

**PLANNING BOARD**  
**TOWN OF SUDBURY, MASSACHUSETTS**  
**RULES AND REGULATIONS**  
**Governing the Subdivision of Land**

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## SECTION I. PURPOSE AND AUTHORITY

### A. Purpose of Planning Board Rules and Regulations

The following Rules and Regulations are adopted by the Town of Sudbury Planning Board for the purpose of promoting the health, safety, convenience, morals and welfare of the inhabitants of the Town of Sudbury.

### B. Source of Planning Board Authority

The Planning Board of the Town of Sudbury adopts these Rules and Regulations in accordance with, and as authorized by, General Laws, Chapter 41, Section 81Q, and any amendments thereof, in addition thereto or substitution therefor. They shall become effective on July 16, 1968, and shall remain in full force and effect until modified or revoked.

## SECTION II. GENERAL

### A. Definitions

In construing these Rules and Regulations, the following words shall have the following meaning unless a contrary intention clearly appears:

1. "Administrative Costs" are costs included but not limited to engineering, planning, testing, data collection, analysis, consulting services and site inspections.
2. "Applicant" is a person (as hereinafter defined) who applies for the approval of a plan of a Subdivision or a person who applies under Section IIIA. Applicant shall include an owner, or agent, or representative, or his assignees.
3. "Board" or "Planning Board" means the Planning Board of the Town of Sudbury.
4. "Corner Lot" is a lot which has legal frontage on both a public way and a Subdivision way. It shall be shown on a Subdivision and shall be considered part of that plan.
5. "Easement" is a right acquired by public authority or other person for use or control of property for utility or other designated public purpose.
6. "Frontage" means the uninterrupted linear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include jogs in street width, back up strips and other irregularities in street line. The legal right and physical ability to cross this line must exist.
7. "Frontage, corner lot:" to calculate frontage of a corner lot the tangent of the curve should be used.

8. "General Laws" or "G.L." means the General Laws of the Commonwealth of Massachusetts, Ter. Ed., with all additions thereto and amendments thereof. In case of a rearrangement of the General Laws, any citation of particular sections herein set forth shall be applicable to the corresponding sections in the new codification.
9. "Lot" is an area of land in one ownership with definite boundaries, ascertained by record and/or usage or set aside and available for use, as the site of one (1) or more buildings and buildings accessory thereto.
10. "Number of Dwellings per Lot" means not more than one building designed or available for use for dwelling house purposes shall be erected, placed or converted for such use on any lot in a subdivision or elsewhere in the Town of Sudbury.
11. "Permanent Bench Mark" means a permanent reference mark with the elevation accurately established by stone bounds referenced to the United States Coast and Geodetic Survey. Such bench marks must be approved by the Town Engineer.
12. "Person" means an individual, two or more individuals, or a group or association of individuals, a trust, partnership or corporation, or any combination of the foregoing, having a divided or undivided or common interest in a tract, or portion of a tract, of land.
13. "Print" means a contact print with a dark line on a white background.
14. "Roadway" means that portion of a "Way" which is designed and prepared for vehicular traffic.
15. "Subdivision" is defined under Section 81L, Chapter 41 of the General Laws, the Subdivision Control Law.
16. "The Subdivision Control Law" refers to G.L., c. 41, Section 81K to 81GG inclusive, and any amendments thereof, additions thereto or substitutions thereof.
17. "Town" means the Town of Sudbury.
18. "Way" means the full strip of land designated as a way, as distinguished from the "Roadway."
19. "Work Supervisor" means an individual, so designated by the Board, to act as a supervisor of work to be performed hereunder.
20. "Yard, front" means land extending across the required width of the lot and lying between the street line of the lot and the nearest line of the building. The depth of the front yard shall be the minimum distance between the building and the front lot line.

21. Other terms or words and phrases not defined herein or in the Subdivision Control Law shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

B. Administration

The Board will hold meetings at such place and on such dates as may be designated by notice filed with the Town Clerk. No plan shall be acted upon by the Board until said plan, together with all required accompanying applications, forms, fees, lists and other items, have been delivered, in person, by the applicant, and are properly executed and fully completed in accordance with these Rules and Regulations.

C. Variation

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

D. Reference

For matters not covered by these Rules and Regulations, reference is made to the Subdivision Control Law. In addition, reference is made to "Standard Specifications for Highways and Bridges," Massachusetts Department of Public Works.

E. Severability

The provisions of these Rules and Regulations are severable from each other, and if any of said provisions shall be held unconstitutional or invalid by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect; if any provision of these regulations is held by such court to be invalidly applied to any particular case, all other applications of such provision to other cases shall not be affected thereby.

### SECTION III. NONSUBDIVISION PLANS

A. Submission

Any person who wishes to record with the Registry of Deeds or file with the Land Court a plan of land, and who believes that his plan does not require approval under the Subdivision Control Law, must submit his plan and completed application Form A to the Board accompanied by a written statement and all other evidence necessary to show that the plan does not require approval under the Subdivision Control Law. The original and three copies of the plan along with the Form A must be presented to the Board at least three (3) full business days prior to the Board's regularly scheduled meeting at which endorsement and execution is desired. Said person

shall file with the Town Clerk, by delivery or by registered mail, a notice stating the date of submission of Form A and accompanied by a copy of application Form A and his plan.

A filing fee in the amount of fifty dollars (\$50.00) shall be submitted for each plan which creates no new boundary lines. A filing fee in the amount of one hundred dollars (\$100.00) shall be submitted for each plan which creates new boundary lines along with an additional one hundred dollar (\$100.00) fee for each new building lot created.

#### B. Requirements

All plans shall be drawn on mylar, preferably to a scale of 1" =40'.

Each plan shall include the following:

1. North point, date of survey, and scale.
2. Name and address of owner of record and name and address and seal of Registered Professional Engineer and Registered Land Surveyor qualified by experience, training, and registration to certify accuracy of the drawing. A certificate stating the experience, training, and registration of the person preparing the drawing shall be required.
3. Names and addresses of all abutters from the most recent tax list.
4. Existing and proposed boundary lines, dimensions and areas of lots.
5. Existing and proposed lines of streets, ways and easements and whether such are public or private ways.
6. Zoning classification.
7. Any present or proposed public areas within the property.
8. Location of all existing buildings, if any.
9. Permanent monuments.
10. The Board may require a locus map or any other information deemed necessary for the Board's determination.
11. Where adjoining land is owned by the applicant, the applicant shall furnish evidence on the plan indicating that the adjoining land has adequate frontage.
12. Endorsement block shown on Form A.



C. Procedure for Approval or Disapproval

If the Board determines that the plan does not require approval under the Subdivision Control Law, it shall, without a public hearing and within twenty-one (21) days of submission, endorse on the plan the words "Planning Board approval under the Subdivision Control Law not required" and return the plan to the applicant. Such endorsement shall not be deemed to constitute any determination of compliance with the requirements of the Zoning Bylaw.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty-one (21) days of submission of said plan, so inform the applicant. The Board shall also notify the Town Clerk of its determination.

A filing fee in the amount of fifty dollars (\$50.00) shall be submitted for each plan which creates no new boundary lines. A filing fee in the amount of one hundred dollars (\$100.00) shall be submitted for each plan which creates new boundary lines along with an additional one hundred dollar (\$100.00) fee for each new building lot created.

SECTION IV. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF  
SUBDIVISION PLANS THAT REQUIRE APPROVAL UNDER  
THE SUBDIVISION CONTROL LAW

A. General Information for Subdividers

1. Subdivision Without Approval Prohibited: Any person desiring to make a subdivision of land within the meaning of the Subdivision Control Law of any land within the Town of Sudbury, shall, before proceeding with the use, the improvement or the sale of lots in a proposed subdivision, or the construction of ways, or the installation of services therein, submit to the Board a plan of the proposed subdivision and secure the approval by the Board of a Definitive Plan of the proposed subdivision.
2. Compliance with the Board's Rules and Regulations: All plans and procedures relating thereto shall comply in all respects with the provisions of these Rules and Regulations, unless the Board authorizes a variation therefrom in specified instances.
3. Compliance with the Zoning Bylaw: The Board will not approve or modify and approve any plan of a subdivision of land unless all buildings, structures and lots shown on said plan comply with the Zoning Bylaw of the Town of Sudbury or unless a variance from the terms thereof has been properly granted.
4. Criteria for Board Action: The Board, in considering any proposed subdivision plan, will be concerned with the requirements of the community, the best use of the land being subdivided, and the Master Plan of the Town of Sudbury. Attention will be given to width, arrangement and location of streets, sanitation, drainage, sizes and arrangement of lots, open spaces and parks, and the natural features of the land. Adequate street

connections will be required whenever feasible to ensure access to adjoining subdivisions and lands.

5. Outline of Steps in Securing Subdivision Approval:

- a. Secure application forms and information on zoning.
- b. The applicant is required to schedule a pre-application meeting with the Town Planner, Conservation Coordinator, Fire Chief, Health Director and the Department of Public Works Director before submitting either a Preliminary or a Definitive Subdivision Plan. Such meeting will inform the various departments of a pending application and alert the applicant to issues that may arise as a result of the differing rules and regulations of the permitting boards. This pre-application meeting requirement is added for the benefit of the applicant. Its purpose is to prevent multiple, unnecessary revisions as the project is submitted to the individual boards. The applicant is responsible for scheduling the pre-application meeting at a mutually convenient time and place, and Town staff will make an effort to attend.
- c. File Preliminary Plan with the Board with notice thereof to the Town Clerk. See Section IV,B,2 below. (Optional)
- d. Within sixty (60) days the Board shall decide on tentative approval, disapproval or modification of Preliminary Plan.
- e. File Definitive Plan with the Board along with application, fee, etc., forward additional copies to other Town boards and give notice to the Town Clerk. See Section IV,C,1 below.
- f. Review by Board of Health and other boards and commissions within forty-five (45) days after filing Definitive Plan.
- g. Public Hearing after fourteen (14) days published notice.
- h. Prepare and submit bond or other performance guarantees for improvements.
- i. Board shall act within sixty (60) days of original submission of Definitive Plan.
- j. Certification and recording of Definitive Plan in Registry of Deeds.

B. Preliminary Plan

1. Purpose: The purpose of the Preliminary Plan is to acquaint the Board with the intentions of the applicant, and to allow for an informal discussion of the plan. This procedure allows recommended changes to be conveniently incorporated into the Preliminary Plan prior to development of the final plans. It is a talking document.

The Board encourages those intending to submit Preliminary and/or Definitive Subdivision Plans to meet informally with the Board prior to submission of such plans. The purpose of such meetings is to ensure complete knowledge of applicable Rules and Regulations, and to save time in preparation of plans and to ensure that an adequate plan is submitted.

2. Submission: Nine (9) copies of the Preliminary Plan along with a properly executed Form B shall be submitted to the Board during regularly scheduled office hours. The extra copies are for distribution by the Board to other Town Boards and Commissions for their review.

If approval of the Preliminary Plan is being sought under G.L. Chapter 41, Section 81S, the applicant shall give appropriate written notice by delivery to the Board and to the Town Clerk, stating that such a Preliminary Plan has been submitted, the submission date and accompanied by a copy of a completed application Form B.

3. Filing Fee: A minimum deposit in an amount equal to \$1.00 per linear foot of proposed roadway as shown on the plan, or five hundred dollars (\$500.00), whichever is greater, to cover administrative costs incurred by the Town for review of the preliminary plan, plus a nonrefundable fee of fifty dollars (\$50.00) for each new building lot proposed, shall be submitted. Such deposit shall be submitted in check form only, such check to be made out to the Town of Sudbury (no cash will be accepted). If prior to Planning Board action on the plan the Board finds that the minimum deposit is not sufficient to cover actual costs incurred by the Town during the review of the plan, the applicant shall be required to submit forthwith such additional amount as is deemed required by the Board to cover such costs. The Board shall notify the applicant of such additional amount in writing by certified mail. Failure to submit such additional amount as required by the Board within seven days of receipt of said notice shall be deemed reason by the Board to disapprove said plan. If the actual costs incurred by the Town for review of said plan is less than the amount on deposit as specified above, the Board shall authorize that such excess amount be refunded to the applicant concurrently with final Planning Board action on said plan.
4. Form and Contents: Preliminary Plans shall be drawn on white bond paper or mylar with pencil and shall show the following:
  - a. The Subdivision name, boundaries, north point, date, scale, legend, locus map, and the words "Preliminary Plan."
  - b. The name or names and addresses of the owner of record, the applicant and the Registered Professional Engineer or Registered Land Surveyor who drew the plan.
  - c. Existing and proposed lines of streets, ways, easements, walkways, public and common areas, flood plain zoning, flood hazard districts, historic districts and other zonelines within the subdivision.

- d. The names and approximate location and width of adjacent streets.
  - e. The proposed system of drainage, including enclosed and adjacent existing natural waterways. Drainage calculations are required by the Board.
  - f. The approximate boundary lines of all proposed lots, with approximate areas and dimensions.
  - g. The topography of the land, from actual survey, showing two (2) foot contours.
  - h. A scale of 1" = 40'.
  - i. Major site features, such as existing stone walls, fences, buildings, large trees, rock ridges and outcroppings, wetlands, streams and water bodies, wooded areas and open fields.
  - j. Names and addresses of all abutters as determined from the most recent local tax lists, including owners of land separated from the subdivision only by a street or way.
5. **Adjacent Land:** Where the owner or subdivider also owns or controls unsubdivided land adjacent to or across the street from that shown on the Preliminary Plan, the applicant shall submit a sketch plan showing a possible or prospective street layout and the present drainage, natural and constructed, for such adjacent land. The sketch may be submitted separately from the preliminary plan.
6. Any applicant proposing the subdivision of 10 acres or more shall submit a preliminary cluster subdivision plan which complies with the concepts of section IV.D of the Zoning Bylaw and which illustrates an alternative to a conventional design.
7. **Tentative Approval:** If approval of the Preliminary Plan has been sought by the applicant under G.L. Ch. 41, Section 81S, the Board shall within sixty (60) days after submission approve such Preliminary Plan with or without modifications suggested by it or agreed upon by the applicant or shall disapprove such Preliminary Plan, and in the case of disapproval the Board shall state its reasons therefor. If the Preliminary Plan is approved, such approval does not constitute approval of a subdivision, but does facilitate the procedure in securing final approval of a Definitive Plan. Action of the Board shall be transmitted in writing to the Town Clerk and the applicant.
- C. **Definitive Plan**
1. **Submission:** Any person who submits a Definitive Plan of a subdivision to the Board for its approval shall file therewith during regularly scheduled office hours the following:
- a. Title abstract for the land within the subdivision.

- b. An original drawing of the Definitive Plan (as defined in IV,C,2, below) a reproducible copy (from which Ozalid prints can be made) hereinafter called the "reproducible copy," and ten (10) contact prints. (The original drawings will be returned after approval or disapproval.) All Definitive Plans shall also be submitted on electronic disk format compatible with the town's Geographic Information System. All subdivisions 25 acres or more in size shall be required to tie bound lines into the Massachusetts Coordinate System.
- c. Duplicate copies of Form C properly executed.
- d. A list of abutters to the Subdivision, including those separated from the Subdivision by only a street, as shown on the Definitive Plan, together with the address of each as determined from the most recent local tax list, certified by the Assessors on Form D.
- e. A location sketch of the Subdivision showing the lines of all proposed streets in the Subdivision and their location in relation to existing surrounding streets sufficient to readily orient the Subdivision within the Town. A recommended location for this locus sketch is directly on the Definitive Plan drawn to a reasonably small scale.
- f. Where the owner or subdivider also owns or controls unsubdivided land adjacent to or across the street from that shown on the Definitive Plan, the applicant shall submit a sketch plan showing a possible or prospective street layout and the present drainage, natural and constructed, for such adjacent land, unless such a plan has already been submitted to the Board with a Preliminary Plan (See IV,B,4 above.)
- g. An engineer's or land surveyor's calculation sheet of the Subdivision perimeter shall be submitted.
- h. Filing fee requirement: see Section C.2 below.
- i. Any applicant proposing the subdivision of 10 acres or more shall submit a preliminary cluster subdivision plan which complies with the concepts of section IV.D of the Zoning Bylaw and which illustrates an alternative to a conventional design.

The applicant shall also by delivery or registered mail file written notice with the Town Clerk, stating that he has submitted such a plan, in accordance with G.L., Chap. 41, Section 81T, as amended with the date of submission of the Definitive Plan, accompanied by a copy of the completed application Form C.

- 2. Filing Fees: A minimum deposit in an amount equal to \$1.00 per linear foot of proposed roadway as shown on the plan, or two thousand dollars (\$2,000.00), whichever is greater, to cover administrative costs incurred by the Town for review of the definitive subdivision plan, plus a nonrefundable fee of one hundred fifty dollars (\$150.00) for each

new building lot proposed, shall be submitted. If no preliminary plan has been submitted prior to the definitive filing, the fee shall be \$2,000.00 plus two hundred fifty dollars (\$250.00) for each new building lot proposed. Such deposit shall be submitted in check form only (no cash will be accepted), such check to be made out to the Town of Sudbury. If prior to Planning Board action on the plan, the Board finds that the amount on deposit, as prescribed above, is not sufficient to cover the actual costs incurred, the applicant shall be required to submit forthwith the additional amount deemed necessary to cover such costs. Failure to do so shall be deemed reason for disapproval of said plan by the Board. The Board shall notify the applicant of such required amount in writing by certified mail. Failure to submit such additional amount as required by the Board within seven days of receipt of said notice shall be deemed reason by the Board to disapprove said plan. If the actual costs incurred by the Town for review of said plan is less than the amount on deposit as specified above, the Board shall authorize that such excess amount be refunded to the applicant concurrently with final Planning Board action on said plan.

3. Form and Contents: The Definitive Plan shall be prepared by a Registered Professional Engineer and Registered Land Surveyor and shall be clearly and legibly drawn in black india ink on mylar or linen. The plan and all surveying done therefor shall conform to the requirements of the Land Court Class A as set forth in the manual of said Court, as from time to time amended. The plan shall be at a scale of 1" = 100' or other readable scale acceptable to the Board. Sheet size shall preferably not exceed 24" x 36", with proper margins including 1-1/2" on the left side for binding. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire Subdivision plan and shall be appropriately numbered.

The Definitive Plan shall contain the following information:

- a. Subdivision name, boundaries, north point, date, legend, graphic scale and the words "Definitive Plan."
- b. Names and addresses of record owner and applicant, and the name and seal of the Registered Professional Engineer and Registered Land Surveyor. A certificate stating the experience, training, and registration of the person preparing the drawings shall be required.
- c. Names of all abutters as determined from the most recent local tax list, including owners of land separated from the Subdivision by only a street.
- d. Recorded contiguous Subdivisions, including name of developer, development firm, and/or other owner(s), name of Subdivision, date of approval, and the Registry and Land Court number.
- e. Existing and proposed lines of streets, ways, walkways, easements, public and common areas, flood plain zoning, flood hazard districts, historic districts and other zonelines within or within 1,000 feet of the subdivision.

- f. The proposed names of proposed streets will be shown in pencil until they have been approved by the Board and the Fire Chief.
- g. Location, names and present widths of streets bounding, approaching, or within 1,000 feet of the subdivision.
- h. Location of street lights, if any, must be shown on the Definitive Plan and utility layout.
- i. Boundary lines, areas, and dimensions of all proposed lots, with all lots designated numerically and in sequence; numbering sequence to be approved by the Board in advance.
- j. Sufficient data to determine the location, direction, and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.
- k. Location of all permanent monuments properly identified as to whether they are existing or proposed, and location of permanent bench mark(s). The developer must install and maintain one within each right-of-way of the Subdivision.
- l. Location of existing buildings if any.
- m. Proposed system of drainage including easements, for both roads and individual lots where surface water is interrupted or impeded by changes resulting from Subdivision construction.
- n. Location of natural waterways, indicating approximate depth and flow, within and adjacent to the Subdivision.
- o. All water bodies, wetland and adjacent upland resource areas or flood plain areas including approximate depths, within or within reasonable proximity (1000 feet) of the Subdivision. The limit of all wetland and adjacent upland resource areas within the subdivision shall be certified by the Conservation Commission prior to submittal of a definitive Plan to the Planning Board.
- p. Location of trees over eight (8) inches in diameter within, or within ten (10) feet of the right-of-way.
- q. Location of existing utilities, overhead and underground, indicating size and type.
- r. Location of all proposed septic disposal areas with a minimum of one percolation test and two deep test holes per leach area. Minimum depth to groundwater shall be determined. A log of the deep test holes, percolation tests and depth to groundwater for the entire site as witnessed by a representative of the Board of Health shall be included.
- s. Plan should indicate any conformance with the Master Plan for the Town.

t. Each plan shall have printed on it in a suitable location the following:

“Subdivision approved subject to conditions contained in the covenant and the decision document, both recorded herewith.”

Sudbury Planning Board, \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby certify that no notice of appeal was received during the twenty days next after receipt and recording of notice from the Planning Board of the approval of the within plan.

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

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

u. A separate layout plan for each proposed street in the subdivision, at a horizontal scale of forty (40) feet to an inch, showing for each street proposed exterior lines, centerline, point of tangency, length of tangents, length of curves, intersection angles, radii of curves, buildings, and other major fixtures within forty (40) feet of the exterior lines of such street. The layout plan shall also show the size and location of all catch basins and storm drains.

Street cross-sections are to be as shown on the Planning Board's Typical Street Cross-Section Plan found in the Appendix of these Rules and Regulations. Any deviation from this standard must receive prior approval from the Board. Where such deviation is granted, there shall be drawn, as part of the Definitive Plan, cross-sections of the proposed street, properly located and identified by station number, at such intervals along the street as will adequately indicate any variations in each section from the standard cross-section plan. In addition this shall be supplemented, where necessary, by lines on the layout plan showing the width and location of proposed roadway, grass plots, gutters, walkways and similar physical features. When the Board's Typical Street Cross-Section, locating placement of all underground utilities, is to be adhered to without deviation, such agreement may be indicated by proper notation on the layout plan. If this is done, only one typical cross-section need be drawn and marked "typical."

Wherever an existing or proposed culvert crosses a Subdivision street, a cross-section shall be drawn for that location to show the underground utilities in relationship to the culvert.



Directly above or below the layout plan of each proposed street, a profile shall be drawn at a horizontal scale of forty (40) feet to an inch and a vertical scale of four (4) feet to an inch, showing for each street existing centerline grades. Proposed grade elevations shall be shown by figures at fifty (50) foot stations, except on vertical curves where they shall be shown at twenty-five (25) foot stations. Profiles shall also indicate the location of any intersecting public or private ways, and the location of existing and proposed storm drains.

- v. Major site features, such as existing stone walls, fences, buildings, historic features, large trees (over 18" in diameter), rock ridges and outcroppings, and wetlands.

Any lot containing existing grades that equal or exceed 10% which will be disturbed by development of the lot shall require a regrading plan showing approximate final grades of the developed lot, including wastewater disposal area, foundation location and driveway and any other graded areas.

- w. Existing and proposed topography of the entire Subdivision including proposed foundation locations with two (2) foot contour intervals, from actual survey is required.

Where only one street is proposed, the information required by item "t" (layout plan, cross-sections and profile) may be shown either on the same sheet as items "a" through "s" or on a separate sheet, but where more than one street is proposed, the layout plan, cross-sections, and profile (item "t") shall be shown together on a separate sheet for each street. All such sheets, together with those showing items "a" through "s" shall be deemed to constitute the Definitive Plan of the Subdivision.

Items "u" and "v" may be shown on the same sheet as items "a" through "s" or on separate sheets. When the information in items "u" and "v" have been previously submitted to the Board as part of the Preliminary Plan, they need not be resubmitted with the Definitive Plan.

- x. Environmental impact studies, or other impact studies, showing the effect on quality, aesthetics and human interests of the community may be required by the Board.
4. Cluster Subdivisions: In addition to the Definitive Plan, all persons seeking a Special Permit from the Planning Board for a Cluster Subdivision, as defined in Section IX,V,D of the Sudbury Zoning Bylaw, must file a Cluster Development Site Plan and a Preliminary Subdivision Plan in accordance with Section IV,C,4 of these subdivision Rules and Regulations. The Site Plan and the Definitive Plan may be the same plan provided all required information can be clearly and legibly shown, otherwise separate sheets will be required. The Site Plan must be prepared in a form suitable for recording, as stipulated for the Definitive Plan.

- a. Preliminary Subdivision Plan, Cluster Subdivisions: The applicant is referred to Section IX,IV,D of the Sudbury Zoning Bylaw and Section IV,B of these rules and regulations for further information regarding the Preliminary Subdivision Plan. The Preliminary Plan, described in Section IX,IV,D of the Zoning Bylaw is intended to be an exercise to determine the number of lots that could be constructed in a conventional subdivision. It shall show a lot layout and street layout superimposed on a plan showing the boundaries of the development tract. Such plan shall conform to provisions described in Section IV,B of the Rules and Regulations governing the subdivision of land for a Preliminary Subdivision Plan and shall be accompanied by a report from the Board of Health stating which lots on said plan contain soil conditions suitable for sub-surface sewage disposal in accordance with rules and regulations of the Town of Sudbury and applicable laws of the Commonwealth of Massachusetts. Said plan shall delineate the official wetland boundaries and areas of the site potentially suitable for development of a potable water supply consistent with the provisions of Sections IV,D,3c and IV,D,5a of the Sudbury Zoning Bylaw, The location of any easements within which the construction of buildings is prohibited or of any building, such as an historic structure, the removal or demolition of which is regulated by a Town Bylaw or other law, shall be shown.

The street layout shall comply with the dimensional standards set forth in Section VI,D of these regulations. Lots shown shall comply with the minimum lot frontage, the minimum lot area, the minimum lot width and the maximum lot perimeter of the Zoning Bylaw for the district in which the tract is located. No parcel shall be designated as a buildable lot if: 1) the shape and dimensions of the lot would be in violation of a Town Bylaw or other law or 2) the shape and dimensions of the lot would not permit construction of a dwelling without violating the terms of an easement, Town Bylaw or other bylaw or 3) the lot contains soil conditions unsuitable for sub-surface sewage disposal in accordance with rules and regulations of the Town of Sudbury and applicable laws of the Commonwealth of Massachusetts.

- b. Site Plan, Cluster Developments: The applicant is referred to Section IX,IV,D of the Sudbury Zoning Bylaw for further information regarding the Site Plan. The applicant is also expected to discuss the Site Plan with the Planning Board to ascertain exactly what information the Board will require. In general, the Site Plan shall show:
- (1) all building sites and/or building "envelopes" (area within a lot whereupon a building, septic system and/or any other accessory structure or facility may be constructed), and all existing structures are to be dimensioned;
  - (2) all existing and proposed grades, existing and proposed changes to topography;

- (3) all soil characteristics as shown on Soil Conservation Maps;
  - (4) all resource areas as defined in M.G.L., Chapter 131, Section 40 (The Wetlands Protection Act), including delineation of the official wetland area boundaries as accepted by the Sudbury Conservation Commission;
  - (5) a hydrogeologic description of the suitability of the site and all of its subareas for development of a potable water supply;
  - (6) all existing and proposed trees, proposed screenings, fencing, and plantings and other landscape features;
  - (7) all driveways and proposed parking provisions; and
  - (8) all proposed lighting, signs, service areas, refuse and waste disposal areas.
- c. Accompanying Statements and Data: The applicant shall submit with the Definitive Plan statements and data providing the information listed below.
- (1) any easements, covenants and restrictions applying to the area proposed to be subdivided;
  - (2) proposed land management plans for any open space or common land;
  - (3) proposed arrangements for water supply, with supporting data, as required by the applicable rules and regulations of the Sudbury Water District and/or the Board of Health;
  - (4) proposed arrangements for storm and surface drainage, with supporting data and design analysis, including plans and profiles showing location and size of drain lines and culverts, design of catch basins and manholes, and other information as may be required to define the drainage provisions; and
  - (5) sight lines for entering and merging traffic at street intersections and driveway intersections, and all other data pertaining to traffic, safety, crossings, trails, pedestrians, cyclists, etc.
5. Site Evaluation: A Site Evaluation shall be submitted for all subdivisions which create frontage for six or more lots. The Board may require that certain elements of the site evaluation be prepared by qualified experts. The Board may require that certain of the following information is necessary to evaluate a plan for less than six (6) lots as well, because of special circumstances relating to the location, natural features, or the proposal itself.

- a. The Site Evaluation shall consist of the following:
- (1) A set of plans at a uniform scale, encompassing the entire subdivision on a single sheet not larger than 24" x 36" showing:
  - (2) boundaries of the subdivision, existing and proposed streets, and proposed lot lines;
  - (3) topography at two (2) foot contour intervals, with graphic drainage analysis; location of all existing structures, including fences and stone walls; and location of all surface water bodies, wetlands, and aquifer or recharge areas for existing public water supplies;
  - (4) vegetative cover analysis, including identification of general cover type (wooded, cropland, brush, etc); location of all major tree groupings and outstanding trees, important wildlife habitats, and identification of areas not to be disturbed by construction;
  - (5) soil types (based on the U.S. Department of Agriculture soils study), approximate groundwater level, and location and results of soil percolation and other subsurface tests;
  - (6) visual analysis, including analysis of scenic vistas and the visual impact of the subdivision on other properties.
- b. A narrative statement, with references to the above plan as necessary, documenting:
- (1) impact of the subdivision upon surface and groundwater quality and level;
  - (2) effects upon important wildlife habitats, outstanding botanical features, scenic or historic sites or buildings;
  - (3) capability of soils, vegetative cover, and proposed erosion control measures to support proposed development without erosion, silting, or other instability;
  - (4) estimated increase of peak run-off caused by altered surface conditions, and methods to be used to return water to the ground;
  - (5) description of proposed alterations of wetlands or flood plain areas;
  - (6) a report estimating the traffic flow at peak periods in relation to existing traffic on the streets in and adjacent to the subdivision, and the effect of the project on public services such as water, sewer, schools, police, fire, waste disposal, and recreational facilities;

- (7) a summary tabulation of the total area being subdivided, the total area of all lots, the total area dedicated for streets and drainage or utilities, and the total area reserved for recreation, parks or other open land;
- (8) a projection of the direct, current Town costs and revenues associated with the development;
- (9) an analysis of the sight distances at the intersections of the proposed street(s) with any other street(s).

6. Review

- a. Board of Health: As provided in G.L. Chap. 41, Section 81U as amended, the Sudbury Board of Health shall within forty-five (45) days after the filing of the Definitive Plan, report to the Board, in writing, setting forth its approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown of such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and, where possible, shall make recommendations for the adjustment thereof. Failure so to report shall be deemed approval by such Board.
- b. Review and Approval of Utility Layout: During the review period, prior to Board action on the Definitive Plan, the applicant will take the reproducible copy, supplied to the Board at submission, and will have the utilities layed out by the responsible Town officials. For each street the following will be located and approved:
  - (1) Water mains - Water District Superintendent
  - (2) Hydrant location - Water District Superintendent and Fire Chief
  - (3) Fire Alarm Cable and Boxes - Fire Chief
  - (4) Electric Primary and Secondary Cables (including secondary street crossings, above ground transformers, and secondary distribution boxes) - Wiring Inspector
  - (5) Street Lighting - Wiring Inspector
  - (6) Telephone and Television Cables - Wiring Inspector
  - (7) Gas Pipes - Wiring Inspector

After having obtained signed utility layouts for each street on the reproducible copies, the applicant will return the reproducible copies to the Board for

permanent filing in the Town Engineer's files. Note that in Section IV,C,14,a below the information covered in this section must be added to the Definitive Plan street layout plans (paragraph "t" under Section IV,C,3) in ink to create an "as built" utility layout plan prior to final release of bond or covenant.

- c. Other Town Boards and Commissions: At the time of filing the Definitive Plan, the Planning Board, under Section IV,C,1 above shall send copies thereof to other Town Boards and Commissions. Within forty-five (45) days after filing of the plan these various boards and commissions shall report their respective findings and recommendations to the Board in writing. Failure by any board or commission to forward their written findings to the Planning Board within the prescribed time may be deemed by the Board as approval by that board or commission.
- d. Review under the Wetlands Protection Act: Application and review of the proposed subdivision under the "Wetlands Protection Act" may be required. The applicant is responsible for obtaining the necessary application forms for this requirement from the Sudbury Conservation Commission.

Lots having an elevation or contour elevation of 125 feet or lower with reference to sea level datum as established by the U.S. Coast and Geodetic Survey must be so marked. No building shall be erected upon land in the Flood Plan Zone as defined in the Sudbury Bylaws (Zoning Bylaw Article IX, Section I,H and III, E).

- 7. Public Hearing: Before approval, modification and approval, or disapproval of the Definitive Plan, a public hearing shall be held by the Board at a time and place designated by the advertisement in a newspaper of general circulation in the Town of Sudbury once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing, and by mailing by certified mail with return receipt requested a copy of such notice to the applicant and to all owners of land abutting upon the land included in such plan as appears on the most recent tax list as listed and certified on Form D.
- 8. Expert opinion: At any time during the process of review and consideration of the plan, either before or after the public hearing, the Board may require expert technical information or opinion or environmental or other impact studies on any aspect of the subdivision or the impact of the subdivision upon the community.
- 9. Performance Guarantee: Before approval of a Definitive Plan of a subdivision, the applicant shall enter into a written agreement and guarantee to complete the required improvements specified in Section VI below, adhering to the Design Standards specified in Section V below, for all lots in the subdivision, such construction and installation to be additionally secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant:

- a. Final Approval with Bonds or Surety: The Subdivider shall either file a certified check payable to the "Town of Sudbury" or a performance bond or negotiable securities, or assignment as provided by statute and acceptable to the Board, or by other suitable means, in an amount determined, in the manner described below, by the Board to be sufficient to cover the cost of all or any part of the specified improvements not covered by a covenant under IV,C,9,b below. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel, and shall be contingent on the completion of such improvements within a period of two (2) years. Bond premium is to be prepaid in full for the period agreed, with evidence of payment submitted to the Board.

If a period of time longer than two (2) years is requested by the subdivider and agreed upon by the Board, prior to the expiration of the initial bond, a new bond or surety sufficient to cover all remaining improvements shall be filed or deposited by the subdivider. At the time the said bonding or surety is accepted, the then current Rules and Regulations shall apply.

In order to establish the amount or principal sum of each bond or certified check, the subdivider shall contact the Secretary of the Board and furnish him or her with the following:

- (1) Name of the Subdivision
- (2) Name of streets or ways to be covered
- (3) Lengths of streets in feet
- (4) Bounds of streets or portions thereof to be covered, sufficient for identification
- (5) Any peculiar circumstances relating to the proposed guarantees.

The Secretary shall then request cost estimates from the Planning Board General Agent. When the Board has received the required estimates, the amount of bond or cash deposit shall be determined and agreed upon by a majority of the Board. An engineering and contingency amount of \$10.00 per foot or a minimum of \$10,000.00 for roads five hundred (500) feet or more will be retained from any bond or surety until completion of all improvements and receipt of an "as-built" plan by the Town. Roads less than five hundred (500) feet in length will require a minimum of \$5,000 for the above purposes.

- b. Final Approval with Covenant: The subdivider shall file a covenant similar to Form E, executed and duly recorded by the owner of record, running with the land, whereby such ways and services as specified in Section VI, not covered by

bond or cash deposit under Section IV,C,9,a above, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

- c. Or Other Means Established by Statute and Acceptable by the Planning Board.
10. Receipt of Covenant and Easements: Prior to approval of a Definitive Plan, the Board shall be in receipt of a duly executed covenant, aforesaid, easements for drainage, utilities, walkways, conservation, etc., as required for and as shown on said plan, and deeds running to the Town of Sudbury, of the fee to all ways and streets shown on the Definitive Plan. These easements and deeds are to be held by the Board in escrow upon the following terms and conditions:
- a. Upon the acceptance of a layout of a street or streets or a portion of one or more of them by the Town of Sudbury the easements and deeds concerned with that portion of a street or streets as laid out and accepted by the Town of Sudbury shall be delivered to the Board of Selectmen of the Town of Sudbury.
  - b. If at the end of seven years, measured from the date of delivery to the Board by the applicant, the easements and deeds are still being held in escrow by the Board, they may be returned to the applicant or destroyed.
11. Approval, Modification, or Disapproval: After the required hearing, but within the 135 days (or 90 days if a Preliminary Plan has been filed within seven months of the filing of the Definitive Plan) of submission of the Definitive Plan, the Board shall take final action thereon. It may approve, modify and approve, or disapprove said plan, as provided by statute.
- a. Certificate of Approval: The action of the Board in respect to said plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by registered mail to the applicant. If the Board modifies or disapproves said plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawings of the Definitive Plan by the signatures of a majority of the Board, but not until the statutory twenty (20) day appeal period has elapsed following approval by the Board, and the Town Clerk has notified the Board by signing the Definitive Plan stating that no appeal has been filed.

Within fifteen (15) days after the return to the applicant of the Definitive Plan, as approved and endorsed, he shall obtain and furnish to the Board one set of 4 ml thickness mylar (or other equivalent stable base material) reproducible copies and ten (10) sets of prints of said plan, showing final endorsement. Failure to comply with the procedural and other requirements of these Rules and Regulations may result in rescission of the approval given hereunder by the Board.

In any case, approval of the Definitive Plan shall not be deemed to constitute the layout or acceptance by the Town of any streets within a subdivision.



- b. Notification to Building Inspector: Upon receipt of notification of recording, the Board shall file one print of the Definitive Plan with the Building Inspector. In accordance with the statute, where approval with covenant is noted thereon, he shall issue no permit for construction of a building on any lot within the Subdivision except upon notification, in writing, by the Board to release the lot in question.

The Building Inspector may issue building permits for lots covered by a bond or cash deposit when notified in writing by the Board that such lots are covered.

- 12. Reduction of Bond or Surety: The penal sum of any required bond, or the amount of any deposit held hereunder may, from time to time, be reduced by the Board and the obligations of the parties thereto released by said Board in whole or in part, except as provided for in Section IV,C,9,a above.
- 13. Release of Performance Guarantee: Upon the completion of improvements required under Section VI below, security for the performance of which was given by bond, deposit, or covenant, or upon the performance of any covenant with respect to any lot, the applicant may request and agree on terms of release with the Board, or he may send by registered mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with such bond, deposit or covenant has been completed in accordance with the requirements contained under Section VI, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Board.

If the Board determines, by the procedure specified in Section IV,C,14, below that said improvements have been completed, it shall release the interest of the Town in such bond and return two-thirds (2/3) of the bond or deposit, except as provided for in Section IV,C,9,a to the person who furnished the same, or release the covenant by appropriate instrument, Form G, duly acknowledged, with a copy to the Building Inspector. If the Board determines that said improvements have not been completed, it shall within forty-five (45) days specify to the applicant in writing the details wherein said improvements fail to comply with its Rules and Regulations.

- 14. Evidence of Satisfactory Performance: Before the Board will release the interest of the Town in a performance bond or deposit or issue a release of covenant, or in the case where no bond is outstanding:

The applicant shall file or cause to have filed with the Board the following:

- a. A certified copy in reproducible form of the layout plan (with accompanying cross-sections and profiles) for each street in the subdivision (or, in the case of approval with covenant, of the street or streets serving the lots for which a release is desired). Certification shall be by a Registered Professional Engineer or Registered Land Surveyor employed by the subdivider at his own expense, and

shall indicate that all streets, walkways, storm drains, water mains, fire alarm system, gas mains, and underground utilities including telephone and television cable, and primary and secondary electric power lines, and their appurtenances have been constructed in accordance with the lines and submitted under Section IV,C,3,b above and are accurately located as shown thereon. Where variations of the approved lines, grades, and/or locations have been authorized by the Board in the course of construction of a street, said variations shall be depicted upon the above required certified copy so that said copy will constitute an "as built" plan.

After completion of improvements and submission and acceptance by the Planning Board of the "as built" plan, the remaining one-third (1/3), or other sums, of the bond will be released.

- b. The developer shall submit to the Town Engineer a street acceptance plan and center line profile plan of the street when constructed and bounds have been set before bonds will be released. The street acceptance plan is to be to a scale of 1" = 40' and shall be certified as completed work. The profile plan is to be on a scale of horizontal 1" = 40', vertical 1" = 4'. The engineer or surveyor shall submit a letter certifying that all lot bounds have been set before bonds will be released.
  - c. Written evidence from the Highway Superintendent that the streets, signs, and drainage conform to the Board's requirements in accordance with the approved Definitive Plan.
  - d. Written evidence from the Sudbury Water District Superintendent that the mains and hydrants conform to the District specifications and the Board's requirements in accordance with the approved Definitive Plan.
  - e. A letter from the Town Engineer stating that all markers, bounds or monuments on street lines and lot lines are in place and appear to be properly located in accordance with the approved Definitive Plan.
  - f. Written evidence from the Chief of the Fire Department that the Fire Alarm System conforms to the specifications set down in Section VI and is in accordance with the approved Definitive Plan.
  - g. Written evidence from the Board of Health that the system for drainage of surface water from and in the Subdivision conforms to the specifications set down in Section VI and is in accordance with the approved Definitive Plan.
15. Maintenance Bond: At the time of release of any monetary security, the Board shall withhold, as a maintenance bond, an amount per foot of way as it shall deem necessary to secure maintenance of the way in a condition proper for acceptance of the Town as a public way. Such amount shall be determined in consultation with the Town Engineer, taking into account current market costs for the work which may reasonably be required and the specific circumstances and requirements of each way. In cases where all

construction is completed without monetary security, the applicant shall file with the Board, as a maintenance bond, a surety company bond or a deposit of cash or negotiable securities in an amount per foot of way determined as set forth above. The minimum amount of any maintenance bond shall be \$1,000. Upon acceptance of the way by the Town, the Board will return to the applicant said maintenance bond, less any amounts expended or expendable for necessary repairs, as determined by the Board.

The bond covered in this section is separate from and in addition to the per foot of way required by the Water District for a period of one year following initiation of service. Details of this can be obtained from the Water District Superintendent.

## SECTION V. DESIGN STANDARDS

### A. Suitability of Land

No plan of a Subdivision of land shall be approved unless, after adequate investigation and consultation with the Board of Health the Planning Board determines that the land can be used for building purposes without danger to health, and is otherwise suitable for such purposes.

Approval of a Subdivision may be withheld if the proposed system for the drainage of surface water from or in the Subdivision is disapproved by the Board after consultation with the Board of Health.

No land located in an adjacent Town or City shall be used for determination of lot size or setback requirements.

### B. Street and Roadway Design

#### 1. Location and Layout

- a. The street system shall conform to the Master Plan, if any, of proposed principal streets as adopted in whole or in part by the Board.
- b. Streets shall be continuous, of uniform width, and in alignment with existing streets, as far as practicable.
- c. Provision shall be made for the proper projection of streets to adjoining land.
- d. There shall be no reserved strips controlling access to existing or proposed streets, except where, in the opinion of the Board, such strips would be in the public interest.
- e. The right-of-way of any subdivision shall not abut any exterior lot line of the property being subdivided. A minimum separation of fifty (50) feet shall be required pursuant to section IV.A.5 of the Zoning Bylaw.

## 2. Alignment and Width

- a. Streets entering opposite sides of another street shall be laid out either directly opposite one another, or with a minimum offset of their centerlines of one hundred twenty-five (125) feet, unless a variance is specifically approved by the Board.
- b. The minimum centerline radii of curved streets shall be one hundred fifty (150) feet; greater radii may be required on principal streets. All curved streets shall be designed to ensure safe vehicular travel.
- c. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another street at less than sixty (60) degrees.
- d. Street lines at intersections shall have a fillet radius of not less than twenty-five (25) feet.
- e. At principal intersections, extra space may be required to allow for traffic circles and other devices to expedite the free flow of traffic.
- f. The minimum width of street right-of-ways shall be fifty (50) feet. A greater width may be required for principal streets.
- g. New subdivision streets shall be offset from an existing public or private way on the same side of the street by a minimum distance of 360 feet, measured from the closest edge of the right-of-way.

## 3. Grade

- a. The centerline grade of any street shall not be less than one percent (1%).
- b. The maximum centerline grade should not exceed six percent (6%). Under certain conditions where safety would not be sacrificed, where the grade is not immediately adjacent to an intersection, and where adherence to a six percent (6%) grade would cause, in the opinion of the Board, excessive damage to natural land features, the Board may waive this grade limit.
- c. At the approach to an intersection every street shall be provided with a leveling area which shall have a grade no greater than two percent (2%) for a distance of at least fifty (50) feet measured from the nearest line of the intersecting way.

## 4. Dead End Streets

- a. Dead-end streets, whether temporary or permanent, shall not be longer than 1200 feet, measured from the farthest end of the right-of-way of the turnaround to the

side line of the intersecting traveled way, unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions. A dead-end street is any street or way or combination of streets or ways having only one terminus at a through street. A through street is a street that has two completed and usable ways of access.

- b. Dead-end streets shall be provided at the closed end with a turnaround having a layout radius of sixty (60) feet, said radius to be centered on the street centerline.
- c. The last one hundred (100) feet of a dead end street shall not have a grade of greater than two percent (2%).

#### 5. Sight Distance

Sight distances in compliance with American Association of Safety and Highway Traffic Organizations standards shall be required in each direction at all intersections. The Planning Board may impose greater sight distance requirements based on volume of traffic, actual speeds experienced, topography or other safety considerations.

#### C. Easements

- 1. Easements for utilities across lots or centered on road or side lot lines shall be provided where necessary and shall be at least twenty (20) feet wide.
- 2. Easements for storm drains across lots or centered on rear or side lot lines shall be at least twenty (20) feet wide.
- 3. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide adequate area for construction or other necessary activities.
- 4. Easements for walkways may be required by the Board to provide for pedestrian flow as part of the Town walkway system; such easements to be at least twenty (20) feet wide.

#### D. Open Spaces

Before approval of a plan the 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 be of reasonable size, but generally not less than five percent (5%) of the area of the land to be subdivided, depending upon the location and quality of the land being set aside. The minimum area acceptable, for later public acquisition, shall be three (3) acres. The Board may by appropriate endorsement on the plan require that no building be erected upon such park or parks without its approval for a period of three (3) years.

Land designated for park or playground purposes shall not include wetlands, ledge, or other land unsuitable for recreation purposes.

Any open space, park or playground shall provide at least fifty (50) feet of continuous frontage on a street and pedestrian ways will normally be required to provide access from each of the surrounding streets, if any, to which the open space, park, or playground has no frontage. Such parks and/or playgrounds may be required to have maintenance provided for by covenants and agreements acceptable to the Board, until public acquisition is accomplished by the Town.

E. Protection of Natural Resources.

The Board will require that the Subdivider make every reasonable effort consistent with sound planning to preserve natural features such as large trees, water courses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the Subdivision.

The Board strongly encourages property owners and Subdividers to investigate and make use of conservation grants and easements, particularly in wet areas. The procedures are simple and do not delay Subdivision approval. Information can be obtained from the Board or the Conservation Commission.

F. 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. All lots shall be at least of such size and dimensions as to meet the minimum requirements of the Zoning Bylaws.

G. Access to Residential Subdivisions

An access to any residential Subdivision must be within the Town limits. Any access to a Subdivision through another Town requires certification from that Town that the road is in accordance with plans and Subdivision requirements of that Town, that bond posted is adequate, and the access is adequate for expected traffic.

H. Stormwater Management

1. Every subdivision submitted for approval by the Planning Board shall incorporate a system of drainage for the land area occupied by the subdivision, including street drainage and runoff from development. The stormwater management plan shall resemble the natural (predevelopment) hydrology, hydrodynamics, and drainage patterns inherent to the property. This drainage system shall maintain the natural (predevelopment) ratio of infiltration to surface runoff of site precipitation and shall minimize alterations to the natural drainage patterns. Any necessary alterations to these natural drainage patterns may not change the natural patterns of drainage outside of the subdivision. Engineering calculations to support the adequacy of the proposed drainage system shall be required.

2. The stormwater management plan shall comply with the Wetlands Administration Bylaw of the Town of Sudbury with respect to the quality and quantity of the surface runoff which discharges from the subdivision site.
3. The selection and design of the stormwater drainage system shall incorporate the currently recognized Best Management Practices of stormwater management. References to this information can be obtained in the Planning Board Office.
4. Any subdivision which proposes the use of stormwater management structures and/or devices that require periodic and/or regular inspection and maintenance shall be subject to a non-refundable charge based on semi-annual cleaning and inspection of structures for a 2 year period as recommended by the DEP Stormwater Guidelines. The funds for maintenance shall be paid to the Town for disbursement by the Director of Public Works to either the Department of Public Works, or to contracted services.
5. The stormwater management plan must demonstrate that the proposed system of stormwater drainage has been designed and can be maintained to meet the following performance standards:
  - a) ensure that after development, runoff from the site approximates the rate of flow, time of concentration and water quality which would have occurred following the same rainfall event under natural (predevelopment) conditions.
  - b) maintain the Natural Hydrodynamic Characteristics of the sub-basin of the watershed in which the site lies.
  - c) maintain or improve the quality of all watercourses, waterbodies, groundwater aquifers, and wetlands (hereinafter defined pursuant to the definition found in the Sudbury Wetland Administration Bylaw) located on the site or impacted by surface runoff originating from within the site, including tie-ins to existing drainage systems.
  - d) does not impact the natural levels and seasonal fluctuation of the groundwater table outside of the developed site.
  - e) does not impact the values and functions of all wetlands as areas for the natural storage of flood waters, the chemical and biological assimilation and degradation of pollutants, and wildlife and fisheries habitat.
  - f) maintain the natural (predevelopment) flood storage capacity of the land by preserving the cumulative water storage and infiltration capacities of the land which the site occupies.
  - g) minimize alteration to fauna and flora and adverse impacts to wildlife and fish habitat.

- h) does not adversely affect neighboring properties by flooding.
  - i) otherwise further the objectives of the stormwater management regulations and policies.
6. The stormwater management plan shall be designed, constructed, and maintained utilizing the following design standards:
- a) Watercourses, waterbodies, and wetlands may not be dredged, deepened, widened, straightened, stabilized, cleared of vegetation, or otherwise altered in the design and construction of a stormwater drainage system.  
  
Water shall be retained or detained before it enters any natural watercourse in a manner which preserves the natural hydrodynamics of the watercourse, prevents siltation and maximizes pollution attenuation.
  - b) The direct discharge of runoff into any watercourse, waterbody, or wetland is prohibited. Changes in the volume, rate, or quality of surface runoff are to be minimized to the greatest extent feasible. Direct discharge includes discharge to existing systems that have a point source to a wetland.
  - c) Measurements of peak discharge rates must be calculated using the point of discharge(s) or the downgradient property boundary.
  - d) At a minimum, the “first flush” of runoff from all changed surfaces created by the development shall be treated and infiltrated on-site. The applicant shall quantify this first flush of runoff and specify how the treatment and infiltration will be accomplished. The first flush shall be defined as the first inch of runoff.
  - e) Surface runoff shall be routed through structural and nonstructural systems such as vegetated swales which are designed to allow suspended solids to settle, to remove pollutants, and to maintain the natural (predevelopment) time of concentration, velocity, and infiltration ratio of the surface runoff.
  - f) Constructed intermittent watercourses such as swales shall be vegetated.
  - g) The use of wet detention basins with micropools for the mitigation of increases in flow rate, volume and the uptake of pollutants of surface runoff generated by the development of the site is required when practical.
  - h) Water shall be released from detention basins at a rate and in a manner approximating natural (predevelopment) conditions, and all basin structures shall meet the following criteria:



1. Peak flow discharges from a one, two, five, ten, twenty-five, fifty, and one hundred year storm shall not be significantly increased nor decreased by the development of the land.
  2. Basins shall not be placed where their use as infiltration devices generates a potential for groundwater contamination from the recharge of pollutants contained in surface runoff.
  3. Outflow from detention basins shall be directed to swales consisting of a matrix of native vegetation and rip rap. Such areas shall have vegetative and hydraulic characteristics which ensure that the outflow upon reaching a watercourse, waterbody, or wetland does so in a manner similar to natural (predevelopment) conditions.
  4. Prior to town acceptance of streets, sedimentation must be excavated from all detention basins at least semiannually (after spring snow melt and late fall). Any vegetation uprooted by sediment removal must be replaced. A covenant to this effect shall be recorded prior to release of lots from the covenant.
  5. All basins shall be contained within drainage easements.
- i) Pretreatment of runoff shall be required prior to discharge into leaching structures or storm drains.
  - j) All runoff from parking lots and roads shall be treated via a sand filter or an oil-water separation device for the removal of oil and sediment.
  - k) All leaching pits shall contain manhole covers to facilitate inspection and maintenance.
  - l) A minimum of two monitoring wells shall be installed both upgradient and downgradient of all retention and detention basin outflow points to enable the water quality of the runoff leaving the development to be monitored. A baseline sample will be taken by the applicant prior to construction of the drainage system and semiannually thereafter until final release of the performance bond. All water quality data shall be submitted to the Planning Board, which reserves the right to require modifications to the stormwater drainage system should the data indicate a degradation in the quality of the water leaving the site.
  - m) Erosion and sediment controls shall be proposed and shown on the definitive plan.
  - n) All stormwater management systems shall have an operation and maintenance plan to ensure that systems function as designed.
  - o) When, in the opinion of the Planning Board, the stormwater management system is composed of numerous, complex or new technologies, the systems shall be subject to an enforceable covenant requiring homeowner maintenance and ownership.

## SECTION VI IMPROVEMENTS IN SUBDIVISIONS

The improvements specified below shall be constructed to the standards (exclusive of compensation sections) as set forth in the Town of Sudbury's "General Construction Specifications, Board of Highway Commissioners, May, 1973," unless the Board authorizes a variation therefrom in specific instances. All such construction shall be done at the Subdivider's expense.

### A. Notice Required to be Given by the Subdivider

Notice shall be given by the Subdivider in writing to the Board with duplicate copies to the Planning Board General Agent, the Highway Superintendent, the Superintendent of the Sudbury Water District, the Town Engineer, the Fire Chief, and the Wiring Inspector at least ten (10) days before the Subdivider first commences construction, clearing, grading or any related activities required in Section VI,Q below.

### B. Inspection Fee

A minimum deposit in an amount equal to \$1.00 per linear foot of proposed roadway as shown on the plan, or two thousand dollars (\$2,000), whichever is greater, shall be submitted to the Planning Board along with such notice as is required by subsection A of these Rules and Regulations. Such deposit shall be submitted in check form only (no cash will be accepted), such check to be made out to the Town of Sudbury. Such deposit shall be used by the Board to cover expenses incurred by the Town relating to the inspection of construction work, and other related activities within an approved subdivision. If during the course of construction of such subdivision the Board finds that the deposit as prescribed above will not be adequate to cover expenses, the Board reserves the right to require such additional amount as the Board may deem necessary to cover such expenses. The Board shall notify the developer, or other authorized representative in writing that such additional amount is required. Said notice is to be sent by certified mail. Failure to submit the additional amount as required above within seven (7) days of receipt of said notice shall constitute reason for the Board to deny all further inspection requests until such additional amount has been deposited with the Board. At such time when the Board deems that such subdivision has been completed in accordance with the Town of Sudbury Rules and Regulations, the Board shall authorize that any excess monies in said deposit account be refunded to the developer or his authorized representative.

### C. Excavation

No excavation or removal of gravel, topsoil, or other matter shall take place within a Subdivision except:

1. On the fifty (50) foot roadway for normal construction.
2. For the digging of a cellar hole, water well, or trenches for normal utility installation.

3. Normal grading and filling around houses to beautify the lot or to satisfy Board of Health requirements.
4. Earth Removal shown on subdivision plans is subject to a permit from the Earth Removal Board if it is to be removed from the site.

D. Street and Roadway

1. Cross-Section: Street and roadway construction shall conform to the typical street cross-section as shown in the Appendix to these Rules and Regulations and which is considered a part of these Rules and Regulations.
2. Surface Width and Alignment: Streets shall be constructed in the manner described below with a surface width of twenty-four (24) feet for Residential and Collector streets. On certain streets, beside which the Board requires walkway construction, a paved street width of twenty (20) feet may be required. Greater pavement widths may be required on Feeder streets, Thoroughfares, and Highways as defined in the Sudbury Master Plan. Each street shall be constructed on the centerline of the layout. Where turnarounds exist they shall be constructed with a minimum paved radius of forty (40) feet from the center of the layout.
3. Clearing: The roadway shall be cleared of all obstructions of any kind and evenly graded for a distance of not greater than seventeen (17) feet either side of the centerline. A greater width may be required at corners and on the inside of the curves for visibility. Clearance of trees beyond a total width of thirty-four (34) feet or more than one (1) foot beyond the 2:1 slope at cuts or fills is not permitted.
4. Sub-Grade Preparation
  - a. All existing material shall be removed for a depth of at least twelve (12) inches below finished grade for the full cleared width.
  - b. Ledge and large boulders shall be removed to a depth of at least twenty-four (24) inches below finished grade.
  - c. Clay, mulch, or other unstable material shall be removed to a greater depth as required and/or directed.
  - d. Back-fill of approved, stable material shall be used to bring the sub-grade to a uniform grade twelve (12) inches below finished grade.
  - e. The sub-grade shall be thoroughly compacted before gravelling is started.
5. Gravel foundation: Approved gravel shall be placed over the sub-grade for the full cleared width. The surface shall be thoroughly compacted and brought to a true even grade. Total depth of gravel at all points after complete compaction shall be not less than

twelve (12) inches. Sieve analyses shall be performed and certified by the Town Highway Surveyor, Town Engineer or the Planning Board's authorized representative, at locations to be determined by such inspector, which demonstrate that the gravel utilized consists of materials in compliance with Sections M1.03.0 and M1.03.1 of the Commonwealth of Massachusetts Department of Public Works Standard Specifications for Highways and Bridges (1988, as amended), contained in Appendix B to these regulations.

6. Shoulders: Improved shoulders shall slope toward the paved surface at a pitch of one (1) inch to the foot. They should be covered with six (6) inches of loam, screened, raked, seeded, and rolled, if adjacent to residential streets. All others shall be covered with approved gravel compacted in conjunction with and to the same degree as the gravel base for the road. Deviation from the above shall occur only with the written approval of the Board. Improved shoulders on Residential and Collector streets shall be four (4) feet wide. Greater widths will be required on Feeder streets, Thoroughfares, and Highways.

E. Drainage

1. Function and Capacity: Storm drains, culverts, ditches, drainage systems, and related installations including, but not limited to, catch basins, gutters, manholes, and drain pipes shall be installed as necessary in the Board's opinion, to provide adequate disposal of surface and sub-surface water, including control of erosion, flooding, and standing water from or in the subdivision and adjacent land. The drainage system shall be designed for a storm frequency of twenty (20) years. The Board may require a less frequent design storm to be used in any situation which in its judgment requires that a greater degree of protection should be afforded to public or private property, or for portions of the system not economically susceptible to future relief. Engineering calculations to support adequacy of the proposed drainage system may be required by the Board.
2. Continuity with Existing and Future Drainage: Proper connections shall be made with any existing drainage system. Where adjacent property is not subdivided, provision shall be made for extension of the system by continuing appropriate drains to the exterior boundaries of the subdivision, at such size and grade as will allow for their proper projection.
3. Pipe: Drain pipe shall be at least twelve (12) inches in diameter. Drain pipes shall be placed on top of at least six (6) inches of crushed stone and covered with an equal amount before backfilling. Concrete pipes to be reinforced when covered with less than three (3) feet of cover. Large diameter pipes are to be reinforced in accordance with good engineering practice. When pipes are placed in mud or other wet areas, the joints should be caulked and cemented.
4. Catch Basins: Catch basins, curb inlets, and manholes shall be located as required to maintain the drainage area from temporary standing water during runoff and to avoid excessive accumulations or surface flow on or adjacent to public ways. They shall be constructed in a manner the same as or functionally equivalent to that shown on the

typical catch basin cross-section included in the Appendix as part of the Rules and Regulations. Surface water shall not be allowed to run along a travelled way for a distance of more than three hundred (300) feet. Catch basins and associated piping shall be required at the intersections of existing Town streets. Leaching basins shall not be considered as to properly dispose of water.

5. Easements: Easements shall be provided by the developer including where necessary those from abutting property owners. See Section IV,C,10 and also Section V,C,2 and 3.

#### F. Driveway Entrances

In order that surface water from roadways not be drained onto individual lots, driveway entrances shall be constructed such that they be sloped toward the roadway for a minimum distance of four (4) feet at a slope of not less than one (1) inch per foot.

#### G. Fire Alarm

A suitable Fire Alarm System shall be installed in conformity with the requirements of the Fire Chief and constructed to the specifications contained in the Appendix. One Fire Alarm Box shall be provided for each one thousand (1000) feet of way within the subdivision or fraction thereof. Exact location of boxes shall be specified by the Fire Chief and indicated on the Definitive Plan.

#### H. Water

Water mains and related equipment such as hydrants and main shut-off valves shall be installed in all streets in conformity with the regulations and specifications of the Sudbury Water District. Hydrants shall be so located that there will be a hydrant within five hundred (500) feet of every dwelling. The hydrant locations shall be approved by the Fire Chief. Service lines for each lot shall run to the property line of each lot before any surface treatments shall be applied to the roadway.

#### I. Underground Utilities

Utility poles, above ground wires and guy wires will not be permitted in subdivisions. All utilities including, but not limited to water, drainage, fire alarm, electricity, gas, cable television, and telephone shall be installed underground with service to the individual dwellings also underground. In addition, no less than 2 empty conduits of at least 4 ½ inches in diameter for the Town's own use shall be installed within the right-of-way in all new subdivision streets. Placement of utilities in streets and roadways to be as shown on the typical cross-section included in the Appendix. Transformers, switches, and other such equipment to be placed above ground are subject to prior Board approval as to location.

Primary and secondary lines shall run on the same side of the road. All road crossings shall be in conduit and shall be perpendicular to the road centerline at that point. All road crossings for services shall be installed for each lot before any surface treatments are applied to the roadways. As indicated in Section IV,C,6,b,(4) and (6), above, location of telephone cables and primary and

secondary power lines must be approved by the Wiring Inspector and a copy of the Definitive Plan so endorsed and returned to the Board.

Where dwellings are served by gas, pressure reducers and meters shall be installed outside the dwelling. Outside of the dwelling, but within six (6) feet of it a dresser type connection must be placed in the gas line. Gas service lines shall run to the property line of each lot before any surface treatments are applied to the roadway.

#### J. Shade Trees

Where, in the opinion of the Board, existing trees are inadequate, shade trees having a trunk diameter of at least two and a half (2-1/2) inches and of such variety as the Board may approve shall be planted; such trees shall usually be spaced not more than forty (40) feet apart, and planted in one-half (1/2) cubic yard of loam. Trees shall be properly wrapped and guyed in a manner to ensure their survival.

#### K. Grass Plots and Slopes

Embankments outside the shoulders shall be evenly graded and pitched at a rate not steeper than one and one-half to one (1 1/2:1) in cut and two to one (2:1) in fill. The Board may require such banks and all other disturbed areas adjacent to the traveled way to be loamed and seeded to grade. However, it is suggested that consideration be given to the surrounding growth and terrain. Roadsides should be made to blend with the woods or natural surroundings that exist and plantings in such areas should be chosen accordingly.

#### L. Signs

##### 1. Temporary Signs

a. Advertisement Signs: Signs may be posted in Subdivisions advertising lots or houses for sale only in accordance with the following:

- (1) Signs shall be no larger than three by four (3x4) feet or higher than seven (7) feet at the highest point.
- (2) Signs shall not fluoresce or glow or be lighted in any manner.
- (3) A sketch of any proposed signs shall be filed with the Board prior to erection.
- (4) No sign may be erected or displayed until written approval for each such sign is obtained from the Board. No permit is valid for longer than two (2) years. A permit may be renewed by the Board.

2. Permanent Signs

- a. Street Signs: Street signs of a type approved by the Highway Superintendent shall be erected at all street intersections prior to the issuance by the Building Inspector of a building permit for any residence on that Subdivision street. Such signs shall bear the names of the streets as shown on the Definitive Plan.
- b. Subdivision Signs or Decorative Monuments: All subdivision signs or decorative signs, monuments, stone walls or other visual displays proposed within 25 feet of a public right-of-way shall be shown on the definitive subdivision plan and shall require approval from the Planning Board during subdivision review. No such sign, monument or stone wall shall be located within the right-of-way.

M. Monuments

Stone or reinforced concrete bounds shall be installed on both sides of the street, at all angle points, at the beginning and end of all curves thereof, at all intersections of streets and ways therein, and on the front and rear corners of all lots. The bounds shall be not less than four (4) feet in length and not less than six (6) inches in width and breadth, and shall have a drill hole in the center. Wrought iron rods may be used where points fall on exposed ledge. Bounds shall not extend more than six (6) inches above grade.

N. Walkways

As a general rule walkways will be required on all Subdivision streets.

1. Walkways shall be five (5) feet wide and located no closer than one (1) foot from the side line of the layout in such a manner as to blend in with the natural land features and terrain. The areas between the walkway and the road surface shall be at least five (5) feet wide and finished as directed by the Board. Maintaining the natural appearance should be the goal.
2. Walkways, after having been brought to sub-grade by the necessary excavation and filling, shall receive at least six (6) inches, compacted depth, of approved bituminous concrete. The areas between the walkway and the roadway if required to be loamed by the Board shall have at least six (6) inches of screened loam. The loam shall be spread to grade, seeded, and rolled.
3. Instead of bituminous concrete the Board may, in some areas, substitute a coat of selected gravel at least three (3) inches in thickness, free from all stone over one (1) inch in diameter and free of loam, clay and other foreign matter. Thereafter, each walkway shall receive a coat of stone dust one (1) inch thick evenly spread, wet, and rolled to compact the surface. This stone dust shall be of the finer screening from stone crusher with no particles over one-half (1/2) inch in diameter.

4. Walkway construction may be required along existing highways when adjacent land is subdivided.
5. The Board may require payment to the Town for construction of walkways in other areas in lieu of constructing walkways in a subdivision, where deemed necessary.

O. Curbing and Guard Rails

1. Curbs: Approved granite curbing sealed to the road pavement shall be required around all cul-de-sacs and at all street corners along the circumference of the roadway for the full length of the rounded curve plus a straight section at each end of at least six (6) feet in length. Granite curbing shall also be required on both sides of the streets where the grade exceeds three percent (3%). Additional areas may require curbing if in the opinion of the Board it would contribute to the proper control of traffic, surface water flow, or to pedestrian safety. The Planning Board may waive the requirements for granite curbing in some areas and in its place require a flaring of the pavement. For dimensional details see the "Typical Street Cross-Section" plan in the Appendix of these Rules and Regulations.

P. Cleanup

Upon completion of the work, the Subdivider shall remove from the highway and adjoining property all temporary structures and surplus material and rubbish which may have accumulated during the execution of the work, and he shall leave the area in a neat and orderly condition. All catch basins shall be properly cleaned out.

Q. Inspection

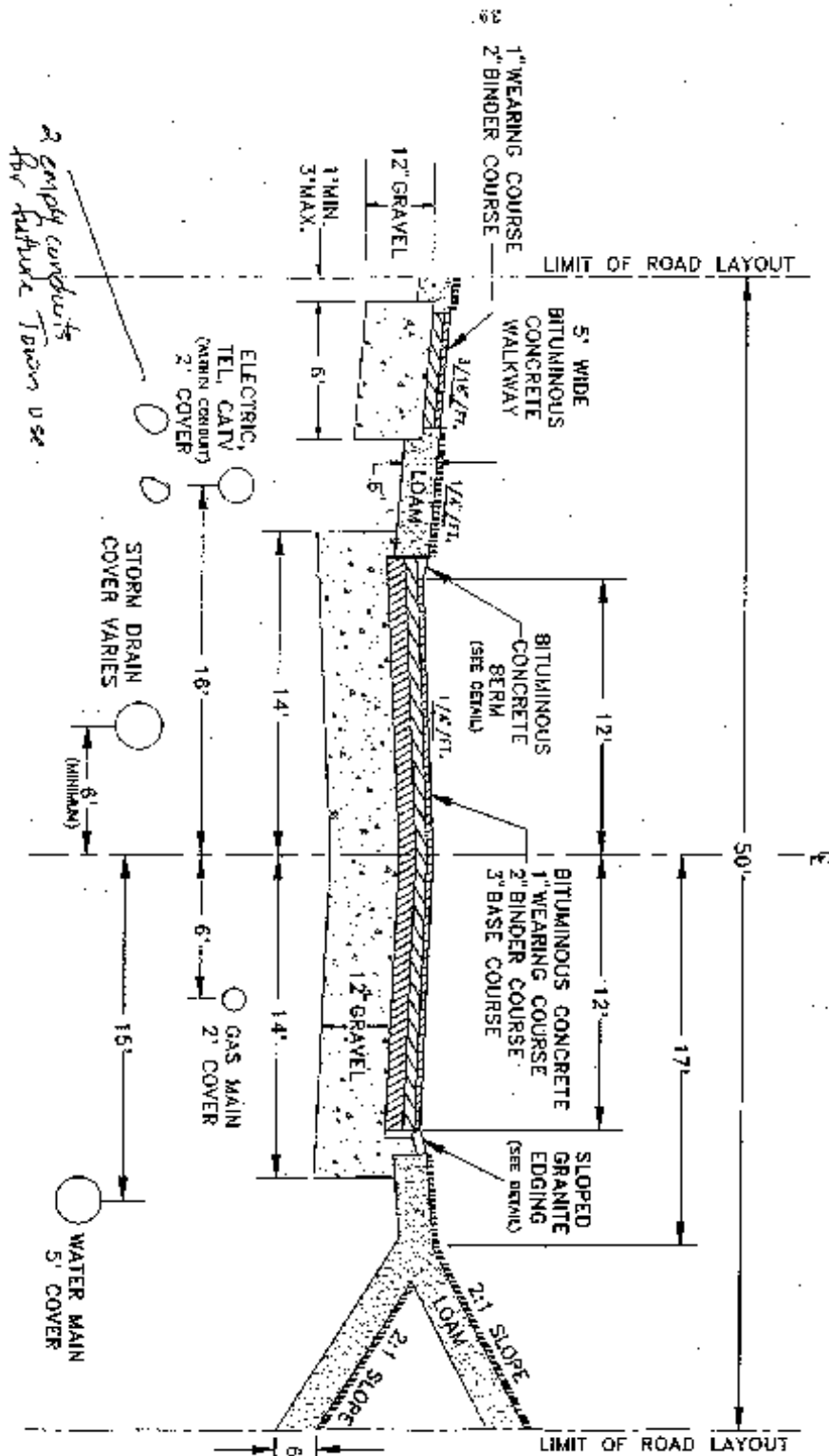
For the protection of the Town and future residents of the Subdivision a series of Inspections during the course of construction are required to ensure compliance with the approved Definitive Plan and the Board's Rules and Regulations.

1. Inspection by the Board or its Representatives: No water main, storm drain, catch basin, utility installation, road sub-grade, or foundation or any other item of work designated for inspection, shall be backfilled or paved over until inspected by the Board or its representatives.
2. Inspection Requests: Inspections shall be requested by the Subdivider at least two (2) full working days in advance by notice to the Board and its duly authorized representative.
3. Inspections Required: The Planning Board's General Agent shall be contacted regarding any inspections and will then contact whomever is to make the inspections.
  - a. Roadbed Inspection: Following excavating of the roadbed but prior to any backfilling.



- b. Drainage Inspection: Following installation of drain pipe, culverts, catch basins and all related construction but prior to backfilling.
- c. Water Installation Inspection: Timing and number of inspections to be determined by the Superintendent of the Sudbury Water District.
- d. Underground Utilities Inspection: Following laying of electric, telephone, cable television, and fire alarm cable in roadway and to individual dwellings but prior to backfilling.
- e. Finished Gravel Foundation Inspection: Following application, grading, and compaction of gravel foundations.
- f. Pavement Inspection: Notice shall be given of the time of pavement in order that inspection during and upon completion of pavement may be made.
- g. Final Inspection: Following completion of roads, permanent bench marks, curbing, berming, walkways, grading, seeding, and cleanup.

APPENDIX A



AMENDED DATE JULY 25, 1993

TOWN OF SUDBURY PLANNING BOARD  
 TYPICAL ROAD CROSS SECTION  
 (NOT TO SCALE)