditions, including bonding requirements.
- C. An affidavit certifying that all required federal, state and local permits have been obtained and providing a list, with the dates of issuance of each permit and the permit identification number.
- D. The Applicant shall provide to the Planning Board the name, address, telephone number and e-mail address of the project manager or other responsible party on site who will be responsible for construction activities. This must be provided at least forty-eight (48) hours prior to any land disturbing activity on site.
- E. A letter identifying the persons or entities responsible for completion of any portion of the project including the name, address, telephone number and e-mail address of each such person or entity.
- F. A letter that identifies (name, business address, telephone and facsimile numbers and e-mail) for the following:
  - a. \*The official representative of the Applicant and owners.
  - b. \*The engineering firm to be used during construction.
  - c. \*The general contractor.
  - d. \*The soils testing firm to be used during construction.
- G. Shop drawings and/or catalog cuts of all structures/materials to be used to construct the approved definitive subdivision. All catalog cuts shall be highlighted as to product submitted for approval.
- H. The location of the disposal site for all solid waste and surplus material must be supplied and approved.
- I. Any changes to previously submitted information contained above must receive approval of the Planning Board.

- J. The total amount of land disturbance shall be quantified for the entire project, including, but not limited to, any disturbance that will be caused by roadway work, lot clearing, foundations for any structure, septic work, pools, tennis courts, landscaping. The amount of bare earth that will be exposed at any one time during development of the project (roads, lots and any other clearing) and the length of time it will be exposed shall also be quantified.
- K. The methods that will be employed to protect areas with exposed earth during development and to prevent erosion and control sedimentation during and after the construction. This shall include a detailed description of the procedures that will be employed to maintain the site in good condition during and after construction, including all operations and maintenance procedures and plans, vegetation controls and erosion and sediment control measures (e.g., siltation fences and hay baling and filter bags for catch basins and a specific program for cleaning and repairing catch basins).
- L. All areas to be protected from encroachment from construction shall be marked on the ground as shown on the approved Subdivision Plan and these barriers shall be maintained by the developer throughout the construction phase of the project.
- M. The Construction Management Plan must account for the timing and sequence of installing all conservation measures in order to provide for maximum control of erosion and sedimentation in the event of a two-year through a 100-year storm event during construction.
- N. A copy of the NPDES plan and permit, if applicable, for construction sites with one (1) acre or more of total disturbed area, inclusive of lot development, shall be provided by the Applicant to the Planning Board prior to the start of construction and shall be on site at all times during construction.
- O. For roads that will become Public Roadways: Adequate plan for snowplowing, de-icing and road maintenance shall be provided in writing by the Applicant during construction and by the Applicant once construction is completed and shall be in place unless and until the roadway is accepted by the Town. If this plan is not followed the Town may require bonding to ensure compliance.

**8.1.3 Pre-Construction Meeting.** At least one week prior to the beginning of construction, the Applicant shall arrange and participate in a pre-construction meeting with the aforementioned parties to review all construction requirements.

**8.2 CONSTRUCTION REQUIREMENTS.** The Applicant shall conform to the following construction requirements.

**8.2.1 Staking.** During construction, proper staking shall be maintained at all times by the Applicant including:

1. Establishment of base lines on centerline of construction for all roadways. Reproduction of base lines and centerlines, or lines offset to them when roadway cuts and fills have been completed.
2. General benchmark control for the subdivision.
3. Original grade stakes at fifty (50) foot intervals.

4. Bound points and side line stakes.
5. All necessary stakes for pipes and headwalls, and for the establishment of all catch basins and manhole locations as to line and grade.

**8.2.2 Clearing.** The entire roadway area shall be cleared and grubbed of all obstructions and growth of any kind. Unsuitable material shall be removed to the required depth and the area shall be evenly graded for a distance of not greater than seventeen (17) feet either side of the centerline. A greater width may be required at corners and on the inside of curves for visibility. Clearance of trees beyond a total width of thirty-four (34) feet or more than one (1) foot beyond the slope at cuts or fills is not permitted, except for the construction of sidewalks or utilities.

**8.2.3 Non-frost Susceptible Soil.** All fill and undisturbed soil shall be non-frost susceptible, to a minimum depth of five (5) feet below the finished pavement grade. Non-frost susceptible soil shall mean soil that shall not contain more than three (3) percent material that passes through the #200 sieve and, in addition, shall not include any material that is larger than three (3) inches in size. No frozen fill will be allowed to be used under any conditions.

**8.2.4 Sub-Grade Preparation.** The subbase preparation needs to be 14-17". Ledge and large boulders shall be removed to a depth of at least twenty-four (24) inches below finish grade. Clay, mulch, or other unstable material shall be removed to a greater depth as required and/or directed. Backfill of approved, stable materials shall be used to bring the sub-grade to a uniform grade seventeen (17) inches below finish grade. The sub-grade shall be prepared to required lines and grades, and all fill shall be constructed in six (6) inch compacted lifts. The sub-grade shall be compacted to a minimum of 92% and 95% of maximum dry unit weight and at or near optimum moisture content as determined by ASTM D-1557-66T, Method D. Preparation of the sub-grade shall be approved by the Planning Board's Engineer before any subsequent construction is permitted.

**8.2.5 Base course.** After approval of the sub-grade, a minimum of twelve (12) inches of approved compacted gravel in two (2) courses shall be placed over the sub-grade for the full cleared width and brought to a true even grade. The gravel base course shall be constructed in six (6) inch lifts and shall be compacted to a minimum of 95% of maximum dry unit weight and at or near optimum moisture content as determined by ASTM D-1557-66T, Method D. Total depth of gravel at all points after complete compaction shall be not less than twelve (12) inches. The base course shall consist of nine inches of bank run gravel and the top course shall consist of three inches of processed gravel. The gravel base shall be carried twelve (12) inches past the pavement on each side of the roadway.

**8.2.6 Bituminous Pavement.** The approved primed base course shall be paved with a minimum of two and one-half (2 1/2) inches of Massachusetts Department of Public Works binder course and one and one half (1 1/2) inches of top course to lines and grades as required. The pavement shall be compacted to a minimum of 95% of laboratory density, and surface irregularities greater than one-quarter (1/4) inch as measured with a

ten (10) foot straightedge shall be corrected as determined by the Planning Board's technical consultant.

**8.2.7 Truck Tickets.** Printed truck tickets showing the weight and mix of the bituminous paving material at the batch plant plus the date and time shall be turned over to the Planning Board's Engineer at the time of each delivery. Core samples will be required at locations to be determined by the Department of Public Works.

**8.2.8 Months and Conditions during which Bituminous Material shall not be laid.** No bituminous material shall be laid between November 15 and April 15 of any calendar year except in an emergency determined by the Department of Public Works. No such material shall be laid when the ambient temperature drops below forty (40) degrees or when it is raining. A waiver or subsequent modification of the definitive plan shall be required to pave outside of these dates. The Planning Board's Engineer is not authorized to provide a waiver. In the event that such paving occurs, an Applicant shall be required to remove and replace the pavement.

**8.2.9 Dust and Debris Control.** The Applicant shall promptly remove gravel, sand, dirt and/or any debris generated by the subdivision project from all Town ways. The Applicant shall provide and obtain approval from the Planning Board for dust control measures and then conform to those measures during all phases of subdivision construction.

**8.2.10 Driveway Entrances.** A driveway entrance proposed within the way lines shall be installed at the time of the road construction and in accordance with the requirements of the road construction. To prevent surface water from roadways from draining onto individual lots, driveway entrances shall be constructed such that they slope toward the roadway for a minimum distance of four (4) feet at a slope of not less than one (1) inch per foot. Adequate means shall be taken to prevent water from draining onto the roadway in such quantities as to erode the roadway or to form ice buildup in the winter months. Adequate means shall also be taken to prevent any driveway from blocking natural drainage via a culvert or pipe. Driveways, including existing driveways both within and outside of the subdivision, shall not be within seventy-five (75) feet of the intersection of the centerlines of intersecting streets.

**8.2.11 Street Signs.** Street signs shall be erected as required before construction of the roadway begins. The cost of the sign and its installation shall be borne by the Applicant and shall conform to the street sign standard used by the Town of Salisbury and shall be installed under the direction of the Director of Public Works. The Planning Board shall approve the name of any new subdivision street.

**8.2.12 Not an Accepted Street.** Streets within a subdivision that have not yet been accepted by the Town as public ways shall have conspicuously posted, by and at the expense of the Applicant, signs at intersections, suitable to the Director of Public Works, stating: "Private Way." The latter sign shall be a separate sign that is attached before the

signage that sets forth the name of the way, suitable for easy removal when and if the way is accepted by the Town as a public way.

**8.2.13 Advertisement Signs.** Signs may be posted within a subdivision advertising lots or houses for sale only in accordance with the following:

1. Signs shall be no larger than six (6) square feet and not longer than three (3) feet in either direction or higher than six (6) feet at the highest point above the average surrounding grade.
2. Signs shall not fluoresce or glow or be lighted in any manner.
3. A sketch of any proposed sign or signs shall be filed with the Planning Board prior to erection for approval.
4. No sign may be erected or displayed until written approval for each such sign is obtained from the Planning Board. No such permit is valid for longer than two (2) years. A permit may be renewed by the Planning Board.

**8.2.14 Monuments.** Granite bounds with metal pins in center shall be placed on both sides of the street at all angle points, at the beginning and end of all curves, and at all intersections of streets. Bounds shall be not less than three (3) feet in length and not less than five (5) inches in width and breadth. Way bounds shall be capped with magnetized drill holes. No permanent monuments or bounds shall be installed until all construction, which could destroy or disturb the monuments or bounds, is completed. The top of the bounds shall be set using concrete to finished grade, appropriately secured, and shall be set by a Professional Civil Engineer or Land Surveyor who shall certify in writing that they conform to the endorsed definitive plan.

**8.2.15 Prevention of Water Pollution.** During the performance of work within the subdivision, the Applicant shall take sufficient precautions during construction to avoid contaminating water in adjacent streams or bodies of water. All earthwork, grading, moving of equipment, water control in foundation areas, and other operations likely to create silting, shall be conducted to avoid or minimize pollution in adjacent streams and bodies of water. Water used for any purpose whatsoever by the Applicant, which has become contaminated with oil, bitumen, salt or other contaminants, shall be so discharged so as to avoid affecting nearby waters. Under no circumstances shall the Applicant discharge contaminants directly into any adjacent stream or bodies of water.

When the Applicant uses water from natural sources for any construction related operations, intake methods shall be such as to avoid contaminating the source of supply and maintain adequate downstream flow when the source is a stream. Violations will result in termination of work until the impacted area is restored.

**8.2.17 Barricades and Warning Signs.** The Applicant shall furnish, erect and maintain adequate warning and guide signs, traffic signs, safety lighting, barricades and barrier fences for the safe flow of traffic and protection of all life and limb.

**8.2.18 Protection and Restoration of Property.** The Applicant shall preserve and protect from injury all property either public or private adjacent to the subdivision, and shall be responsible for, and repair, any and all damage and injury thereto, arising out of or in consequence of any act of omission, neglect or misconduct in the execution of the work, or in consequence of the non-execution thereof by the Applicant in the performance of the work prior to completion and acceptance thereof.

**8.2.19 Clean-Up.** Upon completion of all work on the grounds, the Applicant shall remove from the subdivision streets and lots, all temporary structures, surplus material and rubbish, and shall leave the work and the site in a neat and orderly condition. All disturbed areas shall be properly graded, top soiled to a minimum depth of six (6) inches, limed, fertilized and seeded to satisfactory established growth including a minimum of three (3) necessary mowings.

## **9.0 MANDATORY CONDITIONS OF SUBDIVISION APPROVAL.**

No subdivision shall be approved without the following mandatory conditions.

**9.1.1 Conditions of Approval shall be noted on the plan prior to endorsement.** Prior to endorsement of the definitive plan, the definitive plan shall be revised to reflect all conditions of approval and a note shall be included on the plan with the text of all conditions of approval, and the Planning Board's Engineer shall confirm that the revisions are complete and accurate and in accordance with this decision.

**9.1.2 Failure to Obtain Endorsement.** The Applicant shall obtain the endorsement of the Planning Board upon the approved definitive plan within 120 days of the date of approval. Failure to obtain such endorsement shall result in the automatic rescission of the approval of such plan. Endorsement shall not be provided until proper surety has been provided as required under G.L. c.41, §81U and until the approved plan has been properly revised to set forth on required revisions and notes as to each condition of approval.

**9.1.3 Failure to Complete Construction.** The Applicant shall begin and complete the construction of all ways and Municipal Services within three (3) years of the date of endorsement of the definitive plan. Failure to so complete shall result in the automatic rescission of the approval of such plan, unless the Planning Board extends said period, for good cause shown, upon the written request of the Applicant prior to the expiration of said period and after holding a public hearing with notice to modify the subdivision approval to extend the time period.

**9.1.4 Construct Streets and All Required Utilities.** As a condition of approval of a subdivision, the Applicant shall construct the streets and complete all other work specified on the approved definitive plan and required under the Regulations, satisfy all relevant provisions of the Zoning By-Law and other By-Laws, including installation of required utilities and all work incidental thereto, such as grading of lots to provide drainage, construction of retaining walls and other details, as outlined in §7.0 of the Regulations or as specifically required by the Planning Board. The Planning Board may require that such construction be completed within a specified period of time.

**9.1.5 Grant Perpetual Rights and Easements.** As a condition of approval of a subdivision, the Applicant shall reserve a right and easement to construct, repair, replace, extended, operate, use and forever maintain all streets, water mains, sewer mains, and all surface and subsurface stormwater drains in, through or under the streets and easements as indicated on the definitive plan and to use the roadways shown on the plan as public ways so that these rights and easements may be conveyed to the Town of Salisbury in the event that the roadway(s) are offered and accepted as public ways by the Town. The Applicant may convey this right and interest to a Homeowners Association. This provision shall not relieve the Applicant from the responsibility to complete all construction as required by the Applicant's agreements with the Town.

**9.1.6 Right of Entry of Town Officials.** As a condition of approval of a subdivision, and in accordance with G.L. c. 41, §81B and §81CC, the Applicant shall allow the Planning Board and its officers and agents to enter upon any lands and make examinations and surveys and install, repair, and maintain monuments and marks as the Planning Board deems necessary to carry out its duties under the Subdivision Control Law.

**9.1.7 Certification of completion of subdivision in accordance with the approved and endorsed plan.** As a condition of subdivision approval by the Planning Board, an Applicant shall, prior to final surety release, provide a certification to the Planning Board from a Professional Civil Engineer that the subdivision has been completed in accordance with the approved and endorsed plan and the conditions of approval and certify that the layout, design and construction work in the subdivision are satisfactory and conform to the Town's specifications and the requirements of the Regulations. In addition, a separate and express certification shall be provided that the final grades have been constructed at the subdivision in accordance with the approved and endorsed plan. The certification shall be signed and stamped by such Professional Civil Engineer.

**9.1.8.A. Interim As-Built Plans.**

i. Drainage Basins.

Interim As-Built Plans shall be prepared by the Applicant and provided to the Planning Department, for any and all drainage basins approved for a project, and then approved by the Planning Board's Engineer before any building permits for new structures or buildings are issued for any lot in the subdivision. Interim as-built plans for a drainage basin, to be approved, shall confirm that the drainage basin is properly constructed, is located in the approved location and is properly sized, as required, so that the required storage capacity is available and no upland necessary for adjacent lots has been used. The location of a drainage basin shall be confirmed by at least two (2) bounds and shall be tied to at least two (2) bounds for the adjacent subdivision way and shall be tied to at least two (2) Massachusetts State Plane Coordinate System Coordinates. The as-built plans shall be signed and stamped by a Professional Civil Engineer.

ii. Roadways.

Interim as-built Plans shall be prepared by the applicant and provided to the Planning Department, for the roadway system approved for a project, and then approved by the Planning Board's Engineer before any building permits for new structures or buildings are issued for any lot in the subdivision. The interim as-built plans, to be approved, shall confirm that the roadway is properly constructed, located in the approved location and that no upland necessary for adjacent lots has been used to construct the roadway. The location of the roadway shall be confirmed by at least two (2) bounds that shall be tied to the nearest town way and shall be tied to at least two (2) Massachusetts State Plane Coordinate

System Coordinates. The as-built plans shall be signed and stamped by a Professional Civil Engineer.

#### **9.1.8.B. Final As-Built Plans.**

Final as-built plans shall be provided by the Applicant and at the Applicant's expense prior to final release of subdivision surety to confirm that the subdivision has been completed in accordance with the requirements of the endorsed definitive plan and the Regulations. The final as-built plans shall be prepared by a **Professional Civil Engineer**, and include but not be limited to the following:

1. A plan showing street line with the bearings and distances on mylar or another suitable permanent reproducible material at a scale of one (1) inch = forty (40) feet.
2. A plan to show pavement locations, house locations, lot lines, driveway locations, all utilities above ground such as water gates, gas gates, utility poles, manholes with rim elevations and inverts, catch basin rims and inverts, top of head wall with pipe size and invert. All utility easements; ties from house foundations to water services. Final site grading including all drainage structures and lot grading to demonstrate conformance to the approved drainage design, with a certification as to final grading that is signed and stamped by a professional civil engineer licensed in Massachusetts.
3. Names of abutters.
4. A plan section showing profile of centerline elevations every fifty (50) feet.
5. Deed descriptions.
6. A plan showing concrete bounds on all points of curvature and points of tangency.
7. Ten (10) sets of as built prints.
8. Provide the final As-Built with Massachusetts State Plane Coordinate System datum shown in a digital format acceptable to the Planning Board.

**9.1.9 Homeowners Association/Maintenance of Private Streets and Utilities.** As a condition of approval of a subdivision, prior to endorsement of the definitive plan the Applicant shall create and properly fund a Homeowners Association and all purchasers of land within the subdivision shall be required to be the beneficiaries of the Homeowners Association. The Homeowners Association shall accept and hold in trust roadways and other common areas and easements, as may be required by conditions of approval of a subdivision and the Homeowners Association shall be responsible for the maintenance, repairs and plowing of the subdivision roadway(s) unless and until the Town accepts the roadway(s) as a public way(s). The Homeowners Association shall permanently maintain the landscaping in the cul de sacs and along the roadway and keep the sidewalks. The Homeowners Association documents shall be reviewed and approved by the Planning Board, in consultation with Town Counsel, and the Homeowners Association shall have an initial fund that is deemed satisfactory to the Planning Board, in consultation with the

Planning Board's Engineer. The Homeowners Association shall send correspondence to all its beneficiaries twice a year, once during March and once during September, to advise each beneficiary of the Homeowners Association's duties and responsibilities to: (1) to maintain, repair and plow the roadways; and (2) maintain landscaping in the cul de sacs and roadways. At the same time, the Homeowners Association shall provide a written reminder to each beneficiary to maintain any portion of the systems on each beneficiary's property, including the mowing and clearing of drainage swales and berms.

**9.1.10 Pre-Construction Preparations.** Prior to the pre-construction meeting, the Applicant shall provide the Planning Board with a copy of the definitive plan on disc in digital format acceptable to the Planning Board.

**9.1.11 Modification of Roadway Layout.** Any modification of the roadway layout approved hereunder shall be subject to the requirements of G.L. c.41, §81W.

**9.1.12 Recording of Certificate of Vote.** The Certificate of Vote shall be recorded with and referenced to the definitive plan immediately following endorsement and the Applicant shall provide evidence of the recording or filing of the definitive plan to the Planning Board not later than 120 days following endorsement.

## **SECTION 10.0 SUBDIVISION SURETY**

### **10.1 Surety shall be provided prior to endorsement**

Prior to endorsement of the definitive plan, the Applicant shall provide subdivision surety in accordance with G.L. c.41, §81U, ¶7 (and Appendix D need).

### **10.2 Required form of surety**

All surety shall conform to the requirements of G.L. c.41, §81U, ¶7 and Appendix D. Letters of credit are not acceptable. The form of the surety shall be acceptable to the Planning Board in consultation with Town Counsel and the Planning Department.

1. A covenant form of surety shall be executed by the Applicant, all owners of record and any and all mortgagees. Such covenant shall state that the improvements shown on the definitive plan shall be completed not later than three (3) years from the date of the endorsement of the definitive plan. Failure to so complete the improvements shall result in the automatic rescission of the approval of the definitive plan by the Planning Board, unless the Planning Board extends said period, for good cause shown, after the written request of the Applicant prior to the expiration of said period. The covenant shall be referenced on the definitive plan prior to recordation in the Registry of Deeds or filing with the Land Court. The Applicant, after recording, shall promptly send a copy of the covenant, showing the Registry book and page number or Land Court document number, to the Planning Board.
  
2. All surety instruments, other than covenants not to build, shall be accompanied by a separate surety agreement that has been executed by the Applicant, all owners of record and all mortgagees and that shall detail the rights and obligations of the various parties and assign the proceeds of the surety to the Town of Salisbury, by and through the Planning Board, in the event of a default and provide an easement to the Town to allow the work shown on the endorsed definitive plan to be performed, creating the right to perform such work, but not an obligation. The amount of the surety instrument shall be approved by the Planning Board, the form of the surety instrument shall be approved as to form by the Planning Department and Town Counsel and be acceptable to the Town Treasurer. The surety instrument shall provide that the required improvements shown on the endorsed definitive plan shall be completed not later than three (3) years from the date of the endorsement of the definitive plan. Failure to so complete shall result in the automatic rescission of the approval of the definitive plan by the Planning Board, unless the Planning Board extends said period, for good cause shown, after the written request of the Applicant prior to the expiration of said period after holding a public hearing with notice.

**10.3. Amount of Surety.** In determining the amount of the surety, the Planning Board shall be guided by the following formula in setting the sum of the surety:

1. The Planning Board's estimate of the cost to the Town to complete the work, and provide as built plans;
2. A fifty percent (50%) contingency amount for work that is not performed in accordance with the Subdivision Control Law, the Regulations and the conditions of definitive subdivision approval, to provide for sufficient funds to guarantee the cost to remove deficient work and replace it; and
3. An appropriate amount reflecting the rate of inflation expected over the ensuing five (5) year period.

The Planning Board reserves the right to increase the required amount of surety if work is released and then later proves defective and to demand different surety in the event of a failure of any surety instrument (e.g., bankruptcy of a surety company or bank).

**10.4 Performance Bonds.** All performance bonds shall contain the following provision:

The Principal shall fully and satisfactorily observe and perform in accordance with the qualifications and time schedule set forth herein specified all the covenants, agreements, terms and provisions set forth in the following:

1. The application for definitive plan approval (Form C);
2. The subdivision control law and the rules and regulations of the Salisbury Planning Board that govern this subdivision (dated: (insert date:       ));
3. The Decision of the Planning Board dated \_\_\_\_\_ and attached hereto as Exhibit A; and
4. The definitive plan, as approved and endorsed by the Planning Board in the Decision;

then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid sum shall be payable to the Town of Salisbury, by and through the Planning Board, as liquidated damages in the event of a default.

**10.5 Supplemental Covenants.** The Planning Board may require, prior to the endorsement of the definitive plan, a supplemental covenant containing those conditions of approval that are intended to survive the release of the surety covenant. Such covenant shall be approved as to form by the Planning Board and, as necessary, Town Counsel. Such covenant shall be executed by all of the owners of record and any mortgagees, and duly recorded and filed, and shall run with the land. The covenant shall be referenced on the definitive plan prior to recording in the Registry of Deeds or filing with the Land Court. The Applicant shall, after recording, promptly send a copy of the covenant, showing the Registry book and page number or Land Court document number, to the Planning Board.

**10.6. Substituting Surety** An Applicant may substitute a new form of surety. If an Applicant desires that lots be released from a surety covenant prior to completion of the required improvements for the lots, then the Applicant shall provide alternate surety as set forth under G.L. c.41, §81U, ¶7 and shall send the Planning Board a formal written request regarding same by certified or registered mail which sets forth and includes:

**10.6.1. Determination of Extent of Work.** The extent and scope of remaining work to be completed to satisfy the requirements for the construction or installation of all required ways and Municipal Services.

**10.6.2 Estimate of Cost of Remaining Work.** An estimate approved by the Planning Board, pursuant to the Regulations, which reflects all remaining costs related to the construction of all required ways and installation of all required Municipal Services.

**10.6.3. Form and Type.** The form and type of guarantee proposed to be given to the Planning Board to secure all remaining improvements.

**10.6.4 Planning Board Action.** The Planning Board or its agent will make a determination as to the sufficiency of the proposed surety, and, if acceptable, a new performance guarantee shall be given to and accepted by the Planning Board. Upon acceptance by the Planning Board of the new performance guarantee, all applicable lots shall be released from the covenant.

## **10.7 MAINTENANCE BONDS**

The Planning Board may require a maintenance bond for the following purposes:

**10.7.1 Roadways and Improvements.** A maintenance bond shall be required when construction is completed or at the time of release of any performance guarantee to ensure the maintenance of the roadways, required plantings, utilities, and other improvements for a period of up to twenty (20) years.

**10.7.2 Drainage Systems.** A maintenance bond shall be required for a period of not less than twenty (20) years to ensure the maintenance of any aspect of an approved drainage system, including catch basins and detention ponds. This requirement may be waived upon presentation of satisfactory evidence that a Homeowners Association has been created that mandates payments by all the beneficiaries of the Homeowners Association and that the Homeowners Association is properly funded. The purpose of this requirement shall be to prevent flooding of property and Town maintained streets.

## **10.8 REDUCTION OF SECURITY**

The penal sum of any such security, or the amount of any deposit held under Regulation §8.1 may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by the Planning 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 in addition to all of the requirements for a covenant previously set forth.

## **10.9 RELEASE OF SECURITY**

**10.9.1 Submittal.** Before the Planning Board will release subdivision surety, the Applicant shall submit written evidence that the required performance has been satisfactorily completed and shall send a copy of this evidence to the Board of Health, Conservation Commission, Fire Department, Planning Board, Police Department and Department of Public Works and include the following:

1. Certification by a Professional Civil Engineer that the subdivision has been completed in accordance with the requirements of the approved definitive plan and the Regulations.
2. Certification by a Professional Civil Engineer that the final grading of the subdivision has been completed in accordance with the requirements of the approved definitive plan.
3. Certification by a Professional Civil Engineer or a Land Surveyor that all permanent monuments have been set in the locations shown on the approved definitive plan.
4. A letter from the Director of Public Works stating that he has inspected the roadways and water supply and other required improvements and they conform to the requirements of the approved definitive plan.
5. A letter from each of the Town's Fire and Police Departments stating that they have inspected the roadways and lots and that they have determined that the signage conforms to 911 requirements.
6. Certification by the Applicant that all required easements have been recorded and the recorded instrument has been delivered to and accepted by the Homeowners Association and/or the Planning Board or other Town board, as appropriate.

**10.9.2 Release or Partial Release of Surety.** If the Planning Board determines that said construction and installation has been completed or partially completed in the proper manner as required under the Subdivision Control Law, the Regulations and conditions of approval, it shall release or partially release said security or bond or deposit and shall return same to the person who furnished the same, or release or partially release the subdivision covenant by appropriate instrument that shall be duly acknowledged and which may be recorded or filed.

**10.9.3. Denial of Release.** If the Planning Board determines that the construction or installation has not been completed to its satisfaction and it receives written statement under G.L. c.41, §81U, ¶10 from the Applicant, it shall, within forty-five (45) days of the receipt of said statement, specify to the Applicant, in writing, the details wherein said construction and installation fail to comply with the Regulations and shall file a copy of same with the Town Clerk and deny the request for release.

## **SECTION 11.0 ADMINISTRATION AND SUPERVISION OF CONSTRUCTION**

### **11.1 Notice of Start of Construction**

Notice shall be given by the Applicant in writing to the Board, with duplicate copies to the Town's Department of Public Works, Fire Chief, Building Inspector, and Board of Health at least ten (10) days before the Applicant first commences construction, clearing, grading or any related activities.

#### **11.2.1 Inspections**

For the protection of the Town and future residents of the subdivision, a series of inspections during the course of construction shall be required to insure compliance with the approved definitive plan and the Regulations. All materials and each part of detail of the work as required under the Regulations shall be subject to inspection. The cost of such inspections shall be borne by the Applicant. The Planning Board will establish, at the Applicant's expense, an escrow account pursuant to G.L. c. 44, §53G to fund the cost of such inspections.

**11.2.2 Inspection Requests.** Obtaining inspections shall be the responsibility of the Applicant. Inspections shall be requested by the Applicant at least forty-eight (48) hours full working days in advance to the Planning Board and its authorized representative. The Applicant shall allow the Planning Board's Engineer and other duly authorized representatives access to all parts of the subdivision for purposes of inspection and shall be furnished with such information and assistance as is required to make a complete and detailed inspection. No trenches shall be filled prior to inspection.

**11.2.3 Inspections Required.** The Applicant shall contact the Planning Board and its duly authorized representative for inspections by the Planning Board's Engineer regarding the following aspects of the subdivision, at the specified times:

10. Inspections shall be made of the project, as necessary, upon completion of all clearing, grubbing and excavation and all work incidental thereto, as may be required or implied herein. No fill shall have been placed at the time of this inspection.
11. An inspection shall be made of the completed drainage system as required or implied herein or on the approved definitive plan including: drain pipe, culverts, catch basins and all related construction. Backfill of any portion of the drainage system shall not be made until after receipt of satisfaction of approval or acceptance by the Planning Board's Engineer and the Town's Director of Public Works.
12. Inspections and testing shall be made of the completed water distribution system by the Town's Water Department or its representative. The timing and number of inspections shall be determined by the Town's Water Department.
13. Inspections and testing shall be made of the sewer system including but not limited to pipe installations and testing prior to tying into town system. The timing and number of inspections shall be determined by the Department of Public Works.

14. The inspection of the construction of the way shall include the inspection of the backfilling and compaction of all utility trenches including gas, electric and telephone, as may be installed by utility companies, and such work shall be performed in the manner required by the Regulations. It shall be the Applicant's responsibility to ensure compliance with these requirements. If, in the opinion of the Planning Board, the backfilling and compaction of utility trenches have not been performed properly, including without limitation the use of frozen unsuitable material, the Planning Board may refuse to release the applicable subdivision surety until such work has been performed to the satisfaction of the Planning Board.
15. Inspections shall be made of the compacted fill as specified herein and shall be required to bring the roadway to their proposed grades. The Applicant shall certify the source of gravel for fill to the Planning Board's Engineer as soon as this information is known, so that samples may be taken and analyzed by the Planning Board's Engineer. The Applicant shall not proceed with filling operations until such time as the fill is determined by the Planning Board's Engineer, in writing, as acceptable. If the Applicant proceeds with filling prior to such determination, it shall be at the Applicant's risk that the Applicant shall be ordered to remove and replace the fill. The Applicant shall not use a gravel source other than the one designated without prior notice to the Planning Board's Engineer.
16. Inspections shall be made of the compacted roadway foundation as specified herein. A gravel sample or samples may be taken at the option of the Planning Board's Engineer.
17. An inspection shall be made of the compacted roadway foundation as specified herein and gravel samples may be taken by the Planning Board's Engineer. An inspection shall be made of the bituminous concrete pavement for the roadway surface. Samples of the mix may be taken by the Planning Board's Engineer for purpose of performing an extraction test in order to compare samples with the job-mix formula provided on the trucker tickets.
18. An inspection shall be made of all work regarding sidewalks, curbing, grass plots, side slopes, monuments, bounds and street signs.
19. A final inspection shall be made to ensure that all work required by the endorsed definitive plan, the conditions of subdivision approval and the Regulations has been satisfactorily completed prior to final release of the subdivision surety. Soil testing as determined by the Planning Board's Engineer will be at the Applicant's expense.

**11.2.4. Backfilling.** No water main, storm drain, catch basin, utility installation, road sub-grade or foundation, or any other item of work designated for inspection, shall be backfilled or paved over until inspected and approved by the Planning Board or its duly authorized representative.

**11.2.5. Excavation Performed Without Authorization.** Any work done, material used or excavation performed without authorization by the Planning Board or without the required inspection may be ordered removed and/or replaced at the Applicant's expense.

**11.2.6. Failure to Reject Defective Work or Materials.** Failure to reject defective work or materials at the point of installation shall not prevent later rejection of the work or materials when the defect is discovered, nor obligate the Planning Board to make final acceptance of the work or materials or subdivision.

**11.2.7. Work Found to be Defective.** If the work or any part thereof shall be found defective by the Planning Board at any time before the final acceptance of the entire project, the Planning Board shall give written notice thereof to the Applicant and the Applicant shall, at the Applicant's sole expense, cure such defect in a satisfactory and timely manner.

**11.2.8. Unauthorized Work.** Any work done beyond the lines and grades shown on the plans, except as herein provided, shall be considered unauthorized and shall be removed at the expense of the Applicant.

**11.2.9. Inspection Reports.** Once an Applicant indicates that a stage of work has been completed, the Planning Board's Engineer will review the status of the work and prepare and submit a report to the Planning Board and the Applicant and detail whether the work has been performed in accordance with the Regulations and the endorsed definitive plan or indicate the ways in which the work is not acceptable. At any time during the progress of the work, the Planning Board's Engineer shall advise the Planning Board of any factors that may adversely affect the progress of the work.

**11.2.10. Field Changes.** The Planning Board's Engineer may agree to minor field changes and shall notify the Planning Board in writing of such changes forthwith. The Planning Board's Engineer may not agree to major field changes. A major field change shall not proceed without the prior approval of the Planning Board. The Applicant shall proceed at the Applicant's own risk to perform work in accordance with a field change that has not received the Planning Board's prior approval. In the event that a field change is determined to be major, the Applicant shall cease the relevant work and obtain the required approval and if the necessary approval is not granted, shall remove the non-approved work at the Applicant's expense. In any instance in which a proposed field change would alter the drainage calculations previously relied upon, a subdivision modification shall be sought and obtained before the change may be implemented. The Planning Board's Engineer shall inspect work and materials; give direction pertaining to the work and the safety and convenience of the public; make measurements; and perform such other duties as may be designated by the Planning Board. In case of any dispute arising between the Applicant and the Planning Board's Engineer, as to materials furnished or the manner of performing the work, the Planning Board's Engineer shall have the authority to reject the materials and to suspend that portion of the work until the question at issue can be referred to and decided by the Planning Board.

**11.2.11. Alteration of Requirements.** The Planning Board's Engineer is not authorized to revoke, alter, enlarge, relax, or release any requirement of the Planning Board as shown on the endorsed definitive plan or required under the Regulations.

**11.2.12. Conduct.** In no case shall the Planning Board's Engineer act as foreperson or perform other such duties for the Applicant.

**11.2.13 Final Inspection.** The final inspection shall take place after completion of roadways, permanent benchmarks, curbing, berming, walkways, grading, seeding and cleanup and following receipt by the Planning Board of the Applicant's Professional Civil Engineer's certification that all grades have been constructed in accordance with the endorsed plan and receipt of all as-built plans.

## Town of Salisbury

Table 1. Street Cross Sectional Design Standards for Subdivisions

<b>Characteristic</b>	<b>Residential</b>	<b>Commercial</b>
<b>Type</b>	<b>Full access</b>	<b>Full access</b>
Design Speed (mph)	Defer to I.T.E. Standards	Defer to I.T.E. Standards
Minimum right-of-way width (feet)	50'	50'
Minimum Pavement (feet)	26'	32'
Planting strip width, each (feet)	3'	3'
Tree planting intervals (feet)	50'	50'
Sidewalk minimum width, each (feet)	5'	5'
Curbing		
Curbing type required	Granite	Granite
Maximum length Dead End (feet)	550'	550'
Dead End Grade (%) not greater than	3	3

## Town of Salisbury

Table 2. Geometric Design Standards for Subdivisions

<b>Characteristic</b>	<b>Residential</b>	<b>Commercial</b>
<b>Horizontal alignment</b>		
Minimum radius at center line (feet)	150'	500'
<b>Vertical alignment</b>		
Clear sight distance at 3.5 ft. above pavement	350'	350'
<b>Grade</b>		
a. Maximum Centerline Grade	Not to exceed 5%	Not to exceed 5%
b. Minimum Centerline Grade	Not less than 1%	Not less than 1%
<b>Intersection</b>		
a. Minimum intersection angle	60	60
b. Minimum center-line offset (feet)	200'	350'
c. Minimum radius at edge of travel way (feet)	25'	30'
e. Sight distance (feet) at intersection	Adequate for posted speeds, as dictated by I.T.E.	Adequate for posted speeds, as dictated by I.T.E.
<b>Dead end Streets</b>		
Minimum Length w/o turnaround (feet)	Not permitted	Not permitted
Maximum with a turnaround (feet)	550'	550'
Minimum turnaround radius to outside street line (feet)	60'	60'

## Town of Salisbury

Table 3. Roadway Construction Standards For Subdivision

<b>Area</b>	<b>Residential</b>	<b>Commercial</b>
<b>Pavement Class</b>		
Asphalt Concrete		
Surface Course (inches)	1.5"	1.5"
Asphalt Concrete		
Binder Course (inches)	2.5-3"	2.5-3"
Gravel Base (Bank Run Gravel)	9" bank run gravel topped with 3" of process	9" bank run gravel topped with 3" of process
Compacted to	95%	95%

## Town of Salisbury

Table 4. Private On-Lot Water System Standards for Subdivisions

Location	Minimum of 50 feet from a septic tank, 100 feet from a leaching field, seepage pit and cesspool, 10 feet from a durably constructed building sewer, and 100 feet from a privy.
Coliform content	Refer to Salisbury Board of Health “Standard Requirements for the Siting, Construction, Inspection, Upgrade & Expansion of Onsite Water Supply Wells”, 2006
Chemical content	Refer to Salisbury Board of Health “Standard Requirements for the Siting, Construction, Inspection, Upgrade & Expansion of Onsite Water Supply Wells”, 2006
Construction	Refer to Salisbury Board of Health “Standard Requirements for the Siting, Construction, Inspection, Upgrade & Expansion of Onsite Water Supply Wells”, 2006

## Town of Salisbury

Table 5. Recommended Public Water System Standards

<b>Planning Category</b>	<b>Standard</b>
Basis of design	25 years for supply; 50 years for distribution system
Water supply	Average summer day: 63 gallons per capita Peak summer day: 100 gallons per capita Industrial: 5,000 gallons per acre
Distribution storage	Sufficient to meet required fire flows during a period of 5 days with consumption at the maximum daily rate
Minimum pipe diameters	8 inches of ductile iron in residential areas; 12 inches of ductile iron in commercial and industrial areas*
Maximum hydrant spacing	500 feet
Hydrant grating	Required
Minimum fire flows	Per Town of Salisbury Fire Department Standards.
Quality	Meet drinking water standards of Public Health Service
Connection to system	All buildings within 400 feet of a main

\*Per DPW specs, looped system preferred

## Town of Salisbury

Table 6. Recommended Sewerage System Standards

<b>Planning Category</b>	<b>Standard</b>
Public sewerage system	
Basis of design	40 to 50 years for collection system 15 to 25 years for plant and pumping stations
Average design daily flow	Per 310 CMR 15: 110 gallons per day per bedroom
Amount of infiltration	As determined by groundwater/soil conditions
Minimum pipe diameter	8 inches
Minimum flow velocity	1.5 feet per second
Maximum spacing of manholes	300 feet and at every change in grade or horizontal alignment
Connection to system	All properties within 400 feet of sewer*
Private on-lot subsurface disposal system	Enforcement of Article 310 CMR 15 Title V of the Sanitary Code of the Department of Public Health of the Commonwealth of Massachusetts.

\*If Title V inspection fails, property owner shall interconnect immediately, if available

## Town of Salisbury

Table 7. Recommended Storm Drainage Standards

<b>Planning Category</b>	<b>Standard</b>
Basis of design	Normally determined by the rational method employing data from the nearest U.S. Weather Station, except where another method is shown to be more appropriate to give the same degree of protection in a specific case
Design storm	25 years in residential, commercial and industrial areas
Minimum pipe diameter	12 inches*
Minimum velocity	2.5 feet per second
Maximum velocity	15 feet per second
Maximum spacing of catch basins	300 feet apart
Maximum spacing of manholes	300 feet apart
Recharge facilities	Roof runoff leach facilities
Water quality	Best Management Practices (B.M.P.) as per the Commonwealth of Massachusetts

\*Per DPW specifications

**Appendix A: Street Suffix Designations**

<b>Suffix Name</b>	<b>Abbreviation</b>	<b>Definition</b>
Avenue	AVE	A roadway or thoroughfare that is continuous and not limited to a single subdivision
Boulevard	BLVD	Street with a landscaped median dividing the roadway
Circle	CIR	A street that intersects another street only once and terminates in a closed loop or a semicircular road that begins and circles back to terminate on the same road
Court	CT	Permanently dead-end street or terminating in a cul-de-sac, not longer than 660 feet in length
Drive	DR	A curvilinear street of which continues to other right of way
Lane	LN	Minor street within a subdivision
Parkway	PKWY	A thoroughfare designated as a collector or arterial, with a median reflecting the parkway character implied in the name
Place	PL	Permanently dead-end street or terminating in a cul-de-sac, or short through street, not longer than 660 feet in length
Road	RD	A designated thoroughfare
Street	ST	The common or default suffix. A thoroughfare, usually with a sidewalk or sidewalks
Way	WAY	A curvilinear street, usually utilized in residential areas

# Form A

**SALISBURY PLANNING BOARD**  
**PLAN BELIEVED NOT TO REQUIRE APPROVAL**  
**FILING CHECKLIST**

*Applications will not be stamped in at the Town Clerk's office for the Planning Board, until the Planning Department determines that the following items are included with the application:*

1. Seven copies of the plan for planning board
2. Form A filing fee - checks payable to the Town of Salisbury.
3. One Mylar suitable for recording at the Essex County Registry of Deeds
4. Copy of Deed
5. Digital Data Submission Requirements – completed sign off form by MVPC  
**Attachment 6**
6. Application & Plans for Assessor to Review-Sign-off from Assessor's Office

IMPROPER OR INCOMPLETE FILINGS WILL RESULT IN A DELAY IN  
DECISION, TOWN CLERK WILL SIGN AND STAMP AFTER PLANNING  
DEPARTMENT SIGNS OFF

\_\_\_\_\_  
Assessor's Office

\_\_\_\_\_  
Planning Department

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

**Form A**  
**Application for Endorsement of Plan Believed Not to Require Approval**

\_\_\_\_\_ **Map** \_\_\_\_\_ **Lot** \_\_\_\_\_  
*Date*

**Street Address** \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

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

Telephone #: \_\_\_\_\_

Owner of Property: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Plan Entitled: \_\_\_\_\_ Dated \_\_\_\_\_

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

Lot Size: \_\_\_\_\_

Amount of Frontage: \_\_\_\_\_

Other Permits Required and Status of Applications: \_\_\_\_\_

\_\_\_\_\_

Waivers Requested: \_\_\_\_\_

Does this ANR result in a change of address number for you or your neighbors? \_\_\_\_\_

If you are applying under 81L, please be aware that this may result in a change of addresses for everyone on your street, which will cause them to incur a cost.

***To the Salisbury Planning Board:***

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

1. The Division of Land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage, area and depth required by the Salisbury ZBA ordinance and is on a public way, namely, \_\_\_\_\_ or a Private way, namely \_\_\_\_\_.
  
2. The division of land shown on the accompanying plan is not a subdivision for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_.
  
3. The owner's title to the land is derived under deed from \_\_\_\_\_, dated \_\_\_\_\_, and recorded in Essex South Registry of Deeds Book \_\_\_\_\_ Page \_\_\_\_\_ or Land Court certificate of Title No. \_\_\_\_\_, registered in District Book \_\_\_\_\_ Page \_\_\_\_\_.

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

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

**Received:** \_\_\_\_\_  
**Town Clerk**

## Attachment 6

The applicant shall submit two copies of the Form A Plan in a digital format to the Merrimack Valley Planning Commission. Before any application for a Form A "Approval Not Required Plan" is accepted, the below form must be completed by MVPC. Failure to submit form will cause the application to be incomplete

### **Municipal Mapping –Digital Data Submission Requirements**

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The following requirements apply to the submission of Form A or subdivision plans as well as for plans and as-built drawings for infrastructure projects (water/sewer installation or repair, road work, and other capital improvements).

1. All plans and specifications must be submitted on electronic media (3.5" floppy or CD\_ROM using an IBM-PC or compatible file format). Acceptable file formats include: AutoCAD \*.dwg, AutoCAD \*.dxf, ArcView \*.shp, ArcInfo \*.E00. The files must be identical to the printed plan and contain all information included on the written plan. Upon project completion a digital submission of the "as-built" plan is required for final release of the performance bond associated with any project.
2. All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83 and vertical datum of NGVD88. All lot lines and easements depicted on the electronic submittal will conform to survey accuracy. Where possible all bearings and distances should be adjusted for true north OR the applicant shall provide a listing of the number of degrees, minutes, and seconds of deviation between true north and magnetic north. If necessary data will be accepted in NAD27 using the aforementioned specifications.
3. Each feature type must be organized in the CAD or GIS data structure as a separate layer. For example, there must be separate CAD layers for buildings, roads, road centerlines, surface water, wetlands, etc. Having all these features in a single CAD layer or GIS file will not be accepted.
4. CAD data may be tiled on paper, PDF or other form of digital output as individual sheets for improved readability, but plans should be derived from a single master drawing. All data will be topologically clean, meaning that polygons are closed (no overshoots or undershoots) and lines connect at nodes. Features that naturally connect such as driveways to roads must connect seamlessly. All text in AutoCAD files will appear on top of other features and will be in separate annotation layer. Features under text should not be erased or 'broken' in order to make the text clearer.
5. Documentation of the data format must be provided with a description of the CAD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.
6. Attributes or databases that are included in mapping files must have a definition of the meaning of each field as well as a definition of any values used in each field. Features that contain an elevation component (z-value) must have that elevation value within the attribute data.
7. The data submitted must include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an

estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses, and labeled as to their contents.

**DIGITAL DATE SUBMISSION SIGN-OFF**

**Note to applicant: Please allow 10 days for MVPC review and response.**

Applicant: \_\_\_\_\_ Phone #: \_\_\_\_\_

Plan Engineer: \_\_\_\_\_ Phone#: \_\_\_\_\_

Engineer Project Number: \_\_\_\_\_

- 1) Date submitted to MVPC?
- 2) Street address of submitted plan?
- 3) Map and lot of submitted plan if available?
- 4) Type of lot adjustment (new lot, subdivision, lot line correction, lot combination, easement, other – describe)
- 5) Projection used by engineering firm (state plane 1927, state plane 1983, or WGS 84)?
- 6) File name, file format and version of software (if applicable)?
- 7) Additional comments or instructions (if necessary)?

**To be filled out by Merrimack Valley Planning Commission:**

- 8) Presence of latitude/longitude feature on paper plan (Y/N)?
- 9) Adjusted for true north or declination depicted on paper plan (Y/N)?
- 10) Arcs closed to create parcel polygons (Y/N)?
- 11) Are all features independent (Y/N)?
- 12) Is there documentation of each layer (Y/N/Partial)?
- 13) Has the accuracy been estimated?

MVPC has reviewed the digital data submitted and finds it acceptable and complete:

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(signature)

(date)

**SALISBURY PLANNING BOARD PRELIMINARY PLAN  
FILING CHECKLIST**

*Applications will not be stamped in at the Town Clerk's office for the Planning Board, until the Planning Department determines that the following items are included with the application:*

1. Application must be filled out completely and correctly. (Map and Parcel must be included and can be found in the Assessor's Office)
2. Preliminary Plan filing fee. Checks payable to the Town of Salisbury.
3. Plan drawn in accordance with the requirements listed in Salisbury's Subdivision Control Regulations Section 5 (7 COPIES).
5. Treasurer's Office signature to insure all Taxes are paid up to date on the property in question and any applicable betterments are paid in full.
6. Copy of Registered Deed

IMPROPER OR INCOMPLETE FILINGS WILL RESULT IN A DELAY IN DECISION, TOWN CLERK WILL SIGN AND STAMP AFTER PLANNING DEPARTMENT SIGNS OFF.

\_\_\_\_\_  
Planning Department

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

**\*\*\* Notes to Applicant \*\*\***

**Board of Health will approve or Disapprove plans within 45 Days of submission.  
Planning Board has up to 45 Days from submission to make a decision.**

**SALISBURY PLANNING BOARD  
FORM B  
APPLICATION for APPROVAL of a PRELIMINARY PLAN**

\_\_\_\_\_ Map \_\_\_\_\_ Lot \_\_\_\_\_  
Date \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

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

Telephone #: \_\_\_\_\_

Owner of Property: \_\_\_\_\_

Owner's Address : \_\_\_\_\_

Plan Entitled: \_\_\_\_\_ Dated \_\_\_\_\_

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

# Lots Created: \_\_\_\_\_

Description of Proposed Work: \_ \_\_\_\_\_  
\_\_\_\_\_

Other Permits Required and Status of Applications: \_\_\_\_\_  
\_\_\_\_\_

Waivers Requested: \_\_\_\_\_

Copy of Application and Plan Received by Board of Health:

Date \_\_\_\_\_

Time \_\_\_\_\_

Signature \_\_\_\_\_

**PRELIMINARY PLAN SUBDIVISION APPLICATION**  
**TAX AND BETTERMENT PAYMENT CERTIFICATION**

Date \_\_\_\_\_

**Map** \_\_\_\_\_ **Parcel** \_\_\_\_\_

Owners Name: \_\_\_\_\_

Property Address: \_\_\_\_\_, Salisbury MA

I, \_\_\_\_\_, certify that all taxes and applicable betterment's have been paid in full for the property located at **Map** \_\_\_\_\_ **Parcel** \_\_\_\_\_. The next billing date is \_\_\_\_\_.

**Signature:** \_\_\_\_\_  
**Treasurer or Treasurer's Clerk**

**Date:** \_\_\_\_\_

# Form C

## SALISBURY PLANNING BOARD DEFINITIVE SUBDIVISION FILING CHECKLIST

*Applications will not be stamped in at the Town Clerk's office for the Planning Board, until the Planning Department determines that the following items are included with the application:*

1. Application must be filled out completely and correctly. (Map and Parcel must be included and can be found in the Assessor's Office). **Attachment 1**
2. Definitive Subdivision application & review fees. Checks payable to the Town of Salisbury.
3. Plan drawn in accordance with the requirements listed in Salisbury's Subdivision Control Regulations Section IV (7 COPIES).
4. Abutters List Request form must be completed at the Assessor's Office (\$15-checks payable to the Town of Salisbury).
7. Treasurer's Office signature to insure all Taxes are paid up to date on the property in question and any applicable betterments are paid in full. **Attachment 2**
8. Copy of Registered Deed
7. Digital Data Submission Requirements – completed sign off form by MVPC. **Attachment 3**
8. New Streets/Ways Name sign off sheet. **Attachment 4**
9. A completed Form C Submittal Checklist. **Attachment 5**

IMPROPER OR INCOMPLETE FILINGS WILL RESULT IN A DELAY IN DECISION, TOWN CLERK WILL SIGN AND STAMP AFTER PLANNING DEPARTMENT SIGNS OFF.

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Planning Department

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Town Clerk

### **\*\*\* Notes to Applicant \*\*\***

**Applicants shall bear the cost of advertising the legal notices in the Newburyport Daily News, and will be directly billed by that publication.**

**Board of Health will approve or disapprove plans within 45 Days of submission. Planning Board decision is contingent upon Board of Health approval. Planning Board has up to 135 Days from submission to make a decision.**

*All conditions must be met and required changes made to the plan, then submitted to the Planning Board for review, before a building permit will be signed*

Attachment 1

**SALISBURY PLANNING BOARD  
FORM C  
APPLICATION FOR APPROVAL OF DEFINITIVE PLAN**

\_\_\_\_\_ Date

Map \_\_\_\_\_ Lot \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_  
(Local address needed for hearing notice)

Telephone # & Fax #: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Owner of Property: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Plan Entitled: \_\_\_\_\_

Dated \_\_\_\_\_

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

Lot Size: \_\_\_\_\_

Description of Proposed Work: \_\_\_\_\_

---

Number of Proposed Lots: \_\_\_\_\_

Length of Proposed Road: \_\_\_\_\_

Other Permits Required and Status of Applications: \_\_\_\_\_

---

Waivers Requested: \_\_\_\_\_

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, hereby applies for the approval of said DEFINITIVE plan by the Salisbury Planning Board for property located at \_\_\_\_\_, Salisbury MA. In furtherance thereof hereby agrees to abide with the Rules and Regulations of said Board. The undersigned hereby further covenants and agrees with the Town of Salisbury, upon the approval of said DEFINITIVE plan by the Board:

1. to install utilities in accordance with the rules and regulations of the Planning Board, the water Department, the Highway Superintendent, the Board of Health, and all general as well as zoning bylaws of Salisbury, 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 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. to complete the aforesaid installations and construction within two years from the date hereof.

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

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

**Received:** \_\_\_\_\_  
**Town Clerk**

**Attachment 2**

**DEFINITIVE SUBDIVISION APPLICATION**  
**TAX AND BETTERMENT PAYMENT CERTIFICATION**

Date \_\_\_\_\_

Map \_\_\_\_\_ Parcel \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Property Address: \_\_\_\_\_, Salisbury MA

I, \_\_\_\_\_, certify that all taxes and applicable betterment's have been paid in full for the property located at **Map** \_\_\_\_\_ **Parcel** \_\_\_\_\_. The next billing date is \_\_\_\_\_.

**Signature:** \_\_\_\_\_  
**Treasurer or Treasurer's Clerk**

**Date:** \_\_\_\_\_

### Attachment 3

The applicant shall submit two copies of the Definitive Plan in a digital format to the Merrimack Valley Planning Commission. Before any application for a Form C Definitive Subdivision is accepted, the form below must be completed by MVPC. Failure to submit form will cause the application to be incomplete

#### **Municipal Mapping –Digital Data Submission Requirements**

---

The following requirements apply to the submission of Form A or subdivision plans as well as for plans and as-built drawings for infrastructure projects (water/sewer installation or repair, road work, and other capital improvements).

1. All plans and specifications must be submitted on electronic media (3.5” floppy or CD\_ROM using an IBM-PC or compatible file format). Acceptable file formats include: AutoCAD \*.dwg, AutoCAD \*.dxf, ArcView \*.shp, ArcInfo \*.E00. The files must be identical to the printed plan and contain all information included on the written plan. Upon project completion a digital submission of the “as-built” plan is required for final release of the performance bond associated with any project.
2. All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83 and vertical datum of NGVD88. All lot lines and easements depicted on the electronic submittal will conform to survey accuracy. Where possible all bearings and distances should be adjusted for true north OR the applicant shall provide a listing of the number of degrees, minutes, and seconds of deviation between true north and magnetic north. If necessary data will be accepted in NAD27 using the aforementioned specifications.
3. Each feature type must be organized in the CAD or GIS data structure as a separate layer. For example, there must be separate CAD layers for buildings, roads, road centerlines, surface water, wetlands, etc. Having all these features in a single CAD layer or GIS file will not be accepted.
4. CAD data may be tiled on paper, PDF or other form of digital output as individual sheets for improved readability, but plans should be derived from a single master drawing. All data will be topologically clean, meaning that polygons are closed (no overshoots or undershoots) and lines connect at nodes. Features that naturally connect such as driveways to roads must connect seamlessly. All text in AutoCAD files will appear on top of other features and will be in separate annotation layer. Features under text should not be erased or ‘broken’ in order to make the text clearer.
5. Documentation of the data format must be provided with a description of the CAD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.
6. Attributes or databases that are included in mapping files must have a definition of the meaning of each field as well as a definition of any values used in each field. Features that contain an elevation component (z-value) must have that elevation value within the attribute data.
7. The data submitted must include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an

estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses, and labeled as to their contents.

**DIGITAL DATE SUBMISSION SIGN-OFF**

**Note to applicant: Please allow 10 days for MVPC review and response.**

Applicant: \_\_\_\_\_ Phone #: \_\_\_\_\_

Plan Engineer: \_\_\_\_\_ Phone#: \_\_\_\_\_

Engineer Project Number: \_\_\_\_\_

- 1) Date submitted to MVPC?
- 2) Street address of submitted plan?
- 3) Map and lot of submitted plan if available?
- 4) Type of lot adjustment (new lot, subdivision, lot line correction, lot combination, easement, other – describe)
- 5) Projection used by engineering firm (state plane 1927, state plane 1983, or WGS 84)?
- 6) File name, file format and version of software (if applicable)?
- 7) Additional comments or instructions (if necessary)?

**To be filled out by Merrimack Valley Planning Commission:**

- 8) Presence of latitude/longitude feature on paper plan (Y/N)?
- 9) Adjusted for true north or declination depicted on paper plan (Y/N)?
- 10) Arcs closed to create parcel polygons (Y/N)?
- 11) Are all features independent (Y/N)?
- 12) Is there documentation of each layer (Y/N/Partial)?
- 13) Has the accuracy been estimated?

MVPC has reviewed the digital data submitted and finds it acceptable and complete:

---

(signature) (date)

**Attachment 4**

**NEW STREETS/WAYS NAME SIGN OFF SHEET  
PLANNING BOARD**

APPLICANT: \_\_\_\_\_

MAP/LOT: \_\_\_\_\_ PHONE: \_\_\_\_\_

PROPOSED STREET NAME:  
\_\_\_\_\_

PROPOSED ALTERNATE STREET NAME:  
\_\_\_\_\_

---

*BELOW THIS LINE FOR OFFICE USE ONLY  
Please circulate in the following order:*

**1. POLICE DEPARTMENT**

APPROVAL OF STREET NAME: \_\_\_\_\_  
POLICE CHIEF

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

**2. FIRE DEPARTMENT**

APPROVAL OF STREET NAME: \_\_\_\_\_  
FIRE DEPARTMENT

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

**3. DEPARTMENT OF PUBLIC WORKS**

APPROVAL OF STREET NAME: \_\_\_\_\_  
DPW DIRECTOR

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

**4. ASSESSOR'S OFFICE- MUST SUPPLY A COPY OF THE PLAN**

*\* Please allow 10 days for Assessor's Office review\**

APPROVAL OF STREET NAME: \_\_\_\_\_  
CHIEF ASSESSOR

PRELIMINARY ISSUANCE OF STREET NUMBERS: \_\_\_\_\_ (See Attached)

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

FINAL ISSUANCE OF STREET NUMBERS: \_\_\_\_\_ (See Attached)

*(Final issuance of Map/Lot and street numbers after Planning Board approval and recording at the Registry of Deeds)*

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

**OWNER(S):**

BY SIGNING THIS DOCUMENT, THE OWNER UNDERSTANDS, ACCEPTS, AND AGREES TO COMPLY WITH THE FOLLOWING STATEMENTS:

1. The Developer or Applicant before the Planning Board is responsible for the cost and installation of a street sign. Specifications for street signs may be obtained from the Director of Public Works. The average cost of a sign and installation is between \$150-\$200. Signs are available from:

Traffic Safety & Signs, Inc.  
96 Steadman Street  
Lowell, MA 01851  
(800) 242-7446

Sign A Rama USA  
102 Tide Mille Road #8  
Hampton, NH 03842  
(603) 433-5500

2. Any division resulting in additional lots will be identified and taxed in the subsequent fiscal year as separate lots, after Planning Board approval and recording at the Registry of Deeds.

3. The Police Department requires a street number to be placed on the house or mailbox, for emergency 911 purposes, at the time of occupancy. Failure to comply will result in a fine.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Attachment 5**  
**FORM C PLAN SUBMITTAL CHECKLIST**

*Before any Form C Definitive Subdivision application can be filed at the town clerk's office, the following departments must receive the specified information and sign below that the information has been received. Departments have 14 days within which they may approve, disapprove, or comment on the proposed plan.*

**Board of Health**

(1 Set of Plans & application)

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

**Fire Department**

(1 Set of Plans & application)

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

**Department of Public Works**

(3 Sets of Plans & application)

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

**Building Department**

(1 Set of Plans & application)

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

**Conservation Commission**

(1 Set of Plans & application)

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

**Police Department**

(1 Set of Plans & application)

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

**Assessor's Department**

(1 Set of Plans & application)

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

**Planning Department**

(1 Set of Plans & application)

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

**SALISBURY PLANNING BOARD  
SPECIAL PERMIT FILING CHECKLIST**

*Applications will not be stamped in at the Town Clerk's office for the Planning Board, until the Planning Department determines that the following items are included with the application:*

1. Application must be filled out completely and correctly. (Map and Parcel must be included and can be found in the Assessor's Office) **Attachment 1**
2. Special Permit filing fee. Checks payable to the Town of Salisbury.
3. Plan drawn in accordance with the requirements listed in the Town of Salisbury's Zoning By-Laws. (8 COPIES).
4. A complete REQUIREMENTS AND WAIVER REQUEST FORM **must** be submitted along with copies of site plan filings: **Attachment 2**
5. Abutters List Request form must be completed at the Assessor's Office (if applicable-check with planning department) (\$15-check payable to Town of Salisbury)
6. Treasurer's Office signature to ensure all Taxes are paid up to date on the property in question and any applicable betterments are paid in full: **Attachment 3**
7. A complete submittal checklist **must** be submitted along with copies of plans: **Attachment 4**

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Planning Department

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Town Clerk

**\*\*\* Note to Applicants \*\*\***

- Applicants shall bear the cost of advertising the legal notices in the Newburyport Daily News, and will be directly billed by that publication.
- Planning Board will schedule a Public Hearing within 30 Days of complete submission.
- All conditions must be met and required changes made to the plan, then submitted to the Planning Board for review before a building permit will be assigned.

**Attachment 1**

**TOWN OF SALISBURY**  
**APPLICATION FOR PLANNING BOARD SPECIAL PERMIT**

***A REGISTERED PLAN MUST BE FILED WITH THIS APPLICATION FORM***

Date \_\_\_\_\_

Applicant:

\_\_\_\_\_

Full name	Address	phone number
-----------	---------	--------------

Applicant's E-mail Address: \_\_\_\_\_

Owner:

\_\_\_\_\_

Full name	Address	phone number
-----------	---------	--------------

Lessee:

\_\_\_\_\_

Full name	Address	phone number
-----------	---------	--------------

Tax Map # \_\_\_\_\_ Lot # \_\_\_\_\_

1. Location of Premises:

\_\_\_\_\_

2. Zoning District:

\_\_\_\_\_

3. Parcel Size: \_\_\_\_\_

4. (F.R.D. applications only): Applicable Land Area: \_\_\_\_\_

Open Space Percentage: \_\_\_\_\_

5. (F.R.D. applications only): Number of Affordable Units: \_\_\_\_\_

% of Affordable Units: \_\_\_\_\_

6. Number of existing buildings on parcel:

\_\_\_\_\_

7. State proposed use of premises:

\_\_\_\_\_

8. Zoning by-law provision under which application is made:

---

---

9. Other Permits Required and Status of Applications:

---

---

10. Special Permit Plan Waivers Requested:

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---

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

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

**Attachment 2**  
 Planning Board

REQUIREMENTS AND WAIVER REQUEST FORM

*Applicant* \_\_\_\_\_ *Map and Parcel #* \_\_\_\_\_

*Property Owner* \_\_\_\_\_ *Project Address* \_\_\_\_\_

Plan Requirements Requesting	Included in	
	Application	Waiver
A. Plans drawn by registered professional	_____	_____
B. Existing site conditions:		
1. All waterbodies	_____	_____
2. Wetland and Boundaries	_____	_____
3. Topography	_____	_____
4. Vegetation types	_____	_____
5. Other natural features	_____	_____
C. Location of:		
1. Proposed landscaping	_____	_____
2. Existing landscaping and open space	_____	_____
D. Use Plan indicating locations of		
1. Proposed building and additions	_____	_____
2. Parking	_____	_____
3. Service and loading areas	_____	_____
4. Curbing and driveway locations	_____	_____
5. Trash and receptacles or dumpsters	_____	_____
6. Lighting	_____	_____
7. Other site alterations	_____	_____
E. Architectural plans of all proposed buildings		
1. Floor plans	_____	_____
2. Elevation plans	_____	_____
F. Utility Plans showing		
1. Water and sewer connection	_____	_____
2. Stormwater Drainage Plan	_____	_____
G. Luminaire Plan showing		
1. Foot Candles	_____	_____

**Attachment 3**

**SPECIAL PERMIT APPLICATION**  
**TAX AND BETTERMENT PAYMENT CERTIFICATION**

Date \_\_\_\_\_

**Map** \_\_\_\_\_ **Parcel** \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Property Address: \_\_\_\_\_, Salisbury, MA

I, \_\_\_\_\_, certify that all taxes and applicable betterment's have been paid in full for

the property located at **Map** \_\_\_\_\_ **Parcel** \_\_\_\_\_. The next billing date is \_\_\_\_\_.

**Signature:** \_\_\_\_\_  
**Treasurer or Treasurer's Clerk**

**Date:** \_\_\_\_\_

**Attachment 4**

**Special Permit Submittal Checklist**

*Before any Special Permit application can be filed at the town clerk's office, the following departments must receive the specified information and sign below that the information has been received. Departments have 14 days within which they may comment on the proposed plan.*

**Board of Health**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

**Fire Department**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

**Department of Public Works**

(3 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(3 copy of special permit application)

**Building Department**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

**Conservation Commission**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

**Police Department**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

**Assessor's Department**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

**Planning Department**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

**Subdivision Completion Certificate**

Salisbury, MA \_\_\_\_\_, 20\_\_

Name of Subdivision \_\_\_\_\_

Owner \_\_\_\_\_

Date of Application \_\_\_\_\_

Date of Approval or other action by Planning Board \_\_\_\_\_

Performance Guarantee (Type & Amount) \_\_\_\_\_

Way Completed to Satisfaction of:

DPW \_\_\_\_\_ Date: \_\_\_\_\_

Assessor \_\_\_\_\_ Date: \_\_\_\_\_

Building Inspector \_\_\_\_\_ Date: \_\_\_\_\_

Conservation Commission \_\_\_\_\_ Date: \_\_\_\_\_

Board of Health \_\_\_\_\_ Date: \_\_\_\_\_

Police \_\_\_\_\_ Date: \_\_\_\_\_

Fire \_\_\_\_\_ Date: \_\_\_\_\_

Town Engineer \_\_\_\_\_ Date: \_\_\_\_\_

\*Performance Guarantee released only after Town Counsel approval, must be done at a Planning Board Meeting\*

## *Appendix C: Checklists*

### **Inspection Form**

Name of Subdivision:

Name of Applicant:

1. Clearing of Right-of-Way
2. Sub-grade Preparation
3. Drainage (below grade)
4. Detention basins
5. Erosion Control
6. Water Installation & Tie-in
7. Sewer Installation & Tie-in
8. Grading of Lots
9. Curb Installation
10. Binder Course
11. Finish Course
12. Sidewalk Construction
13. Street Trees & Planting
14. Grass Strips
15. Street Light
16. Street Signs and Monuments
17. Final Clean-up

Planning Department to be notified by phone/e-mail at least 24 hours in advance before each required inspection.

### **Plan Review Checklist**

**6.4.4 Definitive Plan Contents.** A definitive plan shall contain, but not limited to the following:

1. A title block on each plan sheet that sets forth the following:
  - (i) The name of the proposed subdivision;
  - (ii) The date of the plan and each revision date;
  - (iii) The scale of the plan;
  - (iv) The name and address of the subdivision Applicant;
  - (v) The name and address of each owner of record;
  - (vi) The name and address and telephone number of the Professional Civil Engineer and Land Surveyor who prepared the plan;
  - (vii) A north delineation;
  - (viii) NGVD of 1929 or NAVD88 Bench marks;
  - (ix) The name of the plan sheet; and
  - (x) The number of the plan sheet (e.g., "1 of 1").

2. Adequate space above the title block for the Planning Board's endorsement on each sheet.
3. A locus map at a scale not greater than one (1) inch equals one thousand (1000) feet showing the streets in the immediate vicinity on the title sheet.
4. Names of all abutters, including those separated from the subdivision by only a street, as they appear on the most recent tax list, and approximate intersecting boundary lines of the abutting lands.
5. Assessor's Map and parcel reference information for the locus.
6. The Zoning Classification (and requirements) shall be detailed in a note and any zoning boundary(s) shall be shown.
7. Lines of existing and proposed streets, ways, lots, easements, and public or common areas within the subdivision, including sidewalks, drainage and open space.
8. The proposed names of the proposed streets shall be shown, but shall not be final until approved by the Planning Board.
9. Existing and proposed boundary lines, dimensions and areas of lots shall be shown, with all bounds keyed into the Massachusetts State Plane Coordinate System and at least two Massachusetts State Plane Coordinate System points shown on the plan. If the subdivision is within 500 feet of a highway or road which has been laid out by the Town of Salisbury, Essex County Commissioners, or the Massachusetts Department of Public Works, the subdivision shall also be tied into two or more permanent points or bounds of the existing highway or road by bearing and distance.
10. Sufficient data to determine the location, direction, and length of every street and way line, lot line, and boundary line shown on the plan so as to establish these lines on the ground. Closure information shall be provided to indicate all street corners with a relative error of closure of property line traverse that shall be less than 1 part in 12,000. All monuments referenced in the closure calculations shall be indicated on the plan. A closure certification shall appear on the surveyor's drawing and be signed and stamped by the surveyor. A copy of traverse notes shall be furnished to the Planning Board upon request.
11. Acreage including total upland areas on the subject property and total wetland areas on the property and within 100 feet of each lot line, with bearings and length thereof in conformity with the Zoning By-Law in each case.
12. Location of all permanent monuments as defined in §8.2.14 properly identified as to whether existing or proposed.
13. Location, names and present widths and grades of public and private ways bounding, approaching, or within reasonable proximity of the subdivision, with existing water, electrical, cable, gas, telephone, fire hydrants, and drainage facilities.
14. Location of existing roadways and driveways opposite or adjacent to the site within 500 feet of the property limits.
15. So that drainage calculations and impacts can be properly understood and evaluated, the plan shall depict the location of major site features, such as

existing stone walls, fences, buildings and all buildings within 100 feet of property limits; large trees, rock ridges and outcropping, bodies of water, natural waterways, the limits of all wetlands on and within 100 feet of the subdivision; all streams, including perennial and intermittent streams and other water bodies, located on the property and within 200 feet of the subdivision, as approved by the Conservation Commission or Department of Environmental Protection; flood plains located on the property and within 200 feet of the subdivision; and all existing culverts and drains on the property and within 200 feet of the subdivision.

16. Size and location of existing and proposed storm drains, water mains, utilities, and their appurtenances, including hydrants, within and adjacent to the subdivision. All existing and proposed utilities (water, sewer, drainage and gas) must be sized and class designated. Manholes must include rim and invert and sump elevations. Size and available capacity for all existing and proposed utilities (water, sewer and drainage) must be determined and shown in a chart format [existing utilization, proposed additional utilization and remaining capacity].
17. Profile plans of proposed streets, drawn as follows:
  - a. A horizontal scale of one inch (1") equals forty feet (40').
  - b. A vertical scale of one inch (1") equals four feet (4').
  - c. Existing center line in fine solid black line.
  - d. Existing right side line in fine dotted black line.
  - e. Existing left side line in fine dashed black line.
  - f. Proposed center line grades in heavy lines, all appropriately designated showing grade elevations at every fifty (50) foot station, except on vertical curves where they shall be shown at every twenty-five (25) foot station and at P.V.C. and P.V.T.
  - g. Proposed system of drainage, including, but not limited to, catch basins, manholes and proposed rim elevations, inverts, sumps and pipe sizes, and stormwater management systems such as detention or retention basins and under drains.
  - h. All existing intersecting walks and driveways.
  - i. Elevations referred to mean sea level as referred to by NGVD of 1929 or NAVD88
  - j. Rates of gradient (% slope) shown by figures for roadways and drainage.
18. Typical section of proposed streets shall be shown on a profile plan in accordance with the typical cross-sections as shown in Appendix II.
19. Profiles and cross-sections of drainage easements, existing water bodies, natural water-ways, swamps and flood plains within and adjacent to the subdivision.
20. Existing and proposed topography shall be depicted on separate plan sheets as follows:
  - a. The contour intervals shall be one foot (1') where slopes are less than 5% and two feet (2') on slopes 5% or greater.

- b. Existing contours shall be shown as dashed lines and proposed final contours as dark solid lines.
  - c. Contours shall extend beyond the boundaries of the property a sufficient distance to indicate the effect of the subdivision on abutting property, at least 100 feet and such greater distance as the Planning Board may reasonably require in a particular instance.
  - d. A note shall be placed on the plan indicating that the existing contours were determined pursuant to an on the ground survey and provide the date of the survey and the note shall be certified by the registered land surveyor who shall sign and stamp the sheet on which this note appears.
21. When sewer is not available, soil evaluations and percolation tests are required. Soil test data should be provided for each proposed lot. Test locations shall be indicated on the plans and standard soil evaluation logs and percolation test forms provided. A minimum of two soil tests including percolation tests at the location of stormwater management systems shall be performed. Soil permeability testing may be required in infiltration systems. Soil testing at a minimum of every fifty (50) feet along the roadway and at locations requested by the Planning Board, in order to demonstrate suitable soils for roadway construction. Soil testing shall be witnessed or confirmed by the Planning Board's technical consultant or by another person designated by the Planning Board within thirty (30) days of the submission of a definitive plan.
  22. Each subdivision, regardless of size, shall be designed to meet the performance standards of the Department of Environmental Protection's Stormwater Management Policy. There shall be no net increase in runoff allowed and the storm drainage capacity shall be designed to handle two-year through 100-year storm events without creating a net increase in runoff.
  24. The stormwater management system design shall be documented in a report submitted at the time of application. This report shall include all drainage calculations, proposed maintenance and operation requirements and provide a copy of the instrument(s) that are proposed to be used to create a home owners association that will maintain swales, retention ponds and landscaping on cul de sacs to allow the Planning Board to evaluate the adequacy of the proposed design.
  25. The subdivision submission shall include a plan in the plan set that indicates the maximum build-out of the property. This plan shall indicate proposed buildings, driveways, lot grading including grading and design of septic systems, limits of clearing, and any other pertinent data. This plan will be utilized to evaluate the proposed stormwater management system. The plan and associated drainage design shall demonstrate that no increase in runoff rate or flooding of adjacent properties or streets will result post-construction. All water runoff and flooding shall be controlled on site in any instance in which downstream receiving waters are not

adequate to handle any portion of the runoff from a two-year through a 100-year storm event.

26. The proposed roadway centerline shall be staked at 50-foot intervals and be in place at the time of the Planning Board's site visit. Additional staking of drainage facilities, easements, and other areas may be required at the discretion of the Planning Board.
27. It shall be demonstrated through a volume calculation that there shall be no net loss of soil materials from the site. This calculation shall be set forth in a note on the post-construction conditions sheet and shall be certified and signed and stamped by the professional registered engineer.
28. Construction details and specifications shall be shown on a separate sheet as part of the subdivision submission and shall be certified and signed and stamped by the Professional Civil Engineer.
29. A Construction Management Plan which shall contain an overall soil, drainage and water management plan prepared in accordance with §6.4.4, that shall be followed during construction and a maintenance schedule that shall be followed after completion of the project.

*Appendix D: Surety Forms*

**Covenant**

Know all men by these presents that the undersigned has submitted to the Salisbury Planning Board an application dated \_\_\_\_\_, for approval of a definitive plan of a subdivision of land entitled: "Definitive Subdivision" address prepared by \_\_\_\_\_ dated \_\_\_\_\_ and last revised on \_\_\_\_\_ and showing ("the Plan"), which plan was approved by said Planning Board on \_\_\_\_\_ and is recorded with the Essex South Registry of Deeds in Plan Book \_\_\_\_, Page #\_\_\_\_\_.

NOW THEREFORE, in consideration of the Salisbury Planning Board approving the Plan without requiring a performance bond, the undersigned covenants and agrees with the Town of Salisbury, 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 said subdivision ("the Property") and there are no mortgages of record or otherwise on any of the Property except for those described below and the present holders of said mortgages have assented to this Covenant prior to the execution by the undersigned. It is agreed that any subsequent mortgages shall be subordinate to this Covenant.
  
2. The undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and installation of municipal services necessary to adequately serve such lot have been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:
  - a. Application for Approval of Definitive Plan dated \_\_\_\_\_;
  - b. The Subdivision Laws of the Town of Salisbury and the Planning Board's Rules and Regulations governing this Subdivision;
  - c. The Certificate of Approval and conditions of approval specified therein issued by the Planning Board on \_\_\_\_\_ and filed with the Salisbury Town Clerk on \_\_\_\_\_;
  - d. The Plan as qualified by the Certificate of Approval;
  - e. Other document(s) specifying construction or installation to be completed, \_\_\_\_\_ namely \_\_\_\_\_.
  
- 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 said land.

4. The particular lots within the subdivision shall be released from the foregoing conditions only upon the recording of a certificate of performance executed by a majority of said 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 Plan or of all lots not previously released by the Planning Board.
  
6. The undersigned agrees to record this Covenant with the Essex South Registry of Deeds forthwith. Reference to this Covenant shall be entered upon the definitive plan as approved.
  
7. Upon final completion of the construction of all ways and the installation of all municipal services as specified herein, on or before thirty-six (36) months from the date that the Plan is endorsed by the Planning Board, and as evidenced by a majority vote of the Planning Board, the Planning Board shall release this Covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant shall result in automatic rescission of the approval of the Plan.
  
8. This Covenant shall take effect upon the endorsement of approval of the Plan by the Planning Board.
  
9. A deed of any part of the subdivision in violation of the Covenant shall be void able 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 G.L. c. 41, §81U.

For title to the Property see deed from \_\_\_\_\_, dated \_\_\_\_\_, recorded with said Registry in Book \_\_\_\_, Page# \_\_\_\_.

There is no mortgage on the Property.

\_\_\_\_\_ of the undersigned, hereby agrees that such interest as I may have in the Property shall be subject to the provisions of this Covenant and insofar as necessary release all rights of tenancy by the entirety, dower or homestead and other interests therein.

**IN WITNESS WHEREOF** \_\_\_\_\_ under declaration of Trust dated \_\_\_\_\_ and recorded at the Essex South Registry of Deeds, Book \_\_\_\_ and page #, have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Owner,

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

\_\_\_\_\_  
Acceptance by the Majority of the Salisbury  
Planning Board

**COMMONWEALTH OF MASSACHUSETTS**

Essex, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_ proved to me through satisfactory evidence of identification, which was a drivers license, to be the person whose name is signed on the preceding or attached document as record owner, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**COMMONWEALTH OF MASSACHUSETTS**

Essex, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, representative of \_\_\_\_\_ Bank as aforesaid, and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name he/she signed on the foregoing instrument in my presence, and further acknowledged to me that he/she signed it voluntarily for its stated purpose as said representative.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**PERFORMANCE AGREEMENT – SECURED BY A SURETY BOND**

This Surety Performance Agreement (the “Agreement”) is made this date by and between the Town of Salisbury, by and through its Planning Board (the “Town” or “Planning Board”), **[insert name of applicants]**, a Massachusetts corporation with a principal place of business at **[insert address]** (“**[insert short name]**”) and **[insert name of surety company]**, a corporation authorized to do business in Massachusetts, with an office at **[insert address]** (the “Surety”), pursuant to and in accordance with the requirements of M.G.L. c.41, §81U.

This Agreement shall be and is secured by a subdivision bond issued by the Surety (the “Bond”). (A true copy of the Bond is attached hereto as Exhibit #1.) The purpose of the Agreement and the Bond is to secure construction of the ways and installation of the municipal services shown on a definitive subdivision plan depicting proposed lots and entitled “ \_\_\_\_\_ ,” prepared by \_\_\_\_\_ , and dated \_\_\_\_\_ , as revised through \_\_\_\_\_ for land located off of \_\_\_\_\_ , MA and owned by \_\_\_\_\_ .

Know all persons by these presents that **[name of applicants]** and the Surety hereby bind and obligate themselves, their respective executors, administrators, devisees, heirs, successors, and assigns, jointly and severally to the Town, in the sum of **[insert amount in words and numbers]** (\$ \_\_\_\_\_ .00) as secured by the Bond to secure the performance by **[insert name of applicant]** of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval of Definitive Plan (Form C) dated \_\_\_\_\_ ;
2. The Subdivision Control Law (M.G.L. c.41, §81K, et seq.);
3. The Salisbury Planning Board’s Subdivision Rules and Regulations, dated **[insert date of applicable regulations]**;
4. Certificate of Approval issued by the Planning Board, dated **[insert date]**, including any and all conditions of approval;
5. The Definitive Plan, as qualified by the Certificate of Approval, and as recorded in the **[insert name of County]** Registry of Deeds as **[insert Plan Book or other Book and Page information]**; \_\_\_\_\_ ;
6. Form F Subdivision Covenant, dated **[insert date, if applicable]**;
7. A plan entitled **[insert title]**, Sheets **[itemize sheet numbers]**, by **[name of engineer, etc., who prepared the plan]**, dated **[insert date]**, as revised through **[insert date or dates]**;
8. Form G Certificate of Performance Covenant of Approval Release, dated \_\_\_\_\_ **[insert date, if applicable]**; and
9. **Any other applicable documents.**

The Agreement shall remain in full force and effect unless and until **[insert name of applicant]** has fully and satisfactorily performed all obligations, or has elected to provide another method of securing performance as provided under M.G.L. c.41, §81U.

Upon satisfactory completion by **[insert name of applicant]** of all obligations as specified herein, on or before **[insert deadline for completion of improvements]** or such later date as may be specified by vote of the Planning Board with a written concurrence of **[insert name of applicant]** and the Surety, the interest of the Town in the Bond shall be released, the Bond shall be returned to the Surety and this Agreement shall become void.

In the event **[insert name of applicant]** should fail to complete the construction of ways and installation of municipal services as specified in this Agreement and within the time herein specified, this Agreement may be enforced, in whole or in part, by the Planning Board, for the benefit of the Town to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this Agreement.

Election by the Planning Board not to enforce this Agreement for any period of time shall not be deemed to be a waiver of the right to enforce. Any unused portion of the surety shall be released and returned to the Surety as required under M.G.L. c.41, §81U.

The parties hereby agree and admit that Massachusetts Law shall govern the adjudication of any dispute regarding this Agreement. The parties agree that any dispute concerning this action shall be heard by the Essex Superior Court or the United States District Court for the District of Massachusetts. The parties further agree to accept service of process by certified mail at the following addresses:

**Salisbury Planning Board  
5 Beach Road  
Salisbury, MA 01952**

**[insert name of applicant]  
[insert address]**

**[insert name of surety]  
[insert address for surety]**

In addition, the Surety hereby agrees and admits, in exchange for good consideration, the receipt of which is hereby acknowledged by the Surety, that:

- 1) The Town and the Planning Board shall have the right to enforce the terms of the Subdivision Bond;
- 2) Massachusetts Law shall govern the adjudication of any dispute regarding the Subdivision Bond;
- 3) The Essex Superior Court or United States District Court for the District of Massachusetts shall have personal jurisdiction over the Surety in any litigation regarding the Subdivision Bond; and

- 4) Service of process shall be deemed effective upon the Surety upon delivery of same when forwarded to the Surety by certified mail at the address noted above; however, the Surety may alter the address upon affording written notice to the Planning Board and its counsel, by certified mail.
  
- 5) In the event that **[insert name of the applicant]** should fail in its obligations under this Agreement, the Surety shall have the option of performing the subject work forthwith or making the funds guaranteed by the Bond available to the Town upon written demand from the Town. Failure by the Town to seize the funds when a default occurs shall not be deemed a waiver of the right to do so. In the event that a court of competent jurisdiction determines that the Surety failed to perform the work or to make the funds available, the Surety agrees to compensate the Town for its attorneys' fees and legal costs incurred to enforce the Bond.

Any amendments to this Agreement or to the aforesaid Bond shall be agreed upon in writing by all parties to this Agreement.

In witness whereof, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

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

Signatures of the Salisbury Planning Board

[insert name of County], SS \_\_\_\_\_, 20\_\_\_\_

Then personally appeared before me \_\_\_\_\_, one of the above-named **[insert name]** Planning Board Members, who identified him/herself to me, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

\_\_\_\_\_  
 Notary Public  
 My commission expires:

\_\_\_\_\_  
**[insert name of applicant]**

By: President/Treasurer

[insert name of County], SS \_\_\_\_\_, 20\_\_

Then personally appeared before me \_\_\_\_\_, who is known to me or satisfactorily identified him/herself to me, and acknowledged the foregoing instrument to be his/her free act and deed on behalf of the [insert name of applicant], before me.

\_\_\_\_\_  
Notary Public  
My commission expires:

**I, \_\_\_\_\_, Clerk of [insert name of applicant, if a corporation], hereby certify that I am the duly elected Clerk of the Corporation, and that the following Officers are the present duly elected President and Treasurer of the Corporation:**

President: (Fill in name)\_\_\_\_\_

Treasurer: (Fill in name)\_\_\_\_\_

\_\_\_\_\_  
Clerk of [insert name]

[insert County], SS \_\_\_\_\_, 20\_\_

Then personally appeared before me \_\_\_\_\_, who is known to me or satisfactorily identified him/herself to me, and acknowledged the foregoing instrument to be his/her free act and deed as the Clerk of [insert name of corporation], before me.

\_\_\_\_\_  
Notary Public  
My commission expires:

\_\_\_\_\_  
[insert name of surety company]  
By:  
Attorney-in-Fact

[insert County], SS \_\_\_\_\_, 20\_\_

Then personally appeared before me \_\_\_\_\_, who is known to me or satisfactorily identified him/herself to me, and acknowledged the foregoing instrument to be his/her free act and deed on behalf of [insert name of surety], before me.

\_\_\_\_\_  
Notary Public  
My commission expires:

**SUBDIVISION PERFORMANCE AGREEMENT – SECURED BY LENDER**

This Performance Agreement (the “Agreement”) is made this date by and between the Town of Salisbury, by and through its Planning Board (the “Town” or “Planning Board”), and \_\_\_\_\_ [applicant] \_\_\_\_\_ with a principal place of business at \_\_\_\_\_, (hereinafter the “Applicant”), and the \_\_\_\_\_ Bank, a Massachusetts Bank with a principal place of business at \_\_\_\_\_ (the “Lender”); to secure the construction of the following road and of municipal services in said road:

\_\_\_\_\_, as shown on a definitive subdivision plan depicting proposed lots and entitled “\_\_\_\_\_” prepared by \_\_\_\_\_, and dated \_\_\_\_\_, as revised through \_\_\_\_\_ for land located at \_\_\_\_\_ and owned by \_\_\_\_\_ which plan is recorded at the \_\_\_\_\_ Registry of Deeds as Plan No. \_\_\_\_\_ of 20\_\_ in Plan Book \_\_\_\_\_.

1. This Agreement is conditioned upon the Applicant having granted a mortgage to Lender, recorded in the \_\_\_\_\_ Registry of Deeds at \_\_\_\_\_. The mortgage encumbers the land of the Applicant, as shown on the Plan, as security for the payment of a note to the Lender from the Applicant. By execution of this Agreement, the Applicant and Lender hereby bind and obligate themselves, their heirs, administrators, successors and assigns, jointly and severally, to the Town, in the sum of \_\_\_\_\_ (\$\_\_\_\_\_) (The Holdback) and have secured this obligation by the Lender retaining said sum of money.

2. The Holdback shall guarantee the construction of the aforesaid road, including installation of municipal services, all in accordance with the covenants, conditions, agreements, terms and provisions contained in the following:
  - a.
  - b.
  - c.
  - d.
3. This agreement shall remain in full force and effect until the Applicant has fully and satisfactorily performed all obligations under the terms hereof, and any amendments hereto, or until the Town completes the Work pursuant to Section 7 hereunder.
4. The Applicant shall complete the Work on or before \_\_\_\_\_, unless the date of completion is extended by a written amendment to the Agreement. At least sixty, (60) days before the aforementioned completion date, the Applicant shall notify the Planning Board in writing, whether or not the Work will be finished by the scheduled completion date. If the Work will not be finished, then the Applicant shall formally petition the Planning Board for an extension to the completion date.
5. The Lender may disburse the Holdback to the Applicant in periodic installments, or in total, only upon an executed amendment to this Agreement authorizing the same. The amendments shall be in accordance with the prior approval by the Planning Board of a petition by the Applicant for a reduction of the Holdback. Said approval to be based upon inspection of the property by a duly authorized

- employee of the Department of Public Works [or other responsible town official or town engineer]. Notwithstanding payment by the Lender, the Planning Board reserves the right to require corrective work at any time from the Applicant until the Work secured hereunder has been satisfactorily completed.
6. Should the Applicant fail to perform the Work and bring it to completion in as continuous and expeditious a manner as possible, the Town may declare the Applicant in default of its obligations hereunder and the Planning Board shall make a demand for performance by the Applicant to cure such default. If the Applicant fails to cure said default, the Town may proceed to recover the undisbursed Holdback pursuant to the terms and procedures in Section 7, hereunder.
  7. In the event the Applicant should fail to complete any stage of the Work in accordance with the terms of this agreement the undisbursed portion of the Holdback shall become the property of the Town for the benefit of the Town for completing the Work as specified under this agreement. Such funds will be disbursed to the Town in the form of a check drawn on the Lender and made payable to the Town upon the Planning Board's written notification to the Lender that the Applicant has failed to satisfy the requirements as set forth above. Any unused portion of such funds shall be released by the Town and returned to the Lender.
  8. The Town shall have recourse to the Lender for all the undisbursed funds, notwithstanding any transfer of title in foreclosure, assignment, bankruptcy or

imposition of lien by or against the Applicant, but only for the purpose of completing the Work in accordance with Section 7.

9. Upon satisfactory completion of the Work by the Applicant, the balance of the Holdback retained by the Lender may be released to the Applicant upon receipt by the Lender of: (a) written notice from the Planning Board that the conditions of this agreement have been satisfactorily completed; or (b) upon issuance by the Town Clerk of a certificate pursuant to Chapter 41, Section 81U to the effect that the Planning Board of the Town has failed to specify the details wherein the Applicant has failed to comply with the Planning Board's Rules and Regulations.
10. The Lender's obligations hereunder shall in no event exceed \_\_\_\_\_ (\$\_\_\_\_\_) or the balance remaining after any periodic disbursements made pursuant to Section 5, above, whichever is less.
11. Any amendment to this Agreement shall be agreed upon in writing by all parties hereto. Whereas the Holdback amount and date for completion may from time to time be amended by vote of the Planning Board, such written amendments shall be kept on file with the Town in the offices of the Planning Board and Town Clerk. Such amendments shall not otherwise affect any other substantive terms of the Agreement, which shall remain in full force and effect until the recording of a final amendment releasing the Town's interest and certifying the Applicant's completion of all required work hereunder.
12. Any amendments to this Agreement or to the aforesaid Bond shall be agreed upon in writing by all parties to this Agreement.

In witness whereof, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

Signatures of the Salisbury Planning Board

Essex County, SS

\_\_\_\_\_, 20\_\_

Then personally appeared before me \_\_\_\_\_, one of the above-named \_\_\_\_\_ Planning Board Members, who identified him/herself to me, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

\_\_\_\_\_  
Notary Public  
My commission expires:

[Applicant]

\_\_\_\_\_  
By: its \_\_\_\_\_, \_\_\_\_\_

Essex County, SS

\_\_\_\_\_, 20\_\_

Then personally appeared before me \_\_\_\_\_ as aforesaid, who is known to me or satisfactorily identified himself to me, and acknowledged the foregoing instrument to be his free act and deed on behalf of [Applicant], before me.

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

My commission expires:

The \_\_\_\_\_ Bank

By \_\_\_\_\_

Essex, SS

\_\_\_\_\_, 20\_\_

Then personally appeared before me \_\_\_\_\_, who is known to me and acknowledged the foregoing instrument to be his free act and deed on behalf of The \_\_\_\_\_ Bank, before me.

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

My commission expires:

*Appendix E: Inclusionary Zoning Documents*

COVENANT AND AGREEMENT FOR HOUSING CONTRIBUTION PAYMENTS  
PURSUANT TO ARTICLE XIII OF THE SALISBURY ZONING BY-LAW

This COVENANT AND AGREEMENT is made as of the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by \_\_\_\_\_ (the “Developer”), having an address of \_\_\_\_\_, with and for the benefit of the Town of Salisbury, a municipal corporation, having an address of 5 Beach Road, Salisbury, MA 01952 (the “Town”).

WHEREAS, Developer is the owner of certain real properties described in the deeds recorded with the Essex South District Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ (the “Properties”), and created \_\_\_\_\_ development entitled \_\_\_\_\_,

thereon (the “Development”).

WHEREAS, Developer has, relative to the Property, applied to the Salisbury Planning Board for approval of a \_\_\_\_\_ that would permit construction of a total of \_\_\_\_\_ residential units, under G.L. c. 41, §§ 81K – 81GG (“Subdivision”).

WHEREAS, Article XIII of the Salisbury Zoning By-law, Inclusionary Housing Requirements (the “Inclusionary By-law”) requires that the Developer dedicate 12 ½% of the units in any Subdivision or Other Residential Development to Affordable Housing Units (the “Affordable Housing Unit Requirement”), except as provided at Section XF8. of the Inclusionary By-law.

WHEREAS, §300-80 of the Inclusionary By-law provides that the Affordable Housing Unit Requirement shall be fulfilled if the Developer enters into a binding, written agreement with the Town of Salisbury to make payments (“Housing Contribution Payments”) to the Town in lieu of complying with the Affordable Housing Unit Requirement, said Housing Contribution Payments payable to the Salisbury Affordable Housing Trust Fund.

WHEREAS, the Housing Contribution Payments are based on the selling price of each market-rate housing unit (“Market-Rate Housing Unit”) within the Development.

WHEREAS, Developer has elected, in lieu of complying with the Affordable Housing Unit Requirement, to pay Housing Contribution Payments to the Town.

WHEREAS, prior to Developer being issued an occupancy permit for any Market-Rate Housing Unit within the Project, the Developer is required to pay Housing Contribution Payments to the Town in accordance with this Covenant and Agreement.

WHEREAS, as security for the payment of the Housing Contribution Payments, a lien (the “Lien”) will be placed upon the Property until the Housing Contribution Payments are paid in full.

NOW, THEREFORE, the Developer covenants and agrees with the Town as follows:

1. Developer shall pay to the Town, in lieu of the creation of Affordable Housing Units, a Housing Contribution Payment with respect to each Market-Rate Housing Unit in the Development such amount to be calculated in accordance with §300-80(b) and (c) of the Inclusionary By-law (the “Developer’s Contribution”).

2. Prior to issuance of a subdivision approval for the Subdivision, Developer shall execute this Covenant and Agreement in favor of the Town, which Covenant and Agreement shall be approved by the Salisbury Planning Board.

3. Upon execution, this Covenant and Agreement shall immediately be recorded by the Town, at Developer’s expense, at the Essex South District Registry of Deeds, or, if the Property consists in whole or in part of registered land, be filed with the Registry District of the Land Court of Essex County. Upon recording or filing, the Town shall transmit to the Developer evidence of such recording or filing including the date and instrument, book and page or registration number of this Covenant and Agreement.

4. Developer shall, prior to the issuance of an occupancy certificate for any Market-Rate Housing Unit within the Development pay the Developer’s Contribution that is payable with respect to the unit for which an occupancy certificate is sought. If the Developer and the Town (acting through the Town Manager or a designee of the Town Manager) agree that the unit is being sold to a third party in an arms-length transaction for fair market value, the Developer’s Contribution shall be calculated based on the selling price of the unit in accordance with §300-80 (b) and (c) of the Inclusionary By-law. Otherwise, the Developer’s Contribution shall be calculated in accordance with §300-80(b) and (c) of the Inclusionary By-law by using the fair market value of the Market-Rate Housing Unit as determined by an independent, professionally qualified real estate appraiser jointly selected by the Town and the Developer in lieu of the selling price of the unit. Any such appraiser’s fees and expenses shall be paid by the Developer.

5. Upon full payment to the Town, in accordance with Paragraph 4 hereof, the Town shall execute and deliver to Developer either (i) a discharge of the Lien, in the event the Developer’s Contribution with respect to the entire Development is paid in full, or (ii) a partial release of the Lien for each Market-Rate Housing Unit for which Developer has paid the Developer’s Contribution.

6. The term of this Covenant and Agreement shall be the earlier of (i) the date upon which Developer pays the Developer’s Contribution for the entire Development to the Town; or (ii) ninety-nine (99) years.

7. Developer intends, declares and covenants on behalf of themselves and their respective successors and assigns (i) that this Covenant and Agreement, and the agreements and restrictions contained herein shall be and are covenants running with the Property, encumbering the Property for the term of this Covenant and Agreement, and are binding upon the Developer's successors in title, (ii) are not merely personal covenants of the Developer, and (iii) shall bind the Developer, their respective successors and assigns and inure to the benefit of the Town and its successors and assigns for the term of the Covenant and Agreement.

8. Developer represents and warrants that they have obtained the consent of all existing mortgagees of the Property to the execution and recording of this Covenant and Agreement and to the terms and conditions hereof.

9. Developer hereby represents, covenants and warrants as follows:

(a) Developer has the full legal right, power and authority to execute and deliver this Covenant and Agreement.

(b) The execution and performance of this Covenant and Agreement by the Developer (i) will not violate, or, as applicable, has not violated, any provision of law, rule or regulation, or any order of any court or other agency or governmental body, and (ii) will not violate or, as applicable, has not violated any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the Developer is a party or by which it or the Property is bound, and (iii) will not result in the creation or imposition of any encumbrance of any nature.

(c) The Developer has, at the time of execution and delivery of this Covenant and Agreement, good and clear record and marketable title to the Property free and clear of any lien or encumbrance (subject to encumbrances created pursuant to this Covenant and Agreement) except as follows: \_\_\_\_\_.

10. Developer hereby appoints the Town its agent in fact under this Covenant and Agreement, with the power to execute and record and/or file at the Registry of Deeds or the District of the Land Court of Essex County such instruments as may be required to extend the term of this Covenant and Agreement in the event the term is to expire, by virtue of G.L. c. 184, § 23, or any other statute or law limiting or restricting the term of this Covenant and Agreement.

Covenanted and Agreed as of the date and year written above.

DEVELOPER

\_\_\_\_\_

TOWN OF SALISBURY

By \_\_\_\_\_  
Neil J. Harrington, Town Manager

THE FOREGOING COVENANT AND AGREEMENT IS APPROVED

SALISBURY PLANNING BOARD

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

COMMONWEALTH OF MASSACHUSETTS

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

On this \_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that he and she signed it voluntarily for its stated purposes.

\_\_\_\_\_  
Notary Public  
My commission expires:

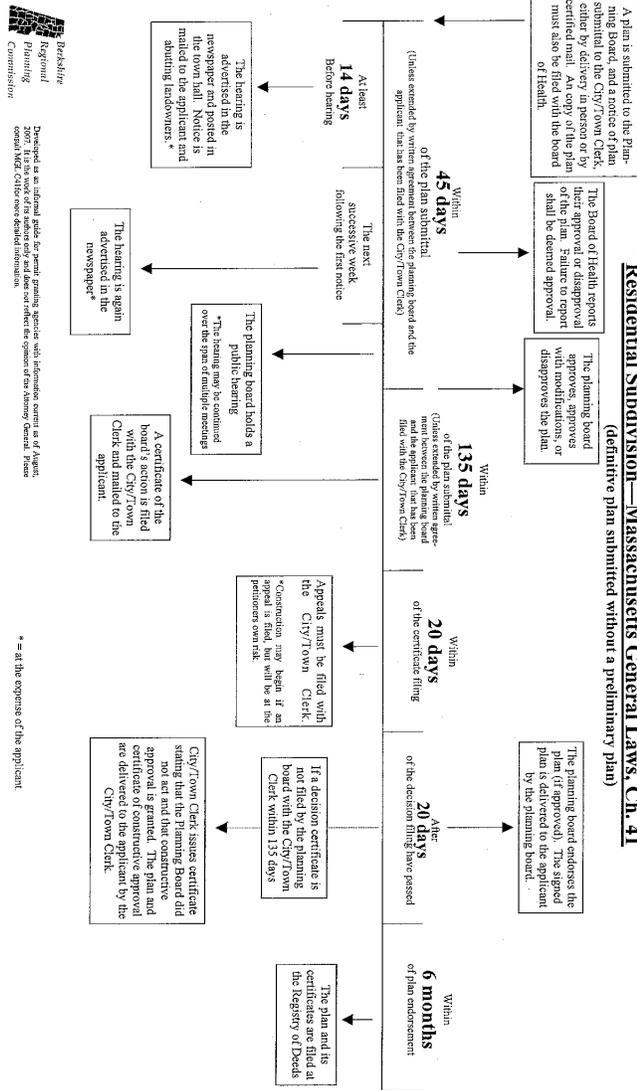
COMMONWEALTH OF MASSACHUSETTS

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

On this \_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned Notary Public, personally appeared Neil J. Harrington, Town Manager of the Town of Salisbury, who 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 on behalf of Town of Salisbury.

\_\_\_\_\_  
Notary Public  
My commission expires:

# Appendix F: Procedure



Berkshire Regional Planning Commission  
Developed as an informal guide for general planning practice with information current as of August, 2007. It is the work of its authors only and does not reflect the opinion of the Attorney General. Please contact the State Office for questions.

\* = at the expense of the applicant

## *Appendix G: Salisbury Street Acceptance Procedure*

Town of Salisbury  
5 Beach Road  
Salisbury, MA 01952

Board of Selectmen and Planning Board

### Salisbury Street Acceptance Procedures

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Final approval of a Subdivision Plan by the Salisbury Planning Board does not constitute the laying out or acceptance by the Town of any street, nor does it entitle the streets to such acceptance. This document contains the guidelines and procedures required by law and therefore must be followed by those applicants who wish to submit roads created through the Subdivision Control Act for acceptance by the Town of Salisbury through a vote at Town Meeting.

All applicants, their attorneys and engineers must review, understand and follow these procedures, provide the required documents, and meet all deadlines. Compliance with these procedures and adherence to deadlines will minimize confusion, costs, and delay for all parties. Street acceptance procedures are the financial and legal responsibility of the applicant. **These procedures are not intended to give legal advice.** Proponents should consult with their own attorney to ensure compliance with legal requirements.

Applicant is responsible for ensuring all documents are correct and that the Town boards, departments and Town Counsel are satisfied with the supplied documentation. Applicant is responsible for all fees, including but not limited to, Registry of Deeds filing fees and town legal expenses.

*Please note:* These guidelines assume that the Town will receive the fee interest in the roadway. If any land or easements are to be taken by eminent domain, the landowners affected by the taking must be provided with **seven days prior written notice** of the Selectmen's meeting at which the Selectmen will determine whether the way is to be laid out as public (ref. G.L. c.82, §22). If any land or easements are to be taken by eminent domain, all landowners having a fee interest in the roadway must provide a written waiver of damages and appraisal, and the Selectmen may require the applicant to indemnify the Town as to any potential damages or claims.

Salisbury Street Acceptance Procedures  
January 2011  
416518/SALI/0001

**Town of Salisbury**  
5 Beach Road  
Salisbury, MA 01952

**Board of Selectmen and Planning Board**

WHO IS RESPONSIBLE	TIMEFRAME	ACTION	LAYOUT
APPLICANT	At least 180 days prior to Town Meeting	Applicant meets with the Planning Dept. to review any outstanding issues with the roadway.	
		a. All subdivision improvements shall have been installed & inspected by the Planning Board's engineer, & DPW or their designee.	
		b. The applicant shall compile all documented approvals & have knowledge of the engineering & legal documents required for street acceptance for submission as noted on page 4	
		Applicant has plan prepared specifying the metes & bounds of the layout.	
		Petition to BOS to lay out way as a town way	
BOARD OF SELECTMEN (BOS)	At least 90 days prior to Town Meeting	BOS vote intention to lay out the way and refer the petition to the Planning Board	
PLANNING BOARD		a. Planning Board has 45 days from referral to report, if no report, proceedings may continue	
BOARD OF SELECTMEN		Give notice of intent to lay out to any owners of land to be taken (by eminent domain) for the way	
		a. At least 7 days prior to meeting at which layout will be voted	
		b. By leaving notice at usual place of residence of land owners in person or to owners tenant or authorized agent, or if an owner does not reside in town and has no known tenant or agent, then by posting in a public place in town	
		c. No statutory requirement for notice to others	
		d. Notice should contain a metes & bounds description of the land within the proposed layout & of any other land to be taken, as well as date, time & place of meeting. If a plan has been prepared, reference may be made to the plan & where it may be viewed.	

Salisbury Street Acceptance Procedures  
January 2011  
416518/SALI/0001

Town of Salisbury  
5 Beach Road  
Salisbury, MA 01952

**Board of Selectmen and Planning Board**

WHO IS RESPONSIBLE	TIMEFRAME	ACTION
BOARD OF SELECTMEN		BOS hold a public meeting & vote to approve the layout as shown on the metes & bounds plan. (A public hearing is not required)
		The vote approving the layout and the metes & bounds plan of the layout are filed with the Town Clerk. This needs to be done at least 7 days in advance of any Town Meeting action on the question of acceptance of the way.
		<b>ACCEPTANCE</b>
BOARD OF SELECTMEN	At least 45 days before Town Meeting	BOS place an article on the Town Meeting Warrant regarding acceptance of the way. If land or easement acquisition is necessary, the acceptance article or a separate article should seek an appropriation for such purpose, as well as any necessary authorization for acquiring the land and/or easements by an eminent domain taking, by gift, or by purchase.
TOWN MEETING		Town Meeting votes to accept the way as a Town road.
		a. A majority vote is needed to accept a way which has been approved as part of a subdivision
		b. A two-thirds (2/3) vote is needed to accept any other way
		<b>FUNDING</b>
		c. A two-thirds (2/3) vote is needed to authorize & appropriate funds for acquisition by purchase or eminent domain, if applicable
		<b>ACQUISITION</b>
BOARD OF SELECTMEN	Within 120 days after Town Meeting	In order to complete acquisition of the way, within 120 days after adjournment of Town Meeting, the BOS must:
		a. Acquire necessary land by purchase or acceptance of a gift; or
		b. Adopt an order of taking under MGL c. 79; or
		c. Institute proceedings for a taking under MGL c. 80A
		If an order of taking is adopted, the order must be recorded in the Southern Essex District Registry of Deeds within 30 days of the date on which the order of taking is signed by the Board of Selectmen.

Salisbury Street Acceptance Procedures  
January 2011  
416518/SAL/0001

**Town of Salisbury**  
5 Beach Road  
Salisbury, MA 01952

**Board of Selectmen and Planning Board**

\*The applicant shall submit all required documents and materials in **one complete submission to the Planning Board, via the Planning Department.**

- a) Required documents include, but are not limited to:
- 1) A copy of the stone bound certification by a Professional Land Surveyor.
  - 2) As-built Plans showing the street(s) to be accepted as required in the specifications contained in Section 9.1.8.B of the *Rules and Regulations Governing the Subdivision of Land in Salisbury, MA*, including all utilities, public and private, above and below grade shall be shown on the plan as they exist.
  - 3) A copy of the Street Acceptance/Layout Plans which show the street(s) and all appurtenant easements by courses and distances, with a signature block provided for the Board of Selectmen. Applicant to provide this plan on material suitable for recording or filing at the Registry of Deeds.
  - 4) A Certificate of Compliance from the Salisbury Conservation Commission or the Department of Environmental Protection (DEP) under the Wetlands Protection Act, if applicable.  
running to the "Town of Salisbury."
  - 5) A Deed running to the "Town of Salisbury" which grants the Town the fee to the street. The Deed shall contain a legal description of the street named in the petition and signed by all parties having a fee interest in such streets (Attachment A).
  - 6) A Grant of Easements signed by all parties owning land or lots on which the Town needs to acquire appurtenant easements, such as drainage, sewer, and/or water easements, access easements, buffer easements (if any), running to the "Town of Salisbury." The Deed and Grant of Easement can be combined if signed by all the relevant parties (Attachment A).
  - 7) A Deed of gift for "open space" parcel (if applicable) running to the "Town of Salisbury acting by and through its Conservation Commission under G.L.c.40, §8C," in a form acceptable to the Planning Board and the Conservation Commission.
  - 8) A copy of any Local Initiative Program agreement (if applicable).
  - 9) A partial release form signed by any and all mortgagees having a mortgage or other lien on the street.
  - 10) Mortgage subordination form signed by any all mortgagee having a mortgage or other lien on any of the lots subject to easements to be granted to the Town, expressly subordinating their lien to the Town's easement (if applicable-Attachment B).
  - 11) A copy of any Homeowners Association instrument that establishes maintenance responsibilities for stormwater or other utilities, including an Operation and Maintenance Plan for the equipment and utilities.
  - 12) Waivers of Appraisals and Damages, if the Town is to acquire the fee to the street and/or the appurtenant easement(s) by eminent domain, which must be signed by all parties owning the fee to

Salisbury Street Acceptance Procedures  
January 2011  
416518/SALI/0001

**Town of Salisbury**  
5 Beach Road  
Salisbury, MA 01952

**Board of Selectmen and Planning Board**

the street and/or the lots subject to the appurtenant easements. Waivers must also be signed by all mortgagees.

- 13) A title certification running to the benefit of the Town of Salisbury, signed by the applicant's attorney, certifying that all necessary parties owning the fee in the street, the lots on which the Town has easements, and/or the open space parcels have signed the Deed and/or Grant of Easements, and that all mortgagees have granted partial releases (for mortgagees holding a mortgage on the street) or have subordinated their mortgages to the Town's easement (for mortgagees holding mortgages on the lots subject to the Town's easements).
- 14) A list of names and address of each property owner and mortgagee having rights or interests in the streets, easements or open space, and the names and addresses of each abutter thereto.
- 15) Taxes: Proof of payment must be provided by the applicant to the Planning Board through virtue of a receipt from the Treasurer's Office that all property taxes owed to the Town for the property has been paid.
- 16) Street Lights: Account information for the street lights; including account number and name. (Developer is still responsible for ensuring that the street lights are maintained, in working order and the bill is in good standing until the Board of Selectmen officially acquire the way).
- 17) Fire Hydrants: Proof of payment must be provided by the applicant to the Planning Board through virtue of a receipt from the DPW that all outstanding fire hydrant bills for the property have been paid.

**Applicants are strongly cautioned to examine the title to the street they wish the Town of Salisbury to accept as a public way, and to any lots on which the Town needs appurtenant easements, BEFORE they commence the roadway acceptance procedures.** If the subdivision developer reserved the fee to the street and to the appurtenant easements that need to be granted to the Town, the Deed and Grant of Easements may be signed only by the developer. However, if the developer did not reserve the fee and/or any of the related easements, the Deed and Grant of Easements must be signed by each person owning the fee to the street and/or the lots on which the Town needs the appurtenant easements.

Salisbury Street Acceptance Procedures  
January 2011  
416518/SALI/0001

**Town of Salisbury**  
5 Beach Road  
Salisbury, MA 01952

**Board of Selectmen and Planning Board**

**ATTACHMENT A**

**QUITCLAIM DEED AND GRANT OF EASEMENTS**

The landowners listed below, being called the "grantors," for consideration of One Dollar (\$1.00) paid, the receipt and sufficiency of which is hereby acknowledged, grant, with Quitclaim Covenants, to the Town of Salisbury, a Massachusetts municipal corporation with offices at Town Hall, 5 Beach Road, Salisbury, Essex County, Massachusetts, for public way purposes, the fee in and to the parcel of land shown as \_\_\_\_\_ on a plan of land entitled \_\_\_\_\_ dated \_\_\_\_\_, prepared \_\_\_\_\_, and recorded with Southern Essex District Registry of Deeds in Plan Book \_\_\_\_\_, Plan \_\_\_\_\_ (the "Plan").

The grantors hereby also grant the Town the perpetual right and easement to install, construct, inspect, use, repair, remove, replace, operate, forever maintain and abandon in place a stormwater drain or drains with any manholes, pipes, conduits, culverts, channels, detention basins and other appurtenances associated with the discharge of storm water, and for all uses incidental thereto, in, upon, along, under and across the parcels of land shown on said Plan as "\_\_\_\_\_" located on Lot \_\_\_\_\_.

The grantors hereby also grant the Town the perpetual right and easement to construct, inspect, repair, remove, replace, operate, and forever maintain or abandon in place sewer or sewers with any manholes, pipes, conduits and other appurtenances in, over, under, across, upon, and along the parcel of land shown on the Plan as "\_\_\_\_\_" located on Lot \_\_\_\_\_.

This Quitclaim Deed and Grant of Easements is being executed by all of the parties owning the fee to said street and the lots subject to the foregoing easements.

The undersigned agree that the Town may assign the rights granted pursuant to this instrument.

The undersigned agree not to grant any other easements, leases or licenses to the drainage or other easement areas which will interfere with the Town's rights and easements on the same without the prior written permission of the Town. Any easements, leases or licenses granted in violation of this provision shall be null and void.

All rights and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.

For title references, see deeds referred to below.

Executed as a sealed instrument on the date appearing next to each grantor's signature.

Salisbury Street Acceptance Procedures  
January 2011  
416518/SALJ/0001

**Town of Salisbury**  
5 Beach Road  
Salisbury, MA 01952

**Board of Selectmen and Planning Board**

The Town's Acceptance is attached hereto and incorporated herein.

Dated Executed:

\_\_\_\_\_

By: \_\_\_\_\_

Name:

Property Address:

Lot Number \_\_\_\_\_, as shown on the Plan

Deed Reference: Book \_\_\_\_\_, Page \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Name:

Property Address:

Lot Number \_\_\_\_\_, as shown on the Plan

Deed Reference: Book \_\_\_\_\_, Page \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Name:

Property Address:

Lot Number \_\_\_\_\_, as shown on the Plan

Deed Reference: Book \_\_\_\_\_, Page \_\_\_\_\_

Salisbury Street Acceptance Procedures  
January 2011  
416518/SALI/0001

**Town of Salisbury**  
5 Beach Road  
Salisbury, MA 01952

**Board of Selectmen and Planning Board**

COMMONWEALTH OF MASSACHUSETTS

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, 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 as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_

(Official Signature and Seal of Notary)

COMMONWEALTH OF MASSACHUSETTS

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, 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 as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_

(Official Signature and Seal of Notary)

Salisbury Street Acceptance Procedures  
January 2011  
416518/SALJ/0001

Town of Salisbury  
5 Beach Road  
Salisbury, MA 01952

**Board of Selectmen and Planning Board**

COMMONWEALTH OF MASSACHUSETTS

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, 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 as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
(Official Signature and Seal of Notary)

Salisbury Street Acceptance Procedures  
January 2011  
416518/SALI/0001

Town of Salisbury  
5 Beach Road  
Salisbury, MA 01952

**Board of Selectmen and Planning Board**

ACCEPTANCE

The Town of Salisbury, acting by and through its Board of Selectmen pursuant to a vote under Article \_\_\_\_\_ of the \_\_\_\_\_, 20\_\_ Town Meeting, a certified copy of which is attached hereto, hereby accepts the foregoing Quitclaim Deed and Grant of Easements on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

TOWN OF SALISBURY,  
By its Board of Selectmen

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

COMMONWEALTH OF MASSACHUSETTS

Essex, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, Selectman of the Town of Salisbury, as aforesaid, who 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/they signed it voluntarily for its stated purpose on behalf of the Town of Salisbury.

\_\_\_\_\_  
(Official Signature and Seal of Notary)

Salisbury Street Acceptance Procedures  
January 2011  
416518/SALI/0001

Town of Salisbury  
5 Beach Road  
Salisbury, MA 01952

Board of Selectmen and Planning Board

ATTACHMENT B

SUBORDINATION OF MORTGAGE

\_\_\_\_\_, having an address of \_\_\_\_\_, the present holder of a mortgage from \_\_\_\_\_, dated \_\_\_\_\_ and recorded with the Southern Essex District Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_, for consideration of \$1.00 paid, the receipt and sufficiency of which is hereby acknowledged, hereby subordinates the lien of said mortgage to the Quitclaim Deed and Grant of Easements granted to the Town of Salisbury by \_\_\_\_\_, recorded with said Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ as if said Deed and Grant of Easements had been recorded prior to said mortgage.

Executed under seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_

Name:

Its:

THE COMMONWEALTH OF MASSACHUSETTS

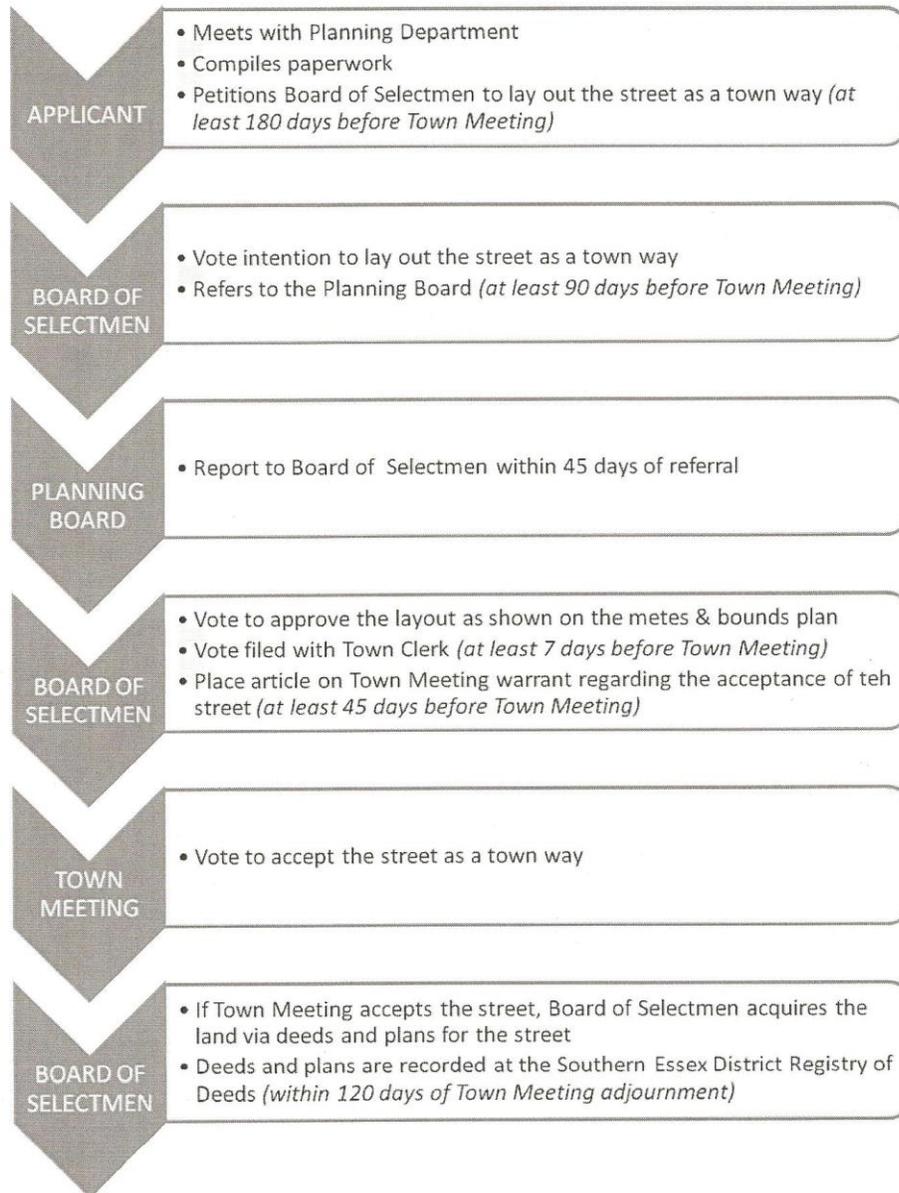
\_\_\_\_\_, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, who proved to me through satisfactory evidence of identification, which was a \_\_\_\_\_, to be the person whose name is signed on the above signature line of the attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
(Official Signature and Seal of Notary)

Salisbury Street Acceptance Procedures  
January 2011  
416518/SALI/0001

Summary of the Salisbury Street Acceptance Procedure\*



\*For complete legal wording, please refer to the chart