

RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
TOWN OF CARVER

(ADOPTED UNDER THE SUBDIVISION CONTROL LAW
SECTIONS 81-M TO 81GG INCLUSIVE, CHAPTER 41, G.L.0

SECTION 1.00

TITLE, PURPOSE, AND AUTHORITY

AMENDMENTS TO THE CARVER SUBDIVISION RULES AND REGULATIONS (10/15/91)

On October 15, 1991, the Carver Planning Board held a hearing in accordance with the provisions of Chapter 41, Section 81Q, to consider making amendments to the Rules and Regulations Governing the Subdivision of Land in the Town of Carver. The following amendments were unanimously approved:

3.02 Plan Believed Not to Require Approval – Insert at the end of the first paragraph, “A filing fee of \$50 shall accompany the applications.”

4.01.1 Preliminary Plan, General – Insert after the second paragraph the following new paragraph: The application shall be accompanied with a filing fee of \$100, plus an initial deposit for the establishment of a Review and Inspection account of \$500 for five or few lots, or \$100 per lot for six lots or more. This amount for Review and Inspection represents a minimum balance to be maintained at all times; additional funds may be required on complicated projects. Any balance remaining in the Review and Inspection account will be refunded at the applicant’s request at the end of the Preliminary Plan review of the Definitive Plan.”

4.02.1 Definitive Plan, General

Section b: Delete, “And a deposit of \$50 to cover the cost of advertising and notices”, and replace with, “and a filing fee of \$200, unless a Form B (Preliminary) application has already been filed on the project, in which case the filing fee shall be \$100.”

Section c: Delete, “not less that \$300”, and replace with, “not less than \$500 for projects of five or fewer lots, or \$1000 per lot for six lots or more.” At the end of that same paragraph insert, “funds remaining in the Review and Inspection account will be refunded at the applicant’s request at the completion of the project.”

CARVER PLANNING BOARD
REVISED FEE SCHEDULE
(APRIL 1999)

Form A	Filing Fee: \$50.00
Form B	Filing Fee: \$100.00 Review and Inspection: 1-5 Lots: \$500.00 6 Lots or more \$100.00 per lot
Form C	Filing Fee: \$100.00 if form B has been filed \$200.00 if no form B has been filed Review and Inspection: 1-5 Lots: \$1000.00 6 Lots or more: \$200.00 per lot ** Balance of Review fee from Form B application may be applied towards Form C Review.) Bounds: \$25.00 per roadway monument. Security for as-built plans: \$20.00 per lot.

Site Plan Review:

Filing Fee: \$100.00
Review and Inspection:
5 acres or less \$1000.00
Over 5 acres: \$200.00 per acre

Special Permits:

Filing fee: \$100.00
Review and Inspection:
5 acres or less: \$1000.00
Over 5 acres: \$200.00 per acre

Review and inspection figures represent an initial deposit and a minimum balance to be maintained at all times. Additional funds may be required on complicated projects. The Board has the authority to increase or decrease the initial Review and Inspection deposit required for unusually simple or complex projects.

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Rules and Regulations
Governing The Subdivision of Land
Town of Carver, Massachusetts

(Adopted under the Subdivision Control law
Sections 81-M to 81-GG inclusive, Chapter 41, G.L.)

Section 1.00
Title, Purpose and Authority

1.01 Title

These rules and regulations of the Carver Planning Board shall be known and may be cited as the “Rules and Regulations Governing the Subdivision of the Land, town of Carver, Massachusetts” which herein are called “These Rules and Regulations”.

1.02 Purpose (section 81-M of Chapter 41 G.L.)

“The subdivision control law has been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances; or by laws; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in neighbors subdivisions.”

1.03 Authority

Under the authority vested in the Planning Board of the Town of Carver 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 Carver. Such rules and regulations shall be effective on and after the day of June 2, 1981, and they amend all rules and regulations governing the subdivision of land in Carver previously adopted. The Public Hearing was held on March 12, 1981 at the Town Hall in accordance with Section 81-Q of Chapter 41 of the General Laws.

Section 2.00 Definitions

For the purpose of These Rules and Regulations, unless a contrary intention clearly appears, the terms and words defined in the Subdivision Control Law shall have the meaning given therein. The following other terms and words shall have the following meanings:

- 2.01 Applicant: Either the owner of the land stated in the application for subdivision or all the owners where title is held jointly, in common, or in tenancy by the entirety, including corporations. For a corporation, evidence in the form of a list of its officers and designated authority to sign legal documents shall be required. An agent, representative, or his assigns may act for an owner, provided written evidence of such fact is submitted.
- 2.02 Board: The Planning Board of the Town of Carver.
- 2.03 Collector Streets: Streets which receive and distribute traffic from and to various sub areas within a given region, and receive traffic from a given residential neighborhood or industrial area and carry it to an arterial highway. These roads run through developed areas or connect concentrations of development, and carry significant volumes of traffic.
- 2.04 Definitive Plan: All final plans prepared for and filed in connection with Planning Board Approval under the Subdivision Control Law.

- 2.05 Engineer: Any person who is registered or otherwise legal authorized by the Commonwealth of Massachusetts to perform professional civil engineering services. All work which is engineering shall be done by or under the direct supervision of an engineer under this definition.
- 2.06 Local Streets: Streets which primarily provide access to adjacent land uses.
- 2.07 Planning Board Inspector: An individual or an organization authorized by the Board to inspect all construction regulated by These Rules and Regulations in a subdivision and to determine compliance with applicable requirements and specifications.
- 2.08 Subdivision: The division of a tract of land into two or more lots including resubdivision, and, when appropriate to the context, relating to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lots within the tract so divided has frontage on (a) a public way, or a way which the town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan previously approved and endorsed in accordance with the subdivision Control Law, or (c) a way in existence when the subdivision Control Law became effective in the town of Carver having, in the opinion of the Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by law for erection of a building on such lot. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the Town of Carver into separate lots on each of which one of such buildings remains standing shall not constitute a subdivision. (Section 81-L)
- 2.09 Subdivision Control: Refers to Sections 81-K- 81-GG, inclusive of Chapter 41, of the General Laws of the Commonwealth of Massachusetts, entitled “

“Subdivision Control” and any acts in amendment thereof, addition thereto or substitution therefor.

2.10 Subdivision, Agricultural-Residential: A Subdivision for residential purposes in which the minimum lot size is 60,000 square feet or more.

2.11 Subdivision, Industrial: A subdivision for business or industrial purposes.

2.12 Surveyor: Any person is registered or otherwise legally authorized by the Commonwealth of Massachusetts to perform land surveying services.

Section 3.00

General

3.01 Limitation of One Dwelling on Any Lot: Not more than one building designed or available for use for dwelling purpose shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the Town of Carver without consent of the board.

3.02 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 form A (see Forms) to the Board, as prescribed in Section 81-T and 81-P of said Subdivision Control Law accompanied by the necessary evidence to show that the plan does not require approval. Such evidence shall include, but shall not necessarily be limited to the delineation, north point, date, scale, legend, title, name of record owner, engineer, surveyor, names of all abutters, area, and frontage of and buildings on any lot or parcel of land, the boundaries of which are being established, changed or to be recorded without change and locus plan. Such plan shall be suitable for recording and shall be accompanied by six prints thereof.

Said person shall file, by delivery or registered or certified mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.

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 Subdivision Control Law not required”. Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within 14 days of submission of said plans; so inform the applicant and return the plan. The board shall also notify the Town Clerk of its determination. The Board shall retain four copies of the plans for a period determined by the Board.

If the Board fails to act upon the plan submitted under this section within the prescribed 14 days, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

- 3.03 Forming a Subdivision: No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the town, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the board as herein after provided. (Section 81-O)
- 3.04 Effect of Prior Recording Subdivision Land: The recording of a plan of land within the town in the Registry of Deeds of Plymouth County prior to the effective date of the Subdivision control Law in the Town of Carver, showing the division thereof into existing or proposed lots sites or other divisions and ways furnishing access thereto, shall not exempt such land from the application and operation of these rules, regulations and requirements except as specifically exempt by Section 81-FF of the Subdivision Control Law.
- 3.05 Applicant’s Responsibility: The approval of a subdivision by the Board does not affect any rights others may have in or over the land to be subdivided nor does it give the applicant the right to perform work on land owned by others. The acquisition of necessary rights and the presentation of complete and correct information to the Board are responsibilities of the applicant and the failure to do so, including the failure or inability to obtain all necessary permits, licenses, releases or rights may constitute a reason for

the disapproval, the rescission of approval of a subdivision plan or application of other laws. (Section 81-W)

Section 4.00
Procedures for The Submission and Approval of Plans

4.01 Preliminary Plan

1. General. A preliminary plan of subdivision may be submitted by the applicant 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. Therefore, it is strongly recommended that a Preliminary Plan be filed in every case. A properly executed application Form B (see forms) shall be filed with the Preliminary Plan submitted to the Board.

The plan shall be submitted by delivery at a meeting of the Board or be registered or certified mail to the Board in care of the Town Clerk. If so mailed, the date of mailing shall be the date of submission of the plan. In addition, written notice shall be given by the applicant to the Town Clerk by delivery or by registered or certified mail, that he has submitted such a plan.

2. Contents: The Preliminary Plan may be drawn on tracing paper 24 inches by 36 inches with pencil at a suitable scale and twelve prints shall be filed at the office of the Board. Said Preliminary Plan shall be clearly and legibly drawn showing sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan. Such information shall include the material required by items “a” to “w” inclusive of the Contents of the Definitive Plan (Section 4.02-2), plus the legend and title “Preliminary Plan,” name of the engineer and surveyor responsible for the plan, proposed system of utilities, approximate boundary lines of proposed lots, with approximate

areas and dimensions, and topography of land in a general manner. During discussion of the Preliminary Plan, the complete information required for the Definitive Plan (Section 4.02-2) and the financial arrangements (Section 4.02-8) will be developed.

3. Action by Board: The Board may give such Preliminary Plan its approval, with or without modification. Such approval does reflect the Board's acceptance of the general concept. The Board may request resubmission of the Preliminary Plan with preliminary comments incorporated on same.

The Board may also disapprove the plan. A disapproval will be accompanied by a detailed statement of reasons for the action.

Notice of its action must be given by the Board to the Applicant and Town Clerk within 60 days of the date of submission.

4.02 Definitive Plan

1. General. Any person who submits a Definitive Plan of a subdivision to the Board for approval shall file with the Board the following:
 - a. One original drawing on Mylar of the Definitive Plan (including all plans, maps, and cross sections required by Section 4.02-2) and twelve contact prints thereof, dark line on white background. The drawing will be returned after approval or disapproval. If the Definitive Plan is approved, the applicant shall, prior to the release of any lots and within thirty calendar days thereafter, forward a sepia and two prints of said approved set of drawings for the Board's permanent record.
 - b. A properly executed application Form C (see Appendix A). and a deposit of \$50 to cover the cost of advertising and notices.
 - c. Any subdivision plan submitted to the Planning Board for action shall be accompanied by an initial deposit of not less than \$300 to represent a minimum balance to be maintained to cover costs of review and inspection.

A certified check filed with the Town Clerk and held in an amount totaling \$25 for each roadway monument shown on the subdivision plan and as required by these regulations shall be submitted with the application if such monuments have not been installed and certified at the time of submission of the definitive plan. Any deposit will be returned or refunded after submission of a certification from a registered land surveyor that bounds have been accurately installed.

An additional certified check shall accompany the application, in the amount totaling \$20 per lot, to be held as security for the later submission to the Planning Board of as-built plans and profiles (sepia and two prints 1"=2000') to show drainage lines and structure, as actually installed with sufficient ties for proper identification.

- d. A location plan of the subdivision at a scale, showing the right-of-way lines of all proposed streets in the subdivision and their location in relation to one or more existing streets or portions thereof, in the immediate vicinity shown and readily identifiable as to locus on the Town map and to such scale and accuracy that the Town map may be placed over the location plan for purposes of actual transfer.
- e. Statement that the Definitive Plan considers the Board's action on the Preliminary Plan, if submitted, and that it conforms to the Board's rules and regulations.
- f. List of Abutters (Form D). Name and mailing address of all the abutters as they appear in the most recent tax list, including owners of land separated from the subdivision only by a street.
- g. A sketch plan showing a possible or prospective street layout for any adjacent unsubdivided land owned or controlled by the owner or applicant of the subdivision, unless such a plan has already been submitted to the Board.
- h. The applicant shall also by delivery or registered or certified mail file written notice to the Town Clerk stating the date of

submission of the Definitive Plan, accompanied by a copy of the completed application (Form C).

2. Contents. The Definitive Plan shall be prepared by a registered professional civil engineer or land surveyor licensed by the Commonwealth of Massachusetts and shall be clearly and legibly drawn in black ink or mylar satisfactory to the Registry of Deeds for recording purposes. The plan shall be at a scale of 1"= 40' or such other scale as the Board may accept to show details clearly and adequately. Sheets sizes shall not exceed 24 inches by 36 inches. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision with a key plan on each sheet properly labeled. Match lines shall be shown on the index with plan numbers between the match lines. The match lines shall correspond to those which shall be on each sheet. The match lines shall be arranged so that if two adjacent plans are to be joined they will match by stationing and direction. The Definitive Plan shall contain the following information:
 - a. Subdivision name, boundaries, true north, date of submission, legend and scales on each plan.
 - b. Names and address of record owner and applicant.
 - c. Names of all abutters as determined from the most recent local tax list, including owners of land separated from the subdivision only by a street; and zoning district boundaries, if any.
 - d. Existing and proposed lines of streets, lots, rights-of-way, easements, and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board.) Purpose of easement shall be indicated.
 - e. Location, names, and present widths of streets bounding, approaching, or within immediate proximity of the subdivision.

- f. Location of natural waterways and water bodies within and immediately adjacent to the subdivision.
- g. Major existing site features, such as stone walls, fences, buildings, trees 10” or larger within 50’ on each side of proposed roadways, showing rock, ridges and outcroppings, and swamps, etc.
- h. Sufficient data including lengths, bearings, radii, and central angles to determine the exact location, direction, and length of every street and way line, lot line, and boundary line, and to establish these lines on the ground.
- i. Location of all permanent monuments and bench marks, identified as to whether existing or proposed.
- j. Boundary lines, areas in square feet, and dimensions of all proposed lots, with all lots designated numerically and in sequence.
- k. Name of the engineer and surveyor who prepared the plan. Certificates and seals of the engineer and surveyor that they actually prepared the plan.
- l. Suitable space to record the action of the Board and the signatures of the members of the Planning Board on each sheet of the Definitive Plan. Where the applicant elects to secure completion of required improvements by covenant (rather than bonds or surety), there shall be a notation above such space as follows:

Approved _____, subject to a covenant conditions set forth in a covenant executed by _____, dated _____, and to be (recorded – registered) herewith.

The following items may be submitted on the same sheet as the Definitive Plan or on separate sheets and must be prepared and/or certified by a Registered Professional Civil Engineer or Registered Land Surveyor as appropriate.

- m. Existing and proposed topography, with 2-foot contour intervals, unless the Board agrees that the natural surface of the ground may be adequately represented by contours with larger intervals or by figures of elevation. The surface and bottom elevation of all water bodies within the subdivision shall be given and ground surfaces identified as to type, such as woodland, swamp, ledge outcrops, periodically flooded, etc. The approval of a subdivision by the Planning Board does not constitute an authority to remove from it the earth materials and the developer shall be required to comply with all provisions of the Zoning By-laws of the Town of Carver and other laws and regulations relative to the removal of soil, loam, sand, gravel, rock and other materials.
- n. Profiles on the center lines of proposed streets and 50 ft. beyond at a horizontal scale of 1"=40' and a vertical scale of 1"=4', or such other scales acceptable to the Board. All elevations shall refer to USGGS datum. Profiles shall also indicate the location of any intersecting public or private ways, and the location, material and size of existing and proposed storm drains, street lighting and other underground utilities to be placed in the right-of-way.
- o. On the same sheet, there shall be drawn typical cross sections of the proposed street, properly located and identified by station number, at such intervals along the streets as will adequately indicate any variations in its section, supplemented, where necessary, by lines on the layout plan showing the width and location of proposed roadways, gutters, sidewalks, and similar physical features.
- p. Cross section of typical drainage, catch basin and manhole, if not standard.
- q. Computations used in designing storm drainage system. (Appendix A)
- r. Any special construction details or other pertinent information which the Planning Board may request as is necessary to evaluate the feasibility of the proposed design

of the subdivision., such information may include the results of any tests or copies of calculations used in design of the subdivision. Such information may include the results of any tests or copies of calculations used in design, copies of agreements granting the developer rights essential to development of the land and construction work involved, including the right of access over existing ways. Further, such information shall include, but not limited to those items in Appendix C are the accepted standards for the Board.

- s. Detail drawings: Any special construction features, deviating from or not covered by standard specifications shall be shown on detail drawings. Such detail drawings may be incorporated as party of a utility plan or profile or may be executed on a separate sheet or sheets and shall provide information as to dimensions, location, elevations, cross sections, materials, etc., of the construction details involved. The requirements for detail drawings shall be applicable, but not limited to, bridges, culverts, structurally stabilized slopes, utility piping encased in concrete, ditches and brooks shaped or constructed to a definite cross-section, dams and spillways, steps within the exterior lines of the street and similar construction features.
- t. Sufficient percolation tests and test pits shall be taken by the applicant to clearly indicate the general sub-surface soil conditions. Percolation tests shall be witnessed by the Town of Carver Board of Health Inspector. In additional percolation test or tests may be required by the Planning Board, if, in its opinion there may exist marginal land which may be detrimental to building and/or construction, public health or safety, or existing tests are not representative of the land area involved. The cost of such additional test or tests shall be borne by the applicant.
- u. Show soil conditions in such a general way; using, if desired, U.S. Dept. of Agriculture Soil Conservation Study of 1968 to describe:
 - (a) Relationship of soils to seasonal high-water table.

- (b) Soil limitation for roads.
 - (c) Soil limitation for house sites.
 - (d) Soil limitation for on-site septic systems.
- v. Natural water courses and ponds may not be altered, filled, drained or relocated except as provided by Chapter 131, Section 40 of the General Laws. Any pond that has been in existence for over 25 years shall be deemed to be a natural pond.
- w. Flood plains, marshes or seasonal wet areas may be included as part of a lot, but may not be altered, filled, drained or relocated except as provided by Chapter 131, Section 40, and may not be used for building sites, sewerage disposal areas or roads.
3. Review by Board of Health as to Suitability of the Land
- a. At the time of filing of the Definitive Plan, the applicant shall also file with the Board of Health two prints of the Definitive Plan, dark line on white background, including all items of the contents of definitive plan described above.
 - b. The Board of Health shall, within 45 days after filing of the plan, report to the Board in writing its approval or disapproval of said plan. A copy of such report shall be sent to the applicant. If the Board of Health disapproves said plan, it 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 reports, and, where possible, shall make recommendations for the adjustment thereof.

Any approval of the plan by the Planning Board shall then only be given on condition that the designated lots or land shall not be built upon or served with any utilities (including cesspools, septic tanks, and drainage) without prior consent of the Board of Health. The Planning Board shall endorse

on the plan such condition, specifying the lots or land to which such condition applies.

The approval of the Carver Board of Health and/or Planning Board is not given unconditionally to the applicant. If at any future time additional percolation tests are taken on a particular lot, which are unsatisfactory then the applicants must satisfy the requirements of the Board of Health. The responsibility to assure satisfactory percolation remains with the applicant.

4. Prior Approval under Massachusetts General Law, Chapter 13, Section 27A, and Chapter 131, Section 117C. Any person submitting a subdivision for approval by the Board, said subdivision to be built upon any bank, flat, marsh, meadow or swamp bordering on any inland or coastal waterways, shall show evidence of approval to perform such activity under the Inland Wetlands Act (Chapter 131, Section 40, Massachusetts General Laws.)
5. Public Hearing. Before approval, modifications and approval, or disapproval of a Definitive Plan is given, a public hearing shall be held by the Board. Notice of the time and place of the hearing and of the subject matter, sufficient for identification, shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Carver once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing. A copy of said notice shall be posted in the Town Hall, mailed to the applicant and to all owners of land abutting upon the subdivision or separated from such land only by a street, as appearing in the most recent tax list.
6. Approval, Modification or Disapproval. After the required hearing, but within the period specified in the Subdivision Control Law, the Board shall take action thereon. It may approve, modify and approve, or disapprove said plan, as provided by statute.

The action of the Board in respect to such plan shall be certified and filed with the Town Clerk and sent by registered or certified mail to applicant. Action shall require a majority vote of the Board members. If the Board modifies or disapproves such plan, it shall state with its vote the reasons for its action. Final approval, if granted, shall be endorsed on the reproducible drawings of the Definitive Plan by the signatures of the majority of the Board (or by the signature of the person officially authorized by the Board) but not until the statutory 20-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, or it appeal has been taken, not until the entry of a final decree of the court sustaining the approval of such plan. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with one sepia copy and two prints thereof.

Final approval of the Definitive Plan does not constitute the laying out or acceptance by the town of streets within a subdivision.

7. Recording of Plan. Within 10 days after the Definitive Plan, as approved and endorsed, has been recorded at the Plymouth County Registry of Deeds and, in the case of registered land with the recorder of Land Court, the applicant shall notify the Board in writing of such recording.
8. Performance Guarantee. Before endorsement of the Board's approval of a Definitive Plan of a subdivision, the applicant shall agree to complete the required improvements specified in Section 6.00 for all lots in the subdivision, such construction and installation to be 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. Approval with Bonds or Surety. The applicant shall file a surety company performance bond or a deposit of money in an amount determined by the Board after consultation with the appropriate town departments to be sufficient to cover the

cost of all or any part of the improvements specified in Section 6.00 not covered by a covenant under “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 as to sureties by the Town Treasurer and shall be contingent on the completion of such improvements within two years of the date of the bond or surety or such other time as the Board may require. At the discretion of the Board, a time extension may be granted.

- b. Approval with Covenant. The applicant shall file a covenant Form F (see Forms), executed and duly recorded by the owner of record, running with the land, whereby such ways and services as specified in Section 6.00 not covered by bond or deposit under “a” above, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.
9. Reduction of Bond or Surety. The penal sum of any such bond, or the amount of any deposit held under clause “a” of Section 4.02-8 above, may, from time to time, be reduced by the Board and the obligations of the parties thereto released by said Board in whole or party. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.
10. Later Alternate Method of Guaranteeing Performance. After sufficient improvements have been made by the applicant to give the Board reason to release one or more lots from a performance guarantee and following the recording of a first mortgage or mortgages on a lot or lots in the subdivision given as security for advances to the subdivider by a lender, the Board may, at its option, release lots from the operation of a performance guarantee without receipt of a bond or deposit of money upon delivery to the Board of an agreement with the Board, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of sufficient funds otherwise due the applicant to secure the construction of ways and the installation of utilities. Said agreement shall provide for a schedule of disbursements which

may be made to the applicant upon completion of various stages of the work and shall further provide that in the event the work is not completed within the time set forth by the applicant, which time shall not exceed a period of two years, any funds remaining undisbursed shall be available for completion.

11. Release of Performance Guarantee. Upon the completion of improvements required under Section 6.00, 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 shall send by registered mail to the Town Clerk and to the Board a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with the requirements contained under Section 6.00, such statement to contain the address of the applicant. If the Board determines that the said construction or installation has not been completed, it shall specify to the applicant in writing any details wherein said construction and installation fails to comply with the requirements contained under Section 6.00. Upon failure of the Board to act on such application within 45 days after the receipt of the application by the Town Clerk, all obligations under the bond shall cease and terminate by operation of law, and any deposit shall be returned and any such covenant shall become void. In the event that said 45 day period expires without such specifications, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.
12. Evidence of Satisfactory Performance. Before the Board will release the interest of the town in a performance bond or deposit or, in the case of approval with covenant, issue a release of covenant:
 - a. The applicant shall file with the Board a certified copy of the actual layout plan (with accompanying cross sections and profiles) for each street in the subdivision. Certification shall be by the engineer and surveyor employed by the

applicant at his own expense and shall indicate that all streets, sidewalks, storm drains, and their appurtenances have been constructed in compliance with the lines, locations, and grades of said plan. The applicant shall also file a street acceptance plan or plans, as the case may be, suitable for recording in form acceptable to the Board and the Town Counsel and showing such data boundaries as is necessary for the town to properly accept the street or streets shown thereon.

- b. The Board shall obtain in writing from the appropriate town departments heads or the Planning Board Inspector, as determined by the Board, a statement that all work required by these Rules and Regulations has been inspected by him and completed in each street in the subdivision (or the street or streets serving the lots in question), including storm drains, bridges, and sidewalks, and that he has approved the methods of construction and materials used in the performance of such work.

Section 5.00

Design and Construction Standards

5.01 Streets

1. Location

- 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. The proposed streets shall conform so far as practicable to the Master or Study Plans as adopted in whole or in part by the Board.

- c. 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.
 - d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
2. Cross Sections. Cross sections shall be in accordance with the standards as shown in Table #1.
 3. Alignment. Grade. Dead-End Intersections. These shall be in accordance with the standards shown in Table 2.

5.02 Utility Installation: The installation of public shall conform to the standards shown in the following sections.

1. The applicant shall employ at his own expense an engineer or surveyor to set all lines and grades in a manner satisfactory to the Board.
2. Storm drains shall be laid to line and grade in a workman-like manner including all appurtenance structures.
3. Unsuitable material below normal pipe inverts shall be removed and replaced by material described below approved by the Highway Department. The pipe shall be surrounded by 6 inches of compacted screened gravel if set in earth, and all 12 inches if set in rock.
4. If unsuitable material is encountered during the subsurface exploration by the applicant or the engineer, it shall be the responsibility of the applicant to so notify the Board in writing of the extent of unsuitable material (both vertical and horizontal) involved and when tests will be performed to enable the Planning Board Inspector to be present. Sufficient test pits must be taken and all costs borne by the applicant. Failure to notify the Board of the extent of unsuitable material may be grounds to halt construction in the future. If unsuitable material is encountered during the construction phase, the applicant must immediately stop construction until sufficient test pits in construction areas are made in the presence of a Board member or inspector to

determine what method shall be taken by applicants to insure stability of the construction item above or adjacent thereto. Failure to notify the Board shall be grounds to halt further construction.

5. Width of trench shall be equal to $4/3$ diameter of the pipe or conduit plus 18 inches.
6. Sheeting, if used, shall be removed or with written permission of Highway Department may be cut off 12 inches above top of pipe or conduit.
7. Backfill shall be compacted to 90 percent of the maximum dry density of the material as determined by the American Association of State Highway Officials, Designated T-180D.
8. All municipal underground utilities shall be tested and approved by the Board and any applicable town agency having jurisdiction prior to installation of base course (s) and pavement.

5.03 Street Construction

1. Grading

- a. The applicant shall employ at his own expense an engineer or land surveyor to set all lines and grades in a manner satisfactory to the Board, the applicant must obtain permits from the Highway Department and the Tree Warden to open a public way.
- b. The entire area within the right-of-way lines shall be cleared and grubbed of all stumps, brush, roots, boulders, and like material. All material shall be removed to a minimum 15 inches depth below the finished grade of the roadway or filled to a subgrade parallel to the finished grade. (Refer to Table 3) Trees intended to be preserved shall be protected by suitable boxes, fenders, or wells as appropriate.
- c. All unsuitable material below the subgrade shall be removed and shall be replaced by materials conforming to the Massachusetts Department of Public Works Standard Specifications for Highways

and Bridges, 1973, Section 405. See also 5.02-4 which is also applicable here.

- d. All materials used for roadway embankments to a minimum depth of 9 inches shall conform to the Massachusetts Department of Public Works Standard Specifications for Highways and Bridges, 1973, Section 150.
- e. Before the base course is spread, the sub-base shall be shaped to a true surface conforming to the proposed cross section of the road and shall be compacted in layers not exceeding 8 inches in depth except the last layer shall not exceed 4 inches in depth. The sub-base shall be compacted to the depth indicated in Table 3 and to the proper percent of the maximum dry density of the material (cohesive to 95 percent and cohesionless to 100 percent –ASSHO T 180 Method D).
- f. Where fill is required, it shall be placed in layers not deeper than 12 inches and shall be compacted as in “e” above. The fill shall be of suitable material free of all organic material and not contain excessive amounts of clay.

2. Surfacing

The pavement structure shall be constructed in accordance with applicable sections of the Massachusetts Standard Specifications for Highways and Bridges.

- (1) Base course. The base course shall be granular in accordance with Section 405, Gravel Base Course. It shall be laid to a depth indicated in Table 3.
- (2) Binder Course. The binder course shall be asphalt concrete in accordance with Section 460, Class I Bituminous Concrete Pavement Type I-2 (Binder course Mix). It shall be laid to a depth indicated in Table 3.
- (3) Surface Course. The course shall be asphalt concrete in accordance with Section 460, Class I Bituminous Concrete

Pavement Type I-1 (Top Course Mix). It shall be laid to a depth indicated in Table 3.

- c. Driveway aprons shall be constructed to serve each lot, carefully graded to provide unimpeded drainage in the gutter, and paved in the same manner and thickness of the street to the actual driveway width but in no case less than 12 feet nor greater than 24 feet.

5.04 Shoulders

1. In subdivisions where shoulders are allowed, a stabilized grassed shoulder having a width of at least 4 feet may, at the option of the applicant, be constructed within the roadway at its outer edge.
2. Such shoulders shall consist of a layer of select gravel mixed with good quality loam in the ratio of two parts gravel and one part loam, placed on the side of the pavement surface, on top of the base layer, rolled and compacted to a transverse grade meeting that of the finished pavement, and seeded with hayseed applied in sufficient quantity to assure adequate coverage. The seed shall be rolled in when the soil is moist.

5.05 Berms

1. In all subdivisions, curbing shall be installed along each edge of the roadway on all streets and be "Cape Cod" berm design.
2. The bituminous concrete berms shall consist of Class I Bituminous Concrete, type I-1, in accordance with details of design as shown on the plans and in accordance with Section 470, Class I Bituminous Concrete Berms of the Massachusetts Standard Specifications for Highways and Bridges

5.05 Sidewalks

1. Sidewalks shall have a finished grade of ½" to 1'-0" sloping toward the roadway. When unusual physical land characteristics or topographic conditions require the Board may approve the placement of a sidewalk at a greater distance from the roadway or at a higher or

lower elevation in relation thereto, provided such variation is indicated on the Definitive Plan or in covenant.

2. In constructing all sidewalks, the material shall be removed for the full width of the sidewalk to a subgrade at least 12 inches below the approved finished grade, and also all soft spots and other undesirable material below such subgrade shall be replaced with a good binding material and rolled with a 2-ton roller or equivalent. The excavated area shall be filled with at least 9 inches of select grade containing some binding material and compressed and rolled to a surface slope of $\frac{1}{2}$ " to 1'-0". Sidewalks shall then be paved to a thickness of 2 $\frac{1}{2}$ " with bituminous concrete pavement, applied in 1 $\frac{1}{2}$ " binder and 1" surface.

5.07 Street Lighting

1. The developer is required to provide adequate street lighting in accordance with the requirements of the Commonwealth Electric company. The street lighting to be installed in those areas of the subdivision which are occupied

5.08 Side Slopes

1. The area in back of the sidewalk, or where no sidewalk is constructed, shall be graded to a point where it coincides with the finished grade of abutting lots in such a manner that no portion thereof within the right-of-way lines of the street will project above a plane sloped three horizontal to one vertical from one foot beyond the edge of the sidewalk or grass lot, or be below a plane sloped three horizontal to one vertical downward.
2. The top 6 inches of side slopes shall consist of good quality loam extending to the right-of-way, screened, raked, and rolled with at least a 100-pound roller to grade. The loam shall be seeded with lawn grass seed applied in sufficient quantity to assure adequate coverage, rolled when the loam is moist. Loaming and seeding shall be in accordance with Sections 751 and 765 of the Massachusetts Standard Specifications for Highways and Bridges, (1973).

5.09 Street Name Signs

1. Street name signs shall be of a design acceptable to the Department of Public Works Superintendent, shall contain the names of both intersecting streets and shall be erected at each street intersection at the inside curb edge.
2. Temporary street name signs shall be erected at the time work is stated in that portion of a subdivision at all points where permanent signs will be required. Complete visibility of street name signs shall be maintained by the developer until they are replaced by permanent signs.

5.10 Monuments and Markers

1. Reinforced concrete monuments 36 inches in length dressed to 5 inches square minimum at the top with a 3/8 inch drill hole or a marked metal disk at the top in the center and not less than 5 inches square at the bottom shall be set to finish grade as shown on plans.
2. No permanent monuments shall be installed until all construction which could destroy or disturb the monuments is completed.
3. Monuments shall be installed at all street intersections, at all points of change in direction of curvature of streets and at other points as shown on the Definitive Plan and where, in the opinion of the Board, permanent monuments are necessary.
4. Where the soil makes the setting of bounds impractical, alternate types of permanent monumentation shall be used to the satisfaction of the Board.

5.11 Bridges

1. Bridges shall be designed in accordance with the Standards of the Massachusetts Department of Public works.
2. The applicant shall submit with the preliminary plan a separate plan indicating, in general, the engineering characteristics of said bridge including, but limited thereto, sketches with a plan view, cross section, and elevation indicating approach grades, abutments, materials, loading, clearances, elevations and other pertinent data

necessary to clearly indicate to the Board the intent of the applicant to construct a bridge.

3. The applicant shall submit with the definitive plan, an outline specification and a separate plan or plans prepared by a Registered Professional Engineer, drawn to a suitable scale including but not limited there to, a plan view, cross sections, elevations, structural plan with details, completely dimensioned with material description, loading, abutment design, elevations, clearances and other pertinent data necessary to be classified as construction drawings and specifications.

5.12 Drainage

1. The construction of the drainage system, including methods of construction and quality of materials used, shall be in conformity with the Definitive Plan and the details shall conform with the details included in Appendix A and the Massachusetts Department of Public Works Specifications and Standards, unless specifically excepted by the Board.
2. The quantity of stormwater carried by drains normally shall be determined by the rational method, unless an engineer shows evidence that another approach is more appropriate in a specific case. An accepted method is included in Appendix A of this publication. However, in no event shall the protection provided be for a lower design storm of 25 years in normal cases involving residential subdivisions, 50 years for industrial subdivisions, and 100 years for bridge openings.
3. Pipe drains, where used, shall have a minimum diameter of 12 inches in residential subdivisions and 15 inches in industrial subdivisions.
4. Where feasible, stormwater should be directed to enter the nearest open stream channel. Stormwater shall not be permitted to cross any roadway upon the surface but must be piped underground. Stormwater runoff, except in the areas where the lot size is 60,000 square feet or larger or where it is in already existing open stream channels, shall not be permitted to flow upon the surface of a street for a longer distance than 400 feet in residential subdivisions and 300 feet

in industrial subdivisions before it enters the underground system. Catchbasins shall be located on both sides of the roadways on continuous grades at intervals of not more than 400 feet, at all sags in the roadway and near the corners of the roadway at intersecting streets.

5. Proper connections shall be made with any existing public drainage system within 300 feet of the subdivision. Where adjacent property is not subdivided and not public drain is within 300 feet, provisions 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 protection.
6. No open water body or pond shall be filled in under any circumstances and no wet or swampy area shall be filled in unless it can be shown to the Board that provision has been made in the lower drainage system for the removal of the storage area represented by the former wet or swampy area. In addition, permits and approval must be secured from other governing bodies having jurisdiction.

5.13 Water.

1. Private on-lot water systems shall be located a minimum of 150 feet from a leaching field, seepage pit or cesspool. Such systems shall be constructed in accordance with 1976 Safe Drinking Water Act.

5.14 Sewerage

Private on-lot sewerage systems shall be designed and constructed in strict conformity with Title V of the Department of Public Health of the Commonwealth of Massachusetts and the minimum standards of the Town of Carver, published in the Regulations of the Board of Health.

5.15 Easements

1. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 20 feet side for electricity, telephone and drainage.

2. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, the Board shall require that there be provided stormwater easements or drainage rights-of-way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel, or stream and to provide for the possibility of flood, protection of banks, future maintenance or construction or other necessary purpose, and further provided that the boundaries of any such easements or rights-of-way shall not be closer than five feet horizontally from the annual high water line.
3. Slope easements shall be provided where necessary to ensure lateral support, protection of streets and other construction features.

5.16 Open Spaces

1. 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 or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land.

5.17 Protection of Natural Features

1. Due regard shall be shown for the preservation and enhancement of all natural features such as large trees, watercourses, scenic points, historic spots, and similar community assets, which if preserved, will add attractiveness and value to the subdivision and the Town.

5.18 Cleaning Up

1. The entire area must be cleaned up so as to leave a neat and orderly appearance free from debris and other objectionable materials. All catch basins and manholes shall be properly cleaned out.

5.19 Trees

1. Existing trees shall be preserved and protected if at all feasible and new trees planted if necessary, so that at the time a subdivision is completed, not less than 3 trees of 1 ½" or greater trunk diameter shall be located on each lot within 20 feet of the nearer exterior line of the

street. New trees shall be of types consistent with the existing trees in the area, they shall be planted in at least ½ cubic yards of loam, guyed and wrapped as necessary to ensure their survival.

5.20 Concrete Collars

1. All manholes, catch basins and gas gate covers are to have concrete collars in accordance with details included in Appendix “C” and the Massachusetts Department of Public Works Specifications and Standards.

5.21 Standards

1. See Appendix “C”, attached, for standard details, Standards not shown shall conform to the standards and requirements of the Commonwealth of Massachusetts, Department of Public Works.

5.22 Electric Requirements

The developer shall:

1. Consult with the Commonwealth Electric Company prior to the submission of the Definitive Plan regarding electric service, whether aerial or underground and street lighting.
2. Meet the minimum standards and requirements of the Commonwealth Electric company and the Board.
3. Provide street lighting, make the necessary arrangements required by the Commonwealth Electric company, and bear such costs as determined by the Commonwealth Electric Company.
4. Provide minimum street lighting adjacent to lots released and prior to occupancy of said lots as determined by the Commonwealth Electric Company and the Board.

5.23 Telephone Requirements

1. The developer shall consult with the New England Telephone Company prior to the submission of the Definitive Plan regarding

telephone service and meet all requirements of the New England Telephone Company.

Table 1 Street Cross Sectional Design Standards

<u>Characteristics</u>	<u>Collector Streets</u>	<u>Local Streets</u>
<u>Type</u>	<u>Full access</u>	<u>Full access</u>
Design speed	50 (A)	40 (B)
Average daily traffic	2,500 to 10,000	Under 2,500
Right-of-Way width ft.	50	50
Moving Lanes:		
No.	2	2
Width (each) ft.	12	12
Parking Lanes:		
No.	1	0
Width (each) ft.	10	0
Shoulder, width each side, ft.	0	0
Total width of pavement (including shoulders), ft.	34	24
Sidewalk width (each) ft.	6	4
No.	1	1
Berms required	yes	yes

(A) Curves 40 m.p.h.

(B) Curves 30 m.p.h.

Note: Design standards for primary arterial highways shall be determined by the Massachusetts Department of Public Works.

Table 2 Recommended Geometric Design Standards

<u>Characteristics</u>	<u>Collector</u>	<u>Local</u>
<u>Horizontal alignment</u>		
Minimum radius at centerline	325 Based on 30 mph	125 based on 30 mph
<u>Vertical alignment</u>		
Clear sight distance At 3.75 ft. above pavement	350 ft.	275 ft.
<u>Grade</u>		
a. maximum	3%	6%
b. minimum	0.5%	0.5%
<u>Intersection</u>		
a. minimum intersection angle	60 deg.	60 deg.
b. minimum centerline offset	125 ft.	125 ft.
c. minimum radius at edge of roadway	50 ft.	25 ft.
d. sight distance	800 ft.	400 ft.
<u>Dead-End Streets</u>		
Maximum length	not permitted	600 ft.
Minimum turnaround radius at Edge of roadway, ft.		60 ft.

Note: Where street grades at the approach to an intersection exceed 4%, a leveling area shall be provided having grades not exceeding 1% for a distance of 25 feet from the nearest exterior line of the intersecting street.

Table 3 Required Depths of Pavement Sections

<u>Type of Street</u>	<u>Pavement Section</u>	<u>Thickness of Section-inches</u>
Local	Surface course	1 ½ “
	Binder Course	1 ½”
	Base course, granular	12 “
Collector	Surface course	1 ½ “
	Binder course	2 “
	Base course, granular	12 “
	Depth of compaction of Sub base fill	9 “

Section 6.00

Required Improvements for An Approved Subdivision

- 6.01 All streets, underground utilities, shoulders, berms, sidewalks, side slopes, street name signs, monuments and markers, drainage systems, and easements shall be obtained and installed by the subdivider. The obtaining and installing of these improvements shall be in accordance with Section 4.00 and 5.00 of these regulations.

Section 7.00

Administration

7.01 Inspection and Control

1. At the points hereinafter indicated, the construction of required streets and other improvements shall be inspected:
 - a. The installation of underground utilities and services shall be inspected by the appropriate department heads and the planning Board Inspector and the board of Health where appropriate or its appointed representative before the backfilling of trenches or other covering of structure.
 - b. The roadway shall be inspected by the Planning Board Inspector during completion of the subgrade, subbase, base course, binder and approved prior to each construction step.
 - c. The sidewalk shall be inspected by the Planning Board Inspector during completion of the subgrade, base course, finish surface, approved prior to each required construction step.
 - d. Following the completion of all the improvements required by Section 5.00, the subdivision shall be inspected by the appropriate department heads and the Planning Board.
2. Unless the approval of the work completed, including approval of materials used, to each point has given in writing, no further work shall be done on that particular aspect of construction until such work is subsequently completed to the satisfaction of the Board, which shall be given in writing.
3. Inspection shall be requested by the applicant at least 48 hours in advance by notice to the respective individual listed above.
4. To cover the cost of such inspection the initial deposit of \$300 to represent a minimum balance to cover these costs.

5. The applicant shall keep the Board informed of the progress of the work and shall provide safe and convenient access to all parts of the work for inspection.

7.02 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.

7.03 Amendments

These Rules and Regulations may be amended from time to time in accordance with Section 81-Q of the Subdivision Control Law.

- 7.04 The failure of the applicant to begin work in a subdivision or a portion thereof within seven years of the approval of the Definitive Plan shall constitute a reason for the rescission of such approval.

- 7.05 For matters not covered by these Rules and Regulations, reference is made to Section 81-K, to 81-GG, inclusive of Chapter 41 of the General Laws, and acts in amendments thereof, in addition thereto of the Administration thereof.

- 7.06 If any provision of these Rules and Regulations or in the administration thereof, shall be held unconstitutional, invalid or void, it shall not affect any other provision of these Rules and Regulations or the administration thereof.

7.07 Forms

“A” through “F” appended hereto are a part of these Rules and Regulations. These forms shall be completed as appropriate and submitted with appropriate plans to the Board. Appendices A, B and C inclusive are intended as typical or illustrative standards to be utilized to the extent consistent with the requirements of these Rules and Regulations and with the requirements of the Board relative to each specific plan or subdivision.

Section 8.00

Effective Date & Repealer

8.01 Effective Date

These Rules & Regulations shall be effective on and after the 2nd day of June, 1981.

8.02 Repealer

Any previous Rules & Regulations Governing the Subdivision of Land in the Town of Carver as adopted by the Carver Planning Board, including those adopted in February 6, 1962, and all amendments and revisions thereto, are repealed in whole.

Form A
APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL

_____, 19_____

To The planning Board of the Town of Carver

The undersigned wishes to record the accompanying plan requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (circle as appropriate.)

1. The accompanying plan is not a subdivision because the plan does not show a division of land.

2. The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the _____ zoning by-law under Section _____ which requires _____ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
 - a. a public way or way which the town Clerk certifies is maintained and used as a public way, namely _____, or

 - b. a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely _____ on _____, and subject to following conditions _____; or

 - c. a private way in existence on _____, the date when the subdivision control law became effective in the Town of Carver having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or

served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely_____.

3. The division of the tract of land shown on the accompanying plan is not a “subdivision” because it shows a proposed conveyance/other instruments, namely _____ which adds to/takes away from/changes the size and shape of, lots in such a manner so that no lot affected is left without frontage as required by the _____ zoning by-law under Section _____, which requires _____ feet.
4. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings specifically _____ buildings were standing on the plan prior to _____ the date when the subdivision control law went into effect in the Town of Carver and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control law is submitted as follows

-
-
5. Other reasons or comment: (see M.G.L. Chapter 41, Section 81-L)_____
-
-

The owner’s title to the land is derived under deed from _____, dated _____, 19____, and recorded in _____ Registry of Deeds, Book_____, Page____ or Land Court certificate of Title No._____, registered in _____ District Book_____, Page____ and _____ Assessors’ Book_____ Page_____.

Received by Town Clerk

Applicant's Signature _____

Date _____

Applicant's address _____

Time _____

Signature _____

Applicant's phone # _____

FORM B
APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

_____, 19____

To the Planning Board of the Town of Carver

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

By _____ dated _____, _____

And described as follows: _____

Located _____, number of lots proposed _____ total acreage of tract _____, said applicant hereby submits said plan as a Preliminary subdivision plan in accordance with the Rules and Regulations of the _____ Planning Board and makes application to the Board for approval of said plan.

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

By deed dated _____ and recorded in the Plymouth District Registry of Deeds Book _____, Page _____, registered in the Plymouth _____ Registry District of the Land Court, Certificate of Title No. _____.

Received by Town Clerk: Applicant's Signature _____

Date _____ Applicant's address _____

Time _____ _____

Signature _____ Applicant's Phone # _____

Received by Board of Health:

Date _____

Time _____

Signature _____

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE SUBDIVISION PLAN
_____, 19_____

To the Planning Board of the Town of Carver

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____ by _____ dated _____, 19_____ and described as follows: located _____, number of lots proposed _____, total acreage of tract _____, hereby submits said plan as a DEFINITIVE Plan in accordance with the Rules and Regulations of the Carver Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____ By deed dated _____ and recorded in the Plymouth District Registry of Deeds Book _____, Page _____, registered in the Plymouth Registry District of the Land Court, Certificate of Title No. _____; and said land is free of encumbrances except for the following:

Said plan has () has not () evolved from a preliminary plan submitted to the Board on _____, 19_____ and approved (with modifications () (disapproved) () on _____, 19_____.

The undersigned hereby applies for the approval of said DEFINITIVE Plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

Received by Town Clerk: Applicant's Signature _____

Date _____ Applicant's address _____

Time _____

Signature _____ Applicant's Phone # _____

Received by Board of Health:

Date _____

Time _____

Signature _____

FORM D

CERTIFIED LIST OF ABUTTERS

(Fill in this space with rough sketch of land described in this petition, and write against boundary lines the name and mailing address of adjoining owners in their relative positions. Include owners of land separated from the subdivision only by street.)

_____ 19_____

Planning Board
Carver, Massachusetts

Gentlemen:

This is to certify that at the time of the last assessment for taxation made by the Town of Carver, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown above were as above written, except as follows:

Assessor

FORM E

CERTIFICATE OF COMPLETION
AND
RELEASE OF MUNICIPAL INTEREST IN
SUBDIVISION PERFORMANCE SECURITY

_____, 19__

Planning Board, Carver, Massachusetts

Subdivision Name: _____

Owner: _____

Owner's Address: _____

Applicant, if other than owner: _____

Applicant's Address: _____

Date of Subdivision Plan: _____

Designer of Plan: _____

Land Located: _____

Plan Recorded: Plymouth Registry of Deeds

Plan and Certificate
Of Title _____

Registered: Registered Land Office of Plymouth Registry
Deeds

Plan found in Book _____, Page _____

Type of Performance Security:

Covenant, dated: _____

Covenant recorded: Plymouth Registry of Deeds or Covenant registered:
Registered Land Office of Plymouth Registry of Deeds:

Covenant recorded: Plymouth Registry of Deeds or Covenant registered:
Registered Land Office of Plymouth Registry of Deeds

Covenant found in Book _____, Page _____

Bond, agreement dated: _____

Surety Company: _____

Address of Surety: _____

Deposit of money, agreement dated: _____

Bank, if bank passbook: _____

Address of Bank: _____

Other Security, agreement dated: _____

Letter of Credit, agreement dated: _____

Bank: _____

Address of Bank: _____

The undersigned, being a majority of the Planning Board of Carver have determined that the construction of ways and installation of municipal services in the subdivision referred to above have been fully and satisfactorily completed by the applicant in accordance with the Board's rules and regulations to serve the enumerated lots: _____

Pursuant to Section 81-U of Chapter 41, M.G.L. and in consideration of completion of said construction and installation, the Town of Carver, a Massachusetts municipal corporation, acting through its Planning Board, hereby releases its interest in the performance security referred to above.

Duly executed as a sealed instrument this _____ day of _____, 19__

Signed by a Majority of the Planning Board of Town of Carver

COMMONWEALTH OF MASSACHUSETTS

_____, 19__

Plymouth, ss

Then personally appeared _____ one of the above-named members of the Planning Board of Carver, Massachusetts and acknowledged the foregoing instrument to be his/her free act and deed before me.

Notary Public

My Commission Expires:

FORM F
COVENANT

Town of Carver,
Massachusetts

KNOW ALL MEN by these presents that the undersigned has submitted an application dated _____, to the Carver Planning Board for approval of a definitive plan of a subdivision of land entitled: _____, plan by: _____, dated: _____ and owned by: _____, address: _____, land located: _____ and showing _____ proposed lots. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

IN CONSIDERATION of said Planning Board of Carver in the county of Plymouth approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of the Town of Carver as follows:

1. That the undersigned is the owner in fee simple absolute of all the land included in the subdivision and that there are not mortgages or record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

If there is more than one owner, all must sign. "Applicant" may be an owner or representative, or his assigns, but the owner of record must sign the covenant.

2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:

- a. The application for Approval of Definitive Plan (Form C).
 - b. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision.
 - c. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated:_____.
 - d. The definitive plan as approved and as qualified by the certificate of approval.
 - e. Other document(s) specifying construction to be completed, namely:
-
-

However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and services have been provided to serve such lot.

3. That this agreement shall be binding upon the executors, administrators, devisees running with the land included in the subdivision and shall operate as restrictions upon the land.
4. That particular lots within the subdivision shall be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released.
5. That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
6. That the undersigned agrees to record this covenant with the Plymouth County Registry of Deeds, forthwith, or to pay the necessary recording fee to the said Planning Board in the event the Planning Board shall record this agreement forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.

7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed as provided in Section 81-U, Chapter 41, M.G.L.
8. That this covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.
9. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before _____ the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, shall result in automatic rescission of the approval of the plan. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.
10. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L. Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.

For title to the property, see deed from _____, dated _____ recorded in Plymouth Registry of Deeds, Book _____, Page _____, or registered in Plymouth Land Registry as Document No. _____, and noted on certificate of title no. _____, in Registration Book _____, Page _____.

The present holder of a mortgage upon the property is _____ of _____ . The mortgage is dated _____ and recorded in Plymouth Registry of Deeds, Book _____, Page _____, or registered in Plymouth Land Registry of Document No. _____, and noted on certificate of title no. _____ in Registration Book _____, Page _____. The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same status, force and effect as though

executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

_____, spouse of the undersigned applicant hereby agrees that such interest as I, we, may have in the premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the dower or homestead and other interests therein.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ of _____, 19____.

Acceptance by a Majority of the Planning Board of Carver.

Signature of Owner or Owners

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

_____ 19_____

Then personally appeared before me the above named _____ and
acknowledged the foregoing instrument to be his her free act and deed before me.

Signature of Notary Public

My Commission Expires:

Mortgagee or authorized
Representative

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

_____ 19_____

Then personally appeared before me the above named _____ and
acknowledged the foregoing instrument to be his/her free act and deed before me.

Notary Public

My Commission Expires:

Signature of Spouse

COMMONWEALTH OF MASSACHUSETTS

_____19_____

Plymouth, ss

Then personally appeared before me the above named_____ and
acknowledged the foregoing instrument to be his/her free act and deed before me.

Notary Public
My Commission Expires: