

Chapter 380. Planning Board Regulations

[HISTORY: Adopted by the Planning Board of the Town of Sherborn, as amended through 3-7-2023.^[1]
Subsequent amendments noted where applicable.]

ATTACHMENTS

Attachment 1 - Planning Board Forms 

Attachment 2 - Schedules A and B 

Attachment 3 - Schedule C, Fees 

[1] *Editor's Note: Certain prior historical information has been retained at the request of the Town.*

Part 1. Special permits

Article I. Instructions

§ 380-1.1. Application procedure.

- A. All applicants for a site plan review under § 240-5.3 of the Zoning Bylaw or an exemption on minimum street frontage requirements under § 240-4.4 of the Zoning Bylaw or other special permit requests from the Planning Board shall submit to the Planning Board a completed petition for special permit on the form annexed hereto.^[1]

[1] *Editor's Note: See the Petition for Special Permit, included in Attachment 1 to this chapter.*

- B. Applicants are required to pay for all associated and related costs, including, but not limited to, advertising, abutter notification and outside consultants, including engineers, planners, architects, landscape architects, attorneys or other professionals, which the Planning Board determines are needed to review the plans and make recommendations thereof.

Article II. Personal Wireless Communications Facilities

§ 380-1.2. Determination of exemption from special permit requirement.

- A. In accordance with § 240-5.8 of the Zoning Bylaw, all applications for the installation of wireless communications facilities shall be submitted to the Planning Board for either a special permit or a determination that the proposal qualifies for a lesser level of review and permitting as follows:

- (1) Whether the proposal needs only a building permit by virtue of meeting the standards specified in § 240-5.8D of the Zoning Bylaw; or
 - (2) Whether the proposal requires a preliminary site plan review as provided for in § 240-5.8D of the Zoning Bylaw;
- B. Applicants seeking a determination of exemption from special permit shall submit sufficient architectural and/or engineering drawings to the Planning Board to demonstrate that they meet the

standards of **§ 240-5.8D**. Such plans must include (but are not limited to) elevations indicating the planned exterior alterations to any existing building or structure and/or the elevations of any new building or structure; a site plan indicating the size and location of existing and proposed buildings or structures including any support equipment, fencing, landscaping, lighting, parking, accessways, etc.; a narrative description describing the proposed changes and explaining how they meet the standards of **§ 240-5.8D** of the Zoning Bylaw; and the form entitled "Determination of Exemption From Special Permit for Wireless Communications."

§ 380-1.3. Preapplication conference.

Prior to the submission of an application for a special permit under **§ 240-5.8** of the Zoning Bylaw, the applicant is strongly encouraged to meet with the Planning Board at a public meeting to discuss the proposed personal wireless communications facility in general terms and to clarify the filing requirements. The purpose of the conference is to inform the Planning Board as to the nature of the proposed personal wireless communications facility. As such, no formal filings are required for the preapplication conference. However, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the location of the proposed facility, as well as its scale and overall design.

§ 380-1.4. Application filing requirements.

The following shall be included with an application for a special permit for all personal wireless communications facilities:

A. General filing requirements.

- (1) Name, address and telephone number of applicant and any coapplicants, as well as any agents for the applicant or coapplicants. A twenty-four-hour emergency telephone contact number shall be included.
- (2) At least one licensed carrier and the landowner(s) of the proposed site of the personal wireless communications facility shall be applicants or coapplicants.
- (3) Original signatures are required for the applicant and all coapplicants applying for the special permit. If the applicant or coapplicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or coapplicant is required. Photo reproductions of signatures will not be accepted.

B. Locus plan requirements.

- (1) Identification of the subject property, including the name of the nearest road or roads, street address, if any, and Assessors' Map and parcel number of subject property.
- (2) A map to scale prepared and stamped by a registered professional engineer or land surveyor showing the subject property and all properties (including lot lines) within 500 feet and the location of all buildings, including accessory structures, and driveways on all properties shown to the extent observable or determinable by Town or other records.
- (3) A map showing the locations of all preexisting and proposed future personal wireless communications facilities in Sherborn and abutting towns for the applicant carrier, and all other preexisting and proposed (to the extent determinable through public records) personal wireless communications facilities of other carriers in Sherborn and abutting towns.

C. Site plan filing requirements.

- (1) A vicinity plan prepared and stamped by a registered professional engineer or land surveyor at a scale of one inch equals 40 feet (or at an alternate scale appropriate for the size of the property as may be approved by the Planning Board) showing the following:

- (a) Property lines for the subject property.
- (b) Property lines of all properties adjacent to the subject property within 500 feet.
- (c) Tree cover on the subject property and abutting properties distinguishing between coniferous and deciduous species, and indicating average height as measured by or available from a verifiable source, for a distance of 500 feet.
- (d) Outline of all preexisting buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property and all properties adjacent to the subject property to the extent observable or determinable by Town or other records.

(2) A proposed development plan prepared and stamped by a registered professional engineer or land surveyor, including the following:

- (a) Proposed location of antenna, mount, equipment shelter(s) and other appurtenant facilities.
- (b) Proposed security barrier around tower and/or equipment shelter, indicating type and extent as well as point of controlled entry.
- (c) Location of all roads, public and private, and utility easements on the subject property and on all properties adjacent to the subject property, including driveways proposed to serve the personal wireless communications facility.
- (d) Distances, at grade, from the proposed personal wireless communications facility to each building on the vicinity plan.
- (e) Contours at each two feet above mean sea level for a distance of 500 feet around the proposed site.
- (f) All proposed changes to the preexisting property, including grading, vegetation removal and planting, and temporary or permanent roads and driveways.
- (g) Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless communications facility.
- (h) Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "sight lines" subsection below.
- (i) All conservation lands and conservation easements on the subject property or within 1,000 feet of the proposed site.

(3) Sight lines and photographs as described below:

- (a) Sight line representation. A sight line representation shall be drawn from the nearest point of the nearest public way within 500 feet and the closest facade of each residential building (viewpoint) within 500 feet (subject to the owner's permission to do so) to the highest point (visible point) of the personal wireless communications facility. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings. In the event there is no residential building or public way within 500 feet, there shall be at least two sight lines from the closest habitable structures or public roads, if any.
- (b) Preexisting (before condition) photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of what can currently be seen from any public road and any residential building within 300 feet.
- (c) Proposed (after condition). Each of the preexisting condition photographs shall have the proposed personal wireless communications facility superimposed on it to show what will

be seen from public roads and residential buildings if the proposed personal wireless communications facility is built.

- (d) Siting elevations. Elevations shall be at either 1/4 inch equals one foot or 1/8 inch equals one foot scale and show the following:
 - [1] Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
 - [2] Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
 - [3] Any and all structures on the subject property.
 - [4] Preexisting trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
 - [5] Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.
- (e) Photographs, from multiple viewpoints, of any crane or balloon used to test visibility or viability of any proposed site.

D. Design filing requirements.

- (1) Materials of the proposed personal wireless communications facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- (2) Colors of the proposed personal wireless communications facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- (3) Dimensions of the personal wireless communications facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
- (4) Landscape plan, including preexisting trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
- (5) During the application process, the applicant shall schedule with the Planning Board a balloon or crane test at the proposed site, at the expense of the applicant, to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised, at the expense of the applicant, in a newspaper of general circulation in the Town at least one week in advance of the proposed date. At least one alternate date shall be published in the event inclement weather requires rescheduling. The Planning Board may, in its discretion, waive the advertising requirement if adverse weather conditions result in the cancellation of the test on both the original and alternate dates.
- (6) If lighting of the site is proposed, the applicant shall submit documentation from an engineer that the footcandle level at the property lines shall not exceed 0.0.

E. Noise filing requirements. The applicant shall provide a statement certified by an acoustical engineer that the facility will comply with the noise standards of **§ 380-1.7B**.

F. Radio frequency radiation (RFR) filing requirements. The applicant shall provide the following:

- (1) A statement signed by a licensed RF engineer that the proposed or existing transmitting facility does or will comply with FCC radio frequency emission guidelines for both general population/uncontrolled exposures and occupational/controlled exposures as defined in FCC rules (as they may be amended or updated from time to time).

- (2) A statement or explanation as to how the personal wireless service provider determined that the transmitting facility will comply, e.g., by calculation methods, by computer simulations, by actual field measurements, etc. Actual values for predicted exposure should be provided to further support the statement. An exhaustive record of all possible exposure locations is not necessary, but, for example, the "worst case" exposure value in an accessible area could be mentioned as showing that no exposures would ever be greater than that level. Reference should be given to the actual FCC exposure limit or limits relevant for the particular transmitting site.
- (3) An explanation as to what, if any, restrictions on access to certain areas will be maintained to ensure compliance with the public or occupational exposure limits. This includes control procedures that are established for workers who may be exposed as a result of maintenance or other tasks related to their jobs.
- (4) A statement as whether other significant transmitting sources are located at or near the transmitting site, and, if required by the FCC rules, whether their RF emissions were considered in determining compliance at the transmitting site.

G. Federal environmental filing requirements.

- (1) The applicant shall present a copy of any environmental assessment (EA) that may be required by the FCC through its administration of the National Environmental Policy Act (NEPA) via procedures adopted as Subchapter A, Part 1, Subpart I, Section 1.1301 et seq. (47 CFR Ch. I).
- (2) If no such EA needs to be submitted to the FCC, documentation of that fact must be submitted.
- (3) The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the personal wireless communications facility that are considered hazardous by the federal, state or local government.

H. Alternatives analysis. All applications for new tower locations shall be accompanied by a narrative statement endorsed by a qualified radio frequency engineer explaining why the proposed location (or locations) was (were) selected. Such statement shall include supporting documentation demonstrating that no feasible alternative location within the Town of Sherborn was available. For locations outside Overlay District 1, such statement shall include additional supporting documentation demonstrating that at least three alternative scenarios to provide comparable service utilizing existing structures, locations within Overlay District 1, and/or camouflaged facilities were considered and rejected.

§ 380-1.5. Co-location.

- A. Licensed carriers shall share personal wireless communications facilities and sites where feasible and appropriate, thereby reducing the number of personal wireless communications facilities that are stand-alone facilities. All applicants for a special permit for a personal wireless communications facility shall demonstrate a good-faith effort to co-locate with other carriers. Such good faith-effort includes:
 - (1) A survey of all preexisting structures that may be feasible sites for co-locating personal wireless communications facilities;
 - (2) Contact with all other carriers for wireless communications operating or licensed to operate in Sherborn or abutting Towns; and
 - (3) Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
- B. In the event that co-location is found to be not feasible, a written statement of the reasons for the unfeasibility shall be submitted to the Town. The Town may retain a technical expert in the field

RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant. The Town may deny a special permit to an applicant who has not demonstrated a good-faith effort to provide for co-location.

- C. If the applicant does intend to co-locate or to permit co-location, the Town shall request drawings and studies which show the ultimate appearance and operation of the personal wireless communications facility at full build-out.
- D. If the Planning Board approves co-location for a personal wireless communications facility site, the special permit shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the special permit approval shall require no further zoning approval. However, the addition of any facilities not specified in the approved special permit shall require a new special Permit.

§ 380-1.6. Modifications.

A modification of a personal wireless communications facility may be considered equivalent to an application for a new personal wireless communications facility. Applicants for such modifications shall appear before the Planning Board to present its proposed modifications in order that the Board may determine whether the modifications are substantial and require the submission of a new special permit application.

§ 380-1.7. Monitoring and maintenance.

- A. After the personal wireless communications facility is operational, the applicant shall submit to the Planning Board copies of any documents required by the FCC to demonstrate compliance with its RF emission standards.
- B. After the personal wireless communications facility is operational, the applicant shall submit, within 10 days of any request from the Town in response to complaints received, documentation that noise emissions from the facility, measured at its property plane, do not exceed 50 decibels from 10:00 p.m. to 7:00 a.m. or 55 decibels from 7:00 a.m. to 10:00 p.m. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the foregoing standard. In the event these standards are not met, appropriate noise inhibiting measures shall be implemented and compliance with the standards demonstrated within 30 days of the initial request for documentation.
- C. The carrier(s) operating the wireless communications facility and/or its owner shall maintain the personal wireless communications facility. Such maintenance shall include, but shall not be limited to, painting, structural integrity and landscaping.

§ 380-1.8. Abandonment or discontinuation of use.

- A. At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless communications facility, such carrier will notify the Town by certified US mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the personal wireless communications facility shall be considered abandoned if the annual certification required in § 380-1.10D is not received within 10 days of its due date. If the Town suspects that a facility is abandoned, it may request a confirmation of continued operations at any time, and a facility shall be considered abandoned if no such confirmation is received within 30 days of the request.

- B. Upon abandonment or discontinuation of use, the carrier shall physically remove the personal wireless communications facility within 12 months of the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
 - (1) Removal of antennas, mount, equipment shelters and security barriers from the subject property.
 - (2) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
 - (3) Restoring the location of the personal wireless communications facility to its original condition, except that any landscaping and grading shall remain.

- C. If a carrier fails to remove a personal wireless communications facility in accordance with this section of these regulations, the Town shall have the authority to enter the subject property and physically remove the facility. As provided for in § **380-1.10C**, the Planning Board will require the applicant to provide security, in an amount set by the Planning Board, prior to issuance of the special permit to cover costs for the removal of the personal wireless communications facility in the event the Town must remove the facility.

§ 380-1.9. Reconstruction or replacement of preexisting nonconforming personal wireless service facilities.

Personal wireless service facilities that were in existence at the time of adoption of these regulations may be reconstructed, altered, extended or replaced by special permit, provide that the Planning Board finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the preexisting nonconforming structure. In making such a determination, the Planning Board shall consider whether the proposed reconstruction, alteration, extension or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts.

§ 380-1.10. Performance guarantees.

- A. Insurance in a reasonable amount determined and approved by the Planning Board after consultation at the expense of the applicant with one or more insurance companies shall be in force to cover damage from the structure, damage from transmissions and other site liabilities. Annual proof of said insurance shall be filed with the Town Clerk.
- B. An initial bond to cover annual maintenance for the access road, site tower(s), antennas, and related equipment will be posted in an amount approved by the Planning Board.
- C. Security shall be established prior to the issuance of a special permit to ensure that funds are available for the removal of the wireless communications facility and restoration of the site to as close to its original condition as is feasible. Such security shall consist of special cash account, held by the Town, and dedicated to the specific purpose of removing and disposing of the wireless communications facility and restoring its site. The account shall be established by the Town upon receipt of the funds from the applicant in an amount determined by the Planning Board after consultation with an appropriate consultant (at the expense of the applicant). At the discretion of the Planning Board, a comparable security such as a letter of credit may be substituted for the cash account.
- D. Annual certification as to continuing operations and compliance with applicable standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute shall be filed with the Planning Board by the special permit holder, no later than January 31 of each year.

§ 380-1.11. Color.

- A. Personal wireless service facilities which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.
- B. Wireless communications facilities shall be of an appropriate color to minimize visibility. The colors may vary by site, type of facility and/or location of each portion of the facility in relation to its immediate environs.

§ 380-1.12. Equipment shelters.

Equipment shelters for personal wireless communications facilities shall be designed consistent with one of the following design standards:

- A. Equipment shelters must be located in underground vaults; or
- B. Equipment shelters must be designed consistent with traditional materials, color and design of the area.
- C. Equipment shelters must be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or wooden fence acceptable to the Planning Board.

§ 380-1.13. Lighting and signage.

- A. Personal wireless service facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the parcel to be developed, and footcandle measurements at the property line shall be 0.0 initial footcandles when measured at grade.
- B. Signs shall be limited to those needed to identify the property and the owner and warn of any danger.
- C. All ground-mounted personal wireless communications facilities shall be surrounded by a security barrier.

§ 380-1.14. Historic buildings.

- A. Any personal wireless communications facilities located on or within an historic structure (a structure listed or eligible for listing on the State or National Register of Historic Places) shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building; or
- B. Notwithstanding the foregoing, approval, where required, of the Sherborn Historic District Commission or the Massachusetts Historic Commission shall constitute compliance with this § 380-1.14.

§ 380-1.15. Comments from other boards.

The Planning Board shall request comments from the Town Forest Committee for any proposed locations within Town Forest, or from other boards or commissions as may be relevant (e.g., Cemetery Commission for locations near a cemetery, Open Space Committee for locations near the Bay Circuit Trail).

§ 380-1.16. Term of special permit.

A special permit issued for any personal wireless communications facility shall be for a maximum initial term of five years. Such permits shall be renewable for additional maximum terms of five years upon application by the special permit holder at least 90 days prior to the expiration of a current term. Renewal applications shall contain documentation that the conditions of the original special permit (or any previous renewals) were met and maintained during the previous term.

Article III. Site Plan Review

§ 380-1.17. Authority.

The administrative requirements herein are authorized by the Town of Sherborn Zoning Bylaw, § **240-5.3A(2)** Special permits for site changes in the business district, and Article **VI**, Special Permit Granting Authority.

§ 380-1.18. Precedence.

In case of conflict among the Zoning Bylaw, and/or these regulations, and/or an approved site plan, the order of precedence shall be:

- A. Zoning Bylaw; then
- B. These regulations; then
- C. The approved site plan.

§ 380-1.19. Applicability.

These regulations shall apply to projects subject to a site plan special permit under § **240-5.3A** of the Zoning Bylaw.

§ 380-1.20. Requirements.

In order to facilitate the review process, the applicants may schedule a meeting with the Town Planner to review the requirements and the process. At the discretion of the Town Planner, a presubmission meeting with the Planning Board may also be scheduled prior to submitting an application for a site plan special permit. Other resources that are available to the applicant that will aid the application and review process include the Sherborn Permitting Procedures Manual (available at <https://www.sherbornma.org/sites/g/files/vyhlif1201/f/uploads/finalprocedures.pdf> and for sale at Town Hall) as well as copies of the regulations and fee schedules of other Town departments/boards. It is recommended that these resources be consulted before preparing plans in order to minimize or avoid plan changes after submittal.

- A. The site plan shall be drawn at a scale one inch equal 20 feet, and on a maximum sheet size of 24 inches by 36 inches, all existing (dash line) and proposed (solid line) features and elevation contours in compliance with the requirements of site plan approval of the Zoning Bylaw. Approved site plans shall be drawn on a reproducible Mylar both for recording and to file with the Planning Board.
- B. Contents. The site plan shall contain, at a minimum, the following information to assist the Planning Board in evaluating the site plan. Separate sheets shall be used as appropriate to retain plan

legibility:

- (1) The names and address of the record owner of the land, the name and address of the developer and/or applicant (if different from the owner), and the name, seal, and address of the designer, engineer, and surveyor who made the plan, all of which shall appear in the lower right-hand corner.
- (2) A signature block located on the right side of each drawing with suitable space to record the action of the Planning Board and the signatures of the members of the Board, and indicating the date of approval and date of endorsement.
- (3) A locus plan drawn to a scale of one inch equals 1,000 feet, showing the general location of the site in relation to all adjacent and nearby roads, railroads, waterways, and utility easements. Name of development, scale and North arrow, date of plan and legend.
- (4) The lot shall be tied into the nearest town, county, and state bound. Bearings and curve data distances of all lot lines. Locations of driveways, parking and service areas, names of all parties of interest including abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line as they appear on the most recent applicable tax list, including those in other cities or towns. The plan shall also show the location of easements, rights of way, public or private ways, and other reservations existing, planned or proposed, on, adjacent to, or intersecting the subject site.
- (5) Assessor's Map and lot numbers of subject property.
- (6) Zoning district(s) and any boundary of zoning districts within the lot, along any lot line, or within any adjoining property.
- (7) Topography for the entire site shall be shown in two-foot intervals except where the Board requires that a one-foot contour interval be used. Contours and elevations of existing and proposed features shall be based on the North American Vertical Datum of 1988 (NAVD 88). Existing contours are to be shown as dashed lines and proposed contours are to be shown as solid lines.
- (8) The location and dimensions (including height) of all existing and proposed buildings and structures, including ground coverage, gross floor area, and breakdown of indoor and outdoor floor area. Open area uses and other uses and improvements. All doorways and their way of opening shall be shown for all existing and proposed buildings. Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of 100 feet from the property line, indicating whether existing buildings on the tract are to be retained, modified, or removed. Existing soil conditions and soil suitability test results.
 - (a) A statement of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings and parking areas, the number of square feet of gross floor area, the area to be proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space, and sidewalks, the total number of parking spaces proposed and required by the Zoning Bylaw for the uses proposed, the number of employees expected per shift, and the total floor area of proposed commercial, industrial, office or other use.
 - (b) Where the Zoning Bylaw set requirements related to the above figures, those requirements also shall be listed in a manner that permits comparison of the required vs. the proposed quantities.
- (9) Existing and proposed front, side, and rear yard dimensions. Proposed dimensions shall be in accordance with the Town of Sherborn Zoning Bylaw as most recently revised.
- (10) Parking lots showing driveway entrances and exits designed for safe ingress and egress, curb cuts, layout of parking spaces, aisles, pedestrian walks, necessary ramps, and representative cross sections of all proposed service and parking areas and driveways. All of the above shall be in accordance with the applicable sections of the Town of Sherborn Zoning Bylaw as most

recently revised. All parking and access shall comply with the Architectural Access Board and Americans with Disabilities Act^[1] regulations. The applicant shall indicate the basis for determining the number of parking spaces.

- (a) The plan for any new building shall include appropriate access for fire equipment, such access to be approved by the Fire Chief on the plans prior to construction of the building. Access to present buildings shall be kept clear of hazardous substances and obstacles which may, in the opinion of the Fire Department, impede the proper placement of fire apparatus and personnel in case of fire.
- (b) Proposed traffic circulation systems, including the volume and proposed direction of projected traffic flows into, out of, and within the site for both vehicles and pedestrians for an average day and for peak hours.
- (c) Off-street loading facilities, necessary ramps, and representative cross sections of all proposed parking areas and driveways. Curb stops shall be shown where, in the opinion of the Planning Board, they are necessary.

[1] *Editor's Note: See 42 U.S.C. § 12101 et seq.*

- (11) All existing and proposed landscape features such as fences, walls, planting areas, and walks. Planting details in buffer zones and green belts shall include species, height of species, spacing of plantings and shall be shown at sufficient scale to illustrate clearly the landscaping design. (See those sections of the Sherborn Zoning Bylaw, as most recently amended, pertaining to landscaping and buffers, including but not limited to §§ **240-3.4**, **240-4.5C**, **240-5.1E**, and **240-5.6E**.) Plans for walks, walls, and fences shall include dimensions, materials and finishes.
- (12) All plans shall show the edge of wetlands, the edge of the 100-year (FEMA) flood plain, the edge of isolated areas subject to flooding, the banks of intermittent streams, the banks of perennial streams, the banks of lakes and ponds, the banks of rivers, the waterfront area (including the 100-foot and 200-foot riparian zones), and the edge of the 100-foot wetland buffer zones. The limits of these resource areas shall be determined in accordance with applicable Massachusetts Department of Environmental Protection Regulations (310 CMR 10.00 to 10.60, including appendixes) and any Town of Sherborn Zoning Bylaw, General Bylaw or Town regulation relative to wetland protection, aquifer protection, and/or water resource protection. FEMA panel number, zone designation, and base flood elevation shall be indicated on the plan. Wetland boundaries shall be identified according to the requirements of the Conservation Commission as to criteria and time of year analyzed. If no resource areas or buffer zones are located on the subject property, then a statement to that effect shall be on the plans.
- (13) All facilities for water supply and distribution, fire protection, lighting, and facilities for the prevention of air pollution and protection of the groundwater. All utilities are to be installed underground.
 - (a) The following site lighting information shall be provided: type, height, wattage, footcandle output directly under the light source, and footcandle output at the property line and a photometric layout/diagram showing direction and intensity of outdoor lighting. Lighting fixtures shall be of "cutoff" design, and not floodlight design, unless otherwise approved by the Planning Board. Footcandle output directly under the light source shall not exceed five and shall not exceed .25 at the property line. Lighting (poles and fixtures combined) shall not exceed 15 feet in height.
 - (b) A duplicate site plan showing a photometric diagram/layout to establish the boundaries of the illumination shall be provided. The duplicate site plan need not show the detail of the actual site plan, but shall show the lot, building(s) on the lot, light standard location, and perimeter of the illumination of each light.
- (14) Location and dimensions (including height) of all storage facilities for equipment, material, and other like items.

- (15) Location and dimensions (including height) of facilities for garbage, rubbish, and other waste collection and disposal. Description and plan of capacity and location of means of sewage disposal, together with approval of the Board of Health and evidence of soil suitability for such disposal (test pit locations shall be shown on the plans).
- (16) All facilities for accommodating stormwater drainage and snowmelt runoff from all buildings, driveways, parking areas, and service areas on the site. The site plan shall be accompanied by a storm drainage study based on the design criteria of a twenty-five-year storm, certified by a professional engineer and a proposed drainage system plan, both surface and subsurface, showing measures proposed to prevent pollution of surface water or groundwater, soil erosion, increased runoff, changes in groundwater level and flooding. All stormwater drainage shall be contained on site unless otherwise approved by the Planning Board. Major structures, culverts, detention basins, and retention basins shall accommodate the 100-year-frequency storm event. Leaching pits, basins, and galleys shall be installed. The drainage design shall incorporate best management practices, compliance with the EPA 2016 Massachusetts MS4 general permit (as it may be amended from time to time by EPA) and standards in compliance with the most recent edition of the Massachusetts Stormwater Management Handbook. Soil percolation and/or permeability tests shall be conducted to document the capacity of the soil to accommodate the discharge of the proposed drainage system. Runoff from all structures shall be accommodated into leaching basins unless otherwise approved by the Planning Board. All runoff from parking areas, driveways and service areas on the site shall be directed into a dedicated oil-water separator. Roof runoff shall be discharged into dry wells.
- (17) A plan for the control of erosion, siltation, and dust before and during construction, including, but not limited to, appropriate ground cover, crushed stone construction entrance and street sweeping of adjacent public ways, as required by the Board. The Board may require seeding.
- (18) Location and dimensions (including height) of existing and/or proposed freestanding signs and the manner of their external illumination.
- (19) All private wells within 200 feet of the property.
- (20) All public or community water supply wells within 1,000 feet of the property.
- (21) Removal of earth shall be performed in accordance with the requirements in accordance with the Town of Sherborn Bylaws, including § **240-5.4** of the Zoning Bylaw, and as specified by other agencies. The applicant shall also indicate on the plan the volume of fill and/or gravel borrow that will be trucked onto the site. The Board may require certification of compliance with MGL c. 21E, as most recently amended, with respect to the existence of contamination or threat of contamination on the site.
- (22) The maximum size vehicle, including trailers, expected to use the site after construction shall be identified by length, width, height, and AASHTO designation.
- (23) All existing and proposed structures shall have indicated on the plans their garage and pedestrian entrances and exits and their openings.
- (24) All existing and proposed public and private utilities, above and below grade, along with their type, size, and class, shall be shown on the plan. All proposed and existing public and private utilities on site shall be located underground.
- (25) All waivers proposed by the applicant and approved by the Planning Board or a statement to the effect that no waivers are being requested shall be indicated on the plan.
- (26) There shall be no impact of drainage on abutting public or private water supply.
- (27) The construction requirements of parking lots and driveways shall be the same as that for roadways as specified in Schedule A of the Subdivision Rules and Regulations.^[2] As may be specifically allowed under the Sherborn Zoning Bylaw, parking lots may be other than bituminous pavement as follows:

- (a) Parking areas serving municipal open spaces shall be classified as being in one of two use categories: conservation-passive uses for which vehicle use is infrequent (trips/day) and of low capacity (parking fewer than 20 cars) and recreation-active uses for which vehicle use is frequent (trips/day) and of high capacity (parking above 20 cars).
- (b) Drainage for both conservation-passive and recreation-active parking areas shall be designed such that there is no increased runoff impact from the built condition as compared to the existing condition. All drainage design shall be under the direction of a licensed professional as is required for any site plan documents. The site design shall strive to mitigate existing land deficiencies that create an undesirable impact off-site.
- (c) Parking area design shall establish that there is satisfactory subsurface soil material to structurally support the proposed vehicle use. The subgrade shall meet design standards required for local roadway design of residential subdivisions. There shall be a minimum of eight-inch thickness of graded, crushed stone base meeting the installation and stone material standards of a local residential subdivision street. There shall be a four-inch-thick, dense-graded, crushed stone layer and four-inch-thick bituminous concrete pavement corresponding to the standards for a local residential subdivision roadway.
- (d) Conservation-passive parking area surfaces may be one of the following surfacing options:
 - [1] Pavers and grass at 1 1/2-inch minimum paver thickness;
 - [2] Natural or synthetic honeycomb pavers a minimum of six inches deep and bearing on fully compacted base material and filled/surrounded with porous granular materials;
 - [3] A two-inch thickness of graded crushed stone with aggregate at 3/4-inch plus one-inch size.
- (e) Recreation-active area surfaces may be one of the following minimum surfacing options:
 - [1] Two-and-one-half-inch-thick asphalt binder course.
 - [2] Two-and-one-half-inch-thick permeable asphalt.
 - [3] Two and 1/2 inches of compacted stone dust.
- (f) Parking spaces are to be adequately denoted by permanent measures as approved by the Planning Board.
- (g) Maintenance covenant: All municipal parking areas built for conservation or recreation uses under a special permit shall be subject to a periodic site review permit/use reinstatement.
- (h) Public access and public safety conditions shall be a condition of any such parking lot use. Such conditions as safe access from a public way, lighting and traffic controls, lane and parking stall markings, parking area travel way, etc., shall be in conformance with the regulations for normal site plan approval.
- (i) All other aspects and criteria listed in the Zoning Bylaw for granting of any special permit shall be applicable for these conservation and recreation parking area standards.

[2] *Editor's Note: Schedule A is included as an attachment to this chapter.*

(28) Parking stalls shall be painted according to MassDOT specifications, as most recently amended. Lines shall be at the head of and along the sides of parking stalls. Lines shall be four inches wide and shall be one consistent color, either yellow or white. Stalls are measured from the center of lines.

(29) Any additional details that may be pertinent.

(30) The applicant shall provide a written statement describing how the proposed site plan application meets the general conditions of approval of Sherborn Zoning Bylaw.

§ 380-1.21. Submission.

A. General. The following shall be submitted to the Planning Board Office: eight copies of the site plan, eight copies of the application form "Petition for Special Permit," eight copies of the site plan approval checklist, application fee (see Schedule C for amount of fee^[1]), review fee (if applicable, to be determined on a case-by-case basis), certified list of abutters from Assessors' office, copy of any decisions for subject property from Zoning Board of Appeals, three copies of stormwater drainage report, three copies of traffic assessment (study), completed bank tax ID form for review fee funds, letter regarding consent for use of Board's consultant, good-standing approval from Tax Collector's office. Note: Please also contact the Board of Health office for its site plan fee. The Town Planner shall review the application for completeness within 14 days of submittal. If not substantially complete, the site plan may be returned to the applicant with a list of the discrepancies noted for correction. If found to be substantially complete, the Town Planner shall distribute, within five business days, one copy each to the Building Commissioner, Board of Health, Conservation Commission, Police Chief, Fire Chief, and DPW Director. The agencies receiving these copies shall have up to 21 days to make recommendations to the Planning Board.

- (1) The application must be accompanied by a copy of a certified list, from the Board of Assessors, of the names and addresses of all abutters and abutters within 300 feet of the subject property taken from the most recent tax list.
- (2) If the property was previously granted a special permit or variance from the Zoning Board of Appeals, a copy of the decision and the site plan reviewed by the Board of Appeals must also accompany the application. If the property is before the Board of Appeals for a special permit at the time of application to the Planning Board for site plan approval, a copy of the application form submitted to the Zoning Board of Appeals shall also be submitted to the Planning Board.
- (3) The site plan shall be prepared by a professional engineer (PE) and a registered land surveyor licensed to practice in the Commonwealth of Massachusetts, as appropriate, and certified by same with their seal, stamp and signature. The proposed use(s) and site development shall conform to the requirements set forth in the Town of Sherborn Zoning Bylaw and other regulations, as applicable. The plan shall conform to the administrative requirements set forth herein.
- (4) Technical data, as deemed by the Planning Board to be necessary, shall be provided to support the site plan and resulting findings.

[1] *Editor's Note: Schedule C is included as an attachment to this chapter.*

B. Traffic congestion control and analysis. A traffic study shall be required that documents existing and projected traffic within reasonable proximity of the site, the impacts of the project on level of service of nearby roads and intersections, sight distances at exits/entrances and proposed mitigation measures.

C. Waivers. Upon request of the applicant, the Planning Board may waive the requirement to provide any of the planning information which it deems not relevant to the proposed development.

§ 380-1.22. Site plan submittal fee.

See Planning Board Fee Schedule C.^[1]

[1] *Editor's Note: Schedule C is included as an attachment to this chapter.*

§ 380-1.23. Hearing.

- A. Notice. Notice of hearings shall be advertised as required by the provisions of MGL c. 40A, § 11.
- B. The public hearing shall be held within 65 days from the date of the proper filing of the application. The public hearing shall be conducted in accordance with the rules and procedures prescribed by the Planning Board as required by the Zoning Act of Massachusetts General Laws and shall be open to the public and in accordance with MGL c. 30A, §§ 18 through 25, as amended ("Open Meeting Law").
- C. Representation and absence. An applicant may appear in his own behalf and/or be represented by an agent or attorney. In the absence of any appearance without due cause on behalf of an applicant, the Board may decide on the matter using the information it has otherwise received.

§ 380-1.24. Decision.

- A. Time. Within 90 days of the conclusion of the public hearing, the Planning Board shall vote on site plan approval and file its decision with the Town Clerk.
- B. Modification/amendment/endorsement. The Planning Board shall have the power to modify or amend its approval of a site plan on application of the person owning or leasing the premises, or upon its own motion in the event of changes in physical conditions sufficient to justify such action within the intent of the Zoning Bylaw. All of the provisions applicable to approval shall, where apt, be applicable to such modification or amendment.
- C. Voting requirement.
 - (1) The concurring vote of at least four members of the Board shall be necessary to grant site plan approval. Any amendments or conditions proposed to an original motion to grant site plan approval shall be declared passed, based on a simple majority vote.
 - (2) The record shall show the vote of each member upon each question or, if failing to vote, indicate reasons for its decision.
- D. Written notification of decision/detailed record.
 - (1) The Planning Board shall issue a written decision to the applicant giving the reasons for its decision.
 - (2) A detailed record of proceedings, including the vote on each question shall be filed with the Town Clerk.
 - (3) If site plan approval is granted by the Board, the applicant shall submit a revised plan reflecting any and all conditions of approval within 60 days of filing of the Board's decision with the Town Clerk.

§ 380-1.25. General application procedures.

- A. Application. Prior to acceptance, all applications shall be reviewed by the Planning Board or its agent. If the Planning Board decides that an application is incomplete, it shall be deemed invalid and the fee returned. If desired, the applicant may resubmit a completed application, which shall be treated as a new application.
- B. Withdrawal. An application may be withdrawn, without prejudice, by notice in writing to the Board at any time prior to the hearing by the Planning Board. After an advertisement, withdrawal, without prejudice, is only by Planning Board approval.

§ 380-1.26. One-year limitation of grants; extensions.

- A. If an approval is granted by the Planning Board, all permits necessary for the prosecution of the work shall be obtained and construction shall be commenced within one year from the date of filing of the Planning Board's decision in the office of the Town Clerk.
- B. It is recommended that requests for extensions be submitted in writing to the Planning Board at least 60 days prior to the expiration date of site plan approval.
- C. Reasonable extension of said time may be granted by the Board for good cause shown.
- D. The Planning Board is herein authorized to assess observation fees and require applicants to have site plan improvements observed during the construction phase of the project.

§ 380-1.27. Appeal of decision.

Any appeal of the decision of the Planning Board to any order or decision relative to site plan approval shall be made in conformance with the conditions set out by the Zoning Act. All such appeals shall be conducted in accordance with the Zoning Act (MGL c. 40A, § 17).

Part 2. Subdivision Rules and Regulations

Article I. General Provisions

§ 380-2.1. Authority.

Pursuant to MGL c. 41, § 81Q, the Planning Board of the Town of Sherborn has adopted the following rules and regulations governing the subdivision of land in the Town of Sherborn. All subdivisions shall comply with the provisions of the Open Space Subdivision Bylaw, § **240-4.5**, unless the Planning Board allows a development that deviates from the requirements of that bylaw by special permit. Procedures for review and submission of a special permit for a conventional subdivision design shall be subject to the general and relevant provisions of these regulations as well as the requirements for special permit requests of the Planning Board Rules and Regulations.

§ 380-2.2. Purpose.

These Rules and Regulations Governing the Subdivision of Land in Sherborn have been adopted for the purposes set forth in MGL c. 41, § 81M, as amended.

§ 380-2.3. Definitions.

APPLICANT

"Applicant" shall include an owner or his agent or representative, or his assigns, that are responsible for submission of a subdivision development plan to Town officials.

APPROVAL NOT REQUIRED

"Approval not required (ANR)" shall mean a process for creating building lots in accordance with MGL c. 41, § 81P, by division of land on an existing public way, in which each new lot fulfills the minimum frontage requirements of the relevant zoning district.

BOARD

"Board" shall mean the Planning Board.

CONVENTIONAL SUBDIVISION

"Conventional subdivision" shall mean a division of land into two or more lots in such a manner as to constitute subdivision as defined in MGL c. 41, § 81L, as amended from time to time, and in which minimum lot size is that required for a single-family home in the zoning district, as defined in Zoning Bylaw § **240-4.2**.

DPW

"DPW" shall mean the Department of Public Works.

GENERAL LAYOUT

"General layout" shall mean an informal sketch plan of a subdivision layout drawn on a plan of the parcel to be subdivided, showing major environmental features, such as wetlands, and approximate location of proposed roads and lots.

GREEN INFRASTRUCTURE

"Green infrastructure" shall mean an informal sketch plan of a subdivision layout drawn on a plan of the parcel to be subdivided, showing major environmental features, such as wetlands, and approximate location of proposed roads and lots.

GROUNDWATER IMPACT ASSESSMENT

"Groundwater impact assessment" shall mean a detailed analysis of existing groundwater conditions and potential impacts of a proposed development on a parcel and in the adjacent area based on existing data, on-site measurements, and projections of changes resulting from development.

GROUNDWATER IMPACT STATEMENT

"Groundwater impact statement" shall mean a summary of groundwater conditions on a parcel and in the adjacent area, based on existing, publicly accessible data regarding soil types, location of aquifers and estimated directions of surface water and groundwater flow.

HOMEOWNERS' ASSOCIATION

"Homeowners' association" shall mean the corporation, trust, or association owned by the unit owners within an open space subdivision and used by them to manage and regulate their affairs, including any commonly owned land or facilities.

LOW-IMPACT DEVELOPMENT

"Low-impact development" shall mean land development and building practices that minimize environmental impacts by preserving natural vegetation, including trees, and promoting groundwater retention and recharge through design features.

LOW-IMPACT DRAINAGE SYSTEM

"Low-impact drainage system" shall mean a stormwater management system that maximizes maintenance of clean groundwater resources through natural filtering, retention and recharge.

OPEN SPACE SUBDIVISION

"Open space subdivision" shall mean a division of land into two or more lots in such a manner as to constitute subdivision as defined in MGL c. 41, § 81 L, as amended from time to time, and that (a) permanently preserves at least 60% of the land in a natural, scenic or open condition or in agricultural, farming or forest use; (b) preserves the significant natural, cultural, and historic features of the land; (c) concentrates development, through design flexibility and reduced dimensional requirements, in order to preserve those features; and (d) calculates the amount of development allowed up front by formula.

OWNER

"Owner" shall mean the owner or owners of record of all land included within the subdivision as shown by the records of the Registry of Deeds for the Southern District of Middlesex County or the Middlesex South Registry District of the Land Court.

PROTECTED OPEN SPACE

"Protected open space" shall mean land that is permanently preserved in a natural, scenic or open condition or in agricultural, farming or forest use, by conservation restriction or other legal means.

RESIDENTIAL UNIT

"Residential unit" shall mean a building, or portion thereof, with shared space and utilities designed for occupation by a single family.

UPLANDS

"Uplands" shall mean a land area that is not under federal, state or local wetland or floodplain jurisdiction (e.g., wetlands and their buffer zones, floodplains and riparian areas).

YIELD PLAN

"Yield plan" shall mean a calculation of the number of residential units allowed in a specific open space subdivision, using the method described in § **240-4.5D**.

§ 380-2.4. General subdivision policies.

- A. No person shall make a subdivision within the meaning of the Subdivision Control Law,^[1] of any land within the Town, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a definitive plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided.
[1] Editor's Note: See MGL c. 41, §§ 81K to 81GG.
- B. No subdivision shall be approved unless it complies with these regulations and with the applicable provisions of zoning and other Town bylaws and regulations and of the General Laws of the Commonwealth of Massachusetts, or unless, in the opinion of the Board, such subdivision meets the requirements of public safety, including reasonable precautions against possible natural disasters, of traffic safety and convenience, of adequate water supply, stormwater drainage and sewage disposal and is designed with due regard to the rights, health and welfare of Sherborn's inhabitants, including the residents of such subdivision. The health and welfare of Sherborn's inhabitants are dependent in part on maintenance of clean groundwater resources and climate-mitigating natural tree cover. Proposed subdivisions shall conform to overall development plans adopted by the Planning Board and shall adhere to the principles of correct land use, sound planning, good engineering and environmental sustainability, including but not limited to the design standards in Article **IV** of these regulations.
- C. The approval of a subdivision by the Board does not affect any rights others may have in or over the land to be subdivided, nor does it give the applicant the right to perform work on land owned by others. The Board is entitled to rely upon the accuracy of the information submitted by the applicant. The acquisition of necessary rights and the presentation of complete and correct information to the Board are responsibilities of the applicant, and the failure to do so, including the failure or inability to obtain all necessary permits, licenses, releases or rights, may constitute a reason for the disapproval or rescission of approval of a subdivision plan.

Article II. Procedures for Submission of Plans Not Requiring Approval Under Subdivision Control Law

§ 380-2.5. Submission of plan.

Any persons who wish to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that the plan does not require approval under the Subdivision Control Law^[1] because the plan does not constitute a subdivision shall:

- A. Schedule Planning Board review by contacting the Town Planner to be placed on the agenda of an upcoming meeting.
- B. Fill out Form A as indicated on the form (see Appendix).^[2]
^[2] *Editor's Note: The Planning Board Forms are included as an attachment to this chapter.*
- C. File, by delivery or registered mail, a notice with the Town Clerk. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land.
- D. Submit to the Town Planner the following:
 - (1) A completed Form A.
 - (2) A completed original Mylar plan of land and four copies at a scale of one inch equals 40 feet, or at an alternate scale appropriate for the size of the property as may approved by the Planning Board.
 - (3) One one-inch>equals-200-feet scale copy of plan of land, or an electronic copy in a form compatible with the Town's GIS system.
 - (4) One copy of a plan of land showing the existing boundaries of the land at the same scale as the plan indicating the proposed changes.
 - (5) Filing fee as specified in Schedule C (check payable to Town of Sherborn).^[3]
^[3] *Editor's Note: Schedule C is included as an attachment to this chapter.*

[1] *Editor's Note: See MGL c. 41, §§ 81K to 81GG.*

§ 380-2.6. Contents of plan.

Each plan shall contain the following information:

- A. Existing and proposed boundary lines, dimensions and areas (in square feet or to the nearest 1/100 of an acre) of all lots, the boundary lines of which are to be changed or shown without change.
- B. Title, North point, date of survey, date of plan and date of each revision, if any, Assessors' Map number and lot number, and scale legend.
- C. Name of owner of record, and name, address, signature and imprint of the seal of the registered engineer or registered land surveyor preparing the plan.
- D. Names of the owners of all abutting lots from the current Assessors' records.
- E. Indication of the zoning district or districts and district boundary lines, if any, coinciding with or intersecting any lot line.
- F. Existing and proposed lines of streets, ways, and easements with an indication on the plan of their intent and whether they are public or private. The width and construction materials of the traveled way from which the property derives its frontage, as well as notice as to whether or not the street is a scenic road, shall be indicated on the plan.
- G. Existing and proposed public or common areas, if any.
- H. Location of all existing buildings on proposed lots and abutting lots.
- I. Indication of the floodplain district, if any, within or in close proximity to the proposed lots.
- J. Existing and proposed permanent boundary markers, and existing stone walls.
- K. Limits of any wetlands subject to state or local jurisdiction, located on or adjacent to the property.

- L. A vicinity map showing all other adjacent land of the applicant and other adjacent properties as far as the nearest existing street in every direction. The vicinity map may be a copy of the Assessors' Maps.
- M. A figure indicating total frontage, and a dimension illustrating width at the front setback line and a proposed building line shall also be shown on the plan.
- N. Frontage and area of any remaining adjoining land owned by the applicant.
- O. Notice of any special permits/variances issued which affect the proposed change in lot lines.
- P. Deed reference of record owner by Book and Page number and Land Court certificate number if applicable.
- Q. Printed legend for Planning Board endorsement in the following form:

Approval under the Subdivision Control Law not required.

SHERBORN PLANNING BOARD

Date 20

R. The following statement shall appear below the space for the signature for the Planning Board: "The above endorsement is not a determination by the Planning Board as to conformance with zoning requirements."

§ 380-2.7. Endorsement.

If the Board finds that the plan meets the requirements of this article and does not require approval under the Subdivision Control Law, at least a majority of the members of the Board shall endorse the plan without a public hearing and return the original thereof to the applicant within the time period required by MGL c. 41, § 81P, from the date of submission of the plan. If the Board shall determine that in its opinion the plan requires approval under the Subdivision Control Law, it shall give written notice of its determination to the Town Clerk and to the applicant within such statutory period.

Article III. Procedures for Submission of Plans Requiring Approval Under Subdivision Control Law

§ 380-2.8. Preapplication conference.

A. General guidance. In order to ensure full compliance with these Rules and Regulations and thereby facilitate the preparation, submission and processing of preliminary plans and definitive plans requiring approval under the MA Subdivision Control Law^[1] and the Sherborn Open Space Subdivision Zoning Bylaw, § 240-4.5, the Board invites any owner or developer intending to subdivide land to request an informal preapplication conference with the Town Planner and representatives of the Board early in the planning process and prior to submission of a preliminary plan or definitive plan.

[1] *Editor's Note: See MGL c. 41, §§ 81K to 81GG.*

B. Purpose of the preapplication conference . A preapplication conference is intended to offer guidance that can facilitate and streamline the owner/developer's preliminary planning process. It is an informal discussion that will include the Town Planner and representatives of the Planning Board, as well as one or more representatives of the Board of Health and Conservation Commission or their agents. At such a conference, the Planning Board and others shall advise the applicant as to which land is likely to have the most conservation value and be most important to preserve, and where development may be most appropriately located. The Board may conduct site visits with the applicant to better understand the physical features of the site.

C. General layouts. To facilitate this discussion, the owner/developer is advised to compile publicly accessible information regarding the relevant environmental features of the parcel and surrounding area, and to consult the regulations of the Board of Health and Conservation Commission. At the preapplication conference, the applicant should provide one or more general layouts (conceptual sketch plans) showing the relevant environmental features and possible layouts of the proposed subdivision. Relevant environmental features may include wetlands, riverfront areas and floodplains regulated by state or federal law. Special features of the natural landscape such as steep slopes, wetland buffer zones, mature woodlands, scenic views and adjacent open space and trails should also be noted. Note that such general layouts will be required later, as part of a preliminary or definitive plan submission.

- (1) A formal open space subdivision application must include a hypothetical conventional subdivision general layout, to establish the maximum residential unit count as specified by Sherborn Zoning Bylaw § **240-4.5D(1)** and § **380-2.10C(3)** of these Rules and Regulations
- (2) A formal conventional subdivision special permit application must include a hypothetical open space subdivision general layout, to aid the Planning Board in determining whether a special permit is justified under Sherborn Zoning Bylaw § **240-4.5C(3)**.

§ 380-2.9. Preliminary subdivision plan.

A. Purpose of the preliminary plan. The preliminary plan is intended to provide the Planning Board and other relevant boards a preview of the proposed project, with sufficient detail to allow Town boards to provide the applicant with constructive feedback and concrete guidance. While submission of a preliminary plan is not required, it is a valuable planning step that can greatly facilitate generation and approval of a definitive plan and the successful completion of the project.

B. Filing procedures for preliminary plan. Any person submitting a preliminary plan shall file three twenty-four-inch by thirty-six-inch hard copies as well as a pdf version thereof with the Planning Board, together with a fully executed Application Form B, and shall simultaneously file two copies with the Board of Health and the Conservation Commission. After delivery of the plan and the above forms to the Board, the applicant shall file by delivery or registered mail a notice with the Town Clerk, stating the date of submission of said plans for approval, together with a copy of Form B and a copy of the plans as submitted. Such notice shall describe the land sufficiently for identification and shall state the name and address of the owner.

C. Contents of a preliminary plan. A preliminary plan shall contain the following information:

- (1) Subdivision name, title Preliminary Plan, and date.
- (2) Names and addresses of record owner, applicant, subdivider, and seal and signature of the engineer, surveyor or landscape architect preparing the plan.
- (3) Subdivision parcel boundaries, North point, date, assessor's map number and lot number, and scale legend.
- (4) Map of existing conditions, including:
 - (a) Man-made features, including but not limited to existing lots, buildings, existing streets, driveways, cart paths, trails, fences, walls, and stone walls and drainage systems.

- (b) Natural features, including but not limited to topography at two-foot contour intervals showing the elevation of the tops of rises, hills or hummocks and of wetlands, watercourses, certified or potential vernal pools, and other bodies of water, existing wooded areas, large trees over 12 inches in diameter, rock ridges and outcroppings, USDA soil types, and relevant natural features of adjacent parcels such as areas of NHESP priority or estimated habitat, and any public lands.
- (5) Map showing delineation of floodplain districts, riparian areas, wetland areas and buffer zones as determined under Wetlands Protection Act, MGL c. 131, § 40, and regulations thereunder, and under the Town of Sherborn's Wetlands Bylaw (Chapter **226** of the Sherborn General Bylaws) and any regulations thereunder, within and adjacent to the subdivision.
- (6) For an open space subdivision, documentation of the yield plan, i.e., calculation of the maximum number of allowed residential units, using the method described in Zoning Bylaw § **240-4.5** and supported by relevant maps.
- (7) Map of proposed conditions, including:
 - (a) Boundary lines of proposed subdivision lots with areas, dimensions, and bearings.
 - [1] In an open space subdivision, such lots will occupy no more than the maximum percentage of the total subdivision area specified in Zoning Bylaw § **240-4.5**
 - [2] In a conventional subdivision, each lot will conform to the minimum area required in the relevant zoning district.
 - (b) For an open space subdivision, boundaries of the proposed protected open space area or areas, totaling the minimum or greater percentage of the total parcel area as specified in Zoning Bylaw § **240-4.5**, and calculation of wetland/upland area ratio within the protected open space acreage.
 - (c) Proposed lines of streets, walkways and trails within the subdivision, and proposed connections, if any, with existing or proposed streets or trails on adjoining land, and the lines and grades of existing streets for a minimum of 500 feet either side of each proposed subdivision street intersection with an existing street.
 - (d) The boundaries of all proposed easements within the subdivision and notations indicating the purposes thereof (trails, open space connectors).
 - (e) Proposed drainage systems, including the approximate location and size of all proposed inlets, outlets, pipes, drains, detention/retention ponds, and drainage easements within or appurtenant to the subdivision. Low-impact drainage systems are encouraged.
 - (f) Proposed locations of municipal services and utility installations.
 - (g) Proposed street names.
- (8) The names of all abutters as determined from the most recent Assessors' list.
- (9) A separate transparent reproducible plan at an appropriate scale, showing the following:
 - (a) Boundaries of existing streets and ways, and easements which bound, approach or are in reasonable proximity to the subdivision in solid lines.
 - (b) Boundaries of proposed streets, ways, easements and public or common areas in broken lines.
 - (c) Name of subdivision, North point and scale legend.

D. Groundwater impact assessment. The Board may require a preliminary groundwater impact statement be submitted where such information is necessary to evaluate the preliminary subdivision plan because of special circumstances of the proposal or its location. Such a preliminary statement may be based on existing data regarding soil types, location of aquifers and

estimated directions of surface water and groundwater flow. It should be noted that a formal groundwater impact assessment is required as part of a definitive subdivision plan.

- E. Review by other boards and commissions. The Planning Board shall request review and seek recommendations regarding a completed preliminary plan from other Town departments, commissions and boards, including but not limited to the Conservation Commission, Board of Health, Fire Department, Police Department, Building Inspector, and DPW.
- F. Approval or disapproval of preliminary plan.
 - (1) The Planning Board, in consultation with the Conservation Commission and Board of Health, shall study the preliminary plan and may conduct field visits. For an open space subdivision, the Board shall formally determine which land should be preserved and where development may be located. The Planning Board shall make written findings supporting this determination. The Planning Board may deny any application that does not include sufficient information to make such a decision or that does not preserve land that the Planning Board determines should be preserved from development as a result of its findings.
 - (2) In the case of a proposed preliminary plan that deviates from the requirements of the Open Space Subdivision Bylaw, § **240-4.5**, such plan shall only be considered in conjunction with a special permit application for such deviation, which may be submitted simultaneously with the preliminary plan. If the Planning Board determines that the land with the greatest conservation value cannot be protected except by the use of an open space subdivision plan, the Planning Board shall deny the special permit for the deviation. The applicant may then submit a plan that complies with the requirements for an open space design subdivision.
 - (3) After submission of a preliminary plan and within the period set forth in MGL c. 41, § 81S, both the Planning Board and the Board of Health shall notify the applicant by certified mail and Town Clerk in writing that the plan has been approved, or that the plan has been approved with modifications suggested by either the Board or agreed to by the applicant, or that the plan has been disapproved. In the case of disapproval, each Board shall state in detail its reasons therefor. Approval of a preliminary plan shall not constitute approval of the proposed subdivision.

§ 380-2.10. Definitive plan.

A. General.

- (1) The term "definitive plan" as used in these rules and regulations shall mean a plan of a subdivision within the meaning of the Subdivision Control Law^[1] prepared by a professional engineer, land surveyor or landscape architect registered in Massachusetts.
[1] Editor's Note: See MGL c. 41, §§ 81K to 81GG.
- (2) The objectives of a definitive plan are:
 - (a) Presentation of detailed and specific plans, of the construction documents type, for the development of the subdivision.
 - (b) Provision of a specific plan for reference in granting a certificate of action and a special permit with subdivision plan approval.
- (3) The Planning Board encourages thorough analysis and resolution of design issues in the preapplication conference and/or preliminary plan stage prior to submission of the definitive plan. A definitive plan for a conventional subdivision will not be considered unless the Planning Board has conditionally approved a special permit for such a subdivision layout deviation, based on information, analysis and other requirements specified in §§ **380-2.8C** and **380-2.9F** of these Rules and Regulations. At the time of the filing of the definitive plan, it should be accurate, correct and complete on the day of submission. In addition, all features of the

definitive plan should be consistent with the design standards described in Article **IV**. Any deficiencies and inaccuracies shall be grounds for denial of the definitive plan.

(4) It is recommended that a licensed design professional be responsible for the coordination of the elements of the definitive plan, prepared by other professionals.

B. Filing procedure for definitive plan. Any applicant submitting a definitive plan for approval shall comply with the following filing requirements:

- (1) The definitive plan shall be clearly and legibly drawn in india ink or laser plotted on four mil double-sided mylar or three mil single-sided mylar to a scale of one inch equals 40 feet on sheets measuring 24 inches by 36 inches and shall comply with the recording requirements of the Register of Deeds or of the filing requirements of the Land Court, in the case of registered land. If multiple sheets are used, they shall be accompanied by an index sheet of the same dimensions drawn to an appropriately reduced scale. All required plans and documents required shall also be submitted as electronic files in pdf format.
- (2) File with the Planning Board the following:
 - (a) An original drawing of the definitive plan, and eight contact prints thereof in dark lines on white background (Subsection **C**).
 - (b) The original and eight contact prints of the locus plan [Subsection **C(21)**].
 - (c) The original and eight contact prints of the profile plan (Subsection **D**).
 - (d) Two paper copies and an electronic copy of the drainage calculations and drainage runoff plan (Subsection **E**).
 - (e) Three signed copies of the report of subsurface conditions and soil percolation tests [Subsection **F(1)**].
 - (f) Three signed copies of the statement concerning filling or earth removal [Subsection **F(2)**].
 - (g) Three certified copies of certain recorded instruments and plans affecting the subdivision [Subsection **F(3)**].
 - (h) Three conformed copies of instruments establishing easements in contiguous land [Subsection **F(4)**].
 - (i) Three properly executed copies of each of the following forms:
 - [1] Application Form C.
 - [2] Designer's certificate (Form D).
 - [3] List of abutters (Form E).
 - [4] Covenant (Form F)(1).
 - (j) One one-inch>equals-200-feet scale copy of the definitive plan.
 - (k) A filing fee payable to the Town of Sherborn in an amount indicated in the attached fee schedule.^[2] A statement signed by the engineer or surveyor preparing the definitive plan setting forth the computation of the filing fee shall accompany such payment.
^[2] *Editor's Note: See Schedule C, included as an attachment to this chapter.*
- (3) Give written notice to the Town Clerk, by delivery or by registered mail, postage prepaid, that the applicant has submitted such definitive plan to the Planning Board, together with a copy of Form C and a copy of the definitive plan as submitted. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land. A definitive plan shall not be considered to have been submitted until the applicant has filed with the Town Clerk a notice

stating the date of submittal. If the notice is given by delivery, the Town Clerk shall give a written receipt or a dated stamp of receipt on a copy of Application Form C.

- (4) Such plan shall be considered submitted, unless within 21 days of such delivery the Board determines that the application is incomplete because it does not contain the information required in Subsections **C, D, E, F** (if applicable) and **G** of these regulations or the proper procedure was not followed. If the application is considered incomplete, the Planning Board shall notify the applicant and the Town Clerk in writing.
- (5) File with the Board of Health, at the time of filing the definitive plan with the Planning Board, three copies of each plan and document as submitted to the Planning Board along with the Board of Health filing fee.
- (6) At the same time as the submission of the definitive plan to the Planning Board, the applicant shall have made application for all other local, state, and federal permits or approvals required for the construction of streets, easements, utilities, and other improvements in the subdivision as provided in these regulations. Evidence of such filing, or inquiry, in the form of a copy of such application, and of any action by other agencies, shall be submitted to the Planning Board with the application for the definitive plan.
- (7) An applicant may withdraw a definitive plan upon written request which is approved by vote of the Board.
- (8) Subsequent submission of a revised definitive plan may be handled in the same manner as an original submittal, including the payment of an additional fee for review of the alternate or revised plan. Submission of a plan which, in the opinion of the Board, is so substantially revised as to constitute a new application shall be treated as a new application and will be accepted for processing only upon a written request from the applicant for the withdrawal of an earlier application.

C. Contents of the definitive plan. The definitive plan shall be prepared in accordance with the most recent edition of the Land Court Manual of Instructions. All sheets shall include the subdivision name, title, and date of plan and space for any revision dates, as well as the names and addresses of record owner, applicant, subdivider; seal and signature of the engineer, surveyor and/or landscape architect preparing the plan; and scale and North arrow as applicable. In cases where a preliminary plan is not submitted, the definitive plan shall include the yield calculation from **§ 240-4.5D** of the Zoning Bylaw along with associated general layout plans. The plan set shall contain the following:

- (1) Cover sheet. The cover sheet shall include the following:
 - (a) A plan view of the proposed subdivision in its entirety;
 - (b) A locus plan indicating the location of the parcel being subdivided, including abutting properties and streets within 500 feet;
 - (c) An index of plan sheets indicating what information is found on each sheet;
 - (d) A list of any waivers being requested;
 - (e) Subdivision name and date;
 - (f) Names and addresses of record owner(s), applicant(s), subdivider, and seal and signature of the engineer and surveyor (and landscape architect, if applicable) preparing the plan.
- (2) Plan of existing conditions.
 - (a) Man-made features, including but not limited to existing lots, buildings, existing streets, driveways, cart paths, trails, fences, walls, and stone walls and drainage systems.
 - (b) Natural features, including but not limited to topography at two-foot contour intervals, showing the elevation of the tops of rises, hills or hummocks and of wetlands,

watercourses, certified or potential vernal pools, and other bodies of water, existing wooded areas, large trees over 12 inches in diameter, rock ridges and outcroppings, USDA soil types, and relevant natural features of adjacent parcels such as areas of NHESP priority or estimated habitat, and any public lands.

- (c) Delineation of floodplain districts, riparian areas, wetland areas and buffer zones as determined under Wetlands Protection Act, MGL c. 131, § 40, and regulations thereunder, and under the Town of Sherborn's Wetlands Bylaw (Chapter **226** of the Sherborn General Bylaws) and any regulations thereunder, within and adjacent to the subdivision.
- (3) General subdivision layout.
 - (a) Subdivision name, perimeter boundaries, North point, assessors' map number;
 - (b) Lot number, names and addresses of the record owner and the subdivider and name, address, signature and imprint of the seal of the registered civil engineer and registered land surveyor preparing the plan;
 - (c) For an open space subdivision, documentation of the yield plan, i.e., calculation of the maximum number of allowed residential units, using the method described in Zoning Bylaw § **240-4.5** and supported by relevant maps.
 - (d) Proposed boundaries, North point, date of survey, date of plan and date of each revision thereto, scale legend and land area table showing the total acreage of the subdivision and the total acreage included in each of the following categories:
 - [1] Building lots;
 - [2] Streets and ways;
 - [3] Utility, drainage and other easements;
 - [4] Recreation and conservation sites;
 - [5] All wetland areas, including brooks, ponds and other water bodies;
 - [6] Other categories, if relevant;
 - (e) Names of all abutters as they appear on the most recent Assessors' list.
 - (f) Indication of the zoning district or districts within which the subdivision is located.
 - (g) Zoning district boundary lines and floodplain district lines, if any, located within or in close proximity to the subdivision.
 - (h) For an open space subdivision, outline of proposed conservation area(s) and developed area(s).
 - (i) For open space subdivisions with public access to the open space, a trailhead and/or signage may be required.
- (4) Street and lot layout.
 - (a) Sidelines and center lines of all proposed streets, ways, and passageway easements, and sidelines of proposed driveways, including connections with existing or proposed ways on adjoining land. Numbered station locations shall be marked along the center lines of all streets at fifty-foot intervals and at all changes in direction. If future extension of dead-end streets for future pedestrian or vehicular access to existing or previously approved streets or to adjoining land is approved by the Planning Board in accordance with § 380-2.13G, the potential extensions shall be shown. Lines shall be indicated by bearings referred to the North point. Relative error of closure shall conform to the requirements of the 2006 Land Court Manual of Instructions, as amended;

- (b) Accurate dimensions, bearings, length and radius of arc, tangent (or chord) distances, central angles of curves and such other data as may be required to determine readily the precise location of every street and way line and width, lot boundary, easement line, common or public area boundary, and to establish these lines on the ground;
- (c) Permanent boundary markers properly identified as to whether existing or proposed, the number and locations of which shall comply with § **380-2.30**;
- (d) Location, names and present widths of both the rights-of-way and the paved or traveled way for streets bounding, approaching or within reasonable proximity to the subdivision;
- (e) Proposed street names on the original definitive plan and profiles;
- (f) A closed traverse of the whole subdivision and of every street and lot within the subdivision;
- (g) Proposed public ways shall be shown as separate parcels, labeled as such, and title to the parcel shall be retained by the applicant or his successor until such time as the public way is accepted by the Town at Town Meeting;
- (h) Boundary lines of all building lots (open space or conventional). Lot dimensions shall comply with §§ **240-4.2** and/or **240-4.5** of the Zoning Bylaw as applicable. In open space subdivisions, total area of all lots shall occupy no more than the maximum percentage area specified in § **240-4.5** of the Zoning Bylaw;
- (i) Minimum building setback lines on all lots as determined by § **240-4.2** of the Sherborn Zoning Bylaw.

(5) Grading and stormwater management.

- (a) Stormwater management systems shall comply with low-impact development and low-impact drainage system principles and standards to the maximum extent feasible;
- (b) Location, purpose, dimensions, and center line courses of all drainage and utility easements, existing or proposed, and location, purpose and dimensions of all passageways, bridlepaths, trails and other easements, existing or proposed;
- (c) Location and outline of all existing buildings and site features, including, but not limited to, large trees (diameter 12 inches, three feet above ground level) within the proposed right of way and within 10 feet of either side of the proposed right-of-way and/or building envelope, existing walls, fences, wooded areas, rock ridges, and outcroppings; all wetland resource areas subject to local jurisdiction (bogs, swamps, marshes, water courses, ponds and floodplain areas) within or adjacent to the subdivision;
- (d) Location and description of all proposed and existing drainage facilities, including the size, type and location of storm sewers, manholes, catch basins, infiltration galleries, pipes, culverts, headwalls and drainage ditches, swales, detention/retention ponds and other incidental and special facilities;
- (e) Existing and proposed topography at two-foot contour intervals prepared from a topographical field survey, showing the elevation of the tops of rises, hills, hummocks, and ledge outcroppings, the bottoms of all low points, bowls and swales, and boundaries of wetlands and riverfront area as determined under MGL c. 131, § 40 (Mass. Wetland Protection Act), and regulations thereunder, and under the Town of Sherborn's Wetlands Bylaw.^[3] Elevations and two permanent bench marks shall be based on, in the same datum as, and referenced to U.S. Coast and Geodetic Survey Monuments. Existing and proposed contours on the definitive plan are to tie in with existing and proposed contours on individual lot plans;

[3] *Editor's Note: See Ch. 226, Wetlands.*

- (f) Location of sidewalks and delineation of natural terrain features, including trees six inches or more in diameter, to be preserved in areas between the proposed roadway and the right-of-way lines; and within 10 feet of the right-of-way lines;
- (g) Documentation of compliance with the Sherborn Stormwater Management Bylaw, Chapter **200** of the General Bylaws.

(6) Roadway plans and profiles. Profiles shall be drawn in ink or laser printer on four mil double-sided mylar or three mil single-sided mylar at a vertical scale of one inch equals four feet and a horizontal scale of one inch equals 40 feet and corresponding sections of the street survey plan shall also be shown at the same horizontal scale on each profile sheet. Profiles shall show the following:

- (a) The center line of all proposed streets, ways, drains, sewers, headwalls, and waterways, together with cross sections of all headwalls, underdrains, drainage ditches, open channel brooks and other watercourses. See Appendix, Schedule B, Typical Sections;^[4]
[4] Editor's Note: Schedule B is included as an attachment to this chapter.
- (b) The existing ground surface profiles along the center line and each sideline of proposed streets;
- (c) Elevations and two permanent bench marks based on, in the same datum, and referenced to U.S. Coast and Geodetic Survey monuments;
- (d) Proposed drainage system showing the types and sizes of all pipes, catch basins, manholes, culverts and headwalls, the invert and rim elevations of all catch basins and manholes, the approximate surface elevation at 100-foot intervals of all waterways within the subdivision and at each point where a drainage pipe ends and the approximate depth of water at these points;
- (e) Rates of gradient of all streets, ways, drainage pipes, culverts and waterways shown in percentage figures at each change in grade;
- (f) Calculations of volumes of cuts and fills necessary to construct road, including drainage system;
- (g) Legend:
 - [1] Existing surface at center line in fine black solid line;
 - [2] Existing surface at right side line in fine black long-dash line;
 - [3] Existing surface at left side line in fine black short-dash line;
 - [4] Proposed surface at centerline in heavy line with grade elevations shown at every fifty-foot station along vertical tangents and at every twenty-five-foot station along vertical curves;
 - [5] Proposed grades in percent along vertical tangents and vertical curve data.

(7) Landscape plan. The landscape plan shall include, but not be limited to, the following items:

- (a) Street trees;
- (b) Center islands of cul-de-sacs;
- (c) Vegetative screening and selective cutting zones around the perimeter and within the subdivision lots, as applicable;
- (d) Rain gardens, swales and detention/retention basin plantings of screenings;
- (e) Trails, trailheads, or other pathways of any on-site open space or connections to abutting open space;

- (f) Documentation of proposed species and sizes at planting and numbers of each;
- (g) Planting details.

(8) Erosion and sedimentation control plan. An erosion and sedimentation control plan, including, but not limited to:

- (a) A temporary drainage plan capable of handling a ten-year storm event to be used during construction;
- (b) A crushed stone construction entrance to minimize off-site tracking of materials, including erosion control barriers across construction entrances when work is not active (e.g., weekends, holidays or other periods);
- (c) Barriers to prevent off-site washing of soil, and measures to protect components of the permanent drainage system from sedimentation, including during times when construction is not active, such as weekends and holidays;
- (d) A dust control plan;
- (e) A soil stabilization plan that ensures that disturbed areas where no work is being performed are not left unstabilized for more than 30 days;
- (f) Identification of areas to be used for stockpiling materials during construction; and
- (g) A copy of a National Pollution Discharge Elimination System (NPDES) permit application has been filed with DEP or documentation that no NPDES permit is necessary.

(9) Lighting plan. The lighting plan shall include:

- (a) The location of any streetlights.
- (b) A photometric plan documenting that there is no light spillage beyond the boundaries of the subdivision and that the lighting complies with § 380-2.31.
- (c) Streetlights shall comply with Town of Sherborn streetlight standards. Only LED lamps shall be installed, and they shall be shielded to prevent light pollution as well as light spillage.

(10) Construction sequencing plan. The construction sequencing plan shall include:

- (a) A limit of work area illustrating all areas to be disturbed during construction of the subdivisions, including roadway, drainage facilities, wells and septic systems and houses and yards;
- (b) Areas to be cleared for the start of construction;
- (c) Areas to be used for stockpiling materials and storing equipment and materials, including any changes as construction progresses;
- (d) Timing of road construction in relation to the temporary and permanent stormwater management facilities;
- (e) Construction of amenities, including landscaping, tree planting, and paths, trails or sidewalks.

D. Signature blocks. All plans shall include the following:

(1) Printed legend for endorsement of the Board's approval in the following form:

"This plan is approved on condition that no lot in the subdivision shown hereon shall be sold until the streets, ways, municipal services and utilities are constructed in accordance with the terms and conditions of an agreement dated _____, 20_____, between the Town of

Sherborn acting through its Planning Board and _____ (1) _____ a copy of which agreement is recorded herewith and subject to conditions imposed by the Board of Health and to the recording of this plan and said agreement with the Middlesex South District Registry of Deeds (or Land Court) on or before _____, 20_____.

Being a majority of the Sherborn Planning Board

Date _____, 20 _____"

(2) Printed legend for the Town Clerk's endorsement in the following form:

"I, Town Clerk of the Town of Sherborn, hereby certify that notice of approval of this plan has been received and recorded at this office and no notice of appeal was received during the 20 days next after the receipt and recording of such notice.

Date

Town Clerk"

E. Drainage calculations and runoff plan. Drainage calculations and runoff plan shall be certified by a registered professional engineer to substantiate the proposed pipe sizes and adequacy of design of the subdivision drainage system prepared in compliance with § 380-2.14.

F. Groundwater impact assessment. The Board requires that the following be submitted with the definitive plan. Such information is necessary to evaluate the plan because of the critical dependence of Sherborn residents on clean groundwater resources, and because each location presents unique hydrogeological circumstances:

- (1) Location of aquifers, recharge areas, or watersheds for existing or potential drinking water supplies, based on existing, publicly accessible data.
- (2) Maximum (i.e., historic high) groundwater table elevation and direction and velocity of groundwater flow.
- (3) Projection of increases in nutrient and contaminant loading resulting from subdivision septic systems (collectively): at well sites within the subdivision, at abutter property lines, at wetlands and their buffer zone boundaries within or adjacent to the subdivision, and at other sensitive receptors. Projections shall be made in accordance with effluent evaluations specified by environmental health impact reports and other requirements of Board of Health Regulations, Chapter 305, Article III.
- (4) Analysis of open and closed drainage system alternatives, examining effects upon the recharge of aquifers and the quality of groundwater and surface water.

G. Accompanying documents.

- (1) Draft deed to convey the proposed open space parcel(s) to the appropriate entity to hold the fee interest as well as a draft conservation restriction in cases where the fee interest is not proposed to be conveyed to the Town.
- (2) A report, in writing, certified by a registered professional engineer describing the subsurface conditions within the subdivision, including locations and results of all tests made to ascertain subsurface conditions within the subdivision, and on each proposed lot in the subdivision, provide locations and results of tests made to ascertain subsurface soil, rock and groundwater

conditions, depth to groundwater and locations and results of all soil percolation tests conducted in accordance with the requirements of the Board of Health;

- (3) A statement, in writing, signed by the applicant and by the engineer and surveyor preparing the definitive plan, describing in detail any recent or contemplated filling, excavation, relocation or removal of earth (including, but not limited to, soil, loam, sand, clay or gravel) within the subdivision. With respect to each such filling or removal operation within the subdivision, including all filling, cutting and grading required in the construction of the subdivision streets and ways, the statement shall indicate, by reference to the definitive survey and profile plans, the approximate perimeter of the area affected thereby, the approximate amount of earth to be placed, relocated or removed and the changes in elevation resulting therefrom. Specific explanation is required on any fill to be added, if removal is also proposed, and such fill shall be "clean fill" and subject to review by the Planning Board or its agent;
- (4) Three certified copies of all instruments and plans of record, if any, describing or delineating existing easements, covenants, agreements, and restrictions affecting any land within the subdivision;
- (5) Three copies of agreement, if any, providing for the acquisition by the record owner of the subdivision of such rights and easements in land contiguous to the subdivision as may be necessary for the lawful discharge of water from the subdivision drainage system onto such contiguous land or for the extension to the subdivision of utilities or municipal services over, across or under such land;
- (6) Engineer's and surveyor's field notebooks, if requested by the Board;
- (7) A statement signed by the applicant and by the engineer and surveyor preparing the definitive plan that either the proposed work is outside any estimated habitat or priority habitat area as defined by the most recent version of a map of such areas prepared by the Natural Heritage and Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife or any successor organization, or that permission for such work has been applied for or granted by NHESP.

H. Review by other boards and commissions.

- (1) The Planning Board shall promptly after the date a submission of a definitive plan is considered to be complete notify the following department and boards of such submission and request their review and recommendations.
 - (a) Conservation Commission.
 - (b) Board of Health.
 - (c) Fire Department.
 - (d) Police Department.
 - (e) Building Inspector.
 - (f) Community Maintenance and Development Department.
 - (g) And such other department, boards, committees or commissions as it may consider appropriate, given the substance of the application.
- (2) Except for the Board of Health who shall report to the Planning Board within 45 days after receipt of the plan, all other departments and boards who are notified shall be given 35 days after receipt of such notice to make a report to the Planning Board, in writing, of their recommendations. The Planning Board shall not render a decision on the plan until 45 days from the date of such notice has expired or earlier if all reports are received.
- (3) Any report submitted to the Planning Board by a reviewing department or board shall be considered by the Planning Board in making its decision on a definitive plan. The Board may

also request any department or board to review the plan with the Planning Board and/or to provide information regarding the definitive plan at the public hearing.

(4) A copy of any report submitted to the Planning Board by another department, or board as part of the review of a definitive plan will be furnished to the applicant upon request.

I. On-site inspection.

- (1) After the application is considered complete, the Planning Board may request an on-site inspection.
- (2) Within 14 days of a request to do so by the Planning Board, the applicant shall proceed to staking and preparation for the on-site inspection by the Board. Staking shall consist of placing stakes in the ground delineating the location of proposed ways, driveway center lines and such other features as the Board may request. The center line of the proposed streets shall be marked with stakes at no more than 100-foot intervals with sufficient markings on said stakes to relate to the station locations as shown on the plan. After the staking, the Board will conduct a site inspection at a time to be arranged with the Board.

J. Public hearing.

- (1) Before approval, modification and approval, or disapproval, of a definitive plan is given, a public hearing shall be held by the Planning Board, notice of the time and place and of the subject matter, sufficient for identification and including the location of the proposed subdivision and the name of the applicant, shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Sherborn, once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent Assessors' list (MGL c. 41, § 81T).
- (2) Prior to the endorsement of the definitive plan, the applicant shall file evidence that he has paid the cost of providing required notice, and of conducting the hearing, if any. No plan shall be endorsed until such expenses have been paid.
- (3) The applicant shall be given the opportunity to present his proposal at the public hearing.
- (4) The public shall be provided with an opportunity to be heard with respect to the proposed development, and any comments or documents submitted by the applicant, Town boards, commissions or departments, members of the public, or other relevant information shall be made a part of the public record.

K. Action.

- (1) The Board will either approve, approve with conditions, or disapprove the definitive plan within the time set for Board action by MGL c. 41, § 81U.
- (2) The action of the Board, including any conditions of approval or specific reasons for disapproval, shall be stated in a certificate of action and filed with the Town Clerk and a copies sent by the Board to the applicant by certified or registered mail. Unless an appeal is taken to the Superior or Land Court from the action of the Board and a written notice of such appeal is received by the Town Clerk within 20 days of the receipt by the Town Clerk of the certificate of action, the Planning Board shall endorse the approved definitive plan and refer thereon to any conditions of approval or to any instrument describing such conditions.
- (3) The approval by the Board of a definitive plan does not constitute a laying out or acceptance by the Town of the streets within the subdivision as public ways.
- (4) The applicant shall be responsible for the expense of furnishing the Board, prior to recording, three sets of full-size black or blue line prints and one set of three-mil diazo Mylars of all drawings comprising the definitive plan. Prior to the start of construction of a subdivision, the

Planning Board shall cause to be recorded, at the applicant's expense, the definitive plan and all legal documents which relate thereto.

- (5) Unless otherwise waived, any such certificate shall be deemed to include without limitation the following:
 - (a) The construction of all streets and ways and the installation of all municipal services shall be completed in accordance with these rules and regulations within a period of two years from the date that the approved plan and this subdivision covenant are recorded/filed at the appropriate registry. During street construction, the applicant shall conduct compaction testing as requested by the agent appointed by the Planning Board to oversee the subdivision or, if no agent, DPW.
 - (b) Any sale, transfer or other transfer of ownership of rights or interests in all, or any part of, the subdivision property described in the approved subdivision plan shall include a condition that successors are bound to these general conditions. In the event of the sale of the entire subdivision: the Planning Board shall be provided with the name, the address and telephone number of the new owner and of the representative, if other than the owner, responsible for the project; and for projects in which construction is secured by covenant, a new covenant shall be executed by the new owner and recorded/filed at the applicable registry.
 - (c) No construction work may be started until the definitive plan, the certificate of action, the covenant (if applicable), and any required easements have been recorded/filed at the applicable registry.

L. Preconstruction requirements. After recording the documents listed above and before construction may begin, the following shall be completed:

- (1) Mark the proposed limit of work in the field, stake the location of the street, mark the trees to be preserved in the street rights-of-way, and schedule an appointment with the agent appointed by the Planning Board to oversee the subdivision or, if no agent, CMD for inspection by an authorized representative. The "limit of work" is defined as a point five feet beyond the extent of the cut slope, fill slope or other areas of grading necessary to construct the proposed subdivision street.
- (2) Make arrangements with the agent appointed by the Planning Board to oversee the subdivision or, if no agent, DPW for periodic inspections of work during the construction period.
- (3) The limit of work line shall remain marked until all construction is completed. The area outside the limit of work line shall be protected from damage or loss caused by construction activities by erecting barriers and avoiding stockpiles of earth materials on the root systems of trees during construction. The following is also required in relation to the limit of work line:
 - (a) All workers shall be informed that no construction activity is to occur beyond this line.
 - (b) The relocation of the line is not permitted without the prior written approval of the Planning Board or its representative.
 - (c) The area outside the limit of work line shall be protected from damage during construction. The area outside the limit of work line shall not be used for the storage of building or earth materials, equipment, vehicles or construction debris or as a construction staging area.

M. Construction requirements.

- (1) The developer shall maintain a copy of the approved definitive plan and of any approved change orders and a copy of the certificate of action (and the covenant, if applicable) at his/her normal place of business and on the site during construction. The developer shall provide a copy of the approved plans and the certificate to any broker, agent, development entity, builder or attorney authorized to act in the subdivision, sale or rental of property within the subdivision,

and they shall maintain a copy of the plans and this certificate and the covenant at their normal place of business and furnish them to any person interested in purchasing a lot.

- (2) No construction activity in the subdivision shall take place prior to 7:00 a.m., after 5:00 p.m. (or sunset, whichever is later), or at any time on Sunday or on any legal holiday.
- (3) As soon as possible during construction, all disturbed upland areas shall be brought to final finished grade and all slopes created as a result of cut or fill shall be stabilized to prevent erosion by either loaming and seeding in accordance with USDA Natural Resources Conservation Service guidelines for permanent stabilization, or another way approved by the Conservation Commission and/or the Planning Board.
- (4) All debris, including stumps, and construction refuse shall be disposed of off-site, promptly and properly, and the construction site shall be maintained in clean condition.
- (5) Final contours for the construction of the street are to remain as shown on the definitive plan. Any desired change must be requested in writing and can be made only with the prior approval of the Board or, where authorized by the Board, the DPW. Such approvals shall not require a public hearing nor an amendment to the approved definitive plan.
- (6) Permanent bounds, as specified by the Town's standard details, shall be set at all angle points and at the beginning and end of each curve on the sidelines of the right-of-way. Permanent bounds shall be installed to delineate any easements offered to the Town in the same manner. Iron pins or equivalent permanent markers or monuments shall be set at each corner of each lot and at each change of bearing on any lot line.
- (7) Temporary markers at the location of all permanent bounds, markers or, monuments, as noted on the approved definitive plan, shall be set prior to the construction of the street and the issuance of any building permit, including a foundation permit; but permanent bounds or monuments shall not be installed within the limit of work line until all construction which might damage or destroy them is completed. The markers for each lot must be permanently installed before a certificate of occupancy for any dwelling unit thereon will be issued.
- (8) Electric, telephone, and other types of transmission wires, such as cable television, and the provision for foundations for streetlights with wiring in place shall be installed underground to one side of the pavement, as shown in the typical section, but not under the pavement. Utility crossings of subdivision streets required for utility system continuity shall be laid out in a manner that minimizes the crossings.
- (9) Prior to the installation of the binder course for the street, all underground connections that will be placed in the right-of-way shall be made to the limits of the right-of-way. No trenching will be allowed within the right-of-way subsequent to the installation of the binder course. No building permit, except for a foundation permit, may be issued until this work is complete.
- (10) No building permit, including a foundation permit, shall be issued until lots are released from the subdivision covenant as specified in Subsection **N** or a performance bond is in place as described in Subsections **O(1)** and the location of the bounds on the subdivision street and on any easements are temporarily marked if the construction is not at the point where the permanent bounds may be installed.
- (11) After the installation of the binder course, no utility structure shall be left protruding in the right-of-way if the finish course cannot be placed before winter. If utility structures are up above the binder course as winter approaches, the utility structures shall be lowered to the binder course level without the use of temporary asphalt pavement.
- (12) The applicant shall prepare and update an accurate and complete set of the construction plans showing each element as-built, and a signed set of the as-built plans shall be delivered to the Board prior to release of final security. At the request of the Board, such as-builts shall be confirmed for accuracy by an outside engineer at the applicant's expense. Minor changes from the approved plan may be made in the field, provided there is a written change order which

must have the prior written approval of the appropriate Town supervising entities, as designated by the Planning Board for such purpose. A copy of all such change orders shall be furnished to the Planning Board and shall be maintained by the applicant. These approved changes shall be included in the as-built plans.

- (13) The applicant shall be responsible for maintaining, in a healthy condition, all new trees and shrubs planted within the right-of-way of the subdivision streets for a minimum period of one year after planting, and until the street is accepted at Town Meeting. If the location and/or species of the plants is changed from the approved landscape plan by direction of the Tree Warden, the Planning Board or their representative, the new information shall be submitted in the form of a plan to the Planning Board upon completion of the planting. After one season, trees that are dead, damaged or not likely to survive in a healthy state shall be replaced in kind and maintained for at least one additional year.
- (14) If, at any time, the construction of the subdivision is not in compliance with the approved plans, or any approved change order, the certificate, and/or the covenant, the Board may order that work on the construction of the subdivision be stopped and request that the Building Inspector defer the issuance of any additional building permits or certificates of occupancy until the noncomplying construction is corrected and brought into compliance. If the Board issues a stop-work order, the Board, or its designees may also require that additional surety be provided to allow for the correction of the noncomplying construction; or suspend or rescind the release of any, or all, lots which have not already been conveyed to a homeowner by filing a notice of such suspension or rescission in the Registry of Deeds.

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

O. Performance guarantee. No definitive plan will be endorsed until the applicant has furnished surety as, required by law, to insure that all required improvements within or appurtenant to the subdivision will be made in compliance with these rules and regulations and in conformity to the approved definitive plan, as modified or amended by the Planning Board and/or the Board of Health. All such required improvements shall be secured by one, or in part by one and part by the other, of the two methods described in Subsection O(1) and (2), respectively, which the applicant may vary from time to time at his election (MGL c. 41, § 81U).

- (1) Method One: performance bond. A performance bond of the applicant running to the Town of Sherborn secured by surety (Form H) or by money or negotiable securities deposited with the Town Treasurer (Form I or Form J) in such amount as the Board shall determine to be sufficient to cover the cost of completing the required improvements, or such portion thereof not secured by covenant under Subsection O(2). Such bond shall be conditioned upon full and satisfactory completion of all such improvements within such time as the Board shall determine, but in no event more than two years from the date of the Board's endorsement of its approval of the definitive plan.
- (2) Method Two: covenant.
 - (a) A covenant running with the land duly executed by each record owner of the land within the subdivision. Such covenant shall be either inscribed on the definitive plan or be contained in a separate recordable document (Form F) referred to on the plan and shall provide, in part, that no lot shall be built upon or sold until all improvements required under these rules and regulations shall have been completed and approved by the Board as provided herein.
 - (b) If the applicant elects to secure performance by covenant, either in whole or in part, approval of the definitive plan by the Board will be made conditional upon:
 - [1] The recording of the definitive plan with the covenant (either endorsed on the plan or contained in the separate document) not later than 60 days after the Board's

endorsement of its approval of the plan; and

- [2] Completion of all required improvements within such time as the Board shall determine but in no event more than 24 months from the date of such endorsement.
- (c) The covenant, whether inscribed on the plan or contained in a separate document, shall contain a proviso that the construction of all streets and ways and the installation of all municipal services shall be completed in accordance with the applicable rules and regulations of the Board within ____ ? ____ months^[5] from the date of the Board's endorsement of its approval of the definitive plan, and that failure to so complete shall automatically rescind approval of the plan.
 - [5] *Editor's Note: The number of months as determined by the Board at the time of approval (not exceeding 24 months) shall be inserted in the covenant proviso.*

P. Normally, a covenant will be recorded with the definitive plan. Lots will be released from the covenant following execution of a performance guarantee. This will take place following installation of the underground utilities, drainage system and binder course of the roadway.

§ 380-2.11. Utility plans.

Plans prepared by a registered engineer in compliance with § **380-2.17** showing the proposed location and placement of each underground utility system, including pipes, conduits, cables, transformers, substations and other facilities appurtenant thereto shall be filed with and approved by the Board prior to the installation of such utility.

Article IV. Design Standards

§ 380-2.12. General.

- A. Basic requirements. The applicant shall observe all design standards for land subdivision as hereinafter provided. These standards shall be considered minimum standards and shall not be varied from except as allowed by a waiver in accordance with § **380-2.34**.
- B. Conformance to general plan. Any proposed subdivision shall conform, insofar as practicable, to the goals and recommendations of the 2019 Master Plan, as amended and as in effect, and the Open Space and Recreation Plan as adopted by the Open Space Committee, and approved by the State of Massachusetts.
- C. Lot size, frontage and setbacks. All lots in an open space subdivision shall be of a size and dimension that is consistent with the open space design requirements of Zoning Bylaw § **240-4.5**. Lots on an existing road shall have the minimum frontage and setback requirements of Zoning Bylaw § **240-4.2**. Lots on new subdivision roads may have the reduced frontage and setback requirements of Zoning Bylaw § 240-4.5. All lots in a conventional subdivision, if allowed by special permit, shall be of such size and dimensions to meet the minimum dimensional, frontage and house setback requirements of Zoning Bylaw § **240-4.2**, whether on an existing road or new road created by the subdivision.
- D. One dwelling per lot. In an open space subdivision, only one single-family residential dwelling unit may occupy each lot. Duplexes (two residential units in a single building) may be allowed by special permit if their overall appearance is that of a single-family house. Multiple houses on a single lot in a condominium arrangement may be allowed by special permit if they fulfill the environmental goals of open space design, in particular the protection of groundwater resources, as well or better than single houses on multiple lots. In a conventional subdivision allowed by special permit, only one single-family residential dwelling may occupy each lot, except as otherwise allowed under the Zoning Bylaw.

E. Protection of natural features. All natural features, such as large trees, wooded areas, watercourses, wetlands and their associated buffer zones, naturally deposited soil thickness, rock outcroppings, scenic points, historic spots, and similar community assets, which will contribute to environmental resilience, minimize climate impacts, and add attractiveness and value to the subdivision, shall be preserved or enhanced.

F. Groundwater protection.

- (1) Design features and construction practices shall avoid groundwater impacts and shall maximize environmental sustainability by adhering to these directives:
 - (a) Avoid any encroachment within any wetland, wetland buffer area, or floodplain;
 - (b) Avoid any alteration of waterways or existing natural drainage;
 - (c) Avoid fragmentation of wildlife habitat or wildlife corridors;
 - (d) Minimize disruption of existing bedrock or ledge;
 - (e) Minimize dimensions of paved areas;
 - (f) Minimize the volume of cut and fill;
 - (g) Minimize the area over which vegetation will be disturbed;
 - (h) Landscape in a manner not requiring irrigation or the use of pesticides.
- (2) The proposed subdivision design, in particular the placement of housing and infrastructure in relation to wetland resources, will be evaluated based on the groundwater impact assessment analyses (see § 380-2.10F). This assessment will include a hydrogeological evaluation undertaken in accordance with BOH regulations for an environmental health impact report or an equivalent, preapproved evaluation approach, as well as technical evidence that the proposed designs will avoid adverse cumulative impacts to groundwater and wetland resources.
- (3) Pollution of groundwater during and after construction shall be prevented by control devices, including provisions for contaminant removal employing detention basins, subsurface drains or perforated risers, oil and grit separator catch basins, and other appropriate devices.
- (4) Measures to restrict nutrient loading in down-gradient groundwater to a maximum of five milligrams per liter (mgl) nitrate-nitrogen.
- (5) Measures shall be taken to restrict projected nutrient and contaminant levels (resulting from septic effluent subdivision-wide) in groundwater reaching sensitive receptors to a maximum of five milligrams per liter (mgl) nitrate-nitrogen (prior to the application of any nitrogen-reducing technologies).
- (6) For septic systems with a design capacity of 2,000 gallons per day or greater and for subdivisions with aggregate septic design capacity of 5,000 gallons per day or greater, the Planning Board will support determinations of the Board of Health and/or Conservation Commission to require monitoring wells at selected sensitive receptors (e.g., drinking water wells, potential sources of drinking water, wetland resources, property lines) with periodic testing (at least once every three years) to detect nutrient and contaminant loadings from subdivision septic systems.
- (7) Measures shall be taken to control erosion and sedimentation, as specified in an erosion and sedimentation control plan to be submitted with the definitive plan, and the use of construction site best management practices (BMPs). The erosion and sedimentation control plan should emphasize phased construction, temporary and permanent ground cover, and sedimentation control devices.

§ 380-2.13. Grading.

- A. Minimum disturbance. All excavation, filling, sloping and grading outside the right-of-way of each subdivision street shall be designed and completed to minimize disturbance to the existing natural conditions encountered.
- B. Stabilization. All new slopes and areas disturbed by grading operations shall be topsoiled, seeded or sodded and planted to stabilize the finished ground forms and surfaces. Seeding and planting shall take place as soon as possible following the completion of grading. A temporary cover crop of winter rye shall be planted within 30 days on all soils disturbed during months not suitable for seeding, sodding or planting or surfaces shall be stabilized by mulch or an erosion control fabric.
- C. Landscape plan. A landscape plan, prepared by a registered landscape architect, shall be required where site clearing for a street may affect watersheds, affects more than one-half acre, is visible from an existing public way, or where significant changes in grades or topography are involved.
- D. Slope easements. The Board may require that defined slope easements be shown on the definitive plan and that such easements be reserved by the applicant for future conveyance to the Town for maintenance purposes.

§ 380-2.14. Streets and driveways.

A. Location.

- (1) All streets and driveways in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular and pedestrian travel and an attractive street layout to obtain the maximum safety and amenity for future residents of the subdivision and the Town. Ways should run along rather than across a slope to the extent possible.
- (2) The proposed streets shall conform in location, so far as practicable, to any existing plans of the Planning Board and, where required by the Planning Board, to the existing street system and include only a minimum number of intersections with streets classified as major arterials.
- (3) If deemed appropriate for the site and consistent with the goals of the Sherborn Master Plan, the Planning Board may require that provision be made for the future projection of pedestrian walkways or trails, bicycle paths or streets to, or for access to, adjoining property, whether or not subdivided.
- (4) No subdivision shall be approved unless the streets therein connect to, and are accessible from, a public way in which the applicant has the necessary access rights.
- (5) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where the Board finds them to be in the public interest.
- (6) Driveway cuts into streets shall be prohibited until the Planning Board finds that the location, width, length, line of sight, proximity to other driveways and streets, grade and elevation will provide adequate provisions for the public safety.
- (7) Existing streets that will be used to access the proposed subdivision shall be of a pavement width and condition adequate for the projected traffic. The Board may require the applicant to fund or conduct off-site improvements if the existing streets are not adequate.

B. Alignment.

- (1) Subdivision streets shall be continuous and of uniform width.
- (2) Subdivision streets intersecting existing streets or other existing or proposed subdivision streets shall do so:

- (a) As nearly as possible at right angles, and no less than 60° or more than 120°;
- (b) Either directly opposite or with at least 150 feet center-line offset from existing or proposed street intersections.

(3) The minimum center-line radii of curved streets shall be 150 feet with greater radii on arterial streets.

(4) A tangent at least 150 feet in length shall separate all reverse curves except where the center line radius of one curve is 500 feet or more.

(5) Street lines at intersections shall be rounded or cut back to provide for a curb radius of not less than 30 feet.

C. Width (See Appendix, Schedule A, Typical Street Cross-Sections,^[1] for each of the above categories.)

- (1) The minimum width of street rights of way shall be 60 feet. The street pavement shall be 22 feet or as approved by the Planning Board based on specific conditions of the site or proposed subdivision. Where a subdivision street intersects an existing street, the minimum subdivision street right of way (ROW) line shall follow a thirty-foot radius drawn between the subdivision street ROW line and the existing street ROW line. The curved, widened subdivision street ROW lines at such intersections shall be entirely within the subdivision property line.

^[1] *Editor's Note: Schedule A is included as an attachment to this chapter.*

D. Grade.

- (1) The minimum center-line grade for any street shall not be less than .5%.
- (2) The maximum center line grade for streets shall not be more than 8%.
- (3) Where changes in grade exceed 1%, vertical curves as required by the Board shall be provided. The length of vertical curve shall be designed to provide a minimum sight distance of 200 feet to an object 4.5 feet above the roadway surface from an eye height of three feet six inches. The sight distance shall be shown on the proposed street profiles.
- (4) Where a grade is 5% or greater within 150 feet of the intersection of street right-of-way lines, a relatively level area at least 75 feet long, with a maximum grade of 3%, shall be provided.

E. Street trees and planted shrubs.

- (1) Wherever feasible, shade trees 12 inches in diameter or larger shall not be removed from within street rights-of-way, unless approved by the Planning Board.
- (2) Where the distance between twelve-inch-plus-diameter trees is such that the roadway is not shaded, the Planning Board may select existing healthy trees of lesser diameter to be retained and protected during construction.
- (3) The Planning Board may require that street trees not less than six feet in height and with caliper of at least two and one-half inches shall be planted at varying distances along both sides of every street and spaced on average not more than 40 feet on center.
- (4) Roadside rights-of-way shall be graded and planted to maximize retention of road runoff and groundwater recharge.
- (5) Curbs shall not be continuous but shall be designed to allow road runoff to drain to roadside plantings and/or swales.
- (6) Street trees, shrubs and plant materials shall be selected from an approved list supplied by the Tree Warden.
- (7) A continuous healthy growth for all planted trees, shrubs, plants and seeded areas shall be maintained for one year from the date of completion of all work on the street or until the street

is accepted by the Town of Sherborn, whichever is later.

F. Curb cuts.

- (1) Driveways shall be at least 10 feet wide, but no more than 20 feet wide, and have a curb return at the street of three feet in radius.
- (2) Where no curbs exist, the driveway flare should have a three-foot radius.
- (3) Unless otherwise allowed by the Planning Board, driveway cuts shall be permitted only at the street where the frontage requirement has been met.
- (4) Shared, or common, driveways serving two dwellings shall be allowed by right. Common driveways serving three or more dwelling units are permitted with a special permit from the Planning Board.
- (5) Driveway cuts shall not be permitted within 100 feet of the sideline of intersecting streets or railroad crossings.
- (6) No more than one driveway cut shall be permitted per lot unless allowed by the Planning Board.

G. Dead-end streets.

- (1) Any proposed street which connects only with a dead-end street shall be deemed to be an extension of the dead-end street.
- (2) Dead-end streets and their extensions, if allowed, shall not exceed 600 feet in length, measured from the center line of the nearest through street with which it intersects to the center line of the circle or ellipse.
- (3) Dead-end streets shall be provided with a turnaround [see Subsection **G(6)** below] at the closed end.
- (4) If the Planning Board determines that future extension of a dead-end street to an adjacent property is in the best long-term interest of the Town, the definitive plan shall show the right-of-way lines of each dead-end street projected through the turnaround to the subdivision property line. In this case, street easements in the segments of a turnaround lying outside of such projected lines (including sufficient land beyond the pavement for snow storage or other street maintenance needs) shall be temporary and shall terminate pursuant to MGL c. 41, § 81M, when the street is extended beyond the turnaround. The land between such right-of-way lines between the edge of the paved turnaround and the subdivision property line shall be designated as a separate parcel and shall be conveyed to the Town of Sherborn along with the constructed portion of the street right-of-way at the time of street acceptance. The purpose of the parcel shall be designated on the plan as future street right-of-way.
- (5) An applicant who extends a dead-end street at a later date shall remove the pavement, relocate any sidewalks, extend any driveway entrance and properly grade, loam and seed the areas included within the temporary easements. All such work shall be deemed to be a part of the required improvements of the connecting subdivision.
- (6) If, by reason of topography or other physical characteristics of land within or adjoining the subdivision, or by reason of the present use or development of the adjoining land, the Board is of the opinion that a particular dead-end street will not be extended beyond the turnaround, the Board may require that the outside right-of-way line of the turnaround be laid out with a radius of 60 feet. A paved circle with a radius of 45 feet and a circular landscaped island having a radius of 22 feet less than the designed radius of the turnaround shall be provided at the center of the turnaround. The circumference of such island shall coincide with the inside edge of the circular paved street.
- (7) The center-line profile grade of a turnaround from its beginning to its terminus shall not exceed 3% unless otherwise approved by the Board.

§ 380-2.15. Drainage design.

- A. General. The definitive plan shall provide adequate drainage facilities within the subdivision for collecting, conveying and disposing of stormwater in a manner which will ensure proper protection of the streets and the areas adjacent thereto. Drainage design shall provide for groundwater recharge to the maximum extent practicable. All drainage facilities shall be designed in compliance with these rules and regulations. Low-impact development site design, including best management practices, and other more natural drainage design techniques such as are outlined in the Metropolitan Area Planning Council's "Low Impact Development Toolkit" are required. Those techniques may include but are not limited to bioretention areas, cisterns and rain barrels, grass filter strips, green roofs, permeable pavement, rain gardens, vegetated swales, and infiltration trenches and dry wells. In cases where soil conditions or other factors do not allow such techniques to be used, those techniques shall be used to the maximum extent practicable in combination with conventional structural drainage systems.
- B. All drainage systems must comply with the Massachusetts Department of Environmental Protection Ten Stormwater Management Standards and with the EPA 2016 Massachusetts MS4 general permit (as it may be amended from time to time by EPA). Waivers from these regulations will be favorably considered if needed to accommodate designs that, in the opinion of the Planning Board, provide environmental benefits while adequately managing storm water and preventing negative impacts on surrounding properties.
- C. Lot drainage. Lots shall be laid out and graded in a manner that ensures development of one shall not result in an increase in drainage runoff onto property outside the subdivision and with the intent that such drainage shall maximize local groundwater recharge. Within the subdivision, if it is necessary to carry drainage from one lot to or across another lot, the definitive plan shall show a drainage easement of adequate width. A copy of the instrument creating such easement shall be made a part of the definitive plan submission as provided in § 380-2.10B. To the extent possible, the subdivision plan shall retain natural patterns of drainage and stormwater recharge.
- D. Drainage calculations. To substantiate the proposed subdivision drainage mitigation system, drainage calculations prepared and certified by a registered professional engineer shall be filed as a part of the definitive plan (§ 380-2.10E) and shall include the following:
 - (1) Drainage runoff plans, prepared at an adequate scale to show the full extent of both existing and proposed contributing watershed areas, including existing and proposed contours at two-foot intervals, and existing and proposed drainage systems (shown schematically) with tributary areas to each inlet.
 - (2) Backup calculations for the approved methodology as stated in Subsection D(1), which include a narrative and overall drainage design philosophy with data supporting the following:
 - (a) Existing site conditions and drainage computations;
 - (b) Proposed site conditions and drainage computations;
 - (c) Impacts to adjacent properties. If surface water drains onto adjacent existing street right-of-way or onto adjacent properties not owned by the applicant, the applicant shall clearly indicate what course the discharge will take, and shall present to the Board and to the owner of adjacent property evidence that such discharge is satisfactory and permitted by public or private ownership of adjacent street or property.
 - (3) Backup calculations shall reference all sources of information, supporting data and assumptions used.
- E. Drainage criteria.
 - (1) Drainage design computations shall be based on currently accepted methods (including but not necessarily limited to the Rational, NRCS TR-55, NRCS TR-20 methods), as appropriate

for the size, characteristics, and complexity of the existing/proposed drainage system.

- (2) Rainfall rates shall be the National Oceanic and Atmospheric Administration (NOAA) Atlas 14, as amended, the Northeast Regional Climate Center (NRCC) "Atlas of Precipitation Extremes for the Northeastern United States and Southeastern Canada," or another currently accepted industry standard that anticipates increased rainfall rates due to the impacts of climate change, as approved by the Planning Board. The specified "design storm" shall be defined as a twenty-four-hour storm using one of the preceding rainfall distribution calculations.
- (3) A twenty-five-year storm frequency shall be used for street drainage components and cross culverts.
- (4) To ensure that no properties shall be at risk in the event of a 100 year storm condition, the impact of a greater than 100-year storm shall be assessed at the applicant's expense, including:
 - (a) Potential for damage to property inside and outside of the subdivision;
 - (b) Potential for reduction in safety inside and outside of the subdivision;
 - (c) Impact downstream; and
 - (d) Changes to off-site runoff.
- (5) The proposed drainage system shall be shown to allow on-site recharge equal to or greater than the amount of recharge that existed prior to the development.
- (6) In no case shall a drainage line of less than 12 inches in diameter be used.
- (7) All drains shall be sloped to provide for a minimum velocity of 2 1/2 feet per second at design flow for self-cleaning purposes. The maximum culvert design velocity shall be 10 feet per second (flowing full).
- (8) Where it appears that any street may be extended to connect with an existing or proposed street on land adjoining the subdivision, the Board may require that provision be made for extension of the drainage system to a point at or near the subdivision property line.

F. Retention/detention basins.

- (1) Waiver required. The incorporation of retention/detention systems into the proposed drainage improvement program of the definitive plan shall require a waiver by the Board, which may be granted only after the applicant has exhausted all other studies of means of accommodating stormwater runoff by natural drainage strategies. The Board may require that an outside consultant be hired to confirm these studies at the applicant's expense (see Administration article of these Rules).
- (2) Design criteria. Design calculations and criteria shall meet the applicable requirements of Subsections **D** and **E** of this section and the following:
 - (a) Where retention/detention facilities are deemed necessary by the Board, they shall be designed to contain the diverted site runoff generated from two-year, ten-year, and 100-year design storms. Runoff greater than that occurring from the 100-year, twenty-four-hour storm shall be passed over an emergency spillway.
 - (b) Detention shall be provided such that after development, the peak rate of flow from the site shall not exceed that by similar storms prior to development.
 - (c) Retention/detention basins shall maintain existing drainage patterns and flows and shall be located and discharged within the natural drainage area that they serve to control.
 - (d) The design storage volume depth of basins shall not exceed four feet.

- (e) A crushed-stone berm at least twelve inches in height shall be placed across the basin perpendicular to the direction of flow. The berm shall be situated no more than 1/3 of the basin length from the inlet. The purpose of the berm is to promote sediment retention and prevent the discharge of sediments from the outlet.
- (f) The outlet shall be a minimum of twelve inches above the bottom of the detention basin and shall be located at an extreme distance from the basin inlet. Outlets shall be designed to minimize the potential for clogging by leaves or debris.

(3) Basin landscaping.

- (a) Basins shall be provided generally within the landform and contours of undisturbed, naturally occurring topography and terrain. Basins shall not be regular geometric shapes but shall use an irregular or undulating shoreline.
- (b) Basin side slopes shall be as flat as possible and shall not exceed four feet horizontal to one foot vertical.
- (c) Side slopes shall be landscaped to provide a natural appearance, using native trees and shrubs. A twelve-foot-wide path shall be maintained to provide access to basins inlets and outlets.
- (d) Sides and bottoms of basins shall be stabilized with a perennial grass cover. One hundred percent cover by grasses shall be required within two years after planting. One hundred percent survival of trees and shrubs shall be demonstrated two years after planting.

G. Protection.

- (1) All drains and related systems shall be protected from erosion and siltation at all times. Prior to construction, all disturbed soils shall be temporarily stabilized, and after construction, all disturbed soils shall be immediately and permanently stabilized.
- (2) Any damage to these drainage systems, prior to acceptance by the Town, shall be repaired in a manner satisfactory to the Planning Board and the DPW Director, the full cost of which shall be borne by the applicant.

§ 380-2.16. Easements.

A. Layout of utility and drainage easements.

- (1) Easements shall be continuous from lot to lot and street to street, and their layout shall create as few irregularities as possible.
- (2) Center lines of easements shall follow lot lines so far as practicable and shall not be less than 20 feet in width.

B. Watercourse easements. Where a subdivision is traversed by a watercourse or stream, an emergency maintenance access easement shall be provided to encompass 25 feet on either side of the center line of the watercourse or stream or the mean annual high water line as defined by 310 CMR 10.00, whichever is greater.

C. Slope easements. Slope easements shall be provided where necessary to ensure lateral support and protection of streets and other construction features.

D. Pedestrianways and bridle paths.

- (1) Easements, or fee strips for pedestrian ways or footpaths, at least 20 feet in width will normally be required to provide convenient circulation and access to parks, schools, playgrounds and conservation areas.

- (2) Bridle path easements at least 20 feet in width may be required to connect with conservation areas, open spaces and existing trails.
- (3) Existing bridle paths and trails traversing the subdivision shall be preserved with as little relocation as practicable.

E. Green belt easements and conservation restrictions in conventional subdivision.

- (1) In cases where the Planning Board determines that a conventional subdivision design will fulfill the conservation goals of Zoning Bylaw § **240-4.5** better than an open space subdivision design, and a special permit application and preliminary plan for a conventional subdivision is submitted, the applicant is encouraged to set aside green belt sections within the conventional subdivision, consisting of wooded or other scenic areas to be preserved by mutual covenants and traversed by reciprocal trail easements for the benefit of each lot in the subdivision and to provide connections to trails on adjoining lands.
- (2) The applicant may grant to the Town or to any private, nonprofit corporation devoted to conservation purposes a conservation restriction or wildlife corridor over any portion of the subdivision in accordance with the procedure prescribed by MGL c. 184, §§ 31 and 32.
- (3) Before approval of a definitive conventional subdivision plan, the Planning Board may also require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air for the residents of the subdivision. The Board may, by appropriate endorsement on the plan, require that such park or parks may not be converted to building lots without approval of the Board.
- (4) No stripping of topsoil shall be permitted in a reserved area. If required by the Board, the land shall be graded as necessary for surface drainage and left in a suitable condition for the intended use.

F. Open space subdivisions; protected open space. The legally protected open space within an open space subdivision shall consist of an area or connected areas that provide wildlife habitat and forest ecosystem continuity, recreational trail connections within the subdivision and on adjacent properties, agricultural lands, or a combination of the above as defined in Chapter **240**, the Sherborn Zoning Bylaw. The minimum size, allowed uses, prohibited uses, monumentation, maintenance requirements and other features of the open space shall be as required by the Open Space Subdivision Bylaw, § **240-4.5**.

§ 380-2.17. Sidewalks and trails.

A. General. Sidewalk and trail requirements will be flexible and shall be designed to fit subdivision layout and fulfill the anticipated needs of residents of all ages and abilities.

- (1) A sidewalk may be constructed on one side of some or all subdivision streets, or on frontage of existing public ways, if deemed necessary for the safety and convenience of pedestrians and cyclists, and to facilitate nonvehicular travel within the subdivision.
- (2) Paved sidewalks and crosswalks will conform to ADA standards.
- (3) Unpaved paths and connections between existing trails or bridle paths may be laid out along subdivision streets within the street right of way instead of, or in addition to, the sidewalk.
- (4) Sidewalks and trails will be laid out to optimize connections to surrounding neighborhoods, Town center, and other amenities such as recreational trails and open space.

B. Sidewalk design.

- (1) Sidewalks shall be set back not less than six feet from the edge of the paved street but may be reduced to as little as three feet if a meandering sidewalk is proposed with a minimum of six feet in the area of street trees.

- (2) Open areas between the sidewalk and street shall be landscaped with swales and/or plantings for retention and absorption of street runoff and recharge of groundwater resources.
- (3) Sidewalks need not be parallel to the street and shall be laid out along a curvilinear course within the right-of-way with a minimum disturbance of the natural terrain. Sidewalks shall be laid out and constructed so as to preserve trees having a caliper of three inches or more, rock outcroppings, stone walls and other attractive features of the terrain. Prior to the start of clearing and grubbing, the applicant shall walk the proposed street locations with the Planning Board agent or a member or members of the Board and mark all trees to be preserved within the street rights-of-way.
- (4) Sidewalks shall be four feet in width, unless the Board shall specify a greater width.
- (5) Sidewalks shall be paved with bituminous concrete placed on a compacted foundation of gravel as detailed in Schedule A, Typical Section, Subdivision Street.
- (6) Sidewalks shall fully comply with the Massachusetts Architectural Access Board requirements, including handicapped access ramps at appropriate locations, as stated in 521 CMR 21.00 and 22.00. Also, temporary accessible routes shall be provided as applicable in accordance with 521 CMR 3.10.

§ 380-2.18. Utilities.

- A. General. Choice of energy sources for residential heating, cooling and electric power shall be consistent with the green community goals of the Town of Sherborn and by the Town's commitment to minimizing greenhouse gas emissions and mitigating climate change. Installation of solar panels, renewable energy technologies and other energy-efficient utilities will be strongly encouraged. All utilities, including house connections, shall be placed underground at the time of initial construction. Complete location plans of each utility system shall be filed with and approved by the Board in compliance with § 380-2.11 prior to installation. All utility pipes and conduits and appurtenant facilities shall be located along the side of the streets, preferably between the street and the sidewalk, as described in Subsection B. If such facilities must be located under the sidewalk, they shall be installed before placement of the gravel base of the sidewalk. All manholes shall be placed along the side of the road outside the pavement area. See Appendix, Schedule B, Typical Sidewalk Cross-Section.^[1]

[1] *Editor's Note: Appendix B is included as an attachment to this chapter.*

- B. Installation.
 - (1) Electric, telephone and other telecommunication services.
 - (a) Exposed, above-grade pull or distribution boxes are prohibited.
 - (b) Electric power supply cables and telephone cables shall be placed in a trench centered two feet from the edge of the street pavement on the side of the street where the sidewalk is to be placed.
 - (c) All electric and telephone service connections to be located underground shall be placed in conduit extending from the electric service transformers and telephone distribution box to the right-of-way lines on both sides of the street.
 - (d) All service transformers shall be located in vaults below the finished grade unless otherwise specified by the Board and located as far from dwellings as practical given the nature of the site.
 - (2) Gas service.
 - (a) Distribution pipes for gas service, when provided in a subdivision, shall be placed in a trench centered two feet from the edge of the street pavement on the side of the street

opposite from the sidewalk. Service stubs for all house lots shall be placed at the time of initial installation.

- (b) All pipes to be located under the street or sidewalk shall be installed prior to the placing of the gravel base and bituminous concrete pavement.

C. Protection.

- (1) The subdivider shall protect all utilities and appurtenances installed from any and all damage until the entire subdivision is completed and approved as a whole by the Planning Board.
- (2) Any damage to these utilities and appurtenances prior to the approval by the Planning Board shall be repaired in a manner satisfactory to the Planning Board and DPW Director, the full cost of which shall be borne by the subdivider.

Article V. Required Improvements

§ 380-2.19. Basic requirements.

The applicant shall install all of the improvements required under the Rules and Regulations except those which may be specifically waived in writing by the Board. No bond or covenant given as surety for such work under **§ 380-2.10O** shall be fully released until the Board has received:

- A. A survey plan of the improvements as built in compliance with **§ 380-2.21B**;
- B. A copy of such as-built plan in electronic format. Such copy shall be capable of conversion to a .DXF file and/or shall be submitted in a format approved by the Planning Board. The plan shall be referenced to Massachusetts State Plane NAD83 format, at a minimum of two points on the plan; and
- C. A report in writing from its construction inspector, giving full approval of the work.

§ 380-2.20. General.

- A. Standard Specifications. Except as otherwise provided in these rules and regulations, all work and materials used in the installation of the required improvements shall conform to the requirements of the "Commonwealth of Massachusetts, Standard Specifications for Highways and Bridges," as amended, hereinafter referred to as the "Standard Specifications."
- B. Survey of improvements as installed.
 - (1) After all street construction is completed and before the release of any bond or covenant, the developer shall file with the Board one reproduction copy and two contact prints of the definitive plan corrected, including one one-inch-equals-200-feet scale copy of the plan of land, and certified by a registered professional engineer and registered land surveyor to show the following:
 - (a) Sideline locations of streets and sidewalks as built;
 - (b) Center-line elevations at fifty-foot intervals of all streets built;
 - (c) Profiles of the drainage system as installed;
 - (d) Monuments as installed;
 - (e) Utilities as installed; and
 - (f) Easements added.

(2) A certificate, signed by the engineer and surveyor preparing such as-built plan, shall be endorsed on the plan in the following form:

"Date: _____, 20_____

I hereby certify that the within plan shows the actual as-built locations, profiles and elevations of the streets, drainage facilities and utilities based upon a field survey made during the period from _____ to _____.

Registered Land Surveyor

Registered Engineer"

C. Acceptance of streets by the Town.

(1) No street or way through private property shall be accepted unless it has been constructed and completed in accordance with the Typical Section of a Subdivision Street (Schedule A)^[1] and the specifications set forth or incorporated in these Rules and Regulations.

[1] *Editor's Note: Schedule A is included as an attachment to this chapter.*

(2) Where a street or way or portion thereof is ready for acceptance by the Town, the applicant, in order to facilitate such acceptance, shall cause a proposed layout plan to be prepared by a registered land surveyor and filed with the Select Board. Such plan shall be the same as required in § 380-2.10C (size 18 inches × 24 inches or 24 inches × 36 inches) to an appropriate scale and show the following:

- (a) Name of street or way to be accepted by the Town, or, if only a portion is to be accepted, a description of such portion.
- (b) Widths, lengths, bearings of all boundary lines of streets and easements and radii, tangents and central angles of all curves in street lines.
- (c) All required monuments with indication that the same have been correctly set.
- (d) Name and Assessors' list and lot number of each abutting owner appearing on the most recent Assessors' list.
- (e) Certificate signed by the surveyor preparing the plan shall be endorsed on the plan in the following form:

"Date: _____, 20_____

I hereby certify that _____ has been laid out and the bounds have been set as shown on the within plan.

Registered Land Surveyor"

(f) The original of such plan shall be filed with the Select Board and three copies thereof filed with the Planning Board.

§ 380-2.21. Streets.

A. General.

- (1) Each street or portion thereof necessary to serve each lot in a subdivision shall be constructed and brought to finish grade as indicated on the approved definitive plan and in accordance with the requirements of this section.
- (2) The applicant 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 street related utilities throughout the construction of the subdivision.

(3) Streets and ways shall be constructed in accordance with the Typical Section, Subdivision Street attached to these Rules and Regulations and marked "Schedule A."^[1]

[1] *Editor's Note: Schedule A is included as an attachment to this chapter.*

B. Clearing and grubbing of streets. Clearing and grubbing of the roadway and sidewalk locations shall be done according to the requirements of Schedule A and shall include the removal from the subdivision of all stumps, brush, roots, boulders and similar materials from the subdivision property, as well as all trees which have not been marked for preservation in compliance with §§ 380-2.13E(1), 380-2.35B(1)(a) and (c).

C. Excavation and subgrade preparation.

(1) The street locations shall be excavated to a depth of at least 18 1/2 inches below the established finished grade and shall be graded and compacted to conform to Schedule A, Typical Section.

(2) The conditions of the subgrade surface at the bottom of the excavation shall be inspected by the Planning Board agent, and, if in his opinion, such conditions are wet or spongy or otherwise unsatisfactory due to the presence of clay, sand pockets or organic materials, the bottom shall be excavated below the subgrade to a depth determined by the agent to be sufficient to ensure removal of all such materials. Suitability of subgrade should also depend upon compacted field density.

(3) If any portion of the street location is required to be excavated below the designed surface of the subgrade, the space so excavated shall be filled with clean, bank gravel or such other suitable material containing no stones over six inches in diameter, as approved by the Planning Board agent. The street location shall then be graded and compacted so as to conform to the Typical Section.

(4) All ledge, boulders and large stones located within the full cross section of the street shall be cleared to a minimum depth of 18.5 inches below the established finish grade.

(5) All drainage pipes, culverts, catch basins and manholes and all utility pipes, conduits and appurtenances thereto to be placed under the roadway and sidewalk locations shall be installed and properly backfilled prior to construction of the street and sidewalk gravel base course.

D. Gravel base.

(1) The gravel base of the street shall consist of hard, durable stone and coarse sand, free from loam and clay, uniformly graded, containing no stone having a diameter of more than three inches and conforming to the requirements of the Standard Specifications for processed gravel for subbase.

(2) After the street subgrade has been graded and properly compacted to an elevation of 18.5 inches below the designed finish grade, gravel for the base shall be spread in two layers of equal thickness, each thoroughly watered and compacted true to lines and grades with a vibrating roller weighing not less than 12 tons so as to yield a total depth of 14 inches after thorough compaction. Each layer shall be compacted to not less than 95% of the maximum dry density of the material as provided in the Standard Specifications. The gravel base shall be formed as shown on the Typical Section, Subdivision Street.^[2] Any depression that appears during or after rolling shall be filled with gravel and the area rerolled until the surface is true and even.

[2] *Editor's Note: See Schedules A and B, included as an attachment to this chapter.*

(3) When required by the Board or by the Board's agent, samples of the gravel to be used shall be tested for graduation by sieve analysis and the rolled gravel tested for compaction. Such tests

shall be made at the expense of the applicant.

E. Pavement.

- (1) The pavement of the street in a subdivision shall consist of Class 1 bituminous concrete Type I-1 constructed in two courses, binder course and the top course. The binder course shall be three inches thick, and the top course shall be 1.5 inches thick after rolling so as to form a compacted final pavement depth of 4.5 inches over the gravel base in conformity with the lines, grades and typical cross section shown on the approved definitive plan.
- (2) Material and construction methods shall conform to the Standard Specifications.
- (3) No street pavement shall be constructed before March 30 of any year nor after November 1 of any year without written permission of the Board.

F. Street embankments and retaining walls.

- (1) Embankments outside of the street right-of-way shall be evenly graded and pitched at a slope of not greater than two horizontal to one vertical in fill as shown on Schedule A.
- (2) Where cuts are made in ledge, other slopes may be permitted upon written approval of the Board. Where terrain is such that greater slopes are essential, retaining walls made of stone or natural stone facing or other material as may be approved by the Planning Board. Terracing or riprap may be used either alone or in combination, provided that plans of such proposed grading methods are filed with and approved by the Board prior to the commencement of road construction.
- (3) The Board may require that defined slope easements be shown on the definitive plan and that such easements be reserved by the applicant for future conveyance to the Town for maintenance purposes.
- (4) All major changes in the gradients of the land and streets as shown on the approved definitive plan shall be completed prior to the installation of the drainage system, utilities and streets.

G. Curbs and berms.

- (1) Sloped granite edging shall be installed at all street intersections on the curve and extending at least eight feet beyond the tangent point. The method at installing the edging shall conform to the Standard Specifications.
- (2) Sloped granite edging segments at least eight feet in length shall be installed at all catch basins so as to extend not less than four feet in either direction from the catch basin center line.
- (3) Unless otherwise specified by the Board, the Cape Cod-type berm as shown on the Typical Section, Subdivision Street (Schedule A) shall be installed along all streets where sloped granite edging is not required.

H. Fire protection.

- (1) No lot within the subdivision shall be further than 1,000 feet from an adequate source of water, as defined below, measured along an existing public way and/or proposed subdivision road shown on the definitive subdivision plan and the accessway to the source of water.
- (2) A source of water shall be adequate if it is no farther (vertically or horizontally) than 10 feet from the nearest access point which can be reached by the Fire Department and is (in order of desirability):
 - (a) A water hole having a minimum recharge rate of 500 gallons per minute, for a minimum period of two hours; or
 - (b) A water hole containing a minimum of 40,000 gallons throughout the year.

(c) Distances to and from a water hole may be measured to and from a dry hydrant connection, specifications for which shall be approved by the Fire Chief, and connected to a water hole as described in Subsection **H(2)(a)** and **(b)** above.

(In the event that an adequate source of water cannot be provided by means of a water hole as specified in Subsection **H(2)(a)** and **(b)** above, then the Board may, upon the recommendation of the Fire Chief and a showing that said water holes are not feasible as a matter of engineering, approve the installation of a dry hydrant connected to a storage tank with minimum capacity of 40,000 gallons (or such other lesser minimum capacity as may be designated by the Chief of the Town Fire Department), which tank shall be automatically maintained at full capacity by recharge from a well and pump system satisfactory, as shown to the Board in writing, to the Chief of the Town Fire Department.)

- (3) A five-foot-high chain-link fence with locking gate shall be provided to enclose each water hole.
- (4) An easement shall be given to the Town to provide access from the existing public way or proposed subdivision road to the source of water and for maintenance of the water hole or dry hydrant system.
- (5) All equipment associated with a dry hydrant system and fencing surrounding water holes shall be given to the Town for maintenance as Town property. However, until such time as the Town accepts such equipment or fencing, it shall be maintained in good repair and working order by the developer.

§ 380-2.22. Storm and surface drainage.

A. General. A system of storm drains, culverts, ditches, retention/detention basins, 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.

B. Pipes, culverts and drains.

- (1) The size of pipe shall be in accordance with the approved definitive plan and in any case shall not be less than 12 inches in diameter.
- (2) Pipe for the construction of all culverts and drains shall be Class III reinforced concrete. Reinforced concrete pipe of higher class may be required where conditions warrant.
- (3) All pipes shall be laid out true to line and grade as shown on the approved definitive plan. Each section of pipe shall have a full, firm bearing throughout its length and shall be installed in compliance with the Standard Specifications. All joints shall be made of portland cement mortar with jute filler, or rubber-type ring gaskets, unless otherwise directed. No backfilling of pipes or culverts shall be done until the installation has been inspected and approved by the Board or its agent. All drainage trenches except cross drains shall be filled with clean gravel borrow in accordance with the Standard Specifications. All cross drains shall be backfilled with selected bank run gravel approved by the agent. Minimum covering of all pipe shall be not less than 36 inches.
- (4) Concrete or masonry headwall or reinforced concrete flared end sections shall be constructed at the open ends of all drainpipes which serve as outlets to the drainage system. Construction of headwalls and flared end sections shall conform to the Standard Specifications (see Appendix, Schedule B, Typical Sections^[1]).
- [1] *Editor's Note: Schedule B is included as an attachment to this chapter.*
- (5) Stream crossings shall comply with the most recent stream crossing regulations promulgated by the Massachusetts Department of Environmental Protection.

C. Catch basins and manholes.

- (1) Catch basins shall be located on both sides of the street on continuous grades at intervals of not more than 300 feet and at all low points and at the corners of intersecting streets. Intervals of less than 300 feet may be required on steep grades.
- (2) Catch basins and manholes shall consist of cement brick masonry, concrete block masonry, precast solid segments or precast concrete structures, all conforming to the Massachusetts Department of Transportation Standard Specifications.
- (3) Catch basins and manholes shall have an inside diameter of not less than four feet at a point 2 1/2 feet below the bottom of the frame.
- (4) Catch basins shall be at least three feet in depth measured from the invert of the outlet pipe.
- (5) Walls of catch basins and manholes shall be not less than eight inches in thickness and shall be laid in mortar composed of one part portland cement and two parts sand and sufficient water to form a workable mixture if made of blocks, or five inches if made of precast concrete.
- (6) The base of a catch basin or manhole shall consist of one course of brick or precast concrete piers laid flat with all joints thoroughly flushed full of mortar with a twelve-inch weep hole left in the center.
- (7) Backfill shall not be applied until after inspection or within five days of setting the mortar.
- (8) Frame castings for catch basins and manholes shall be set in full mortar beds at the pavement binder course. Manhole castings shall be set flush with the designed finish grade of the pavement, except if the finish course cannot be placed before winter, then the castings shall temporarily be set flush with the pavement binder course. When the finish course is to be placed, the manhole castings shall be raised to be flush with the finish course. In either case, the catch basin grates shall be set one inch below gutter grade.

D. Responsibility for subdivision drainage. The responsibility for adequate drainage shall rest with the applicant. This shall include connection with existing drainage facilities, if any, provided by the Town. When private drains are connected to Town drainage, the Town will not be responsible for any damage. If necessary to connect to Town drainage systems, the applicant shall be responsible for any necessary upgrades of the Town systems.

E. Extension of drains to adjacent property. Where property adjacent to the subdivision, but within the same watershed, is not subdivided, provision shall be made for proper projection of the drainage systems by continuing appropriate drains and easements to the exterior boundaries of the subdivision at such size and grade as will allow for such projection.

§ 380-2.23. Sidewalks.

- A. Location and width. Sidewalks four feet in width, unless otherwise specified by the Board, shall be constructed along all streets as per § 380-2.16.
- B. Sidewalk drainage. Areas included between the outside line of the sidewalk and the outside line of the paved street shall be graded and filled where necessary to ensure adequate drainage.
- C. Sidewalk base. The sidewalk base shall consist of not less than eight inches of clean gravel after thorough compaction with a five-ton roller.
- D. Sidewalk pavement. The sidewalk pavement shall consist of bituminous concrete Type I-1, laid in two courses each 1 1/2 inches thick after rolling so as to form a final pavement depth of three inches over the gravel base as shown on Schedule A.^[1]

[1] *Editor's Note: Schedule A is included as an attachment to this chapter.*

- E. Loaming and seeding. All disturbed areas between the sidewalk and the paved roadway shall be loamed and seeded in accordance with § 380-2.27.
- F. Sidewalk pavement at street intersections. At street intersections, the sidewalk pavement shall be constructed flush with the outside edge of the sloped granite edging at a grade even with the top of the curbing.

§ 380-2.24. Utilities.

All utilities shall be installed underground in compliance with § 380-2.17.

§ 380-2.25. Guardrails.

Guardrails of an approved design shall be installed as required by the Board.

§ 380-2.26. Grass strips.

All cleared open areas included within the street right-of-way or within slope or drainage easements shall be suitably graded and loamed with not less than six inches of good-quality loam after compaction. Swales or green strips shall be planted with appropriate perennial native species to maximize retention of road runoff and groundwater recharge. Seeding shall be done at appropriate times of the year and in a manner to ensure the growth of grass.

§ 380-2.27. Trees.

Trees and shrubs shall be planted in accordance with § 380-2.13E.

§ 380-2.28. Street signs.

Street signs approved by the DPW shall be furnished and installed at all street intersections prior to the occupancy of any house on the street. Street signs shall be set in concrete and the location and height of each sign shall be as prescribed by DPW.

§ 380-2.29. Boundary marks and monuments.

Markers or monuments shall be set on the right-of-way lines of each street at all angle points, at the beginning and end of all curves, at all intersections with other streets and ways and at subdivision boundary lines. Markers shall also be set along the entire perimeter of the subdivision and along the boundaries of the protected open space(s) at intervals of not more than 500 feet pursuant to Land Court instructions. All markers or monuments shall be of stone or reinforced concrete, shall be not less than four feet in length and not less than six inches in width and breadth and shall have a drill hole in the center. All bounds shall be set flush with the surface of the adjoining ground. Wrought iron rods may be used where the points fall on exposed ledge. The placement and accurate location of these markers shall be certified in writing to the Board by a registered land surveyor.

§ 380-2.30. Lighting.

The Board may require that streetlighting with underground wiring be installed in the subdivision concurrently with the installation of the underground domestic electric service. Plans showing proposed

locations of poles and underground cables, conduits, transformers and related equipment shall be filed with and approved by the Board before installation is commenced. LED or other energy-efficient bulbs are required. Outdoor lighting of residential walkways, entry doors or driveways shall be designed and installed to provide sufficient illumination for safety with a low glare factor. All outdoor lights must be arranged and shielded to prevent direct glare from the light source onto any street or adjacent property and to minimize light pollution of the night sky.

§ 380-2.31. Final cleaning up.

Upon completion of the streets and other required improvements, the developer shall remove from the highway and adjoining property all temporary structures, logs, brush, rubbish, loose stumps, loose stones and boulders, surplus earth, gravel and other materials which may have accumulated or been placed during construction and shall leave the subdivision in a neat and sightly condition.

Article VI. Administration

§ 380-2.32. Authority.

- A. The Planning Board shall be the administrative agency of these regulations and shall have all the powers conferred upon the Board by the Subdivision Control Law, MGL c. 41, §§ 81K to 81GG, inclusive.
- B. The Planning Board may designate as its agents appropriate Town agencies or officials and may from time to time hire professional assistance to review plans and inspect improvements at the cost of the applicant.
- C. The Board on its own motion or on the petition of any interested person shall have the power to modify, amend or rescind its approval of a subdivision plan, or to require a change in a plan as a condition of its retaining the status of an approved plan (per MGL c. 41, § 81W).

§ 380-2.33. Waiver of compliance.

- A. Strict compliance with the requirements of these Rules and Regulations may be waived only when, in the judgment of the Board, 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 impose such alternative conditions as will serve substantially the same objective as the standards or regulations waived.
- B. Any definitive plan requiring waivers from Part 2, Article IV, Design Standards, and/or Part 2, Article V, Required Improvements, must be accompanied by fully engineered plans complying with § 380-2.10C, illustrating that a subdivision road in compliance with Part 2, Articles IV and V, is feasible. The Planning Board shall submit these plans to the Conservation Commission, Board of Health, and the Director of Community Maintenance and Development for review. The Planning Board shall request the advice of such Board, Commission and Director as to whether the proposed road could be built under applicable regulations and standards. The Planning Board shall not act to approve such a definitive plan until it has received such advice or at least 45 days has passed since the date of the requests.

§ 380-2.34. Inspections.

- A. General.

- (1) Inspection of the required subdivision improvements shall be made by the Planning Board agent during the work, and arrangements therefor shall be made by the applicant with the agent prior to the starting of street construction.
- (2) Inspections shall be requested at least 48 hours in advance of each inspection by written notice to the Planning Board agent, a copy of which notice shall be sent to the Board.
- (3) All weight slips for bituminous concrete shall be furnished to the Planning Board agent.

B. Required inspections.

- (1) The following scheduled inspections shall be required in all subdivisions during the installation of the required improvements:
 - (a) Marking of trees to be preserved in the street rights-of-way;
 - (b) Satisfactory clearing and grubbing of the proposed paved areas, embankments and trimmed slopes of each street;
 - (c) Satisfactory excavation of street and subgrade preparation;
 - (d) Satisfactory installation of all mechanisms to prevent erosion and contain siltation;
 - (e) Satisfactory installation of drainage pipes, conduits, catch basins, manholes and other below-grade facilities;
 - (f) Satisfactory installation of utility pipes and conduits located under street and sidewalk locations;
 - (g) Satisfactory filling, grading and compaction of the street and sidewalk subgrades;
 - (h) Satisfactory installation of sloped granite edging at catch basins and at street intersections;
 - (i) Satisfactory placement and compaction of gravel base for streets;
 - (j) Satisfactory installation of underground electric and telephone services;
 - (k) Satisfactory installation of catch basins and manhole frames, headwalls, riprap and measures to prevent erosion;
 - (l) Satisfactory placement of bituminous binder course on streets;
 - (m) Satisfactory placement of bituminous finish course on streets;
 - (n) Satisfactory construction of sidewalks;
 - (o) Satisfactory installation of streetlights, if required;
 - (p) Satisfactory loaming, grading and seeding of grass strips;
 - (q) Satisfactory installation of street signs;
 - (r) Satisfactory installation of street trees where required;
 - (s) Satisfactory installation of monuments;
 - (t) Satisfactory cleanup;
 - (u) Satisfactory maintenance.
- (2) The Board may authorize its agent to make additional inspections at his discretion during any stage of the work.

§ 380-2.35. Review fees.

- A. When reviewing an application for, or when conducting inspections in relation to, a special permit or approval of a subdivision or any modification of a special permit or approval of subdivision, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town may lack the necessary expertise to perform the work related to the special permit or approval. The Board may require that applicants pay a project review fee consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of a proposed project.
- B. In hiring outside consultants, the Board may engage engineers, planners, lawyers, hydrologists, landscape architects, or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.
- C. Funds received by the Board pursuant to this section shall be deposited with the Town Treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee shall be grounds for denial of the special permit or disapproval of the subdivision.
- D. At the completion of the Board's review of a project, any excess amount in the account, including any remaining interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.
- E. Any applicant may take an administrative appeal from the selection of the outside consultant to the Select Board. Such appeal must be made in writing and may be taken only within 20 days after the Planning Board has mailed or hand-delivered notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Select Board within one month following the filing of the appeal, the selection made by the Board shall stand.

§ 380-2.36. Building permits.

No building permit shall be issued by the Building Inspector for any lot in a subdivision until the Inspector has received written confirmation from the Board that such lot has been released from any surety covenant.

§ 380-2.37. Maintenance.

- A. If the developer shall obtain the release of any lots from his recorded covenant security agreement by the filing of a performance bond, he shall thereafter maintain the roads and utilities serving such

lots and the properties adjacent thereto in a safe, satisfactory and sightly condition. Maintenance shall include:

- (1) Plowing the streets to full width;
- (2) Sanding the streets;
- (3) Keeping drainage structures clear of snow, ice and silt;
- (4) Prevention of erosion on the street right-of-way, abutting property, lots retained and lots sold.

B. Upon completion of the required improvements and release of all security, the applicant shall properly maintain all roads and other municipal services within the subdivision until acceptance of the roads by vote of the Town or until the expiration of a one-year period from the date of the Board's release of security. The costs of such maintenance shall be included in the performance guarantee as applicable.

§ 380-2.38. Changes in definitive plan.

- A. Modifications. No change shall be made in an approved definitive plan nor in the installation of the required improvements until a revised plan showing such change (prepared from a field survey and signed by a registered engineer and/or registered land surveyor) is filed with the Board for its consideration and approval. No change in the location of a street right-of-way line shall be permitted or approved by the Board until a public hearing is held as required by law (MGL c. 41, § 81Q). All revisions shall be dated, and references to the approved definitive plan shall be provided as per Subsection C below.
- B. Minor revisions. The Board may permit relocation of lot lines without a public notice or a public hearing and may permit relocation of utility easements and other minor changes which do not affect names, grades or exterior lines of streets without a public notice or a public hearing.
- C. Reference and dating requirements for revised plans. Any plan showing a revision to an approved definitive plan and submitted prior to the complete release of all lots or sureties in that portion of the subdivision affected by such revisions shall bear notation referring to the original definitive plan. The original definitive plan shall be re-signed and dated to correspond to the revision date by the registered engineer who originally signed the plan.

§ 380-2.39. Rescission after two years.

The failure of the applicant to begin work in a subdivision or a portion thereof within two years of the approval of the definitive plan shall constitute a reason for the rescission of such approval.

§ 380-2.40. Severability.

If any part of these regulations shall be adjudged invalid, such invalidity shall not affect the remainder.

§ 380-2.41. Amendments.

These regulations or any portion thereof may be amended, supplanted or repealed from time to time by the Board after a public hearing on its own motion or by petition (MGL c. 41, § 81Q).

Part 3. Scenic Roads

[Added 4-22-1991; amended 4-14-1994]

Article I. Rules and Regulations

§ 380-3.1. Statutory provisions of Scenic Road Act, MGL c. 40, § 15 C.

"Upon recommendation or request of the Planning Board, Conservation Commission, or Historical Commission of any city or town, such city or town may designate any road in said city or town other than a numbered route or state highway, as a scenic road.

After a road has been designated as a scenic road, any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with prior written consent of the Planning Board, or if there is no planning board, the Select Board of a town, or the city council of a city, after a public hearing duly advertised twice in a newspaper of general circulation in the area, as to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing; provided, however, that when a public hearing must be held under the provisions of this section and under section three of Chapter eighty-seven prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the Tree Warden and the Planning Board, or if there is no planning board, the Select Board of a town, or the city council of a city, and notice of such consolidated public hearing shall be given by the Tree Warden or his deputy as provided in said section three of Chapter eighty-seven.

Designation of a road as a scenic road shall not affect the eligibility of a city or town to receive construction or reconstruction aid for such road pursuant to the provisions of Chapter ninety."

§ 380-3.2. Purpose.

The Sherborn Planning Board has adopted these regulations with the following objectives:

- A. To maintain the natural beauty that currently exists along scenic roads in Sherborn.
- B. To maintain and enhance the rural character of the Town and encourage compatibility with existing roadside features.
- C. To implement more fully the provisions of the Scenic Road Act, with acknowledgement that the roads serve a transportation function for pedestrians, equestrians and nonmotorized as well as motorized vehicles.

§ 380-3.3. Sherborn streets subject to provisions of Scenic Road Act.

Designated as scenic roads at the Annual Town Meeting held on March 11, 1974, except as noted:

Apple Street	Goulding Street East*	Maple Street	Snow Street
Ash Lane	Goulding Street West	Mill Street	South Street
Brush Hill Road	Green Lane	Nason Hill Road	Western Avenue
Cross Street	Greenwood Street	Perry Street	Whitney Street
Curve Street	Hollis Street	Pleasant Street	Woodland Street
Farm Road	Hunting Lane	Prospect Street	
Forest Street	Lake Street	Rockwood Street	

* Designated at Town Meeting held on April 24, 2001.

§ 380-3.4. Procedure to designate roads as scenic roads.

- A. The Planning Board, the Select Board, the Conservation Commission, the Historical Commission, or by petition of citizens of the Town (consistent with petition requirements to place an article on the warrant) may propose "scenic road" status for any road in Sherborn other than a numbered route or state highway. The Planning Board shall hold a public hearing on the petition, notifying the Select Board, the Tree Warden, the DPW Director, the Conservation Commission, and the Historical Commission, and advertising twice in a newspaper of general circulation, the first advertisement at least 14 days prior to the date of the public hearing.
- B. The Planning Board shall make a recommendation to the Town Meeting on the merits of designation of the proposed road as a scenic road.
- C. A majority vote of Town Meeting is required for designation. Such designation shall be effective as of the date of Town Meeting action. Any work on any portion of the right-of-way of a scenic road which was not physically commenced at the time the road was designated as a scenic road shall conform to these regulations.

§ 380-3.5. Definitions.

In the absence of contrary meaning established through legislation or judicial action pursuant to MGL c. 40, § 15C, these terms contained in that statute shall be construed as follows:

CUTTING OR REMOVAL OF TREES

Shall not be construed to include clearing of nuisance growth, routine or emergency tree maintenance which removes only permanently diseased or damaged limbs, trunks or roots and dead whole trees, or thinning out of overcrowded trees as determined by the Tree Warden, but shall include such cutting or removal done in contemplation of, or following, repair, maintenance, reconstruction or paving work for a road.

REPAIR, MAINTENANCE, RECONSTRUCTION, OR PAVING WORK

Shall mean any such work done within the right-of-way by any person or agency, public or private. Construction of new driveways or alterations of existing ones is also included to the extent such work takes place within the right-of-way. Except as allowed in the preceding definition, roadside cutting for clearance for vehicles or for improvement of line-of-sight shall also be included within this definition.

ROAD

Shall mean a vehicular traveled way, plus its necessary appurtenances within the right-of-way, including bridge structures, drainage systems, retaining walls, traffic control devices, pedestrian facilities, and the air space above them, but not intersecting streets or driveways.

STONE WALLS

Shall not be construed to include assemblages of stone involving less than one cubic foot of wall material per linear foot nor totaling less than five feet in length. All stone walls within the entire right-of-way of a scenic road or on the boundaries thereof shall be subject to these regulations; if, for whatever reason, it is uncertain whether the stone wall is within such right-of-way of the scenic road, it shall be taken to be within the coverage of these Rules and Regulations until the contrary is shown.

TEARING DOWN OR DESTRUCTION OF STONE WALLS

Shall not be construed to include temporary removal and replacement within a reasonable period of time, not to exceed six months, at the same location with the same materials according to the

original character.

TREES

Shall mean any trees (not bushes) having a trunk diameter of one and one-half inches or larger at one foot above the ground. All trees within the right-of-way of a scenic road or on the boundaries thereof shall be subject to these regulations; if, for whatever reason, it is uncertain whether the tree is within the right-of-way of the scenic road, it shall be taken to be within the coverage of these Rules and Regulations until the contrary is shown.

§ 380-3.6. Construction and applicability.

The Planning Board authority and jurisdiction shall be consistent with MGL c. 40, § 15C. These Rules and Regulations shall be controlling and may be amended from time to time.

§ 380-3.7. Design standards for driveways.

- A. Curb cuts. The driveway standards shall be consistent with the regulation for curb cuts contained in the Planning Board Subdivision Regulation § 380-2.13F.
- B. Stone wall removal limitations. Where stone walls exist, the maximum amount of stone wall to be removed shall be the width of the driveway or new road at the location of the stone wall, plus three feet on each side.
 - (1) Unless otherwise waived, removed stone shall be used to repair other sections of the wall along the road.
 - (2) No wall shall be cut without construction of an appropriate terminus. Appropriate end points are shown in the Appendix, Figures 1 and 2,^[1] and consist of stone piers, granite posts, stone walls with tapered ends turning back onto the lot along the drive, or wooden posts with or without a gate.
- C. Tree removal limitations. No tree with a trunk exceeding eight inches in diameter four and one-half feet above ground level shall be cut for a driveway or new road unless the curb cut cannot be safely located otherwise. Unless otherwise waived, whenever trees are removed, trees in a species and location suitable to the Planning Board and the Tree Warden shall be planted.

§ 380-3.8. Procedures.

- A. Filing instructions. Any person or organization seeking consent of the Planning Board under MGL c. 40, § 15C (the Scenic Road Act), regarding the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof, in connection with the repair, maintenance, reconstruction or paving work (as defined in § 380-3.5) on scenic roads shall submit a request to the Planning Board, together with the following:
 - (1) A plan showing the location and the nature of the proposed action and a description of the proposed changes to trees and stone walls;
 - (2) A statement of the purpose(s) for the change;
 - (3) A list of owners of property located in whole or in part within 500 feet of the proposed action;
 - (4) Except in the case of town agencies, a filing fee of \$25 shall be paid; and
 - (5) Any further explanatory material useful to adequately inform the Planning Board prior to the public hearing.

- (6) Notice of submittal shall be filed with the Town Clerk and a copy of the submittal transmitted to the Tree Warden after it is accepted and signed for by the Planning Board or its staff.
- B. Tree Warden. Planning Board hearings shall be held in conjunction with those held by the Tree Warden acting under MGL c. 87. Consent to an action by the Planning Board shall not be construed as inferring consent by the Tree Warden or the reverse, nor shall execution of these rules and regulations in any way lessen the Tree Warden's duties under MGL c. 87.
- C. Notice.
 - (1) The Planning Board shall, as required by statute, give notice of its public hearing by advertising twice in a newspaper of general circulation in the area, the last publication at least seven days prior to the public hearing.
 - (2) This notice shall contain a statement as to the time, date, place, and purpose of the hearing with a description of the action proposed by the applicant. Copies of this notice shall be sent to the applicant, the Select Board, the Tree Warden, the DPW Director, the Conservation Commission, the Historical Commission, and the owners of property located within 500 feet of the proposed action.
 - (3) In the event that the Planning Board holds a joint hearing with the Tree Warden acting under MGL c. 87, the advertisement shall be made by the Tree Warden.
- D. Timing. The Planning Board shall hold a public hearing as soon as practical but in no event later than 45 days from the date on which notice of submittal is received by the Town Clerk unless a longer time is agreed to by the applicant.
- E. Decision.
 - (1) The Planning Board shall make a decision as soon as practical but in no event later than 15 days from the hearing unless a longer time is agreed to by the applicant.
 - (2) In rendering its decision, the Planning Board shall consider the application based on compliance with the "Scenic Road Act" and the considerations listed in § 380-3.9.
 - (3) The Planning Board may require sufficient bond to be posted to cover the costs of required work within the road right-of-way and to protect existing vegetation and stone walls. Such bonding shall be specified in the Board's decision.
 - (4) The decision of the Planning Board shall be filed within 15 days of the close of the public hearing with the Town Clerk unless a longer time is agreed to by the applicant; copies of which shall be sent to the applicant, the Select Board, the Tree Warden, the DPW Director, the Conservation Commission, the Historical Commission, and those persons who have requested a copy of the decision.
 - (5) The approval by the Planning Board under these regulations of a proposed action shall be valid for two years, after which it shall be void.

§ 380-3.9. Considerations.

In acting in regard to a scenic road request, the Planning Board shall consider the following:

- A. Scenic and aesthetic characteristics;
- B. Public safety;
- C. Accident history within 500 feet of tree(s) and stone walls at issue;
- D. Location and setback of telephone poles in relation to the pavement, trees and stone walls (in no case shall a tree be removed for safety purposes which is as far as or further from the center of the paved right-of-way than a utility pole within 500 feet thereof);

- E. Traffic volume, congestion and posted speed limit;
- F. Preservation of natural resources;
- G. Environmental and historical values;
- H. Recreational uses of road, taking into account the nature and extent;
- I. Relationship of the road design to the standards of the Planning Board's Subdivision Rules and Regulations^[1] but recognizing that a variance from standard should be allowed when a road has been designated scenic by Town Meeting;

[1] *Editor's Note: See Part 2 of this chapter.*

- J. Compensatory actions proposed, such as replacement of trees or walls;
- K. Financial and other consequences of design revision to avoid or reduce damage to trees or stone walls;
- L. Evidence contributed by abutters, town agencies, and other interested parties; and
- M. Other sound planning principles.

§ 380-3.10. Enforcement.

- A. Remedy for failure to file. Failure to file with the Planning Board for permission to cut or remove trees or for destruction of any portion of a stone wall within the layout of the scenic road will require an immediate filing as detailed above and shall be subject to restoration of the features. Unless waived, this restoration shall consist of replacing the stone wall on a square-foot-per-square-foot basis as necessary and replacing the trees cut on a diameter-inch-per-diameter-inch basis at locations specified by the Planning Board and the Tree Warden. A "diameter-inch-per-diameter-inch" replacement means that the combined diameter of the replacement trees measured one foot above ground level for trees up to eight inches in diameter and four and one-half feet above ground level for trees in excess of eight inches' diameter must equal the total diameter of the original tree trunks.
- B. Compliance. Failure to comply with the duly issued decision of the Planning Board shall be subject to restoration as detailed above and other remedial measures the Planning Board deems necessary, including, but not limited to, the enforcement of the bonding and restoration as detailed above.
- C. Authority. The Planning Board and the Tree Warden shall have the authority to enforce the provisions of these Regulations.

Part 4. Farm Entertainment Events

Article I. Special Regulations for Farm Entertainment Events

[Adopted 12-4-2018]

§ 380-4.1. Site plan requirements.

Unless otherwise noted in this article, all site plan review requirements of this article shall apply to farm entertainment events.

§ 380-4.2. Low-impact events.

Any number of low-impact events per year may be held at any time during weekend operation hours or weekday operation hours.

§ 380-4.3. Noise.

Farm entertainment events that generate noise greater than a low-impact event but less than the testing standard as measured at a testing location shall be limited to a maximum of 26 per year. The Planning board may specify a lower number of events per year for initial permits, which may be subject to future increases.

§ 380-4.4. Parking.

Parking lot construction need not comply with the site plan parking standards specified in Subsection 3.4.27 § **380-1.20B(8)(a)**. A parking area plan in compliance with § **240-5.1C** to **E** of the Zoning Bylaw shall be submitted for review and approval.

§ 380-4.5. Signs.

Any proposed signs shall be shown on the site plan and must conform to § **240-5.2** of the Zoning Bylaw.

§ 380-4.6. Recorded test results.

The applicant shall create and preserve recorded test results using approved test equipment at least once during each event and shall submit all such permit holder test results to the Planning Board upon request.

§ 380-4.7. Other test results.

Other parties may submit other recorded test results if they wish.

§ 380-4.8. Violations and penalties.

Violations of the special regulations for farm events shall be addressed as follows:

- A. First violation: written warning and 30 days to address problem.
- B. Second violation: \$100 fine, plus suspension of site plan permit for 30 days.
- C. Third violation: \$100 fine, plus suspension of site plan permit pending a public hearing before the Planning Board to consider permanent revocation of site plan permit.

§ 380-4.9. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AMBIENT SOUND LEVEL

The sound from all sources other than the particular sound of interest; also known as the "background sound level." The ambient sound measurement (A-weighted sound level) is taken when the offending sound cannot be heard, or with the sound source shut off.

APPROVED TEST EQUIPMENT or ATE

A calibrated integrating sound level meter (SLM) capable of measuring and expressing noise levels under the sound measurement parameters. Any ATE must be self-calibrated or externally calibrated not more than five hours before each use. As of May 2018, an EXTECH Model 407736 SLM meets the ATE standards.

FARM ENTERTAINMENT EVENTS

The use of farm structures and grounds to host events on the farm property that bring visitors to the farm. Farm entertainment events shall not include those farming operations and activities for which no action in nuisance may be maintained under law pursuant to MGL c. 243, § 6, including, but not limited to, educational conferences, fundraisers, festivals, weddings, and any and all other personal recognition or special events.

LOW-IMPACT EVENTS

An event for which the sound level remains equal to or below 10 dBA above the ambient sound level as measured in accordance with sound measurement parameters at the testing location and that draws no more than a maximum number of cars as determined by the Planning Board at the time the permit is granted based on location and road conditions.

OTHER RECORDED TEST RESULTS

Recorded test results submitted to the Planning Board by a party other than the permit holder.

PERMIT HOLDER RECORDED TEST RESULTS

Recorded test results submitted to the Planning Board by the permit holder.

RECORDED TEST RESULTS

SMP test results from a testing location, which results have been preserved by internal ATE logging records, cell phone screen capture, or other independently verifiable means, providing a permanent record.

SOUND MEASUREMENT PARAMETERS or SMP

A numerical dBA level, accurate to one decimal point, derived from testing using approved test equipment at a testing location in accordance with American National Standard Institute (ANSI) standard S1.4 (1971, as updated) Type 2 (as updated), using all of the following parameters: (i) the dBA value shall be expressed in A-weighted decibels, (ii) the dBA value shall be measured using an RMS "slow" time constant, (iii) the dBA value shall be based on an "L50" noise percentile level (50% of measurement period) and (iv) the dBA value will reflect "Leq(1min)" (energy averaged noise level, one-minute interval). SMP measurements recorded shall be taken so as to provide a proper representation of the noise source. During SMP measurement, the microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking SMP measurements except where such background noise interferes with the primary noise being measured.

TESTING LOCATION

A location either (i) designated by the party making the noise complaint ("complainant"), which location is designated on real property owned by or leased to such complainant ("complainant location"); or (ii) within the public right-of-way within 10 feet of the owned or leased real property of the nearest abutter to the farm entertainment event, and designated by the permit holder. Each testing location shall be not less than two feet nor more than six feet above ground level.

TESTING STANDARD

Sound measurement parameters not in excess of 75.0 dBA.

WEEKDAY OPERATION HOURS

Monday, Tuesday, Wednesday, or Thursday evenings, 4:30 p.m. to 9:00 p.m. Holiday Monday: 10:30 a.m. to 9:00 p.m.

WEEKEND OPERATION HOURS

Friday and Saturday, 10:30 a.m. to 10:30 p.m.; Sunday, 10:30 a.m. to 9:00 p.m.; Sunday before a Monday holiday, 10:30 a.m. to 10:30 p.m.