

# Town of Amherst Massachusetts

## Rules and Regulations Governing the Subdivision of Land

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February 23, 1972

Amended:  
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## **RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND**

### **PLANNING BOARD**

### **AMHERST, MASSACHUSETTS**

#### **Section I: Authority**

##### **I.A. Authority**

Under the authority vested in the Planning Board of the Town of Amherst by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these Rules and Regulations governing the Subdivision of Land in the Town of Amherst. The Subdivision Control Law went into effect in the Town of Amherst on December 12, 1951.

##### **I.B. Purpose**

These Subdivision Regulations have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and, in proper cases, parks and open areas. The powers of the Planning Board and of the Board of Appeals under these Regulations shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for minimizing congestion in such ways and in the adjacent public ways for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning by-laws; for securing provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other, with the public ways in the Town and with the ways in neighboring subdivisions.

## **Section II: General**

### **II.A. Definitions**

In constructing these Regulations, the definitions in Section 81-L of Chapter 41 of the General Laws shall apply (unless a contrary intention clearly appears). In addition, the following words shall have the following meanings:

#### **1. Applicant**

The person who applies for the approval of a Plan of a proposed Subdivision. The applicant or applicants must be the owner or owners of all the land included in the proposed subdivision. An agent, representative or his assigns may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of the officers and designed authority to sign legal documents shall be required for a corporation.

#### **2. Board**

The Planning Board of the Town of Amherst

#### **3. Building**

A dwelling, shed, or garage, etc. not to be interpreted as a sewer, water, or other utility line.

#### **4. Definitive Plan**

A map of a proposed subdivision, three acetate overlays, and a Development Impact Statement, submitted to the Planning Board for its approval.

#### **5. Developer or Subdivider**

The owner of land being subdivided, acting directly or through an authorized agent or attorney or assigns.

#### **6. Development Impact Statement (DIS)**

A documented, written analysis of a proposed subdivision which provides the Planning Board and its agents with information necessary for plan review. Prepared by the applicant, a DIS shall follow the format presented in Appendix A of this document.

## Section II.A. (continued)

### 7. Metric Equivalent Measure

The equivalent distance in feet of even meter distances are used on permanent rights-of-way and easements in anticipation of national conversion to the metric system.

### 8. Owner

The owner of record as shown by the records in the Hampshire County Registry of Deeds or Land Court.

### 9. Streets

- a. Major Streets – a street which, in the opinion of the Board, is likely to carry substantial volumes of through traffic.
- b. Secondary Streets – a street other than a major street which, in the opinion of the Board, is likely to carry traffic other than just to or from lots on that street.
- c. Minor Streets – a street which is likely to be used only by vehicles traveling to or from lots on that street.
- d. Dead End Streets/Cul-de-sac – a public or private vehicular right-of-way which affords the principal means of access to abutting property and which joins another thoroughfare at only one end.

### 10. Town Construction Standards

Those specified for site and street work adopted by the Select Board, and revised from time to time.

## II.B. Plan Believed Not to Require Approval

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application to the Planning Board or to the Town Clerk accompanied by the necessary evidence to show that the plan does not require approval. Three copies of said plan shall be furnished to the Board. (Use Form A) If the Board determines that the plan does not require approval, it shall forthwith without a public hearing endorse on the plan the words “Planning Board approval under Supervision Control Law not required.” The Chair and Vice Chair of the

Section II.B. (continued)

Planning Board are hereby authorized to sign said endorsement. 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 Clerk of its determination. Before the Board makes its decision, a review by the Town Engineer is required.

II.C. Basic Requirements

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

II.D. Zoning

Subdivisions shall meet the Rules and Regulations pertaining to lot size and restrictions to water courses under existing zoning laws. No subdivision rules can affect the size, shape, width, frontage or use of lots except that compliance with the requirements of the zoning bylaw will be required.

II.E. Engineering

The Definitive Plan shall be prepared by a Registered Land Surveyor.  
Construction details shall be designed by a Registered Professional Engineer.

II.F. Fees

Other than inspection fees the following application fees shall be paid at the time of the filing of subdivision applications :

- |  |   |
|--|---|
| 1. ANR/Form A  | \$100/two lots +<br>\$25 extra lot beyond two |
| 2. Preliminary Subdivision Plan                                      | \$500 + \$75 per lot                          |
| 3. Definitive Subdivision Plan                                       | \$1,000 + \$150 per lot                       |
| 4. Definitive Subdivision Plan if no Preliminary Plan has been filed | \$2,000 + \$200 per lot                       |
| 5. Amendment to a Definitive Subdivision Plan                        | \$500 + \$100/affected lot                    |
| 6. Inspection  | \$8/linear foot of new road                   |
| 7. Site Plan Review for Cluster                                      | \$1,000                                       |



**Reserved**

### **Section III: Preliminary Plan**

#### **III.A. General**

Prior to the submission of a Preliminary Plan, a developer is encouraged to discuss his intentions with the Board. A Preliminary Plan of a subdivision may be submitted by the subdivider for discussion and approval by the Board. The submission of such a Preliminary Plan will enable the subdivider, the Board, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared.

A Preliminary Subdivision Plan shall be filed for all non-residential subdivisions within the Town. For all Preliminary Plans filed, The Board shall have forty five (45) days in which to review and act on the plan. It is strongly recommended that a Preliminary Plan be filed in every case, especially where the developer intends to submit a series of Definitive Plans (including, in part, similar actions before the Zoning Board of Appeals) for approval over a relatively extended time span or where the developer intends to develop only part of the total contiguous parcel. In this case, the Preliminary Plan shall show the future intended use or alternate uses for that part of the parcel not to be developed at the present. In both cases, the Preliminary Plan will show proposed divisions, uses, etc. of the entire continuous parcel.

Prior to submission of the Preliminary Plan to the Planning Board and the Board of Health for approval, the subdivider should discuss the Plan with the Town Manager, Town Engineer, Planning Director, Conservation Commission, Superintendent of Public Works, and Board of Health to obtain their recommendations. These recommendations may be incorporated in the Preliminary Plan with any changes and additions suggested by the Board.

#### **III.B. Filing Procedure**

A Preliminary Plan shall be filed, using Form B with written notice thereof to the Town Clerk by delivery or registered mail; such notices shall identify the tract, the date of submission, and the name and address of the owner.

The applicant shall also file a copy of Form B, the original drawing(s) or suitable reproducibles and eight (8) contact prints with the Planning Board. The Planning Department or Secretary of the Board shall distribute one copy to each of the following agencies: Department of Inspection Services, Fire

Department, Superintendent of Public Works, the Town Engineer, and Conservation Commission. Copies may also be distributed to other appropriate Town departments and boards.

The applicant shall also file one set of contact prints with the Board of Health and obtain a receipt therefore (Use Form K).

One (1) print of the proposed subdivision shall have the significant features illustrated according to the following color scheme:

Roads – dark gray;  
Streams and Waterbodies – blue;  
Open Space and Recreation Areas - green;  
Pedestrian and Bicycle Paths – brown;  
Subdivision Boundaries – black.

The applicant shall also file a Request for Certified List of Abutters, using the designated Town form, with the Board of Assessors. The Planning Department shall send notice of the date, time and location of the Planning Board meeting at least seven days prior to the meeting to all names listed on the Certified List of Abutters.

### III.C. Contents

The Preliminary Plan may be drawn on paper with pencil, at a scale of one inch equals forty feet (1"=40') for subdivisions of less than fifty (50) lots, and either one inch equals one hundred feet (1"=100') or one inch equals two hundred feet (1"=200') to be selected in consultation with the Town Planner, for subdivisions of more than fifty (50) lots. The plan shall show:

1. The subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan";
2. The names of the record owner and the applicant and the name of the designer or supervisor;
3. The names of all abutters, as determined from the most recent local tax list;
4. The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision in a general manner;
5. The proposed system of drainage, including adjacent existing natural waterways, in a general manner;
6. The proposed sanitary sewer system and water distribution system, in a general manner;

7. The approximate boundary lines of proposed lots, with approximate areas and dimensions;
8. The names, approximate location and widths of adjacent streets;
9. The topography of the land in a general manner;
10. An index plan at a scale of one inch equals 200 feet (1"=200') (when multiple sheets are used);
11. A key plan at a scale of one inch equals 1000 (1"=1000') on all preliminary plans;
12. Zoning districts of all areas shown on the plan;
13. The applicant is urged to prepare acetate overlays and a Development Impact Statement with the Preliminary Plan in order to expedite Planning Board review.

III.D. Approval

The Preliminary Plan, when submitted, will be studied to determine whether it is in compliance with the design standards of these Regulations. Within forty-five (45) days after submission, the Board shall approve, disapprove, or approve with modification the Preliminary Plan, noting thereon any changes that should be made, and shall notify the Town Clerk of their actions thereon. One copy of the plan shall be returned to the subdivider and the others retained by the Board. Approval of the Preliminary Plan does not constitute approval of the subdivision but does facilitate the procedure in securing approval of the Definitive Plan.

## **Section IV: Definitive Plan**

### **IV.A. General**

A Definitive Plan shall be governed by the Subdivision Regulations in effect at the time of submission of such plan or in effect at the time of the submission of a Preliminary Plan provided that a Definitive Plan evolved therefrom shall have been submitted to the Planning Board within seven (7) months from the date of submission of the Preliminary Plan.

A Definitive Plan shall be governed by the zoning in effect at the time of submission of such plan or a Preliminary Plan from which a Definitive Plan is evolved in accordance with the provisions of Section 7A of Chapter 40A of the General Laws of the Commonwealth.

### **IV.B. Filing Procedures**

Any person submitting a Definitive Plan shall give written notice thereof to the Town Clerk by delivery or registered mail, such notice shall identify the tract, the date of submission, and the name and address of the owner (Use Form C).

The applicant shall file the original drawing of the Definitive Plan Map, six (6) contact prints, and six (6) copies of a Development Impact Statement with the Planning Board. The Planning Department or Secretary of the Board shall distribute one copy to each of the following agencies: Department of Inspection Services, Office of the Town Engineer, Fire Department, Superintendent of Public Works, and the Conservation Commission. The applicant shall also file one set of contact prints and a Development Impact Statement with the Board of Health. The original drawing and a copy of the Development Impact Statement will be reserved for signatures to be returned to the applicant after approval or disapproval by the Planning Board. The format for a Development Impact Statement may be found in Appendix A. Two prints of the proposed subdivision shall have the significant features illustrated according to the following color scheme:

Roads – dark grey;  
Streams and Waterbodies – blue;  
Open Space and Recreation Areas – green;  
Pedestrian and Bicycle Paths – brown;  
Subdivision Boundaries –black.

In addition, the applicant shall file with the Board for the following:

1. Application form (Use Form C).
2. Designer's Certificate (Use Form D).

Section IV.B. (continued)

3. Certified List of Abutters (Use Form F).
4. Approval with Covenant Contract, notarized in duplicate, if no performance bond or certified check is to be posted (Use Form I).
5. One set of three overlays shall be prepared on acetate at the same scale as the Definitive Plan map. These overlays shall illustrate the following features:

Overlay #1 – Flood prone areas, Aquifer recharge areas;  
Overlay #2 – Soils, Slopes greater than 25%;  
Overlay #3 – Vegetation types.

The Planning Department is available to assist in the compilation of this data.

IV.C. Contents

The Definitive Plan Map shall be clearly and legibly drawn in black India ink upon tracing cloth or similar material. The plan shall be at a scale of one inch equals forty feet (1"=40') or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes may not exceed 36" x 42" for construction plans and shall be no larger than 24" x 36" for those sheets of the Definitive Plan that are to be recorded in the Hampshire County Registry of Deeds. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. Suitable space shall be provided on the plan to record the action of the Board and the signatures of the members of the Board (or officially authorized person). The date required below may be on separate sheets as clarity and sound practice dictate. The Definitive Plan shall contain the following information:

1. Subdivision name including the way or ways on which it is situated, boundaries, north point, date, scale, bench mark and datum. All elevations to refer to U.S.C. & G.S. bench marks if within 500 feet of the subdivision.
2. Legend denoting any signs and symbols used on the plan and not otherwise explained.
3. Name and address of record owner, subdivider, and surveyor. The seal and certificate number of the surveyor shall appear on the Definitive Plan.
4. Names of all abutters as they appear in the most recent tax list or a subsequent deed.
5. Key plan, showing location of the subdivision at a scale of one inch

Section IV.C. (continued)

equals one thousand feet (1"=1000') and an accurate index plan at a scale of one inch equals two hundred feet (1"=200') or one inch equals one hundred feet (1"=100'), to be selected in consultation with the Town Planner.

6. All information required on the Preliminary Plan.
7. Existing and proposed topography at a two foot contour interval for gentle slopes and at a five foot contour interval for steep slopes.
8. Zoning districts of all areas shown on the plan.
9. Areas of lots and lot numbers and references to the existing Town Atlas page and lot numbers of parcels to be developed.
10. Watercourses, ponds, marshes, rock outcrop, stone walls, trees of over eight (8) inch caliper (unless otherwise specified by the Board) and other significant natural features.
11. Subsurface conditions on the tract, location and results of tests made to ascertain subsurface soil, rock and groundwater conditions, depth to ground water, and location and results of soil percolation tests if individual sewage disposal systems are proposed (on a separate sheet). The above percolation tests on each lot within the subdivision shall be made by and at the expense of the developer and shall be in accordance with the Board of Health rules and the State Sanitary Code as applicable.
12. Size and location of existing and proposed water supply facilities.
13. A sanitary sewer system including appropriate invert elevations of man-holes, rim elevations of man-holes (these may be shown on the sewer profiles instead), type of man-holes and pipe, wye locations, man-hole number of letter designation and existing sanitary sewerage.
14. Location of all the following improvements unless specifically waived in writing by the Board: street paving, sidewalks, street lighting standards, all utilities above and below ground (ie., telephone, cable TV, gas), curbs, gutters, storm drainage, all easements, and when required by the Fire Department, the fire alarm boxes.
15. A storm drainage system shown including invert and rim elevations of all catch basins and man-holes together with surface elevations of all waterways within the subdivision at 100 foot intervals and approximate depth of water at these points. Surface elevation and approximate depth of water at the annual high water line shown at each point where drainage pipe ends at a waterway.

Section IV.C. (continued)

Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage area and other information sufficient for the Board to check the size of any proposed drain, culvert or bridge. Existing storm sewerage should be shown.

16. Existing and proposed lines of streets, ways, easements and public or common areas within the subdivision. (The proposed names of the proposed streets shall be shown in pencil until they have been approved by the Board).
17. Data concerning the length, radii and central angles of all the horizontal curves; the bearing and length of every street and way line, all lot and boundary lines, sufficient to permit reproduction of the same on the ground. All bearings to be referred to a magnetic meridian, an established deed, or some appropriate meridian. Wherever a boundary line of the subdivision is within 500 feet of a Massachusetts Co-ordinate Survey Monument, the survey of the subdivision shall be tied to said monument or monuments.
18. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest town, county or state monument on an accepted way, and monuments at all points of curvature and changes in direction of street side lines, or where designated by the Town Engineer.
19. Location, names and present widths of street bounding, approaching or within reasonable proximity of the subdivision and street lines of the access road leading from the subdivision to the nearest public road.
20. A sketch plan, acceptable to the Board, showing a possible or prospective street layout for any adjacent land owned or controlled by the owner or the applicant of the subdivision.
21. Profiles of proposed streets and sewers shall be drawn with:
  - a. A horizontal scale of one inch to forty feet (1"=40') and a vertical scale of one inch to four feet (1"=4').
  - b. Existing grade of road center line in fine black solid line.
  - c. Existing grade of right side of the right-of-way in fine black dash line.
  - d. Existing grade of left side of the right-of-way in fine black dotted line.
  - e. All elevations based on the U.S. Coast and Geodetic Survey bench marks, or, in their absence, an appropriate datum.



Section IV.C. (continued)

- f. Proposed center line grades with precise elevations at PVC, PVT, high point and low point with precise stationing.
  - g. Rates of gradient shown in percentages.
  - h. All existing intersecting walks, driveways and basements shown on both sides.
  - i. All center lines, street lines and curb lines of streets for 200 feet on either side of each intersection on a connecting street.
  - j. Profiles showing vertical location of existing and other utility crossings as well as required new waterways. Sizes of all pipes, slopes of all storm and sanitary lines, invert and rim elevation of each man-hole or catch basin shall be shown. Profiles shall include proposed lines even if the new work is outside the subdivision. Water mains will be shown in profile to demonstrate sufficient cover and clearance of other structures.
22. Cross sections and construction details shall include:
- a. Roadway section showing paving, crown, berm, shoulder, tie to R/W line, width, walk, etc.
  - b. Details for catch basins, man-holes, endwalls, etc. or specific references to the appropriate sections of the Town Construction Standards.
  - c. Drainage trench or waterway relocation section.

IV.D. Performance Guarantee

Before endorsement of approval of a Definitive Plan of a subdivision, the subdivider shall either: (1) File a performance bond secured by surety or deposit money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements plus a ten (10) percent contingency factor or (2) Follow the procedure outlined in Section IV.D.2. or IV.D.3.

1. Approval with bonds or surety (Use Forms G or H)

Such bond or surety, if filed or deposited, shall be approved as to form and matter of execution by the Town Counsel and as to sureties by the Town Manager and shall be contingent on the completion of such improvements within two (2) years of the date of the bond.

If the board shall decide at any time during the term of the performance bond that:

- a. improvements have been installed in a satisfactory manner in sufficient amount to warrant reductions in the face amount of such bond, or
- b. the character and extent of the subdivision requires additional improvements, previously waived, then the Board may modify its requirements for any or all such improvements and the face value of such performance bond shall thereupon be reduced or increased respectively by an appropriate amount.

2. Approval with a Covenant (Use Forms I and J)

Instead of filing a bond or deposit surety, the subdivider may request approval of his Definitive Plan on condition that a covenant running with the land will be duly executed and recorded and inscribed on the Plan, or on a separate document referred to on the Plan, in accordance with Section 81-U of Chapter 41, General Laws. Such covenant shall provide in part that no lot may be built upon or sold until all of the improvements as required in these Regulations have been completed and approved as provided hereafter.

In this case, before endorsement of approval of a Definitive Plan, there shall be filed by the subdivider a properly executed approval with Covenant Contract (Use Form I) in accordance with Section IV.B.

Prior to delivering to the subdivider a Certificate of Performance (Use Form J) whereby the restrictions relating to the lot or lots listed therein shall be terminated, the Board shall determine to its satisfaction that such improvements have been completed so as to adequately serve such lot or lots, in part by requiring that the subdivider submit to the board the following:

- a. Written evidence from the Town Engineer that the streets and drainage conform to the Planning Board requirements in accordance with the approved definitive plan, with the exception of the application of the bituminous concrete road-wearing course.
- b. Written evidence from the Town Engineer that the water mains, sanitary sewers and hydrants conform to specifications and the Board requirements in accordance with the approved Definitive Plan.
- c. Written evidence from the Chief of the Fire Department that the fire alarm system conforms to specifications and the Board requirements in accordance with the approved Definitive Plan.

Section IV.D. (continued)

- d. A certificate from a Registered Surveyor, to be obtained at the subdivider's expense, that all permanent bounds and monuments as specified in Section IV.C.18 on all street lines and on the lot or lots to be released are in place and are accurately located in accordance with the approved Definitive Plan.
- e. A performance bond secured by surety or by a certified check payable to the "Town of Amherst" in an amount determined by the Board to be sufficient to cover the cost of surfacing and any remaining or uncompleted work (if not already completed as allowed in Section IV.D.2.a.) and approved as to form and sureties by the Town Manager, conditioned on the completion of the remaining improvements within one year of the date of the check or bond. Release of the check or bond shall be subject to the written approval of the Town Engineer that the work has been completed in accordance with requirements.
- f. A completed Certificate of Performance (Use Form J) for signature by a majority of the Board, if approved.
- g. Upon completion of such required improvements the subdivider shall notify the Board and the Town Clerk, by delivery or registered mail, requesting release from such covenant. The Board shall act on such request within forty-five days.

3. Approval with a mortgage statement

Following the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as a security for advances to be made to the subdivider by the lender, the Board may, at its option, release lots from the operation of the covenant given pursuant to Section IV.D.2. without receipt of a bond or deposit of money upon delivery to the Board of an agreement with said Board, which shall be executed by the subdivider and the lender and shall provide for retention by the lender of sufficient funds otherwise due the subdivider to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursement which may be made to the applicant upon completion of various steps of the work, and shall further provide that in the event the work is not completed within the time set forth by the subdivider, any funds remaining undisbursed shall be available to the Town of Amherst for completion of the unfinished work and correction of deficiencies. All of the above as specified under the provisions of General Laws, Chapter 41, Section 81-U, as amended.

IV.E. Suitability of the Land

1. When a Definitive Plan of a subdivision is submitted to the Board, a copy thereof shall also be filed with the Board of Health (Use Form K). The Board of Health shall, within forty-five (45) days after the plan is so filed, report to the Planning Board in writing its approval or disapproval of said plan, and in the event of disapproval, shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report, and, where possible, shall make recommendations for the adjustment thereof. Failure to so report shall be deemed approval by the Board of Health. Every lot so located that it cannot be served by a connection to the municipal sewer system shall be provided with a septic tank and drain-field satisfactory to the Board of Health.
2. Watercourses, ponds, flood prone areas and wetlands may not be altered, filled, drained, or relocated except when approved by the appropriate authorities.

IV.F. Public Hearing

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Board. Notice of the time and place shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Amherst once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list (Use Form E).

IV.G. Certificate of Approval

Prior to action by the Board on the Definitive Plan, the Planning Director, Town Engineer, Superintendent of Public Works, Director of the Board of Health, and the Fire Chief shall conduct a complete review of the proposed improvements and report their recommendations to the Board.

The Board shall take final action on such plan in accordance with the following schedule:

1. Within ninety (90) days of the filing of a non-residential Definitive Subdivision Plan.
2. Within ninety (90) days of the filing of a residential Definitive Subdivision Plan.

Section IV.G. (*continued*)

3. Within one hundred thirty-five (135) days of the filing of a residential Definitive Subdivision Plan where no Preliminary Plan was filed.

Copies of final action shall be filed with the Town Clerk and sent by delivery or registered mail to the applicant. A Definitive Plan disapproved by the Board of Health (Section IV.E.1.) shall not be approved by the Planning Board until the deficiencies noted by the Board of Health have been corrected. If the Board modifies or disapproves such plan, it shall state in its vote the reason for its action. Approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board (or by the signature of the person officially so authorized by the Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with six prints thereof.

Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets and easements within a subdivision.

IV.H. Recording of Plan and Notification of the Board

1. Within ten (10) days after the Definitive Plan covenant, as approved and endorsed, has been recorded at the Hampshire Registry of Deeds and in the case of registered land, with the recorder of the Land Court, the applicant shall notify the Board in writing of the date of such recording and show evidence of the recording.
2. 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, the Building Inspector shall not issue any permit for the construction of a building on any lot within the subdivision without receipt from the Board of a copy of the Certificate of Performance (Use Form J).

## **Section V: Design Standards**

### **V.A. Basic Requirements**

The subdivider shall observe all design standards for land division as hereinafter provided. These standards shall be considered minimum standards and shall be varied from or waived only as provided in Section VII. The Town of Amherst Construction standards must be followed.

### **V.B. Relationship to Town Plans**

The design and layout of a proposed subdivision should be guided by the goals and objectives of the Final Report of the Select Committee on Goals for Amherst, and subsequent village plans.

### **V.C. Lot Size and Frontage**

All lots shall be of such size and dimensions as to at least meet the minimum requirements of the Zoning By-Law.

### **V.D. Protection of Natural Features**

All natural features such as waterbodies, flood prone areas, wetlands indicated on the Town Land Type Map, scenic points, and historic sites shall be preserved.

### **V.E. Access Through Another Municipality**

In case access to a subdivision crosses land in another municipality, the Board may require certification, from appropriate authorities, that such access is in accordance with the Master Plan and subdivision requirements of such municipality and that a legally adequate performance bond has been duly posted or that such access is adequately improved to handle prospective traffic.

### **V.F. Metric Equivalent Measure**

In light of possible future conversion to metric land measurement, widths of rights-of-way and easements, as well as radii of the same, shall be in feet that equate to even metric units. For instance, a right-of-way will be 59.054 feet wide, or 18 meters; a corner radius will be 29.527 feet, or 9 meters. Other use of metric measurement is encouraged.

### **V.G. Streets**

#### **1. Location and Alignment**

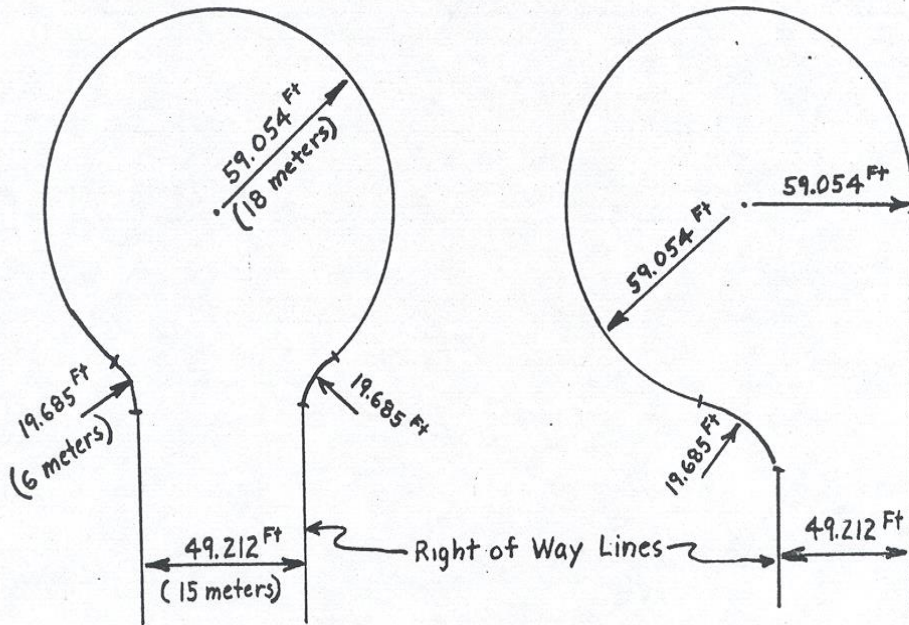
- a. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.

- b. Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
  - c. Reserve strips prohibiting access to streets or adjoining property shall not be permitted.
  - d. Dead-end streets shall be permitted as Minor Streets only. Any dead-end street shall be provided with a circular turn-around at the end having an outside curb radius not less than fifty (50) feet. A dead-end street shall not be more than eight hundred (800) feet in length (See Section V.G.1.f.)
  - e. Property lines at intersections of Major and Secondary Streets shall be cut back to provide for curb radii of not less than 29.527 feet (9 meters). For Minor Streets a radius of not less than 19.685 feet (6 meters) is required.
  - f. See chart of Acceptable Turn-Arounds
  - g. Streets shall not be built within twenty-five (25) feet of any watercourse indicated on the Town Base Map, 1972, as revised, except where a stream crossing has been approved by the Planning Board. A street may cross land which is flood prone provided the lots served may be reached by another means of access which is not subject to periodic flooding.
2. See Chart of Right-of-Way and Street Design Standards
3. Street Jogs
- Streets entering opposite sides of another street shall be laid out either directly opposite each other or with a minimum offset of one hundred twenty-five (125) feet between their centerlines.
4. Intersections
- a. Rights-of-way shall be laid out so as to intersect as nearly as possible to right angles. No right-of-way shall intersect any other right angle at less than sixty (60) degrees. The vertical grade of the road shall not exceed a slope of four (4) percent for a minimum distance of one hundred (100) feet from the intersection.
  - b. Where the angle of the intersection varies more than ten (10) degrees from a right angle, the provisions of Section V.G.4.a. may be modified. Horizontal curves on the street centerline should not begin or end within one hundred (100) feet of the centerline of the intersecting street.

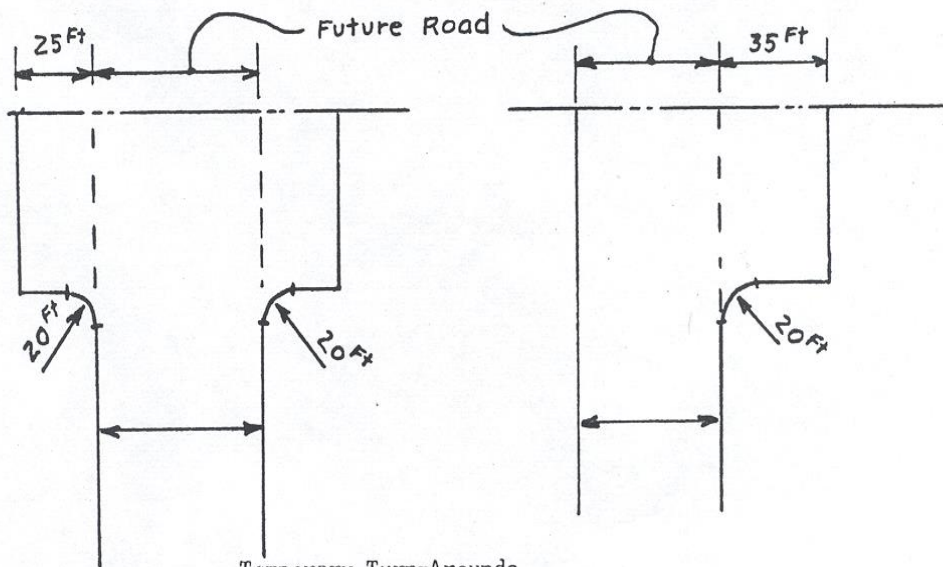


V.G.1.f.

Typical Acceptable Turn-Arounds



Permanent Cul-de-Sacs



Temporary Turn-Arounds



V.G.2.

Right-of-Way and Street Design Standards

<b>Street Classification</b>	<b>Minor</b>	<b>Secondary</b>	<b>Major</b>
1. Minimum Right-of-Way Width (feet)	39.370 (12 m) or 49.212 (15 m) (See note 1)	49.212 (15 m) or 59.054 (18 m) (See note 1)	72.178 (22 m)
2. Minimum Pavement Width (Traveled Way) in feet	20, 22, 24, 26 (See note 1)	24, 26, 28, 30 (See note 1)	40 (See note 2)
3. Minimum Radius of Curves (at Centerline of Traveled Way) in feet	246.06 (75 m)	344.48 (105 m)	590.544 (180 m)
4. Minimum Road Crown (in inches)	4	5	6
5. Minimum Vertical and Horizontal Sight Distance in feet (see note 3)	150	250	450
6. Minimum Percent Grade	1	1	1
7. Maximum Percent Grade	8 (See note 4)	8	5
8. Roadway Shoulder from Edge of Pavement to Bottom of Slope in Substantial Cut (feet)	4	8 (See note 6)	3 (See note 5)
9. Roadway Shoulder from Edge of Pavement to Top of Slope in a Substantial Fill (feet); with Guard Rail	5	9	4 (See note 5)

Notes:

1. To be determined by Board at the review of the Preliminary Plan.
2. This includes two 12' travel lanes and two 8' paved shoulders.
3. Clear site distance in travel lane at 3.5 feet above pavement.
4. Ten percent may be allowed for short distances.
5. From outside edge of paved shoulder.
6. Actual width to be determined by Board.

V.H. Easements and Restrictions

1. Layout of Easements

Wherever possible, easements shall be continuous from lot to lot and street to street, shall be along rear or side lot lines, and shall create as few irregularities as possible.

Utility and drain easements (Use Form N) shall generally follow lot lines, and shall be not less than 19.685 feet (6 m) in width.

2. Conservation Restrictions

Watercourses shall be located within easements conforming substantially with the lines of their courses, whose width shall not be less than 19.685 feet and whose boundaries shall not be closer than five (5) feet horizontally from the annual high water line. No building shall be constructed and no paving shall be permitted within such easement except as permitted under the Zoning By-Law. Watercourses shall remain open except at street crossings.

3. Open Space

Before approval of a plan, the Board may also, in proper cases, require the plan to show a park or parks suitably located for playground and recreation purposes. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. If this land is not conveyed to the Town of Amherst by sale or gift within three years after the approval of the Definitive Plan, then such land may be incorporated into a subsequent subdivision.

Any open space park or playground shall be provided with appropriate frontage on a street, and pedestrian ways will normally be required to provide access from each of the surrounding streets, if any, on which the open space, park 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 community.

V.I. Sewerage

1. Sanitary Sewers

- a. These shall include a capped watertight lateral to an appropriate location at each lot installed by the developer.

- b. Use of private wells and septic disposal systems in the same development is not permitted.
- c. Horizontal or vertical curvature of sanitary sewers is not permitted.
- d. Main sewer lines shall be minimum size of eight (8) inch inside diameter (ID). Laterals to multi-unit dwellings shall be a minimum of six (6) inch ID. Laterals to a single family dwelling shall be a minimum of four (4) inch ID. Flow velocities shall be between 2.5 and 10 feet per second.
- e. Maximum distance between man-holes shall be three hundred (300) feet.
- f. Minimum cover over pipe shall be:
  - (1) 48" under paving
  - (2) 36" under areas of zero live load
- g. Minimum horizontal distance between a sanitary sewer and a parallel water main within subdivision streets shall be eight (8) feet.
- h. Connection of footing drains, or roof drains, or storm drains, to a sanitary sewer is prohibited.
- i. Man-hole covers in flood prone areas shall be of water-tight design.

## 2. Storm Sewers

- a. Design storm intensity for surface runoff shall be four (4) inches per hour.
- b. Minimum size of pipe for surface runoff shall be ten (10) inches ID. Footing drain and subdrain connection pipe size shall be a minimum of six (6) inches ID.
- c. Connection of footing drain, roof drains, or storm drains to a sanitary sewer is prohibited.
- d. Maximum distance between man-holes shall be 300 feet. Maximum distance for street runoff to travel along a berm or gutter to a catch basin shall be 300 feet. Maximum distance between a catch basin and man-hole shall be 300 feet.
- e. Catch basins will be placed at street intersections to intercept surface runoff. These will be placed to prevent water from crossing the streets.

- f. Proper drainage design including appropriate storm lines and channels to accommodate properties “up stream” and appropriate structures to preclude “downstream” damage to adjacent properties.
- g. Where a portion of a subdivision lies within an aquifer recharge area, storm drainage shall be directed, when appropriate, to retention basins in order to artificially recharge the ground water system.

Y.J. Water Supply

1. Water Lines

- a. Minimum cover over pipe mains and laterals to buildings shall be five (5) feet.
- b. Mains will be no closer to the face of catch basins or man-holes than three (3) feet.
- c. Main Line Gate Valves shall be located no more than 1200 feet apart. These valves will also be located at intersecting lines of the system to isolate branch lines.

2. Fire Hydrants (See IV.G for review by Fire Chief)

- a. Minimum distance from the buildings shall be forty (40) feet.
- b. Maximum distance between hydrants shall be 800 feet, measured along the access route.
- c. Minimum size of hydrant branch is six (6) inches ID.
- d. Minimum test pressure is 150 p.s.i., or 150% of normal operating pressure—whichever is less.
- e. Maximum distance from any structure to a hydrant shall be 500 feet measured along the street.

## SECTION VI REQUIRED IMPROVEMENTS

### VI.A. Basic Requirements

The subdivider shall provide all of the improvements required herein and installed at his own expense. All work done under this section shall be done under the direction of the Board, the Town Manager, and the Town Engineer. No aforementioned bond or covenant shall be released until all streets shall have been in place over at least one winter (December 1 to April 15) and full approval in writing of all work done under this section is received from the Town Manager.

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

### VI.B. Clearing and Grubbing of Rights-of-Way

Trees of aesthetic value and over four inches in diameter located at least five (5) feet from the proposed edge of pavement shall require permission of the Board if removal is desired by the developer. All other trees and shrubs shall be removed within the right-of-way as dictated by sound design and landscaping.

### VI.C. Drainage

Responsibility for adequate drainage shall rest with the developer. This shall include the risk involved in connecting with existing drainage facilities provided by the Town.

Where property adjacent to the subdivision, but within the same watershed, is not subdivided, provision shall be made for proper projection of the drainage systems by continuing appropriate drains and easements to the exterior boundaries of the subdivision at such size and grade as will allow for such projection. Drainage rights which are appropriate, sufficient, and necessary to handle drainage from the subdivision and adjacent areas shall be secured for the Town.

### VI.D. Sanitary Sewers

Sanitary sewer pipes and related equipment, such as manholes, connecting Y's, and lateral's, shall be constructed to serve each building or portion thereof in conformity with the Town Construction Standards as promulgated and amended from time to time. Where, in the opinion of the Board, existing public sewers are not reasonably accessible, a Definitive Plan may be approved without provision of sanitary sewers, provided: a) that no lot shall be built upon without the provision of on-lot sewage disposal facilities specifically approved by the Board of Health in conformity with the regulations of said Board as promulgated and amended

from time to time; and b) that the Planning Board may require installation of so-called “dry sewers,” In conformity with the Town Construction Standards, in any street where, in its estimation sanitary sewers may become accessible within a period of five (5) years.

VI.E. Water

Water pipes and related equipment, such as hydrants and main shut-off valves, shall be constructed to serve each street or portion thereof in a subdivision in conformity with the Town Construction Standards as promulgated and amended from time to time. Where, in the opinion of the Board, existing public water mains are not reasonably accessible, a Definitive Plan may be approved without provision of water lines provided: a) that no lot shall be built upon without the provision of on-lot water facilities specifically approved by the Board of Health in conformity with the regulations of said Board as promulgated and amended from time to time; and b) that the Board may require such special provisions of water for firefighting as are deemed necessary by the Chief of the Fire Department. See Section V.I.1.b.

VI.F. Utilities

All gas, telephone, electricity and cable antenna television lines shall be installed underground. If located within a flood prone area, transformers, switching equipment, or other vital components shall be flood-proofed and approved by the Town Engineer.

VI.G. Road, Berms, and Curb Cuts

Wherever a sidewalk or bicycle path intersects a roadway, curb cuts shall be provided. Roadways, berms, curbs, curb cuts, and shoulders will be constructed in accordance with the Town Construction Standards.

VI.H. Sidewalks and Bicycle Paths

Unless the Board determines that pedestrian movement is otherwise provided for, sidewalks having a width of not less than five (5) feet shall be constructed between the roadway and the right-of-way line, as close to the latter as practicable, and generally parallel with the roadway. Minor streets shall be provided with sidewalks on the one side only, secondary and major streets with sidewalks on both sides. Pedestrian access other than by routes parallel with roadways may be permitted, provided easements are established.

The Planning Board may require bicycle paths from four (4) to eight (8) feet in width within a subdivision. In certain cases the sidewalk requirement may be waived where bicycle paths are provided.

VI.I. Groundwater Drainage

As construction progresses, unforeseen groundwater conditions may be encountered which require additional subdrains or curtain drains. These conditions include potential problems if construction is in progress at a time of low water table or other dry conditions. The Board reserves the right to require appropriate systems to accommodate the problem.

VI.J. Retaining Walls

Retaining walls shall be installed where deemed necessary by the Board and they shall be designed by a Registered Professional Engineer.

VI.K. Fire Alarm Systems

Whenever required by the Fire Department, a fire alarm system shall be installed underground in accordance with the specifications of the Fire Department as promulgated and amended from time to time.

VI.L. Trees and Plantings

1. Existing Trees

Trees on the site, especially those over twelve (12) inches in diameter should be preserved. Following is a list of recommended measures for the protection of trees:

- a. There should be no operation of heavy equipment or storage of any materials under said tree within its natural drip line.
- b. Wherever possible no grading or filling should be done within the drip line.
- c. Supplemental irrigation should be provided to all trees as needed during the summer months to insure healthy maintenance.
- d. No black top paving or vehicle parking should be located under evergreen trees. No more than twenty (20) per cent of the area under any deciduous trees natural drip line may be so paved.
- e. All drainage from paved areas should be directed away from root zones.

2. Street trees

- a. The subdivider is required to plant suitable broadleaved deciduous shade trees along roads, or ways unless specifically exempted by the Board. All

trees shall be the equivalent of well-rooted nursery-grown stock; free of injury, harmful insects, and diseases. They shall be well-branched, and the branching structure should be sound.

- b. Acceptable types of street trees may be selected from a list in the Planning Board office in the Town Hall, which includes large-growing, medium-growing, and small-growing deciduous trees.
- c. Large growing trees shall be spaced at intervals of 45 to 55 feet, medium-growing trees at intervals of 30 to 40 feet, and small-growing trees at intervals of 20 to 30 feet. Trees on one side of the street may be set either opposite or diagonally to trees on the opposite side. If overhead wires are present, large or medium-growing trees to be planted along the same side as such wires should be planted within the set-back area of the property rather than adjacent to the paved way. Small-growing trees with low-branching characteristics should be planted within the front yard set-back area in all cases.
- d. Minimum acceptable sizes of trees to be planted shall be as follows:

Large-growing	2 1/2" trunk diameter, caliper at 1' above ground
Medium-growing	2 1/2" trunk diameter, caliper at 1' above ground
Small-growing	9' crown height, 5' spread
- e. Planting operations shall be as specified in Section 8, Subsections A, C, E, and F', of the Recommended Standard Specifications for Planting Trees, Shrubs, and Vines--Associated Landscape Contractors of Massachusetts.
- f. Requirements for support stakes, guy wire and cable, ground anchors, hose, and wrapping material shall be those contained in Section 6 of the Recommended Standard Specifications for Planting Trees, Shrubs, and Vines, compiled and issued by the Associated Landscape Contractors of Massachusetts, Inc.
- g. The subdivider shall be responsible for maintenance of planted trees and replacement of those which have died or become diseased from the time of planting through one full growing season.

### 3. Bank Plantings

- a. All cut or fill bankings that tend to wash or erode must be planted with suitable, well-rooted, low-growing plantings. All plants shall be the equivalent of nursery-grown stock in good health, free from injury, harmful insects, and diseases.



- b. Acceptable planting types may be selected from a list in the Planning Board office in the Town Hall, which includes very low-growing (4" to 12"), low-growing (12" to 30") and herbaceous plantings. Perennial grass turf installed as sod is an acceptable alternative for the planting of banks.
- c. If bank plantings are of a type which are properly spaced at close intervals, 8" to 12" of loam shall be spread over the entire bank. If the plantings are to be widely spaced they may be planted in loam pits.
- d. Mulch (wood chips or equal) shall be spread heavily among plantings for weed and erosion control.
- e. The subdivider shall be responsible for maintenance of bank plantings and replacement of those which have died or become diseased from the time of planting through one full growing season.

#### 4. Corner Plantings

Requirements for plantings adjacent to street intersections shall be the same as those for Bank Plantings with the following exceptions:

- a. Turf may be provided by seeding as well as by planting sod.
- b. Bushy shrubs and herbaceous plantings that would tend to obscure visibility are not permitted within one hundred feet of the intersection of the curbs adjacent to the corner lot.

#### 5. Cul-de-sac Plantings

The central portion of a permanent dead-end street should be landscaped. The following options are permitted:

- a. Planting with ground cover such as those listed in Section VI.L.3.b. using and 8" to 12" base of loam, and spreading mulch between plants for weed control.
- b. Planting perennial grass by either sod or seed.
- c. Planting ornamental shrubs of a type acceptable to the Board.
- d. Retaining existing vegetation, with the approval of the Board.
- e. Standards and Specifications  
The standards of the American Nurserymen Association and the specifications of the Associated Landscape Contractors of Massachusetts shall apply to landscaping subject to these regulations.

## 6. Grass Strips

All cleared areas of a right-of-way, not to be planted with groundcover plantings, including all disturbed area over all culverts in drainage easements, shall be loamed with not less than six (6) inches compacted depth of good quality loam, seeded with lawn grass seed. Seeding shall be done at appropriate times of the year and in a manner to insure growth of grass. No utility poles, transformers, signs or similar items shall be placed within the grass plot within three feet of the edge of the pavement.

### VI.M. Street Signs

Street name signs of a design conforming to the type in general use in the Town shall be furnished, set in concrete and erected at all street intersections prior to the occupancy of any house on the street. Signs may be purchased from the Town of Amherst Public Works Department.

### VI.N. Street Lights

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

### VI.O. Guard Rails

Guard rails shall be installed as required by the Board.

### VI.P. Bounds and Lot Corners

Bounds shall be set on both sides of each proposed street at all angle points, at the beginning and end of all curves thereof, and at all intersections of streets and ways with each other or with Plan boundary lines. The bounds shall be of stone or reinforced concrete, 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. All bounds shall be set flush with the surface of the adjoining ground. Wrought iron rods may be used where the points fall on exposed ledge. The placement and accurate location of these bounds shall be certified to by the Registered Land Surveyor of the developer by a letter which shall be submitted with the As-Built Plan. Entrances to subdivisions shall not be marked by elaborate monuments.

Lot corners in the subdivision shall be set in a manner similar to the setting of the Bounds. These corners or points of deflection will be marked with iron pins (or equal) as permanent markers. The same certification is required as in the case of the bounds. Use of the Massachusetts Coordinate System is encouraged.

VI.Q. As-Built Plan

After all street construction is completed, two copies of the Definitive Plan, revised into an As-Built Plan, showing centerline elevation at fifty (50) foot intervals of roads as built, all inverts of drainage system and sewerage as installed, all utilities as installed, and bounds as installed shall be furnished to the Board prior to the release of the Performance Bond.

VI.R. Final Cleaning

Upon completion of the work, the subdivider shall remove from the highway and adjoining property all temporary structures, surplus of the work; and shall leave the subdivision area in a neat and orderly condition. Burning of the rubbish and waste material is prohibited.

VI.S. Inspections of Improvements

Inspections during the work shall be arranged with the Town Engineer prior to starting construction, who will provide the subdivider with a checklist covering these inspections. The Town Engineer or his designee will sign this checklist after satisfactory completion of each step by the developer. Inspections shall be requested at least 48 hours in advance of each inspection by notice to the Town Engineer. Inspections shall be made after each step indicated above. All weight slips for bituminous material shall be furnished to the town Engineer on request (See Form L).

This page reserved for  
Section VII MAINTENANCE OF IMPROVEMENTS  
Said section is not currently in use

## **SECTION VIII ADMINISTRATION**

### **VIII.A. Authority**

1. The Board shall be the administrative agency of these regulations and shall have all the powers assigned them by Section 81A to GG of Chapter 41 of the General Laws.
2. The Board may assign as their agents appropriate Town agencies or officials and may from time to time hire professional assistance to review plans and inspect improvements at the cost of the subdivider (See Section VIII.C.3.).
3. The Board on its own motion or on the petition of any interested person shall have the power to modify, amend, or rescind its approval of a Plan of a subdivision, or to require a change in a Plan as a condition of its retaining the status of an approved Plan.

### **VIII.B. Waiver of Compliance**

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 intent of the Subdivision Control Law. In waiving strict compliance the Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived. The Town Engineer may approve minor revisions to the construction plans.

### **VIII .C. Inspection**

1. Inspection shall be carried out at appropriate times during development of the subdivision as described in Section VII.S. and in the Subdivision Inspection Checklist (Form L). The subdivider shall notify the Town Engineer at least 48 hours before carrying out each operation to be inspected.
2. The Board may make arrangements with a professional person or firm to carry out such inspection in behalf of the Town.
3. The costs of inspection shall be borne by the subdivider and the inspection fee shall be established by the Planning Board, based on a set fee per linear foot of street, measured along the center line, on an approved definitive plan and shall be paid to the Town Treasurer prior to endorsement of the Definitive Plan.
4. The developer has the responsibility to insure that the approved construction plans are implemented. Use of qualified persons to furnish adequate and timely engineering supervision during construction is required. Surveillance

and field revisions by Town officials cannot be construed as fulfilling this responsibility.

#### VIII.D. Separability

If any section, paragraph, sentence, clause, or provision of these Regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these Regulations shall be deemed to remain valid and effective.

#### VIII.E. Amendments

These Regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board after a public hearing, on its own motion or by petition.

#### VIII.F. Invalidation by State Law

Any part of these Regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law, and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulations.

#### VIII.G. Forms

On the following pages are sample forms for the administration of these Regulations. The administrative content of these forms may revised from time to time by administrative action of the Board apart from Section VIII.E. Copies of these forms may be obtained from the Town Clerk.

#### VIII H Enforcement

The enforcement of the provisions of these Regulations, or any approval or condition of approval granted by the Planning Board under the provisions of these Regulations may be enforced by the Planning Director, Senior Planner or Associate Planner, by non-criminal complaint pursuant to the provisions of Chapter 40, Section 21D. The fine for any violation disposed of through this procedure shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense and each provision of the Regulations or subdivision approval that is violated shall constitute a separate offense.

VIII.I. Additional References (not included herein)

State Sanitary Code

Massachusetts Department of Public Health

Rules and Regulations

Board of Health, Amherst, Massachusetts

Standard Specifications for Highways and Bridges

Massachusetts Department of Public Works

American Association of State Highway Officials (AASHO)

Test Designation T99 (Method C)

Town of Amherst Site Work and Construction Standards

Land Court Manual of Instructions for Land Surveys

Massachusetts Engineering Department

Recommended Standard Specifications for Planting trees,

Shrubs, and Vines, and Fine Grading and Seeding Lawns

The Associated Landscape Contractors of Massachusetts, Inc.

Standards of the American Nurseryman Association

The Hatch Act, General laws, Chapter 131, Section 40 and Current Amendments

Leopold, Luna, and others, A Procedure for Evaluating Environmental Impact,

Geological Survey Circular, 645, U.S. Geological Survey, Washington, DC

## APPENDIX A

### DEVELOPMENT IMPACT STATEMENT

A Development Impact Statement (DIS) is a documented, written analysis of a proposed development which provides the Planning Board and town officials with information necessary for plan review.

It is a developer's responsibility to prepare and document the DIS in sufficient detail to permit an adequate evaluation by the Planning Board; however, additional data may be requested in writing by the Board. It is necessary to respond to all sections of the DIS form except when a written exemption is granted by the Planning Board. The applicant is urged to contact the Office of the Town Planner in the process of completing a Development Impact Statement.

NAME OF PROJECT:

ACERAGE:

TYPE OF PROJECT:

OWNER(S):

LOCATION:

PLANNER:

PARCEL NUMBER(S):

ENGINEER:

ZONING DISTRICT(S):

ARCHITECT:

#### I. PROJECT DESCRIPTION

- a. Number of Units: Total \_\_\_\_ Low Income \_\_\_\_ Single Family \_\_\_\_ Two Family \_\_\_\_  
\_\_\_\_ Row House \_\_\_\_ Apt. \_\_\_\_ Other \_\_\_\_ Condominium  
Ownership \_\_\_\_ Rental \_\_\_\_ Private \_\_\_\_
- b. Number of Bedrooms: Row Houses \_\_\_\_ Apartments \_\_\_\_
- c. Approximate price/unit: Private \_\_\_\_  
Condominium \_\_\_\_ Rental \_\_\_\_

#### II. CIRCULATION SYSTEMS

- a. Street Design--Explain reasons for location of streets, stubs, and intersections.
- b. Street Classification--Classify the streets and stubs within the development according to the Amherst street classification system. Project the number of motor vehicles to enter or depart the site per average day and peak hour.



- c. Parking and Bus Stops--Discuss the number, opportunities for multiple use, and screening of parking spaces. With respect to bus stops, explain the location, shelter design and orientation to path systems.
- d. Pedestrian and Bicycle Circulation--Discuss the orientation of the pedestrian and bicycle system to activity centers, location of bike racks, and conformance with the bike path plans.

### III. SUPPORT SYSTEMS

#### a. Water Distributton

- 1. Public - Discuss the project's water distribution system, including projected demand, ability to serve all lots, use of water for air conditioning, and any special problems such as check valves or booster pumps which must be dealt with.
- 2. Private - Discuss the types of wells proposed for the project, means for providing fire supply, and any special problems which might arise.

#### b. Sewage Disposal

Public - Discuss the project's sewage disposal system, including projected flow, size of pumping stations, and any special problems such as lift stations or check valves which must be dealt with.

- c. Storm Drainage - Discuss the storm drainage system including the projected flow from a 50 year storm, name of the receptor stream, and any flow constrictions between the site and the receptor stream.
- d. Refuse Disposal - Discuss the location and type of facilities, hazardous materials requiring special precautions, and screening.
- e. Lighting - Discuss the location and size of lights, and methods used to screen adjoining properties from glare.
- f. Fire Protection - Discuss the type and capacity of fuel storage facilities, location of storage areas for hazardous substances, special requirements, and distance to fire station.
- g. Recreation
  - 1. Public - Indicate the distance to and type of public facilities.

2. Private - Discuss the type of private recreation facilities to be provided within the development.
- h. Schools -Project the student population of the project for the nursery, elementary, junior high school, and senior high school levels and indicate the distance, capacity, and present enrollment of the nearest elementary and secondary schools.

IV. NATURAL CONDITIONS - Describe briefly the following natural conditions:

- a. Topography - Indicate datum, source, date, slopes greater than 25%.
- b. Soils - Indicate prime agricultural land, depth to bedrock, extent of land which has been filled.
- c. Mineral Resources - Indicate extent and economic importance of resource, extent and means of proposed extraction, rehabilitation measures.
- d. Surficial geology
- e. Depth to water table
- f. Aquifer recharge areas
- g. Wetlands
- h. Watercourses
- i. Flood prone areas
- j. Vegetative cover
- j. Unique wildlife habitats
- l. Unique flora

V. DESIGN FACTORS- Describe briefly the following features. Photographs are helpful.

- a. Present visual quality of the area
- b. Location of significant viewpoints
- c. Historic structures
- d. Architecturally significant structures

- e. Type of architecture for development

VI. ENVIRONMENTAL IMPACT

- a. Measures taken to prevent surface water contamination
- b. Measures taken to prevent ground water contamination
- c. Measures taken to maximize ground water recharge
- d. Measures taken to prevent air pollution
- e. Measures taken to prevent erosion and sedimentation
- f. Measures taken to maintain slope stability
- g. Measures taken to reduce noise levels
- h. Measures taken to preserve significant views
- i. Measures taken in project design to conserve energy
- j. Measures taken to preserve wildlife habitats
- k. Measures taken to ensure compatibility with surrounding land uses

VII. PLANS- Describe how the project relates to the following guidelines.

- a. Village concept and village plans
- b. Conservation Master plan
- c. Regional plans prepared by the Lower-Pioneer Valley Regional Planning Commission.

VIII. PHASING - If the development of the site will take place over more than one year, supply a schedule showing how the development will be phased. A flow chart is helpful. This time table shall include the following elements:

- a. Stripping and/or clearing of site
- b. Rough grading and construction
- c. Construction of grade stabilization and sedimentation control structures

- d. Final grading and vegetative establishment
- e. Landscaping
- f. The construction of any public improvements shall be specified explaining how these improvements are to be integrated with the development.
- g. The number of housing units and the square footage of nonresidential uses to be constructed each year and their estimated value shall be specified.