

**RULES AND REGULATIONS  
GOVERNING THE SUBDIVISION OF LAND  
IN THE TOWN OF MIDDLEFIELD, MASSACHUSETTS  
HAMPSHIRE COUNTY**

*Adopted at a meeting of the Planning Board of the Town of Middlefield on January 14, 2008,  
after public hearings held on December 4, 2007.*

*Recorded with the Hampshire County Register of Deeds*

# TABLE OF CONTENTS

|                  |  |            |
|------------------|--|------------|
| <b>SECTION 1</b> | <b>AUTHORITY AND PURPOSE .....</b>                         | <b>1-1</b> |
| 1.1              | Statutory authority .....                                  | 1-1        |
| 1.2              | Purpose .....  | 1-1        |
| <b>SECTION 2</b> | <b>GENERAL PROVISIONS .....</b>                            | <b>2-1</b> |
| 2.1              | Approval of Definitive Plan Required.....                  | 2-1        |
| 2.2              | Zoning .....   | 2-1        |
| 2.3              | Relationship to other Bylaws and Regulations.....          | 2-1        |
| 2.4              | One Dwelling Per Lot.....                                  | 2-1        |
| 2.5              | Building Permits .....                                     | 2-1        |
| 2.6              | Waivers .....  | 2-2        |
| 2.7              | Amendments .....   | 2-2        |
| 2.8              | Definitions .....  | 2-2        |
| <b>SECTION 3</b> | <b>PLANS BELIEVED NOT TO REQUIRE APPROVAL.....</b>         | <b>3-1</b> |
| 3.1              | Submission to Planning Board for Determination.....        | 3-1        |
| 3.2              | Submission Procedure .....                                 | 3-1        |
| 3.3              | Contents .....   | 3-1        |
| 3.4              | Determination by Planning Board .....                      | 3-2        |
| 3.5              | Criteria for Endorsement.....                              | 3-2        |
| <b>SECTION 4</b> | <b>PRELIMINARY PLANS.....</b>                              | <b>4-1</b> |
| 4.1              | Pre-submission Review.....                                 | 4-1        |
| 4.2              | General .....  | 4-1        |
| 4.3              | Submission Procedure .....                                 | 4-1        |
| 4.4              | Contents .....   | 4-2        |
| 4.5              | Approval.....  | 4-4        |
| <b>SECTION 5</b> | <b>DEFINITIVE PLAN.....</b>                                | <b>5-1</b> |
| 5.1              | General .....  | 5-1        |
| 5.2              | Submission Procedure .....                                 | 5-1        |
| 5.3              | Contents .....   | 5-1        |
| 5.4              | Development Impact Statement.....                          | 5-7        |
| 5.5              | Definitive Plan Approval and Recording.....                | 5-7        |
| 5.6              | Performance Guarantee .....                                | 5-12       |
| <b>SECTION 6</b> | <b>DESIGN STANDARDS .....</b>                              | <b>6-1</b> |
| 6.1              | General Standards .....                                    | 6-1        |
| 6.2              | Relationship to Town Plans.....                            | 6-1        |
| 6.3              | Streets .....  | 6-1        |
| 6.4              | Easements .....  | 6-6        |
| 6.5              | Protection of Natural, Cultural and Historic Features..... | 6-7        |
| 6.6              | Pedestrian Ways and Sidewalks.....                         | 6-7        |
| 6.7              | Sewage Disposal System.....                                | 6-7        |
| 6.8              | Swales, Drainage, and Curbs .....                          | 6-8        |

|   |   |             |
|---|---|-------------|
| 6.9   | Water Supply.....                           | 6-8         |
| <b>SECTION 7 REQUIRED IMPROVEMENTS.....</b> |   | <b>7-1</b>  |
| 7.1   | General Requirements.....                   | 7-1         |
| 7.2   | Clearing and Grubbing of Right of Way ..... | 7-1         |
| 7.3   | Utility Installation.....                   | 7-1         |
| 7.4   | Trees and Planting.....                     | 7-2         |
| 7.5   | Street Signs .....                          | 7-5         |
| 7.6   | Street Lights.....                          | 7-5         |
| 7.7   | Drainage.....                               | 7-5         |
| 7.8   | Monuments and Markers .....                 | 7-6         |
| 7.9   | As Built Plan.....                          | 7-7         |
| 7.10  | Final Cleanup .....                         | 7-7         |
| <b>SECTION 8 ADMINISTRATION.....</b>        |   | <b>8-1</b>  |
| 8.1   | Authority .....                             | 8-1         |
| 8.2   | Town Inspections.....                       | 8-1         |
| 8.3   | Permission Required .....                   | 8-1         |
| 8.4   | Severability .....                          | 8-1         |
| 8.5   | Higher Standard to Govern.....              | 8-1         |
| 8.6   | Statutory Rules and Regulations .....       | 8-1         |
| <b>SECTION 9 FEES.....</b>                  |   | <b>9-1</b>  |
| <b>SECTION 10 APPENDIX.....</b>             |   | <b>10-1</b> |
| <b>SECTION 11 FORMS .....</b>               |   | <b>11-1</b> |

## **SECTION 1 AUTHORITY AND PURPOSE**

### **1.1 Statutory authority**

These Regulations shall be effective on and after January 14, 2008 and so remain until modified or amended by the Middlefield Planning Board. They are enacted by the Middlefield Planning Board under authority granted by Section 81-Q of Chapter 41 of the General Laws. For matters not covered by these Regulations, reference is made to the Subdivision Control Law, Sections 81-K to 81-GG of Chapter 41 of the General Laws, as most recently amended. Subdivision control is an exercise of the police power under which the various levels of government are responsible for protection of the public health, safety, and welfare.

### **1.2 Purpose**

These Subdivision Regulations for the Town of Middlefield have been enacted for the purpose of protecting the environment, and the safety, convenience and welfare of the inhabitants of the Town of Middlefield by regulating the laying out and construction of ways in subdivisions providing access to all lots therein and by ensuring sanitary conditions in the subdivisions and, in proper cases, parks and open areas. The powers of the Planning Board and of the Board of Appeals under these regulations shall be exercised with due regard for:

1. The provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel.
2. Minimizing congestion in such ways and in the adjacent public ways.
3. Reducing danger to life and limb in the operation of motor vehicles.
4. Securing safety in the case of fire, flood, panic, and other emergencies.
5. Ensuring compliance with the applicable Zoning Bylaws of Middlefield. All subdivisions must fully comply with the Town Zoning Bylaw.
6. Securing adequate provision for water, sewerage, drainage, underground utility service, streetlighting, police, fire and other requirements, where necessary, in a subdivision.
7. Coordinating the ways in a subdivision with each other, with the public ways in the Town of Middlefield and with the ways in neighboring subdivisions.

It is the intent of the Subdivision Control Law that any subdivision plan filed with the Planning Board shall receive the approval of said Board if said plan conforms to the Subdivision Control Law, the recommendations of the Board of Health, and to the rules and regulations of the Planning Board pertaining to subdivisions of land; provided, however, that such board may, when appropriate, waive, as provided for in MGL C. 41, § 81-R, such provisions of the rules and regulations as deemed advisable (MGL C. 41, § 81-M).

## **SECTION 2 GENERAL PROVISIONS**

### **2.1 Approval of Definitive Plan Required**

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of utilities and municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Board as hereinafter provided, and subsequently recorded at the Hampshire County Registry of Deeds and, in the case of registered land, with the recorder of the Land Court.

### **2.2 Zoning**

Subdivisions shall meet the requirements pertaining to lot size, frontage, and all other requirements under existing zoning laws. No subdivision rules can dictate the size, shape, width, frontage or use of lots except that they shall be in compliance with all applicable zoning requirements.

### **2.3 Relationship to other Bylaws and Regulations**

Whenever these Rules and Regulations made under the authority hereof differ from those prescribed by any local Bylaw or regulations, the provision which imposes the greater restriction or the stricter standard shall govern.

### **2.4 One Dwelling Per Lot**

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

### **2.5 Building Permits**

The Building Commissioner shall issue no building permits for any of the lots of any subdivision unless notified in writing by the Planning Board that the approved subdivision plans and documents have been recorded at the Registry of Deeds.

The Building Commissioner shall not issue an Occupancy Permit for any of the lots of the subdivisions unless notified in writing by the Planning Board that the subdivision is in compliance with the subdivision regulations and the definitive plan approved.

## 2.6 Waivers

Approval of a subdivision plan, regardless of what is shown on the plan, does not relieve a project developer from complying with the Subdivision Rules and Regulations except as specifically provided for in any Planning Board issued waiver of those Rules and Regulations.

The Planning Board may, in special and appropriate cases, waive strict compliance with such portions of these Rules and Regulations, as provided for in M.G.L. Chapter 41, Section 81-R, where such action is in the public interest and not inconsistent with the purpose and intent of the Subdivision Control Law. Waivers are only granted for projects which provide, in the sole opinion of the Planning Board, clear and significant improvements to the quality of a project compared with a project which meets the minimum of the subdivision regulations.

Limited waivers may be granted when appropriate to encourage development which is in keeping with traditional rural character of Middlefield as describe in our proposed Master Plan. Waivers may also be granted to create significantly more permanently protected open space and public trails and to create more affordable housing. A request for a waiver of a requirement, rule, or regulation shall be made in writing by the applicant, and submitted, whenever feasible, with the submission of the Preliminary Plan. If the Planning Board approves the request for a waiver, it shall endorse conditions of such waiver (if any) on the plan or set them forth in a separate instrument attached to and referenced to the plan, which shall be deemed a part of the plan. The Planning Board shall notify the applicant in writing of its approval, disapproval, or approval with conditions.

## 2.7 Amendments

These rules and regulations or any portion thereof may be amended from time to time in accordance with MGL c. 41, Section 81Q of the Subdivision Control Law.

## 2.8 Definitions

In construing these Regulations, the definitions in Section 81-L of Chapter 41 of the General Laws shall apply. In addition, the following words shall have the following meanings:

1. Applicant: The person who applies for the approval of a Plan of a proposed subdivision. The applicant or applicants must be the owner or owners of all the land included in the proposed subdivision. An agent, representative or his/her assigns may act for an owner, provided a properly executed power of attorney (or other written evidence acceptable to the Board) is submitted.
2. Board: The Planning Board of Middlefield.
3. Building: A dwelling, shed, garage or other structure, not to be interpreted as a sewer, water or other utility line.
4. Caliper: Diameter of a tree trunk (in inches) measured 6 inches above the ground for tree up to and including 4-inch diameter, and 12 inches above the ground for larger trees.

5. Class I Subdivision: A subdivision with ten (10) or more lots.
6. Class II Subdivision: A subdivision with four (4) to nine (9) lots.
7. Class III Subdivision: A subdivision with three (3) lots or less.
8. Clear-cutting: The removal of sixty-five (65%) of mature trees, to be determined by the Planning Board based on species and soil conditions.
9. Consultants or Consulting Services: Includes, but is not limited to, architects, biologists and other environmental experts, chemists, engineers, geologists, landscape architects, planners, lawyers, sanitarians, and surveyors.
10. Development Impact Statement: A documented, written analysis of a proposed subdivision which contains all information provided by Section 5.4 of these Regulations, and which provides the Planning Board and its agents or consultants with information necessary for plan review. The DIS is prepared by the applicant.
11. DBH (Diameter at Breast Height): The diameter (in inches) of the trunk of a tree (or, for multiple trunk trees, the aggregate diameters of the multiple trunks) measured 4 ½ feet from the existing grade at the base of the tree.
12. Existing Resources / Site Analysis Map: A map which identifies, locates, and describes noteworthy features to be designed around through sensitive subdivision layouts, such as vegetation, wetlands, steep slopes, farmland soils, historic or cultural features, threatened or endangered species, unusual geological formations, and scenic views or viewsheds
13. Lot: An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one (1) or more buildings.
14. Open Space: Property within a subdivision designated to be deeded by the developer to the town or other approved agency, or to be maintained by the developer or owner in an undeveloped state in a manner approved by the Planning Board. Such open space is to be used for passive or active recreation, agriculture, forestry, rare and endangered species habitat, natural or scenic vistas, unique natural or cultural features, or greenways. Such open space shall be retained in substantially a natural, wild or open condition, or in a landscaped condition in such a manner as to allow to a significant extent the preservation of wildlife or other natural resources. Open space shall be contiguous areas containing a high ratio of interior area to edge area. Open space shall contain to the greatest extent possible soils uniquely suited to agricultural use and that further create greenway corridors to establish linkages in landscape. Such areas shall be of adequate size and configuration to accommodate the intended use, and shall not include narrow or irregular pieces of land which are remnants from the layout of lots, streets, or drainage structures. Open space does not include areas designated for sediment control, erosion control, or storm water

control, nor does it include wetland resource areas. Such areas are considered part of the subdivision structure, and are not intended to be for recreation.

15. Significant Tree: Any living, healthy tree measuring 14 inches DBH or greater, or to be determined by the Planning Board based on species and soil condition.

16. Streets

a. Major Street: A street which, in the opinion of the Planning Board, is likely to carry substantial volumes of through traffic or a street serving a Class I Subdivision.

b. Minor Street: A street which connects with Major Streets or streets serving Class II and Class III Subdivisions (less than ten (10) lots).

c. Dead End Street (Cul-de-sac): a public or private vehicular right-of-way which affords the principal means of access to abutting property and which joins another thoroughfare at only one end. Any thoroughfare, which joins or intersects a dead end street/cul-de-sac, shall have adequate access at both ends from a Town, County, or State public way adjacent to the subdivision. (See Section 6.3 E of these Regulations concerning dead end streets, and Section 6.3 I concerning adequate access from a public way.)

17. Subdivision Control Law: Refers to MGL C. 41 §§ 81-K to 81GG, titled "Subdivision Control," as last amended.

18. Wooded Lots: An area or stand of trees whose total combined canopy covers at least 50% of the lot

19. Zoning: The Town of Middlefield Zoning Bylaw.



## **SECTION 3 PLANS BELIEVED NOT TO REQUIRE APPROVAL**

### **3.1 Submission to Planning Board for Determination**

Plans to be recorded in the Registry of Deeds or the Land Court for which Approval is Not Required (ANR) under the Subdivision Control Law may be submitted to the Planning Board for an Approval Not Required endorsement in accordance with this section. The applicant shall submit to the Planning Board by filing at a Planning Board meeting or, by delivery or certified mail, with the Town Clerk.

### **3.2 Submission Procedure**

A. The applicant shall submit to the Planning Board the original drawing and six (6) prints of the plan accompanied by a completed application Form A (see Appendix A), together with any necessary evidence to show that the plan does not require approval. At the time of submission, the applicant will submit a fee to the Town Clerk, in accordance with the Fee Schedule (see Section 9).

B. The applicant may submit an ANR plan to the Planning Board either by delivery at a regular or special meeting of the Board, or by delivery or certified mail, postage prepaid, in care of the Town Clerk. In either case, written notice (a copy of Form A) shall be filed by delivery or certified mail, postage prepaid, with the Town Clerk stating the date of submission for such determination. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt thereof.

C. Receipt by the Planning Board, or date of mailing such notice, plans and necessary documentation as may be required by these rules and regulations, shall constitute the effective date of submission.

### **3.3 Contents**

Said ANR plan submittal shall include the following information:

1. A 24" by 36" Mylar and six (6) prints of the survey plans which shall show:
  - a. The name(s) of the record owner(s) of the subject land, and the names of the owners of all adjacent land as determined from the most recent tax records of the Town;
  - b. All buildings owned by subject landowner(s) within 100' of any newly created property lines.
  - c. A notation reading "Endorsement of this Plan does not certify compliance with the zoning required for a building lot."

- d. Any evidence to show that the plan does not require approval.
  - e. If more than one plan is used, an index of the different plan sheets.
  - f. A locus plan showing where the site is within the Town of Middlefield.
2. Two copies of a completed Approval-Not-Required Application (Form A)
  3. The appropriate fee (see Section 9)
  4. Electronic copies of said plan which meet the current version of the “MassGIS Standard for Digital Plan Submission to Municipalities” meeting the requirements for Level I submission standards. Electronic copies must be submitted on a CD-ROM and must be accompanied by the completed checklist required in the MassGIS standard.

### **3.4 Determination by Planning Board**

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

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

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

### **3.5 Criteria for Endorsement**

The plan shall be endorsed by the Planning Board if either of these criteria are met by the submitted plan:

1. The pin shows a division of property with frontage required under the Middlefield Zoning Bylaw, and is located on one of the following:
  - a. An way accepted by the Town of Middlefield.
  - b. A way certified by the Town Clerk as used and maintained as a public way.
  - c. A way shown on an approved and endorsed subdivision plan.
  - d. A way in existence when the Subdivision Control Law became effective in Middlefield and 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 therein.

2. The plan shows a division of property clearly denoted on the plan "to become an integral part of" an adjoining parcel, which will be explicitly identified on the plan, and which has frontage in accord with Subsection 1 above.

## SECTION 4 PRELIMINARY PLANS

### 4.1 Pre-submission Review

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

Any person engaged in the process of submitting a subdivision to the Planning Board is strongly recommended, but not required, to prepare a Voluntary Sketch Plan that will include the following:

1. Existing Resources / Site Analysis Map: A map which identifies, locates, and describes noteworthy features to be designed around through sensitive subdivision layouts, such as vegetation, wetlands, steep slopes, farmland soils, historic or cultural features, threatened or endangered species, unusual geological formations, and scenic views or viewsheds.
2. Voluntary Sketch Plan: A simple drawing prepared by a professional landscape architect, architect, planner, site designer or engineer, which illustrates conceptual layouts of house lots, streets, conservation areas and other improvements. Ideally, this is based on the Existing Resources/Site Analysis Map and reflects comments received from Town officials.

### 4.2 General

A Preliminary Plan of a subdivision may be submitted by the applicant to the Planning Board, the Board of Health and the Conservation Commission for discussion and approval, modification or disapproval by each board. The submission of such a Preliminary Plan will enable the applicant, the Planning Board, the Board of Health, the Conservation Commission, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended (and encouraged through Middlefield's fee schedule) that a Preliminary Plan be filed in each case.

### 4.3 Submission Procedure

An applicant may submit a preliminary plan in accordance with the following:

A. The applicant shall submit six (6) copies of the plan and an application Form B (see Appendix) to the Planning Board, together with all other information and documentation as required in these rules and regulations.

B. The applicant shall submit two (2) copies of the plan directly to the Board of Health, along with any information and documentation regarding soil conditions, deep hole logs and percolation tests, if available. (MGL c. 41, Section 81S).

C. When an applicant wishes to submit a preliminary plan, submission may be accomplished by delivery at any Planning Board meeting, or by registered mail, postage prepaid, addressed to the Middlefield Planning Board, and in any case by giving written notice to the Town Clerk by delivery or by registered mail, postage prepaid, that such plan has been submitted. If notice is given by delivery, the Town Clerk shall, if requested, give a written receipt thereof.

D. At the time of submission, a fee, in accordance with the Fee Schedule (see Section 9), shall be paid by the applicant to cover the cost of handling and reviews. All review and advertising costs shall be paid by the applicant.

#### **4.4 Contents**

Said Preliminary Plan submittal shall include:

1. Documentation that one (1) copy of the complete application (Form B) was filed with or mailed to the Middlefield Board of Health, the Conservation Commission, the Board of Selectmen, and the Road Superintendent.
2. Receipts showing that the applicant mailed, by certified mail, a notice of the proposed subdivision containing a locus map of the project to every abutter within 300 feet of the proposed subdivision.
3. Six (6) copies of the preliminary plan on 24" by 36" paper at a scale of 1"=100' or greater, which shall show sufficient detail to form a clear basis for discussion and preparation of the Definitive Plan, including:
  - a. A title block identified as a Preliminary Plan, with the subdivision name, property owner, and project applicant.
  - b. Proposed names of roads or ways as well as all information described under the definition of the Preliminary Plan. Street names may not be similar to any other streets within Middlefield.
  - c. Final or near final alignment of all roads, ways, and rights of way. Existing and proposed lines of street, proposed names of the latter, rights-of-way, easements, and any public or common areas within the subdivision. Purpose of easements shall be indicated.
  - d. The names and addresses of the owners of record, the applicant and the names, addresses and professional seals of the registered Professional Engineer and Land Surveyor.
  - e. The names and addresses of all abutters within 300 feet, as determined from the most recent tax list.

- f. Location, names and present widths of streets bounding, approaching, or within reasonable proximity of the subdivision.
  - g. Location of natural waterways and water bodies on the subdivision parcel(s) and within 200 feet of the subdivision. The plans shall note whether the streams shown are perennial or intermittent, how that determination was made, and whether the Conservation Commission has approved the determination.
  - h. Boundary lines of all proposed lots with approximate dimensions and lot areas in square feet.
  - i. Location of all structures on and within 100 feet of the proposed subdivision.
  - j. The existing and proposed topography at a five (5) foot contour interval (lines of equal elevation) or better. Datum must be NAVD 1988. Major site features, such as existing stone walls, fences, buildings, large trees, rock ridges and ledge, swamps, historic features and wooded areas.
  - k. Whenever applicable and in a general manner, the proposed and existing storm drainage (curbs, gutters, and pipes or sheet flow), sanitary disposal (septic systems, decentralized systems or package plants) and water (springs, individual wells or community) systems.
  - l. A sketch of the applicant's and other parcels of contiguous un-subdivided land, showing possible or contemplated development and street layout, if applicable.
  - m. When multiple sheets are necessary, match lines showing where two sheets come together shall be used and referenced and an index plan graphically indicating the arrangement of said multiple sheets shall be provided.
  - n. A locus or location plan(s) at 1"=500' or greater showing the subdivision on an orthophoto base and its location to the surrounding roadways and physical features and drainage boundaries for watersheds and streams. The plan shall show the ownership and house number of all surrounding parcels of land.
4. The applicant shall request, in writing to the Planning Board, any proposed waivers of subdivision requirements.
  5. Six (6) copies of a completed Preliminary Plan Application and such other supporting information are necessary to review the application.
  6. The appropriate fee (see Section 9).

#### **4.5 Approval**

The Preliminary Plan, when submitted, will be studied to determine if it is in compliance with these Regulations. Within forty-five (45) days after submission, the Board shall approve, disapprove, or approve with modification the Preliminary Plan, noting thereon any changes that should be made. In the case of disapproval, the Board shall state in detail its reasons therefore. The Board shall notify the applicant of its action by registered mail, with return receipt requested, and shall also notify the Town Clerk in writing. One (1) copy of the Plan shall be returned to the applicant and the others retained by the Board. Approval of the Preliminary Plan does not constitute approval of the subdivision but does facilitate the procedure in securing approval of the Definitive Plan.

## **SECTION 5 DEFINITIVE PLAN**

### **5.1 General**

A Definitive Plan shall be governed by the Subdivision Regulations in effect at the time of submission of such plan, or in effect at the time of submission of a Preliminary Plan, provided that a Definitive Plan evolved therefrom shall have been submitted to the Planning Board within seven (7) months from the date of submission of the Preliminary Plan. A Definitive Plan shall also be governed by and be consistent with the zoning in effect at the time of submission of such plan or at the time of submission of a Preliminary Plan from which a Definitive Plan is evolved, in accordance with the appropriate provisions of Chapter 40A of the Generals Laws, as amended.

### **5.2 Submission Procedure**

A. The applicant shall submit six (6) copies of the definitive subdivision plan and Application Form C (see Appendix) to the Planning Board, together with all other information and documentation, such as plans, reports, maps and cross sections, as required in these rules and regulations. In accordance with MGL c. 41, Section 81U, the applicant shall file one (1) copy of the plan directly with the Board of Health, along with other necessary information and documentation. The filing of the definitive subdivision plan shall also include a copy of any Order of Conditions relative to the definitive plan which may have been issued under the Massachusetts Wetlands Protection Act. The Planning Board may require more copies if necessary for other agencies to review.

B. At the time of submission, a fee, in accordance with the Fee Schedule (see Section 9), shall be paid by the applicant to cover the costs of handling and reviews. Expenses for advertising the public hearing will be paid by the applicant, as well as plans, surveys or inspections in excess of the set fee.

C. The applicant shall submit the definitive plan to the Planning Board either by delivery at a regular or special meeting of the Board, or by delivery or registered mail, postage prepaid, addressed to the Planning Board. In each case, written notice (a copy of Form C) shall be filed by delivery or registered mail, postage prepaid, with the Town Clerk. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt thereof.

D. Receipt by the Planning Board, or date of mailing of such notice and such documentation as may be required by these rules and regulations, shall constitute the effective date of submission.

### **5.3 Contents**

Said Definitive Plan submittal shall include:



1. Documentation that the applicant filed two copies of the complete application (Form C) with the Middlefield Board of Health, the Middlefield Conservation Commission, the Board of Selectmen, and the Road Superintendent.
2. Receipts showing that the applicant mailed, by certified mail, a notice of the proposed subdivision containing a locus map of the project to every abutter within 300 feet of the proposed subdivision.
3. All master deeds, restrictive covenants, deed restrictions, deeds for shared land, detention pond, open space, and recreation areas, and homeowners association documents and all easements. A homeowners association must be established to maintain streets and infrastructure until and unless the streets are accepted by the municipality.
4. Six (6) copies of the Definitive Plan on 24" by 36" paper at a scale of 1"= 40' or greater and every sheet shall bear the seal of a Massachusetts Registered Land Surveyor and/or a Registered Professional Engineer as appropriate. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision, and all plans, layouts, profiles, cross sections and application shall be deemed to constitute the Definitive Plan. The Definitive Plan shall contain the information below. Sufficient sheets shall be used to ensure that the plans are all easily readable. At least one of these prints shall have the significant features illustrated in color to clearly show roads, streams and water-bodies, wetlands, one hundred year floodplains, dedicated open space and recreation, pedestrian and bicycle paths, and subdivision boundaries.
  - a. The plans shall include the property owner, and project applicant, the coordinate north arrow, date, scale, legend, the title block, "Definitive Plan, Town of Middlefield,{Subdivision Name}", and certification by the Surveyor that all surveying conforms to the technical standards for property surveyors.
  - b. Names, addresses and plan location of all subdivision property owners, applicants, immediate abutters, abutters within 300 feet of any portion of the subdivision, and abutters separated from the subdivision only by a street.
  - c. Existing and proposed lines of streets, lots, rights-of-way, easements, and any public or common areas within the subdivision
  - d. Location, names and present widths of streets bounding, approaching, or within reasonable proximity of the subdivision, as determined by the planning board.
  - e. Location of wetlands, perennial and intermittent streams, certified vernal pools, potential vernal pools (as identified on maps prepared by MassGIS), certified and potential vernal pool upland habitat areas, waterways and water bodies within 300 feet of the subdivision. The

plans shall note whether the streams shown are perennial or intermittent, how that determination was made, and whether the Conservation Commission has approved the determination.

- f. Location of all storm drainage lines and drainage discharges within 200 feet of a brook, stream, or drainage area, a profile will be shown of the brook, stream, or drainage area to determine condition, and proposed method of stabilization.
- g. An erosion and sedimentation control plan designed to ensure, mitigate and prevent erosion/sedimentation of disturbed areas during and after construction activities. The plan shall show, in detail, what and when such measures will be implemented, on both a temporary and permanent basis, including land disturbances for house construction.
- h. Major site features, such as existing stone walls, fences, buildings, large trees, rock ridges and ledge, prime agricultural soils, swamps, flood plains as identified on the Federal Insurance Rate Maps and other flood plains identified by a professional engineer, historic features, and wooded areas on and within 100 feet of the proposed subdivision. The plan shall identify which of the above shall remain undisturbed.
- i. Sign-off from the Massachusetts Historical Commission that there are no known archaeological sites on the property. For sites within 200 feet of a river or perennial stream where human remains are discovered, a study by a qualified archaeologist is required to determine if any mitigation is needed to avoid damaging a site.
- j. Using metes and bounds and standard surveying, including lengths, bearings, and curve data to determine the exact location, direction and length of every street and way line, easement, lot line and boundary line, and to establish these lines on the ground. All surveys must tie to the Massachusetts State Plane coordinate System (NAD 1983 Datum), using said published control points or the global positioning system. Boundary lines, areas in square feet, and dimensions of all proposed lots, with all lots designated numerically and in sequence.
- k. All easements must be clearly shown on the subdivision plans and their purpose shall be clearly stated. All water and sewer utilities easements shall be a minimum of thirty (30) feet in width. Utilities shall be located as close as possible to the center line of the easement.
- l. Location of all permanent monuments and control points identified as to whether existing or proposed, and identified according to the Massachusetts State Plane coordinate system (NAD 1983 Datum). At least two permanent concrete or granite monuments must be placed on site and shown in the plans prior to construction. Bounds are required at

all intersections of street lines, angle points and changes of curvature of street lines. All control points shall be tied to and employ NAVD 1988 AND the Massachusetts State Plane Coordinate System (NAD 1983 Horizontal Datum), with horizontal control using said published control points or the global positioning system (with horizontal coordinates provided in metric). Vertical benchmarks separate from horizontal control points may be provided, provided these points are also tied to permanent concrete or granite monuments.

- m. Proposed names of roads or ways as well as all information described under the definition of the Definitive Plan. Street names may not be similar to any other streets within Middlefield.
- n. Construction level details of all roads and associated utilities and improvements.
- o. The names and addresses of the owners of record, the applicant and the names, addresses and professional seals of the registered Professional Engineer and Land Surveyor.
- p. Location of all structures on and within 100 feet of the proposed subdivision.
- q. The existing and proposed topography (sufficiently differentiated) with two (2) foot contour intervals for the entire parcel, unless the Planning Board agrees that the natural surface of the ground may be adequately represented by contours with larger intervals or by figures of elevation. (The existing and proposed topographical information presented shall be sufficient to define the grading of each proposed lot and street.) Datum to be NAVD 1988 or later.
- r. When multiple sheets are necessary, match lines showing where two sheets come together shall be used and referenced and an index plan graphically indicating the arrangement of said multiple sheets shall be provided.
- s. A locus or location plan(s) at 1"=500' or greater showing the subdivision on an orthophoto base and its location to the surrounding roadways and physical features and drainage boundaries for watersheds and streams. The plan shall show the ownership and house number of all surrounding parcels of land.
- t. A sketch plan showing a possible prospective street layout for any adjacent un-subdivided land owned or controlled by the owner or applicant of the subdivision and also showing topography, unless such a plan has already been submitted to the Planning Board.

5. The applicant shall request, in writing to the Planning Board, any proposed waivers of subdivision requirements.
6. Six (6) copies of a completed Definitive Plan Application and such other supporting information as is necessary to review the application.
7. The appropriate fee (see Section 9)
8. A plan and a report providing details of sewage disposal and treatment systems, including the results of all percolation and soil tests for individual lots and/or for any community or shared system, and any water supplies and wells within 200' of the property line. The report shall include all information required under the Department of Environmental Protection's Title 5 regulations and local health and septic regulations, if any. A registered Professional Engineer or sanitarian must stamp the plans and the results.
9. Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board on each sheet of the Definitive Plan and reference to separate certificate by municipal clerk.
10. A separate plan showing street layout, horizontal scale 1" = 40', for each street in the subdivision showing exterior lines, roadway lines, partial lot lines, curb lines, intersection angles (the angles formed by the intersection of two roads, and the centerline), points of tangency, and radii of curves. Also included on the street layout plan shall be location, size, type of construction, elevations and invert (elevation of the entry to a pipe), whenever applicable, of all pipes and conduits of the following utilities if applicable:
  - a. Water Supply System, if a community water system is used, including pumps, valves, stubs (which extend water service beyond the edge of the asphalt), gates, hydrants, and similar equipment;
  - b. Storm Drainage System, including manholes, pipes, culverts, catch basins, detention ponds (stormwater storage ponds), and appurtenant structures;
11. A Profile Plan on the same sheet located directly below and coordinated with the street layout plan, indicating existing profiles on the exterior and center lines (using light weight lines) and proposed profile on the center line (using heavy weight lines) of each proposed street, at a horizontal scale of 1" = 40' and a vertical scale of 1" = 4'. All elevations shall refer to NAVD 1988 datum. Profiles shall show existing and proposed street grades, rates of gradient on percentages, ground and proposed elevations at center line of each fifty (50) foot station, and grades of intersection streets and ways shall be clearly indicated. The Profile Plan shall show location of existing and proposed water, drainage and sanitary sewer lines, slopes and types (material and class) of all storm and sanitary sewer lines, invert, manhole rim elevations and station of each manhole or catch basin.
12. A typical cross section for the full width of the proposed right-of-way shall be shown in accordance with the standards of these Rules and Regulations showing foundation material,

wearing surface, crown (or high point) and width of traveled way, curbing, grass strips, sidewalks, utility locations, etc.

13. Construction details for catch basins, manholes, end-walls, head-walls, rip-rap, and energy dissipaters, detention ponds, gabion structures, level lip spreaders, etc.

14. Every plan shall have at least four points on each sheet accurate within a centimeter, as certified by a surveyor, tied into the Massachusetts State Plane Coordinate System (NAD 1983 datum), using said published control points or the global positioning system. The plan must note the coordinates, in metric, of the four tie-in points, the datum, and the source and location of monuments used for data.

15. A table listing lot numbers with the corresponding lot size and street frontage for every lot.

16. Locations of borings shall be shown on the plan with a numbering system corresponding to boring logs which will be submitted as part of the application. The purpose of borings is to assist the developer and the project's engineer in designing an appropriate roadway and related utilities based on existing water table and subsurface soil conditions (i.e., a clay subsurface might necessitate extra excavation and extra depth for gravel base; a water table near ground surface might necessitate the installation of sub-drains (to drain the groundwater) along the edge of the road, etc.). The actual location at which each boring is made shall be shown on the plans. The borings shall be certified by a Massachusetts Professional Engineer. Boring or test pits used for the purpose of design detention facilities must include estimates of high groundwater based on mottles and hydromorphic features, which generally requires test pits witnessed by a qualified soil scientist. Test pits may be used instead of borings except when borings are required for any geotechnical (structural) reasons.

17. Hydrology Study and Drainage Calculation. The applicant shall submit drainage calculations, including rational method and TR-55 or TR-20, showing (a) that any proposed drainage system has been designed according to the standards set forth in these rules; and (b) any impact said drainage system would have on existing drainage systems downstream from the proposed point of discharge.

18. Water Study, if a community system is used. The applicant shall submit a study certified by a professional engineer with demonstrated qualifications as a water consultant, showing that the proposed water system would provide the development with adequate potable water to meet building code requirements.

19. Fire Water Availability. The applicant shall demonstrate that sufficient water exists to address fire needs. Any subdivision where the homes are sprinkled with a minimum of a sixty gallon basement cistern feeding the sprinklers will be assumed to meet this standard. In the alternative, a project may demonstrate that their will be adequate fire ponds or access to natural water bodies in a manor acceptable to the fire chief and meeting national standards.

20. Any supplemental materials submitted by the developer after the original submission must provide the number of copies and the format required for the original submittal. The Planning Board may elect not to consider such revised plans or other additional materials if such

plans/materials are not filed at least fourteen days prior to the date of the Public Hearing or meeting at which the developer wishes them to be considered. This is to ensure adequate time for review.

21. Lighting System, if used: Outdoor lighting is not required. If used, any lighting system should comply with the recommendations of the International Dark-Sky Association, whose goal is "To preserve and protect the nighttime environment and our heritage of dark skies through quality outdoor lighting." All street lights must be 50-watt high pressure sodium or more energy efficient models. All street lights must contain full cutoffs (hoods covering the sides of the lamps) to avoid any direct lighting off of streets and sidewalks. Maximum foot candles of any light shall be 1 foot candle.

#### **5.4 Development Impact Statement**

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

1. Public Works costs: Additional costs for future plowing, sanding, and sweeping per lane mile (using current costs per lane mile) plus catch basin cleaning (using current costs per catch basin).
2. Municipal service costs: Estimates of costs base on existing average cost per resident for police, fire, libraries, recreation, and schools.
3. Environmental impacts: Impacts on wetlands, floodplains, open space, archeological features, wildlife, water quality, and water supplies.
4. Schools enrollment projections: For future planning for school enrollment, assume 0.7 school-age-children per housing unit.
5. Analysis of traffic on all subdivision streets and surrounding streets: Assume 10 average daily trips per single family home, other than age restricted dwellings.

#### **5.5 Definitive Plan Approval and Recording**

##### A. Board of Health Approval

The Board of Health shall report to the Planning Board in writing approval or disapproval of said plan, and in the event of disapproval shall make specific findings as to which, if any of the lots shown on such plan cannot be used for building sites without injury to the public health and include such specific findings and the reasons therefore in such report, and where possible, shall make recommendations for the adjustment thereof. If a municipal sewerage system will serve the proposed subdivision, then failure of the Board of Health to make such a report within

forty-five (45) days after the plan is filed with their office shall be deemed approval by such board. A copy of the report, if any, shall be sent by such board to the applicant.

1. Every lot shall be provided with water supply and sewage disposal installations in compliance with the provisions of the State Environmental Code and Board of Health Regulations.
2. The Board of Health may approve the plan on condition that prior to the issuance of a building permit for a dwelling on any lot, soil and percolation tests be made in accordance with their specifications by a qualified technician as to suitability of a specific location for subsurface sewage disposal installation.
3. Based on the recommendation of the Board of Health, where due to restrictive water, soil, topographic, geologic, or other natural conditions, the proposed development is of a density which exceeds the sustaining capacity of the proposed lots in terms of individual sewage disposal systems and wells on each lot, the Planning Board may require that the developer revise his plan to either provide for a consolidated water supply system or a consolidated sewage disposal system.
4. The Board of Health may require as a condition of the subdivision approval that a performance bond or deposit of money or negotiable securities be furnished by the applicant to guarantee the construction of surface drainage improvements recommended by the Board and that all required improvements shall be made without undue erosion, siltation or flooding of traveled ways, and without causing any condition of public nuisance through dust or surface drainage, or any act of negligence by the applicant or his agent during the period of construction. Such performance guarantee may be released only after completion of the work to the satisfaction of the Board of Health. In viewing possible drainage problems the Board is not limited to lots as shown on the subdivision plan, but may in appropriate cases consider areas outside the subdivision.
5. Land subject to flooding and wetland areas as shown on the Town map, or land deemed by the Board of Health not suitable for building sites, shall not be approved by the Planning Board for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard. Such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board and the Board of Health to remedy said hazardous condition.

#### B. Public hearing

Before approval, modification and approval, or disapproval of a definitive plan is given, a public hearing shall be held by the Planning Board. The public hearing shall be conducted according to MGL c. 41, Section 8 IT. Notice of the time and place of the public hearing and of the subject matter sufficient for identification shall be given by the Planning Board, at the

expense of the applicant, by advertisement in a newspaper of general circulation in the Town of Middlefield once in each of two successive weeks, the first publication being not less than 14 days before the date of such hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the land included in the subdivision plan as shown on the most recent tax list. The applicant and any representative of the applicant should attend the hearing.

### C. Definitive Plan Approval or Disapproval

After the required hearing and within the statutory time limits, the Planning Board shall approve, modify and approve, or disapprove said plan.

1. An approval of the plan is conditional on designated lots or land not being built upon or served with any utilities, such as septic tanks or cesspools and drainage, without prior consent of the Board of Health. The Planning Board shall endorse on the plan such conditions as set forth by the Board of Health and the lots and land affected by such conditions. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the municipality of streets within a subdivision.
2. In the event of disapproval, the Planning Board shall state in detail wherein the plan does not conform to these Rules and Regulations of the Planning Board or the recommendations of the health board or officer and shall revoke its disapproval and approve of a plan which, as amended, conforms to these Rules and Regulations or recommendations.
3. Any amended plans which are resubmitted for approval shall follow the same procedures as the original submission. Any amended plans submitted later than three (3) months following the date of the expiration of the appeal period or appeal(s) on the disapproval of the originally submitted plan must conform to the Subdivision Rules and Regulations and procedures in effect at the time of the amended plan's filing.
4. The Planning Board may elect not to consider revised plans or other additional materials if such plans/materials are not filed at least fourteen days prior to the date of the Public Hearing or meeting at which the developer wishes them to be considered. This is to ensure that the municipal departments and the public have adequate time to review and comment on said materials.
5. As part of their approval process, the Planning Board has the right to impose reasonable conditions on any subdivision approval to:
  - a. Ensure that these regulations are followed; and
  - b. Ensure that any mitigation offered by the project proponent is implemented; and
  - c. Ensure that mitigation required as a condition of any waivers is implemented.
6. After approval of any Definitive Plan, the location and width of ways shown thereon, or any street or way subject to the Subdivision Control Law, shall not be changed unless



the plan is amended in accordance with the provisions set forth in M.G.L. Chapter 41, Section 81-W, and approved by the Planning Board.

7. In the event the applicant desires to alter or change the grade of a street or the size, location or layout of a storm, sanitary or water line or appurtenant structure, he shall provide the Planning Board with a written statement requesting such alteration or change and with six prints of the original Definitive Plan with the proposed changes drawn on said prints in red. No change or alteration shall be permitted unless such change or alteration has been approved by the Planning Board.
8. If the applicant fails to submit the required Performance Guarantees, easements and other documentation and the endorsement of the Plan by the Planning Board is delayed more than six (6) months after the expiration of the twenty (20) day appeal period, the Planning Board, on its own motion, shall exercise its power to modify, amend, or rescind its approval of the subdivision plan or to require a change in the plan as a condition of said plan retaining the status of an approved plan.
9. Definitive Plan Endorsement. The Planning Board shall endorse reproducible drawings of the Definitive Plan in accordance with the Subdivision Control Law and these regulations ONLY after:
  - a. The final reproducible plans have been approved by the Planning Board, including any necessary corrections required in the Planning Board's approval on the plan, easements, master deeds, restrictive covenants, homeowners association documents, and any required document which was not included with the subdivision submission.
  - b. An electronic copy of said plan which meets the current version of the "MassGIS Standard for Digital Plan Submission to Municipalities" meeting the requirements for Level I submission standards. Electronic copies must be submitted on a CD-ROM and must be accompanied by the completed checklist required in the MassGIS standard.
  - c. The statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the municipal clerk and said clerk has notified the Planning Board that no appeal has been filed, or if appeal has been taken, not until the entry of a final decree of the court sustaining the approval of such plan.
  - d. Any necessary performance guarantee has been posted. The monetary value of said guarantee, using any method other than a covenant, shall be based on a revised construction quantity estimate based on the final plans and with a monetary value adequate to cover all municipal costs to complete the project at the end of the expiration of said guarantee, including but not limited to construction costs at State "prevailing" wages, record plans, street acceptance plans, and legal costs.

- e. Necessary inspection and other fees have been paid.
- f. The applicant has presented to the Planning Board for their approval, two sets of plans showing the complete natural gas (if natural gas is available), electrical, telephone, cable TV, and, if applicable, street lighting (including pipes, pumps, valves, gates, hand-holes, transformer pad mounts and similar equipment). Said plans will be accompanied by endorsements from the respective utilities that the plans have received their approval.
- g. The applicant has delivered to the Planning Board two (2) sets of reproducible drawings of the Definitive Plan with the necessary corrections. After endorsement by the Planning Board, the applicant shall deliver to the Planning Board six sets of copies of the endorsed Definitive Plan.
- h. The applicant has delivered an Irrevocable Offer of Dedication of all facilities to be dedicated to the public. Said offer must be accompanied by a lawyer's title opinion that the offer is free of any liens and encumbrances and all mortgages must be subordinated to the Offer. The Offer shall be irrevocable, except the offer can be withdrawn if the project proponent does not proceed with the project and requests that the subdivision approval be rescinded or otherwise amended such that the dedication is no longer necessary.
- i. The applicant has submitted a detailed cost estimate for all construction within the proposed roadway layout and any utility easements, certified by the project's Registered Professional Engineer. Said estimate shall be based on current edition of Massachusetts Highway Department's "Standard Specifications for Highways and Bridges", and shall include:
  - 1. Quantity, unit price and total amount for each construction item
  - 2. Total amount for cost of completion of project.
  - 3. Costs adjusted to account for municipal prevailing wages rates
  - 4. Costs adjusted to add a 25% inflation/safety factor
  - 5. Engineering inspection, materials testing, legal and other soft costs.

## 10. Final Approval

Final approval of the Definitive Plan does not constitute acceptance by the Town of streets within a subdivision, which requires a Town Meeting vote. No representations of these regulations or the Planning Board should be presumed to even imply that Town Meeting might be willing to accept any new road.

### 5.6 Performance Guarantee

A. Before endorsement of the Planning Board's approval of a Definitive Plan of a subdivision, the applicant shall agree to complete the required improvements specified in these Regulations and in the Definitive Plan approval, such construction and installation to be secured in accordance with Section 81U of the Subdivision Control Law by one, or in part by the other, of the following methods which may from time to time be varied with the applicant:

1. Approval with Financial Performance Guarantees (Surety Bonds, Cash Escrow/Money, Three Party Lender Agreement, or Letters of Credit). The applicant shall either file a surety company performance bond or provide a deposit of money or negotiable securities, including letters of credit, in an amount determined by the Planning Board in consultation with their advisers to be sufficient to cover the cost of all or any part of the improvements specified in these regulations at State "prevailing wage rates" not covered by a covenant under "b" below, and to cover the costs of inspections, record plans, street acceptance plans, and legal work, and a 20% contingency/inflation factor. Warranty principal shall be not less than 15% of the estimated cost of those components of the entire project which shall be dedicated for public use and shall cover workmanship and materials. The performance guarantee will also cover necessary repairs of damage to adjacent public roads resulting from usage associated with the construction of subdivision roads.
  - a. If financial performance guarantees are used, at least two lots in a subdivision which can be built on must be covered by a covenant (under paragraph b below) to insure that all work, including legal work, is completed.
  - b. Letters of Credit, three-party agreement for lender retention of funds, surety bonds and other financial performance guarantees must be drafted so that the only requirement that must be met for the Planning Board to draw on the letter is to notify the financial institution (grantor) that "We have incurred liability by reason of the failure of the applicant/developer/owner, within ninety days of the expiration of this letter, to complete the construction of their project (insert name of subdivision and plans) in accordance with the definitive subdivision plans and submittal, the subdivision approval, the Zoning, and the Subdivision Rules and Regulations. The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account

until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is otherwise let and the work paid for. Any excess over the cost of completing the work will be returned to the grantor."

- c. Such bond, deposit of money or negotiable securities, shall be approved as to form, the surety or financial institution, and manner of execution by the Planning Board.
  - d. For any surety bond, 1) the surety must agree that any litigation stemming out of the bond will take place in Massachusetts, 2) the bond must include the name and address of the person to be served for any legal action, 3) The bond must specifically include the terms above, and 4) No expiration date may be allowed in the bond (the bond must be valid until the work is complete) and the warranty performance period has been completed.
  - e. The applicant must provide an Irrevocable Right-of-Entry to allow the Town of Middlefield to enter the property to make any necessary improvements required in the Subdivision Regulations and the Definitive Plan approval if the Town is forced to call the financial performance guarantees. Accepting, calling, or using financial performance guarantees does not provide the Town with any responsibility to complete a project beyond that for which the Town is willing to undertake and for which there are sufficient performance guarantee funds to pay for. The property owner shall subordinate all property mortgages to the Irrevocable Right-of-Entry and record it in the Registry of Deeds or Land Court, as applicable.
2. Approval with Covenant. Instead of filing a bond or depositing money, the applicant may fulfill a covenant, executed and duly recorded concurrent with recording the subdivision approval by the owner of record, running with the land, that no lot in the subdivision shall be sold and no building erected thereon until such ways, services and, whenever applicable, temporary turnarounds are constructed and installed, and until record plans, street acceptance plans, and other required work are accepted by the Planning Board in accordance with these Rules and Regulations so as to adequately serve the lots.

Such covenant shall be inscribed on the Definitive Plan or on a separate document referred to on the plan and delivered to the Planning Board. The Planning Board shall turn over the covenant agreement to the town counsel, who shall review its contents and forward his/her comments in writing to the Planning Board. Upon approval of the covenant by the Planning Board, the applicant shall note the Planning Board's action on the Definitive Plan, record the covenant, endorsed Definitive Plan, and other appropriate documents at the

Registry of Deeds or Land Court, as appropriate, and provide certified copies of the same to the Planning Board.

B. Completion Time Schedule.

1. The covenant or financial performance guarantee shall be contingent upon the completion of such improvements, and the required one year warranty as required in these Rules and Regulations within a maximum period of three (3) years of the date of such bond, deposit of money, or covenant. After the completion date of all improvements and the one-year Warranty Period, there shall be at least a three (3) month Warranty Settlement period before the expiration date of any bond, deposit of money, or letter of credit. Said three (3) month period shall give the Planning Board the opportunity to collect the financial performance guarantee so that it will be able to complete the necessary improvements in case (a) the developer is unable to do so; and/or (b) the Planning Board denies any requests for an extension of time. "Warranty" shall include all workmanship and materials.
2. Upon written request from the applicant, the Planning Board may, at its discretion, grant an extension of time, and such agreement shall be executed and affixed to the financial performance guarantee or covenant.
3. In the case of a surety company bond, such an agreement for an extension shall not be effective until the surety delivers to the Planning Board a written statement that the surety agrees to the proposed alteration of the completion schedule and that such alteration shall not relieve or affect the liability of the surety company.
4. Failure to complete all improvements as required by these Rules and Regulations within the time allotted shall cause the Planning Board (a) to draw upon the performance guarantee (surety bond, deposit of money, letter of credit) in order to complete said improvements; and/or (b) schedule a Public Hearing in order to rescind approval of the subdivision in accordance with appropriate sections of M.G.L. Chapter 41, Section 81.

C. Recording of Plan

1. The Developer, or a representative (whenever applicable), will register the Planning Board's Order of Conditions, public easements (plans and documents), restrictive covenants, master deeds, etc., at the Registry of Deeds or Land Court, as applicable. The cost of said recording shall be borne by the developer.
2. Subsequent to said recording and prior to any Building Permit being issued, the Project Applicant shall file within seven (7) calendar days one (1) print of the Definitive Plan with the Building Inspector. Further, in accordance with the statute, where approval with covenant is noted thereon, the Inspector shall issue no permit for the construction of a building on any lot within the subdivision, except upon receipt from the Planning Board of a copy of the Certificate of Performance releasing the lot in question.

D. Procedures for Partial Release

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

E. Procedures for Full Release

1. The applicant may, upon completion and installation of required improvements in a subdivision, the completion of record plans and street acceptance plans, as specified in these Rules and Regulations, and the completion of a one-year labor and materials warranty period make formal application, in writing, to the Planning Board for full

release of any outstanding performance guarantee. Before the Planning Board releases their full interest in said performance guarantee, the Planning Board shall:

- a. Obtain from the applicant's professional engineer a written certificate of statement certifying that all work required by these Rules and Regulations has been constructed in conformance with the approved construction plans.
- b. Obtain from the applicant, letters from the electric, telephone, gas and cable TV companies stating that their respective underground systems have been installed to their satisfaction.
- c. Obtain from the applicant, a set of record construction plans. Said plans shall include, but not be limited to, all the information requested in Record Plans.
- d. Obtain from the applicant, street acceptance plan or plans and necessary documents, as stated in Acceptance Plans.
- e. Obtain from the applicant, where applicable, an instrument, in a form approved by the Planning Board, transferring to the municipality or to an approved public utility company, without cost, valid unencumbered title to all sanitary sewers, water mains, and appurtenances thereto, and other utilities constructed and installed in the subdivision of approved portion thereof, and conveying to the municipality or to an approved public utility company without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers, water mains and other utilities, with any manholes, conduits, and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or approved portion thereof, and if any such sewers or water mains have been constructed and installed in land not within such streets, then in, through, and under a strip of land extending fifteen (15) feet in width on each side of the centerline of all such sewers and water mains. The Planning Board may require greater than fifteen (15) feet in width on each side of the centerline where it deems necessary.
- f. If the Planning Board determines that all improvements as shown on the endorsed Definitive Plan and all required plans and legal documents have been completed satisfactorily, release all the interest of the municipality in such performance guarantee and return the bond to the person who furnished the same, or release the covenant, by appropriate instrument, duly acknowledged, which may be recorded.
- g. If the Planning Board determines after inspection that said construction or installation has not been completed, or wherein said construction or installation

fails to comply with these Rules and Regulations, send by registered mail to the applicant and to the municipal clerk the details wherein said construction or installation fails to comply with its rules.

- h. The applicant shall have thirty (30) days after receipt of such notice to correct all problems mentioned in the above. Failure of the applicant to finish all the necessary work within said thirty (30) days shall cause the Planning Board to draw upon the bond or deposit of money as mentioned below.
- i. Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the municipality, as provided in M.G.L. Chapter 41, Section 81 upon failure of the performance for which any bond or deposit was given to the extent of the reasonable cost to the municipality of completing such construction and installation.



## SECTION 6 DESIGN STANDARDS

### 6.1 General Standards

No plan of a subdivision shall be approved unless all of the building lots shown on the plan comply with the Zoning and the design and construction standards located herein.

Except as herein noted, the following shall be used as design standards. Where a difference between the standards as these Regulations exists, these Regulations shall be followed unless a waiver is granted by the Planning Board:

1. Streets, sidewalks, water systems, sanitary sewers, storm drain systems, public and private utilities and other infrastructure shall be constructed in accordance with these subdivision regulations and the current edition of the Massachusetts Highway Department "Standard Specifications for Highways and Bridges," (referred hereto as the "Standard Specifications").
2. Roads shall be designed in accordance with the appropriate American Association of State Highway and Transportation Officials (AASHTO) design manual for 20 mile per hour design speeds.

### 6.2 Relationship to Town Plans

The design and layout of a proposed subdivision should be guided by the goals and objectives of any existing master plans, or statements of goals and objectives for the Town of Middlefield.

### 6.3 Streets

- A. The Planning Board may require higher standards than those set forth herein after for the design and construction of streets within a subdivision, provided that such requirements are necessary and are intended to benefit a substantial area outside the subdivision.

#### B. Street Classification

Streets in subdivisions shall be classified as major and minor:

1. Major Street: A street which, in the opinion of the Planning Board, is likely to carry substantial volumes of through traffic or a street serving a Class I Subdivision.
2. Minor Street: A street which connects with Major Streets or streets serving Class II and Class III Subdivisions (less than ten (10) lots).

C. Location and Alignment

1. All streets and ways shall be designed so that in the opinion of the Planning Board they will provide safe vehicular travel. Streets shall also be designed to maximize the attractiveness and design of the street layout to maximize livability and amenity of the subdivision. As far as practicable, streets should also follow natural contours.
2. The design and layout of the proposed subdivision shall conform, so far as is practicable, to the Town Master Plan, Open Space and Recreation Plan, or other Town plans, as adopted by the Planning Board or the Town.
3. Provision shall be made, to the satisfaction of the Planning Board, for the proper projection of streets, or for access to adjoining property which is not yet subdivided or developed. Generally, it is preferred that new roads loop back to the existing road instead of being dead-end streets.
4. Reserve strips prohibiting access to streets or adjoining property shall not be permitted.

D. Right of Way (ROW) and Road Design Standards

Street standards shall be provided in accordance with the table below. These standards provide a balance between what is necessary for safety (e.g., fire needs) and what is important to maintain Middlefield’s character.

|   | <b>Minor Street</b>                 | <b>Major Street</b>                 |
|---|-------------------------------------|-------------------------------------|
| <b>Street Width</b>   | 21 feet                             | 21 feet                             |
| <b>Minimum ROW</b>  | 50 feet                             | 55 feet                             |
| <b>Horizontal Alignment:<br/>Minimum center line radius</b>                                   | 100 feet                            | 200 feet                            |
| <b>Vertical Alignment: Minimum<br/>stopping sight distance at 3.5<br/>feet above pavement</b> | 175 feet                            | 200 feet                            |
| <b>Maximum Grade</b>  | 10%                                 | 8%                                  |
| <b>Minimum Grade</b>  | 0.75%                               | 0.75%                               |
| <b>Intersection angle</b>   | 75°                                 | 90°                                 |
| <b>Minimum sight distance (stop-<br/>controlled or obstructed-view<br/>intersection)</b>      | 2<br>5<br>0<br><br>f<br>e<br>e<br>t | 3<br>0<br>0<br><br>f<br>e<br>e<br>t |
| <b>Minimum radius at edge of<br/>roadway</b>  | 25 feet                             | 25 feet                             |

E. Dead End Streets

Dead-end streets (cul-de-sac) shall be permitted as Minor Streets only. Project shall make every effort to avoid the creation of dead-end streets and must connect their subdivision to existing dead-end streets whenever reasonably possible. Dead end streets are more expensive to maintain, limit emergency access, and reduce the sense of connection and equality that comes from interconnecting streets.

- a. Dead-end streets are only appropriate when the surrounding property will never need a street connection, because of extremely sensitive and permanently protected natural resources, and the project provides a viable alternative pedestrian and bicycle connection to the surrounding property, and the street connection will not aid the transportation network that serves the subdivision, and the dead-end street will not serve more than five (5) housing units.
- b. The length of a dead-end street allowed by right is five hundred feet (500'), as measured along the centerline of construction of the street from the nearest connected existing public street which is not itself a dead-end street. A longer dead-end street is allowed up to 1,000 feet if a corresponding amount of open space in the subdivision is dedicated (see Section 2.8 for the definition of Open Space). The formula is that for every two acres of open space dedicated, 100 feet of street length is allowed, up to 1,000 feet.
- c. All cul-de-sac streets shall use permanent teardrop-shaped cul-de-sac with a turnaround at the end of the street having a minimum island radius of forty (40) feet and a property line radius of at least eighty (80) feet (see below). The center of the cul-de-sac shall be on the centerline of construction.
- d. A permanent cul-de-sac turnaround (island) shall be constructed in the center of the cul-de-sac. The roadway shall have the same width as the roadway leading into the cul-de-sac, said pavement width beginning at the exterior radius of the turnaround, If curbing is used, the inside radius of the cul-de-sac pavement shall be constructed with granite-edging type SA, SB or SC (S for sloped), as specified in the MassHighway Standard Specifications.
- e. The road going around a cul-de-sac turn around shall be a one way road twenty (20) feet wide around a tear-drop shaped cul-de-sac island graded, seeded and/or appropriately planted with acceptable trees or shrubs, or left with natural tree growth in the center.

#### F. Street Offsets

Streets entering opposite sides of another street shall be laid out either directly opposite each other or with a minimum offset of one hundred and fifty (150) feet between their centerlines. Streets entering the same side of another street shall also be laid out with a minimum offset of one hundred and fifty (150) feet between their centerlines. This minimum offset shall also be observed whenever one or more streets entering are existing, whether located within or outside the boundary of the proposed development.



### G. Intersections

Streets and ways shall be laid out so as to intersect in accordance with Street Offsets (Section 6.3F) and the following:

- a. Street and way lines at all intersections, between proposed streets or between, whenever, applicable, a proposed and/or existing street, shall be rounded with a curve at each corner which has a property line radius of not less than fifteen to twenty feet (15' to 20').
- b. The center line of all intersecting streets or ways shall be a straight line from the point of intersection of said center line for a distance of no less than twenty (20) feet.
- c. On any street where the grade exceeds two (2) percent on the approach of the intersection, a leveling area, with a maximum slope of two (2) percent shall be provided for a distance of not less than thirty (30) feet measured from the nearest gutter line of the intersecting street.

### H. Surface Material

When roads are paved, the following shall apply:

1. The sub-base shall be processed gravel, 3''- OR 4''-, 24'' deep. A specifications, except that the top 6'' shall be processed 1.5''- gravel. A tolerance of one-half (1/2) inch above or below finished sub-grade will be permitted, provided this difference is not maintained over fifty (50) feet and the required cross section is maintained. The gravel borrow shall be laid to a depth of 18''.
2. The base or binder course (the first coat of asphalt) shall be asphalt concrete, in accordance with Massachusetts Highway Standard Specifications, Class I Bituminous Concrete Pavement type I-1 (Binder Course Mix). It shall be laid to a depth of 2.5''.
3. The surface course (the second coat of asphalt) shall be asphalt concrete in accordance with Massachusetts Highway Standard Specifications, Class I Bituminous Concrete Pavement Type I-1 (Top Course Mix). It shall be laid to a depth of 1.5''.
4. The top coat shall be a chip seal coat.
5. Inspections shall be made by the project engineer and the municipality upon completion of each layer of sub-base and the binder and surface courses.

## I. Adequate Access

The street system within a subdivision shall connect with and have, in the opinion of the Planning Board, adequate vehicular, pedestrian, and bicycle access from a public way or private way that connects to the greater network of streets.

- a. The physical condition or width of a public way from which a subdivision has its access must be sufficient, in the sole opinion of the Planning Board to either provide for emergency services or carry the traffic which is expected to be generated by such subdivision. If such access is insufficient, the planning board shall require the applicant to dedicate a strip of land for the purpose of widening the abutting public way to a width commensurate with that required within the subdivision and to make physical improvements to and within such public way to the same standards required within the subdivision or by these Subdivision Regulations. Any such dedication of land for the purpose of the way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be born by the applicant.
- b. The Planning Board shall disapprove of a subdivision plan where, in the opinion of the Planning Board, the existing surrounding municipal infrastructure (e.g. street width and construction and necessary utilities) is insufficient and/or incapable of handling the additional volumes (e.g. traffic, storm water) anticipated, by the Planning Board, to be generated by the project. Planning Board may accept or require off-site improvements to mitigate any of these impacts.

## J. Repairing Adjacent Roads

The developer will be responsible for repairs to adjacent public roads resulting from usage associated with the construction of subdivision roads. Before the release of the performance guarantee, the Highway Superintendent of the Town of Middlefield will determine if repairs are needed to return the adjacent public road to its prior condition and what the extent and nature of the needed repairs shall be.

## 6.4 Easements

- A. Easements for utilities shall be at the side or rear of lots wherever possible. They shall be contiguous from lot to lot. Easements shall be at least twenty (20) feet in width.
- B. Where a subdivision is bisected by or adjacent to a watercourse, either natural or man-made, the Board may require that there be a stormwater or drainage easement of at least twenty (20) feet in width to conform to the path of the watercourse and to provide for any construction related to that watercourse.
- C. The applicant will cause to be recorded in the Hampshire Registry of Deeds, by appropriate instrument (deed) any necessary easements in the name of the Town of

Middlefield for utilities, water courses or drainage channels, temporary turnarounds or other purpose, and to provide for the construction and installation of such utilities before the final bond is released. A copy of the appropriately executed instrument shall be submitted to the Planning Board after approval of the Definitive Plan, but before final endorsement.

## **6.5 Protection of Natural, Cultural and Historic Features**

- A. All natural features, such as large trees, watercourses, scenic points, historic plots, and similar community assets, as identified through the Master Plan, shall be preserved. The Planning Board may waive this requirement if such features are not needed to add attractiveness and value to the subdivision.
- B. Measures taken to preserve all archaeological sites or to mitigate any disturbance by fully cataloguing and preserving findings in accordance with Massachusetts Historical Commission recommendations.
- C. Before approval of a plan, the Planning Board may also require the plan to show a park or parks suitably located for playground or recreation purposes. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Planning Board may, by appropriate endorsement of the plan, require that no building be erected upon such park or parks for a period of not more than three (3) years without its approval. If the land is not deeded or purchased within these three (3) years, it may be included in a new subdivision proposal.

## **6.6 Pedestrian Ways and Sidewalks**

All roads must include a parallel pedestrian walkway within the road right-of-way, or if outside of the right-of-way with if an easement for the public use. The pedestrian way shall be continuous, with no breaks at streams or elsewhere, to allow pedestrians to safely walk off the roadbed. Pedestrian ways shall include a secure bed, which may be asphalt, crushed stone, gravel, or compacted earth, provided drainage is provided to ensure the pedestrian way is passable when snow does not block access. Sidewalks are not required, but where a developer chooses to use sidewalks they shall be designed and constructed in accordance with the MassHighway Standard Specification and Architectural Access Board and Americans with Disabilities Act standards.

## **6.7 Sewage Disposal System**

No lot shall be built upon without the provision of sewage disposal means specifically approved by the Board of Health.

## 6.8 Swales, Drainage, and Curbs

Curbs are generally not appropriate in Middlefield, where many roads are gravel and very few curbs exist, except in very limited circumstances where stormwater will be confined to feed into a formalized underground drainage system. Streets designed without curbs, however, shall use Low Impact Development (LID) drainage systems to closely mimic natural systems that meet the following standards:

1. All of the stormwater from a 1" NRCS design storm drains into the ground and does not leave the site. A 1" NRCS design storm is a storm with 1" of rain within a 24 hour period. More than 80% of Western Massachusetts storms are at or below this level.
2. Water leaving the road enters grassed swales graded flat enough to avoid erosion and hold and treat water.
3. Measures to reduce runoff, improve groundwater recharge, and improve stormwater quality, such as rain barrels (barrels at the base of roof gutter leaders that store stormwater and provide water for future lawn and garden use), or rain gardens (rain is captured and retained in depressions carefully planted with native vegetation and allowed to drain into the ground.)
4. Curbs are only appropriate in narrow defined areas without opportunity for grassed swales or in village center-type projects. In those areas curbs shall be Type 2 bituminous concrete or cement concrete curbs or granite curbs Type SB (sloped) placed on the bituminous binder, if the road is paved, or granite curbs if the road is gravel. Curbs shall utilize a 6" reveal (or 6" of curbing exposed above the street pavement). The installation of bituminous berm, granite curb, granite edging and granite curb corners shall conform to the relevant provisions of the Standard Specifications. All catch basin frames shall have granite curb inlets (Type VB) shall be built against and shall be installed true to the horizontal and vertical alignment.

## 6.9 Water Supply

### A. Water Wells

No lot shall be built upon without the provision of potable water facilities specifically approved by the Board of Health.

### B. Fire Hydrants

The applicant shall demonstrate that sufficient water exists to address fire needs. Any subdivision where the homes are sprinkled with the water supplied from an on-site cistern sufficient to put out most fires are assumed to meet this standard. In the alternative, a project may demonstrate that their will be adequate fire ponds or access to natural water bodies in a manor acceptable to the fire chief and meeting national standards.



## **SECTION 7 REQUIRED IMPROVEMENTS**

### **7.1 General Requirements**

The applicant shall provide all of the improvements required herein and installed at his/her own expense. All work done under this section shall be done under the direction of the Board, including registered engineer(s) and any other consultants appointed by the Board. The applicant shall promptly reimburse the Town for the full amount of the cost of such engineer(s) and other consultants. No performance guarantee under Section 5.6 shall be released until

1. All streets and other improvements shall have been in place over at least one winter (December 1 through April 15);
2. Full approval in writing of all work done under this section is received from the Board's engineer(s) and any other consultants; and
3. A cashier's check or money order, payable to "Town of Middlefield, Massachusetts", has been received to provide reimbursement for the full amount of the cost of such engineer(s) and other consultants.

In addition to the Mass. DPW Construction Standards, the following minimum specifications shall govern the installation of all roadways, utilities, and other improvements in all subdivisions.

### **7.2 Clearing and Grubbing of Right of Way**

The entire area within the right-of-way lines, except for trees and other vegetation intended to be preserved, shall be cleared and grubbed of all stumps, brush, roots, and like material. All rock or masonry with a maximum dimension over three (3) inches and within six (6) inches of the top of sub-grade shall be removed. Trees intended to be preserved shall be protected by suitable boxes, fenders, or wells as appropriate. In cut area all material shall be removed to sub-grade. All unsuitable material, such as peat, highly organic silt of clay, or any other material that is considered to be detrimental to the sub-grade, shall be removed and shall be replaced by bank-run gravel, and be brought to proper compaction with a ten-ton roller.

### **7.3 Utility Installation**

- A. All utility distribution systems, public or private, shall be placed underground.
- B. All utility lines shall be installed with the minimum soil cover specified in these regulations.

- C. Electric, telephone, cable TV, fiber optic, and all other conduits shall be installed underground beneath the grass strip with a minimum cover.
- D. Width of trench at the pipe or conduit shall be equal to four thirds (4/3) diameter of the pipe or conduit, plus eighteen (18) inches.
- E. Sheeting (to stop the sidewalls from collapsing) shall be used, whenever necessary, upon the direction of the Engineer and in conformance with the Standard Specifications.
- F. Pipe and conduits shall be surrounded by six (6) inches of compacted screened gravel if set in earth, and twelve (12) inches if set in rock. In rock, clay, or peat excavation, trenches shall be excavated to a depth of twelve (12) inches or more below the bottom of any water pipe, storm drain, or sewer and filled with bank-run or select gravel, whichever is approved by the Engineer.
- G. Back-fill shall be compacted to ninety (90) percent of the maximum dry density of the material, consistent with the Standard Specifications.
- H. All lot connections shall be installed to the right-of-way line, and marked or surveyed so as to be easily located in the future.

#### **7.4 Trees and Planting**

##### **A. Tree Preservation**

1. The landscape shall be preserved in its natural state insofar as practical by minimizing tree removal, except in connection with a property used for tree farming. If established forested areas are to be cleared, special attention shall be given to the planting of replacement trees. Land shall not be clear-cut for the sole purpose of offering land for sale.
2. Every effort shall be made through the design, layout, and construction of a subdivision to save as many existing, healthy, mature trees as possible. Accordingly, the applicant shall institute alternative site design methods to assure the best chance of tree survival whenever the following criteria cannot be adhered to. The following is a list of recommended measures for the protection of existing trees:
  - a. There should be no operation of heavy equipment or storage of any materials under said tree within its natural drip line.
  - b. Wherever possible, no grading or filling should be done within the drip line.
  - c. No black top paving or vehicle parking should be located under evergreen trees.
  - d. No more than twenty (20) percent of the area under any deciduous trees natural drip line may be paved.

- e. All drainage from paved areas should be directed away from root zones.
3. On wooded lots, the applicant is required to submit a Tree Preservation Plan for within the limits of the proposed construction activity. The Plan must be prepared by a registered landscape architect or forester. The Tree Preservation Plan must include a scaled Site Plan including the following information:
- a. A tree inventory indicating the size, species, location, and condition of all significant trees within the limits of the proposed activity; also location of existing and proposed structures, improvements, utilities, and existing and proposed contours.
  - b. Specific protection techniques and disease control, if applicable, that will be utilized to minimize disturbance to all trees remaining on site.
  - c. A reforestation plan indicating size, species, location, and planting specifications of all street trees, yard trees, and replacement trees. The reforestation plan shall utilize a diversity of tree species with emphasis on native species when possible.
  - d. Selection of replacement trees in regard to their number, size and species, shall be determined by the Planning Board, on the basis of an analysis of tree canopy conditions, soil conditions, and other relevant factors.

#### B. Street Trees

- 1. The applicant is required to plant suitable broad-leaved deciduous shade trees along all streets. Said trees shall be located within the street right-of-way unless the Planning Board has approved otherwise. All trees shall be the equivalent of well rooted nursery grown stock, free of injury, harmful insects, and diseases. They shall be well branched and the branching structure should be sound and not interfere with traffic visibility. In certain cases, where the applicant's Tree Preservation Plan demonstrates, to the satisfaction of the Planning Board, that suitable trees will be retained within the right-of-way, the Board may waive a portion of all the required street trees.
- 2. The applicant shall install street trees as follows:
  - a. In order to provide a mature tree canopy in the future, the distance between trees shall not exceed approximately 30 feet along the way. The Planning Board may grant an amendment on this requirement based on tree species and soil conditions.
  - b. Minimum height and DBH of all trees to be planted is at the discretion of the Planning Board, based on tree species and soil conditions.
  - c. Supplemental irrigation should be provided to all trees as needed during the summer months to ensure healthy maintenance.

- d. The species and variety of the trees to be planted shall be species listed on the Preferred Tree List (See Attachment A).
- e. No evergreen trees such as pine, fir, spruce or hemlock shall be planted as public shade trees along the way.
- f. No trees or shrubs shall be planted at any corner or intersection where they could become a traffic hazard by obstructing vision or preventing safe vehicular travel.
- g. All cut bankings that tend to wash or erode shall be planted with a low growing evergreen shrub and seeded with a deep rooted perennial grass or groundcover to prevent erosion.
- h. In a subdivision, the subdivider will be liable for all planted trees as to their erectness and good health for two calendar years after planting as determined by the Planning Board.

### C. Tree Replacement

1. The applicant shall provide replacement trees on each lot to ensure that at least 35% of the lot outside the footprint of the house and driveway will be shaded. Plans submitted to the Planning Board shall show the estimated tree canopies after 15 years of growth, the specific names, sizes and locations of trees to be planted, and the total area of square feet of the area shaded by tree canopies. In determining the shaded area, measure the shaded area assuming that the shaded area is only that area directly under the drip line (See Attachment B).
2. The Planning Board will have the discretion to modify tree shading requirements under power lines and other obstructions which prohibit strict compliance with shading requirements, and to give shading credit for off-site trees and sidewalk tree canopies, where appropriate.
3. Selection of replacement trees in regard to their number, size and species, shall be determined by the Planning Board upon recommendation of the Tree Warden, on the basis of an analysis of tree canopy conditions, soil conditions, and other relevant factors.
4. When possible, a diversity of trees shall be used, with a preference of species native to North America. Please see "List of Recommended Trees" (Attachment A) for preferred tree species.
5. Use of exotic plants, such as Norway Maple (*Acer platanoides*), Crimson King Norway Maple (*Acer platanoides* 'Crimson King'), Ailanthus (*Ailanthus altissima*), Amur Corktree (*Phellodendron amurense*), Rhamnus cathartica (Common Buckthorn) and *Fragula alnus* (Glossy Buckthorn) is prohibited.

6. The applicant will be liable for all planted trees as to their erectness and good health for two calendar years after planting as determined by the Planning Board.

#### D. Remediation

1. Any tree shown to be saved on the above mentioned Tree Preservation Plan which, however, is removed or whose survival is irredeemably jeopardized in violation of these conditions shall be replaced in a manner to be determined solely by the Planning Board.
2. Failure by the applicant to comply with these conditions expeditiously may result in the Planning Board to retain a cash bond, held in an interest bearing account by the Planning Board jointly with the applicant for two years. Upon the completion of the above conditions, the applicant may request release of the funds, plus interest, retained by lender by sending a statement of completion and a request for release by registered mail to the Town Clerk and the Board.

#### E. Enforcement

1. Any Planning Board member, or Board designee shall conduct periodic inspections of the site during land clearance and construction in order to ensure compliance with these conditions. Should the Conservation Commission, Building Inspector, Town Engineer, Police Officer, or any other town official observe violations or possible violations of these conditions, such official shall immediately report same to the Planning Board.

### **7.5 Street Signs**

Street name signs shall be purchased, constructed and installed in accordance with Middlefield standards. The applicant shall provide the posts and erect them at each intersection near the inside curb edge.

### **7.6 Street Lights**

Installation of street lights shall be governed by current Town practice.

### **7.7 Drainage**

- A. The design and construction of the drainage system, including methods of construction and quality of materials used, shall be in conformance with the definitive plan and the Standard Specification.
- B. The design capacity of the drainage systems and pipes, if any, shall be determined by the Rational Method. The engineer shall design the drainage system in accordance with natural drainage boundaries of the total contributing drainage area, using a minimum of a ten (10) year Natural Resource Conservation Service (NRCS) design frequency storm (a

storm that has a 10% chance of happening in any given year). A one-hundred (100) year NRCS design frequency storm (a storm that has a 1% chance of happening in any given year) shall be used for all bridge openings and major culverts.

- C. Drainage systems, including drainage swales, detention, retention, and infiltration, must be designed to prevent any increase in peak flows for the one (1) or two (2), ten (10), and one-hundred (100) year Natural Resource Conservation Service (NRCS) design storms. TR-55 or TR-20, with all inputs and outputs shown, shall be used for calculating drainage systems. In addition, drainage systems should include water quality/settling basins that detain the stormwater draining off the site in a 4/10 inch rain storm for an average of at least six hours. The system should be designed to mimic existing drainage patterns & flows, not release peak prior to normal peak flow, unless there is a documented problem and this will not cause a direct downstream impact.
- D. Stormwater should be directed to enter an artificial wetland or stormwater treatment facility before entering an open stream channel. Stormwater shall not be permitted to cross any roadway upon the surface but must be piped underground. Stormwater runoff shall not be permitted to flow upon the road surface for a longer distance than three hundred (300) feet before it enters the underground system or, in systems without curbs, enters a designed stormwater swale.
- E. All open stream channels shall be maintained except for short sections that need to be placed in a culvert to allow stream crossings. No open water body or pond or wet or swampy area shall be filled in unless it can be shown to the Planning Board that provision has been made in the lower drainage system to account for the removal of the storage area represented by the former wet or swampy area. In addition, permits and approval must be secured from the appropriate Municipal, State, and/or federal authorities.
- F. All catch basins shall have four (4) foot sumps and gas traps with removable hoods. All catch basins shall connect directly to drain manholes (no catch basin to catch basin connections).
- G. Lot sub-drainage and foundations drains may NOT be discharged to road drainage.
- H. The maximum depth of any portion of the storm system shall be ten (10) feet.

## **7.8 Monuments and Markers**

- A. Granite monuments shall be installed at all street intersections and at all points where, in the opinion of the Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of the Superintendent of Highways and shall be set according to such specifications.
- B. Iron rods or other markers suitable to the Board shall be installed at every corner of each lot within the subdivision. Their locations shall be noted on the definitive plan.

- C. No permanent monument or marker shall be installed until all construction, which would disturb or destroy the monument or maker is completed.
- D. All monuments and markers shall be installed before final release of the security for the performance guarantee.

### **7.9 As Built Plan**

- A. After construction of all improvements is completed, and before release of the Performance Guarantee, the applicant shall prepare and submit to the Board three copies of the Definitive Plan, revised in an As-Built Record Plan at a scale of one inch equals forty feet (1"=40'), which shall indicate the location of the following as built:
  - 1. Street lines, showing centerline elevations at fifty (50) foot intervals;
  - 2. Edge of traveled way, locations of paths and sidewalks;
  - 3. All permanent monuments and all bounds;
  - 4. Location and inverts of drainage system and any utilities required to be installed by the developer;
  - 5. Location of all other underground utilities (such as electricity and telephone); and
  - 6. All other improvements required, by these Regulations or agreed upon as a condition to Plan approval.
- B. The accuracy of such record plan shall be certified by a registered professional land surveyor. As part of the As-Built Plan, the developer shall submit to the Board a certification, by a registered engineer appointed or approved by the Board, in which said engineer certifies that all construction was executed strictly in accordance with these Regulations and with all requirements agreed upon as a condition to plan approval.

### **7.10 Final Cleanup**

After completion of construction and before release of the performance guaranty, the applicant shall removal all temporary structures, debris, surplus materials and rubbish and shall otherwise leave the area in a neat and orderly appearance. Burning of the rubbish and waste material is prohibited.

## **SECTION 8 ADMINISTRATION**

### **8.1 Authority**

- A. The Board shall be the administrative agency, of these regulations and shall have all the powers assigned them by Sections 81 A through 81GG of Chapter 41 of the General Laws.
- B. The Board may assign as their agents appropriate Town agencies or officials, and may hire consultants with the full cost of consulting services to be reimbursed to the Town by the applicant.
- C. The Board on its own motion or on the petition of any interested person shall have the power to modify, amend or rescind its approval of a Plan of a subdivision, or to require a change in a Plan as a condition of its retaining the status of an approved Plan (see Section IV.K of these Regulations).

### **8.2 Town Inspections**

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

### **8.3 Permission Required**

No building shall be erected within a subdivision without permission from the Building Inspector.

### **8.4 Severability**

The invalidity of any of the foregoing rules, regulations and requirements shall not affect the validity of the remainder. Any part of these regulations subsequently invalidated by a new commonwealth law or modification of an existing commonwealth law shall automatically be brought into conformity with the new or amended law and shall be deemed to be effective immediately.

### **8.5 Higher Standard to Govern**

Whenever these rules and regulations made under the authority hereof differ from those prescribed by any local bylaw or other local regulation, the provision which imposes the greater restriction or the higher standard shall govern.

### **8.6 Statutory Rules and Regulations**

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



## SECTION 9 FEES

A. Fees shall be as follows and shall accompany each application:

|   |   |
|---|---|
| <b>Approval Not Required (ANR) Surveys</b>        | \$35 (no new lot)<br>\$35 + \$25 per new lot  |
| <b>Preliminary Subdivision Plan</b>               | \$125 plus \$20 per newly created lot   |
| <b>Definitive Subdivision if no Preliminary</b>   | \$500 plus \$400 per newly created lot  |
| <b>Definitive Subdivision if Preliminary Plan</b> | \$125 plus \$200 per newly created lot  |
| <b>Subdivision amendments</b>                     | \$200, unless requested by Planning Board or minor field change, plus \$200 for any new lots not in original plan |
| <b>Inspection Costs</b>                           | All supervision and inspection by the Town or its engineers or representatives.                                   |
| <b>Request to changes guarantees</b>              | \$100 per request to change or reduce   |
| <b>Review of final as-built plans</b>             | \$150   |
| <b>Final Street layout plans</b>                  | ANR fee   |

### B. Rules for Hiring Outside Consultants

1. As provided by GL Ch. 44, 53G, the Middlefield Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Planning Board, for specific expert services deemed necessary by the Board to come to a final decision on an application submitted to the Planning Board pursuant to the requirements of the Middlefield Bylaws, the Middlefield Subdivision Regulations, and any other Town bylaw, regulation, or rule as they may be amended or enacted from time to time.
2. Funds received by the Planning Board pursuant to these rules shall be deposited with the Town Treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation as provided in GL Ch. 44, 53G. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant.
3. Specific consultant services may include but are not limited to the engineering of roads and ways, private and public, driveways, grades, grading, and sanitary systems, to hydrogeologic and drainage analysis, to impact analyses of various kinds, and to environmental and land use law. The consultant shall be chosen by, and report only to, the Planning Board.
4. The Planning Board shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five (5) days of the date notice is given.

5. The fee must be received in its entirety prior to the initiation of consulting services. The Board may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to determine that the application is administratively incomplete (except in the case of an appeal). The Board shall state such in a letter to the applicant, copied to Town Counsel. No additional review or action shall be taken on the application until the applicant has paid the requested fee. For applications to be considered under the local bylaw regulations only, failure by the applicant to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to deny the application.
  
6. The applicant may appeal the selection of the outside consultant to the Selectmen, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Selectmen and a copy received by the Board within ten(10) days of the date consultant fees were requested by the Board. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

**SECTION 10      APPENDIX**

**ATTACHMENT A  
LIST OF RECOMMENDED TREES**

An asterisk \* denotes a species native to North America. These should in general be preferred to non-native species, as they contribute to the local ecology in ways that exotic species can not.

| <b>Scientific Name</b>         | <b>Common Name</b>     | <b>Mature Height</b> | <b>Mature Canopy Spread</b> | <b>Growth Rate</b> | <b>Notes</b>                         |
|--------------------------------|------------------------|----------------------|-----------------------------|--------------------|--------------------------------------|
| <i>Acer campestre</i>          | Hedge Maple            | 25'-40'              | Equal spread                | Slow               | Handsome street tree                 |
| <i>Acer ginnala</i>            | Amur Maple             | 15'-20'              | Equal spread                | Medium             | Good fall color                      |
| <i>Acer griseum</i>            | Paperbark Maple        | 25'-35'              | Half or equal to height     | Slow               | Interesting Bark                     |
| <i>Acer rubrum*</i>            | Red Maple              | 50'-75'              | Half or equal to height     | Medium to Fast     | Tolerates wet sites                  |
| <i>Acer saccharum*</i>         | Sugar Maple            | 60'-80'              | 40'-55'                     | Slow               | Salt intolerant, vivid fall colors   |
| <i>Amelanchier laevis*</i>     | Allegheny Serviceberry | 15'-30'              | Variable                    | Medium to Fast     | 4-season interest, edible berries    |
| <i>Betula nigra*</i>           | River Birch            | 40'-75'              | 40'-60'                     | Medium to Fast     | Cultivars                            |
| <i>Catalpa speciosa*</i>       | Catalpa                | 40'-60'              | 20'-40'                     | Medium to Fast     | Large leaves, flowers & pods         |
| <i>Celtis occidentalis*</i>    | Hackberry              | 40'-60'              | Nearly equal to height      | Medium to Fast     | Attracts birds, good street tree     |
| <i>Ceridiphyllum japonicum</i> | Katsura                | 40'-60'              | Variable                    | Medium to Fast     | Prefers moist ground                 |
| <i>Cercis Canadensis*</i>      | Eastern Redbud         | 20'-30'              | 25'-35'                     | Medium             | Tolerates shade, strong spring color |

| Scientific Name                              | Common Name         | Mature Height | Mature Canopy Spread  | Growth Rate    | Notes   |
|--|---------------------|---------------|-----------------------|----------------|---|
| <i>Cladrastis kentukea</i> *                 | Yellowwood          | 30'-50'       | 40'-55'               | Medium         | Spreading and low branching, good in lawns                          |
| <i>Cornus alternifolia</i> *                 | Pagoda Dogwood      | 15'-25'       | 1½ times the height   | Slow           | Underused but desirable native                                      |
| <i>Cornus kousa</i>                          | Kousa Dogwood       | 20'-30'       | Equal spread          | Slow to Medium | Fairly disease resistant  |
| <i>Corylus colurna</i>                       | Turkish Filbert     | 40'-50'       | 1/3 to 2/3 the height | Medium         | Tolerates drought   |
| <i>Crataegus phaenopyrum</i> *               | Washington Hawthorn | 25'-30'       | 20'-25'               | Medium         | Fall berries attract birds  |
| <i>Fraxinus americana</i> *                  | White Ash           | 50'-80'       | Equal spread          | Medium         | Grows wide as well as tall  |
| <i>Fraxinus pennsylvanica</i> *              | Green Ash           | 50'-60'       | 25'-30'               | Fast           | Fast growing, tough   |
| <i>Ginko biloba</i>                          | Ginko               | 50'-80'       | 30'-40' +             | Slow to Medium | Excellent city tree, great fall color. Plant only males             |
| <i>Gleditsia tricanthos</i> *<br>(thornless) | Honeylocust         | 30'-70'       | comparable spread     | Fast           | Gives filtered shade, fall gold color                               |
| <i>Gymnocladus dioicus</i> *                 | Kentucky Coffeetree | 60'-75'       | 40'-50'               | Slow to Medium | Male preferably, an underused tree                                  |
| <i>Liquidambar styraciflua</i> *             | Sweet Gum           | 60'-75'       | 2/3 equal to height   | Medium to Fast | Fall color, star-shaped leaf, needs large area for root development |
| <i>Liriodendron tulipifera</i> *             | Tuliptree           | 70'-90'       | 35'-50'               | Fast           | Plant in large areas, tallest native tree                           |
| <i>Maackia amurensis</i>                     | Amur Maackia        | 20'-30'       | Wider than tall       | Slow           | Good street tree, underused   |

| Scientific Name                              | Common Name          | Mature Height | Mature Canopy Spread    | Growth Rate        | Notes   |
|--|----------------------|---------------|-------------------------|--------------------|---|
| <i>Magnolia stellata</i> , esp. 'Centennial' | Star Magnolia        | 15'-25'       | 10'-15'                 | Slow               | Needs moisture, flexible usage even on street |
| <i>Malus spp.</i>                            | Flowering Crabapples | 15'-25'       | 15'-20'                 | Depends on variety | Many cultivars                                |
| <i>Nyssa sylvatica</i> *                     | Tupelo, Gum Tree     | 30'-50'       | 20'-30'                 | Slow to Medium     | Good in groves, moisture, nice fall color     |
| <i>Ostrya virginiana</i>                     | American Hophornbeam | 25'-40'       | 2/3 equal to height     | Slow               | Unique capsules, handsome bark                |
| <i>Oxydendrum arboretum</i> *                | Sourwood             | 25'-30'       | 20'                     | Slow               | 4-season interest                             |
| <i>Platanus x acerifolia</i>                 | London Planetree     | 70'-100'      | 65'-80'                 | Medium             | Interesting bark                              |
| <i>Platanus occidentalis</i> *               | American Sycamore    | 70'-100'      | Equal or greater spread | Medium to Fast     | Interesting bark                              |
| <i>Quercus, spp.</i> *                       | Oak species          | 60'-80'       | Equal or greater spread | Depends on variety | The National Tree, grows very well            |
| <i>Robinia pseudoacacia</i> *                | Black Locust         | 30'-50'       | 20'-35'                 | Fast               | Tolerates very poor soil                      |
| <i>Sophora japonica</i>                      | Japanese Scholartree | 50'-70'       | Comparable spread       | Medium to Fast     | Mid-summer flowers                            |
| <i>Tilia americana</i> *                     | Basswood             | 60'-80'       | 1/2 to 2/3 the height   | Medium             | Fragrant Blossoms                             |
| <i>Tilia cordata</i> 'Greenspire'            | Littleleaf Linden    | 40'-60'       | 30'                     | Medium             | Neat Shape                                    |

| <b>Scientific Name</b>             | <b>Common Name</b> | <b>Mature Height</b> | <b>Mature Canopy Spread</b> | <b>Growth Rate</b> | <b>Notes</b>                      |
|------------------------------------|--------------------|----------------------|-----------------------------|--------------------|-----------------------------------|
| <i>Ulmus americana 'Princeton'</i> | American Elm       | 60'-80'              | 1/2 to 2/3 the height       | Medium to Fast     | Disease resistant                 |
| <i>Ulmus parvifolia</i>            | Lacebark Elm       | 40'-50'              | Equal or greater spread     | Medium to Fast     | Disease resistant, beautiful bark |
| <i>Zelcova serrata</i>             | Zelcova            | 50'-80'              | 2/3 the height              | Medium             | Hardy                             |

## ATTACHMENT B

### Methodology to determine Tree Canopy Shade Coverage in Square Feet

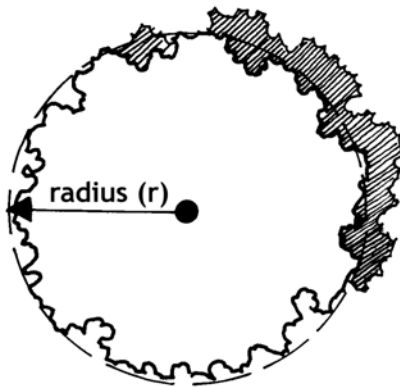
Use the mathematical formula  $3.14r^2$  (r = radius)

1. Measure distance from tree trunk to mature canopy edge (radius)
2. Multiply the radius by itself (to get the radius squared)
3. Multiply that number by 3.14
4. The result is the canopy coverage in square feet
5. Calculate the canopy area for each tree and add them together
6. Divide by the total surface area (in square feet) to find shade coverage percentage

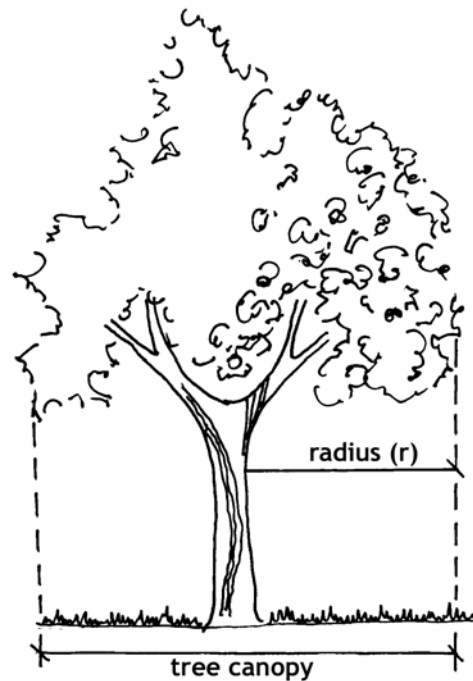
#### For Example:

- If the outer edge of the canopy is 18 feet from the tree trunk, then the radius is 18 feet
- That radius multiplied by itself ( $18 \times 18$ ) is 324
- That number multiplied by 3.14 is 1,017.36 square feet. This is the shade coverage for one tree

PLAN VIEW



ELEVATION



**SECTION 11            FORMS**

- FORM A:            Application for Endorsement of Plan Believed Not to Require Approval**
- FORM B:            Application for Approval of a Preliminary Subdivision Plan**
- FORM C:            Application for Approval of a Definitive Subdivision Plan**
- FORM D:            Certified List of Abutters**
- FORM E:            Notice of Public Hearing**
- FORM F:            Performance Bond Agreement**
- FORM G:            Covenant Agreement**
- FORM H:            Release of Conditions**
- FORM I:            Certificate of Performance**



**TOWN OF MIDDLEFIELD PLANNING BOARD**  
**FORM A – Application for Endorsement of Plan Believed Not to Require Approval**

DATE \_\_\_\_\_

**NOTE:** File a completed Form A (with application fee, see Section 9 of Middlefield Subdivision Rules and Regulations), plus the original Mylar plan and six (6) copies of the plan with either the Town Clerk or the Planning Board.

To the Planning Board:

The undersigned, believing that the accompanying plan of his/her property in the Town of Middlefield does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that the Planning Board approval under the Subdivision Control Law is not required. If the applicant or owner is a corporation, trust, or other such entity, proof of signatory authority must be provided.

**1. Application Information**

**Address of Property Location:** \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Status of Applicant: Owner \_\_\_\_\_ Lessee \_\_\_\_\_ Contract Purchaser \_\_\_\_\_ Other \_\_\_\_\_

Owner (if different from applicant): \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Owner's Agent:** \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

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

**Engineer or Surveyor:** \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**2. Property Information**

Address: \_\_\_\_\_

Assessor Identification: Map #, \_\_\_\_\_ Parcel # \_\_\_\_\_

Recorded in the Hampshire Registry of Deeds: Book \_\_\_\_\_ Page \_\_\_\_\_

**3. Evidence of Qualification and Division of Land:**

- (a) Number of existing lots \_\_\_\_\_
- (b) Area of existing lot or lots \_\_\_\_\_
- (c) Frontage of existing lot or lots \_\_\_\_\_
- (d) Number of proposed lots \_\_\_\_\_
- (e) Minimum area of proposed lot or lots \_\_\_\_\_
- (f) Minimum frontage of proposed lots \_\_\_\_\_
- (g) Minimum width of proposed lots \_\_\_\_\_
- (h) Required frontage located on (name of street) \_\_\_\_\_

**FOR PLANNING BOARD USE ONLY**

1. Date \_\_\_\_\_ Time \_\_\_\_\_  
Application, two (2) prints, and reproducible received
2. Filing Fee - check or cash (circle one), amount \_\_\_\_\_
3. Street information is correct or incorrect (circle one)  
Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Endorsed or Rejected (circle one) \_\_\_\_\_(Date)  
Remarks \_\_\_\_\_  
\_\_\_\_\_
5. Town Clerk notified in writing \_\_\_\_\_(Date)
6. Reproducible returned to applicant \_\_\_\_\_(Date)

**TOWN OF MIDDLEFIELD PLANNING BOARD**  
**FORM B: Application for Approval of a Preliminary Subdivision Plan**

DATE \_\_\_\_\_

**NOTE:** File a complete application form with the Board of Health, Conservation Commission, Board of Selectman, and Road Superintendent, and fee (with application fee, see Section 9 of Middlefield Subdivision Rules and Regulations), plus six (6) prints of the plans with the Planning Board. Include with the application all other necessary and supporting information and documentation. This procedure is according to Section 4.4 of the Code of the Town of Middlefield (Subdivision Regulations) and according to M.G.L. Chapter 41§ 81S.

To the Planning Board:

The undersigned submits the accompanying Preliminary Plan of property located in the Town of Middlefield for approval as allowed under the Subdivision Control Law, M.G.L. Chapter 41§ 81 and the Rules and Regulations governing the Subdivision of Land in Middlefield, Massachusetts.

**1. Application Information**

**Address of Property Location:** \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Status of Applicant: Owner \_\_\_\_\_ Lessee \_\_\_\_\_ Contract Purchaser \_\_\_\_\_ Other \_\_\_\_\_

Owner (if different from applicant): \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Owner's Agent:** \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

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

**Engineer or Surveyor:** \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**2. Property Information**

Address: \_\_\_\_\_

Assessor Identification: Map #, \_\_\_\_\_ Parcel # \_\_\_\_\_

Recorded in the Hampden Registry of Deeds: Book \_\_\_\_\_ Page \_\_\_\_\_

**3. General Description of Plan:**

- (a) Plan Title \_\_\_\_\_
- (b) Location of Property \_\_\_\_\_
- (c) Total Acreage of Tract \_\_\_\_\_
- (d) Number of lots allowed by zoning \_\_\_\_\_
- (e) Minimum area of proposed lot or lots \_\_\_\_\_

\_\_\_\_\_  
**Signature of Owner**

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

**FOR PLANNING BOARD USE ONLY**

1. Application, six (6) prints, filing fee, supporting documentation, received \_\_\_\_\_(Date)
2. Acknowledgment of receipt by Town Clerk \_\_\_\_\_(Date)
3. Reviews made by Town officers or consultants: (comments attached)  
Board of Health \_\_\_\_\_(Date)  
Highway Department \_\_\_\_\_(Date)  
Fire Department \_\_\_\_\_(Date)  
Conservation Commission \_\_\_\_\_(Date)  
Engineering Consultant \_\_\_\_\_(Date)  
Other \_\_\_\_\_(Date)  
Other \_\_\_\_\_(Date)
4. Planning Board action (see meeting minutes) \_\_\_\_\_(Date)  
Approved \_\_\_\_\_ Modified and approved \_\_\_\_\_ Disapproved \_\_\_\_\_
5. Reproducible returned to applicant \_\_\_\_\_(Date)

**TOWN OF MIDDLEFIELD PLANNING BOARD**  
**FORM C: Application for Approval of a Definitive Subdivision Plan**

DATE \_\_\_\_\_

**NOTE:** File a complete application form with the Board of Health, Conservation Commission, Board of Selectman, and Road Superintendent and fee (see Section 9 of Middlefield Subdivision Rules and Regulations), plus six (6) prints of the plans with the Planning Board. Include with the application to the Planning Board all other necessary and supporting information and documentation. In accordance with MGL c.41 Section 81U, the applicant shall file one (1) print of the plans, application form, and appropriate fee directly to the Board of Health. This procedure is according to Section 5.2 of the Code of the Town of Middlefield (Subdivision Regulations).

To the Planning Board:  
The undersigned submits the accompanying Definitive Plan of a subdivision of property located in the Town of Chesterfield for approval as allowed under the Subdivision Control Law, M.G.L. Chapter 41§ 81L, Subdivision Control Law, and the Rules and Regulations governing the Subdivision of Land in Chesterfield, Massachusetts.

**1. Application Information**

**Address of Property Location:** \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Status of Applicant: Owner \_\_\_\_\_ Lessee \_\_\_\_\_ Contract Purchaser \_\_\_\_\_ Other \_\_\_\_\_

Owner (if different from applicant): \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Owner's Agent:** \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

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

**Engineer:** \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Surveyor:** \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**2. Property Information**

Address: \_\_\_\_\_

Assessor Identification: Map #, \_\_\_\_\_ Parcel # \_\_\_\_\_

Recorded in the Hampden Registry of Deeds: Book \_\_\_\_\_ Page \_\_\_\_\_

Location and description of property \_\_\_\_\_

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

**3. Attach a copy of Form D and a list of the names and addresses of the abutters and property owners within 300 feet of this subdivision, as received from the assessor's office.**

**4. The following are all the mortgages and other liens or encumbrances on the whole or any part of the above described property:**

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

**5. Title of Definitive Plan** \_\_\_\_\_

a. Was a preliminary plan submitted? Yes \_\_\_\_\_ No \_\_\_\_\_

b. If Yes, the preliminary plan this definitive plan evolved from was submitted to the Planning Board on (date) \_\_\_\_\_.

c. The Preliminary Plan was:

approved \_\_\_\_\_,

approved with modifications \_\_\_\_\_, or

disapproved \_\_\_\_\_.

d. Date of Planning Board decision on the preliminary plan \_\_\_\_\_.

This agreement shall be binding upon the heirs, executors, administrators, successors, and assigns of the undersigned owner or owners of record:

\_\_\_\_\_  
Signature of Owner

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

**FOR PLANNING BOARD USE ONLY**

1. Application, six (6) prints, filing fee, supporting documentation, received \_\_\_\_\_(Date)
2. Acknowledgment of receipt by Town Clerk \_\_\_\_\_(Date)
3. Reviews made by Town officers or consultants: (comments attached)  
Board of Health \_\_\_\_\_(Date)  
Highway Department \_\_\_\_\_(Date)  
Fire Department \_\_\_\_\_(Date)  
Conservation Commission \_\_\_\_\_(Date)  
Engineering Consultant \_\_\_\_\_(Date)  
Other \_\_\_\_\_(Date)  
Other \_\_\_\_\_(Date)
4. Form D received \_\_\_\_\_(Date)  
Approved by Town Assessor \_\_\_\_\_(Date)  
Abutters notified \_\_\_\_\_(Date)
5. Form E executed by Planning Board \_\_\_\_\_(Date)
6. Public Hearing held \_\_\_\_\_(Date)
7. Performance guarantee supplied \_\_\_\_\_(Date)
8. Planning Board action (see meeting minutes) \_\_\_\_\_(Date)  
Approved \_\_\_\_\_ Modified and approved \_\_\_\_\_ Disapproved \_\_\_\_\_
9. Original returned to applicant \_\_\_\_\_(Date)

**TOWN OF MIDDLEFIELD PLANNING BOARD**

**FORM D: Certified List of Abutters**

DATE \_\_\_\_\_

To the Planning Board:

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 owners of land separated from the subdivision only by a street or way.

\_\_\_\_\_  
*Signature of Owner*

To the Planning Board:

This is to certify that the names and addresses of the parties listed as adjoining owners to the parcel of land shown above are the latest owners of record.

\_\_\_\_\_  
*Middlefield Town Assessor*



**TOWN OF MIDDLEFIELD PLANNING BOARD**  
**FORM E: Notice of Public Hearing**

DATE \_\_\_\_\_

\_\_\_\_\_, having submitted a definitive plan of a subdivision of land in  
(owner)  
Middlefield located \_\_\_\_\_ as shown on a  
plan by \_\_\_\_\_ dated \_\_\_\_\_, a public hearing will  
(surveyor)  
be held thereon at the Middlefield Town Offices on \_\_\_\_\_ at \_\_\_\_\_ p.m., in  
accordance with the provisions of the Massachusetts General Laws, Chapter 41, Section 81-T, as  
amended.

\_\_\_\_\_  
Chair, Middlefield Planning Board

**TOWN OF MIDDLEFIELD PLANNING BOARD**  
**FORM F: Performance Bond Agreement**

DATE \_\_\_\_\_

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, at Middlefield, in the county of Hampshire and Commonwealth of Massachusetts by and between \_\_\_\_\_ party of the first part, hereinafter called the SUBDIVIDE, and the TOWN OF MIDDLEFIELD, a township within said County of Hampshire acting through its Planning Board, party of the second part, hereinafter called the TOWN.

WITNESS: \_\_\_\_\_

WHEREAS the Subdivide has petitioned the Town for approval of a Definitive Plan of a subdivision entitled: \_\_\_\_\_ Located \_\_\_\_\_ said Plan has been submitted to the Town Planning Board, copies of which are on file in the office of said Board.

NOW THEREFORE, in consideration of the approval of said Definitive Plan and plan profile by the Planning Board of said Town, the Subdivide agrees with the Town as follows:

1. To construct and install streets, ways, utilities and improvements as shown on the approved Definitive Plan, cross-section and plan-profile in strict compliance with the subdivision rules and regulations of the Planning Board and in accordance with the following general specifications:

a. Streets and ways shown on the Plan shall be cleared for the entire width, including the necessary side slope excavations, and the roadway shall be excavated to sub-base grade and below sub-base grade where specified by the Planning Board and/or Highway Superintendent, and then brought up to sub-base grade by compacting gravel the required number of inches.

b. Utilities shown on the Definitive Plan and plan-profile endorsed by the Planning Board shall be installed, where specified, including: water mains, hydrants, sanitary sewers, storm water drains, manholes, catch basins, electrical and telephone wires and cables, together with their appurtenances.

c. All roadways shall consist of a gravel sub-base course of twenty-four (24) inches of processed three (3) inch to four (4) inch gravel, except the top six (6) inches shall be processed one and half (1.5) inch gravel, and the gravel borrow shall be laid to a depth of eighteen (18) inches, each layer thoroughly rolled true to lines and grades.

d. The hardened surface of the roadway shall be paved the required width, and the hardened surface treatment shall be compacted bituminous concrete, Type I-1, at a depth of four (4) inches, placed in two (2) layers, as specified in Section 6.3 H, of the Subdivision Regulations of Middlefield.

e. Monuments, sidewalks, curbs, loaming and seeding, planting and street signs shall be installed as shown on the Definitive Plan and in accordance with the Subdivision Regulations.

2. To file with the Planning Board a Certificate of Performance attesting to the satisfactory performance of all works and installations as set forth in this agreement and the subdivision rules and regulations of the Town at which time the Planning Board or their authorized representative shall inspect the works and installations and said Board will proceed with the release of the deposit or bond if the provisions of this agreement have been completed.

### 3. SPECIAL CONDITIONS:

The Planning Board, its representatives, or other agents of the Town shall have right of entry at all times during the life of this agreement for the purpose of examination and inspection of works and installations included herein and that the Town at its discretion shall have the right to use whatever materials may be in or on the land for completion of said works and installations as hereinafter provided.

a. All easements to be transferred to the Town by recording said instruments in the Hampshire County Registry of Deeds or Land Court at the expense of the Subdivide before the final bond is released.

b. Sale or transfer of any lot or lots abutting any street covered in this Bond Agreement shall not release the Subdivide of any obligation contained herein to complete any roadway construction, including clearing, excavation, side slopes, utility installations, grading, gravel or paving, monuments, sidewalks, curbing, loaming, seeding, planting, and street signs in the fifty (50) foot right-of-way strip.

4. To deposit with the Town Treasurer in the form of a Certified Check or Pass Book payable to the Town of Middlefield, or file with the Town Treasurer a bond with sufficient sureties, approved by the Town in the amount of \_\_\_\_\_ which shall insure to the said Town the faithful performance by the subdivide, of the within covenants, promises and agreements, which shall be applied in one of the following ways:

a. Full amount to be deposited before the Definitive Plan is endorsed and to be released on satisfactory completion of this agreement.

b. Full amount to be deposited before the Definitive Plan is endorsed at the request of the subdivide, partial releases to be made upon satisfactory completion an approved by the Planning Board of items 1 (a), 1 (b), 1 (c), 1 (d), and the remainder to be released upon completion of remaining conditions of this agreement.

NOW, THEREFORE, if the Subdivide shall, on or before \_\_\_\_\_, \_\_\_\_\_, make and complete the work and installations as set forth herein and file with the Planning Board the Certificates of Performance required) any cash deposited hereunder shall be released to the Subdivide, and, the obligation under any surety bond filed with the Board shall be null and void; otherwise the amount which the Town pays to complete said work and installations shall be deducted from such cash deposit, and, the principal and surety shall pay to the Treasurer of the Town the amount which the Town pays to complete said work and installation provided, however, the amount shall not exceed the total deposit required or the penal sum of the bond.

This agreement shall terminate upon satisfactory completion of all requirements under the subdivision rules and regulations of the Planning Board and of said work and installations agreed to.

This instrument includes the Subdivide, his administrator, executor, successor or assigns.

The Subdivision herein states as one of the material allegations that induce the said Town to approve this subdivision that he/it is the owner of the tract in fee, subject to the following incumbrance: \_\_\_\_\_  
\_\_\_\_\_ and that he will not sell, convey, mortgage or pledge the tract in whole, or in part, except as individual building lots, without consent of the Town and without making such sale, conveyance, mortgage or pledge subject to the conditions set forth herein.

IN WITNESS WHEREOF, the said Subdivide and mortgage has/have caused his/their seals to be affixed and these presents to be signed the day and year first above written.

**MORTGAGEE SUBDIVIDER**

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

RECEIPT of the original, hereof, together with the cash deposit or Bond stipulated in paragraph (4) is hereby acknowledged.

**MIDDLEFIELD PLANNING BOARD**

Date \_\_\_\_\_

\_\_\_\_\_

Chair, Middlefield Planning Board

**TOWN OF MIDDLEFIELD PLANNING BOARD**  
**FORM G: Covenant Agreement**

DATE \_\_\_\_\_

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

The undersigned \_\_\_\_\_  
*Name(s) (Print or Type)*

of \_\_\_\_\_  
*(no. and street) (City), (County), (State)*

hereinafter called "Covenantor", having submitted to the Middlefield Planning Board, a Definitive Plan of a subdivision entitled \_\_\_\_\_  
*(Name of Subdivision)*

dated \_\_\_\_\_ prepared by \_\_\_\_\_ does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to the General Law, Chapter 41, Section 81-U as amended, that:

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

6. This covenant shall take effect upon the approval of said Plan;

7. Reference to this covenant shall be entered upon said Plan and this covenant shall be recorded when said Plan is recorded.

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

**EXECUTED** as a sealed instrument this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
(Witness Signature)

\_\_\_\_\_  
(Witness Signature)

**COMMONWEALTH OF MASSACHUSETTS**

Hampshire County, Massachusetts, DATE \_\_\_\_\_, \_\_\_\_

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

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

My commission expires \_\_\_\_\_ .

**TOWN OF MIDDLEFIELD PLANNING BOARD  
FORM H: Release of Conditions**

(Covenant Approval Release)

DATE \_\_\_\_\_

The undersigned, being a majority of the Planning Board of the Town of Middlefield, Massachusetts, hereby certify that the requirements for the construction of ways and installation of municipal services called for by the covenant dated \_\_\_\_\_, \_\_\_\_ and recorded in the Hampshire County of Deeds, Book \_\_\_\_\_ Page \_\_\_\_\_, (or registered in \_\_\_\_\_ Land Registry District as Document No. \_\_\_\_\_, Page \_\_\_\_\_) completed to the satisfaction of the Planning Board as to the following enumerated lots shown on plan entitled \_\_\_\_\_ recorded with said Deeds, Plan Book \_\_\_\_\_, Plan \_\_\_\_\_, or registered in said Land Registry District, Plan Book \_\_\_\_\_, Plan \_\_\_\_\_, (or registered in said Land Registry District, Plan Book \_\_\_\_\_, Plan \_\_\_\_\_) and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said Plan as follows:

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

Majority of the Planning Board of the Town of Middlefield

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

**COMMONWEALTH OF MASSACHUSETTS**

Hampshire County, Massachusetts; DATE \_\_\_\_\_, \_\_\_\_

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

\_\_\_\_\_

Notary Public

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

**TOWN OF MIDDLEFIELD PLANNING BOARD  
FORM I: Certificate of Performance**

(Registered Engineer's and/or Surveyor's Certificate)

DATE \_\_\_\_\_

**NOTE:** *File one completed form with the Planning Board and one copy with the Town Clerk, accompanied by a request from the subdivide requesting release of bonds or deposit of money on specified works and installations.*

To the Planning Board:

The undersigned hereby certifies that the following described works and/or installations have been made in accordance with the approved Definitive Plan:

Name of Subdivide \_\_\_\_\_

Name of Subdivision \_\_\_\_\_

Location of Subdivision \_\_\_\_\_

Description of works and/or installations certified to: \_\_\_\_\_

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

\_\_\_\_\_  
**SEAL Signature of Engineer or Surveyor**