



**TOWN OF MAYNARD  
MASSACHUSETTS**

**RULES AND REGULATIONS RELATING  
TO THE SUBDIVISION OF LAND**

As Amended Through August 14<sup>th</sup>, 2007



TOWN OF MAYNARD  
RULES AND REGULATIONS RELATING  
TO THE SUBDIVISION OF LAND  
Adopted August 14<sup>th</sup>, 2007



978-897-1029

TOWN OF MAYNARD  
PLANNING BOARD  
Town Building  
MAYNARD, MASSACHUSETTS  
01754

MEMORANDUM

To: Michelle Sokolowski, Town Clerk  
Date: August 14, 2007  
Subject: Rules and Regulations Relating to the Subdivision of Land

The undersigned, being members of the Planning Board hereby, submit the attached copy of the Rules and Regulations Relating to the Subdivision of Land as amended through August 14<sup>th</sup>, 2007.

  
\_\_\_\_\_  
Malcolm Hathaway, Chairman

Aug. 15, 2007  
Date

  
\_\_\_\_\_  
Brendon Chetwynd

Aug 21, 2007  
Date

  
\_\_\_\_\_  
Joseph Kerwin

Aug 20, 2007  
Date

\_\_\_\_\_  
Mark Price

\_\_\_\_\_  
Date



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RULES AND REGULATIONS  
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MAYNARD, MA.

**PURPOSE** (Section 81-M of Chapter 41, Massachusetts General Law)

“The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provisions for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in neighboring subdivisions. Such powers may also be exercised with due regard for the policy of the Commonwealth to encourage the use of solar energy, and protect the access to direct sunlight of solar energy systems. It is the intent of the subdivision control law that any subdivision plan filed with the planning board shall receive the approval of such board if said plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the planning board pertaining to subdivision of land, provide, however, that such board may, when appropriate, waive, as provided for in Section Eighty-One R ((81-R) of Chapter 41 Massachusetts General Laws), such portions of the rules and regulations as is deemed advisable.”

**SECTION I. AUTHORITY**

Under the authority vested in the Planning Board in the Town of Maynard by Section 81-Q of Chapter 41 of the Massachusetts General Laws, as amended, the Maynard Planning Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Maynard effective on and after August 23, 1988, as amended.



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## SECTION II. GENERAL

### A. Definitions

- “ANR Plan” A plan of land creating new lots, all of which have the required area and frontage specified in the Zoning By-laws, and for which approval under the Subdivision Control Law is not required (Approval Not Required).
- “Applicant” An Owner, or his agent or representative, or his assigns.
- “Board” The Planning Board of the Town of Maynard.
- “Certified by” Certified by (or endorsed by) the Planning Board, as applied to a plan or other instrument required or authorized by the subdivision control law to be recorded shall mean, bearing a certification or endorsement signed by a majority of the members of the Planning Board, or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in written statement to the register of deeds and recorder of the Land Court, signed by a majority of the Board.
- “Dead-End Street” A street or street system which has only one means of ingress from or egress to an existing street.
- “Definitive Plan” The plan of a subdivision as duly submitted (with appropriate application) to the Board for approval under the Subdivision Control Law, to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board.
- “Lot” An area of land, undivided by any street, in one ownership with definitive boundaries ascertainable from the most recently recorded deed or plan, which is:
1. A deed recorded in the Middlesex County South District Registry of Deeds, or
  2. A certificate of title issued by the Land Court and registered in the Land Court section of such Registry, or
  3. Title or record disclosed by any and all pertinent public documents.
- “MGL” The General Laws of the Commonwealth of Massachusetts.
- “Monument” A permanent marker to indicate a boundary.
- “Municipal Service: Sewers, storm water drains, water mains, gas mains, electrical lines telephone lines, television cables, fire alarm system, similar systems and their respective appurtenances.



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“Person”	An individual, or two or more individuals, or a group or association of individuals, a partnership, trust or corporation having common or undivided interests in a tract of land.
“Planning Board Agent”	Town employee or consultant authorized by the Planning Board to review subdivisions and administer the regulations.
“Preliminary Plan”	A Plan of a proposed subdivision or resubdivision of land prepared in accordance with Section III.A. to facilitate proper preparation of a definitive plan.
“Principal Street”	A street with anticipated traffic equivalent to that generated by fifty (50) homes or more, or which is located in or abutting to business and industrial districts.
“Private Utilities”	This term shall include telephones, cable television, electric light and power, and gas lines whether installed on, above or beneath the surface of the ground.
“Project Works Or System”	This term, when used in reference to a particular utility, denotes a centralized utility system, designed to serve more than one lot within a subdivision, but which is not connected with any existing public system. The term is used in contradistinction to an individual works or facility designed to serve only the lot on which it is located.
“Public Utilities”	This term shall include only sanitary sewers, surface water, drains, and water pipes and their appurtenances and fire alarm systems.
“Recorded”	Recorded in the Middlesex South District Registry of Deeds of Middlesex County, except that, as affecting registered land, it shall mean filed with the recorder of the Land Court.
“Registry of Deeds”	The South Middlesex District Registry of Deeds of Middlesex County; and, when appropriate, shall include Land Court.
“Roadway”	The portion of a right-of-way which is designed and constructed for vehicular travel.
“Secondary Street”	A street that can be expected to handle less traffic than a principal street and is not located in or abutting to business and industrial districts.



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- “Street Right-of-Way”                      The full width of the right of way between the property lines.
- “Subdivision”                      The division of a tract of land into two or more lots as defined by MGL Chapter 41 Section 81L, as amended, which shall include resubdivision, and when appropriate to the context, shall relate to the process of subdivision of land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall **not** be deemed to constitute a subdivision with the meaning of the subdivision control law if, at the time when it is made; every lot within the tract so divided has frontage on:
- A. a public way or a way which the clerk of the Town of Maynard certifies is maintained and used as a public way, or
  - B. a way shown on a plan theretofore approved in accordance with the subdivision control law, or
  - C. a way in existence when the subdivision control law become effective in the Town of Maynard having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of a least such distance as is required by the Zoning By-Laws of the Town of Maynard for erection of a building on such a lot. Conveyances or other instruments adding to, taking away from, or changing the size and shape lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the Town of Maynard in which the land lies, into separate lots on each of which one of such buildings remains standing, shall not constitute subdivision.
- “Subdivision Control”              The power of regulating the subdivision of land granted by the Subdivision Control Law, Chapter 41, Section 81-K through GG inclusive, of the General Laws of the Commonwealth of Massachusetts.
- “Town”                                  Town of Maynard



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**B. Plans believed not to require approval**

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that the plan does not require approval under the Subdivision Control Law, may submit a plan on reproducible, recordable media, six blueline or blackline prints thereof and two copies of a properly executed application Form A (see Appendix) to the Planning Board at a regularly scheduled meeting, accompanied by the necessary evidence to show that the plan does not require approval, together with an application fee as identified in the schedule of uses (Maynard Protective Zoning Bylaws). The person shall file by hand delivery or registered mail, a notice with the Town Clerk stating the date of submission for such a determination and accompanied by a copy of the application (Form A). The applicant shall provide the Planning Board with a copy of the notice of filing at the first public meeting addressing said filing.

Any plan that affects the number, shape and size of the lots shown on the plan shall clearly show the effects of adjoining lots as to frontage, and if applicable, side lot and setback requirements. In addition, in cases where there is the possibility that the land being divided may have been held in common ownership with adjoining property during revisions to the Zoning requirements affecting the subject zone, the Planning Board may require the applicant to provide evidence of ownership of the subject parcel and adjoining parcels during the time-frame of the zoning changes that have occurred.

The plan shall be on linen or mylar film, four (4) mils thick and shall be of minimum dimensions of nine and one half inches by fourteen inches (9-1/2" x 14"), a maximum size of twenty-four by thirty-six inches (24" x 36") and shall contain the following information:

- (a) Identification of the plan by name and owner of record and location of the land in question as shown by a locus map at a scale of 1" = 1000' on the plan.
- (b) The statement "Approval Under Subdivision Control Law Not Required", and sufficient space for the date and the signatures of all members of the Board.
- (c) Zoning classification and location of any Zoning District boundaries that may lie within the locus of the plan.
- (d) In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
- (e) Notice of any decisions by the Zoning Board of Appeals, including, but not limited to, variances, special permits or orders, and exceptions regarding all or any portion of the land or any buildings shown on such plan.
- (f) Names of abutters from the latest available Assessor's records. See Form E - Certified List of Abutters.
- (g) Distance and bearing to the nearest permanent monument(s).
- (h) Location of all existing buildings and permanent structures, including set backs and side and rear yard designations. Existing means of egress from the street to all existing buildings shall also be shown on the plan.



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- (i) Bearings and distances of all property lines of the subject parcels of land being modified, as well as areas noted in square feet and acres. In addition, any wetlands, water bodies, water courses, and all resource areas as defined in the Maynard Wetlands Administration Bylaw shall be shown on the plan.
- (j) Name, signature and seal of the Massachusetts Registered Land Surveyor (R.L.S.) who prepared the plan.
- (k) North arrow, date, and scale.
- (l) A statement of whether or not all streets and ways shown or referred to are public or private ways, indicating the same as to each street or way so shown, and whether such streets and ways are actually constructed.
- (m) A note conspicuously placed on the plan indicating that endorsement by the Board does not in and of itself indicate that the lot(s) being created is necessarily a buildable lot(s).

If the Board determines that the plan does not require approval, it shall without a public hearing and within twenty-one (21) days of submission, or as required by MGL Chapter 41, Section 81P, as amended, endorse the plan. The plan shall be returned to the applicant and the board shall notify the Town Clerk of its action.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within twenty-one (21) days of submission of the plan, or as required by MGL Chapter 41, Section 81P, as amended, so inform the applicant and return the plan and all but two (2) copies of same to the applicant. The Board may, at its option, retain these two copies of the plans for its records. The Board shall also notify the Town Clerk of its determination.

### **C. Subdivision**

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation or 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.

### **D. Subdivision Expenses**

All expenses for advertising, for engineering, administrative, and professional planning review, for recording and filing of plans and documents, and for all other expenses in connection with or for a subdivision shall be borne by the applicant.

#### **1. Administrative or application fees**

Application fees are listed in a separate Schedule of Fees, filed with these Regulations. Application fees are not refundable. Other fees, such as the cost for advertisements, shall be charged to the applicant and shall be paid upon notice from the Board. Failure of an applicant to pay any fee shall be grounds for denial of the application or permit.



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2. Review Fees (M.G.L. Ch.44 S.53G)

- A. When reviewing an application for subdivision approval, the Board requires that the applicants pay a “review fee” to provide for the assistance of outside engineering, planning, and other consultants. This “review fee” consists of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application and is in addition to the application or administrative filing fee.
- B. In hiring outside consultants, the Board may engage engineers, planners, lawyers, landscape architects, hydrologists, botanists or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, and regulations. The minimum qualifications shall consist either of a degree in, or related to field at issue or three or more years of practice in the field at issue or a related field, and if the field is licensed or registered by the Commonwealth, the respondent holds such license or registration.
- C. Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the application or permit.
- D. Review fees may only be spent for services rendered in connection with the specific project from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board’s review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant’s successor in interest. A final report of said account might upon request be made available to the applicant or the successor interest. For the purpose of this regulation, any person entity claiming to be an applicant’s successor in interest shall provide the with documentation establishing such succession in interest.
- E. Any applicant may take an administrative appeal from the selection of the outside consultant to the Maynard Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Maynard Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

3. Schedule of Fees

The schedule of fees may be found in the Town of Maynard Protective Zoning Bylaws.



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### **SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS**

#### **A. Preliminary Plan**

##### **1. General**

The applicant, before submitting a Definitive Plan for approval as hereinafter prescribed, may, at the applicant's own election, submit to the Board for approval a Preliminary Plan, showing the proposed subdivision in a general way. The submission of a Preliminary Plan, while not herein required for a residential subdivision is strongly recommended except in the simplest cases. Such submission affords the applicant the opportunity to have the Board review the proposed subdivision before the expenditure of time and money for more detailed engineering. A Preliminary Plan is required for a non-residential subdivision.

It is intended that the Preliminary Plan will enable the applicant to more expeditiously ascertain the specifications and requirements of the various town agencies with relation to the subdivision.

##### **2. Application**

The applicant shall submit the Preliminary Plan to the Planning Board, together with a properly executed application form (Form B - see Appendix), application fee, and verification that copies of the Preliminary Plan have been submitted to the Department of Public Works, Board of Health, and Conservation Commission. The applicant shall file by hand delivery or registered mail, a notice with the Town Clerk stating the date of submission for an approval, accompanied by a copy of the completed application Form B. The applicant shall provide the Planning Board with a copy of the notice of filing at the first public meeting at which the Board considers the Preliminary Plan.

##### **3. Contents**

Four copies of the Preliminary Plan, drawn by a surveyor or engineer, no larger than twenty-four inches by thirty-six inches (24" x 36"), preferably at a scale of one (1) inch equals forty (40) feet, shall be clearly designated "Preliminary Plan". Such plan shall show:

- (a) The subdivision name, boundaries, north arrow, date, scale, legend and title;
- (b) Name and address of the record owner, applicant, and designer, engineer or surveyor;
- (c) The names of all abutters from the latest available Assessors' records. (See Form E - Certified List of Abutters in the Appendix.)
- (d) The existing and proposed lines of street, ways, easement, and any public areas within the subdivision.
- (e) The location, names and present widths of streets bounding, approaching or near the subdivision;
- (f) The topography of the land in a general manner utilizing contours at intervals of five (5) feet or less.



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- (g) The proposed system of water, proposed system of drainage, including existing natural waterways that would receive subdivision stormwater flow, and the proposed system of sewerage in a general manner both within and adjacent to the subdivision;
- (h) The approximate boundary lines of proposed lots, with approximate areas and dimensions and approximate locations of proposed buildings in a general manner;
- (i) Estimates of the grades of proposed streets and ways, or profiles of same;
- (j) Major site features such as existing stonewalls, fences, buildings, large trees or wooded areas, rock ridges and outcroppings, wetlands, water bodies, water courses within 200 feet of the property boundaries, and all other resource areas as defined in the Maynard Wetlands Administration Bylaw. Water courses should be clearly labeled as intermittent or perennial, and should be supported by the applicant's presentation in a public meeting of a recent USGS map showing the watercourse (or not, as the case may be).
- (k) A locus map at a scale of 1" = 1000'.

The Preliminary Plan must be accompanied by a statement of existing zoning and any easement, covenants, or restrictions applying to the area proposed to be subdivided.

#### 4. Approval

The Planning Board must give such Preliminary Plan its approval with or without recommended changes, or disapproval with reasons therefore, within forty-five (45) days of submission, or as required by MGL Chapter 41, Section 81S, as amended. Approval of a Preliminary Plan does not constitute or guarantee approval of subdivision or a Definitive Plan, but is intended to facilitate the procedure in securing final approval of the Definitive Plan.

#### 5. Adjacent Land of Subdivider

In the case of a Preliminary Plan of a subdivision covering less than all of the land owned by the applicant and/or record owner in the area of the subdivision, or where the owner or applicant also controls undivided adjacent land, a sketch plan shall be submitted showing, in a general manner, the overall proposed development of all of the land owned or controlled by the applicant and/or record owner in the area of the subdivision, and indicating the area for which approval is being sought. Said sketch plan shall show a possible or prospective street layout and development scheme for such adjacent land.

#### 6. Incomplete Submissions

The Planning Board, at its first public meeting addressing the Preliminary Plan may make a judgment that the information shown on the plan and/or in the supporting submittal documentation is incorrect or incomplete, and that the submittal is incomplete and unacceptable, and so inform the applicant and the Town Clerk. Notice of an incomplete submission will cause the passage of time for action of the Planning Board to effectively be suspended until such time as a completed and/or corrected submission is made.



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**B. Definitive Plan**

1. General

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

- (a) Fourteen (14) prints of the Definitive Plan (distributed as described in (c) below), and upon approval, one original drawing of the Definitive Plan. The original drawing(s) will be endorsed by the Board and returned for recording after approval by the Board.
- (b) Fourteen (14) copies of reports (also distributed) containing support data as may be required by the Board under these Rules and Regulations, except that only six (6) copies of the Drainage Calculations are required, to be distributed by the Planning Board.
- (c) A properly executed application form C, application fee, and verification that the required copies of the Definitive Plan and reports containing supporting data have been provided to the Fire Department, Police Department, Department of Public Works, Board of Health, Building Inspector, Conservation Commission, Assessor, and Selectmen. (The remaining 4 copies will be delivered to the Planning Board. One additional copy of the plans and supporting information shall be delivered to the Board's engineering consultant as well. The applicant shall file by hand delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval, accompanied by a copy of the completed application (Form C - see Appendix) plans, and supporting documents. The applicant shall provide the Planning Board with a copy of the notice of filing at the first public meeting at which the Board considers the Plan Definitive.
- (d) The Planning Board, at its first public meeting addressing the Definitive Plan may make a judgment that the information shown on the plan and/or in the supporting submittal documentation is incorrect or incomplete, and that the submittal is incomplete and unacceptable, and so inform the applicant and the Town Clerk. Notice of an incomplete submission will cause the passage of time for action of the Planning Board to effectively be suspended until such time as a complete and/or, corrected submission is made.
- (e) The applicant shall agree in its application to file with the Board either a performance bond or a covenant contract following Maynard's standard format, as hereinafter provided.
- (f) Where the applicant elects to file a performance bond rather than a covenant as hereinafter provided, the applicant shall prepare estimates of the cost of performing the various items of required work, and submit same to the Department of Public Works (DPW), the Planning Board and the Planning Board's consultant for approval. These estimates are subject to modification by the DPW, the Planning Board and/or its consultant, and once approved will then be used by the Board for determining the required amount of the security.



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- (g) The applicant will also be required to post a separate bond in an amount to be determined by the DPW, the Planning Board and/or its consultant for the street lighting proposed for the project.
- (h) In the case of a Definitive Plan of a subdivision covering less than all of the land owned by the applicant and/or record owner in the area of the subdivision, or where the owner or applicant also controls undivided adjacent land, a sketch plan shall be submitted showing, in a general manner, the overall proposed development of all of the land owned or controlled by the applicant and/or record owner in the area of the subdivision, and indicating the area for which approval is being sought. Said sketch plan shall show a possible or prospective street layout and development scheme for such adjacent land.
- (i) Approval of the Definitive Plan shall be contingent upon the completion of the required work on the ground within two (2) years of the endorsement of the Definitive Plan. Failure to complete the required work within the two-year time period shall constitute a reason for rescission of the subdivision approval by the Board. Prior to the expiration of such time period, the applicant may request that the Board allow additional time for completion of the subdivision improvements, which extension is at the sole discretion of the Board. The Board, when asked to approve such an extension, may also elect to review the security arrangements for the work, and may request additional security if it is adjudged necessary.

## 2. Contents of Definitive Plan

The Definitive Plan shall be prepared by a Registered Land Surveyor (R.L.S.) licensed in the Commonwealth of Massachusetts. Road alignments, water, sewerage, and drainage systems shall be designed by a Professional Engineer registered in the Commonwealth of Massachusetts in the field of Civil Engineering. The plans shall be clearly and legibly drawn in indelible ink upon Mylar film, four (4) mils thick. The plan shall be at a scale of one inch equals forty feet (1"=40'). Other supplemental scales may be used to show details clearly and adequately. Sheet sizes shall not exceed twenty-four inches by thirty-six inches (24" x 36"). If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. All lettering shall be 1/8" high, 1/10" high if mechanically drawn, and upper case to comply with Registry of Deeds requirements.

The Definitive Plan shall contain (1) the subdivision name, north arrow, date and scale, and (2) the name and address of the record owner, the applicant and the engineer and/or surveyor, and their proper seals of registration.

The subdivision plan submission shall consist of four (4) separate plans, plus Supplemental information, containing the following information:

- (a) Definitive Subdivision Plan of Land
  - (1) Location of abutting property lines and the names of all abutters as they appear in the most recent tax list, as tabulated on Form E - Certified List of Abutters.



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- (2) Subdivision boundaries, lines of existing and proposed streets, ways, lots, easements, and public or common areas within the subdivision. The names of proposed streets are subject to the approval of the Planning Board as well as the Fire and Police departments, and the DPW.
- (3) Sufficient data to easily determine the location, direction and length of every street and way line, easement, lot line and boundary line, and to establish these lines on the ground. The area of each lot shall be indicated in square feet and acres
- (4) Location of all permanent monuments properly identified as to whether existing or proposed.
- (5) Location, names, present rights-of-way and roadway widths of streets bounding, approaching, or within reasonable proximity of the subdivision.
- (6) Suitable space to record the action of the Board and the signatures of the members of the Board, as well as certification by the Town Clerk.
- (7) All lots or other division of land shall be designated numerically in sequence to facilitate designation on a certificate of performance relative to a conditional approval.
- (8) The zoning district classification of land shown on the plan and the location of any zoning district boundaries that lie within the locus of the plan, and the applicable minimum front, side, and rear yard depths for each lot as is required by the Zoning By-Laws.
- (9) Indication of all existing and proposed easements, covenants or restriction applying to the land and their purposes, whether or not within the subdivision, including any decision on appeal or any variances or exceptions made by the Zoning Board of Appeals applicable to the subdivision of the land or any buildings thereon.
- (10) All waivers to these Rules and Regulations shall be noted on the Definitive Plan prior to endorsement by the Planning Board.



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(b) Plan and Profile

- (1) Plans and profiles of proposed streets, on a horizontal scale of forty feet (40') to an inch and a vertical scale of four feet (4') to an inch, showing existing center line grades in fine solid lines, existing exterior line grades in fine dashed lines, and proposed finished centerline grades in heavy solid lines. Existing and proposed grade elevations shall be shown at fifty foot (50') stations except along vertical curves which shall be at twenty-five foot (25') stations. The station and elevation of all roadway crests, sags, and intersections shall be shown, to include the points of intersections (PI's) of all vertical curves. The proposed centerline rates of gradient for the roadways shall be shown. All elevations shall be on USGS datum, and at least two benchmarks are to be shown on each sheet of the plans.
- (2) Profiles shall also show the size and location of existing and proposed storm drains, sewers, water mains, and their appurtenances, as well as pipe slope, size, type of material, and pipe lengths measured to the center of manholes. For all storm drainage and sewerage collection systems that are not aligned within the proposed right-of-way(s), a plan and profile of the appropriate systems(s) shall be shown. The plans and profiles shall be on a horizontal scale of forty feet (40') to an inch, and a vertical scale of eight feet (8') to an inch, showing existing grades as dashed lines and proposed finish grades in heavy solid lines.
- (3) Location in plan view only of the water supply system, as well as any underground distribution systems for any utility services, including electrical, telephone services, television cable, fire alarm and municipal wiring.
- (4) The design of any poles and associated overhead structure to be provided and for use for street lighting.

(c) Grading and Drainage Plan

- (1) The location and outline of all existing buildings and site features such as existing stonewalls, fences, large trees, or wooded areas, rock ridges and outcroppings, flood plain areas, and all resource areas as defined in the Maynard Wetlands Administration Bylaw, including wetlands, water bodies and water courses, which information shall also include the depth of water and direction of flow within or adjacent to the proposed subdivision.
- (2) Existing and proposed topography at a two-foot contour intervals, and benchmark locations on or adjacent to the site. Existing roadway grades of the approaching street to the subdivision shall also be shown.
- (3) An erosion and sedimentation control plan such as may be prepared by the National Resource Conservation Service (formerly the U.S. Soil Conserva-



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tion Service), to include details and narrative on construction sequencing and erosion control methodologies.

- (4) The location and results of soil boring and/or test pits including those along the proposed roadways, in areas of proposed retention/detention basins or ex-filtration trenches, and for any subsurface sewage disposal systems required.
- (5) Subdivision boundaries, lines of existing and proposed streets, ways lots, easements, and public or common areas within the subdivision.
- (6) Location of proposed houses and driveways to it, accurately depicting where garages and driveways will be located, and showing the proposed grading for the driveways. In cases where the grading for a house will have an impact on the proposed improvements, or grading adjacent to a resource area as defined in the Maynard Wetlands Administration Bylaw, that grading shall be shown as well.

(d) Details and Section Plan

- (1) Typical cross section of the roadway, showing pavement, berms, sidewalks, and utilities.
- (2) Details of the roadway and utility appurtenances, including details for berms, catchbasins, sewer and drain manholes, stormwater BMP'S (Best Management Practices), pipe bedding and trench cross-sections, slope stabilization measures, fire hydrants and water lines.

(e) Other supplemental information shall include:

- (1) Drainage calculations, prepared by a professional engineer registered in the Commonwealth of Massachusetts, which shall include design criteria, topographic maps showing drainage areas, both prior to and after the proposed construction, and other information sufficient for the Board to determine the adequacy of proposed hydraulic structures and the effects of the proposed project on adjacent and downstream property. Information should be arranged and annotated in such a way that the Board or its reviewing engineers can easily follow and review the calculations.
- (2) A locus map at a scale of one inch (1") equals one thousand feet (1,000') showing the proposed streets, the subdivision in relation to the existing streets in the immediate vicinity, and Zoning District boundaries and district classifications.
- (3) The applicant shall also submit an Environmental Impact Assessment. This report will enable the officials of the Town of Maynard to assess the impacts of the proposed subdivision with respect to on-site and off-site environmental quality and to determine the methods that will be used by the applicant to



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promote the environmental health of the community and to minimize the adverse effects on the natural resources of the Town. The report will also address the economic impact to the Town, and its effect on the Town infrastructure. The report shall be prepared at the expense of the applicant by a qualified professional deemed acceptable by the Board, and will consist of, but not necessarily be limited to, the following:

(a) Physical environment

- (1) A description of the site including amounts and varieties of vegetation, general topography, unusual geologic, scenic or historic features, stone walls, trees over sixteen inches (16") diameter at breast height (DBH), trails, open spaces, and indigenous wildlife.
- (2) A description of how the project will effect these features.

(b) Surface water and soils

- (1) A description of the location, size, and type of existing water and wetlands, including existing surface drainage characteristics both within and adjacent to the project, to within a minimum of 200 feet from any property line.
- (2) The description of existing water courses should state whether they flow year round, and whether the water course is a river under the definition of the Rivers Act.
- (3) A description of the methods to be used during construction to control erosion and sedimentation.
- (4) A description of the permanent methods to be used to control erosion and sedimentation.

(c) General impact to town services including, but not necessarily limited to water, sewer, schools, taxes, fire, police, Department of Public Works, and other municipal services.

(d) Traffic flow, including the effects of existing traffic as well as proposed traffic on the area presented in a general manner, to include:

- (1) The proposed number of daily trips generated from the subdivision.
- (2) The effects of this proposed traffic on the capacity of adjacent streets and the Town's major roads and intersections.
- (3) If the Planning Board feels additional information on traffic is necessary, it may, at any point in the subdivision review



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process, request the applicant to provide a more detailed traffic study performed by a Massachusetts Registered Professional Engineer experienced in such studies, to include intersection level of service determinations, peak and off-peak traffic loads, and intersection and road configuration and safety.

- (4) Additional information as the Board may deem necessary during the course of their subdivision plan review.

3. Review by the Board of Health as to Suitability of the Land

The Definitive Plan and supporting documentation given to the Board of Health by the applicant when making the initial submission is to be examined by the Board of Health, which shall, within forty-five (45) days after receipt of the plan, report to the Planning Board in writing. The Board of Health should indicate its approval or disapproval of said plan, and in the event of disapproval shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report, and, where possible, shall make recommendations for the adjustment thereof. Failure to report shall be deemed approval by the Board of Health. The Board shall send a copy of such report, if any, to the applicant who submitted said plan.

Any lot so located that it cannot be served by a connection to the municipal sewer system shall be provided with a sewage disposal system satisfactory to the Board of Health.

4. Public Hearing

Before approval of the Definitive Plan is given, the Planning Board shall hold a public hearing. Notice of such hearing shall be given by the Board (at the expense of the applicant) by two newspaper advertisements in a newspaper of general circulation in the Town of Maynard, one in each of two consecutive weeks, the first being at least fourteen (14) days before the hearing. A copy of said notice shall be mailed to the applicant, and to all owners of land abutting upon the subdivision as appearing in the most recent tax list, by the applicant, by certified mail and receipts thereof shall be returned to the Planning Board at the time of hearing.

5. Certificate of Approval

The action of the Board in respect to such plan shall be by vote within ninety (90) days of submission of the Definitive Plan (one hundred thirty-five (135) days if a Preliminary Plan is not submitted, or as required by MGL Chapter 41, Section 81U, as amended, or at the end of such further time as may be agreed upon at the written request of the applicant. Copies of the Board's action shall be certified and filed with the Town Clerk and 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. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board, but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of action of the Board with the town Clerk and said Clerk has notified the Board that no appeal has been filed. After the Definitive



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Plan has been approved and endorsed, the applicant shall furnish the Board with six (6) prints thereof.

Within thirty (30) days after the return of an approved plan, the applicant shall cause to be recorded at the Registry of Deeds, a copy of the Definitive Plan and the Covenant, if any, and shall notify the Board of such recording.

Final approval of the Definitive Plan does not constitute the acceptance by the Town of streets within subdivision.

6. Failure of the Planning Board to Act

Failure of the Planning Board to take final action or to file with the town Clerk a Certification of such action regarding a plan submitted by an applicant within ninety (90) days after such submission, (one hundred thirty-five (135) days if a Preliminary Plan is not submitted) or as required by MGL Chapter 41, Section 81U, as amended, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof.

**C. Performance Guarantees**

1. General

- (a) Before endorsement of the approved definitive subdivision the applicant shall provide a guarantee that the work shown on the plan will be performed in the manner required by these Rules and Regulations. Performance will be guaranteed by the provision of security as set forth below.

2. Covenant

- (a) A Covenant shall provide that the street(s) shall be constructed and the municipal services shall be installed as shown on the approved definitive subdivision plan, and in accordance with the decision of the Board, these Rules and Regulations, Maynard Department of Public Works construction standards, and any approved change orders; and that no lot may be built upon or conveyed, other than by mortgage deed, until:
  - (1) satisfactory completion of the street(s) and the installation of municipal services; or
  - (2) sufficient security has been furnished and approved by the Planning Board to guarantee the satisfactory completion of the street and the installation of municipal services.
- (b) The Covenant shall run with the land and shall be binding upon the developer and any successors in title to the land or any portions thereof, to which the covenant refers. If title to any land subject to the covenant is transferred to another:



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- (1) The Planning Board shall be provided with the name(s), address(es), telephone number(s) of the new owner(s) and of the representative, if other than the owner(s), responsible for the project, and
  - (2) a new Covenant shall be executed by the Planning Board and the new owner(s) and shall be recorded.
- (c) The preferred form of the Covenant is set out in the Appendix to these Rules and Regulations as Form I.
- (d) If the applicant provides the required performance guarantee by a covenant, the following note shall be inscribed on the plan:
- “ In accordance with a covenant dated \_\_\_\_\_ (giving the date the covenant was executed by the Board) and recorded herewith.”
- (e) When the applicant has completed the required improvements for any lots in the subdivision, he may request in writing, a release of conditions to said lots. If the improvements have been completed to the satisfaction of the Board, it will then execute and deliver to the subdivider such release (Form J in the Appendix to these Rules and Regulations), which release shall be recorded in the Registry of Deeds. Thereafter, the conditions relating to such lots as released shall terminate.

### 3. Security

- (a) The developer may furnish a performance guarantee by providing security that the Board determines is sufficient to secure the construction of a street(s) and the installation of municipal services for lots in the subdivision in accordance with the approved definitive plan, the decision of the Board, these Rules and Regulations, Maynard Department of Public Works construction standards, and any approved change orders.
- (b) The security may be provided by a deposit of money or negotiable securities in the form of a bank passbook, certified checks, bank treasurers checks, or money orders payable to the town of Maynard, or by bond, in an amount determined by the Planning Board to be sufficient to cover the cost of construction of any or all of the proposed improvements, plus an additional amount not to exceed 20% as a contingency. Passbooks should be accompanied by a signed Form G or Form H (in the Appendix to these Rules and Regulations) assigning the security to the Town of Maynard.
- (c) The security provided as a performance guarantee may be any of the types listed above, but only those types.
- (d) Prior to submittal to the Planning Board, all proposed financial instruments to be used as performance guarantee shall be reviewed by the Town Treasurer to determine if they are financially sound and acceptable to the Treasurer. The Planning Board re-



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serves the right to limit its approval of security to types of financial instruments and financial institutions that the town Treasurer considers acceptable.

4. Establishing Amount of Security

- (a) When the Board sets the amount of security initially, or at any subsequent time, it shall consider the recommendation of the Superintendent of Public Works and/or the Planning Board's own consultant as to the amount of money necessary to complete the required improvements. The amount of security set by the Board may include allowances for contingencies, escalation of construction costs due to inflation, and the administrative cost to the town of managing the completion of the streets and municipal services in the event of the developer's non-performance as set forth in these Rules and Regulations, below.
- (b) The Planning Board may set the amount of security to be held by the town, whether initially or at any subsequent time, for a period of not more than two years, excluding the provisions for extensions of such time as may be granted by the Board under these Rules and Regulations. If the development is not completed by the end of the two-year period, the Planning Board may reevaluate the amount of security held in relation to construction costs. If necessary to cover the costs of completing the outstanding work, the Planning Board may set a higher amount than that previously established and may require that additional security be provided.
- (c) As a condition of permitting the extension of the time for completion of the work, as provided for in these Rules and Regulations, the Planning Board may revise the amount of security.

5. Reduction of Security

- (a) As used herein, the term improvements shall mean the construction of the street(s) and the installation of municipal services in accordance with the approved definitive plan, the decision of the Board, these Rules and Regulations, Maynard Department of Public Works construction standards, and any approved change orders.
- (b) When some of the improvements for which security has been provided have been satisfactorily completed, the Board may reduce the amount of the security to an amount not less than the estimated costs to complete the remainder of the required improvements, including the allowances described above as contingencies, allowances and administrative costs. The Board may reduce the amount of security upon receipt of a written request by the applicant, or upon its own initiative.
- (c) Prior to a vote to reduce the amount of the security, the Department of Public Works in concert with the Planning Board's consultant, shall provide a statement to the Board as to which of the required improvements have been satisfactorily completed and a recommendation as to the amount of money necessary to complete the remaining required improvements.



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- (d) The Planning Board shall transmit copies of any vote authorizing a reduction in the amount of security to the applicant, the Town Treasurer, and to the financial institution holding the security, authorizing them to reduce the amount being held.
  
- (e) The security shall not be reduced to an amount less than 10% of the original amount of the security until such time as the proposed roadway and infrastructure improvements have been satisfactorily completed in the opinion of the Planning Board, and the completed street(s) have been accepted as public way(s) by a vote of the Town Meeting.



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## SECTION IV. DESIGN STANDARDS

### A. Streets

#### 1. Location and Alignment

- (a) All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular and pedestrian travel. Due consideration shall also be given by the applicant to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- (b) The proposed street shall conform to the Master Plan as adopted in whole or in part by the Board.
- (c) Provisions satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
- (d) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- (e) The minimum centerline offset for streets intersecting on the opposite side of another street shall be one hundred twenty-five feet (125'). The minimum centerline offset for streets intersecting on the same side of another street shall be three hundred feet (300'). Streets shall be continuous and in alignment with existing streets as far as practicable.
- (f) The minimum roadway centerline radius of a horizontal curve shall be two hundred feet (200') for principal streets and one hundred fifty feet (150') for secondary streets. Greater radii may be required for principal streets, where in the opinion of the Planning Board such greater radii are required for reasons of public safety.
- (g) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at an angle of less than sixty (60) degrees.
- (h) Property lines and curbs at street intersections shall be rounded to provide for a radius of not less than twenty-five feet (25'). However, when the intersection of two ways varies more than ten (10) degrees from a right angle, the radius of the curve at the acute angle may be less and at the obtuse angle may be greater than twenty-five feet (25') to the extent approved or required by the Board. Greater radii shall be required at intersections of principal town roads, and where deemed necessary by the Board. Property line curves at intersections shall be tangent to the property lines of the intersecting roadways.



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2. Width

The minimum width of right-of-ways shall be forty feet (40') for secondary streets. The minimum width of right-of-ways shall be fifty feet (50') for principal streets. The Board shall require Greater widths when deemed necessary for present and future vehicular or pedestrian travel.

The minimum roadway width shall be twenty-six feet (26') for secondary street (reference Figure 1). The minimum roadway width shall be thirty feet (30') for principal streets (reference Figure 2).

3. Grade

- (a) Grades of streets shall be not less than 0.75%. Grades shall not be more than 5.0% for principal streets nor more than 8.0% for secondary streets.
- (b) All changes in grade shall be connected by vertical curves of sufficient length to provide smooth transition and sight distance. The minimum vertical curve length shall be one hundred feet (100').
- (c) The minimum "K" factor, which is equal to the length of the vertical curve (in feet) divided by the algebraic difference in approaching grades (in %), shall be 28 for crest vertical curves, and 35 for sag vertical curves. For compound vertical curves, the slopes of the tangents at the beginning and end of the vertical curves shall be used for calculating the K values.
- (d) A maximum grade of 3% (calculated along the roadway centerline) for seventy-five feet (75') approaching a roadway intersection is required for a leveling area. The same 3% maximum leveling area is required for 75 feet approaching the beginning of the cul-de-sac. The maximum grade across the cul-de-sac itself is also 3%.

4. Dead-End Streets (Cul-de-sacs)

- (a) Dead-end streets (a/k/a cul-de-sacs), or systems of dead-end streets shall not be longer than five hundred feet (500') total lineal roadway length from the last intersection with alternate access, measured along the roadway centerline(s).
- (b) Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty-six feet (86'), and a property line diameter at least one hundred feet (100') for secondary streets. A turn-around having an outside roadway diameter of at least one hundred six feet (106') and a property line diameter of at least one hundred twenty feet (120') shall be provided for principal streets.



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- (c) Where a temporary dead-end street extends one hundred and fifty feet (150') or more beyond an intersection, there shall be constructed as part of the roadway, a temporary turn-around located directly adjacent to the subdivision boundary and extending across the full width of the street right-of-way.

5. Driveways

- (a) Driveways less than 100 feet in length shall not exceed 10.0% in grade.
- (b) Requirements for driveways greater than 100 feet in length include:
- (1) A grade of not more than 8.0%. Driveways exceeding 5% grade shall be paved with a minimum of 2.5" of bituminous pavement, or approved equal, applied in a base course of 1.5" and a topcoat of 1.0".
  - (2) A width of at least twelve feet (12) for its entire length.
  - (3) For driveways three hundred feet (300') in length or longer, a turnout shall be provided every three hundred feet (300') sufficient for 2 cars to pass and having a minimum width of sixteen feet (16') for a distance of thirty feet (30').
  - (4) For driveways 300 feet in length or longer, a turnaround for emergency vehicles shall be provided at the end of the driveway within 100' of the main building on the lot. This turnaround shall be sufficient for an SU-30 vehicle to turn around quickly and safely, and shall, along with the driveway itself, be subject to the approval of the Maynard Fire Chief.
  - (5) Design standards include a minimum of 8" of processed gravel base material, cleared gravel shoulders at least 2' wider than the traveled surface of the drive, no trees, utility poles or transformers within 5 feet of the traveled surface, and grassed swales along the driveway edge with culverts and properly designed discharges of stormwater as required to control drainage.
  - (6) Drainage from driveway surfaces shall be contained on the subject site or properly controlled so as not to discharge to adjacent property unless said discharge is to an established drainage way or structure. Drainage from any new driveway shall not adversely impact abutting properties.
  - (7) Driveways greater than one hundred feet (100') in length are subject to a separate engineering review. Engineering review costs by the Planning Board consultant, the DPW, or the Fire Chief is the responsibility of the applicant.
- (c) Driveway grades shall not exceed 2% within twenty-five feet (25') of the curb.

**B. Easements**



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- (a) Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least thirty feet (30') wide.
- (b) Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes. The minimum width for a drainage easement traversing abutting property shall be thirty feet (30').

### **C. Open Spaces**

Before approval of the plan, the Board may also in proper cases require the plan to show a park or parks suitably located for a playground or for recreation purposes, or for the providing of light and air. The board may also require that part of the land in the subdivision be reserved for municipal buildings, and may, by appropriate endorsement on the plan, require that no building be erected upon such land without its approval for at least three years.

The applicant shall become familiar with the most recent generation of the Open Space Plan of the Town of Maynard, and shall make a report to the Planning Board during the public hearing on the subdivision stating how, and to what degree, this proposed subdivision complies with the goals of the Open Space Plan. The Planning Board shall during its approval process encourage, and to the extent it is legally able, require the applicant to further the goals of the Open Space plan.

### **D. Lots**

- (a) All lots shown on the plan shall comply with the area, width, and frontage requirements of the Zoning By-Laws of the Town of Maynard.
- (b) Land subdivided into lots shall be of such general character that it can be used for building purposes without danger to health, flooding, and storm damage.
- (c) Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the town of Maynard without the consent of the Planning Board.
- (d) Access to any lot must be through that lot's legal frontage. The applicant shall not create lots where access is deemed to be not of a practical nature. Slopes greater than 20%, vertical rock outcroppings barring access greater than 6 feet in height, access from limited access highways, or access across water bodies cannot be considered practical access. In addition, the applicant shall not create lots where the only practical access would be as a result of a limited project crossing of a wetland resource area as defined in MGL Chapter 131, The Wetland Protection Act, and/or the Maynard Wetlands Administration Bylaw.



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- (e) Houses shall be located no greater than three hundred feet (300') from a fire hydrant, or no greater than six hundred feet (600') from a fire hydrant if the house has an approved sprinkler system meeting the latest edition of N.F.P.A. 13-R (Standard for installation of sprinkler systems in residential occupancies up to 4 stories in height). All fire hydrants shall be served by connection to a minimum 8-inch water main.
- (f) The distance between the curb cuts of driveways cannot be less than thirty feet at their nearest points.
- (g) Retaining walls longer than fifty feet (50') and taller than six feet (6') at their tallest point, are subject to a separate engineering review by the Board's consultant, said review to be at the expense of the applicant. Plans shall be submitted for such a wall, to include a plan view with topography of the surrounding area at 2' contour intervals, as well as cross-sections, a reinforcing schedule, typical details, and notes, and shall be signed by a licensed Structural Engineer registered in the Commonwealth of Massachusetts.
- (h) Street numbers must be assigned before any subdivision is finally approved. Numbers must be placed on the houses before occupancy permits are granted. Street numbering must comply with the Town of Maynard Street Numbering Bylaw.
- (i) Mailboxes must be placed on the individual house lots. Central mailboxes are not permitted.

**E. Underground Distribution**

Underground distribution systems shall be provided for any and all utility services, including electrical and telephone services. The Planning Board shall approve the design(s) of any poles and associated overhead structures to be provided for use for police and/or fire alarm boxes, and for any similar municipal service



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**SECTION V. REQUIRED IMPROVEMENTS**

**A. Streets, Roadways and Sidewalks**

1. The entire area of each right-of-way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.

Ledge occurring anywhere in the full cross-section of the roadway must be cleared to a minimum of sixteen inches (16”) below the finished surface. Ledge occurring in pipe trenches must be removed so as to have a gravel cushion of at least one-foot (1’) below and on both sides of the pipe.

2. All topsoil shall be removed for the full length and width of the paved roadway; regardless of whether or not finished grade is above existing grade.

All other material shall be removed for the full length and width of the roadway, to a depth of at least sixteen inches (16”) below the finished grade as shown on the profile plan; provided, however, that if the soil is soft and spongy, or contains undesirable material, such as clay, sand pockets, tree stumps, or any other material detrimental to the subgrade, a deeper excavation below the subgrade shall be made as required by the Planning Board, the Board’s inspector, or the DPW.

The crown of the roadway shall be a minimum of ¼” vertical change per foot of horizontal change across the roadway.

3. Street construction specifications shall be as follows:
  - (a) Subgrade in fill sections shall consist of cohesion-less sand and gravel, compacted by mechanical means to a minimum relative density of 90% of the maximum relative density as determined by the Modified Proctor Method.
  - (b) After the road has been graded to an elevation sixteen inches (16”) below the finished grade, eight inches (8”) of coarse sand and gravel shall be spread and rolled with vibratory rollers to achieve a minimum relative density of 90% of the maximum relative density as determined by the Modified Proctor Method. This sub-base shall conform to Section M1.03.0 Type b of the Commonwealth of Massachusetts, Department of Public Works, “Standard Specifications for Highways and Bridges”. The sub-base sand and gravel shall consist of inert material that is hard, durable stone and coarse sand, free from loam and clay, surface coatings, and deleterious materials. Gradation requirements for gravel shall be determined by AASHTO-T11 and T11 and shall conform to the following:

<u>Sieve</u>	<u>% Passing</u>
½ inch	50 - 85
No. 4	40 - 75
No. 50	8 - 28
No. 200	0 - 8



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- (c) The largest dimension of the maximum size stone in the gravel shall be three inches (3”).
  - (d) A four-inch (4”) layer (after compaction) of sand and gravel shall be placed on top of the eight inch (8”) sub-base course described above. This four inch (4”) sub-base sand and gravel course shall be compacted to a minimum relative density of 90% of the maximum relative density as determined by the Modified Proctor Method, and shall conform to Section M1.03.0 Type c. Gradation requirements are as shown above, except that the largest dimension of the maximum stone size in the gravel shall be two inches (2”).
  - (e) The two-layered sand and gravel sub-base may consist of dense-graded crushed stone which conforms to Section M2.01.7 of the Commonwealth of Massachusetts, Department of Public Work, “Standard Specifications for Highways and Bridges”.
  - (f) The twelve inch (12”) sand and gravel base course described above shall be brought to true grade and compacted to final grade by vibratory rollers.
  - (g) The pavement shall consist of four inches (4”), after compaction, of Class I, Type I-1 plant mixed bituminous concrete composed of materials and prepared, spread, and rolled in conformity with the most recent “Standard Specifications for Highways and Bridges” of the Massachusetts Department of Public Works. It shall be applied in two courses, two and one-half inches (2.5”) thickness standard binder course and one and one-half inches (1.5”) thickness top course.
- 4. All streets shall be constructed in conformity with the typical cross-section as shown on the final approved plan and shall not deviate from said plan without special and specific permission in writing of the Board.
  - 5. Both sides of all roads shall have a bituminous Cape Cod berm, twelve inches (12”) wide with a six inch (6”) rise, to be installed simultaneously with the top layer, except that where necessitated for traffic control, the Board may require sloped granite curbs of Type SB, set in a concrete base, instead. (Reference Figure 3). Vertical or sloped granite curbing may be required by the Board for areas where sidewalks sustain a heavy amount of pedestrian traffic, or where, in the opinion of the Board, this type of curbing is otherwise necessitated for safety, economic, aesthetic, or performance reasons.
  - 6. All curves having a radius of sixty feet (60’) or less at the street line, or a central angle of forty-five degrees or more, shall have the gutter line curbed with circular or straight sections of vertical granite curbing, not less than five feet (5’) long. Curbing around cul-de-sacs may be sloped granite curbing only if, in the opinion of the Planning Board, traffic will not be so heavy as to require vertical curbing. Standard granite curb inlets shall be installed the back gutter line of all catch basins.
  - 7. All secondary streets shall have an accompanying bituminous concrete sidewalk on both sides of the roadway, unless, in the opinion of the Planning Board, the proposed roadway is in a rural area without sidewalks on the connecting roadways from which the proposed subdivision roads emanate, in which case sidewalks will be required on one side only. All principal streets shall have an accompanying bituminous concrete sidewalk on both sides of the roadway. Sidewalk construction specifications shall be as follows:
    - (a) All bituminous sidewalks shall be at least four feet (4’) in width.



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- (b) Sidewalks shall be constructed on a six-inch (6") base of well-compacted gravel with no stone greater than two inches (2") in maximum dimension.
- (c) The bituminous concrete shall be a total of three inches (3") thick installed in two courses of one and one-half inches (1.5") of Type I topcoat.

8. Street signs must be installed before construction of the first house begins.

**B. Utilities**

- 1. Sanitary sewers, with manholes and other appurtenances, and water mains, with hydrants, valves and other fittings, shall be sized and constructed within the subdivision as necessary to provide to all lots therein adequate sewage disposal and adequate water supply for domestic use and fire protection.
- 2. Proper connections shall be made with the existing public sewer and water systems. Where adjacent property is not subdivided, provision shall be made for proper projections of the systems by continuing appropriate sewers and water mains to the exterior boundaries of the subdivision, at such size and grade as will allow for the projections.
- 3. Service connections for sewer and water from the mains in the street to the exterior lines thereof shall be installed for each lot shown on the plan, whether or not there is a building thereon.
- 4. In no case shall pipe trenches be backfilled until the installation has been approved by the Department of Public Works, or as required by the Planning Board's designated inspector.
- 5. The sewer and water systems shall be laid out to the satisfaction of the Planning Board and of the Department of Public Works, both, who will require provision of such facilities and arrangements thereof as in their opinion are necessary to carry out the intent of subparagraphs (1) through (4), above. The installation of the water and sewer systems, including the methods of construction and the quality of materials used, shall conform to standard specifications of the Department of Public Works.
- 6. Where existing public sewers and/or water mains are not reasonably accessible or are of inadequate size, in the opinion of the Department of Public Works and/or the Board, the installation of the required sewer and/or water facilities respectively, specified above, shall be waived, but in such cases the Planning Board shall not approve the plan unless the following conditions are met:
  - (a) In the absence of a public sewer connection to any lots, either the subdivider agrees to provide for the collection and disposal of sanitary sewage from such lots by a project or individual sewage disposal works satisfactory to the Board of Health, or the Planning Board endorses on the plan the condition that such lots shall not be built upon without prior written consent of said Board of Health.



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- (b) In the absence of a public water system connection to any lots, either the subdivider shall agree to provide for domestic water supply to such lots by project or individual water systems satisfactory to the Board of Health, or the Planning Board shall endorse on the plan the condition that such lots shall not be built upon without prior written consent of the Board of Health.
- (c) In the absence of a public hydrant system to serve any lot, the subdivider shall agree to provide for water supply for fire protection purposes for such lots by such facilities, if any, as is deemed necessary by the Chief of the Fire Department and the Board, together (taking into consideration the prospective character and density of the development). Such measures may include fire cisterns, fire ponds, or sprinklers in individual homes.
7. Where the subdivider elects to install a project system for sewage disposal, and/or water supply, such systems(s) shall also be subject to the requirements and approval of the Department of Public Works and the Board insofar as, in the opinion of said agencies, the systems may subsequently be connected with the public system(s).
8. Sewer design and construction shall be in accordance with standard Town of Maynard Department of Public Works specifications, drawing details presented in the appendix of these regulations, and design and construction standards as follows:
- (a) Minimum depth of cover over sewer lines shall be four feet (4.0').
- (b) Minimum sewer main size shall be eight inches (8"), and all sewer pipes shall be SDR 35 PVC or an approved equal. Sewer services shall be a minimum of six inches (6") diameter SDR 35, except within 10 feet of the foundation, where the service line shall be four inch (4") diameter cast iron through/under the foundation.
- (c) Drop manholes are allowed only where necessary to eliminate an excessively deep sewer line (12 foot depth or more), or where high groundwater would make installation difficult, or where needed to control sewer flow velocities, and is therefore justified in the opinion of the Superintendent of Public Works and the Planning Board.
- (d) All drop manholes shall be inside drops.
- (e) Sewer manholes, of a design shown in the standard details in these Rules and Regulations, shall be provided at intervals not to exceed two hundred fifty feet (250'), at changes in vertical and horizontal alignment, and at all junctions of sewer mains.
- (f) Inverts in sewer manholes shall be built-up of standard red sewer brick and mortar, and shall be configured as  $\frac{3}{4}$  of a pipe diameter.
- (g) Upon completion of the sewer system, video and audio tapes of the sewer line shall be provided to the Department of Public Works for their review, along with detailed as-built plans showing rim and invert elevations and pipe slopes, sizes and materials.



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9. Disposal of surface water, which in the opinion of the Planning Board is adequate to prevent flooding, property damage and hazard to public safety shall be provided. Drainage design and construction standards are as follows:
- (a) Catch basins shall be installed on both sides of the roadway on continuous grades at intervals of not more than 350 feet, at low points and sags in the roadway, and near the corners of the roadway at intersecting streets.
  - (b) Catch basins and grates shall be designed and located so that surface water does not cross the roadway, including at any intersection of streets.
  - (c) Stormwater flow into catch basins via subsurface drainage pipes is not permitted.
  - (d) All catch basins shall have a four-foot (4') deep sump with a solid, precast bottom.
  - (e) Storm drains shall be reinforced concrete pipe, shall be at least twelve inches (12") in diameter, and shall have a minimum cover over the pipe of three feet (3').
  - (f) Storm drains shall be designed such that they allow a minimum velocity of three feet per second (3 fps) when flowing full, and a maximum velocity of fifteen feet per second (15 fps) when flowing full. The design flow depth shall be less than or equal to 80% of the pipe diameter.
  - (g) Drain manholes shall be provided at intervals not to exceed two hundred twenty-five feet (225'), at changes in vertical and horizontal alignment, and at all junctions.
  - (h) There shall be a 0.20-foot minimum hydraulic drop through any drain manhole, or the crown of the outlet pipe shall be lower or at the same elevation of the inlet pipes, whichever allows for a greater hydraulic difference.
  - (i) Catch basins, manholes, pipe, joint specifications, construction methods and materials shall all conform to the Town of Maynard Department of Public Works, and the ASCE Manuals and Reports on Engineering Practice No. 37.
  - (j) Where natural drainage courses are obstructed, cross drains culverts or other structures shall be installed to restore natural drainage patterns. Cross-drains and culverts shall be reinforced concrete pipe, shall have a minimum of three feet of cover over the pipe and where possible shall be designed to provide temporary flood water storage.
  - (k) The cross drain or culvert in (j.), above, shall be designed with reinforced concrete headwalls where they enter and emerge from roadway embankments, and shall not be designed using Flared End Sections.
  - (l) The design storm for the cross-drains, culverts or similar structures discussed in (j.), above, shall be a 100-year frequency storm. All other proposed storm drain systems (pipes and manholes) shall utilize a 25-year frequency design storm.



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- (m) Design of the detention/retention basins and other Best Management Practices (BPM's) shall be in conformance to the Department of Environmental Protection's (DEP's) Stormwater Management Policy and Stormwater Management Standards when applicable. If the DEP Stormwater Standards are not technically applicable, detention/retention basin design should still follow the design principles in the Volume 2: Stormwater Technical Handbook by the DEP dated March 1997.
- (n) Any hydrologic analysis performed for the project should utilize the U.S. Natural Resource Conservation Service (NRCS) Technical Releases, TR-20 and/or TR-55, to design the drainage system(s) such that the following standards are complied with:
- (1) Peak rates of runoff from the site for Post-Development conditions shall not exceed that for Pre-Development conditions for the 2 and 10-year frequency design storms.
  - (2) Analyses shall also be run for the 25 and 100 year frequency storms, and the peak rate of runoff shall be mitigated for these storms as well, unless it can be clearly shown to the satisfaction of the Planning Board that increased post-development peak discharge rates will not result in adverse downstream flooding impacts.
  - (3) The volume of stormwater runoff for Post-Development conditions as determined for the 2 and 10-year frequency design storms shall not exceed that of Pre-Development conditions. The Planning Board may, in cases where the drainage discharge is towards the Assabet River, require retention of up to the entire increased volume from Post-Development conditions for up to the 100-year frequency storm.
  - (4) Peak rates of discharge shall be measured at the design point at the lowest point of discharge along the down-gradient property boundary(s) of the subdivision. The topography of the site may require that discharge rates be balance between Pre- and Post-Development conditions at more than one design point. In cases where discharges are in different directions, or to substantially different topographic features or to different watersheds, the peak discharge shall be balanced individually for each design point, rather than in aggregate for the entire project. In this case, and assuming that the project balances in aggregate for the required design storms, no individual design point shall have an increase in the peak rate of discharge more than 20% above the Pre-Development rate, and this increase is allowable only if the applicant can clearly demonstrate to the Planning Board's satisfaction, that the projected increase will have no adverse impact to downstream properties, and will not increase flooding impacts offsite.
- (o) All stormwater control structures shall be accessible by public road for maintenance.
- (p) Where water velocity beyond drain pipe or culvert outlets may cause scour or erosion, aprons, riprap, and other appropriate protection acceptable in the opinion of the Planning Board shall required.



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(q) Where roadway sections are cut into natural ground, subsurface drainage is required to drain the roadway base course at location dictated by good design procedure and protection acceptable in the opinion of the Planning Board. (Reference Figure 4).

10. Fire boxes as well as required connecting lines shall be constructed to serve the subdivision in conformity with specifications of the Fire Department of the town of Maynard, a copy of which is available from the Fire Chief. All box locations must be shown on the Definitive Plan, and must be approved by the Fire Chief.

11. Location and number of fire hydrants, fire boxes and similar fire protection provisions are designated herein for the convenience and guidance of the applicant, however, final decisions on all similar provisions are to be made by the Fire Chief.

### **C. Monuments**

Monuments shall be installed at all street intersections, at all points of curvature of streets, and at other points where in the opinion of the Board, permanent monuments are necessary. Such monuments shall be reinforced concrete, 5"x5"x 3' in depth, and shall be set two inches (2") above the finished grade. No permanent monuments shall be installed until all construction, which would destroy or disturb the monuments is completed.

### **D. Grass Plots and Slopes**

1. All areas between the exterior street lines of the roadways and the back of sidewalks, or curb lines if no sidewalks, shall be graded with six inches (6") of topsoil, rolled, seeded and compacted to the satisfaction of the Board.

2. Embankments adjoining the right-of-way shall be evenly graded at a slope of not greater than two (2) horizontal to one (1) vertical up or in cut sections, and not greater than three (3) horizontal to one (1) vertical down or in fill sections. Where cuts are made in ledge, other slopes may be determined with the approval of the Planning Board and the Department of Public Works. Where terrain necessitates greater slopes, then retaining walls, terracing, fencing, rip-rap, cellular confinement, or other innovative slope stabilization methods may be used either alone or in combination to provide safety and freedom from maintenance with the approval of the Planning Board and the Department of Public Works

3. Guardrails shall be furnished in accordance with Department of Public Works Standards, whenever the slope is greater than three- (3) horizontal to one (1) vertical downhill, and shall be installed along the edge of the right-of-way. Whenever embankments are built in such a way as to require approval by the Planning Board, the developer must furnish to the town evidence of duly recorded access easements free of encumbrances for the slopes, terraces, retaining walls and other measures as discussed in subparagraph 2., above.

### **E. Protection of Natural Features**



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Due regard shall be shown for all natural features such as large trees (greater than 16” diameter at breast height, DBH), water courses, scenic points, notable viewsheds, historic sites, and other similar community assets, which if preserved, will add attractiveness and value to the subdivision. Resources protected under the Maynard Wetlands Administration Bylaws shall also be of concern to the Planning Board insofar as they are valuable natural features. The Planning Board may require the applicant to preserve and protect such features deemed by the Planning Board to be of exceptional value to the subdivision and the community at large.

**F. Street Signs**

Street signs, which are of the type commonly used on public ways in the Town, and bearing the name of the street(s) as indicated on the plan, shall be erected at all intersections of streets in the subdivision, and shall require the approval of the Department of Public Works as to type and mounting.

**G. Street Shade Trees**

Street trees shall be planted on each side of every street in the subdivision wherever, in the opinion of the Board, existing woodlands or suitable individual trees are not retained. Trees shall be located outside the exterior street lines and at such distance therefrom as the Board shall specify.

Street trees shall be hardwoods of at least a 2” caliper size at four feet off the ground, and shall be such species as is approved by the Board. Two trees per building lot shall be the normal requirement unless the Board specifies otherwise.



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## SECTION VI. ADMINISTRATION

### A. Waivers

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Board, such action is in the best interest of the Town and not inconsistent with MGL Chapter 41, Subdivision Control Law.

The Planning Board, in deciding to grant such a waiver, should be able to make the following general findings:

- A. The granting of the waiver is in the best interest of the Town of Maynard.
- B. The granting of the waiver does not substantially derogate from the intent of these Rules and Regulations.
- C. The waiver, if a minor technical waiver, is necessitated by good design practice and strict compliance would run contrary to good design practice.
- D. In the case of a substantial waiver of significant monetary value to the applicant, the waiver is being granted in return for concessions or amenities by the applicant that are being provided to the Town for the good of the Town, not just for residents of the proposed subdivision, and which are of similar import or value to the Town as the waiver is to the applicant.
- E. The granting of a waiver of the length of a cul-de-sac:
  - a) does not allow more lots than would otherwise be allowed on a cul-de-sac of the maximum allowable length,
  - b) is the minimum length that could be allowed, and still result in a design that is superior to the same number of lots on a shorter cul-de-sac,
  - c) does not, according to consultation with the Fire Chief, result in a reduction or compromise of the Fire Department's ability to provide emergency services to the residents of the development in any way.

It must be noted that a waiver of the maximum length of a cul-de-sac should not be considered a foregone conclusion by the applicant. This waiver should be granted sparingly, and only in those cases where it is clearly in the Town's best interest to do so.



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**B. Reference**

For matters not covered by these Rules and Regulations, reference is made to Section 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws of the Commonwealth of Massachusetts (MGL).

**C. Severability**

Each regulation in these Rules and Regulations Relating to the Subdivision of Land shall be construed as separate to the end that if any regulation or sentence, clause, or phrase thereof, shall be held invalid for any reason, the remainder of that regulation, and all other regulations, shall continue in full force and effect.



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**SECTION VII. REQUIRED INSPECTIONS BY DEPARTMENT OF PUBLIC WORKS AND PLANNING BOARD**

- A. The Planning Board or its inspector, and the Superintendent of Public Works must be notified in writing, and approval obtained from the Department of Public Works prior to commencement of any of the following work:
- Erosion and sedimentation controls prior to any earthwork.
  - Substantial grading involving cutting and/or filling for slopes along roadway.
  - Installation of drainage pipe and structures.
  - Installation of sewer pipe and structures.
  - Installation of water lines, hydrants and valves.
  - Grading roadway to sub-grade.
  - Grading and placement of gravel for roadway sub-base.
  - Placement of base course of bituminous concrete paving for roadway sidewalks and driveway aprons.
  - Installation of berms, whether bituminous concrete, sloped granite or vertical granite.
  - Placement of the final course of paving for roadways or sidewalks.
- B. The following work shall be inspected by the Department of Public Works and the Planning Board's inspector, prior to backfilling:
- All drainage pipes and structures.
  - All sewer pipes and structures.
  - All water mains, valves, hydrant installations.
  - Roadways subgrade prior to placement of gravel.
- C. The following items are to be inspected by the Department of Public Works and the Planning Board's inspector upon completion:
- Base course and final courses of paving.
  - Backing-up of berms with compacted loam.
  - Construction of BMP's (Best Management Practices), including but not limited to detention basins, retention basins, constructed wetland basins, grassed swales, and the various types of drainage outfalls.
  - Bounds (monumentation)
  - Street shade trees and other required plantings
  - Street signs
- D. The Planning Board may require periodic on-site inspections in addition to those specified above as the Board or its Inspector deems necessary. When Planning Board inspections are made, a written record of the said inspection shall be submitted to the Board for its review on a periodic basis.



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- E. The foregoing inspections do not relieve the applicant of the necessity of securing other inspections as may be required, including inspections by the Conservation Commission as required under an Order of Conditions, the Board of Health and the Building Inspector, as required.



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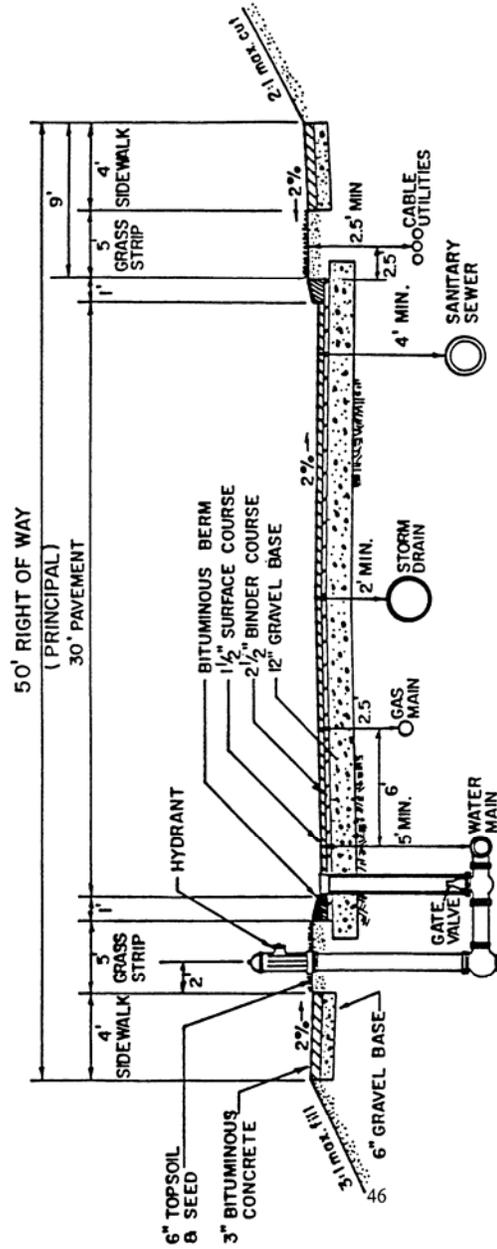
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APPENDIX A  
FIGURES





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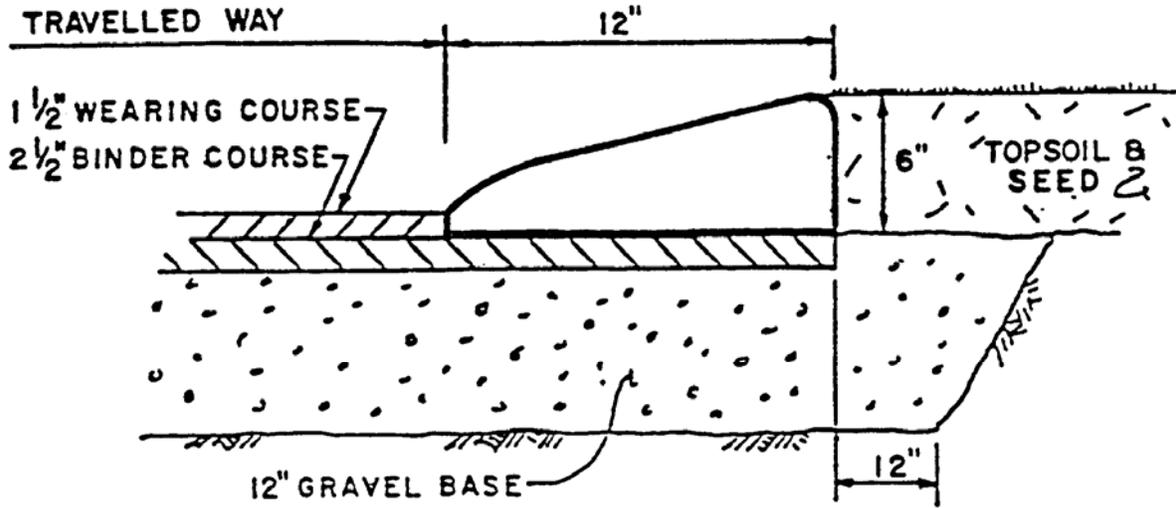


TYPICAL ROADWAY CROSS-SECTION

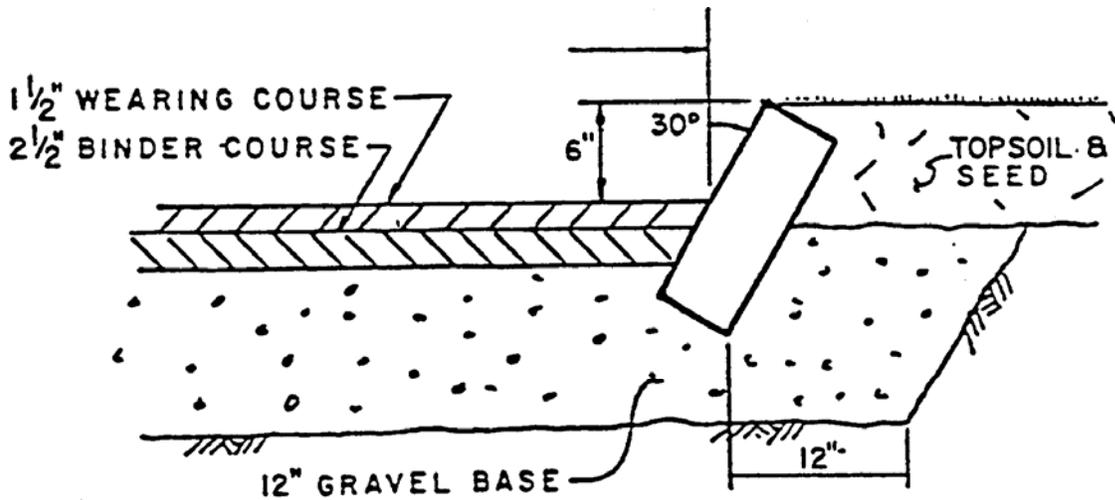
NO SCALE

PRINCIPAL ROAD

FIGURE 2

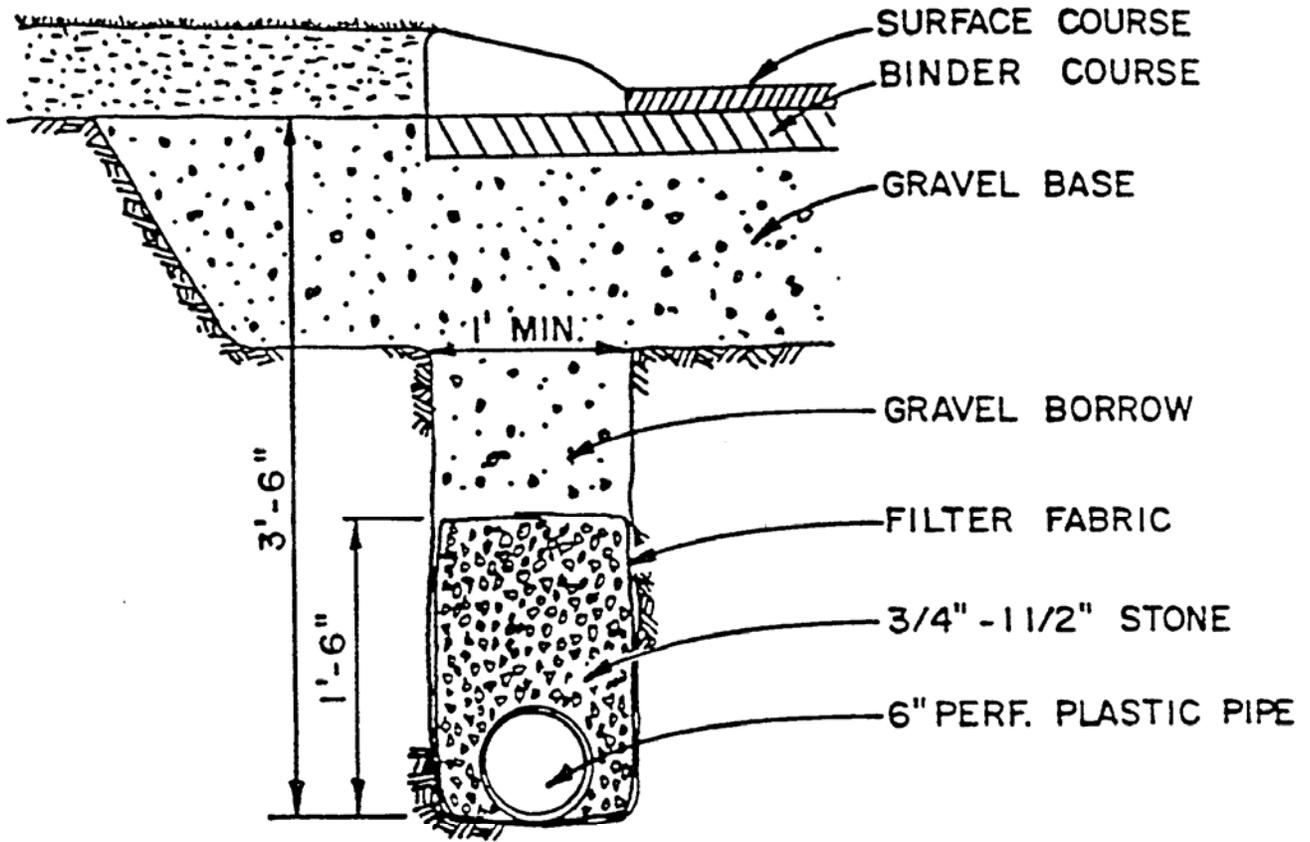


**BITUMINOUS BERM**  
NO SCALE



**SLOPED GRANITE CURB**  
NO SCALE

FIGURE 3



**SUBSURFACE DRAIN**  
NO SCALE

FIGURE 4



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APPENDIX B  
FORMS



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**LIST OF ILLUSTRATIVE FORMS**

Form A	Application for Endorsement of Plan Believed Not to Require Approval
Form B	Application for Approval of Preliminary Plan
Form C	Application for Approval of Definitive Plan
Form D	Designer's Certificate
Form E	Certified List of Abutters
Form F	Performance Bond Surety Company
Form G	Performance Bond Secured by Deposit
Form H	Performance Bond Secured by Bank Passbook
Form I	Approval with Covenant Contract
Form J	Release Form
Form K	Conveyance of Easements and Utilities
Form L	Referral Form
Form M	Control Form
Form N	Notice of Public Hearing
Form O	Receipt for Subdivision Plan
Form P	Inspection Form
Form Q	Distribution of Plans



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**Form A**  
**Application for Endorsement of Plan**  
**Believed Not to Require Approval**

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

TO THE PLANNING BOARD OF THE TOWN OF MAYNARD:

THE UNDERSIGNED WISHES TO RECORD THE ACCOMPANYING PLAN AND REQUIRES A DETERMINATION BY SAID BOARD THAT APPROVAL BY IT UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED.

THE UNDERSIGNED BELIEVES THAT SUCH APPROVAL IS NOT REQUIRED FOR THE FOLLOWING REASONS:

1. THE DIVISION OF LAND SHOWN ON THE ACCOMPANYING PLAN IS NOT A SUBDIVISION BECAUSE EVERY LOT SHOWN THEREON HAS THE AMOUNT OF FRONTAGE, AREA AND DEPTH REQUIRED BY THE TOWN OF MAYNARD ZONING BY-LAWS AND IS ON A PUBLIC WAY, NAMELY, \_\_\_\_\_  
 \_\_\_\_\_ OR ON A PRIVATE WAY, NAMELY \_\_\_\_\_.
  
2. THE DIVISION OF LAND SHOWN ON THE ACCOMPANYING PLAN IS NOT A SUBDIVISION FOR THE FOLLOWING REASON(S): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
3. THE OWNER'S TITLE TO THE LAND IS DERIVED UNDER DEED FROM \_\_\_\_\_, DATED \_\_\_\_\_, AND RECORDED IN \_\_\_\_\_, REGISTRY OF DEEDS, BOOK \_\_\_\_\_, PAGE \_\_\_\_\_ OR LAND COURT CERTIFICATE OF TITLE NO. \_\_\_\_\_, REGISTERED IN \_\_\_\_\_ DISTRICT, BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ AND \_\_\_\_\_ ASSESSORS' BOOK \_\_\_\_\_ PAGE \_\_\_\_\_.

**RECEIVED BY TOWN CLERK**

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

Time: \_\_\_\_\_

Signature: \_\_\_\_\_

Applicant's signature: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

\*Owners signature: \_\_\_\_\_

\*Owners address: \_\_\_\_\_

\*If not the applicant \_\_\_\_\_



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**Form B**

**APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN**

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

To the Planning Board of the Town of Maynard:

The undersigned, being the applicant as defined under Chapter 41, Section 81L, for approval of a proposed subdivision shown on a plan entitled

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

By: \_\_\_\_\_ dated \_\_\_\_\_, \_\_\_\_\_

(being land bounded as follows:

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

\_\_\_\_\_) hereby submits said plan as a Preliminary subdivision plan in accordance with the Rules and Regulations of the Town of Maynard Planning Board and makes application for approval of said plan.

The undersigned's title to said land is derived from:

\_\_\_\_\_

by deed dated, \_\_\_\_\_, \_\_\_\_\_ and recorded in the District Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, registered in the \_\_\_\_\_ Registry District of the Land Court, Certificate of Title Number \_\_\_\_\_

**RECEIVED BY TOWN CLERK**

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

Time: \_\_\_\_\_

Signature: \_\_\_\_\_

Applicant's signature: \_\_\_\_\_

Applicant's address: \_\_\_\_\_

\*Owners signature: \_\_\_\_\_

\*Owners address: \_\_\_\_\_

\*If not the applicant \_\_\_\_\_



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**Form C**  
**APPLICATION FOR APPROVAL OF DEFINITIVE PLAN**

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

To the Planning Board of the Town of Maynard, Massachusetts:

The undersigned, being the applicant as defined under M.G.L., Chapter 41, Section 81L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_ by \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_ being land bounded as follows: \_\_\_\_\_

\_\_\_\_\_, hereby submits said plan as a DEFINITIVE plan in accordance with the Rules and Regulations of the Maynard Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from: \_\_\_\_\_

\_\_\_\_\_ by deed dated \_\_\_\_\_ and recorded in the \_\_\_\_\_ Registry of Deeds Book, \_\_\_\_\_, Page \_\_\_\_\_, registered in the \_\_\_\_\_ Registry District Land Court, Certificate of Title No. \_\_\_\_\_; and said land is free of encumbrances except for the following: \_\_\_\_\_

Said plan has has not evolved from a preliminary plan submitted to the Board on \_\_\_\_\_, 20\_\_ and approved with modifications disapproved on \_\_\_\_\_, 20\_\_.

The undersigned hereby applies for the approval of said DEFINITIVE plan by the Board, and the furtherance thereof hereby agrees to abide by the Board's Rules and Regulations. The undersigned hereby further covenants and agrees with the Town of Maynard, upon the approval of said DEFINITIVE plan by the Board:

1. To install all utilities in accordance with the Rules and Regulations of the Planning Board, the Water Department, the Highway Superintendent, the Board of Health and all general as well as Zoning By-Laws/Ordinances of said Town of Maynard, as are applicable to the installation of utilities within the limits of ways and streets;
2. To complete and construct the streets or ways shown thereon in accordance with Section \_\_\_\_\_ of the Rules and Regulations of the Planning Board and the approved DEFINITIVE plan, profiles and cross sections of the same. Said plan, profiles, cross section and construction specifications are specifically, by reference, incorporated herein and made a part of this application. This application and the covenants and agreements herein shall be binding upon all heirs, executors, administrators, successors, grantees of the whole or part of said land, and assigns of the undersigned; and
3. To complete the aforesaid installations and construction within two (2) years from the date hereof.

**RECEIVED BY TOWN CLERK**

Applicant's signature: \_\_\_\_\_

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

Applicant's Address: \_\_\_\_\_

Time: \_\_\_\_\_

Signature: \_\_\_\_\_



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**Form D**

**DESIGNER'S CERTIFICATE**

To the Planning Board of the Town of Maynard: \_\_\_\_\_, 20\_\_\_\_

In preparing the plan entitled \_\_\_\_\_ I hereby certify that the above named plan and accompanying data is true and correct to the accuracy required by the current Rules and Regulations Governing the Subdivision of Land in Maynard Massachusetts, and my source of information about the location of boundaries shown on said plan were one or more of the following:

1) Deed from \_\_\_\_\_ to \_\_\_\_\_ dated \_\_\_\_\_ and recorded in the \_\_\_\_\_ Registry in book \_\_\_\_\_, page \_\_\_\_\_

2) Other plans, as follows:  
\_\_\_\_\_  
\_\_\_\_\_

3) Oral information furnished by:  
\_\_\_\_\_  
\_\_\_\_\_

4) Actual measurements on the ground from a starting point established by:  
\_\_\_\_\_  
\_\_\_\_\_

5) Other sources:  
\_\_\_\_\_  
\_\_\_\_\_

Signed \_\_\_\_\_

(Registered Professional Engineer or Registered Land Surveyor)

Seal of Engineer or Surveyor

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

Address



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**FORM E**  
**CERTIFIED LIST OF ABUTTERS**

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

To the Planning Board of the Town of Maynard:

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

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Address

\_\_\_\_\_

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



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**Form F**  
**PERFORMANCE BOND**  
**SURETY COMPANY**

Know all men by these presents that \_\_\_\_\_ as Principal,  
 and \_\_\_\_\_ a corporation duly organized and  
 existing under the laws of the State of \_\_\_\_\_ and having a usual place of busi-  
 ness in \_\_\_\_\_, as Surety, herby bind and obligate them-  
 selves and their respective heirs, executors, administrators, successors, and assigns, jointly and severally,  
 to the Town of Maynard, a Massachusetts municipal corporation, in the sum of  
 \_\_\_\_\_ Dollars ( \$ \_\_\_\_\_ .00).

The condition of this obligation is that if the Principal shall fully and satisfactorily observe and perform in  
 the manner and in the time therein specified, all of the covenants, conditions, agreements, terms and pro-  
 visions contained in the application signed by the Principal and dated \_\_\_\_\_, 20\_\_ un-  
 der which approval of a definitive plan of a certain subdivision, entitled  
 \_\_\_\_\_ and dated \_\_\_\_\_ 20\_\_, has been or is  
 hereinafter granted by the Town of Maynard Planning Board, then this obligation shall be void; other-  
 wise, it shall remain in full force and effect and the aforesaid sum shall be paid to the Town of Maynard  
 as liquidated damage.

The Surety herby assents to any and all changes and modifications that may be made of the aforesaid  
 covenants, conditions, agreements, terms and provisions to be observed and performed by the Principal,  
 and waives notice thereof.

IN WITNESS WHEREOF we have hereunto set our hands and seals this \_\_\_\_\_ day of  
 \_\_\_\_\_, 20\_\_.

Principal

\_\_\_\_\_

by: \_\_\_\_\_

Title \_\_\_\_\_

Surety

\_\_\_\_\_

by: \_\_\_\_\_

Attorney-in-Fact



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**FORM G**  
**PERFORMANCE BOND**  
**SECURED BY DEPOSIT**

Know all men by these presents that \_\_\_\_\_  
hereby binds and obligates himself/ itself/his executors, administrators, devisees, heirs, successors and  
assigns to the Town of Maynard, a Massachusetts municipal corporation, in the sum of  
\_\_\_\_\_ Dollars (\$\_\_\_\_\_.00), and has  
secured this obligation by the deposit with the Treasurer of said Town of Maynard of said sum in money  
or negotiable securities.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees,  
heirs, successors and assigns shall fully and satisfactorily observe and perform in the manner and in the  
time herein specified, all of the covenants, conditions, agreements, terms and provisions contained in the  
application signed by the Principal and dated \_\_\_\_\_, 20\_\_ , under which approval of a de-  
finitive plan of a certain subdivision, entitled

\_\_\_\_\_  
\_\_\_\_\_ and dated  
\_\_\_\_\_, 20\_\_ , has been or is hereinafter granted by the Town of Maynard Planning Board,  
then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid secu-  
rity for said sum shall become and be the sole property of the Town of Maynard as liquidated damage.

IN WITNESS WHEREOF the undersigned has hereunto set his hand and seal this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

Principal

\_\_\_\_\_

by: \_\_\_\_\_

Title \_\_\_\_\_



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**FORM H**  
**PERFORMANCE BOND**  
**SECURED BY BANK PASSBOOK**

Page 1 of 2

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

AGREEMENT made this date between the Town of Maynard and \_\_\_\_\_.

KNOW ALL MEN by these presents that \_\_\_\_\_ of \_\_\_\_\_ hereby binds and obligates himself/ itself/his executors, administrators, devisees, heirs, successors and assigns to the Town of Maynard, a Massachusetts municipal corporation, in the sum of (\$\_\_\_\_\_ .00) \_\_\_\_\_ Dollars, and has secured this obligation by the deposit with the Treasurer of said Town of Maynard, Bank Book No. \_\_\_\_\_ drawn on the Middlesex Savings Bank (Nason Street, Maynard, MA Branch) of (\$\_\_\_\_\_ .00) \_\_\_\_\_ Dollars (all), or \_\_\_\_\_ of said sum to be used to insure the performance by the obligor of all the covenants , conditions, agreements, terms and provisions contained in the application signed by \_\_\_\_\_ and dated \_\_\_\_\_, 20\_\_, under which approval of a definitive plan of a certain subdivision entitled \_\_\_\_\_ and dated \_\_\_\_\_, 20\_\_, has been of is hereinafter granted by the Town of Maynard Planning Board.

In the event the obligor should fail to perform his obligations on said project in accordance with the Rules and Regulations of the Town of Maynard Planning Board the Town of Maynard may use these funds, or any part thereof, to satisfy and complete the obligor's obligations on said project.

Upon completion of all the work required to be completed by the obligor aforesaid on or before \_\_\_\_\_, \_\_\_\_\_ the said Bank Book shall be returned to the obligor with all interest accrued thereon.



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**FORM H**

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The Town of Maynard, Massachusetts, acting through its Planning Board hereby agrees to accept the aforesaid Bank Book as security for the performance of the project as aforesaid.

Majority of the Planning Board  
of the Town of Maynard

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

\_\_\_\_\_  
Chairman

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

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

Then personally appeared the above-named member (s) \_\_\_\_\_,

\_\_\_\_\_ and acknowledged the foregoing to be the free act and deed of the Maynard Planning Board, before me

\_\_\_\_\_

Notary

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

The Middlesex Bank of Maynard, MA (Nason Street branch) hereby recognizes and accepts the conditions of this notice of agreement.

\_\_\_\_\_

Authorized Signature

To be executed in four (4) copies, all of which are to be considered originals. (Note: two (2) copies of Form H are to be forwarded to the above Bank and one (1) signed copy returned to the Planning Board.)



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**FORM I**

**SAMPLE COVENANT**

**COVENANT FOR** \_\_\_\_\_, (hereinafter "Covenantor"), having submitted to the Town of Maynard Planning Board (the "Board") a definitive plan of a subdivision entitled \_\_\_\_\_ and showing \_\_\_\_ ( ) lots, said plan being prepared by \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_, Revised \_\_\_\_\_, 20\_\_ and \_\_\_\_\_, 20\_\_ (the "Plan") and recorded herewith does hereby covenant and agree with the Board and the successors in office of said Board, pursuant to Massachusetts General Laws as Amended, Chapter 41, Section 81U, as amended, that:

GENERAL CONDITIONS:

1. The "Covenantor" is the owner of record of the premises shown on the Plan. This Covenant (the "Covenant") shall run with the land and be binding upon the Covenantor and its successors and assigns in title to the Premises shown on the Plan, subject to partial release and termination, as provided herein
2. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of the Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of the Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot.
3. Nothing herein shall be deemed to prohibit a conveyance subject to the Covenant by a single deed of the entire parcel of land shown on the Plan or of all lots not previously released by the Board without first providing such ways and services.
4. Reference to the Covenant shall be entered upon said Plan and the Covenant shall be recorded when the Plan is recorded, with marginal references requested.

All conditions of approval must appear on the Plan or in other suitable document and be recorded with the Plan at the Registry of Deeds.

5. Subdivision must be completed within two (2) years of signing of the revised Plans, except that extensions may be granted upon application of Covenantor if the Board believes said extensions are in the public interest and consistent with the purposes and intent of the Massachusetts Subdivision Control Law (M.G.L., §.81L et seq.) and the Maynard Planning Board Subdivision Control Rules and Regulations.
6. The Board reserves the right, after holding a Public Hearing, if such Hearing is deemed necessary by the Board, to waive any portion of the Covenant where it has determined that the public interest and purpose of its regulations would be served.
7. No building permit shall issue and no construction shall commence until the Building Commissioner has received a written release by the Planning Board of a particular lot.



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The Board may, at its discretion, allow the construction of foundations only, prior to the installation of the binder course on any subdivision ways.

Except where specifically waived or otherwise specified to the contrary in the Plan or covenant, the Covenantor shall comply with all provisions of the Subdivision Control Rules and Regulations of the Maynard Planning Board.

8. No construction shall commence, and no lot shall be sold or conveyed, until said lot is approved by the Board, in writing, and remaining work to be done shall be guaranteed by a proper bond or by deposit of money or negotiable securities sufficient in the opinion of the Planning Board to secure "performance" of the construction of ways, the installation of municipal services required for lots in the subdivision shown on the Plan, and erosion control or lot stabilization measures sufficient, in the sole opinion of the Board, have been implemented and will continue for the duration of the project or as otherwise specified. Erosion control measures in wetland areas shall be governed by any applicable order of conditions issued by the Maynard Conservation Commission. It is agreed and understood by the Covenantor that any building permits previously issued on lots not completed and sold to a purchaser for value are expired and void.
9. The Covenantor agrees that, in the event that a deposit of money or negotiable securities is required to release a lot or lots from a Covenant, a passbook savings account together with a Form H, Performance Bond Secured by Bank Passbook and a notarized Passbook Assignment together with a Corporate vote shall be the exclusive medium.
10. The approval of this subdivision supersedes and takes precedence over any previous approvals with respect to the Plan.
11. Each numbered paragraph of the Covenant shall be considered separable, so if any paragraph should be declared or decreed to be unlawful or unenforceable by a Court of Law with jurisdiction in the matters, such decree shall not affect the validity of the remaining lawful provisions.

GENERAL CONSTRUCTION CONDITIONS

12. All utility and roadwork must be inspected and approved by the DPW; and the Covenantor and its successors and assigns shall give timely and adequate prior notice to the DPW to permit adequate in process as well as final inspections. The Covenantor agrees that prior to the commencement of any work in the subdivision, it will deposit with the Town Treasurer, as escrow agent, the sum of \$\_\_\_\_\_.00 to be used under terms more specifically described in an Escrow Agreement between the Covenantor and the Town Treasurer to pay actual costs of the DPW or its designated agents, servants or employees associated with the inspection and certification of utilities, road work, and erosion control measures within the subdivision shown on the Plans.
13. The Covenantor and its successors and assigns are hereby notified that the approval of the drainage system by the Board will not relieve the Covenantor of responsibility to



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other property owners upon whose land Covenantor discharges water, directly or indirectly.

14. The Covenantor and its successors and assigns shall, until all public ways have been accepted by the Town of Maynard or five (5) years after the construction and sale of the last home in the subdivision, whichever comes first, maintain all ways, water, sewerage, drains and other utilities on site, and erosion control or lot stabilization measures sufficient, in the sole opinion of the Board, which have been implemented and will continue for the duration of the project or as otherwise specified. Erosion control measures in wetland areas shall be governed by any applicable order of conditions issued by the Maynard Conservation Commission. The Covenantor and its successors and assigns shall provide during said period for street lighting and fire alarm power to safely and reasonably maintain said systems. The Covenantor shall provide to the Board a bond with sufficient surety to assure compliance with this condition.
15. The Covenantor will provide and install underground burial-type telephone and electric service and shall provide street lights, poles, and other such appurtenances.
16. The subdivision shall be provided with conventional street lighting, which shall not be under the control of individual homeowners. The spacing and number of the street lights shall comply with normal light utility standards and must be approved by the DPW prior to the commencement of site work. The cost for the installation shall be a sum to be determined by the DPW and made payable prior to construction to the Town of Maynard in an escrow account for such purposes.
17. The fire alarm system must be of underground burial-type and must be approved by the Fire Chief prior to commencement of site work. Installations must be consistent with Fire Department Regulations and must be approved by the Maynard Fire Chief.
18. Individual mailboxes must be placed on every house lot, central "post office stations" are not allowed.
19. Shade trees: Sugar Maple, Red Maple, or Pin Oak of at least two (2) inch diameter shall be planted on each side of every street in the subdivision with a minimum of three per lot. Trees shall be located outside the exterior street lines and at such distance there from and at such spacing as the DPW shall specify.
20. Water and sewer connections shall be provided to each lot line at time of the initial construction of street prior to binder course.
21. The roadway(s) shall be built to Town of Maynard specifications and shall include the installation of a "Cape-Cod type" berm on both sides except where granite is shown on the Plan.

Granite street bounds must be shown on the Plan and installed in accordance with DPW specifications.



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22. Water lines shall be ductile iron pipe.
23. An "as-built" plan showing exact locations and elevations of all utilities must be furnished to the DPW before said utilities are deemed approved. Said plan is to be prepared by a certified engineer or surveyor. The plan must be on mylar with six (6) sets of blue line prints.
24. No occupancy permit shall be issued until the Building Inspector with the assistance of the Superintendent of DPW verifies in writing to the Board that for a particular lot each and every condition under the Covenant has been complied with or bonded to the satisfaction of the Planning Board. The Board shall then authorize the issuance of a partial release or certificate of compliance of said lot from this covenant.
25. The Applicant shall not be entitled to a building permit for the subdivision until the Planning Board and the Town Clerk have received evidence of recording of the Covenant and Plan at the applicable District Registry of Deeds. Evidence of such recording by the applicant with the applicable Registry of Deeds shall be provided to the Planning Board within thirty (30) days of the date of approval by the Board (or thirty (30) days following the expiration of any appeal, if an appeal is taken), or this subdivision approval shall become invalid.

SPECIFIC CONSTRUCTION CONDITIONS

26. The Covenantor shall use adequate standard U.S. Soil Conservation Service erosion control procedures, including but not limited to the placement of hay bales at catch basins, placement of trap rock and stone siltation swales and/or filtration fencing in areas that require such treatment. Temporary berms shall be constructed when the binder course is being applied to the road. The Covenantor shall monitor erosion control procedures on a daily basis.
27. Adequate erosion control measures shall be maintained at all times during construction of the subdivision. Any breach in erosion control shall be promptly corrected and any resulting damage shall be promptly restored to its original condition.

All utilities-, grading-and paving (binder) for one phase must be in place before the next phase is begun. Clearing shall be kept to a minimum. All exposed slopes which will not be paved or otherwise treated shall be hydro-seeded and mulched within thirty (30) days of excavation.

Roads for each phase up to binder course shall be completed prior to application to the Board for release of building permits for the subdivision lots.

28. No paving shall commence prior to May first of each year and all paving begun in each year must be completed by November first and hydro-seeding and mulching of exposed



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slopes shall be completed by November first of the year of the excavation. No paving shall be performed between November first and May first.

29. Prior to any clearing of any lot or excavation of any lot, the proposed foundation shall be staked out on the lot indicating actual foundation location, limit of clearing, and foundation elevation. A sketch plan shall be provided to the Building Inspector, who shall make an on-site inspection to verify the sketch plan and shall inspect the site after the foundation is poured for compliance with this condition and Condition 31 under Specific Building Construction Conditions herein.

SPECIFIC BUILDING CONSTRUCTION CONDITIONS

30. The proposed grading of the subdivision shall be such that the natural drainage pattern is maintained. Clearing and earth moving on individual lots shall minimize disturbance of natural conditions.

Retaining walls shall be used in areas of slopes where a slope greater than one (1) foot vertical to two (2) feet horizontal would result. Permanent land or ground cover shall be established as soon as possible after house construction, but in any case prior to issuance of an occupancy permit.

In no case shall any clearing of trees be done within half of the rear setback distance of each lot prior to occupancy.

31. Any disturbed ground shall be stabilized within two (2) weeks after the foundation is backfilled.
32. The driveway aprons shall be graded such that the finished paved elevation at the road layout/property line shall be equal to or greater than the crown elevation of the finished paved road.
33. All roof run-off, driveway run-off, and run-off from manmade areas on all lots shall be collected and discharged into the street drainage system subject to the approval of the system for each lot by the DPW.
34. During the course of subdivision construction, if a deviation from the Plan or Covenant occurs or damage caused by a deviation from the Plan or Covenant occurs, either as a result of work done by the Covenantor, naturally, or by means of a combination of both, the Board reserves the right to require that the Covenantor do whatever is necessary to restore the condition to its original or planned construction space, at the cost of the Covenantor.

SPECIAL CONDITIONS

35. This decision applies only to the requested subdivision approval. Other approvals or permits required by other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.



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36. A separate, unique, and individual driveway shall be constructed for each dwelling in the subdivision. The use of a "common driveway" for two or more dwellings shall be prohibited. Each driveway shall be constructed solely on the lot upon which the dwelling that it services exists.
38. Underground utilities will begin at the end of the existing above ground utilities and will be underground throughout the new developed area.
42. The Planning Board and the Chief of Police reserve the right to specify what routes may be used within the Town boundaries to remove material from the site should it become necessary to do so. The Planning Board also reserves the right to impose such additional conditions as may become necessary from time to time to protect the public health, safety, convenience and welfare of the Town.
43. Hours of operation shall be limited to 7:00 am to 5:00 pm Monday through Friday and 8:00 am to 12:00 noon on Saturday.
44. Volume of material removed shall be the minimum necessary to accomplish the construction of the roadways and houses as shown on the approved subdivision plan.
45. Contractor shall be responsible for removal by street sweeper of any material deposited on Town ways on a regular basis, but in no case less than one time per week. More frequent sweepings may be required by the Planning Board or its agent during construction if deemed necessary.
46. Dust shall be adequately controlled so as not to impact neighboring land owners. Such controls may include regular watering or the use of calcium chloride. Dust control shall be to the satisfaction of the Planning Board or its agent.
47. Material to be removed may be stockpiled at the site within an area designated for such stockpile for a maximum period of 30 days, after which it shall be re-deposited on the site and the stockpile area shall be returned to its original condition.
48. Loam to remain on site may be stockpiled as required, however said stockpile shall be placed outside the 100-foot buffer zone of the wetland.
49. All stockpiled material shall be adequately protected with erosion control barriers to prevent any possible effect upon the wetland resource areas of the site. It shall be the responsibility of the developer to maintain these erosion control measures and assure the integrity of the wetland areas.
50. Any area disturbed by the construction shall be covered with not less than four (4) inches (compacted) of loam and fully planted to provide permanent stabilization against erosion.
51. The Board may require periodic on-site inspection of a subdivision. When such inspections are made, the Subdivision inspection record, Inspection Form P. shall be completed



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Executed as a sealed instrument this \_\_\_\_\_ day \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Name of Signatory

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 20\_\_

Then personally appeared the above-named aforesaid, and acknowledged the foregoing to be their free act and deed before me

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

My commission expires:

ACCEPTED BY:  
Maynard Planning Board

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

\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 20\_\_

Then personally appeared the above-named: \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and acknowledged  
the foregoing to be the free act of the Maynard Planning Board, before me

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

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



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**Form J**  
**Release Form**

The undersigned, being a majority of the Planning Board of the Town of Maynard, Massachusetts, hereby certify that:

- a. The requirements for the construction of ways and municipal services called for by the Performance Bond or Surety and dated \_\_\_\_\_, \_\_\_\_\_ (and/or by Covenant dated \_\_\_\_\_, \_\_\_\_\_ and recorded in the Districts Deeds, Book \_\_\_\_\_, page \_\_\_\_\_, (or registered in \_\_\_\_\_ Land Registry District as Document No. \_\_\_\_\_ and noted on Certificate of Title No. \_\_\_\_\_ in Registration Book \_\_\_\_\_, page \_\_\_\_\_), has been completed/partially completed, to the satisfaction of the Planning Board to adequately serve the enumerated lots shown on a plan entitled “\_\_\_\_\_” recorded by the \_\_\_\_\_ Registry of Deeds, Plan Book \_\_\_\_\_, Plan \_\_\_\_\_, and said lots are hereby released from the restrictions as to sale and buildings specified thereon.

Lots designated on said Plan as follows:

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

- b. The Town of Maynard, a municipal corporation situated in the County of Middlesex, Commonwealth of Massachusetts acting by its duly authorized Planning Board, holder of a Performance Bond or Surety dated \_\_\_\_\_, 20\_\_\_\_, (and/or) a Covenant dated \_\_\_\_\_, 20\_\_\_\_, from \_\_\_\_\_ of the (City/Town) of \_\_\_\_\_, \_\_\_\_\_ County, Massachusetts recorded with the South Middlesex District Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, (or registered in Land Registry District as Document No. \_\_\_\_\_, and noted on Certificate of Title No. \_\_\_\_\_, in Registration Book \_\_\_\_\_, Page \_\_\_\_\_ ) acknowledges satisfaction of the terms thereof and hereby releases its right, title and interest in the lots on said plan as follows:

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

Executed as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Majority of the Planning Board of the Town of Maynard

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

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex SS \_\_\_\_\_, 20\_\_\_\_

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

\_\_\_\_\_  
 Notary Public  
 My Commission Expires \_\_\_\_\_, \_\_\_\_\_



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**FORM K**  
**CONVEYANCE OF EASEMENTS AND UTILITIES**

\_\_\_\_\_, of \_\_\_\_\_  
 County, Massachusetts, for good and adequate consideration, grant the Town of Maynard, a Municipal Corporation in Middlesex County, Massachusetts the perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain, water mains with any manholes, pipes, conduits, drainage easements and other appurtenances thereto, and to do all acts incidental thereto, in, through and under the following described land: \_\_\_\_\_

And, for the consideration aforesaid, the said Grantor does hereby give, grant, transfer and deliver unto the Town of Maynard, all water mains, manholes, pipes, conduits, drainage easements and all appurtenances thereto that are now or hereafter constructed or installed in, through, or under the above described land by the Grantor and the Grantors successors and assigns.

The Grantor warrants that the aforesaid easements are free and clear of all liens or encumbrances, that he (it) has good title to transfer the same, and that he will defend the same against claims of all persons.

For Grantor's title see deed from \_\_\_\_\_ dated \_\_\_\_\_ 20\_\_, and recorded in South Middlesex District Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, or under Certificate of Title No. \_\_\_\_\_ registered in \_\_\_\_\_ District of the Land Court, Book \_\_\_\_\_, Page \_\_\_\_\_.

And (to be completed if a mortgage exists) (name & address)

The present holder of a mortgage on the above described land, which mortgage is dated \_\_\_\_\_, 20\_\_, and recorded in said Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, for consideration paid, hereby releases unto the Town of Maynard forever from the operation of said mortgage, the rights and easements hereinabove granted and assents thereto.

\_\_\_\_\_  
 Authorized Signature of Mortgagor

\_\_\_\_\_  
 Owner

IN WITNESS WHEREOF we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS

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

Then personally appeared the above named \_\_\_\_\_ and acknowledged the foregoing to be \_\_\_\_\_ free act and deed, before me.

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

My Commission Expires \_\_\_\_\_



TOWN OF MAYNARD  
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 Adopted August 14<sup>th</sup>, 2007

**FORM L**

**REFERRAL FORM**

\_\_\_\_\_ Maynard, Massachusetts  
 (Name of Subdivision)

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

- Board of Assessors \_\_\_\_\_
- Building Inspector \_\_\_\_\_
- Conservation Commission \_\_\_\_\_
- Fire Department \_\_\_\_\_
- Board of Health \_\_\_\_\_
- Police Department \_\_\_\_\_
- Department of Public Works \_\_\_\_\_
- Board of Selectmen \_\_\_\_\_
- Consultant to the Planning Board \_\_\_\_\_

The attached definitive plans were submitted to the Planning Board on \_\_\_\_\_, 20\_\_.

A public hearing date has been scheduled for \_\_\_\_\_, 20\_\_

May we have your comments and recommendations concerning this subdivision by no later than \_\_\_\_\_, 20\_\_ .

Please return this form with your comments and recommendations.

\_\_\_\_\_  
 Chairman, Planning Board

**FORM M**



TOWN OF MAYNARD  
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**CONTROL FORM**

Preliminary Plan Approval Date \_\_\_\_\_

Date of Definitive Plan \_\_\_\_\_

Submission Date (s) \_\_\_\_\_

Received Fee  Forms  Plans  \_\_\_\_\_

Approval Deadline Date(A) (s + 60 days) \_\_\_\_\_

Public Hearing Date (H) \_\_\_\_\_

Date of Letters to Abutters (H – 14 days) \_\_\_\_\_

Date of Newspaper Notices (2) (H – 14 days) \_\_\_\_\_

Approval / Disapproval Date \_\_\_\_\_

Appeal Deadline Date (A + 20 days) \_\_\_\_\_

Date of Restrictive Agreement \_\_\_\_\_

Date Record Plans Endorsed \_\_\_\_\_

Date Plans and Restrictive Agreement Recorded \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_

1<sup>st</sup> Copy Subdivider's File \_\_\_\_\_

2<sup>nd</sup> Copy Planning Board Clerk for Follow-Up \_\_\_\_\_

Date Form L and set of definitive plans sent to following (S+10 days)

- 1 Board of health \_\_\_\_\_
- 2 Highway Department \_\_\_\_\_
- 3 Fire Department \_\_\_\_\_

Date Form L and set of definitive plans returned from the following (S+45 days = Deadline)

- 1 Board of Health \_\_\_\_\_
- 2 Highway Department \_\_\_\_\_
- 3 Fire Department \_\_\_\_\_
- 4 Water Department \_\_\_\_\_



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**FORM N**

**TOWN of MAYNARD, MASSACHUSETTS**

**LEGAL NOTICE OF PUBLIC HEARING**

\_\_\_\_\_, having submitted a definitive plan of a proposed sub-  
(Applicant)  
division of land in Maynard, Massachusetts, a copy of which is on file with the Town Clerk, located

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

as shown on a plan by \_\_\_\_\_

(Engineer or Surveyor)

dated \_\_\_\_\_, 20\_\_\_\_, a public hearing will be held thereon at the Maynard Town  
Hall, 195 Main Street, Room \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ P.M. , in accor-  
dance with the provisions of General Laws, Chapter 41, Section 81-T, as amended.

Town of Maynard Planning Board

\_\_\_\_\_  
Chairman

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



TOWN OF MAYNARD  
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**FORM O**  
**RECIPT FOR SUB-DIVISION PLAN**

**Town Clerk**  
**Maynard, Massachusetts**

Received from \_\_\_\_\_

A Copy of a  Preliminary  Definitive Subdivision Plan entitled:

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

Application for approval for which has been made to the Town of Maynard Planning Board.

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date of Filing



TOWN OF MAYNARD  
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**FORM P**  
**INSPECTION FORM\***

**Maynard, Massachusetts**

Subdivision \_\_\_\_\_ From Sta. \_\_\_\_\_ to Sta. \_\_\_\_\_  
 Applicant \_\_\_\_\_ Applicant Tel. No. \_\_\_\_\_

	Subject	Responsible Agency	Initials of Agent	Date of Insp.
1	Clearing of Right of Way	Pl. Bd. Agent	_____	_____
2	Sub - Grade Preparation	Pl. Bd. Agent	_____	_____
3	Drainage Installation (below grade)	Pl. Bd. Agent	_____	_____
4	Water Installation	Public Works	_____	_____
5	Fire Alarm Installation	Fire Dept.	_____	_____
6	Gravel Base	Pl. Bd. Agent	_____	_____
7	Curb Installation	Pl. Bd. Agent	_____	_____
8	Binder Course	Pl. Bd. Agent	_____	_____
9	Drainage Installation (at surface)	Pl. Bd. Agent	_____	_____
10	Berm Installation	Pl. Bd. Agent	_____	_____
11	Finish Course	Pl. Bd. Agent	_____	_____
12	Sidewalk Construction	Pl. Bd. Agent	_____	_____
13	Street Trees and Plantings	Public Works	_____	_____
14	Grass Strips	Pl. Bd. Agent	_____	_____
15	Street Lights	Pl. Bd. Agent	_____	_____
16	Street Signs and Monuments	Pl. Bd. Agent	_____	_____
17	Final Clean Up	Pl. Bd. Agent	_____	_____
18	Maintenance	Pl. Bd. Agent	_____	_____
19			_____	_____
20			_____	_____

\*Responsible Agency and Planning Board shall be notified in writing at least 24 hours before each required inspection as listed. No inspection may be waived except by joint approval of Planning Board and responsible agency.



TOWN OF MAYNARD  
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**FORM Q**  
**TOWN OF MAYNARD, MASSACHUSETTS**  
**PLANNING BOARD**  
**DOCUMENT CONTROL SHEET**

**Distribution of Plans – Dates**

Agency	Approval under Subdivision Control law not Required (ANR)	SUBDIVISION PLANS		
		Date/ Preliminary	Date/ Definitive	Date/ Approved

Owner	Original Returned	Original Returned	Original Returned	Original Returned
Registry of Deeds	Owner Files			Owner Files
Planning Board	Original and 3 Prints	Original and 7 Prints	Original and 9 prints	11 prints from Applicant
Board of Selectmen			1print from P.B.	1print from P.B.
Building Inspector				1print from P.B.
Town Clerk	1 Print from P.B.		1print from P.B.	1print from P.B.
Board of Health				1print from P.B.
D.P.W.			1print from P.B.	1print from P.B.
Town Counsel			1print from P.B.	1print from P.B.
Planning Board Consultant/Agent			1print from P.B.	
Assessors	1 Print C from Applicant	1 print C from Applicant	1 print C from Applicant	1 print C from P.B.
Police Dept.		1print from P.B.	1print from P.B.	1 print C from P.B.
Fire Dept. (A)		1print from P.B.	1print from P.B.	1 print C from P.B.
Water Dept (A)		1print from P.B.	1print from P.B.	1 print D from P.B.
Telephone Co. (B)				1 print D from Applicant
Electric Co. (B)				1 print D from Applicant
Gas Co. (B)				1 print D from Applicant

NOTE: Except for prints of Preliminary and Definitive Subdivision Plans, all originals and prints shall have signatures of at least three members of the Planning Board.

- A Fire Department, Water Department and Developer agree on locations of hydrants.
- B Developer to confer regarding the location of underground utilities.
- C That part of the Approved Plan showing streets and lots.
- D That part of the Approved Plan showing hydrants and underground utilities