

## **Chapter 231**

**SUBDIVISION OF LAND [HISTORY: Adopted by the Planning Board of the Town of Westminster 9-10-1986; amended in its entirety 1-31-2005. Revised July 21, 2020 to add stormwater management provisions. Subsequent amendments noted where applicable.]**

### **GENERAL REFERENCES**

Zoning Board of Appeals — See Ch. 65.

Earth removal — See Ch. 97.

Streets and sidewalks — See Ch. 173.

Zoning — See Ch. 205.

### **ARTICLE I**

#### **General Provisions**

##### **§ 231-1. Statutory authority.**

Under the authority vested in the Planning Board of the Town of Westminster by MGL c. 41, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Westminster. Such rules and regulations shall be effective on the 10th day of December, 1970.

##### **§ 231-2. Compliance with zoning regulations required.**

No plan of a subdivision shall be approved unless all of the lots shown on the plan comply with Chapter 205, Zoning.

##### **§ 231-3. Number of dwellings 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 of Westminster without the consent of the Planning Board and that such consent may be conditioned upon provision of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision.

##### **§ 231-4. Matters not covered.**

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

##### **§ 231-5. Board of Health restrictions on lots.**

When, in accordance with the statute, the Board of Health reports, in writing, to the Planning Board that certain lots within a proposed subdivision cannot be used as building sites without injury to the public health, Planning Board approval of any such subdivision plan shall be given only on condition that the lots so specified shall not thereafter be built upon except with prior consent, in writing, by the Board of Health.

For Definitive Subdivision plans that involve an existing house lot, the homeowner shall provide evidence to the Board of Health that the house lot meets Title V regulations after the new lot lines are drawn. The Planning Board will not endorse any Definitive Subdivision plan until this evidence is provided.

**§ 231-6. Severability.**

The invalidity of any section or provision of these rules and regulations shall not invalidate any other section or provision thereof.

**ARTICLE II**  
**Plans Thought Not To Require Approval**

**§ 231-7. Submission; fee.**

- A. Any person wishing to record in the Registry of Deeds or to file with the Land Court a plan of land or a plan showing division of land and who believes such plan does not require Planning Board approval under the Subdivision Control Law<sup>1</sup> shall submit to the Planning Board office the printing master and four copies of the plan and two copies of application Form A (see appendix),<sup>2</sup> for determination that the plan is complete. The plan will not be marked received until the next regularly scheduled meeting of the Planning Board after such plan is deemed complete for review.
- B. All such submissions shall include the proper filing fee as determined by the most recent Planning Board Fee Schedule.
- C. The Planning Board will endorse such plan within 21 days of submission at a regularly scheduled meeting. If the plan was prepared using a CAD program, the Board may require an electronic submittal of the plan compatible with the Town's current hardware and software.

**§ 231-8. Validation of submission.**

To validate such submission, any such person shall send to the Westminster Town Clerk application Form A.<sup>3</sup>

**§ 231-9. Determination of Planning Board.**

- A. If the Planning Board determines that such a plan does not require approval, it shall forthwith, without a public hearing, endorse on the plan the words "Approval under the Subdivision Control Law not required."

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1. Editor's Note: See MGL c. 41, §§ 81K et seq.

2. Editor's Note: Form A is included at the end of this chapter.

3. Editor's Note: Form A is included at the end of this chapter.

- B. If the Planning Board shall determine that such a plan does require subdivision review and approval, it shall so inform the applicant and the Town Clerk, in writing.

**§ 231-10. ANR plan requirements.**

The plan shall be prepared by a registered land surveyor and shall contain the following information:

- A. North point, date of survey, scale and locus map indicating the relation of the parcel (s) to neighboring roads.
- B. The statement "Approval Under the Subdivision Control Law Not Required," together with sufficient space for the signatures of the required number of Board members and the date of endorsement.
- C. Name and address of owner, subdivider, designer and engineer or surveyor.
- D. Names and addresses of all owners of abutting land as they appear in the most recent Town tax list.
- E. Town of Westminster Assessors' Map and Lot Number.
- F. Boundary lines of all proposed lots or divisions of land, with their areas and dimensions in square feet or acres, with all of the lots designated numerically in sequence, and a calculation of the proposed area of land disturbance.
- G. Names, widths, and status (public or private) of streets and ways shown on the plan.
- H. Zoning classification of the subject property and location of any zoning district boundaries running through or along the property.
- I. Notation clearly stating the purpose of the plan.
- J. Location of all existing buildings and significant structures, stone walls, easements, cemeteries, public or private burial grounds, rights-of-way, streets, ways, and such other references as are known to the applicant or Board and as shall sufficiently identify the land to which the plan relates.
- K. Location of all watercourses and any bodies of water including wetlands as defined by MGL c. 131, § 40, and the local Wetlands Bylaw;<sup>4</sup> the area of the lot outside of the wetlands and the one-hundred-foot buffer zone.
- L. Notation stating that "No determination of compliance with zoning requirements has been made or intended."
- M. Deed reference of record owner by book and page number.

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4. Editor's Note: See Ch. 202, Wetlands.

ARTICLE III  
**Procedures for Submission and Approval of Plans**

**§ 231-11. Preliminary plan.**

A. General.

- (1) Any person wishing to submit a definitive plan of land to the Planning Board for its approval shall submit to the Planning Board a copy of Form B-1 (see appendix).<sup>5</sup> A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification or disapproval by each Board. The submission of such a preliminary plan will enable the subdivider, the Planning Board, the Board of Health and others to discuss and clarify the problems of a subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in each case. A preliminary plan shall be submitted for any nonresidential subdivision.
- (2) Such a plan shall be submitted with eight prints at a regular Planning Board meeting. Notice of submission shall be sent to the Town Clerk in accordance with MGL c. 41.

B. Contents of plan. The preliminary plan shall show, in a general way, the proposed subdivision and shall include the following:

- (1) The subdivision name, North point, date and scale, legend and title "Preliminary Plan."
- (2) The name and address of the record owner of the land, and the names of the subdivider, surveyor and engineer.
- (3) The location and names of all abutters as determined from the most recent tax list or lists.
- (4) The location, names and present widths of existing and proposed streets in the immediate vicinity and within the plan, whether public or private.
- (5) The location and boundaries of existing areas dedicated to other public uses and the location and character of all easements, public or private, within or immediately adjacent to the plan.
- (6) Proposed lots and lot lines with approximate areas and dimension.
- (7) Proposed storm drainage systems.
- (8) Proposed public areas, if any, and easements.
- (9) The location of all existing and proposed water and sewer pipes indicating size of same.

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5. Editor's Note: Form B-1 is included at the end of this chapter.

- (10) Topographic plans of the subdivision, in a general manner, including a clear and accurate disclosure of the grades of the existing terrain adjacent to the subdivision, large trees and natural watercourses. Existing buildings, together with fences and walls, shall be shown.
- (11) Center-line profile of all proposed streets and ways.

**§ 231-12. Definitive plan.**

- A. General. Any person submitting a definitive plan of a subdivision for approval by the Planning Board shall, either at a regularly scheduled meeting of the Board or by registered mail, file the following and shall comply with the requirements listed below. The Planning Board may require that all submission items, including plans, be submitted in electronic format compatible with the Town's current hardware and software:
  - (1) Any person wishing to submit a definitive plan of land to the Planning Board shall submit to the Planning Board a copy of Form B.<sup>6</sup> Every applicant, after submitting a definitive plan to the Planning Board for approval, shall send to the Town Clerk a written notice, which may be Form B, by registered mail, postage prepaid, or by delivery, stating that he has submitted such plan, describing the land to which the plan relates sufficiently for identification and stating the date in the notice when the final plan was filed with the Planning Board, along with the name and address of the owner of such land. The Town Clerk shall, if requested, give written receipt thereof
  - (2) Form B (see appendix) shall be signed and submitted by the owner or owners of all of the land within the proposed plan to the Planning Board at a regularly scheduled meeting.
  - (3) The application shall also state all easements and restrictions to which the land within the plan is subject and all easements and restrictions appurtenant to such land or over the land of others. The application shall be accompanied by a plan on tracing cloth or Mylar with black permanent ink, together with eight black-and-white prints of the plan prepared by a land surveyor and engineer registered in the Commonwealth of Massachusetts.
  - (4) A filing fee as determined by the most recent fee schedule. (See Appendix.)
  - (5) An environmental and community impact analysis (if required).
  - (6) All drafts of proposed easements for utility, drainage and right-of-way purposes.
  - (7) A list of names and addresses of all abutters within 100 feet, certified by the Town Assessor that they appear as such on the most recent tax list.

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<sup>6</sup>. Editor's Note: Form B is included at the end of this chapter.

- (8) Drainage calculations certified by the engineer who prepared them; groundwater levels and percolation rates within the proposed detention or retention basins.
  - (9) A list of all requested waivers from these regulations.
- B. The definitive plan shall not be deemed to have been submitted to the Board until the above-referenced items, together with the definitive plan and prints, have been delivered to the Board at a regular or special meeting thereof, and all are fully completed in accordance with these rules and regulations.
- C. Public hearing. Upon determination by the Board that the application for approval of the definitive plan is complete, the Board shall set a date for the public hearing and so notify the applicant. Notice of the hearing shall be arranged by the Board, at the applicant's expense, by advertisement in a newspaper of general circulation in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing. Notice of the hearing shall be given to all owners of real estate abutting upon the land included in such plan or lying within 100 feet of any tract of land of the applicant, any part of which is included in the proposed plan, all as appearing on the most recent tax list, also to all mortgagees of record, if any, of the land within the proposed plan. The Planning Board shall arrange for the publication and transmission of the notices of the hearing. Actual costs will be billed to the applicant. Final endorsements will not be made until all hearing fees have been paid.
- D. Preparation of definitive plan. (Figures 1 through 8 are attached as part of these regulations.<sup>7</sup>)
  - (1) Surveying and drafting requirements.
    - (a) The final or definitive plan shall be prepared by a professional civil engineer registered in Massachusetts from a field survey made by a competent land surveyor also registered in Massachusetts. This plan shall be clearly and legibly drawn on tracing cloth or Mylar. The size of the sheets shall be 24 inches by 36 inches in overall dimension with a one-and-one-half-inch margin on the left-hand side and one-half-inch margins on the other three sides. Both the registered engineer and land surveyor shall affix their stamps adjacent to the title block.
    - (b) The plan shall be drawn on tracing cloth or Mylar in black India ink, except that the names of the streets and the proposed system of utilities may be drawn in pencil until the plan has been reviewed and instructions are given to ink all details prior to approval. After approval is given, the applicant is required to furnish to the Planning Board a duplicate of the plan on a reproduction master on transparentized waterproof cloth or on a polyester film material.

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7. Editor's Note: Figures 1 through 8 are included at the end of this chapter.

- (c) Drafting layout and form shall conform to the plans entitled "Figures 1 through 8."<sup>8</sup>
  - (d) The horizontal scale shall be 40 feet to an inch, unless the Planning Board approves a more convenient scale. The vertical scale shall be four feet to the inch.
  - (e) All surveying shall conform to the Technical Standards for Property Surveys of the American Congress on Surveying and Mapping. The land surveyor shall affix his stamp to the definitive plan with a statement that the survey conforms to these requirements.
  - (f) All elevations shall be referred to mean sea level. Bench marks used in survey work shall be clearly located on the plan.
- (2) Contents of plan. The final or definitive plan shall contain the following:
- (a) Title block. A title in the lower right-hand corner, stating the name of the plan, if any, the scale, the name of the applicant, the registered land surveyor and the registered engineer who prepared the plan and shall conform to Figures 1 through 8.<sup>9</sup>
  - (b) The names, widths and exterior lines of proposed public ways, and the boundaries of other public areas with the plan.
  - (c) The lines, boundaries, areas, lot numbers, and street numbers of all lots, sites or divisions under which the plan is to be divided. Street numbers shall be in accordance with the requirements of the Office of the Board of Assessors.
  - (d) Data to determine readily the location, bearing and length of every street line, lot line and other boundary line shown on the plan, whether straight or curved, sufficient to reproduce the same on the ground. Bounds are to be set at every angle point and point of curvature of the proposed street lines and indicated on the plan. These are to be tied into existing bounds and street lines and shown on the plan.
  - (e) Profiles of proposed streets shall show the rates of grade and the center-line elevations at fifty-foot intervals. The profile shall show sufficient data to properly identify the vertical curves used. Proposed gutter line grades shall be shown at twenty-five-foot intervals around the curves at intersections and continuing 100 feet there from. In addition, the existing ground profile at the proposed center line must be shown.
  - (f) Existing topography, with two-foot contour intervals and details showing all fences, walls, building waterways and other natural drainage courses, large boulders or out-cropping of ledge, trees and buildings

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8. Editor's Note: Figures 1 through 8 are included at the end of this chapter.

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within the subdivision or other natural objects of like importance and all of the features abutting each entrance to the subdivision. Topography plans may be submitted as a separate plan and may be drawn in pencil on tracing paper, but must conform in size and scale to the definitive plan, and a reproduction master as outlined under Subsection D(1), Surveying and drafting requirements, shall be furnished to the Planning Board.

- (g) Proposed topography within the subdivision as required by the Planning Board.
- (h) Size and location of existing and proposed water mains and their appurtenances, if applicable.
- (i) Size and location of existing and proposed sewers and their appurtenances; also, a profile showing rates of grade, if applicable.
- (j) Size and location of existing and proposed subsurface or water drains and their appurtenances; also, a profile showing rates of grade.
- (k) Size and location of existing and proposed electric, telephone and cable facilities.
- (l) The location and area of wetlands and the one-hundred-foot buffer zone.
- (m) The zoning classification of the property, including the delineation of all overlay districts, and the base flood elevations for all lots or parcels within the floodplain.
- (n) There shall be a table prepared and displayed in a convenient place on the plan showing the following:
  - [1] Zoning district(s) in which the land is located.
  - [2] The total area of the entire subdivision.
  - [3] The number of building lots within the subdivision and the total area of all such lots.
  - [4] The total area of all ways within the subdivision.
  - [5] The total number of linear feet, measured along the center line, of all roadways and cul-de-sacs proposed on the plan.
  - [6] The total area of wetlands within the subdivision.
  - [7] The total area of open space within the subdivision (all land not included in ways or building lots).
  - [8] The total number of bounds to be set.



E. Approval.

- (1) The Planning Board, after the hearing, shall vote to approve, modify and approve or disapprove the plan within the time prescribed by law, or such greater time as has been agreed upon, and shall file forthwith a certificate of the vote with the Town Clerk and mail a copy forthwith to the applicant. If the definitive plan is prepared using a computer aided drafting program, an electronic copy of the final definitive plan (on a medium and in a format as directed by the Town Planner) shall be filed with the Planning Board at the time of endorsement.
- (2) The approval of the definitive plan or the completion of streets within any subdivision does not make the streets and ways set out on the plan "accepted streets."

F. Performance guaranty.

- (1) Required for approval. Before endorsement of its approval of a plan, the Planning Board shall require that the construction of ways and the installation of municipal services be secured by one, or in part by one and in part by another, of the methods described in the following Subsection F(1)(a), (b),(c) or (d), which method or combination of methods may be selected and from time to time varied by the applicant:
  - (a) By a proper bond, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan, and the Planning Board may require that the applicant specify the time within which such construction shall be completed.
  - (b) By a deposit of money or negotiable securities sufficient, in the opinion of the Board, to secure performance of the construction of ways and the installation of municipal service required for lots in the subdivision shown on the plan, and the Board may require that the applicant specify the time within which such construction shall be completed.
  - (c) By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgaged deed; provided, however, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board. A deed of any part of the subdivision in violation hereof shall be voidable by the

grantee prior to the release of the covenant, but not later than three years from the date of such deed.

- (d) By delivery to the Planning Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient, in the opinion of the Planning Board and otherwise due the applicant, to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work and shall further provide that, in the event that the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available for completion.
- (2) Release of performance guaranty.
- (a) When the applicant has completed the required improvements specified in these regulations, the applicant shall send, by registered mail, to the Town Clerk and the Planning Board, a written statement that the required improvements have been completed, such statement to contain the address of the applicant. Such statement shall be accompanied by two copies of a certificate by a designer, engineer, or land surveyor, as the case is appropriate, that the work has been completed to the extent described in the certificate and conforms in all details with the approved subdivision plan and these rules and regulations; or, if it does not so conform, such nonconformity shall be accurately described in the certificate. No bond, deposit, or covenant, or any portion or part thereof, shall be released by the Planning Board until it has been established that the work required has been completed in accordance with the approved plans and has been inspected and found satisfactory according to the standards of the Planning Board.
  - (b) When the foregoing requirements have been satisfied, the Board will release all or part of the interest of the Town in such bond and return the bond or the deposit or execute and deliver to the applicant a release, which shall be in form for recording in the Registry. Thereafter the conditions relating to such lots and so released shall terminate. 15% of the total cost of the road improvements, determined by the Board's engineer, shall be retained to guarantee the integrity of the road after being completed for one full year. If the Board determines the required improvements have not been satisfactorily completed, it shall specify in a notice sent by registered mail to the applicant and the Town Clerk, the details wherein improvements fail to comply; but, upon failure by the Board to so notify the applicant within 45 days after receipt by the Town Clerk of the written statement from the applicant, obligations under the bond shall cease, any deposit shall be returned, and any such covenant

shall become void, to the extent that it or they apply to the portion of the subdivision or lots for which a release was requested.

- (c) The applicant shall retain title to the fee of each street, path or easement in, or appurtenant to, the subdivision until conveyed to the Town. Prior to final release of security, the applicant shall submit all necessary documentation for street acceptance, including a metes and bounds description of the road and all easements, an as-built plan, and a draft of the proposed deed and any easements.
- G. Expenditure of bonds. If deemed necessary by the Planning Board, the proceeds of any such bond or deposit shall be made available to the Town for expenditure to meet the cost and expenses of the municipality in completing the work as specified in the approved plan. If such proceeds do not exceed \$100,000, the expenditure may be made without specific appropriation under MGL, c. 44, § 53; provided that such expenditure is approved by the Board of Selectmen.
- H. As-built plans. An as-built plan and profile together with three copies thereof, shall be submitted to the Planning Board after completion of construction, or at such times or stages as required by the Planning Board. Such plan shall show drainage lines and structures, water mains, if any, underground gas, electric, telephone, and cable lines, and other appurtenances as actually installed with sufficient ties for proper identification. Street numbers shall be shown near the lots numbers, and circled. On the as-built plan the following must also be shown:
  - (1) A diagram in ink shall show in plan view the complete drainage system, and municipal water and sewerage system, if any, as constructed in the subdivision. This plan shall show the stationing of all structures, such as manholes, catch basins, wyes etc. The invert elevations of all pipes at their outlets, as well as the pipe sizes and the type of pipe are to be given.
  - (2) On the plan view of the street, and the true line relative position of all drainage structures, the mainline drain and its appurtenances shall be shown.
  - (3) On the profile view of the street and true relative position of the mainline drain, its structures and appurtenances in profile shall be shown. The invert elevation and percentage of grade of the pipe shall be shown.
  - (4) On the respective portions of the street and profile plan, the applicant should show any additional information which would more clearly explain or indicate his drainage and other utilities systems.

#### ARTICLE IV Design Criteria and Requirements

##### **§ 231-13. Suitability of system of ways.**

- A. Ways shall be continuous and in alignment with existing ways, as far practicable, and shall compose a convenient system with connections adequate to ensure free movement of vehicular travel.

- B. If adjoining property is not yet subdivided, the applicant shall provide, in a manner acceptable to the Planning Board, a way or ways to said adjoining property. The plans should show such access as an extension of a right-of-way. The Planning Board may require that the extension be paved.
- C. Proposed development of applicant's other contiguous land. The Planning Board may decline to approve a plan if the applicant owns land contiguous to that shown on the plan and fails to furnish sufficient data to enable the Planning Board to relate the proposed plan to the applicant's remaining land. Such data shall include the lines of proposed ways and lots in general manner and approximate grades, and such other details as the Planning Board may reasonably require.
- E. In cases where, in the opinion of the Board, soil conditions warrant, the Board may require the subdivider to take borings at such locations as the Board may deem necessary to provide adequate disclosure of subsurface conditions.

**§ 231-14. Width and grade of ways.**

- A. Roadways shall be designed in accordance with Table 1, Roadway Design Standards.

<b>Table 1 Roadway Design Standards</b>		
<b>Requirement</b>	<b>Residential Roadway</b>	<b>Industrial-Commercial Roadway</b>
Maximum grade	6%	6%
Minimum grade	1%	1%
Pavement width (feet)	26	36
Minimum center-line radius of horizontal curvature (feet)	140	300
Stopping sight distance (feet)	200	300
Curve radius (feet) at intersections	20	20
Right-of-way width <sup>1</sup> (feet)	54	80
Shoulder width (feet)	4	4

**NOTES:**

1 The Planning Board may require a greater width of right-of-way where deemed necessary to handle either the traffic from within or outside of the subdivision.

**§ 231-15. Dead-end streets.**

- A. A dead-end street shall not be longer than 500 linear feet in combined total length unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions, excluding financial considerations, or there are clear and compelling benefits to the Town for granting a greater length. For the purpose of these subdivision rules and regulations, a "dead-end street" is defined as any street, extension of a street, or systems of streets, connected to a through street

only at a single point. Any such street shall be considered a dead-end street regardless of size or internal circulation patterns. Any street, segment of street, or system of streets which intersects only with a dead-end street shall be deemed to be an extension of the dead-end street. The length of a dead-end street shall be measured along its center-line from the edge of the pavement of the intersecting through street to the midpoint of the circular turnaround.

- B. The number of dwelling units served by a dead-end street shall not exceed (10). Subdivisions containing more than 10 lots shall provide a minimum of two means of vehicular access to and from the subdivision onto previously existing public ways.
- C. A dead-end street or an extension of a dead-end street shall be provided at its closed end with a circular turnaround having a minimum and maximum dimension as shown below in Figures 1 and 1A.<sup>10</sup>

**§ 231-16. Residential Boulevards,**

- A. Residential boulevards may be used to provide two means of access and egress for the purposes of subdivision in accordance when two means of access is not practical due to wetlands or other environmental constraints. Residential boulevards shall be designed with the following requirements and as shown below in Figure 1B:

**Design Standards for Residential Boulevards**

<b>Maximum design speed</b>	<b>20-25 mph</b>
<b>Lane width</b>	<b>20 feet (2 ten foot lanes in each direction)</b>
<b>Minimum width of planted median</b>	<b>6 feet</b>
<b>Sloped granite curbing around planted median</b>	<b>yes</b>
<b>Minimum sidewalk width</b>	<b>5 feet</b>
<b>Maximum number of crossover openings</b>	<b>4 (as determined by the Department of Public Works)</b>
<b>Maximum length of boulevard</b>	<b>1,000 linear feet</b>
<b>Maximum number of housing units served by a boulevard</b>	<b>20 units</b>

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10. Figures 1 and 1A are included at the end of this chapter.

**Intersection of ways.**

- A. All intersections of ways shall be at an angle of 90° or radial to curves. Street lines at intersections shall be cut back to provide for radii of not less than 25 feet in residential subdivisions and not less than 35 feet in industrial and commercial subdivisions.
- B. The number of ways converging at an intersection shall be kept to a minimum. The centerlines of said streets shall intersect at one common point.
- C. Grades at intersection shall be designed to be no greater than 2% for the first 40 feet and no greater than 4% for the next 30 feet. Adequate sight lines for vehicles and pedestrians shall be provided for and maintained at all street intersections.
- D. The intersection of centerlines of streets shall occur not less than 200 feet apart.
- E. The grading at the intersection of ways shall be so designed as to be safe and convenient for travel and to direct the flow of surface water in a suitable manner.

**§ 231-17. Reservation strips.**

The Planning Board will not approve any plans having so-called reservation strips which would prevent further extension of ways.

**§ 231-18. Utilities.**

- A. Where applicable proper connections shall be made with existing sewers, drains and water mains. Where, in the opinion of the Planning Board, after consultation with the appropriate town department, the capacity of an existing sewer, drain or water main is inadequate to accommodate the entire subdivision, only that portion thereof which, in their opinion can be adequately accommodated, shall be so connected.
- B. Where adjacent property is not subdivided, provisions shall be made for extension of the utility systems by continuing appropriate sewers, drains and water mains to the exterior boundaries of the subdivision, at such size and grade as will allow for their proper projection.
- C. Design analysis. A design analysis shall be submitted with each definitive plan submitted for approval. The design analysis shall include at least the following information:
  - (1) Sanitary sewer system.
    - (a) The calculations used in designing the sewerage system, including the method of estimating average flows (including infiltration allowances), the peaking factor used and the hydraulic design of the system, including quantity and velocity of flow under both average and peak flow conditions, shall be included.
    - (b) Sanitary sewers shall be such as to ensure a flow of not less than two feet per second, nor more than 10 feet per second.

- (2) Interceptor drains must be installed as conditions require.

D. Stormwater management.

- (1) General.

- (a) A stormwater management plan shall be designed in accordance with the guidelines established in the latest publication of the "Stormwater Management: Volume One: Stormwater Policy Handbook"; and "Volume Two: Stormwater Technical Handbook," prepared by the Department of Environmental Protection (DEP) and industry best practices.
- (b) The plan shall include a detailed design certified by a professional engineer registered in the Commonwealth of Massachusetts that will adequately dispose of surface water. Drainage improvements shall be designed so that there will be no adverse effects created by the proposed rates of runoff for the two-year, ten-year, and one-hundred-year storms. The location of the proposed development site within the regional watershed, and the hydrologic characteristics of the regional watershed shall be considered in the design and evaluation of the stormwater management system. Calculations shall be performed using the latest Northeast Regional Climate Center (NRCC) extreme precipitation amounts for recurrence intervals (storm events) 2-, 10-, 25-, 50- and 100-year frequencies. Predevelopment and post development drainage divides shall be shown on a diagram incorporated within the calculations. Off-site runoff entering the subdivision shall be properly considered and shall be calculated based on existing conditions, assuming all culverts and other restrictions are functioning properly. To the maximum extent feasible, stormwater shall be recharged rather than piped to surface water.
- (d) All applications for Definitive Subdivision approval that disturb 10,000 square feet or more shall also obtain a Low Impact Development (LID) permit from the Planning Board. In order to obtain a LID permit, the project must demonstrate full compliance with the Town's LID Bylaw (Chapter 136 of the General Bylaws) and the Planning Board's associated LID Regulations. If there is a conflict between the stormwater management provisions found in these regulations and those found in the LID Regulations, the stormwater management provisions of the LID Regulations shall take precedent.
- (e) All applications for Definitive Subdivision approval that results in a land disturbance equal to or greater than one (1) acres of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb an area equal to or greater than one (1) acre of land within the Town of Westminster, the applicant shall also obtain a Stormwater Management Permit issued from the Planning Board. In order to obtain the Stormwater

Management Permit, the application and project must demonstrate full compliance with the Town's Stormwater Management Bylaw and the Planning Board's Stormwater Management Rules and Regulations. If there is a conflict between the stormwater management provisions found in these regulations and those found in the Stormwater Management Rules and Regulations, the stormwater management provisions of the Stormwater Management Rules and Regulations shall take precedent.

- (2) Infiltration or recharge. Infiltration measures to recharge groundwater shall be designed to control increased peak rates of runoff due to development conditions. Infiltration basins, infiltration trenches, dry wells and vegetated swales shall be used as appropriate.
- (3) Detention basins. Head-vs-discharge calculations shall be furnished for the detention outlet control. The outlet control shall be designed to minimize the possibility of clogging and shall permit reasonable access for cleaning. The detention basins shall have an emergency overflow provision in case of clogged outlet, or greater than one-hundred-year storm. The detention basin shall have 3:1 maximum side slope, finished with a six-inch layer of loam, and seeded.
- (4) Stormwater quality.
  - (a) Best management practices (BMP) for urban runoff quality should be implemented wherever possible in order to minimize the impact development will have on the quality of runoff.
  - (b) The development should incorporate as many individual treatment devices as practicable. The use of vegetated swales and overland flows is encouraged where appropriate in order to reduce the amount of directly connected impervious surfaces throughout the proposed development.
  - (c) All surface retention and detention facilities shall be integrated into the grading and landscaping plan so as to minimize the visual impacts.
- (5) These recommendations are presented as guidelines only and are not intended to limit the innovation or implementation of new technology and designs. The burden shall be upon the engineer to demonstrate the effectiveness of the system in improving the quality of stormwater runoff quality.

**§ 231-19. Access on state highways.**

Where access to a state highway is necessary, evidence of state permission must be presented to the Board with submission of the preliminary plan or definitive plan, as the case may be.



**§ 231-20. Adequate access from public way.**

- A. Where the street system within a subdivision does not connect with or have, in the opinion of the Board, adequate access from a Town, county or state (public) way, the Board may require, as a condition of approval of a plan, that such adequate access be provided by the subdivider and/or that the subdivider make physical improvements to and within such a way of access, in accord with the provisions of Article IV and Article V of these regulations, from the boundary of the subdivision to a Town, county or state way.
- B. Where the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the subdivider to dedicate a strip of land for the purpose of widening the abutting public way to a width at least 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. Any such dedication of land for purpose of 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 borne by the subdivider.

**§ 231-21. Subdivisions straddling municipal boundaries.**

The Planning Board will not approve a subdivision of land where sole access to the subdivision tract in Westminster is through another town, unless the access is through an accepted public way at the time the subdivision is submitted. In general, lot lines should be laid out so as not to cross municipal boundaries.

**§ 231-22. Open spaces.**

Before approval of a plan, the Planning Board may require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of the land. The Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks for a period of not more than three years without its approval. This land shall be made available for purchase by the Town. Failure to purchase within three years shall free the owners from restrictions.

**§ 231-23. Protection of natural features.**

- A. Due regard shall be shown for all natural features, such as large trees, watercourses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision, and protect the natural resources of the Town.
- B. Existing contours shall be preserved insofar as it is practical to do so. No change shall be made in the contour of the land that adversely affects the land abutting the proposed subdivision.

- C. To be more attractive and economical, subdivisions shall closely adhere to the topography of the land, with streets designed so as to minimize the necessity for excessive cut and fill.
- D. Building envelopes which restrict the placement of buildings within approved lots will be required when necessary to protect significant natural features or scenic viewpoints which might otherwise be adversely impacted from construction.

**§ 231-24. Street names.**

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

**§ 231-25. Lot numbers.**

Prior to plan endorsements, lot numbers, as assigned by the Fire Department, shall be shown on the plan.

**§ 231-26. Lot grading and drainage.**

Lots shall be prepared and graded in such a manner that development of one lot does not cause detrimental drainage onto another lot, on areas outside the subdivision, onto roadways, or onto wetlands.

**§ 231-27. Snow Easement.**

A snow easement and associated curb cut shall be provided along the outside of the turnaround and clearly marked on site at the end of dead-end streets. When the contours of the land make the outside impractical, the snow easement shall be located elsewhere as directed by the Planning Board, with the advice of the Department of Public Works. The minimum size of the snow easement shall be fifteen feet (15') deep by thirty feet (30') wide.

**ARTICLE V**

**Required Improvements for Approved Subdivision**

**§ 231-28. Construction of ways.**

- A. Granite or pre-cast reinforced concrete bounds, four feet long by six inches square at the top, shall be set at points as indicated on the approved plan. Such bounds shall be set in gravel with their tops at the proposed sidewalk surface grades, unless otherwise directed. A hole 1/2 inch in diameter and one inch deep shall be drilled in the bound at the exact point of survey reference.
- B. All underground utilities, including surface water drains, shall be installed and all ways shall be constructed by the subdivider at his own expense, in accordance with

the grades approved by the Planning Board. Subdividers shall comply with the details and specifications shown on Figures 2 through 8<sup>11</sup> and to any other specification as indicated on the approved plan.

- C. Residential roads shall consist of at least 18 inches of gravel after compaction in accordance with the Massachusetts Department of Public Works, 1967 Standard Specifications, Sections 401 and 405, or as amended, and treated with a prime coat of MC-1, applied at a rate of 0.3 gallon per square yard, the binder course shall be 2 1/2 inches thick and the top course shall be 1 1/2 inches thick after rolling so as to form a compacted final pavement depth of four inches as shown on in Figure 2. Commercial roads shall be designed to the same specifications as residential roads except for a two-inch base, after compaction, should be applied before the binder course and final course so as to form a compacted final pavement width of six inches as shown in Figure 2A.
- D. Granite curb inlets conforming to Figure 4 will be required at every catch basin.
- E. All sewers, surface water drains, water pipes and any other underground facilities, together with their appurtenances, shall be installed only after the sub grade of the way has been established.
- F. The excavating of trenches, the methods and material of backfilling and all other matters relating to the installation of water pipes, sewer lines, storm drains and subsurface drains shall be consistent with good construction practices and shall at all times be subject to the inspection of the applicable Town departments (Figure 8).
- G. Connections for all utilities from the main structure to the exterior line of the way shall be constructed for each lot, whether or not there is a building thereon.
- H. The subdivider shall protect improvements required under the subdivision rules and regulations, including utilities, streets, curbings, sidewalks, etc., from any and all damage, until the entire subdivision is completed and approved as a whole by the Planning Board. Any damage to these utilities, etc., prior to the approval by the Planning Board, shall be repaired in a manner satisfactory to the Planning Board, the full cost of which shall be borne by the subdivider. Any material used which does not meet the standards as set forth in these regulations shall be replaced by the subdivider at his own expense. Underground utilities and appurtenances not installed in accordance with the final grade approved by the Planning Board shall be removed and reset to proper grade at the expense of the subdivider.
- I. Where the grade of the way is above or below the grade of the adjacent land, walls or slopes shall be constructed by the subdivider in conformance with the recommendations of the Planning Board.
- J. Curbing shall be sloped granite edging on all intersections, cul-de-sacs and all other radii. Cape Cod berm Type I dense mix shall be allowed in all remaining sections (Figure 5).

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<sup>11</sup>. Editor's Note: Figures 2 through 8 are included at the end of this chapter.

**§ 231-29. Bituminous pavement.**

- A. Bituminous concrete pavement shall conform to Massachusetts Department of Public Works, 1967 Standard Specifications, Section 460, and designated as Class I binder course, top course and dense mix (for curbs).
- B. Residential subdivisions shall have a two-and-one-half-inch binder course and a one-and-one-half-inch top course. Industrial and commercial subdivisions shall have two-inch binder courses and a two-inch top course. The Planning Board may require a greater width of way where deemed necessary to handle either the traffic generated from within or outside of the subdivision. All drainage structures shall be coated with 3,000 psi air-entrained concrete and coated with asphalt cement, in accordance with the Westminster DPW requirements, before final paving.
- C. Before application of the finish coat, the bituminous concrete base shall have been in place for a minimum of 12 months or for a lesser period as may be determined by the Board. A machine-applied tack coat shall be applied over a cleaned bituminous binder course prior to installation of final paving course.

**§ 231-30. Sidewalks.**

All sidewalks shall be designed meeting all applicable accessibility requirements; constructed as shown on Figures 2 and 2A,<sup>12</sup> and shall be of bituminous concrete. Sidewalks shall be five feet wide with a base of eight inches of suitable gravel in accordance with the Massachusetts Department of Public Works, 1967 Standard Specifications, Sections 401 and 405, or as amended, and a surface of Type I-1 bituminous concrete, 2 1/2 inches in depth laid in two courses, one-and-one-half-inch binder and one-inch top.

**§ 231-31. Driveways.**

There shall be constructed for each lot a driveway ramp not less than 14 feet in width at the gutter line as shown on the plan entitled "Typical Driveway Cross Section" (Figure 3).<sup>13</sup> All driveways shall be designed to meet the specifications of the Westminster DPW. In addition, driveway cuts into streets shall be prohibited until the Planning Board finds that the location, width, length, line of sight, grades, proximity to other driveways and streets, grade and elevation will provide adequate provisions for the public safety. Driveway cuts shall not be permitted within 100 feet of the sideline of intersecting streets or railroad crossings. No more than one driveway cut shall be permitted per lot and no more than two driveways are permitted off a cul-de-sac.

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12. Editor's Note: Figures 2 and 2A are included at the end of this chapter.

13. Editor's Note: Figure 3 is included at the end of this chapter.

**§ 231-32. Signs.**

All signage, street signs, stop signs, stop bars, and crosswalks, in accordance with the US Department of Transportation Manual of Uniform Traffic Control Devices, shall be installed within the subdivision.

**§ 231-33. Trees.**

- A. Trees shall be Sugar maple (or other species approved by the Planning Board) with a diameter of two to three inches measured four feet from the ground level and shall be eight to 10 feet tall. The trees shall be nursery grown and planted in a hole at least one foot in diameter larger than the root system, and the developers must apply good grade of loam, mixed with bog peat and bonvong or a good grade of organic fertilizer.
- B. There shall be minimum of two trees per lot in residential subdivisions. These two trees shall be planted anywhere in the front yard area as defined in Chapter 205, Zoning.

**§ 231-34. Fire protection.**

All subdivisions shall be provided with adequate fire protection installation and maintenance in accordance with the requirements of the Westminster Fire Department entitled "Fire Protection Water Supply Regulations."

**§ 231-35. Maintenance of site during construction; clean-up following completion.**

During construction, a sightly appearance shall be maintained. Upon completion of all work on the ground, the applicant shall remove all temporary structures and all surplus material and rubbish and shall leave the work in a neat and orderly condition. Waste materials, debris, and discards shall be removed to and disposed of at a place and in a manner approved by the Board of Health and the Planning Board.

**§ 231-36. Maintenance of roads and other improvements.**

The applicant shall maintain the roads for vehicular travel in a manner satisfactory to the Board. Further, the applicant shall maintain the road and all other improvements within the subdivision, in a condition which meets all the above requirements to the satisfaction of the Board until acceptance of such roads by vote of the Town.

**§ 231-37. Erosion and sedimentation control.**

- A. The applicant shall control erosion and sedimentation during construction according to the objectives, principles and design considerations set forth in the following publications: "Residential Erosion and Sediment Control," published by the Urban Land Institute, the American Society of Civil Engineers, and the National Association of Home Builders, 1978; and "Soil and Water Conservation in Urbanized Areas of Massachusetts," published by the USDA Soil Conservation Service, Amherst, 1975. These publications are hereby incorporated as part of these

regulations. If it is determined by the Conservation Commission or the DPW that the erosion control plan is not working, then the plan shall be revised. Failure to respond shall result in cease-and-desist of all site activity until the revised plan is approved.

- B. When directed by the Town, the applicant shall clean up, in a timely manner, any sand, dirt, or debris which erodes from the subdivision onto any public street or private property, and to remove any silt or debris that enters any existing drainage system including catch basins, sumps, pipelines, manholes, and ditches.

**§ 231-38. Requirements for earth removal within the context of subdivision approval.**

All earth removal incidental to the subdivision of land shall receive an earth removal permit from the Board of Selectmen before the commencement of any earth removal activity.

**§ 231-39. Environmental and community impact analysis.**

- A. Any submission of a subdivision requiring substantial cuts, earth removal in excess of 3,000 cubic yards, creating 1,000 feet or more of roadway/street, or creating more than 10 lots, and all nonresidential subdivisions shall be accompanied by four copies of an environmental and community impact analysis, as determined during the preliminary plan process. The environmental and community impact analysis shall assess the relationship of the proposed development to the natural and man-made environment of Westminster. This report shall be prepared by an interdisciplinary team of professionals qualified and experienced and, where applicable, licensed in their field. Such teams shall typically consist of registered professional engineers, traffic engineers, architects, landscape architects, land use planners, hydro-geologists, hydrologists, and other environmental professionals.
- B. It is intended that the report be a guide to the Planning Board in its deliberations and will build into the Board's decision-making process an appropriate and careful consideration of the environmental and community impacts of the proposed development.
- C. For each of the components of the environmental and community impact analysis listed under this section, each of the following concerns must be separately addressed.
  - (1) The environmental and community impacts of the proposed development. All primary and secondary environmental and community impacts, both beneficial and adverse, as a result of the proposed development. This section shall include all impacts resulting from the construction phase as well those resulting from project completion.
  - (2) Adverse impacts which cannot be avoided should the proposed development be implemented. The report shall describe the kinds and magnitudes of adverse impacts which cannot be reduced in severity or which can be reduced in severity but not eliminated.

- (3) Alternatives to the proposed development. The report shall develop, describe and objectively weigh alternatives to the proposed development which are allowed pursuant to the Westminster Zoning Bylaw.<sup>14</sup>
  - (4) Measures to be used to minimize adverse environmental and community impacts. Corrective and protective measures which will be taken, as part of the project, to minimize adverse impacts shall be described in detail.
- D. The Planning Board as part of a review for a preliminary subdivision plan, submitted in accordance with the requirements of § 231-11, shall specify which of the following topics shall be evaluated and the level of detail required for each topic in the environmental and community impact analysis and submitted with the definitive plan. If no preliminary plan is submitted, the environmental and community impact analysis shall evaluate all of the following topics.
- (1) Traffic analysis. A complete analysis of the traffic flow of the proposed development and impacts of traffic on levels of service on affected intersections.
  - (2) Community impact analysis. Describe the effect of the project on community services including public safety (police and fire protection), public water and sewer, drainage and stormwater management, roadways, waste disposal, and educational services.
  - (3) Natural environment.
    - (a) Air and noise pollution. The impact of local air quality and noise from the proposed development, including traffic generated from the development both during construction and after completion, shall be evaluated. The Planning Board may require detailed technical reports of such impacts.
    - (b) Water pollution. The impact of stormwater runoff on adjacent and downstream surface watercourses and subsurface groundwater shall be evaluated. Dangers of flooding as a result of increased downstream runoff, especially peak runoff and the impact of the proposed project on existing water table elevations, shall be analyzed. The location and type of wells located on abutting property within 100 feet of the property line of the proposed project shall be identified. The analysis shall include a report prepared and endorsed by a qualified Massachusetts hydrological engineer setting forth the location and elevation of the high groundwater table on the entire portion of the land to be excavated and the location of monitoring wells which have been used to establish high groundwater table. The highest elevation of the groundwater shall be determined by observation wells monitored during the months of April and May. The report shall include a soil log profile.

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14. Editor's Note: See Ch. 205, Zoning.

- (c) Land. Compatibility of the proposed development with existing soils; the impact of any soils or other materials to be removed from the site; and the potential danger and impacts of erosion and sedimentation caused by the proposed development. The analysis shall include an erosion and sediment control plan. The Planning Board may require detailed soil borings.
  - (d) Water supply. The average and peak daily demand and the impact of such demands on groundwater aquifers, supplies and adjacent watercourses.
  - (e) Sewage disposal. The average and peak daily disposal and the impact of such disposal on groundwater aquifers, supplies and adjacent watercourses.
- (4) Man-made environment.
- (a) Existing neighborhood land use. Compatibility with adjacent or nearby land uses or approved private development plans, if known, or land use changes to occur during the life of the proposed development. If not compatible, reason therefore shall be detailed. Consultation with the Planning Board is strongly recommended.
  - (b) Zoning. Compatibility of proposed development with the purpose of the Zoning Bylaw<sup>15</sup> and the zoning district.

## ARTICLE VI Administration

### § 231-40. Variation.

- A. Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Planning Board such action is in the public interest and not inconsistent with the Subdivision Control Law.
- B. For matters not covered by these rules and regulations, reference is made to §§ 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws of the Commonwealth of Massachusetts.

### § 231-41. Project review fees.

To assist the Board in its review of the plan and at its discretion to serve as its agent during the course of construction, the Board may hire, at the developer's expense, an engineer or other professional to act as consultant to the Board.

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15. Editor's Note: See Ch. 205, Zoning.



**§ 231-42. Inspection.**

- A. An engineer, reporting to and designated by the Planning Board, but paid by the applicant, shall be required. The engineer shall not authorize any changes from these regulations or from the approved definitive plan for the subdivision without specific approval of the Planning Board.
- B. As each construction phase listed below is completed, the applicant shall notify the Planning Board and the Planning Board's engineer, and no succeeding operation shall commence until the work has been inspected by the Board or its authorized agent.
- C. The applicant shall furnish all data relative to baselines and grade stakes on the ground, stake sheets, ties and other information which is needed, in the opinion of the Board, to accomplish such checking as is required for the requested approval and certification. Charges for such inspections shall be paid for by the applicant as outlined above.
- D. Inspections shall be required at the following stages of construction:
  - (1) After clearing, grubbing, stump removal, excavation to sub grade and excavation of ditches for utilities.
  - (2) After drainage system (pipe, manholes, catch basins and other drainage structures) is installed, but before it is covered. Inspector shall sight drainage pipe runs to adjacent basins. Any defective runs shall be corrected before approval is given.
  - (3) After surface gravel is in and compacted, the inspector shall also re-inspect pipe runs from catch basins as above.
  - (4) After bituminous concrete is installed.
  - (5) Before acceptance by the Town of Westminster at an Annual Town Meeting or at a Special Town Meeting.
  - (6) At other specific times deemed necessary by the Board or engineer.
- E. The applicant shall give 72 hours' notice to the Planning Board whenever an inspection is indicated.
- F. The applicant is responsible for requesting inspections at the proper stage in the process of installation of improvements. No work will be accepted that has been covered before inspection.

**§ 231-43. Engineering costs.**

- A. Engineering costs incurred by the Planning Board during the consideration of the preliminary plan and or the definitive plan, and during the preparation and recording of an approved definitive plan will be billed to the applicant, at cost, by the Town of Westminster.

- B. Engineering costs will be billed by the Town to the applicant to cover the actual costs to the Town for the engineering services performed in connection with the subdivision being considered. Normal services will include the following:
  - (1) Checking definitive plans for accuracy of data and for sound engineering practice.
  - (2) Checking record plans for accuracy of data and for sound engineering practice.
  - (3) Inspections, as required.
- C. Other services beyond those outlined above and performed on behalf of the applicant by the engineers of the Planning Board will be billed to the applicant by the Town at cost. These extra services will not be performed unless specifically agreed upon by the Planning Board and the applicant.

**§ 231-44. Acceptance of roads.**

- A. When a road or way in a subdivision has been constructed in a manner fulfilling the requirements of the Planning Board and these regulations, and the binder course has been exposed to a full year of weathering, before the application of the final course, and the final course has also been exposed to a full year of weathering, the applicant may request the Board to inspect the road in order to make a recommendation to the Board of Selectmen and Town Meeting on the question of accepting said way or road. Subdivision road acceptances are the financial and legal responsibility of the applicant. All road acceptance requests shall follow the Town of Westminster's Road Acceptance Policy and Procedures. The following information will be required before the Board makes a recommendation on road acceptance:
  - (1) A Mylar plus two copies of the plan of the road as-built, at a scale of one inch equals 40 feet. The center-line profile shall be shown at 4 feet per inch on the vertical scale and 40 feet per inch on the horizontal scale taken at fifty-foot intervals along the road or way as it has been completed. The plan shall show the monuments with the dates they were set and the traverse and fixed points on the subdivision perimeter used to establish the bound locations, all with bearings, distances, or coordinate values sufficient to reestablish these points.
  - (2) All utilities, including water lines, gas lines, cable lines, drainage systems, electric poles and lines, and telephone poles and lines, shall be shown on the plan as they exist.
  - (3) Two typewritten copies and one electronic copy of the proposed article for the Town Meeting covering the road or way which is to be considered for acceptance by the Town.

- (4) If applicable, a certificate of compliance from the Conservation Commission under MGL, c. 131, § 40, and the Westminster Wetlands Bylaw.<sup>16</sup>

**§ 231-45. Lot release; building permits.**

The roadway area within the frontage of a lot shall have all utilities, including fire protection, and the bituminous concrete base installed and approved by the appropriate agency before said lot can be released or built upon.

**§ 231-46. Appeals.**

Appeals may be taken from the determination of the Board to Superior Court in accordance with MGL c. 41, § 81BB.

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<sup>16</sup>. Editor's Note: See Ch. 202, Wetlands.

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## PLANNING BOARD FEE SCHEDULE

### PLANNING BOARD SUBMISSION FEES:

These fees are non-refundable filing fees to cover the cost of processing applications. All expenses for advertising, publication of notices, engineering, professional planning review, plans, inspection of construction, recording and filing of documents required by the Planning Board or its agent shall be borne solely by the applicant.

1. Approval Not Required Plan:

- \$100 per plan of 2 or fewer lots
- \$100 plus \$100 per lot for plan of 3 or more lots

2. Preliminary Subdivision Plan:

- \$500 plus \$50 per lot
- Applicant to prepare abutter notification of hearing by first class mail to each name on the abutter list provided by the Board of Assessor's
- Cost of legal advertising shall be paid by the applicant directly to the newspaper publishing the notice.

3. Definitive Subdivision Plan:

- \$1,500 + \$5.00 for each linear foot roadway.
- Applicant to prepare abutter notification of hearing by certified mail, return receipt requested to each name on the abutters list provided by the Board of Assessor's.
- Cost of legal advertising shall be paid by the applicant directly to the newspaper publishing the notice.

4. Modification to Approved Plan:

- \$500 plus \$1.00 per linear foot of modified roadway plus \$5.00 per linear foot of additional roadway.
- Applicant to prepare abutter notification of hearing by certified mail, return receipt requested to each name listed on the abutters list provided by the Board of Assessor's.
- Cost of legal advertising shall be paid by the applicant directly to the newspaper publishing the notice.

5. Request for extension of time to complete road: \$200

6. Planning Board Special Permit:

- \$200
- Applicant to prepare abutter notification of hearing by certified mail, return receipt requested to each name on the abutters list provided by the Board of Assessor's.
- Cost of legal advertising shall be paid by the applicant directly to the newspaper publishing the notice.

7. Request for Lot Release: \$75

**NOTE:** Preliminary Plans, Definitive Plans, Special Permit, and Site Plans may also require Project Review Fees.

The Planning Board may not endorse its approval unless the fees as noted above have been paid.

**PUBLICATION FEES**

Zoning Bylaws: \$20.00 per copy.

Subdivision Rules and Regulations: \$20.00 per copy.

**FORM A**

**APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL**

Two (2) copies of this form, filled out and signed, should be included with the original and four (4) copies of the plan in question. (Please type or print information in blanks below)

Westminster, Massachusetts \_\_\_\_\_, 20\_\_\*  
(Date of Filing)

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

Name of Applicant: \_\_\_\_\_ Phone # \_\_\_\_\_

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

Name of Owner: \_\_\_\_\_ Phone # \_\_\_\_\_

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

Name of Surveyor: \_\_\_\_\_

Address: \_\_\_\_\_ Phone # \_\_\_\_\_

Deed of property recorded in \_\_\_\_\_ Registry.

Book No. \_\_\_\_\_ Page No. \_\_\_\_\_

Location and Description of Property: \_\_Map\_\_ Group \_\_Parcel\_\_

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

Zoning District: \_\_\_\_\_

List any Board of Appeals decisions pertaining to this site: \_\_\_\_\_

\_\_\_\_\_

Reason plan does not constitute a subdivision: \_\_\_\_\_

\_\_\_\_\_

No. of lots proposed: \_\_\_\_\_ Acreage: \_\_\_\_\_

Signature of owner: \_\_\_\_\_

(all applications shall be signed by the owner of the property or if the applicant is represented by an agent, written evidence shall be submitted with the application accompanying the plan that the agent has the authority to submit such application for each owner involved. If the applicant is a corporation, it shall submit with the application a list of its officers, and a duly authenticated certificate of vote authorizing said officers to file the application and plan, and to represent the corporation in all further proceedings incident thereto.)

\*The date entered above shall be the date of the Planning Board meeting at which the Plan is submitted.

Fee Received By: \_\_\_\_\_ Date: \_\_\_\_\_

NOTE: All ANR Plans shall be accompanied by a filing fee as determined by the most recent Planning Board Fee Schedule.

## Checklist for Receiving Approval Not Required (ANR) Plans:

Plan Reference: \_\_\_\_\_

Owner: \_\_\_\_\_

Location: \_\_\_\_\_

Plan date: \_\_\_\_\_

\_\_\_\_\_ Form A Application (2 copies)

\_\_\_\_\_ Filing Fee (See most recent Planning Board Fee Schedule)

\_\_\_\_\_ Application signed by the owner, or has letter of authorization from the owner

\_\_\_\_\_ Plans (6 copies)

\_\_\_\_\_ Plan contains all items listed in the Rules and Regulations

\_\_\_\_\_ Updated wetlands delineation with plan showing all waterbodies, watercourses, wetlands with their 100-foot buffer zone and, where applicable, all resource areas as defined by Massachusetts Wetland Protection Act Regulations 310 CMR 10.00

\_\_\_\_\_ Existing topography, with two-foot contour intervals (can be on separate plan)

\_\_\_\_\_ Upland lot area calculations to determine zoning conformance

\_\_\_\_\_ Building setback lines for newly created lots

**Sign-Offs** (It is the applicant's responsibility to obtain the sign-offs below)

\_\_\_\_\_ Owner is not on the Delinquent Tax List (Treasurer-Collector Sign Off).

\_\_\_\_\_ Fire Department has reviewed plan and determined that access to the lot is adequate (Fire Department Sign Off)

\_\_\_\_\_ If an existing lot proposed to be divided contains an existing dwelling already located on the lot, Title 5 Regulations require that the septic system must be inspected and the results submitted to the Board of Health within 30 days of the inspection date (Board of Health Sign Off).

ANR Plans will be put on the Planning Board agenda after the Town Planner verifies that all filing information has been submitted and the application is deemed complete. The application will not be deemed complete until all items on the above checklist have been submitted. Once the application is deemed complete, the ANR Plan will be marked "received" at a regularly scheduled meeting of the Planning Board. The Planning Board will act on the ANR plan within 21 days after the plan is received.

**FORM B-1**  
**APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN**

Two (2) copies of this form, filled out and signed, should be included with the original and eight (8) copies of the plan in question. (Please type or print information in blanks below)

Westminster, Massachusetts \_\_\_\_\_, 20\_\_\*  
(Date of Filing)

The undersigned herewith submits the accompanying Definitive Plan of the property in the Town of Westminster for approval as a subdivision under the requirements of the Subdivision Control Law in the Town of Westminster.

Name of Applicant: \_\_\_\_\_ Phone # \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Owner: \_\_\_\_\_ Phone # \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Surveyor: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone # \_\_\_\_\_

Deed of property recorded in \_\_\_\_\_ Registry.

Book No. \_\_\_\_\_ Page No. \_\_\_\_\_

Location and Description of Property: \_\_Map\_\_ Group \_\_ Parcel \_\_\_\_\_

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

Zoning District: \_\_\_\_\_

Acreage \_\_\_\_\_ # of Lots \_\_\_\_\_ Length of Road \_\_\_\_\_

Signature of owner: \_\_\_\_\_

(all applications shall be signed by the owner of the property or if the applicant is represented by an agent, written evidence shall be submitted with the application accompanying the plan that the agent has the authority to submit such application for each owner involved. If the applicant is a corporation, it shall submit with the application a list of its officers, and a duly authenticated certificate of vote authorizing said officers to file the application and plan, and to represent the corporation in all further proceedings incident thereto.)

\*The date entered above shall be the date of the Planning Board meeting at which the Plan is submitted.

Fee Received By: \_\_\_\_\_ Date: \_\_\_\_\_

NOTE: All Plans shall be accompanied by a filing fee as determined by the most recent Planning Board Fee Schedule.





**FORM B**  
**APPLICATION FOR APPROVAL OF A DEFINITIVE SUBDIVISION**

Two (2) copies of this form, filled out and signed, should be included with the original and ten (10) copies of the plan in question. (Please type or print information in blanks below)

Westminster, Massachusetts \_\_\_\_\_, 20\_\_\*  
(Date of Filing)

The undersigned herewith submits the accompanying Definitive Plan of the property in the Town of Westminster for approval as a subdivision under the requirements of the Subdivision Control Law in the Town of Westminster.

Name of Applicant: \_\_\_\_\_ Phone # \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Owner: \_\_\_\_\_ Phone # \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Surveyor: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone # \_\_\_\_\_

Deed of property recorded in \_\_\_\_\_ Registry.

Book No. \_\_\_\_\_ Page No. \_\_\_\_\_

Location and Description of Property: \_\_Map\_\_ \_\_Group\_\_ \_\_Parcel\_\_ \_\_\_\_\_

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

Zoning District: \_\_\_\_\_

Acreage \_\_\_\_\_ # of Lots \_\_\_\_\_ Length of Road \_\_\_\_\_

Amount of land to be disturbed (in square feet or acres) \_\_\_\_\_

Signature of owner: \_\_\_\_\_

(all applications shall be signed by the owner of the property or if the applicant is represented by an agent, written evidence shall be submitted with the application accompanying the plan that the agent has the authority to submit such application for each owner involved. If the applicant is a corporation, it shall submit with the application a list of its officers, and a duly authenticated certificate of vote authorizing said officers to file the application and plan, and to represent the corporation in all further proceedings incident thereto.)

\*The date entered above shall be the date of the Planning Board meeting at which the Plan is submitted.

Fee Received By: \_\_\_\_\_ Date: \_\_\_\_\_

NOTE: All Plans shall be accompanied by a filing fee as determined by the most recent Planning Board Fee Schedule.

## Checklist for Receiving Definitive Plans:

- \_\_\_\_\_ Form B Application signed by owner, and/or letter of authorization from owner
- \_\_\_\_\_ Certified list of abutters within 100' of perimeter of entire parcel.
- \_\_\_\_\_ Filing Fee (see most recent Planning Board fee schedule)
- \_\_\_\_\_ Plans (6 copies)
- \_\_\_\_\_ Stormwater Management – drainage calculations
- \_\_\_\_\_ Calculation of land disturbance (expressed in square feet)
- \_\_\_\_\_ Environmental and community impact analysis
- \_\_\_\_\_ Updated wetlands delineation with plan showing all waterbodies, watercourses, wetlands with their 100-foot buffer zone and, where applicable, all resource areas as defined by Massachusetts Wetland Protection Act Regulations 310 CMR 10.00.
- \_\_\_\_\_ Existing topography with two-foot contour intervals (can be on separate plan)
- \_\_\_\_\_ Upland lot area calculations to determine zoning conformance
- \_\_\_\_\_ Building setback lines for newly created lots

### **Sign-Offs** (It is the applicant's responsibility to obtain the sign-offs below)

- \_\_\_\_\_ Owner is not on the Delinquent Tax List (Treasurer-Collector Sign Off).
- \_\_\_\_\_ Fire Department has reviewed plan and determined that access to the lot is adequate (Fire Department Sign Off)
- \_\_\_\_\_ If an existing lot proposed to be divided contains an existing dwelling already located on the lot, Title 5 Regulations require that the septic system must be inspected and the results submitted to the Board of Health within 30 days of the inspection date (Board of Health Sign Off).

Town of Westminster

Figure 1  
Offset Cul-De-Sac Turnaround

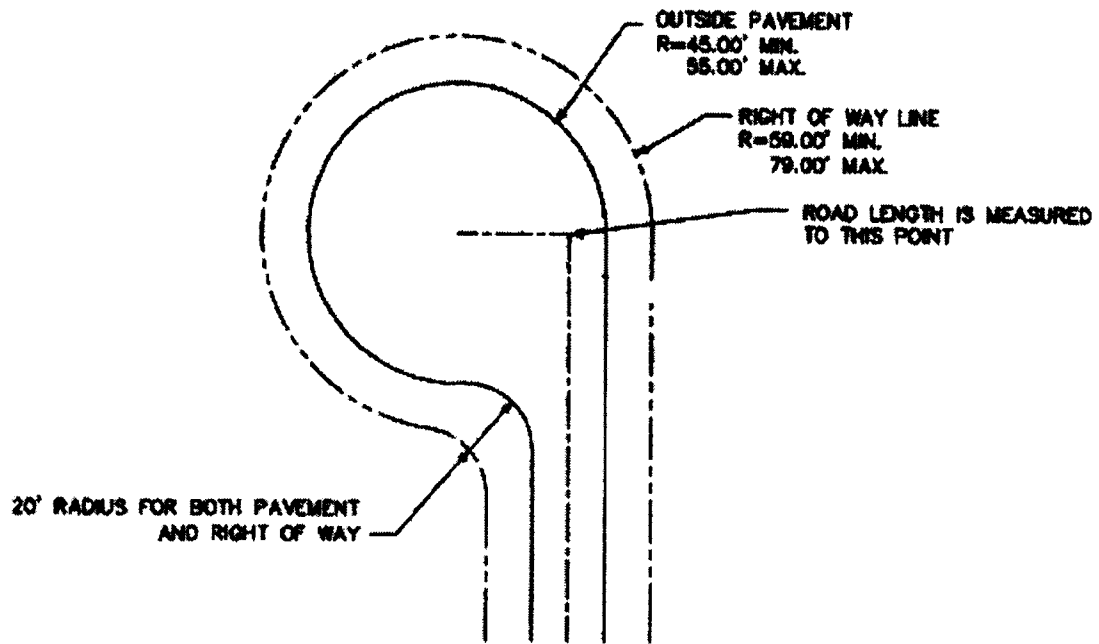


Figure 1A  
Cul-De-Sac Turnaround

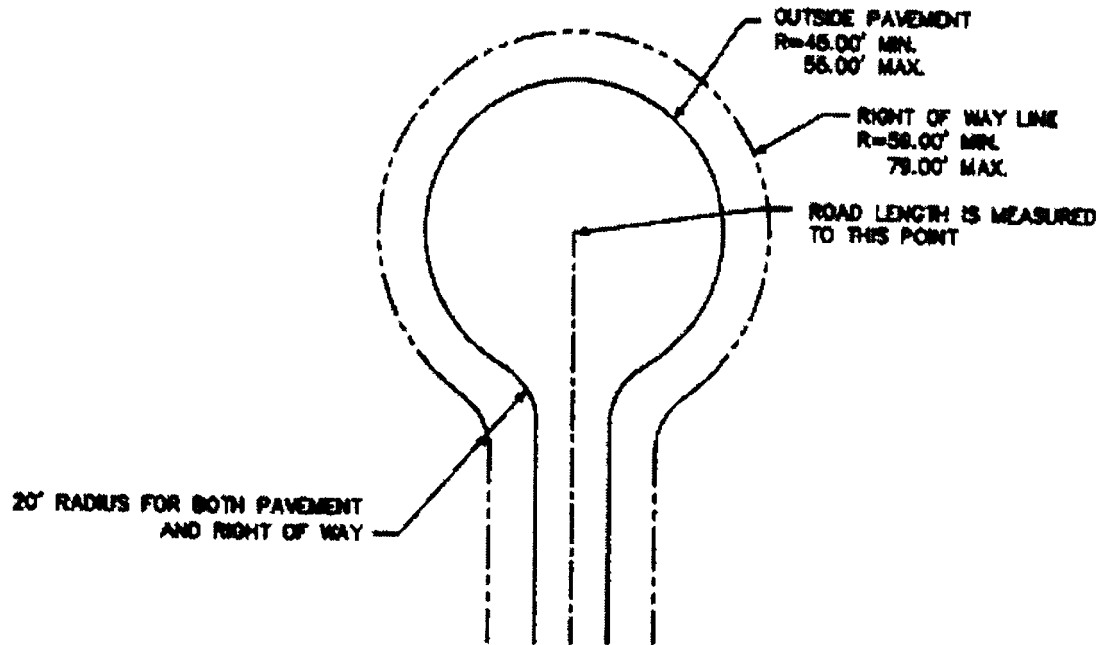
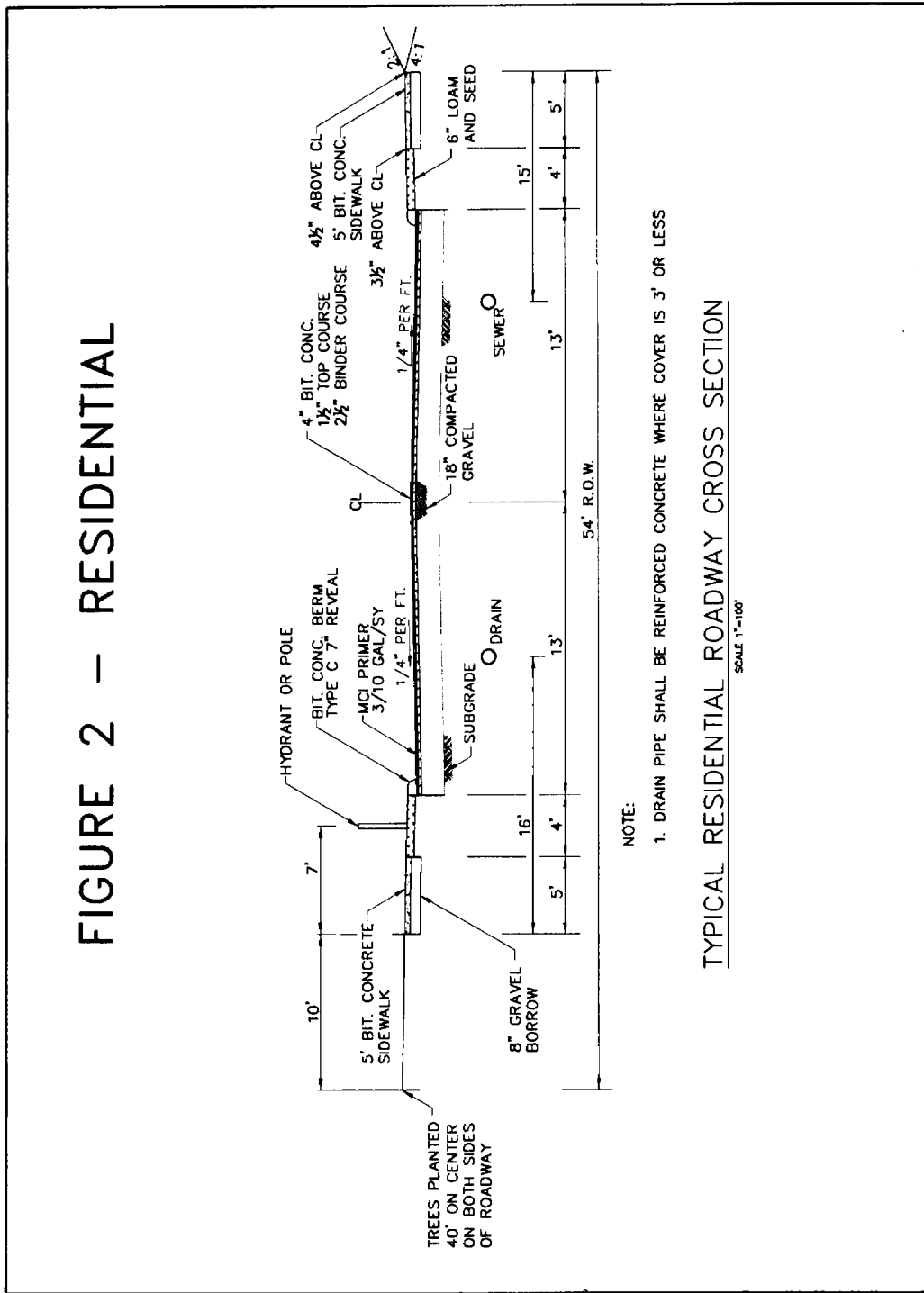
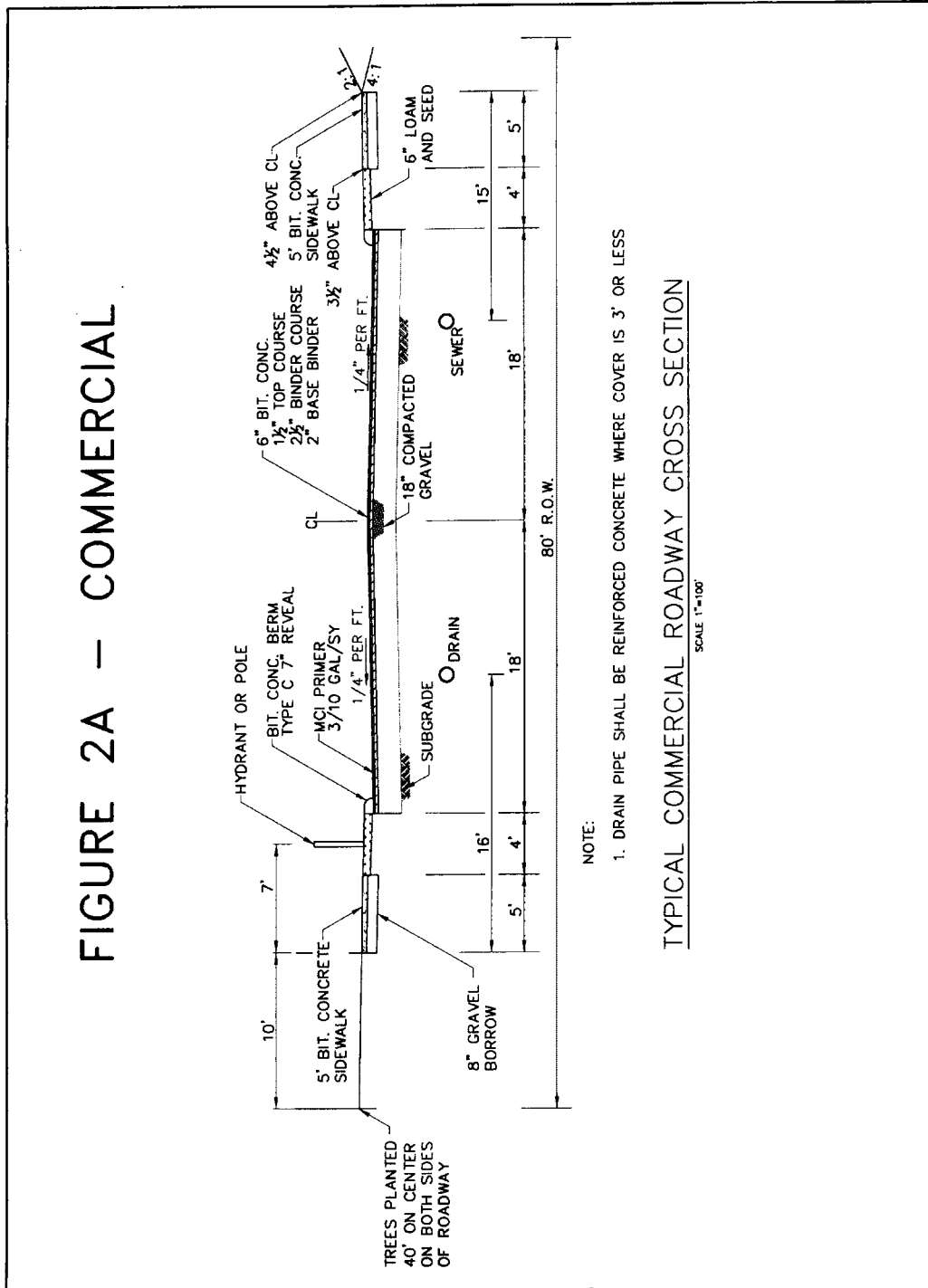


Figure 2  
Typical Residential Roadway Cross Section

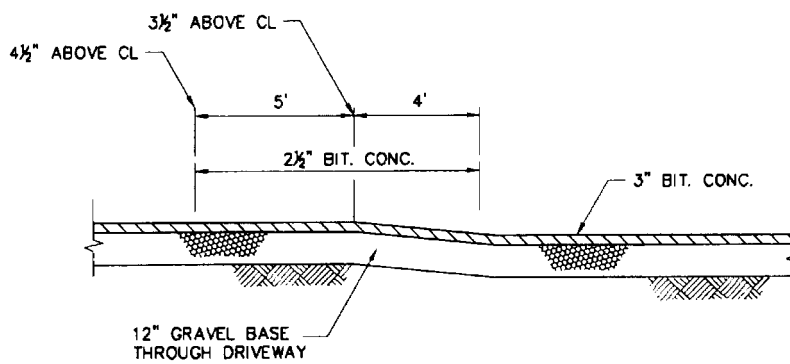


**Figure 2A**  
**Typical Commercial Roadway Cross Section**



**Figure 3**  
**Typical Section Along Driveway**

**FIGURE 3**



TYPICAL SECTION ALONG DRIVEWAY  
NTS



**Figure 4**  
**Granite Curb Inlet Detail**

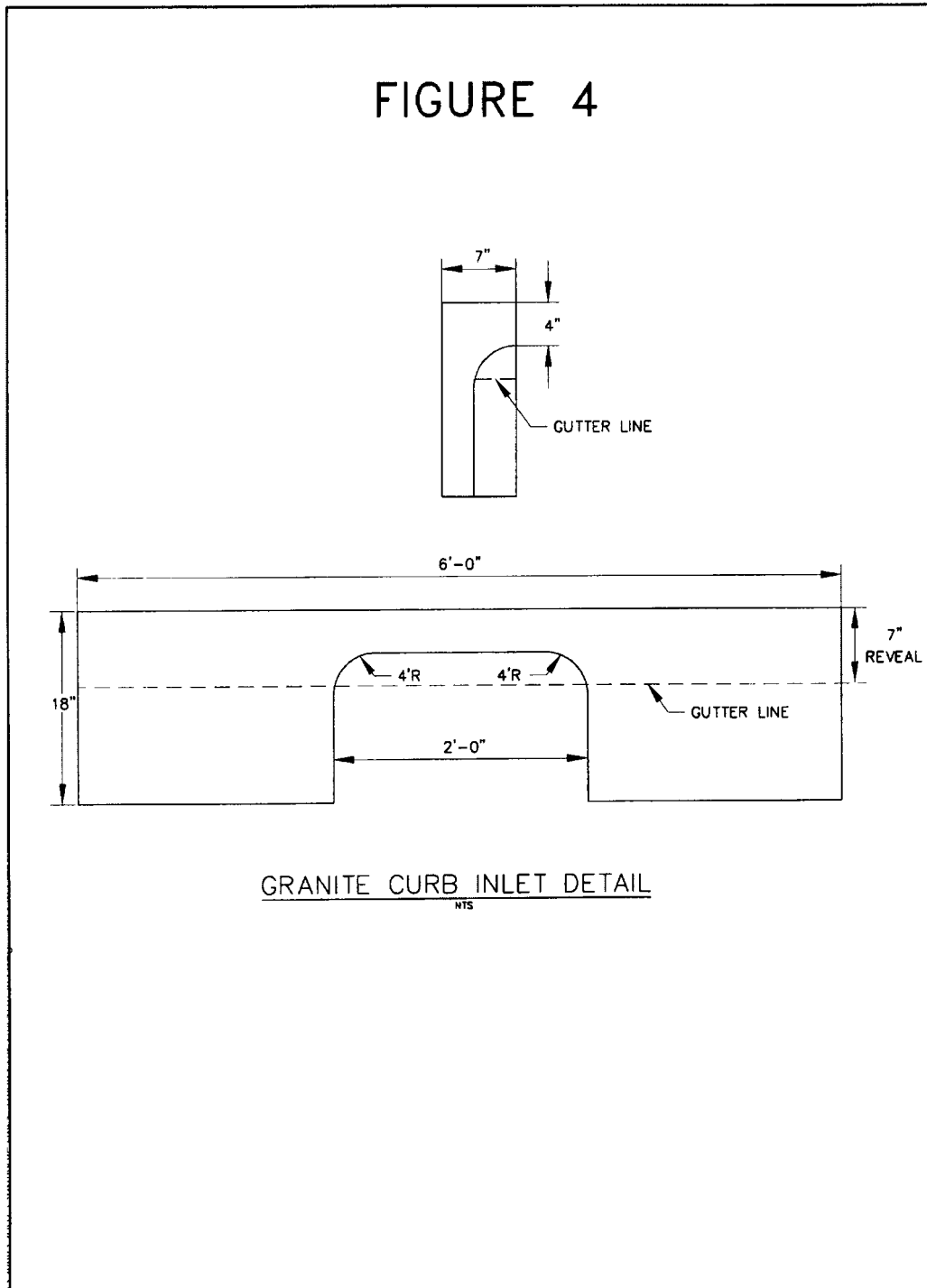
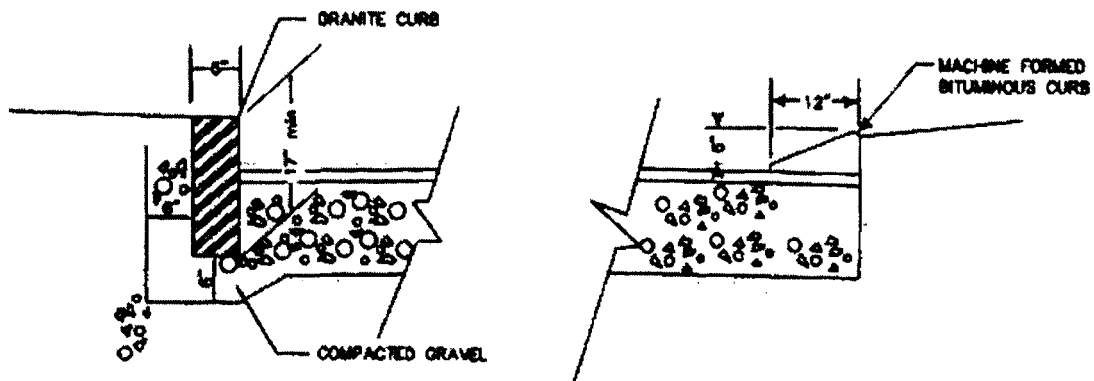


Figure 5  
Curb Details

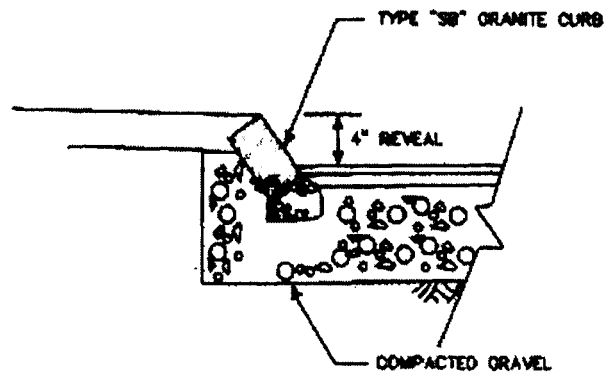


GRANITE CURB DETAIL

NTS

BITUMINOUS CURB DETAIL

NTS



SLOPED GRANITE CURB DETAIL

NTS

Figure 6  
Catch Basin

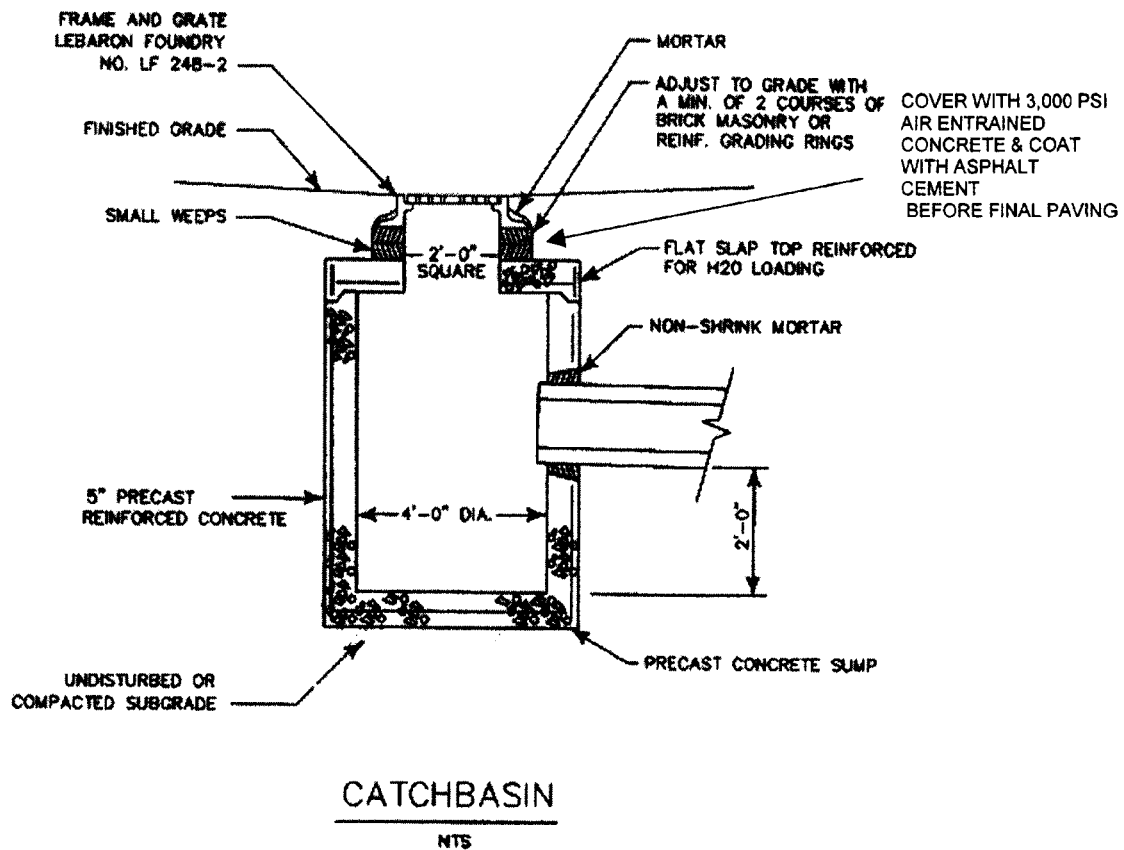
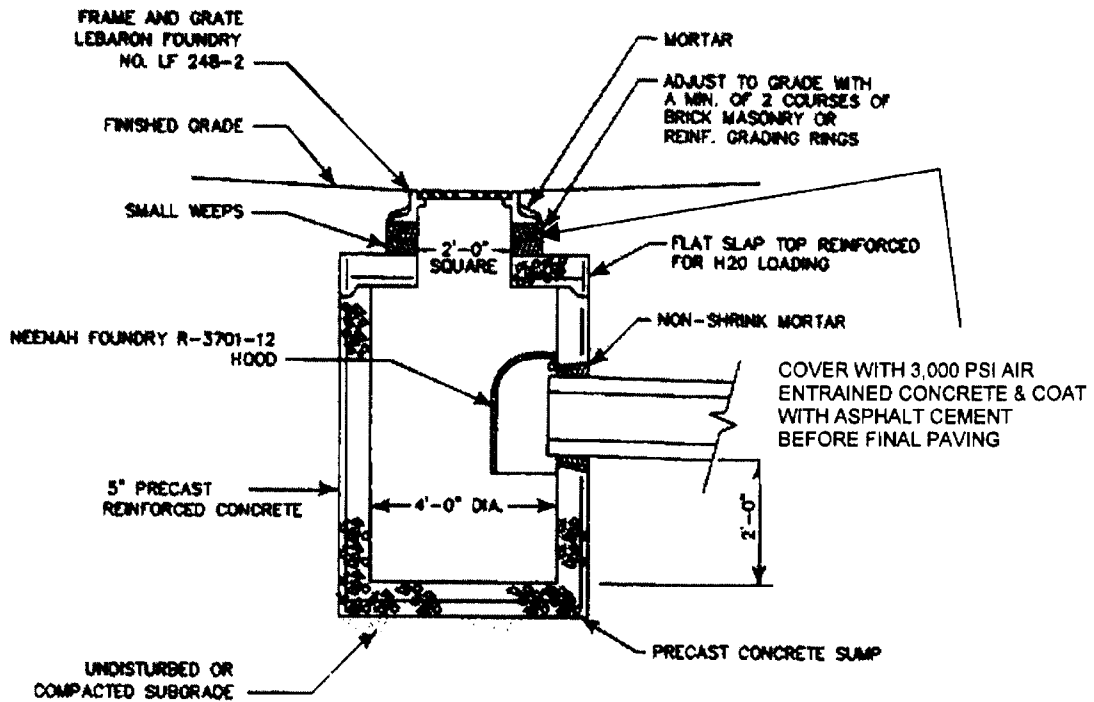


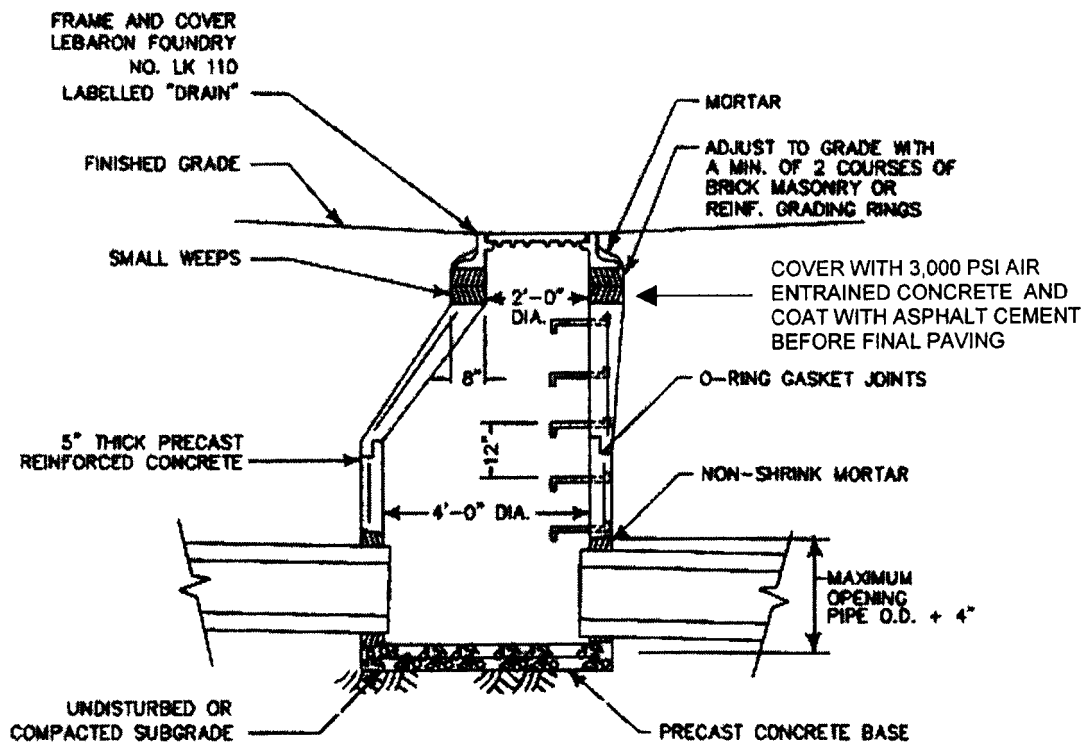
Figure 6A  
Catch Basin with Oil Trap Hood



CATCHBASIN WITH OIL TRAP HOOD

NTS

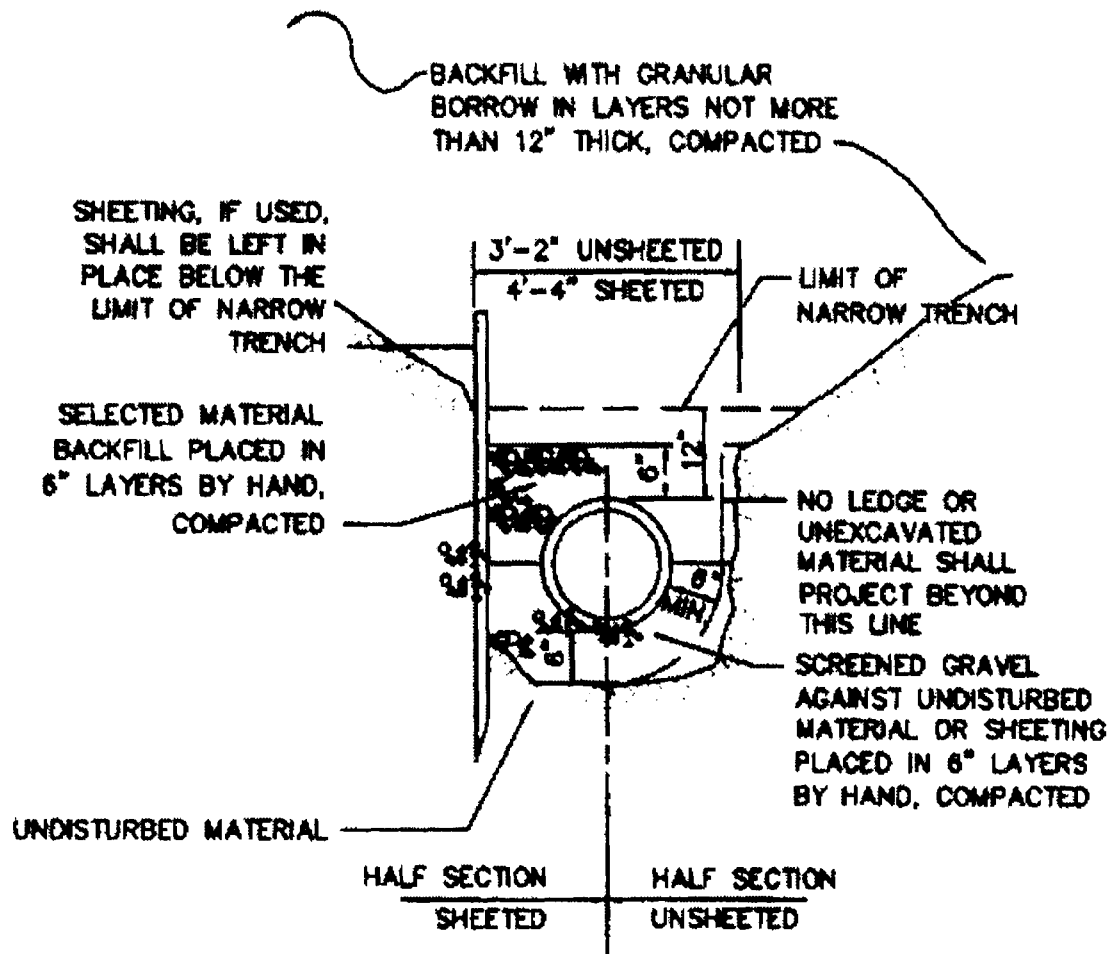
Figure 7  
Drain Manhole



# DRAIN MANHOLE

NTS

Figure 8  
Trench Section - RC Pipe



## TRENCH SECTION - R.C. PIPE

NTS