

Chapter 235

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[HISTORY: Adopted by the Planning Board for the Town of Halifax, 9-30-1976. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning – See Ch. 167.
Building construction – See Ch. 203.

ARTICLE I
General Provisions

§ 235-1. **Authority; title.**

Under the authority vested in the Planning Board of the Town of Halifax by MGL c. 41, § 81Q, and by all other applicable sections of the Subdivision Control Law and other enabling laws, said Planning Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Halifax. These rules and regulations may be cited as the “Subdivision Regulations of the Town of Halifax.”

§ 235-2. **Purpose.**

These regulations are adopted to establish standards for and to regulate the subdivision of land in the Town of Halifax in accordance with the purposes set forth in MGL c. 41, § 81M, and other applicable sections of the General Laws.

§ 235-3. **Intent.**

It is the general intent of these rules and regulations to regulate the division and development of land in the Town of Halifax so as to:

- A. Further the orderly and appropriate use of land in the town.
- B. Assure sites suitable for building purposes and human habitation.

- C. Coordinate existing streets with proposed streets, parks or other features of the town.
- D. Assure the provision of uniform streets and ways throughout the town.
- E. Assure the provision of required improvements at standards acceptable to the town.

§ 235-4. Definitive plans required.

- A. Subdivision control. No person, firm or corporation shall subdivide any lot, tract or parcel of land or construct any streets, utilities, sanitary sewers, storm sewers, water or drainage facilities or buildings or grade any land in a subdivision until definitive plans of such subdivision have been prepared by a registered professional engineer and registered land surveyor and have been submitted to and approved by the Planning Board, as hereinafter provided.
- B. Plan recording; sale of lots. No subdivision plan shall be recorded, and no lots in a subdivision sold, unless a definitive plan has been approved by the Planning Board as hereinafter provided.
- C. Issuance of building permits. No building permit shall be issued for a lot within a subdivision unless a definitive plan for such subdivision has been recorded or is entitled to be recorded, except that the Board of Appeals may, by vote, grant an exception and cause the issuance of a building permit if the circumstances of the case do not require that a building be related to a way shown on a subdivision plan.

§ 235-5. Definitions.

As used in these rules and regulations, the following terms shall have the meaning indicated:

APPLICANT – A property owner, or his agent or representatives, or his assigns. If other than the owner, said owner shall designate the same to the Board in writing.

BOARD – The Planning Board of the Town of Halifax.

DESIGNER – Professional engineer (civil) and land surveyor registered to practice in Massachusetts. All work defined as “professional engineering” shall be done by or under the direct supervision of a registered professional engineer, and all work defined as “professional land surveying” shall be done by or under the direct supervision of a registered land surveyor.

EASEMENT – A grant of the use of a parcel of land for the use of the public, a corporation or person for a specified purpose.

IMPROVEMENTS – Those physical additions, installations and changes, such as streets, curbs, sidewalks, water mains, sewers, drainage facilities, public utilities and other appropriate items required to render land suitable for the use proposed.

LOT – An area of land in one (1) ownership, with definite boundaries, used, or available for use, as the site of one (1) or more buildings.

RECORDED – Recorded in the Registry of Deeds of Plymouth County, except that, as affecting registered land, it shall mean with the Recorder of the Land Court.

ROADWAY or TRAVELED WAY – The portion of a street intended for vehicular use.

STREET or WAY – A way, street or road open and dedicated to public use, including a public way or a way certified by the Town Clerk to have been used and maintained by public authorities as a public way; a way approved and constructed under the provisions of the Subdivision Control Law; or a way in existence prior to said Subdivision Control Law having become effective in the Town of Halifax and having, in the opinion of the Board, adequate width, grades and construction for vehicular traffic and the installation of such municipal services available to serve the land abutting on such way and the buildings erected or to be erected thereon.

SUBDIVISION – As defined in MGL c. 41, § 31L.

SUBDIVISION CONTROL LAW – MGL c. 41, §§ 81K to 81GG, and any acts in amendment thereof, addition thereto or substitution therefor.

THESE RULES AND REGULATIONS – The Subdivision Regulations of the Town of Halifax as adopted and amended by the Planning Board pursuant to MGL c. 41, § 81Q.

TOWN – The Town of Halifax, Massachusetts.

TOWN ENGINEER – The registered professional engineer and registered land surveyor acting as the designated agent of the Planning Board.

UTILITIES – Same as municipal services; may include sanitary sewers, stormwater drains, water-supply piping, fire-alarm conduits, electric and telephone wiring and all appurtenances thereof.

§ 235-6. Plans not requiring approval.

- A. Criteria. Any plan of land to be recorded which is not a subdivision, according to the definition of “subdivision” in § 235-5 of these rules and regulations and MGL c. 41, § 81L, does not require the approval of the Board. Such plans do require the Board’s endorsement as specified below.
- B. Submission of plans. Any person wishing to cause to be recorded a plan which he believes is not a subdivision may submit to the Board such plan suitable for recording, accompanied by five (5) full-size paper copies, by a completed application (Form A¹), in triplicate and by other evidence necessary to enable the Board to determine that the

¹ Editor’s Note: Form A is kept on file in the office of the Town Clerk.

plan does not show a subdivision within the meaning of these rules and regulations and the Subdivision Control Law.

- C. Endorsement of plan not requiring approval. If the Board determines that the plan does not require approval under the Subdivision Control Law, it shall, without a public hearing and within fourteen (14) days from the date of submission, endorse on the plan the words “approval under the Subdivision Control Law not required,” in the space provided therefor.
- D. Determination that plan requires approval. If the Board determines that the plan does require approval under these rules and regulations and the Subdivision Control Law, it will so inform the applicant in writing and return the plan. The Board will also notify the Town Clerk in writing of its action.
- E. Failure of Board to act. If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the person submitting the plan of its action within fourteen (14) days after its submission, it shall be deemed that approval under these rules and regulations is not required, and it shall thereafter make such endorsement on said plan, and on its failure to do so, the Town Clerk shall issue a certificate to the same effect.
- F. Information to be included on plans.
 - (1) The parcels under consideration and the streets on which they front. (NOTE: Shadowing of the perimeter of the parcel or area being considered should be shown on the linen plan and paper prints of same.)
 - (2) A locus map identifying the location of the parcels.
 - (3) A statement of the reason for submitting the plan, explaining the change in ownership and lot lines that are occurring.
 - (4) A title of the plan in a title block.
 - (5) A reference to the page and book number of the land or lands prior to change.
 - (6) The registered land surveyor’s stamp and signature.
 - (7) Magnetic and true North arrows.
 - (8) The date of endorsement.
 - (9) A statement saying that said division of land is not in violation of the Zoning Bylaw, or a note mentioning an applicable Board of Appeals’ decision.
 - (10) Zoning district.

- (11) Lot designations and areas for each.
- (12) Names of owners of all abutting land, as they appear on the most recent Town of Halifax tax records.
- (13) Metes and bounds for the lot or lots shown.
- (14) Any buildings affected by such division of land; also, show all buildings on the locus.
- (15) Show the location of all easements and their widths.
- (16) Indicate a distance from the property corner to the nearest intersecting street.
- (17) Show the layout of the street.²

ARTICLE II
Submission Procedure and Plan Requirements

§ 235-7. Miscellaneous provisions.

A. The following forms are procured at the office of the Planning Board or Town Clerk:

- (1) Application for endorsement of a plan believed not a subdivision under Subdivision Control Law.
- (2) Application for approval of a preliminary plan.
- (3) Application for approval of a definitive plan.
- (4) Engineer's certificate.
- (5) Surveyor's certificate.
- (6) Covenant.
- (7) Performance bond surety company.
- (8) Performance bond secured by deposit.
- (9) Performance bond secured by bank passbook.
- (10) Conveyance of easements and utilities.

² Editor's Note: Exhibit 1, which immediately followed this subsection, is kept on file in the office of the Town Clerk.

- (11) Subdivision inspection record.
 - (12) Referral form.
 - (13) Dedication of public areas.
- B. Each application shall be submitted at a regular or special Planning Board meeting, with a letter of transmittal to the Board, with a copy of same to the Town Clerk. The date of the letter, which shall correspond to the date of the meeting, fixes the start of the period of time during which the Board and other municipal agencies must act and report.
- C. Subdivisions shall conform to the Zoning Bylaw³ in effect at the time of submission and to the requirements of the Water and Sewer Departments and to the requirements of the Board of Health and the Building Code. Copies of these requirements may be obtained at the offices of their respective departments in the Town Hall. Unless these requirements are complied with, no building permit may be issued.
- D. Engineering data as to existing streets, street lines, street grades and location of existing sewer and drainage lines may be obtained from the Highway Surveyor or Selectmen.
- E. Economic impact.
- (1) For the purpose of protecting the safety, convenience and welfare of the inhabitants of the town, before approval of any plan of subdivision, the Board may require that the applicant submit an environmental and economic impact statement, with appropriate supporting data, setting forth the probable impact or effect of the proposed subdivision on the neighborhood area and the town generally, if and when it may be built. In compiling such impact statement, the applicant should consult with the various town departments having knowledge and authority in the various subjects cited below, such as the Board of Health, Assessors, School Department, Fire and Police Departments, Conservation Commission, etc. Such impact statement shall cover at least the subject areas listed hereunder for comparison with local, state and federal performance standards and compatibility with the Comprehensive Plan, and such other subject areas as the Board may, in particular cases, deem necessary.
- (a) Availability of town water. How much new additional water volume will be required by the proposed subdivision? Is there adequate main capacity to provide the projected added water volume to the proposed subdivision without detriment to other users, from the standpoint of pressure, and to fire flows from hydrants. If not, what improvements to the supply system outside the subdivision will be needed, how soon, and at what projected cost to the town?

³ Editor's Note: See Ch. 167, Zoning.

- (b) In a location where there is not town water, will the density of dwellings in the future lower the water table significantly in the area, as a result of increased use, at the expense of or detriment to existing homes?
- (c) Suitability of the land for on-site sewage disposal. What is the permeability of the underlying soil? Will individual or collective sewage disposal systems endanger, in the foreseeable future, wells for potable water of dwellings, either within or without the proposed subdivision, or will any such disposal systems thus endanger any public water supply source or any marsh, swamp, bog, pond, stream or other body of water by introducing therein excessive nutrients, dangerous chemical substances or pathological organisms?
- (d) If the subdivision has access to a public sewerage system (pipe sizes, treatment works, etc.), is it adequate to handle the additional load created by the subdivision? If not, what improvements to such public sewerage system will be needed, how soon, and at what projected cost to the town?
- (e) What is the estimated market value of the lots and buildings to be constructed within the proposed subdivision?
- (f) How many persons may be expected to inhabit the proposed subdivision? Of these, how many may be expected to be of school age [five (5) to eighteen (18) years of age]? What requirements for additional transportation, classroom space, etc., is this likely to put upon the school system, how soon, and at what projected cost to the town?
- (g) Will the drainage runoff from the system of roads within the proposed subdivision be likely to damage adjoining property, overload or silt up existing public storm drains, sluiceways or catchment areas; or silt up or contaminate, in any way, any marsh, swamp, bog, pond, stream or other body of water; or endanger any public or private potable water supply? Will any proposed filling, cutting or other alteration of the topography or any devegetating operations within the subdivision tend to alter existing natural drainage patterns so as to create problems within or outside of the subdivision?
- (h) Are the access roads, public or private, by which the proposed subdivision may be reached adequate in width, grades and type of construction to carry, without danger, congestion or confusion, the additional traffic that may be generated by the proposed subdivision?
- (i) What are the estimated additional new service requirements, in time and/or cost, that the proposed subdivision may place upon the town for solid waste disposal and snow removal?

- (j) What additional burden will the proposed subdivision place upon the public safety services (fire and police) and at what probable cost to the town in terms of additional hours (manpower) or additional facilities (vehicles or buildings)?
 - (k) Will the proposed subdivision have any probably detrimental effect on the ecology of the local area, such as increased runoff of rainfall and/or melting snow, resulting in lessened recharge of the groundwater table? Disruption of the biological environment so as to endanger or destroy desirable species of trees and other vegetation and encourage proliferation of undesirable species (i.e., ragweed, etc.)? Disruption of the biological environment so as to upset an existing balance between animal or insect pests and their natural bird, animal or insect predators, resulting in damage or danger to either persons, crops or useful and desirable forms of vegetation?
 - (l) Compliance with the requirements set forth in MGL c. 131, § 40, the so-called "Wetlands Act," wherever applicable.
- (2) If the above information and the following rules and regulations are followed carefully, it will save time for both the applicant and the Planning Board.

F. Preliminary plan.

- (1) A preliminary plan may be drawn either in black India ink or with pencil on some transparent medium, yielding clear, dark-line points. A subdivision definitive plan shall be drawn only in black India ink on tracing cloth. Where a proposed subdivision covers more than one (1) sheet, there shall also be drawn an index diagram of sheets. Preliminary plans shall be drawn to a scale of not more than one hundred (100) feet to the inch, except that index plans, plans of land of the same owner adjoining the subdivision area and diagrams showing the location of the nearest available public sanitary sewers or water mains may be drawn to a scale of not more than four hundred (400) feet to the inch.
- (2) Required prints (dark line on white background) of each preliminary plan or definitive plan, accompanied by all the information required, shall be submitted to the Planning Board.
- (3) Both in preliminary plans and definitive plans, the drawing sheets submitted to the Planning Board shall be not larger than twenty-four by thirty-six (24 x 36) inches, to conform to Plymouth County Registry of Deeds requirements. The number of copies of each such sheet required by the Halifax Subdivision Regulations shall be provided by the subdivider.

§ 235-8. Approval required.

- A. No person shall subdivide any land in the Town of Halifax or cause to be recorded any such subdivision plan unless such plan is approved by the Board in accordance with the procedures and requirements of these rules and regulations.
- B. No subdivision plan shall be approved unless it complies with the applicable provisions of zoning and other town bylaws and regulations and of the General Laws nor unless, in the opinion of the Board, such subdivision meets the requirements of public safety, including traffic safety and convenience, adequate water supply, sewage disposal and drainage facilities. Proposed plans shall adhere to the principles of correct land use, sound planning and good engineering.

§ 235-9. Town to be reimbursed; deposit.

The applicant shall reimburse the town for all advertising fees and for all reasonable engineering expenses incurred by the Board's engineer for services rendered in reviewing and inspecting the proposed subdivision. Such review and inspections are mandatory and are required for the protection of the applicant, the future residents and public health and welfare of the town.

- A. Advertising. The expense of advertising shall be borne by the petitioner directly.
- B. Engineering design review and inspection fees. A deposit shall be required as provided by § 235-35D of these rules and regulations.

§ 235-10. Correctness of plans.

The Board assumes that any plans submitted for its approval or endorsement shall be correct, unless otherwise notified. The acquisition of necessary rights and the presentation of complete and correct information to the Board are responsibilities of the applicant, and the failure to do so, including the failure to obtain all the necessary permits, licenses, releases or rights may constitute a reason for the disapproval or rescission of approval of a subdivision plan.

§ 235-11. One building per lot.

Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the town without the consent of the Board, and such consent may be conditional upon the ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision.

§ 235-12. Preliminary plans.

A. Purpose. The Board strongly recommends, but does not require, the submission of preliminary plans for all proposed subdivisions. The purpose of a preliminary plan is to provide for the detailed review of the layout and features of the proposed subdivision by the Board and other town agencies and boards. Changes required by the Board in preliminary plans are to be incorporated in definitive plans, thus saving the effort and expense of the applicant. Tentative approval of preliminary plans may be given by the Board.

B. Procedure.

(1) Any person filing a preliminary plan shall file with the Board at a regularly scheduled or special meeting, as outlined in § 235-7B:

(a) Three (3) completed applications for approval of a preliminary plan (Form B⁴). One such form shall be forwarded by applicant to the Town Clerk.

(b) Copies of the preliminary plan showing the requirements of Subsection C may be required by the Board for distribution by it as follows. (NOTE: The developer should consult with the Planning board as to the number of copies required by the Board before submitting his application.)

[1] Planning Board: two (2) copies.

[2] Board of Health: one (1) copy.

[3] Highway Surveyor: one (1) copy.

[4] Water Department: one (1) copy.

[5] Sewer Department: one (1) copy.

[6] Conservation Commission: one (1) copy.

[7] Board of Assessors: one (1) copy.

[8] School Department: one (1) copy.

[9] Halifax Recreation Commission: one (1) copy.

[10] Fire Department: one (1) copy.

[11] Building Inspector: one (1) copy.

[12] Zoning Administrator: one (1) copy. [**Added 5-9-1988 ATM, Art. 40**]

(2) The Highway Surveyor, Fire, School, Sewer and Water Departments, Conservation Commission, Board of Health and Recreation Commission, within thirty (30) days of the receipt of such submission, may each make a report in writing to the Board.

⁴ Editor's Note: Form B is kept on file in the office of the Town Clerk.

Such report shall be considered by the Board in making its findings on the submission.

C. A subdivision preliminary plan shall contain the following information:

- (1) The name or title of the subdivision proposed; both true and magnetic North point, date, graphic scale, metric scale, locus map and boundaries of the area for which subdivision approval is sought; also the boundaries of any additional adjoining land of the same owner or of the same subdivider; the existing zoning applying to the proposed subdivision; and a statement or a diagram demonstrating conformance of the proposed subdivision with the Halifax Planning Board Town Plan.
- (2) The name and address of the subdivider, also of the engineer, surveyor or designer and of all current owners of record of land within the area proposed to be subdivided and of the owners of all abutting lands, as they appear in the most recent Town of Halifax property tax records; also, the bench mark to which elevations will be referred, using the Town of Halifax datum.
- (3) The location, proposed name (in pencil), width, approximate profiles and approximate radius of curvature of the center lines of proposed and of existing streets, highways, ways and easements in, on, serving or adjoining the land proposed to be subdivided.
- (4) The approximate location, center-line profile, approximate cross section and kind of storm drainage works existing and proposed for such subdivision.
- (5) The location of all existing natural and man-made features within or adjacent to and significantly affecting the layout of the area proposed to be subdivided, such as water bodies, streams, wetlands, large trees, wooded areas, railroads, major highways, airports, industrial areas, commercial or retail business areas, schools, institutions, cemeteries, parks, utility easements and buildings.
- (6) The location, dimensions and depth of existing public sanitary sewers, water mains and local electric distribution lines, outside but nearest the subdivision.
- (7) Within the subdivision, the location, size, invert elevation and slope of sanitary sewers proposed, together with a written statement of preliminary approval by the Town Engineer or a description and plan of capacity and location of other means of sewage disposal, with evidence of soil suitability for such disposal similarly approved by the Board of Health.
- (8) The approximate lines and dimensions of lots and approximate radii of curved property lines.

- (9) In each subdivision, the subdivider shall furnish a topographic map of all parts of such subdivision. Such topographic map shall show contours at intervals of two (2) feet elevation or at such lesser intervals as the Planning Board may prescribe.
- (10) The proposed names of proposed streets shall be shown in pencil until such names shall have been approved by the Board of Selectmen; the subdivider may consult with the index of names of existing streets on file with the Town Clerk. No duplicate name or names closely similar to existing street names shall be permitted, i.e., if Mill Street is an existing street name, there shall not be permitted Mill Place, Mill Terrace or Mill Avenue.
- (11) Preliminary profiles and cross sections of streets, storm drains and sanitary sewers, existing or proposed, shall be drawn at scales suitably related to the scale of the preliminary plan required.
- (12) Each sheet, drawing and print submitted as part of a subdivision preliminary plan shall be plainly marked "PRELIMINARY" in letters not less than one-half (½) inch high, which shall be placed in the top right-hand portion of each data sheet, if practicable, or letter sheet; "PRELIMINARY" shall also be similarly placed on each drawing sheet or else in the topical title of each drawing sheet.
- (13) The applicant shall, in preparing the preliminary plan, consult the regulations of the Water Department and Sewer Department and Board of Health and abide by their regulations.

§ 235-13. Planning Board approval.

A preliminary plan submission containing all the information required shall be as promptly considered by the Planning Board as may be, following receipt. Each preliminary plan submitted will be reviewed by the Planning Board in relation to the town plans for the area, the zoning requirements, good land development practice and sound engineering, as well as conformance to the design standards and construction specifications set forth in Articles III and IV of these regulations. The procedure will be as follows:

- A. Any information deficiency in preliminary plan submission must be completed before consideration by the Planning Board.
- B. After reviewing and examining a preliminary plan and accompanying preliminary information, the Planning Board or its planner may invite the subdivider to consider making changes.
- C. In addition, the Planning Board may cause to be undertaken, by the subdivider or by others, any studies which the Board deems necessary or desirable to protect and assure the health, safety and welfare of the Town of Halifax and future occupants of such subdivision, whether residential, commercial or industrial, as set forth in § 235-7E.

- D. After Planning Board review and examination, including any other studies, and after any changes by the subdivider, the Planning Board shall discuss and by vote approve, modify and approve, or disapprove such preliminary map and preliminary information. The Board shall approve a plan if the plan meets all of the requirements of the subdivision rules and regulations and the requirements of all departments and agencies received to the date of final review. Approval shall be interpreted to mean that, should new information be brought to the Board, from within or without its membership, which would have altered its decision on the preliminary plan, that it may still impose conditions decided upon this new information on the definitive plan. The Board shall modify and approve a preliminary plan when such plan does not meet the requirements of the subdivision rules and regulations, on the recommendations of departments and agencies which have corresponded with the Board, by the omission of elements which can be corrected by the Planning Board at the time when such plan is under review for a decision. The Board may issue a certificate of modification and approval, which shall note that all elements of the plan are approved, except the following elements are omitted, or must be changed, and such omissions must be corrected and changes made in the submission of the definitive plan. The Board shall further note that this certificate of modification and approval is the final action on the preliminary plan and that further preliminary plan submissions are not required. The Board may disapprove a preliminary plan when such plan has omitted elements required by the subdivision rules and regulations or required changes to conform to the subdivision rules and regulations, or does not conform to the recommendations or requirements of departments and agencies who correspond with the Board, and the Board finds that such recommendations, omissions or required changes are of such significance that the Planning Board should disapprove and request a revised preliminary plan. In such case, the Planning Board shall prepare a certificate of disapproval, which shall be sent to the applicant, with a copy to the Town Clerk. The certificate of disapproval shall state disapproval and state reasons for disapproval, and the applicant shall be notified that the applicant may submit a revised preliminary plan.
- E. The Planning Board Clerk shall notify the subdivider in writing of the vote of the Board on the preliminary plan submitted. The Planning Board Clerk shall note any conditions voted and shall transmit to the subdivider one (1) copy of each drawing or data sheet approved, with the conditions, if any were voted, endorsed on such drawing or data sheet.

§ 235-14. Definitive plan submission.

- A. Purpose. The Board requires the submission of definitive plans for all proposed subdivisions. The definitive plan provides the basis for the formal review and approval of the definitive plan, after a public hearing, and entitles the applicant to cause such plan to be recorded and to proceed with the subdivision and improvement of the land as provided by these rules and regulations.

B. Procedures.

- (1) The final or definitive plan shall be prepared by a professional civil engineer, registered in Massachusetts, from a field survey made by a competent land surveyor, also registered in Massachusetts. All surveying shall conform to Technical Standards of Professional Practice for Massachusetts Land Surveyors for Property Surveys, and the land surveyor shall affix his stamp to the definitive plan with a statement that the survey conform to these requirements.
- (2) A definitive plan of a subdivision may be submitted by delivery to the Board at a scheduled meeting or by registered mail in care of the Town Clerk. Such plans shall be considered accepted for submission unless, within two (2) weeks, the Board determines the submission to be incomplete, in which case the date when the submission is complete will be considered the legal date of plan submission. Definitive plans evolved from preliminary plans shall be submitted within seven (7) months of the submission of preliminary plans.
- (3) Any person submitting a definitive plan of a subdivision shall file with the Board at a regular scheduled or special meeting, as outlined in § 235-7B:
 - (a) Three (3) completed application for approval of a definitive plan forms (Form C⁵). One (1) copy is to be delivered by the applicant to the Town Clerk.
 - (b) Engineer's certificate on Form D-1.⁶
 - (c) Surveyor's certificate on Form D-2.⁷
 - (d) A deposit as required, payable as directed, to cover expenses for advertising, notices and mailings, in connection with the submission.
 - (e) An original drawing, as per § 235-7F, and required contact prints, dark line on white paper, of the definitive plan, showing the requirements of Subsections G through M of these rules and regulations.
 - (f) A drainage design analysis as specified in § 235-23.
 - (g) An impact study. (See § 235-7E.)

C. Review by local boards.

- (1) The Board will distribute copies of the definitive plan to various town boards and commissions for their review and comment as follows:

⁵ Editor's Note: Form C is kept on file in the office of the Town Clerk.

⁶ Editor's Note: Form D-1 is kept on file in the office of the Town Clerk.

⁷ Editor's Note: Form D-2 is kept on file in the office of the Town Clerk.

- (a) Planning Board: two (2) copies and one (1) original.
 - (b) Board of Health: one (1) copy.
 - (c) Highway Surveyor: one (1) copy.
 - (d) Water Department: one (1) copy.
 - (e) Sewer Department: one (1) copy.
 - (f) Board of Assessors: one (1) copy.
 - (g) School Department: one (1) copy.
 - (h) Recreation Commission: one (1) copy.
 - (i) Fire Department: one (1) copy.
 - (j) Conservation Commission: one (1) copy.
 - (k) Building Inspector: one (1) copy.
 - (l) Zoning Administrator: one (1) copy. **[Added 5-9-1988 ATM, Art. 40]**
- (2) These requirements must be met before the Halifax Board of Health will review and appraise a proposed subdivision plan as required by MGL c. 41, § 81-U:
- (a) Percolation tests on lots designated by the Board of Health; approximately ten percent (10%) of the total lots in manner prescribed by Massachusetts Sanitary Code, Article XI.
 - (b) Deep test holes [eight (8) feet] with inspector present.
 - (c) Water supply adequate from city supply of a deep well for each lot with a minimum of seven (7) gallons per minute [one (1) gallon for each cold-water outlet]. Quality and quantity test results shall be given to the Board of Health. There shall be a minimum of one hundred (100) feet between a well and leaching field or seepage pit, as per the Massachusetts Sanitary Code, Article XI, and MGL c. 40, § 54.
 - (d) Approval of the proper authority of any use, filling or dredging of any wetlands. (See § 235-7A.)
 - (e) The approval of the Sewer Department, if any, and the Highway Surveyor for the surface drainage, including any culverts under streets in and adjacent to the subdivision.
 - (f) Easements and approval of abutting property owners to run or discharge drainage onto or through their property.
 - (g) Brooks in subdivisions that are to be piped, stone lined or paved with bituminous concrete shall be in accordance with approved practice.

(3) Prior to any Planning board vote of approval, each subdivision definitive plan shall also be accompanied by the following:

- (a) A statement by the Water Department Superintendent of the conditions on which the town will supply water to the subdivider; also a statement approving the diameters, lengths and location of water mains, valves and hydrants proposed within the subdivision.
- (b) Approval by the Fire Chief of the number, location and size of fire hydrants and fire alarm boxes proposed.
- (c) If interconnection with the Halifax municipal sewerage system, if any, is proposed, a statement by the Sewer Department Superintendent of the conditions on which the town will sewer the subdivision; also a statement approving the diameter, location, slope and invert elevations of the sanitary sewers proposed within the subdivision.
- (d) If town sewerage is not proposed, approval by the Board of Health of the means of sewerage disposal proposed and approval of the soil structure in the disposal locus proposed.
- (e) Location of poles for street lighting and type of light fixture to be installed.
- (f) A certified check payable to the Town of Halifax in an amount totaling one hundred (\$100.) per drawing sheet, as security for later submission to the Planning Board of an accurate record plan and profile (black India ink on linen drawings) of roadway pavement, elevations, drainage line, water mains, sewer line and lighting fixtures as actually installed. Check will be refunded after submission of said record plan.
- (g) For each subdivision or for a subdivision section, all costs involved in reviewing the plan shall be borne by the petitioners.
- (h) A performance guaranty running to said Town of Halifax by some one of the methods established by the Massachusetts Subdivision Control Statute. Two (2) options are available under MGL c. 41, § 81U, Performance Guaranty:

[1] By a proper bond or a deposit of money or negotiable securities, sufficient, in the opinion of the Planning board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision; or

[2] By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve such

lot before such lot may be built upon or conveyed other than by mortgage deed (Form F⁸).

- (i) An impact statement, as set forward in § 235-7E.
 - (j) Copy of Conservation Commission Order of Conditions. [See § 235-7E(12).]
- D. Public Hearing. Before approval or disapproval of the definitive plan, a public hearing shall be held by the Board, notice of the time and place of which and of the subject matter suitable for identification shall be given in a newspaper of general circulation in the town, once in each of two (2) successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing, and a copy of such advertisement to be mailed to the applicant and to each owner of land abutting and others within two hundred (200) feet of the land included in such plan as appearing on the most recent tax list. The applicant shall submit a list of the abutters to the Halifax Planning Board, and the applicant shall also, at his expense, notify all abutters and others within two hundred (200) feet of the subdivision appearing on the most recent tax list. Returned receipts shall be returned to the Board prior to the hearing.
- E. Performance guaranty. Before the Board endorses its approval on a definitive plan, the applicant shall make such performance guaranties or covenant execution as required by Subsection C of this section of these rules and regulations.
- F. Approval or disapproval. Final approval of a subdivision definitive plan by the Planning board may be voted with or without conditions, but only in accordance with the following procedure:
- (1) Any person filing a definitive plan shall file same with the Board at a scheduled meeting.
 - (2) Copies of the definitive plan, showing the requirements of Subsection H, may be required by the Board. (NOTE: The developer should consult with the Planning Board as to the number of copies required by the Board before submitting his application.)
 - (a) Planning Board: two (2) copies.
 - (b) Board of Health: one (1) copy.
 - (c) Conservation Commission: one (1) copy.
 - (d) Highway Surveyor: one (1) copy.
 - (e) Water Department: one (1) copy.
 - (f) Sewer Department: one (1) copy.
 - (g) Conservation Commission: one (1) copy.

⁸ Editor's Note: Form F is kept on file in the office of the Town Clerk.

- (h) Board of Assessors: one (1) copy.
 - (i) School Department: one (1) copy.
 - (j) Recreation Department: one (1) copy.
 - (k) Fire Department: one (1) copy.
 - (l) Building Inspector: one (1) copy.
- (3) Written notice of the date of submission of such definitive plan and accompanying information shall be given by the subdivider by delivering or sending by certified mail to the Town Clerk a copy of a covering letter by the subdivider to the Planning Board, listing the sheets of definitive plans and other information required by statute to be submitted.
- (4) A public hearing shall be held on each definitive plan by the Planning Board as required by statute, with notice published twice, the first not less than fourteen (14) calendar days prior to the date fixed for such hearing.
- (5) After the public hearing, and not later than sixty (60) calendar days after the submission of the definitive plan, unless an extension of this time limit has been requested in writing by the applicant and granted by the Board, the Board shall, by a majority vote, approve, with or without modifications and conditions, or disapprove such plan. The action of the Board, including any conditions of approval or specific reasons for disapproval, shall be stated in a letter entitled "Certificate of final action" and filed with the Town Clerk, and a copy thereof sent by the Board to the applicant by certified mail. Unless an appeal is taken to the Superior Court from the action of the Board and written notice of such appeal is received by the Town Clerk of the certificate of final action, the Planning Board shall sign the approved definitive plan and refer thereon to any conditions of approval or to any instrument describing such conditions. The applicant shall then, at his expense, furnish the Board with three (3) sets of full-size copies of all drawings comprising the definitive plan and with one (1) complete set for duplicate tracings on tracing cloth.
- (6) The approval by the Board of a definitive subdivision plan does not constitute a laying out or acceptance by the city of the streets within the subdivision as town or public ways.
- G. Components. Definitive plans shall consist of several sheets, including the following components:
- (1) Title block.
 - (2) Locus map.
 - (3) Lot layout plan.
 - (4) Street and utilities construction plans and profiles.

(5) Detailed drawings as required by the subdivision rules and regulations.

H. Required information. A subdivision definitive plan shall contain the following information:

- (1) The name or title of the subdivision proposed; both true or magnetic North point, date, graphic scale, metric scale, locus map and boundaries of the area for which subdivision approval is sought; also the boundaries of any additional adjoining land of the same owner or of the same subdivider; the existing zoning applying to the proposed subdivision; and a statement or a diagram demonstrating conformance of the proposed subdivision with the Halifax Planning Board Town Plan.
- (2) The name and address of the subdivider, also of the engineer, surveyor or designer and of all current owners of record of land within the area proposed to be subdivided and of the owner of all abutting lands within two hundred (200) feet, as they appear in the most recent Town of Halifax property tax records; also, the bench mark to which elevations will be referred, using the Town of Halifax datum.
- (3) The location, proposed name (in pencil), width, approximate profiles and approximate radius of curvature of the center lines of proposed and of existing streets, highways, ways and easements in, on, serving or adjoining the land proposed to be subdivided. The Planning board shall draw up a list of the proposed names of all proposed streets shown on each definitive plan to be submitted, before final action is taken on that plan, to the Board of Selectmen for tentative approval of those proposed names and those names only. This tentative approval of preliminary names by the Board shall not be considered to be approval of the layout of the street(s) or the acceptance of said street(s) as (a) public way(s).
- (4) The approximate location, center-line profile, approximate cross section and kind of storm drainage works existing and proposed for such subdivision.
- (5) The location of all existing natural and man-made features within or adjacent to and significantly affecting the layout of the area proposed to be subdivided, such as water bodies, streams and wetlands, large trees, wooded areas, railroads, major highways, airports, industrial areas, commercial or retail business areas, schools, institutions, cemeteries, parks, utility easements and buildings.
- (6) The location, dimensions and depth of existing public sanitary sewers, water mains and local electric distribution lines, outside but nearest the subdivision.
- (7) Within the subdivision, the location, size, invert elevation and slope of sanitary sewers proposed, together with a written statement of approval by the Town Engineer, or a description and plan of capacity and location of other means of sewage disposal, with evidence of soil suitability for such disposal, similarly approved by the Board of Health.

- (8) The approximate lines, dimensions and areas of lots and approximate radii of curved property lines.
- (9) In each subdivision, the subdivider shall furnish a topographic map of all parts of such subdivision. Such topographic map shall show contours at intervals of two (2) feet elevation or at such lesser intervals as the Planning Board may prescribe.
- (10) The proposed names of proposed streets shall be shown in pencil until such names shall have been approved by the Board of Selectmen; the subdivider may consult the index of names of existing streets on file with the Town Clerk. No duplicate name or names closely similar to existing street names shall be permitted (i.e., if Mill Street is an existing street name, there shall not be permitted Mill Place, Mill Terrace or Mill Avenue).
- (11) Definitive profiles and cross sections of streets, storm drains and sanitary sewers, existing or proposed, shall be drawn at scales suitably related to the scale of the definitive plan required.
- (12) Each sheet, drawing and print submitted as part of a subdivision definitive plan shall be plainly marked "DEFINITIVE" in letters not less than one-half (½) inch high, which shall be placed, if practicable, in the top right-hand portion of each data sheet or letter sheet; "DEFINITIVE" shall also be similarly placed on each drawing sheet or else in the topical title of each drawing sheet.
- (13) The applicant shall, in preparing the definitive plan, consult the regulations of the Water and Sewer Commissions and abide by their regulations.
- (14) An impact statement, as set forth in § 235-7E.
- (15) A copy of the Conservation Commission Order of Conditions. [See § 235-7E(1)(1).]

I. Drafting standards.

- (1) The plans shall be drawn to a scale of one (1) inch equals forty (40) feet on the present plan or such other scale as the Board may approve, except that the locus map and required profiles shall be drawn to the particular scales indicated in Subsections K and M, respectively.
- (2) Plans shall be drawn as outlined in § 235-7F.
- (3) Copies shall be dark line on clear and legible white paper.

J. Title block.

- (1) Each sheet shall have a title block containing:

- (a) The name of the subdivision.
 - (b) The names and addresses of the applicant and designer.
 - (c) An imprint of the designer's stamp and signature.
 - (d) Scale and date.
- (2) There shall be provided on each drawing space for endorsement by the Board, including space for reference to any external documents, and space for the signature of the Town Clerk's certificate of no appeal and space for the date.
- K. Locus map. The first sheet of the definitive plan shall include a locus map of the proposed subdivision at a recommended scale of one (1) inch equals eight hundred (800) feet, or one (1) inch equals one thousand (1,000) feet.
- L. Lot layout plan. The lot layout plan shall include:
- (1) An indication of true and magnetic North on all drawing sheets.
 - (2) The lot layout, including dimensions and bearings and consecutive numbering of lots, and the zoning district or districts in which the proposed subdivision is located.
 - (3) Names and location of all abutters, including adjacent lands of the applicant, as they appear in the most recent tax list, and all non-taxpaying abutters shall include government and church owners of property.
 - (4) Proposed street names in pencil, roadway width and right-of-way width for all proposed streets.
 - (5) Sufficient data to determine readily the location, bearing and length of every street, lot and boundary line and to establish these lines on the ground. Also in each lot a statement of its area and its lot number.
 - (6) Accurate locations of all monuments, existing or proposed, one (1) to be placed at each change in direction of boundary perimeter.
 - (7) The location, width of all easements or rights-of-way or public areas, and boundaries by bearings or dimensions. The purpose of such easements or rights-of-way shall be indicated.
 - (8) All existing buildings, structures and major trees, drawn in outline; those to be removed shall be drawn with a broken line, those to remain, drawn with a solid line. The location of all proposed tree plantings shall be shown. (See § 235-31G.)
 - (9) Topography. One-foot intervals, unless waived to two-foot by the Board, are specified by the Board. The ground elevation of all water bodies within the subdivision shall be given, and ground surfaces identified as to type, such as

woodland, swamp, ledge outcrops, periodically flooded, etc. Major natural features such as waterways, large boulders and stone walls shall be shown. Areas which are subject to the floodplain zoning must also be indicated on the plans.

M. Street and utilities construction plans and profiles. A street and utilities construction plan and profile for each street shall be provided on a separate sheet and shall consist of a layout plan of the street and of a profile matching the layout, either above or below it, for ease in locating corresponding points. The profile shall be drawn at a vertical scale of one (1) such equals four (4) feet. The plan and profile shall show:

- (1) Existing grades along the center and both side lines of street.
- (2) Proposed finished center-line grades with elevations at every fifty-foot station, location of vertical curves and the gradient of even grades.
- (3) The proposed layout of storm drainage and water supply systems, hydrants and sewage disposal systems and dimensions of gutters, and the method of carrying water to the nearest watercourse or easements for drainage as needed, whether or not within the subdivision; gutter-line profiles of proposed streets, on sheets separate from the plan diagram, at a horizontal scale of one (1) inch equals four (4) feet with all elevations referred to Town of Halifax base.
- (4) The location and elevation of the starting bench mark and at least one (1) other bench mark. All elevations shall refer to Town of Halifax base mark (elevation bench mark).
- (5) Typical sections of roadways showing widths and grades of street lines, roadway pavement, sidewalks, streetlights, grass strips, tree plantings and side slopes and the location and size of water, sewer, drain and gas lines. The depth of roadway pavement, sidewalks, base courses and all underground utilities.

ARTICLE III Design Standards

§ 235-15. Lots.

- A. Lots shown on the plan shall comply with the area frontage and other requirements of the Halifax Zoning Bylaw.⁹
- B. All portions of the tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses so that remnants and land-locked areas shall not be created.

⁹ Editor's Note: See Ch. 167, Zoning.

§ 235-16. Parks and open spaces.

Before approval of a plan, the Board may, in proper cases, require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Board may, by appropriate endorsement on the plan require that no building be erected upon such park or parks without its approval for a period of three (3) years from the date of approval of a subdivision.

“At the meeting of the Halifax Park Commission on August 3, 1976, it was voted to submit to the Planning Board the following recommendations concerning the allocation of land for open space and recreation in subdivisions. These recommendations are adapted from National Park Recreation and Open Space Standards by Robert D. Buechner (Ed.) and Urban Recreation Planning by Seymour Gold:”

“The amount of land to be set aside for open space and recreation should range from a minimum of ten percent (10%) of the total area in a small subdivision to twenty-five percent (25%) in a large planned unit development and large subdivisions. Such land can be retained for use by residents (private) or deeded to the town for public use.”

“It is suggested that developers be encouraged to use cluster if permitted by the zoning which allows smaller lots to be grouped around open space, thus providing more efficient land use and greater possibilities for convenient recreation areas.”

§ 235-17. Protection of natural features.

- A. Due regard shall be shown for all natural features, such as trees, watercourses, scenic points, historic spots and similar community assets, which, if preserved, will add attractiveness and value to the subdivision and the town.
- B. Watercourses, wetlands and like natural features shall be protected in accordance with the recommendations of the Conservation Commission. (See § 235-7A.)

§ 235-18. Contours.

- A. Existing contours shall be preserved insofar as is practical. In any event, no change shall be made in existing contours which, in the opinion of the Board, adversely affects any land abutting the proposed subdivision.
- B. Subdivisions shall be designed so as to minimize the necessity for excessive cut or fill.

§ 235-19. Easements.

- A. Where necessary, easements for utilities, drainage systems or pedestrian or bicycle paths shall be provided. Such easements shall be at least twenty (20) feet wide and, whenever possible, shall be centered on rear or side lot lines, rather than across lots.

- B. Where a subdivision is traversed by a watercourse, drainageway, channel or storm drain, the Board may require that there be provided a stormwater easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourses, drainageway, channel or stream and to provide for construction or other necessary purposes. Slope easements shall be provided where necessary to ensure lateral support and protection of streets and other construction features.

§ 235-20. Utilities to be placed underground.

Electric, telephone and other utility wiring shall be placed underground in all residential and nonresidential subdivisions. The installation shall be to the specifications of the utility company concerned and of the Town of Halifax.

§ 235-21. Streets.

- A. Street classification and widths.

- (1) Proposed streets shall be classified by the Board as provided below, depending upon the amount of traffic they are projected to accommodate:
- (a) Major street: designed to accommodate large volumes of moderate-speed traffic, with access to abutting lots controlled. Major streets are thoroughfares and carry through traffic between the various parts of the town. Major streets shall have a minimum right-of-way of one hundred (100) feet. (See Plate No. 1.¹⁰) This category includes industrial subdivisions.
 - (b) Collector street: designed to accommodate and direct traffic generated by minor streets in one (1) or more neighborhoods or subdivisions to major streets and other areas of the town. Collector streets shall have a minimum right-of-way of seventy (70) feet. (See Plate No. 1.¹¹)
 - (c) Minor street: designed for use by local residential and service traffic only. The function of a minor street is to provide direct access from abutting homes to collector streets and the town street system. Minor streets shall have a minimum right-of-way of fifty (50) feet. (See Plate No. 1.¹²)
- (2) In no case shall the minimum widths of street rights-of-way be less than fifty (50) feet. The final determination of street classifications and widths shall be by determination of the Board.

¹⁰ Editor's Note: Plate No. 1 is on file in the office of the Town Clerk.

¹¹ Editor's Note: Plate No. 1 is on file in the office of the Town Clerk.

¹² Editor's Note: Plate No. 1 is on file in the office of the Town Clerk.

B. Location.

- (1) All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- (2) The proposed streets shall conform as far as practicable to the most recent issue of the Master Plan, as adopted or amended, in whole or in part, by the Board.
- (3) Provision, satisfactory to the Board, shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.
- (4) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- (5) Where a subdivision abuts an existing or proposed expressway or major or collector street, the Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, extra-deep lots or such other treatment as may be necessary for adequate protection of through and local traffic.
- (6) Residential streets shall be so laid out that their use by through traffic will be discouraged.
- (7) Private streets are prohibited, but existing private streets will be approved only if they meet public street standards.
- (8) Alleys shall not be permitted.
- (9) Where a subdivision proposal covers only a part of a tract of land in a single ownership, the Planning Board may require the subdivider to furnish a sketch of a contemplated street system to the standards of this Article for the whole of such tract, including the part not theretofore submitted.

C. Alignment.

- (1) The minimum center-line radii of curved streets shall be as follows:

Type of Street	Minimum Radii (feet)
Minor (residential)	150
Collector	300
Major	800

- (2) All reverse curves on major and collector streets shall be separated by a tangent at least one hundred (100) feet long.
- (3) Streets shall be laid out so as to intersect, as nearly as possible, at right angles. No street shall intersect any other street at less than sixty degrees (60°). The maximum number of ways converging at an intersection shall be kept to four (4), with the center line of said street intersections at one (1) common point.
- (4) Property lines at street intersections shall be rounded with a street-line radius of not less than thirty (30) feet.
- (5) The offset of center lines of streets in intersection with a common street, whether the same or opposite side of that common street, shall occur not less than two hundred fifty (250) feet apart.
- (6) The grading at the intersection of ways shall be so designed as to be safe and convenient for travel and to direct the flow of surface water in a suitable manner.

D. Grade.

- (1) The center line grade for any street shall not be less than one-half percent (½%).
- (2) The maximum center-line grade shall be in accordance with the following table:

Type of Street	Maximum Grade
Minor (residential)	6%
Collector	5%
Major	3%

- (3) When the grade at any approach to an intersection exceeds six percent (6%), a platform shall be provided for a distance of not less than forty (40) feet, measured from the exterior line of the intersecting street.
- (4) Grades at an intersection of more than two percent (2%) for the first forty (40) feet, and more than four percent (4%) for the next thirty (30) feet, will not be approved.
- (5) All streets shall be free of abrupt and frequent changes. A vertical curve is required for any grade change over one percent (1%). All summits of vertical curves shall be constructed in a manner which provides visibility as given below.

Type of Street	Minimum Forward Sight Distance (feet)
Minor	150
Collector	200
Major	300

E. Dead-end streets.

- (1) Dead-end streets, whether temporary or permanent, shall not be longer than one thousand (1,000) feet unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions.
- (2) Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred twenty (120) feet.
- (3) Throughout the whole of the rotary, the grades shall be as flat as practicable and shall not exceed three percent (3%).

F. Curb cuts. Driveway cuts shall not be within fifty-five (55) feet of the intersection of the street line of intersecting streets.

§ 235-22. Drainage.

- A. When the subdivision causes a requirement for drainage improvements outside its area, the subdivider shall be required to secure the necessary approvals and provide such improvements in the public interest.
- B. Appropriate storm drainage installations, including drains, gutters, manholes, culverts and related installations, shall be required if, in the Board's opinion, such installations are necessary to permit the unobstructed flow of all natural watercourses, to ensure adequate drainage of all low points along streets and to provide a proper means for stormwater runoff from the streets and area being drained. Sizes, spacing and materials of drainage installations shall be determined by a registered professional engineer and shall be subject to the Board's approval.
- C. New drainage systems shall be properly connected to any existing storm drains in adjacent streets, provided that supporting data is provided indicating that the existing storm drains are capable of accepting the additional loading or easements which may exist. Where no adequate storm drainage system exists, or where it is inadequate, it shall be the responsibility of the subdivider to extend his system outside of the subdivision in such a manner specified or approved by the Board to dispose properly of all the drainage from the proposed subdivision.

- D. Where the adjacent property is not subdivided, adequate provision shall be made for the extension of the drainage system beyond the boundaries of the subdivision and for it to carry the additional load that may be placed on the system. This shall be done by providing drains of adequate size and at proper slopes, as specified by the boundaries and the proper connection of those of future subdivisions in the adjacent area.
- E. Storm drains and culverts shall be a minimum of twelve (12) inches inside diameter and shall be greater when required by the Board.

§ 235-23. Design analysis.

A design analysis shall be submitted with each definitive plan submitted for approval. The design analysis shall include at least the following information:

- A. Storm drainage system. The data shall include consideration of the entire watershed and the calculations used in designing the drainage system, including area calculations, intensity of rainfall, coefficient of runoff, time of concentration, discharge, pipe coefficients of roughness and quantity and velocity of flow under design conditions. Design sketches showing the hydraulic gradient and the energy gradient for each run of drainpipe shall be included.
- B. Storm drains shall be designed on a basis of a ten-year storm and shall be such as to ensure a rate of flow of not less than three (3) feet per second nor more than eight (8) feet per second under design conditions.
- C. Catch basins shall be located at both sides of a roadway, not more than three hundred (300) feet apart, and/or wherever necessary for property interception of water.
- D. Any areas designated as drainage areas shall be tested for adequate percolation.

§ 235-24. Sanitary sewers.

- A. Sanitary sewers, including all appurtenances, shall be designed to serve as many lots in a subdivision as possible and to provide connection to the municipal sewerage system, as approved by the Sewer Commissioners.
- B. Sewers shall extend to adjacent undeveloped land if future continuation into such land is feasible.
- C. No portion of a sewerage system shall be approved if it requires a connection to the municipal system over land of other owners, unless appropriate easements are first obtained.
- D. The calculations used in designing the sewerage system, including the method of estimating average flows (including infiltration allowances), not to exceed the rate of one hundred twenty-five (125) gallons per inch of diameter of pipe per mile of pipe per

twenty-four-hour period, the peaking factor used, the hydraulic design of the system, including quantity and velocity of flow under both average and peak flow conditions, shall be included.

- E. Minimum sewer pipe size shall be eight (8) inches, and sanitary sewers shall be such as to ensure the flow of not less than two (2) feet per second, not more than ten (10) feet per second, except that house connections shall be at least six (6) inches in diameter and shall maintain a minimum slope of one-hundredth (0.01) foot.
- F. Manholes shall be no more than three hundred (300) feet apart.

§ 235-25. Water mains.

- A. Water mains, laterals and appurtenances shall be of the size, material and location as directed by the Water Commissioners. The minimum acceptable size for new mains or extensions is eight (8) inches in diameter.
- B. All lots on streets on which a water main is to be installed shall be provided with an approved service connection at the property line, with the location of said service connection accurately shown on an approved plan.
- C. Hydrants, with valves of a type approved by the Water Commissioners, shall be installed on all water mains at a spacing of not more than five hundred (500) feet.
- D. No dead-end mains or extensions will be allowed. If a tap cannot be made into a second or separate line, the subdivider shall return to the supplying main for a second tap.

§ 235-26. Gravel.

- A. Bank gravel shall consist of inert material that is hard, durable stone and coarse sand fill, free from loam and clay, and having no stones larger than six (6) inches. The grading of the material shall conform to the following:
 - (1) Passing one-half-inch sieve: fifty percent (50%) to eighty-five percent (85%) maximum.
 - (2) Passing No. 4 sieve: forty percent (40%) to seventy-five percent (75%) maximum.
 - (3) Passing No. 40 sieve: ten percent (10%) to thirty-five percent (35%) maximum.
 - (4) Passing No. 200 sieve: zero percent (0%) to ten percent (10%) maximum.
- B. Select gravel. Select gravel base course material shall consist of approved, hard, durable stone and coarse sand, bank-run or blended, practically free from loam and clay, uniformly graded and containing no stone having any dimension greater than one and

one-half (1½) inches. When spread and rolled, it shall form a firm foundation. The grading of the material shall conform to the following requirements:

- (1) Passing three-eighths-inch sieve: seventy percent (70%) maximum.
- (2) Passing No. 10 sieve: fifty percent (50%) maximum.
- (3) Passing No. 200 sieve: five percent (5%) maximum.

ARTICLE IV Required Improvements

§ 235-27. Responsibilities of developer.

The developer is responsible for the completion of the following improvements, as set forth in this Article:

- A. Street construction.
 - (1) Preparation.
 - (2) Base.
 - (3) Pavement.
 - (4) Curbs.
 - (5) Sidewalks.
 - (6) Grass plots.
 - (7) Side slopes.
 - (8) Trees.
 - (9) Street signs.
 - (10) Bounds.
- B. Storm drains.
- C. Sanitary sewers.
- D. Water supply.

E. Utilities.

F. Parks and open space.

§ 235-28. Improvement standards.

All required improvements shall be installed or constructed in accordance with the applicable provisions of these rules and regulations and as shown on approved definitive plans or as specified in the Planning Board's certificate of approval or in any covenants and agreements accepted by the Board.

§ 235-29. Statutory provisions.

All amendments and modifications of approved definitive plans, after final action by the Board, must be performed in accordance with MGL c. 41, § 81W.

§ 235-30. Protection of improvements.

The applicant shall protect improvements required under the subdivision rules and regulations, including utilities, streets, curbs, sidewalks, etc., from any and all damage until the entire subdivision is completed and approved as a whole by the Planning Board. Any damage to these utilities, etc., prior to the approval of the Planning Board shall be repaired in a manner satisfactory to the Planning Board, the full cost of which shall be borne by the subdivider. Any material used which does not meet the standards as set forth in these regulations shall be replaced by the subdivider at his own expense. Underground utilities and appurtenances not installed in accordance with the final grades approved by the Planning Board shall be removed and reset to proper grade at the expense of the subdivider.

§ 235-31. Streets.

A. Construction.

- (1) Preparation. The entire area within each right-of-way or easement for future extension, and as far beyond as necessary to provide firm support or protection for the street, shall be cleared, excavated and/or filled as necessary and graded as shown on the approved definitive plans and in accordance with the street cross sections included as Plate No. 1 of these rules and regulations¹³. All deleterious material to be removed from the site and properly disposed of (first inspection).
- (2) Drains, water mains, sewers and utilities placements. All drains, public utilities, water mains and sewers, including individual service laterals, shall be installed and the roadway inspected as provided in § 235-35E of these rules and regulations, prior to any further construction of the roadway. Water mains shall be inspected by the Water Department (second inspection).

¹³ Editor's Note: Plate No. 1 is kept on file in the office of the Town Clerk.

- (3) Base. At least twelve (12) inches of good, clean, compacted bank gravel, with no stones larger than six (6) inches in diameter, shall be placed and rolled with at least a ten-ton roller. The surface shall be damp during rolling to bind the material. Prior to any further construction, the roadway shall be inspected as provided in § 235-35E of these rules and regulations (third inspection).
- (4) Paving. The roadway shall be paved to the thickness as indicated on Plate No. 1¹⁴, after compaction with two (2) coats of Class I bituminous concrete pavement, Type I-1 or F-1. The aggregate shall be composed, mixed and laid hot in two (2) courses, as specified in the Massachusetts Public Works Specifications, Section 460 for Class I Bituminous Concrete Pavement, as specifically set forth in Sections 460.20 to 460.82, or as amended. Upon completion of the surface treatment, said roadway shall be again inspected as provided in § 235-35E of these rules and regulations (fourth inspection).

B. Curbing or edging.

- (1) Curbing or edging is required on both sides of all roadways and shall be one (1) of the types specified under Subsection B(2) below, except that granite or precast concrete curbing shall be used for:
 - (a) All headers for catch basins.
 - (b) All street intersections on the curve, and extending six (6) feet tangential from the point of tangency along the side of each roadway.
- (2) Approved types of curbing or edging (See Plate No. 2 and No. 3¹⁵).
 - (a) Sloped granite edging.
 - (b) Precast concrete edging.
 - (c) Bituminous concrete edging, Type A.
- (3) Specifications for curbing or edging, workmanship and method of setting shall conform to the requirements of these rules and regulations and to the requirements of the Town of Halifax.

C. Sidewalks and grass plots.

- (1) A sidewalk shall be provided for all major, collector and minor residential streets, having a width of four (4) feet on each side of each street and positioned alongside the curbing or edging.

¹⁴ Editor's Note: Plate No. 1 is kept on file in the office of the Town Clerk.

¹⁵ Editor's Note: Plate Nos. 2 and 3 are on file in the office of the Town Clerk.

- (2) Preparation. All materials shall be removed for the full width of the sidewalk to subgrade eight (8) inches below the finished grade, as shown on Plate No. 4;¹⁶ and all soft spots and other undesirable material below such subgrade shall be filled with six (6) inches of a good quality gravel and rolled with a pitch toward the curb of not less than one-fourth ($\frac{1}{4}$) inch, nor greater than three-eighths ($\frac{3}{8}$) inch to the foot.
 - (3) Sidewalks shall be paved with two (2) inches of compacted bituminous concrete; provided, however, that if a concrete surface is desired, specifications of the Massachusetts Department of Public Works shall be complied with.
 - (4) Between the sidewalk and the edge of the street layout, there shall be installed grass plots. The top four (4) inches of all such plots shall consist of good quality loam, rolled and seeded.
 - (5) This area in back of the sidewalk may be sloped at the rate of three to one (3:1) (maximum) to a point where it precisely coincides with the finished grade of abutting lots.
 - (6) All utility poles, fire hydrants or trees shall be placed on the private side of the sidewalk. Utility poles and fire hydrants shall not be less than ten (10) feet apart.
- D. Slopes and walls. Wherever the approved street grade differs from the grade of adjacent land, or where otherwise necessary for public safety, the developer shall be required to erect retaining walls and guardrail fences or provide slopes no steeper than two (2) feet horizontal to one (1) foot vertical in fill, and one and one-half ($1\frac{1}{2}$) feet horizontal to one (1) foot vertical in cut, to ensure proper protection and lateral support. Such walls, fences and slopes shall be subject to the Board's approval as to location, design and dimensions and shall be constructed in a manner satisfactory to the Board's engineer. (See Plate No. 10¹⁷)
- E. Street signs.
- (1) The developer shall furnish and erect necessary street signs to designate the name of each street in his development, said signs to conform to those used by the town, or as determined by the Planning Board.
 - (2) Street names shall be approved by the Board of Selectmen to prevent duplication and to provide names in keeping with the character of the town.
- F. Streetlights. Streetlights shall be installed and operating at the expense of the developer as required by the Board to conform to the standard established by the local electric utility and the Town Highway Surveyor or as determined by the Planning Board. Streetlights may be required by the Board on the private side of the sidewalk and shall be installed in accord with the procedure required by the Planning Board.

¹⁶ Editor's Note: Plate No. 4 is on file in the office of the Town Clerk.

¹⁷ Editor's Note: Plate No. 10 is on file in the office of the Town Clerk.

G. Street trees. Street trees, not less than twelve (12) feet in height, and of a species approved by the Park Commission, shall be planted on each side of every street in the sub-division wherever, in the opinion of the Planning board, existing woodlands or suitable individual trees are not retained. Trees shall be located outside of exterior street lines and at such distance therefrom and at such spacing as the Planning Board shall specify in accordance with the most recent general practice of the town in planting trees on private property along public ways.

H. Monuments and traffic lane marking.

(1) Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the board, permanent monuments are necessary. Such monuments shall be at least four by four (4 x 4) inches reinforced concrete or granite posts and must extend from at least three and one-half (3½) feet below finished grade to not more than six (6) inches above ground unless otherwise specifically authorized by the Board in writing. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

(2) Traffic lane marking. The subdivider shall be required to paint traffic lane markings on major and collector street surfaces and may be required to paint them on neighborhood minor streets.

§ 235-32. Drainage.

A. Pipe standards.

(1) Selection of drain size. The proper drain size shall be calculated by using the rational formula, $Q = ACI$, with a Kutter's "n" value of twelve-thousandths (0.012) for concrete pipe and twenty-four thousandths (0.024) for corrugated metal pipe. For culverts less than thirty (30) feet in length and all drains, the minimum size of pipe shall be twelve (12) inches in diameter. Culverts and drains shall be large enough to pass the design storm without surcharge.

(2) Type of pipe. Storm drains may be reinforced concrete of adequate strength. Bituminous-coated, galvanized, corrugated metal pipe, mineral-reinforced concrete pipe or pipe arch may be used if approved by the Board. All pipe shall conform to the State of Massachusetts Standard Specifications for Highways and Bridges, as amended.

(3) All pipes shall be laid on a slope so that the minimum velocity with the pipe flowing full shall be three (3) feet per second. All plans having drains with slopes which will produce pipe velocities less than three (3) feet per second, flowing full, shall be accompanied by a letter stating the reason for the flat slope. The letter shall have a space for approval by the Planning Board or its agent, and the drain shall not be constructed until the letter has been approved.

- (4) Drop inlets. Drop inlets shall have an adequate waterway opening to pass the design storm with not more than two-tenths (0.2) foot of surcharge. Grates and frames shall be cast iron suitable for the loads which can occur either during the construction or afterward. Inlets shall be constructed either of brick or mortar with eight-inch-thick walls, precast segmental concrete blocks not less than six (6) inches thick, mortared in place, or of precast pipe sections. Inlets shall be set on a base of either poured concrete eight (8) inches in thickness or precast segmental base blocks not less than four (4) inches in thickness. Inlets shall be used in off-street locations, and the grate frame shall be mortared in position with the top two-tenths (0.2) foot below the grade of the finished ground surface. Side openings may be used in lieu of a grate if the quantity of runoff exceeds the capacity of a grate of reasonable size, as approved by the Planning Board or its agent. Inlets shall be four (4) feet inside diameter below the corbeling and shall not be used on drains greater than thirty (30) inches in diameter. A shaped invert is not required, but the bottom of the inlet shall be finished at the same grade as the lowest pipe invert. At inlets where the outlet pipe is larger than the inlet pipe, the crown of the outlet pipe shall be at the same elevation or lower than the crown of the inlet pipe.
- (5) Catch basins; manholes. Catch basins shall be installed on both side of the roadway on continuous grades at intervals not to exceed three hundred (300) feet, at low points and sags in the roadway, near the corners of the roadway at intersecting streets and at other such locations as required by the Board. Such catch basins shall be provided with either precast concrete or granite headers with storm inlets. Drain pipes shall extend through a maximum of three (3) catch basins and thereafter through manholes to the point of discharge, with a manhole being required at every change in direction, slope or diameter in the drain pipes. All catch basins, except for the first three (3), shall discharge into the drain through a manhole or in whatever manner the Planning Board shall direct.

B. Construction.

- (1) Excavation. The trench for the pipe shall be excavated to the required line and grade, including earth boulders and ledge. Trenches for storm drains shall be no wider than the outside diameter of the pipe plus eighteen (18) inches for pipes through eighteen (18) inches nominal diameter, and the outside diameter plus twenty-four (24) inches for pipe larger than eighteen (18) inches. This trench width shall apply from the top of the pipe to the bottom of the trench. Above the top of the pipe, the trench width may be as necessary to properly install the pipe. Trenches with side slopes steeper than the natural angle of repose of the soil shall be sheeted in an approved manner, as necessary, to avoid cave-ins and sloughing. All excavations shall be properly barricaded and lighted at night where they are close to pedestrian or vehicular traffic. Before any pipe is placed in a newly constructed fill, the contractor shall, as directed, place the filling two (2) feet above the top grade of the pipe, after which the pipe trench may be

excavated. If cross pipes, conduits, drains or other unforeseen obstacles encountered in the excavation cannot be relocated, the drain shall be redesigned to avoid the obstruction, if possible, in a manner suitable to the Planning Board or its agent. Possible obstructions to the line shall be investigated prior to the construction of the drain in its immediate vicinity.

- (2) Bedding. Trenches may be excavated with a flat bottom, but the full length of the pipe, except the bell, must rest upon undisturbed soil, except as hereinafter specified. Where trenches have been over-excavated, a selected earth or gravel foundation, thoroughly compacted, shall be provided for proper pipe bedding. Soil which is considered to be unstable by the Planning board or its agent shall be removed to a depth of not less than two (2) feet below the bottom of the pipe and replaced with compacted sand and gravel to the bottom of the pipe. Unstable soil or other excavated material shall be disposed of as directed by the Planning Board or its agent.
- (3) Pipe laying. Pipe shall be laid starting with the downstream end. Grade boards or other approved devices, including the laser beam, shall be provided to ensure that the pipe is laid true to line and grade. Reference bench marks shall be clearly marked to enable the inspector to quickly check the grade and invert elevations. The downstream pipe shall be laid with groove or bell and facing upstream in the proper position. The spigot or tongue end shall be placed in the bell or groove, such that the inverts match.
- (4) Backfilling. After the pipe has been laid and inspected, the trench shall be backfilled. The space under the pipe haunches shall be carefully filled with selected material, free from stones or frozen earth and compacted carefully to prevent the pipe from moving. The layer of backfill up to twelve (12) inches over the top of the pipe shall also be of selected material free from stones and frozen earth, well compacted. The remainder of the trench shall be backfilled in twelve-inch layers, except as noted below, and each layer shall be fully compacted in an approved manner. Under roads or other traffic areas, the trench shall be backfilled in six-inch layers, with each layer compacted to the density of the surrounding soil. Pavement and base course materials removed during the excavation process shall be replaced with pavement and base course to match those removed. When, in the opinion of the Planning board or its agent, the excavation is deep enough to warrant it, temporary pavement shall be provided as directed. Trenches not in pavement shall be left in a mounded condition as directed by the Planning board or its agent.

C. Grates and headwalls.

- (1) Security bars. Security bars shall be provided at the entrance to all culverts or open pipe drains over eighteen (18) inches in diameter. The grate shall be constructed of steel bars not less than one-half ($\frac{1}{2}$) inch diameter, welded together to provide a grate not smaller than the pipe opening. The vertical bars

shall be placed with two-inch clear openings between them, and the horizontal bars shall be placed twelve (12) inches on center. The grate shall be installed not closer than one (1) pipe diameter upstream from the entrance in a manner approved by the Planning Board or its agent. A suitable sketch of the grate and method of installation shall be submitted for approval with the plans for the drains and appurtenances.

- (2) Headwalls. Concrete or field stone masonry headwalls shall be provided at both ends of culverts and the discharge ends of storm drains. They shall conform to the tables on Plate Nos. 7 and 8,¹⁸ and be placed a distance of not less than sixty-five (65) feet from the way line.
- (3) Scour protection. The discharge ends of all drains with flowing full velocities of four (4) feet per second or more shall be protected with a riprap apron which shall extend for a distance of not less than ten (10) times the nominal pipe diameter from the end of the discharge pipe. The riprap for exit velocities of ten (10) feet per second or less shall be composed of a layer of stones twelve (12) inches in thickness or more, placed upon a bed of sand and gravel six (6) inches in thickness. The stones shall be sized so that not less than sixty percent (60%) shall have one (1) dimension twelve (12) inches or more. The stones, after being laid, shall be carefully chinked by hand to make a reasonably smooth and shaped surface. Where exit velocities are greater than ten (10) feet per second, the thickness of stones and the dimensions of the individual pieces shall be sized to prevent displacement by the flow. In this case, details shall be submitted to the Board's engineer for approval.

§ 235-33. Sewers and water supply.

- A. Sanitary sewers. Sanitary sewers, if required, shall be installed, flushed and tested in accordance with the requirements of the Sewer Commissioners and to the satisfaction of the Board's engineer. Connections to all lots shall be installed on the exterior right-of-way line as shown on the definitive plan.
- B. Water supply.
 - (1) Water mains, laterals and appurtenances shall be of the size, material and location as directed by the Water Commissioners. The minimum acceptable size for new mains or extensions is eight (8) inches in diameter.
 - (2) All lots on streets on which a water main is to be installed shall be provided with an approved service connection at the property line, with the location of said service connection accurately shown on an approved plan.

¹⁸ Editor's Note: Plate Nos. 7 and 8 are on file in the office of the Town Clerk.

(3) Hydrants, with valves of a type approved by the Water Commissioners, shall be installed on all water mains at a spacing of not more than five hundred (500) feet.

(4) No dead-end mains or extensions will be allowed. If a tap cannot be made into a second or separate line, the subdivider shall return to the supplying main for a second tap.

C. Waiver of sewer and/or water requirements.

(1) Where, in the opinion of the Board, municipal sewer lines are not accessible and will not become available within two (2) years, the Board may waive the requirement of the construction of sewers and may require instead other means of sewage disposal acceptable to the Board of Health.

(2) Where, in the opinion of the Board, municipal waterlines are not accessible and will not become accessible within two (2) years, the Board may waive the requirement of construction of waterlines and may require instead other means of water supply acceptable to the Water Commissioners.

§ 235-34. Utilities.

A. Location.

(1) All utilities within a subdivision shall be placed underground. The builder will furnish all materials and labor except for the transformers and luminaires, which will be furnished and installed by the local electric utility, as per its decision of February 6, 1975.

(2) All utility lines shall be shown in plan and profile in the definitive plan as required by § 235-14M of these rules and regulations.

B. Connections. Connections for all utilities from the main structures to the exterior line of the way shall be constructed for each lot, whether or not there is a building thereon.

C. Extension of utilities. Where adjacent property is not subdivided, or where all the property of the applicant is not being subdivided at the same time, provisions should be made for the extension of the utility system by continuing mains the full length of streets to the exterior limits of the subdivision, as such grade and size which will, in the opinion of the Planning board, permit their proper extension.

D. Fire alarm boxes. Wherever a connection to a town-owned fire alarm circuit is feasible in the opinion of the Board, the applicant shall install a fire alarm circuit within the subdivision, including at least one (1) fire alarm box for each one thousand (1,000) feet of street, or portion thereof. Materials and location of boxes shall be directed by the Chief of the Fire Department.

E. Cleaning up. The entire area must be cleaned up so as to leave a neat and orderly appearance, free from debris and other objectionable materials.

§ 235-35. Inspections.

A. Purpose. Inspections of the quality of materials used and methods of installation of the improvements within a subdivision by the Board's engineer are required to protect the health and welfare of the future subdivision residents and of the town.

B. Access. The applicant will provide safe and convenient access to all parts of the subdivision, for the purpose of inspection, to representatives of the Board or other town agencies and boards.

C. Responsibility. The applicant is responsible for requesting inspections at the proper stage in the process of installation of improvements, as provided in Subsection E, below. Should an inspection not be performed due to the failure of the applicant to notify the inspector, the applicant will be required to uncover the improvements. No work will be accepted that has been covered before inspection.

D. Engineering design review and field inspections.

(1) Design review; fees. All definitive plans and profiles, together with supporting design data relating to stormwater drainage or other purposes, will be subject to an engineering design review. The fee required for this review shall be paid directly by the developer to the reviewing agent of the Planning board.

(2) Field inspection; fees. For the purpose of requiring close adherence to all construction specifications, the Planning Board will engage agents to conduct regular on-site inspections as outlined in Subsection E. All inspection fees shall be paid by the developer.

E. Inspection schedule.

(1) The applicant shall submit, within two (2) weeks of the date of approval of the definitive plan, a proposed construction schedule outlining proposed times for construction of the items listed in Subsection E(2) below.

(2) Inspections shall be for the following purposes:

Inspection	Timing	Purpose
Inspection No. 1	Prepared site; open trenches	Correct materials; proper site preparation
Inspection No. 2	Installed drains, water mains, sewer and utilities; open trenches	Correct installation of lines
Inspection No. 3	After compaction of roadway before paving	Correct placement of fill and compacting
Inspection No. 4	After street construction	Correct construction of pavement, curb and sidewalk
Inspection No. 5	After cleaning up	Installation of grass plots, street signs and for cleaning up

(3) The Board or its agent shall indicate on Form G¹⁹ the date of inspection and approval of work completed. Such form shall be filed with the Board.

(4) The applicant or contractor will notify the Planning Board and/or its agent in writing, at least ten (10) days in advance of the actual commencement of construction. Following the start of construction, close cooperation and coordination will be required by said applicant or contractor and the Board or its agent in order to ensure that all inspections are performed at the proper time. All subsurface installations must meet with the inspector's approval prior to being covered, or they may be required to be uncovered for his examination. In addition, the applicant or contractor shall request each inspection outlined in Subsection E (2) above at least two (2) working days before the inspection is desired.

F. Pressure and leakage tests for water mains.

(1) All specifications covering material, workmanship, size of pipes, etc., used in the Town of Halifax shall be approved by the Board of Water Commissioners. Also, two (2) pressure tests, one (1) before and one (1) after a four-hour leakage test, must be provided by the contractor or developer under the supervision of the Water Department.

(2) Pressure test. The contractor shall, by pumping, raise the water pressure of the section under test to a pressure in pounds per square inch numerically equal to the class rating of the pipe. If the contractor cannot achieve the specified pressure and maintain it for a period of one (1) hour, the section under test shall be considered as having failed to pass the pressure test.

¹⁹ Editor's Note: Form G is on file in the office of the Town Clerk.

ARTICLE V
Performance Guaranties

§ 235-36. Guaranty required.

Before endorsement of its approval of a plan, the Board shall require, in accordance with Section 81LL of the Subdivision Control Law, that the construction of ways and the installation of municipal services be secured by one, or in part by the other, of the methods described in § 235-37 or 235-38 below, which method may be varied by the applicant.

§ 235-37. Filing of bond.

The applicant shall file with the town a surety bond in a form satisfactory to the Board, or deposit negotiable securities of a kind acceptable to the Board, in a penal sum or amount sufficient, in the opinion of the board, to secure the performance of the construction of ways and installation of utilities for all lots not covered by a covenant, as described in § 235-38 below. The Board shall request an estimate of work to be completed from the applicant and shall have this estimate reviewed and approved by the Town Engineer. Any bond, surety agreement or securities filed or deposited in accordance herewith shall be executed so as to secure the completion of all required work within two (2) years of such filing of deposit, or within such other time as the Board may specify. Upon failure of the developer to complete such work to the satisfaction of the Board, and in accordance with all applicable plans, regulations and specifications, the town shall be entitled to enforce such bond or to realize upon such securities to the extent necessary to complete all such work without delay.

§ 235-38. Execution of covenant.

The applicant shall execute a covenant (see Form E²⁰), which shall be approved by the Board as to contents and recorded with the approved definitive plan at the expense of the applicant. The applicant shall covenant and agree therein that no lot within the subdivision, or the portion thereof described in the covenant, shall be built upon or conveyed, except by mortgage deed, until such lot or lots shall be released from the conditions of said covenant by a majority vote of the Planning Board, upon satisfactory completion of ways and the installation of municipal services in accordance with the approved definitive plan and with all applicable plans, regulations and specifications. The covenant shall run with the land and shall be binding upon the applicant and the applicant's successors in title to the land to which the covenant refers, or any portions thereof. Any covenant and any conditions required by the Board of Health shall be inscribed on the definitive plan to which they refer or shall be recorded as a separate document and referred to on such definitive plan.

§ 235-39. Reversion of bond to covenant.

If the developer desires to secure, by means of a covenant, the construction of ways and the installation of municipal services in a portion of a subdivision for which no building permits have been granted and to have the Board release the bond or negotiable securities previously

²⁰ Editor's Note: Form E is on file in the office of the Town Clerk.

furnished to secure such construction and installation, the developer shall submit to the Board a cloth tracing and three (3) copies of a new plan, limited only to that part of the definitive plan which is to be subject to such covenant. Upon approval of the covenant by the Board, reference thereto shall be inscribed on such new plan, and the plan endorsed by the Planning Board and recorded with the covenant at the expense of the developer.

§ 235-40. Certificate of performance.

Before the bond or surety or covenant required in §§ 235-37 and 235-38 is released by the Board, the applicant shall submit to the Board an engineer's certificate of performance, certifying that the ways within the subdivision have been completed in accordance with these rules and regulations and the definitive plan and profile.

§ 235-41. As-built plan.

Any significant changes in the required public improvements from the approved definitive plan shall be recorded on a new plan, accurately describing the actual conditions of the improved site. Such plan shall be drawn and presented to the Board with the engineer's certificate of performance, unless the engineer states in a letter to the Board that there are no significant differences between the conditions established in the definitive plan and the actual conditions of the improved site.

§ 235-42. Release of surety.

Upon the receipt of such request for the release of lots or sureties, the Board shall request from the Town Engineer a verification of the satisfactory completion of all work in the subdivision and shall either approve the work and release the surety or the lots or state wherein the work fails to comply with the definitive plan and with these rules and regulations and refuse the request. Either action shall be by a majority vote of the Board, and a certificate of the Board's action shall be transmitted, within forty-five (45) days of the developer's request, to the Town Clerk and to the developer by certified mail, in a form suitable for recording, and to the surety company concerned, if any.

§ 235-43. Conveyance of utilities.

Before the Board will release a surety bond or deposit or, in the case of a covenant, issue a certificate of performance, the developer shall execute and instrument (See Form F²¹), transferring to the town valid, unencumbered title to all sanitary sewers, fire alarm conduits, water mains and all appurtenances thereto constructed and installed in the subdivision, and conveying to the town, without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers, stormwater drains, fire alarm conduits, water mains and all appurtenances thereof, and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision, and if such sewers, stormwater drains, fire alarm conduits and water mains have been constructed and installed in land not within such streets, then in, through and under

²¹ Editor's Note: Form F is on file in the office of the Town Clerk.

the easements, as shown on the definitive plan, and where no easements are shown, in, through and under a strip of land extending ten (10) feet in width on each side of the center line of all such sewers, drains, fire alarm conduits and water mains. The above shall not be construed to relieve the developer, and his successors in title to a portion of land or street in the subdivision, of responsibility to complete all construction, as required by developer's covenants and agreements with the town, and to thereafter maintain all streets and utilities in a satisfactory condition until they are accepted by the town.

ARTICLE VI
Administration

§ 235-44. Waiving of compliance.

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

§ 235-45. Modification, amendment or rescission.

- A. The Planning Board, acting 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 subdivision plan or to require a change in a plan as a condition of its retaining the status of an approved plan. All the provisions relating to the submission or approval of a subdivision plan shall also apply, so far as apt, to the approval of the modification, amendment or rescission of such approval and to a plan which has been changed under this subsection.
- B. No modification, amendment or rescission of the approval of a subdivision plan or change in such plan shall affect the lots which have been sold or mortgaged subsequent to the approval of the plan, or any rights appurtenant thereto, without the consent of the owner of such lots and of the mortgagee if any, thereon.
- C. No modification, amendment or rescission or change in an approved plan shall take effect until the applicable provisions of Section 81W of the Subdivision Control Law are complied with.
- D. The failure of a developer to complete work in a subdivision within two (2) years of the approval of the definitive plan shall constitute a reason for the rescission of such approval.

§ 235-46. Severability.

If any provision of these rules and regulations is found to be invalid or void, it shall not affect any other provision of these rules and regulations.

§ 235-47. Statutory reference.

For matters not covered by these rules and regulations, reference is made to MGL c. 41, §§ 81K to 81GG, inclusive.

§ 235-48. Appeals.

Appeals may be taken from the determination of the Board in accordance with the provisions of MGL c. 41, § 81BB.