

TOWN OF BECKET



SUBDIVISION RULES AND REGULATIONS

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Section 1: Purpose

The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions.

Section 2: Authority

Under the authority vested in the Planning Board of the Town of Becket by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Becket.

Section 3: General

3.10: Definitions

Lot: An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

Preliminary Plan: A plan of a proposed subdivision or re-subdivision of land drawn on tracing paper, or a print thereof, showing:

- a. the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan";
- b. the names of the record owner and the applicant and the name of the designer, engineer or surveyor;
- c. the names of all abutters, as determined from the most recent local tax list;
- d. the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner;
- e. the proposed system of drainage, including adjacent existing natural waterways, in a general manner;
- f. the approximate boundary lines of proposed lots, with approximate areas and dimensions;
- g. the names, approximate location and widths of adjacent streets;
- h. and the topography of the land in a general manner.

Road: See Street.

Sketch Plan: May be a simple free-hand sketch, preferably on topographic survey, showing proposed layout of streets, lots, and other features in relation to existing conditions.

Street: A public way, or a private way either shown on a plan approved by the Planning Board in accordance with the Subdivision Control Law, or otherwise qualifying a lot for frontage under the Subdivision Control Law.

Subdivision: The division of a tract of land into two or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division on a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of

the subdivision control law, if at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or bylaw, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing shall not constitute a subdivision.

3.20: Plan Believed Not to Require Approval

Any person who wishes to cause to be recorded in the Berkshire Country Middle District Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application Form A (see Appendix) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or certified mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.

If the Planning Board determines that the plan does not require approval, it shall without a public hearing endorse on the plan the words "Approval under the Subdivision Control Law not required". The Planning Board may add to such endorsement a statement of the reason why approval is not required.

If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform the applicant and return the plan. The Planning Board will also notify the Town Clerk of its action.

If the Planning Board fails to act upon a plan submitted under this section within fourteen days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

3.30: Subdivision

No person shall make a subdivision within the meaning of the Subdivision Control Law 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 approved and endorsed by the Planning Board as hereinafter provided.

Section 4: Procedure for the Submission and Approval of Plans

Before preparation of an official subdivision plan it is strongly recommended that the subdivider submit a sketch plan of the proposed subdivision to the Planning Board and consult with the Board informally regarding procedures, design standards and required improvements in order to save time and avoid costly mistakes.

A subdivision plan shall be considered as submitted to the Planning Board when delivered at a meeting of the board or when sent by certified or registered mail to the Planning Board, care of the Town Clerk, together with properly filled out application form, fee and supporting documents.

4.10: Preliminary Plan

4.101: General

A Preliminary Plan of a subdivision may be submitted by the subdivider to the Planning Board, the Board of Health and the Conservation Commission for discussion and approval, modification or disapproval by each board. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Conservation Commission, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that Preliminary Plan be filed in each case. A properly executed application Form B (see Appendix) shall be filed with the Preliminary Plan submitted to the Planning Board.

The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval of a Preliminary Plan and accompanied by a copy of the completed application, (Form B).

4.102: Contents

The Preliminary Plan shall be drawn on tracing paper with pencil at a suitable scale and two prints shall be filed at the office of the Planning Board and one print at the office of the Board of Health. Said plan shall be identified as a Preliminary Plan and shall show the proposed names of roads or ways as well as all information described under the definition of the Preliminary Plan including proposed erosion and sedimentation control measures, if such controls are deemed necessary by the Planning Board, so as to form a clear basis for discussion of its problems and for preparation of the Definitive Plan. During discussion of the Preliminary Plan the complete information required for the Definitive Plan (Section 4.202 Contents) and the financial arrangements (Section 4.206 Performance Guarantee) will be developed.

4.103: Approval

The Planning Board may give such Preliminary Plan its approval, with or without modification. Such approval does not constitute approval of a subdivision.

4.20: Definitive Plan

4.201: General

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board the following:

- a. An original drawing of the Definitive Plan and three contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
- b. A properly executed application Form C (see Appendix).
- c. Application fee of \$25.00 plus \$10.00 per lot, payable to the Town of Becket to cover the cost of advertising and notices, and inspections by the Planning Board.

The applicant shall file by delivery or certified mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application (Form C).

4.202: Contents

The Definitive Plan shall be prepared by a professional civil engineer and land surveyor registered in Massachusetts and shall be clearly and legibly drawn with India ink on linen or tracing cloth. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

- a. Subdivision name, boundaries, north point, date and scale.
- b. Name and address of record owner, subdivider and engineer or surveyor.
- c. Names of all abutters as they appear on the most recent tax list.
- d. Lines and widths of existing and proposed roads, ways, easements and public or common areas within the subdivision, and the approved names of proposed streets.
- e. Boundary lines, areas and dimensions of all proposed lots, designated numerically and in sequence.
- f. Sufficient data to determine the location, direction and length of every road and way line, lot line and boundary line, and to establish these lines on the ground.
- g. Location of all permanent monuments properly identified as to whether existing or proposed.
- h. Locations, names and present widths of roads bounding, approaching or within reasonable proximity of the subdivision.
- i. Indication of the purpose of easements, and/or restrictions.
- j. Suitable space to record the action of the Planning Board, Board of Health and Town Clerk.

NOTE: The following items may be submitted on separate sheets.

- k. Existing and proposed topography at a suitable contour interval.
- l. Location of flood plains, wetland areas, natural waterways and groundwater recharge areas.
- m. Overall plan for drainage of surface water, including plans and specifications for the control of erosion and sediment-action both of temporary and permanent nature, if such controls are deemed necessary by the Planning Board.
- n. Directly above or below the layout plan of each road, a profile showing existing and proposed grades along the centerline and sidelines of that road, together with figures of elevation at the top and bottom of all even grades and at 25-foot intervals along all vertical curves. Intersecting roads shall be clearly indicated on the profile. The horizontal scale of the profiles shall be 40 feet to one inch, and the vertical scale shall be four feet to one inch. Only one road plan and profile shall be drawn on a sheet except by permission of the Planning Board.

- o. Location and species of trees intended for preservation within the road rights of way.
- p. Any other information pertaining to the natural characteristics of the site that may be needed in the opinion of the Planning Board or the Board of Health for determination of the suitability of the land for proposed purposes shall be furnished at the developer's expense.

4.203: Impact Statement

Any land subdivision plan consisting of ten (10) or more lots must be accompanied by an impact statement which details the probable effects of the proposed subdivision on the following aspects of concern to the Town:

- a. Increases in vehicular traffic on adjacent public ways.
- b. Changes in surface drainage in surrounding area including estimated increase of peak runoff caused by altered surface conditions, and methods to be used to return water to the soils.
- c. Soils erosion, sedimentation, loss of ground cover, and the methods used during construction to control erosion and sedimentation; i.e., use of sediment basins and type of mulching, matting, or temporary vegetation; describe approximate size and location of land to be cleared at a given time and length of time and exposure; covering of soil stockpiles; and other control methods used. Evaluate effectiveness of proposed methods of surface and ground water supplies.
- d. Disturbance to other aspects of the natural ecology.
- e. Demands on public services and utilities.

4.204: Plan Approval by Board of Health

- a. At the time of filing of the Definitive Plan, the subdivider shall also file with the Board of Health two contact prints of the Definitive Plan. The Board of Health shall report to the Planning Board in writing approval or disapproval if said plan, and in the event of disapproval shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health and include such specific findings and the reasons therefore in such report, and where possible, shall make recommendations for the adjustment thereof. If a municipal sewerage system will serve the proposed subdivision, then failure of the Board of Health to make such a report within forty-five days after the plan is filed with their office shall be deemed approval by such board. A copy of the report, if any, shall be sent by such board to the applicant.
- b. Every lot not serviced by a municipal water supply and sewage disposal systems shall be provided with water supply and sewage disposal installations in compliance with the provisions of the State Environmental Code and Board of Health Regulations.
- c. The Board of Health may approve the plan on condition that prior to the issuance of a building permit for a dwelling on any lot, soil and percolation tests be made in accordance with their specifications by a qualified technician as to suitability of a specific location for subsurface sewage disposal installation.

- d. Based on the recommendation of the Board of Health, where due to restrictive water, soil, topographic, geologic, or other natural conditions, the proposed development is of a density which exceeds the sustaining capacity of the proposed lots in terms of individual sewage disposal systems and well on each lot, the Planning Board may require that the developer revise his plan to either provide for:
 - 1. A consolidated water supply system, or
 - 2. A consolidated sewage disposal system, or
 - 3. An increase in lot size so that individual wells and sewage disposal systems may have adequate areas in which to properly function on the same lot.
- e. The Board of Health may require as a condition of the subdivision approval that a performance bond or deposit of money or negotiable securities be furnished by the subdivider to guarantee the construction of surface drainage improvements recommended by the Board and that all required improvements shall be made without undue erosion, siltation or flooding of traveled ways, and without causing any condition of public nuisance through dust or surface drainage, or any act of negligence by the subdivider or his agent during the period of construction. Such performance guarantee may be released only after completion of the work to the satisfaction of the Board of Health. In viewing possible drainage problems the Board is not limited to lots as shown on the subdivision plan, but may in appropriate cases consider areas outside the subdivision.
- f. Land subject to flooding and wetland areas as shown on the Town map, or land deemed by the Board of Health not suitable for building sites, shall not be approved by the Planning Board for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard. Such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board and the Board of Health to remedy said hazardous condition.

4.205: Public Hearing

- a. Before approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Planning Board at least 14 days prior thereto by advertisement in a newspaper of general circulation in the town once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing, or if there is no such newspaper in the town, then by posting such notice in a conspicuous place in the Town Hall for a period of 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 appearing on the most recent tax list.
- b. The applicant and his engineer and surveyor shall be present at the public hearing.
- c. A hearing by the Conservation Commission may be required under the provisions of the Wetlands Protection Act, Chapter 131, Section 40 of the General Laws.

4.206: Performance Guarantee

Before endorsement of the Planning Board's approval of a Definitive Plan of a subdivision, the subdivider shall agree to complete the required improvements specified in Section 6 for any lots in a subdivision.

Approval of the plan by the Planning Board may be made subject to condition that such approval shall automatically rescind after a period of time set by the Planning Board unless all required improvements as specified in these regulations and in the recommendations of the Board of Health have been completed within that period of time.

The construction and installation of required improvements shall be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant:

a. Approval with bonds or surety

The subdivider shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified in Section 6 not covered by a covenant under "b" hereof.

Such bond or security, if filed and deposited, shall be approved as to form and manner of execution by the Town Counsel, and shall be contingent on the completion of such improvements within the period of time specified by the Planning Board. If the required improvements are not completed within the set period of time the Planning Board may require an estimate of the cost of the remaining work, increase the amount of performance bond, and establish a new date for the completion of said improvements. Failure of the developer to complete the improvements within the set period of time or any extension thereof, shall not relieve the developer from his obligation to pay for increased costs for completing the improvements in excess of his performance bond.

b. Approval with covenant

The subdivider shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways, services and improvements as specified in Section not covered by bond or deposit under "a" hereof shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

4.207: Reduction of Bond or Surety

The penal sum of any such bond, or the amount of any deposit held under clause "a" above, may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by the Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.

4.208: Release of Performance Guarantee

a. Upon the completion of improvements required under Section 6, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the subdivider may orally request and agree upon terms of release with the Planning Board, or he shall send by certified mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance to the requirements contained under Section 6, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has not been completed, it shall specify in a notice sent by certified mail to the applicant and to the Town Clerk, the details wherein said construction and installation fails to comply with the

requirements under Section 6. Upon failure of the Planning Board to act within 45 days after receipt by the Town Clerk of the applicant's said statement, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said 45-day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

- b. Before the final release by the Planning Board of the town's interest in a performance bond, deposit or covenant, the applicant shall file with the Board a certificate (Form F) by a registered Massachusetts professional civil engineer and land surveyor declaring that streets, storm drains and all other required construction and improvements on the ground have been properly completed in accordance with the approved plan and subdivision regulations of the Planning Board, and with the recommendations by the Board of Health.

4.209: Certificate of Approval

- a. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory 20-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk, provided that the Town Clerk has not received notice of appeal to the Superior Court, and provided further that other conditions of approval, if a part of the Board's action, are transmitted or corrected to the satisfaction of the Board.
- b. Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision, nor does it indicate in any way compliance with the provisions of the Wetlands Protection Act, Chapter 131, Section 40 of the General Laws.

4.210: Submission of Documents

Easements, and bond and/or covenant, shall be submitted within 20 days from the date of approval of the Definitive Plan to the Planning Board, which then shall submit the documents to the Town Counsel for approval as to form and legality.

4.211: Filing of Plans in Berkshire County Middle District Registry of Deeds or Land Court

Approval of all subdivisions is subject to the condition that, unless an appeal has been taken from such approval as provided by statute, the subdivider will record the subdivision plan in the Berkshire County Middle District Registry of Deeds, or the Land Court, within six months from the date of its approval, and furnish a copy of the recorded plan to the Planning Board. If the applicant delays recording of such plan past the required six-month period, such plan shall not be accepted for recording by the Berkshire County Middle District Registry of Deeds or Land Court unless and until it has endorsed thereon, or recorded therewith and referred to thereon, a certificate of the Planning Board, or the Town Clerk, dated within 30 days of such recording, that the approval has not been modified, amended or rescinded, nor the plan changed. Such certificate shall, upon application, be made by the Board or the Town Clerk unless the records of the Board or the Town Clerk receiving the application show that there has been such modification, amendment, rescission or change.

Section 5: Design Standards

5.10: Streets

5.101: Location and Alignment

- a. All trees in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision. Curvilinear street design will be encouraged.
- b. The proposed street shall conform, so far as practicable, to the Master or study plan as adopted in whole or in part by the Planning Board.
- c. Provision satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided, if deemed necessary by the Board.
- d. Reserve strips prohibiting access to street or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- e. Street jogs with centerline offsets of less than 125 feet should be avoided.
- f. The minimum centerline radii of curved street shall be 100 feet. Greater radii may be required for principal streets.
- g. Streets shall be laid out so as to intersect as nearly as possible at right angles. No road shall intersect any other road at less than 60 degrees.
- h. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than 20 feet.
- i. Cross (four-cornered) street intersections shall be avoided where possible, with the exception of arterial street crossings.
- j. All ways shown on a preliminary plan shall be named in pencil and shall have names rather than numbers or letters (such as First Street or Avenue A). Names shall be substantially different from names of existing ways in the Town or nearby communities.

5.102: Width

The minimum width of a street right-of-way shall be as follows:

| | |
|-------------------|---------|
| Minor street: | 40 feet |
| Collector street: | 50 feet |
| Major street: | 60 feet |

Greater width may be required by the Planning Board when deemed necessary due to anticipated vehicular traffic or other considerations.

5.103: Grade

Grades of street shall not be less than 0.5%. Grades shall not be more than 5.0% for major streets nor more than 10.0% for minor or collector streets. The grade of a street within 50 feet of a street intersection shall not exceed 1.0% to provide a level area for traffic safety.

5.104: Dead-end Streets

- a. Dead-end streets shall not be longer than 500 feet, unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions.
- b. Dead-end streets shall be provided at the closed end with a turn around having an outside roadway diameter of at least 100 feet, and a property line diameter of at least 115 feet.
- c. At the end of a dead-end street the Board may require the reservation of an easement twenty (20) feet wide to provide for the continuation of pedestrian traffic and/or utilities.

5.20: Easements

5.201: Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 12 feet wide.

5.202: Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require that there be provided a storm-water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

5.30: Open Spaces

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

5.40: Protection of Natural Features

Due regard shall be shown for all natural features, such as large trees, stone walls or fences, water courses, scenic points, historic spots and similar community assets which, if preserved, will add attractiveness and value to the subdivision. The developer shall make every attempt to adapt his subdivision to the site with a minimum of cutting and filling operations, and shall take whatever protective measures are needed to control erosion, siltation and flooding along drainage ways and adjacent land.

Section 6: Required Improvements for an Approved Subdivision

6.10: Streets and Rights-of-Way

6.101: The entire area of each street right-of-way shall be cleared of all stumps, brush, roots, boulders, like material, and all trees not intended for preservation. No trees may be preserved within eight feet of the edge of the traveled way.

6.102: The full length and width of the traveled way shall be excavated or filled, as necessary, to a depth of at least 12 inches below the finished surface as shown on the profile. However, if the soil is soft and spongy, or contains

undesirable material such as clay, sandpockets, peat or any other material detrimental to the subgrade, such material shall be removed and replaced with suitable well-compacted material.

6.103: All parts of the traveled way shall be brought to a finished grade as shown on the profile of the Definitive Plan with at least the top 12 inches consisting of well-compacted gravel to a width of at least 24 feet, to be located centrally within the street right-of-way. At each side there shall be a shoulder three feet wide, also consisting of well-compacted binding gravel at least 12 inches deep. The gravel shall be spread and rolled in two layers of about 6 inches each. All stones larger than 4 inches shall be removed before layers are rolled. Rolling shall be done with a self-propelled roller weighing not less than 8 tons and shall continue until a firm, even surface, true to line and grade, is obtained.

6.104: Paving

- a. Where, in the opinion of the Planning Board, the anticipated volume of traffic or grades of the finished traveled way or other conditions require it, streets shall be paved.
- b. For paved streets a bituminous-penetration-type surface shall be applied as follows: Over compacted gravel base not less than 12 inches deep, spread a layer of three-eighths inch crushed stone at the rate of 20 pounds per square yard. Roll with a 5 to 8 ton roller. Over this surface apply MC3 emulsified asphalt at the rate of 0.33 gallons per square yard. Apply emulsified asphalt again at the rate of 0.33 gallons per square yard. Cover this with three-eighths inch stone and roll again. Apply emulsified asphalt again at the rate of 0.33 gallons per square yard. Dress off top at completion of construction work with three-eighths inch stone chips applied at the rate of 15 pounds per square yard. Compact surface with a 5 to 8 ton roller, leaving finished pavement free from holes, rolls or other unsightly imperfections. Grades must be run true and even with an instrument.
- c. The subdivider shall repair any settlement or imperfections in this work during a period of one year from the date of final installation of pavement.

6.11: Surface Drainage

- 6.111:** Adequate disposal of surface water shall be provided. Catch basins and culverts shall be built in conformity with specifications of the Selectmen on both sides of the roadway on continuous grades at intervals of not more than 400 feet, at low points and sags in the roadway, and near the corners of the roadway at intersecting streets.
- 6.112:** The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be designed so as to prevent any erosion, siltation or flooding of traveled ways or adjacent property.
- 6.113:** A culvert or other drainage facility shall, in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Selectmen or the Highway Superintendent shall approve the design and size of facility based on anticipated runoff from a "ten year" storm

under conditions of total potential development permitted by the Zoning Bylaw in the watershed.

- 6.114:** The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Selectmen or the Highway Superintendent. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload any existing downstream drainage facility, or cause erosion, siltation or flooding, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

6.12: Utility Wires

- 6.121:** All utility wiring as well as transformers and other distribution and control devices shall be placed underground unless, in the opinion of the Planning Board, estimates made by utility companies indicate that an unreasonable cost would be imposed on the subdivider.
- 6.122:** Poles and any associated structures used for police and fire alarm boxes, and for street lighting, and other similar municipal equipment, shall be installed where deemed necessary by the Planning Board, and shall be of a design approved by the Planning Board.
- 6.123:** Utility wires or cables, other than those going across streets and those leading directly to individual consumer installations, shall be buried within the street right-of-way in a strip 4 1/2 feet wide running parallel to the edge of the right-of-way unless soil or terrain require a different location. No wires or cables may be installed under the traveled portion of the right-of-way except where crossing a street and there ducts must be used.
- 6.124:** Copies of all plans showing the location of all buried wires or cables are to be filed by the subdivider before any paving of streets started, one copy with the Planning Board, one with the Town Clerk, and one with the Selectmen.
- 6.125:** If underground installation is found by the Planning Board to be unreasonably costly to the developer, all overhead utility wires and related equipment shall be centered as much as possible on rear or side lot lines, unless this provision is waived by the Board. Easements shall be provided as outlined in Section 5.20.

6.13: Monuments

- 6.131:** Permanent monuments shall be installed at all street intersections, at all points of change in the direction or curvature of streets and at other points where, in the opinion of the Planning Board, permanent monuments may be necessary.
- 6.132:** The permanent monuments shall be of 3,000 p.s.i. reinforced concrete or granite, posts measuring 5' x 6" x 6" and shall have a suitable reference marker on the top.
- 6.133:** No permanent monuments shall be installed until all construction that would destroy or disturb them is completed. The tops of monuments shall be set to the established grades, and backfill material shall be carefully placed around each monument and thoroughly tamped.

6.14: Street-Name Signs

Posts with signs carrying the names of street or other ways shall be installed at the beginning of all new ways and at the intersection of all ways whether existing proposed within a subdivision. There shall be at least one such sign and sign post at each intersection. Said sign and sign posts shall follow the specifications of the Selectmen.

6.15: Sidewalks and Curbing

The Planning Board may require construction of curbing and sidewalks on one or both sides of the streets to be build if deemed necessary in accordance with the Selectmen's specifications.

6.16: Work Standards

Unless otherwise specified, all the work and the materials used in the work to be done under these regulations shall conform to the requirements of "The Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways, Bridges and Waterways" as most recently amended.

6.17: Grading and Construction Permit.

Prior to the commencement of any work in a subdivision with grading of land, construction of ways, or removal of ground cover, the subdivider or his agent shall file an application for Grading and Construction Permit with the Planning Board (Appendix G).

The Planning Board shall be notified by the subdivider prior to the commencement of each of the major phases of construction, and as each phase is completed, it shall be inspected and approved by the Planning Board prior to starting work in the succeeding phase. The Planning Board may designate, in cooperation with the Board of Selectmen, the Town Highway Superintendent or any other qualified person, as the inspector for the construction done under the Subdivision Rules and Regulations, including the inspection of control measures employed and their effectiveness, for the prevention of erosion and siltation.

Inspection

The Planning Board shall be notified by the subdivider prior to commencement of each of the major phases of construction, and as each phase is completed, it shall be approved by the Planning Board prior to starting work in the succeeding phase. The Planning Board may designate the Town Highway Superintendent as the inspector for the construction of streets and the installation of municipal services and utilities in subdivisions.

6.18: Shade Trees

Unless at least two shade trees per lot, of species recommended by the Conservation Commission and having a diameter of at least one inch at a point one foot above the finished grade, exist and can be preserved either within the road right-of-way or within 20 feet of the edge of the right-of-way, the subdivider shall procure and plant at least two nursery-grown shade trees per lot within 20 feet of the edge of the right-of-way, said trees to be species recommended by the Conservation Commission and measuring at least one inch in diameter at a point approximately four feet above the root collar.

6.19: Topsoil

Topsoil shall be placed to a depth of 4" and thoroughly compacted on side slopes within the road right-of-way and over land exposed during grading operations. Grading shall be done carefully to avoid unnecessary damage to existing vegetation. Except when necessary to conform to road, driveway and drainage

standards or to eliminate blind intersection or poor sight lines at curves, major earth movements shall be avoided. Drainage ditches wherever possible shall be graded to resemble natural streams. Topsoil shall not be removed from the site except where so authorized by the Planning Board.

6.20: Seeding

To prevent erosion, shoulders and graded slopes shall be seeded on completion or planted with shrubs or similar approved landscape treatment recommended by the Conservation Commission. Seed and planting specifications shall be in accordance with Section H-3 of the Standard Specifications for Highways and Bridges of the Commonwealth. All new planting within the street right-of-way shall be with good nursery stock and will be subject to inspection after one year. Trees, shrubs or grass found by the Board to be dead or in an unsatisfactory condition within one year from the time of planting may be required to be replaced by the developer.

6.21: Side Slopes

The slope of the area from right-of-way line to the finished grade of abutting lots shall not be greater than at the rate of two feet horizontal to one foot vertical.

Whenever the approved street grade differs substantially from the grade of adjacent land or where otherwise necessary for public safety, the applicant shall be required to erect retaining walls or guard rails, of the type and size approved by the Planning Board.

6.22: Clean-up

The entire area of the subdivision must be cleaned up so as to leave a neat and orderly appearance, free from debris and other objectionable materials. The subdivider shall be responsible for providing thoroughly clean and unsilted storm-drain lines within the subdivision.

Section 7: Administration

7.10: Variation

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

7.20: Reference

For matters not covered by these Rules and Regulations, reference is made to Sections 81-K to 81-GG, inclusive, Chapter 41 of the General Laws of Massachusetts, and to the By-Laws of the Town.

7.30: One Dwelling Per Lot

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

FORM A

APPLICATION FOR A DETERMINATION OF PLANNING BOARD JURISDICTION AND FOR ENDORSEMENT THAT PLANNING BOARD APPROVAL UNDER SUBDIVISION CONTROL LAW IS NOT REQUIRED.

(File one completed form with the Planning Board and one copy with the Town Clerk.)

TO THE PLANNING BOARD OF THE TOWN OF BECKET:

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

Name of Applicant _____
Address _____

Plan Prepared by _____
(Registered Engineer or Land Surveyor)
Entitled _____
Dated _____

Deed of Property Recorded in _____
Book _____ Page _____

Location and Description of Property _____

Applicant believes that Planning Board's approval is not required for the following reasons:

1. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the frontage, area and depth required by the Zoning Bylaw of the Town and is on a public way, namely, _____ or a private way, namely, _____ which was approved under the subdivision control law as a subdivision entitled _____; or

2. The land shown on the accompanying plan is not a subdivision for the following reason(s):

Signature of Applicant

Address

Accepted this _____ day of _____, 19____, as duly submitted under the Rules and Regulations of the Planning Board.

PLANNING BOARD

by _____

Plan endorsed by _____ for the Planning Board under date of _____.

FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

(File one completed form with the Planning Board and one copy with the Town Clerk.)

(Where alternative paragraphs are provided, applicant is to select and complete the paragraph pertinent to his case.)

TO THE PLANNING BOARD OF THE TOWN OF BECKET:

1. The undersigned applicant, being the owner of all land included within a proposed subdivision shown on the accompanying plan, entitled _____, and drawn by _____, and dated _____, 19____, submits such plan as a Preliminary Plan of the proposed subdivision and makes application to the Board for approval thereof.
2. The land within the proposed subdivision is subject to the following easements and restrictions: _____

3. The owner's title to the land is derived under deed from _____ dated _____, 19____, and recorded in the Berkshire County Middle District Registry of Deeds, Book _____, Page _____; or Land Court Certificate of Title No. _____, registered in Berkshire Land Registry District, Book _____, Page _____;

Applicant's Signature: _____

Applicant's Address: _____

Accepted this _____ day of _____, 19 ____, as duly submitted under the Rules and Regulations of the Planning Board.

PLANNING BOARD

by _____

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

(File one completed form with the Planning Board and one copy with the Town Clerk.)

(Where alternative paragraphs are provided, applicant is to select and complete the paragraph pertinent to his case.)

TO THE PLANNING BOARD OF THE TOWN OF BECKET:

1. The undersigned applicant, being the owner of all land included within a proposed subdivision shown on the accompanying plan, entitled _____ and dated _____, 19 ____, and prepared by _____, Massachusetts Registered (Engineer) Surveyor, Registration No. _____ SUBMITS SUCH PLAN AS A Definitive Plan of the proposed subdivision and makes application to the Board for approval thereof.
2. The land within the proposed subdivision is subject to the following easements and restrictions: _____

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

4. A preliminary plan of the proposed subdivision was discussed by the Board on _____, 19 ____. The modifications recommended at this meeting have been incorporated in the accompanying plan.
5. The applicant agrees, if the definitive plan is approved, to construct and install all improvements within the proposed subdivision required by the Rules and Regulations of the Planning Board as in force on the date of this application, and as modified and supplemented by the work specifications and other requirements of the Public Works Department and recommendations of the Board of Health.
6. The applicant further agrees to complete all said required improvements within two years from the date of approval of the definitive plan by the Board, unless a different period of time is set as a condition for approval of the plan.
7. The applicant further agrees, if this application is approved, to file with the Board within twenty (20) days of such approval, a bond in form satisfactory to the Board and conditioned on the completion of all required improvements in the time and manner prescribed, in a penal sum sufficient, in the opinion of the Board, to cover the cost of such work, and executed by the applicant as principal and a surety company authorized to do business in the Commonwealth and satisfactory to the Board as surety, or secured by the deposit with the Town Treasurer of money or negotiable securities, satisfactory to the Board, in an amount equal to the penal sum of the bond.

OR

(As an alternative to the above agreement) The applicant requests the Board to approve the definitive plan on condition that no lot in the subdivision shall be sold and no building shall be erected or placed on any lot until the required improvements specified are constructed and installed so as to serve the lots adequately.

FORM C
(continued)

8. The applicant further agrees, if this application is approved, to cause the definitive plan of the subdivision to be recorded in the Berkshire County Middle District Registry of Deeds or in the Berkshire Land Registry District within six (6) months of such approval.

9. The owner's title to the land is derived under deed from _____
dated _____, 19 ____, and recorded in Berkshire County Middle
District Registry of Deeds, Book _____, Page _____, or under Land Court
Certificate of Title No. _____, Registered in Berkshire Land Registry
District, Book _____, Page _____.

Signature of Applicant

Address

Accepted this _____ day of _____, 19 ____, as duly submitted
under the rules and regulations of the Planning Board.

PLANNING BOARD

by _____

Fee of \$ _____ received _____, 19 ____, by _____

FORM D

COVENANT

The undersigned _____

of Berkshire County, Massachusetts, hereinafter called the "Covenantor", having submitted to the Becket Planning Board, a definitive plan of a subdivision, entitled

dated _____ made by _____ does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to the General Laws, Chapter 41, Sec. 81U, as amended that:

1. The covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon the approval of said plan;
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

The undersigned _____ of the covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this _____ day of _____, 19 _____.

COMMONWEALTH OF MASSACHUSETTS

_____ SS. _____ 19 _____.

Then personally appeared _____ and acknowledged the foregoing instrument to be _____ free act and deed, before me

Notary Public

FORM E

COVENANT RELEASE

Becket, Massachusetts _____, 19__

THE UNDERSIGNED, being a majority of the Planning Board of the Town of Becket, Massachusetts, hereby certify that the requirements for work on the ground called for by the Covenant dated _____, 19__, and recorded in Berkshire County Middle District Registry of Deeds, Book _____, Page _____, (or registered in Berkshire County Land Registry District as Document No. _____, and noted on Certificate of Title No. _____ in the Registration Book _____, Page _____), have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled

_____ recorded with said Deeds, Plan Book _____, Plan _____, (or registered in said Land Registry District, Plan Book _____, Plan _____) and said lots are hereby released from the restrictions as to sale and building specified thereon:

Lots designated on said Plan as follows:

_____ Majority of the
Planning Board
of the Town of Becket

COMMONWEALTH OF MASSACHUSETTS

_____ SS. _____, 19__

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

Notary Public

My commission expires _____

FORM F

CERTIFICATE OF PERFORMANCE

To the Planning Board of the Town of Becket:

I hereby certify that the required improvements for the following described subdivision have been constructed and conform in all respects to the Rules and Regulations of the Planning Board and the recommendations of the Board of Health and the specifications of the Board of Selectmen.

Subdivision Names (or Plan Title) _____

Dated _____

Name of Subdivider _____

Street Name (s) _____

Stations _____ to _____

Civil Engineer

Land Surveyor

Address

Address

Registration Number & Seal

Registration Number & Seal

FORM G

APPLICATION FOR GRADING
AND

CONSTRUCTION PERMITS