

**SUBDIVISION REGULATION
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ARTICLE I, General Provisions

§ 270-1. Authority; prior regulations superseded.

Under the authority vested in the Planning Board of the Town of Belchertown by MGL c. 41, §81Q, as amended, and all subsequent amendments thereto, the Belchertown Planning Board hereby adopts these rules and regulations governing the subdivision of land pursuant to the Subdivision Control Law, MGL c. 41, §§ 81K through 81GG, inclusive, as amended. These regulations supersede regulations previously in effect and adopted October 24, 1989, as amended November 24, 1992.

§ 270-2. Purpose.

These rules and regulations governing the subdivision of land in the Town of Belchertown have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of Belchertown 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 the Board of Appeals under the Subdivision Control Law shall be exercised with due regard for:

- A. The provision of adequate access to all lots in a subdivision by ways that will be safe and convenient for travel and that will promote the most efficient use of the land within and adjacent to the subdivision.
- B. Lessening congestion in such ways and in the adjacent public ways.
- C. Reducing danger to life and limb in the adjacent public ways.
- D. Securing safety in the case of fire, flood, panic and other emergencies.
- E. Ensuring compliance with Chapter 145, Zoning, of the Code of the Town of Belchertown.
- F. Ensuring adequate provisions for water, sewer, drainage, utilities, street lighting, fire and police equipment and other requirements where necessary in a subdivision.
- G. Coordinating the ways in a subdivision with each other, with the ways in neighboring subdivisions, and with the surrounding public ways.

- H. The implementation of the Belchertown Master Plan to maintain community character, agricultural and forested lands.
- I. The protection or preservation of the values and functions of open space with particular emphasis on biological and ecological diversity, water supply and quality, aesthetics and recreation.

§ 270-3. Approval of definitive plan required.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town of Belchertown, or proceed with the improvement or the sale of lots in a subdivision, or the construction of ways, or the installation of municipal services, unless a definitive plan of such subdivision has been permitted and approved by the Planning Board as hereinafter provided.

§ 270-4. Waiver of compliance.

- A. The Planning Board may, in special and appropriate cases, waive strict compliance with such portions of these rules and regulations as provided for in MGL c. 41, § 81R, except for the requirements of the Board of Health. This may be done when such action is in the public interest and is consistent with the purpose and intent of the Subdivision Control Law. Such waivers may be granted only when the frontage or access requirements specified in the Subdivision Control Law and these subdivision regulations are met. The Planning Board may attach conditions to any waivers. The Planning Board shall endorse such conditions on the plan to which they relate, or set them forth in a separate instrument attached and referring to the plan, and which shall for the purpose of the Subdivision Control Law be deemed part of the plan.
- B. A request for a waiver of a requirement, rule, or regulation shall be made in writing by the applicant to the Planning Board at the time of application for definitive subdivision plan approval.
- C. The Planning Board shall notify the applicant in writing of its approval, approval with conditions, or disapproval.

270-5. Amendments.

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

§ 270-6. Coordination with municipal departments and other agencies.

A. All subdivision plans shall be reviewed by the following departments, boards, offices, and agencies for determination of public welfare, public safety, and overall environmental suitability, and for consistency with Belchertown's master plan, as adopted under MGL 41, §81D.

Board of Health

Board of Selectmen

Conservation Commission

Town Administrator

School Department

Fire Department

Police Department

Department of Public Works

Historic Commission

Water District, if applicable

Boards and departments of abutting towns, if applicable

Massachusetts Highway Department, if applicable

Other agencies, if applicable, including, but not limited to, the Metropolitan District Commission, the City of Springfield Water Department, the Bondsville Water and Fire District, the Town of Amherst Water Department.

B. Certification of performance relative to the proper construction and installation of respective utilities shall be required before the performance guarantee can be reduced or released.

§ 270-7. Effect of prior recording of subdivision plan.

The recording of a plan of land within the Town of Belchertown in the Hampshire Registry of Deeds prior to the effective date of the Subdivision Control Law in the Town of Belchertown 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 and regulations except as specifically exempted by MGL c. 41, § 81FF of the Subdivision Control Law.

§ 270-8. Endorsement of plan required before construction commences.

No public street or utility construction shall commence until an approved definitive plan for subdivision has been endorsed by the Planning Board and filed with the Town Clerk. Any construction done prior to approval is performed at the risk of the subdivider and shall be the subdivider's sole responsibility.

§ 270-9. Definitions.

For the purposes of these rules and regulations, unless a contrary intention clearly appears, the terms and words defined in MGL c. 41, § 81L shall have the meanings given therein. In addition, the following terms and words shall have the following meanings:

ABUTTING OWNER—The owner of property which is contiguous to the property being subdivided, the owner of property with frontage immediately across a public way from the property being subdivided, and the owner of property not contiguous but within 300 feet of the property being subdivided. This will be identified from the assessors' records at the time of application.

APPLICANT— "Applicant" shall include an owner or his agent or representative, or his assigns.

Also see DEVELOPER and SUBDIVIDER.

APPLICATION—The application for the approval of a proposed subdivision or resubdivision of land, preliminary or definitive, or for an endorsement of an "approval not required", or "ANR" plan" (Form A).

BOARD—The Planning Board of the Town of Belchertown.

CERTIFIED BY (OR ENDORSED BY) A PLANNING BOARD— As applied to a plan or other instrument required or authorized by the subdivision control law to be recorded, shall mean, bearing a certification or endorsement signed by a majority of the members of a planning board, or by its chairman or clerk or any other person authorized by it to certify or endorse its approval

or other action and named in a written statement to the register of deeds and recorder of the land court, signed by a majority of the board.

CMR—The Code of Massachusetts Regulations.

CUL-DE-SAC -- Specifically, the circle, bulb, or “lollipop,” for turning around at the end of a dead-end street. Sometimes used to refer to the entire dead-end street ending in such a turning area.

DEAD-END -- A street or network of streets having only one intersection with a through street. Dead-end streets include culs-de-sac, closed loop streets, open loop streets, or any other street connecting only to another dead-end street.

DEAD-END EXTENSION -- Any new street connecting to a dead-end is an extension of the dead-end unless it connects to another street to result in a through street.

DETENTION BASIN—Artificial water body where storm water is collected and held temporarily (detained) prior to timed release into a receiving storm water drainage system, swale, or water body.

DEVELOPER – The applicant for subdivision approval, not necessarily the owner of the land, but the person, persons, or corporation responsible for the subdivision application and development. This is interchangeable with APPLICANT and SUBDIVIDER. The developer may or may not be the original applicant, and may be a subsequent owner of the subdivision.

DEVELOPMENT—Any construction or grading activities conducted on real estate.

DIRECTOR OF PUBLIC WORKS—The Director of Public Works, Town of Belchertown, responsible for maintaining all town roads and public ways and for ensuring that work performed on subdivisions is in accordance with specifications, or that official with the same responsibilities appointed to supersede this position.

EASEMENT—A right to use or control real property owned by another for a specified purpose.

ENGINEER—Any person who is licensed by the Commonwealth of Massachusetts to perform civil engineering service.

GENERAL LAWS (MGL) -- The General Laws of Massachusetts. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

IMPROVEMENT—Any change to the existing conditions of a subdivision site for the purpose of complying with these regulations or rendering the site suitable for development and habitation. As used in these regulations, improvements include, but are not limited to, construction and installation of roadways, paved streets, berms, gutters, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, fire ponds, sewage and water systems, buildings, earth filling or removal, seeding, and grading.

LANDSCAPING—Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce a desired aesthetic effect appropriate to the site.

LOOP STREET

CLOSED LOOP STREET

A street, or street network, in a subdivision having internal circulation but only one intersection with a through street. A closed loop street is a dead-end.

OPEN LOOP STREET

A street, or street network, in a subdivision having two or more intersections with a single public street. An open loop street is a dead-end if it connects only to a dead-end.

LOT—An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

OPEN SPACE—Property within a subdivision designated to be deeded by the developer to the town or other approved agency, or to be maintained by the developer or owner in an undeveloped state in a manner approved by the Planning Board. Such open space is to be used for passive or active recreation, agriculture, forestry, rare and endangered species habitat, natural or scenic vistas, unique natural or cultural features, or greenways. Such open space shall be retained in substantially a natural, wild or open condition, or in a landscaped condition in such a manner as to allow to a significant extent the preservation of wildlife or other natural resources. Open space shall be contiguous areas containing a high ratio of interior area to edge area. Open space shall contain to the greatest extent possible soils uniquely suited to agricultural use and

that further create greenway corridors to establish linkages in landscape. Such areas shall be of adequate size and configuration to accommodate the intended use, and shall not include narrow or irregular pieces of land which are remnants from the layout of lots, streets, or drainage structures. Open space does not include areas designated for sediment control, erosion control, or storm water control, nor does it include wetland resource areas. Such areas are considered part of the subdivision structure, and are not intended to be for recreation.

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

PERFORMANCE GUARANTEE—A guarantee, in the form of a surety bond, cash, savings passbook, negotiable securities or lender's agreement, by the developer to be used to complete subdivision improvements if the developer does not complete the improvements as promised, as required by MGL c. 41, § 81U.

PLAN:

DEFINITIVE SUBDIVISION PLAN—A proposed, detailed plan of a subdivision submitted by the applicant to be recorded in a Registry of Deeds or Land Court when approved and endorsed by the Planning Board.

PRELIMINARY SUBDIVISION PLAN—A plan of a proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof, showing (a) the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan"; (b) the names of the record owner and the applicant and the name of the designer, engineer or surveyor; (c) the names of all abutters, as determined from the most recent local tax list; (d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; (e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner; (f) the approximate boundary lines of proposed lots, with approximate areas and dimensions; (g) the names, approximate location and widths of adjacent streets; (h) and the topography of the land in a general manner.

PLANNING BOARD— A planning board established under section eighty-one A, or a board of selectmen acting as a planning board under said section, or a board of survey in a city or town

which has accepted the provisions of the subdivision control law as provided in section eighty-one N or corresponding provisions of earlier laws, or has been established by special law with powers of subdivision control.

RECORDED— Shall mean recorded in the registry of deeds of the county or district in which the land in question is situated, except that, as affecting registered land, it shall mean filed with the recorder of the land court.

RETENTION BASIN—Artificial water body where storm water is collected and held (retained) instead of being released into a receiving storm water drainage system, swale, or water body.

RIGHT-OF-WAY:

That portion of land which is or is intended to be made available for the construction of roadways, ditches, drainage structures and utility lines and is to be conveyed to the town in the case of a proposed town road, or conveyed to an association charged with maintenance of such right-of-way in the case of a private road, including but not limited to the traveled portion and all adjacent land encumbered or intended to be encumbered by all necessary easements. The form and content of the instrument of conveyance shall be subject to the approval of the Town Attorney, at the option of the Planning Board.

The parcel of land between street property lines, which are defined as the limits of land dedicated, secured or reserved for public transportation uses.

ROAD NETWORK--Two or more connected roads.

ROADWAY—That portion of a way which is designed and constructed or intended to be constructed for vehicular travel, also known as the traveled portion of the way. See also STREET.

SPECIAL FLOOD HAZARD AREA—The land in the floodplain subject to a one-percent or greater chance of flooding in a given year. The special flood hazard area contains all Zones A and A1-A30 as determined from Flood Insurance Rate Maps dated September 2, 1981, and subsequent revisions, and contains all land within the Floodplain District on the Official Zoning Map of the Town of Belchertown.

STABILIZATION—Structural or vegetative treatment applied to an area in order to prevent soil erosion.

STANDARD SPECIFICATIONS— Standard Specifications for Highways and Bridges, Massachusetts Highway Department, 1995 Metric Edition.

STREET—A public or private way either shown on a plan approved in accordance with these rules and regulations or otherwise qualifying a lot for access and frontage under MGL c. 41, § 81L.

STREET, COLLECTOR – A street designed to receive and distribute traffic from and to various sub-areas and neighborhoods, and which will carry a substantial volume of traffic generally, over 400 vehicles per day.

STREET, MINOR – A street which primarily provides access to adjacent land uses. It may be either a through-street or a cul-de-sac.

STREET NETWORK -- Two or more connected streets.

SUBDIVIDER—The applicant for subdivision approval, not necessarily the owner of the land, but the person, persons, or corporation responsible for the subdivision application and development. This is interchangeable with APPLICANT and DEVELOPER. The subdivider may or may not be the original applicant, but may be a purchaser of the subdivision, or assignee of the original applicant.

SUBDIVISION: shall mean the division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or 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 lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore 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 city or town in which the land lies, 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. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. 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 city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

SUBDIVISION CONTROL LAW—Refers to MGL c. 41, §§ 81K to 81GG, inclusive, entitled the “Subdivision Control Law,” as last amended.

SURVEYOR, LAND—Any person who is licensed by the Commonwealth of Massachusetts to perform surveying services.

THROUGH-STREET, THROUGH-ROAD, OR THROUGH-WAY -- A street having at least two intersections with other through-streets, such that there are two fully independent routes of egress from any point on any through-street.

TOWN—The Town of Belchertown, Commonwealth of Massachusetts.

UTILITIES—Public utilities furnished by off-site providers, such as water, sewer, gas, electricity, telephone, television, or other media.

WAY—A right-of-way or means of access to a lot. A public way is a way which has been accepted by, and the land owned by, the Town of Belchertown, or by other means created as a public street. Any other way (private way) is a way over land which is owned by a private party but which is set forth by deed covenant, deed description or by other means as a private way.

ARTICLE II, Plans Not Requiring Approval

§ 270-10. Submission to Planning Board for determination.

Any person who wishes to record in the Registry of Deeds, or to file with the Land Court, a plan of land in the Town of Belchertown who believes that such plan does not require approval under the Subdivision Control Law, may submit that plan as hereinafter provided to the Planning Board for such determination.

§ 270-11. Submission procedure.

- A. The applicant shall submit to the Planning Board the original drawing and four prints of the plan accompanied by a completed application Form A (see Appendix A), together with any necessary evidence to show that the plan does not require approval. At the time of submission, the applicant will submit a fee to the Town Clerk, in accordance with the Fee Schedule (see §270-67).
- B. The applicant may submit a non-subdivision plan to the Planning Board either by delivery at a regular or special meeting of the Board, by delivery to the Town Planner, or by delivery or certified mail, postage prepaid, in care of the Town Clerk. In either case, written notice (a copy of Form A) shall be filed by delivery or certified mail, postage prepaid, with the Town Clerk stating the date of submission for such determination. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt thereof.
- C. Receipt by the Planning Board, or date of mailing such notice, plans and necessary documentation as may be required by these rules and regulations, shall constitute the effective date of submission.

§ 270-12. Contents.

The plan shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a suitable scale with waterproof ink on Mylar. Four prints of the plan and the Mylar drawing shall be submitted.

- A. The plan shall contain the following information:

- (1) North arrow, indicating whether true, grid, or magnetic north, with date of last reading of magnetic north.
 - (2) Date, legend and title.
 - (3) Scale at one inch equals 40 feet or at a scale suitable to the Planning Board.
 - (4) The name, address and official seal of the land surveyor.
 - (5) The name and address of the owner of record and the name and address of the applicant (if different than that of the owner of record).
 - (6) Names of all abutting owners, and names of owners separated by a way, in proper locations.
 - (7) Boundary line of parcel being divided, showing any previously divided land, either through a subdivision process or through the Form A “approval not required” procedures, and Assessor’s map and lot numbers for the existing parcel(s).
 - (8) Boundary lines and dimensions of all proposed lots and lot areas IN SQUARE FEET, with all lots designated alphabetically in sequence.
 - (9) The frontage and lot area of the remaining land from which the proposed lot(s) has been created must be shown on the plan.
 - (10) Location of all monuments properly identified as to whether existing or proposed.
 - (11) Existing or proposed easements.
 - (12) Suitable space to record the action of the Planning Board and the signatures of its members.
 - (13) Location of wetland resource area boundaries within the proposed lot(s).
 - (14) Names and legal status of public or private street(s) and easements; to include the width of the layout of the street or easement.
 - (15) Location of all existing buildings, including setbacks, on the land under consideration.
 - (16) A point of reference to locate the proposed lot(s) either from an existing monument or via a survey dimension from the frontage of the abutting lot.
 - (17) Locus map at United States Geological Survey Map scale, with appropriate street locations.
- B. All corner lots shown on the plans of land shall be required to have a curve radius as established in these regulations, § 270-36E(2) (MGL c. 41, §§ 81P, 81S and 81-T). All corner

lots shown on plans of land shall be accompanied by a deed to the owner of said lot, describing the area necessary to complete the linear frontage line, in compliance with Chapter 145, Zoning, § 145-20, as amended.

- C. When new lots are created, concrete bounds must be installed according to §270-47, Monuments and Markers, at the corners of town property. This will be verified by the Department of Public Works prior to the issuance of a certificate of occupancy for any structure or use by the Building Commissioner.
- D. Note if a particular lot shown on the plan created by the application does not constitute a building lot.
- E. Evidence of ownership or authorization from the owner to divide land is required.

§ 270-13. Determination by Planning Board; endorsement; appeals.

- A. If the Planning Board determines that the plan does not require approval, it shall forthwith, without a public hearing, endorse on the plan the words “Approval Under the Subdivision Control Law Not Required.” This endorsement is required of at least three members, or the member designated by the Planning Board as the signatory for ANR plans.
- B. The Planning Board will also sign the filed copies with the wording and signatures required and retain two copies for its records.
- C. If the Planning Board determines that, in its opinion, the plan requires approval under the Subdivision Control Law, it shall, within 21 days after its submission, give written notice of its determination to the Town Clerk and applicant and return the plan to the applicant. The applicant may submit a definitive plan for approval as required by the rules and regulations, or the applicant may appeal the determination of the Planning Board in accordance with MGL c. 41, § 81BB of the Subdivision Control Law.
- D. If the board fails to act upon a submitted plan within 21 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

§ 270-14. Criteria for endorsement.

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

- A. The plan shows a division of property with frontage required under Chapter 145, Zoning, as amended, in accord with the district within which said lot divisions are located on:
- (1) An accepted way.
 - (2) A way certified by the Town Clerk as used and maintained as a public way.
 - (3) A way shown on an approved and endorsed subdivision plan.
 - (4) A way in existence when the Subdivision Control Law became effective in Belchertown and having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting therein.
- B. The plan shows a division of property clearly denoted on the plan “to become an integral part of” an adjoining parcel, which will be explicitly identified on the plan, and which has frontage in accord with Subsection A above.

ARTICLE III, Preliminary Plans

§ 270-15. Purpose; when required; distribution.

The purpose for submitting a preliminary plan of a subdivision is to enable the subdivider, Planning Board and other municipal agencies and owners of property abutting the proposed subdivision to discuss and clarify the problems of such a subdivision before a definitive plan is proposed. Therefore, it is strongly recommended that a preliminary plan be filed in every case. Nonresidential subdivision requires a preliminary plan. The Planning Board will distribute the plan to the various municipal agencies and boards noted in § 270-6.

§ 270-16. Submission procedure.

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

- A. The applicant shall submit 10 contact copies, dark lines on white background, of the plan and an application Form B (see Appendix A) to the Planning Board, together with all other information and documentation as required in these rules and regulations.

- B. The applicant shall submit two copies of the plan directly to the Board of Health, along with any information and documentation regarding soil conditions, deep hole logs and percolation tests, if available. (MGL c. 41, §81S).
- C. When an applicant wishes to submit a preliminary plan, submission may be accomplished by delivery at any Planning Board meeting, delivery to the Town Planner, or by registered mail, postage prepaid, addressed to the Belchertown Planning Board, and in any case by giving written notice to the Town Clerk by delivery or by registered mail, postage prepaid, that such plan has been submitted. If notice is given by delivery, the Town Clerk shall, if requested, give a written receipt thereof.
- D. When multiple sheets are necessary, match lines shall be used with an index plan graphically indicating the arrangement of standard (24 inches by 36 inches) sheets at a suitable scale.
- E. At the time of submission, a fee, in accordance with the Fee Schedule (see §270-67), shall be paid by the applicant to cover the cost of handling and reviews. All review and advertising costs shall be paid by the applicant.

§ 270-17. Contents.

- A. The preliminary plans shall be drawn on paper, preferably at a scale of one inch equals 100 feet on a sheet size of 24 inches by 36 inches, and shall show at least the following information:
 - (1) The subdivision name; boundaries; north arrow, indicating true, grid or magnetic north, with date of last reading; date; scale; legend; and the title “Preliminary Plan.”
 - (2) The names and addresses of the owners of record, the applicant, and the Massachusetts registered civil engineer and land surveyor responsible for preparing the plan.
 - (3) The names and addresses of all abutters and those owners of land separated from the subdivision only by a street or physical features as determined from the most recent tax list, in correct locations, and all property owners within 300 feet of the subdivision’s property lines, including those in other towns.
 - (4) Existing and proposed lines of streets, rights-of-way, easements and any public or common ways within the subdivision.
 - (5) Location, names and present widths of adjacent streets.

- (6) Location of existing and proposed man-made and natural waterways, water bodies, wetlands, and special flood hazard areas within and adjacent to the proposed subdivision. This may refer to a determination or order of conditions from the Belchertown Conservation Commission.
 - (7) Boundary lines of all proposed lots, with the approximate dimensions and lot areas in square feet, and boundary lines of the entire parcel to be subdivided and conveyed out of the parcel, with all lots designated alphabetically in sequence.
 - (8) The existing and proposed topography at ten-foot or less contour intervals. Datum must be National Geodetic Vertical Datum mean sea level. The preparing engineer or surveyor shall confirm the terrain contours from the United States Geological Survey map.
 - (9) Proposed storm drainage and sanitary sewer systems, including location, size and direction of flow of existing and proposed sewers, culverts, and storm drains, in a general manner, and existing and proposed easements, where applicable.
 - (10) Proposed and existing water systems in a general manner, where applicable.
 - (11) A sketch of the applicant's contiguous unsubdivided land, showing possible or contemplated development and street layout, if applicable.
 - (12) The maximum number of building lots permissible under the zoning bylaw in effect at the time must be shown on the preliminary plan. This is to make sure that the Planning Board and other reviewing authorities understand the full potential build-out of the subdivision; it does not mean or imply that a land owner must create as many lots as possible, nor does it mean or imply that a land owner may not resubdivide land later.
 - (13) A locus or location plan at United States Geological Survey scale showing the subdivision and its location with reference to the surrounding roadways and physical features.
- B. The center line of the proposed roadways and all property lot lines shall be adequately and accurately marked by stakes or flags on the site sufficient for identification by the Planning Board members and other town officials.

- C. During discussion of the preliminary plan, the complete information required by the definitive plan, §§ 270-22 through 270-30, and the financial arrangements, § 270-32E, will be developed.
- D. The developer should show any proposed phasing plan on the preliminary plan.
- E. The applicant shall request any proposed waivers of the Planning Board in writing. The Board may reserve decision on waiver requests until a definitive subdivision plan is filed.

§ 270-18. Review of plan; action by Planning Board.

- A. After submission, the preliminary plan will be reviewed by the Planning Board, Board of Health, and the Conservation Commission and other municipal agencies and departments to determine if it complies with the design standards as set forth in these rules and regulations. (See § 270-6 for list of agencies.)
- B. Within 35 days after the date of submission, the Board of Health shall notify the Planning Board of its approval or disapproval of the preliminary plan and, if disapproved, shall list its reasons in writing.
- C. Within 45 days after the date of submission of the preliminary plan, the Planning Board shall approve, or approve with modifications suggested by the Board or agreed upon by the applicant, or disapprove the preliminary plan and, in the case of disapproval, shall state in detail the reasons for its disapproval.
- D. The Planning Board shall file a certificate of action with the Town Clerk and shall send notice of its action by certified mail to the applicant. Failure of the Planning Board to act upon a preliminary plan within 45 days after submission does not constitute nor imply approval of such plan.
- E. Except as is otherwise expressly provided, the provisions of the Subdivision Control Law relating to a definitive plan do not apply to a preliminary plan, and the Register of Deeds may not record a preliminary plan. Approval of a preliminary plan does not in any way constitute such approval as to authorize the owner to proceed with the construction of street or other work in the subdivision, nor guarantee approval of any definitive plan application developed from a preliminary plan.

§ 270-19. Comprehensive permit applications.

The Planning Board will review comprehensive permit applications to determine if the proposed project will constitute a subdivision.

- A. After submission of a comprehensive permit application to the Board of Appeals and receipt by the Planning Board, the application shall be reviewed by the Board of Health, the Conservation Commission, the Town Engineer and other municipal agencies as in §270-18A.
- B. Within 30 days of receipt of the application, the Planning Board shall review the application and comments from the agencies and render a report on compliance with the requirements for subdivision by the applicant to the Board of Appeals.

ARTICLE IV, Definitive Plans

§ 270-20. Distribution; applicability of subdivision and zoning regulations.

- A. A definitive plan of a subdivision must be submitted to the Planning Board, copies of which shall be forwarded to the Conservation Commission, and the Department of Public Works for approval. Under MGL c. 41, §81U, the applicant must also file a copy with all pertinent soil information with the Board of Health.
- B. A definitive plan shall be governed by the subdivision regulations in effect at the time of submission or in effect at the time of submission of a preliminary plan, provided that a definitive plan that has evolved from a preliminary plan shall have been submitted to the Planning Board within seven months from the date of submission of the preliminary plan.
- C. A definitive plan shall also 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 MGL c. 40A, § 6, as amended.

§ 270-21. Submission procedure.

- A. The applicant shall submit 10 copies of the definitive subdivision plan and Application Form C (see Appendix A) to the Planning Board, together with all other information and documentation, such as plans, reports, maps and cross sections, as required in these rules and regulations. In accordance with MGL c. 41, §81U, the applicant shall file two copies of the plan **directly with the Board of Health**, along with other necessary information and

documentation. The filing of the definitive subdivision plan shall also include a copy of any Order of Conditions relative to the definitive plan which may have been issued under the Massachusetts Wetlands Protection Act. The Planning Board may require more copies if necessary for other agencies to review.

- B. At the time of submission, a fee, in accordance with the Fee Schedule (see §270-67), shall be paid by the applicant to cover the costs of handling and reviews. Expenses for advertising the public hearing will be paid by the applicant, as well as plans, surveys or inspections in excess of the set fee. Expenses for the town's engineering review will be paid by the applicant.
- C. The applicant shall submit the definitive plan to the Planning Board either by delivery at a regular or special meeting of the Board, by delivery to the Town Planner, or by delivery or registered mail, postage prepaid, addressed to the Planning Board. In each case, written notice (a copy of Form C) shall be filed by delivery or registered mail, postage prepaid, with the Town Clerk. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt thereof.
- D. Receipt by the Planning Board, or date of mailing of such notice and such documentation as may be required by these rules and regulations, shall constitute the effective date of submission.
- E. The applicant must submit proof of ownership or authorization from the owner of the land to be subdivided.
- F. The applicant must provide a certificate from the Belchertown Treasurer-Collector that all municipal taxes, fees, assessments, betterments and liens are satisfied, according to Chapter 65, Licenses and Permits, §65-2 of the Code of the Town of Belchertown.

§ 270-22. Contents.

The definitive plan shall have the seal of a Massachusetts registered land surveyor and registered professional engineer, if applicable, and shall be clearly and legibly drawn in black ink on Mylar and submitted in print form. Prior to endorsement but after approval, the approved definitive plan must also be submitted in electronic form according to §270-32C(5). The plan shall be at a maximum scale of one inch equals 40 feet, unless otherwise specified by the Planning Board, and of a sheet size not to exceed 24 inches by 36 inches outside dimensions. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision, and all

plans, layouts, cross sections and profiles and the application shall be deemed to constitute the definitive plan.

A. The definitive plan shall contain the following information:

- (1) The subdivision name, which shall be the same as the name of the primary street in the subdivision and which may not resemble other street names too closely in the judgement of the Planning Board; north arrow, indicating whether true, grid, or magnetic and noting the latest recording date of magnetic north; date; scale; legend; and the title “Definitive Plan.”
- (2) The names and addresses of owners of record, the applicant, and the registered land surveyor, and engineer, if applicable, and official seals and signatures. Certification that all surveying conforms to the technical standards for property surveys of the American Congress of Surveying and Mapping shall appear on the plan.
- (3) Names and correct locations of all abutters, indicating limits of contiguous boundaries, and all owners of land separated from the subdivision only by a street. This must agree with the Assessors’ list as of the date of submission of the definitive plan.
- (4) Existing and proposed lines of streets, pavement widths, rights-of-way for utilities, sewer, drainage, and water lines, lots, easements, and any public or common areas within the subdivision. (Proposed names of streets shall be indicated in a temporary manner until these have been approved by the Planning Board).
- (5) Any previously-subdivided lots conveyed out of the parcel, whether by deed, formal subdivision process, or through “approval not required” plan procedures.
- (6) Location, names, and present widths of adjacent streets approaching or within two-hundred-foot proximity of the subdivision, and street intersections and driveways within 200 feet of the subdivision boundaries.
- (7) The location, dimensions, and purpose of all existing and proposed easements within, abutting, or extending from the subdivision. The purpose of any proposed easements, limitations, or restrictions shall be described fully.
- (8) Location and names of natural waterways, water bodies, and wetlands subject to control under the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and procedures

outlined in 310 CMR 10.00, et seq., as amended, within the subdivision and within 100 feet of the subdivision boundaries, including water surface elevations.

- (9) Locations of all buffer zones of rivers and wetlands as defined in MGL c. 131, § 40, including rivers and wetlands within 200 feet of the subdivision, and all resource areas as defined in the Code of the Town of Belchertown, Chapter 290, §290-2C.
- (10) Location of all special flood hazard areas as determined from Flood Insurance Rate Maps, designated as Zones A and A1-A30, for the Town of Belchertown.
- (11) Locations of groundwater aquifer recharge areas, and soil types.
- (12) Locations of other significant natural and artificial site features, including existing stone walls, paths, fences, buildings, orchards, agricultural fields, culverts, wetland resource areas, areas designated by the Natural Heritage Endangered Species program as containing rare species or priority habitat, large trees, and rock outcroppings.
- (13) Boundary lines and dimensions of all proposed lots and lot areas in square feet and acres, with all lots designated alphabetically.
- (14) Sufficient data, including lengths, bearings, radii, tangent distances, 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.
- (15) Location of all permanent monuments and benchmarks properly identified as to whether existing or proposed. Existing monuments found and held to locate the lands to be subdivided shall be shown. Concrete bounds shall be shown as “to be set” at all original property corners, and at existing and proposed points of curvature and points of tangency. All other existing or proposed property corners shall be marked with iron monuments approved by the Planning Board.
- (16) Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board on each sheet of the definitive plan.
- (17) Where the applicant elects to secure completion of the required improvements by covenant (rather than by a performance guarantee), there shall be a notation above such space as follows:

Approved _____(date)_____ subject to covenant
conditions set forth in a covenant executed by

_____ (developer) _____ dated _____ (date) _____

and to be recorded in the Hampshire Registry of Deeds. This approval is hereby invalidated if not recorded at the Hampshire Registry of Deeds within 21 days of the above date.

- (18) A locus plan of the subdivision at a scale of one inch equals 400 feet showing the subdivision's boundary, and the exterior lines of the subdivision's proposed streets and their exact location in relation to two or more existing streets.
- (19) A sketch plan of the applicant's contiguous unsubdivided land, showing possible or contemplated development and street layout.
- (20) Existing and proposed topography (sufficiently differentiated) with two-foot contour intervals, unless the Planning Board agrees that the natural surface of the ground may be adequately represented with larger intervals or by figures of elevation. The existing and proposed topographical information presented shall be sufficient to define the grading of each proposed street and lot.
- (21) A street layout plan on a separate sheet, 24 inches by 36 inches, for each street in the proposed subdivision showing exterior lines, roadway lines, partial lot lines, curb lines, intersection angles, points of tangency, and radii of curves. Also included on the street layout plan shall be the location, size, type of construction, elevations, and invert sizes of all pipes and conduits of the:
 - (a) Water supply system, including pumps, valves, stubs, wells, gates, hydrants, and similar equipment.
 - (b) Storm drainage system, including manholes, pipes, culverts, catch basins, and appurtenant structures.
 - (c) Public sanitary sewerage systems, including piping, manholes, pumps, community septic tanks, and appurtenant equipment.
 - (d) Underground utility systems, including conduits, manholes, junction boxes, and appurtenant structures.
- (22) A profile on the same sheet located directly below or above and coordinated with the street layout plan indicating existing profiles on the exterior and center lines (using lightweight lines), and proposed profiles on the center line (using heavyweight lines) of

each proposed street, at a maximum stationing of twenty-five-foot intervals, and at a vertical scale of one inch equals four feet and a horizontal scale of one inch equals 40 feet. All elevations shall refer to National Geodetic Survey mean sea level datum.

- (a) Profiles shall show existing and proposed street grades, rates of gradients in percentages, ground and proposed elevations at center line of each twenty-five-foot station, high and low points, curve lengths and PVC (points of vertical curvature) and PVT (points of vertical tangency) stations. Grades of intersecting streets and ways shall be clearly indicated.
 - (b) A profile shall show the vertical locations of existing and proposed storm drainage, sanitary sewer lines, water mains, and underground utilities; slopes of all storm drains, sanitary sewer lines, water mains, and utility lines; and invert and rim elevations of each manhole or catch basin, and such structures shall be identified by number and type of materials proposed to be used.
- (23) A typical cross section for the full width of the right-of-way shall be shown in accordance with the typical cross section illustrated in Appendix B, showing foundation material, wearing surface, crown, and width of traveled way, curbing or berming, grass strips, sidewalks, side slope transitions to the existing or finished grade, underground utility locations, etc.
- (24) Construction details for catch basins, erosion control, manholes, headwalls and retaining walls, etc.
- (25) Proposed layout and design of any and all parks, pools or similar community improvements and any area proposed for open space, public or private, including all water, drainage and electrical layouts, if any, designed to serve such community improvements.
- (26) Location of all existing wells and septic systems within 200 feet of the proposed subdivision.
- (27) Any other conditions or pertinent information required by the Planning Board.
- B. The following statements shall appear on all plans:

- (1) Planning Board approval shall be deemed revoked two years following the date of endorsement in all cases when the construction of ways and installation of municipal services has not been completed or when the applicant, or the applicant's agents or assigns, has failed to meet any condition of said approval, unless such time is extended, in writing, between the applicant, or the applicant's agents or assigns, and the Planning Board in accordance with § 270-32E of the Subdivision Regulations.
- (2) The Subdivision Regulations of the Town of Belchertown are a part of this plan.
- (3) This plan shall be deemed revoked if recorded more than six months following the date of endorsement.

§ 270-23. Sanitary sewage systems.

- A. Where sewage disposal is to be by individual on-site sewage disposal systems, no person shall install such an individual sanitary sewage disposal system except in adherence with the requirements and regulations of:
 - (1) The Massachusetts Environmental Code, Title V, of the Department of Environmental Protection;
 - (2) The Town of Belchertown Board of Health;
 - (3) The Town of Belchertown Conservation Commission; and
 - (4) Any recommendations of the Board of Health pursuant to MGL c. 41, § 81U.
- B. Failure of the Board of Health to report to the Planning Board within 45 days after receipt of a definitive plan shall not exempt the proposed plan from the regulations established pursuant to the Massachusetts Sanitary Code, Title V, of the Department of Public Health, Belchertown Board of Health, or the Belchertown Conservation Commission.
- C. The applicant for definitive subdivision shall submit preliminary soil logs and percolation data performed by a professional engineer or registered sanitarian for review if the area is proposed for individual on-site sewage disposal.
- D. Upon review of the proximity of public sewer, soil logs, and other information, the Board of Health, at its discretion, may require the subdivision to be connected to the public sewer system. Generally, if a public sewer system is within 1,000 feet of the subdivision, the applicant must connect the subdivision to the public sewer system. The Board of Health is

the final authority on sanitary sewer requirements; the Planning Board cannot grant waivers on the Board of Health's requirements.

§ 270-24. Wetlands protection.

In accordance with MGL c. 131, § 40, no person shall remove, fill, dredge, or alter any bank, fresh water wetland, beach, dune, flat marsh, or swamp bordering on any existing creek, river, stream, pond, lake, or any land under said waters without first filing written notice of intention to perform such work with the local Conservation Commission and state Department of Environmental Protection, and receiving an order of conditions. Any work, which includes building construction, removal of vegetation, grading, or excavation, that occurs within 100 feet of a wetland resource area or within 200 feet of a perennial stream or river requires that an application be filed with the local Conservation Commission for review. A permit is required from the Conservation Commission for work in these regulated areas, under the Massachusetts Wetlands Protection Act and Regulations 310 CMR, et seq., and the Belchertown Wetland Bylaw.

- A. Failure of the Conservation Commission to report to the Planning Board within 45 days after receipt of a definitive plan shall not exempt the proposed plan from wetland regulations pursuant to MGL c. 131, § 40.
- B. All requirements of local, state, and federal agencies having jurisdiction in wetland issues, such as the Belchertown Wetlands Protection Bylaw, the Massachusetts Department of Environmental Protection's regulations governing wetlands and waterways (MGL c. 91); the Water Pollution Control Division's Water Quality Certification; the Executive Office of Environmental Affairs' MEPA requirements; and the Army Corps of Engineers, shall be satisfied.

§ 270-25. Adequacy of existing public ways.

Due regard will be given by the Planning Board 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 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 by-laws; for securing adequate

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 and with the public ways in Belchertown and, if applicable, adjoining towns, and with the ways in neighboring subdivisions. The School Committee may offer opinions regarding school bus access and safety. The Planning Board may request, at the developer's expense, a traffic study, to be reviewed by the Town Engineer, that will demonstrate the effects the proposed subdivision may have on surrounding public ways. (See §270-26).

When the physical condition or width of a private or public way from which a subdivision has its access is considered by the Planning Board to be inadequate to carry the traffic expected to be generated by a subdivision, the Board may require the applicant to make physical improvements to and within the public way, except for any state highway. The Planning Board may seek the opinions of the Town Engineer, Director of Public Works, Fire Department, School Committee, owners of land abutting the public way, and anyone else they deem appropriate to determine their requirements for improvements to existing ways.

Such improvements may include a requirement to dedicate land abutting the subdivision frontage for the purpose of widening the public way to a width as great as that required within the subdivision. Any such dedication of land for purpose of way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way. Such improvements may also include physical improvements to and within the public way to the same standards required within the subdivision. All costs of any such widening or construction shall be borne by the applicant.

§ 270-26. Traffic analysis.

For every subdivision the developer must provide a traffic analysis prepared by a registered traffic engineer. This report must bear the traffic engineer's stamp and detail the number of vehicle trips generated per day, and how traffic will affect the surrounding road network. This analysis must conform to all current ITE standards.

§ 270-27. Environmental analysis.

To ensure the protection of the general public against any possible harm to natural resources or other significant components of community welfare by development, an environmental analysis is required for every proposed subdivision.

The environmental analysis must be conducted by an interdisciplinary team, to include at least a civil engineer, a landscape architect, and a wetland scientist. Experts in other fields may also be part of the team. Matters of environmental concern may include, but are not limited to, the destruction of wildlife corridors or habitat, potential damage to water supply through percolation or run-off, erosion, alteration of wetland capacities, damage to historical and archaeological sites, an increase in traffic substantially reducing the level of service and safety of existing public ways, or other matters the Planning Board may deem necessary for more extensive analysis. The scope of the analysis must identify the best approaches to minimize damage and must cover the following issues:

- (1) A statement by a professional in the field of concern, such as a hydrogeologist, wildlife biologist, archaeologist, traffic engineer, or other qualified professional, as to material effects upon important wildlife habitats, hydrological system, outstanding botanical features, vehicular traffic on neighboring streets, and scenic or historic environs.
- (2) Analysis of ground-water and surface water quality and levels, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, toxic wastes, storage of petroleum products, and other activities within the subdivision. For all subdivisions located in whole or in part within Aquifer Protection District described in the Belchertown zoning bylaw, this shall include analysis of open and closed drainage system alternatives, examining effects upon the basic water budget, and examining effects upon the speed of transport of contaminants.
- (3) Analysis of the capability of soils, vegetative cover, and proposed erosion control efforts to support proposed development without danger of erosion, silting, or other instability.
- (4) Demonstration of the adherence of the development to the requirements of M.G.L. chapter 131, § 40, the Massachusetts Wetlands Protection Act, and the Town of Belchertown Wetlands Bylaw.

- (5) Description of the potential depletion or damage to the existing water supply and distribution systems and well capacity of the town.
- (6) The environmental analysis should include a description of how the development of the subdivision may alter the appearance of the landscape from external vantages, including the appearance of the altered landscape from public ways and abutting properties, and should identify means of mitigating this damage.
- (7) Any other information requested by the Planning Board.

§ 270-28. Floodplain District.

Any proposed subdivision shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of an area proposed to be developed is located within a Floodplain District established under Chapter 145, Zoning, it shall be reviewed to assure that:

- A. The proposal is designed to minimize flood damage;
- B. All utilities and public facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed to avoid flood damage;
- C. Adequate drainage systems shall be provided to reduce exposure to flood hazards;
- D. Base flood elevation (the level of the one-hundred-year flood) data shall be provided for all proposals for that portion within the Floodplain District; and
- E. The applicable requirements of the Wetlands Protection Act, MGL c. 131, § 40, are satisfied.

§ 270-29. Storm water runoff control.

All subdivision designs must meet the following nine stormwater management standards. When one or more of the standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

1. No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth of Massachusetts.
2. Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
3. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the

post-development site should approximate the annual recharge from the pre-development or existing site conditions, based on soil types.

4. For new development, stormwater management systems must be designed to remove 80% of the average annual load (post-development conditions) of total suspended solids.

It is presumed that this standard is met when:

- A. Suitable nonstructural practices for source control and pollution prevention are implemented;
 - B. Stormwater management best management practices (BMPs) are of adequate size to capture the prescribed runoff volume; and
 - C. Stormwater management BMPs are maintained as designed. "To the extent practicable" means the applicant has made all reasonable efforts to meet the standards, including evaluation of alternative BMP designs and their locations.
5. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs. The use of infiltration practices without pretreatment is prohibited.
 6. Stormwater discharges to critical areas must use certain stormwater management BMPs approved for critical areas. Critical areas are *Outstanding Resource Waters* (ORWs), shellfish beds, swimming beaches, cold water fisheries, and recharge areas for public water supplies.
 7. Redevelopment of previously developed sites must meet the stormwater management standards to the maximum extent practicable. If it is not practicable to meet all of these standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
 8. Erosion and sediment controls must be implemented during construction.
 9. All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.

The subdivider shall furnish projections of the increase of storm water runoff created by the proposed development from the two-year, ten-year and one-hundred-year frequency twenty-four-hour duration Type III distribution storms, as computed in accordance with the current edition of Technical Release No. 55, or Technical Release No. 20, Urban Hydrology, Engineering

Division, Natural Resource Conservation Service, United States Department of Agriculture, January 1975, as amended. If the drainage system includes hydrograph routing an appropriate method such as Technical Release No. 55 or Technical Release No. 20 shall be used. All storm drainage calculations must be designed by a civil engineer licensed in Massachusetts. The following data shall be submitted for review by the Town Engineer or the Board's designated agent:

- A. No increase in the peak flows from the storms referred to in §§ 270-40 and 270-42 of these regulations shall be allowed unless downstream increases are compatible with an overall floodplain management system. The following items should be considered in determining whether increased peak flows are compatible with an overall floodplain management system:
 - (1) The timing of peak flows from subwatersheds;
 - (2) The increased direction of high flow rates;
 - (3) The stability of downstream channels; and
 - (4) The distance downstream that the peak discharges are increased.
- B. Topographic contour maps showing pre- and post-developed drainage area(s) tributary to all portions of the site.
- C. Written description and computations, including at least the following:
 - (1) Method used to calculate storm water runoff.
 - (2) Runoff characteristics of the property before and after development.
 - (3) Maximum velocity and quantity at point(s) of discharge from the system.
 - (4) Design calculations for all drainage piping and structures, with reference to the requirements of § 270-42 of these regulations.
- D. When storm water detention structures are proposed, they shall be designed so that peak runoff after development shall not exceed, nor be substantially less than, the peak runoff prior to development for each of the storm events referred to in §§ 270-40B(1)e and 270-42C of these regulations. The structure(s) shall be designed and constructed in accordance with good engineering practice and the requirements of §§ 270-40 and 270-42. The basin(s) shall be designed for easy access for maintenance purposes and be provided with safety measures as needed. The following information is to be provided for detention structures:
 - (1) Inflow and outflow hydrographs for the detention area;

- (2) Maximum storage volume;
 - (3) Design of spillway or other measures for release of excess flows beyond that of the design capacity of the structure;
 - (4) Flood routing of all runoff greater than the design capacity of the detention facility;
 - (5) Time which is required for the facility to drain completely;
 - (6) Materials used in the construction of the facility;
 - (7) Method employed to avoid clogging the discharge mechanism;
 - (8) Safety measures; and
 - (9) Proposed landscaping and vegetative measures used to stabilize slopes and bottom surfaces.
- E. The construction of all permanent storm water control structures should be done so to ensure the proper management of storm water and the control of sedimentation during construction. Temporary storm water controls shall be constructed or installed if necessary before the permanent structures are complete. This shall be consistent with any erosion controls required by the Conservation Commission and Department of Public Works according to §270-41E, Erosion Control and Bank Stabilization During Construction.
- F. Apart from the area for roads and the storm water system, there shall be no exposed and unstable soil, unless specifically authorized by the Planning Board upon recommendation from the Conservation Commission and Department of Public Works.

§ 270-30 Fire Protection. A fire protection agreement with the Belchertown Fire Department shall be signed by the applicant and filed with the Planning Board. The agreement shall meet the standards on water supplies for suburban and rural fire fighting as outlined in 1-3.1 of the National Fire Protection Association 1142 1999 Edition: "The requirements of Chapters 5 (Calculating Minimum Water Supplies) and 6 (Water Supply) shall be performance-oriented and shall allow the authority having jurisdiction the option to specify how these water supplies are provided, which gives consideration to local conditions and need." If hydrants are to be connected with any municipal water supply, an agreement must be signed by the applicant and the appropriate water district. If any fire ponds are to be constructed, the Belchertown Fire Chief and the Conservation Commission must approve of the ponds' design. An agreement with the Belchertown Fire Department and the Belchertown Conservation Commission to maintain all fire ponds must be provided before approval of the definitive subdivision plan.

§ 270-31. Infrastructure adequacy required. The Planning Board may disapprove of a subdivision plan where, in the opinion of the Planning Board after consulting with other town offices and the Town Engineer, the existing surrounding municipal infrastructure, such as street width and construction, bridge capacity, sanitary sewer, public water, storm sewer, and fire protection, is insufficient or incapable of handling the additional volumes of traffic, sewage, storm water, or other demands to be generated by the project.

§ 270-32. Review of plan; public hearing; action by Planning Board; performance guarantee.

- A. Review by the Board of Health as to suitability of land. At the time of filing the definitive plan, the applicant shall also file with the Board of Health two prints of the definitive plan, together with other necessary documents and reports. The Board of Health shall report to the Planning Board, in writing, its approval or disapproval of the plan. If the Board of Health disapproves the 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. The Board of Health shall include their specific findings and reasons for disapproval in their report and, where possible, shall make recommendation for the adjustment of the plan. Any approval of the plan by the Planning Board shall only be given upon condition that the designated lots or land shall not be built upon or served with any utilities, such as septic tanks, and drainage, without prior consent of the Board of Health. The Planning Board shall write the Board of Health's conditions on the plan and may stamp unapproved lots as "Not A Building Lot".
- B. Public hearing. Before approval, modification and approval, or disapproval of a definitive plan is given, a public hearing shall be held by the Planning Board. The public hearing shall be conducted according to MGL c. 41, § 81T. Notice of the time and place of the public hearing and of the subject matter sufficient for identification shall be given by the Planning Board, at the expense of the applicant, by advertisement in a newspaper of general circulation in the Town of Belchertown once in each of two successive weeks, the first publication being not less than 14 days before the date of such hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the land included in the subdivision plan as shown on the most recent tax list. The applicant and any representative of the applicant should attend the hearing.

C. Approval, modification or disapproval.

- (1) Review time.
 - (a) Nonresidential subdivision for which the Planning Board has acted on a preliminary plan, or after 45 days following submission of the preliminary plan where the Planning Board has not acted thereon: ninety-day review period from the date of filing of the definitive plan or such later time as may be agreed upon between the applicant and Planning Board. Any such agreement must be filed with the Town Clerk.
 - (b) Residential subdivision for which the Planning Board has acted on a preliminary plan, or for which the forty-five-day review period for the preliminary plan has elapsed without action: ninety-day review period from the date of filing of the definitive plan, or such later time as may be agreed upon between the applicant and Planning Board. Any such agreement must be filed with the Town Clerk.
 - (c) Residential subdivision where (a) no preliminary plan has been filed, or (b) where a preliminary plan has been submitted, but before the forty-five-day review period has elapsed: one-hundred-thirty-five-day review period from the date of filing of the definitive plan, or such later time as may be agreed upon between the applicant and Planning Board. Any such agreement must be filed with the Town Clerk.
- (2) The following information is required prior to the approval of a definitive plan for subdivision:
 - (a) Statement from the Town Engineer or other agent appointed by the Planning Board that proposed new roads and drainage conform to these regulations.
 - (c) Applicant's estimated cost to install the proposed public improvements, to include the road, drainage facilities, sewer and water facilities, underground utilities, and other public facilities, such as playgrounds, park areas, and any other improvements necessary to complete the subdivision substantially as designed.
 - (d) Easements and rights-of-way over property to remain in private ownership.
 - (e) Necessary drainage rights onto or across private property.
 - (f) Documentation detailing the method of maintenance of proposed private roads, dedicated open space, and other required improvements.

- (3) Planning Board vote. After the required public hearing, but within the number of days from the date of submission noted in Subsection C(1)(a) through (c), the Planning Board shall approve, modify and approve, or disapprove the definitive plan. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by registered or certified mail to the applicant. Subdivision approval can only be granted by an affirmative vote by the majority of the Planning Board, not only a majority of the quorum. Any vote with less than three members voting to approve the subdivision plan is a denial of the subdivision plan. Any Planning Board member who was not present for the entire public hearing may not vote on the definitive subdivision plan.
- (4) Amended plan. If a definitive subdivision plan is disapproved by the Planning Board in accord with Subsection C(3), the applicant may submit a new application amended to conform to the rules and regulations and/or the Board of Health recommendations upon which the disapproval was based. The following shall apply:
- (a) The applicant shall provide the board with 12 copies of the amended plan and a fee in accordance with §270-67 for filing a modification of subdivision plans;
 - (b) Before approval, modification and approval, or disapproval of an amended plan, a public hearing shall be held by the Planning Board in accord with Subsection B of this section;
 - (c) The Planning Board shall review the submitted amended plan and, after the required public hearing, shall approve, modify and approve, or disapprove the amended plan in accord with Subsection C(3) of this section;
 - (d) The action of the Planning Board in respect to an amended plan shall be limited to a determination of whether or not the applicant has addressed, on the submitted amended definitive subdivision plan, those items which were found to be incomplete or incorrect on the original disapproved definitive subdivision plan;
 - (e) A disapproved amended definitive subdivision plan may be amended in accord with this Subsection C(4); and
 - (f) The full cost of any town engineering or planning consultant services shall be paid by the applicant before any corrected plan is endorsed by the Planning Board.

- (5) Digital submission of plans. Prior to endorsement of the definitive plan, a copy of the approved definitive plan must be submitted in a digital (electronic) format consistent with the town's geographic information system, or GIS. The applicant shall submit the approved version of the plan on 3½ inch diskettes, Iomega zip disc, or CD-ROM. The electronic plan will be reviewed for its content and ability to meet the town's GIS standards. Failure to submit these data in electronic format or to meet the standards below will delay the Planning Board's endorsement until acceptable digital plans are provided.

Specific Standards Required include:

- (a) All digital mapping data must be delivered in a standard geographic coordinate system. The coordinate system employed by the town's GIS is Massachusetts Mainland Zone horizontal datum of NAD83 (state plane units feet), and a vertical datum of NGVD88.
- (b) All digital data must be delivered in one of the following formats: AutoCAD dwg format, AutoCAD dxf format, ArcView shapefile format, or Arc/Info e00 format.
- (c) All data must be topologically clean, meaning that polygons are closed and lines connect at nodes. Features that naturally connect (i.e. driveways to roads, parcel lines to roads and water features, etc.) must connect seamlessly. If the digital information provided is tiled across multiple sheets, the abutting edges of each sheet must precisely match along the join lines.
- (d) All digital line work must be developed as continuous lines and rendered using line types/styles (i.e. dashed lines, etc). Continuous lines that have been broken to appear dashed are not acceptable.
- (e) All text in the AutoCAD files must appear on top of other features and stored in separate layers. In the digital file, those features under the text should not be erased in order to make text clearer.
- (f) All features must be thematically organized in the CADD or GIS data structure. Having all features in a single CADD layer or GIS file is not acceptable.
- (g) Documentation of the data format must be provided and a complete list of all layer names with descriptions. If multiple files are delivered, each must be documented

with a complete description of its purpose. All documentation must be provided in Microsoft® Word format or ASCII text format, and shall be included on the electronic media containing the electronic plan data.

- (h) Documentation must be provided on the method used to gather the data, an estimation of the horizontal and vertical accuracy, and the date of data capture.

D. Endorsement.

- (1) An approved plan shall not be endorsed until (a) after the mandatory twenty-day appeal period has elapsed as certified by the Town Clerk, or (b) after issuance of a final decree of the court sustaining the approval of such plan, if appealed, and not until the applicant has:
 - (a) Posted the necessary performance guarantee(s), or placed sufficient lots under covenant;
 - (b) Made the necessary corrections on the plan if conditional approval was given or modification required;
 - (c) Delivered one set of the Mylar originals of the plan (for recording at the Hampshire Registry of Deeds) and three copies of the definitive plan if no corrections were necessary; (Note: If corrections were required by the Planning Board, seven prints shall be delivered.)
 - (d) Submitted the approved plan in the required digital format;
 - (e) Caused to be executed in a form acceptable to the Town Counsel all deeds of easements, as shown on the plan or required by the Planning Board, and submitted such deeds and documents to the Planning Board; and
 - (f) Signed an agreement to pay for town engineering or legal review service, and public hearing advertisement. (See §270-67.)
- (2) Failure of the applicant to meet any or all of the above requirements shall be full and sufficient reason to withhold endorsement.
- (3) If the applicant fails to submit the required guarantees or covenant agreement, easements, digital version of the approved plan, and other documentation, thereby delaying the endorsement of the plan by the Planning Board for more than six months, the Planning Board, on its own motion, may exercise its power to modify, amend, or rescind its approval of the subdivision plan.

E. Performance guarantee. Before the Planning Board's endorsement of the approved definitive plan, as submitted or modified, the applicant shall agree to complete the required improvements as specified in Articles V and VI for all lots in the subdivision. Such construction and installation shall be secured by one, or in part by one and in part by another, of the methods listed in Subsection E(1), (2), (3) and (4). The method or combination of methods may be selected and, from time to time, varied by the applicant:

- (1) Approval with bond (Form F-1). By a proper bond sufficient, in the opinion of the Planning Board, to secure the performance of the construction of ways and installation of municipal services required for the lots in the subdivision shown on the plan. The Planning Board may require that the applicant specify the time within which such construction shall be completed.
- (2) Approval with money or negotiable securities (Form F-2, F-3 or F-4). By a deposit of money or negotiable securities sufficient in the opinion of the Planning Board to secure performance of the construction of ways and installation of municipal services required for lots in the subdivision shown on the plan. The Planning Board may require that the applicant specify the time within which such construction shall be completed.
 - (a) Savings passbook account made out to the Town of Belchertown and controlled by the Town Treasurer-Collector, with agreement from the bank that no withdrawal from the account shall be made without approval of the Planning Board (Form F-2).
 - (b) Bank certificate (Form F-3).
 - (c) Certified cashier's check or bank check (Form F-4).
- (3) Approval with covenant (Form F-5). By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve a lot before such lot may be built upon and conveyed, other than by mortgage deed, provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to service such lot, and provided, further, that nothing herein shall be deemed to prohibit a conveyance by single deed, subject to such covenant, of either the entire parcel of land shown on the

subdivision plan or of all lots not previously released by the Planning Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant, but not later than three years from the date of such deed.

- (a) Such a covenant shall be inscribed on the definitive plan or contained in a separate document referred to on the plan and delivered to the Planning Board. Form F-5 must be recorded in the Hampshire Registry of Deeds with the endorsed subdivision plan. Registry document numbers must be returned to the Planning Board.
 - (b) When improvements, ways and services have been completed to the satisfaction of the Planning Board, the Planning Board will then authorize, in writing, on the appropriate form (see Appendix A), a release of the conditions for recording in the Registry of Deeds, and the conditions relating to such lots shall terminate.
- (4) Approval with lender's agreement (Form F-6). By delivery to the Planning Board of an agreement executed after the recording of the first mortgage covering the premises shown on the plan, or a portion thereof, given as security for advances to be made to the applicant by the lender. The agreement shall be executed by the applicant and the lender and shall provide for retention by the lender of funds sufficient, in the opinion of the Planning Board and otherwise due the applicant, to secure the construction of ways and installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of work and shall further provide that in the event that the work is not completed within the time set forth by the applicant, any funds remaining undisturbed shall be made available for completion.
- (5) Procedure. The applicant shall provide the Planning Board with a cost estimate, in a form prescribed by the board (see Appendix A, Form G), of the construction of ways, installation of municipal services, the construction of necessary drainage works, and the securing of wetlands protections as approved in the definitive plan.
- (a) The consulting Town Engineer or Director of Public Works may review this cost estimate and make recommendations to the Planning Board;

- (b) The Planning Board may modify the applicant's estimate and determine the amount sufficient as a performance guarantee by the Town Treasurer-Collector, based upon the Town Engineer's or Director of Public Works' recommendations; and
 - (c) The Planning Board shall determine the amounts to be retained as a performance guarantee, upon the subdivider's application for partial release of such guarantee, in accord with the provisions of § 270-33.
- F. Completion time schedule. Except when the subdivision is to be completed in phases, the approval of a subdivision plan by the Planning Board is for a two-year period. The Planning Board may require the developer to construct the project in phases. When phases are used, the entire project is to be reviewed, and if approved, approval will be for the entire subdivision development. Though approval is for the entire project, the developer may not proceed to a subsequent phase until the previous phase is complete. Each phase has two years to be completed. The total project approval is two years times the number of phases, not to exceed eight years total. Upon written request from the applicant, the Planning Board may, at its discretion, grant an extension of time. Such extension shall be made in the form of an agreement to be executed and affixed to the bond, lender's agreement, or covenant.
- (1) In the case of a surety company bond, such an agreement shall not be effective until the surety company delivers to the Planning Board a written statement that the surety company agrees to the alteration of the completion schedule, and that such alteration shall not relieve or affect the liability of the surety company.
 - (2) In the case of a covenant, the Planning Board may grant final approval of the definitive plan conditional upon the completion of the construction of all ways and the installation of utilities within a specified time period from the date the covenant was endorsed by the Planning Board.
 - (3) Failure to complete such improvements within the time period specified in the bond, lender's agreement, covenant, or other security, or in any written agreement for extension thereof shall automatically rescind approval of the plan.
- G. Increase of performance guarantee. If the specified subdivision improvements in accordance with Articles V and VI are not completed within two years of the date of the bond, deposit of money, lender's agreement or covenant, the Planning Board may require an estimate of the

costs of the remaining work. The Planning Board may then increase the amount of the performance guarantee proportionately, and establish a new date for completion of the improvements. Failure of the developer to complete the improvements within the two-year approval period, or any extension thereof, shall not relieve the developer's obligation to pay for costs exceeding the amount specified in the performance guarantee to complete the improvements.

H. Recording of plan. Within 21 days from the date of the Planning Board's endorsement of the definitive plan, the plan should be recorded in the Hampshire Registry of Deeds or in the Land Court. Failure to record the plan within six months of the date of endorsement constitutes an automatic rescission of the plan.

- (1) At the time of recording the endorsed definitive subdivision plan in the Hampshire Registry of Deeds, all public easements and covenants shall also be recorded. The originals must then be transmitted to the Planning Board to be filed with the Town Clerk.
- (2) Following receipt of notification of recording, the Planning Board shall file one print of the definitive plan with the Building Inspector, the Department of Public Works, the Board of Health and the Conservation Commission. In accordance with the Subdivision Control Law, the Building Inspector, if approval with covenant is noted or affixed to the plan, shall not issue any permit for construction of a building on any lot within the subdivision without receipt from the Planning Board of a copy of Form H (Certificate of Completion and Release of Municipal Interest in Subdivision Performance Security) or certified statement releasing the lot(s) in question, such as Form F, Partial Release or Exchange of Performance Guarantees or Covenants, listing the lots which were released.

§ 270-33. Release of performance guarantee.

A. Partial release. The subdivider may apply to the Planning Board for partial release of the performance guarantee. Release can be made only upon partial completion and installation of required improvements as specified in Articles V and VI of these rules and regulations when a bond or deposit of money is the performance guarantee. Upon application, the penal sum of any such bond, or amount of any deposit held, may, from time to time, be reduced by

the Planning Board and the obligations of the parties of the performance guarantee released by the board in whole or in part in accordance with the procedures expressed below.

B. Procedures for full or partial release.

(1) The applicant, upon completion of construction and installation of required improvements in a subdivision, may request a release of conditions or of a performance guarantee secured by a bond or a deposit of money, by:

(a) Sending a written statement that the applicant has completed the construction and installation of ways and utilities covered by the performance guarantee by registered mail to the Planning Board and the Town Clerk, in accordance with Articles V and VI of these rules and regulations, and by filling out and filing three copies of Form F (Application for Partial Release and/or Exchange of Performance Guarantees or Covenants, Appendix A).

(b) Attaching to the written statement a completed inspection form and a certificate of performance (see Appendix A, Form G) prepared by a registered civil engineer or a land surveyor at the applicant's expense, or the Director of Public Works. This document is to certify that all structures have been installed, and all requirements have been met as specified in these rules and regulations and in accordance with the approved plans.

(2) Requests for final release of conditions shall be accompanied by a record plan as required in § 270-61.

C. Approval of release.

(1) Before the Planning Board will release the interest of the town in a performance guarantee, the Planning Board shall:

(a) Obtain, in writing, from those town officials designated by the Planning Board, a statement that all work required by these rules and regulations under the jurisdiction of the town has been inspected by them serving the lots in question, including streets, shoulders, sidewalks, storm drainage, bridges, sewers, curbs, etc., and that the method of construction and the materials used in performance of such work meet with their approval (Form G).

- (b) Obtain, in writing, a certificate from the Belchertown Water District certifying that the water supply system was installed in accordance with their rules and regulations, if applicable.
- (2) Upon the completion of the construction of ways and the installation of municipal services in accordance with the rules and regulations of the planning board, 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 the planning board a written statement that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with said rules and regulations, such statement to contain the address of the applicant. If the planning board determines that said construction or installation has been completed, it shall release the interest of the town in such bond and return the bond or the deposit to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded. If the board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the town clerk the details wherein said construction or installation fails to comply with its rules and regulations and upon failure so to do within forty-five days after the receipt by said clerk of said statement all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the said clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

Any such bond may be enforced and any such deposit may be applied by the planning board for the benefit of the town, as provided in MGL c.41 §81Y, upon failure of the performance for which any such bond or deposit was given to the extent of the reasonable cost to such city or town of completing such construction and installation.

- (3) Upon failure of the Planning Board to act on such an application for release of conditions 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 such covenant shall become void.
 - (4) Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town of Belchertown as provided in MGL c. 41, § 81Y upon failure of the performance for which any bond or deposit was given, to the extent of the reasonable cost to the town of completing such construction and installation.
- D. Release of lots from covenant. The subdivider may request a release of lots from covenant in exchange for a bond or surety, provided that:
- (1) The amount of the surety or bond shall be determined by the Planning Board, consulting as it deems necessary with the Director of Public Works or Town Engineer, based on its estimates for constructing the road within existing approval. The amount of the surety or bond shall be determined on a request-by-request basis, and each request shall be judged on its own merits.
 - (2) The amount of the surety or bond on existing lots for which prior surety or bond has been given may be increased by the Planning Board should the specified subdivision improvements, in accordance with these rules and regulations, not be completed within the allotted time period as specified in § 270-32. Such increase would take into consideration increased construction costs.

§ 270-34. Deviation from approved plan.

- A. Modification. After a definitive plan has been approved, the location and width of ways, drainage facilities, and utilities shown on the plan, shall not be changed unless the plan is amended according to the provisions set forth in MGL c. 41, § 81W and approved by the Planning Board.
- B. Submission.
- (1) If the applicant desires to change the grade of a street, or the size, location, or layout of a storm or sanitary line, a domestic water main, underground utility line, or appurtenant structure, the following must be provided to the Planning Board:

- (a) Application Form E, with a copy to the Town Clerk, requesting such alteration or change; and
 - (b) A fee paid to the Town Clerk according to §270-67.
 - (c) Seven prints of the original definitive plan, with proposed changes drawn on in red. Ten prints of the definitive plan with proposed changes drawn on in red shall be provided to the board if the subdivision is served by a public sewer or water line.
- (2) No alteration of the location and width of ways, drainage facilities, and utilities shall be allowed following approval of the definitive plan unless such alteration is made according to the provisions of MGL c. 41, § 81W.
- G. Corrections. No change or deviation shall be permitted unless it has been approved by the Town Engineer, the Director of Public Works or the Planning Board.
- H. Approval. After the Planning Board has approved a modification, the applicant shall show the approved changes on the original drawings of the definitive plan, or submit a fully revised plan. Either plan must be recorded with the Hampshire Registry of Deeds and the book and page numbers must be provided to the Planning Board.
- I. Minor technical corrections. If the Planning Board, after consulting with the Director of Public Works or Town Engineer, deems a proposed deviation a minor technical correction which does not substantively alter the approved design of the roadway, drainage, and utilities, the board may review the change without requiring the provisions of MGL c. 41, § 81W. The applicant must submit seven prints of the original definitive plan, with proposed changes drawn on in red. Ten prints of the definitive plan with proposed changes drawn on in red shall be provided to the board if the subdivision is served by a public sewer or water line.
- J. Authorization. Deviations from material or construction specifications shall not be allowed, except as specifically authorized by the Planning Board upon consultation with the Town Engineer or the Director of Public Works. Such authorization shall be filed, in writing, with the Town Clerk.

§ 270-35. Acceptance of subdivision way as a town way.

Final approval of the definitive plan does not constitute the laying out or acceptance by the town of any street or public improvements shown on the plan.

- A. Procedures for the laying out and acceptance of town ways are under administration of the Board of Selectmen in accord with MGL c. 82, §§ 21 through 24.
- B. The developer may petition the Board of Selectmen to recommend that Town Meeting accept the subdivision's ways as town ways.

ARTICLE V, Design Standards

§ 270-36. Streets and ways.

Streets and ways shown on the subdivision plan must comply with the following requirements:

A. Location and alignment.

- (1) Due consideration shall be given by the Planning Board and the subdivider to the attractiveness and design of the street layout. Except where public safety and compliance with these regulations require otherwise, streets shall follow natural contours.
- (2) The streets shall conform to any Master Plan adopted under MGL c.41, §81D in whole or in part by the Planning Board.
- (3) Provision shall be made, to the satisfaction of the Planning Board, for the proper projection of streets or for access to adjoining property which is not yet subdivided or developed. Reserve strips prohibiting access to streets shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- (4) Temporary dead-end or cul-de-sac streets shall conform to the provisions of alignment, width and grade that would apply to such streets if they were extended.
- (5) The roadway cross section shall conform to the typical street cross section drawing. (See Appendix B.)
- (6) Stopping sight distance shall be provided for the applicable design speed of the road in accordance with *A Policy on Geometric Design of Highways and Streets by AASHTO, latest edition*. The minimum design speed for any road shall be 30 miles per hour. This does not prevent a lower posted speed should the town require such.

B. Width.

- (1) The minimum widths of street rights-of-way and paved roadways (traveled way) shall be:
 - (a) Right-of-way width: 50 feet.

(b) Paved roadway width: 24 feet per Subsection B(2).

(2) The paved roadway width shall be measured as follows:

(a) Without berms: 24 feet from pavement edge to pavement edge.

(b) With berms: 24 feet from face of berm to face of berm. All berms shall be set on the base course of the roadway pavement consistent with the Street Cross Section Drawing. (See Appendix B.)

(3) The center line of the roadway shall coincide with the center line of the right-of-way.

(4) Greater widths may be required by the Planning Board when deemed necessary for present and future vehicular traffic.

(5) Lesser widths may be required by the Planning Board to discourage speeding traffic, and to achieve neighborhood designs that are sensitive to the landscape and that will promote community goals.

(6) Street center islands are not allowed. They obstruct snowplowing and deteriorate unless frequent maintenance is performed.

C. Grades.

(1) No grade shall be greater than 8%.

(2) No grade shall be less than $\frac{1}{2}$ of 1%.

D. Horizontal alignment. The minimum center-line radius of horizontal street curves shall be 180 feet.

E. Intersections.

(1) Streets and ways shall be laid out to intersect as nearly as possible at right angles. In no case shall street and way intersections be less than 75° . (See Appendix B.)

(2) Street and way lines at all intersections shall be rounded with a curve at each corner which has a property line radius of not less than 30 feet. When the intersection of two streets varies more than 10° from a right angle, radii shall be provided in accordance with the detail in Appendix B.

(3) When streets and ways do not intersect directly, intersections of streets and ways shall have center-line offsets of not less than 200 feet.

(4) Intersection approaches shall have a slope of less than 2% for at least 50 feet measured from the edge of the pavement of the intersecting road.

F. Dead-end street.

- (1) The length of a dead-end street allowed by right is 600 feet. A longer dead-end street is allowed up to 1,200 feet if a corresponding amount of open space in the subdivision is dedicated (see §270-9 for the definition of Open Space). The formula is that for every two acres of open space dedicated, 100 feet of street length is allowed, up to 1,200. If a second dead-end extending from the first one is desired, an additional two acres of open space per 100 feet of street length is required.
- (2) The length of the dead-end street shall be measured along the center line of the street right-of-way from the sideline of the nearest intersecting through street to the outside edge of pavement at the farthest end of the dead-end street, including the cul-de-sac or other turn-around, if any.
- (3) Except within the limits allowed under subsection F (1) above, no existing dead-end street may be extended to create a longer dead-end street and no new permanent dead-end street may be connected to an existing dead-end street.
- (4) No more than one new permanent dead-end street may be connected to another new permanent dead-end street. The farthest point of either such dead-end street may not exceed the limits allowed under subsection F (1) above.
- (5) Except for loop streets, a new permanent dead-end street shall be provided with a cul-de-sac at its end, having a minimum outside edge of pavement radius of 60 feet and a minimum right-of-way radius of 65 feet. The maximum right-of-way radius shall not exceed 90 feet.
- (6) The planning board may require a cul-de-sac to have a center island, which shall be graded and seeded, left with natural vegetation, or appropriately planted with trees or shrubs, as determined by the planning board.
- (7) In limited situations, because of unusual topographical conditions or other natural features, the Planning Board may permit an alternative turn-around design in lieu of a cul-de-sac, provided the alternative design is acceptable to the Director of Public Works. "T" back-grounds may be used on temporary or unusually short dead-end streets, or those with excessively steep slopes.

- (8) The Planning Board may require that provision be made for future extension of a proposed new dead-end street to provide access to adjoining land if the board believes it desirable to provide a potential connection for a through street.
- (9) Subdivision streets connecting to a through street within 300 feet of each other are deemed a single access and do not themselves constitute through streets.
- (10) Temporary dead-end
- (a) A temporary dead-end shall be allowed only where, in the opinion of the Planning Board, it is essential to the reasonable development of the subdivision and where it is part of a street or way that will eventually be extended to complete the subdivision as approved. The design of a temporary dead-end shall have a cul-de-sac shown and noted on the plan as temporary, and such property lines shall be those which would normally have been required or used without the cul-de-sac.
 - (b) Layout of the cul-de-sac beyond the normal street right-of-way lines shall be in the form of an easement to the Town of Belchertown covering said premises included in the cul-de-sac turnaround. When the street is extended into the adjoining property, the easement shall become void.
 - (c) In a case of a temporary dead-end becoming permanent, open space must be dedicated according to §270-36 F (1), and the cul-de-sac easements become permanent parts of the street layout.

§ 270-37. Easements.

The applicant shall deliver to the Planning Board appropriate instruments (deeds) for any necessary easements in the name of the Town of Belchertown for utilities, watercourses or drainage channels, temporary turnarounds, or other purposes, and to provide for the construction and installation of such utilities before the final bond is released. The Planning Board shall deliver these instruments to the Town Attorney for review before the applicant records the plan with the Hampshire Registry of Deeds.

§ 270-38. Open spaces and protection of natural and important cultural features.

Natural and significant cultural features must be retained as much as possible. Major features of the land, such as existing walls, fences, wooded areas, orchards, agricultural fields, rock

outcrops, culverts, large trees, and other notable features must be shown on the plan. The Planning Board may request comment from the Historic Commission or any other relevant body as to the cultural importance of the site. The developer will be responsible for any archaeological study conducted.

§ 270-39. Compliance with zoning.

No plan of a subdivision shall be approved unless all of the building lots shown on the plan comply with Chapter 145, Zoning, of the Code of the Town of Belchertown. All subdivisions shall comply with special requirements for overlay zoning districts as required by Chapter 145, Zoning (for example, the Aquifer Protection Overlay District's runoff requirements).

§ 270-40. Storm water detention basins.

- A. General. Where a storm water detention basin is required by an order of conditions issued by the Belchertown Conservation Commission, in order to replicate the flood-control value of undisturbed land and provide compensatory storage of storm water runoff, the Town of Belchertown shall allow the construction of storm water detention basins, provided that:
- (1) Their design and construction is in compliance with MGL c. 131, § 40 and the Belchertown Wetlands Bylaw;
 - (2) Their design and construction does not conflict with the town bylaws or zoning bylaws of the Town of Belchertown;
 - (3) Their design and construction does not conflict with any other laws, rules and regulations or standards of any government agency which may have jurisdiction in such matters;
 - (4) Their design includes a positive flow outlet from the basin;
 - (5) Their location is not in a location such that the sudden release of water due to failure would result in loss of life, injury to persons or damages to residences or buildings or cause interruptions of the use of services or public utilities.
- B. Contents.
- (1) The following information shall be required to be submitted as part of the definitive plan:
 - (a) Names and addresses of all abutters to the drainage easement for the basin as these appear on the most recent tax list.

- (b) Watercourses, ponds, marshes, floodplains, rock outcrops and other significant natural features within 200 feet of the proposed high-water mark (as determined by the one-hundred-year storm frequency).
 - (c) A drainage area map outlining the watershed area. The map shall show the watershed boundary; the drainage pattern; location of bridges, culverts and other structures that affect the flow of water; location of roads, buildings, property lines and fences or walls; and a North arrow.
 - (d) A minimum two-foot contour interval plan with spot grades shown as needed or required to describe the basin and adjacent area. This plan shall be accompanied by a profile of the basin, including the principal and emergency spillway and/or outlet, with all appropriate inlet and outlet elevations and water surface elevations for the applicable frequency storm.
 - (e) Drainage design calculations for proposed and existing conditions for the two-year, ten-year, and one-hundred-year frequency storms.
 - (f) Soil logs, test pits and percolation tests within the basin area to determine existing conditions of the underlying soil and groundwater. This information shall be recorded, shown on a plan and described in a report certified by a registered civil engineer and carry his/her official seal.
 - (g) Detail drawings of all structures, including culverts, trash racks, anti-seep collars, risers, fencing and all other appurtenant works.
 - (h) Stabilization specifications, including seeding, mulching and rip-rapping.
 - (i) Construction notes required to assist in layout, construction and checking of the completed facility.
- (2) All drainage design information, drawings and runoff calculations must be prepared, signed, dated and stamped by a professional engineer licensed in Massachusetts using standard acceptable engineering methods. The runoff calculations should be based on soil cover conditions expected to prevail during the anticipated effective life of the structure.

C. Design standards.

- (1) Storage capacity.

- (a) The capacity of a basin shall be defined as the volume at the elevation of the crest of the spillway which is available for the storage of water during the planned useful life of the structure.
- (b) The spillways and outlets must safely convey the 100-year frequency storm while maintaining one-foot minimum of freeboard within the basin.
- (c) The retention time of the basin (time required for the basin to empty itself) shall not exceed 48 hours based on a one-hundred-year storm.

(2) Shape.

- (a) The basin shape shall follow existing contours as closely as possible.
- (b) The bottom of the basin shall pitch a minimum of $\frac{1}{4}$ inch per foot toward the outlet.
- (c) The slope from the design high-water level to the basin bottom shall not exceed a ratio of 3:1. The approach area to the design high-water level shall not exceed a slope of 5:1 for a distance of 25 feet from the high-water level.
- (d) All side slopes shall be properly mulched or seeded. If the side slopes exhibit seepage or movement during construction, then rip-rap stabilization shall be required.
- (e) The recommended maximum depth is between 2 1/2 feet and five feet. However, deeper basins may be considered.
- (f) The basin bottom elevation must be at least two feet above the observed seasonal high groundwater elevation.

(3) Appurtenances.

- (a) Swales. A swale may be required, as recommended by the Town Engineer, Director of Public Works, Conservation Commission, or Planning Board, from the outlet pipe to the inlet pipe.
- (b) Inlet and outlet structures. The inlet pipe shall be sufficiently stabilized and rip-rapped at its outlet per accepted engineering methods. If the inlet of the outlet pipe is designed with an anti-debris device, then only the lower half of the pipe is to be fitted with such a device. An emergency overflow shall be provided.

(4) Easements.

- (a) Twenty-foot-wide drainage easements shall be provided for all drainage lines discharging storm water into and carrying storm water away from the basin.

- (b) A twenty-five-foot wide easement shall be provided around the perimeter of the high-water mark of the basin.
 - (c) Twenty-foot-wide access easements shall be provided for vehicle access to the basin. Said easement shall be located in an area which does not exceed a grade of 10% on the approach to the basin nor exceed a cross grade of 3%.
 - (d) Property owners may not alter, construct upon, or plant anything except grass, or otherwise obstruct any drainage easements.
 - (e) Language of the drainage easements must include the terms set forth in this subsection.
- (5) Landscaping.
- (a) The side slopes [as required in Subsection C(2)(d)], earthen dams, twenty-five-foot-wide easement around the entire basin perimeter and other areas shall be loamed and seeded. Seed shall be a conservation mix or similar mixture which is compatible with the soil and moisture conditions. The area should require minimal maintenance and be kept in a meadow-like condition.
 - (b) If required by the Planning Board, the areas as described in Subsection C(5)(a) shall be mulched to minimize erosion and promote fast growth.
- (6) Fences.
- (a) Fences may be required by the Planning Board for all detention basins exceeding 2 and 1/2 feet maximum depth.
 - (b) Specifications shall be as follows:
 - [1] Materials: zinc-coated steel, two-inch mesh, nine gauge.
 - [2] Gates: 12 feet minimum in width and placed in two separate locations specified by the Planning Board.
 - [3] Heights: six feet minimum.
 - [4] Post set: ten-foot centers in concrete.
- (7) Signs. At least one sign shall be installed warning the public of the hazards of floodwater. No individual sign shall exceed six square feet.
- (8) Maintenance.

- (a) A fee shall be paid by the subdivider to the Town of Belchertown to account for long-term capital costs associated with the detention basin.
 - (b) The Director of Public Works, in consultation with the Town Engineer and the Conservation Commission, shall recommend to the Planning Board the amount required for this fee.
 - (c) The fee shall be paid to the Belchertown Treasurer-Collector before endorsement of the Planning Board's approval of the definitive plan.
 - (d) The Department of Public Works will be responsible for the maintenance of the detention basins only after Town Meeting has accepted the subdivision's ways as public ways. The developer is responsible until Town Meeting acceptance.
- (9) Ownership.
- (a) Ownership of the detention basin shall remain with the owner of lot(s) on which the basin is located.
 - (b) The Town of Belchertown shall have the right to enter and reenter the detention basin area for maintenance.

ARTICLE VI, Improvements

§ 270-41. Site and earthwork.

Development shall be designed and constructed for as little disturbance as possible to the natural landform. Development shall demonstrate appropriate terrain-adaptive design and construction techniques. Extensive grading shall be avoided. An inability to design a particular development without significant disturbance to the natural landform indicates that the site should not accommodate the full amount of proposed development. Alternate site design and construction measures are encouraged to mitigate the effects of development on steep slopes.

- A. Materials and construction methods. All materials and construction methods used for roadway excavation and embankments shall conform to Section 100 of the Standard Specifications.
- B. Natural and cultural features. All natural and cultural features, such as large trees, watercourses, stone walls, scenic points, historic spots, and similar community assets,

- shall be preserved. This protection and preservation will add to the attractiveness and value of the subdivision.
- C. Setting lines and grades. The applicant shall employ a professional engineer or registered land surveyor to set all lines and grades in a manner satisfactory to the Planning Board, Director of Public Works and the Town Engineer.
- D. Clearing the right-of-way. The area for ten feet from the pavement edge shall be cleared and grubbed of all stumps, brush, roots, and like material. The Planning Board may require a greater cleared area to accommodate drainage, to improve sight distances, and to accomplish other public purposes. The Planning Board will determine this upon advice from the Director of Public Works, the Police Department, or other consulting authority.
- E. Erosion control and bank stabilization during construction. All cleared and excavated land must be secured to prevent erosion. An explanation of proposed erosion controls must be submitted as part of the definitive plan and must satisfy the Planning Board, the Director of Public Works, the Town Engineer, and the Conservation Commission.
- F. Unsuitable material. All unsuitable material for road construction, such as peat, topsoil, and highly organic silt or clay, or any other material that, in the opinion of the Director of Public Works, is considered to be detrimental to the subgrade, shall be removed and replaced with ordinary borrow conforming to M1.03.0 of the Standard Specifications. Type A shall be used within 12 inches of the top of subgrade and Type B above, placed in twelve-inch loose lifts and compacted to 95% of maximum density as determined by ASTM designation 1557-70 Method D. Written certification of material used and compaction must be submitted to the Planning Board and approved by the Town Engineer, the Director of Public Works and the Planning Board. It is the developer's responsibility to provide laboratory test results to certify that the construction materials conform to the required specifications.
- G. Subgrade. The subgrade shall be shaped to a true surface conforming to the lines and grades indicated in the approved definitive plan (cross section and profile) and, where original ground, shall be compacted to 90%, as defined in Subsection F above, to a depth of six inches. A tolerance of ½ inch above or below finished subgrade will be

- permitted, provided that this difference is not maintained over 50 feet and the required crown (cross slope) is maintained.
- H. Cutting and Filling. Limitations on Cut and Fill. The depth of any cut area or the height of any fill, as measured from natural grade shall not be greater than seven feet. The total combined depth of any cut area or height of any fill as a result of subdivision grading or any subsequent grading shall not total more than seven feet, as measured from natural grade. Any cuts and fills for the subdivision development must be quantified in the definitive plan.
- I. Fill areas. In fill areas, the embankment shall be ordinary borrow specified and placed as in Subsection E above.
- J. Removal of Earth From the Site. The removal of earth from the subdivision site is regulated by the Town of Belchertown zoning bylaw, Chapter 145, Zoning, of the Code of the Town of Belchertown, §145-29. Site construction is to conform closely to the natural features. As a result, there should be a minimal amount of earth to be removed. If the developer seeks to remove gravel, sand, or other earth beyond the amount necessary to construct the improvements according to the endorsed definitive plan, the developer must apply for a special permit for earth removal.

§ 270-42. Drainage.

- A. The priority of a subdivision's drainage system is to prevent property damage from storm runoff. This includes erosion, flooding, surface water pollution, ground water pollution, and excessive alteration of the natural water flow. The Planning Board requires that natural waters, both surface water and ground water, be recharged. Drainage structures and artificial wetlands shall be designed to remove pollutants, such as road salt, sand, oil, gasoline, and other automotive residues, from runoff.
- (1) The Planning Board may disapprove a definitive plan if drainage is not shown to meet the requirements in these regulations.
- (2) The Board of Health has authority to review soil logs and make recommendations regarding drainage conditions. When the Board of Health rejects or conditions the plan, the Planning Board cannot override the decision.

- B. Construction. The construction of the drainage system, including method of construction and quality of materials used, shall conform with the definitive plan and Section 200 of the Standard Specifications. If, in the opinion of the Town Engineer, the subdivision cannot have an adequate drainage system, the definitive plan shall be disapproved.
- C. Design capacity.
- (1) Runoff calculations for the design of a storm drain system shall be performed according to *Technical Release No. 55 (TR-55), latest edition*, or, when appropriate, *Technical Release No. 20 (TR-20), latest edition*, by the Natural Resources Conservation Services, United States Department of Agriculture. The Engineer shall design the drainage system in accordance with natural drainage boundaries of the total contributing drainage area, using the minimum of a ten-year design frequency storm per § 270-29D.
 - (2) Where, in the opinion of the Town Engineer, flooding would produce property damage or a safety hazard, the design frequency storm shall be increased to 25 years. A one-hundred-year design frequency storm shall be used for all bridge openings or major culverts or detention and retention basin areas.
- D. Catch basins. Where feasible, storm water should be directed away from the roadway. Storm water shall not be permitted to cross any roadway upon the surface but must be piped underground. Storm water runoff shall not be permitted to flow upon the road surface for a longer distance than 400 feet before it enters the underground system or is diverted off the roadway to ditches or swales. Where used, catch basins shall be located on both sides of the roadway or on continuous grades at intervals of no more than 400 feet, at all sags in the roadway at intersecting streets, to prevent surface water from crossing the intersection.
- E. Connections to town drainage. Proper connections shall be made with any existing town-owned drainage system within 400 feet of the subdivision if, in the opinion of the Director of Public Works, that system has the capacity to absorb the flows from the project area.
- F. Drainage pipe. Drainage pipe within the roadway shall be reinforced concrete pipe or ACCM galvanized or aluminum pipe or corrugated polyethylene pipe (N-12 or equivalent). These pipes shall be joined with positive connection joints, or as approved by the Town Engineer or the Director of Public Works, and have a minimum diameter of 12 inches.

- G. Pipe bedding. Drainage pipe shall be bedded and backfilled with free-draining granular material with an elevation of 12 inches above the pipe.
- H. Materials. Manholes and catch basins shall be either precast or cast-in-place concrete. A typical detail noting materials, and dimension and construction details shall be included on the definitive plan
- I. Drain manholes. Drain manholes shall be located at every change in grade or direction of drainage line and at catch basin connections and shall not exceed 400 feet apart in a continuous system.
- J. Frames, grates and covers. Iron casting for manhole frames and covers and catch basin frames and grates shall be in accordance with the standard specifications.
- (1) Manhole covers shall have three-inch lettering to read "DRAIN".
- (2) Catch basin grates shall be checkerboard-type grates, such as LeBaron LF 248-2 Type F or the equal or Neenah R-3210-L cascade-type grates (if required for capacity).
- K. Subdrainage. If subdrainage is required, perforated concrete, PVC or ACCM galvanized or aluminum pipes shall be used in bedding of stone $\frac{3}{4}$ inch to $1\frac{1}{4}$ inches brought to the top of the pipe. The remaining trench shall be backfilled with coarse bank-run gravel or coarse sand.
- L. Compacting and paving around manholes. Compacting and paving around manholes shall be subject to the standard specifications.
- M. Sheet Flow. When sheet flow is approved as a method to control storm water run-off, language should be required on each property deed to allow for water to follow its natural course without the possibility of liability to the town, and deed restrictions should be included to prohibit the property owners from stopping the flow of water or diverting it to another property.

§ 270-43. Pavement structure.

- A. Construction. The pavement structure shall comply with applicable sections of Section 400 of the Standard Specifications and shall comply with the typical street cross section in Appendix B.
- B. Gravel base course. The gravel base course shall be Gravel Borrow (M1.03.0 Type B) in accordance with Section 405 of the Standard Specifications. A tolerance of $\frac{1}{2}$ inch above or

below finished subgrade in critical areas may be permitted, provided that this difference is not maintained over 50 feet and the required crown (cross slope) is maintained and a written certificate of compliance is submitted to the Planning Board.

- C. Binder course. The binder course shall be asphalt concrete in accordance with Section 460, Class I Bituminous Concrete Pavement Type I-1 (Binder Course Mix) of the Standard Specifications.
- D. Surface course. The surface course shall be asphalt concrete in accordance with Section 460, Class I Bituminous Concrete Pavement Type I-1 (Top Course Mix) of the Standard Specifications.

§ 270-44. Curbs and berms.

- A. Materials and construction methods. Bituminous concrete berm shall conform to the material and construction methods as specified in Section 470 of the Standard Specifications.
- B. Grade restrictions. Bituminous concrete curbs of the type and dimensions as shown on the typical street cross section (see Appendix B) shall be required along both sides of a road where the grade is greater than 1.5%.
- C. Construction. The berms shall be constructed of Type I-1, Class I Bituminous Concrete (Dense Mix) of the Standard Specifications and laid with a berm-forming machine.
- D. Standards. The curbs shall butt against all curb inlets and be constructed so as to be true to line and grade after compaction. Any mixture which becomes defective in any way shall be replaced with a fresh mixture.
- E. Application. Bituminous concrete berms shall be applied onto the binder course of roadway paving and the top course of pavement laid against the face of the berm.
- F. Type A berm. Modified Type A Belchertown Berm is required unless otherwise authorized by the Planning Board (see detail drawing in Appendix B); berms shall be represented on the road plan and in the legend on the road layout.

§ 270-45. Sidewalks.

- A. General. Bituminous concrete sidewalks shall conform to the material and construction methods as specified in Section 701 of the Standard Specifications.
- B. Requirements. Bituminous concrete sidewalks shall be constructed on one side of the roadway when contiguous with other town sidewalks or if required by the Planning Board.

The Planning Board may require sidewalks to encourage pedestrian activity and provide more security for pedestrians.

C. Construction bituminous concrete sidewalks shall:

- (1) Be laid on two courses of 1.5 inches each to a depth, after rolling, of three inches;
- (2) Conform to the material requirements of M3.11.00 of the Standard Specifications for Class I Bituminous Concrete Pavement;
- (3) Be placed on an eight-inch gravel base, except at driveways, where it shall be 12 inches, compacted to 90% (ASTM Designation 1557-7 Method D) conforming to M1.03.0 Type C of the Standard Specifications; and
- (4) Be a minimum of four feet in width.

§ 270-46. Grass areas.

- A. Provision. Grass areas shall be provided on each side of the roadway as indicated in Appendix B and between the curb and the sidewalks, where sidewalks are required.
- B. Finish grade. The finished grade of such grass areas shall have a slope of $\frac{1}{2}$ inch per one foot toward the roadway. Where unusual physical land characteristics or topographic conditions exist, the Planning Board may approve the construction of a grass area of greater slope. The finished slope should not project above a plane sloped four horizontal to one vertical upward from the back of the curb, or below a plane sloped four horizontal to one vertical downward from the back of the curb.
- C. Consistency. The top four inches of grass areas shall consist of good quality loam extending to the edge of the berm and shall be screened, raked and rolled with at least a one-hundred-pound roller to grade. The loam shall have lawn grass seed applied in sufficient quantity to assure adequate coverage and rolled when the loam is moist.

§ 270-47. Monuments and markers.

- A. Dimensions. Reinforced concrete monuments three feet long and at least four inches square at the top, with a pin or a three-eighths-inch drill hole in the center, and not less than six inches square at the bottom, should be set six inches above finish grade as shown on the plans. When the monument will be in what is effectively a residential yard, the monument may be placed flush with the finish grade as long as it remains visible.

- B. Permanent installation. No permanent monuments shall be installed until all construction which could destroy or disturb the monuments is complete.
- C. Location. Monuments shall be installed along the subdivision right-of-way at critical points as shown in the definitive plan where, as determined by the Planning Board upon recommendation from the Director of Public Works or the Town Engineer, permanent monuments are necessary for certain location of the right-of-way boundary. Monuments shall be installed under the direction of a Massachusetts registered land surveyor.
- D. Timing and inspection. All monuments shall be installed prior to any release of the performance guarantee and will be inspected by the Town Engineer or Director of Public Works. The applicant's surveyor shall certify to the Planning Board that all monuments are set as shown on the definitive plan.

§ 270-48. Bridges.

Bridges shall be designed in accordance with the standards of the Massachusetts Highway Department by a professional engineer registered in Massachusetts, and subject to any order of conditions issued by the Belchertown Conservation Commission.

§ 270-49. Street trees.

- A. Provisions. Where, in the opinion of the Planning Board, the existing trees to remain are not adequate, provisions for two street trees per lot may be required for each lot. Species, size and planting procedures shall be approved, in writing, by the Planning Board. Street trees shall be planted at an interval of 50 feet separating individual trees or at an interval required by the Planning Board. (See Appendix C, Street and Lawn Trees.) The Planning Board may also require shrubs or other vegetation for aesthetic benefits, and to stabilize slopes and absorb excess water.
- B. Planting operations and requirements. Planting operations for trees and plantings contained herein shall be in accordance with the standards and specifications of the American Nurseryman Association and the Associated Landscape Contractors of Massachusetts and shall have a one-year growth warranty.

§ 270-50. Intersection plantings.

No small trees, shrubs, or herbaceous plants that may obstruct visibility at street intersections shall be permitted within 90 feet of the point of intersection of the curb or exterior roadway lines along both sides of the corner lot at the intersection.

§ 270-51. Fire ponds.

Fire ponds may be installed in a subdivision at the discretion of the Fire Chief and subject to any order of conditions issued by the Belchertown Conservation Commission. Specifications and final approval by the Fire Chief must be filed with the Planning Board.

§ 270-52. Utility installation.

All proposed utilities must be under ground. This improves the attractiveness of the subdivision, and prevents storm damage to the utilities. The installation of underground utilities shall conform to the standards of the following subsections:

- A. Setting lines and grades. The applicant shall employ a Massachusetts registered engineer or professional land surveyor to set all lines and grades in a manner satisfactory to the Planning Board.
- B. Installation. All utility lines shall be installed in the location indicated and with the minimum cover.
- C. Trenches. The extent of the trench being open at any one time shall be subject to the requirements of the Director of Public Works.
- D. Width. The width of trench shall be kept as narrow as is practical; this is generally the conduit diameter plus two feet.
- E. Sheeting. Sheeting, if used and left in place, shall be cut off 12 inches above the top of the pipe or conduit.
- F. Embankments. For installation in embankments, the embankment shall be constructed in accordance with § 270-42G to at least one foot above the top of the pipe or conduit installed as in undisturbed material.
- G. Unsuitable material. Unsuitable material shall be removed and replaced in accordance with § 270-42G.

- H. Underground utilities. All underground utilities shall be tested and approved prior to installation of base course(s) and pavement.
- I. Lot connections. All lot connections shall be installed to the right-of-way line, marked or surveyed so as to be easily located in the future.
- J. Backfill. Backfill shall be placed in twelve-inch loose lifts and compacted to 90% in accordance with ASTM Designation 1557-70 Method D.

§ 270-53. Water mains and appurtenances.

Water mains and appurtenances, including service connections, shall be installed in accordance with the specifications of the Belchertown Water District.

§ 270-54. Sewer mains and appurtenances.

Installation of sewer mains and appurtenances, including connections, shall conform with the specifications of the Belchertown Department of Public Works.

§ 270-55. Other utilities.

Materials and construction methods shall be in accordance with the requirements of the involved utility company and the appropriate town departments.

§ 270-56. Easements.

- A. Width requirements. Easements for utilities shall be at least 20 feet wide. The Planning Board may increase or reduce the width requirements as appropriate.
- B. Conformance with watercourse lines. Where a subdivision is traversed by a water course, drainage channel or stream, the Planning Board shall require storm water easements or drainage rights-of-way wide enough to accommodate the lines of such water course, drainage channel or stream, and to provide for maintenance or other necessary purpose and in accordance with 310 CMR 10.00, et seq.

§ 270-57. Retaining walls.

Retaining walls shall be designed to resist the pressure of retained materials, including both dead and live load surcharges to which walls are subjected, and to ensure stability against sliding, excessive foundation pressure, seismic forces, and water uplift. A professional engineer registered in the Commonwealth of Massachusetts shall design retaining walls.

§ 270-58. Fences.

Fences may be required along other roads or in other areas where physical features require such safety. Fences shall be approved by the Director of Public Works or the Building Commissioner.

§ 270-59. Guard rails.

Guard rails, as approved by the Director of Public Works, shall be installed along all portions of any roadway having a 2:1 side slope distance of 10 feet measured horizontally.

§ 270-60. Open space.

- A. The Planning Board encourages that a portion of land being subdivided be set aside as open space pursuant to MGL c. 41, § 81U.
- B. Open space may be designated as playground, park, recreation area, access corridor, scenic corridor, scenic buffer, or wildlife area. Open space is not restricted to these specific uses, but these should be used as guides as to what is acceptable.
- C. The Planning Board may, by appropriate endorsement of the plan, require that no building be erected on such open space for a period of three years without its approval.

§ 270-61. Record plans, also known as “As-builts”.

- A. Preparation. Record plans showing the locations, grades, easements, property lines, monumentation, wetland delineation, and other significant information regarding utilities and roads shall be prepared by the applicant, following the final approval of the improvements hereinafter provided, however, prior to acceptance as a town way. This shall be done by submitting revised recordable Mylars of the original submittal showing the actual existing as-built conditions, one recordable Mylar and five prints.
- B. Legal description. The record as-built plans shall be accompanied by a legal lay-out description of the actual subdivision way which describes the layout and the bound locations of the way and all associated easements.
- C. The developer is responsible for recording record plans and legal lay-out descriptions of the right-of-way and all easements, verified by receipts from the Registry of Deeds, prior to the Planning Board issuing a Form H, Certificate of Completion.

§ 270-62. Cleaning up.

The entire area must be cleaned up within 30 days of completed construction so as to leave a neat and orderly appearance free from debris and other objectionable materials. All catch basins should be properly cleaned out. This will be inspected by the Director of Public Works and Planning Board prior to the issuance of a Certificate of Completion, Form H, from the Planning Board.

§ 270-63. Cul-de-sac plantings.

After consultation with the Director of Public Works, the Planning Board may allow the central radius of a cul-de-sac to be planted with perennial grass (sod or seed) or ornamental shrubs or retain the existing vegetation. Suitable mulch shall be used between plants for weed control.

§ 270-64. Bank plantings.

- A. Erosion control. All cut and filled banks, or portions thereof, that are susceptible to erosion shall be planted with low or very low growing plantings or mulch, six inches minimum, herbaceous plants or sod grass. (See Appendix C.)
- B. All plantings shall be of native, non-invasive species.
- C. Mulch. Suitable mulch shall be spread liberally for weed and erosion control.
- D. Completion of bank. All work must be completed prior to the release of the performance guarantee.

§ 270-65. Signs.

Signs showing the entrance to the subdivision are not allowed. This is to maintain integration of the new streets with the surrounding community, and to prevent a sense of separation and exclusion. Standard street-name signs are required and must be consistent with Department of Public Works standards. These signs are to be purchased and installed by the developer. A replacement set must be delivered to the Department of Public works.

ARTICLE VII, Administration

§ 270-66. Inspections.

- A. Stages of construction. Inspections are mandatory at specific stages of construction of the streets and ways, utilities, and other improvements. Inspections shall be made and certified, in writing, by the Town Engineer, the Director of Public Works, the Planning Board, or representative of the appropriate agency involved (e.g., Water Department, Fire Department, Conservation Commission, Board of Health, utility company, etc.).
- B. Roadways. The roadway shall be inspected before, during, and after each of the required construction step by the Director of Public Works or Town Engineer.
- C. Sidewalk. The sidewalk shall be inspected by the Director of Public Works prior to each required construction step.
- D. Setting lines, grades and stakes. The applicant shall be responsible for employing a Massachusetts registered engineer or professional land surveyor to set all lines, grades and stakes to the satisfaction of the Town Engineer or the Director of Public Works.
- E. Approval of work completed. Unless the approval of the work completed, including approval of materials used, to each point has been given in writing, no further work shall be done until such work is subsequently completed to the satisfaction of the Town Engineer, the Director of Public Works, or the appropriate town department.
- F. Cost of inspections. Inspection of improvements required in Articles V and VII shall be performed by the appropriate town departments.
- G. Consulting services. If town staff cannot perform the inspection or service because of the size or complexity of the project, or because of the unavailability of the personnel, the town may retain the services of a private consultant to perform such services. The total cost of such services shall be paid by the applicant.

§ 270-67. Fee Schedule.

<u>TYPE OF PLAN & REQUIRED FORM</u>	<u>FEE</u>
ANR Plans – (Plans for which approval is not required under the subdivision control law.) Form A.	\$35.00, plus \$10.00 per lot.
Preliminary Subdivision Plan Form B.	\$600.00 up to 800 feet in length as measured along the road's center. \$.50 per foot beyond 800 feet.
Definitive Subdivision Plan Form C.	\$1200.00 if preliminary was approved. \$5.00 per foot as measured along the road's center if no preliminary plan was approved.
Modification of Subdivision Plan Form E.	\$200.00
Application to Reduce or Release Performance Guarantee or Covenant Form F	\$50.00

§ 270-68. Board of Appeals.

The Board of Appeals for these rules and regulations, as provided for by MGL c. 41, § 81Z of the Subdivision Control Law, shall be the same Board of Appeals provided for the Town of Belchertown for administering Chapter 145, Zoning, of the Code of the Town of Belchertown.

§ 270-69. Amendments.

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

§ 270-70. Severability.

The invalidity of any of the foregoing rules, regulations and requirements shall not affect the validity of the remainder.

§ 270-71. Conflicts with other regulations.

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

§ 270-72. Enforcement by denial of building permits.

No building permit shall be issued for a lot in a subdivision unless the Building Commissioner, or other authorized officer or board, has evidence from the Planning Board that such a lot is in on an endorsed and recorded subdivision plan, is not encumbered by covenants, and meets the zoning requirements of the zone it is in.

§ 270-73. Effective date.

These rules and regulations were effective on and after March 28, 2001, the date a separate copy certified by the Town Clerk as adopted by the Planning Board was transmitted by the Planning Board to the Hampshire Register of Deeds and the Recorder of the Land Court.

§ 270-74. Repealer.

Any previous rules and regulations governing the subdivision of land in the Town of Belchertown, as adopted by the Belchertown Planning Board, including all amendments thereto, are repealed in whole.

Appendix A**List of Forms for Subdivision Regulations**

The following forms are available at the Planning Board office:

Form A	Application for Endorsement of Plan Believed Not To Require Approval
Form A-1	Determination that Subdivision Approval Is Not Required
Form A-2	Determination that Subdivision Approval Is Required
Form A-3	Removal of "Not a Building Lot" Restriction
Form B	Application for Approval of a Preliminary Subdivision Plan
Form B-1	Certificate of Approval of a Preliminary Subdivision Plan
Form B-2	Certificate of Disapproval of a Preliminary Subdivision Plan
Form C	Application for Approval of a Definitive Subdivision Plan
Form C-1	Certificate of Approval of a Definitive Subdivision Plan
Form C-2	Certificate of Approval with Modifications of a Definitive Subdivision Plan
Form C-3	Certificate of Disapproval of a Definitive Subdivision Plan
Form D	Certified List of Abutters (for Definitive Subdivision Plan)
Form E	Application for Modification of an Approved Definitive Subdivision Plan
Form E-1	Certificate of Approval of Modification Approval of a Definitive Subdivision Plan
Form E-2	Certificate of Amendment or Rescission of Approval of Definitive Subdivision Plan
Form F	Application for Partial Release and/or Exchange of Performance Guarantees or Covenants
Form F-1	Performance Secured by A Surety Company
Form F-2	Performance Secured by Bank Passbook
Form F-3	Performance Secured by Registered Negotiable Securities (Bonds, Stocks, Public Securities)
Form F-4	Performance Secured by Deposit of Money
Form F-5	Covenant Agreement
Form F-6	Performance Secured by Lender's Agreement
Form G	Performance Guarantee Control Form
Form H	Certificate of Completion and Release of Municipal Interest in Subdivision Performance Security
Form I	Public Hearing Payment Agreement
Form J	Engineering Review Payment Agreement

Note: It is the responsibility of the applicant to submit completed forms for processing for each stage of the application.

Appendix B

Street Standards Illustrations

UNCHANGED from previous regulations.

Appendix C

**A Partial List of Acceptable Types of
Street and Lawn Trees and Plantings**

UNCHANGED from previous regulations.

Appendix D**Street Names****[Revised 7-26-2005]**

LEGEND:

X Accepted at town meeting

XX Approved as subdivision with completed homes

XXX Approved as subdivision not yet built or occupied

P Private way with assigned address numbers

Named and Described/Accepted

X	Alden Avenue	9/9/24
X	Aldrich Street	9/9/24
X	Allen Street	9/9/24
X	Amherst Road	4/23/21
X	Atherton Lane	5/9/05
X	Autumn Lane	3/12/90
X	Azalea Way	5/10/99
X	Ballou Street	9/9/24
X	Bardwell Street	9/9/24
X	Barrett Street	9/9/24
X	Barton Avenue	9/9/24
X	Bay Road	2/14/21
X	Bay Path Road	2/10/75
X	Blacksmith Road	5/10/99
X	Blossom Lane	5/11/92
X	Blue Meadow Road	4/23/21
X	Boardman Street	4/23/21
X	Brandywine Drive	1/28/91
X	Brenda Lane	5/10/99
X	Bridge St.	
X	Bunker Way	3/12/90
X	Cadwell Lane	5/9/05
XX	Business and Technology Drive West	
XX	Business and Technology Drive East	
X	Canal Drive	3/12/90
X	Carol Ann Drive	1/28/91
X	Catherine Drive	12/14/92
X	Cedar Glen Drive	5/11/92
XX	Center Street	
X	Chadbourne Road	2/14/55
P	Channel Drive	
XX	Chartier Drive	
X	Chauncey Walker Street	3/12/62
X	Cheryl Circle	5/10/99
X	Chestnut Drive	5/10/99
X	Clark Street	5/10/99
X	Clearbrook Drive	3/12/73
XX	Clover Hill Road	
X	Cobb Lane	5/9/05
X	Cold Spring Street	4/23/21
XX*	Concord Road	
	* There are houses on the Amherst end of	
	Concord Rd.	
X	Cordner Road	
X	Cottage Street	4/23/21
X	Country Lane	12/17/73
X	Dana Hill	5/10/99
	Daniel Shays Highway	Dec. 1934
X	Daniel Square	6/11/58
X	Daniel Square Extension	12/1/81
X	Deer Run	5/11/92
X	Depot Street	9/9/24

X	Diane Drive	5/10/99
X	Doe Hollow	5/11/92
X	Dressel Avenue	9/9/24
X	Eagle Heights	3/12/90
X	Earley Street	9/9/24
X	East Street	9/9/24
X	East Walnut Street	4/23/21
X	Eastview Drive	2/21/84
X	Edelcy Drive	10/21/91
XXX	Emily Lane	
X	Enoch Sanford Road	
X	Eskett Road (name amended 5/11/98)	9/9/24
X	Eugene Drive	5/11/92
X	Everett Avenue	9/9/24
X	Federal Street	4/23/21
X	Fletcher Avenue	9/9/24
X	Forest Road	2/26/76
X	Fox Run Drive	7/30/79
X	Front Street	
X	Franklin Street	4/23/21
X	Fuller Street	2/8/60
X	George Hannum Street	4/32/21
X	Gold Street	9/9/24
X	Goodell Street	9/9/24
X	Granby Road	4/23/21
X	Green Avenue	9/9/24
X	Greenwich Hill	5/10/99
P	Grela Terrace	
X	Gulf Road	4/23/21
X	Hamilton Street	9/9/24
XX	Harris Way	
XX	Helen Lane	
X	Hemlock Hollow	5/10/99
X	Henry Drive	5/8/95
X	Heritage Drive	4/4/83
XXX	High Bluff Road	
X	Howard Street	9/9/24
X	Howe Street	5/9/05
X	Jabish Street	4/23/21
X	Jackson Street	
X	Jeffrey Lane	5/9/94
X	Jensen Street	9/9/24
	Johnson Road	
X	Jon Drive	5/9/94
X	Jucket Road	4/23/21
X	Keith Avenue	9/9/24
X	Kennedy Road	5/10/99
X	Keyes Street	9/9/24
X	Kimball Street	9/9/24
X	Knight Street	9/9/24
X	Kopiac Avenue	9/9/24
P	Lake Drive	
X	Lamson Avenue	9/9/24
XX	Laurel Ridge Drive	
X	Lawrence Road	5/9/94
X	Ledgewood Circle	2/26/76
X	Ledgewood Drive	2/26/76
XX	Lexington Drive	
X	Lloyd Avenue	2/14/55
x	Ludlow Street	9/9/24
X	Main Street	4/23/21
X	Maple Street	4/23/21 & 11/20/67

X	Maplecrest Drive	12/1/81
X	Martin Circle	5/10/99
XXX	Meadow Pond Road	
X	Mercier Drive	5/9/94
X	Metacomet Circle	3/12/73
X	Metacomet Street	9/9/24
X	Michael Sears Road	9/9/24
X	Mill Valley Road	4/23/21
	Mills Road	
	Moore Road	
X	Moss Lane	5/10/99
XX	Mountain View Drive	
X	Munsell Street	9/9/24
X	Nathanial Way	2/12/01
X	Newton Street	5/10/99
X	North Street	4/23/21
X	North Gulf Road	9/8/80
X	North Liberty Street	4/23/21
X	North Main Street	4/23/21
X	North Washington Street	4/23/21
X	Oak Ridge Drive	5/10/99
XX	Oak Ridge Drive (upper)	
X	Oakwood Drive	5/10/99
X	Old Amherst Road	3/12/62 & 6/30/71
X	Old Bay Road	3/11/74
X	Old Enfield Road	
X	Old Farm Circle	5/14/84
X	Old Farm Road	5/14/84
X	Old Pelham Road	
XX	Old Sawmill Road	
P	Oliver Street	
X	Orchard Road	4/23/21
XX	Overlook Drive	
X	Park Street	4/23/21
X	Pease Lane	5/10/99
X	Pelham Road	4/23/21
X	Pendleton Road	5/9/94
XXX	Pepper Ridge Road	
XX	Pheasant Run	
X	Pine Street	9/9/24
X	Pinebrook Drive	3/12/73
X	Plaza Avenue	5/02
XX	Pondview Circle	
X	Poole Road	
X	Prescott Hill	5/9/05
X	Railroad Street	9/9/24
X	Rainbow Drive	5/10/99
X	Raymond Drive	5/10/99
X	Rimrock Drive	3/12/90
X	Rita Lane	3/1/82
X	River Street	9/9/24
X	Robin Lane	5/10/99
X	Rockrimmon Street	4/23/21
X	Rural Street	9/9/24
X	Sabin Street	4/23/21 & 9/9/24
X	Sarah Lane	12/14/92
X	Sargent Street	9/9/24
X	Segur Lane	10/21/91
	Shaw Street	
X	Shea Avenue	9/9/24
XX	Sheffield Drive	
X	Sherwood Drive	4/7/80
X	South Street	4/23/21

X	South Gulf Road	9/8/80
X	South Liberty Street	4/23/21
X	South Main Street	4/23/21
X	South Washington Street	4/23/21
XX	Spring Hill Road	
X	Springfield Road	4/23/21
X	Stadler Street	12/1/81
X	State Street	4/23/21
X	Stebbins Street	4/23/21
X	Summit Street	9/9/24
XXX	Sunnycrest Lane	
X	Sylvan Circle	5/11/93
X	Terry Lane	5/10/99
	Town Beach Road	
X	Two Ponds Road	12/2/02
X	Tucker Lane	1/28/91
X	Turkey Hill Road	4/23/21
X	Underwood Street	9/9/24 & 4/7/80
	Ware Road	3/11/74
X	Warner Street	9/9/24
X	Warren Wright Street	4/23/21
XX	Waterford Drive	
X	West Street	4/23/21
X	Westview Drive	1/28/91
X	Westwood Drive	1/29/79
	Whispering Pines Avenue	
XXX	Willow Lane	
X	Wilson Street	9/9/24
X	Woodhaven Drive	3/8/71 & 5/14/84
XXX	Woods' Edge Road	