

Chapter 194

SUBDIVISION OF LAND

ARTICLE I General Provisions

- § 194-1. Authority; severability.
- § 194-2. Plan required; number of dwellings per lot restricted.
- § 194-3. Definitions.

ARTICLE II Plan Procedures

- § 194-4. Plan submission.
- § 194-5. Approval not required (ANR) under Subdivision Control Law.
- § 194-6. Presubmission review for preliminary and definitive subdivision plans.
- § 194-7. Preliminary plan.
- § 194-8. Definitive plan.

ARTICLE III Design Standards

- § 194-9. General provisions.
- § 194-10. Streets and paths.
- § 194-11. Easements.
- § 194-12. Stormwater management.
- § 194-13. Water supply.
- § 194-14. Miscellaneous requirements.

ARTICLE IV Required Improvements

- § 194-15. Responsibility of developer.
- § 194-16. Preparation and surfacing of roadway.
- § 194-17. Curbs and swales.
- § 194-18. Paths and sidewalks.
- § 194-19. Utilities.
- § 194-20. Other requirements.

ARTICLE V Administration

- § 194-21. Schedule of work.
- § 194-22. Compliance with subdivision regulations and waivers.
- § 194-23. Planning Board consent.
- § 194-24. Statutory reference.
- § 194-25. Rules for hiring outside consultants.
- § 194-26. Partial release of performance guarantees.
- § 194-27. Full release of performance guarantees.

**Appendix A, Development
Guidelines by Landscape Type**

Appendix B, Fee Schedule

[HISTORY: Adopted by the Planning Board of the Town of Sunderland 5-15-1974; amended through 3-9-2010. Amendments noted where applicable.]

GENERAL REFERENCES

Agricultural Committee — See Ch. 14, Art. IV.
Numbering of buildings — See Ch. 49.
Smoke and heat detectors — See Ch. 104.
Streets and sidewalks — See Ch. 106.
Wetlands — See Ch. 122.

Zoning — See Ch. 125.
Designer selection process — See Ch. 129.
Sewers — See Ch. 144.
Building standards — See Ch. 152.
Flood hazard areas — See Ch. 157.

ARTICLE I
General Provisions

§ 194-1. Authority; severability.

- A. Under the authority vested in the Planning Board of the Town of Sunderland by MGL c. 41, § 81Q, said Board hereby adopts these regulations governing the subdivision of land, in order to guide its orderly development consistent with the purposes of the Subdivision Control Law, MGL c. 41, §§ 81K through 81GG.
- B. The invalidity of any section, paragraph, clause or provision of these rules and regulations shall not invalidate any other section, paragraph, clause or provision therein.

§ 194-2. Plan required; number of dwellings per lot restricted.

- A. No person shall make a subdivision 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.
- B. No person shall erect more than one (1) dwelling on a lot, except as provided herein (§ 194-23).

§ 194-3. Definitions.

As used in these regulations, the following terms shall have the meanings indicated:

BOARD or PLANNING BOARD — The Planning Board of the Town of Sunderland.

COLLECTOR STREET — A street which carries traffic equivalent to that generated by fifty (50) dwelling units or more, or which serves commercial or industrial abutting land.

LANE — A street that carries traffic equivalent to that generated by ten (10) or fewer dwelling units, has no abutting commercial or industrial property and is not capable of extension.

MINOR STREET — A street that carries traffic equivalent to that generated by fewer than fifty (50) dwelling units, has no abutting commercial or industrial property and is not a lane.

SUBDIVISION — The division of a tract of land into two (2) or more lots, or, when appropriate to the context, the process of the "subdivision" of the land or territory subdivided. However, the division of a tract of land 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 public way or a way that the Clerk of the Town of Sunderland certifies is maintained and used as a public way or a way shown on a plan theretofore approved in accordance with the Subdivision Control Law, or a way in existence on February 10, 1959, and every lot within the tract has, 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 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 the Sunderland Zoning Bylaw for erection of a building on such lot. 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 (2) or more buildings were standing on February 10, 1959, into separate lots, on each of which one (1) of such buildings remains standing, shall not constitute a "subdivision."

ARTICLE II Plan Procedures

§ 194-4. Plan submission.

- A. Plans submitted for either review and approval under the Subdivision Control Law or for a determination that approval under the Subdivision Control Law is not required shall be delivered to the Planning Board at a meeting of said Board, or shall be sent by registered mail to the Planning Board, postage prepaid. If so mailed, the date of receipt by the Planning Board shall be the date of submission of the plan.
- B. The applicant shall provide written notice to the Town Clerk of such filing, together with a copy of the application form. Such notice shall be given by delivery or sent by registered mail and shall describe the land to which the plan relates, sufficient for identification, and shall state the date on which such plan was submitted to the Planning Board, and shall include the name and address of the owner(s) of the subject land.
- C. Review of plans. The Planning Board may submit any plans filed for approval to any professional that it deems necessary for review. The cost of the review will be the responsibility of the applicant.

§ 194-5. Approval not required (ANR) under Subdivision Control Law.

- A. Any person who believes his or her plan does not require subdivision approval, because it does not show a "subdivision" as defined in MGL c. 41 § 81L, and in Article I of these regulations, may submit to the Planning Board:
 - (1) The plan; and
 - (2) Six (6) paper copies of the plan; and

- (3) An application form (Form A¹); and
 - (4) The applicable filing fee as shown in the fee schedule in Appendix B² and on file with the Town Clerk; and
 - (5) Any documentation necessary to demonstrate that the plan does not require approval under the Subdivision Control Law.
- B. A plan submitted under § 194-5 shall be prepared in accordance with the applicable requirements of the Franklin County Registry of Deeds and shall, at a minimum, show the following information:
- (1) The name(s) of the record owner(s) of the subject land, and the names of the owners of all adjacent land as determined from the most recent tax records of the Town;
 - (2) The location of all existing buildings on the subject land;
 - (3) The location of all easements and rights-of-way located on or serving the subject land;
 - (4) The existing and proposed boundaries of the subject land and of each parcel and lot created or altered by the plan;
 - (5) The zoning classification of the subject land;
 - (6) A locus plan at a scale of one (1) inch equals one hundred (100) feet showing the subject land in relation to the nearest intersecting street(s);
 - (7) The locations, widths, and names of all abutting ways;
 - (8) A notation reading: "Endorsement of this plan does not certify compliance with zoning or any Town bylaw or regulation."
 - (9) Electronic copies of said plan which meet the Level I submission standards of the current version of the "MassGIS Standard for Digital Plan Submission to Municipalities." Electronic copies must be submitted on a CD-ROM or other electronic media acceptable to the Planning Board and must be accompanied by the completed checklist required in the MassGIS standard.
- C. Frontage on ways in existence.
- (1) In determining whether a way that was in existence on February 8, 1958, when the Subdivision Control Law came into effect in Sunderland, provides adequate frontage to qualify a plan as not a subdivision, the Board will consider the following:
 - (a) Is the right-of-way at least thirty-three (33) feet wide and of reasonable horizontal alignment?

1. Editor's Note: Form A is on file in the Town offices.

2. Editor's Note: Appendix B is included at the end of this chapter.

- (b) Does the existing horizontal and vertical alignment of the roadway provide safe visibility?
 - (c) Is the roadway constructed at least sixteen (16) feet wide, with at least eighteen (18) inches of gravel, and with adequate provisions for drainage?
 - (d) If the road could ever service more than ten (10) dwelling units, is it bituminous surfaced or have provisions been made for such surfacing without cost to the Town?
 - (e) Have provisions been made for public utilities without cost to the Town?
 - (2) Is the grade less than or equal to ten percent (10%)?
 - (3) The Board will not find a way in existence when the Subdivision Control Law became effective in Sunderland to provide adequate frontage unless it meets the above standards. However, the Board may waive strict compliance with a standard upon its determination, following consultation with the Selectmen, Highway Superintendent, Police Chief and Fire Chief, that the way will, in fact, be adequate to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for installation of municipal services to serve such land and the buildings erected or to be erected thereon.
- D. Frontage on approved subdivision ways. A way shown on an approved subdivision plan will be considered as frontage for purposes of MGL c. 41, § 81L only if either:
- (1) The way and any associated municipal services are fully constructed in accordance with the Planning Board's approval of such subdivision plan; or
 - (2) Such construction has been adequately secured in accordance with MGL c. 41, § 81U.
- E. Frontage on a public way. When the lots shown on a plan presented for endorsement under § 194-5 are claimed to have frontage on a public way, the way must physically exist on the ground. Additionally, the Planning Board may require documentation evidencing the layout and acceptance of the way as a public way.
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- F. Adequacy of access. In addition to determining that all lots shown on a plan presented for endorsement under § 194-5 have the required frontage on one of the three types of ways specified in MGL c. 41, § 81L, before endorsing an ANR plan, the Planning Board must also determine that each lot shown on the plan has practical access from the way upon which the lot fronts, in that there are no legal or physical impediments that prevent present adequate access to the lot.
- G. Time limit. Pursuant to MGL c. 41, § 81P, if the Board fails to act upon a plan submitted under § 194-5, or fails to notify the Town Clerk and the applicant of its action within twenty-one (21) days after the plan submission, the Board shall be deemed to have determined that approval under the Subdivision Control Law is not required and shall forthwith make such endorsement on the plan. If the Board fails to make such endorsement, the Town Clerk shall issue a certificate to the same effect.

§ 194-6. Presubmission review for preliminary and definitive subdivision plans.

Prior to investing in extensive professional design efforts for subdivision plans, it will often prove useful to review the proposed development of a parcel of land with the Planning Board in order that general approaches, possible use of cluster development and potential problems can be freely explored. Pencil sketches, which need not be professionally prepared, will assist the discussion and might show some, but not all, of the information shown on a preliminary plan. For one- and two-lot subdivisions, this presubmission review may eliminate the need for such a preliminary plan.

§ 194-7. Preliminary plan.

- A. General. In the case of a proposed nonresidential subdivision, a preliminary plan of the proposed subdivision shall be submitted to the Planning Board and to the Board of Health. In the case of a proposed subdivision with lots in a residential zoning district, a preliminary plan of the proposed subdivision may be submitted to the Planning Board and to the Board of Health. The submission of such a preliminary plan will enable the subdivider, the Planning Board, the Board of Health, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before costly engineering drawings for a definitive plan are prepared. Therefore, even if not required by these regulations or MGL c. 41, § 81S, it is strongly recommended that a preliminary plan be filed, except for one- and two-lot subdivisions when a presubmission review has adequately clarified all issues.
- B. Application procedure. Anyone submitting a preliminary subdivision plan to the Planning Board for review shall file with the plan a completed application Form B,³ along with eight (8) copies of the preliminary plan and a filing fee as specified in Appendix B,⁴ and shall also file the preliminary plan with the Board of Health. The Board shall distribute copies to the Highway Superintendent, Fire Department, Conservation Commission and Board of Selectmen for their comments and suggestions.
- C. Contents.
 - (1) The preliminary plan shall be drawn on Mylar or paper at a scale of one hundred (100) feet to at least one (1) inch or greater on twenty-four-inch-by-thirty-six-inch sheets and shall be identified as a preliminary plan. As a minimum, a preliminary plan shall include the following information:
 - (a) The subdivision name, boundaries, North point, date, scale, legend, and the title "preliminary plan";
 - (b) The name(s) of the record owner(s), the applicant(s), and the designer, engineer or surveyor;
 - (c) The names of all abutters as determined from the most recent local tax list;

3. Editor's Note: Form B is on file in the Town offices.

4. Editor's Note: Appendix B is included at the end of this chapter.

- (d) The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision in a final or near final alignment;
 - (e) The proposed system of drainage, sewage disposal and water supply, as well as showing adjacent existing natural waterways, in a general manner, and indicating whether streams shown are perennial or intermittent and whether the Conservation Commission has approved the determination;
 - (f) The approximate boundary lines of proposed lots, with approximate areas and dimensions;
 - (g) The names, location and widths of adjacent streets;
 - (h) The topography of the land in a general manner;
 - (i) Proposed names of roads, which may not be similar to any other roads in Town, as well as all information described under the definition of the "preliminary plan";
 - (j) The existing and proposed topography at a five-foot contour interval (lines of equal elevation) or better (using NAVD 1988 datum);
 - (k) Major site features, such as existing stone walls, fences, buildings, specimen large trees, rock ridges and ledge, swamps, historic features and wooded areas;
 - (l) A sketch of abutting land (regardless of ownership), showing possible or contemplated development and road layout, if applicable.
- (2) In addition, to promote better understanding, the following must be submitted:
- (a) A locus plan of the subdivision, showing its street configuration in relation to the surrounding area, at a scale of one (1) inch equals six hundred (600) feet using orthophotos (available from, e.g., MassGIS).
 - (b) In the case of a subdivision covering less than all of the land owned by the subdivider in the area of the subdivision, a plan showing in a general manner the proposed overall development of all of said land.
 - (c) Preliminary findings, in a general way, of the environmental impact analysis required by § 194-8D.
 - (d) A written request for any proposed waivers of subdivision requirements, providing all reasons and rationales for such waivers.
- D. Approval or disapproval of preliminary plan. Within forty-five (45) days after submission of a preliminary plan, the Planning Board shall approve such plan, with or without modifications suggested by it or agreed upon by the person submitting the plan, or the Board shall disapprove such preliminary plan and, in the case of disapproval, shall state its reasons therefor. The Planning Board shall notify the Town Clerk of its decision and shall notify the applicant by certified mail.

- E. Relation of preliminary plan to definitive plan and zoning provisions. Approval of a preliminary plan does not constitute approval of a subdivision, and a preliminary plan may not be recorded in the Registry of Deeds. Provided that a definitive plan is duly submitted within seven (7) months from the date of submission of the preliminary plan, the subdivision rules and regulations in effect at the time of submission of the preliminary plan shall govern the definitive plan, and if the definitive plan is ultimately approved, the zoning provisions in effect at the time of submission of the preliminary plan shall govern the land shown on the plan for eight (8) years from the date of endorsement of approval of the subdivision plan (MGL c. 40A, § 6).

§ 194-8. Definitive plan.

- A. Application procedure. Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:
- (1) Ten (10) contact prints of the definitive plan and other required drawings, dark line on white background.
 - (2) Two (2) copies of properly executed application Form C.⁵ The applicable filing fee according to the fee schedule provided in Appendix B of these regulations and on file with the Town Clerk shall be provided.⁶
- B. Definitive plan contents. The definitive plan shall be clearly and legibly drawn in black India ink upon mylar or paper. The sheet size shall not exceed twenty-four (24) inches by thirty-six (36) inches. The plan shall be at the scale of one (1) inch equals forty (40) feet or such other scale as the Board may accept to show details clearly and adequately. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The definitive plan shall contain the following:
- (1) The subdivision name, boundaries, North point, legend, date and scale.
 - (2) The name and address of the record owner and of the subdivider; the stamp and signature of the registered land surveyor and any other professionals engaged in the design.
 - (3) The location and names of all abutters as they appear in the most recent local tax list; the designation of zoning districts; the designation of subdivision districts (§ 194-9A and B).
 - (4) Existing and proposed lines of streets, ways (including ancient ways), paths, lots, easements and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Selectmen.)
 - (5) Plans shall clearly display the location, direction and length of every street and right-of-way line, easements, lot lines and boundary lines and to establish those

5. Editor's Note: Form C is on file in the Town offices.

6. Editor's Note: Appendix B is included at the end of this chapter.

lines on the ground. Plans must also indicate the location of all permanent monuments and control points, identified as to whether existing or proposed, and identified according to the Massachusetts State Plane Coordinate System (NAD 1983 Datum). At least two permanent concrete or granite monuments must be placed on site and shown in the plans prior to construction. Bounds are required at all intersections of road lines, angle points and changes of curvature of road lines. All control points shall be tied to and employ NAVD 1988 and the Massachusetts State Plane Coordinate System (NAD 1983 Horizontal Datum), with horizontal control using said published control points or the global positioning system (with horizontal coordinates provided in metric). Vertical bench marks separate from horizontal control points may be provided, provided that these points are also tied to permanent concrete or granite monuments.

- (6) Road center-line stationing, referenced to the street plans and profiles.
 - (7) The existing location of the base flood elevation as shown on flood insurance maps issued by the Federal Insurance Administration, on file with the Building Inspector and Town Clerk.
 - (8) Lot numbers.
 - (9) The location of all permanent monuments, properly identified as to whether existing or proposed.
 - (10) The location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
 - (11) Existing and proposed watercourses, ponds and wetlands.
 - (12) Suitable space to record the action of the Board and the Town Clerk's certification, as defined in MGL c. 41, § 81V.
 - (13) Metes and bounds and standard surveying, including lengths, bearings, and curve data to determine the exact location, direction, and length of every road line, easement, lot line and boundary line, and to establish these lines on the ground. All surveys must tie to the Massachusetts State Plane Coordinate System (NAD 1983 Datum), using said published control points or the global positioning system. Boundary lines, areas in square feet, and dimensions of all proposed lots, with all lots designated numerically and in sequence.
- C. Street plans and profiles. For every street there shall be a separate plan at one (1) inch equals forty (40) feet and a profile at one (1) inch equals forty (40) feet horizontal, one (1) inch equals four (4) feet vertical, showing the following data:
- (1) The exterior lines of the way, with sufficient data to determine their location, direction and length.
 - (2) The existing center-line profile, to be shown as a fine full line. The existing center-line profile for intersecting streets shall be shown for at least one hundred (100) feet on each side of the intersection of street center lines. Elevations shall be

ted to the United States Geodetic Survey bench marks, if such exist within one thousand (1,000) feet of the subdivision.

- (3) The finished, designed profile to be a heavy full line with proposed center line grades and elevations shown every fifty (50) feet [twenty-five (25) feet on vertical curves].
 - (4) Existing and proposed watercourses, ponds and wetlands.
 - (5) All drainage facilities shall be shown on the plan and profiles, showing length and pipe sizes, rim and invert elevations, and slopes, with low-impact development (LID) drainage system (preferred) or justification of why a traditional curb and underground drainage system is more appropriate for the site.
 - (6) The location and size of existing and proposed water mains, hydrants and main gate valves.
 - (7) The location of existing and proposed cable utilities and their appurtenances.
 - (8) The location of the following, unless waived by the Board: existing and proposed street paving, sidewalks, streetlighting, curbs and gutters.
- D. Environmental analysis. An environmental analysis shall be submitted for every subdivision creating frontage for ten (10) or more lots or potential lots. Environmental analyses shall be prepared by an interdisciplinary team, to include a land surveyor, civil engineer, and architect or landscape architect, unless otherwise agreed to by the Planning Board. The following documentation is required from each such analysis. Drawings shall be at uniform scale on sheets not larger than forty-two (42) inches by sixty (60) inches.
- (1) A site analysis, showing the following:
 - (a) The location and boundaries of the site.
 - (b) Topography at two-foot contour intervals, with graphic drainage analysis; distinction between upland and wetland; an indication of annual high-water mark; the location of existing structures, including fences and walls. Datum to be NAVD 1988 or later.
 - (c) A vegetative cover analysis, including identification of general cover type (wooded, cropland, freshwater wetland, etc.), the location of all major tree groupings, plus other outstanding or specimen trees or other botanical features, and important wildlife habitats.
 - (d) Soil types, based on the United States Department of Agriculture soils study, approximate groundwater level, location and results of soil percolation or other subsurface tests.
 - (e) A visual analysis, including identification of landscape type based on the categories of Appendix A,⁷ an analysis of scenic vistas, and locations of

7. Editor's Note: Appendix A is included at the end of this chapter.

visual prominence. The analysis shall show both current representative views and how those views will appear once the project is completed.

- (f) Location of community water system aquifers, wetlands, perennial and intermittent streams, certified vernal pools, potential vernal pools (as identified on maps prepared by MassGIS), certified and potential vernal pool upland habitat areas, NHESP Estimated and Core Habitats, and waterways and water bodies within three hundred (300) feet of the subdivision. The plans shall note whether the streams shown are perennial or intermittent and how that determination was made, and shall include documentation that the Conservation Commission has approved the determination.
 - (g) In all of the areas likely to be developed on the site, all relevant existing conditions, including a detailed ecological assessment of wetland resources and wildlife, rare species, and amphibian habitat. A wetlands scientist and/or wildlife biologist and other qualified consultants as necessary shall produce an analysis of the extent and nature of all wetlands and vernal pools on the property; an assessment of rare and endangered plant and animal habitat following the format required for applications for the Massachusetts Endangered Species Act;⁸ an assessment of all wildlife habitat and movement patterns and wildlife corridors based on sighting, scat, trails, and other signs; and an analysis of likely movement of amphibians.
 - (h) Major site features, such as existing stone walls, fences, buildings, large trees, rock ridges and ledge, swamps, floodplains as identified on the Federal Insurance Rate Maps and other floodplains identified by a professional engineer, historic features, and wooded areas on and within one hundred (100) feet of the proposed subdivision. The plan shall identify which of the above shall remain undisturbed and the location and species of trees to be preserved within road rights-of-way.
- (2) Site proposals, showing the following:
- (a) Boundaries of the site, proposed lot lines, proposed streets and ways and proposed parking areas for eight (8) or more cars, reproduced as a clear acetate or Mylar overlay.
 - (b) Proposed land and building uses.
 - (c) Proposed grading plan and an indication of areas of retained and proposed vegetation.
 - (d) Proposed water, sewerage and drainage systems, in a general manner.
 - (e) The location of any proposed structures.
- (3) A narrative statement shall also be submitted, documenting the following with references to the above maps, as germane:

8. Editor's Note: See MGL c.131A.

- (a) The impact upon surface water quality and level.
- (b) The impact upon groundwater quality and level.
- (c) The material effects upon important wildlife habitats, outstanding botanical features and scenic or historic environs.
- (d) The capability of soils, vegetative cover and proposed erosion control efforts to support proposed development without danger of erosion, silting or other instability.
- (e) The relationship to the requirements of MGL c. 131, §§ 40 and 40A (the Wetlands Protection Act).

E. Other submissions. The following shall also accompany submission of a definitive plan:

- (1) A typical street cross section for each class of street within the subdivision and for each subdivision district, if necessary (see § 194-9A and B), drawn at one (1) inch equals four (4) feet, showing the location of all elements within the street right-of-way and typical cross sections of any altered drainage courses or off-street paths.
- (2) A locus plan of the subdivision, showing its street configuration in relationship to surrounding streets, at one (1) inch equals six hundred (600) feet.
- (3) A narrative statement of the relationship to the design guidelines of Appendix A⁹ and the proposed means, if any, of ensuring compliance with those guidelines by purchasers of lots.
- (4) If requested by the Board, drainage calculations, traverse notes, evidence of ownership, language of any easements, covenants or restrictions applying or proposed to apply to the area being subdivided, rights and easements obtained for utilities or drainage outside of the subdivision and a description of erosion control methods to be employed. Drainage calculations shall use the rational method for closed drainage systems and TR-55 or TR-20 (NRCS Technical Releases), showing that the proposed conventional or low-impact development drainage system has been designed according to these rules and documenting the impact of project drainage on existing drainage systems downstream from the proposed point of discharge.
- (5) If necessary in order to determine compliance with the requirements or intent of this regulation, the Board may require further engineering or environmental analyses to be prepared at the expense of the applicant, employing professionals approved by the Board.
- (6) Lighting system, if used. Outdoor lighting is not required. If used, any lighting system must comply with the recommendations of the International Dark-Sky Association, whose goal is "to preserve and protect the nighttime environment and our heritage of dark skies through quality outdoor lighting." All road lights must

9. Editor's Note: Appendix A is included at the end of this chapter.

be 50-watt high-pressure sodium, LED, or more-energy-efficient models. All road lights must contain full cutoffs (hoods covering the sides of the lamps) to avoid any direct lighting off of roads and sidewalks. Maximum footcandles of any light shall be one (1) footcandle, except within five feet of a light, where the maximum shall be two (2) footcandles.

- (7) An operations and maintenance plan (O&M plan) for the entire subdivision, including street cleaning, drainage and LID system maintenance, community water systems, community sewage systems, and annual inspections. The O&M Plan shall include whatever institutional controls and homeowners' association covenants are necessary to ensure proper operation and maintenance procedures are followed.
- (8) A sketch plan showing a realistic road layout to and for any adjacent unsubdivided land owned or controlled by the owner/applicant/developer of the subdivision and also showing topography, unless such a plan has already been submitted to the Planning Board. (Project segmentation is acceptable, but the sketch plan must show some comprehensive planning for the entire parcel.)

F. Plan processing.

- (1) Board of Health review. At the time of filing of the definitive plan, the applicant shall also file a copy with the Board of Health. The Board of Health shall report to the Planning Board, in writing, its approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown in such plan cannot be used for building sites without injury to the public health and shall include such specific findings and the reasons therefor in such report and, where possible, shall make recommendations for the adjustment thereof. Any approval of the plan by the Planning Board shall then only be given on the condition that the lots or land as to which such specific findings were made shall not be built upon without prior consent of the Board of Health. The Board shall endorse on the plan such conditions specifying the lots or land to which said conditions apply.
- (2) Public hearing. Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board by advertisement in a newspaper of general circulation in the Town of Sunderland, once in each of two (2) successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting the land included in such plan as appearing on the most recent local tax list.
- (3) Performance guarantee.
 - (a) Before the Planning Board endorses its approval of a definitive plan, the developer shall agree to complete, without cost to the Town, all improvements, including, but not limited to, construction of improvements and installation of municipal services, required by this regulation and shall provide security that the applicant will do so, by one of the following

methods or some combination thereof as required by MGL c. 41, § 81U. The methods are i) by a proper surety bond sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for the lots, and the Planning Board may require that the applicant specify the time frame within which such construction shall be completed; ii) by a deposit of money (cash escrow) or negotiable securities (U.S. Treasury notes or irrevocable letter of credit) sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for the lots, and the Planning Board may require that the applicant specify the time frame within which such construction shall be completed; iii) by a covenant executed and duly recorded by the owner of record and running with the land whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed; or iv) by an agreement between the applicant and the lender executed after the recording of the first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall provide for the retention by the lender of funds (three-party lender agreement) sufficient in the opinion of the Planning Board to secure the construction of ways and installation of municipal services. The Board may grant partial release from such security for partial completion of improvements, provided that the completed portion provides a reasonable system for circulation and utilities pending completion of the rest. Full security shall not be released until the integrity of road pavement and drainage has been verified following a full winter of use, until trees and other vegetation have been established and are documented to be healthy one year after planting, until either the way has been duly laid out and accepted as a public way or other provisions for its continued maintenance have been accepted by the Board and until the record ("as built") plans have been received. For performance guarantees, the principal shall be in an amount determined by the Planning Board in consultation with its advisers to be sufficient to cover the cost of all or any part of the improvements specified in these regulations at state "prevailing wage rates" not covered by a covenant (below), and to cover the costs of inspections, record plans, road layout plans, and legal work, and a twenty-five-percent contingency/inflation factor.

- (b) Warranty principal (the amount of funds that must be guaranteed to provide a warranty on the project after project construction is complete) shall be not less than twenty percent (20%) of the estimated cost of those components of the entire project which shall be dedicated for public use and shall cover workmanship and materials.
- (c) If financial performance guarantees are used, at least two lots that are buildable in the subdivision must be covered by a covenant (below) to insure that all work, including legal work, is completed.
- (d) Letters of credit, three-party agreement for lender retention of funds, surety bonds and other financial performance guarantees must be drafted so that the

only requirement that must be met for the Planning Board to draw on the letter is to notify the financial institution (grantor) that "We have incurred liability by reason of the failure of the applicant/developer/owner, within ninety days of the expiration of this letter, to complete the construction of their project (insert name of subdivision and plans) in accordance with the definitive subdivision plans and submittal, the subdivision approval, the Zoning, and the Subdivision Rules and Regulations. The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is otherwise let and the work paid. Any excess over the cost of completing the work will be returned to the grantor."

- (e) Such bond, deposit of money or negotiable securities shall be approved as to form, the surety or financial institution, and manner of execution by the Planning Board. The Planning Board has the right to deny any such financial performance guarantee based on the rating of the third-party guarantee, the compliance of the third-party guarantee or the financial instrument with all of the terms included in these regulations.
- (f) For any surety bond:
 - [1] the surety must agree that any litigation stemming out of the bond will take place in Massachusetts;
 - [2] The bond must include the name and address of the person to be served for any legal action;
 - [3] The bond must specifically include the terms above; and
 - [4] No expiration date may be allowed in the bond (the bond must be valid until the work is complete) and the warranty performance period has been completed.
- (g) The covenant or financial performance guarantee shall be contingent upon both the completion of such improvements and the required one-year warranty after said completion, as required in these rules and regulations, within a maximum period of three (3) years of the date of such bond, deposit of money, or covenant. After the completion date of all improvements and the one-year warranty period, there shall be at least a three-month warranty settlement period before the expiration date of any bond, deposit of money, or letter of credit. Said three-month period shall give the Planning Board the opportunity to collect the financial performance guarantee so that it will be able to complete the necessary improvements in case a) the applicant/developer is unable to do so and/or b) the Planning Board denies any requests for an extension of time. "Warranty" shall include all workmanship and materials.
 - [1] Upon written request from the applicant/developer, the Planning Board may, at its discretion, grant an extension of time, and such agreement

shall be executed and affixed to the financial performance guarantee or covenant.

- [2] In the case of a surety company bond, such an agreement for an extension shall not be effective until the surety delivers to the Planning Board a written statement that the surety agrees to the proposed alteration of the completion schedule and that such alteration shall not relieve or affect the liability of the surety company.
- [3] Failure to complete all improvements as required by these rules and regulations within the time allotted shall cause the Planning Board:
 - [a] To draw upon the performance guarantee (surety bond, deposit of money, letter of credit) in order to complete said improvements; and/or
 - [b] Schedule a public hearing in order to rescind approval of the subdivision in accordance with appropriate sections of MGL c. 41, § 81.
- (h) The applicant may request a release of lots from covenant in exchange for a financial guarantee, provided that the lots run consecutively and are released on both sides of the road simultaneously, beginning with the lots nearest any intersection of the subdivision road and an existing municipal road and the amount of the financial guarantee and the financial guarantee process shall be determined by the Planning Board, as described above.
- (i) The applicant/developer must provide an irrevocable right of entry to allow the Town's agents, board members, and representatives to enter the property to make any necessary improvements required in the subdivision approval and regulations and address any safety issues on the site if the Town finds that it must call the financial performance guarantees. Accepting, calling, or using financial performance guarantees does not provide the Town with any responsibility to complete a project beyond that for which the Town is willing to undertake and for which there are sufficient performance guarantee funds. The property owner shall subordinate all property mortgages to the irrevocable right of entry and record it in the chain of title at the Registry of Deeds or Land Court, as applicable.
- (4) Approval, modification or disapproval. The action of the Board with respect to such definitive plan shall be by vote. The Board shall take final action on the definitive plan within one hundred and thirty-five (135) days if no preliminary plan was filed or within ninety (90) days if a preliminary plan was filed. Copies of said vote shall be certified and filed with the Town Clerk and a copy sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action.

(a) Criteria for action by the Board shall be the following:

- [1] Completeness and technical adequacy of all submissions.
- [2] A determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or to others because of possible natural disasters, traffic hazard or environmental degradation.
- [3] Conformity with the design standards of Article III.
- [4] A determination, based upon the environmental analysis when submitted, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.
- [5] A determination that the subdivision plan is in conformance with the Board of Health recommendations, if any.
- [6] Conformity with all applicable zoning requirements.

(b) Approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Board, after the following has been submitted to and approved by the Planning Board:

- [1] One (1) set of the final reproducible plans (Mylars), including any corrections required as part of the Planning Board's approval;
 - [2] All easements, master deeds, restrictive covenants, homeowners' association documents, and any required document that was not included with the subdivision submission;
 - [3] Electronic copies of all plans, in accordance with the requirements for Level I submission standards in the current "MassGIS Standard for Digital Plan Submission to Municipalities." Electronic copies must be submitted on a CD-ROM and accompanied by the completed checklist required in the MassGIS standard.
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- [4] The statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk and said Clerk has notified the Planning Board that no appeal has been filed, or if appeal has been taken, not until the entry of a final decree of the Court sustaining the approval of such plan.
 - [5] Any necessary performance guarantee has been posted in accordance with § 194-8F.
 - [6] Necessary inspection and other fees have been paid.
 - [7] The applicant/developer has presented to the Planning Board, for its approval, two sets of plans showing the complete natural gas (if natural gas is available), electrical, telephone, cable TV or Internet cabling, and,

if applicable, road lighting (including pipes, pumps, valves, gates, hand-holes, transformer pad mounts and similar equipment). Said plans will be accompanied by endorsements from the respective utilities that the plans have received their approval.

- [8] The applicant/developer has delivered an irrevocable offer of dedication (specifying whether such dedication is in fee simple or by easement) of all facilities to be dedicated to the public, in a form acceptable to the Town, and recorded said offer in the chain of title at the Registry of Deeds or Land Court, as appropriate. Said offer must be in a form acceptable to the Planning Board and be accompanied by a lawyer's title opinion that the offer is free of any liens and encumbrances and that all mortgages are subordinated to the offer. The offer shall be irrevocable, except the offer can be withdrawn if the applicant/developer does not proceed with the project and requests that the subdivision approval be rescinded or otherwise amended such that the dedication is no longer necessary or if the Town votes against accepting the offered facilities.
- [9] The applicant/developer has submitted a detailed cost estimate for all construction within the proposed roadway layout and any utility easements (but not within house lots), certified by the project's registered professional engineer. Said estimate shall be based on the current edition of the Massachusetts Highway Department's "Standard Specifications for Highways and Bridges" and shall include:
 - [a] Quantity, unit price and total amount for each construction item;
 - [b] Total amount for cost of completion of project;
 - [c] Costs adjusted to account for municipal prevailing wages rates and all municipal procurement requirements under state law and Town bylaws and practices for construction projects (i.e., the costs the Town would incur if it was to undertake the project, not the cost a private sector property owner would incur);
 - [d] Costs adjusted to add a twenty-five-percent (25%) inflation/safety factor;
 - [e] Engineering inspection, materials testing, legal and other soft costs.
- (c) After endorsement by the Planning Board, the applicant/developer shall deliver to the Planning Board six sets of copies of the endorsed definitive plan. After approval and endorsement, the location and width of roads shown thereon, or any road subject to the Subdivision Control Law, shall not be changed unless the plan is amended and approved by the Planning Board, paying the appropriate fee and providing the same number of copies as the original application.

- G. Rescission. Failure of the developer to record the definitive plan at the Registry of Deeds within six (6) months of its endorsement or to comply with the construction schedule of

the performance agreement (Form E, Covenant, or Form F, Performance Bond),¹⁰ shall constitute sufficient reason for the rescission of such approval, in accordance with the requirements of MGL c. 41, § 81W.

- H. Approval of the definitive plan or release of security does not constitute the laying out or acceptance by the Town of streets within a subdivision. Only Town Meeting can accept streets, and every project shall be designed with institutional controls to ensure proper maintenance for any street not accepted as a Town street.

ARTICLE III Design Standards

§ 194-9. General provisions.

- A. Districts. For the purposes of the design standards (Article III), the required improvements (Article IV) and the typical street cross sections, the Town of Sunderland is hereby divided into two (2) districts designated "The Mountain" and "The Plain." These are shown on the Subdivision Districts Map. That map and all explanatory matter thereon is hereby made a part of this regulation.¹¹ It is recommended that subdivision plans follow the design guidelines contained in Appendix A.¹²
- B. Design guides. The subdivision shall be designed consistent with these standards and with the guidelines of Appendix A. The subdivision shall conform, insofar as practical, to any elements in a Town development policy which the Planning Board may adopt, provided that such elements are given public hearing in the same manner as prescribed for amendments to subdivision regulations and made available along with copies of the subdivision regulations.
- C. Cross section. Grading, location of pavements, utilities and other improvements shall be designed and located as indicated on the Typical Street Cross Sections (see Appendix).¹³

§ 194-10. Streets and paths.

- A. Location and alignment.

- (1) All streets and paths in the subdivision shall be designed to provide safe pedestrian and vehicular travel and shall be certified by the designer to meet the Massachusetts Highway Design Manual, except where these regulations create a different standard. Due consideration shall also be given by the subdivider to the consequences of the street layout upon the livability, amenity and environmental impact of the subdivision.

10. Editor's Note: Forms E and F are on file in the Town offices.

11. Editor's Note: Said map is on file in the Town offices.

12. Editor's Note: Appendix A is included at the end of this chapter.

13. Editor's Note: The Typical Street Cross Sections diagram is included at the end of this chapter.

- (2) Provision satisfactory to the Board shall be made for the proper projection of streets and paths or for access to adjoining property which is not yet subdivided, including extending street and path rights-of-way and physical streets and paths to the property line. A nonrevocable, nonexpiring offer of dedication shall be provided to allow that these streets, paths, and accessways could be used for future access to adjoining property. Reserve strips, covenants, deed restrictions or other legal or physical methods of prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, the adjoining property would not benefit from such access because of environmental limitations (e.g., wetlands) or legal restrictions (e.g., conservation land where access is not desirable).
- (3) Street jogs with center-line offsets of less than one hundred fifty (150) feet are prohibited.
- (4) Street configuration shall be designed, together with reserved open space, to minimize the number of lots having frontage exclusively on collector streets.
- (5) The minimum center-line radii of curved streets shall be not less than the following:

Type of Street	Mountain (feet)	Plain (feet)
Lane	50	75
Minor streets	100	150
Collector streets	250	350

- (6) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than eighty degrees (80°) or ninety degrees (90°) if one of the streets is a collector street.
- (7) Any subdivision or portion thereof containing ten (10) or more lots shall be provided with at least two (2) outlets to a public way.
- (8) Property lines at street intersections shall be rounded or cut back to provide for a radius at the edge of the traveled way of not less than thirty (30) feet at intersections with a collector street and not less than twenty (20) feet for intersections involving only minor streets or lanes.
- (9) Street intersections on arterial streets (major intertown streets) shall be spaced not less than four hundred (400) feet apart.
- (10) All streets shall include provision for off-road pedestrian travel on adjacent sidewalks and/or on separate trails or pathways. Said trails or pathways do not necessarily need to follow the streets if other locations are likely to provide more enjoyable and/or more direct paths to likely pedestrian destinations. When located within the street right-of-way, sidewalks, paths, and trails shall be located at or

near the outside of the layout but varied in horizontal location so as to minimize disturbance of natural features of the land and vegetation.

B. Width.

- (1) The minimum width of street rights-of-way and traveled way width, exclusive of curbing, shall be in accordance with the following requirements. In the event on-street parking is proposed, four (4) feet should be added to the minimum traveled way width.

Minimum Right-of-Way Width

Type of Street	Mountain (feet)	Plain (feet)
Lane	33	33
Minor	40	40
Collector	50	50

Minimum Traveled Way Width

Type of Street	Mountain (feet)	Plain (feet)
Lane	16	18
Minor	18	20
Collector	20	24

Minimum Surface Type

Type of Street	Materials
Lane	Bituminous concrete
Minor	Bituminous concrete
Collector	Bituminous concrete

- (2) The minimum width of rights-of-way for sidewalks located outside of a street right-of-way shall be ten (10) feet, and the minimum width of rights-of-way for bicycle paths located outside of a street right-of-way shall be 20 feet.

C. Grade.

- (1) Grades of streets shall be not less than five-tenths percent (0.5%). Grades of streets shall be not more than the following:

Type of Street	Mountain (feet)	Plain (feet)
Lane	10%	8%
Minor street	8%	6%
Collector street	6%	6%

- (2) On any street where the grade exceeds six percent (6%) on the approach to an intersection, a leveling area with a slope of not more than four percent (4%) shall be provided for a distance of not less than fifty (50) feet measured from the nearest exterior line of the intersecting street.
- (3) Vertical curves are required whenever the algebraic difference in grade between center-line tangents is two and zero-tenths percent (2.0%) or more.
- (4) Street center-line profile shall at no point be less than three (3) feet above the grade of adjacent wetlands or marsh.

D. Sight distances. Forward-stopping sight distances shall be not less than the table below and in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards for very-low-volume local roads, except where collector streets require AASHTO standards for highway and streets. Designers are encouraged to utilize physical measures to calm streets prior to intersections to slow the speed of streets and thereby allow shorter stopping distances:

Type of Street	Mountain (feet)	Plain (feet)
Lane	150	175
Minor street	200	220
Collector street	400	490

E. Dead-end streets.

- (1) Dead-end streets shall not be allowed, except for lanes, unless, in the opinion of the Board, they are necessitated by topography or other local conditions.
- (2) Dead-end streets shall be provided at the closed end with either a turnaround having an outside roadway diameter of at least eighty (80) feet and a property line diameter of at least one hundred (100) feet or, if authorized by the Planning Board, an alternative configuration accommodating the turning of a vehicle with a wheelbase of thirty (30) feet.

§ 194-11. Easements.

- A. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall normally be twenty (20) feet wide.

- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Board may require that there be provided a stormwater or drainage easement of a minimum width of twenty (20) feet, to conform substantially to the lines of such watercourse, drainageway, channel or stream, and to provide for construction or other necessary purposes.
- C. Drainage easements outside of the area of the subdivision, but occasioned by it, may be required of the subdivider.
- D. Cut or fill slopes shall be contained within the street right-of-way.

§ 194-12. Stormwater management.

- A. Storm drainage, culverts and related facilities shall be designed to permit the unimpeded flow of all natural watercourses, to ensure adequate drainage of all low points along streets, to control erosion and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained. Catch basins shall be located at all low points and sags, near the corners of the roadway at intersecting streets and at intervals of not more than three hundred fifty (350) feet on continuous grades. To the maximum extent feasible, stormwater shall be recharged rather than piped to surface water. Peak stream flows at the boundaries of the development shall be not more than five percent (5%) higher following development than prior to development.
- B. Storm sewers, retention basins and leaching basins shall be based on a one-hundred-year-frequency storm, and culverts shall be based on a one-hundred-year-frequency storm. The design shall employ backflow valves or other devices as necessary to avoid damage from reverse circulation of floodwaters and on flooding of the Connecticut River to the levels indicated on the Map of Flood-Prone Areas, prepared in 1959 by United States Geological Survey.
- C. Design shall be based upon either the Rational Method or the Manning Formula. Water velocities shall be between two (2) and ten (10) feet per second. The coefficient of runoff used shall be not less than forty-five hundredths (0.45) for subdivided areas. All developable land tributary to facilities being designed shall be assumed to be subdivided, except within the Mountain District and land classified Class I or Class II Agricultural capability by the United States Soil Conservation Service. Leaching basins or a catch-basin-to-manhole system of drainage is required, with no storm sewers of less than a twelve-inch inside diameter. Where used, leaching basins shall be cross-connected. The Board may require test borings at leaching basin locations where percolation is in doubt.

§ 194-13. Water supply.

- A. Provisions shall be made for water supply to each lot and for fire protection and sewage disposal. When available, the water supply shall be from the Sunderland Water District system, in which event system design shall be as specified by the district, evidenced by certification from the district that it approves the design and will permit connection.

- B. Where connection to the public system is not feasible, a subdivision plan shall be approved only upon presentation of evidence satisfactory to the Board, upon advice of the Board of Health, that adequate and suitable groundwater is available and upon evidence satisfactory to the Board, upon advice of the Fire Chief, that adequate provisions for firefighting have been made.

§ 194-14. Miscellaneous requirements.

- A. Open spaces. Before approval of a plan, the Board may require that an area be reserved for a possible park or parks and, by appropriate endorsement on the plan, require that no building be erected upon such reserved area for a period of three (3) years without the Board's approval. Such reservation shall be made where particular natural features, abutting public land or the potential neighborhood need for recreation space make later public acquisition appear desirable, but in no event shall required reserved areas exceed five percent (5%) of the total area of the subdivision, unless so required by zoning or other regulations.
- B. Protection of natural features. Due regard shall be shown for all natural features, such as healthy large trees (twelve [12] inches or greater diameter breast height), watercourses, scenic points, historic stone walls, historic spots and similar community assets. These features shall all be shown on the plans, and the designer must document how the project avoids, minimizes, and mitigates (in that order) impacts to these resources.
- C. Written approvals. No definitive plan will be approved unless the developer submits written certification of approval of the design by all utilities which are to provide services within the subdivision.
- D. Underground wiring. All wiring, cables and other appurtenances of electric power, telephone and fire alarm systems shall be placed underground within the limits of the street right-of-way, except where such underground installation would, in the judgment of the Planning Board, cause undue hardship by reason of topography, subsoil conditions or other site peculiarities or by reason of the existing development pattern. Electric power cables shall be not less than thirty (30) inches below the finished grade.
- E. Flood hazard avoidance. Any subdivision located in any part within the Flood Hazard District as shown on the Flood Insurance Maps issued by the Federal Insurance Administration (on file with the Planning Board, Building Inspector and Town Clerk) shall comply with the following:
- (1) Street profile design, drainage design, and open space preservation shall be consistent with the need to minimize flood damage within the flood-prone areas.
 - (2) All public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed to minimize or eliminate flood damage.
 - (3) Adequate drainage systems shall be provided to reduce exposure to flood hazards.

ARTICLE IV
Required Improvements

§ 194-15. Responsibility of developer.

The following improvements, to be constructed consistent with good building practice, shall be made by the developer without cost to the Town.

§ 194-16. Preparation and surfacing of roadway.

- A. Stumps, brush, roots, boulders, trees and like material shall be removed as necessary to provide for paving, shoulders and utilities, but wherever feasible, existing vegetation shall be protected.
- B. All materials not suitable for the foundation shall be removed from an area three (3) feet wider than the paved width and to a depth of at least fifteen (15) inches below finish grade. In that area, peat, silt, loam or similar yielding materials shall be removed to a firm foundation after the loam is removed. No loam suitable for reuse shall be removed from the subdivision unless adequate loam will remain or is otherwise assured to provide all disturbed areas within the subdivision with a loam depth of at least six (6) inches, and also there is assurance that all streets from which loam is being removed will be brought to subgrade with approved materials within six (6) months.
- C. No slopes resulting from the grading of streets shall exceed one (1) foot vertical to three (3) feet horizontal in fill, one (1) foot vertical to two (2) feet horizontal in cut, or one (1) foot to three-fourths (3/4) foot in ledge. Slope easements or retaining walls shall be employed to contain slopes within street side lines. Land between the outside of the layout and the street pavement and driveway entrances shall be so graded as to prevent surface water on the street from draining onto private land.
- D. Traveled ways shall be provided with a foundation consisting of at least eighteen (18) inches compacted thickness of good binding gravel satisfactory to the Highway Superintendent, clean, free of organic matter and containing no stones over three (3) inches in diameter. The material shall be thoroughly watered and rolled true to line and grade to conform to the typical street cross section and the street profiles. Any depressions that occur, either during or after rolling, must be filled with additional gravel and rolled until the surface is true and even.
- E. The wearing surface of roadways and driveways within the right-of-way shall be a two-course Type I-1 bituminous concrete pavement, applied with a two-inch (after compaction) base course and a two-inch (after compaction) finish course, after the roadway has been subjected to traffic for a time specified by the Highway Superintendent.
- F. The traveled way shall be located as shown on the approved cross section.

§ 194-17. Curbs and swales.

Granite curbs or grassed swales shall be installed wherever the longitudinal pavement grade exceeds six percent (6%) or elsewhere where required by the Board to control drainage.

§ 194-18. Paths and sidewalks.

- A. Sidewalks and footpaths required under § 194-10A(10) shall be constructed five (5) feet in width; bicycle paths, ten (10) feet in width.
- B. Surfacing of paths and sidewalks shall continue the material of connecting paths or, where such do not exist, shall be either a two-course, two-and-one-half-inch Type I-1 bituminous concrete pavement on a six-inch gravel foundation, or other material specifically approved by the Board.

§ 194-19. Utilities.

- A. Water system.
 - (1) When connection to the district system is possible, a complete water system shall be installed, including mains, gates, valves and hydrants, consistent with the specifications and pipe size requirement of the Sunderland Water District and as shown on the street plans.
 - (2) Before making connection to the district water system, the developer shall agree to comply with all appropriate regulations of the water district.
 - (3) No lot which is not connected to the Town water system shall be built upon without the provision of on-lot water facilities specifically approved by the Board of Health in conformity with the regulations of said Board as promulgated and amended from time to time.
- B. Stormwater management system. A complete stormwater management system shall be designed in accordance with § 194-12 by a registered professional engineer and installed as shown on the street plans and profiles.
- C. Cable utilities. All cable utilities shall be installed. Installation of streetlights may be required by the Planning Board as necessary for the safety of the inhabitants of the neighborhood.
- D. Sewage disposal facilities. A definitive plan may be approved with either the provision of sanitary sewers or provision of on-site septic systems in accordance with the current Massachusetts Title 5 regulations. No lot shall be built upon with on-lot sewage disposal facilities unless the septic systems are specifically approved by the Board of Health in conformity with the regulations of said board and the state as promulgated and amended from time to time. Perc tests shall be conducted in accordance with current Title 5 regulations and may not be conducted more than five years in advance of the submittal of the definitive plan.

§ 194-20. Other requirements.**A. Boundary markers.**

- (1) Boundary markers shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Board, permanent bounds are necessary, but in any event not spaced further than five hundred (500) feet apart. Such monuments shall be of either granite or concrete, not less than thirty (30) inches long and five (5) inches square, with dressed top and a one-half-inch drill hole in the center, and shall be set to finish grade, or with a drill hole and pin in ledge.
- (2) No permanent boundary markers shall be installed until all construction which would destroy or disturb their location is completed.

B. Street signs. Street signs of a design and material acceptable to the Highway Superintendent shall be installed for each street at each intersection.**C. Planting.**

- (1) Every effort shall be made to preserve and protect existing vegetation.
- (2) The subdivider may be required to plant trees where necessary, in view of existing vegetation, to meet the development guidelines of Appendix A.¹⁴ Before the trees are planted, a plan showing their proposed location and species shall be submitted to the Planning Board for approval based on the development guidelines and based on avoidance of problems from pests, disease or root intrusion. A minimum of one (1) tree of two-inch caliper for each forty (40) feet of street side line will be required. Trees to be retained shall not have grade changed over their root areas more than six (6) inches.
- (3) All unpaved areas within the street layout shall be stabilized with retained vegetation, topsoil and grass, well-rooted low-growing plantings, bark or other organic materials acceptable to the Board.

D. Cleaning up. Before the sale of a lot, the subdivider shall clean up any debris on lots, subdivision roadways, sidewalks and easement areas caused by construction or installation of utilities.**E. Acceptance of ways.** Approval of the definitive plan, or subsequent release of security upon completion of construction, does not constitute the laying out or acceptance by the Town of streets and easements within a subdivision. Compliance with the existing laws of the commonwealth and bylaws and procedures of the Town of Sunderland are all required before acceptance of any street or easement. Such acceptance is at the discretion of Town Meeting.**F. Subdivision closeout, record plans and road layout (a/k/a street acceptance) plans.** Upon completion of construction and before release of the performance guaranty, the subdivider shall have prepared and shall submit record plans, road layout plans, warranty

14. Editor's Note: Appendix A is included at the end of this chapter.

performance guarantees, electronic files, engineering certification and subdivision closeout fee. The Planning Board's release of final performance guarantees is not a representation by the Town that the project has been successfully completed but strictly represents that final releases will be issued.

- (1) Record plans (a/k/a as-built plans), drawn at same size as originals and including the following, with the accuracy certified by both a registered professional engineer and a registered land surveyor:
 - (a) Edge of road, paths, type of curbing, all utilities, existing driveways.
 - (b) Right-of-way side lines and lot property lines at least one hundred (100) feet back from road frontage and all permanent monuments.
 - (c) Private utilities showing all gas, electric, telephone, cable TV, fiber optic components, including all lines, gates, hand-holes, transformers, etc.
 - (d) Profile showing center line of roadway and storm and sanitary systems.
 - (e) Every plan shall have at least four points accurate within a centimeter, as certified by a surveyor, on each sheet tied into the Massachusetts State Plane Coordinate System (NAD 1983 datum), using said published control points or the global positioning system. The plan must note the metric coordinates of the four tie-in points, the datum, and the source and location of monuments used for data. Elevations to be NAVD 1988 datum.
 - (f) Sanitary sewer (if community or public system), with all components clearly identified and marked, including:
 - [1] Stationing of manhole bases on center-to-center distances between successive ones with lowest/beginning manholes being a 0+00 station;
 - [2] Type, size and class of pipe between each manhole;
 - [3] Location of sanitary wyes, pumping stations, siphons, etc., with distances from center of downstream manhole;
 - [4] Location of end of sanitary sewer service stubs at property lines (each location, ties to fixed and easily identifiable objects, and elevations of end of pipe) (NAVD 1988 datum); and
 - [5] Location and elevation of each component and the tie from that component to a fixed object, shown on the plans and also on a four-inch-by-six-inch card or such other format as specified by the Highway Superintendent and submitted to the Planning Board prior to placement of gravel on roadway.
 - (g) Storm sewer (if applicable), with all components clearly identified and marked, including:

- [1] Location, size and class of roadway curtain drains;
 - [2] Detention ponds, including elevations of inlet and outlet structures and pond bottom, if any;
 - [3] Stationing of manholes based on center-to-center distances between successive ones with lowest/beginning manhole having a 0+00 station;
 - [4] Type, size and class of pipe between each successive manhole and between manholes and catch basins;
 - [5] Location of individual lot subdrains and connections of said subdrains to storm system;
 - [6] Location, ties to easily identifiable objects, and elevation of end of subdrains at property line; and
 - [7] Location and elevation of each component and the tie from that component to a fixed object, shown on the plans and also on a four-inch-by-six-inch card or such other format specified by the Highway Superintendent and submitted to the Planning Board prior to placement of gravel on roadway.
- (h) Water system (if public or community system), with components clearly identifiable and marked, including:
- [1] Location and ties (distances) to fixed and easily identifiable objects of all water gates, water service boxes, corporations, ends reducers, tapping sleeve and valves, etc. (Each location and ties for each of the above to be placed on a four-inch-by-six-inch card or other method set by the Water Superintendent and submitted to the Planning Board prior to placement of gravel on roadway.)
 - [2] Location, type and class of mains, branches, services, etc.
- (2) Final road layout plans, including the following:
- (a) Final approved plans, recorded in the Registry of Deeds or Land Court as appropriate.
 - (b) A title search showing that the property is free of all liens and encumbrances.
 - (c) Two sets of twenty-four-inch-by-thirty-six-inch Mylar originals (one for the Town and one to be recorded) and three sets of prints at a scale of one (1) inch equals forty (40) feet prepared by a registered land surveyor in accordance with registry of deeds requirements.
 - (d) Only one proposed road to be shown per sheet, with match lines to be used if a road is to be shown on more than one sheet.
 - (e) Title block to be:

{Insert Name} Road Layout Plan, Sunderland, Massachusetts

Said road is part of the {insert name} Subdivision approved by the Planning Board

Filed with the Clerk, {insert date} and recorded at the Registry of Deeds
(insert book and page)

- (f) Planning Board's endorsement that "Approval is not Required" (road layout plan shall be submitted as an ANR plan, in accordance with these regulations).
 - (g) Road line to be shown in metes and bounds (standard surveying distance and bearing descriptions). Tie courses so that road can be mathematically closed (which is critical for electronic mapping). Bearings and distances for all curves to be shown.
 - (h) Road to be tied to Massachusetts State Plane Coordinate System (which allows surveys to be used to update the Assessors' maps). Every plan shall have at least four points accurate within a centimeter, as certified by a surveyor, on each sheet tied into the Massachusetts State Plane Coordinate System (NAD 1983 datum), using said published control points or the global positioning system. The plan shall note the metric coordinates of the four tie-in points, the datum, and the source and location of monuments used for data.
 - (i) All road line monuments to be shown and identified and their exact metric coordinates shown, in accordance with the requirements in the above subsection.
 - (j) At least one hundred (100) feet of lot property lines shown with metes and bounds.
 - (k) Ownership of lots (including Registry Book and Page).
 - (l) Land Court case numbers, when appropriate.
- (3) Provision for ongoing subdivision warranty period performance guarantees. The Planning Board shall hold all lot covenants, or twenty percent (20%) or more of the original approved cost estimate, or fifty thousand dollars (\$50,000), whichever is greater, until one year after the completion of all pavement, drainage facilities, and landscaping to ensure the success of those features. Only at the successful completion of this one-year warranty shall these covenants or funds be released. The required subdivision improvements are not considered complete, in accordance with the state subdivision control law, until this warranty period is complete and it has been documented that the improvements are well enough constructed to last this warranty period.
- (4) Electronic copies of said as-built/record plans and road layout plans which meet the requirements for Level I submission standards in the current version of the "MassGIS Standard for Digital Plan Submission to Municipalities." Electronic

copies must be submitted on a CD-ROM or other electronic medium acceptable to the Planning Board and must be accompanied by the completed checklist required in the MassGIS standard. Electronic copies of plans must include a version in PDF and a separate version in AutoCAD drawing paper space, with a complete data dictionary.

- (5) Certification. A professional civil engineer retained by the developer shall certify that all construction was executed in conformance with the Subdivision Regulations, the approved plans, and the subdivision approval and with all requirements agreed upon as a condition to plan approval. Said report must document exactly how the project varied from the subdivision approval plans. Minor changes are common to reflect the exact field placement, but all changes must be noted and approved by the Planning Board. Said submittal shall include:
- (a) The Operation and Maintenance Plan for all community sewage, community water, and drainage system.
 - (b) Letters from all private utility companies indicating that they have no objections to the project being considered complete or certification from their project engineer that all utilities were installed in conformance with all utility company comments and requirements.
 - (c) Documentation that all landscaping is completed and the entire area is cleaned up so as to leave a neat and orderly appearance, free from debris and other objectionable materials.
 - (d) Documentation that all catch basins, drainage structures, drainage swales, and detention ponds are properly cleaned out and landscaped.

ARTICLE V Administration

§ 194-21. Schedule of work.

- A. The work connected with the items mentioned in Article IV shall proceed in the following order, each item to be accomplished so as not to interfere with previous work:
- (1) Prior to any construction, the developer, project engineer, and contractor must meet with the Planning Board and other appropriate Town parties for a pre-construction conference to review the subdivision permit and conditions at a time agreeable to the Planning Board or its representative. The applicant/developer must provide evidence that all required documents have been recorded and adequate copies of all documents have been provided to the Planning Board. After the pre-construction conference, the applicant/developer shall notify in writing the Planning Board and Planning Board agents at least five (5) business days in advance of the date of commencement of construction and for each subsequent phase of construction.
 - (2) The roadway shall be brought to subgrade.

- (3) Water, gas lines, cable utilities and drains shall be placed with related equipment. All service connections shall be installed to the lot lines unless jacking across the street is feasible without breaking or weakening road pavement.
 - (4) Base gravel shall be placed.
 - (5) Surfacing shall be placed with sidewalks and curbs.
 - (6) Monuments and street signs shall be placed.
- B. The work shall proceed as above, with exceptions only by order of the Planning Board. After approval of the definitive plan, the location, material and specifications of all roads, improvements, and infrastructure subject to the Subdivision Control Law shall not be changed unless 1) the applicant/developer files a written request to amend the plan, with ten (10) copies of the original plan showing proposed changes drawn on the plan in red; 2) the applicant/developer pays the amended plan fee (plus the application fee per lot if new lots are being added); and 3) Such amendments are approved by the Planning Board (see also MGL c. 41, § 81W). If the Planning Board approves the change, the applicant/developer shall cause such approved changes to be shown on the record plans. At the Planning Board's discretion, minor "field changes" may be approved with a simple vote and letter from the Board.
- C. Inspections shall be arranged for as outlined on Form H Inspection Form.¹⁵ In addition to Town inspections, at key points in the subdivision construction, the Town of Sunderland utilizes a privatized inspection system.
- D. Inspection shall be made and the project shall be certified in writing to the Planning Board by a registered professional chosen by the applicant/developer, who shall certify that all work was done in accordance with the approved subdivision plans, except as noted, and shall provide a detailed list and plan of changes between the approved plan and what was built. An engineer or engineer's agent shall be on site during the entire construction process to ensure compliance with the design. The certification must be clear and not include such limits or qualifiers as "to the extent of my knowledge."

§ 194-22. Compliance with subdivision regulations and waivers.

- A. Approval of a subdivision plan, regardless of what is shown on the plan, does not relieve an applicant/developer from complying with the Subdivision Rules and Regulations except as specifically provided for in any Planning Board issued waiver of those rules and regulations.
- B. The Planning Board may, in special and appropriate cases, waive strict compliance with such portions of these rules and regulations, as provided for in MGL c. 41, § 81R, where such action is in the public interest and consistent with the purpose and intent of the Subdivision Control Law. The Planning Board shall only grant such waivers when, in its sole opinion, the waivers will result in clear and significant improvements to the quality of a project compared with a project which meets the minimum of the subdivision

15. Editor's Note: Form H is on file in the Town offices.

regulations. In making this finding, the Board may, at its discretion, consider the recommendations from a third-party engineering review.

- C. Such limited waivers shall only be granted when appropriate to encourage development which:
- (1) Expands pedestrian-scale village center as a traditional neighborhood development, not suburban-style development; or
 - (2) Significantly increases the amount of permanently protected open space and public trails beyond that otherwise required in the zoning; or
 - (3) Creates a greater amount of MGL c. 40B-defined affordable housing than is required by zoning within the development.
- D. A request for a waiver of a requirement, rule, or regulation shall be made in writing and submitted, whenever feasible, with the preliminary plan. If the Planning Board approves the request for a waiver, it shall endorse conditions of such waiver (if any) on the plan or set them forth in a separate instrument attached to and referenced to the plan, which shall be deemed a part of the plan. The Planning Board shall notify the applicant/developer in writing of its approval, disapproval, or approval with conditions.

§ 194-23. Planning Board consent.

Not more than one (1) building designed or available for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere within the Town without the consent of the Planning Board. Consent shall be granted only for structures in compliance with zoning restrictions and only upon the Board's finding that adequate ways and utilities servicing such site for such building having been provided in the same manner as otherwise required for lots within a subdivision.

§ 194-24. Statutory reference.

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

§ 194-25. Rules for hiring outside consultants.

- A. As provided by MGL c. 44, § 53G, the Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Planning Board for specific expert services that the Board deems necessary to reach a final decision on an application pursuant to the requirements of the Subdivision Regulations and any other Town bylaws, regulations, or rules as they may be amended or enacted from time to time.
- B. Funds received by the Planning Board pursuant to these rules 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 Planning Board without further appropriation as provided in MGL c. 44, § 53G. Expenditures from this account

shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant/developer.

- C. Specific consultant services may include but are not limited to the engineering of roads, walkways, private and public utilities, driveways, grades, grading, and sanitary systems; hydrogeologic and drainage analysis; impact analyses of various kinds; and environmental and land use law. The consultant shall be chosen by, and report only to, the Planning Board.
- D. The Planning Board shall give written notice to the applicant/developer of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant/developer, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant/developer if the application or request is withdrawn within five days of the date notice is given.
- E. The fee must be received in its entirety prior to the initiation of consulting services. The Board may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant/developer to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to determine that the application is incomplete (except in the case of an appeal). The Board shall state such in a letter to the applicant/developer, copied to Town Counsel. No additional review or action shall be taken on the application until the applicant/developer has paid the requested fee. For applications to be considered under the local bylaw regulations only, failure by the applicant/developer to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to deny the application.
- F. The applicant/developer may appeal the selection of the outside consultant to the Selectmen, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Selectmen and a copy received by the Board within ten (10) days of the date consultant fees were requested by the Board. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

§ 194-26. Partial release of performance guarantees.

The applicant may, upon partial completion and installation of required improvements in a subdivision, the security for the performance of which was given by bond, deposit of money, letter of credit or covenant, make formal application, in writing, to the Planning Board for partial release of the performance guarantee, in accordance with the procedures set forth herein:

- A. Financial performance guarantee. The amount of such bond, or deposit of money, or letter of credit or three-party agreement for lender fund retention held may, from time to time, be reduced by the Planning Board. To request a reduction fee, the applicant shall present to the Planning Board the appropriate fee and a list of all construction items performed and/or completed, said list to be based on the subdivision approval and the subdivision regulations in their entirety. The amount to be reduced by the Planning Board, after consultation with its agents and advisers, shall be based upon state prevailing wage construction costs at the time the application for reduction is made. The Planning Board shall withhold adequate funds to complete the project but shall withhold a minimum of twenty percent (20%) of the original approved cost estimate or fifty thousand dollars (\$50,000), whichever is greater. At the completion of the project (based on a written acceptance from the Planning Board that the project has been completed) and after a one-year warranty period, the amount withheld shall be released.
- B. Covenant. The applicant/developer may request a release of conditions for lots where the required improvements have been completed for that section of roadway beginning at any intersection with an accepted road and abutting lots up through the last lot to be released. Lots may only be released if they abut the completed portion of the road. No partial release from the covenants will be approved if the total length of roadway abutting said designated lots, including a temporary turnaround, exceeds the maximum allowable length for dead-end roads, unless the Planning Board has already approved within the limits of the development a dead-end road exceeding said limits.
- C. In the absence of financial performance guarantees, adequate covenants will be held to insure completion of the project, including record plans, road layout plans, site inspections, and legal work. In addition, a covenant on two lots which can be built on will be held until all work in the subdivision, including the signing of all necessary legal documents, has been completed.

§ 194-27. Full release of performance guarantees.

The applicant may, upon the completion and installation of required improvements in a subdivision, the completion of record plans and road layout plans as specified in these rules and regulations, and the completion of a one-year labor and materials warranty period (two years for trees), make formal application, in writing, to the Planning Board for full release of any outstanding performance guarantee. Before the Planning Board releases its full interest in said performance guarantee, the Planning Board shall:

- A. Obtain from the applicant/developer's professional engineer a written certificate of statement certifying that all work required by these rules and regulations has been constructed in conformance with the approved construction plans.
- B. Obtain from the applicant/developer letters from the electric, telephone, gas, cable TV or Internet, and fiber optic/broadband companies, as applicable, stating that their respective underground systems have been installed to their satisfaction.

- C. Obtain from the applicant/developer a paper and electronic set of record construction plans and road layout plans. Said plans shall include, but not be limited to, all the information requested in the subdivision closeout section of these regulations.¹⁶
- D. Obtain from the applicant/developer, where applicable, a deed or easement, in a form approved by the Planning Board, transferring to the municipality or to an approved public utility company, without cost, valid unencumbered title to any sanitary sewers, water mains, and appurtenances thereto, and other utilities constructed and installed in the subdivision or approved portion thereof. Such deed or easement shall include perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers, water mains and other utilities, with any manholes, conduits, and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all roads in the subdivision or approved portion thereof. If any such utility has been constructed and installed in land not within such roads, then the deed or easement shall include a strip of land extending a minimum of fifteen (15) feet in width on each side of the center line of all such utilities. The Planning Board may require greater than fifteen (15) feet in width on each side of the center line where it deems necessary.
- E. If the Planning Board determines that all improvements as shown on the endorsed definitive plan and all required plans and legal documents have been completed satisfactorily, it will release all the interest of the municipality in such performance guarantee and return the bond to the person who furnished the same, or release the covenant, by appropriate instrument, duly acknowledged, which may be recorded.
- F. If the Planning Board determines after inspection that said construction or installation has not been completed, or that said construction or installation fails to comply with these rules and regulations, it will send by registered mail to the applicant/developer and to the Town Clerk the details wherein said construction or installation fails to comply with its rules.
- G. The applicant/developer shall have thirty (30) days after receipt of such notice to correct all problems mentioned above, unless a written extension is requested and approved by the Planning Board. Failure of the applicant/developer to finish all the necessary work within said time period shall authorize the Planning Board to draw upon the performance guarantee.
- H. Any such performance guarantee may be enforced and any such deposit may be applied by the Planning Board for the benefit of the municipality, as provided in MGL c. 41, § 81, upon failure of the performance for which any bond or deposit was given to the extent of the reasonable cost to the municipality of completing such construction and installation.

16. Editor's Note: See § 194-20F.

SUBDIVISION OF LAND

194 Attachment 1

APPENDIX A

Development Guidelines by Landscape Type

The following provides criteria for categorizing land into four (4) landscape types, based on land form, vegetation and existing development. For each landscape type, guidelines are provided for development consistent with Town goals and character. The layout and construction of ways within subdivisions shall be so designed to comply with these guidelines and so as to facilitate vegetative cover and building development consistent with them. Included in these guidelines are considerations beyond subdivision control, such as suggested building materials. These are included here as a reference, for possible implementation at the developer's option.

Developers who believe that alternative guidelines would better meet the general goals being sought are encouraged to state those alternative guidelines as a part of their plan submittal.

Open Plain

IDENTIFICATION -- Flat land generally cleared of trees, now cropland or fields.

OBJECTIVES -- To maintain the open sweep of the land; avoid shapeless suburbia.

BUILDING SITING -- Cluster tightly, avoid scattered structures, repetitive yard dimensions.

ROAD LOCATION -- Lanes in clusters possibly rectilinear, others curving in response to minor land features.

VEGETATIVE COVER --- Protect any existing tree belts, plant street trees within clusters; mow, plow, graze.

BUILDING DESIGN -- Strong colors and textures, wood preferred; variation in basic building designs encouraged.

OTHER CONSIDERATIONS -- Agriculture encouraged.

Wooded Plain

IDENTIFICATION -- Flat land, generally wooded.

SUNDERLAND CODE

OBJECTIVES -- To avoid "suburban" development character, protect forest ecology.

BUILDING SITING -- Cluster preferred; scattered buildings away from or on edges of clearings, screened from roads.

ROAD LOCATION -- Frequent curves, staggered intersections.

VEGETATIVE COVER -- Clear underwood, only selectively clear trees.

BUILDING DESIGN -- Less critical than in other areas.

OTHER CONSIDERATIONS -- Better suited to development than most landscape types.

Mountain

IDENTIFICATION -- Land above the toe of the slope of Mount Toby and associated highlands, predominantly steep and wooded.

OBJECTIVES -- To protect the fragile mountain ecology, protect the visual quality of the Town's backdrop.

BUILDING SITING -- Cluster on less steep portions and in land folds, away from crests.

ROAD LOCATION -- Follow contours, minimizing cuts and fills.

VEGETATIVE COVER -- Preserve existing cover to degree possible.

BUILDING DESIGN -- Low structures, slope-following; no large, light surfaces, bright paint or exposed metal; muted color, soft form; wood, earth, weathered silvers, grays, browns.

OTHER CONSIDERATIONS -- Extraordinary care necessary to avoid erosion; development generally undesirable.

Village

IDENTIFICATION -- Land in the vicinity of concentrated development, whose character is established by and impinges upon that existing development.

OBJECTIVES -- To continue and provide transition from the pattern and character of existing development.

BUILDING SITING -- Compact clustering; avoid scattered structures.

SUBDIVISION OF LAND

ROAD LOCATION -- Short rectilinear segments in clusters, others curving in response to land features.

VEGETATIVE COVER -- Retain or plant street trees, preserve other trees where feasible.

BUILDING DESIGN -- Anything consistent with scale, texture and colors of nearby structures; wood preferred; variety in basic building designs encouraged.

OTHER CONSIDERATIONS -- Better suited to development than most landscape types.

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SUBDIVISION OF LAND

194 Attachment 2

APPENDIX B

Fee Schedule

Type	Fee
Approval not required (ANR)	\$25, plus \$30 per lot
Major residential, ANR	\$150, plus \$30 per lot
Presubmission review	\$50
Subdivision, preliminary	\$150, plus \$30 per lot
Subdivision, definitive with preliminary plan	\$300, plus \$50 per lot
Subdivision, definitive without preliminary plan	\$500, plus \$80 per
Site plan - commercial building	\$100

