

# TYNGSBOROUGH PLANNING BOARD



## SUBDIVISION RULES AND REGULATIONS

Approved: **April 16, 2010**



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**TOWN OF TYNGSBOROUGH  
SUBDIVISION RULES & REGULATIONS**

**SECTION 1: AUTHORITY & PURPOSE**

**1.1 AUTHORITY**

Pursuant to the authority granted by Massachusetts General Laws Chapter 41, as amended, and for the purposes specified in Paragraph of this section, the Planning Board of the Town of Tyngsborough has adopted and approved the following Rules & Regulations governing the subdivision of land in the Town of Tyngsborough.

These Rules & Regulations shall become effective when copies hereof, certified by the Town Clerk, have been transmitted to the Registry of Deeds for the North District of Middlesex County and to the Recorder of the Land Court.

No land shall be subdivided, improved or sold within the meaning of the Subdivision Control Law, and no way shall be constructed or municipal or other services installed, unless a plan of such subdivision has been approved and endorsed by the Planning Board.

**1.2 PURPOSE**

These Rules & Regulations have been adopted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Tyngsborough, by regulating and providing for the laying out and construction of streets and municipal services in subdivisions providing access to the several lots therein, and ensuring the sanitary conditions in said subdivisions, and where so permitted by said General Laws, in other areas and parks.

The powers of the Planning Board under these Rules & Regulations shall be exercised with due regard for the provision for adequate access to all lots in any subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and the adjacent public ways; for reducing safety in cases of fire, flood, panic and other emergencies; for ensuring compliance with applicable zoning by-laws; for securing adequate provision for water supply, sewage disposal, drainage protection, and protection of natural water sources and courses, flood control areas and wetland areas; for coordinating the ways in a subdivision with each other and with the public ways in the town and with the ways in neighboring subdivisions; and such other requirements as may be deemed necessary within the purpose and intent of these Rules & Regulations.

**SECTION 2:        DEFINITIONS**

In construing these Rules & Regulations, the following definitions, as well as the definitions contained in Massachusetts G.L., Chapter 41, Section 81-L, shall apply, and in any one or more instances wherein the definition in these Rules & Regulations shall appear to be more comprehensive, or a contrary intention clearly appears, the following definitions shall be applicable and controlling.

**APPLICANT:** The owner(s) of land or such duly authorized agent(s), representative(s), assign(s), or attorney(s) and in each instance where the applicant is other than the owner(s), such representative shall file with the Planning Board sufficient written evidence of authority to act by or on behalf of the owner(s). In any instance wherein a corporation or other entity is the owner(s), a certificate of corporate vote, power of attorney, a list of officers, and the corporate address and telephone number, and/or such other evidence as the Planning Board may reasonably require, shall be filed with each application submitted for approval.

**BOARD:** The Planning Board of the Town of Tyngsborough.

**BOARD OF HEALTH:** The Board of Health of the Town of Tyngsborough.

**WATER COMMISSION:** The Water Commission of the Water District of Tyngsborough.

**SEWER COMMISSION:** The Sewer Commission of the Town of Tyngsborough.

**HIGHWAY DEPARTMENT:** The Highway Department of the Town of Tyngsborough

**ROAD COMMISSION:** The Road Commission of the Town of Tyngsborough

**DEFINITIVE PLAN:** A plan of a proposed subdivision or resubdivision of land as required by Section 81-0 of the Subdivision Control Law and which shall consist of all items as delineated in Section VI-C of these Rules & Regulations.

**DEVELOPER:** Such owner(s), agent(s), or representative(s) of the owner(s) of land who seeks to develop the potentialities of the real estate by the building of structures thereon and/or the sale of the lots and/or developed sites, or any portion thereof in a subdivision.

**ENGINEER OR REGISTERED ENGINEER:** A person duly registered by the Board of Registration of Engineers and Land Surveyors for the Commonwealth of Massachusetts.

**GENERAL LAWS (MGL):** The General Laws of the Commonwealth of Massachusetts as the same may be amended from time to time.

**LOT:** A distinct portion, piece or parcel of land, in one ownership, having definite boundaries, used or available for use as the site of one or more buildings or other structures, and in compliance with the Zoning By-Laws of the Town of Tyngsborough.

**MUNICIPAL SERVICES:** Public utilities furnished by any Board of the Town of Tyngsborough, the Tyngsborough Water District, and/or by publicly owned utility companies such as water

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systems, sanitary sewerage systems, storm drainage systems, gas pipes, electrical lines, telephone lines, fire alarm systems, and their respective appurtenances.

**OWNER:** The owner of record as shown by the current records of the Middlesex North District Registry of Deeds or Land Court.

**PRELIMINARY PLAN:** A plan of a proposed subdivision of land prepared in accordance with Section 5.

**ROADWAY:** That portion of a street which is designed and prepared for vehicular travel

**SPECIFICATIONS OF THE WATER COMMISSION:** The construction standards of the Water Commission of the Tyngsborough Water District, as amended from time to time.

**STREET:**

**Primary Streets:** Existing and proposed streets which are primarily used as the principal means of access to any area within the town.

**Secondary Streets:** Existing and proposed streets which are primarily used as the principal means of access to or from the aforesaid Primary Street, or to a community facility, and normally including the principal entrance streets of a large subdivision, or group of subdivisions, and any principal circulation street within such subdivisions.

**Residential Streets:** Existing or proposed streets which are primarily used as the principal means of access to or from lots within a subdivision which are not intended for use by through traffic.

**STREET WIDTH:** The Entire width of a street, extending from property line to property line.

**SUBDIVISION:** The division of a tract of land into two or more lots, including resubdivision, and when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided, provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of these Rules & Regulations, if, at the time when it is made, every lot within the tract so divided has frontage on;

- a public way which has been accepted, approved, maintained, and used as a public way in the Town, or
- a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or
- a way in existence when the subdivision control law became effective in the Town, having, in the opinion of the Planning Board sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of a least such distance as is required by the Zoning By-Laws of the town for the

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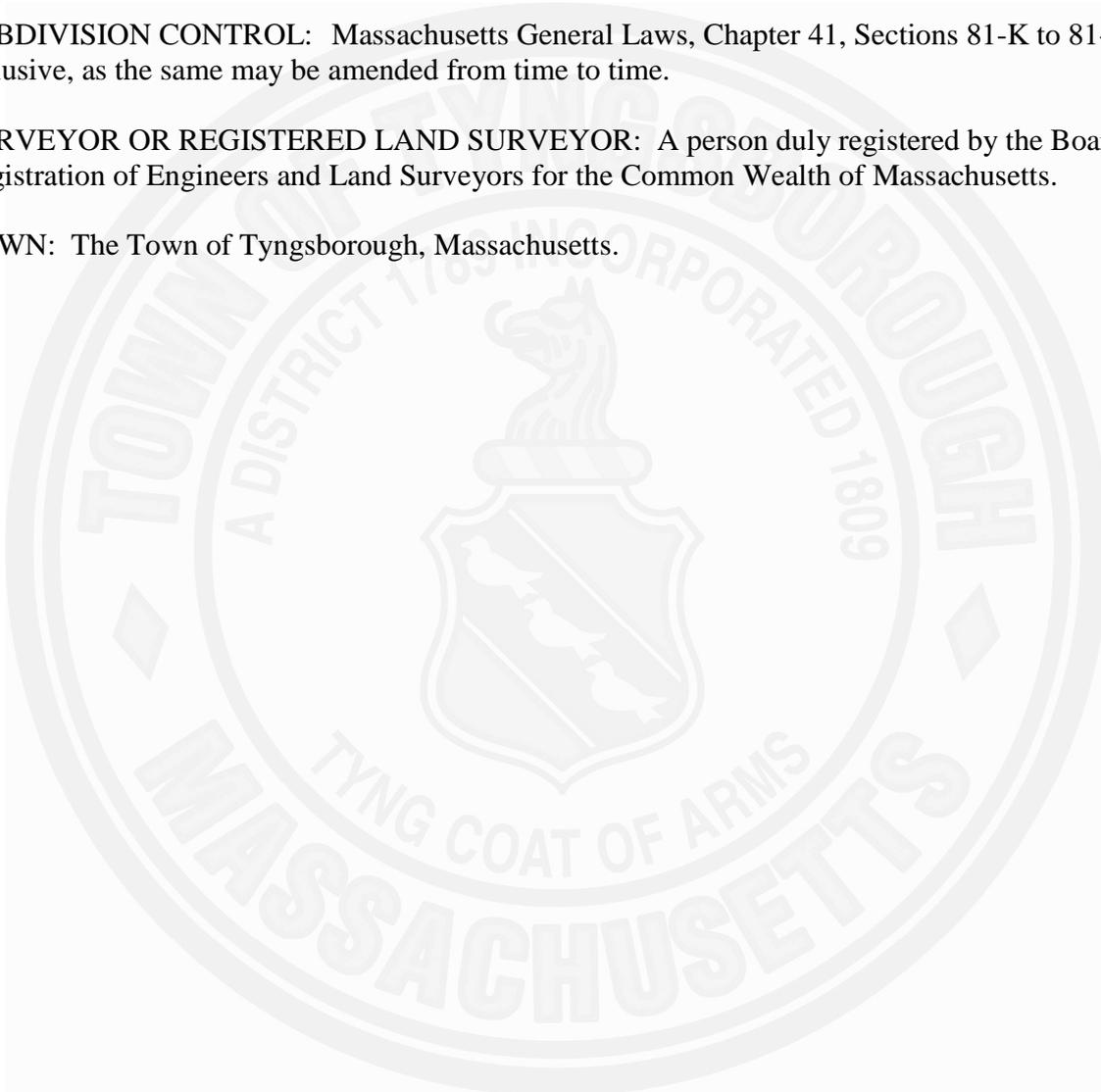
erection of a building or buildings on such lot. Conveyances or other instruments of record, changing the size and/or shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the town, into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

**SUBDIVIDER:** Whoever shall seek to create by subdivision, two or more lots within the meaning and purposes of the subdivision control law.

**SUBDIVISION CONTROL:** Massachusetts General Laws, Chapter 41, Sections 81-K to 81-GG, inclusive, as the same may be amended from time to time.

**SURVEYOR OR REGISTERED LAND SURVEYOR:** A person duly registered by the Board of Registration of Engineers and Land Surveyors for the Commonwealth of Massachusetts.

**TOWN:** The Town of Tyngsborough, Massachusetts.



**SECTION 3:           LIMITATIONS**

**3.1     NOT MORE THAN ONE BUILDING ON A LOT**

Not more than one 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.

**3.2     COMPLIANCE WITH ZONING REQUIREMENTS**

No plan of a subdivision shall be approved unless all of the lots shown on the plan comply with the provisions of the Zoning By-Laws of the Town with regard to size, shape, width, frontage, and limitations of use by reason of any special or specific Zoning By-Laws especially relating to said lots or any portion(s) thereof.

**3.3     STAMP AND SIGNATURE OF SURVEYOR OR ENGINEER**

All Plans submitted to the Board shall be stamped, dated, and signed by either a Registered Land Surveyor or a Registered Engineer, or both, as follow:

3.3.1   If surveying or property line information is shown, a Registered Land Surveyor's stamp and signature shall be placed on said plan.

3.3.2   If the sign of road surfaces and/or pavements, water pipes, sewerage, utilities, street drains and/or other treatment or structures is shown, a Registered Professional Engineer's stamp and signature shall be placed on said plan.

**3.4     TITLE BLOCK**

All plans submitted to the Planning Board under these Rules & Regulations shall have a Title Block containing such information as specified in these Rules & Regulations. Such Title Block shall also include a date and the date of any subsequent revisions as well as a brief description of such revisions.

**3.5     PLANNING BOARD ADMINISTRATIVE AGENCY**

The Planning Board shall be the administrative agency of these Rules & Regulations. No other Board, Department, or person, shall act for the Planning Board or give approval for any provision of these Rules & Regulations without the express written permission of the Planning Board.

**3.6     WAIVER OF RULES & REGULATIONS**

Strict compliance with these Rules & Regulations may be waived when such action is in the public interest and not inconsistent with the intent and purpose of the subdivision control law. In waiving strict compliance the Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived. The Board shall endorse or cause to be endorsed such conditions on the plan to which they relate, or set them forth in a

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separate instrument, attached thereto to which reference is made on such plan and which shall for the purpose of the subdivision control law be deemed to be part of the plan.

### 3.7 SEVERABILITY

If any part or portions of these Rules & Regulations be adjudicated as invalid, the adjudication shall apply only to the material so adjudged, and the remaining Rules & Regulations shall be deemed valid and of full force and effect.

### 3.8 CHANGES TO RULES & REGULATIONS

The Board may from time to time amend, modify, supplement, and/or repeal all or any portion of these Rules & Regulations, after a public hearing, on its own motion or upon petition, and such amendment(s), modification(s), supplement(s) and other changes shall become effective in the same manner as provided in Section 1.1.

### 3.9 FORMS FOR SUBMITTALS

Whenever these Rules & Regulations or the administrative rules of the Board require the submission of a form or forms, such forms shall be in a form and content as provided for and approved by the Board.

### 3.10 RECORDING OF PLANS

All plans which have been approved by the Board in accordance with the Subdivision Control Law shall be duly recorded in the Middlesex North District Registry of Deeds or Land Court within six (6) months from the date of endorsement of approval, and the Applicant thereof shall, within twenty-one (21) days after the date of such recording, furnish the Board with an attested copy of said plan showing the date, book and page of said recording, the Plan Number, if any, and/or the Land Court Document Number. Failure to record or furnish copies to the Board of said plans as above required shall render any Board approval null and void.

### 3.11 CHANGES AND ALTERATION OF PLANS

No modification, change, alteration, or other amendment to any part or portion of any approved plan shall be made without the approval of the Board, and such approval shall be endorsed on said plan. No changes or alterations shall be made to any aspect of any approved Definitive Plan without resubmission for approval of the Planning Board in accordance with Chapter 41, Sections 81-0 and 81-W, General Laws.

### 3.12 MATTERS NOT COVERED BY RULES & REGULATIONS

For matters not covered by these Rules & Regulations, reference is made to Sections 81-K to 81-GG, inclusive, M.G.L., Chapter 41, as amended.

### 3.13 APPROVAL DOES NOT MAKE STREET A PUBLIC WAY

Approval of a plan by the Board does not make or constitute any street shown thereon as a public way.

**SECTION 4: PLAN THOUGHT NOT TO REQUIRE APPROVAL**

Any owner of land located in the Town who believes that a plan of said land does not require approval under the Subdivision Control Law and, who desires to record said plan with the Middlesex North District Registry of Deeds or the Land Court, may submit said plan for endorsement by the Planning Board in the manner following.

**4.1 PROCEDURE FOR SUBMISSION OF PLAN THOUGHT NOT TO REQUIRE APPROVAL**

- 4.1.1 The owner shall file with the Planning Board one (1) original of said plan together with ten (10) copies, together with application "Form A" and such documents or instruments as may be required as set forth in said application.
- 4.1.2 A plan thought not to require approval shall be considered "filed" with the Board when, in accordance with Section 1 above, all the required submissions, including fee payment, have been made to the Planning Administrator seven (7) days prior to a regularly scheduled meeting, and the required application "Form A" has been stamped with the date and time of receipt by said Administrator.
- 4.1.3 The owner shall then forthwith file, by delivery, or by registered mail postage pre-paid, with the Town Clerk, notice of said filing. Such notice shall be in the form of a copy of the application "Form A" and the Board's stamp of receipt containing the aforesaid date and time. If the notice is given by delivery, the Town Clerk shall, if so requested, give written receipt therefore.
- 4.1.4 A payment of a fee of \$250.00 per lot shall be submitted with the plan at the time of filing.

**4.2 REQUIREMENTS FOR SUBMISSION OF PLAN THOUGHT NOT TO REQUIRE SUBDIVISION APPROVAL**

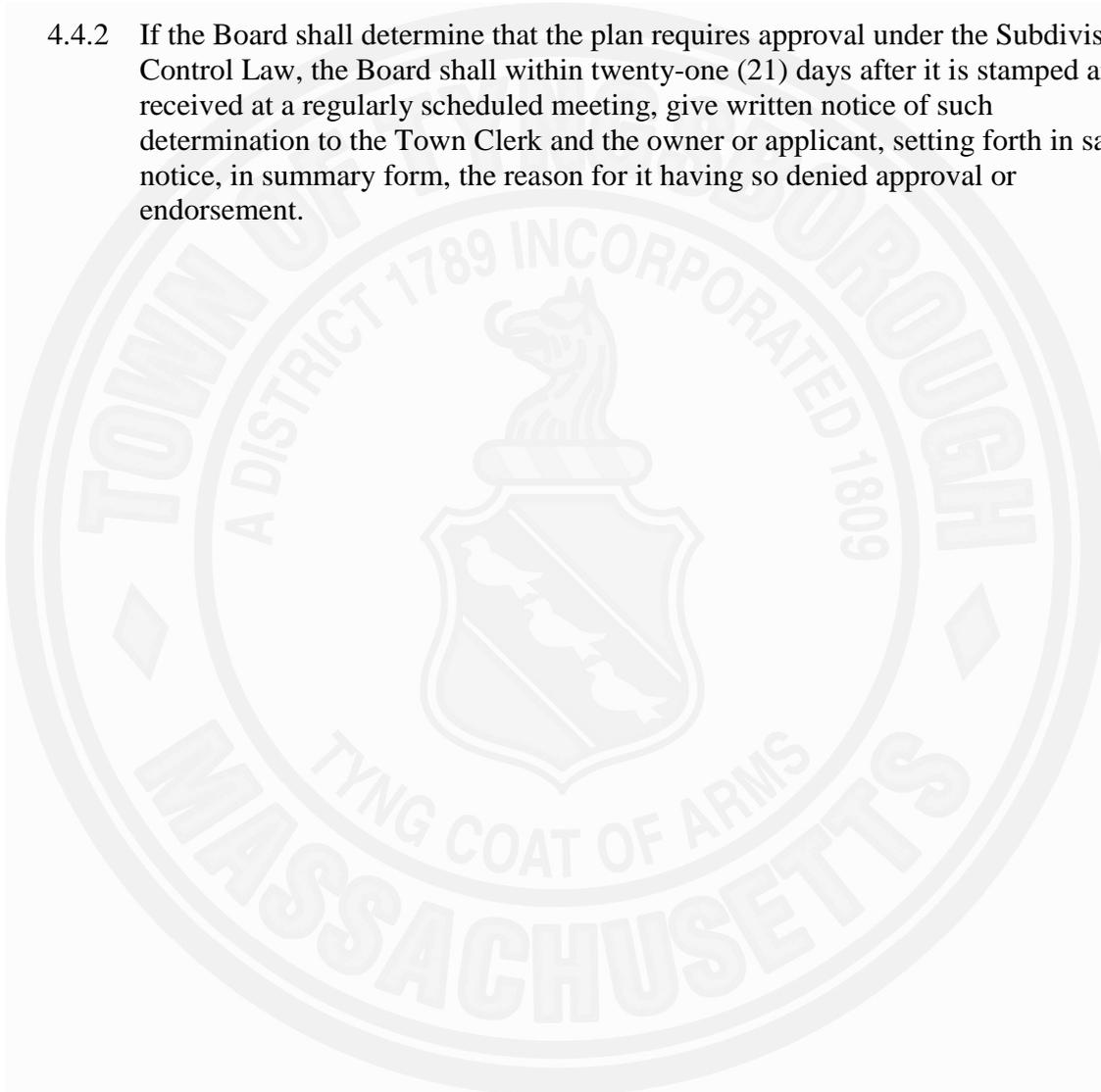
- 4.2.1 In addition to the foregoing Section 4.1, and "Form A", attached, the plan shall contain the following information:
  - 4.2.1.1 Name of record owner of land shown on the plan.
  - 4.2.1.2 Name, signature and seal of surveyor who prepared the plan.
  - 4.2.1.3 Names of all abutters as they appear on the latest Assessor's records, and if the applicant has knowledge of any changes subsequent to the latest Assessor's records, the names of the present owners of abutting land.
  - 4.2.1.4 Location of all existing buildings and structures, stone walls, easements, right of way, water courses, drains, streets, ways, and such other references as are known to the applicant and as shall sufficiently identify the land to which the plan relates.

- 4.2.1.5 Town of Tyngsborough Assessors Map Number, Block Number and Lot Number
  - 4.2.1.6 Boundary lines, dimensions and areas of all lots to which the plan relates.
  - 4.2.1.7 The remaining frontage and total area of the land in the ownership of the applicant in all cases wherein there shall result the creation of a new lot or revised lot lines.
  - 4.2.1.8 The statement "APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED" together with sufficient space for the signatures of the required number of Board member and the date of endorsement.
  - 4.2.1.9 North point, date of survey and scale.
  - 4.2.1.10 A statement of whether or not all streets and ways shown or referred to are public or private ways, indicating the same as to each street or way so shown.
  - 4.2.1.11 On any plan wherein the Board deems it necessary or consistent with the purpose and intent of these Rules & Regulations, or wherein additional information is necessary for the Board to make determination of "Approval Not Required", such additional information as the Board may so request.
  - 4.2.2 "Form A", attached, submitted in duplicate.
  - 4.2.3 Documents and instruments as may be required by the Board to support or explain any item or representation contained in "Form A" or noted on the aforesaid plan.
- 4.3 ENDORSEMENT OF PLAN THOUGHT NOT TO REQUIRE APPROVAL
- 4.3.1 Upon the determination of the Board that the plan does not require approval under the Subdivision Control Law, the Board shall forthwith and without a public hearing endorse said plan and shall return it to the owner or applicant, or duly authorized representative on the aforesaid "Form A".
  - 4.3.2 Endorsement under this section may include a statement of the reason(s) Subdivision Control Law approval is not required. The Board may, in any instance where it deems it to be in the public interest, or within the purpose and intent of these Rules & Regulations, cause to be endorsed on said plan, such other statement or legend as will clearly and appropriately limit such endorsement as and for the purposes so stated.

4.4 MISCELLANEOUS

4.4.1 No notice shall be required by the Board of any plan on which its endorsement under this section is obtained, however, except as is otherwise expressly provided, any plan on which the endorsement of the Board has been so noted shall be recorded with the appropriate registry of Deeds, or the Land Court, within six (6) months after date of endorsement. Any plan not so recorded shall be deemed to have said endorsement withdrawn and cancelled effective six (6) months after date of endorsement.

4.4.2 If the Board shall determine that the plan requires approval under the Subdivision Control Law, the Board shall within twenty-one (21) days after it is stamped and received at a regularly scheduled meeting, give written notice of such determination to the Town Clerk and the owner or applicant, setting forth in said notice, in summary form, the reason for it having so denied approval or endorsement.



**SECTION 5: PRELIMINARY SUBDIVISION PLAN**

**5.1 GENERAL**

A preliminary plan of a subdivision should in most cases be submitted by the applicant, with a properly executed application (Form B) for discussion and appropriate action by the Planning Board, prior to submission of a definitive plan. The submission of such preliminary plan will enable the applicant, the Planning Board, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared.

Any plan submitted by the applicant to the Board in advance of the definitive plan, which does not conform in all respects to the requirements hereof pertaining to a preliminary plan shall not be considered to be a preliminary plan; nor shall such a plan be given any approval by the Board.

**5.2 PROCEDURE FOR SUBMISSION OF PRELIMINARY PLAN**

5.2.1 The applicant shall file with the Planning Board one (1) original reproducible paper copy of said plan together with ten (10) full-sized paper copies and five (5) 11" x 17" paper copies, together with the form of application hereinafter described and such documents or other instruments as may be required as set forth in said application. Once copy of such plan and documents shall also be filed with the Board of Health.

5.2.2 The applicant shall pay a fee of \$500.00 plus \$250.00 for each lot in the subdivision. (Note: the applicant shall also reimburse the Town of Tyngsborough for all charges of the Board's engineering consultant incurred during review of applicant's preliminary subdivision plan.). The submission fees for review of the Preliminary Plan shall be credited toward the fees required for a Definitive Plan should such a plan be forthcoming.

5.2.3 A preliminary plan shall be considered "filed" with the Planning Board when, in accordance with Section 1 above, all the required submissions have been made to the Board at a regularly scheduled meeting thereof, and the required application forms have been stamped with the date and time of receipt by said Board.

5.2.4 The applicant shall then forthwith file, by delivery, or by registered or certified mail postage pre-paid, with the Town Clerk, notice of said filing. Such notice shall be in the form of a copy of the application "Form B" bearing each Board's stamp of receipt containing the aforesaid date and time. If the notice is given by delivery, the Town Clerk shall, if so requested, give written receipt therefore.

**5.3 CONTENTS OF PRELIMINARY PLAN**

The Preliminary plan shall be drawn at a scale of 1 inch equals 40 feet and shall include:

5.3.1 Title block in lower right-hand corner.

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- 5.3.2 Subdivision name, boundaries, north point, date, scale, legend, and the title "Preliminary Plan."
- 5.3.3 Name and addresses of owner(s), developer(s), subdivider(s) and the name, address, signature, and seal of the surveyor and engineer responsible for preparation of the plan.
- 5.3.4 Name of all abutters as determined from the most recent tax list.
- 5.3.5 Existing and proposed lines and widths of streets, easements, and any public or common areas within the subdivision.
- 5.3.6 Proposed system of drainage (including adjacent existing natural waterways), sewerage, and water distribution, including easements.
- 5.3.7 Boundary lines of proposed lots with approximate areas and dimensions. Each lot shall be numbered.
- 5.3.8 Zoning classifications of the area.
- 5.3.9 Existing and proposed topography of the land with ten foot contour intervals, with the exception that the contour delineating any "wetland district" boundary shall be shown accurately.
- 5.3.10 Profiles of all proposed and existing streets, ways, roads, drain, municipal water lines and sanitary sewers, drawn to a scale of 1 inch equals 40 feet horizontal and 1 inch equals 4 feet vertical.
- 5.3.11 Delineation of major site features, including buildings, swamps, water courses, bodies of water, and any areas requiring a "Notice of Intent" under "The Wetlands Protection Act", as amended.
- 5.3.12 A "Locus Plan", drawn to a suitable scale to clearly show the relation of the subdivision streets, utilities, and easements to the existing systems, for a distance of 1,000 feet from subdivision boundaries. Where the owner, developer, or subdivider also owns or controls unsubdivided land adjacent to that shown on the Preliminary Plan, the applicant shall include a possible or prospective street layout for such adjacent land.
- 5.3.13 Complete hydrological calculations prepared for determination of drainage system design as described in Section 6.3.18 of these Rules & Regulations.

#### 5.4 APPROVAL OR DISAPPROVAL

Within forty five (45) days after submission of a properly executed preliminary plan, the Planning Board shall notify, by delivery or Certified Mail, the applicant and the Town Clerk either that the plan has been approved, or that the plan has been approved with modifications suggested by the Planning Board, or agreed upon by the applicant or that the plan has been disapproved, and in the case of disapproval, the Board shall state in detail its reason therefore on "Form C". The Planning

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Board shall notify the Town Clerk of its approval or disapproval, as the case may be, using "Form C" (attached).

Approval, if given, does not constitute approval of a definitive plan of the subdivision.



**SECTION 6: DEFINITIVE PLAN**

6.1 GENERAL

The Definitive Plan shall conform substantially to the Preliminary Plan as approved but may constitute only that portion which is proposed to be recorded and developed at the time.

The subdivision Rules & Regulations and zoning in effect at the time of the submission of the Preliminary Plan shall govern the Definitive Plan if it is duly submitted within seven (7) months of the time of submission of said Preliminary Plan.

6.2 PROCEDURE FOR SUBMISSION OF DEFINITIVE PLAN

6.2.1 The applicant shall file with the Planning Board one (1) original of said plan together with ten (10 full sized copies and 2 reduced (11"x17") copies, together with the form of application (Form D) hereinafter described, and such documents or instruments as may be required as set forth in said application, and the following. Simultaneously the applicant shall also file one original of said plan to the Board of Health.

6.2.2 The applicant shall pay a fee of \$1,500.00 for the Definitive Plan as well as a fee of \$750.00 for each lot in the subdivision. If a Preliminary Subdivision application was filed, the applicant may apply the Preliminary Subdivision application fee toward the fee for filing the Definitive Subdivision application. (NOTE: The applicant shall also reimburse the Town of Tyngsborough for all costs incurred by the Board, including, but not limited to postage, publication, and engineering consultants' fees for review of applicant's definitive subdivision plan.)

6.2.3 The applicant shall file the following information with the application form:

- 6.2.3.1 Application Form (Form D)
- 6.2.3.2 Designer's Certificate (Form E)
- 6.2.3.3 Certified List of Abutters (Form F)

6.2.4 A certificate signed by the applicant's engineer or land surveyor must be written or printed on each copy of the Definitive Plan filed with the Board as follows:

I certify that the actual survey of this tract of land was made on the ground in accordance with the "TECHNICAL STANDARDS FOR PROPERTY SURVEYS" of the American Congress on Surveying and Mapping on or between \_\_\_\_\_  
(date) and \_\_\_\_\_ (date). Date \_\_\_\_\_  
Surveyor \_\_\_\_\_

6.2.5 A Definitive Plan shall be considered "filed" with the Board when, in accordance with Par. 1, 2, 3, and 4 above, all the required submissions have been made to the Board at a regularly scheduled meeting thereof, and the required application forms have been stamped with the date and time of receipt by said Board.

6.2.6 The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application, "Form D", approved by the Planning Board as to completeness of submittal, and bearing the Board's stamp of receipt containing the aforesaid date and time.

### 6.3 CONTENTS

The Definitive Plan shall be clearly and legibly drawn at a scale of 1 inch equals 40 feet in black waterproof ink on tracing cloth or mylar and of an overall size 24" x 36" with a margin of 1 1/2" on left 24" side for binding unless otherwise directed by the Planning Board. All plans submitted shall include a digital file of the Plan either on CD ROM, in one of the following formats: DXF, DWG, SHP. All plans are to be submitted in a standard real-world coordinate system, preferably Massachusetts State Plane (either in feet or meters), Nad83 datum. There should be separate layers for all attributes of the Plan. Features containing elevation data should have the elevation information carried as an attribute of the feature. Documentation to be recorded and filed with the digital submission is as follows: Description of data by layer, source of the data, methods used for data collection and documentation of the horizontal and vertical accuracy of the data. The applicant shall forward a copy of the official plan as approved by the Planning Board to the Northern Middlesex Council of Governments prior to, or simultaneous to, recording the Plan at the Registry of Deeds or Land Court.

The Definitive Plan shall consist of and include the following information:

- 6.3.1 Index sheet
- 6.3.2 Title block in lower right hand corner
- 6.3.3 Subdivision name including the way or ways on which it is situated, boundaries, north point, date, scale, benchmark and datum and the title "Definitive Plan."
- 6.3.4 Names and addresses of owner(s), developer(s), subdivider(s) and the name, address, signature and seal of the surveyor and engineer responsible for preparation of the plan.
- 6.3.5 Names of all abutters as determined from the most recent tax list and such others to whom notices are to be sent, as certified by the Assessors of the Town of Tyngsborough (Form F).
- 6.3.6 Zoning classification of the area.
- 6.3.7 Town of Tyngsborough assessors Plan Number, Block Number and Lot Number.
- 6.3.8 Existing and proposed lines of streets, ways, lots, easements, water ways, streams (steady and intermittent) and public or common areas within the subdivision. (The proposed street names shall be approved by the Highway Department prior to final approval.)

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- 6.3.9 Sufficient data to determine readily the location, bearing and length of every street and way line, lot line and boundary and to reproduce same on ground. Whenever a boundary line of the subdivision is within 500 feet of a Massachusetts Coordinate Survey Monument, the survey of the subdivision shall be tied to said monument or monuments. Included shall be: the lengths and bearings of plot and boundary lines of all subdivision lines including lot frontage on the streets, of the boundary lines of all streets and easements, and the length, radii, tangents, and central angles of all curves in lot lines; all angle points, or intersections of tangents along the street lines: areas of all lots; widths of streets and ways.
- 6.3.10 Location of all permanent monuments properly identified as to whether existing or purposed. The distance and bearing to the nearest town, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street side lines.
- 6.3.11 All lots or other division of land are to be designed numerically and in sequence.
- 6.3.12 Designers certificate (Form E).
- 6.3.13 A "Locus Plan", drawn at a suitable scale to clearly show the relation of the subdivision street, utilities, and easements to the existing system, for a distance of at least 1,000' beyond the subdivision boundaries. It shall include, names if any, and present width of streets and easements bounding and approaching the subdivision.
- 6.3.14 Suitable space to record the action of the Board and the signatures of the members of the Board on all sheets of the submittal.
- 6.3.15 Existing and proposed topography at a two (2) foot contour interval.
- 6.3.16 Size and location of existing and proposed municipal services, their appurtenances, and all easements thereto.
- 6.3.17 Location of sidewalks, curbs, and utilities.
- 6.3.18 A storm drainage system will be shown on a separate sheet. The plan shall include invert and rim elevations of all catch basins and manholes together with surface elevations of all waterways within the subdivision at 100 feet intervals and approximate depth of water at these points. Plan, profile and cross-section views of all open ditches shall be shown. Surface elevation and approximate depth of water shall be shown at each point where drainage pipe ends at a waterway. Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage area and other information sufficient for the Board to check the size of any proposed drain, culvert or bridge.
- 6.3.19 Profiles of Proposed Streets (to be made on a separate sheet).

Profiles shall be drawn with:

- 6.3.19.1 A horizontal scale of 1 inch to 40 feet.
- 6.3.19.2 A vertical scale of 1 inch to 4 feet.
- 6.3.19.3 Proposed center line grades and elevations, with elevations shown every fifty (50) feet station, except that in vertical curves elevations shall be shown at twenty-five (25) foot station and at the point of vertical curvature (PVC) and point of vertical tangency (PVT).
- 6.3.19.4 All proposed sidewalks.
- 6.3.19.5 Rates of gradient shown in red figures.
- 6.3.19.6 Size, material, type and location of existing and proposed utilities and municipal services, including rim elevation and invert elevation of all manholes.
- 6.3.19.7 Cross section for proposed streets, in accordance with the Town of Tyngsborough, Planning Board, typical street cross section (available at the Planning Board office).
- 6.3.19.8 Bench Marks.
- 6.3.19.9 The following note shall be inscribed on the profile sheets: "Town of Tyngsborough Highway Department and Planning Board shall be notified at least forty-eight (48) hours in advance of any roadway or municipal service construction."
- 6.3.20 A legend denoting any signs and symbols used on the plan and not otherwise explained.
- 6.3.21 Indication of all easements, covenants, restrictions applying to the land and their purposes, including any decision on appeal, or any variances or exceptions made by the Zoning Board of Appeals applicable to the subdivision of the land or any buildings thereon.
- 6.3.22 If the property that comprises the subdivision or any part of the boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land of the applicant.
- 6.3.23 If the surface water drains will discharge onto adjacent existing streets or onto adjacent properties, including Town property, not owned by the applicant. It shall be clearly indicated what course the discharge with take. The applicant's engineer shall present to the Board written evidence that such discharge is acceptable to the Board.

- 6.3.24 Closure calculations of the whole subdivision and of every street within the subdivision.
- 6.3.25 Construction access routes and hours of operation.
- 6.3.26 Construction details of all structures to be installed in the subdivision as provided in these Rules & Regulations.
- 6.3.27 Proposed construction, phasing and bonding schedules.
- 6.3.28 A written statement indicating whether or not the applicant intends to request Town acceptance of the subdivision streets as town ways.
- 6.3.29 A list of all other local, state and federal permits required for the construction of streets and associated drainage systems, easements, utilities and other improvements of the subdivision, along with copies of applications already filed for such permits.

#### 6.4 REVIEW BY BOARD OR HEALTH

At the time of submittal of the Definitive Plan to the Planning Board, one copy, complete in all respects, shall also be submitted to the Tyngsborough Board of Health, as provided in Section 81-U of the Subdivision Control Law including whatever additional information is required by the Board of Health.

The Board of Health shall report to the Planning Board in writing, approval or disapproval of said plan, and in the event of disapproval shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons thereof in such report, and, where possible, shall make recommendations for the adjustment thereof, provided, however, if a municipal sewerage system will service the proposed subdivision. Failure of the Board of Health to make such a report within forty-five (45) days after the plan is filed with their office, shall be deemed approval by said Board. A copy of the Board of Health report, if any, shall be given to the applicant.

#### 6.5 PUBLIC HEARING

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board by advertisement in a daily paper of general circulation in the Town of Tyngsborough, once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing, and by sending a copy by registered mail to all owners of land abutting upon the land including owners of land separated from the subdivision only by a street. In addition, copies of said notice shall be sent to the Planning Boards of abutting towns.

#### 6.6 OPEN SPACE/PARK AREAS

Before approval of a plan by the Planning Board, the Board shall, in proper cases, require the plan to show open space/conservation or park area suitably located for recreation purposes, or for

providing light and air, and not unreasonable in area in relation to the area of land being subdivided and the prospective uses of such land and if so determined said Board shall, by appropriate endorsement of the plan, require that no building may be erected on such park area. In general, this open space area shall be 10% of the total subdivision area for subdivisions of greater than fifteen (15) acres in size. This open space or park area shall, in general, contain no more than 50% wetland area, unless considered otherwise in the best interest of the Town of Tyngsborough by the Board. This area shall have a minimum width of fifty (50) feet with a minimum of fifty (50) feet access to a public roadway and shall not infringe on possible future roadway extensions.

#### 6.7 APPROVAL/DISAPPROVAL

After the hearing and Board of Health report as provided in the preceding paragraphs and the provisions of the subdivision control law, the Planning Board shall approve, or, if such plan does not comply with the Subdivision Control Law or the Rules & Regulations of the Planning Board, or the Zoning Bylaws of Tyngsborough or to the Recommendations of the Board of Health, shall modify and approve or shall disapprove such plan. In the event of disapproval, the Planning Board shall state in detail wherein the plan does not conform to the Rules & Regulations of the Planning Board or the Tyngsborough Zoning Bylaws or to the recommendations of the Board of Health. The Planning Board shall file a certificate (Form G) of its action with the Town Clerk, a copy of which shall be recorded by the Town Clerk and shall deliver or send notice of such action by registered mail, postage prepaid, to the applicant at his address stated on the application.

If the report of the Board of Health shall so require, the approval by the Planning Board shall be on condition that no building or structure shall be built or placed upon the areas designated without consent of the Board of Health. Failure of the Planning Board either to take final action or to file with the Town Clerk a certificate of such action regarding a plan submitted by an applicant within ninety (90) days after such submission, in the case where a preliminary plan has been previously submitted and approved, or within one hundred and thirty five (135) days, if otherwise, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof.

Final approval, if granted by Planning Board vote or failure to act, shall be subject to the design standards and construction specifications of these Rules & Regulations, and such special conditions as may be specified by the Planning Board in its approval.

#### 6.8 ENDORSEMENT OF APPROVAL

After the expiration of twenty (20) days without notice of appeal to the Superior Court, or if appeal has been taken after the entry of a final decree of the court sustaining the approval of such plan, the Planning Board shall cause to be made upon the plan a written endorsement of this approval. Prior to such written endorsement of its approval, the applicant shall have obtained all permits as required in Paragraph VI-E of these Rules & Regulations and complied with all Planning Board conditions of approval which were designated to be completed prior to endorsement of its approval.

In case of the approval of a plan by reason of the failure of the Planning Board to act within the time prescribed, the Town Clerk shall, after the expiration of twenty (20) days without notice of

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appeal to the Superior Court, or, if appeal has been taken, after receipt of certified records of the Superior Court indicating that such approval has become final, issue a certificate stating the date of the submission of the plan for approval, the fact that the Planning Board failed to take final action and that the approval resulting from such failure has become final. The plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the Planning Board, or, in the case of the certificate, by the Town Clerk, to the applicant.

Within fourteen (14) days after the Definitive Plan, as defined above, covenant (if any), and the specifications (if any), as approved and endorsed, have been recorded at the Middlesex North District Registry of Deeds or Land Court, the applicant shall comply with Section III, J, of these Rules & Regulations, and also submit to the Planning Board ten (10) copies of the approved and recorded Definitive Plan. Upon receipt of such copies, the Planning Board shall file one (1) copy of the approved and recorded Definitive Plan with the Building Inspector, the Fire Chief, the Board of Health, the Conservation Commission, the Town Clerk, the Board of Assessors, the Water Commission, the Sewer Commission, and the Road Commission.

#### 6.9 ISSUANCE OF BUILDING PERMITS

In accordance with Section 81-U of the Subdivision Control Law, where approval with covenant is noted thereon, the Building Inspector shall not issue any permit for the construction of a foundation or building on any lot within a subdivision without receipt from the Planning Board of a copy of "Form H", the final approved and recorded subdivision plan, and verification that the construction of roads or ways shown on the subdivision plan shall be completed at least through the binder pavement course, including full completion of all drainage control structures, installation of curbing or swales, and a curb cut/driveway permit shall be submitted to and approved by the Town.

#### 6.10 ISSUANCE OF OCCUPANCY PERMITS

The Building Inspector shall not issue any occupancy permit for a building on any lot within a subdivision without receipt from the Planning Board, in writing, of compliance with its Rules & Regulations and any other restriction imposed by the Planning Board on such subdivision.

#### 6.11 PERFORMANCE GUARANTEE

Before endorsement of its approval of a plan, the Planning Board shall require that compliance to design standards, construction specifications, and special conditions of the approved Definitive Plan be secured by one, or in part by one and in part by the other, of the methods described in the following items 6.11.1 and 6.11.2, which method may be selected from time to time varied by the applicant:

- 6.11.1 The applicant or developer shall either file a performance bond, a deposit of money, or negotiable securities in the amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements required by the Planning Board Rules & Regulations, covenants, conditions, agreements, terms and provisions of the approved Definitive Plan, and also any Performance Guarantee requirements of the Board of Health, Sewer Commission, Water Commission, and Fire Chief.

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Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel.

The bond or security shall estimate the current cost of construction of all improvements as required in the plans and conditions of approval if applicable. This figure shall be used to determine the fifteen percent (15%) retainage that shall be required as a guaranty that the applicant properly complete the requirements for application for street acceptance and shall be held until such times as the street(s) are scheduled for acceptance at a Town Meeting.

In all cases the amount of security to be deposited shall be calculated as follows: the current net cost using Massachusetts Highway Department bid summaries shall be calculated for the remaining work to complete the way. This current net cost shall be multiplied by one and twenty-five hundredths (1.25) to account for engineering and contingencies. The deposit shall include the current net cost, plus the 15% retainage, plus the 25% engineering and contingency amount.

Said performance guarantee shall be contingent on the completion of such improvements within two (2) years of the date of the bond, unless otherwise agreed upon.

The applicant or developer shall further agree that no structure will be occupied until, at least, the base course of the bituminous concrete pavement and the utilities are completed and approved by the Planning Board's consulting engineer within the streets, which serve those structures.

If such specified improvements are not completed within the prescribed time, the Planning Board shall proceed with enforcement thereof as provided in Section 81-Y of the Subdivision Control Law, or revise the amount of the performance guarantee to reflect changes in estimated costs for completion of construction.

- 6.11.2 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 any lot before such lot may be built upon or conveyed other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board. A deed of any part of the subdivision in violation hereof shall be avoidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed.

## 6.12 RELEASE OF PERFORMANCE GUARANTEE OR COVENANT

The penal sum of any such bond, or the amount of any deposit held under item 6.11.1, may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part. For consideration of such a reduction, the applicant must send a

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written request to the Planning Administrator listing the items proposed for release along with an administrative fee of \$50.00.

Upon final completion of the provisions of the Performance Guarantee or covenant with respect to any lot, the applicant shall send by registered mail to the Planning Board a written statement that the construction or installation in connection with which such bond, deposit or covenant has been completed in accordance with said Rules & Regulations, such statement to contain the address of the applicant. If the Planning Board determines that said construction or installation has been satisfactorily completed, it shall release the interest of the Town in such bond, except for fifteen percent (15%) of the original net cost of all improvements which shall be held until the streets have been scheduled for acceptance at a Town Meeting, and return the bond or the deposit to the person who furnished the same, or release the covenant by appropriate instrument. If the Board determines that said construction or installation has not been fully completed, it shall specify in a notice to the applicant the details where said construction or installation fails to comply with its Rules & Regulations.

Interim As-Built Plans shall be provided to the Planning Board's consulting engineer for review by the owner/developer/contractor. They shall be prepared by a Registered Professional Engineer/Professional Land Surveyor and submitted within 1 month after binder course pavement is installed and all frames and grates have been adjusted flush to the binder grade. The Interim As-Built Plans shall include plan and profile of the following: centerline elevations of the roadway every 50 feet, elevations and locations of all structure in the roadway, all municipal services and all of these items shall be shown with both definitive and as-built information. Certification by a licensed Engineer/Land Surveyor shall be provided on the As-Built plans that the right-of-way and all items listed above are in compliance with the approved definitive plans or revised as noted on the plan. Bonding will remain at 100% until the interim As-Built Plan has been properly prepared, submitted and approved by the Planning Board's consulting engineer.

The Surveyor/Engineer shall submit, as part of the As-Built Plan, a list of the changes from the approved plan observed and found in the field and shown on the as-built plan. The Surveyor/Engineer shall comment and explain each change and certify that the change meets the design intent of the approved plan. Typical changes shall include, but not be limited to, slopes, structure elevations, structure location, curbing, and encroachments into the right-of-way and any other observed field change. The certification statement shall include the Surveyor/Engineer's stamp and signature.

#### 6.13 DETERMINATION OF COMPLETION OF THE PROVISIONS OF THE PERFORMANCE GUARANTEE OR COVENANT

Prior to final release of the Performance Guarantee or Covenant, the Planning Board shall determine to its satisfaction that the provisions have been complied with, including a requirement that the developer or applicant submit to the Board:

- 6.13.1 A certificate from a Registered Professional Engineer that the streets, drainage and municipal services conform to the Planning Board requirements in accordance with the approved Definitive Plan.

6.13.2 A certificate from a Registered Land Surveyor or Engineer, that all markers, bounds, and monuments as specified by these Rules & Regulations and the Definitive Plan, are in place and are accurately located.

6.13.3 Written evidence from all other Town Boards and/or Departments that pertinent requirements specified by these Rules & Regulations and the Definitive Plan have been met.

6.13.4 Street Acceptance: When a road or street in a subdivision has been completed in a manner fulfilling the requirements of the Board and there are no outstanding performance guarantees in effect that were required as security to ensure completion of improvements within the subdivision, the sub-divider may request the Board to inspect the road in order to provide a recommendation to the Board of Selectmen who will consider the question of laying out said road or street under MGL Ch. 82. Street acceptances within subdivisions are the financial and legal responsibility of the sub-divider. Within one year of final completion of said subdivision. The sub divider must provide the “as built” and initiate the street acceptance process, as described hereinafter.

6.13.4.1 The Board shall require submission of the following information at least 120 days prior to Annual Town Meeting before making a recommendation to the Board of Selectmen.

6.13.4.2 Two (2) copies plus the original Mylar of the plan of the road or street “as built”, at a scale of 40 feet to the inch at size 24” x 36”. Said plan to show a centerline profile (4 feet per inch on the vertical scale and 40 feet per inch on the horizontal scale) taken at 50-foot intervals along the street (25 foot intervals at vertical curves) as it has been completed.

6.13.4.2. All utilities, public and private, above and below grade, shall be shown on the plan, as they exist.

6.13.4.2.1 The “as-built” plan shall show the monuments (road bounds) with the dates they were set and the traverse and fixed points on the subdivision perimeter used to establish the bound locations, all with bearings, distances or coordinate values sufficient to re-establish these points.

6.13.4.2.2 All elevations shall refer to the National Geodetic Vertical Datum (NGVD) of 1929.

6.13.4.3. The applicant shall pay a Street Plan Acceptance Application Fee in the amount of \$500.00.

6.13.4.4. A letter shall accompany the plan from a registered engineer certifying that all work, as required by the rules and the approved subdivision plan, has been completed.

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- 6.13.4.5. A certificate by a registered land surveyor indicating that all permanent monuments are in place and are accurately located, including evidence that the bound traverse had an “error of closure” of 1:15,000 or better.
- 6.13.4.6. Two (2) typewritten copies of a legal description by metes and bounds of each road and easement considered for acceptance by the Town, and a copy of said document on an electronic medium and in a format as directed by the Board.
- 6.13.4.7. Two (2) copies of the proposed deed conveying the fee in the roadway plus associated easements to the Town, and legal evidence that the fee in the street has not been inadvertently conveyed by abutting lot owners.
- 6.13.4.8. Two (2) typewritten copies of the proposed article for the Town Meeting generally describing the location and length of the road or street to be considered for acceptance by the Town.
- 6.13.4.9. Written certification from the Tyngsborough Highway Department that the public roadways, sidewalks and drainage systems have been installed per the applicable requirements.
- 6.13.4.10. Written certification from the Tyngsborough Water Department that the water supply system has been installed and approved per the plan (if applicable).
- 6.13.4.11. Written certification from the Tyngsborough Fire Department that the fire hydrants have been installed and approved by the Fire Department. Written certification from the Tyngsborough Fire Department that the fire hydrants have been installed and approved by the Fire Department.
- 6.13.4.12. Written certification from the Tyngsborough Sewer Department that the sewer system has been installed and approved per the plan.
- 6.13.4.13. Written certification by a Registered Professional Engineer that the binder was exposed to one winter season (November 15 – April 30) prior to the application of the wearing course, and that all subdivision improvements have been exposed to one winter season (November 15 – April 30) without substantial damage, or that damage, if occurred, has been repaired.
- 6.13.4.14. Certificate of Compliance with conditions imposed on the parcel(s) contained within the subdivision by the Conservation Commission under MGL Ch. 151, S.40 and the Tyngsborough Wetlands Protection By-Law, as applicable.
- 6.13.4.15. Copy of recorded deed(s) and other instruments for any Common Land or public open space, park or other such parcels contained within the subdivision.

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6.13.4.16. Written evidence from the Town Treasurer that all property taxes owed to the Town for land contained within the subdivision owned by the applicant or by the original developer(s), or his/her successors in interest have been paid to the Town.

6.13.4.17. If the “as-built” plan is prepared using a computer aided drafting (CAD), an electronic copy (on a medium and in a format as directed by the Board) shall be filed with the Tyngsborough Planning Board. An electronic copy shall also be forwarded to the Northern Middlesex Council of Governments prior to, or simultaneous with, the submission of the Plan to the Northern Middlesex Registry of Deeds or Land Court for recording.

6.13.5 At such time that a complete Street Acceptance application has been submitted in full compliance with Section 6.13.4, and that the subject roadway is found to be in full compliance with design standards of the Planning Board Regulations, and upon scheduling of the subject submittal on the next available Fall Town Meeting, the Applicant shall be eligible for a reduction in the road bond currently being held by the Planning Board as surety for completion of all required public improvements. The minimum retainage required in this situation shall be determined by taking the number of stations (each 100 l.f. of roadway) or fraction thereof, of the affected subdivision roadway and multiplying that by \$1,000.00. For instance, a subdivision with 550 l.f. of roadway will be required to hold a minimum retainage of \$5,500.00 ( $550/100 \times \$1,000.00 = \$5,500.00$ ).

**SECTION 7: DESIGN STANDARDS AND SPECIFICATIONS**

**7.1 BASIC REQUIREMENTS**

A subdivision shall be designed and constructed in accordance with design standards as hereinafter provided. These standards shall be considered minimum standards and shall be varied or waived only as provided in Section III, E, of these Rules and Regulations.

**7.2 ZONING BY-LAWS**

A subdivision shall conform to the requirements of the Zoning By-Laws adopted by the Town.

**7.3 LIMITATIONS**

A subdivision shall be subject to the limitations of Section 3 of these Rules and Regulations.

**7.4 PROTECTION OF NATURAL FEATURES**

All natural features such as large trees, water courses, wetlands, scenic points, historic spots, stone walls, and similar community assets, which will add attractiveness and value to the property, shall be preserved.

**7.5 ACCESS THROUGH ANOTHER MUNICIPALITY**

In cases where access to a subdivision crosses land in another municipality, or where land in another municipality is included in the subdivision, the Planning Board shall require certification from appropriate authorities, that such access and land are in accordance with the Zoning By-Laws and subdivision requirements of such municipality, and that such access is adequately improved to handle prospective traffic.

**7.6 STREETS**

**7.6.1 Location And Alignment**

- 7.6.1.1 All streets in the subdivision shall be designed so that they will provide safe and convenient vehicular travel.
- 7.6.1.2 All streets shall be continuous, of uniform width, and coordinated and aligned with each other and the existing street system in a manner satisfactory to the Planning Board.
- 7.6.1.3 Horizontal and vertical alignment shall be such that existing contours and natural features will be preserved as far as is practicable.

- 7.6.1.4 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 (60) degrees.
- 7.6.1.5 Streets shall extend to property lines as directed by the Planning Board in order to provide access for possible subdivision of adjacent properties. If any street submitted for approval does not extend through to another street, possible extension must be shown to the nearest proposed or constructed street.
- 7.6.1.6 Reservation strips which would prevent further extension of developments are prohibited.
- 7.6.1.7 Street design minimum standards shall be in accordance with "Table 1" and where not specified within Table 1, American Association of State Highway and Transportation Officials (AASHTO) recommended standards shall be complied with. The Planning Board may impose additional requirements based on volume of traffic, actual speeds experienced, topography, and other safety considerations.
- 7.6.1.8 A minimum 200 foot length tangent shall be provided between the Point of Tangency of one curve and the Point of Curvature of any following curve.
- 7.6.1.9 Dead-end streets shall be permitted on residential streets only. Dead-end streets shall not be more than 500 feet in length, measured from the sideline of the intersecting street to the most distant point of the right-of-way. Dead-end streets shall be provided at the closed end with a turn around having an outside roadway diameter of one hundred (100) feet and a property line diameter of one hundred twenty (120) feet. An area the width of the street by fifty (50) feet deep must be provided at the end of the turn-around for storage of snow.
- 7.6.1.10 Guardrails may be required by the Board where it is determined that shielding is necessary between vehicles and un-removable hazards. If required, guardrail treatments shall conform to current Massachusetts Highway Department (MassHighway) Engineering Directives.
- 7.6.1.11 The subdivision must have access to a public or private way which, in the opinion of the Planning Board, is of sufficient width, suitable grade and adequate construction to provide for the needs of vehicular traffic in relation to the proposed subdivision abutting thereon.
- 7.6.1.12 Driveways shall be at least twelve (12) feet wide and have a curb return at the roadway of two (2) feet radius if vertical granite is used. Sloped granite when used shall terminate into driveways avoiding sharp projections. Driveways shall be no more than twenty-four (24) feet in width at the curb line. Any two driveways shall not be within thirty (30) feet of each other at their intersections with the front lot line.

- 7.6.1.13 Any sites that have over 1 acre in disturbed area and ultimately discharge to a U.S. waterway or for other reasons are required to submit a NPDES Stormwater permit under the EPA shall be required to submit to the Planning Board’s consulting engineer a copy of the original submission, approved permit, all plans, calculations, and other relevant information used to indicate compliance.

**7.7 CURBING**

Six (6”) inch sloped granite curbing shall be installed in accordance with the construction specifications of the Planning Board’s typical road cross section for residential and secondary roads.

- 7.7.4 The curbing shall be of the vertical type for primary roads.
- 7.7.5 The curbing shall be installed along the entire perimeter of all roadways.
- 7.7.6 The granite curbing shall be installed prior to installation of finish course of bituminous concrete pavement.

**7.8 UTILITIES**

All utilities shall be installed underground in accordance with specifications outlined in the Planning Board’s typical roadway cross section.

No structures or appurtenances, including but not limited to catch basins, manholes, hydrants, stone bounds, or poles, shall be located within five (5) feet of driveway entrances. Proposed driveways shall conform to the town standards.

**7.9 SIDEWALKS**

Sidewalks, of width as specified in Table I, shall be constructed on both sides of primary and secondary streets and on one side of residential streets, unless otherwise specified by the Planning Board as required for pedestrian safety.

**TABLE I**  
**STREET DESIGN MINIMUM STANDARDS**

| <b><u>CHARACTERISTIC</u></b>                                | <b><u>STREET</u></b>  |                         |                           |
|---|-----------------------|-------------------------|---------------------------|
|   | <b><u>PRIMARY</u></b> | <b><u>SECONDARY</u></b> | <b><u>RESIDENTIAL</u></b> |
| Maximum grade   | 4%                    | 6%                      | 9%                        |
| Minimum grade   | 1%                    | 1%                      | 1%                        |
| Minimum grade of leveling area at approach to intersections | 2% for 100 ft.        | 3% for 50 ft.           | 3% for 40 feet            |

**HORIZONTAL ALIGNMENT**

|                              |          |         |         |
|------------------------------|----------|---------|---------|
| Minimum radius at centerline | 1100 ft. | 700 ft. | 150 ft. |
|------------------------------|----------|---------|---------|

**VERTICAL ALIGNMENT**

|   |                |                |                |
|---|----------------|----------------|----------------|
| Clear sight distance at 3.75 ft. above pavement to 0.5 ft. above pavement | 500 ft. (min.) | 350 ft. (min.) | 275 ft. (min.) |
|---|----------------|----------------|----------------|

**WIDTH**

|               |        |  |        |
|---------------|--------|--|--------|
| Street width  | 70 ft. | 50 ft.   | 50 ft. |
| Roadway width | 34 ft. | 30 ft.(Non-residential)<br>28 ft.(Residential) | 24 ft. |

**DEPTH**

|                           |     |     |     |
|---------------------------|-----|-----|-----|
| Crushed, Compacted gravel | 12" | 12" | 12" |
| Asphalt, binder coat      | 3"  | 3"  | 3"  |
| Asphalt, finish coat      | 2"  | 2"  | 2"  |

**INTERSECTION**

|  |         |         |         |
|--|---------|---------|---------|
| Minimum intersection angle (degrees)                                       | 60      | 60      | 60      |
| Minimum distance between entering streets not directly opposite each other | 300 ft. | 240 ft. | 180 ft. |
| Minimum radius   |         |         |         |
| Street sideline  | 50 ft.  | 35 ft.  | 20 ft.  |
| Curb radius  | 55 ft.  | 40 ft.  | 25 ft.  |

**SIDEWALKS**

|                  |       |       |       |
|------------------|-------|-------|-------|
| Width            | 7 ft. | 5 ft. | 4 ft. |
| Depth, binder    | 1.5"  | 1.5"  | 1.5"  |
| Depth, finish    | 1.5"  | 1.5"  | 1.5"  |
| Compacted gravel | 8"    | 8"    | 8"    |

Sidewalk construction shall be in accordance with the specifications detailed in the Planning Board's typical roadway cross section.

**7.10 WALLS**

Where retaining walls are to be constructed along streets to support adjacent properties, the face of such shall be constructed outside the exterior street line and such construction shall be in accordance with the Massachusetts Highway Department 1977 Construction Standards and 2001 Supplemental Drawing Manuals. Larger walls or alternative designs shall meet or exceed the structural strength of the reinforced concrete retaining wall design shown in the detail sheets and be approved by the Planning Board's consulting engineer. The front fascia of the retaining wall shall be submitted to the Board for approval. The proposed retaining wall shall be shown in

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detail on the definitive plans and be designed and stamped by a structural engineer. The design engineer shall make all necessary inspections and test samples to insure all design standards are met. The design engineer shall certify in writing that the wall was built to the Board approved design standards prior to any bond reduction for the retaining wall or lot release for the surrounding lots. Vertical and horizontal reference baselines shall be generated and monitoring of the retaining wall in relation to these baselines shall be conducted and bonding shall be held for a period of not more than three years after the wall has been constructed, said period to be determined at the discretion of the Board. Retaining walls shall not be permitted along embankment sections of streets without the written approval of the Planning Board.

#### 7.11 SIDESLOPES

7.11.1 The area outside the side lines of the street shall be sloped at a rate no steeper than the ratio of two (2) to one (1), two (2) feet horizontally to one (1) foot vertically, to a point where it precisely coincides with the surrounding ground or the abutters lawns and properties.

7.11.2 Such sideslopes shall be loamed, seeded and rolled. Where such sideslopes are between two (2) to one (1) and three (3) to one (1) inclusive, such areas shall be additionally, planted with a low growing evergreen shrub such as laurel, muhgo pine, or juniper and stabilized with bark mulch.

#### 7.12 STORM AND SURFACE WATER DRAINAGE

7.12.1 A system of storm drains, culverts, ditches, and related installations, including catch basins, gutters, and manholes, shall be designed and installed to provide adequate disposal of surface water, including control of erosion, flooding, and standing water from or in the subdivision and adjacent lands, and shall be subject to approval by the Planning Board's consulting engineer and the Planning Board and shall conform to the current Massachusetts Department of Environmental Protection Stormwater Management Policy Standards and Best Management Practices. The drainage system may be of the catch basin to manhole configuration. Connections shall not be made with any existing drains in adjacent streets or easements until drainage calculations demonstrating adequate capacity in the existing system have been submitted for review and approval. Where property adjacent to the subdivision is not subdivided, provision shall be made for the proper projection of the drainage system by continuing appropriate drains to the exterior boundaries of the subdivision at such size and grade as will allow for such projection. The applicant shall show the size and location of existing storm drain facilities that the new subdivision will tie into. If, during construction of a subdivision, any drainage provisions should be found to be inadequate or omitted, because of conditions encountered during actual construction, the Planning Board shall require that such additional drainage facilities as are necessary to be constructed by the developer at his expense.

7.12.2 The size of any drain pipe shall be in accordance with the approved Definitive Plan and in any case shall not be less than twelve (12) inches in diameter.

- 7.12.3 Double catch basin gratings shall be installed where the roadway slope directly above such basin is six (6) percent or greater, or as designated by the Planning Board's consulting engineer. Catch basin gratings shall be installed such that the gratings will not be hazardous to bicycle traffic.
- 7.12.4 Lots shall be graded so as to prevent low spots that will not drain and create a public nuisance and to prevent excessive erosion. Where low spots cannot be avoided, they shall be drained by means of a drainpipe no smaller than twelve (12) inches in diameter, and catch basins or other approved inlet structure, to the nearest street drains. An easement, twenty feet in width minimum shall be provided in the interest of the Town

Sufficient test holes shall be dug to determine the high ground water elevation pattern throughout the subdivision for considerations of road and utility design and building elevation.

Structures on land subject to seasonal flooding or high water table, if built upon, shall be built at an elevation in accordance with requirements of the Board of Health and the Planning Board.

- 7.12.5 Catch basins shall be located so that the maximum distance which water will have to flow over the surface shall not be greater than four hundred (400) feet. Catch basins shall be closer than 400 feet when, in the opinion of the Planning Board, it is so required due to the topography of the area.

A manhole shall be located on any change in direction or slope of a drain pipe. Catch basins shall be installed on both sides of the roadway, at low points in the roadway, and near the upper point of curvature of the curb roundings of intersecting streets. Catch basins shall not be installed in driveways or along their curb cut.

The standard depth (sump) of catch basins shall be four (4) feet below the invert of the lowest drain. In no instances shall catch basins be located along a driveway cut. Catch basins shall not be tied to one another but should rather be manifolded into a drain manhole and shall be designed and located so that surface water does not cross the roadway.

- 7.12.6 Portland cement, concrete or stone masonry headwalls shall be constructed at the open ends of any drain pipes.
- 7.12.7 Constructed ditches that are left open within the subdivision shall be shaped to a cross-section and gradient as approved by the Planning Board. Sideslopes shall be no steeper than a rate of three to one, and shall be loamed, seeded, and rolled in accordance with the specifications of the Planning Board's consulting engineer. Riprap throughout shall be required where flow velocity is expected to exceed four (4) feet per second. Riprap shall be required on sideslopes on outer sides of curvature, at change in directions, and alongside headwalls.

When an open drainage system is used, the swales shall be designed to fit the natural contour of the land as much as possible. Disturbed land shall be landscaped to conform to the surrounding area and planted to eliminate possibility of erosion and siltation. Swales and drainage channels shall have a minimum grade of five-tenths of a percent (0.5%) and a maximum grade of five percent(5%). Drainage channels and swales shall be provided with easements, which shall permit access, by the Town for maintenance purposes.

7.12.8 Drainpipe slopes shall be designed to afford the following minimum velocities for the pipes flowing full for the 10 year storm event:

| <u>PIPE DIAMETER</u><br>(inches) | <u>MINIMUM DESIGN VELOCITY</u><br>(feet per second) |
|----------------------------------|---|
| 12 - 42                          | 3   |
| 48 - 54                          | 4   |
| 60 - 66                          | 5   |
| 72 and larger                    | 6   |

Note: The maximum allowable design velocity shall be 15 feet per second for pipes flowing full for the 25 year storm event..

7.12.9 The quantity of storm water to be carried by the drainage system shall be sufficient to prevent an increase in runoff vs. the pre-development state and shall be based on the following criteria:

7.12.9.1. Design Storm Frequency or Return Period (Years)

| <u>LAND USE AND ZONING</u>   | <u>DESIGN STORM FREQUENCY</u> |
|--|-------------------------------|
| Business, industrial, Apartments, Condominiums,<br>Single Family Residential | 25                            |
| Recreation, Conservation, Open Spaces, Agriculture                           | 5                             |

Note: Cross culverts shall be designed for a return period of 100 years.

7.12.9.2. Method of estimation of runoff shall be by one of the following methods:

- United States Department of Agriculture, Soil Conservation Service, Technical Release No 55, based on 24 hour rainfalls as follows:

| <u>RETURN PERIOD</u><br>(years) | <u>24 HOUR RAINFALL</u><br>(inches) |
|---------------------------------|-------------------------------------|
| 5                               | 4.0                                 |
| 25                              | 5.5                                 |
| 100                             | 7.0                                 |

- The "Rational Method" based on the following:

| <u>LAND USE AND ZONING</u>                         | <u>PERCENT ROOFS AND PAVEMENTS</u> |
|--|------------------------------------|
| Business, Industrial                               | 75                                 |
| Apartments, Condominiums                           | 40                                 |
| Single Family Residential (R-2, R-3)               | 30                                 |
| Single Family Residential (R-1)                    | 20                                 |
| Recreation, Conservation, Open Spaces, Agriculture | 5                                  |

Inlet time and time of concentration shall be determined in accordance with current engineering practice, as outlined in the "American Society of Civil Engineers Manual of Practice No. 37" or similar accepted method.

Rate of runoff shall be determined for the appropriate conditions as specified in the previous paragraphs.

7.12.10 When, in the opinion of the Planning Board, development of an area will increase runoff substantially to downstream properties, it shall require that a detention area be constructed. Such detention area will be designed to handle the 100-year storm and such size shall be determined by the flood routing procedure described in the U.S.D.A., Soil Conservation Service National Engineering Handbook, HYDROLOGY, Section 4. Detention areas shall be designed in accordance with the latest requirements of the Department of Environmental Protection Stormwater Management Standards. Fencing of all or part of such detention areas shall be required as directed by the Planning Board.

7.12.11 Building Grades

No cellar floor, garage floor, or basement floor connected to the public drainage system shall be set at an elevation lower than two and twenty-five one-hundredths (2.25) feet above the top of the main drain line. Such floors shall be a minimum of one foot above the high ground water table.

7.13 STREET CONSTRUCTION

All streets within a subdivision shall be constructed in conformity with the typical cross sections on file in the Planning Board office.

### 7.13.1 General

Each street or portion thereof necessary to serve each lot in a subdivision shall be constructed and brought to final grade as indicated on the approved Definitive Plan and in accordance with the requirements of this section.

The subdivider or his contractor shall furnish and maintain all stakes and such temporary structures as may be necessary or required by the Planning Board or its agent for marking and maintaining points and lines for the installation of the roadway and related utilities throughout the period of construction of the subdivision.

All public utilities, developers, or contractors must notify the Planning Board, and Sewer Commission or Water Commission, where appropriate, in writing, at least three (3) days prior to the commencement of a job.

### 7.13.2 Clearing and Grubbing of Right-of-Way

The right-of-way shall be cleared according to the requirements of the standard road cross-section, prior to any other work except that trees of aesthetic value and over four (4) inch caliper may be allowed to remain provided that they are located at least five (5) feet from the proposed side line of the finished roadway and are approved by the Tree Warden and the Planning Board Agent. If fill is to be placed around trees, a tree well shall be constructed to the specifications of the Planning Board's consulting engineer prior to placement of the fill.

### 7.13.3 Excavation and Subgrade Preparation

All loam and other yielding material shall be removed or stripped from the roadway area of each street or way to a depth of three (3) feet below the finished sub-grade and to a greater depth as may be required by the Planning Board, or their designate, and replaced with an approved material. No loam, peat, organic matter, or other soft material shall be used below sub-grade and the sub-grade shall be thoroughly compacted before applying the gravel surface. Ledge and large boulders occurring anywhere in the full cross-section of the roadway must be cleared to a minimum depth of eighteen (18) inches below the finish surface.

Excavate or fill and fine grade the sub-grade to conform to the approved cross-section on the approved plan, for the entire street width, which sub-grade must be twelve (12) inches below finish grade, after rolling, for the roadway and nine (9) inches below finish grade, after rolling for the sidewalks. The sub-grade and particularly all trenches shall be thoroughly compacted by rolling or water tamped as directed by the Planning Board's consulting engineer, before any surface gravel is applied. The sub-grade shall be compacted to the proper percentage of the maximum dry density of the material (95%), at the discretion of the Planning Board's consulting engineer.

All roadways shall be brought to a finish grade as shown on the Typical Cross Section Plans and on the profile of the approved plan with at least the top twelve (12) inches consisting of gravel base, properly compacted, as specified herein, to a width of at least thirty-two (32) feet in all fifty (50) foot layouts and to a width of at least fifty (50) feet in

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all seventy (70) foot layouts, or to a width required by the Planning Board. Apply bituminous concrete mixture to the above described surface in the following manner: A binder course three (3) inches thick after compaction shall be applied, followed by a finish course two (2) inches thick. The bituminous concrete mixture shall conform to the specifications for Class I Bituminous Concrete pavement of the Massachusetts Highway Department both in quality of materials and methods of application. All pavement shall be "water tested" with the Planning Board's consulting engineer before the release of pavement bonding monies to insure that water flows along gutters, into catch basins or inlets and not into driveways. Contractor will take the necessary measures to correct the roadway profile if water sheets across the roadway. Water testing shall be performed by the contractor and observed by a representative from the Planning Board or Highway Department.

#### 7.13.4 Gravel Base

Bank gravel shall consist of hard durable stone and coarse sand practically free from loam and clay, uniformly graded and containing no stone having a dimension greater than three (3") inches meeting the SSHB material specification M1.03.0 Gravel Borrow-Type B.

Before the gravel is spread, the roadbed shall be shaped to a true surface conforming to the proposed cross-section of the road. Bank gravel for the base shall be spread in two layers and rolled true to lines and grades with an approved roller, weighing not less than ten (10) tons, or so as to yield a ten (10) inch depth after rolling. Any depression that appears during or after the rolling shall be filled with bank gravel and re-rolled until the surface is true and even. Compaction testing shall be performed by an approved testing agency at a minimum of every one hundred (100) feet along the roadway to the proper percentage of the maximum dry density of the material (95%). All test results and reports related to gravel base testing and placement shall be furnished to the Planning Board's consulting engineer. Source of gravel base shall also be furnished.

The first course of pavement shall be placed within forty-eight (48) hours of approval of processed gravel base.

#### 7.14 UTILITY SERVICES

All utility services, including drain, shall be installed to a point two (2) feet beyond the roadway sideline prior to placement of asphalt concrete course.

#### 7.15 UNDERGROUND UTILITIES

All utilities, including electricity transformers, shall be installed underground. A separate profile showing location of telephone and electric wires shall be furnished to the Planning Board, Building Inspector, and Wiring Inspector. The Planning Board shall be notified in writing three (3) days prior to the installation of said wires so that their installation may be properly supervised. Provisions in the form of installation of all wiring to the poles provided for street lighting shall be included on the plan and shall be approved by the Planning Board on the advice of the Board's consulting engineer.

#### 7.16 STONE MONUMENTS

Granite bonds 4" x 4" x 4' with a 3/8" drill hole in the center are to be furnished and set on both sidelines of all points of change of direction or curvature of streets, and points of tangency. They shall also be set at the intersection of the sideline and sidelines of existing streets. They shall be set to the satisfaction of the Planning Board or its consulting engineer. Bounds shall not be installed until all construction is complete in order to ensure accuracy.

#### 7.17 STREET SIGNS

Street name signs shall be furnished, set in accordance with the Highway Department specifications and erected at all street intersections prior to the occupancy of any house on the street.

#### 7.18 STREET LIGHTS

Street lights shall not be required in new residential subdivisions as a general rule, however, the Planning Board reserves the right to require developers to install streetlights at intersections and/or other locations which in the opinion of the Board pose a danger to traffic and/or pedestrians. Privately-owned, pole-mounted, and residential-style light fixtures, however, shall be required to be installed within ten (10) feet of the property line, and adjacent to the driveway, for each lot within the development. Streetlights shall also be manufactured and installed in conformance with electric utility standards.

#### 7.19 STREET TREE PLANTINGS

Suitable trees or plantings are to be planted along roads. The distance apart shall not exceed eighty (80) feet where trees are to be planted on each side of the roadway. No trees or shrubs shall be planted at any street corner or intersection where they could become a traffic hazard by obstructing vision.

All trees are to be planted approximately ten (10) feet, but not more than twenty (20) feet, from the street line.

The developer shall guarantee all trees so planted for their erectness and good health for two (2) years after planting.

All trees shall be at least twelve (12') feet in height and at least two and a half (2.5") inches in diameter measured at twelve (12") inches above the finished grade.

#### 7.20 PROTECTION OF UTILITIES

A sub-divider shall protect all utilities and appurtenances installed under these standards from any and all damage until the ways are accepted by the Town. Any damage to these utilities and appurtenances prior to acceptance by the Town shall be repaired in a manner satisfactory to the Planning Board and the full cost of such repair shall be borne by the sub-divider. Any material used, which does not meet the standards to the Town, shall be replaced by the sub-divider at his own expense.

## 7.21 INDIVIDUAL WATER SUPPLY, SEWERAGE DISPOSAL SYSTEMS, AND WATER SUPPLY FOR FIRE PROTECTION

The use of individual water supply, sewage disposal systems, and private water supply for fire protection are not allowed where public sewer or water is within one thousand (1,000) feet of the property, unless it is deemed by the Planning Board not to be accessible. For purposes of this section, the one thousand feet shall be measured from the access point to a Town way along existing ways to the nearest location of the public water or sewer system(s). Where existing public sewer and water mains are not accessible or of inadequate size, the Planning Board shall not approve the plan unless:

- 7.21.1 In the absence of a public sewer connection to any lot the Planning Board shall endorse on the plan the condition that such lots shall not be built upon without the prior consent of the Board of Health.
- 7.21.2 In the absence of a public water system connection to any lots, the Planning Board shall endorse on the plan the condition that such lots shall not be built upon without prior consent of the Board of Health
- 7.21.3 In the absence of a public hydrant system to serve any lot, the subdivider agrees to provide for water supply for fire protection purposes for such lots by such facilities, if any, as is deemed necessary by the Chief of the Fire Department (taking into consideration the prospective character of the development, whether open or dense). Such facilities shall be installed functional, and accepted by the Fire Chief prior to issuance of any building permits for lots within the subdivision.

## 7.22 EASEMENTS

Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary as determined by the Planning Board and shall be at least twelve (12) feet wide for electric and telephone and twenty-five (25) feet wide for drainage, sewerage and water. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board shall require that there be provided an easement of adequate width to conform substantially to the lines of such, and to provide its construction, and in no case shall be less than ten (10) feet in width beyond the center line of any pipeline or conduit and at least ten (10) feet beyond the top slope of any street, drainage ditch, or other channel.

The easement shall be shown on the Definitive Plan as “Access and Utility Easements” and include an unencumbered right to construct, access, and maintain any utilities and other appurtenances. Prior to construction, the Applicant shall show evidence to the Planning Board that all easements have been duly and properly recorded at the Middlesex Registry of Deeds.

A twenty (20) foot wide temporary easement shall be provided on both sides of the roadway right-of-way for the purposes of grading, street tree installation, erosion control and maintenance access that will be in full effect until street acceptance.

### 7.23 WORK NOTIFICATION AND INSPECTIONS

The Town of Tyngsborough Planning Board's consulting engineer shall be notified at least forty-eight (48) hours in advance of any roadway or municipal service or utility construction. No portion of any utilities shall be backfilled until approval. Such approval does not constitute acceptance of such utilities by the Town of Tyngsborough.

### 7.24 EROSION AND SILT CONTROL

Before clearing and grubbing operations within the project take place the contractor shall place all erosion protection measures as directed by the plans and Order of Conditions (if applicable). The contractor shall also identify in the field, the limits of clearing for the Town's review. All erosion protection measures and limit of clearing shall be inspected by an agent of the Conservation Commission and the Planning Board's consulting engineer prior to any site clearing.

The developer shall control erosion and silt during construction. Such control, where applicable, shall follow procedures as required by State and Municipal Boards and the Town of Tyngsborough Conservation Commission and Planning Board.

### 7.25 CLEANING UP

The entire subdivision area must be cleaned up so as to maintain a neat and orderly appearance, free from debris, excessive slopes, deep holes, and objectionable materials. Upon completion of the work, the developer shall remove from the roadway and adjoining property all temporary structures, surplus material, and rubbish, which may have accumulated during the performance of the work, and shall leave the subdivision in a neat and orderly condition.

The entire roadway area must be swept and cleaned up so as to leave a neat and orderly appearance, free from debris and other objectionable materials. All catch basins and appurtenant drainage structures including detention areas shall be properly cleaned out on a regular basis and prior to street acceptance.

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**FORM A**

**APPLICATION FOR APPROVAL OF LOTS NOT SUBJECT TO SUBDIVISION**

**CONTROL LAW REVIEW**

**INSTRUCTIONS TO OWNER/APPLICANT:** File one completed copy with the Planning Board and an exact copy with the Town Clerk. FORM A shall not be deemed to have been properly filed until and unless it bears the date and time stamps of the Planning Board and the Office of the Town Clerk. Where appropriate, separate paragraphs are used to indicate alternate provisions. Select and complete the paragraph(s) pertinent to this application. Please read the Rules & Regulations pertaining to this application before filing the same. You, or your duly authorized agent or attorney shall be expected to appear, answer any questions and/or submit such additional information as the Planning Board may request in connection herewith. Your failure to appear, or your failure to have your agent or attorney appear on your behalf at the time this application is considered is recommended to avoid delays.

\*\*\*\*\*

Tyngsborough, Massachusetts  
\_\_\_\_\_, 20\_\_\_\_

TO THE PLANNING BOARD, TOWN OF TYNGSBOROUGH:

The undersigned, being the owner of the land described on the accompanying plan, hereby requests a determination by said Planning Board that its approval under the SUBDIVISION CONTROL LAW is not required, and the undersigned agrees that if the endorsement of said Planning Board is so received, the original of said plan as endorsed will be duly recorded in the appropriate Registry of Deeds, or Land Court, within six (6) months from date of endorsement. The undersigned agrees that failure to record said plan within the specified time shall render any such endorsement null and void. The undersigned further agrees to provide the Planning Board seven (7) copies of the endorsed plan within fourteen (14) days after endorsement.

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

( ) The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the frontage, area and depth required by the Zoning Bylaws of the Town of Tyngsborough, and is on an accepted public way, namely,\_\_\_\_\_

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- ( ) The division of land shown on the accompanying plan is believed to be not a subdivision for the following reasons:

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- ( ) The owner's title to the land is derived under deed from \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_\_\_\_, and recorded in Middlesex North District Registry of Deeds, Book\_\_\_\_\_, Page\_\_\_\_\_; or Land Court Certificate of Title No.\_\_\_\_\_, Land Court Case Number\_\_\_\_\_, registered in Middlesex Land Registry District Book\_\_\_\_\_ Page\_\_\_\_\_.

- ( ) The parcel or parcels shown are noted in Assessor's Map No.\_\_\_\_\_, Block No.\_\_\_\_\_ as Assessor's Lot No.\_\_\_\_\_.

- ( ) The purpose for this plan, and any explanation or details thereof, are as follows, and the Planning Board is entitled to rely on this representation as being the full and completed statement of the owner/applicant and may cause the same to be endorsed on the plan if in the Board's discretion the same is appropriate:

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- ( ) The parcel or lots shown on the accompanying plan have not been included in any other APPROVAL NOT REQUIRED PLAN previously submitted to the Planning Board.

- ( ) The parcel or lots shown on the accompanying plan have been included, in whole or in part, on a prior application for APPROVAL NOT REQUIRED PLAN previously submitted to the Planning Board on\_\_\_\_\_.

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DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of owner/applicant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name of Surveyor

\_\_\_\_\_  
Address of Surveyor

( ) Fee Paid: **\$250.00 per lot.**

Received by the Town of Tyngsborough in accordance with its Rules & Regulations, for consideration as an application accompanying a plan thought not to require approval.

By: \_\_\_\_\_ (Town Clerk) Date: \_\_\_\_\_

By: \_\_\_\_\_ (Planning Board) Date: \_\_\_\_\_

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**FORM B**

**APPLICATION FOR APPROVAL OF PRELIMINARY PLAN**

***INSTRUCTION TO OWNER/APPLICANT: File one complete copy with the Planning Board and an exact copy with the Town Clerk. "Form B" shall not be deemed to have been properly filed until and unless it bears the date and time stamps of the Town Clerk and the Planning Board. Where appropriate, separate paragraphs are used to indicate alternate provisions. Select and complete the paragraph(s) pertinent to this application. Please read the Rules & Regulations pertaining to this application before filing the same. You, or your duly authorized agent or attorney shall be expected to appear, answer any questions and/or submit such additional information as the Planning Board may request in connection herewith. Your failure to appear, or your failure to have your agent or attorney appear on your behalf at the time of this application is recommended to avoid delays.***

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TO THE PLANNING BOARD, TOWN OF TYNGSBOROUGH:

1. The undersigned, being the owner\* of all land included within a proposed subdivision shown on the accompanying plan entitled \_\_\_\_\_ and dated \_\_\_\_\_, 20\_\_\_\_\_, submits such plan as a preliminary plan of the proposed subdivision and makes application to the Board for approval thereof.
2. The land within the proposed subdivision is subject to the following easements and restrictions: \_\_\_\_\_  
\_\_\_\_\_
3. There are, appurtenant to the land within the proposed subdivision, the following easements and restrictions over the land of others: \_\_\_\_\_  
\_\_\_\_\_
4. ( ) This plan has been submitted to the Board of Health.
5. This application is accompanied by one (1) original of said plan together with ten (10) copies, such documents as required by the Rules & Regulations, **and the required application fee of \$500.00 plus \$250.00 for each lot in the proposed subdivision.**
6. The owner's title to the land is derived under deed from \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_\_\_\_ and recorded in Middlesex North District Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_; or Land Court Certificate of Title No. \_\_\_\_\_ registered in Middlesex Land Registry District, Book \_\_\_\_\_, Page \_\_\_\_\_.

\_\_\_\_\_  
Owner/Applicant

\_\_\_\_\_  
Address

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APPLICATION CHECKLIST

- |   |   |
|---|---|
| <input type="checkbox"/> Title Block                              | <input type="checkbox"/> Name and Address of Owner(s)                   |
| <input type="checkbox"/> Subdivision Name                         | <input type="checkbox"/> Developer(s), Subdivider(s)                    |
| <input type="checkbox"/> Boundaries                               | <input type="checkbox"/> Surveyor: Name, Address,<br>Signature, Seal    |
| <input type="checkbox"/> North Point                              | <input type="checkbox"/> Engineer: Name, Address<br>Signature, Seal     |
| <input type="checkbox"/> Date                                     | <input type="checkbox"/> Names of Abutters                              |
| <input type="checkbox"/> Scale                                    | <input type="checkbox"/> Existing and Proposed Streets<br>and Easements |
| <input type="checkbox"/> Legend                                   | <input type="checkbox"/> Drainage System                                |
| <input type="checkbox"/> "Preliminary Plan"                       | <input type="checkbox"/> Sewer Profiles, if Appropriate                 |
| <input type="checkbox"/> Zoning Classification                    | <input type="checkbox"/> Hydrological Calculations                      |
| <input type="checkbox"/> Existing Topography                      | <input type="checkbox"/> Street Profiles                                |
| <input type="checkbox"/> Locus Plan                               | <input type="checkbox"/> Lot Boundaries                                 |
| <input type="checkbox"/> Major Site Features                      |   |
| <input type="checkbox"/> Fee Paid: <b>\$500.00 plus \$250/lot</b> |   |
| <input type="checkbox"/> Storm Drainage Profiles                  |   |
| <input type="checkbox"/> Proposed Topography                      |   |

\*If there is more than one owner, all must sign.

Received by the Town of Tyngsborough, in accordance with its Rules & Regulations, as an application for approval of a Preliminary Subdivision Plan.

By: \_\_\_\_\_ (Town Clerk) \_\_\_\_\_ (Date)

By: \_\_\_\_\_ (Planning Board) \_\_\_\_\_ (Date)

April 16, 2010

**FORM C**

**CERTIFICATE OF APPROVAL OF PRELIMINARY SUBDIVISION PLAN**

The undersigned, being a majority of the Planning Board of the Town of Tyngsborough, Massachusetts, hereby certify that the accompanying Preliminary Plan is approved in accordance with the requirements of the Subdivision Control Law and the Tyngsborough Planning Board's Rules & Regulations.

1. Name of the Owner/Applicant \_\_\_\_\_  
Address \_\_\_\_\_

2. Description of Land \_\_\_\_\_

This Certificate of Approval is granted with the following qualifications and specifications.

Planning Board Members: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, SS. \_\_\_\_\_, 20\_\_\_\_\_

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

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

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

April 16, 2010

**FORM D**

**APPLICATION FOR APPROVAL OF DEFINITIVE PLAN**

***File one completed form with the Planning Board and an exact copy with the Town Clerk, in accordance with the requirements of Mass. G.L. Chapter 41 Section 81. Separate paragraphs are used to indicate alternate provisions. The applicant should select and complete the paragraph or paragraphs pertinent to their case.***

Tyngsborough, Massachusetts

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

TO THE PLANNING BOARD, TOWN OF TYNGSBOROUGH

1. The undersigned, being the owner\* of all land included within a proposed subdivision shown on the accompanying plan entitled \_\_\_\_\_ and dated \_\_\_\_\_, 20\_\_\_\_\_, submits such plan as a definitive plan of the proposed subdivision and makes application to the Board for final approval thereof.

2. The land within the proposed subdivision is subject to the following easements and restrictions:

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

3. There are appurtenant to the land within the proposed subdivision the following easements and restrictions over the land of others:

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

4. A preliminary plan of the proposed subdivision (has) (has not) been submitted to the Board. A preliminary plan of the proposed subdivision, to which the accompanying plan conforms, was approved by the Board on \_\_\_\_\_, 20\_\_\_\_\_. A preliminary plan of the proposed subdivision was approved by the Board on \_\_\_\_\_ 20\_\_\_\_\_, with modifications, which modifications have been incorporated in the accompanying plan.

5. The applicant agrees, if the definitive plan is approved, to perform and complete all work on the ground within the proposed subdivision required by the Rules & Regulations of the Tyngsborough Planning Board as in force on the date of this application.

6. The applicant further agrees to complete all said required work on the ground within two years from the date of final approval of the definitive plan by the Board, unless an application is filed with and approved by the Board extending such time.

April 16, 2010

7. The applicant further agrees, if the definitive plan is approved, to cause said plan to be recorded or registered in the Middlesex North District Registry of Deeds or Land Court within thirty (30) days after the return of said plan to the applicant by the Board, and agrees not to sell, or offer to sell, any lots within the subdivision until said plan is so recorded or registered.

8. The applicant further agrees, if the definitive plan is approved, to convey to the Town, promptly, at any time thereafter when requested to do so by the Board, in form satisfactory to the Board, title to water mains, sewers, and open space/park areas and prescribed easements where appropriate.

9a. The applicant further agrees, before final approval of the definitive plan, to cause to be filed with the Board a bond, in form satisfactory to the Board, conditioned on the completion of all required work on the ground in the time and manner prescribed, in a penal sum sufficient, in the opinion of the Board, to cover the cost of such work, and executed by the applicant as principal and an indemnity or surety company authorized to do business in the Commonwealth and satisfactory to the Board as surety, or secured by the deposit with the Town Treasurer of cash in an amount equal to the penal sum of the bond.

(or)

9b. The applicant requests the Board to approve the definitive plan on condition that no lot in the subdivision shall be sold and no building shall be erected or placed on any lot until the required work on the ground necessary to serve such lot adequately has been completed to the satisfaction of the Board.

10. This application is accompanied by one original drawing and ten (10) copies of the proposed definitive plan in accordance with the requirements of the Rules & Regulations of the Board, **and the required application fee of \$1,500.00 plus \$750.00 for each lot in the proposed subdivision.**

11. The owner's title to the land is derived under deed from \_\_\_\_\_, dated \_\_\_\_\_ 20\_\_\_\_ and recorded in Middlesex North District Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Address

\*If there is more than one owner, all must sign.

April 16, 2010

Note: This application is not deemed to have been submitted until the following endorsement has been completed by the Tyngsborough Planning Board or an authorized agent thereof.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ as  
duly submitted under the Rules & Regulations of the Tyngsborough Planning Board.

Tyngsborough Planning Board by \_\_\_\_\_

( ) Fee Paid: **\$1,500.00 plus \$750.00/lot**

A certified list of names and addresses of the abutters is attached ("Form F").

APPLICATION CHECKLIST:

- Index Sheet
- Title Block
- Subdivision Name
- Boundaries
- North Point
- Date
- Scale
- Legend
- "Definitive Plan"
- Zoning Classification
- Existing Topography
- Street Profiles
- Storm Drainage Profiles
- Locus Plan
- Copy Sent to Board of Health
- Designers Certificate ("Form E")
- Approval Agreement ("Form H")
- Names and Address of Owner(s), Developer(s), Subdivider(s)
- Surveyor: Name, Address, Signature, Seal
- Engineer: Name, Address, Signature, Seal
- Names of Abutters ("Form F")
- Existing and Proposed Streets
- Drainage System
- Lot Boundaries
- Proposed Topography
- Municipal Water Supply Profile, Where Appropriate
- Sewer Profiles, Where Appropriate
- Major Site Features
- Hydrological Calculations
- Fee Paid
- Assessor's Plan Number, Block Number, Lot Number
- Open Space/Park Land Area
- Easements
- Variances Granted - if Applicable

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**FORM E**

**DESIGNER'S CERTIFICATE**

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

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

TO THE TYNGSBOROUGH PLANNING BOARD:

I hereby certify that the accompanying plan, entitled \_\_\_\_\_  
\_\_\_\_\_ and dated  
\_\_\_\_\_, 20 \_\_\_\_\_ is true and correct to the  
accuracy required by the Rules & Regulations of the Board.

\_\_\_\_\_  
Registered Professional Engineer  
MASS. REGISTRATION NO. \_\_\_\_\_

\_\_\_\_\_  
Registered Land Surveyor  
MASS. REGISTRATION NO. \_\_\_\_\_

\_\_\_\_\_  
Address

Note: This Certificate is not deemed to have been submitted until the following endorsement has been completed by the Tyngsborough Planning Board or an authorized agent thereof:

Received and accepted this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ as duly submitted  
under the Rules & Regulations of the Tyngsborough Planning Board.

TYNGSBOROUGH PLANNING BOARD

By \_\_\_\_\_

April 16, 2010

**FORM F**

**CERTIFIED LIST OF ABUTTERS**

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

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

**TO THE TYNGSBOROUGH PLANNING BOARD**

The undersigned, being an applicant for approval of a definitive plan of a proposed subdivision entitled \_\_\_\_\_ and dated \_\_\_\_\_, 20 \_\_\_\_\_ submits the following sketch of the land in the subdivision listing the names of the adjoining owners in their relative positions and indicating the address of each abutter on the sketch or in a separate list, including owners of land separated from the subdivision only by a street. This list has been endorsed by the Town of Tyngsborough Assessors Office.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Assessor

Note: This Form is not deemed to have been submitted until the following endorsement has been completed by the Tyngsborough Planning Board or an authorized agent thereof:

Received this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ as duly submitted under the Rules & Regulations of the Tyngsborough Planning Board.

TYNGSBOROUGH PLANNING BOARD

by \_\_\_\_\_

April 16, 2010

**FORM G**  
*(to be recorded at the Registry of Deeds)*

**CERTIFICATE OF APPROVAL OF DEFINITIVE SUBDIVISION PLAN**

This Certification of Approval ("Form G") as well as the Approval with Covenant Contract ("Form H") shall be noted on the Definitive Plan. Reference to any qualifications and specifications below shall be noted on the Plan.

The undersigned, being a majority of the Planning Board of the Town of Tyngsborough, Massachusetts hereby certify that the accompanying Definitive Plan is approved for subdivision in accordance with the requirements of the Subdivision Control Law and the Tyngsborough Planning Board's Rule & Regulations governing the subdivision of land.

1. Name of Subdivider \_\_\_\_\_  
Address \_\_\_\_\_
2. Description of Land \_\_\_\_\_

This Certificate of Approval is granted with the following qualifications and specifications.

Planning Board Members:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ SS. \_\_\_\_\_, 20 \_\_\_\_\_

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

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

April 16, 2010

**FORM H**

**APPROVAL WITH COVENANT CONTRACT**

Know all men by these presents that whereas the undersigned has submitted an application dated \_\_\_\_\_, 20 \_\_\_\_\_, to the Tyngsborough Planning Board for approval of a definitive plan of a certain subdivision entitled \_\_\_\_\_ and dated \_\_\_\_\_, 20 \_\_\_\_\_, and has requested the Board to approve such plan without requiring a performance bond.

NOW THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Tyngsborough Planning Board approving said plan without requiring a performance bond, and in consideration of one dollar in hand paid, receipt whereof is hereby acknowledged, the undersigned covenants and agrees with the Town of Tyngsborough as follows:

1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the work on the ground necessary to serve adequately such lot has been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions thereof.
2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors, and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

It is understood and agreed that lots within the sub-division shall, respectively, be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of said Planning Board and enumerating the specific lots to be so released.

3. The undersigned represents and covenants that undersigned is the owner\* in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.
4. The undersigned agrees that all construction, including but not limited to, streets, utilities, and landscaping in the subdivision shall be completed within a time period of two years from the date of endorsement of approval of the definitive plan. Failure to so complete the construction shall render such approval of the subdivision null and void.

\* If there is more than one owner, all must sign.

April 16, 2010

IN WITNESS WHEREOF the undersigned, applicant as aforesaid, does hereunto set his hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Address

Description of Mortgages:

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

(Give complete names and Registry of Deed reference.)

Assents of mortgages:

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

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, SS. \_\_\_\_\_, 20 \_\_\_\_\_

Then personally appeared the above named \_\_\_\_\_  
And acknowledged that he executed this instrument as his free act and deed, before me.

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

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

Note: If executed by or on behalf of a corporation or other entity, attach here proper jurat therefore, and annex hereto a Corporate Vote and/or other certificate of authority.

April 16, 2010

**FORM I**  
**(To be recorded at the Registry of Deeds)**

**CERTIFICATE OF PERFORMANCE**

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

The undersigned, being a majority of the Planning Board of the Town of Tyngsborough, Massachusetts, hereby certify that the requirements for work on the ground called for by an Approval with Covenant Contract dated \_\_\_\_\_, 20 \_\_\_\_\_, and recorded in Middlesex North District Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, (or registered in Middlesex Land Registry District as Document No. \_\_\_\_\_ and noted on Certificate of Title No. \_\_\_\_\_, in Registration Book \_\_\_\_\_, Page \_\_\_\_\_), have been completed to the satisfaction of Planning Board as to the following enumerated lots shown on Plan entitled \_\_\_\_\_ recorded with said Deeds, Registration Book \_\_\_\_\_, Plan \_\_\_\_\_, (or registered in said Land Registry District, Registration Book \_\_\_\_\_, Plan \_\_\_\_\_), and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said Plan as follows:

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

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

Majority of the Planning Board  
Of the Town of Tyngsborough

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

April 16, 2010

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, SS. \_\_\_\_\_, 20\_\_\_\_\_

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

\_\_\_\_\_

Notary Public

My Commission expires: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

